



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

December 14, 2020

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_iCvFmv6Rk66mRQgcskOzg

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
 - June 8, 2020 - Revised
 - June 15, 2020 – Revised
 - June 22, 2020
 - July 13, 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
 - a. (120220-1) The Kittery Town Council moves to interview and reappoint Charles Denault III to the Board of Appeals for a three-year term to expire 12/31/2023.
 - b. (120220-2) The Kittery Town Council moves to interview and reappoint Russell White to the Planning Board for a three-year term to expire 12/31/2023.
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
 - a. (120220-3) The Kittery Town Council moves to authorize the Town Manager to work with the Housing Committee on applying to HUD for a Comfort Letter regarding affordable housing on 45 Woodlawn Avenue (aka Cole Street property/Emery Field) and to report back to Council on HUD'S response.
10. PUBLIC HEARINGS
 - a. (120220-4) The Kittery Town Council moves to hold a public hearing on Title 2 Administrative Code – Paid Time off.
 - b. (120220-5) The Kittery Town Council moves to hold a public hearing on a petition for enactment of an ordinance “License Ordinance for Marijuana Establishments” in accordance with Kittery Town Charter, Section 11.02.
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. (120220-6) The Kittery Town Council moves to reappoint the following Board and Committee members as follows, all terms are three years and will expire on 12/31/2023.

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.

- Alan Rindler – Board of Assessment Review
 - Joyce Tobey – Board of Trustees of Trust Funds
 - Christopher Perkins – Capital Improvement Committee
 - Richard Demarco – Parks Commission
 - Gale Turner – Parks Commission
 - Jeffrey Clifford – Economic Development Committee
 - Jeff Brake – Education Scholarship Committee
- c. (120220-7) The Kittery Town Council moves to approve a renewal liquor license application from Weathervane Seafoods, 306 US Route 1, Kittery.
 - d. (120220-8) The Kittery Town Council moves to approve a renewal liquor license application from Robert’s Maine Grill, 326 US Route 1, Kittery.
 - e. (120220-9) The Kittery Town Council moves to approve a renewal liquor license application from the 518 Noodle Bar, 518 US Route 1, Kittery.
 - f. (120220-10) The Kittery Town Council moves to approve a renewal liquor license application from the Blue Mermaid, 10 Shapleigh Road, Kittery.
 - g. (120220-11) The Kittery Town Council moves to approve a renewal liquor license application from Loyal Order of Moose #444, 76 US Route 1 Bypass, Kittery.
 - h. (120220-12) The Kittery Town Council moves to approve the renewal of a Special Activity-Amusement permit for Loyal Order of Moose #444, 76 US Route 1 Bypass, Kittery.
 - i. (120220-13) The Kittery Town Council moves to extend the waiver of enforcement of certain provisions of Title 5.7 Sidewalk Sales until the expiration or termination of the State of Emergency.
 - j. (120220-14) The Kittery Town Council moves to schedule a public hearing on Title-16 Outdoor Dining on January 11, 2021.
 - k. (120220-15) The Kittery Town Council moves to discuss a draft of the 2021 Annual Goals.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

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.

16. EXECUTIVE SESSION - **None**

17. ADJOURNMENT

Posted: December 10, 2020

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



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council December 14, 2020

- 1. JLUS Review** – The Council commented at the last meeting about the Joint Land Use Study and various ideas that can be pursued to alleviate the traffic impacts of the shipyard. Many of the ideas Councilors discussed have already been identified and evaluated as part of the Study report.

The Town generated an action list from the report, and is actively working on a number of the recommendations including adding public transit that better suits the shipyard shifts, Love Lane Road diet, remote park-and-ride sites in Kittery and Eliot, and investigating opportunities to increase incentives for the use of car and van pools. Additional initiatives are being advanced by the JLUS Implementation team including increasing public transit options, investigating potential sites for a larger-scale parking/shuttle option, and advancing affordable housing efforts that support employees living closer to their worksite (thereby reducing the dependence on single occupancy vehicles for commuting). Enclosed is an update of the workplan for the JLUS.

- 2. Clamming** – Councilor Lemont asked for an update on clamming in Kittery. In conversations with the Department of Marine Resources, the regional representative confirmed that clamming in Kittery will not be permitted until approximately 2 years after the completion of the Pierce Island Waste Water Treatment Plant upgrades. The timeline is based on the number of water quality tests required to confirm a safe reopening of clamming. The anticipated timeframe for this is 2021.
- 3. Legislative Cloture** – Cloture for the 130th Legislature is scheduled for December 18, 2020 at 4PM. In the past, the Council has sought to meet with our Representatives and Senator to discuss Town priorities and interests for the legislative session. Though a conversation is not possible prior to Cloture, it may be worthwhile for the Council to determine if there are legislative priorities it wishes to communicate about, advocate for, and otherwise track over the legislative session.
- 4. Marijuana Petition** – The Town has received a certified petition to enact a licensing ordinance for adult-use and medical marijuana businesses. In accordance with Town Charter, the Council must hold a public hearing and schedule a special election. In accordance with Council direction, we have worked with the petitioner to develop an alternative licensing ordinance, and land use ordinance that could be pursued through a normal ordinance process rather than an election.

Attached is a comparison of the petition to the drafted Town ordinances.

- 5. Commercial Street Parking Both Sides** – Councilor Denault requested a review of Commercial Street for the possibility of allowing parking on both sides of the road. Commercial Street is approximately 24 feet wide. Given its narrow width, the road cannot safely support an additional parking lane on the west side.
- 6. COVID Staffing** – Though we have not resumed staggered shifts for employees this fall, we are experiencing reductions in available staff in multiple departments. Federally mandated time off

for COVID-related issues including lack of childcare/remote learning, quarantining requirements, and testing delays for cases of potential exposure have impacted each department. I note this specifically to request patience and understanding as some tasks and projects are taking longer to accomplish due to staff reductions. We are prioritizing public safety and essential operations, and filling in on other work as time and resources allow.

7. Sidewalk Projects – The Town is working multiple projects related to sidewalks. As a result, there may be some confusion as to how these are moving forward. Below is a summary:

- Whipple Road Sidewalk (MDOT project) – MDOT is finishing up the Right of Way efforts. The project is expected to be bid in 2021 and constructed likely in 2022.
- Walker/Wentworth Sidewalk and Intersection (MDOT project) – MDOT is starting the Right of Way effort. The project is expected to be bid in 2021 and constructed likely in 2022. This project will include a new signalized intersection at Walker/Wentworth.
- Pepperrell Road Sidewalk (Town Project) – Sidewalk reconstruction on Pepperrell (KP Post Office area) is scheduled for 2021.
- Stevenson Sidewalk Extension (Town Project) – Engineering is in process. The engineering will include a cost estimate that will be used to apply for grants to implement the project. Implementation TBD.
- Pedestrian & Bike Master Plan (Town/KACTS Project) – The project will result in a priority list of sidewalk maintenance, upgrades, and extensions, similar to our pavement management plan. Projects will be prioritized using both technical standards (physical condition, ADA compliance) and community input (extensions, expansions). The plan will be incorporated into the Capital Improvement Program as a tool to plan for capital investment, grant applications, and project planning.

Upcoming Dates:

- Santa Parade – Saturday, December 19, 2PM. Visit KCC website for route
- Holiday Light Challenge – People’s Choice Vote, December 21 – 23, KCC Facebook Page
- Town Hall Closed for Christmas Holiday – Thursday, December 24
- Town Hall Closed for New Year’s Holiday – Thursday, December 31
- Dog License Renewal – January 31, Town Hall

Respectfully Submitted,



Kendra Amaral
Town Manager

TOPIC AREA	GOAL	STATUS	RESPONSIBLE
SHORT-TERM STRATEGIES			
Travel Safety	Walking and biking safety signs	<ul style="list-style-type: none"> Map of sign locations developed with MDOT. Dig safe called, and posts on order. MDOT providing signs. 	Kittery, MDOT
Travel Safety	Clear truck route signage		Kittery, PNSY, SMPDC
Congestion	Real-time gate activity alerts		PNSY
Transit	Regional employer partnerships for transit		ME, Federal Agencies
Transit	Expand Communication of Navy TIP program	<ul style="list-style-type: none"> Develop a clearer understanding of what is and is not allowed, and what is amendable. Analysis of federal program is underway. 	PNSY
Parking	Expand Park and Ride Landowners	<ul style="list-style-type: none"> Three sites in and adjacent to Kittery in discussion. Discussions ongoing in Sanford. MDOT connecting with landowners to share info on State supports available. 	Kittery, PNSY, MDOT, SMPDC
Parking	Downtown Kittery parking map	<ul style="list-style-type: none"> In development, Title 10 amendments are in process that will impact the map. 	Kittery
Parking	Adjust downtown parking pricing	<ul style="list-style-type: none"> Council eliminated four-hour parking in the Foreside. 	Kittery
Parking	Increase parking enforcement downtown	<ul style="list-style-type: none"> Requires additional police officers to be fully effective. COPS grant applied for to add officers to the force. Full-time ACO has been advancing parking enforcement. Parking ticket issuance is up 100% over the prior year. 	Kittery

JOINT LAND USE STUDY
IMPLEMENTATION PLAN

TOPIC AREA	GOAL	STATUS	RESPONSIBLE
Bike/Walk	Boost bike awareness	<ul style="list-style-type: none"> Discussions resuming with MDOT and Bicycle Coalition of Maine to host Heads Up program in Town and on PNSY. 	Kittery, PNSY, MDOT, SMPDC
Housing	Re-zone to improve affordability	<ul style="list-style-type: none"> Council adopted affordable housing ordinances. Effort to advance regional affordable housing options in process. 	Kittery
Regional Coordination	Regional Funding Partnerships	<ul style="list-style-type: none"> JLUS implementation grant application approved, includes funding support for coordinator. 	All
Regional Coordination	Regional committee participation	<ul style="list-style-type: none"> Included in JLUS Implementation Grant application 	All
Regional Coordination	Quarterly planning meetings	<ul style="list-style-type: none"> Included in JLUS Implementation Grant application 	Kittery, SMPDC, PNSY
Regional Coordination	Regional data sharing	<ul style="list-style-type: none"> Initial efforts in process. 	SMPDC
Communications	Formal joint communications plan	<ul style="list-style-type: none"> Review of best practices underway including analysis of communications plans for other naval installations. 	Kittery, PNSY
Communications	Social medial public engagement	<ul style="list-style-type: none"> Included in JLUS Implementation Grant application 	Kittery, PNSY
Communications	Emergency communications program	<ul style="list-style-type: none"> Included in JLUS Implementation Grant application 	Kittery, PNSY, ME
Environmental	Community/military resilience partnership	<ul style="list-style-type: none"> 	Kittery, PNSY, SMPDC

JOINT LAND USE STUDY
IMPLEMENTATION PLAN

TOPIC AREA	GOAL	STATUS	RESPONSIBLE
MID & LONG-TERM STRATEGIES			
Travel Safety	Increase speed and safety enforcement	<ul style="list-style-type: none"> Requires additional police officers. COPS grant applied for to add officers to the force. Additional speed trailers purchased through COVID efforts can be repurposed for speed. 	Kittery
Travel Safety	Traffic calming improvements	<ul style="list-style-type: none"> Love Lane one-way approved. Striping plan for pedestrian walkways being developed 	Kittery, MDOT, SMPDC
Congestion	Expand Car/van pool incentives	<ul style="list-style-type: none"> Federal TIPs program research initiated. Local control (PNSY) may allow for expansion of program. 	PNSY
Congestion	Controls on contractor parking and access	<ul style="list-style-type: none"> 	PNSY
Congestion	Staggered work shifts/telework options	<ul style="list-style-type: none"> Test of staggered and telework was conducted as a result of COVID. 	PNSY
Congestion	Gate efficiency solutions	<ul style="list-style-type: none"> 	PNSY
Congestion	Traffic signal near the gate	<ul style="list-style-type: none"> Walker/Wentworth traffic signal replacement being designed. Funded by MDOT, KACTS and Town 	Kittery, SMPDC, MDOT
Congestion	Bus-only lane on Walker Street	<ul style="list-style-type: none"> 	Kittery, SMPDC, MDOT
Transit	New regional park and rides	<ul style="list-style-type: none"> Funding strategy being developed for a regional planning effort to identify gaps/needs for regional park and rides 	SMPDC, MDOT, PNSY
Transit	Extend regional transit	<ul style="list-style-type: none"> Funding strategy being developed for regional planning including local, state, and federal transportation funds 	Kittery, SMPDC, MDOT, NH, Federal

JOINT LAND USE STUDY
IMPLEMENTATION PLAN

TOPIC AREA	GOAL	STATUS	RESPONSIBLE
Transit	Commuter river ferry	•	PNSY, SMDPC, Regional, Federal
Parking	New off-yard parking facility	• Site options being considered	Kittery, PNSY
Parking	Nearby park and pedal programs	• Town initiating a bike/ped master planning effort to identify infrastructure needs	Kittery, SMPDC, MDOT
Parking	Rail spur park and ride	•	Kittery, PNSY, ME
Bike/Walk	Kittery bikeshare program	•	Kittery, PNSY, SMPDC, MDOT
Bike/Walk	Design street for bike/ped appeal	• Town initiating a bike/ped master planning effort to identify infrastructure needs. Grant to support planning efforts received.	Kittery, SMPDC, MDOT
Bike/Walk	Protected bike lanes on bridges	• Town initiating a bike/ped master planning effort to identify infrastructure needs	Kittery, SMPDC, MDOT
Bike/Walk	Love Lane/Rte 103 road diets	• Love Lane one-way approved. • Striping plan for pedestrian walkways being developed	Kittery, MDOT, SMPDC
Housing	Mixed-income housing program	• See short-term objective Housing	
Economic Resilience	Promote manufacturing and commercial spinoffs	•	PNSY, SMPDC, ME
Economic Resilience	Integrate JLUS findings into economic development strategies	•	Kittery, PNSY, SMPDC

JOINT LAND USE STUDY
IMPLEMENTATION PLAN

TOPIC AREA	GOAL	STATUS	RESPONSIBLE
Economic Resilience	Promote mixed use development	<ul style="list-style-type: none">• Zoning review underway for priority corridors	Kittery
Environmental	Ensure capability of wind energy projects	<ul style="list-style-type: none">•	PNSY, ME, NH, Region



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

Shellfish Harvesting Area Classification-Notification of Changes

April 25, 2017

Ladies and Gentlemen:

Under the authority of 12 M.R.S.A. § 6172; the Commissioner has made the following change to Area No. 2-A, Portsmouth Harbor and vicinity (Kittery) and Isles of Shoals: This notice extends the Prohibited area at the mouth of Portsmouth Harbor/Piscataqua River due to the results of the Pierce Island Wastewater Facility dye study in New Hampshire and makes administrative changes to the format of the legal notice and the map. All existing pollution and biotoxin closures remain in effect.

The boundary descriptions of the area are as follows (struck text is being removed and underlined text is being added):

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Prohibited area(s):
1. Piscataqua River: west and north of a line beginning at the most eastern point of Swards Cove running southwest approximately 2500 yards to Kitts Rocks Lighted Whistle Buoy "2KR" then southwest approximately 1000 yards to the ME/NH state line southeast of a line across the Piscataqua River at the Memorial Bridge; and northwest of a line running from Jaffrey Point, Newcastle Island, in New Hampshire, to the dock at Fort Foster, Gerrish Island, in Maine.
 2. Isles of Shoals: within 500 feet of the Isles of Shoals islands within Maine jurisdiction.

If you have questions, please contact Department of Marine Resources, 194 McKown Point Road, West Boothbay Harbor, Maine 04575-0008, Tel: (207) 633-9500 Email: DMRPublicHealthDiv@maine.gov. During weekends/holidays, contact on duty Marine Patrol Officers through the appropriate State Police barracks: from New Hampshire border to Brunswick, barracks 1-800-228-0857; from Cushing/Boothbay to Lincolnville/Belfast area, barracks 1-800-452-4664; from Belfast to Canadian border, barracks 1-800-432-7381. This notice can be viewed on the Department's website at: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>. This information is also recorded on our HOTLINE (207-624-7727 OR 1-800-232-4733).

Sincerely,

Kohl Kanwit
Commissioner's Designee – Director, Bureau of Public Health

12:45 PM
(Effective Time)

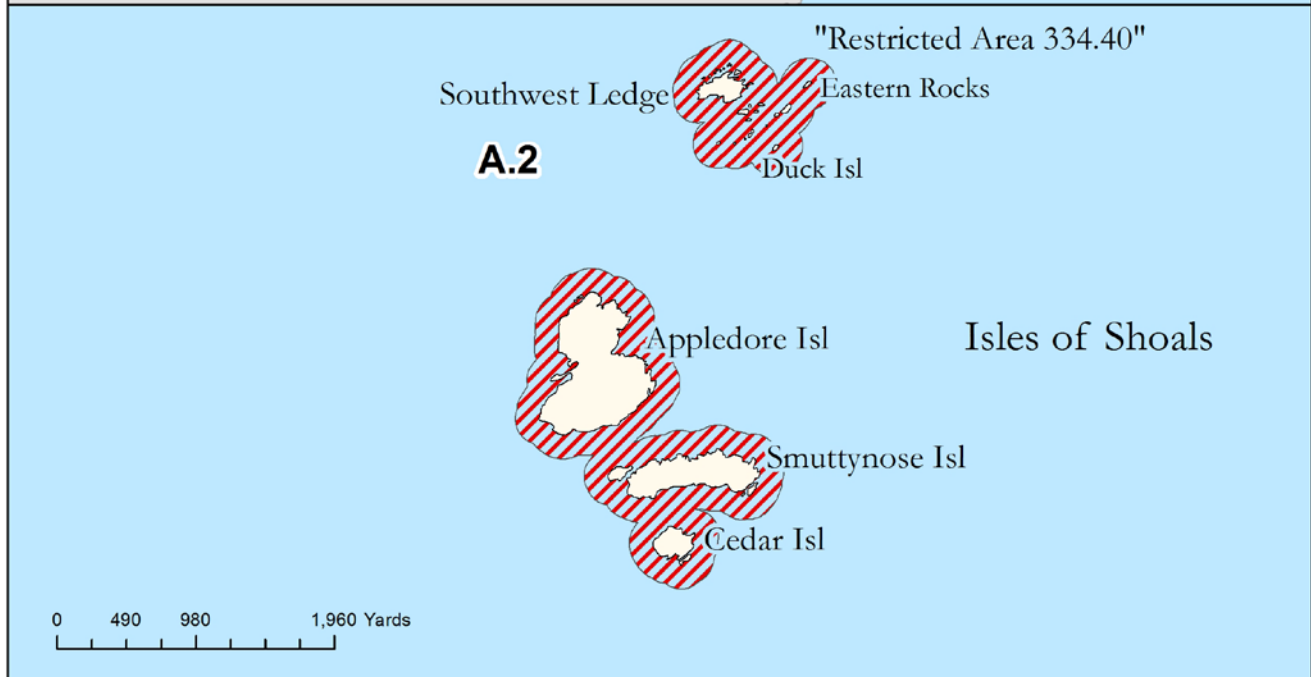
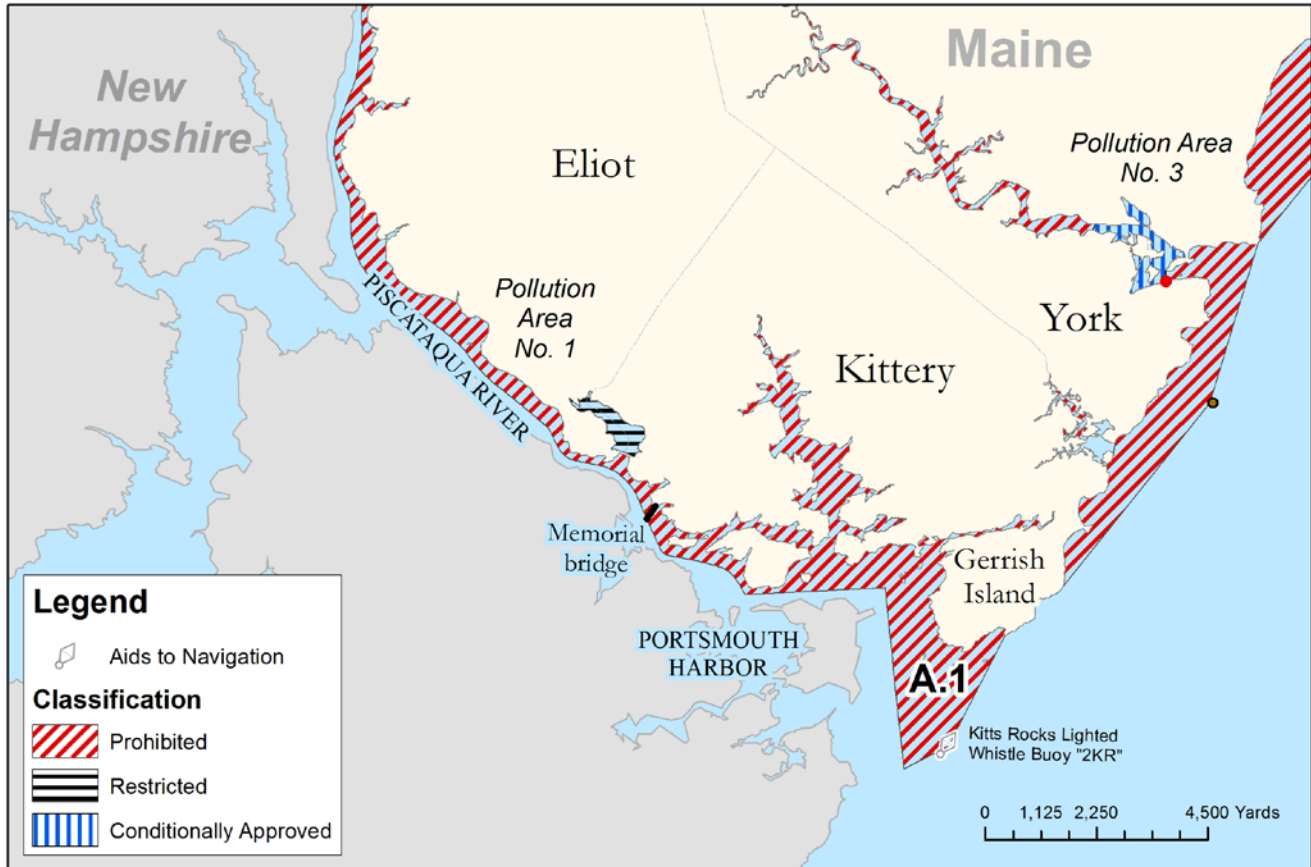
April 25, 2017



Maine Department of Marine Resources

Pollution Area No. 2-A

Portsmouth Harbor and vicinity (Kittery) and Isles of Shoals



MARIJUANA ESTABLISHMENTS

TOWN'S WORKING PLAN VS. PETITION PROPOSAL

TOPIC	TOWN'S DRAFT ORDINANCES	PETITION
Authorized Marijuana uses	Adult-Use Retail, Care Giver Retail, Adult-Use Cultivation Tiers 1 through 4, Manufacturing Facility, Testing Facility, Medical Marijuana Cultivation, and Marijuana Medical Nursery. ¹	Adult-Use Retail, Care Giver Retail, Adult-Use Cultivation Tiers 1 through 4, Manufacturing Facility, Testing Facility, Medical Marijuana Cultivation, and Marijuana Medical Nursery.
Licensing Authority	Town Council. Planning Board has site plan approval authority, BOA has special exception use approval authority.	Town Council. Petition does not address Title 16 Land Use.
Fees	Pre-application fee of \$750, then licensing fee varies depending on type and size, between \$750 and \$6,000.	Base application fee of \$500 and then licensing fee varies depending on type and size, between \$1,000 - \$7,500.
Application	Furnished by the town upon enactment of ordinance.	Furnished by the town within 30 days of ordinance enactment. ²
Eligibility	Pre-application must prove application for state conditional license, then license application must show proof of State conditional license in accordance with State Law.	Must have conditional license from the state in accordance with State Law.
Duration of license	1 year from date of issuance of State license.	1 year from date of local license issuance.
Issuance of license	Town Council by public hearing following a review and recommendation on the application by Manager, Police, Fire, Code	Town Council at any meeting within 45 days after submission of a completed application and review by Town Clerk
Issuance of Renewal	Town Manager, with renewal application and completion of an inspection	Town Council, with renewal application and review by Town Clerk
License suspension and revocation	Violations of state law or local ordinance. Town Manager, Police Chief, Fire Chief and CEO to investigate and determine fine or suspension. Town Council to revoke license or hear suspension appeals.	Violations of state law or local ordinances. Unclear on who will conduct investigation or enforcement. Town Council reinstates.

¹ Caregivers have their own licensing requirements per state law.

² Licenses will not be issued due to Title 16 Land Use prohibition on marijuana businesses. Title 16 amendments will be required prior to implementation of Petition ordinance.

TOPIC	TOWN'S DRAFT ORDINANCES	PETITION
Transferability	Transferable with Council approval for a fee.	Transferable with Town Council approval
License Amendment	Non-substantive changes approved by Town Manager; substantiative changes approved by Town Council	Town Clerk approval
Number of licenses issued	Five licenses for storefront businesses (adult use and medical). License cap excludes existing Caregiver home occupations. No limitation on cultivation/manufacturing/testing. First come first serve, based on successful completion of pre-application.	15 for the first 3 years (5 adult-use retail stores + 5 medical care giver storefronts + 5 total for cultivation/manufacturing/testing). No amending the number of licenses for the first 3 years. First come first serve.
Allowed zones	Special Exception C-1, C-2, C-3, and Mixed Use (MU)	Petition does not amend Title 16 Land Use which currently prohibits marijuana businesses in all zones. Petitioner contemplates the C-1, C-2, C-3, MU and B-PK ³ zones.
License abandonment	Abandoned license becomes available for new applicant.	Town council may issue an abandoned license to another entity.
Violations	Graduated \$250 to \$2,500 per day. \$2,500 per day for operating without a license.	\$250 per day
Performance and safety standards	Control of odors, design of building must be in keeping with the character of the neighborhood, parking shall conform to title 16, customer access space shall be 400 – 1000 square feet, controlled access areas, fires suppression and fire alarms to the satisfaction of the fire chief, yearly affidavit from a master electrician stating the electrical components can meet the electrical load demands, panic buttons and video surveillance to the satisfaction of the police chief.	Not discussed in petition
Buffers	1,000 feet from public and private school, 500 feet from licensed daycare	1,000 feet from public school or church.

³ Town rezoned and eliminated the B-PK zone in 2018.

KITTERY TOWN COUNCIL Unapproved Minutes

JUNE 8, 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 Lemont,
6 Cyrus Clark, Vice Chair Matt Brock, and Chair Judith Spiller.

7 5. Agenda Amendment and Adoption

8 Adoption - Replace item 7. Acceptance of Previous Minutes with The Kittery Town Council
9 statement condemning acts of Racism

10 Adoptions - Under New Business, Donations/gifts received for Council disposition The Kittery
11 Town Council moves to accept a donation in the amount of \$2000.00 from Cyrus Clark for the
12 Educational Recycling Scholarship Fund.

13 Amendment – Under item s. (060120-21) The Kittery Town Council moves to amend the
14 summer meeting schedule, those dates are July 13, July 23, August 10 and August 24. Dates
15 changed to July 13, July 27, August 10 and August 24.

16 Amendment – Under item q. (060120-19) The Kittery Town Council moves to schedule a Public
17 Hearing on Title – 6 Animal Control on July 22, 2020. Date changed to July 27, 2020.

18 Moved by Councilor Thomson, seconded by Councilor Denault.

19 Motion Carried 7-0-0

20 6. Town Manager's Report

21 The Town Manager wanted to thank the students, the organizers and participates that put
22 together the march on Saturday June 6, 2020, she stated it was a peaceful and meaningful
23 march. She also wanted to thank to the Kittery Police Department for their collaboration with the
24 organizers.

25 The Town Manager reported on: COVID-19 Update, Boards, Commissions, Committee
26 Meetings, Pepperrell Cove Parking Lot, Legion Pond Watershed Study, Joint Land Use Study,
27 Vernal Pool Citizen Upcoming Dates: KEEP Property Tax Applications Due – June 30, Senior
28 Tax Credit Program Applications Due – July 1, State Primary Election and Town Meeting Ballot
29 – July 14.

30 7. The Kittery Town Council statement condemning acts of Racism.
 31 Chair Spiller read the statement condemning acts of Racism.
 32 Chair Spiller moved the statement condemning acts of Racism, seconded by Councilor
 33 Thomson.
 34 Motion Carried 7-0-0
 35 8. All items involving the town attorney, town engineers, town employees, or other town
 36 consultants or requested offices.
 37 a. (060120-1) The Kittery Town Council moves to recognize the recipients of the 2020
 38 Educational Recycling Scholarships.
 39 Councilor Denault gave an overview of the 2020 Educational Recycling Scholarships and how
 40 the scholarship funds have reduced over the years. Councilor Denault also recognized the
 41 recipience.

<u>Traip Students</u>	<u>Amount</u>
Emma Ackerman	\$650
Madelyn Battcock-Emerson	\$650
Morgan Hoyt	\$650
Molly Stites	\$650
Jarod Johnson	\$650
Emma McGonigle	\$650
Julia Campion	\$650
Other Recipients	
Lilly Kemp	\$600
Rachel Potter	\$500
Jen Clifford	\$450
Isabelle Woollacott	\$450
Samuel Battcock-Emerson	\$450
Total Scholarships Issued	\$7000

42
 43 b. (060120-2) The Kittery Town Council moves to receive a presentation from the Town
 44 Manager on the FY21 Municipal Budget.
 45 The Town Manager gave the presentation on the FY21 Municipal Budget.
 46 9. DISCUSSION -

47 a. Public comments will be received via email, mail, or the Town Hall Drop Box up until noon the
48 day of the meeting.

49 b. Chairperson will read comments into the record.

50 Chair Spiller read the follow correspondence:

51 Michael Roberts 14 Fernald Road Kittery, Maine - Mr. Roberts expressed his concerns of
52 unleashed dogs on Seapoint Beach.

53 Dianne Fallon 27 Miller Road Kittery Maine – Ms. Fallon spoke about the Memorandum of
54 Understanding.

55 Gary Seward 39 Picott Road Kittery, Maine – Mr. Seward spoke about walking in the rally on
56 Saturday.

57 Robert McDonough 48 Old Post Road Kittery, Maine – Mr. McDonough spoke about invasive
58 aquatic plants.

59 Craig Wilson 22 Charles Hill Road Kittery Point, Maine - Mr. Wilson comment on the Police
60 officer Webster who prevented a person from committing suicide.

61 c. Chairperson’s response to public comment.

62 Michael Roberts 14 Fernald Road Kittery, Maine, Chair Spiller stated the Council was looking
63 into the Dog Ordinance and on July 27th there would be a Public Hearing and making some
64 changes requiring dogs to be on a leash.

65 Dianne Fallon 27 Miller Road Kittery Maine, Chair Spiller stated the Council would address the
66 MOU (Memorandum of Understanding) later in the Agenda.

67 Gary Seward 39 Picott Road Kittery, Maine, Chair Spiller stated she and the Town Manager had
68 discussed what the town could do to move Social Justice forward and to begin a community
69 conversation.

70 Robert McDonough 48 Old Post Road Kittery, Maine, Chair Spiller stated the Town Manager
71 had discussed the Legion Pond Watershed Study in her report.

72 Craig Wilson 22 Charles Hill Road Kittery Point, Maine, Chair Spiller stated that we all are
73 thanking and saluting Officer Webster for his Heroic act.

74 10. New Business

75 a. Donations/gifts received for Council disposition -

76 (060120-3) The Kittery Town Council moves to accept a check in the amount of \$178.00 from
77 Sandra Wing to be deposited into the Thresher Memorial Fund.

78 Moved by Councilor Thomson, seconded by Councilor Denault.

79 Motion Carried 7-0-0

80 The Kittery Town Council moves to accept a donation in the amount of \$2000.00 from Cyrus
81 Clark for the Recycling Scholarship Fund.

82 Councilor Denault thanked Councilor Clark on the behalf of the Recycling Scholarship Fund
83 Committee.

84 Councilor Clark stated he was glad he was able to donate.

85 Moved by Councilor Denault, seconded by Councilor Pelletier.

86 Motion Carried 7-0-0

87 b. (060120-4) The Kittery Town Council moves to approve a new Victualer's License Application
88 pending a successful inspection from Hattapon's Thai Kitchen 27 Bourne Avenue, Wells, Maine.
89 For Hattapon's Thai Kitchen Food Truck located at 230 US Route 1 Kittery, ME.

90 Moved by Councilor Thomson, second by Councilor Denault

91 Motion Carried 7-0-0

92 c. (060120-5) The Kittery Town Council moves to approve a new Victualer's License Application
93 pending a successful inspection from Clam Hut Hospitality, Inc., doing business as Bob's Clam
94 Hut, 315 US Route 1 Kittery, ME.

95 Moved by Councilor Thomson, seconded by Councilor Pelletier.

96 Motion Carried 7-0-0

97 d. (060120-6) The Kittery Town Council moves to approve a new Liquor License Application
98 pending a successful inspection from Clam Hut Hospitality, Inc., doing business as Bob's Clam
99 Hut, 315 US Route 1 Kittery, ME.

100 Moved by Councilor Thomson, seconded by Councilor Pelletier.

101 Motion Carried 7-0-0

102 e. (060120-7) The Kittery Town Council moves to approve a renewal Liquor License Application
103 pending a successful inspection from Suzanne's Village Café & Bistro LLC, 436 US Route 1
104 Kittery, Maine for Misto! 436 US Route 1 Kittery, ME.

105 Moved by Councilor Thomson, seconded by Councilor Pelletier.

106 Motion Carried 7-0-0

107 f. (060120-8) The Kittery Town Council moves to approve a renewal Liquor License Application
108 pending a successful inspection from Maine Ocean Lobster, LLC PO Box 904 Kittery, Maine for
109 The Pointe, 31 Badger's Island West Kittery, ME.

110 Moved by Councilor Thomson, seconded by Councilor Pelletier.

111 Motion Carried 7-0-0

112 g. (060120-9) The Kittery Town Council moves to approve a renewal Liquor License Application
113 pending a successful inspection from Chios Pizza, Inc. 49 Griffin Road, Portsmouth, NH for
114 Town Pizza Restaurant 15 Wentworth Street Kittery, ME.

115 Moved by Councilor Thomson, seconded by Councilor Pelletier.

116 Motion Carried 7-0-0

117 h. (060120-10) The Kittery Town Council moves to approve a Special Activity Amusement
118 permit for Misto! 436 Route 1 Kittery, ME.

119 Moved by Councilor Thomson, seconded by Councilor Pelletier.

120 Motion Carried 7-0-0

121 I. (060120-11) The Kittery Town Council moves to approve a Special Activity Amusement permit
122 for The Pointe, 301 US Route 1 Kittery, ME.

123 Moved by Councilor Thomson, seconded by Councilor Pelletier.

124 Motion Carried 7-0-0

125 j. (060120-12) The Kittery Town Council moves to approve a Special Activity Amusement permit
126 for Paved Paradise-Kittery Food Truck Pod, 230 US Route 1 Bypass Kittery, ME.

127 Moved by Councilor Thomson, seconded by Councilor Pelletier.

128 Motion Carried 7-0-0

129 k. (060120-13) The Kittery Town Council moves to schedule a Public Hearing on June 15, 2020
130 to approve an ordinance entitled "Ordinance Approving Additional Local funds for School
131 Budget for Fiscal Year 2020-2021".

132 Moved by Councilor Thomson, seconded by Councilor Pelletier.

133 Motion Carried 7-0-0

134 l. (060120-14) The Kittery Town Council moves to schedule a Public Hearing on June 15, 2020
135 to approve an ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2020-
136 2021".

137 Moved by Councilor Thomson, seconded by Councilor Pelletier.

138 Motion Carried 7-0-0

139 m. (060120-15) The Kittery Town Council moves to schedule a Public Hearing on July 13, 2020
140 regarding Warrant Articles for the July 14, 2020 Municipal Budget Election.

141 Moved by Councilor Thomson, seconded by Councilor Pelletier.

142 Motion Carried 7-0-0

143 n. (060120-16) The Kittery Town Council moves to schedule a Public Hearing on June 22, 2020
144 on FY21 Municipal Budget and Enterprise Fund.

145 Moved by Councilor Thomson, seconded by Councilor Pelletier.

146 Motion Carried 7-0-0

147 o. (060120-17) The Kittery Town Council moves to schedule a Public Hearing on Title 5 - Short
148 Term Rentals on June 22, 2020.

149 Moved by Councilor Thomson, seconded by Councilor Pelletier.

150 Motion Carried 7-0-0

151 p. (060120-18) The Kittery Town Council moves to schedule a Public Hearing on Title 10 –
152 Walker Street on June 22, 2020.

153 Moved by Councilor Thomson, seconded by Councilor Pelletier.

154 Councilor Denault, Councilor Lemont, and Vice Chair Brock expressed their concerns with Title
155 10 – Walker Street.

156 Jeffrey Pelletier, Jeffrey Thomson, Kenneth Lemont, Cyrus Clark, Vice Chair Matt Brock, and
157 Chair Judith Spiller voted yes.

158 Charles Denault voted no.

159 Motion Carried 6-1-0

160 q. (060120-19) The Kittery Town Council moves to schedule a Public Hearing on Title – 6
161 Animal Control on July 27, 2020.

162 Moved by Councilor Thomson, seconded by Councilor Pelletier.

163 Motion Carried 7-0-0

164 r. (060120-20) The Kittery Town Council moves to the discuss the proposed MOU
165 (Memorandum of Understanding) on the Library Capital Campaign effort.

166 The Town Manager gave an overview of the proposed Memorandum of Understanding on the
167 Library Capital Campaign effort.

168 No actions taken.

169 s. (060120-21) The Kittery Town Council moves to amend the summer meeting schedule, those
170 dates are July 13, July 27, August 10 and August 24.

171 Councilor Thomson moved to amend the summer meeting schedule, seconded by Councilor
172 Denault.

173 Motion Carried 7-0-0

174 11. Council Issues or Comments

175 Councilor Denault – Councilor Denault commented on getting aerators at Legion Pond, thanked
176 Police Officer Mike Webster who saved a person trying to commit suicide. He also spoke about
177 the traffic at the Shipyard. Thanking Councilor Clark for his donation to the Educational
178 Recycling Scholarship awards.

179 Councilor Clark – Councilor Clark stated everyone needs a hug.

180 Vice Chair Brock – Vice Chair Brock asked everyone to Socially distance themselves. He also
181 expressed how pleased he was with how well the Kittery Police worked with the people there to
182 demonstrate on Saturday.

183 Councilor Lemont – Councilor Lemont thanked Councilor Clark for his generosity, spoke about
184 Retail Marijuana, and finally he requested the Dog officer be at the Public hearing on July 27th.

185 Councilor Thomson – Councilor Thomson stated he and the Town Manager discussed the
186 congestion of Pedestrian traffic going to and from Portsmouth NH over the back-channel bridge
187 and the Memorial bridge, and suggested working with Portsmouth to encourage a one-way
188 Pedestrian traffic. Maine DOT approved and New Hampshire DOT disapproved. Also, Councilor
189 Thomson asked the Council consensus to working with the City of Portsmouth and getting the
190 word out recommending a one-way Pedestrian traffic.

191 Council agreed.

192 12. Executive Session –

193 a. (060120-22) The Kittery Town Council moves to go into Executive Session with the Town
194 Manager in accordance with M.R.S. Title 1§405 (6) (C) to discuss consideration of interest in
195 real property.

196 Councilor Thomson moved to go into Executive Session at 8:24 p.m., seconded by Councilor
197 Pelletier.

198 Motion Carried 7-0-0

199 Councilor Thomson moved to come out of Executive Session at 8:41pm, seconded by Councilor
200 Pelletier.

201 Motion Carried 7-0-0

202 13. ADJOURNMENT

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

204 Motion Carried 7-0-0

Submitted by Kim Tackett

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KITTERY TOWN COUNCIL Unapproved Minutes

Special Meeting - Requested by Chair Spiller

JUNE 15, 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 Lemont,
6 Cyrus Clark, Vice Chair Matt Brock, and Chair Judith Spiller.

7 5. PUBLIC HEARINGS

8 a. (060220-1) The Kittery Town Council moves to hold a public hearing to approve an ordinance
9 entitled "Ordinance Approving Additional Local funds for School Budget for Fiscal Year 2020-
10 2021".

11 Moved by Councilor Thomson, seconded by Councilor Pelletier.

12 Councilor Thomson asked the School Superintendent whether the Maine Department of
13 Education annually reviews the essential service and program allocation, and if there are any
14 communities that simply do the state mandated allocation.

15 The School Superintendent stated that no school could function on the essential service and
16 program allocation and he explained why.

17 Motion Carried 7-0-0

18 b. (060220-2) The Kittery Town Council moves to hold a public hearing to approve an ordinance
19 entitled "Ordinance Approving School Budget for Fiscal Year 2020-2021".

20 Chair Spiller read a letter from Joshua Cormier, 91 Picott Road Kittery, Maine. Mr. Cormier
21 expressed his concerns with the education funding.

22 Moved by Councilor Thomson, seconded by Councilor Pelletier.

23 Motion Carried 7-0-0

24 6. DISCUSSION – Discussions limited to the matters on the agenda for this meeting

25 a. Discussion by members of the public - Public comments will be received via email mail, or the
26 Town Hall Drop Box up until noon the day of the meeting. - None

27 b. Chairperson will read comments into the record. - None

28 c. Chairperson's response to public comment. - None

29 7. ADJOURNMENT

30 Moved by Councilor Thomson, seconded by Councilor Pelletier.

31 Motion Carried 7-0-0

Submitted by Kim Tackett

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KITTERY TOWN COUNCIL Unapproved Minutes

JUNE 22, 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 - None

8 6. Town Manager's Report

9 The Town Manager reported on:

10 COVID-19 update, absentee ballots are now available at Town Hall, Independence Day
11 Celebration, Town Hall closed July 2nd for the holiday.

12 Upcoming Dates: KEEP Property Tax Applications Due – June 30, Senior Tax Credit
13 Program Applications Due – July 1, State Primary Election and Town Meeting Ballot –
14 July 14.

15 7. Acceptance of Previous Minutes from 2019

16 • July 8

17 • August 12

18 • September 9

19 • September 23

20 Councilor Thomson moved to approve the July 8, August 12, September 9, and
21 September 23 Council minutes as written, seconded by Councilor Pelletier.

22 Motion Carried 7-0-0

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

25 9. PUBLIC HEARINGS

26 a. (060320-1) The Kittery Town Council moves to hold a public hearing in accordance
27 with Sec. 6.06 (3) of the Kittery Town Charter and hereby ordains and adopts the 2020-
28 2021 Municipal and Enterprise Fund Budget.

29 The Town Manager gave an overview of the Kittery Town Charter and the 2020-2021
30 Municipal and Enterprise Fund Budget.

31 Chair Spiller read a letter from Allison Elliott, Debra Lane Kittery, ME – Ms. Elliott
32 commented on the Town Budget vote and suggested investing more funds into
33 community services such as mental life, domestic violence, and substance related
34 issues.

35 Councilor Thomson moved, seconded by Councilor Pelletier.

36 Motion Carried 7-0-0

37 b. (060320-2) The Kittery Town Council moves to hold a public hearing on Title 5-Short
38 Term Rentals.

39 The Town Manager gave an overview of Title 5-Short Term Rentals.

40 The following property owners expressed concerns with Title 5-Short Term Rentals:

41 Tim Brochu, 6 School Street, Kittery ME. – Public comment

42 Thomas Battcock-Emerson, 10 Ox Point Drive, Kittery, ME. – Public comment

43 Jill Costello, 8 Water Street, Kittery, ME. – Public comment

44 Barbara Macleod, 30 Pocahontas Road, Kittery Point, ME. – Written comment

45 Nathan Ackerman, 9 Prince Avenue, Kittery, ME. – Public comment

46 Erin Brochu, 6 School Street, Kittery, ME - Written comment

47 Inezita Gay-Eckel, Kittery, ME.- Written Comment

48 Cameron Wake, 19 Mendum Avenue, Kittery, ME. – Written comment

49 Nicole and Adam Karns, Kittery, ME. – Written comment

50 Gwen Davis, 70 Love Lane ext., Kittery, ME – Written comment

51 Nate Cabot, 177 Haley Road, Kittery, ME. – Written comment

52 Ned Savoie, Portsmouth, NH. – Written Comment

53 Lauren and Nathaniel Zike, 7 Stimson Street, Kittery, ME – The Zikes stated that they
54 believe the majority of the ordinance is a reasonable solution to address the concerns of
55 the community. - Written comment

56 Councilor Thomson moved to postpone further action on this proposed ordinance
57 pending further workshop input from Council and staff and a probable additional Public
58 Hearing on a revised effort, seconded by Councilor Denault.

59 Motion Carried 7-0-0

60 (060320-3) The Kittery Town Council moves to hold a public hearing on Title 10-Walker
61 Street Parking.

62 Moved by Councilor Thomson, seconded by Councilor Pelletier.

63 Motion Carried 7-0-0

64 Councilor Lemont moved to amend item D. to “extend on Walker from Otis Ave. to Main
65 St. both sides of the street 2-hour parking”, as explained in the ordinance, seconded by
66 Councilor Denault.

67 Motion Carried 7-0-0

68 Councilor Thomson wanted Council consensus on eliminating 4-hour parking entirely on
69 Walker St. and also Wentworth St.

70 In response to Councilor Thomson’s question, the Town Manager stated that if there
71 was a consensus by the Council, she could draft the change as an ordinance revision
72 and put that before Council for the next meeting to schedule a Public Hearing.

73 All Councilors were in favor.

74 10. DISCUSSION

75 a. The public may submit public comments in writing via the Q&A feature of the webinar
76 for the DISCUSSION agenda.

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

78 Patrick Stahl, 11 Philbrick Road, Kittery, ME - Mr. Stahl expressed his concerns with the
79 leash law at Seapoint Beach. – Written comment

80 Sam French, 31 Old Dennett Road South, Kittery, ME - Mr. French expressed his
81 concerns with the leash law at Seapoint Beach. – Written comment

82 Tabatha Hawkins, 31 Old Dennett Road South, Kittery, ME - Ms. Hawkins expressed
83 her concerns with the leash law at Seapoint Beach. – Written comment

84 Sarah Victor of Freeport, ME and Ellen Dohmen - Ms. Victor as well as Ms. Dohman
85 suggested the Town of Kittery should rename memorials, buildings and roads with the
86 name “Pepperrell”, since the early Pepperrell families were slave owners. – Written
87 comment

88 c. Chairperson’s response to public comment.

89 Chair Spiller responded to Patrick Stahl, Sam French, and Tabatha Hawkins and stated
90 the temporary leash law was imposed by the Town Manager due to COVID-19.

91 Chair Spiller responded to Ellen Dohmen and Sarah Victor and stated that it's possible
92 for the Town to review the names that are associated with slave owners, at some point
93 in time.

94 11. NEW BUSINESS

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

96 b. (060320-4) The Kittery Town Council moves to approve a renewal Liquor License
97 application pending a successful inspection, from WLH Management Corporation 149
98 Mendums Landing Barrington, NH for Warren's Lobster House located at 11 Water
99 Street, Kittery, ME.

100 Moved by Councilor Thomson, seconded by Councilor Pelletier.

101 Motion Carried 7-0-0

102 c. (060320-5) The Kittery Council moves to approve a new Victualer's License
103 application pending successful inspection, from Gus Alivzatis 43 Coach Lantern Lane,
104 Scarborough, ME, for Lucky Lou's Place Food Truck located at 230 US Route 1, Kittery,
105 ME.

106 Moved by Councilor Thomson, seconded by Councilor Pelletier.

107 Motion Carried 7-0-0

108 d. (060320-6) The Kittery Town Council moves to approve the MOU for the Library
109 Capital Campaign.

110 Moved by Councilor Thomson, seconded by Councilor Pelletier.

111 Motion Carried 7-0-0

112 e. (060320-7) The Kittery Town Council moves to appoint Patricia Moore, Assistant
113 Town Manager and Finance Director, as Acting Town Manager from June 29th through
114 July 2nd, as the Town Manager will be on vacation.

115 Moved by Councilor Thomson, seconded by Councilor Pelletier.

116 Motion Carried 7-0-0

117 12. Council Issues or Comments

118 Councilor Denault spoke about the Council working on civility.

119 Councilor Thomson mentioned the great job the Department of Public Works did on
120 getting the Foreside ready for outside dining. Councilor Thomson also wished Councilor
121 Lemont a happy belated 69th birthday.

122 Vice Chair Brock said that he saw that the KCC would be hosting the dance hall for a
123 series of performances in August. Vice Chair Brock said it was a great expansion of the
124 Town government trying to work with the local businesses and extend to the performing
125 arts.

126 Chair Spiller stated that the Town Manager, Councilor Lemont, Vice Chair Brock and
127 herself had a meeting with Seacoast Youth Advocates about fighting against acts of
128 discrimination. Chair Spiller stated that most of their conversation was about the police
129 and some of the services they provide and different ways to provide those services.
130 Chair Spiller stated it would be a process that would require considerable conversations
131 and planning.

132 13. Executive Session

133 a. (060320-8) The Kittery Town Council moves to go into Executive Session with the
134 Town Manager in accordance with M.R.S Title1§405 (6) (D) to discuss labor contracts.

135 Chair Spiller moved for the Kittery Town Council to go into Executive session at 7:53
136 p.m.

137 Moved by Councilor Thomson, seconded by Councilor Pelletier.

138 Motion Carried 7-0-0

139 Councilor Thomson moved for the Kittery Town Council to come out of Executive
140 session at 8:09 p.m., seconded by Councilor Pelletier.

141 Motion Carried 7-0-0

142 14. ADJOURNMENT

143 Moved by Councilor Thomson, seconded by Councilor Pelletier.

144 Motion Carried 7-0-0

Submitted by Kim Tackett

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KITTERY TOWN COUNCIL Unapproved Minutes

JULY 13, 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, Vice Chair Matt
6 Brock, and Chair Judith Spiller. Councilor Absent: Cyrus Clark. Councilor Kenneth
7 Lemont arrived late.

8 5. Agenda Amendment and Adoption

9 Chair Spiller added item f. under New Business to accept the resignation of Molly Stites
10 from the Climate Adaptation Committee.

11 Councilor Thomson moved to accept the adoption to the agenda, seconded by
12 Councilor Pelletier.

13 Motion Carried 5-0-0

14 6. Town Manager's Report

15 The Town Manager reported on:

16 COVID-19 Update, COVID-19 business assistance, Joint Land Use Study
17 Implementation Phase, Town Hall Service Center closed on election day, Emery Field
18 Phase 2 playground, Natural Resources Conservation Program applications.

19 Upcoming Dates: State Primary Election and Town Meeting Ballot – July 14, 8AM to
20 8PM, KCC, and Nomination Papers for Council and School Committee Available Now -
21 Town Clerk's Office.

22 7. Acceptance of Previous Minutes

23 • October 7, 2019

24 • October 28, 2019

25 Councilor Thomson moved to approve the minutes from October 7, 2019 and October
26 28, 2019 as written, seconded by Councilor Pelletier.

27 Motion Carried 5-0-0

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

30 a. (070120-1) The Kittery Town Council moves to receive a presentation from Jessa
31 Kellogg, Public Works Inspector to update Council on the Town's MS4 program.

32 Jessa Kellogg and Kristie Rabasca gave a presentation for the MS4 program.

33 9. PUBLIC HEARINGS

34 a. (070120-2) The Kittery Town Council moves to hold a public hearing to receive
35 comments on the Town Meeting Articles 2 through 9 for the July 14, 2020 Town
36 Meeting Election.

37 Chair Spiller read the Town Meeting Articles.

38 No Council action required.

39 10. DISCUSSION

40 a. The public may submit public comments in writing via the Q&A feature of the webinar
41 for the DISCUSSION agenda.

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

43 Chair Spiller read two letters from the public:

44 A letter from T. Purman opposed Title 5 Short term rentals.

45 A letter from Larry Etscovitz opposed allowing fireworks on residential streets.

46 c. Chairperson's response to public comment.

47 Chair Spiller responded to T.Purman's letter and stated that the Town is not trying
48 discriminate against low income residents. Chair Spiller advised that the Town is trying
49 to develop a system that affords some kind of protection.

50 Chair Spiller responded to Mr. Etscovitz's letter and stated that it is not legal in the state
51 of Maine to set off fireworks in the streets. She also stated that it was against the law to
52 set fireworks off at Emery Field.

53 11. NEW BUSINESS

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

55 b. (070120-3) The Kittery Town Council moves to consider a report from Councilor
56 Denault on Hazard Pay.

57 Councilor Denault presented his report on Hazard Pay. Councilor Denault also asked
58 for the Council to support Hazard Pay.

59 Vice Chair Brock asked Councilor Denault if the money would be coming from the state
60 or the taxpayers.

61 Councilor Denault stated that he wanted the Town Manager to put a plan in place when
62 or if the “Heroes Act” is passed.

63 Council was in support of Councilor Denault’s report and for the Town Manager to put a
64 plan in place when or if the “Heroes Act” is passed.

65 c. (070120-4) The Kittery Town Council moves to hold a public hearing on July 27, 2020
66 on Title 10 – Walker/Wentworth Street parking.

67 Moved by Councilor Thomson, seconded by Councilor Pelletier.

68 Motion Carried 6-0-0

69 d. (070120-5) The Kittery Town Council moves to hold a public hearing on July 27, 2020
70 to rename Manson Avenue Extension to Buckley Way in honor of Retired Naval Chief
71 Petty Officer Bishop L. Buckley Sr.

72 Moved by Councilor Denault, seconded by Councilor Thomson.

73 Motion Carried 6-0-0

74 e. (070120-6) The Kittery Town Council moves to reschedule the Title 6 – Animal
75 Control Public Hearing from July 27, 2020 to August 24, 2020.

76 Moved by Councilor Thomson, seconded by Councilor Pelletier.

77 Motion Carried 6-0-0

78 f. The Kittery Town Council moves to accept the resignation of Molly Stites from the
79 Kittery Climate Adaptation Committee.

80 Moved by Chair Spiller, seconded by Councilor Thomson.

81 Motion Carried 6-0-0

82 12. Council Issues or Comments

83 Councilor Thomson spoke about the loud motorcycle tail pipes, and asked if it was legal
84 to be so loud.

85 Councilor Denault stated that he had received complaints from the residents on Mason
86 and Stevenson Road about not having a painted crosswalk. He also stated that there
87 was a green light out at the intersection on Walker Street. Councilor Denault also said
88 he had received complaints about the right of way behind the old Gilford Boats and old
89 Jackson Hardware.

90 Technical difficulties occurred at 7:03 p.m. causing the meeting to be interrupted.

91 Councilor Lemont spoke about the weeds at the traffic circle creating a blind spot. He
92 also wished Councilor Pelletier a happy birthday. Councilor Lemont also mentioned
93 Affordable Housing and asked if the malls had been approached about re-zoning.

94 Vice Chair Brock responded to Councilor Lemont and stated he believed the malls had
95 been notified of the re-zoning. Vice Chair Brock also suggested supporting the local
96 businesses and restaurants, which are struggling due to COVID-19.

97 13. Executive Session –

98 a. (070120-7) The Kittery Town Council moves to go into Executive Session with the
99 Town Manager, Director of Planning and Development, and Town Attorney in
100 accordance with M.R.S. Title 1§405 (6) (E) to discuss a legal matter where premature
101 general public knowledge would clearly place the municipality at a substantial
102 disadvantage.

103 Councilor Thomson moved to go into Executive session at 7:09 p.m., seconded by
104 Councilor Pelletier.

105 Motion Carried 6-0-0

106 Councilor Thomson moved to come out of Executive session at 7:46 p.m., seconded by
107 Councilor Pelletier.

108 Motion Carried 6-0-0

109 14. ADJOURNMENT

110 Moved by Councilor Thomson, seconded by Councilor Pelletier.

111 Motion Carried 6-0-0

Submitted by Kim Tackett

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TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1313 Fax: (207) 439-6806

RECEIVED
NOV 13 2020

PLEASE CHECK APPROPRIATE BOX:

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

NAME: Charles Denault

RESIDENCE: 55 Fernald Road, Kittery, ME 03904

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: charles@charlesdenault.com

TELEPHONE NUMBERS: (HOME) 2074752098 (WORK) _____

PRESENT POSITION: Board of Appeals

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: _____

Please read the back of this application before signing.



SIGNATURE OF APPLICANT

11/12/2020
DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

RECEIVED
BY: [Signature]
SEP 28 2020
1:26 PM

PLEASE CHECK APPROPRIATE BOX:

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

NAME: RUSSELL WHITE

RESIDENCE: 59 GOODWIN ROAD, KITTERY POINT, ME 03903

MAILING ADDRESS IF DIFFERENT FROM ABOVE: P.O. Box 49, K.P., ME 03903

E-MAIL ADDRESS: r.bwhite@gmail.com

TELEPHONE NUMBERS: (HOME) 207 439 4534 (WORK) 207 956 0363

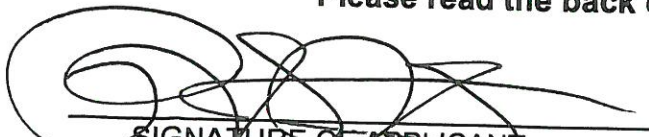
PRESENT POSITION: _____

PLEASE CHECK APPROPRIATE BOX:

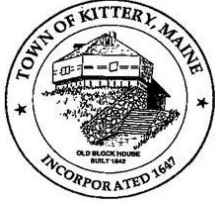
- | | | |
|---|--|---|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Kittery Port Authority | <input type="checkbox"/> Board of Trustees of Trust Funds |
| <input type="checkbox"/> Conservation Commission | <input checked="" type="checkbox"/> Planning Board | <input type="checkbox"/>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

COMMENTS: I would be pleased and honored to continue another term as a member of the Planning Board

Please read the back of this application before signing.


SIGNATURE OF APPLICANT

9/25/2020
DATE



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: December 14, 2020
From: Kendra Amaral, Town Manager
CC: Matt Brock, Housing Committee Chairperson
Subject: Affordable Housing Feasibility at Cole Street
Councilor Sponsor: Chairperson Jeffrey Thomson

The Town Council requested, at its Workshop on January 14, 2019, the Housing Working Group investigate the possibility of using the old Recreation Center site at Cole Street for an affordable housing project. Below are the results of the due diligence conducted in response to that request.

EXECUTIVE SUMMARY

The Town of Kittery's Comprehensive Plan identifies the need for affordable housing for younger single-person and family households, as well as the growing senior population, to maintain the Town's workforce, stimulate economic development, and support individuals living in Kittery throughout their lifecycle.

The Cole Street site has a number of beneficial characteristics for an affordable housing project. However, the current deed restriction serves as a barrier to making a project happen in the short term.

The Housing Committee recommends taking the next step in this effort, specifically to determine if a "Comfort Letter" can be obtained from HUD to allow an affordable housing project at this parcel. This will not require the Town to advance a project, simply it would determine if the concept should continue to the next step of evaluation.

BACKGROUND

On January 14, 2019, the Housing Working Group (now the Housing Committee) presented to the Council a report on its workforce housing charrette, conducted with the Seacoast Workforce Housing Coalition.

The charrette focused on the Walker Fire Station location as a possible site for an affordable housing project and engaged a great deal of volunteers and residents in considering how an affordable housing project may work on that site and in Kittery generally. For more information about the charrette and the report, please visit kitteryme.gov and look for Inclusionary/Workforce Housing on the Projects Tab.

The report was presented to the Council in a workshop format. At that workshop, members of the Council suggested the Cole Street site may be a better location for affordable housing. The Cole Street parcel contains the old Recreation building, Emery Field and Emery Field park. To note, the original suggestion proposed reusing the old Recreation building. This was not deemed to be feasible given the amount of reconstruction, remediation, and alteration needed to the building.

At the conclusion of the workshop, the Council directed staff and Committee members to evaluate the Cole Street site as a candidate for an affordable housing project.

DEED

The deed for the parcel, given by the Public Housing Administration to the Town on March 3, 1949, contains a restriction requiring that the land be used for “public use and for no other use or purpose whatsoever”.

This was in place when the Town turned over the land to the Wallingford-Harris American Legion Post in June of 1949. It remained in place when the land was abandoned by the American Legion. (see attached Town Attorney opinion)

It is often found that affordable housing is a “public benefit”, so additional analysis was done to determine if “public use” could be seen as synonymous with public benefit. The Town engaged an attorney with extensive affordable housing expertise in Maine, Attorney Richard Shaney of Drummond and Woodsum, to provide additional information. He opined that “public good” and “public use” in some cases may be considered compatible, but the restriction would not likely be seen as synonymous by an investor or lender assessing the risk of financing an affordable housing project on the site.

Attorney Shaney concluded that relief or revision of the deed restriction would be necessary to pursue an affordable housing project funded and operated by a private or non-profit entity.

The successor of interest for the deed restriction is the United States Department of Housing and Urban Development (HUD). (see attached Attorney Shaney opinion). Given HUD’s mission, obtaining such relief might be an achievable goal, but the outcome would be uncertain.

Staff had a conversation with HUD on July 14, 2020 regarding the restriction. HUD staff indicated that they would not necessarily remove the restriction, but more likely issue a “comfort letter” that concurred that affordable housing is consistent with the deed given certain details met their requirements. The details included whether the project would be privately funded, publicly funded or a combination thereof; what the ownership structure of the property would be, and who the housing project would serve. The Town’s new affordable housing ordinance meets their general standard of 80% of area median income.

To advance this effort, the Town would need to send an official request to HUD. HUD staff warned the process to review and make a decision can be lengthy.

PROPOSED SOLUTION/RECOMMENDATION

Authorize the Town Manager to request a comfort letter from HUD for the property and report back to Council on the outcome.



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

REPORT TO TOWN COUNCIL

Meeting Date: November 23, 2020
Updated: December 14, 2020
From: Kendra Amaral, Town Manager
Subject: Title 2 Maine Earned Paid Leave Law
Councilor Sponsor: Chairperson Jeffrey Thomson

EXECUTIVE SUMMARY

The proposed amendment is required to ensure the Town's Administrative Code is compliant with Maine Revised Statute Title 26 §637 which becomes effective on January 1, 2021.

PROPOSED TITLE 2 REVISIONS

MRS Title 26 §637 was passed in 2019 and requires that all employers, with more than 10 employees, provide each eligible employee with one hour of paid leave for every 40 hours worked, up to 40 hours of paid leave in a calendar year.

The law applies to full-time, part-time, and temporary employees. Per the new law, an employee must be eligible to use the time for any reason beginning 120 calendar days following their hire date. The employer may establish policies for notification for use as "vacation time", but cannot limit or prohibit the immediate use of earned leave for illness, emergency, or sudden necessity. The employer may establish policies relative to pay out of unused earned leave balances upon employee termination. The Department of Labor recently released its rules regarding the implementation of the new law, and provided greater guidance regarding a number of issues the law generates as it is applied to municipal operations.

Title 2 – Administrative Code pertains to full-time employees not covered by a collective bargaining agreement. Upon review of the Department of Labor's rules, it has been determined that Title 2 is not compliant with the new state law as it relates to the first six months of an eligible employee's service with the Town.

Upon achieving six months of continuous service, an employee receives a week of vacation (§2.3.16.B). The employee is also earning one sick day per month worked (§2.3.16.D). Though the "sick days" accrued exceed the total number of hours required by the new law, the limitation on the use is not compliant.

The proposed amendment will address the compliance gap. As proposed, earned leave will begin to accrue for a new eligible employee immediately rather than waiting until the employee achieves six

months of continuous service. Once the employee has achieved six months of continuous service, the time will be converted to vacation and the normal accrual processes for vacation, sick and personal time will take over.

The Town Manager is charged with establishing and enforcing rules regarding part-time and temporary employees, and more broadly earned time use. The Town's personnel rules are being updated to ensure compliance with state law.

UPDATES

Corrected Maine state law reference format.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendment as proposed.

ATTACHMENTS

- Proposed Title 2 Amendment – Maine Earned Paid Leave
- Proposed Enactment
- MRS Title 26 §637 Earned Paid Leave

TITLE 2
ADMINISTRATIVE CODE
MAINE EARNED PAID LEAVE LAW

1 **ADD §2.3.17 Maine Earned Paid Leave for full-time employees as follows:**

2 §2.3.17 Maine Earned Paid Leave

3 a. In accordance with Maine’s Earned Paid Leave Law 26 MRS §637, an employee will receive
4 one (1) hour of earned paid leave for every forty hours worked until they have achieved six
5 months of currently continuous service.

6 b. Once employees have completed six months of currently continuous service, the accrued
7 earned paid leave balance will be converted to annual vacation leave and be counted towards the
8 five vacation days awarded in §2.3.16.B(1)(a).

9 c. Accrued earned paid leave used during the first six months will be deducted from the five
10 vacation days awarded in in §2.3.16.B(1)(a).

11 d. Employees may not utilize accrued earned paid leave until 120 days following the employee’s
12 hire date unless approved by the Town Manager.

13 e. An employee will not be paid for any accrued earned paid leave balance, if the employee
14 terminates employment from the Town, for any reason, prior to serving for six continuous
15 months.

KITTERY TOWN CODE
TITLE 2
MAINE EARNED PAID LEAVE LAW

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; 30-A MRS §3001, pursuant to its powers that
7 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**, effective January 1, 2021, Maine Revised Statutes Title 26 §637 requires that
11 employers provide each eligible employee with earned paid leave at a rate of one hour of paid
12 leave for each forty hours worked; and

13 **WHEREAS**, Title 2 of the Town Code does not achieve compliance with the Maine Earned Paid
14 Leave Law until an eligible employee has reached six months of continuous service; and

15 **WHEREAS**, the Town Council seeks to amend the Title 2 Administrative Code to be in
16 compliance with Title 26 §637;

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

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

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

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

§637. Earned paid leave

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 1/01/21)

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employment" has the same meaning as in section 1043, subsection 11, but does not include employment in a seasonal industry as defined in section 1251. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

B. "Employer" has the same meaning as in section 1043, subsection 9. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

C. "Employee" means a person engaged in employment. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

[PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

2. Earned paid leave. An employer that employs more than 10 employees in the usual and regular course of business for more than 120 days in any calendar year shall permit each employee to earn paid leave based on the employee's base pay as provided in this section [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

3. Accrual. An employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins at the start of employment, but the employer is not required to permit use of the leave before the employee has been employed by that employer for 120 days during a one-year period. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

4. Rate. An employee while taking earned leave must be paid at least the same base rate of pay that the employee received immediately prior to taking earned leave and must receive the same benefits as those provided under established policies of the employer pertaining to other types of paid leave. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

5. Notice. Absent an emergency, illness or other sudden necessity for taking earned leave, an employee shall give reasonable notice to the employee's supervisor of the employee's intent to use earned leave. Use of leave must be scheduled to prevent undue hardship on the employer as reasonably determined by the employer. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

6. Benefits. The taking of earned leave under this section may not result in the loss of any employee benefits accrued before the date on which the leave commenced and may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees. Nothing in this section prevents an employer from providing a benefit greater than that provided by this section. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

7. Enforcement. The bureau has the exclusive authority pursuant to section 42 to enforce this section. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

8. Penalties. Penalties for violations of this section are the same as those provided in section 53. [PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

9. Preemption. A municipality or other political subdivision may not enact an ordinance or other rule purporting to have the force of law under its home rule or other authority regulating earned paid leave.

[PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

10. Rules. The Department of Labor shall adopt rules to implement and enforce the provisions of this section, including rules regarding the receipt, investigation and prosecution of complaints brought under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

11. Exception. This section does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the agreement.

[PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

12. Reporting. Beginning January 1, 2022, and annually thereafter, the Department of Labor shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters on progress made in the State to comply with this section.

[PL 2019, c. 156, §3 (NEW); PL 2019, c. 156, §4 (AFF).]

REVISOR'S NOTE: §637. Leave for appointments for veterans as enacted by PL 2019, c. 350, §1 is REALLOCATED TO TITLE 26, SECTION 638

REVISOR'S NOTE: §637. Wage theft remedies as enacted by PL 2019, c. 461, §1 is REALLOCATED TO TITLE 26, SECTION 639

SECTION HISTORY

PL 2019, c. 156, §3 (NEW). PL 2019, c. 156, §4 (AFF).

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TOWN OF KITTERY
LICENSE ORDINANCE FOR MARIJUANA
ESTABLISHMENTS

SECTION 1 AUTHORITY

This ordinance is enacted pursuant to the Marijuana Legalization Act, Title 28-B M.R.S.A., Chapter 1, Subchapter 4 (Adult Use Marijuana); & Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; & 30-A M.R.S.A. sec. 3001 et al. and Title 22 M.R.S.A., Chapter 558-C, Maine Medical Use of Marijuana Act.

The Town of Kittery adopts this Ordinance to ensure that marijuana establishments maintain the good order, health, safety and well being of the community and that they operate in a manner that maintains the character of the community.

The provisions of all applicable local ordinances of the Town of Kittery and the statutes and rules adopted by the State of Maine shall apply to the regulation of marijuana establishments.

In the event there is a conflict between this Ordinance and any other Ordinance in the Town of Kittery, then the provisions of this Ordinance shall prevail.

DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth in 28-B M.R.S.A. sec. 102: marijuana, cannabis, marijuana product, marijuana products manufacturing facility, marijuana adult use retail store, medicinal marijuana caregiver retail store, marijuana testing facility, medical marijuana dispensary, indoor marijuana cultivation facility, and outdoor marijuana cultivation facility. These terms are collectively hereinafter referred to as a "marijuana establishment."

SECTION 2 MUNICIPAL OFFICERS TO ISSUE LICENSES FOR A MARIJUANA ESTABLISHMENT

All marijuana establishments shall obtain a license to operate from the Town of Kittery prior to engaging in marijuana related activities.

The municipal officers shall have the authority to approve or disapprove applications for licenses for the operation of a marijuana establishment. The annual license fee shall be as follows:

All applications must be submitted with a non-refundable \$500 Application Fee. If the Application Fee is approved, the following licensing fees must be paid before the Town will issue a license:

- A. Marijuana Adult Use or Caregiver Store: Annual Operation License Fee: \$7,500.00
- B. Marijuana Manufacturing Facility: Annual Operation License Fee: \$3,500.00
- C. Marijuana Testing Facility: Annual Operation License Fee: \$2,500.00
- D. Adult Use Marijuana Cultivation:
 - a. Tier 1: 0 to 500 SF of plant canopy: Annual Licensing Fee: \$1,000
 - b. Tier 2: 501-2,000 SF of mature plant canopy: Annual License Fee: \$2,500.00
 - c. Tier 3: 2,001-7,000 SF of mature plant canopy: Annual License Fee: \$3,500.00
 - d. Tier 4: 7,001-20,000 SF of mature plant canopy: Annual License Fee: \$7,500.00.
- E. Medicinal Marijuana Cultivation: Annual Operation License Fee: \$1,000.00.
- F. Medicinal Marijuana Cultivation:
 - a. Tier: 0 to 500 SF of plant canopy or Thirty (30) mature, flowering plants: Annual Licensing Fee: \$1,000.00
- G. Marijuana Nursery Cultivation: Annual License Fee: \$1,000 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF)

Applicants for marijuana establishment licenses may not hold more than THREE (3) such licenses. Applicants are limited to two licenses from any category.

SECTION 3 MARIJUANA ESTABLISHMENT; LICENSE REQUIRED

1. License Required. No person shall establish or operate any marijuana establishment without first having obtained a marijuana establishment license for the marijuana establishment from the municipal officers. Each applicant for a marijuana establishment license shall complete and file an application on a form prescribed by the Town Clerk, which said Town Clerk shall have available to any applicant, no later than 30 days after the adoption of this Ordinance by the Town of Kittery, or in the alternative in the event said application form is not provided by the Town Clerk 30 days after the adoption of this Ordinance by the Town of Kittery applicants are permitted to submit a marijuana establishment license application without the application form, together with a license fee as required in Section 2 of this Chapter; evidence of any State approvals or conditional approvals required to operate the type of the marijuana establishment applied for, including, but not limited to, a current

caregiver registration or a conditional license issued pursuant to Title 28-B; a statement identifying all owners, directors, officers, members, managers, or partners of the applicant; odor mitigation plan and a description and sketch plan of the premises for which the license is sought. Prior to accepting an application, the Town Clerk shall determine whether or not the application is complete no later than ten business days after submission of the application with due notice to the applicant. Where the applicant meets the state licensing criteria, failure of the Town Clerk to approve or disapprove and provide notice to the applicant of a submitted application within ten business days, such application shall be determined to be a complete application.

2. Condition Precedent. Any marijuana establishment required to be licensed by the State authority created for the purpose of regulating and controlling the licensing of adult-use marijuana establishments pursuant to Title 28-B of the Maine Revised Statutes, as amended, must secure a State provisional or conditional license from that State authority prior to submitting an application for a license pursuant to this section. A copy of the applicant's state license application and supporting documentation as filed with the State authority, and any amendments thereto, shall be filed with the application required pursuant to subsection 1, above.

3. License Issuance. The municipal officers shall license natural persons and/or business entities to establish or operate a marijuana establishment, in accordance with the requirements set forth herein.

A. In determining whether to issue or deny a license application, the municipal officers shall consider (i) whether the applicant has failed any part of a state inspection or local health inspection; (ii) whether the applicant has failed to provide sufficient evidence of compliance with applicable local and state laws and regulations; (iii) the applicant's failure to pay an outstanding fine, penalty or tax owed to the Town and/or other governmental entity; (iv) the odor mitigation plan submitted as part of the applicant's application; (v) the applicant's parking plan, floor space plan, security operation plan, and compliance with applicable fire, electrical, and relevant building code requirements; and (vi) have a title interest in the real estate proposed for the site location. In the review of any license application pursuant to this section, the municipal officers may require and solicit review comments concerning the approval considerations identified herein from any public officers, departments, or agencies of the Town.

B. License applications submitted pursuant to this section shall be approved or disapproved at any meeting of the municipal officers, after public notice and hearing, but no later than 45 days after the submission of a completed application as determined by the Town Clerk.

C. The municipal officers may attach to any license issued pursuant to this section such restrictions and conditions as they deem necessary, appropriate, and reasonably designed to promote the health, safety, and welfare of the public.

D. A license issued under this section shall be effective for one year from the date of approval.

F. Once a completed application has been submitted to the Town of Kittery, the Town shall provide the applicant with notice of approval or denial of the application no later than 45 days from the day the completed application has been submitted.

1. License Renewal. Renewal applications from persons having obtained a license under this section shall be submitted to the Town Clerk in accordance with Section 2, in a form prescribed by the Town Clerk. The municipal officers shall annually review all renewal applications for the purpose of determining the status of the applicant's prior conformance and likelihood of continued conformance with the requirements of this Ordinance, above, and any restrictions or conditions of the license, and shall decide to either approve or deny the renewal application after public notice and hearing. An application for the renewal of an expired license shall be treated as a new license application if a renewal application is not submitted within thirty (30) days after the expiration or renewal date and shall be subject to the license fees and/or civil penalties set forth in this Chapter.

2. License Suspension and Revocation. The municipal officers may suspend or revoke any license granted under this section if, after notice, and hearing, the municipal officers determine that the license holder is unfit to hold a license. The suspension or revocation of a marijuana establishment license issued by the State, the failure of a

license holder to acquire and maintain all necessary local and State approvals, or any criminal felony or drug related conviction shall be prima facie evidence that the license holder is unfit to hold a license. The municipal officers shall serve written notice of a hearing on revocation on the license holder or leave said notice at the licensed premises at least three days before the time set for hearing. At the hearing, before the municipal officers or their designee, the license holder shall be given an opportunity to hear the evidence in support of the charge against the license holder and to be heard in the license holder's own defense.

3. Voluntary Termination or Abandonment of License. Any license holder terminating or abandoning a license granted under this Chapter must file a notice of termination or abandonment with the Town Clerk.

4. Assignment or Transfer. No license issued under this section may be assigned or transferred to another individual or entity unless first approved by the elected members of the Town of Kittery council consistent with the terms of this Ordinance. Licenses are limited to the premises for which they are issued and are not transferable to another location. A license holder seeking to operate in a new location must first acquire a Town marijuana establishment license for that location.

5. Substantial Progress. Any license issued under this section shall automatically expire if the licensee does not commence operation of the marijuana establishment within 90 days from the date of license issuance; provided, however, that the Code Enforcement Officer may grant the licensee one extension of up to 180 days if the licensee demonstrates substantial progress toward commencement of operation. An application for the renewal of an expired license under this subsection shall be treated as a new license application.

6. License Amendment. No retail marijuana establishment license holder shall transition from selling medical marijuana to adult-use marijuana, or from adult-use marijuana to medical marijuana, without first obtaining an amendment to such license. Each applicant for a license amendment shall complete and file an application, on a form prescribed by the Town Clerk, providing copies of any State approvals or conditional approvals required to operate the marijuana establishment, including, but not limited to, a conditional license issued pursuant to Title 28-B. The Town Clerk shall approve the license amendment provided the application is complete and all applicable criteria herein are met. An amendment to a retail marijuana establishment license shall not constitute a new license. The amended license shall have the same terms and validity period as the existing license. The fee for a license amendment shall be \$1,000.00.

SECTION 4 ADDITIONAL LICENSING RESTRICTIONS

Licensed marijuana retail stores, as that term is defined in the Marijuana Legalization Act, Title 28-B M.R.S.A., Chapter 1, Subchapter 4 (Adult Use Marijuana); & Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; & 30-A M.R.S.A. sec. 3001 et al. and Title 22 M.R.S.A. Chapter 558-C, Maine Medical Use of Marijuana Act shall be allowed in the Commercial Zones of the Town of Kittery, specifically Zones B-PK, C-1, C-2 and C-3, as defined by the applicable Zoning Ordinances of the Town of Kittery, are also subject to the following additional restrictions:

1. The licenses issued by the municipal offices shall be limited to the following:

- A. FIVE (5) licenses for adult use retail stores; and
- B. FIVE (5) licenses for medical caregiver retail stores; and
- C. FIVE (5) licenses in the aggregate for marijuana cultivation, manufacturing and testing.

1. The number of licenses may be amended by the Town Council from time to time, but shall not be amended any sooner than three (3) years from the date of the adoption of this Ordinance.

2. Medical and recreational cultivation facilities, stores, manufacturing facilities and testing facilities shall be allowed in zones B-PK, C-1, C-2, C-3 and MU.

Continued from back

3. Marijuana social clubs shall be prohibited in all zones.

4. Marijuana establishments shall not be located within 1,000 feet of a public K-12 school or church as determined at the time the application is filed by the applicant.

5. Upon the passage of this Ordinance, the Town of Kittery shall make application forms for marijuana establishments license applications available to the public no later than 30 days after the passage of this Ordinance. The municipal officers shall review and award licenses on a first come first serve basis in which applications are received. Prior to the filing of the application, the Town Clerk shall review all applications for timeliness and completeness, and the omission of required information shall cause the application to be deemed incomplete for purposes of consideration of the issuance of the license. Any untimely submitted or otherwise incomplete applications shall be excluded from consideration until such time as an acceptable, completed application is accepted by the Town Clerk. The municipal officers shall review the timely and complete applications in the order each was filed with the Town Clerk until the maximum number of licenses are approved.

6. If at any time a license issued under this section expires without timely renewal, is suspended or revoked by the municipal officers, or is terminated or abandoned by the license holder, the municipal officers shall make available the license to new applicants by soliciting new license applications in accordance with subsection 2, above.

7. Any violation of this Ordinance by a marijuana establishment may be assessed a penalty of \$250.00. Each day any violation of this Ordinance continues after due notice to a marijuana establishment may constitute a separate offense.

SECTION 5 APPEALS

An appeal from any final decision of the municipal officers shall be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Shall the proposed ordinance for licensing marijuana establishments, a copy of which is printed herein, or attached hereto, be adopted? Yes or No?

Registrar use only	SIGNATURE	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	NAME PRINTED

SUMMARY OF PROPOSED ORDINANCE

This proposed Ordinance seeks to authorize the elected council of the Town of Kittery to regulate and license marijuana establishments in the Town of Kittery.

CIRCULATOR'S OATH

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be.

Signature of Circulator: *Daniel Tozier* Printed Name: Daniel Tozier

Signature of Notary: *[Signature]* Printed Name: Karen Gatto

Subscribed to and sworn before me on this date: Nov 3, 2020 (Date must be completed by Notary)

Date my Notary Commission expires: _____

REGISTRAR'S CERTIFICATION

Municipality: Kittery TOTAL VALID: 30 TOTAL INVALID: 0

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.

Signature of Registrar: *Karen Gatto*

Date petition certified: 11-19-2020

11-18-2020

(See back for Legal Language)



TOWN OF KITTELY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1313 Fax: (207) 439-6806

NOV 17 2020
BY: _____

PLEASE CHECK APPROPRIATE BOX:

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

NAME: ALAN Rindler

RESIDENCE: 4 SEAPPOINT RD

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: arindler2@gmail.com

TELEPHONE NUMBERS: (HOME) 703 2447 (WORK) _____

PRESENT POSITION: RD of Assessment / Footprints

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: _____

Please read the back of this application before signing.

Alan Rindler
SIGNATURE OF APPLICANT

11/17/2020
DATE



TOWN OF KITTELY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

RECEIVED
OCT 26 2020

PLEASE CHECK APPROPRIATE BOX:

APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS

BY: 30/20

APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER

APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE

NAME: Joyce Tobey

RESIDENCE: 167 Rogers Rd. Kittery, Me. 03904

MAILING ADDRESS IF DIFFERENT FROM ABOVE: Same

E-MAIL ADDRESS: NO

TELEPHONE NUMBERS: (HOME) _____ (WORK) 207-252-6122

PRESENT POSITION: Married Wives

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: _____

Please read the back of this application before signing.

Joyce A. Tobey
SIGNATURE OF APPLICANT

10-26-20
DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1313 Fax: (207) 439-6806

Rod
11/6/20
1108

PLEASE CHECK APPROPRIATE BOX:

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

NAME: Christopher Perkins

RESIDENCE: 28 Leach Road

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: chris.m.perkins@gmail.com

TELEPHONE NUMBERS: (HOME) 2074502899 (WORK) 6034313937

PRESENT POSITION: Vice President, Weston & Sampson Engineers, Inc.

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: Have served since committee founding more than 10 years ago. Would like to continue assisting the town in this capacity.

Please read the back of this application before signing.

Christopher M. Perkins

Digitally signed by Christopher M. Perkins
DN: cn=Christopher M. Perkins, o=Weston & Sampson, ou=Kittery, postalCode=03904, email=207.475.1313@kittery.me

SIGNATURE OF APPLICANT

November 6, 2020

DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1313 Fax: (207) 439-6806

Read
11/9/20
2:39 pm

PLEASE CHECK APPROPRIATE BOX:

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

NAME: Richard DeMarco

RESIDENCE: 10 Tudor Dr

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: richard.demarco@ubs.com

TELEPHONE NUMBERS: (HOME) 2074395393 (WORK) _____

PRESENT POSITION: chair parks commission

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: _____

Please read the back of this application before signing.

Richard J DeMarco Jr
SIGNATURE OF APPLICANT

10/15/20
DATE



TOWN OF KITTERY, MAINE
TOWN CLERK'S OFFICE
 200 Rogers Road, Kittery, ME 03904
 Telephone: (207) 475-1313 Fax: (207) 439-6806

RECEIVED
 OCT 20 2020
 BY: [Signature]

PLEASE CHECK APPROPRIATE BOX:

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

NAME: GALE TURNER
 RESIDENCE: 5 DEVON WOODS DRIVE, KITTERY
 MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____
 E-MAIL ADDRESS: gale@5devonwoods.com
 TELEPHONE NUMBERS: (HOME) ²⁰⁷ 439-0550 (WORK) ^{cell:} 603-534-2620
 PRESENT POSITION: FULL MEMBER

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: _____

Please read the back of this application before signing.

GALE TURNER
 SIGNATURE OF APPLICANT

10/20/20
 DATE



TOWN OF KITTERY, MAINE
TOWN CLERK'S OFFICE
 200 Rogers Road, Kittery, ME 03904
 Telephone: (207) 475-1313 Fax: (207) 439-6806

*Rec'd
 11/9/2020
 4:00 pm*

PLEASE CHECK APPROPRIATE BOX:

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

NAME: Jeffrey Clifford

RESIDENCE: 27 Miller Road, Kittery Point 03905

MAILING ADDRESS IF DIFFERENT FROM ABOVE: same

E-MAIL ADDRESS: jeffkc533@gmail.com

TELEPHONE NUMBERS: (HOME) 439-3875 (WORK) 603-682-6393

PRESENT POSITION: Principal at Altus Engineering, Inc.

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: Wish to continue working with the EDC members to facilitate appropriate growth and expand the tax base in Kittery.

Please read the back of this application before signing.

Jeffrey Clifford
 SIGNATURE OF APPLICANT

Nov 9, 2020
 DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1313 Fax: (207) 439-6806

PLEASE CHECK APPROPRIATE BOX:

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

NAME: Jeff Brake

RESIDENCE: 28A cutts rd Kittery Md

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: jeffbrake@comcast.net

TELEPHONE NUMBERS: (HOME) _____ (WORK) 207-252-3687

PRESENT POSITION: _____

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: Signing it here Jeff Brake

Please read the back of this application before signing.

Jeff Brake Digitally signed by Jeff Brake
Date: 2020.11.09 16:23:40 -0500'

SIGNATURE OF APPLICANT

11/09/2020

DATE



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

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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

Legal Business Entity Applicant Name (corporation, LLC): <u>WEATHERVANE SEAFOODS</u>	Business Name (D/B/A): <u>WEATHERVANE SEAFOODS</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <u>306 US ROUTE 1, KITTBLY ME 03904</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>srackley@weathervaneseafoods.com</u>
Telephone # Fax #: <u>207-439-0330 207-439-7463</u>	Business Telephone # Fax #: <u>207-439-0335 207-439-7754</u>
Federal Tax Identification Number: <u>521153457</u>	Maine Seller Certificate # or Sales Tax #: <u>R270889</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>www.weathervaneseafoods.com</u>

1. New license or renewal of existing license? New Expected Start date: _____

 Renewal Expiration Date: 1.16.2021

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

Food: 287,780 Beer, Wine or Spirits: 267,465 Guest Rooms: _____

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

Malt Liquor (beer) Wine Spirits

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:

306 US ROUTE 1, KINLOCH, ME, 03904

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

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
ERICA BENSON	6/9/1988	WORCESTER, MA
Residence address on all the above for previous 5 years		
Name	Address:	
ERICA BENSON	186 RT. 103 YORK, ME 03909 27 HARNE ST. DOVER, NH	
Name	Address:	
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:

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

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

A SINGLE-STORY RESTAURANT WITH FIVE DINING ROOMS

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: FAITH BAPTIST CHURCH

Distance: 1/2 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: 10/27/20

William Kucera
Signature of Duly Authorized Person

William Kucera
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

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 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.

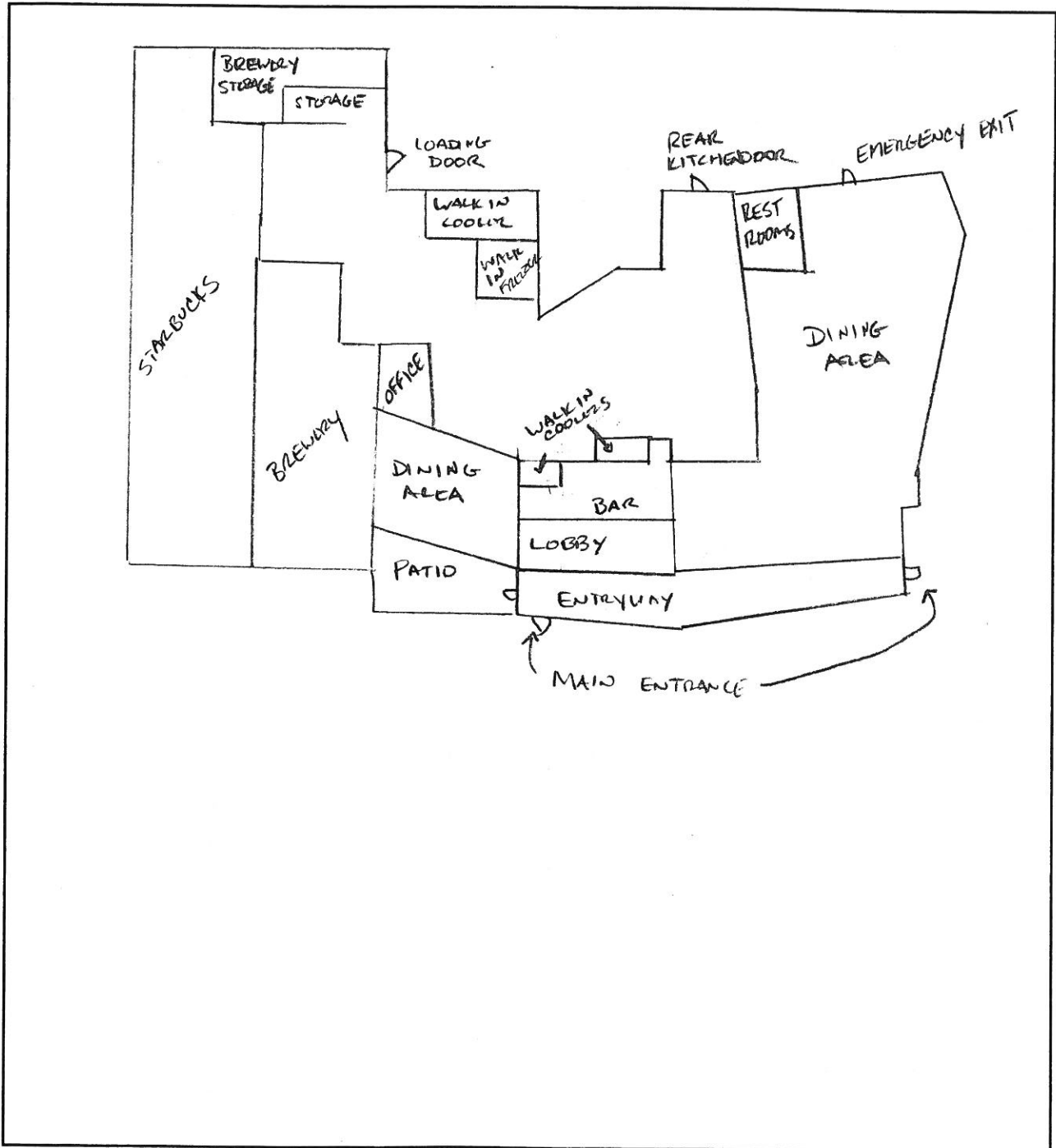
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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



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: WEATHERWANE SEAFOODS, INC.
2. Doing Business As, if any: SAME
3. Date of filing with Secretary of State: 7/11/1969 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, 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
TERRY GAGNER	7 WHALEBACK DR. KITTERY ME	5.3.1954	PRESIDENT/ OWNER	74.17
JANET GAGNER	7 WHALEBACK DR. KITTERY ME	3.18.1956	TREASURER	25.79
WILLIAM KURKUL	5 GOLDEN OAKS LANE ANDOVER, MA	7.1.1954	CFO	0.04

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



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): First Serve Hospitality Inc.	Business Name (D/B/A): Robert's Maine Grill
Individual or Sole Proprietor Applicant Name(s): n/a	Physical Location: 326 US Route 1, Kittery
Individual or Sole Proprietor Applicant Name(s): n/a	Mailing address, if different: Kittery PO Box 630, ME 03904
Mailing address, if different from DBA address: n/a	Email Address: artia@robertsmaine grill.com
Telephone # Fax #: 207.439.2733	Business Telephone # Fax #:
Federal Tax Identification Number: 85-1204869	Maine Seller Certificate # or Sales Tax #: 1181797
Retail Beverage Alcohol Dealers Permit:	Website address: robertsmaine grill.com

1. New license or renewal of existing license? New Expected Start date: _____
 Renewal Expiration Date: 12/13/2020

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
 Food: 3,500,000 Beer, Wine or Spirits: 500,000 Guest Rooms: n/a

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
 Malt Liquor (beer) Wine Spirits

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

- Restaurant (Class I, II, III, IV) Class A Restaurant/Lounge (Class XI) Class A Lounge (Class X)
- Hotel (Class I, II, III, IV) Hotel – Food Optional (Class I-A) Bed & Breakfast (Class V)
- Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV) Auxiliary Mobile Cart
- Tavern (Class IV) Other: _____
- Qualified Caterer 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:

326 US Route 1, Kittery ME

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
Clam Hut Hospitality Inc.		Bob's Clam Hut 315 Route 1, Kittery
First Serve KPT Hospitality Inc.	CAR-2019-11627	mabel's Lobster Claw 124 Ocean Ave, Kennebunkport

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
SHIVANATARAJAN	06/10/64	INDIA
Residence address on all the above for previous 5 years		
Name	Address:	
Name	Address:	
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:

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

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)

Dining Room
Deck

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: The Church at Spruce Creek

Distance: .8 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: 12-1-2020

Shue-Watkins
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Printed Name Duly Authorized Person

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 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 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: First Serve Hospitality Inc.
2. Doing Business As, if any: Robert's Maine Grill
3. Date of filing with Secretary of State: _____ 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)

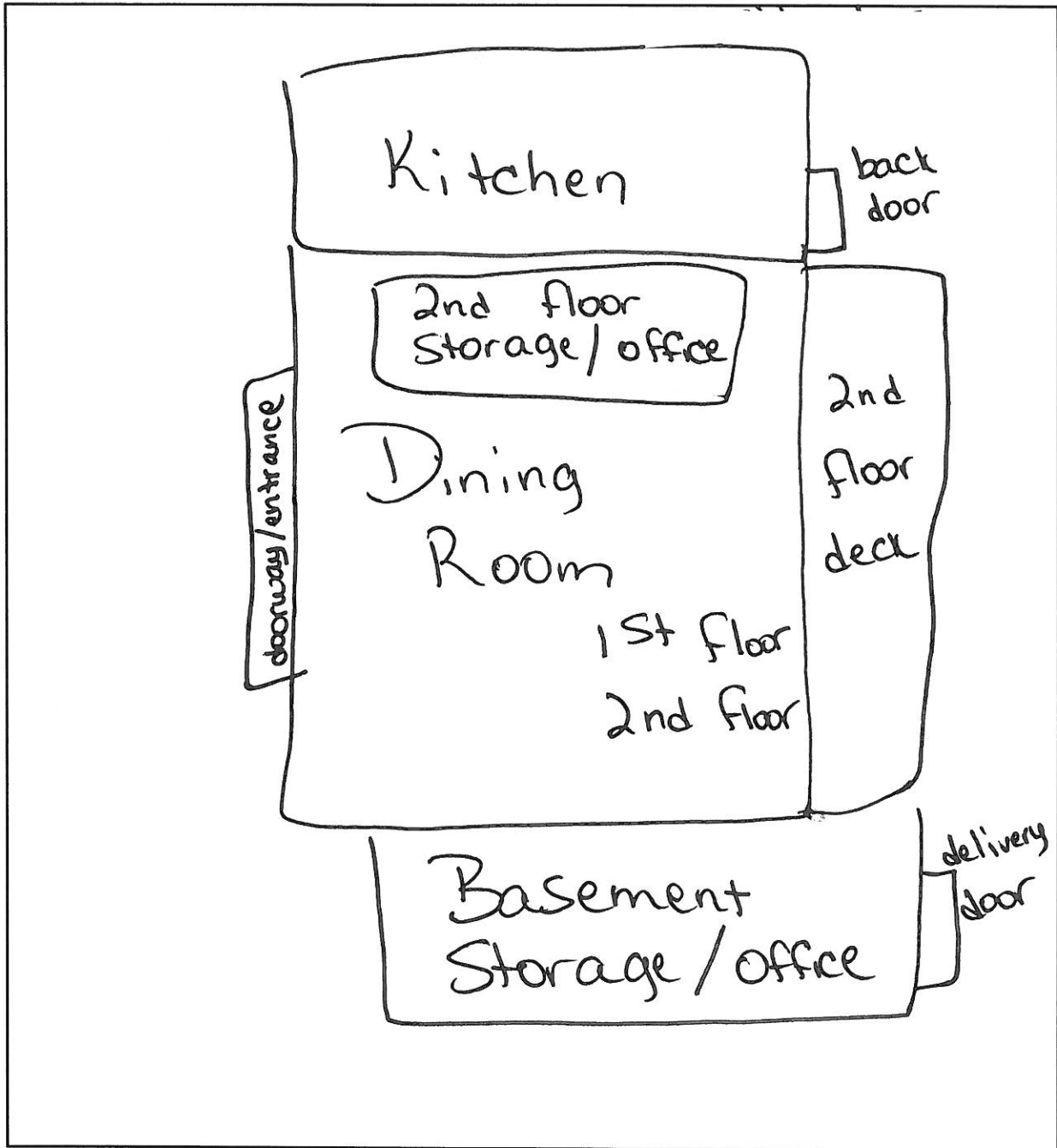
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership

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

Section VII 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.





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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): MIAN NOODLE BAR	Business Name (D/B/A): 518 NOODLE BAR
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 518 US ROUTE 1, BLDG 1 UNIT 2 KITTERY ME
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 5 WINTERBROOK CT; YORK, ME 03909
Mailing address, if different from DBA address:	Email Address: Kittery518@gmail.com
Telephone # Fax #: 207-361-7350	Business Telephone # Fax #: 207-703-2114
Federal Tax Identification Number: 83-1975584	Maine Seller Certificate # or Sales Tax #: 1203150
Retail Beverage Alcohol Dealers Permit: CAR-2019-12234	Website address:

1. New license or renewal of existing license? New Expected Start date: 12/10/2020
 Renewal Expiration Date: 12/09/2020

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

Food: \$ 82,000.00 Beer, Wine or Spirits: \$ 10,000.00 Guest Rooms: _____

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

- Malt Liquor (beer) Wine Spirits

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:

518 US ROUTE 1, BLDG 1 UNIT 2 KITTELY ME

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

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
Xue Qin Zheng	01/09/1984	Fuzhou, China
Bing Zhou	07/05/1979	Shanghai, China
Lyle Brown	05/05/1970	Portsmouth, NH
Residence address on all the above for previous 5 years		
Name Xue Qin Zheng	Address: 3 Perkins Drive York, ME 03909	
Name Bing Zhou	Address: 5 Winterbrook Ct. York, ME 03909	
Name Lyle Brown	Address: 5 Winterbrook Ct. York, ME 03909	
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:

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)

1500 sq ft. restaurant, 800 sq feet of dining with a bar, open kitchen, 2 Handicapped accessible Toilets,

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: Living Water Fellowship, distant in miles, 1.7 miles

Distance: 1.70

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: 12/01/2020



Signature of Duly Authorized Person

Xue Qin Zheng

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

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 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.

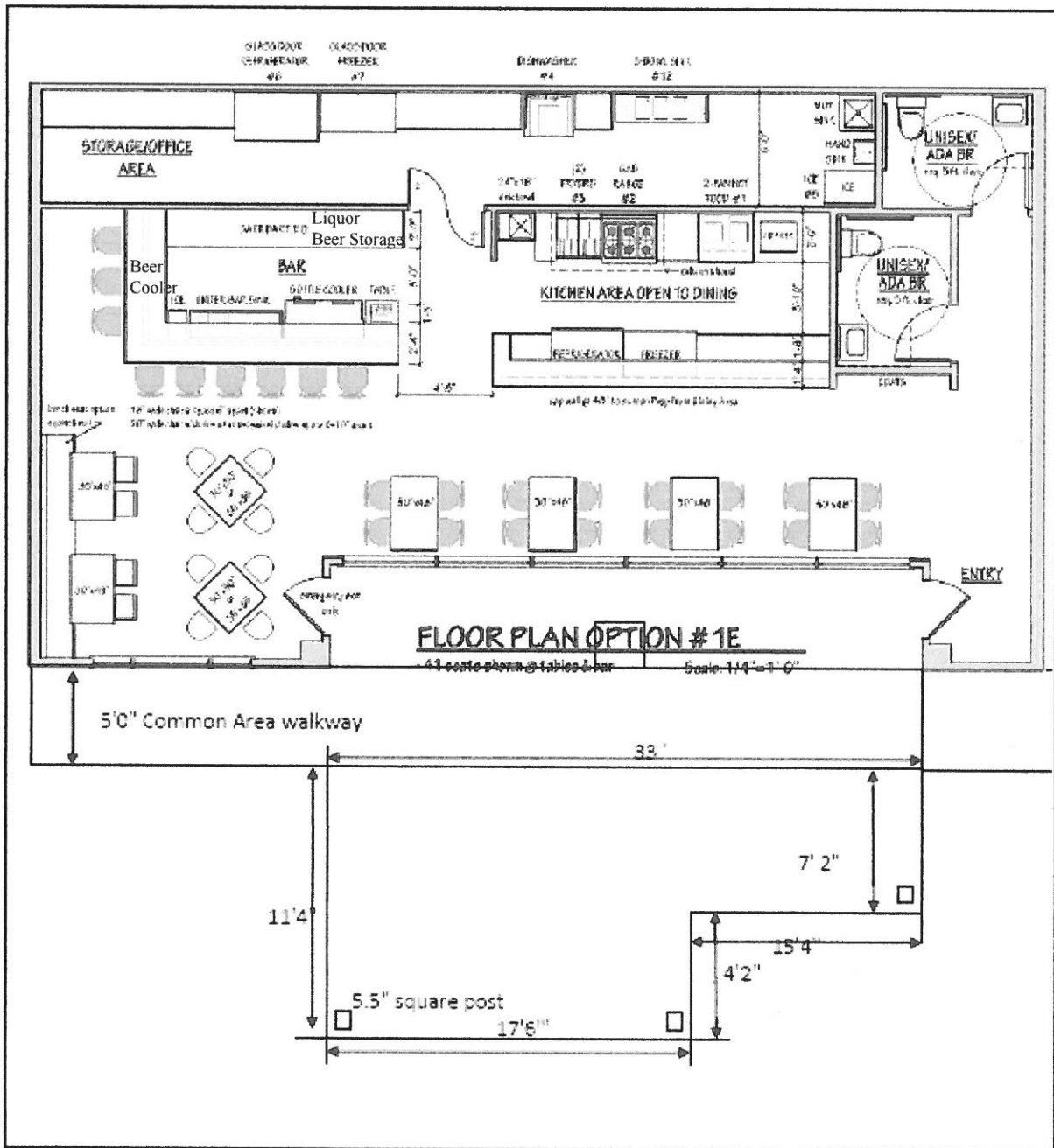
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Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses;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



**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: Mian Noodle Bar
2. Doing Business As, if any: 518 Noodle Bar
3. Date of filing with Secretary of State: 09/20/2018 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
Xue Qin Zheng	3 Perkins Dr. York Me	01/09/1984	manager	50.0000
Bing Zhou	5 Winterbrook Ct. York, ME	07/05/1979	manager	50.0000

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



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): <u>REDROCK RESTAURANT ENT. INC.</u>	Business Name (D/B/A): <u>BLUE MERMAID</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <u>10 SHAPIRELL RD. KITTERY, ME 03904</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>LOLANS @ bluemermaid.com</u>
Telephone # Fax #:	Business Telephone # Fax #: <u>207-703-2754</u>
Federal Tax Identification Number: <u>02-047-0449</u>	Maine Seller Certificate # or Sales Tax #: <u>1187752</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>BLUEMERMAID.COM</u>

1. New license or renewal of existing license? New Expected Start date: _____
 Renewal Expiration Date: 12-14-2020

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
 Food: 422811.⁰⁰ Beer, Wine or Spirits: 214678.⁰⁰ Guest Rooms: _____

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

Malt Liquor (beer) Wine Spirits

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

- | | | |
|--|---|---|
| <input type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input checked="" 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:

10 SHAPLEIGH RD. KITTERY, ME. 03904

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

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
SCOTT LOGAN	7/14/1960	WELLSBORO, PA.
KAREN LOGAN	3/3/1962	MANCHESTER, NH.

Residence address on all the above for previous 5 years	
Name: SCOTT LOGAN	Address: 105 HOWDE ROAD, ELIOT, ME. 03903
Name: KARE LOGAN	Address: 105 HOWDE ROAD, ELIOT, ME. 03903
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:

DANSCOLL REALTY, 5 SHAPLEIGH ROAD, KITTERY, ME. 03904

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)

COVID DESCRIPTION OF AREA: 14 LOUNGE SEATS, 10 BAR STOOLS
64 DINING SEATS.

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: TRAP ACADEMY


Distance: 1/2 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: 12/4/2020


Signature of Duly Authorized Person

Signature of Duly Authorized Person

SCOTT LOHAN
Printed Name Duly Authorized Person

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;

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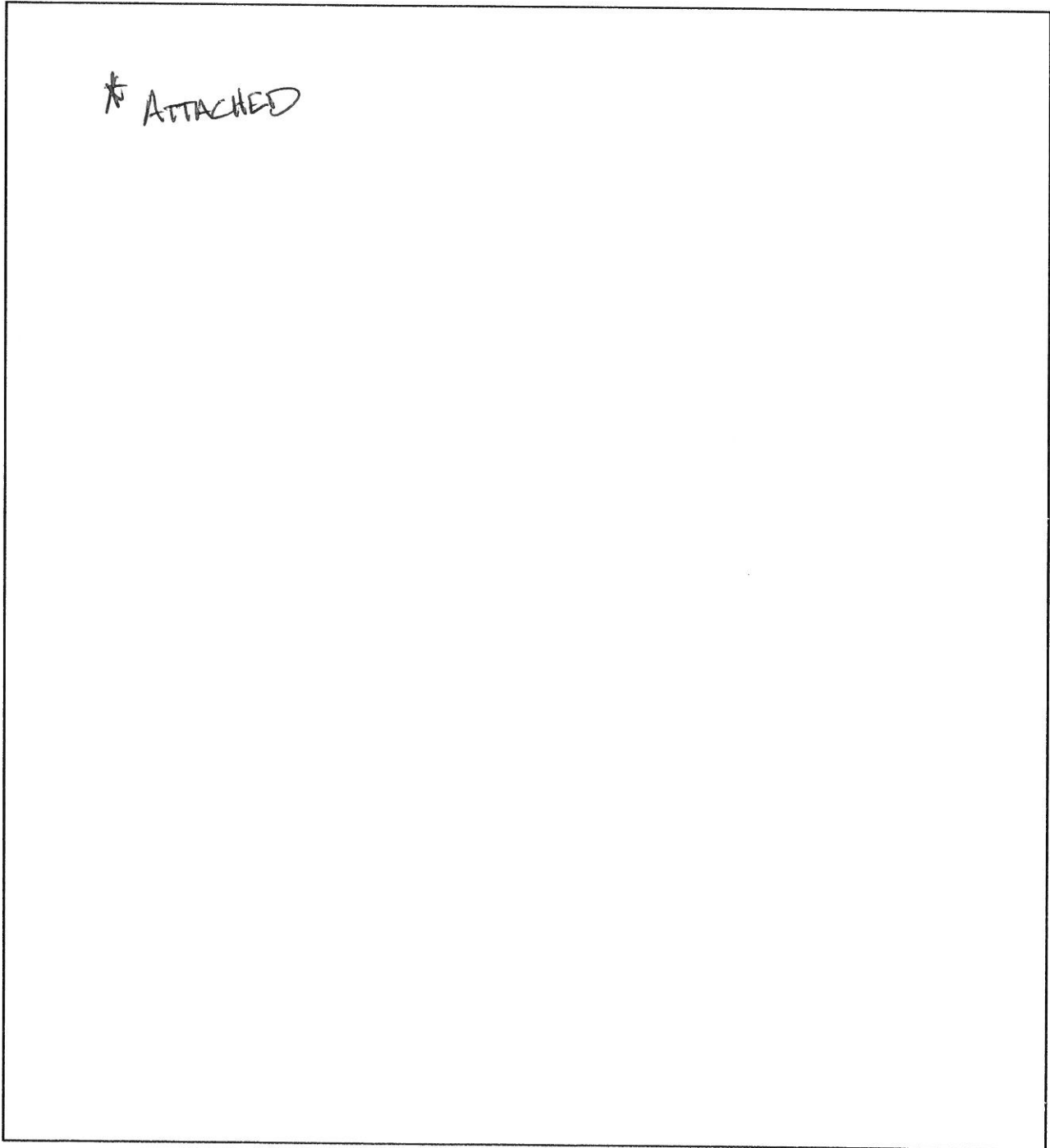
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Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
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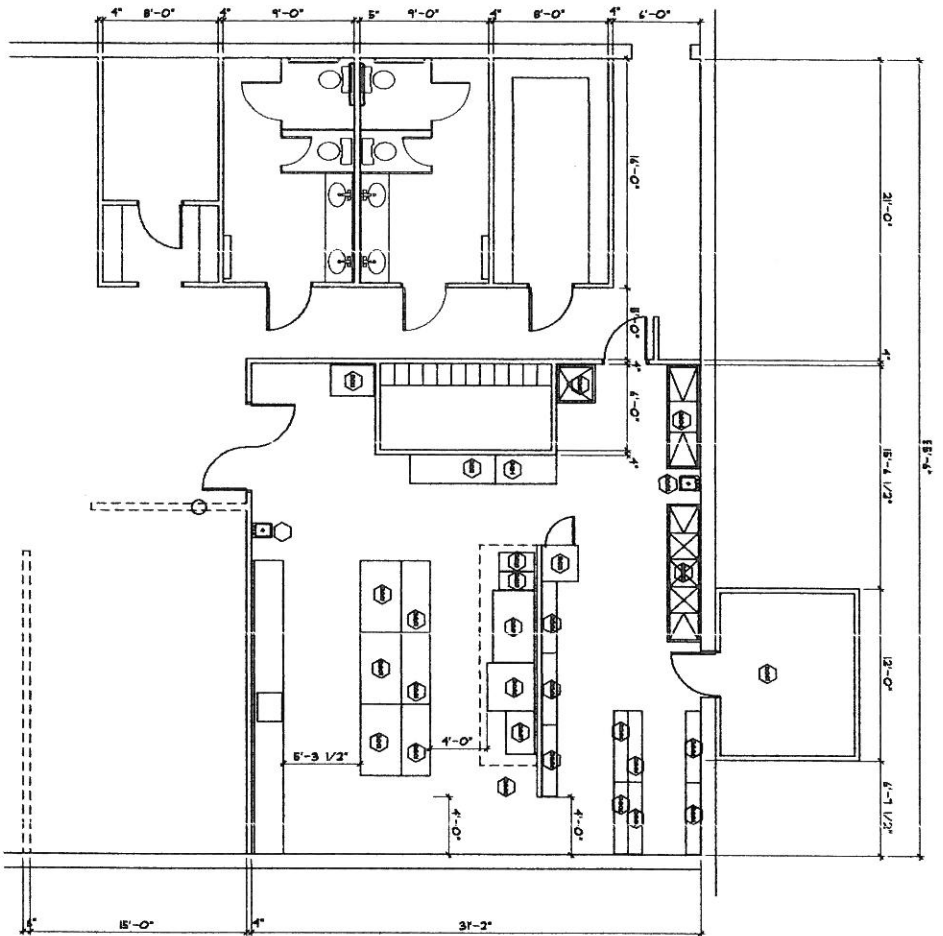
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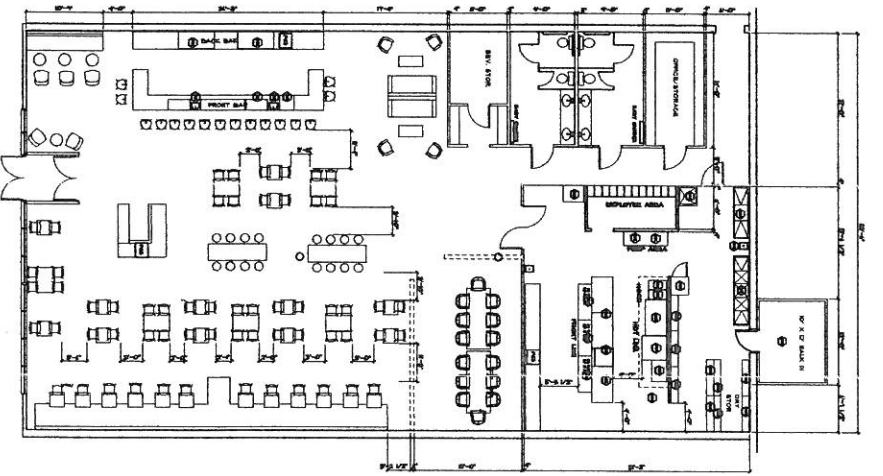
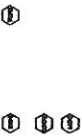
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* ATTACHED



ENLARGED KITCHEN PLAN
SCALE: 1/4" = 1'-0"



FLOOR PLAN
SCALE: 1/4" = 1'-0"

ITEM	DESCRIPTION	QTY	MATERIAL		ELECTRICAL		MECHANICAL		PLUMBING		PAINT		FINISH		NOTES
			TYPE	SIZE	TYPE	SIZE	TYPE	SIZE	TYPE	SIZE	TYPE	SIZE	TYPE	SIZE	
001	WALL	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
002	CEILING	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
003	FLOOR	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
004	DOOR	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
005	WINDOW	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
006	STOVE	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
007	SINK	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
008	COUNTER	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
009	SEAT	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
010	TABLE	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
011	STOVE	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
012	SINK	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
013	COUNTER	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
014	SEAT	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
015	TABLE	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
016	STOVE	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
017	SINK	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
018	COUNTER	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
019	SEAT	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN
020	TABLE	1	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	1/2"	TYPE X	SEE PLAN

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: BEDDACK RESTAURANT ENT. INC.
2. Doing Business As, if any: BLUE MERMAID
3. Date of filing with Secretary of State: 7/11/17 State in which you are formed: NH.
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 7/11/17
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
SCOTT LOLTAN	105 HOWE ROAD ELIOT, ME	7/14/60	PRESIDENT	81%
DONNA LENCKI	256 KING'S HWY. KENNEBUNK PORT ME	3/25/59	NONE	19%

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

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

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

CLUB APPLICATION

NEW application: Yes No Business hours: Wed thru Monday 3:00 - 11:00

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

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

PRESENT LICENSE EXPIRES 1/20/2021

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE: \$10.00 Filing Fee (must be included on all applications)

\$495.00 Club w/o Catering (Class V – Malt, Vinous & Spirituous)

- Club with Catering :
- Malt, Vinous, & Spirituous-Class I (\$900.00)
 - Spirituous Only-Class II (\$550.00)
 - Vinous Only-Class III (\$220.00)
 - Malt Only-Class IV (\$220.00)
 - Malt & Vinous Only-Class III & IV Combination (\$440.00)

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Loyal Order of Moose 444</u>	Business Name (D/B/A) <u>Loyal Order of Moose 444</u>
APPLICANT(S) –(Sole Proprietor) DOB: <u>Loyal order of moose 444</u>	Physical Location: <u>76 US Rte 1 bypass</u>
DOB:	City/Town State Zip Code
Address <u>76 US Rte 1 bypass</u>	Mailing Address <u>PO Box 968</u>
City/Town State Zip Code <u>Kittery Maine 03904</u>	City/Town State Zip Code <u>Portsmouth NH 03802</u>
Telephone Number Fax Number <u>207-703-0899</u>	Business Telephone Number Fax Number <u>207-703-0899</u>
Federal I.D. # <u>02-0219930</u>	Seller Certificate #: or Sales Tax #: <u>1183183</u>
Email Address: Please Print <u>Lodge 444 @ moose.org 026</u>	Website:

1. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ 33860.51

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

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

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

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

(Use an additional sheet(s) if necessary.)

License # _____ Name of Business _____

Physical Location _____

City / Town _____

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

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

6. Business records are located at: 76 US RTE 1 bypass K. Hwy, ME 03904

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

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

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

Full Name (Please Print)	DOB	Place of Birth
John Wentworth	01-26-1969	Dover, N.H.

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

Name: John Wentworth	City: Portsmouth	State: N.H.
Name: _____	City: _____	State: _____
Name: _____	City: _____	State: _____

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes No If Yes, give name: _____

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

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

14. Describe in detail the premises to be licensed: (Diagram Required) 2500 Sq Foot Building

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

YES NO Applied for: _____

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

Which of the above is nearest? Shapleigh School

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

If YES, give details: _____

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

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

Dated at: K. Herby Maine on Dec 3, 2020
Town/City, State Date

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)
John Westworth
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

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

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

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

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:
Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town County

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c.730, §27 (AMD) .]
[1995, c.140, §6 (AMD) .]

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

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

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

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

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



ON PREMISE DIAGRAM
(Facility Drawing/ Floor Plan)

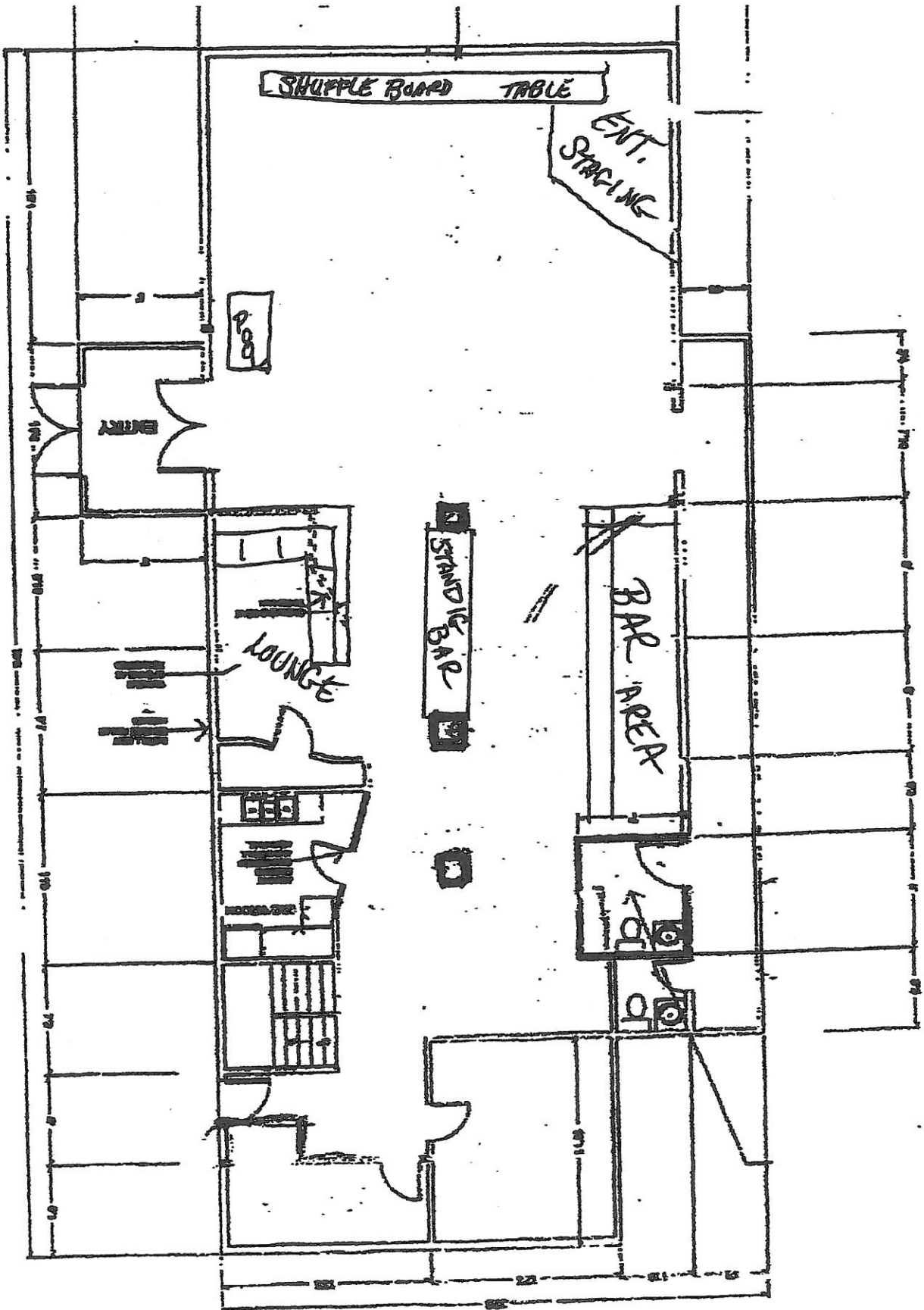
In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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

A large, empty rectangular box with a thin black border, intended for the applicant to draw a facility drawing or floor plan.

Rt. 1

PARK-221
70K



**Bureau of Alcoholic Beverages
 Division of Liquor Licensing & Enforcement
 8 State House Station
 Augusta, ME 04333-0008
 Tel: (207) 624-7220 Fax: (207) 387-3434**

SUPPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS

1. Legal Club Name: Loyal Order of Moose 444

2. D/B/A Name: _____

3. Complete Title, name, date of birth and telephone number for each principal officer of the club:

Title	Name	Birth Date	Telephone
Governor	John Wentworth	1/26/69	603-828-8735
Jr Governor	Allan Burrows	04/06/86	207-475-5050
Treasurer	Tom Fullum	8/1/63	603-817-5525

4. Date Club was incorporated: 02/03/1991

5. Purpose of Club: Social Recreational Patriotic Fraternal

6. Date regular meetings are held: 1st and 3rd Tuesdays Monthly

7. Date of election of Club Officers: March

8. Date elected officers are installed: April 1st

9. Total Membership: 310 Annual Dues: 45.00 Payable When: Annually

10. Does the Club cater to the public or to groups of non-members on the premises? Yes No

11. Excluding salaries, will any person, other than the Club, receive any of the financial profits from the sales of liquors? Yes No

12. If a manager or steward is employed, complete the following:

Name: Michele Thumith Date of Birth: 03/23/1971

John Wentworth Governor
 Signature & Title of Club Officer

Sign in blue ink

11-3-2020
 Date

John Wentworth Governor
 Print Name & Title of Club Officer



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

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

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

Loyal Order of Moose 444
76 US Rte 1 bypass Kittery, ME 03904

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

Loyal Order of Moose 444
76 US Rte 1 bypass Kittery ME 03904

Mailing address and telephone number of owner of the real estate: Loyal order of moose 444
207-703-0899

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

Front Room

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

between six and ten pm.

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

Karaoke, Small bands or DJ's

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

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

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

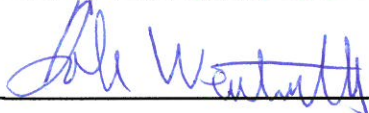
As part of this application process, the individual or business entity seeking the permit herein acknowledges that the Municipal Officers, pursuant to 28-A M.R.S.A. Subsection 1054(7) may suspend or revoke the permit applied for herein on the grounds that the activity or amusement constitutes a detriment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

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

Governor

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

DATE OF APPLICATION: 11-3-2020

SIGNATURE OF APPLICANT: 

APPLICANT'S NAME: John Wentworth
(please print)

ADDRESS: 1098 Maplewood Ave Portsmouth NH 03801
(please print)

TELEPHONE NUMBER: 603-828-8735

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

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



**EMERGENCY WAIVER
OUTDOOR RETAIL AND RESTAURANT SALES
PANDEMIC COVID-19**

WHEREAS, COVID-19, also known as coronavirus is a highly infectious virus that poses an imminent disaster to the residents, workers, and visitors to Kittery; and

WHEREAS, the Governor of Maine declared a state of civil emergency for Maine on March 15, 2020; and

WHEREAS, the Town Manager declared a local disaster existed in Kittery on March 25, 2020 in accordance with the Title 8.3.6 of the Town Code; and

WHEREAS, the Town of Kittery, in whole, is deemed vulnerable to the virus; and

WHEREAS, the need to prevent further spreading of the virus through person-to-person contact requires actions that include potential regulations and enforcement waivers pertaining to the movement of persons and vehicles, and commerce within and outside of the Town; and

WHEREAS, the Governor of Maine has encouraged communities to work with their commercial businesses on outdoor retail and dining to alleviate limitations on business operations resulting from required social distancing and limitations on congregating during the COVID-19 pandemic; and

WHEREAS, the Kittery Town Council wishes to support the businesses in town by making outdoor sales and dining possible through streamlined review and approval processes that respond to evolving safety guidelines for safe operations during the COVID-19 pandemic; and

NOW, THEREFORE, the Kittery Town Council hereby waives enforcement of the following provisions of Title 5.7 Sidewalk Sales and authorizes the Town Manager to approve Request for Extension of License on Premise applications effective June 1 until Maine State of Civil Emergency to Protect Public Health is rescinded or terminated, whichever comes first, unless otherwise modified by a vote of the Town Council.

- **5.7.5. and 5.7.7 Town Council Approval** - Approvals may be granted administratively upon staff review and approval of an application and site plan.
- **5.7.6.A Four-Day Limitation on Sidewalk Sale Duration** – Sidewalk sale approvals may be valid through July 31, 2020 unless the Council modifies the waiver.
- **5.7.6.B Signature of Five Landlords** – requirement to obtain signatures from five landlords is waived.
- **5.7.10 Review Standards Parking** – Number of obstructed parking spaces may exceed 10%.
- **5.7.13 Temporary Street Closing** – Street closing and public parking obstructions may be approved by the Town Manager.

Motion to approve made by Councilor _____ and seconded by Councilor

_____, and passed by a vote of _____ on the _____ day of

_____, 2020.



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

REPORT TO TOWN COUNCIL

Meeting Date: December 14, 2020
From: Kendra Amaral, Town Manager
CC: Dutch Dunkelberger, Planning Board Chair
Subject: Outdoor Dining
Sponsor: Chairperson Jeffrey Thomson

EXECUTIVE SUMMARY

The Town Council has been supporting local restaurants and businesses through the COVID pandemic by allowing outdoor dining since July of this year. More recently, the Council has expressed support for amending Title 16 to make it easier for outdoor dining to exist. The public and businesses have supported outdoor dining and are indicating an interest in this option being more prevalent in Kittery going forward.

The proposed ordinance amendment would ease performance standards for outdoor dining for existing and new restaurants on an ongoing basis.

PROPOSED TITLE 16 REVISIONS – OUTDOOR DINING

Outdoor dining has been treated the same as indoor dining space in terms of the land use code, due to a lack of definition and specific performance standards. The resulting impact is that outdoor dining has too great of an impact on the lot coverage, parking requirements, and other design standards to make it readily viable for a business owner.

The proposed amendments establish different performance standards for the outdoor dining portion of a use. The performance standards are more appropriately aligned to the generally lower impact that outdoor dining operations have on parking and life safety.

The Planning Board held a public hearing on the amendment on November 12, 2020. There were no public comments received on the matter. The Planning Board voted to recommend the amendment unanimously.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendment as proposed.

ATTACHMENTS

- Proposed Title 16 Amendment – Title 16 Outdoor Dining
- Proposed Ordainment – Title 16 Outdoor Dining

CHAPTER 16 OUTDOOR DINING

1. ADD Outdoor Dining Definition to Title 16 definitions as follows:

1 §16.2.2 Definitions

2 Outdoor Dining - A dining area with seats and/or table(s) located outside of a restaurant, which is either: a)
3 located entirely outside the walls of the building of the subject business, or b) enclosed on two (2) sides or
4 less by the walls of the building with or without a solid roof cover, or c) enclosed on three (3) sides by the
5 walls of the building without a solid roof cover.

6 2. ADD Outdoor Dining Design and Performance Standards for the Built Environment as follows:

7 Outdoor Dining §16.8.29.1

8 A. Applicability

9 1. Outdoor dining, as defined in Chapter §16.2.2 of this Title, is allowed as follows:

10 a. Within the buildable lot area in all zoning districts where restaurants are allowed as either a
11 permitted or a special exception use;

12 b. Within the front, side and/or rear yards (setbacks) of the C-1, C-2, C-3, B-L, B-L1, MU, MU-BI,
13 MU-KF and MU-N zones where such a setback does not abut a residential use; and

14 c. Outdoor dining in the public way is permitted subject to Title 5 and all Town requirements.

15 2. Any existing restaurant that meets the above requirements may apply for approval for outdoor dining on-
16 site.

17 3. New restaurants to be constructed may include outdoor dining plans on-site as part of their site plan
18 review.

19 B. Standards

20 1. Outdoor dining on site must meet all the requirements of the pertinent zone's buffering and screening
21 requirements.

22 2. Proposed outdoor dining on-site must comply with all conditions pertaining to any existing variances,
23 special exceptions or other approvals granted for the property as well as any conditions imposed by the
24 granting of the site plan review approval for the outdoor dining itself.

25 3. All the proposed outdoor dining activities must be conducted on private property owned, leased or
26 otherwise controlled by the applicant unless separate approval for the use of any public rights-of-way has
27 been obtained from the Town.

28 4. The proposed outdoor dining must not impede a site's internal circulation or its access and egress.

29 5. No additional parking is required for outdoor dining at existing restaurants where on-street parking is
30 available. For outdoor dining areas in existing restaurants where on-street parking is not available, if the

31 outdoor dining area is 1,000 square feet or less, no additional parking is required. For outdoor dining areas in
32 existing restaurants over 1,000 square feet but less than 2,000 square feet, one additional parking space is
33 required. Thereafter, one additional parking space is required for every additional 1,000 sf.

34 C. Site Plan Review submission requirements

35 1. The site plan must be drawn to scale, showing the dimensions of the proposed outdoor dining area, and its
36 location relative to the structure where the restaurant is located.

37 2. The site plan must show the location of any proposed or existing pavement, hardscaping, landscaping,
38 planters, fencing, canopies, umbrellas, awnings or barriers surrounding or delineating the outside dining area.

39 3. Calculations demonstrating the number of tables that may be placed within the proposed outdoor dining
40 area according to state and local regulations must be submitted.

41 4. The above submission requirements are all that is required for outdoor dining areas that require Code
42 Enforcement approval under §16.10.3.2. For outdoor dining areas that must be reviewed under site plan
43 review, the above requirements must be met in addition to the submission requirements of §16.10.5.2 unless
44 a submission requirements waiver is granted by the Planning Board.

**KITTERY TOWN CODE –
TITLE 16
OUTDOOR DINING**

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 outdoor dining performance standards have been found to be
11 too restrictive, and therefore have limited the ability to have outdoor dining in Kittery; and

12 **WHEREAS**, for the sustainability of local businesses and the safety of customers, the Town
13 Council enacted temporary measures to allow restaurants more flexibility to offer outdoor dining
14 during the COVID-19 pandemic; and

15 **WHEREAS**, the Town of Kittery seeks to establish new performance standards for outdoor
16 dining that are more appropriately aligned to the impact the outdoor dining has on parking and
17 life safety, so as to allow the positive benefits experienced from outdoor dining to continue;

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

22 **INTRODUCED** and read in a public session of the Town Council on the ____ day of _____,
23 20____, by: _____ {NAME} Motion to approve by Councilor
24 _____ {NAME}, as seconded by Councilor _____ {NAME} and
25 passed by a vote of _____.

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

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

TOWN COUNCIL GOALS

2021

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

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

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

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

- Climate Adaptation Study (9.1, 9.2)
 - Develop and implement climate adaptation, flood resiliency and green-house gases strategies and ordinances
- Reduce dog and horse waste in open spaces (2.2)
 - Expand/enhance Title 6 Animal Control ordinance
- Ensure Town planning processes are open, transparent, informative, inclusive, respectful and welcoming (7.1)
 - Complete Title 16 recodification to achieve development goals
 - Equip Town Hall to support ongoing hybrid and remote meetings
- Develop long range plan for the library (7.2)
 - Advance construction project
 - Begin five-year strategic plan for Library
- Guide development to areas already served by public utilities, resulting in more efficient and cost-effective use of these public services (7.3)
 - Develop zoning amendments to uses, dimensional and performance standards that advantage development around utilities.
- Continue to support healthy lifestyle choices and wellness by improving walking and biking and infrastructure (5.2)
 - Launch pedestrian and bicycle master plan.
- Develop a plan for Town facilities and property owners to transition to low and zero impact energy sources (9.2)
 - Develop sustainable ordinances.
 - Identify Community Solar opportunities.

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

Give attention to Councilor expressed priorities, including:

- Identify viable properties for the re-use or disposition of Town controlled property including (but not limited to):
 - Walker Street Fire Station
 - Taylor Building
 - Old Post Properties
 - 2 Walker Street

TOWN MANAGER GOALS

2021

Support long term planning and growth management objectives:

- Finish the Title 16 recodification process and develop a plan to address identified policy issues
- Propose TIF amendments to provide relief to taxpayers and support desired growth
- Develop zone amendments to promote the increase of housing stock
- Advance JLUS Implementation effort and recommendations from Study

Enhance Financial Stability

- Produce a 2022 budget that seeks to respond to service expectations of the community, and appropriately addresses unmet needs and revenue changes resulting from COVID
- Finish comprehensive technology master plan to inform the capital improvement program
- Integrate sustainability and climate change priorities into Capital Improvement Program

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

Support Council's efforts to implement the Comprehensive Plan 5 Year Action Plan (see Council Goals)

Town Assets and Infrastructure

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

Develop and Sustain the Professional Staff

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

TOWN COUNCIL GOALS

2020

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

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

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

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

- Climate Adaptation Study (9.1, 9.2)
 - Complete climate adaptation assessments for flood resiliency and green-house gases and develop risk reduction and adaptation strategies – **IN PROCESS Flood resiliency analysis in process. GHG assessment in process.**
- Develop a Housing Plan/Affordable Housing Strategies (4.1)
 - Title 16 Amendments to incentivize affordable housing – **COMPLETE**
- Reduce dog and horse waste in open spaces (2.2)
 - Expand/enhance Title 6 Animal Control ordinance – **IN PROCESS Phase 1 complete. Working Group formed to address Phase 2.**
- Ensure Town planning processes are open, transparent, informative, inclusive, respectful and welcoming (7.1)
 - Title 16 recodification to achieve development goals – **IN PROCESS Planning review underway.**

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

Give attention to Councilor expressed priorities, including:

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

**TOWN MANAGER ANNUAL GOALS
STATUS REPORT – Q4**

2020 GOALS	STATUS	Update
Support Long Term Planning and Growth Management Objectives		
Propose and implement zoning amendments that support desired growth in the targeted growth areas including Route 1, and the Route 1 Bypass, and the Business Local zones, incorporate affordable housing incentives.	On going	Affordable Housing zoning amendments adopted. Staff working with PB on priorities related to dimensional standards, parking, and uses throughout zones.
Finish Title 16 recodification process and develop a plan to address identified policy issues	On going	Final KLIC review of draft Title 16 recodification completed. PB review underway.
Propose TIF amendments to provide relief to taxpayers and support desired growth	Complete	Council approved dissolution of TIFS 1 & 2. TIF 3 amendment public hearing in Aug to give Council more flexibility on the % of captured value diverted to the TIF fund.
Develop zone amendments to promote the increase of housing stock	Complete	
Enhance Financial Stability		
Produce a 2021 budget that seeks to respond to service expectations of the community, and that is adequately justifiable in comparison to appropriate economic indicators, comparable communities, and supports implementation of town objectives	Complete	2021 budget approved with 1.34% reduction due to uncertainty surrounding COVID. Revaluation near complete and expected to reduce the mil rate. Tax commitment and mil rate setting completed.
Update and expand financial policies	In process	Comprehensive evaluation of financial policies in process and draft revisions are in development.
Maintain or improve bond rating	In process	Bond rating scheduled for January 2021.

**TOWN MANAGER ANNUAL GOALS
STATUS REPORT – Q4**

Develop a comprehensive technology master plan to inform the capital improvement program	On going	Network reconstruction underway for Police Dept to stabilize the IT environment.
Improve Organizational Efficiency		
Improve organizational efficiency through implementation of technology and amendments to Charter, Ordinance and Policy	On going	Transitioned Dump Stickers, Fort Foster Passes and other services online. Updated GIS software to provide greater information. Parking ticket system online.
Implement the Comprehensive Plan 5 Year Action Plan, specifically focused on the following		
Support Climate Adaptation Committee's efforts	In process	Flood Resiliency Checklist process completed. Joined regional effort to develop strategies and plan for climate adaptation with other York County communities. Joined Coastal Communities grant to develop more effective training and tools for citizen scientist wetlands monitoring. Served on Gov Mill's Climate Council Transportation Working Group. Developing GHG emission inventory through ICLEI tool; applied for EV charging station at Town hall; partnering with five other communities on a community solar project proposal.
Complete JLUS study and identify funding for implementation of action plan	Complete	JLUS study completed in February. Implementation grant awarded in June. Consultant hired, Implementation Com begins meeting in Nov.
Finish Library design process and commence construction	In process	Design development phase complete. Construction Docs phase complete. Planning Board permits approved. Maine Historic adverse determination in negotiation. GMP negotiation nearing completion. Ground breaking anticipated Mar 2021.
Town Assets and Infrastructure		
Develop recommendations for the reuse or disposition of various town owned or tax-acquired properties.	In process	Taylor Bldg Com reviewing RFPs and developing recommendations for Council. Acquired clean title for Old Post and Walker Street properties. Council approved option to direct proceeds from sale of tax-acquired properties to affordable housing program. Proposed transition from Walker St. ambulance bldg to Gorges Road; proposal withdrawn due to inability to make it cost neutral. Will revisit.

**TOWN MANAGER ANNUAL GOALS
STATUS REPORT – Q4**

Develop a sidewalk master plan for replacement, enhancement and addition of town sidewalks	In process	Engineering underway for Stevenson sidewalk. \$24,000 grant award for pedestrian/bike master plan through KACTS. RFP being finalized for ped/bike master plan, anticipated RFP release in Dec.
Develop and Sustain the Professional Staff		
Complete contract negotiations in a timely fashion	In process	Due to COVID, completed one-year extensions with all unions.
Plan for addressing increasing demands for police, fire and public works services	In process	Due to COVID, budget could not accommodate increase in staffing. COPS and SAFER grant applications submitted for Police and Fire. Police application was unsuccessful this round. Fire application was unsuccessful this round.

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 PRIMARY OBJECTIVES

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

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
3 - Economic Development	Engage in targeted outreach to business and industry sectors marketing Kittery's economic development areas. (3.5)	<ul style="list-style-type: none"> • Improve town website and have routine maintenance. • Identify similar business or industry partners who may have insights on what businesses in those sectors are looking for in terms of amenities, infrastructure, costs/revenues, workforce characteristics, etc. • Talk with brokers and real estate agents about marketing property in Kittery. • Work with land owners to actively market properties through websites and brokers. 	<p>Website updated, expanded use of email and social media to share info.</p> <p>Kittery new member of Chamber of Commerce</p> <p>Regular meetings with Foreside Business Group and outreach to Rte 1 and Bypass businesses.</p>
4 – Housing	Undertake to complete a Comprehensive town-wide Housing Plan that will document existing supply and identify needs and ways of meeting these, including methods for encouraging the development of affordable housing (e.g. creation of new types of housing, including workforce housing, and housing for seniors wishing to downsize, etc.). (4.1)	<ul style="list-style-type: none"> • Create a scope and request for proposals to undertake a comprehensive town-wide housing plan. Plan should include in-depth analysis of housing supply, demand, and strategies to encourage a variety of housing types and prices points. • Explore possibility of local regional planning commission undertaking the study on behalf of the town. 	<p>Affordable Housing ordinances implemented.</p> <p>Housing Com established.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
5 – Transportation	Evaluate Town-wide current parking conditions and policies and revise to meet development goals by improving management of existing spaces and exploring shared parking and other strategies. (5.4)	<ul style="list-style-type: none"> Review and revise town code to support goal. 	<p>Title 10 revisions completed for Foreside. Badger’s Island completed. JLUS complete. Implementation grant approved.</p> <p>Walker/Wentworth revisions enacted by Council.</p> <p>Parking count for Foreside underway.</p>
7 - Municipal Facilities, Services, & Fiscal Capacity	Increase and improve communication with Town residents. Using a variety of modes including the internet and cable TV in innovative ways will help to keep residents more informed and connected to town government. (7.1)	<ul style="list-style-type: none"> Become more efficient by streamlining the permitting process. Update town’s GIS maps and establish a system for continuous update. Explore ways of reaching the largest number of residents and conduct outreach to actively recruit volunteers, especially representation of demographics that are currently missing or underrepresented. Develop clear messaging regarding what the boards and committees do, roles and expectations and information regarding opportunities and benefits of participation. 	<p>Online permitting launched. Implemented use of social media to expand resident participation on Boards.</p> <p>GIS upgrade complete.</p> <p>Use of Channel 22, FB, Twitter, and website expanded.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
7 - Municipal Facilities, Services, & Fiscal Capacity	Educate residents about town planning roles and processes and ensure that planning and town management processes are open, transparent, informative, inclusive, respectful and welcoming. (7.1)	<ul style="list-style-type: none"> • Explore the use of communication technologies to increase the communication between residents and Town government. • Revise Town Code so that regulations are clear and easy to use and are aligned with Comprehensive Plan goals. 	<p>Use of Social Media, Channel 22, and website increased.</p> <p>Title 16 recodification near completion.</p> <p>Finalizing policy for reverse 911 implementation.</p>
7 - Municipal Facilities, Services, & Fiscal Capacity	Develop a long-range plan for the library including where the library will be located (renovation and expansion on existing site, new building on another site) and whether the Library should become a Town Department. (7.2)	<ul style="list-style-type: none"> • Explore possibilities and compare and contrast advantages and disadvantages of sites being considered for Library facility. • Consider converting the Library to a Town Department. • Support Library Director’s efforts to support literacy, digitize the library’s collection of photographs, and to provide support and programming for the increasing elderly population. 	<p>Library design completed, groundbreaking targeted for March 2021.</p> <p>Library is now a Town Department.</p>
7 - Municipal Facilities, Services, & Fiscal Capacity and 8 – Land Use	Guide development to areas already served by public utilities, resulting in a more efficient and cost-effective use of these public services. (7.3) (8.1)	<ul style="list-style-type: none"> • Direct new development where feasible, to vacant or underutilized sites and buildings; direct development away from areas with natural constraints, key wildlife or open space corridors, protected shorelands, and areas where public utilities are not yet available and would be costly to extend. • Add utilities map to GIS. • Establish efficient permitting procedures, especially in areas designated as “growth areas” in Future Land Use Plan. 	<p>Mixed Use Neighborhood rezoning complete.</p> <p>Affordable housing ordinance enacted.</p> <p>GIS upgrade complete.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
8 – Land Use	Review, update and incorporate where appropriate, the recommendations from the Foreside Forums. Residents have expressed much enthusiasm for recent improvements in the Foreside and support for future infill development that is appropriate in scale and activity. (8.3)	<ul style="list-style-type: none"> Study the opportunities and challenges associated with the Foreside area to determine if the zoning district boundaries should change in the future. Identify desired uses. Identify the regulations and infrastructure needed to support the future of the area. 	<p>Zoning review underway in conjunction with affordable housing effort.</p> <p>Reviewing tax acquired and Town owned property for potential beneficial infill.</p>
9 - Coastal Community Resilience	Complete a climate adaptation study to plan for the potential impacts of sea level rise and prepare for extreme weather events (9.1)	<ul style="list-style-type: none"> Complete a Climate Adaption Study. 	<p>Climate adaptation committee formed. Flood resiliency checklist complete. Flood vulnerability assessment complete. Kittery joined with regional climate adaptation planning. Kittery a member of ICLEI. EV charging station grant application in process. Incorporating sustainability evaluation into CIP.</p>

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 SECONDARY OBJECTIVES

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

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 SECONDARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
2- Natural Resources & Recreation	Reduce dog and horse waste at area open spaces through enhanced enforcement and public education. (2.2)	<ul style="list-style-type: none"> • Increase awareness regarding enforcement of pet waste ordinance, support the efforts of the Police. • Establish Volunteer Dog Patrol. 	<p>Hired full time ACO.</p> <p>Phase 1 Title 6 update complete. AC Working Group formed.</p>
2 – Natural Resources & Recreation and 5 – Transportation and 6 – Marine Resources and 7 - Municipal Facilities, Services, & Fiscal Capacity	Continue to support healthy lifestyle choices and wellness by increasing recreational opportunities for all ages, evaluating the Athletic Fields Master Plan, improving walking and biking infrastructure so that it is safe and pleasant, ensuring appropriate recreational access to the waterfront , and increasing awareness of existing resources. Updating the Sidewalks Conditions Report (5.2.1) and developing a Bike Plan are among the specific steps recommended (2.2) (2.2.6) (5.2) (6.1) (7.2)	<ul style="list-style-type: none"> • Monitor athletic field planning process. • Evaluate opportunities for providing bike infrastructure on roads including bike lanes, wide shoulders and “Share the Road” signs (ex. “sharrows” and stencils). • Develop a sidewalk and pedestrian plan including updating sidewalk conditions report and inventory to identify existing conditions and gaps in the pedestrian network. Identify opportunities for new trails. • Work with schools, Community Center and Town Departments to prioritize sidewalk projects on town-owned facilities and recreational areas. • Update street and publicly owned shade tree inventory. 	Athletic Field Master Plan accepted, Committee working on updating it to reflect completed work. Sidewalk master plan development underway.

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 SECONDARY OBJECTIVES

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

KITTERY COMPREHENSIVE PLAN
 5 YEAR ACTION PLAN
 SECONDARY OBJECTIVES

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