



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

January 25, 2021

6:00PM

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

The public may also participate in the meeting via Zoom webinar. **Register in advance for the webinar at** https://us02web.zoom.us/webinar/register/WN_Fb4nVGEKRve0zzo1IAwmDg

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

Comments received by **noon on the day of the meeting** will become part of the public record and may be read in whole or in summary by the Council Chair.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - September 28, 2020
 - October 14, 2020
 - October 26, 2020

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

8. 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. (010221-1) The Kittery Town Council moves to receive a report from the Taylor Building Committee.
10. PUBLIC HEARINGS
11. DISCUSSION
 - a. The public may submit public comments in writing or raise their hand in the webinar for the DISCUSSION agenda.
 - b. Chairperson will read written comments into the record.
 - c. Chairperson's response to public comments.
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition
 - b. (010221-2) The Kittery Town Council moves to schedule a Public Hearing on February 8, 2021 on Title 8 – Property Maintenance.
 - c. (010221-3) The Kittery Town Council moves to schedule a Public Hearing on February 8, 2021 on a Petition to Extend Sewer Service on Route 236 to MacKenzie Lane.
 - d. (010221-4) The Kittery Town Council moves to approve a renewal Liquor License application from 1828 Bistro at Pepperrell Cove LLC, for Bistro 1828 located at 88 Pepperrell Road, Kittery Point ME.
14. COUNCILOR ISSUES OR COMMENTS
15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports
16. EXECUTIVE SESSION

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

17. ADJOURNMENT

Posted: January 21, 2021

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



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council January 25, 2021

- 1. Bond Rating Increase** – I am pleased to share that the Town of Kittery received a bond rating increase from Moody's. The rating was increased from Aa2 to Aa1. Standard and Poor's reaffirmed the Town's AA+ bond rating. The Town is now one step away from the top rating for both agencies.

Both the affirmation from S&P and the increase from Moody's are significant given the current global pandemic crisis and the uncertain long-term impact on the economy. This signals that Kittery is a good investment to bond investors, and more importantly to our residents and businesses who invest in Kittery through their property.

Cited in the ratings reviews as key factors were the economic investment underway and projected as well as the extensive work we have done in modifying and improving our zoning; the undesignated reserve's steady growth, our ability to achieve our reserve policy goal for the last few years and our protection of the fund from uses that are inconsistent with its purpose; our approach to the CIP for asset replacement and our practice of projecting costs out more than five years; our commitment to analyzing our budget vs expenditures and development of year-end-projections throughout the fiscal year; our actions taken on climate change and climate resiliency; and our stable management/executive leadership.

The sum of the review is that the Town Council, Capital Improvement Committee, and management's disciplined long-term focus on finances and planning are the bedrock of our success. It also affirms the exceptional talent Patricia Moore, our Assistant Town Manager/Finance Director, Adam Causey our Director of Planning and Development, and their respective teams bring to the Town. Congratulations are due all around!

- 2. COVID Vaccination Clinics** – As we learn more about the State's plans to rollout vaccinations to a broader group of the public, I grow increasingly concerned that the primary strategies will not serve our town effectively. I am seeking Council approval to send a letter to the Governor, DHHS Commissioner and CDC Director to express our concerns with the current approach. Attached is a draft letter for your consideration.
- 3. Short Term Rentals** – the Title 5 Short Term Rental Ordinance license requirement went into effect on January 1st. The total licenses issued will set the baseline (§5.12.5) and the total number of additional licenses available for each of the next two years.

The baseline has been set at 81 licenses. In accordance with Town Code, an additional 6 licenses are available for the current calendar year. Three of those licenses have already been issued; leaving three remaining.

The attached report provides an overview of the licenses issued; by the property owner's state, and town zone.

4. Upcoming Dates:

- Kittery Schools Visioning Event – January 28, 6PM, Online
- Dog License Renewal – January 31, Town Hall
- Town Hall Closed for Presidents’ Day – February 15
- Real Estate Taxes Due – February 16, Town Hall or Online
- Mooring Renewals Open

Respectfully Submitted,

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

Kendra Amaral
Town Manager



TOWN OF KITTELY
Office of the Town Manager
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806
kamaral@kitteryme.org

Kendra Amaral
Town Manager

DRAFT

[Date]

Honorable Governor Janet Mills
Commissioner Jeanne Lambrew
CDC Director Dr. Nirav Shah

Dear Governor Mills, Commissioner Lambrew, and Dr. Shah,

I am writing today, on behalf of the Kittery Town Council and residents of the Town of Kittery to respectfully request that you reconsider plans to rely on the Sanford Super Center for vaccination rollout of Phase 1b and Phase 2 in Southern York County.

Phase 1b is much more amorphous and therefore more challenging to coordinate. Defining who is “essential” depends on who is asking and who is responding. Unlike Phase 1a, those included in Phase 1b do not necessarily have direct access to health care providers at work or in their residences. Vaccination clinics will be crucial for the Phase 1b group, and planning and executing clinics effectively will be the driving factor in meeting the state’s vaccine goals and preventing vaccine waste.

The news is awash with breakdowns in vaccine rollout throughout the country. States are failing to handle demand, scheduling, lines, and standby lists. The common thread in these challenges is the reliance on “super center” vaccine clinics.

Working with York EMA and their talented Incident Team of area Fire Chiefs, Southern York County successfully vaccinated local EMTs and EMS personnel in quick order utilizing a “satellite clinic” model which ensured the vaccination was available close to where these vital personnel live and work. It truly is a model that should be followed for the subsequent phases of the vaccine rollout to augment the Sanford Super Center plan.

We field daily calls from residents about how troubling and challenging the prospect of having to go to Sanford is for them. They do not have the means to travel over 70 miles roundtrip due to safety, access to reliable transportation, or health limitations. These are the very people we need to make sure are vaccinated in this next round. Sanford is not a viable option for them.

We know that approximately 10 to 20 percent of vaccination appointments are canceled or no shows. Wisely, the coordinators plan for standby lists to ensure no vaccine is wasted. However, with Sanford being no less than a 45-minute drive from our community, our area will be disproportionately disadvantaged and excluded from the standby lists.

The prospect of losing essential employees for half a day or longer for travel up to Sanford to get vaccinated, adds an unnecessary challenge to an already difficult situation. Furthermore, we are fielding requests for personnel to support the super center. Though we always rise to the call from our neighbors, the concept of sending resources away from the community rather than utilizing them in place is simply illogical.

We strongly urge you and those planning the implementation of Phase 1b and Phase 2 to allow satellite sites for Southern York County as they already have proven to be successful, safe, and effective. Let us continue to be an example of how to do this right, not how to repeat the mistakes of others.

Thank you for your efforts to protect and keep safe our residents. We can see a light at the end of the tunnel and know a better day is coming.

Sincerely,

Kendra Amaral
Town Manager

cc: Kittery Town Council
Arthur Cleaves, York County Emergency Management Agency

Title 5 - Short Term Rental Licenses
Report Date: January 21, 2021

	Licenses
Baseline Established	81
8% Increase for 2021	6
Total Annual Licenses Available for 2021	87
Total Licenses Issued as of Report Date	84
Remaining Licenses Available as of Report Date	3

Owners by State								
	CA	DC	MA	ME	NH	TN	VA	Total
B-L1				2				2
MU-BI				3				3
MU-KF			2	2	5			9
R-KPV				15	2			17
R-RL			2	9				11
R-RLC	1			5	1	1	1	9
R-S				5	1			6
R-U		1		23	2			26
R-V				1				1
Total	1	1	4	65	11	1	1	84
% of Total	1%	1%	5%	77%	13%	1%	1%	

Owner State: ME	
Licenses Issued	
KITTERY	
B-L1	2
MU-BI	3
MU-KF	2
R-RL	6
R-S	5
R-U	23
R-V	1
KITTERY POINT	
R-KPV	15
R-RL	3
R-RLC	5
Total	65

🗺 Maps

Records ▾

Record Type

Short Term Rental License ▾

Date

📅 **01/01/2020 to 01/21/2021** ▾



KITTERY TOWN COUNCIL Unapproved Minutes

September 28, 2020

Remote Meeting

6:00 PM

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

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

7 5. Agenda Amendment and Adoption

8 Under New Business, Item j. (090220-11) The Kittery Town Council moves to set the
9 December Council meeting schedule as follows: December 14, 2020, was removed.

10 Moved by Councilor Thomson, seconded by Councilor Pelletier.

11 Motion Carried 7-0-0

12 6. Town Manager's Report

13 The Town Manager reported on: Community programs, KCC gap childcare, host
14 community for the USS Texas.

15 Upcoming Dates: Absentee Ballot Applications Available – Town Clerk, Candidate
16 Forum – October 7, 6PM (broadcast on Channel 22), Town Hall Closed – Indigenous
17 Peoples Day – October 12, Voter Registration Night – October 28, 6PM – 8PM, Town
18 Hall, and Presidential/State/Local Election – November 3, 8AM to 8PM, Kittery
19 Community Center.

20 7. Acceptance of Previous Minutes

21 • May 11, 2020 - Approved as written.

22 • May 27, 2020 - Approved as written.

23 Councilor Thomson moved to approve the May 11, and May 27, 2020 minutes as
24 written, seconded by Councilor Pelletier.

25 Motion Carried 7-0-0

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

28 9. PUBLIC HEARINGS

29 a. (090220-1) The Kittery Town Council moves to hold a public hearing on Title 10 Love
30 Lane Emergency Ordinance.

31 The Town Manager gave an overview of the Title 10 - Love Lane Emergency
32 Ordinance.

33 Nathaniel Hios, 48 Love Lane, Apt. B, Kittery, ME - Mr. Hios stated his opposition to
34 Love Lane being one way, due to the congregation of the Church of Christ having to
35 drive in a different direction to get to their church.

36 Michael O'Keefe, 43 Love Lane, Kittery, ME - Mr. O'Keefe spoke in favor of the one way
37 on Love Lane.

38 Councilor Clark moved Love Lane to be one way at all times, effective October 12, 2020
39 for 60 days, seconded for discussion by Councilor Thomson.

40 The Councilors discussed the advantages and the disadvantages of the two options
41 with the Town Manager. The Council stated the options were: 1. one way at all times
42 and 2. one way at designated times (6AM to 7AM M-F). The Council decided option 1,
43 one way at all times, would be the safest.

44 Motion Carried 7-0-0

45 10. DISCUSSION

46 a. The public may submit public comments in writing or raise their hand in the webinar
47 for the DISCUSSION agenda.

48 Nathaniel Hios, 48 Love Lane, Apt. B, Kittery, ME - Mr. Hios expressed his
49 disappointment with the Council's decision.

50 Karen O'Keefe 43 Love Lane, Kittery, ME - Ms. O'Keefe thanked the Council for their
51 decision.

52 b. Chairperson will read written comments into the record.

53 All of the letters and emails are posted online and are a part of public record.

54 Gary Beers, 54 Lewis Road, Kittery, ME - Mr. Beers sent an email and submitted a
55 report on the Code of Ethics.

56 c. Chairperson's response to public comments.

57 Chair Spiller responded to Mr. Hios and said the town would be doing traffic counts on
58 roads surrounding Love Lane and would revisit this in 60 days.

59 Chair Spiller responded to Ms. O’Keefe and stated traffic on Love Lane has been an
60 issue for quite some time and that the Council is glad it is finally being addressed.

61 Chair Spiller responded to Mr. Beers’ email and stated the Town Council follows the
62 rules the Town Manager shared with him. If the Council wishes to revisit those rules
63 Council has a process.

64 11. UNFINISHED BUSINESS –

65 a. (090220-2) The Kittery Town Council moves to schedule a Public Hearing on
66 October 14, 2020 Title 6 – Animal Control Phase 1.

67 Moved by Councilor Thomson, seconded by Councilor Pelletier.

68 Motion Carried 7-0-0

69 12. NEW BUSINESS

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

71 b. (090220-3) The Kittery Town Council moves to approve a renewal Liquor License
72 application from Tulsi 20 Walker Street, Kittery. All necessary inspections have been
73 conducted.

74 Moved by Councilor Thomson, seconded by Councilor Pelletier.

75 Motion Carried 7-0-0

76 c. (090220-4) The Kittery Town Council moves to approve a renewal Liquor License
77 application from Anneke Jans, 60 Wallingford Square, Kittery. All necessary inspections
78 have been conducted.

79 Moved by Councilor Thomson, seconded by Councilor Pelletier.

80 Motion Carried 7-0-0

81 d. (090220-5) The Kittery Town Council moves to approve the Annual General
82 Assistance Appendices A-D and Appendix H for 2020-2021 year.

83 The Town Manager gave an overview of the Annual General Assistance Appendices A-
84 D and Appendix H for the 2020-2021 year.

85 Moved by Councilor Thomson, seconded by Councilor Pelletier.

86 Motion Carried 7-0-0

87 e. (090220-6) The Kittery Town Council moves to approve the Collective Bargaining
88 Agreement Extensions.

89 The Town Manager gave an overview of the Collective Bargaining Agreement
90 Extensions.

91 Moved by Councilor Thomson, seconded by Councilor Pelletier.

92 Motion Carried 7-0-0

93 f. (090220-7) The Kittery Town Council moves to schedule a Public Hearing on Title 3 –
94 Proceeds from the Sale of Tax-Foreclosed Properties on October 14, 2020.

95 The Town Manager gave an overview of Title 3 – Proceeds from the Sale of Tax-
96 Foreclosed Properties.

97 Moved by Councilor Thomson, seconded by Councilor Denault.

98 Motion Carried 7-0-0

99 g. (090220-8) The Kittery Town Council moves to schedule a Public Hearing on Title 4 –
100 Kittery Housing Committee on October 14, 2020.

101 Moved by Councilor Thomson, seconded by Councilor Denault.

102 Motion Carried 7-0-0

103 h. (090220-9) The Kittery Town Council moves to schedule a Public Hearing on Title 16
104 – Affordable Housing on October 14, 2020.

105 Moved by Councilor Thomson, seconded by Councilor Denault.

106 Motion Carried 7-0-0

107 i. (090220-10) The Kittery Town Council moves to schedule a Public Hearing on the
108 establishment of an Affordable Housing Fund on October 14, 2020.

109 Moved by Councilor Thomson, seconded by Councilor Denault.

110 Motion Carried 7-0-0

111 The Town Manager asked Council for a consensus on a workshop with the Planning
112 board and October 5, 2020 was offered if it was acceptable to the Council. The Council
113 was all in favor of scheduling the workshop October 5, 2020 at 5:00 p.m.

114 k. (090220-12) The Kittery Town Council moves to appoint Maribeth Gerard to the KCC
115 Board of Directors for a 3-year term to expire December 31, 2023.

116 Moved by Councilor Clark, seconded by Councilor Thomson.

117 Motion Carried 7-0-0

118 l. (090220-13) The Kittery Town Council moves to accept the resignation of Jan
119 Lamont-Rodons from the Kittery Community Center Board of Directors.

120 Moved by Councilor Thomson, seconded by Councilor Pelletier.

121 Motion Carried 7-0-0

122 m. (090220-14) The Kittery Town Council moves to discuss the Social Media Policy.
123 The Council had a discussion regarding whether to implement a Social Media Policy.
124 After the discussion, the Council decided to not to implement a Social Media Policy.

125 13. COUNCILOR ISSUES OR COMMENTS

126 Councilor Lemont asked if the Town could get volunteers to collect the data for Love
127 Lane to save the Town the expense. Councilor Lemont also commented on the
128 Council's list of action items and wondered if the Council could bring back citizen of the
129 year.

130 Councilor Denault stated that he had received a lot of emails from residents stating they
131 were unable to find the assessments on the Town's website. He also stated he is still
132 seeing cars that are registered in New Hampshire, and reiterated how the excise tax
133 from a Maine registration goes to the Town.

134 Councilor Clark made a statement about living your life social media free.

135 Chair Spiller stated that the October 14, 2020 Council meeting would have an executive
136 session to prepare the Town Manager's annual evaluation. She also spoke about a
137 communication that the Council received from a Black Lives Matter representative.
138 Chair Spiller stated that they were having difficulty with finding the right individuals for
139 the Animal Control Working Group, and said the Town would be advertising on the
140 website.

141 14. EXECUTIVE SESSION - None

142 15. ADJOURNMENT

143 Moved by Councilor Thomson, seconded by Councilor Pelletier.

144 Motion Carried 7-0-0

Submitted by Kim Tackett

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

KITTERY TOWN COUNCIL Unapproved Minutes

October 14, 2020

Remote Meeting

6:00 PM

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

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

7 5. Agenda Amendment and Adoption

8 Chair Spiller moved to add to the agenda under New Business item b. The Kittery
9 Council moves to appoint Judith Spiller along with the Chair of the Kittery Climate
10 Adaptation Committee, Cameron Wake to interview Erin Kempster for an appointment
11 for the Climate Adaptation Committee for a 3-year term to expire 12/31/2023.

12 Moved by Councilor Thomson, seconded by Councilor Pelletier.

13 Motion Carried 7-0-0

14 6. Town Manager's Report – The Town Manager reported on: The Election, Halloween,
15 Foreside Outdoor Dining. Upcoming Dates: Absentee Ballots Available – Town Clerk,
16 Voter Registration Night – October 28, 6PM – 8PM, Town Hall, Presidential/State/Local
17 Election – November 3, 8AM to 8PM, Kittery Community Center.

18 7. Acceptance of Previous Minutes - None

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

21 9. PUBLIC HEARINGS

22 Vice Chair Brock gave an overview of the development of the Affordable Housing
23 project.

24 The Town Manager and Adam Causey the Director of Planning and Development gave
25 an overview of Title 3 – Proceeds from the Sale of Tax-Foreclosed Properties, Title 4 –
26 Kittery Housing Committee, Title 16 – Affordable Housing, and the establishment of an
27 Affordable Housing Fund.

28 Emily Flinkstrom, Executive Director, Fair Tide, 15 State Road, Kittery, ME. Ms.
29 Flinkstrom stated how proud she was of the Council, and read a letter from Fair Tide.

30 Bob Gray, 14 Manson Road, Kittery, ME. Mr. Gray has some questions about Title 16,
31 and was wondering how many affordable housing units Kittery needs.

32 Ken and Kristin Fellows, 73 Chauncey Creek Road, Kittery Point, Mr. and Ms. Fellows
33 sent an email in support of affordable housing.

34 Gayle Wells, 22 Seapoint Road, Kittery Point ME. Ms. Wells sent an email in support of
35 affordable housing.

36 Joan Beskenis, 6 Barters Creek Rd, Kittery Point, ME Ms. Beskenis sent an email in
37 support of affordable housing.

38 Faith Harrington, 3 Sea Oaks Lane, Kittery Point, ME. Ms. Harrington sent an email in
39 support of affordable housing.

40 Mary Connors, 30 Cutts Island Lane, Kittery ME Ms. Connors sent an email in support
41 of affordable housing.

42 William C. Peirce, 77 Crockett Neck Road, Kittery, ME. Mr. Peirce sent an email not in
43 support of affordable housing.

44 Barb and David Durling, 29 Adams Dr., Kittery, ME Mr. Durling expressed his opposition
45 on a couple things in Title 16 Affordable Housing.

46 Bill and Eileen McCarthy, 27 Adams Drive, Kittery, ME. Mr. McCarthy was upset
47 because the Chairman of the Planning Board refused to read his comments at the
48 September 24, 2020 meeting. He also had questions regarding the proposed changes
49 to the code.

50 Chair Spiller responded to Mr. McCarthy and stated the Chair of the Planning Board did
51 not read his comments because the Planning Board had a Public Hearing at the
52 previous Planning Board meeting that would have allowed the comment.

53 a. (100120-1) The Kittery Town Council moves to hold a public hearing on Title 3 –
54 Proceeds from the Sale of Tax-Foreclosed Properties.

55 Councilor Thomson moved in accordance with Titles 30-A MRS §3001 and Town
56 Charter §2.14, the Kittery Town Council hereby ordains Amendment to Title 3 of the
57 Town code as presented and publicly heard, seconded by Councilor Clark

58 Motion Carried 7-0-0

59 b. (100120-2) The Kittery Town Council moves to hold a public hearing on Title 4 –
60 Kittery Housing Committee.

61 Councilor Thomson moved in accordance with Titles 30-A MRS §3001 and Town
62 Charter §2.14, the Kittery Town Council hereby ordains Amendment to Title 4 of the
63 Town code as presented publicly heard, seconded by Councilor Clark.

64 Motion Carried 7-0-0

65 c. (100120-3) The Kittery Town Council moves to hold a public hearing on Title 16 –
66 Affordable Housing.

67 Councilor Thomson moved in accordance with Titles 30-A MRS §3001 and Town
68 Charter §2.14, the Kittery Town Council hereby ordains Title 16 Land use and
69 Development Code, Affordable Housing Amendments of the town code as presented
70 publicly heard, seconded by Councilor Clark.

71 After the Council had a discussion on the concerns of Title 16, Councilor Thomson
72 moved to postpone to the October 26, 2020 meeting, seconded by Councilor Denault.

73 Motion Carried 7-0-0

74 d. (100120-4) The Kittery Town Council moves to hold a public hearing on the
75 establishment of an Affordable Housing Fund.

76 Councilor Thomson moved the Kittery Town Council to create a Kittery Housing
77 Committee that will make recommendations to the Town Council for use of funds in the
78 Housing Reserve Fund, in accordance with Title 4.18, seconded by Councilor Clark.

79 Motion Carried 7-0-0

80 The Town Manager addressed Mr. Gray's questions about Title 16 lines 174, 175. She
81 also addressed goals for affordability, housing size, 25% density bonus, front yard
82 setbacks, height of the units, fractional unit after the rounding. The Town Manager
83 mentioned on lines 17 and 18 in Title 16 amendments should not have been changed to
84 dwelling units.

85 Kathy Connor, Kittery Project Planner spoke about the setbacks on the C1 and C3
86 districts, height difference depending the side of the street.

87 Adam Causey, Director of Planning and Development spoke about the way the code
88 was written zones C1 and C3 had changes and there were no changes in C2. He also
89 addressed open space, zoning requirements.

90 Councilor Thomson moved to change lines 17 of Title 16 to read, all major
91 subdivisions, including those planned in phases, in all zones that create 5 or more lots,
92 seconded by Councilor Pelletier.

93 Motion Carried 7-0-0

94 Chair Spiller asked the Town Planners to address Mr. Durling’s concerns about their
95 standards for screening parking lots from the street, but there does not appear to be any
96 requirements to screen parking lots on side yards.

97 Kathy Connor, Kittery Project Planner responded to Mr. Durling’s concern and stated
98 yes that is true, there is an amendment if the Town Council wishes.

99 e. (100120-5) The Kittery Town Council moves to hold a public hearing on Title 6 –
100 Animal Control – Phase 1.

101 Tamara Corcoran, 141 Brave Boat Harbor Road, Kittery Point ME. – Ms. Corcoran had
102 questions about Title 6 Animal Control- Phase 1.

103 Councilor Thomson moved in accordance with Titles 30-MRS §3001 and Town Charter
104 R §2.14, the Town of Kittery hereby ordains Amendments to Title 6 of the Town code as
105 presented publicly heard, seconded by Council Denault.

106 Motion Carried 7-0-0

107 Councilor Lemont had a question on line 32 of Title 6.

108 The Town Manager answered Councilor Lemont’s question and stated since we have
109 voice control, how does one measure if a dog is within 10 ft? So, the intent was to make
110 it much clearer. Which is having contact with the person without their consent as
111 opposed to be within a 10 ft. bubble which would be hard to determine if the person
112 might be moving and the dog might be moving.

113 Councilor Denault asked the Town Manager if the extension of the leash is a part of the
114 person.

115 The Town Manager stated there might have to be a legal review on that question.

116 Chair Spiller addressed Ms. Corcoran’s concerns with Title 6 - Phase 1, and stated no
117 dogs on public property, with the exception of the Town parks, she said there are State
118 laws that the Town has to comply with. The Town Manager answered about the dog
119 waste in Title 6 and stated that it was moved up 6.1.4 item C., and she addressed Ms.
120 Corcoran’s question on Voice control and said we define more what voice control is.

121 Councilor Denault moved to amend line 33 in Title 6, seconded by Councilor Clark.

122 Motion Carried 7-0-0

123 Councilor Thomson read a statement he wrote.

124 10. DISCUSSION

125 a. The public may submit public comments in writing or raise their hand in the
126 webinar for the DISCUSSION agenda.

127 Tamara Corcoran, 141 Brave Boat Harbor Road, Kittery Point ME. – Ms. Corcoran had
128 question about Title 6 Animal Control- Phase 1.

129 b. Chairperson will read written comments into the record.

130 Suzanne Johnson, 13 Cromwell Street, Kittery, ME – Ms. Johnson expressed concerns
131 about Mary’s Pond and Algae.

132 Julia O’Connell, 9 Busdick Drive, Kittery, ME – Ms. O’Connell had questions on property
133 assessment and tax changes.

134 Judy Quinby, 16 Otis Avenue, Kittery ME - Ms. Quinby wanted more explanation the
135 redistribution of the tax burden.

136 c. Chairperson’s response to public comments.

137 Chair Spiller responded to Ms. Corcoran and stated the Ordinance by enlarge are
138 written by professional staff who do have expertise in these areas.

139 Chair Spiller responded to Ms. Johnson and stated the Town has a Grant pending to
140 study Mary’s Pond.

141 Chair Spiller responded to Ms. O’Connell and stated resident have the opportunity to
142 the Town Assessor and staff on how the judgements were made, it’s a standard
143 formula. Public Hearing have begun for people who would like to challenge their
144 assessments.

145 Chair Spiller responded to Ms. Quinby and stated the property value have gone up in
146 the Foreside, the mil rate is the same for everyone.

147 11. UNFINISHED BUSINESS

148 12. NEW BUSINESS

149 a. Donations/gifts received for Council disposition

150 b. The Kittery Council moves to appoint Judith Spiller along with the Chair of the Kittery
151 Climate Adaptation Committee, Cameron Wake to interview Erin Kempster for an
152 appointment for the Climate Adaptation Committee for a 3-year term to expire
153 12/31/2023.

154 Moved by Councilor Thomson, seconded by Councilor Denault.

155 Motion Carried 7-0-0

156 13. COUNCILOR ISSUES OR COMMENTS

157 Councilor Denault spoke about Leavers Law and the treatment of animals.

158 Councilor Clark talked about “wimps” and stated wimps aren’t brave enough to have
159 confrontation, wimps go on Social Media instead of having the confrontation, wimps key

160 your car instead of having the confrontation, and wimps throw dog poop on your yard
161 instead of having the confrontation, Thank you.

162 Vice Chair Brock stated he took another read at the Kittery Housing Committee
163 appointment and on section 4.18.3 Membership line 23 and it looks like there was some
164 language editing Upon adoption of this ordinance, the Town Council will appoint the
165 existing members of the Housing Working Group will become members of the
166 Committee, with all terms to expire December 31, 2021. He thought the point of that is
167 to maintain continuity on the Housing Committee for a period of time but it does look like
168 by either adopting the ordinance the Council deemed the Housing Working group to be
169 the committee until December 31, 2021, or we need a vote on that.

170 Councilor Thomson moved that the existing Housing Committee continue in that
171 capacity after this ordinance passes until December 31, 2021, seconded by Vice Chair
172 Brock.

173 Motion Carried 7-0-0

174 Chair Spiller spoke about the Black Lives response letter. She also said she was
175 approached by a resident asking if Council would endorse a petition for extended
176 reducer responsibility for packaging.

177 EXECUTIVE SESSION –

178 a. (100120-6) The Kittery Town Council moves to go into Executive Session to
179 complete the Town Manager’s annual review.

180 Councilor Thomson moved to go into Executive session at 8:03 p.m., seconded by
181 Councilor Lemont.

182 Motion Carried 7-0-0

183 Councilor Thomson moved to come out of Executive session at 8:39 p.m., seconded by
184 Councilor Denault.

185 Motion Carried 7-0-0

186 14. ADJOURNMENT

187 Moved by Councilor Thomson to adjourn at 8:39 p.m., seconded by Councilor Denault.

188 Motion Carried 7-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author’s understanding of the meeting.
Whilst every effort has been made to ensure the accuracy of the information, the
minutes are not intended as a verbatim transcript of comments at the meeting, but a

summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website

KITTERY TOWN COUNCIL Unapproved Minutes

October 26, 2020

Remote Meeting

6:00 PM

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

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

7 5. Agenda Amendment and Adoption

8 Chair Spiller wanted to move item 13. b. The Kittery Town Council moves to accept a
9 report on the Kittery Climate Adaptation Committee, after the Town Managers report.

10 Moved the change of the agenda as amended by Councilor Thomson, seconded by
11 Councilor Pelletier.

12 Motion Carried 7-0-0

13 6. Town Manager's Report- The Town Manager reported on: Election November 3,
14 2020, vaccination planning, safe Halloween event, Kittery Housing Committee, and
15 Fiscal Year 2021, Quarter 1 Financial Report. Upcoming Dates: National Drug Take
16 Back Day – October 24, 2020 10AM to 2PM, Police Department, Pepperrell Cove Float
17 Out – October 28, 2020, Voter Registration Night – October 28, 2020 6PM – 8PM,
18 Town Hall, Halloween Movie Night – October 30, 2020 6:30PM, KCC, Animal Control
19 Working Group Application Deadline – October 31, 2020 Town Clerk's Office, Property
20 Taxes Due – November 2, 2020, Presidential/State/Local Election – November 3, 2020
21 8AM to 8PM, Kittery Community Center, Town Hall Customer Service Center Closed –
22 November 3, 2020, and Town Offices Closed for Veterans Day – November 11, 2020.

23 b. (100220-3) The Kittery Town Council moves to accept a report on the Kittery Climate
24 Adaptation Committee.

25 Cameron Wake presented a report on the Kittery Climate Adaptation Committee.

26 Councilor Lemont asked Mr. Wake to speak about the rising water temperatures that
27 are affecting the fishing and lobstering.

28 Mr. Wake responded by stating that he was not an expert, but as the water temperature
29 gets warmer, the fish and the lobster will be moving to the cooler water which will affect
30 the fishing and lobstering in this area.

31 7. Acceptance of Previous Minutes – None

32 8. Interviews for Planning Board and Board of Appeals

33 Planning Board – One Position

34 a. Russell White – Re-Appointment

35 Chair Spiller asked Russell White to explain why he would like to continue to be a
36 member of the Planning Board.

37 Russell White stated his reasons for wanting to continue being a member of the
38 Planning Board.

39 Councilor Thomson moved to re-appoint Russell White to the Planning Board for a 3-
40 year term to expire 12/31/2023, seconded by Councilor Pelletier.

41 Motion Carried 7-0-0

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

44 10. PUBLIC HEARINGS - None

45 11. PUBLIC DISCUSSION

46 a. The public may submit public comments in writing or raise their hand in the webinar
47 for the DISCUSSION agenda.

48 b. Chairperson will read written comments into the record.

49 Shaye Robbins, 24 Heron Point Lane, Kittery Point, ME – Ms. Robbins inquired about
50 why her comments regarding Title - 6 were not read at the September 3, 2020 meeting
51 and had questions about the new changes to the dog ordinance.

52 Kristi Mathieson, 26 Haley Road, Kittery, ME – Ms. Mathieson spoke in favor of Title – 16
53 Affordable Housing.

54 Emily Flinkstrom, Executive Director, Fair Tide, 15 State Road, Kittery, ME – Ms.
55 Flinkstrom wanted to express her appreciation for Councilor Brock’s years of service on
56 the Kittery Town Council.

57 Suzanne Johnson, 13 Cromwell Street, Kittery, ME - Ms. Johnson expressed her
58 concerns in reference to dogs and Seapoint Beach.

59 c. Chairperson’s response to public comments.

60 Chair Spiller responded to Ms. Robbins and stated that the Town Manager was working
61 to put together an Animal Control Working Group.

62 Chair Spiller responded to Ms. Mathieson and thanked her for her comments about Title
63 – 16. Chair Spiller responded to Ms. Flinkstrom and thanked her for her comments
64 about Vice Chair Brock.

65 Chair Spiller responded to Ms. Johnson and addressed her concerns in reference to
66 dogs and Seapoint Beach.

67 12. UNFINISHED BUSINESS

68 a. (100220-1) The Kittery Town Council moves to approve amendments to Title - 16
69 Affordable Housing.

70 The Town Manager gave an overview of the edits made to the amendments to Title - 16
71 Affordable Housing.

72 Councilor Thomson moved to approve Title – 16 Land Use and Development code
73 Affordable Housing amendments of the Town code as it was publicly heard on October
74 14, 2020, seconded by Councilor Lemont.

75 Motion Carried 7-0-0

76 Councilor Thomson moved to add the following amendments: line 390 to read
77 “properties abutting Ox Point Drive, in which case a minimum of 40 feet is required”,
78 lines 565 and 566 to read “mixed-use buildings with dwelling units and which abut a
79 street, an existing single-family use, or a residential zone”, seconded by Councilor
80 Lemont.

81 Motion Carried 7-0-0

82 13. NEW BUSINESS

83 a. Donations/gifts received for Council disposition

84 (100220-2) The Kittery Town Council moves to accept a donation from Edward and
85 Heather Whitesell in the amount of \$50.00, to be deposited into the Thresher Memorial
86 Account Fund.

87 Moved by Councilor Thomson, seconded by Councilor Pelletier.

88 Motion Carried 7-0-0

89 c. (100220-4) The Kittery Town Council moves to approve a Pole Permit from Central
90 Maine Power.

91 Moved by Councilor Thomson, seconded by Councilor Pelletier.

92 Motion Carried 7-0-0

93 d. (100220-5) The Kittery Town Council moves to appoint Erin Kempster to the Kittery
94 Climate Adaptation Committee for a 3-year term to expire 12/31/2023.

95 Moved by Chair Spiller, seconded by Councilor Pelletier

96 Motion Carried 7-0-0

97 e. (100220-6) The Kittery Town Council moves to approve the Warrant for the
98 November 3, 2020 Election.

99 Moved by Councilor Thomson, seconded by Councilor Pelletier.

100 Motion Carried 7-0-0

101 f. (100220-7) The Kittery Town Council moves to accept the resignation of Barry
102 Fitzpatrick from the Board of Appeals effective 10/20/2020.

103 Moved by Councilor Thomson, seconded by Councilor Pelletier.

104 Motion Carried 7-0-0

105 g. (100220-8) The Kittery Town Council moves to extend the waiver of enforcement of
106 certain provisions of Title 5.7 Sidewalk Sales to December 31, 2020.

107 Moved by Councilor Thomson, seconded by Councilor Pelletier.

108 Moved Carried 7-0-0

109 h. (100220-9) The Kittery Town Council moves to discuss the draft response to
110 Seacoast Black Lives Matter.

111 Chair Spiller read the draft response letter she had written to Seacoast Black Lives
112 Matter.

113 All of Councilors approved the draft response.

114 Moved by Councilor Thomson, seconded by Councilor Pelletier.

115 Motion Carried 7-0-0

116 i. (100220-10) The Kittery Town Council moves to discuss the Town Manager's annual
117 merit compensation.

118 Chair Spiller read some of the highlights written by the Council about the Town
119 Manager.

120 Councilor Thomson moved to approve the Town Manager's annual compensation
121 adjusted upwards by 2% cost of living and a .75 merit adjustment, effective October 26,
122 2020, seconded by Councilor Pelletier.

123 Motion Carried 7-0-0

124 14. COUNCILOR ISSUES OR COMMENT

125 Councilor Denault wanted to recognized the citizens that have passed: Nancy
126 Matthews, Edith Niles, Randy Cyr, Leona Pelkey, Audrey Rust, Garrison Valentine, and
127 Eliot resident Trooper Alan Redden.

128 Councilor Lemont commented on an email from Kristi Mathieson that stated the average
129 rent costs for a 2-bedroom apartment were \$2450.00. He also stated that he has 7, 2-
130 bedrooms rental properties and he charges nowhere near that. Councilor Lemont said
131 the IRS fair market rent for a 2-bedroom in York County in the Town of Kittery is
132 \$1468.00, and that was what most landlords in the area go by. He stated he didn't want
133 the wrong message out there.

134 Councilor Lemont stated it had been a pleasure working with Vice Chair Brock and
135 wished him well in his future endeavors.

136 Councilor Thomson wanted to thank Councilor Clark her helping him when he was
137 having difficulties with his scooter. He also wanted to thank Chair Spiller for her
138 leadership through a difficult year. Finally, he wanted to thank Vice Chair Brock for his
139 presence over the last 3 years on the Council and wished Vice Chair Brock well.

140 Vice Chair Brock thanked the Council members, and also thanked the Council for
141 passing the Affordable Housing package on behalf of the entire Housing Committee.

142 Chair Spiller thanked Vice Chair Brock for his role on the Council.

143 15. EXECUTIVE SESSION - None

144 16. ADJOURNMENT

145 Moved by Councilor Thomson to adjourn at 7:27 p.m., seconded by Councilor Pelletier.

146 Motion Carried 7-0-0

Submitted by Kim Tackett

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

Taylor Building Committee Report and Recommendations January 19, 2021

Recommendation

The Taylor Committee recommends that the Town of Kittery prioritize the sale or long-term lease of the Taylor Building to a non-profit organization that supports the art, culture, or other community-related purpose that adds to the vitality of the Foreside. It further recommends that such sale or lease includes terms that support public access to the parking lot in a manner that supports the Foreside. Finally, if the building is sold to a non-profit organization, the Committee recommends that the Town build in safeguards to the sale agreement to ensure future transfers of the property must be consistent with the goals of supporting art, culture, or other community-related purpose that adds to the vitality of the Foreside.

History and process of the Taylor Committee, May 2018-December 2020

The Taylor Building, located on a .35-acre lot at 2 Walker Street, a former courthouse built in 1965, has housed part of the Rice Public Library collections since 1990.

In March 2019, the building was appraised by Mainland Consultants at \$770,000. Its current assessed value is \$559,000.

The Committee began to meet in the May of 2018, charged by the Town Council to conduct research and outreach to identify what the opportunities and concerns are related to the sale, lease or re-use of the Taylor Building property, and to develop a request for proposals and oversee the process, including reviewing proposals and recommending the most advantageous concept to the Council based on criteria it establishes.

Over the course of 3 years, and 14 meetings, the Committee reviewed documents such as the Foreside Study and the Comprehensive Plan, and the status of other town-owned properties in the Foreside (which include the Walker Street Ambulance Service site and the former Dineen property at 3 Walker Street), and the Taylor site.

In November 2018, Committee members assisted the Town with gathering responses to the Foreside use survey, primarily by asking residents to complete the survey at the Community Center on Election Day. Although the survey was not dedicated to the Taylor Building (and did not mention the property), the Committee wanted to help generate a large number of responses to get a significant amount of public input on the future of the Foreside. All told, over a period of two weeks, 603 residents completed the survey. Results suggested that Kittery residents prioritize additional arts, music & cultural opportunities in the Foreside, followed by restaurants and retail. In another question, residents prioritized additional housing above ground floor commercial (i.e. preferring it to other types of residential development), and a third question about public space indicated that residents prioritized green spaces with seating, followed by waterfront access. Another question prioritized “Preserving the character” of the Foreside (The full survey results are available in Appendix A).

At the June 2019 Block Party, the Committee gathered further public input, specific to the Taylor Building, via postcards distributed at a table outside of the building, with about 25 cards gathered, with varied suggestions for future use of the property.

In fall of 2019, the Committee prepared a proposal submission process for “concept proposals” on future use of the site, with the intention that such proposals cast a wide net and be easily accessible to any individual or entity wishing to submit a proposal, although the proposals needed to demonstrate serious intent and the capacity to carry out the project (See Appendix B for the full proposal). Criteria included the following:

- the extent to which the project is reasonable and feasible;
- The extent to which the proposal contributes to economic/community development within the Foreside;
- The extent to which the proposal will enhance the future quality of life for the community.

Due to the COVID emergency, the original proposal deadline of March 25 was extended to April 9 and then until September 15, 2020. Three proposals were submitted, as follows:

- From Seacoast-Apart Hotels, a proposal to purchase the property and construct a 12-unit extended stay hotel with studio apartment aimed at contractors, visiting nurses, and others needing short-term lodging in Kittery. The proposed height of the building would be the same as 60 Government Street. The facility would have 14 parking spaces, some of which could be available for other uses during the middle of the day.
- From Jaqueline and Jeffrey Kilty, a proposal to purchase the property to develop a 20-unit (single room) micro-apartment building with shared amenities aimed at providing workforce housing opportunities.
- From the Kittery Art Association, a proposal for a long-term lease of the property from the town so that it could relocate from its Kittery Point location to the Foreside. The KAA would have workshops, arts shows and other events at the Taylor. Parking would be available to the general public when KAA events were not happening.

As part of this process, the Committee reviewed estimates on costs for establishing a park or a parking lot at the site, as well as leasing scenarios prepared by town officials (Appendix C and Appendix D), along with how proceeds from a sale might be used by the Town.

A rough estimate cost analysis by the Town Manager and Director of Planning & Economic Development suggested that developing the Taylor property into a parking lot would cost approximately \$255,649, including demolition, site work, and paving. The estimated cost for transforming the property into a park is approximately \$210,766. These estimates are based on various (and recent) cost estimates associated with the Rice Library project and the Emery field project.

If the building were to be leased, the Committee concurred it should be a double-net lease agreement, for no less than 10 years (or longer) with renewal options, and that the tenant would take on the

responsibility for the upkeep and repair of the building, and would fund any improvements or renovations to the building, with major improvements approved by the Town. One advantage of leasing is the Town maintains ownership and oversight, to a degree, of that corner of the Foreside for the foreseeable future.

If the Taylor Building were sold, funds could be used in various ways, including designating \$100-200K for furniture and equipment for the Rice Public Library Project; lowering bond and/or debt service (\$500,000 will save approximately ~\$30,000 a year on debt service); applying to other capital projects (e.g. roads and sidewalks, open space/parks, removal of Cole Street Rec Center building; sustainability/energy efficiency initiatives; fund relocation of ambulance service to Gorges Road), or adding to undesignated reserve for future needs. Per Kittery's Town Charter, voters would need to authorize the council to sell the building through a public vote (not to a specific buyer, but to give Council authorization to make the sale).

After debate and discussion, the Committee opted not to recommend the future use of the Taylor site as a park or parking lot. While recognizing that the preservation of open space in the Foreside is an important goal, the general feeling was that the location is not ideal for a park (especially given its proximity to the busy intersection), and that a parking lot is not the best use of this prominent corner of the Foreside.

Upon further discussion and review of the two private development proposals, the committee opted not to recommend this type of development – essentially a fairly large three-story building --as the building scale felt out of proportion for that corner. The committee recognized the need both for affordable housing and a short-term stay hotel, but thought that these proposals might be better suited to other parcels in the Foreside.

After reviewing the proposal submitted by the Kittery Art Association, and a follow-up informational meeting between KAA representatives and the Town Manager and Planning Director, the Committee met again in December 2020 to further discuss the proposals.

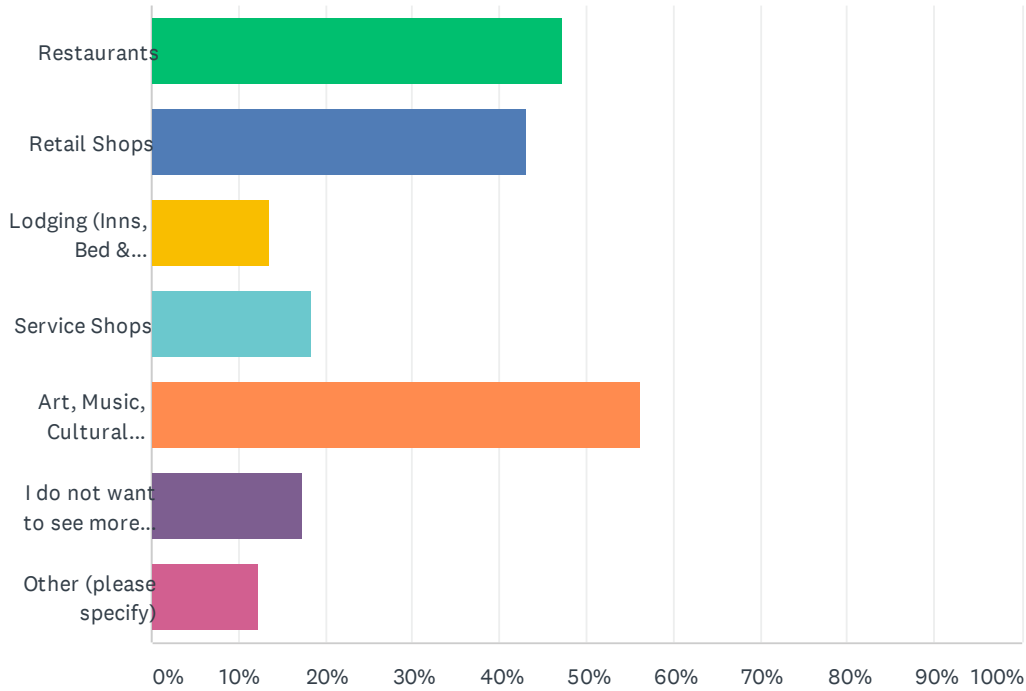
At that meeting, the Committee came to a consensus that the best future use of the Taylor Building is its sale or lease to a non-profit organization supporting the arts, culture, or other purpose that benefits the community, and adds to the vitality of the Foreside.

At the January 19, 2021 meeting of the Committee, George Dow motioned to send the Taylor Committee's recommendation to the Town Council. Jeff Thomson seconded the motion. The motion was approved unanimously.

Additionally, at that meeting, Jeff Thomson motioned to send the accompanying report on the Taylor Committee history and process to the Town Council. Jan Lamont-Rodonets seconded the motion. The motion was approved unanimously.

Q1 What TYPES of NEW BUSINESSES would you like to see in the Foreside?

Answered: 623 Skipped: 0



ANSWER CHOICES	RESPONSES	
Restaurants	47.19%	294
Retail Shops	43.02%	268
Lodging (Inns, Bed & Breakfast)	13.64%	85
Service Shops	18.46%	115
Art, Music, Cultural businesses	56.34%	351
I do not want to see more businesses in the Foreside	17.34%	108
Other (please specify)	12.36%	77
Total Respondents: 623		

Foreside - Next Steps

#	OTHER (PLEASE SPECIFY)	DATE
1	locally owned. no chains. slow and thoughtful development	1/11/2020 6:12 PM
2	free public parking garages for the shipyard	5/30/2019 7:15 AM
3	Gallery	1/10/2019 1:58 PM
4	zipcar	12/2/2018 8:54 PM
5	parking	12/2/2018 8:45 PM
6	Electronic repair service/Xfinity & Verizon service	11/21/2018 11:36 AM
7	Grocery store	11/21/2018 11:34 AM
8	Businesses that support the Shipyard	11/21/2018 11:30 AM
9	None listed	11/21/2018 11:16 AM
10	Hair salon	11/21/2018 11:12 AM
11	None listed	11/21/2018 10:25 AM
12	Just a little more	11/21/2018 10:04 AM
13	Same store	11/21/2018 10:03 AM
14	Light Industrial	11/21/2018 8:33 AM
15	Marijuana cafe	11/21/2018 8:27 AM
16	There's not enough room	11/21/2018 8:16 AM
17	place for a food truck	11/20/2018 9:38 PM
18	the current amount is just right, no bigger please	11/20/2018 9:35 PM
19	Office space	11/20/2018 9:30 PM
20	not sure any further business can fit there	11/20/2018 8:37 PM
21	whatever wants to open	11/20/2018 8:33 PM
22	Community market year round	11/20/2018 5:30 PM
23	Keep affordable housing	11/20/2018 4:30 PM
24	None listed	11/20/2018 4:01 PM
25	Marijuana facilities	11/20/2018 3:24 PM
26	None listed	11/20/2018 11:46 AM
27	Stop Shipyard parking in business parking area.	11/20/2018 11:20 AM
28	Smart growth - not pushing an elephant in the mouse hole.	11/20/2018 11:14 AM
29	Small and affordable lodging	11/20/2018 11:09 AM
30	Workforce housing	11/20/2018 11:07 AM
31	NO lodging!	11/20/2018 9:20 AM
32	Homes for people who don't drive and need to walk to work - affordable housing.	11/20/2018 8:40 AM
33	Yes, whatever works!	11/20/2018 8:18 AM
34	spas	11/19/2018 5:14 PM
35	Workforce housing, preferably at the present Rex Motel site	11/19/2018 5:05 PM
36	A decent place for chai	11/19/2018 3:51 PM
37	Bike share stand	11/19/2018 3:27 PM

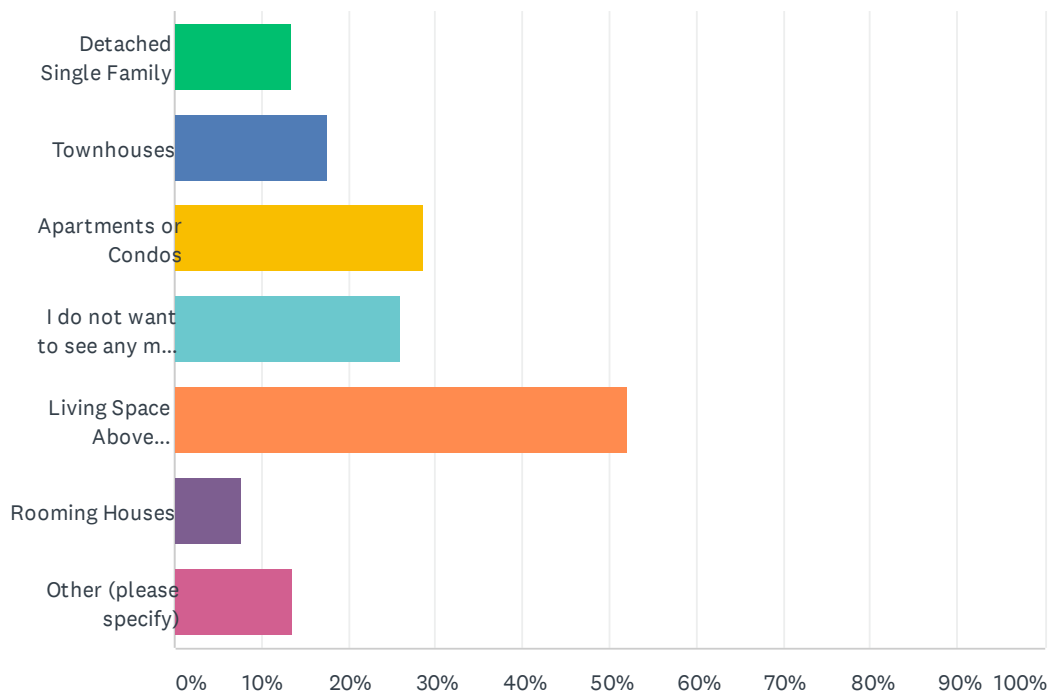
Foreside - Next Steps

38	Bike share stand	11/19/2018 3:25 PM
39	daycare, professional offices (medical & other)	11/18/2018 7:34 PM
40	parking, streamline shipyard entry	11/15/2018 9:28 PM
41	breakfast place	11/15/2018 9:18 PM
42	privately owned business/retail	11/15/2018 9:06 PM
43	Affordable housing	11/15/2018 8:32 PM
44	Very limited it is just right	11/14/2018 3:43 PM
45	no hotels	11/13/2018 10:18 PM
46	no answer	11/13/2018 10:00 PM
47	dispenseries	11/13/2018 9:58 PM
48	anything and everything do not restrict commercial development	11/13/2018 9:51 PM
49	I am not opposed to the inn	11/13/2018 9:33 PM
50	small/independent	11/11/2018 11:08 AM
51	Small business offices	11/11/2018 10:10 AM
52	No real estate, no t shirt shops or low end retailers, must control the quality of the retailers to attract the right clientele to elevate the area	11/10/2018 12:51 PM
53	Spa Services	11/9/2018 3:54 PM
54	electronic sales & service/office supply/ photo/afford housing	11/9/2018 1:49 PM
55	too cramped and the ship yard wrecks travel to the area twice each day	11/9/2018 1:37 PM
56	convenience store	11/9/2018 12:00 PM
57	No additional businesses, parking is a nightmare. But I would like to see music allowed at current locations	11/9/2018 10:22 AM
58	Edible store	11/8/2018 2:23 PM
59	Gym	11/8/2018 12:33 PM
60	A children's museum	11/8/2018 9:40 AM
61	Let the free market determine it. Not government.	11/7/2018 10:47 PM
62	Parking garage	11/7/2018 8:51 PM
63	It is perfect as it is. One or two more spots would work but no more.	11/7/2018 7:57 PM
64	Lodging should be on the outskirts not in the center	11/7/2018 7:35 PM
65	we need more businesses to serve local, middle-income folks, not just high end tourists/visitors	11/7/2018 6:56 PM
66	The choices picked, with the caveat that it is in existing buildings.	11/7/2018 5:58 PM
67	Actually have plenty...	11/7/2018 5:36 PM
68	Craft Shop	11/7/2018 5:27 PM
69	ice cream!	11/7/2018 5:24 PM
70	Dispensaries	11/7/2018 4:59 PM
71	None listed	11/7/2018 4:49 PM
72	Maybe small bed and breakfast....don't want to see the " boutique" hotel	11/7/2018 4:02 PM
73	Restaurants with live music	11/7/2018 1:22 PM
74	Ice cream shop	11/7/2018 12:37 PM

75	parking	11/7/2018 12:13 PM
76	Marijuana sales	11/7/2018 12:05 PM
77	office space, pilates, food market	11/6/2018 2:50 PM

Q2 What types of NEW RESIDENTIAL UNITS would you like to see in the FORESIDE?

Answered: 619 Skipped: 4



ANSWER CHOICES	RESPONSES	
Detached Single Family	13.41%	83
Townhouses	17.61%	109
Apartments or Condos	28.59%	177
I do not want to see any more residential units in the Foreside.	25.85%	160
Living Space Above Commercial Space (Mixed Use)	52.18%	323
Rooming Houses	7.75%	48
Other (please specify)	13.57%	84
Total Respondents: 619		

Foreside - Next Steps

#	OTHER (PLEASE SPECIFY)	DATE
1	diversity of prices to support low income workers along side higher priced units. residential and business development that minimizes the built footprint and include green space- especially on water	1/11/2020 6:14 PM
2	parking for the shipyard	5/30/2019 7:15 AM
3	Mini houses	12/5/2018 4:03 PM
4	apt that have assigned parking space prefer zipcar	12/2/2018 8:55 PM
5	I would support keeping as many old buildings as possible	12/2/2018 8:52 PM
6	New mixed use along Walker Street and affordable housing	11/21/2018 11:36 AM
7	Affordable housing	11/21/2018 11:10 AM
8	Affordable housing	11/21/2018 10:30 AM
9	Affordable housing	11/21/2018 10:29 AM
10	None listed	11/21/2018 10:25 AM
11	None listed	11/21/2018 10:24 AM
12	low-mid income housing	11/21/2018 10:18 AM
13	Subsidized housing	11/21/2018 10:08 AM
14	None listed	11/21/2018 9:40 AM
15	Affordable	11/21/2018 9:18 AM
16	Affordable housing	11/21/2018 8:17 AM
17	Elderly	11/21/2018 8:13 AM
18	cluster housing greenspace	11/20/2018 9:38 PM
19	no answer	11/20/2018 9:37 PM
20	tiny apartments/flats	11/20/2018 9:30 PM
21	senior housing	11/20/2018 8:45 PM
22	whatever people want to build	11/20/2018 8:33 PM
23	Affordable housing	11/20/2018 5:34 PM
24	Affordable housing	11/20/2018 5:27 PM
25	None listed	11/20/2018 5:23 PM
26	None listed	11/20/2018 4:57 PM
27	Affordable housing	11/20/2018 4:56 PM
28	Affordable housing	11/20/2018 4:37 PM
29	Affordable housing	11/20/2018 4:29 PM
30	None listed	11/20/2018 4:01 PM
31	None listed	11/20/2018 3:33 PM
32	Mixed use	11/20/2018 3:32 PM
33	Affordable Housing!	11/20/2018 2:08 PM
34	None listed	11/20/2018 1:58 PM
35	Things that fit historically in the area.	11/20/2018 1:37 PM
36	Just rehab what's there.	11/20/2018 11:26 AM

Foreside - Next Steps

37	Open water view/park	11/20/2018 11:20 AM
38	See above	11/20/2018 11:14 AM
39	Affordable	11/20/2018 11:12 AM
40	Affordable apartments	11/20/2018 11:09 AM
41	None listed	11/20/2018 8:29 AM
42	Mixed	11/20/2018 8:18 AM
43	But not too many	11/20/2018 8:15 AM
44	None listed	11/19/2018 5:23 PM
45	None listed	11/19/2018 4:31 PM
46	Affordable	11/19/2018 3:47 PM
47	Affordable housing	11/19/2018 3:25 PM
48	accessory dwelling units	11/18/2018 7:34 PM
49	affordable housing	11/15/2018 9:42 PM
50	affordable housing	11/15/2018 9:40 PM
51	no answer	11/15/2018 9:34 PM
52	affordable housing	11/15/2018 9:32 PM
53	affordable housing	11/15/2018 9:24 PM
54	affordable housing	11/15/2018 9:18 PM
55	no answer	11/15/2018 8:57 PM
56	none	11/15/2018 8:55 PM
57	Affordable housing	11/14/2018 2:12 PM
58	Cottage court housing	11/14/2018 9:47 AM
59	affordable housing	11/13/2018 10:26 PM
60	no answer	11/13/2018 10:15 PM
61	affordable housing	11/13/2018 10:12 PM
62	no answer	11/13/2018 10:04 PM
63	no answer	11/13/2018 10:00 PM
64	do not limit any residential development	11/13/2018 9:51 PM
65	no answer	11/13/2018 9:43 PM
66	affordable but well designed housing	11/12/2018 9:06 PM
67	so many retirees looking to downsize, anything that would appropriate for them	11/12/2018 6:50 PM
68	moixed use above comercial space	11/9/2018 1:50 PM
69	again, cramped area in town. expansion shouldn't happen since roads and parking can't handle it	11/9/2018 1:37 PM
70	Anything that is affordable	11/9/2018 9:42 AM
71	Boutique hotel	11/7/2018 8:46 PM
72	Accessory dwelling units added to existing homes	11/7/2018 7:35 PM
73	I would like to see more diversified housing but without losing the existing traditional architecture/buildings -- so infill, in-law apts, tiny houses, detached granny flats -- especially	11/7/2018 7:02 PM

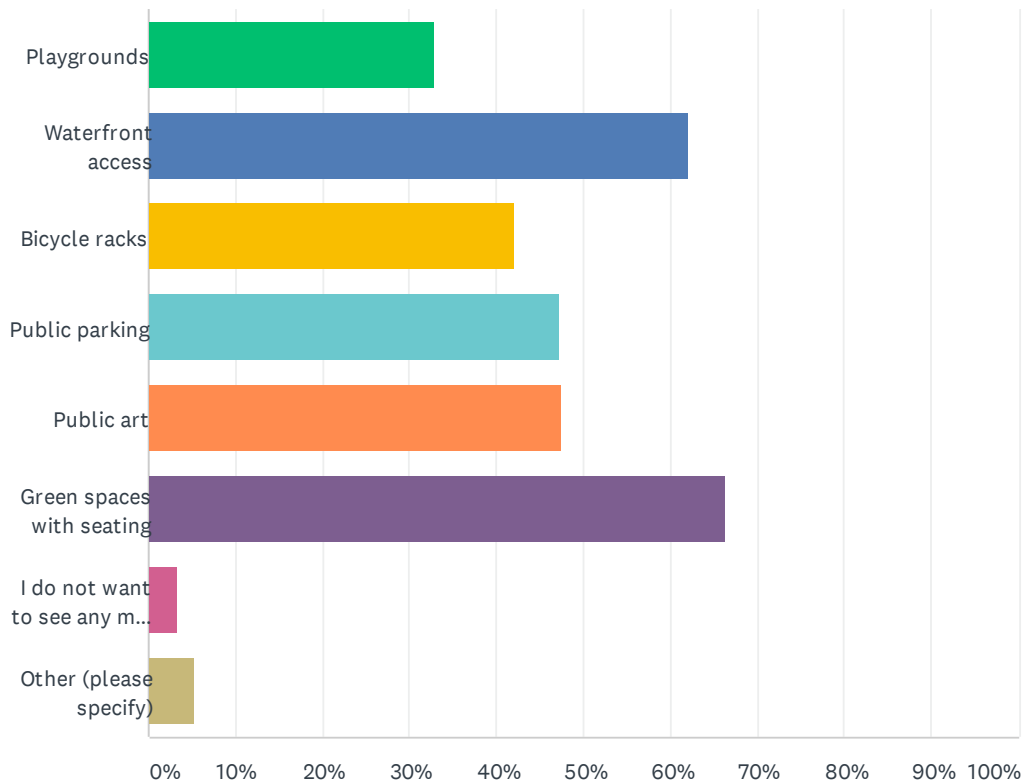
Foreside - Next Steps

for younger and artsy folks who want something affordable and will contribute vibrancy to the Foreside

74	Affordable	11/7/2018 5:37 PM
75	I would be concerned about the quality of housing/tenants	11/7/2018 5:17 PM
76	Affordable	11/7/2018 5:02 PM
77	Low income, micro-apartments	11/7/2018 4:59 PM
78	affordable housing	11/7/2018 4:33 PM
79	No others	11/7/2018 4:28 PM
80	Affordable housing units	11/7/2018 4:15 PM
81	Co-op housing for singles.	11/7/2018 1:31 PM
82	AFFORDABLE HOUSING TO RENT!! It's TOO pricey these days	11/7/2018 1:22 PM
83	Artist lofts ie: 25 Walker Street	11/7/2018 12:37 PM
84	low income/elderly	11/6/2018 4:53 PM

Q3 What types of NEW PUBLIC SPACES would you like to see in the FORESIDE?

Answered: 615 Skipped: 8



Foreside - Next Steps

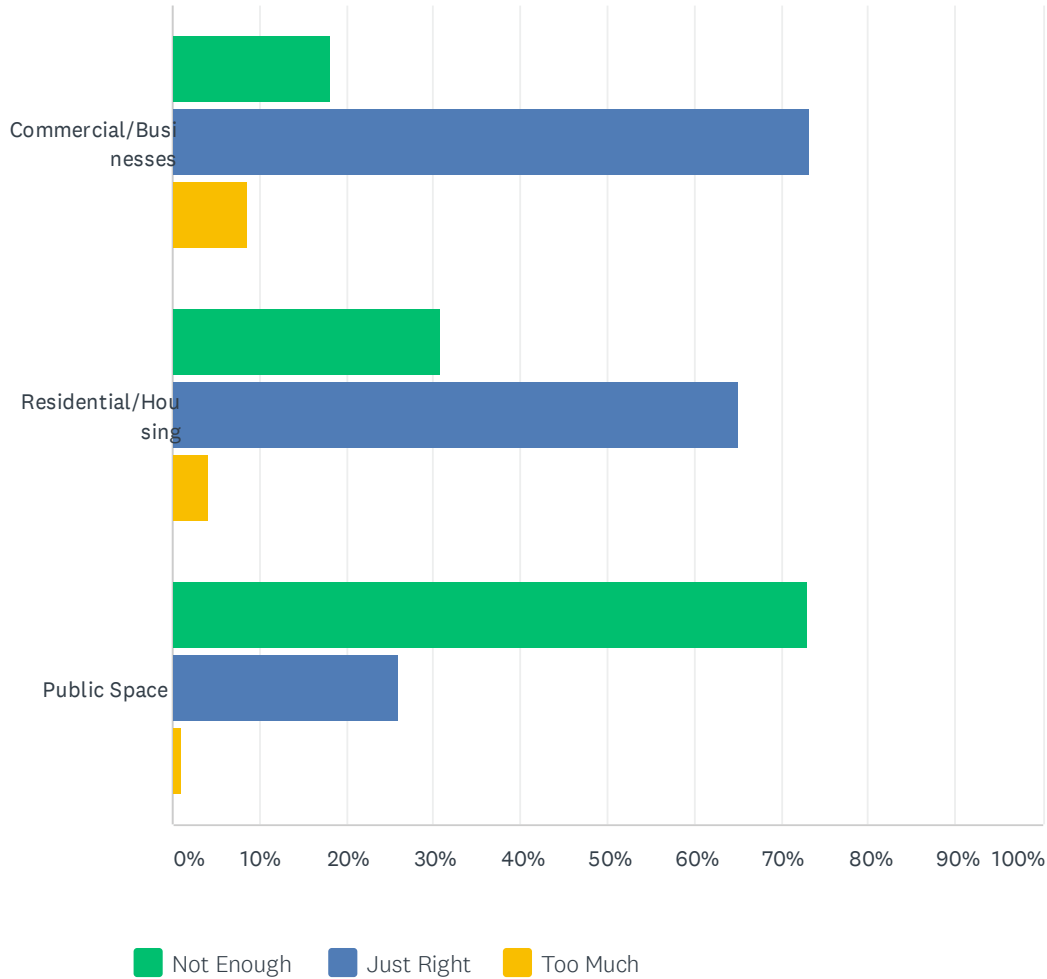
ANSWER CHOICES	RESPONSES	
Playgrounds	32.85%	202
Waterfront access	62.11%	382
Bicycle racks	41.95%	258
Public parking	47.32%	291
Public art	47.48%	292
Green spaces with seating	66.34%	408
I do not want to see any more public spaces in the Foreside	3.25%	20
Other (please specify)	5.20%	32
Total Respondents: 615		

Foreside - Next Steps

#	OTHER (PLEASE SPECIFY)	DATE
1	PLEASE grab the waterfront as it becomes available and make it public!! also help the fishing community maintain themselves on the waterfront and in town.	1/11/2020 6:15 PM
2	more parking for the shipyard	5/30/2019 7:16 AM
3	I suggest removing the old Court House/library annex & turning this into a combination park & parking for the Rice Library/Expansion on the site.	11/26/2018 9:05 AM
4	Shipyard land along RR tracks and buy service station	11/21/2018 11:37 AM
5	None listed	11/21/2018 10:25 AM
6	Not parking garage	11/21/2018 10:04 AM
7	garbage cans, dog poop bags	11/20/2018 9:10 PM
8	whatever private donors want to fund	11/20/2018 8:33 PM
9	None listed	11/20/2018 5:25 PM
10	I wish I could afford the Foreside.	11/20/2018 5:23 PM
11	How about a park with benches where the gas station is now (and the gorgeous fountain used to be)?	11/20/2018 5:06 PM
12	None listed	11/20/2018 3:19 PM
13	Shuttle bus for Kittery residents/2 hour parking	11/20/2018 1:48 PM
14	None listed	11/20/2018 1:37 PM
15	None listed	11/19/2018 5:05 PM
16	Parks	11/19/2018 3:51 PM
17	Historical info/info maps - benches (seating)	11/19/2018 3:44 PM
18	Benches	11/19/2018 3:25 PM
19	accessible library	11/18/2018 7:36 PM
20	optimize entry on/off shipyard to reduce traffic/back-ups	11/15/2018 9:29 PM
21	Replace the parking next to Lil's with a real town square.	11/14/2018 9:48 AM
22	anything that isn't funded by taxation	11/13/2018 9:52 PM
23	There is no room for additional public spaces	11/11/2018 10:11 AM
24	FREE parking	11/11/2018 9:42 AM
25	Bike paths, walking paths, new sidewalks	11/10/2018 12:52 PM
26	twon buy space by shipyard RR/ auto shop @ crnr	11/9/2018 1:51 PM
27	It would be nice if there were green space where the municipal parking is now and public parking moved about half way between Wallingford Square and Route One along Walker street	11/7/2018 7:37 PM
28	All public spaces are good and we desperately need them -- other than parking, which should be mostly pushed outside the Foreside. Parking is low-revenue. It is the pedestrian and active/social spaces that attract visitors and build civic community.	11/7/2018 7:05 PM
29	Bike lanes	11/7/2018 1:25 PM
30	Tear down old court building/library anex for a town square. Bring some greenery to the asphalt/brick jungle.	11/7/2018 12:38 PM
31	New library	11/7/2018 12:06 PM
32	outside ice skating for winter use only	11/6/2018 4:55 PM

Q4 How would you RATE the CURRENT MIX of COMMERCIAL, RESIDENTIAL, and PUBLIC uses in the FORESIDE?

Answered: 613 Skipped: 10

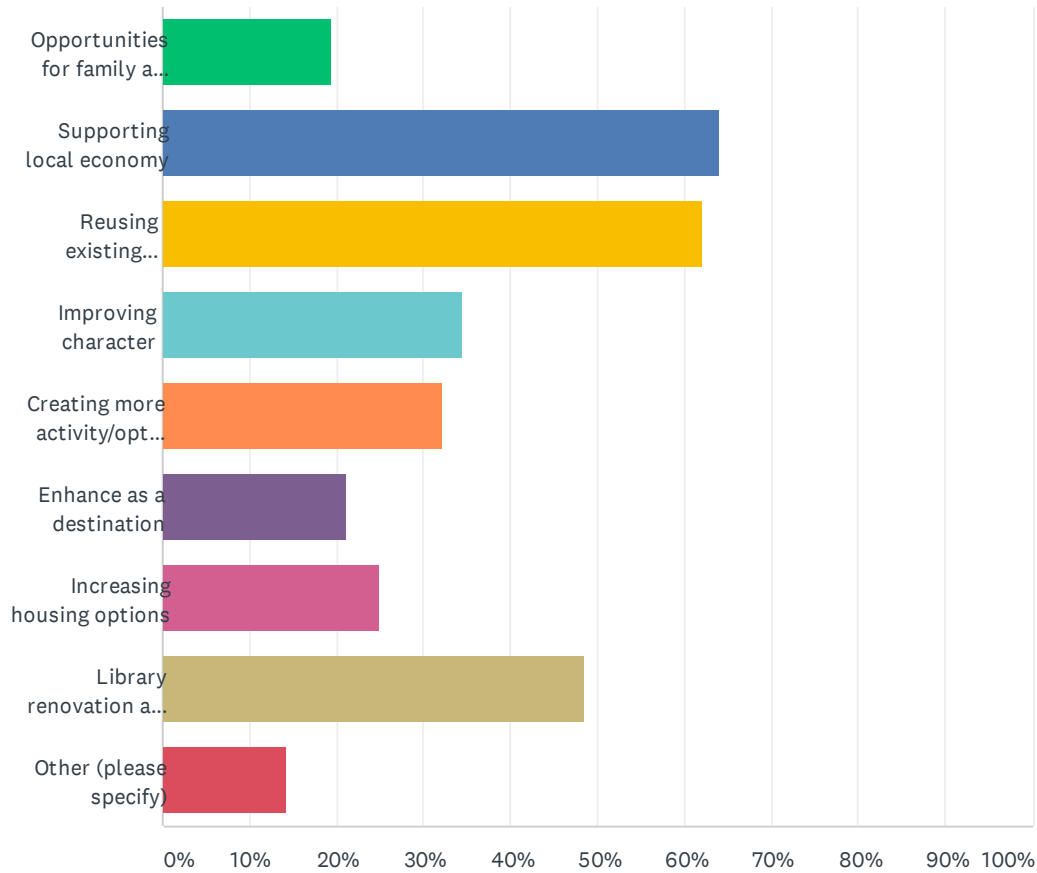


	NOT ENOUGH	JUST RIGHT	TOO MUCH	TOTAL	WEIGHTED AVERAGE
Commercial/Businesses	18.27% 112	73.25% 449	8.48% 52	613	1.90
Residential/Housing	30.67% 188	65.09% 399	4.24% 26	613	1.74
Public Space	73.08% 448	25.94% 159	0.98% 6	613	1.28

Q5 What FACTORS are of INTEREST to you as you think about the FUTURE of the Foreside?

Answered: 609 Skipped: 14

Forside - Next Steps



ANSWER CHOICES	RESPONSES	
Opportunities for family and friends to stay nearby when visiting	19.54%	119
Supporting local economy	64.04%	390
Reusing existing buildings without tearing them down	62.07%	378
Improving character	34.48%	210
Creating more activity/options for things to do	32.18%	196
Enhance as a destination	21.18%	129
Increasing housing options	24.79%	151
Library renovation and expansion project	48.44%	295
Other (please specify)	14.29%	87
Total Respondents: 609		

Foreside - Next Steps

#	OTHER (PLEASE SPECIFY)	DATE
1	public waterfront, bike trail and transportation, bus or trolley to hook up with wildcat buses	1/11/2020 6:16 PM
2	Keep small character, not like portsmouth	10/20/2019 9:32 AM
3	Reduce vehicle traffic, add bike and ped	8/15/2019 10:13 AM
4	Better bicycle and pedestrian access	6/13/2019 5:25 PM
5	more parking for the shipyard	5/30/2019 7:16 AM
6	get rid of traffic, have a cable car	12/2/2018 8:56 PM
7	no answer	12/2/2018 8:37 PM
8	no answer	12/2/2018 8:28 PM
9	no answer	12/2/2018 8:24 PM
10	dramatic Rice redesign to attract public	11/21/2018 12:37 PM
11	None listed	11/21/2018 10:28 AM
12	Don't make it touristy	11/21/2018 10:04 AM
13	None listed	11/21/2018 10:03 AM
14	None listed	11/21/2018 8:09 AM
15	taylor property should be a green space and playground	11/20/2018 9:39 PM
16	no answer	11/20/2018 9:33 PM
17	parking	11/20/2018 9:30 PM
18	no answer	11/20/2018 9:29 PM
19	no answer	11/20/2018 9:18 PM
20	no answer	11/20/2018 8:41 PM
21	keeping history	11/20/2018 8:38 PM
22	no answer	11/20/2018 8:21 PM
23	None listed	11/20/2018 5:32 PM
24	No condos, please!	11/20/2018 5:31 PM
25	None listed	11/20/2018 4:39 PM
26	None listed	11/20/2018 4:30 PM
27	None listed	11/20/2018 4:01 PM
28	Parking	11/20/2018 3:32 PM
29	1. Preserve trees (no elm please!) 2. Relocate library to the KCC, making space for a museum.	11/20/2018 3:22 PM
30	None listed	11/20/2018 3:19 PM
31	Parking	11/20/2018 1:59 PM
32	None listed	11/20/2018 1:51 PM
33	None listed	11/20/2018 1:38 PM
34	Workforce housing	11/20/2018 11:22 AM
35	Climate change and safety.	11/20/2018 11:15 AM
36	Walkability	11/20/2018 11:12 AM
37	Maintaining a sense of small village. Do not sell out.	11/20/2018 8:41 AM

Foreside - Next Steps

38	Maintain small town character	11/20/2018 8:32 AM
39	None listed	11/20/2018 8:30 AM
40	None listed	11/20/2018 8:22 AM
41	None listed	11/20/2018 8:18 AM
42	Keeping it accessible for locals	11/20/2018 8:16 AM
43	None listed	11/20/2018 8:08 AM
44	None listed	11/20/2018 8:02 AM
45	None listed	11/19/2018 5:54 PM
46	None listed	11/19/2018 5:05 PM
47	Sometimes existing buildings do need to be rebuilt	11/19/2018 3:52 PM
48	None listed	11/19/2018 3:46 PM
49	more density in walkable, bikeable area	11/18/2018 7:38 PM
50	improve bicycle route and optimize/expand access on/off shipyard	11/15/2018 9:30 PM
51	no answer	11/15/2018 9:04 PM
52	More businesses that cater to residents	11/14/2018 9:51 AM
53	no answer	11/13/2018 10:01 PM
54	trolley	11/13/2018 9:56 PM
55	opening up waterfront and making it a destination	11/12/2018 9:10 PM
56	Increase waterfront access for commercial fishermen with moorings in back channel. No place to tie up skiffs and no parking.	11/12/2018 5:35 AM
57	Area for a small park	11/11/2018 11:13 AM
58	Restore cemeteries, recognize historic homes with plaques, create historic walking tours with kiosks or plaques with historic information, restoration of old buildings and homes that have been the anchors of the community since its founding, create a proper Historic Records department.	11/10/2018 12:55 PM
59	access to and from the area	11/9/2018 4:23 PM
60	redesign Rice as dramatic feature of ctr	11/9/2018 1:54 PM
61	keeping it like it is. too small to grow that area. pick a different part of town or connect some parts of town	11/9/2018 1:39 PM
62	bike friendly	11/9/2018 12:17 PM
63	Keep the town dock the way it is.	11/9/2018 12:14 PM
64	Congestion and aggressive traffic from PNSY addressed	11/9/2018 10:27 AM
65	Traffic management for existing commercial operations	11/9/2018 8:54 AM
66	Reusing existing buildings when it makes sense (building has character) - a building like the former fire station would not be in this group. The Foreside is already a destination.	11/8/2018 4:43 PM
67	Beautification program of existing areas	11/8/2018 9:08 AM
68	Continue to focus on small local businesses not the same chains in Portsmouth/Newburyport/Portland	11/8/2018 7:41 AM
69	Parking	11/7/2018 11:00 PM
70	More leisure gathering spaces for informal gathering. Outdoor and indoor clustering..	11/7/2018 10:35 PM
71	Leave it alone to much already	11/7/2018 9:40 PM

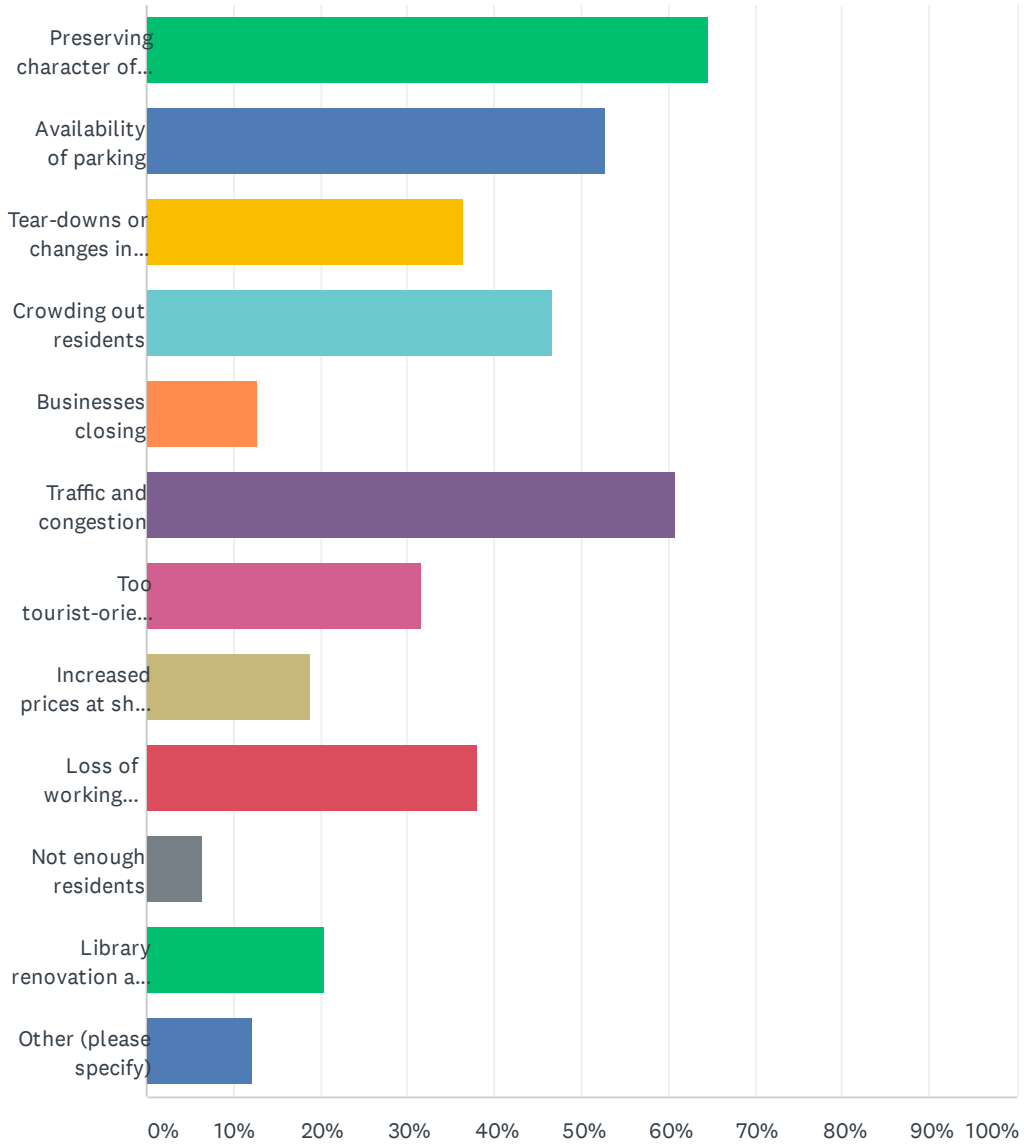
Foreside - Next Steps

72	Traffic flow ... balancing shipyard traffic	11/7/2018 8:54 PM
73	Boutique Hotel	11/7/2018 8:49 PM
74	Keep it local and consider expanding towards the High School and Gate 2 creating a more local vibe.	11/7/2018 7:39 PM
75	A little more density might support public transit, which would improve the Foreside greatly.	11/7/2018 7:07 PM
76	No more growth of the Foreside. The intersection of Walker and Wentworth is dangerous, the roads are horrendous and there is no parking.	11/7/2018 7:00 PM
77	None listed	11/7/2018 5:16 PM
78	Maintaining residential character with options for all income levels	11/7/2018 4:20 PM
79	More comercial fishing space	11/7/2018 2:43 PM
80	I want to be able to afford to live there, even with a full time job at local hospital it is half my income each month to pay rent.... C R A Z Y	11/7/2018 1:24 PM
81	Preserving character; keeping affordable housing	11/7/2018 1:19 PM
82	Greenspace to gather, playgrounds, public art	11/7/2018 1:14 PM
83	Keeping the small town/downtown charm,(no large multi floor buildings!) with some added green space and move food and retail options along Walker and Wentworth Street.	11/7/2018 1:02 PM
84	Improved sidewalks	11/7/2018 12:26 PM
85	parking	11/7/2018 12:19 PM
86	Nothing more	11/7/2018 12:07 PM
87	Fix the shipyard traffic issue. Station a patrolman at gate 2 for the afternoon rush.	11/7/2018 12:00 PM

Q6 What FACTORS are of CONCERN as you think about the FUTURE of the Foreside.

Answered: 608 Skipped: 15

Forside - Next Steps



Foreside - Next Steps

ANSWER CHOICES	RESPONSES	
Preserving character of Foreside	64.64%	393
Availability of parking	52.80%	321
Tear-downs or changes in older building facades	36.35%	221
Crowding out residents	46.71%	284
Businesses closing	12.66%	77
Traffic and congestion	60.86%	370
Too tourist-oriented	31.58%	192
Increased prices at shops and restaurants	18.75%	114
Loss of working waterfront	38.16%	232
Not enough residents	6.41%	39
Library renovation and expansion project	20.56%	125
Other (please specify)	12.17%	74
Total Respondents: 608		

Foreside - Next Steps

#	OTHER (PLEASE SPECIFY)	DATE
1	Fix walking signals that don't work in square	1/29/2020 6:45 AM
2	not enough parking for the shipyard, traffic for the shipyard is not prioritized. the shipyard is why kitty exists	5/30/2019 7:17 AM
3	no answer	12/2/2018 8:37 PM
4	no answer	12/2/2018 8:28 PM
5	Height and building design as well as the Rice Library addition. The original Rice Library should be kept intact outside and inside!	11/26/2018 9:06 AM
6	affordable housing need (4 story/2 units)	11/21/2018 12:40 PM
7	None listed	11/21/2018 11:17 AM
8	None listed	11/21/2018 10:28 AM
9	Shipyards congestion	11/21/2018 10:05 AM
10	None listed	11/21/2018 10:03 AM
11	Elderly housing	11/21/2018 8:14 AM
12	None listed	11/21/2018 8:09 AM
13	no answer	11/20/2018 9:33 PM
14	no answer	11/20/2018 9:29 PM
15	no answer	11/20/2018 9:18 PM
16	no answer	11/20/2018 9:14 PM
17	loss of green space and public water access	11/20/2018 9:11 PM
18	PNSY Traffic	11/20/2018 8:54 PM
19	no answer	11/20/2018 8:41 PM
20	too much town-gov meddling, esp nimbyism and over preservation of old stuff	11/20/2018 8:35 PM
21	no answer	11/20/2018 8:21 PM
22	Ugly high priced condos!	11/20/2018 5:31 PM
23	None listed	11/20/2018 5:25 PM
24	None listed	11/20/2018 5:24 PM
25	None listed	11/20/2018 5:09 PM
26	Library should be primary focus of parking	11/20/2018 5:06 PM
27	None listed	11/20/2018 4:39 PM
28	None listed	11/20/2018 4:30 PM
29	None listed	11/20/2018 1:51 PM
30	None listed	11/20/2018 1:38 PM
31	Keep library downtown	11/20/2018 11:10 AM
32	None listed	11/20/2018 8:22 AM
33	None listed	11/20/2018 8:18 AM
34	too many cars from the Shipyards	11/20/2018 8:14 AM
35	None listed	11/20/2018 8:08 AM
36	None listed	11/20/2018 8:03 AM

Foreside - Next Steps

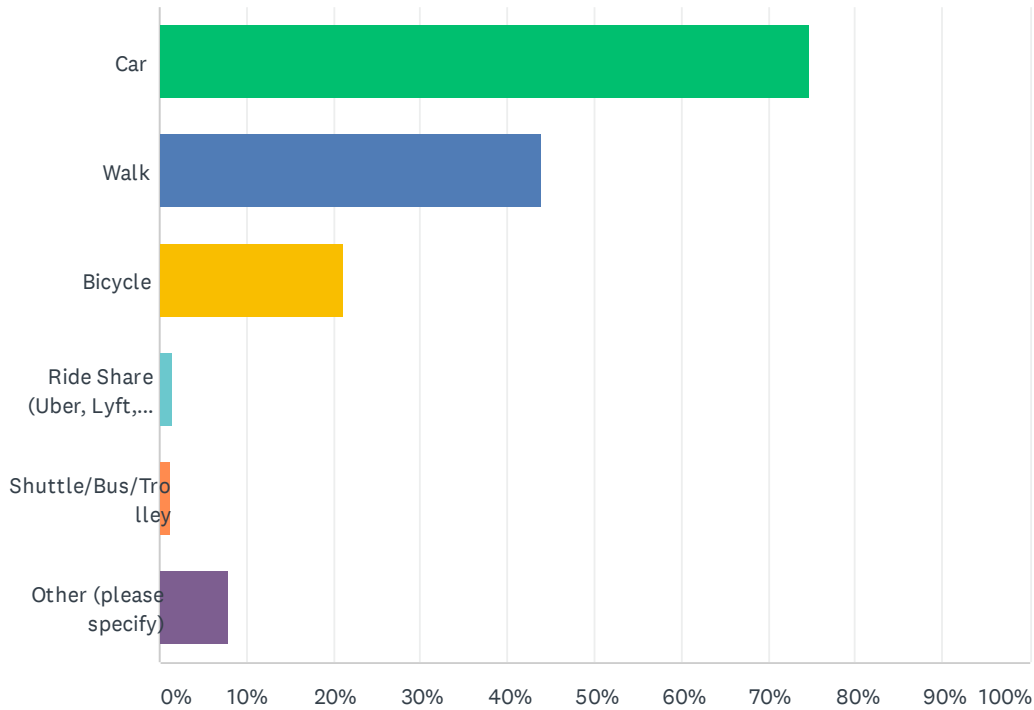
37	None listed	11/19/2018 5:54 PM
38	None listed	11/19/2018 5:18 PM
39	None listed	11/19/2018 5:05 PM
40	None listed	11/19/2018 3:46 PM
41	no answer	11/15/2018 9:42 PM
42	no answer	11/15/2018 9:04 PM
43	Affordable housing	11/14/2018 3:47 PM
44	The parking problem is overblown. I never have any problem finding parking. The traffic/congestion issue is even more overblown. Except for shift change at the Yard, we don't have a traffic/congestion problem. In fact, the opposite is true. Downtowns are supposed to be busy.	11/14/2018 9:54 AM
45	shipyard traffic management during peak hours	11/14/2018 8:42 AM
46	tax-funded subsidies for development, town government, zoning, and planning restricted development	11/13/2018 9:54 PM
47	no answer	11/13/2018 9:43 PM
48	housing becoming too expensive for young families	11/12/2018 9:10 PM
49	The quality of new businesses needs to be high to create a "special" place that rivals Strawberry Banke and Portsmouth, and in some ways duplicating the character and charm that drives millions of visitors to Portsmouth every year. Waterfront access is key as well.	11/10/2018 12:58 PM
50	shipyard activity	11/9/2018 4:24 PM
51	Rice rehab will be more of same	11/9/2018 1:55 PM
52	Bike safety, Bicycle lanes heading towards shipyard	11/9/2018 1:28 PM
53	Loss of open space, view, air flow, noise	11/9/2018 12:21 PM
54	Left turn signal needed at intersection of PSNY entrance near library	11/9/2018 10:28 AM
55	Marine businesses cannot relocate - they need the access to the water and the ability to ship product in and out.	11/9/2018 8:55 AM
56	Increasing housing prices	11/8/2018 9:41 AM
57	Pricing out residents - Portsmouth is too expensive for any young people	11/8/2018 7:42 AM
58	There really need to be a nice balance of tourism and working waterfront.	11/7/2018 8:56 PM
59	Public dock for boats to enjoy shops/restaurants	11/7/2018 8:52 PM
60	As a born native, I want kittery to stay "kittery"	11/7/2018 8:06 PM
61	I'd like to think we can preserve and IMPROVE character of the Foreside	11/7/2018 7:41 PM
62	We need a tree ordinance to prevent removal of large trees. Large trees are a central feature of pleasant neighborhoods. Several Foreside streets need more trees. Real estate values would go up and it would be a more pleasant area for both visitors and residents.	11/7/2018 7:10 PM
63	None listed	11/7/2018 5:16 PM
64	Prices going up	11/7/2018 5:03 PM
65	Lack of Work Force Housing	11/7/2018 5:01 PM
66	The Shipyard - the traffic and stress on the town.	11/7/2018 4:54 PM
67	I don't want the tourists " embedded" in Kittery. Reluctant to see housing go up in Kittery	11/7/2018 4:09 PM
68	As always a concern the traffic coming out of the shipyard keeps locals away!	11/7/2018 3:10 PM
69	Do not turn Kittery into Portsmouth	11/7/2018 2:01 PM

Foreside - Next Steps

70	We need to make sure there is SAFE public parking for new businesses being built	11/7/2018 1:25 PM
71	None given	11/7/2018 1:22 PM
72	Loss of affordable housing for long time/local residents	11/7/2018 1:20 PM
73	Sidewalks lengthened and widened	11/7/2018 12:26 PM
74	making kittery look too urban with new, 3 story building pressed up to the sidewalks as proposed along Rte 1.	11/6/2018 4:59 PM

Q7 What is your PRIMARY mode of TRANSPORTATION to and/or within the Foreside.

Answered: 608 Skipped: 15



ANSWER CHOICES	RESPONSES	
Car	74.67%	454
Walk	43.91%	267
Bicycle	21.05%	128
Ride Share (Uber, Lyft, etc.)	1.48%	9
Shuttle/Bus/Trolley	1.32%	8
Other (please specify)	7.89%	48
Total Respondents: 608		

Foreside - Next Steps

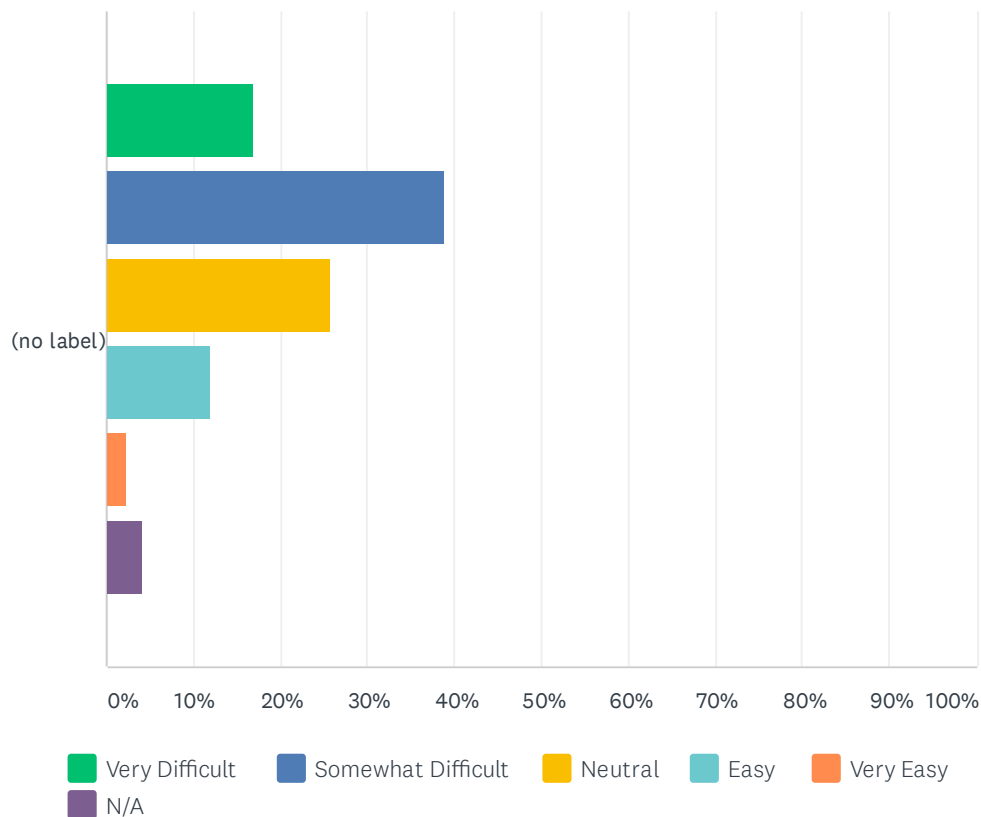
#	OTHER (PLEASE SPECIFY)	DATE
1	please make it more bike / walking friendly	11/11/2020 6:17 PM
2	segway	12/2/2018 8:56 PM
3	no answer	12/2/2018 8:37 PM
4	scooter	12/2/2018 8:30 PM
5	no answer	12/2/2018 8:28 PM
6	None listed	11/21/2018 10:28 AM
7	None listed	11/21/2018 10:03 AM
8	Scooter	11/21/2018 9:41 AM
9	None listed	11/21/2018 8:09 AM
10	no answer	11/20/2018 9:33 PM
11	no answer	11/20/2018 9:29 PM
12	no answer	11/20/2018 9:18 PM
13	no answer	11/20/2018 8:41 PM
14	no answer	11/20/2018 8:21 PM
15	None listed	11/20/2018 4:39 PM
16	None listed	11/20/2018 4:30 PM
17	None listed	11/20/2018 3:34 PM
18	Motor scooter	11/20/2018 3:23 PM
19	None listed	11/20/2018 1:51 PM
20	None listed	11/20/2018 1:38 PM
21	None listed	11/20/2018 11:53 AM
22	Walk in good weather	11/20/2018 11:19 AM
23	None listed	11/20/2018 8:22 AM
24	None listed	11/20/2018 8:18 AM
25	None listed	11/20/2018 8:08 AM
26	None listed	11/20/2018 8:03 AM
27	None listed	11/19/2018 5:54 PM
28	None listed	11/19/2018 5:06 PM
29	None listed	11/19/2018 3:46 PM
30	run	11/18/2018 8:06 PM
31	moped	11/16/2018 10:39 AM
32	no answer	11/15/2018 9:42 PM
33	no answer	11/15/2018 9:04 PM
34	wish there was a bus connecting the village to the foreside	11/15/2018 2:55 PM
35	I drive a car to get there, but Im happy to walk once I'm there. I absolutely do not need or want to park right next to my destination.	11/14/2018 9:56 AM
36	motorcycle	11/13/2018 9:59 PM
37	moped	11/13/2018 9:56 PM

Foreside - Next Steps

38	I live there	11/13/2018 9:35 PM
39	Scooter	11/9/2018 8:45 AM
40	Can also walk or bicycle.	11/8/2018 2:29 PM
41	drive and park once and walk around	11/8/2018 9:09 AM
42	Scooter	11/8/2018 4:35 AM
43	Depending on the amount of time I have	11/7/2018 7:41 PM
44	Scooter	11/7/2018 7:33 PM
45	I would LOVE public transit!!	11/7/2018 7:10 PM
46	None listed	11/7/2018 5:16 PM
47	Fly in my UFO	11/7/2018 5:03 PM
48	I would never ride a bike in this area due to the speed and heavy traffic.	11/6/2018 5:01 PM

Q8 What is your EXPERIENCE with FINDING PARKING in the Foreside?

Answered: 608 Skipped: 15

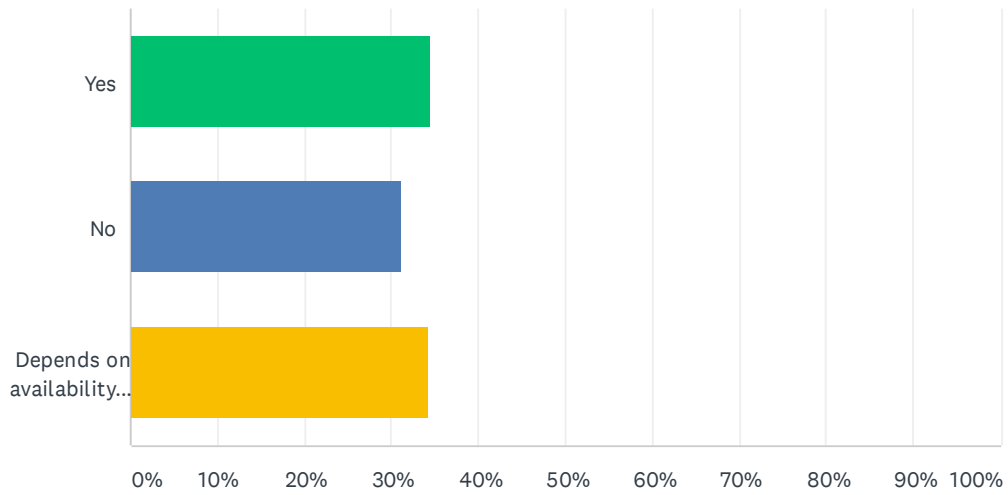


	VERY DIFFICULT	SOMEWHAT DIFFICULT	NEUTRAL	EASY	VERY EASY	N/A	TOTAL	WEIGHTED AVERAGE
(no label)	16.94%	38.82%	25.82%	11.84%	2.30%	4.28%	608	2.57
	103	236	157	72	14	26		

Q9 Would you consider taking a SHUTTLE or TROLLEY to the Foreside?

Answered: 608 Skipped: 15

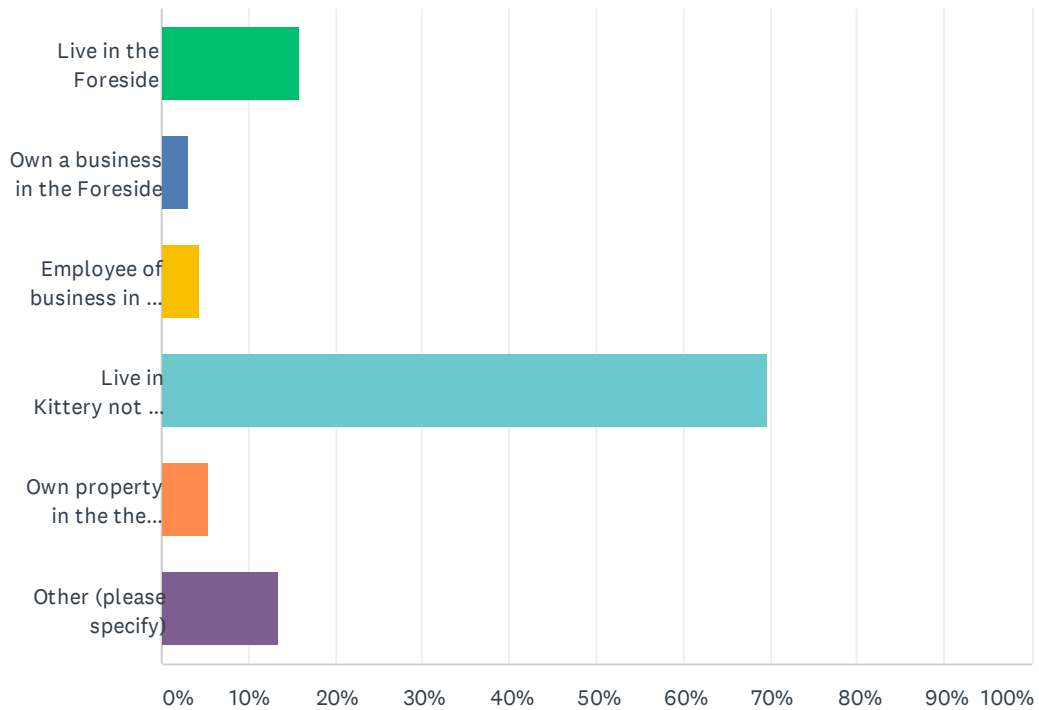
Forside - Next Steps



ANSWER CHOICES	RESPONSES	
Yes	34.54%	210
No	31.09%	189
Depends on availability and schedule	34.38%	209
TOTAL		608

Q10 Which BEST DESCRIBES you? (Select all that apply)

Answered: 607 Skipped: 16



Foreside - Next Steps

ANSWER CHOICES	RESPONSES	
Live in the Foreside	15.82%	96
Own a business in the Foreside	3.13%	19
Employee of business in the Foreside	4.45%	27
Live in Kittery not in the Foreside	69.69%	423
Own property in the the Foreside	5.44%	33
Other (please specify)	13.34%	81
Total Respondents: 607		

Foreside - Next Steps

#	OTHER (PLEASE SPECIFY)	DATE
1	unmonitored traffic speeding	1/29/2020 6:46 AM
2	Live in Kittery Point	8/29/2019 8:25 AM
3	frequent visitor	7/31/2019 10:59 AM
4	Live in Kittery Point	6/13/2019 5:25 PM
5	shipyard	5/30/2019 7:17 AM
6	appraiser	4/17/2019 3:43 PM
7	Renter who would like to buy	1/2/2019 12:24 PM
8	Artist/Studio at Art of Hill	12/5/2018 4:06 PM
9	walk thru Foreside for work	12/2/2018 8:57 PM
10	no answer	12/2/2018 8:37 PM
11	no answer	12/2/2018 8:29 PM
12	regular visits to Foreside area	11/21/2018 12:41 PM
13	live in Kittery Point	11/21/2018 11:12 AM
14	Kittery Point - support all business in the Foreside	11/21/2018 10:30 AM
15	None listed	11/21/2018 10:29 AM
16	Gerrish Island	11/21/2018 10:27 AM
17	live in Kittery Point	11/21/2018 10:25 AM
18	None listed	11/21/2018 10:03 AM
19	Kittery Point	11/21/2018 9:20 AM
20	None listed	11/21/2018 8:09 AM
21	no answer	11/20/2018 9:33 PM
22	would like office space	11/20/2018 9:31 PM
23	no answer	11/20/2018 9:29 PM
24	no answer	11/20/2018 9:19 PM
25	Live by close by	11/20/2018 9:07 PM
26	no answer	11/20/2018 8:41 PM
27	no answer	11/20/2018 8:22 PM
28	None listed	11/20/2018 5:35 PM
29	Need sidewalk from Kittery Point to Foreside!	11/20/2018 5:07 PM
30	None listed	11/20/2018 4:39 PM
31	None listed	11/20/2018 4:31 PM
32	None listed	11/20/2018 1:58 PM
33	None listed	11/20/2018 1:55 PM
34	None listed	11/20/2018 1:39 PM
35	None listed	11/20/2018 11:53 AM
36	1 mile away	11/20/2018 11:19 AM
37	None listed	11/20/2018 8:22 AM

Foreside - Next Steps

38	None listed	11/20/2018 8:18 AM
39	None listed	11/20/2018 8:09 AM
40	None listed	11/20/2018 8:03 AM
41	None listed	11/19/2018 5:55 PM
42	None listed	11/19/2018 5:08 PM
43	None listed	11/19/2018 5:06 PM
44	live in Kittery Point	11/19/2018 5:03 PM
45	Live in Kittery, but not sure where the Foreside starts and ends.	11/19/2018 3:53 PM
46	Sister lives there	11/19/2018 3:48 PM
47	None listed	11/19/2018 3:46 PM
48	Live 15 minute walk from foreside. Very concerned about us not becoming Portsmouth.	11/16/2018 10:41 AM
49	no answer	11/15/2018 9:42 PM
50	PNSY Employee	11/15/2018 9:13 PM
51	Kittery Point	11/15/2018 9:10 PM
52	no answer	11/15/2018 9:04 PM
53	live up the street	11/13/2018 10:21 PM
54	Live in first home in South Eliot and own two homes in the neighborhood	11/13/2018 6:16 PM
55	Commercial mooring holder that is located in back channel.	11/12/2018 5:37 AM
56	Live close	11/11/2018 9:40 PM
57	visitor	11/11/2018 12:27 PM
58	live in kittery point	11/11/2018 8:25 AM
59	Live in first home in South Eliot and own two homes in the neighborhood	11/10/2018 12:59 AM
60	Abutting town resident	11/9/2018 4:16 PM
61	previous member of Foreside Design Review Committee	11/9/2018 12:23 PM
62	Kittery property owner	11/9/2018 7:47 AM
63	Shipyards employee, used to live in Foreside, rent parking in Foreside	11/8/2018 11:30 AM
64	Live in downtown Portsmouth - looking to move to Foreside	11/8/2018 9:43 AM
65	Live in Eliot, 2 sons live in the foreside, husband works at shipyard. I work in Kittery	11/8/2018 4:37 AM
66	Own in Kittery	11/7/2018 10:08 PM
67	Former resident disgusted in Kittery	11/7/2018 9:42 PM
68	Eliot residents that love the Foreside.	11/7/2018 8:58 PM
69	Live on the Back Channel	11/7/2018 8:54 PM
70	Homeowner but not primary residence	11/7/2018 8:32 PM
71	Who started calling it the Fireside anyways!	11/7/2018 8:07 PM
72	Live on border of Eliot and Kittery	11/7/2018 8:02 PM
73	Frequent visitor to Foreside restaurants.	11/7/2018 8:01 PM
74	Live in Kittery Point not in the Foreside	11/7/2018 7:02 PM
75	None listed	11/7/2018 5:17 PM

Foreside - Next Steps

76	Williams Ave	11/7/2018 5:01 PM
77	Own property in Kittery not in foreside	11/7/2018 4:32 PM
78	Kittery Point resident	11/7/2018 4:10 PM
79	Visitor	11/7/2018 3:57 PM
80	Eliot Resident	11/7/2018 3:23 PM
81	Used to work in Foreside	11/6/2018 2:52 PM

Q11 Is there anything else you'd like to share about the future of the FORESIDE?

Answered: 148 Skipped: 475

Foreside - Next Steps

#	RESPONSES	DATE
1	More is not always better! Need to work on existing unaddressed issues for future to also succeed or life long residents will all migrate out of Kittery and Kittery will lose its age old charm.	1/29/2020 6:48 AM
2	more public space, sustain the working waterfront, DO NOT let it become too precious and expensive like portsmouth	1/11/2020 6:18 PM
3	I just want to be able to park my car or secure my bike close to the restaurants if I can't walk for any reason. I hate parking near way down near Main St to get to Lil's.	9/4/2019 6:57 AM
4	The Foreside is very tourist focused and is almost completely unusable by residents in spring, summer, and fall. Parking is almost nonexistent at most times of day.	9/4/2019 6:45 AM
5	Make the streets one way	8/29/2019 8:25 AM
6	The shipyard provides huge economic benefits we need to find ways to accommodate the transportation needs of workers, residents and visitors. Its a hard problem to solve with no simple solutions but it MUST be done.	8/15/2019 10:16 AM
7	no	7/31/2019 10:59 AM
8	We need parking for the shipyard. Period. It is a matter of national defense. Stop being selfish and support America and provide parking to the shipyard.	5/30/2019 7:18 AM
9	Would like to see public space, waterfront park and playground. Walk / bike paths	1/16/2019 9:08 AM
10	Should be a residential area with working waterfront - not promoted as a destination	1/2/2019 12:25 PM
11	I used to live in the Foreside, about 11 years ago. I now am frustrated at times with the parking, but do not want to see anything torn down. Well, anything historic and lovely. I don't like the paid parking lot (where I used to live) and hope Kittery does not start requiring paid parking. Finding unused space (behind Town Pizza?) for parking would be ideal. I am a huge supporter of our amazing little restaurants!	12/13/2018 9:23 PM
12	There should be live/work spaces for artists. As in Boston a certain percentage of every new building must be allocated to artists.	12/5/2018 4:06 PM
13	limited permit parking for residents to park on street without getting tickets	12/2/2018 8:35 PM
14	I love the Foreside	12/2/2018 8:23 PM
15	Rent control is a good idea. Need housing for low income.	11/21/2018 11:35 AM
16	Due to size and footprint of the Foreside, it is difficult to reconfigure while protecting Foreside residents.	11/21/2018 10:19 AM
17	Thank you for your consideration.	11/21/2018 10:12 AM
18	Thank you for doing this!	11/21/2018 10:11 AM
19	Ensure safe walking to Foreside and around Town. Sidewalk available, across and in good condition. Better way to get Shipyard traffic in and out and ensure they obey traffic lights.	11/21/2018 8:15 AM
20	keep character no big condos hotels	11/20/2018 9:26 PM
21	Library is great, love new development	11/20/2018 9:21 PM
22	I preferred Kittery when I bought my house 30 years ago	11/20/2018 9:08 PM
23	don't need anymore gift shops	11/20/2018 8:53 PM
24	please keep its character and get some affordable housing	11/20/2018 8:49 PM
25	we can balance becoming a destination without losing our character	11/20/2018 8:24 PM
26	I don't want what happened to Portsmouth happen to Kittery	11/20/2018 8:17 PM
27	Affordable housing is so important. We don't need any more expensive condos. Encouraging walking and community gathering outdoor space.	11/20/2018 5:32 PM
28	Look at adjacent areas/neighborhoods to support/add to Foreside!	11/20/2018 3:33 PM

Foreside - Next Steps

29	There's a great deal of history in this area. I'd like to preserve it. Why could we not reexamine locating the Rice Library to the KCC? The Rice Building would make a great museum.	11/20/2018 3:23 PM
30	Thank you for the cognizance.	11/20/2018 3:18 PM
31	Shipyards traffic is too hard on residents on Government Street. Shipyards parking MUST BE ADDRESSED!	11/20/2018 11:47 AM
32	Thanks for everyone's effort to keep the Foreside, the Foreside.	11/20/2018 11:46 AM
33	Need public transportation for seniors & others.	11/20/2018 11:23 AM
34	Again - climate change! And let's not try to push an elephant through a mouse hole. Smart growth please, so we don't pay for it later. Think larger than benefits, not immediate. Thank you!	11/20/2018 11:17 AM
35	We need a concerted effort to make a long term plan (50 years) that controls density, height of buildings, etc.	11/20/2018 8:41 AM
36	Don't want to have to pay for parking.	11/20/2018 8:27 AM
37	Shipyards causes too much traffic without giving back to town.	11/20/2018 8:15 AM
38	Currently I think it's at the perfect balance - 5/6 restaurants, meat, Lil's etc. To focus on folk would be nice but then the concern becomes ADDITIONAL visitors. I like it because it's not crowded Portsmouth, so anything would effect that balance.	11/19/2018 5:53 PM
39	Love it! Love the Rice Library Building - favor a renovation/addition.	11/19/2018 5:50 PM
40	Can't wait for the park down Woodlawn to be finished/open.	11/19/2018 3:54 PM
41	Don't like expensive paid parking in bank lots that should be free to local residents who bank there and support all the businesses here!	11/19/2018 3:50 PM
42	A trolley schedule to/from Portsmouth could be beneficial to bringing visitors in with less impacted parking. Along with a bike share.	11/19/2018 3:45 PM
43	I love Kittery Foreside and I appreciate changes here - much for the better. I don't, however, want it to get too congested or high priced so that people can't afford to live here.	11/19/2018 3:27 PM
44	Keep it local	11/19/2018 3:24 PM
45	Like the small town vibe of the Foreside as is, but some additional business would help to keep the current businesses vibrant. Don't let parking drive the thinking. When a lot more parking is needed, the area has probably grown as much as it should.	11/18/2018 12:27 PM
46	We absolutely must preserve the intimate, local-centric atmosphere of Kittery Foreside. We are Maine's oldest town, and should take to heart the history and responsibility that bestows on us all. We absolutely cannot become the hotel-ridden, congested, commercially overdriven cesspool of tourist zombies, that Portsmouth has become.	11/16/2018 10:47 AM
47	keep the Foreside small-business oriented. Keep out motels, chains, tourist traps and big building projects	11/15/2018 9:39 PM
48	please be mindful of development and Kittery's history/historic properties	11/15/2018 8:57 PM
49	Please realize the importance of affordable housing, giving people the option to work AND live in our town.	11/15/2018 8:41 PM
50	It would be nice to have some tourism/sightseeing connected to the working waterfront such as having water taxis, lobstering tours, or tours up and down the river and out to the Isles of Shoals.	11/15/2018 3:22 PM
51	Dangerous for pedestrians and bicyclists the way cars park in the area of Lil's , etc especially during Navy Yard traffic. Too congested with poor visibility for cars. Make that area car free?	11/15/2018 7:55 AM
52	Looking forward to library renovations	11/14/2018 2:06 PM
53	Do something about the traffic from the Yard, it creates a perception that there is traffic & congestion when most of the day that's just not true. Don't give in to people whining about parking. I've never had a problem because I'm not concerned about walking a few blocks, no matter the weather. Create a few drop off/pick up zones & place a few handicapped spaces	11/14/2018 10:10 AM

Foreside - Next Steps

around for the people that need it. Having people walk from centralized parking is good for business. Places like Belfast & Camden manage parking that way. And find a way to get the public down to the water.

54	I am excited about the planned sidewalk and light improvements	11/14/2018 8:43 AM
55	need more parking, less traffic congestion	11/13/2018 10:26 PM
56	i like the trolley perhaps up/down Rte 1(outlets to Foreside) parking is a problem, but if public transportation is better cars are less necessary, therefore parking less necessary. This is good for the individual and society	11/13/2018 9:58 PM
57	I don't want to see it overbuilt like Portsmouth has become.	11/13/2018 10:27 AM
58	I'd love to see more green space, playgrounds, walking trails. Thank you!	11/12/2018 9:12 PM
59	Keeping it quaint and available to residents. Be nice to have a waterfront park.	11/12/2018 6:57 PM
60	Just add more green space, benches, dress up the town dock a little (like by Harbour Place in Portsmouth) but parking is fine... forces more people to considering walking, which is a good thing! :)	11/12/2018 11:48 AM
61	Restaurants are too expensive and upscale.	11/12/2018 10:46 AM
62	We don't need outside developers telling us how to make OUR town a better place. ALL THEY WANT IS \$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	11/12/2018 6:40 AM
63	Need to expand working waterfront for commercial fishermen. I have a mooring that is practically useless as there is no place for a dinghy or parking places for a full day. Perhaps create a foreside parking sticker for commercial mooring holders so we can park on the street beyond posted hour limits. Town dock is too small, only spots enough for 2 trucks (or 1 with trailer), no dinghy float. Parking in foreside during day is a nightmare, never any spots, feel like employees at businesses shuffle their cars around all day and take up the spots.	11/12/2018 5:44 AM
64	Change zoning to allow more multifamily like the old days	11/11/2018 9:40 PM
65	thanks for the survey.	11/11/2018 12:28 PM
66	Be careful about selling out our town to those from away who just want to make a buck...try to keep things the way they are, not necessarily the same...but make sure we don't become portsmouth	11/11/2018 11:15 AM
67	Don't spend any public money on the "Foreside"; since it's mostly upper scale oriented, in the next downward economic cycle, it will be a ghost town again. Only the bar/pool hall will survive.	11/11/2018 10:17 AM
68	I just left Portsmouth where I had lived for the last 40 years. Please do not follow their footprint.	11/11/2018 6:50 AM
69	It's already so small and cramped and near impossible to get a parking space when you want one. Just that alone, if more spaces were available, I'd go there more often. There's not enough room for the businesses/residential in that area. Not sure how anyone expects to add more. Where?	11/10/2018 3:24 PM
70	We must highlight the history of this area. We have done a poor job of promoting our town. Old homes need to be restored and recognized with dates and calling out the historic residents who came before us. New restaurants, shops and businesses must be carefully approved so we don't end up with a bunch of "honky tonk" low-end businesses that don't entice people to the village and the area. Parking must be improved and/or created like at the town dock, bank parking lots, Birch, library, etc. Sidewalks enhanced, bike and walking paths created and at the same time charm designed in. On the subject of proper side walks and walking paths, I would give up portions of my lot to allow visitors to see the cemetery behind my home, or allow folks to have a real bike path. We need to ask residents for similar support in giving up slivers of their property for the public good. (I own the home next to Tulsi which has been under renovation for two years). I live between California and Maine now. One day, I would like to live in Foreside more. I would like to be part of the planning committee if interested in my ideas. 619-993-2123. Kris	11/10/2018 1:11 PM
71	Finding the right balance of commercial and residential use is important. Preserving architecture is important as well. Planning for potential impact of climate change, encourage	11/10/2018 10:26 AM

Foreside - Next Steps

	renewable energy sources and promote pedestrian and cycling options for getting around town.	
72	I would love to see the traffic to the shipyard restricted. Example: entrance and exiting on 103 and Government Streets ONLY. Whipple Road is like New England drag way early morning and late afternoon. Speeding is a huge issue in town.	11/10/2018 10:03 AM
73	Please be thoughtful and continue to asking residents what they want. Important to hear from the younger members of the community as well.	11/10/2018 9:15 AM
74	Great work on the Kittery Foreside Study; it's a very well-thought through document that balances the interests of many parties while keeping an eye on the future. Thank you.	11/9/2018 6:50 PM
75	traffic patterns	11/9/2018 4:25 PM
76	Simple quaint towns are gems. Keep it that way and make Navy Yard workers ride buses/ shuttle in and out because they mess up traffic all the way to Dover and Berwick- you have to fight to get on 236! Lights at Navy Yard entrance so others can get to their destinations as well!	11/9/2018 4:19 PM
77	Good Luck! Thanks for your hard work!	11/9/2018 3:51 PM
78	Please add more residential housing such as apartments, there is not enough housing in kittery	11/9/2018 2:56 PM
79	Must remember that Foreside area much larger than commonly known.. State to shipyard, Warrens to Whipple to Rogers	11/9/2018 1:58 PM
80	Bicycle safety. If you aren't going to put in a bike lane, atleast paint a strip down the side in green with the picture of a bike so people are atleast aware of the potential of bicycles around them. Too many quick moves and no blinkers by drivers in the area.	11/9/2018 1:42 PM
81	Kittery is charming b/c it's wonky, and not perfect, and eclectic. Becoming mini-Portsmouth should never be allowed to happen. Work on growing the business park to mixed use-- affordable housing, stores, etc. FIX THE SHIPYARD AFFECT ON TRAVEL IN TOWN. It is terrible. Mandate that they use 500 buses a day from satellite lots in Dover, Berwick, etc. A 9000 person town cannot handle a 5000 person influx with their vehicles. Terrible planning. No growth in town until that is resolved.	11/9/2018 1:41 PM
82	Maintain the character, diversity, and open spaces.	11/9/2018 12:24 PM
83	Leave it the way it is we are not Portsmouth.	11/9/2018 12:15 PM
84	Steps need to be taken to slow the gentrification of Kittery as a result of the developing foreside.	11/9/2018 10:32 AM
85	I would love to see more affordable housing options in the Foreside	11/9/2018 9:47 AM
86	Cannot emphasize enough the importance of the working waterfront access and the need for planners/developers to understand that our operations are an important fabric of the community, tourism, and the Maine economy.	11/9/2018 8:56 AM
87	no	11/9/2018 7:47 AM
88	Let's not turn our downtown into a smaller version of Portsmouth. Let's keep it simple. There are plenty of businesses there now and a severe lack of parking. We don't need a hotel down there, we need more parking for what is already there and those businesses would do better than what they are doing now. When you live in town and cannot go to the Foreside because you cannot park anywhere near that area it is a deterrent. And I love the area, but refuse to drive around looking for somewhere to park in my own little town. We deal with enough traffic all summer and every day with the shipyard that we shouldn't have to deal with parking. Fix that and those businesses will flourish.	11/9/2018 7:37 AM
89	Thus far the town has done a good job beautifying and developing businesses in the Foreside. So much so that I as a Kittery resident find it crowded with tourists when I would like to use it.	11/9/2018 2:41 AM
90	I like to see it become 'the center of town', a place all residents regard as the business and cultural heart of Kittery.	11/8/2018 9:21 PM
91	The best thing you could do would be to move the library to the Kittery Community Center, convert the Rice Building to a different use such as an art gallery or naval museum and free up the area designated for library expansion to parking.	11/8/2018 5:10 PM

Foreside - Next Steps

92	This probably isn't the type of comment you're looking for and maybe I'm thinking of this because of the time of year. However, the holiday decorations and Tree lighting need a facelift. Our Tree in JPJ park is pretty pathetic. We have a fantastic downtown area and it should be used more for the holiday season. Or the tree in the park needs to be better!	11/8/2018 3:42 PM
93	Ideally it should be conducive to walking and cycling.	11/8/2018 3:04 PM
94	Don't copy and clone Portsmouth.	11/8/2018 2:30 PM
95	Do not turn it into overpriced, overcrowded, over-cute, nauseating Portsmouth. Leave it alone.	11/8/2018 10:16 AM
96	Housing prices and options are #1 concern. I lived in Kittery before and I want to move back. Unfortunately, I'm priced out of both Portsmouth and Kittery and will have to move elsewhere soon. The efforts to enhance the Foreside sound great - try not to get TOO big. It's almost perfect the way it is now.	11/8/2018 9:46 AM
97	We usually always park on Walker Street where there is usually plenty of parking available. One issues in winter is poor street lighting in certain places along this street and owners not always shoveling their sidewalks. These issues should to be improved and would help greatly with the Foreside parking issue.	11/8/2018 9:14 AM
98	It is one of the reasons we choose to move to Kittery in 2016 from another State. It is vibrant and has a few great restaurants and shops. Needs a inn/hotel.	11/8/2018 8:07 AM
99	If we allow the same businesses (chains like fathead) in the nearby small cities to also come to Kittery, there will be nothing unique about its character. We can't follow in Portsmouth's steps and cater to the rich - those aren't the people who are actually here to shop and eat and you'll price out the towns actual population in the hopes rich tourists will come. Reality is it's those looking for a cheaper vacation who come to tiny places like this. And please try not to make this town a caricature of a small beach town - it's already got character. That tacky arch in Portsmouth makes the city feel inauthentic.	11/8/2018 7:48 AM
100	Keep luxury condos and boutique hotels out!! It's not the place for them. Enough tourists come as it is, don't become Portsmouth.	11/8/2018 5:33 AM
101	Keep it small, quaint.	11/8/2018 4:37 AM
102	The shipyard is such a huge part of the problem and needs to be part a the solution. Employees should be incentivized to park in satelitte lots and take shuttle buses to and from the yard	11/7/2018 10:58 PM
103	Perhaps closing the street to pedestrians only for more community space.	11/7/2018 10:45 PM
104	Preservation as a gathering place, but not intended for heavy vehicle traffic. Improved and safer. vehicle access and egress for the Shipyard.	11/7/2018 10:40 PM
105	The lack of easy parking options makes it difficult to visit the Foreside.	11/7/2018 10:36 PM
106	No	11/7/2018 10:09 PM
107	Stop changing things to make the greedy massholes happy. Portsmouth is no longer a working person town. It's all rich snobs. So let's ruin kittery....Disgusting!!!!	11/7/2018 9:43 PM
108	Parking is important, right in Foreside not up near Warren's.	11/7/2018 9:22 PM
109	Your biggest limiting factor is look at vehicle accessibility, parking, and traffic flow. If there a dependable places for people to park more people come to the Foreside.	11/7/2018 8:59 PM
110	Love the restaurants and specialty shops. Keep the quaint look of the Foreside.	11/7/2018 8:56 PM
111	Cool resturaunts! Lack of parking sends me elsewhere.	11/7/2018 8:09 PM
112	Closing roadways to public access because folks don't like the increase is not a good plan. If they don't like increased traffic move. We all pay for the public roads . As the area grows so will increased traffic.	11/7/2018 8:09 PM
113	Leave it alone!!	11/7/2018 8:05 PM
114	It is fabulous. Please continue to develop with extreme care.	11/7/2018 8:02 PM
115	I am concerned by the suggestion in section 5.3.1 to make Route One 2-way on Newmarch	11/7/2018 7:53 PM

Foreside - Next Steps

Street. This could have a devastating impact on the existing Foreside businesses and send this traffic right up Route One. It would also take away from the "small town character" that one feels from driving on either side of a "peaceful" park as you enter and exit Kittery to and from downtown Portsmouth. It may make more sense to reestablish the left turn lane from Hunter Ave to Route One North. Please do not make Newmarch 2-way. Adding parking for the park on Hunter would easily be eaten up by a single business and potentially harm the beautiful, mature trees along Hunter Ave.

116	No	11/7/2018 7:26 PM
117	People are ridiculous to expect parking just outside a restaurant or shop (other than 15 min parking for elderly or loading). People enjoy urban/village areas because they are walkable. More parking means less walkable, less trees, less activity. More of the parking should be pushed out to the edges of the Foreside. We should also be notifying neighbors and the larger community when builders plan to gut or demolish older buildings. By the time people see the work happening, it is too late. The town character is at risk. We need a historic district/commission/ordinance.	11/7/2018 7:14 PM
118	Better traffic management for the Shipyard traffic. It's outrageous on Government st and something (I don't know what) needs to be done. Off site parking with shuttle into the Yard maybe. The congestion of traffic and the fumes from the cars seeping into the windows in the mornings from the traffic is sickening never mind the noise.	11/7/2018 6:41 PM
119	Paid parking is bad	11/7/2018 6:01 PM
120	Would like it to stay close to how it is now... preserve the character it has without pushing out those who have always been and gone there.	11/7/2018 5:41 PM
121	Shipyard traffic is so difficult! Today, the gate was backed up and so no one could turn in from Government Street and I couldn't turn right at the library.	11/7/2018 5:28 PM
122	Too crowded!!	11/7/2018 5:08 PM
123	There has been a tremendous amount of effort put into improving the Foreside, all excellent. Many people are owed major kudos for their time and thought. I think there is too much Portsmouth Bashing. Granted they have their issues but they are our neighbor and a little more focus on what they have done right would benefit all who are striving to make Foreside a great place to live.	11/7/2018 4:55 PM
124	Idea for general concept.... Consider promoting zoning that will encourage the formation of another town "center" in the vicinity of the intersection of Walker St. and State Rd. It is a convenient walk between there and the foreside. Traffic should be encouraged to concentrate at Walker/State with retail/entertainment/dining. Pedestrian traffic (or small electric shuttle - ie. large golf cart) should be encouraged from there to the more quaint, historical foreside area.	11/7/2018 4:39 PM
125	Keep the structures that are there. Finish library and utilize all green spaces!	11/7/2018 4:32 PM
126	I'm concerned about the kind of development that's happened in Portsmouth (hotels, high end housing) spilling over into the Foreside and pushing out residents. I want a neighborhood that welcomes shipyard families and people who live on low incomes. I want a town that does not kowtow to developers.	11/7/2018 4:30 PM
127	I'd hate to see a marijuana retail shop in the foreside.....maybe put one down near the porno shop by the dump :)	11/7/2018 4:11 PM
128	Please plan for the long term future, not just immediate needs.	11/7/2018 3:40 PM
129	Fix the traffic coming out of the shipyard.You could sit at the light for 10 min.	11/7/2018 3:11 PM
130	Don't tear down older buildings and become another Portsmouth.	11/7/2018 3:06 PM
131	Be careful to not over do it. Look at what's happened to Portsmouth in the past ten years - it has no character now. The redevelopment is so bland and ugly.	11/7/2018 2:21 PM
132	I think water front access would be great - both from exploring the water from the foreside but also accessing the foreside from the water - after kayaking or boating get lunch, a coffee, etc.	11/7/2018 1:39 PM
133	We love the area, we live in Kittery Point and my boyfriend works on the shipyard. Great close place to go for dinner. Too crowded on the weekend and around 4 when shipyard gets out it's hectic! The light makes you wait a long time and is dangerous for turning cars.	11/7/2018 1:27 PM

Foreside - Next Steps

134	Pursue growth with a truly open mind.	11/7/2018 1:19 PM
135	it is not the only game in town:)	11/7/2018 1:16 PM
136	Let the next focus be on the Kittery mall area. For the past 20 years the direction of the malls has been for commerce and commercialism. The gem of Kittery North is Spruce Creek though the way traffic is geared it is only but a glance. If a walking trail encircled the mall area, a tunnel under 101 between KTP and info center as well as a pedestrian crossing over Spruce Creek.	11/7/2018 1:14 PM
137	What ever is done should reflect the character of town, not commercialization. It should be a destination for food and entertainment (Dance Hall) and have adequate areas to be outdoors.	11/7/2018 12:57 PM
138	I just love the way it has been developed in recent years. So much more lively and exciting than in recent years. I look forward to the library restoration as a part of all the new development	11/7/2018 12:38 PM
139	Improve side walks on Government and Walker streets.	11/7/2018 12:26 PM
140	More policing of parking problems in the foreside. I don't think any parking plan can be enforced without monitoring.	11/7/2018 12:22 PM
141	To much congestion. Enough is enough already!	11/7/2018 12:08 PM
142	Off street parking in front of residential buildings needs to be more then 1 hour	11/7/2018 12:08 PM
143	No inns or hotels please.	11/7/2018 12:06 PM
144	We do not need a Hotel!!!	11/7/2018 11:59 AM
145	Leave it as is. This isn't Mass.	11/7/2018 11:59 AM
146	The one hour parking in the residential streets makes no sense. Family visits and care givers need more than one hour. This is a quality of life issue.	11/7/2018 11:57 AM
147	Keep it small & quaint - full of character and small businesses!	11/6/2018 2:53 PM
148	I would like to see it stay pretty much the same. You will ruin the character of the very small Foreside. No condos, no more shops, use existing spaces!	11/6/2018 2:00 PM

TAYLOR - Center for kids with nowhere to go

**Rice Public Library
Comment Cards**

Kittery Block Party
June 15, 2019

Please take a few minutes to share your thoughts about this project.

General Comments

create a pedestrian bridge between the Taylor & the old GORGEOUS rice building

Library and Community - Please let us know some of the ways you use the library. What particular services or programs do you find important or engaging?

this structure would house a cafe / coffee shop

Historic Buildings - Please share which aspects of the historic building you find most significant.

Taylor could be kitchen

The Modern Library - Are there any particular services or programs you would be interested in seeing the library accommodate?

employ the teens for cafe

Name of CAFE THE 4th BRIDGE

Please feel free share any impressions, concerns, or questions with us at info@simonsarchitects.com



scott simons architects

designed for human potential

Scenic moneymaker



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

Turn into a clearing house for
housing. Use as a bus stop to
bring people to Ship yard. Put
bus stops @ Kittery Mall + Eliot Mall
+ Portsmouth C&J. Have housing
options. Ride board- Need Ride
on Seab + Seab to place.



RICE PUBLIC LIBRARY



PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).

Before going ahead with
design plans, insure that the
Director + Staff of Rice Public
Library learn + do treat the
Public with respect and
true considerations!
AND USE SOLAR lighting



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

sell childrens library to
raise \$ for new -

try to incorporate the
archtop in existing building
into new building windows -



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

Put the library in the
Community Center

Re purpose the building
and parking lot →



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

Why not a library



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

Please please convert
Taylor to a teen/6-12th
space. Feel free to
contact me. ♥

Noelle Grattan

nellegrattan@gmail.com



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

*Send it to the
Kittery Art Association
& create a public
art space!*



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

Remove it + make a
park WITH PARKING, so
you could eliminate the
16 parking spaces to
the left of the old
library



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

I'd like the town to sell
the Taylor Bldg. and put all
the proceeds into the
Library



RICE PUBLIC LIBRARY



PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).

It is my recommendation
that the Taylor Building
be sold and the monies so
forwarded funding the library
addition 😊

Cardi Forbes, 31 Mill Pond Rd



RICE PUBLIC LIBRARY



PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).

We wish there had been a
good library but we like this
plan even though it is costing
us more. The library project
is so long needed. The town
deserves a quality library space.
Long long overdue.
Barbara Prentiss Dickerson.
Go forward w/ haste.



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

*Build a park where the
old library is.*



RICE PUBLIC LIBRARY



**PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).**

Sell it to the
highest bidder who
has a decent concept
(no pot shop)



RICE PUBLIC LIBRARY



PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).

Whatever makes you the most \$.

No attachment to the building
so if ~~it is~~ torn down - ok!



RICE PUBLIC LIBRARY

Rice Public Library
Comment Cards

Kittery Block Party
June 15, 2019

Please take a few minutes to share your thoughts about this project.

General Comments

Regarding the new design — I feel
it does not fit with the historic
Rice Bldg

Library and Community - Please let us know some of the ways you use the library. What particular services or programs do you find important or engaging?

Historic Buildings - Please share which aspects of the historic building you find most significant.

This is one of the most beautiful buildings
in our town — the design ~~is~~ of a "wall of
glass" into a plain square brick building
detracts from the Rice Building

The Modern Library - Are there any particular services or programs you would be interested in seeing the library accommodate?

I went on-line and viewed ~~of~~ this
companies other works — all very
modern — who hired these architects?
Not that their work won't work elsewhere

Please feel free share any impressions, concerns, or questions with us at info@simonsarchitects.com

But really — they are ruining ~~the~~
Rice's Gothic
beauty

scott simons architects

designed for human potential



PLEASE SHARE YOUR THOUGHTS ON THE
FUTURE OF THE TAYLOR BUILDING AND SITE
(IF NO LONGER USED AS A LIBRARY).

Homeless shelter ~

Low income housing ~

Non-profit community outreach etc ~
"Soup kitchen" ~



RICE PUBLIC LIBRARY



PLEASE SHARE YOUR THOUGHTS ON THE FUTURE OF THE TAYLOR BUILDING AND SITE (IF NO LONGER USED AS A LIBRARY).

Turn it into a private business - A coffee and book cafe



RICE PUBLIC LIBRARY



PLEASE SHARE YOUR THOUGHTS ON THE FUTURE OF THE TAYLOR BUILDING AND SITE (IF NO LONGER USED AS A LIBRARY).

A. 1. Level the Taylor Building, make the space into a parking lot for the Library
or 2. make it into a park w/ benches and some parking
B. 1. Sell it to a big business at a "big" price, to help reduce our taxes



RICE PUBLIC LIBRARY



PLEASE SHARE YOUR THOUGHTS ON THE FUTURE OF THE TAYLOR BUILDING AND SITE (IF NO LONGER USED AS A LIBRARY).

ATTN: KENDRA

TOWN LEASES
TO TENANT

DO NOT SELL
UNTIL 5 YR
LEASE EXPIRES



RICE PUBLIC LIBRARY

APPENDIX B



TOWN OF KITTEERY INVITATION FOR PROPOSALS (IFP) TAYLOR BUILDING 2 Walker Street, Kittery Maine

The Taylor Building Committee is accepting concept proposals from organizations, community groups, businesses, and other entities or individuals to consider for the re-use, renovation, sale and/or development of 2 Walker Street, Kittery Maine. The intent of this invitation is to facilitate a broad range of proposals from individuals, groups, and other entities that can bring a proposal to fruition. The Town anticipates the property will be vacated by the Library approximately spring 2022.

OVERVIEW

In March 2018, the Kittery Town Council established the Taylor Building Committee to gather public input on the goals, concerns, and options for the re-use of the Taylor parcel, to develop a request for proposals for the sale and/or re-development of the parcel and to evaluate proposals based on criteria it establishes. The Committee will consider both private and public uses for the property as the first step in determining the future use of the Taylor Property. It will recommend the most advantageous concept(s) to the Council for consideration and action. A formal RFP may be issued by the Town at a later date.

The Taylor Building, at 2 Walker Street, is a 4,910-square-foot masonry and wood-frame building, with 4,400 square feet of finished space, constructed in 1965, set on a 0.35 acre lot with 11 parking spots, and is now used by the Rice Public Library for its fiction and children's collections. In March 2019, Mainland Consultants of Portland appraised the property at \$770,000. The property is located in the Mixed-Use Kittery Foreside Zone. For more information visit www.kitteryme.gov/Taylor-Building-Committee.

PROPOSAL REQUIREMENTS

The Taylor Building Committee will review concept proposals utilizing the criteria listed below, along with its collective judgement consistent with the Committee's charge. It will select a short list of proposals for which it will gather additional information and input. The Committee may request further information from applicants prior to making its recommendations to the Town Council. The Committee's recommendation to Council does not constitute an agreement, promise, or guarantee that the proposal will be implemented.

Proposals should be submitted to the Town of Kittery no later than SEPTEMBER 15, 2020 at 5:00 PM to:

Kittery Town Hall
Town Manager's Office
200 Rogers Road
Kittery, ME 03904

Each proposal shall be submitted in a sealed envelope clearly marked with the name of the entity or person(s) submitting the proposal and "Taylor Building Proposal" on the outside. Electronic format of proposals will not be accepted.

Proposals shall respond to the questions and information requested below. Proposals shall be submitted in hard copy with 10 copies.

Proposals that are incomplete, conditional or obscure, or which contain any additions not called for may be rejected by the Town. The Committee reserves the right to act or not act on any proposal submitted.

Any proposal may be withdrawn or withdrawn and resubmitted on request up until the deadline.

Unless otherwise specified, questions pertaining to general information regarding the IFP shall be addressed only in writing. No questions will be answered in-person or via telephone. **Questions shall be written and emailed to the following no later than August 31, 2020:**

Kendra Amaral
Town of Kittery
200 Rogers Road
Kittery, ME 03904
kamaral@kitteryme.org

Responses to questions will be issued via the Town's website and available to all.

EVALUATION CRITERIA

The Committee will use the following criteria for evaluation of proposals (not in order by priority):

- The extent to which the proposal is realistic and feasible.
 - What financing options will the applicant utilize to ensure the success of the proposal?
 - What prior experience or expertise can the applicant call upon to bring this proposal to fruition?
- The extent to which the proposal contributes to economic/community development within the Foreside.
 - How will the proposal add to the Foreside?
 - What will it contribute to the economic vitality of the area, or to the sense of community?
 - Is the proposal consistent with the Town's Comprehensive Plan and the Foreside Land Use and Transportation Study?
- The extent to which the proposal will enhance the future quality of life for the community.

**TAYLOR BUILDING
CONCEPT PROPOSAL FORMAT**

Each proposal must include the following information:

1. Name of person, group, organization, company or other entity:

Which of the following best describes the applicant?

- individual
- business
- community group
- 501c3 or other non-profit organization
- other (please describe)

2. Name of primary contact person:

Email:
Phone number:
Mailing address:

3. Does your proposal seek to (please check which applies):

- purchase the Taylor Property
- obtain a long-term lease for the Taylor Property
- partner with Town of Kittery
- partner with other entities
- other: (please describe)

4. Which best describes your vision for financing the proposal:

- owner-financing
- bank financing
- public financing (i.e. municipal, state)
- private fundraising
- private-public fundraising

5. In 1,000 words or less, explain your proposal for the re-use of the Taylor Property, using the following format:

- Description
- Positive impact on the Kittery community and/or benefits to the Foreside
- Proposed timeline and funding (briefly; describe in detail in #6).

6. Briefly describe your financing in more detail, for example, by including information about how you have successfully financed projects in the past, or how you would go about raising funds for a non-profit project, etc.

7. Briefly describe other projects you or your organization has successfully implemented in the past, or present any other evidence that helps to illustrate why your proposed re-use is feasible and realistic.



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

APPENDIX C

TO: Taylor Building Committee
FROM: Kendra Amaral, Town Manager
CC: Adam Causey, Planning and Development Director
DATE: September 15, 2020
RE: Taylor Building – Public Use Option

The staff have reviewed the Taylor building site for possible public use once the Library operation vacates it. The analysis included considering both use of the building and use of the site without the building remaining.

Use of Building

The review concluded there is no advantageous or cost-effective use that would justify retaining, renovating and maintaining this additional building in both the near and long term.

The administrative staff in Town Hall will continue to need additional office space if the demand for increased services continues on pace with the past decade. However, the more cost-effective and operationally effective approach would be to finish the build-out of the second floor of Town Hall to meet needs for additional staff and public spaces.

Use of Site

Two options have been considered for the use of the site without the building. They are detailed below and attached are the cost estimates.

Parking Lot

Though the Town is fielding requests for adding more parking for commercial use in the Foreside, this site is not ideal for that purpose. Downtown areas should be “kept alive”. Dedicating more space in the heart of the Foreside to cars, rather than people and activity, can be a downtown killer in terms of both vibrancy, sense of place, and critical mass of interest for the area businesses. This is not to say that the Foreside may benefit from more or different parking strategies and requirements, placing another parking facility at the “crossroad” of the Foreside is not consistent with supporting a walkable, active, and attractive public space for the residents and businesses to thrive.

Public Park

A public park in the Foreside would accomplish the dedication of more space to people. However, considered in context of the whole Foreside area, this is not the most ideal location for such a use. The upcoming renovation and expansion of the Rice Public Library is intended to include a garden and outdoor

areas along Wentworth Street. This space, incorporated into an overall inviting public use (library), will provide accessible open space in the Foreside, with comfortable pedestrian-level places for the public to utilize for passive enjoyment.

The Wallingford Square parking area may also be a more appropriately sized open space opportunity. The public and businesses will likely reject the idea of losing that space for parking. The Town would need to put significant effort into addressing the perception of parking shortages in the Foreside and identifying alternative parking solutions.

To note, for both a public park and a parking lot option, we can identify “activating” uses if either of these were to be pursued; including hosting the Farmers Market, Food Trucks, etc. These are not full time uses, and therefore do not significantly change the recommendations above.

Conceptual Cost Estimates

The conceptual cost estimates provided are very rough and are based on current cost estimates for relatively comparable projects. The estimates are intended to provide a “scale of magnitude” sense of the cost of implementing each option.

Staff Recommendation

Overall, we believe the best outcome for the site would be either private development of a public/private partnership that enhances and engages pedestrian use of the Foreside, and adds to the sense of place the Foreside has grown into.

Taylor Site
Parking Option
Rough Concept Estimate
For Discussion Purposes Only

	Unit	Price	Total
Design			\$ -
Building Demo	1	\$ 100,000	\$ 100,000
Rough and Finish Grading	1694	\$ 4	\$ 6,776
Erosion Control and GC	423	\$ 10	\$ 4,230
Gravel Sub base	1694	\$ 33	\$ 55,902
Pavement	400	\$ 145	\$ 58,000
Tire stops			\$ 7,500
Subtotal Construction			\$ 232,408
Total Design and Construction			\$ 232,408
Contingency	10%		\$ 23,241
Grand Total			\$ 255,649

Taylor Site
Public Park Option
Rough Concept Estimate
For Discussion Purposes Only

	Unit	Price	Total
Design			\$ 20,529
Building/Site Demo	1	\$ 100,000	\$ 100,000
Rough and Finish Grading	1694	\$ 4	\$ 6,776
Erosion Control and GC	423	\$ 10	\$ 4,230
Lanscaping			\$ -
Loam and Seed	1694	\$ 5	\$ 8,470
Paving	180	\$ 170	\$ 30,600
Trees and Plantings			\$ 12,000
Benches and furniture			\$ 9,000
Subtotal Construction			\$ 171,076
Total Design and Construction			\$ 191,605
Contingency	10%		\$ 19,161
Grand Total			\$ 210,766

TAYLOR BUILDING OPTIONS

Hypothetical Lease Terms

- * Long-term lease 5 years with renewal options
 - o Longer depending on the rent and tenant fit-up needed
- * Tenant improvements/fit up – fully funded by lessee.
 - o Certain improvements to be approved by Town (changes to MEP, structural, or exterior)
- * Double net lease agreement (insurance, utilities)
- * Lessee responsible for own maintenance.
 - o Would be willing to discuss plowing as a Town service
- * Exclusivity clause that allows the lot to be used as public parking under certain conditions
- * May sublet with approval of Town

Use of Taylor Building Sale Proceeds

April 1, 2020 Assessed Value: \$559,000

- Rice Public Library Project ~\$100K - \$200K for furniture, equipment
 - o Items can be done after Library operations move in
OR
 - o Voters would have to approve via ballot initiative to use undesignated reserve to float the funds until property is vacated and sold (incurs some risk; would need to be done June 2021)
- Lower Bond and/or Debt Service
 - o \$500,000 will save approximately ~\$30,000 a year on debt service
 - o Apply to debt service in future years
- Apply to other capital projects
 - o Roads and sidewalks
 - o Open space/parks
 - o Removal of Cole Street Bldg ~\$80,000
 - o Sustainability/Energy Efficiency opportunities ~TBD
- Add to undesignated reserve fund for future needs
- Fund relocation of ambulance service to Gorges Road



TOWN OF KITTEERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329

REPORT TO TOWN COUNCIL

Date: January 25, 2021
From: Kendra Amaral, Town Manager
Subject: Title 8 Property Maintenance
Councilor Sponsor: Chairperson Jeffrey Thomson

EXECUTIVE SUMMARY

The proposed amendments to Title 8.2 Property Maintenance were developed to address known issues with the existing ordinance's unintended exceptions/loopholes, to enhance public safety protections as they relate to dangerous buildings, and to improve the Town's ability to enforce the ordinance.

The intent of this ordinance is to address significant property maintenance issues that directly impact the health, safety, welfare, natural environment, and property values of the Town and neighboring properties. The proposed amendment better defines junk and removes the loophole that allowed junk to be indefinitely defined as "usable" material by the property owner. It also adopts a dangerous-building placard standard, used commonly throughout the nation. Finally, the proposal strengthens the Town's ability to issue and assess fines, and introduces an option that allows the Town and property owner to avoid time consuming and costly court proceedings through a "consent agreement" approach to resolving violations.

It is important to note that the ordinance is not intended to impose a strict "better homes and gardens" aesthetic upon property owners, which generally leads to disproportionate action against low-income and/or elderly residents. It is also not intended to divert municipal resources to resolving civil disputes between private property owners; at the taxpayers' expense. Civil disputes will still need to be resolved privately, by the disputing property owners, at their own cost. The Town staff will err on the side of caution when considering complaints that appear to fall into one of these categories, and will apply the standards consistently.

The amendment was developed with direct assistance from the Town Attorney and conform to both state law and law court decisions addressing property maintenance enforcement throughout the state. The proposal has been reviewed by the Planning and Development Department, Fire Chief, and Police Chief.

PROPOSED TITLE 8 REVISIONS

The Town has had mixed outcomes addressing dangerous, dilapidated properties over the years. The challenges are due in part to the ordinance as written. The proposed amendment is intended to address those challenges.

The definition of Junk is being updated to eliminate the loophole that had allowed owners to claim "items" littering their property had a future purpose and therefore were not junk. The revised definition sets a timeframe for which the owner must actively use or dispose of the item, ending the indefinite nature of the loophole.

Structure maintenance has been added to address disrepair of buildings that lead to further structural deterioration, squatting, health hazards, and other safety issues that impact occupants, neighbors, and first responders. The ordinance will require buildings to be secured with sides of a uniform material, a roof, and door and window closures.

Vacant building placarding is being proposed for the ordinance. The placard system follows national standards and serves as a vital warning system for firefighters and other public safety personnel when called to respond to emergencies at vacant buildings that have inherent structural deficits.

The violations and penalties amendment introduces the option for a local “consent agreement” approach that allows violations to be addressed without lengthy and costly legal proceedings in court. The amendment also sets a flat rate fine, consistent with the Town’s standing objective to streamline the violation process.

The Town will continue to work with property owners to achieve compliance before taking punitive action; as is best practice in municipal code enforcement services.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendment as proposed.

ATTACHMENTS

- Draft Title 8 Property Maintenance Amendments
- Draft Title 8 Property Maintenance Enactment

Chapter 8.2 Property Maintenance

1. AMEND Title 8.2.2 Definitions as follows:

1 ABUTTING PROPERTY(IES)

As used herein solely, any property with a portion of it falling within 150 feet of ~~all the boundaries of a~~ boundary line of a property in violation of this chapter.

4 JUNK

Includes dilapidated, discarded, junked or worn-out material(s) or objects, including but not limited to ~~such as~~ discarded, worn-out or junked plumbing heating supplies, electronic or industrial equipment, household appliances or furniture; discarded, scrapped and junked lumber; and old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material. An item meeting the categories above is presumed to be junk if it has remained on the ground for more than three months without being put to active use. An item is not considered junk if it is placed in relation to construction or renovation of a structure for which an active town permit or approval exists, and is removed within three months from completion of construction or renovations.

VACANT

Any previously inhabited building or structure which has been uninhabited for a period of 180 days or longer.

2. AMEND § 8.2.4 grounds maintenance as follows:

§ 8.2.4 Required grounds maintenance

A. Required. All property grounds or parts thereof must be maintained in a condition free of any nuisance, unsafe or unsanitary conditions or accumulation of garbage, household trash, rubbish, junk, litter, worn or discarded plumbing, heating supplies, oil or propane tanks, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber, building debris, waste and all scrap iron, steel, other scrap ferrous or nonferrous material, debris, scrap lumber, tires, automobile parts, worn-out or unused or inoperable machinery or parts thereof, glass, unused and/or inoperable appliances, worn and unused furniture, and more than two vehicles not bearing a valid motor vehicle inspection sticker and a valid motor vehicle registration.

B. Storage allowed. Materials as listed in Subsection A above, intended for private use of the property owner, occupant or operator, may be stored on the grounds of the property as long as such material is screened from public ways and from abutting properties as provided in Subsection C herein and the material is not otherwise in violation ~~with~~of any municipal ordinance or state statute. Private use does not include resale of the material.

C. Screening. Where screening is required for the storage of material on property grounds, as provided in this section, the following standards apply:

33 (1) Screening may be accomplished by natural or man-made objects, plantings or fences, any of which
34 must completely screen the stored material from view from any portion of any public way or abutting
35 property throughout the entire calendar year. All screening must be located outside of the ~~public way right-~~
36 ~~of way limits.~~limits of any public right-of-way.

37 (a) Natural or man-made objects are interpreted to be:

38 [1] Hills, gullies or embankments. Such man-made objects must be constructed to blend with the
39 landscape, with loaming and seeding or other treatment as may be necessary to establish a natural
40 appearance.

41 [2] Buildings or other installations.

42 [3] Combinations of above.

43 (b) Plantings. Trees, shrubs or other vegetation of sufficient height, density and depth of planting or
44 growth to completely screen the stored material may be used.

45 (c) Fences. Fences will be so located and of sufficient height to completely screen the stored material. All
46 fences must be an opaque wall or barrier, constructed and erected in a workmanlike manner and well
47 maintained. Only sound, undamaged material, uniform in appearance, is acceptable.

48 D. Use allowed. This section may not be construed to prevent uses of property grounds allowed by the
49 Land Use and Development Code (Title 16), Garage Sales (Chapter 5.4), or Sidewalk Sales (Chapter 5.7)
50 sections of the Town Code or any other state and/or municipal ordinance or statute, provided that all
51 necessary permits or approvals, when required, are obtained and followed and all other related ordinance
52 requirements are met.

53 **3. ADD § 8.2.7 Structure maintenance:**

54 § 8.2.7 Structure maintenance

55 The exterior of a structure visible from any public way or abutting property must be maintained in good
56 repair, structurally sound, secure and sanitary so as not to pose a threat to the public health, safety or welfare,
57 or a substantial reduction of property values of abutting properties. The following applies to any portion of a
58 structure which is visible from a public way or abutting property:

59 A. Permanent siding of uniform and water-resistant material must be applied to any exterior wall. In the
60 event that a property is found to be in violation of this requirement, the Code Enforcement Officer shall
61 approve the material to be applied.

62 B. Permanent covering such as shingles or standard metal roofing must be applied to the roof. In the event
63 that the property is found to be in violation of this requirement, the Code Enforcement Officer shall approve
64 of the material to be applied.

65 C. All entrances must be secured with functioning doors, which remain locked if the structure is vacant.

66 D. There may be no broken windows.

67 E. All structural elements including but not limited to foundations, roofs, stairs, porches, decks, balconies
68 and cupolas must be securely installed and in generally good repair.

69 F. Exception: A building deemed vacant and marked by the Town as such according to §8.2.8 may be
70 secured via permanent means such as boarding, grating, or bars.

71 **4. ADD § 8.2.8 Vacant buildings and renumber subsequent subsections accordingly:**

72 **§ 8.2.8 Vacant Buildings**

73 A. Warning Signs. When the Code Enforcement Officer in their sole discretion determines that a vacant or
74 otherwise derelict building may pose a serious and immediate risk to public safety officials, including
75 firefighters, emergency medical technicians, police officers or the like, who may be responding to an
76 emergency call at such premises, they have the authority, in person or through agents, after providing written
77 notice to the property owner or responsible party to enter into any such property to post highly visible signs
78 on the building which indicate either the building is safe to enter with extreme caution or unsafe to enter as
79 described below.

80 (1) A red sign with a white “X” – fireground operations may be conducted only from the outside due to
81 major interior hazards; or

82 (2) A red sign with a single white diagonal line- fireground operations may be conducted from the interior
83 with extreme caution due to interior hazards.

84 B. Securing a vacant building. When the Code Enforcement Officer, in their sole discretion, determines that
85 a vacant or otherwise derelict building may pose a serious and immediate risk to the general public, the Town
86 may take actions to secure the envelope of the structure to prevent unauthorized access, including but not
87 limited to installing boarding, grating, or bars.

88 C. Recouping costs incurred by the Town. The cost incurred by the Town for installing warning signs or
89 securing a vacant or derelict building may be charged against the owner of the real estate upon which the
90 building was or is located.

91 **5. AMEND §8.2 Enforcing authority as follows:**

92 **§8.2.7-9 Enforcing Authority.**

93 This chapter is enforced by the Code Enforcement Officer-~~(CEO),~~ or designee ~~or the Police Department.~~

94 **6. AMEND §8.2 Notice of violation and order of correction as follows:**

95 **§ 8.2.8-10 Notice of violation and order of correction.**

96 ~~When a violation of this chapter exists,~~ Enforcement of this chapter shall be commenced by the Code
97 Enforcement Officer ~~the CEO must~~ notifying violator(s) by serving a notice of violation and order of
98 correction ("the notice") upon the violator(s). The notice must be in writing, describe the nature of the
99 violation, and direct the violator(s) to take the action necessary to correct the violation, specifying the time
100 period for correction ~~as provided in § 8.2.10.~~ The notice must also set forth the fine and/or penalty that could
101 be imposed in the event that the violation exists as set out in the notice and is not abated and corrected within

102 the time period set out in the notice.

103 **7. AMEND §8.2 Violations and penalties as follows:**

104 § 8.2.~~11~~12 **Violations and penalties.**

105 A. When a violation of any provision of this chapter is found to exist and is not corrected within the time
106 period set out in the notice of violation and order of correction, the Town Attorney and the CEO, upon
107 direction from the Town Manager, are authorized to institute a land use citation and complaint pursuant to
108 Maine Rules of Civil Procedure 80K, or any other legal or equitable process that may be appropriate and
109 necessary for the enforcement of the provisions of this chapter, the same to be brought in the name of the
110 Town.

111 B. Prosecution of violations of this chapter may be waived if the violator(s) enter a consent agreement which
112 the Town Manager has authority to execute on behalf of the Town. Such consent agreement will provide for
113 timely abatement of the violations. The agreement may provide that the Town may enter the property to
114 correct the violations and charge the related costs to the violator(s). If any such charge remains unpaid after
115 30 days from invoice, the consent agreement will provide that the Town may assess the costs of remediation
116 to the owner or tenant as a special tax in accordance with 17 M.R.S. § 2853.

117 ~~BC.~~ Any person (including tenants in retail businesses) being the owner or tenant of or having control or
118 use of any building or premises who is found to be in violation of any of the provisions of this chapter is
119 guilty of a civil violation- and will be assessed a penalty of \$250. Each day any violation of this Chapter
120 continues constitutes a separate offense. The violator is subject to the fines and other sanctions and remedies
121 provided by 30-A M.R.S. § 4452, currently including, without limitation, ~~a penalty of \$100 to \$2,500 for a~~
122 ~~specific violation~~, injunctive relief, and attorneys' fees and costs. If the Town is authorized by law or by court
123 order to enter the property to correct any violation, such remediation costs and related attorneys' fees may be
124 assessed against the violator as a special tax in accordance with 17 M.R.S. § 2853.

**KITTERY TOWN CODE –
TITLE 8
PROPERTY MAINTENANCE**

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

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

10 **WHEREAS**, the Town of Kittery’s Property Maintenance Ordinance seeks to set minimum
11 standards for maintenance of property within the Town to protect public health, safety, welfare,
12 the natural environment, and property values; and

13 **WHEREAS**, the ordinance was last reviewed and amended by the Town Council in 2011; and

14 **WHEREAS**, the Town has identified some deficiencies and areas needing clarification in the
15 ordinance in order to ensure it serves its purpose effectively;

16 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
17 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO TITLE
18 8.2, PROPERTY MAINTENANCE, OF THE TOWN CODE, AS PRESENTED.

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

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

25 **Attest:** {NAME}, _____ Town Clerk



TOWN OF KITTEERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329

REPORT TO TOWN COUNCIL

Date: January 25, 2021
From: Kendra Amaral, Town Manager
Subject: Petition for Sewer Extension – Route 236
Councilor Sponsor: N/A

EXECUTIVE SUMMARY

The developer of a car wash to be located at a parcel at the corner of MacKenzie Lane and Route 236 is seeking approval to extend the sewer main 2,000 feet north along Route 236 from its current terminus at Stevenson/Martin/Rte. 236 to their property. The extension has not been engineered yet, rather the applicant is trying to determine if the extension would be allowed before advancing to the design and costing stage.

Given certain conditions and considerations, this extension can be beneficial to both the property owner and the abutting property owners. The conditions and considerations would include that the applicant pay for the project directly, that the project be a gravity line that meets all of the town's design and performance standards for a public sewer main, and that the main be turned over to the Town upon completion, among other terms.

PROPOSED EXTENSION

The applicant has received Planning Board approval for the development of a car wash on parcel 28-25D. Attached is the Staff Report to the Planning Board regarding the project. It was approved with plans for a septic system for wastewater capture and treatment.

Since receiving Planning Board approval the applicant approached the Town about a possible sewer main extension up Rte. 236 to their site. The Town has no plans to undertake a sewer expansion project at this time. In accordance with Title 13, the applicant is exercising their right to seek an expansion at their own expense through a petition to the Council.

The proposed extension could impact approximately 17 parcels that lay along the proposed line (possibly fewer due to available connection exemption in §13.1.1.11). There is sufficient capacity in the collection and treatment infrastructure to accept the wastewater produced by the applicant and the abutting benefited properties (current and anticipated future uses). The proposal does not negatively impact capacity of the sewer service. The proposal does have the potential to add value to the properties along the extension, enhance environmental protections, and increase development opportunities.

If approved, the applicant would then engage in a design process to determine whether or not to proceed with the project.

The proposed extension should be built as a gravity main and sized accordingly to accept flow from potential future connections. The extension will take up valuable real estate in the underground utility

corridor along Rte. 236 and should therefore be built to benefit not only the applicant but the abutting properties' current and future uses.

The proposed extension should be turned over to the Town as a public asset. The Town will assume all ongoing maintenance and replacement costs, and will collect all metered flows through the main in perpetuity.

Per Town Attorney, the abutting parcels would be required to connect to the sewer main and pay the respective impact and entrance fees to the Town. This connection requirement can be postponed until the existing septic system servicing each property exceeds 20 years old. Requirements and exemptions to connect are specified in §13.1.1.11.

Per Town Attorney, the Town is not obligated to recoup the costs of the installation on behalf of the applicant, through a betterment assessment. The Town is required to assess a betterment, however this can be simply the corresponding change in value that access to a public sewer utility affords. Typically, access to a public sewer utility increases the value of property on average 7% and 10%.

PROPOSED SOLUTION/RECOMMENDATION

Schedule a public hearing to consider the matter.

The Staff recommend approval of the application with the following conditions:

- Applicant must bear the full cost of the design, permitting, and installation of the extension (“the project”). Applicant will not be reimbursed for the cost of the extension by the Town or by the benefiting property owners.
- Applicant must build a gravity line to the Town’s public sewer main in accordance with design and performance standards set by the Sewer Department.
- Applicant must legally transfer the assets to the Town within 30 days of the completion of the project.
- Benefited property owners will receive a 90-day notice to connect upon transfer of the assets to the Town. The Town will automatically grant deferrals for any property where their septic system is less than 20-years old per Title 13; however, abutting benefited properties must be permitted to connect to the project during construction, if they so desire. Those qualifying for an exemption will be notified accordingly.
- Benefited property owners will be required to obtain a connection permit, and pay permit fees, entrance and impact fees to the Town in accordance with Title 13 and Appendix A.
- Benefited properties along the extension will be reviewed by the Town Assessor upon completion of the project and have a valuation adjustment accordingly.

ATTACHMENTS

- Petition for Sewer Extension
- Staff Report for Planning Board
- Town Attorney opinion on impact to abutting properties
- Title 13

January 4, 2021



Ms. Kendra Amaral
Town Manager
Town of Kittery
200 Rogers Road
Kittery, ME 03904

Re: Petition for Sewer Main Extension – Route 236
Kittery Car Wash (Map 28 Lot 25D)
Reference No. 19-134

Dear Ms. Amaral:

Earlier this year, the Kittery Planning Board approved a site plan application for the construction of a two-bay automatic car wash to be located at the corner of MacKenzie Lane and Route 236 (Tax Map 28 Lot 25D). The development, as currently designed, will include a reclaim system that cleans and reuses gray water from the car wash bays and stores the residual effluent within underground tanks. The residual effluent that can no longer be reclaimed will be hauled off-site via pump trucks for disposal. This reclaim system does not connect to the Town's public sewer system.

At this time, the applicant would like to pursue the option of eliminating the reclaim system by seeking approval from Town Council per §13.1.4 of the Town Code to extend the Town's public sewer system to Map 28 Lot 25D. The nearest sewer manhole is located approximately 2,000 feet southeast of the site along Route 236 at the intersection with Martin and Stevenson Road. Due to the existing topography along the proposed route, it is evident that a gravity sewer main is not a feasible option; therefore, a low-pressure force main is proposed.

Design and Specifications:

The force main will be designed to accommodate not only the Kittery Car Wash, but other abutting property owners along the route. The size of the force main will also factor in estimated flows from potential future development or re-development within the project limits.

The force main and appurtenances shall be designed, installed, inspected and tested in accordance with Town's "Contractor Specifications". Prior to construction, design plans will be submitted to Timothy Babkirk, the Superintendent of the Sewer Services, for review and approval.

Proposed Route:

Based upon preliminary information, it is anticipated that the force main would be directionally drilled under Route 236 from the car wash site to the west side of Route 236. From here the force main would be installed off the side of the paved shoulder and extend to the intersection of Route 236 and Martin/Stevenson Road. The end of the force main would be connected to the 8-inch diameter sewer pipe that is stubbed out of the existing sewer manhole within the intersection.

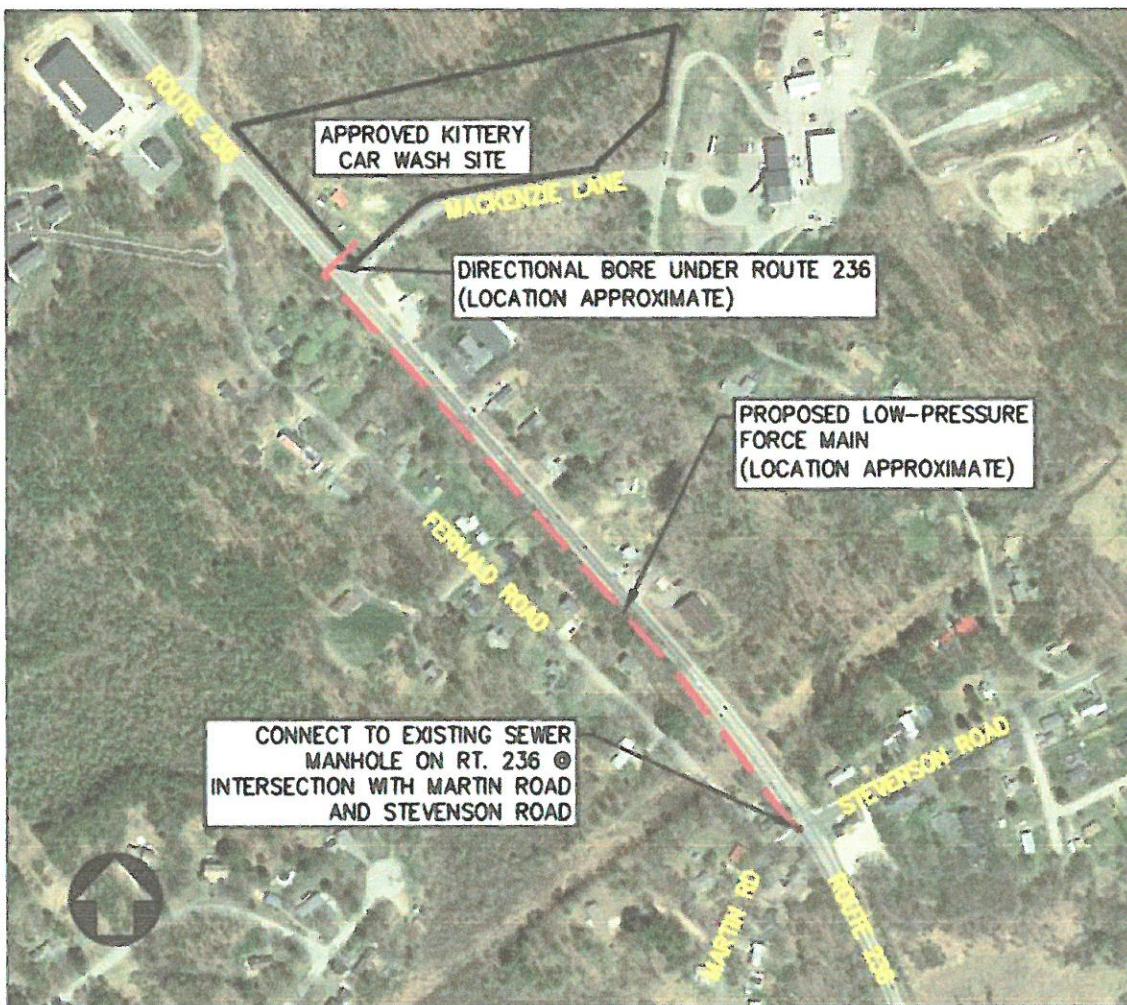


Figure 1: Route of Proposed Force Main



Ownership:

The proposed force main will become the property of the Town of Kittery once construction is complete and after passing all necessary inspections and testing requirements. Service connections from the car wash and other abutting parcels along the route will be private up to the connection point on the force main. Each private service will require an individual pump, located on private property, in order to connect to the low-pressure force main. No pumps are proposed to be located within the State right-of-way.

Cost of Construction:

The costs of construction will be paid for by the developer in accordance with §13.1.4.2.C.

Treatment Capacity of Kittery Wastewater Treatment Plant

Enclosed is a letter dated November 23, 2020 from Timothy Babkirk, Superintendent of Sewer Services, stating the treatment plant has adequate capacity to handle the additional flows from the car wash.

Petition for Extension

Pursuant to §13.1.4.1, it is the intent of this letter and attachments to act as the petition for extension to Town Council for a proposed force main along Route 236 extending to Tax Map 28 Lot 25D. It is requested that the petition be scheduled for consideration at the January 25, 2020 Town Council meeting.

Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy".

Ryan M. McCarthy, P.E., P.L.S.

President
Tidewater Engineering & Surveying Inc
(207) 439-2222
ryan@tidewatercivil.com

Cc w/ Enclosure: Bart McDonough – Town Planner
 Timothy Babkirk – Superintendent of Sewer Services
 Aaron Wiswell – Kittery Car Wash



TOWN OF KITTERY, MAINE
SEWER DEPARTMENT
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-4646 Fax: (207) 439-2799

November 23, 2020

Mr. Ryan M. McCarthy
President Tidewater Engineering & Surveying Inc

Re: Conditional Approval Letter for the
Proposed Private Force Main -- Route 236
Service for Kittery Car Wash (Map 28 Lot 25D)
Reference No. 19-134

Dear Mr. McCarthy,

This letter is to confirm that there is sanitary sewer service available for the proposed Car Wash at the corner of Mackenzie Lane and Route 236 with the sewer connection being made at the intersection of Route 236 and Martin/Stevenson Road should approval be granted by the Town of Kittery. The sewer system (piping and pumping stations) and the treatment plant will have the capacity and ability to handle the discharge flow estimates of 1,465 Gallons per day of wastewater requiring treatment and disposal.

During Engineering and construction plans may change and if they do consideration for acceptance may change. Please notify me if changes are made.

If you have further questions or concerns please contact me.

Sincerely,

Timothy Babkirk

Timothy Babkirk
Town of Kittery
Superintendent of Sewer Services
1-207-439-4646
tbabkirk@kitteryme.org

Cc: Kendra Amaral -- Town Manager
Bart McDonough -- Town Planner

**Town of Kittery Maine
Town Planning Board Meeting
September 24 , 2020**

ITEM 1 –Route 236 / MacKenzie Lane – Final Site Plan Review

Action: Continue to a subsequent meeting; approve or deny plan Owner/applicant Robert T. Brennan, Jr. requests consideration of a final site plan for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 28, Lot 25D) in the Commercial (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review	None.	N/A
YES	Site Visit	July 7, 2020	HELD
YES	Determination of Completeness/Acceptance	June 25, 2020	ACCEPTED
YES	Public Hearing	July 23, 2020; August 27,2020	HELP
YES	Final Plan Review and Decision	September 24, 2020	PENDING

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.L - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

The Planning Board (“Board”) has accepted the preliminary plan as complete at their June 25, 2020 Meeting and now is charged to review the final plan submission. The proposed development is a 1,672 sf 24-hour two-bay car wash on an existing vacant lot located in the Commercial C-2 zone. The proposal includes four vacuum bays, one parking space for an employee who will service the business periodically and queuing space for 8-12 cars.

On June 25, 2020, the Board was first introduced to the plan. The questions and topics emanating from that meeting were as follows:

1. Installation of bathroom facilities and type of disposal system to be installed;
2. widening MacKenzie Lane to include a turn lane onto Route 236;
3. backlit signage and its permissibility;
4. extent and constitution of the wetland along MacKenzie Lane; and
5. the operation and maintenance of the business and site.

Subsequent to the June 25, 2020 meeting, the Board held a site walk to orient itself with the site elements. Major topics stemming from that site walk regarded the following:

1. The site’s traffic flow and circulation;
2. Location of, and proximity of utilities and natural features to the road;
3. Location and constitution of the wetland along MacKenzie;
4. Natural features to remain, removed and replaced on the site.

The Planning Board opened the public hearing at their July 23, 2020 meeting. The applicant, responding to Town staff comments from the June 25, 2020 meeting, designed a conceptual 'road expansion' depicting the widening of MacKenzie Lane to accommodate a right-hand turn lane onto Route 236. Before proceeding to an advance design, the applicant sought a preliminary endorsement from the Board to proceed with the road expansion without doing an comprehensive traffic study. The Board agreed with the condition that the remaining comments from the Department of Public Works enumerated in an email correspondent, dated July 23, 2020, be satisfactorily resolved. Other issues that were raised during the hearing regarded the soil composition and its ability to support the proposed building, appurtenant infrastructure as well as the stormwater design component and the permissibility of backlit signage and whether or not a bathroom is required by local and state code. Otherwise, the Board found the site plan to be in a satisfactory state. Due to the pandemic, the Board decided to continue the public hearing to the August 27, 2020 meeting so as to give the public more time to provide comments and the applicant adequate time to provide revise the plan.

At the August 27, 2020, meeting, the Board approved a preliminary site plan as they found the proposed plan resolved all the comments generated at the June 25, 2020 July 23, 2020 and site walk meetings with the exception of a few outstanding issues. To wit, the Board directed the applicant to dig further into the history of the site's usage and its soil characteristic to confirm: (1) the quality of the soils, and (2) the soil's ability to support the proposed infrastructure. Furthermore, the applicant was directed to submit a proposal for an alternative waste disposal system that would comply with state and local regulations, as a bathroom would be required for employees to use, and to confirm whether or not the drainage swale along MacKenzie Lane is considered a wetland.

Staff Review and Comments

An updated plan set was submitted on September 3, 2020 that incorporated revisions as discussed at the August 27, 2020 meeting. The applicant is proposing to remove and most of the existing fill that the proposed structures will resided over with appropriate and clean material. CMA suggested that the applicant go further by removing more fill than proposed to ensure that all the soil the structures touch will be clean, which seems appropriate and reasonable given the goal is to make the site as less contaminated as possible.

As regards the ditch in questioned along MacKenzie Lane, it appears, based on its characteristics, that its essence indeed is a ditch and not a wetland, considering that it is 12 ft. in width and functions as a conveyance of water into the wetland north thereof. Turning to the waste disposal system, the applicant is proposing to install a incinerating toilet that will be used for employees only. Code Enforcement contacted the state to see if this type of system would be permissible in such a development and according to the state regulations, deference is given to the Local Plumbing Inspector in such cases. Conceptually, Code Enforcement agrees that this type of system may be permitted and more detail will need to be provided at the time a building permit is applied for. As for the water from the bathroom sink, Planning staff inquired and confirmed with the Local Plumbing Inspector that the water would be permitted to flow into the proposed holding tank storing the effluent from the car wash and an addition holding tank is unnecessary.

Recommendations

This application appears to be complete and equipped for final site plan approval as planning staff and CMA agree that most of the characteristics of the site's design is satisfactory to move forward. The Board should present any remaining inquiries it may have for the applicant and discuss any additional conditions to be added if a vote to approve is considered. If the Board decides to vote for approval, the following conditions, in addition to the normally applied conditions, are recommend to be appended to the vote:

1. Prior to the issuance of a building permit, the applicant shall execute and record at the York County Registry of Deeds an easement with the Town of Kittery to widen the easement for Mackenzie Lane.
2. Prior to the issuance of a building permit, the applicant shall submit a revised site plan, to be reviewed and approved by the Town's consultant engineer, that depicts and directs the excavation

and removal of the existing soils between the foundation walls under the building and the volume of material between the bottom of the wash water tanks and native soils, and replaced with clean granular soils, as described in a review letter by CMA Engineers Inc., dated September 16, 2020.

Recommended motions

Below are recommended motions based on how the Board would like to proceed. Again, procedurally, the Board needs to vote to continue, approve, approve with conditions, or deny.

Vote to continue

Move to continue the final site plan application dated March 5, 2020 and last revised on September 3, 2020 from owner/applicant Robert T. Brennan, Jr., for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 289, Lot 25D) in the Commercial (C-2) Zone with the conditions as enumerated in 'Recommendations section of the Planner's Review Notes, dated September 24, 2020.

Vote to approve

Move to approve the final site plan application dated March 5, 2020 and last revised on September 3, 2020 from owner/applicant Robert T. Brennan, Jr., for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 289, Lot 25D) in the Commercial (C-2) Zone with the conditions as enumerated in 'Recommendations section of the Planner's Review Notes, dated September 24, 2020.

Vote to deny

Move to deny the final site plan application dated March 5, 2020 and last revised on September 3, 2020 from owner/applicant Robert T. Brennan, Jr., for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 289, Lot 25D) in the Commercial (C-2) Zone.

Final Site Plan Review

**KITTERY PLANNING BOARD
FINDINGS OF FACT
for
Route 236 / MacKenzie Lane
Site Plan Review**

**UNAPPROVED
M28 L25D**

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: Owner/applicant Robert T. Brennan, Jr. requests consideration of a final site plan for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 28, Lot 25D) in the Commercial (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering, Inc.

Hereinafter the “Development”.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated September 24, 2020;

ACTION	COMMENTS	STATUS
Sketch Plan Review	None.	N/A
Site Visit	July 7, 2020	HELD
Determination of Completeness/Acceptance	June 25, 2020	ACCEPTED
Public Hearing	July 23, 2020; August 27,2020	HELD
Final Plan Review and Decision	September 24, 2020	APPROVED

And pursuant to the Application and Plan and other documents considered to be a part of the plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (Hereinafter the “Plan”).

NOW THEREFORE, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings and conclusions:

<u>FINDINGS OF FACT</u>
Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:
A. Development Conforms to Local Ordinances.
Standard: <i>The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.</i>
Finding: The site plan application for a car wash development with associated utilities conforms to applicable Title 16 standards with the waivers and conditions of approval included herein.
Conclusion: This standard appears to be met.
Vote of 7 in favor 0 against 0 abstaining
B. Freshwater Wetlands Identified.
Standard: <i>All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.</i>
Finding: All wetlands have been identified and no impacts are proposed.
Conclusion: This standard appears to be met.
Vote of 7 in favor 0 against 0 abstaining
C. River, Stream or Brook Identified.
Standard: <i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i>
Finding: No rivers, streams, or brooks have been identified on site.
Conclusion: This standard is not applicable.
Vote of 7 in favor 0 against 0 abstaining
D. Water Supply Sufficient. {and}
Standard: <i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>
E. Municipal Water Supply Available.
Standard: <i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
Finding: The proposed development will not adversely impact the municipal water supply as indicated in a letter, dated March 3, 2020 from the Kittery water district.
Conclusion: This standards appears to be met.
Vote of 7 in favor 0 against 0 abstaining

F. Sewage Disposal Adequate.
Standard: <i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
Finding: The proposed car wash will use an alternative waste disposal system that does not require a septic system, leach field nor any associated subsurface infrastructure.
Conclusion: This standard appears to be met.
Vote of 7 in favor 0 against 0 abstaining
G. Municipal Solid Waste Disposal Available.
Standard: <i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>
Finding: The proposed car wash is not connecting into the Town's sewer system.
Conclusion: This standard is not applicable.
Vote of 7 in favor 0 against 0 abstaining
H. Water Body Quality and Shoreline Protected.
Standard: <i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>
Finding: The proposed car wash is not located in the Shoreland or Resource Protection Overlay Zones.
Conclusion: This standard is not applicable.
Vote of 7 in favor 0 against 0 abstaining
I. Groundwater Protected.
Standard: <i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
Finding: The proposed car wash will not adversely affect groundwater as the gray water from the wash station will be collected, held and pump from a holding tank, and the non-point source runoff from the parking lot will be collected and treated by stormwater infrastructure.
Conclusion: This standard appears to be met.
Vote of 7 in favor 0 against 0 abstaining
J. Flood Areas Identified and Development Conditioned.
Standard: <i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i>

<p>Finding: There are no flood-prone areas present.</p> <p>Conclusion: This standard is not applicable.</p>
<p>Vote of 7 in favor 0 against 0 abstaining</p>
<p>K. Stormwater Managed.</p>
<p>Standard: <i>Stormwater Managed. The proposed development will provide for adequate stormwater management</i></p>
<p>Finding: The proposed car wash is located on a 7.44-acre lot with a designed stormwater collection and treatment infrastructure that will provide for adequate stormwater management.</p> <p>Conclusion: This standard appears to be met.</p>
<p>Vote of 7 in favor 0 against 0 abstaining</p>
<p>L. Erosion Controlled.</p>
<p>Standard: <i>The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.</i></p>
<p>Finding: The contractor is following MDEP best management practices for erosion and sedimentation control with site work for the car wash</p> <p>Conclusion: This standard appears to be met.</p>
<p>Vote of 7 in favor 0 against 0 abstaining</p>
<p>M. Traffic Managed.</p>
<p>Standard: <i>The proposed development will:</i></p> <ol style="list-style-type: none"><i>1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i><i>2. Provide adequate traffic circulation, both on-site and off-site.</i>
<p>Finding: The increase in vehicular traffic generated by the car wash is mitigated by two elements: site design and the widening of MacKenzie Lane. Specifically, the site's layout is designed to allow for 11 cars to queue while waiting to use the car wash facility, and (2) the widening of MacKenzie Lane will permit an increase rate of access for right-hand turning traffic onto Route 236, thereby mitigating the queuing of the left-hand turning lane onto Route 236.</p> <p>Conclusion: This standard appears to be met.</p>
<p>Vote of 7 in favor 0 against 0 abstaining</p>
<p>N. Water and Air Pollution Minimized.</p>
<p>Standard: <i>The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:</i></p> <ol style="list-style-type: none"><i>1. Elevation of the land above sea level and its relation to the floodplains;</i><i>2. Nature of soils and sub-soils and their ability to adequately support waste disposal;</i><i>3. Slope of the land and its effect on effluents;</i><i>4. Availability of streams for disposal of effluents;</i><i>5. Applicable state and local health and water resource rules and regulations; and</i>

6. Safe transportation, disposal and storage of hazardous materials.	
Finding: 1. All proposed development is located outside of a Flood Hazard Area. 2. Addressed in the previous standard on waste disposal. 3 thru 4. Not applicable to the proposed development. 5 thru 6. The applicant shall follow all state rules and regulations on removing gray water and any other hazardous byproducts from the site. In summary, the proposed car wash will not result in undue water or air pollution.	
Conclusion: This standard appears to be met.	
Vote of 7 in favor 0 against 0 abstaining	

O. Aesthetic, Cultural and Natural Values Protected.	
Standard: <i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i>	
Finding: During the initial investigation of the property, the applicant discovered there was a New England Cottontail Rabbit sighting on the property located on the northwest portion of the lot, far away from the proposed car wash location. Considering the proximity between the proposed development and the sighting location of the cotton tail, it appears the car wash will not have an adverse impact on the location of that sighting. The applicant has reached out to Maine Inland Fisheries and Wildlife and has yet to receive a response on the locations significance. The proposed car wash appears it will not impact any significant aesthetic, cultural or natural values that require protection.	
Conclusion: This standard appears to be met.	
Vote of 7 in favor 0 against 0 abstaining	
P. Developer Financially and Technically Capable.	
Standard: <i>Developer is financially and technically capable to meet the standards of this section.</i>	
Finding: The applicant has received financing to construct the proposed car wash.	
Conclusion: This standard appears to be met.	
Vote of 7 in favor 0 against 0 abstaining	

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers:

1. Section 16.8, Table 1c. 5ft. wide sidewalks not to be required along MacKenzie Lane.

Conditions of Approval: (to be included on the final plan):

3. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan unless conforming with the provision under §16.10.9.1.2, §16.10.9.2 and §16.10.9.3.
4. Prior to the issuance of a building permit, the applicant shall execute and record at the York County Registry of Deeds an easement with the Town of Kittery to widen the easement for Mackenzie Lane
5. Prior to the issuance of a building permit, the applicant shall submit a revised site plan, to be reviewed and approved by the Town's consultant engineer, that depicts and directs the excavation and removal of the existing soils between the foundation walls under the building and the volume of material between the bottom of the wash water tanks and native soils, and replaced with clean granular soils, as described in a review letter by CMA Engineers Inc., dated September 16, 2020.
6. All Notices to Applicant contained in the Findings of Fact (dated: 9/24/2020).

Notices to Applicant: (not to be included on the final plan)

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 7 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON September 24, 2020

Dutch Dunkelberger, Planning Board Chair

Appeal of Decision:

1. Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

MEMORANDUM

TO: Kendra Amaral, Town Manager
FROM: Stephen E.F. Langsdorf, Town Attorney
DATE: January 20, 2021
RE: **Guidance for Sewer Extension Petition**

I. Introduction

On January 4, 2021, the Town received a Petition for Sewer Main Extension on Route 236. This proposal is scheduled to be considered at the January 25, 2021 Town Council Meeting. Guidance on relevant Town duties and authority in relation to the project is outlined below.

II. The abutting properties to the new extension will be required to connect to the new force main when determined by the Town.

The abutting properties to the new extension would be required to connect to the new main when determined appropriate by the Town. Pursuant to Kittery Town Ordinance § 13.1.1.11 (a) “Owners of all structures with use requiring the disposal of sewage with public sewer located within 100 feet of the property line . . . are required, at their expense, to install suitable waste effluent [] facilities . . . and to connect such facilities directly to the public sewer . . . within 90 days after the date of official notice to do so.” Additionally, Kittery Town Ordinance § 16.8.7.1 (a) states that “connection to public sewer is required, provided said sewer, located within an abutting public way, is within 100 feet of the property line as measured along the said public way. Individual dwellings and structures . . . where public sewer becomes available . . . must connect per the requirements of Title 13, Chapter 13.1.”

III. The Town may require abutting properties to connect to the new main upon failure of their septic system or within 90 days with an available deferral for any septic system less than 20 years old.

Kittery Town Ordinance § 13.1.5.6 states that “when a public sewer becomes available, the building sewer must be connected to said sewer within 90 days after the date of official notice.” Strict reading of the ordinance indicates that the “date of official notice” is what triggers the 90-day period. Once the project has been completed, the Town can immediately send notice to abutting property owners. Once notice is received, an owner can request an extension for up to 20 years if the septic tank and leach field system is less than 20 years old at the time of the

project completion date. See § 13.1.1.11 (D). If the system has failed the exemption is not available.

IV. The Town of Kittery can collect impact and entrance fees despite the Town not paying for the construction of the extension.

The sewer extension proposal states that “[t]he proposed force main will become the property of the Town of Kittery once construction is complete and after passing all necessary inspections and testing requirements.” (Proposal, p. 3). Once constructed, the line becomes the property and responsibility of the Town. Pursuant to Kittery Town Ordinance § 13.1.1.6, “[t]he Department is responsible for the upkeep and maintenance of the main or common sewer line . . .” Additionally, § 13.1.4.3(B) grants the authority for the Town Council to set fees in main extension projects: “The Town Council has the power to make assessments for the costs of any extensions it approves. The Council may also establish such rates for entrance and other charges for the use of said sewage system against the owners of the property served by said system or to which such service is available as it may deem necessary to help defray cost of maintaining and operating system.” These fees are collected pursuant to § 13.1.4.4 by the Tax Collector. There is no stated or implied exemption based on who constructed the sewer.

V. The Town is compelled to implement an assessment on the bettered properties; the Town is not compelled to implement an assessment on the bettered properties on behalf of the private developer constructing the extension.

The Town is compelled to implement an assessment on the bettered properties. Kittery Town Ordinance § 13.1.4.3 (A) requires municipal officers, once construction is completed, to determine what lots or parcels of land are benefited by the sewer line and the officers must “estimate and assess upon said lots or parcels of land, and against the record owner or owners thereof or against a person against whom the taxes thereon are assessed, a sum not exceeding the benefit . . .” The betterment can be a dollar figure or simply be the change in property value that will occur as a result of the sewer main being accessible to the property.

There is nothing in the ordinance indicating an obligation to implement an assessment on the bettered properties on behalf of the private developer constructing the extension.

SEFL:amm

Chapter 13.1
SEWER SERVICE SYSTEM

ARTICLE I
In General

§ 13.1.1.1. Definitions and abbreviations.

- A. Terms defined. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter are as follows:

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

DEVELOPER — Any person or persons who undertake to construct simultaneously or in planned sequence more than one housing unit on a given tract or land subdivision.

EASEMENT — An acquired legal right for the specific use of land owned by others.

ENGINEER — The professional engineer retained as Town Engineer by the Town Council.

FLOATABLE OIL — Oil, fat or grease in physical state such as that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater is considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANTS — Includes, but are not limited to, dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or

radiological materials, oil, petroleum products or by-products, heat-wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural waste of any kind.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed "STORM SEWER") — A sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The Superintendent of Sewer Services of the Town.¹

SUSPENDED SOLIDS — Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association; and referred to as "nonfilterable residue."

UNPOLLUTED WATER — Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by

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

discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER — The spent water of a community from the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwaters as may be present.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away and treat domestic and industrial waste and dispose of the effluent.

WASTEWATER TREATMENT WORKS — An arrangement of devices and structures for treating wastewater, industrial waste and sludge.

WATERCOURSE — A natural or artificial channel for the passage of water, either continuously or intermittently.

- B. Abbreviations. For the purpose of this chapter, the following abbreviations have the meanings ascribed to them under this subsection. References to standards of the following organizations refer to the latest edition of same.

ANSI means American National Standards Institute

ASCE means American Society of Civil Engineers

ASME means American Society of Mechanical Engineers

ASTM means American Society for Testing and Materials

cm means centimeter

CS means Commercial Standards

degrees C. means degrees Celsius

degrees F. means degrees Fahrenheit

DEP means Maine Department of Environmental Protection

EPA means United States Environmental Protection Agency

ICR means industrial cost recovery

kg means kilogram

l means liter

m means meter

mg/l means milligrams per liter

NEIWPCCC means New England Interstate Wastewater Pollution Control Commission

NPC means National Plumbing Code

ppm means parts per million

Sq. m. means square meter

WPCF means Water Pollution Control Federation

§ 13.1.1.2. Violations and penalties; violator's liability; additional remedies.

- A. Any person found to be violating any of the provisions of this chapter except § 13.1.1.9 is to be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender must, within the period of time stated in such notice, permanently cease all violations. A person who violates any provision of this chapter is subject to penalties set forth in Town Code Title 1, Chapter 1.3, General Penalty.
- B. Any person who continues any such violation beyond the time limit specified in the notice is guilty of a misdemeanor and on conviction thereof is to be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation continues is deemed a separate offense.
- C. Any person violating any of the provisions of this chapter is liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.
- D. The Town Council, in addition to other remedies, may institute any appropriate action or proceedings, including an injunction, to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct or abate such violation and to prevent the occupancy of any building, structure or land where said violations of this chapter are found.

§ 13.1.1.3. Authority to enter properties to make inspections, etc.; limited authority of inquiry.

- A. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification may be permitted to enter all properties on consent of the owner or occupant thereof for the purposes of inspection, observation, measurements, sampling and testing in accordance with the provisions of this chapter.
- B. The Superintendent has no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.
- C. The Superintendent or other duly authorized employees of the Town are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to wastewater facilities. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

§ 13.1.1.4. Liability for injuries, damages resulting from inspections.

While performing the necessary work on private properties, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company is held for injury or death to the Town employees, and the Town must indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

§ 13.1.1.5. Authority to enter easement; terms of easement govern.

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification may be permitted to enter all private properties upon consent of the owner or occupant thereof through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entries and subsequent work, if any, on such easement, must be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 13.1.1.6. Maintenance responsibility of Sewer Department.

The Department is responsible for the upkeep and maintenance of the main or common sewer line only.

§ 13.1.1.7. Rates and charges.

- A. The Town Council shall establish such rates as they deem necessary for the maintenance, operation, repair and improvements to the system, and establish and maintain an unencumbered fund reserve (unencumbered surplus) of an amount equal to the equivalent of 22% of the current year operating budget. Such rates may be changed from time to time as they deem necessary. The user charge and appropriate cost recovery system as set out in Appendix A is to be established in accordance with appropriate federal and state laws, rules and regulations. **[Amended 6-11-2018 by Ord. No. 06-18]**
- B. Sewer charges levied pursuant to this chapter not paid by July 1 of the following year are to be certified to the Treasurer of the Town who is to place the same on the real estate property tax bill for that year with interest and penalties allowed by law and collected as other Town taxes are collected. **[Amended 6-11-2018 by Ord. No. 06-18]**

- C. An interest charge at the same rate as established by the Town Council for uncollected taxes will be made on all bills not paid within 90 days after date of billing.
- D. A special sewer service charge is to be established for any industrial firm or organization who, by virtue of the volume, strength or unusual characteristic of its waste alone, would overload or upset the capacity or efficiency of the sewage works or any part thereof if such waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Town Council, after appropriate study, and advice from the Engineer, shall establish a special sewer service charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public, are the basis for such an arrangement.
- E. Rates for nonmeter residential customers are to be as set forth in Town Code Appendix A, or the owner may install an approved meter at owner expense.
- F. Sewer user rate charges in accordance with this section will begin 90 days after notification by Town of the availability of the public sewer to serve parcels and remain in force whether or not the premises are occupied. Parcels not connected to the system are not liable for quarterly usage charges.

§ 13.1.1.8. Basis for decisions of Superintendent.

In making decisions authorized pursuant to the terms of this chapter, the Superintendent shall consider the effect of any proposed action or inaction upon the public health, safety or welfare and the effects of such proposed action or inaction upon the sewer works, processes, equipment and receiving waters.

**§ 13.1.1.9. Damaging or tampering with equipment prohibited.
[Amended 5-30-2018 by Ord. No. 04-18]**

No person may maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision is subject to arrest under charge of criminal mischief as set forth in Title 17-A M.R.S. § 806, Criminal Mischief.

§ 13.1.1.10. Liability for damage caused by excavation work.

Any person doing excavation work near any mains owned by the Department is responsible for any damage to such mains as a result of the negligence of such person, the person's agents, employees, or servants and is liable for all costs involved in repairing or replacing such damaged pipes.

§ 13.1.1.11. Installation of toilet facilities and connection to public sewer required.

- A. Owners of all structures with use requiring the disposal of sewage with public sewer located within 100 feet of the property line as measured along any public way are required, at their expense, to install suitable waste effluent and/or toilet facilities therein, and to connect such facilities directly to the public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so. Pursuant to Town Code Title 16, Chapter 16.8, Article VII, Sewage Disposal, connection to the public sewer is required for a commercial or industrial development or a residential subdivision, where public sewer, within an abutting public way, is within 1,000 feet of the property line as measured along said public way.
- B. If an owner can demonstrate to the Town Manager diligent effort in arranging the connection, but is unable to meet the ninety-day connection deadline due to force majeure circumstances, the Town Manager may grant an extension and waive the penalties of Town Code Title 1, Chapter 1.3, General Penalty.
- C. When gravity flow cannot be obtained from the building or the property, connection to said public sewer is not required. However, this does not preclude waste flows from being pumped to the public sewer should the property owner so wish. Properties not required to connect at the time of a main extension project for this reason must do so when the existing septic/leach field system fails or must otherwise be replaced.
- D. Owners of properties with a septic tank and leach field system installed within 20 years of any main extension project completion date may request deferral of connection until the system has reached the 20 years after installation anniversary.

ARTICLE II

Dangerous and Harmful Wastes**§ 13.1.2.1. Effect on special agreements for discharge.**

No statement contained in this article may be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.

§ 13.1.2.2. Tests and analyses.

- A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter are to be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and are to be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole is considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- B. Sampling is to be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pHs are determined from periodic grab samples.
- C. All industries discharging into a public sewer must perform such monitoring of their discharge as the Superintendent and/or other duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records are to be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

§ 13.1.2.3. Discharge of unpolluted drainage into sanitary sewer.

No person may discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer without the consent of the Superintendent.

§ 13.1.2.4. Required discharge of unpolluted drainage.

Stormwater and all other unpolluted drainage is to be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

§ 13.1.2.5. Discharge of specific waters, wastes into public sewers prohibited.

No person may discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- B. Any waters or pollutants containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant;
- C. Any waters or pollutants having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works; or
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 13.1.2.6. Superintendent's authority regarding acceptance of harmful wastes.

- A. If any waters or wastes are discharged or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated in § 13.1.2.5, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 - (1) Reject the waters or pollutants;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers; and/or

- (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 13.1.2.1.
 - (5) When considering the above alternatives, the Superintendent must give consideration to the economic impact of the last alternative on the discharge.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment is to be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, regulations, laws and municipal waste discharge permit (NPDES).
- C. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements include:
- (1) Wastewater discharge peak rate and volume over a specific time period;
 - (2) Chemical analysis of the wastewater;
 - (3) Information on raw materials, processes and products affecting wastewater volume and quality;
 - (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
 - (5) A plot plan of the user's property showing sewers and pretreatment facility locations; and
 - (6) Details of systems to prevent and control losses of materials through spills to the municipal sewer.
- D. The Town will develop and the Superintendent will enforce pretreatment regulations for existing and new sources of pollution that are discharged into the municipally owned wastewater treatment facilities, as set forth in Title 40, Chapter I, Part 129 and Part 403 of the rules of the United States Environmental Protection Agency.²

§ 13.1.2.7. Interceptors when required.

- A. Grease, oil and sand interceptors are to be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors may not be required for private living quarters or dwelling units. All interceptors are to be of a type and capacity

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

approved by the Superintendent and located as to be readily and easily accessible for cleaning and inspection.

- B. In maintaining these interceptors, the owner(s) are responsible for the proper removal and disposal by appropriate means of the captured material and must maintain records of the dates and means of disposal, which are subject to review by the Superintendent. Any removal and hauling of collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

§ 13.1.2.8. Maintenance of treatment, flow-equalizing facilities; cost.

Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they must be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

§ 13.1.2.9. Manholes.

- A. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes must install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes.
- B. Such structure, when required, must be accessibly and safely located and constructed in accordance with plans approved by the Superintendent. The structure must be installed by the owner at the owner's expense, and maintained by such owner so as to be safe and accessible at all times.

§ 13.1.2.10. Specific harmful discharges enumerated.

No person may discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.);
- B. Any water or pollutants containing fats, wax, grease or floatable oils;
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-

quarter horsepower (0.76 hp metric) or greater is subject to the review and approval of the Superintendent;

- D. Any waters or pollutants containing strong acid iron-pickling pollutants or concentrated plating solutions, whether neutralized or not;
- E. Any waters or pollutants containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or pollutants exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials;
- F. Any waters or pollutants containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters;
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state and federal regulations;
- H. Any waters or wastes having a pH in excess of 9.5;
- I. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs," as defined in § 13.1.1.1.
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters; and
- K. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.

ARTICLE III
Building Sewers and Connections

§ 13.1.3.1. Permit required.

- A. No unauthorized person may uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system must notify the Superintendent at least 45 days prior to the proposed change or connection.

§ 13.1.3.2. Permit classes; application; fee.

- A. There are two classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner or owner's agent is to make application on a special form furnished by the Town. The permit application is to be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.
- C. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit is as set out in Appendix A and paid to the Town at the time the application is filed.

§ 13.1.3.3. Technical codes, specifications to govern building sewer installations.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench must all conform to the requirements of the state and town building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 apply.

§ 13.1.3.4. Technical specifications.

- A. Code specifications to govern connections. The connection of the building sewer into the public sewer may only be made by one duly authorized to perform such work within the Town and must conform to the requirements of the state and town building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9.

- B. Deviations from standards. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- C. Tightness required. All such connections must be made gastight and watertight.

§ 13.1.3.5. Costs of installation; connection; owner's liability.

All costs and expense incident to the installation and connection of a building sewer are to be borne by the owner.

§ 13.1.3.6. Separate sewer for each building; exception.

A separate and independent building sewer must be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 13.1.3.7. Use of old sewers with new buildings.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

§ 13.1.3.8. Elevation of building sewer.

Whenever possible, the building sewer is to be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain must be lifted by an approved means and discharged to the building sewer.

§ 13.1.3.9. Excavations for building sewer installation.

All excavations for building sewer installation are to be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work must be restored in a manner satisfactory to the Town.

§ 13.1.3.10. Inspection prior to connection; Superintendent to supervise connection.

The applicant for the building sewer permit must notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection is only to be made under the supervision of the Superintendent.

§ 13.1.3.11. Specific connections to be approved.

No person may make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer without the consent of the Superintendent.

ARTICLE IV
Main Extensions

§ 13.1.4.1. Council's authority to make changes, extensions.

The Town Council may make such changes and extensions as it deems necessary for the best interests of the public.

§ 13.1.4.2. Extensions generally.

- A. Petitions for extensions. Any person and/or persons may petition to the Town Council for extension or extensions they propose, which petition must be voted upon by the Council.
- B. Authority to make assessments for costs of extensions. The Town Council has the power to make assessments for the costs of any extensions it approves. The council may also establish such rates for entrance and other charges for the use of said sewage system against the owners of the property served by said system or to which such service is available as it may deem necessary to help defray cost of maintaining and operating system.
- C. Construction by property owner, builder or developer. If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension if such extension is approved by the Town Council. The person(s) must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required in Article III of this chapter and the inspection fees paid. The design and construction specifications must bear the signed approval of the Superintendent prior to construction.

§ 13.1.4.3. Assessment.

- A. Determination of benefits. When the sewer line construction has been completed, the municipal officers shall determine what lots or parcels of land, with or without structures thereon, are benefited by said sewer line and estimate and assess upon said lots or parcels of land, and against the record owner or owners thereof or against a person against whom the taxes thereon are assessed, a sum not exceeding the benefit the municipal officers deem fair and equitable towards defraying the expenses of said sewer construction together with any sewage disposal units and appurtenances that may be necessary for the proper operation of said sewer line.
- B. Definitions. For the purposes of this article, the following definitions apply:
 - ASSESSED PARCEL — A benefited property included in an adopted assessment plan obliging payment of an assessment fee.

BENEFITED PARCEL — A property which has gained direct access to a sewer main extension via frontage or an existing public right-of-way less than 100 feet distant, whether gravity flow is readily achievable or not.

DWELLING UNIT — A room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking, eating, and sanitary facilities. It comprises at least 650 square feet of habitable floor space and includes any subcategory definition of dwelling as found in Title 16, § 16.2.2 (e.g., inn, accessory dwelling unit).

PER DWELLING UNIT — The basis of calculation of the number of dwelling units for residences assessed in an adopted sewer main extension assessment plan or to be assessed for a sewer special entrance connection fee.

PER UNIT OF OCCUPANCY — The basis of calculation of the number of occupied units for nonresidential structures assessed in an adopted sewer main extension assessment plan or to be assessed for a sewer special entrance connection fee.

UNASSESSED PARCEL — Those parcels of property that were not benefited or assessed when sewer main extension assessments were made; and those parcels that were thereafter found not benefited by such sewers and therefore not subject to such assessments.

UNIT OF OCCUPANCY — The category of property use which carries the unit charge as found in § 13.1.6.5, Sewer impact fee.

- C. Limitation on assessment; formula for determining cost. The whole of the assessments may not exceed 1/2 the cost of the entire project contract price of constructing and completing the sewer line, including all necessary appurtenances and sewage disposal units. The Town Council shall devise and utilize a formula for determining the fair and equitable cost to the owner or owners of land so benefited.
- D. Responsibility for sewer lines. The municipality is responsible for such sewer lines after construction and shall thereafter maintain and keep the same in good repair.
- E. Record of location of sewer line; notification of owner.
 - (1) The municipal officers shall file with the Clerk of the Town the location of the sewer line and sewage disposal units and appurtenances, with a profile description of the same and a statement of the amount assessed upon each lot or parcel of land so assessed and the name of the owner of the lots or parcels of land or person against whom the assessment is made.
 - (2) The Clerk of the Town is to record the assessment in a book kept for that purpose, and within 10 days after filing notice, each person so assessed is to be notified of the assessment by having an authentic copy of the assessment, with an order of notice signed by the Clerk

of the Town stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at their usual place of abode in the Town.

- (3) If a person has no place of abode in the Town, then the notice may be given or left at the abode of their tenant or lessee, if the person has one in the Town; if the person has no tenant or lessee in the Town, then by posting the notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed at least 30 days before the hearing. The notice may be given by publishing it three weeks successively in any newspaper published in the Town, the first publication to be at least 30 days before the hearing.
- (4) A return made upon a copy of the notice by any constable in the Town or the production of the paper containing the notice is conclusive evidence that the notice was given; and upon the hearing, the municipal officers have power to revise, increase or diminish any of the assessments, and any revisions, increase or diminution is to be in writing and recorded by the Clerk.

F. Farmland and open space land exempt from assessment.

- (1) Land classified and restricted for use for agricultural, forest/ woodland, open space or wildlife habitat purposes, as defined by 36 M.R.S. § 1102, is exempt from the assessment provided in §13.1.4.3 when no benefits are derived from the common sewer or drain. Owners of such qualified land must notify the municipal officers that their property may qualify for this exception. The municipal officers are to revise the assessments against such land to exempt it from assessment. Any revision of assessment provided by this subsection is to be in writing and recorded by the Clerk.
- (2) When the use of the land is changed from farmland, the owner must, within 60 days, notify the Town Council, in writing, of the change. The Town Council shall assess this land in an amount equal to the assessment which would have been due but for the provisions of this subsection. The municipality must notify the owner of the assessment due, which the owner must pay within 60 days of notice or as provided by the Town Council under its authority in 30-A M.R.S. § 4453.

§ 13.1.4.4. Collection of assessments and charges.

- A. All assessments and charges made pursuant to this article are to be certified by the municipal officers and filed with the Tax Collector for collection. A facsimile of the signatures of the municipal officers imprinted at their direction upon any certification of an assessment or charge under this article has the same validity as their signatures.
- B. The Tax Collector may enter into a written mortgage agreement with the owner(s) of land so assessed and provide the same with a

promissory note and installment payment plan for the amount of the assessment ("assessment payment plan"). This assessment payment plan agreement is to provide for payment of said assessment to the Town over a period not to exceed the shorter of 18 years, or two years shorter than the Town's bond repayment period for the applicable project, at an interest rate to be determined by the municipal officers. Such agreement is also to specify the method of collection in the event that such payment is in default, and, further, the mortgage agreement is to be recorded by the Town in the York County Registry of Deeds.

- C. Owners with household income less than or equal to 50% of the local area median family income, as determined annually by the United States Department of Housing and Urban Development and varied by household size, may request deferral of payment of the assessment without penalty or additional interest incurred for the period of eligibility. Should the Tax Collector find an owner ineligible under those provisions, the Tax Collector may enter into a written agreement with the owner under the same term and terms pursuant to Subsection B above.
- D. Should the Tax Collector decline to enter into such payment agreement, aggrieved owner(s) may appeal the decision to the Board of Appeals pursuant to Chapter 13.2, Sewer Service Decision Appeals.
- E. Payment of the assessment is due in full upon demise of the owner(s); or transfer to any other owner by gift, assignment, devise, sale, or otherwise, except for:
 - (1) Transfers to a spouse or joint tenant, living or surviving, provided the transferee executes a new mortgage agreement, promissory note and installment payment agreement with the Town.
 - (2) Transfers to trusts, providing the trustee executes a new mortgage agreement, promissory note and installment payment agreement with the Town.
 - (3) Such new agreements to be executed for a period not to exceed the final payment date of the original agreement.
- F. The municipal officers shall annually file with the Tax Collector a list of installment payments due the municipality under such written agreements with the owner or owners of land so assessed.
- G. If the person so assessed, within 30 days after written notice of the total amount of such assessment and charges, or annual installment payment and interest, fails, neglects or refuses to pay such municipality the expense thereby incurred, or fails to enter into a written agreement as provided herein for payment of the same, or fails to pay any installment due under a written agreement so entered, then a special tax in the amount of the total unpaid assessment and charge may be assessed by the Municipal Assessor upon each and every lot or parcel of land so assessed and buildings upon the same.

- H. Such assessment is to be included in the next annual warrant to the Tax Collector for collection and collected in the same manner as state, county, and municipal taxes are collected. Interest at a rate of 12% per year on the unpaid portion of assessments and charges due the municipality accrues from the 30th day after written notice to the person assessed and is to be added to and become part of the special tax when committed to the Tax Collector.

§ 13.1.4.5. Materials.

The size and kind of pipe is to be determined by the Department in accordance with conditions surrounding the extension, including the possibility of future extensions or additions, and must conform to all state and local regulations.

ARTICLE V

Private Sewage Disposal**§ 13.1.5.1. Connection to private system required.³**

Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer must be connected to a private disposal system complying with the requirements of the Maine State Department of Health and Welfare dealing with septic tank installations.

§ 13.1.5.2. Permit required to construct system; application; permit and inspection fees.

Before commencement of construction of a private sewage disposal system, the owner must first obtain a written permit signed by the Plumbing Inspector. The application for such permit is to be made on a form furnished by the Town, which the applicant is to supplement by any plans, specifications and other information as is deemed necessary by the Plumbing Inspector. A permit and inspection fee as set out in Appendix A is to be paid at the time the inspection is filed.

§ 13.1.5.3. Effective date of permit; inspections of construction.

A permit for a private sewage disposal system does not become effective until the installation is completed to the satisfaction of the Plumbing Inspector who is allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit is to notify the Plumbing Inspector when the work is ready for final inspections and before any underground portions are covered. The inspection is to be made within 24 hours of the receipt of notice by the Plumbing Inspector.

§ 13.1.5.4. Operation and maintenance of facilities by owner.

The owner must operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town.

§ 13.1.5.5. Effect on additional requirements of Health Officer.

No statement contained in this article may be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§ 13.1.5.6. Connection to public sewer required; cleaning and filling of private system.

When a public sewer becomes available, the building sewer must be connected to said sewer within 90 days after the date of official notice. At the time of connection to the public sewer, any private septic tank or cesspool shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

§ 13.1.5.7. Contents from private sewage treatment facilities.

A. Generally. The contents from septic tanks, holding tanks or other approved facilities for private wastewater treatment located on properties within the Town or any other town with which a duly negotiated contract has been signed by the Town Council for the purpose of wastewater treatment and disposal may be discharged to the wastewater treatment works at a point designated by the Superintendent under the following conditions:

- (1) The contractor must be licensed by the State of Maine Department of Environmental Protection and record name, address and license number with the Sewer Department on forms supplied by the Department;
- (2) Must submit the owner's name and location of the property from which the tank was pumped prior to discharge;
- (3) The contractor must have a sight glass or other approved means mounted on the truck tank in clear view to show the amount of sludge contained within the tank prior to discharge. In the absence of such equipment, the tank will be considered to be full and charged accordingly;
- (4) All discharges are to be made during normal working hours of the Sewer Department. In emergencies, discharges may be made after normal working hours on approval of the Superintendent. All discharges made after hours are to be charged at the regular rate plus a labor charge as set out in Appendix A;
- (5) The Superintendent has the right to inspect, test and reject any and all discharges which do not comply with the restrictions found in § 13.1.2.5 or in any way appears detrimental to the wastewater treatment works; and
- (6) Facilities used for the purpose of serving industries must submit satisfactory evidence, prior to discharge, that the sludge contains no waste deemed hazardous by the United States Environmental Protection Agency. The Superintendent may request the sludge be analyzed, at the owner's expense, for heavy metals and to ensure compliance with § 13.1.2.10.

B. Rates for discharge.

- (1) Septic tank contents are to be charged at the rate set out in Appendix A.
- (2) Holding tank contents are to be charged at the rate set out in Appendix A.
- (3) All discharges containing less than 1,000 mg/l total suspended solids (0.1%) are considered to be holding tanks. All others are considered septic tanks for the purpose of rate charges.

- (4) All fees are to be paid prior to discharge except when the contractor has made previous arrangements with the Sewer Department to be billed monthly. If fees are more than 60 days in arrears, the contractor's discharge privileges terminate until account is brought up-to-date.
- C. Penalties for violation. Any person who willfully falsifies information or in any other way violates this section loses the right of discharge for a period not to exceed 90 days for each offense.

ARTICLE VI
New Sewer Service Connection Fees

§ 13.1.6.1. Benefited and assessed properties.

Main extension projects include properties established by the Town Council as benefited, and owners are obliged to pay an assessment fee as ordained above. Except as may be required pursuant to §§ 13.1.6.2 and 13.1.6.3 as a result of changes to a benefited and assessed parcel, fees required by this article do not apply to connections to the municipal sewage collection system of any structure existing at the time of adoption of an assessment plan for such benefited and assessed properties.

§ 13.1.6.2. Changes to benefited and assessed properties - impact fee.

An impact fee is assessed when there is a change in the use, character, or size of any structure on a parcel or any other condition that results in additional sewage flow from that parcel. Additional sewage flow is any increase in the number of units of occupancy over that existing at the time of adoption of an assessment plan resulting in an increase in the wastewater discharge over that existing, or reasonably estimated to have existed, as of the date of the benefit assessment plan adoption.

§ 13.1.6.3. New main entrance connection.

Changes in use for benefited properties and all properties not included in a prior main extension assessment plan (not benefited or assessed) requiring a new sewer main entrance connection must pay a special sewer entrance connection fee, as reflected in § 13.1.6.6.

§ 13.1.6.4. Changes to unassessed properties - impact fee.

All properties not included in a prior sewer main extension assessment plan (not benefited or assessed) must pay an impact fee as reflected in § 13.1.6.5, except any which have an easement agreement granted to the Town in lieu of other compensation.

§ 13.1.6.5. Sewer impact fee.

- A. Time payable. Sewer impact fees, payable by the property owner pursuant to this section, must be paid prior to the connection of any sewer line to the municipal sewage collection system; or upon the issuance of any plumbing permit for additional plumbing fixtures; or change in use of any property already connected to the municipal sewage collection system.
- B. Amount determined. The sewer impact fee payable is determined by multiplying the unit charge for the particular category(ies) of property use as set forth in § 13.1.6.5C or D by the sewer impact fee set forth in Town Code Appendix A.

C. Categories of use and unit charge.

- (1) The following categories of property use carry the unit charge set forth herein to be used in the computation of the sewer impact fee as provided above:

Category	Unit Charge
Minimum charge	1/2 unit charge
Single-family dwelling or condominium unit	1 unit charge
Multifamily dwelling or condominium per unit	1 unit charge
3 hotel units (double occupancy)	1 unit charge
5 motel units (double occupancy)	1 unit charge
4 boardinghouses (double occupancy)	1 unit charge
7 cabins	1 unit charge
15 school students (day school)	1 unit charge
4 school students (boarding school)	1 unit charge
2 hospital beds (medical)	1 unit charge
3 nursing home beds	1 unit charge
50 theater seats	1 unit charge
30 employees	1 unit charge
Retail store, per 1,500 gross square feet	1 unit charge
30 full-service restaurant or function room seats	1 unit charge
1 laundromat machine	1 unit charge
1 automobile service station	3 unit charges
Fast-food and/or drive-in service restaurant (15 seats)	1 unit charge
10 yacht or country club members	1 unit charge
50 church members	1 unit charge
Industrial and manufacturing use	Base minimum on domestic use plus any process water usage

Category	Unit Charge
Commercial and retail uses: 5 plumbing fixtures added to existing structures and connected to wastewater collection system	1 unit charge

(2) For any category of use or change in use not specifically set forth above, the enforcing officer determines the total number of unit charges based upon a per-unit load of 300 gallons per day.

D. Proportional factors. When the number of units within a category of use does not exactly correspond to that listed in the schedule above, a proportional factor is to be utilized to calculate the total sewer impact fee. For example, to compute the total sewer impact fee for a seven-unit motel, the following calculation is used:

$$7 \text{ motel units} = 1 \text{ unit charge for } 5 + 2/5 \text{ unit charge for } 2 = \$3,000 + [2/5 \times \$3,000 (\$1,200)] = \$4,200$$

E. Multiple category factors. If two or more categories of use may apply to a particular proposed use, the sewer impact fee is the higher of the two or more calculations. However, when there are multiple uses within a structure, each such use is subject to a separate sewer impact fee.

F. Fee determination. The sewer impact fee due and payable by the property owner is to be calculated and determined by the Code Enforcement Officer.

§ 13.1.6.6. Special sewer entrance connection fee.

A. A special sewer entrance connection fee as set out in Town Code Appendix A is established on a per-dwelling-unit basis for residences and on a per-unit-of-occupancy basis for nonresidential structures for each new sewer entrance connection to a system main.

B. The entrance connection fee is to be paid in full prior to the issuance of a permit for the new connection.

§ 13.1.6.7. Off-premises construction costs.

All costs of extending sewage lines from the property to be serviced to the municipal sewage collection system are to be assumed solely by the owner or party having an interest in the property to be so serviced. No such construction may commence until there is complete compliance with all provisions of this chapter and all other relevant governmental statutes, rules and regulations. Extension of the sewer lines and pumping station must meet the standards of the Town, and capacity must be such as to handle all anticipated sewage flows and allow for flow from all possible future extension or development within the immediate drainage area as determined by the Town.

§ 13.1.6.8. Municipal contracts or agreements and Town property exempted.

This article does not apply to sewage disposal covered by any agreement or contract between the Town and any governmental body, or subdivision thereof, nor does it apply to the treatment of any sewage flow from property owned by the Town.

§ 13.1.6.9. Enforcement.

This article is enforced by the Code Enforcement Officer.

ARTICLE VII

Special Entrance and Impact Fee Fund Accounting**§ 13.1.7.1. Special Entrance and Impact Fee Fund.**

- A. A Wastewater Treatment Department fund account is established and is the depository for all special sewer entrance connection and impact fees collected under the terms of this chapter. Said fund is to be accounted as a Department-designated reserve and used solely and exclusively towards expenses for capital improvements and repair/replacement of capital components of the municipal wastewater treatment system.
- B. The proceeds in this fund may be expended in concert with other revenues and planned expenditures or capital improvement funds of the Town, but only for capital improvements to the municipal wastewater treatment system as distinct from expenses for regular operations, maintenance, and repair. All moneys accumulated in this fund are to be expended by the Town for the specific purposes stated herein within 10 years of their collection and deposit therein, or within the amortization period of any project bond created for the same purpose(s).

Chapter 13.2**SEWER SERVICE DECISION APPEALS****§ 13.2.1. Arbitration appeal of assessment.**

- A. Any person not satisfied with the amount of assessment pursuant to § 13.1.4.3 may appeal within 10 days after a hearing by the municipal officers, pursuant to 30-A M.R.S. § 3443, Arbitration of assessment, to an independent arbitration panel as established by the municipal officers as incorporated in the assessment plan adopted for any main extension project.
- (1) Arbitrators selected. The municipal officers shall nominate six persons who are residents of the municipality. The applicant shall select two of these persons, and these two persons shall select a third person who is a resident of the municipality and who is not one of the six persons nominated by the municipal officers.
 - (2) Arbitration procedure. The three persons selected under Subsection A(1) shall fix the amount to be paid by the applicant. Within 30 days from the hearing before the municipal officers under 30-A M.R.S. § 3442, the arbitrators shall report their findings to the Municipal Clerk, who shall record them. The arbitrators' report is final and binding on all parties.
- B. Appellants are referred to 14 M.R.S. Chapter 706, Uniform Arbitration Act, et seq., for statutory provisions related to such appeals.

§ 13.2.2. Unbuildable parcel appeals.

- A. Definitions. The following definitions apply to this section only:
- UNBUILDABLE — No structure containing or required to contain sanitary facilities may be legally constructed due to zoning restrictions.
- ZONING — Any land use and development statute, ordinance, rule, or regulation promulgated by a federal, state, or local government or agency.
- B. Right to unbuildable parcel appeal. Any person owning a property, included in an adopted assessment plan for a sewer main extension project, not satisfied with the amount assessed pursuant to § 13.1.4.3 may, prior to the assessment fee payment due date and without limitation of time thereafter, appeal the assessed amount to the Board of Appeals (BoA) as an unbuildable parcel, provided that:
- (1) The appellant was the record owner of the assessed property and, excepting spousal or trust inclusions or exclusions, remains so without interruption at time of appeal; and

- (2) The assessed property was vacant, or was improved by structure(s) neither containing nor required to contain sanitary facilities.
- C. Initiating an unbuildable parcel appeal.
- (1) Unbuildable parcel appeals are to be filed in accordance with Town Code Title 16, § 16.6.5, Board of Appeals appeal/request filing procedures. The pertinent provisions of that Code section's protocols for the Board to address such appeals apply.
 - (2) Filed applications must be accompanied by a written statement from the Code Enforcement Officer and Town Planner regarding whether the involved property is developable as defined in this section.

§ 13.2.3. Sewer service administrative decision appeals.

- A. Any person filing a permit application for a sewer special entrance connection, or who is determined by the Code Enforcement Officer to be obliged to pay an impact fee, who may be aggrieved by the provisions set forth herein, may file an administrative decision appeal to the BoA for a review of the determination.
- B. Any person denied a payment plan by the Tax Collector may file an administrative decision appeal to the BoA for such decisions.
- C. Such administrative decision appeals are to be filed in accordance with Town Code Title 16, § 16.6.5, Board of Appeals appeal/request filing procedures. The pertinent provisions of that Code section's protocols for the Board to address such appeals apply.

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

- | | | |
|--|--|---|
| <input checked="" 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 (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

88 Pepperrell Rd Kittery Point ME 03905

6. Is the licensee/applicant(s) citizens of the United States? Yes No
7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

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

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

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address
Bristo 1828 at Pepperrell Cove LLC		88 Pepperrell Rd kittery Point ME

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

Full Name	DOB	Place of Birth
Henry Ares	5/13/ 1968	Kittery Maine
Eides Ares	9/4/1984	Brazil
Residence address on all the above for previous 5 years		
Name	Address:	
Henry Ares	87 Whipple Rd Kittery ME 03904	
Name	Address:	
Eides Ares	87 Whipple Rd Kittery Maine 03904	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

Stanton/McBurney Trust New Castle NH

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)

The first and 3rd floors of 88 Pepperrell Rd Kittery Point ME 03905. The business is a fine dining establishment and dining on the first floor. The third floor has indoor seating and a seasonal deck. Both floors serve sp

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: Mitchell School

Distance: 1/3 of a mile

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 1.19.21

Eides Ares
Signature of Duly Authorized Person

Henry Ares
Signature of Duly Authorized Person

Eides ARES
Printed Name Duly Authorized Person

Henry Ares
Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

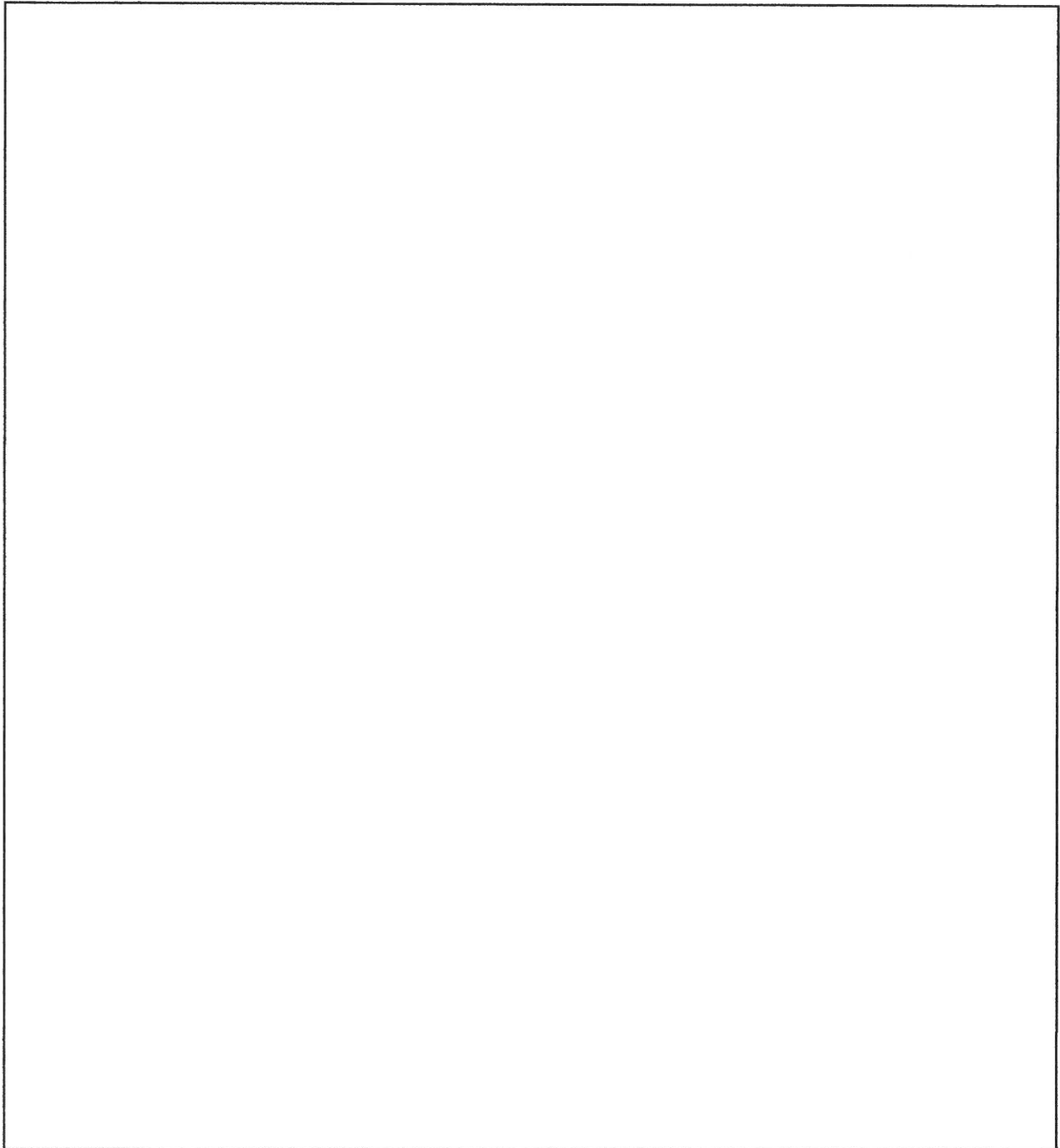
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

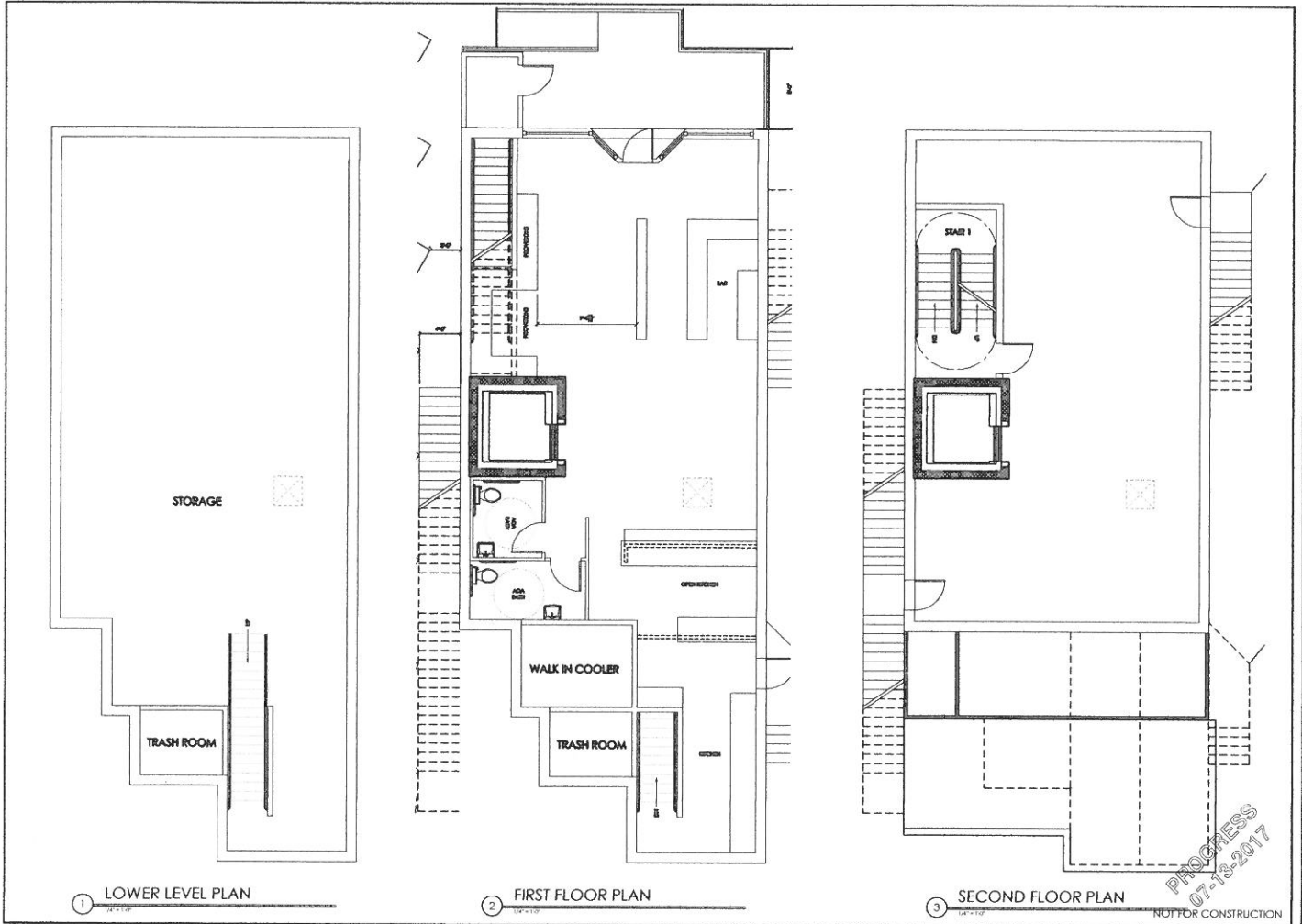
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis 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

Section VI Premises Floor Plan

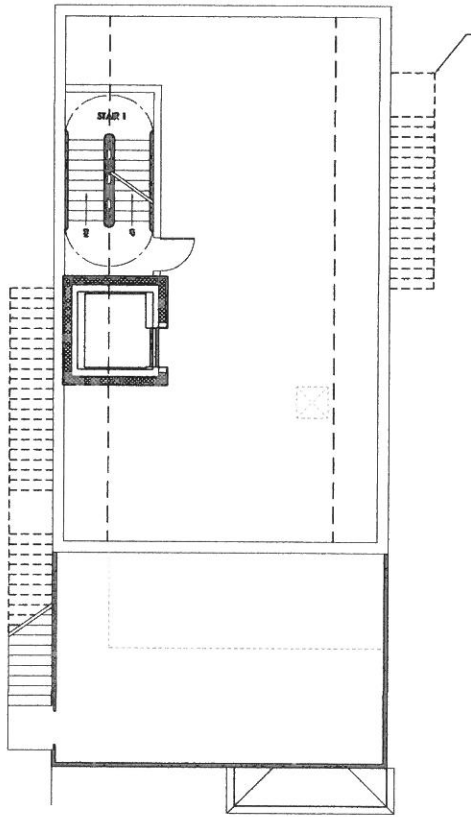
In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

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.

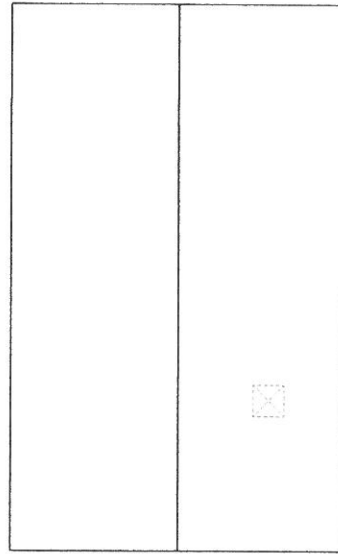




<p>THE BISTRO AT PEPPERELL COVE 88 PEPPERELL ROAD KITTERY, MAINE</p>	
<p>CL ARCHITECTS</p>	
<p>THE BISTRO LOWER LEVEL FIRST FLOOR & SECOND FLOOR PLANS</p>	
DATE:	JAN
DESIGNED BY:	CJK
DRAWN BY:	DMK + JGP
DATE:	07-13-2017
SCALE:	AS SHOWN
<p>A1.3</p>	



1 THIRD FLOOR PLAN
16-1108



2 ROOF PLAN
16-1109

PROGRESS
07-13-2017

NOT FOR CONSTRUCTION

<p>CL ARCHITECTS 225 WASHINGTON ST. SUITE 200 PORTLAND, ME 04101 TEL: 603.876.1100 WWW.CLARCHITECTS.COM</p>	<p>THE BISTRO AT PEPPERELL COVE 88 PEPPERELL ROAD KITTERY, MAINE</p>
<p>THE BISTRO PROPOSED THIRD FLOOR & ROOF PLANS</p>	<p>DATE: 16-11-17 DRAWN BY: JAC APPROVED BY: CJC SCALE: 1/4" = 1'-0" JOB NUMBER: 1710</p>
<p>A1.4</p>	

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: Bistro1828 at Pepperrell Cove LLC
2. Doing Business As, if any: 1828 Bistro
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, 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
Henry Ares	87 Whipple Rd Kittery ME 03904	5/13 /1968	Managing Men	50
Eides Ares	87 Whipple Rd Kittery ME 03904	9/4/1984	Managing Men	50

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