



TOWN OF KITTERY

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

October 7, 2019

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
10. PUBLIC HEARINGS
 - a. (100119-1) The Kittery Town Council moves to hold a public hearing on a New Victualer's License application for Kenzie's Restaurant and Pub, 57 State Road, Kittery.
 - b. (100119-2) The Kittery Town Council moves to hold a public hearing for a New Liquor License application for Kenzie's Restaurant and Pub, 57 State Road, Kittery.
 - c. (100119-3) The Kittery Town Council moves to hold a public hearing on the Ballot Referendum for the Library Bond.
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS –

13. NEW BUSINESS

Donations/gifts received for Council disposition.

- a. (100119-4) The Kittery Town Council moves to accept a donation from York Hospital in the amount of \$10,000.00 to be deposited in the York Hospital Account.
- b. (100119-5) The Kittery Town Council moves to approve the disbursement warrants.
- c. (100119-6) The Kittery Town Council moves to discuss the Town Manager's annual merit compensation.
- d. (100119-7) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Kittery Community Center Board of Directors and Robert Guay to interview him for that board.
- e. (100119-8) The Kittery Town Council moves to schedule a public hearing on October 28, 2019 for Title 16 – Shoreland Overlay Amendments.
- f. (100119-9) The Kittery Town Council moves to schedule a public hearing on October 28, 2019 for Title 10 – Jake Brakes.
- g. (100119-10) The Kittery Town Council moves to approve a renewal Liquor License application for Anneke Jans, 60 Wallingford Square.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: October 03, 2019



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council October 7, 2019

1. **Emery Field Phase 2** – The design team from Weston and Sampson joined Town staff at a presentation of the Emery Field Phase 2 build-out project. In the audience were members of KAFI and Parks Commission, among other interested residents. The Phase 2 objectives have been adjusted to prioritize the passive and active recreational spaces (playground, courts, paths) which is expected to make the Land and Water Conservation Fund grant application more competitive.

We will be seeking a \$300,000 grant for the build-out of Phase 2. The grant application is due in November. The Council will need to reaffirm the Project Certification as part of the grant application. Information about the Phase 2 concept design is available on our website. Click on the Projects tab on our homepage.

2. **FEMA Firm Map Appeal** – The Town of Kittery's appeal, along with the other 9 communities who appealed the maps in October of 2018 were denied by FEMA. The denial cited a conversion error and a missing LiMWA line on a graph. We have worked with our consultant to correct the conversion error and incorporate the LiMWA line on the graphs. The conversion error was insignificant to the analysis and appeal conclusions. We submitted the corrected information by the September 30 deadline and await FEMA's response.
3. **Handicap Parking at Seapoint Beach** – We installed a handicap parking spot at Seapoint Beach this summer. This was necessary and appropriate to ensure compliance with the Americans with Disabilities Act and to provide those with disabilities access the public space. This resulted in a loss of one "Resident only" spot, as the HP spot needs to be located on the shortest, most accessible route relative to other spaces in the parking facility.

Though this may be an inconvenience for the able bodied, it is important that we recognize our obligation to provide equal access to our public amenities for all, and welcome those with disabilities to our public spaces.

4. **Kittery Celebration Committee** – Attached is the draft committee charge for the group of volunteers that will spearhead the planning and implementation of an engaging program of events, activities, and informationals to celebrate the State's bicentennial and the Town's 375th anniversary of incorporation. The charge is preliminary effort, and may evolve as planning for the celebrations begin.

I respectfully request the Council consider appointing a member to this Committee. We are also seeking resident volunteers. Those interested can submit a Boards and Committee application, which is available on our website. Click on the Get Involved button on our home page.

Upcoming Dates:

- Absentee Ballots Available – October 7, Town Clerk's Office
- Rice Library Renovation/Expansion Informational Meeting – October 9, 6PM, Council Chambers

- Town Hall for Closed Indigenous Peoples' Day- October 14
- Dog License Renewals Begin – October 15
- Voter Registration Night – October 30, 6PM – 8PM, Town Clerk's Office
- Trick or Treat – October 30, 5PM – 8PM
- Tax Bills Due – October 31

Respectfully Submitted,

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

Kendra Amaral
Town Manager

KITTERY CELEBRATION COMMITTEE

DRAFT

The Kittery Celebration Committee will plan and present a diverse program of events and activities that bring the Town of Kittery together in celebration of the State of Maine's bicentennial and the 375th anniversary of the Town of Kittery's incorporation. The program will appeal to residents of all ages.

1. Appointment and Composition

- A. The Celebration Committee is an ad hoc administrative committee. Members will be appointed by the Town Manager and serve until the completion of the project, anticipated to be on or around December 31, 2022.
- B. The Celebration Committee members will be appointed in order to achieve a diverse group representing the historic, artistic, business, and social aspects of the Town. To this end, non-residents may be appointed to the Committee if they are representing a Kittery-based organization or entity.
- C. The Committee will consist of 15 voting members. Members will include a representative each from the Town Council, the Kittery Historical and Naval Museum, the Kittery Community Center Board of Directors, the Board of Library Trustee (to be formed).

2. Duties

- A. Develop a rich program of events, activities, and information that celebrate the rich history of the State of Maine and Town of Kittery;
- B. Encourage other groups to host and plan events and activities, and assist in the promotion of them as part of the overall celebration;
- C. Plan and implement fundraising activities including grants, fundraising events, and fundraising efforts to support the program and ensure that activities/events can be enjoyed by all; and
- D. Collaborate and coordinate with various groups, organizations, and entities in the development and implementation of the program.

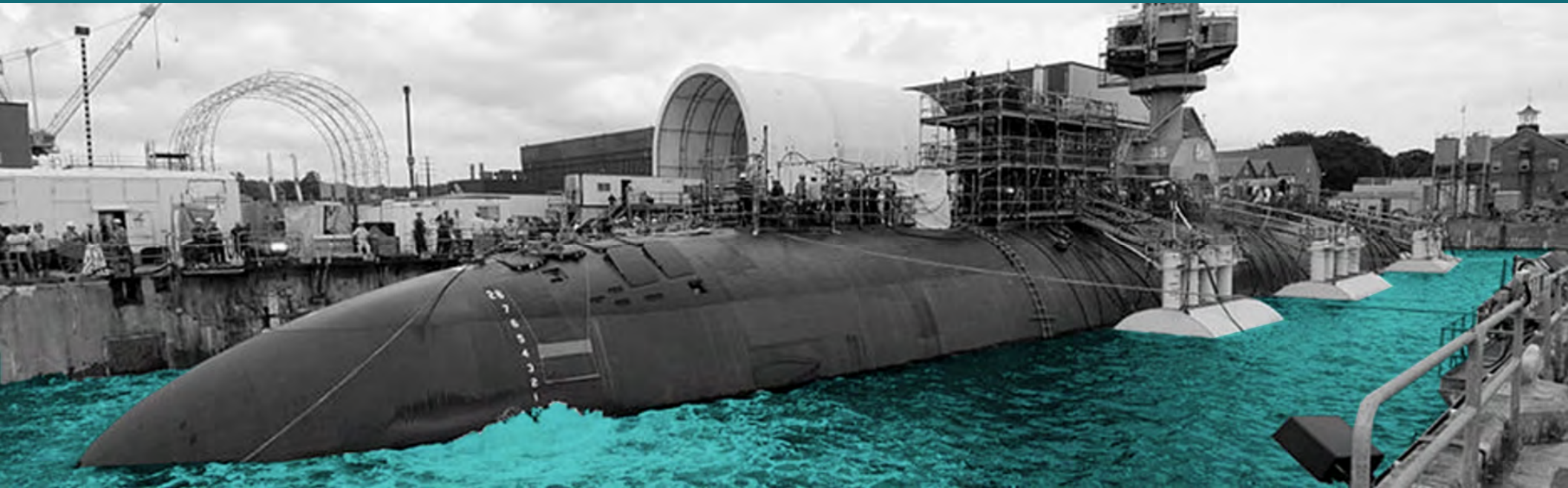
3. Objectives

- A. Develop a rich program of events, activities, and informationals that respond to the interests of the community and may include:
 - Gala, carnival, parade, concert, fireworks
 - Public art installation, time capsule, monument, tree or other commemorative gesture
 - Commissioning or endorsing poetry, theater, essays, musical composition
 - Tours, races, speaker series, museum exhibitions
- B. Plan a program that starts with the celebration of the State's bicentennial beginning 2020 and ends with the Town's 375th anniversary of incorporation.
- C. Encourage and support community organizations to host community events that highlight their mission and connections to the history of Kittery.
- D. Create and publish a master calendar.
- E. Develop and implement a communication strategy to share information about the program, fundraisers, and activities of the Committee.

TOWN OF KITTERY + PORTSMOUTH NAVAL SHIPYARD JOINT LAND USE STUDY



Working Group Meeting – August 1, 2019



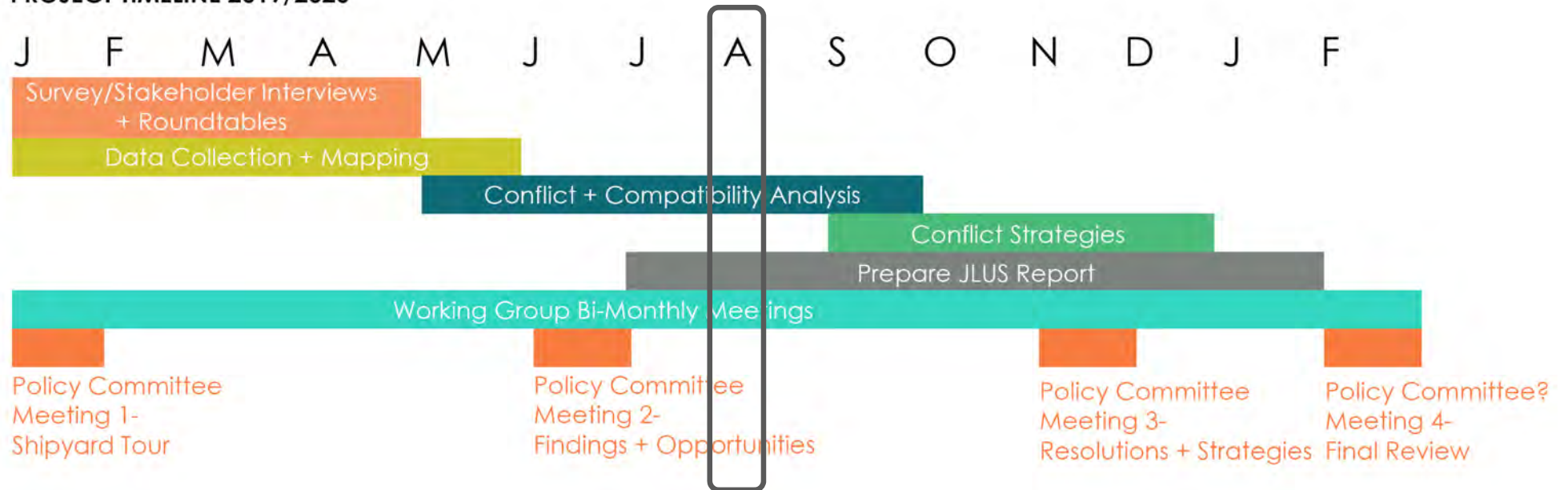
Today's Agenda

- Summary of public open house/policy committee and public survey
- Summary of strategies
- Prioritization and responsibility exercise
- Next steps

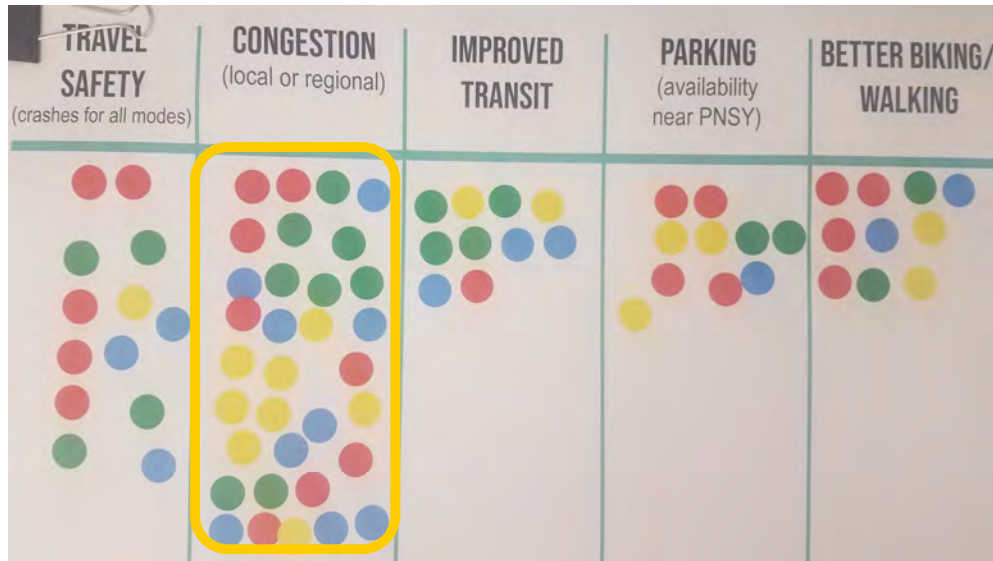


Process Overview

PROJECT TIMELINE 2019/2020



Public Open House June 5, 2019

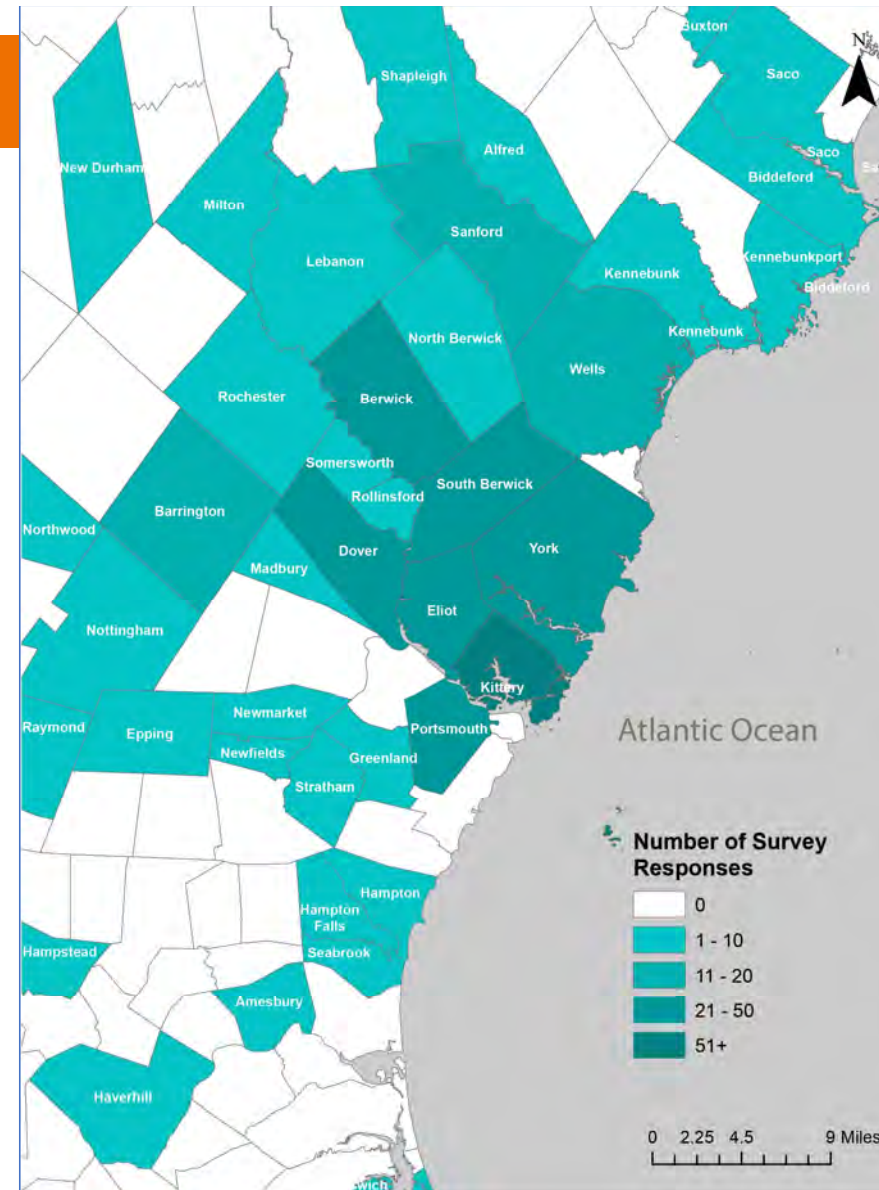


Public Survey

Online and paper version conducted June – July

573
Responses!

(PNSY survey currently running)

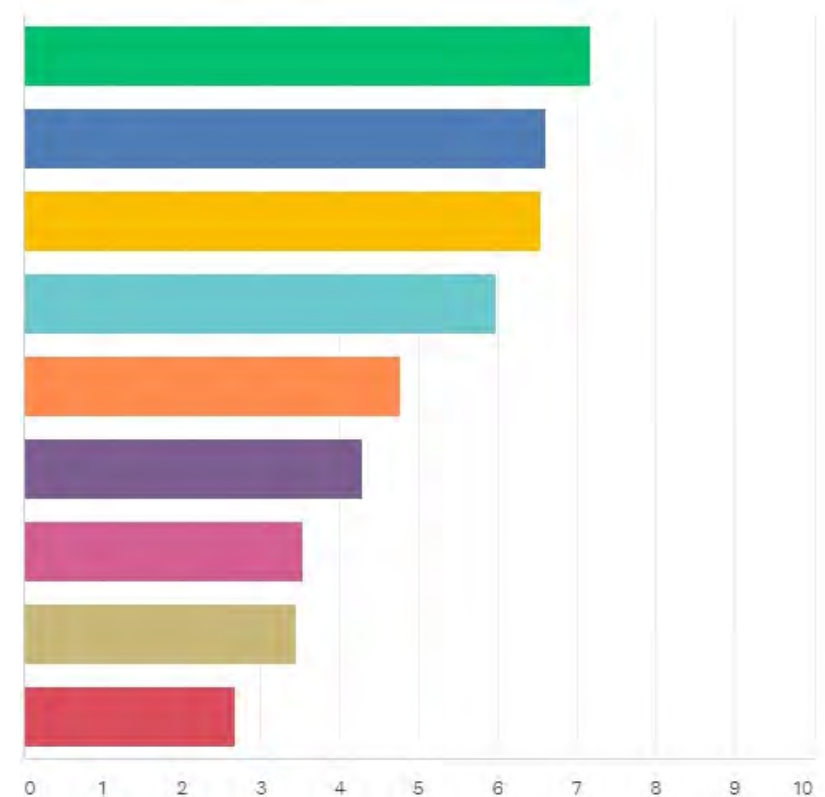


Public Survey



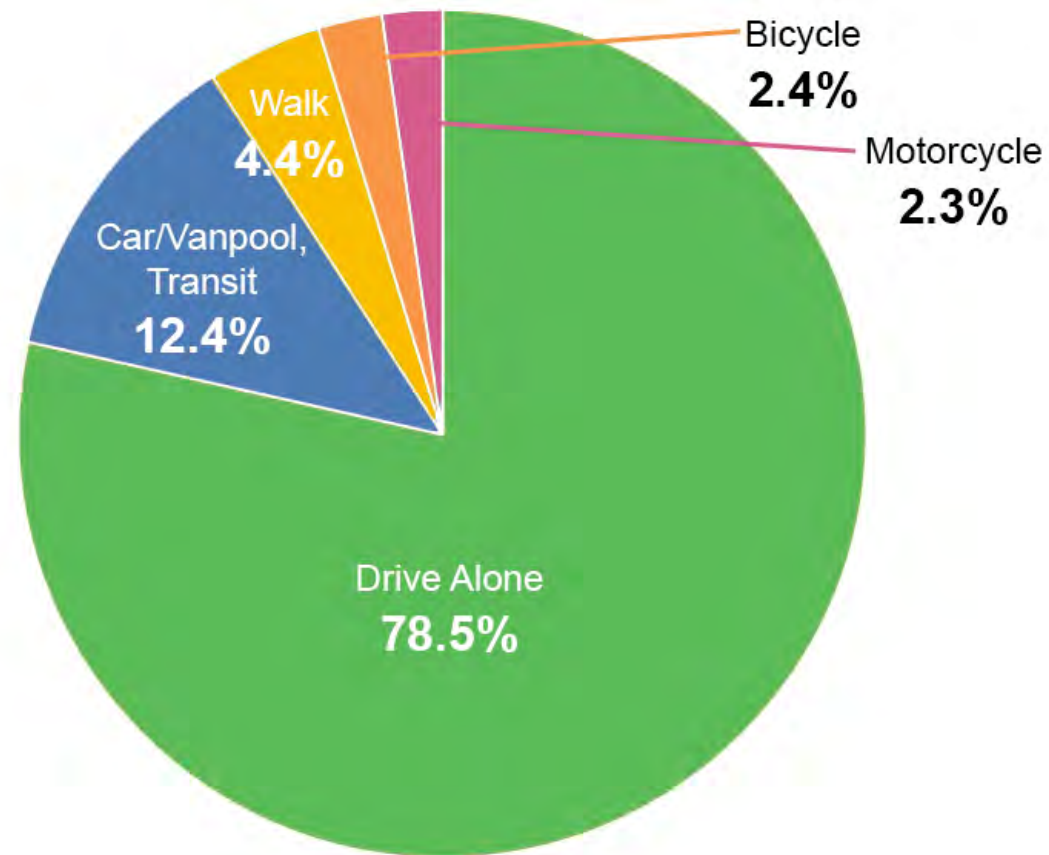
Various stakeholders have suggested a number of ideas for addressing the PNSY impacts. Please rank the following:

- Park and ride facilities connected with frequent shuttle
- More nearby off-shipyard parking to walk to/from
- Reduce delays entering/exiting the shipyard
- Change traffic signal response to reduce delays
- Improve existing bus service/frequency
- Add additional bus routes to other places
- Add ferry service to/from New Hampshire
- Improve bicycling facilities
- Increase nearby affordable housing options



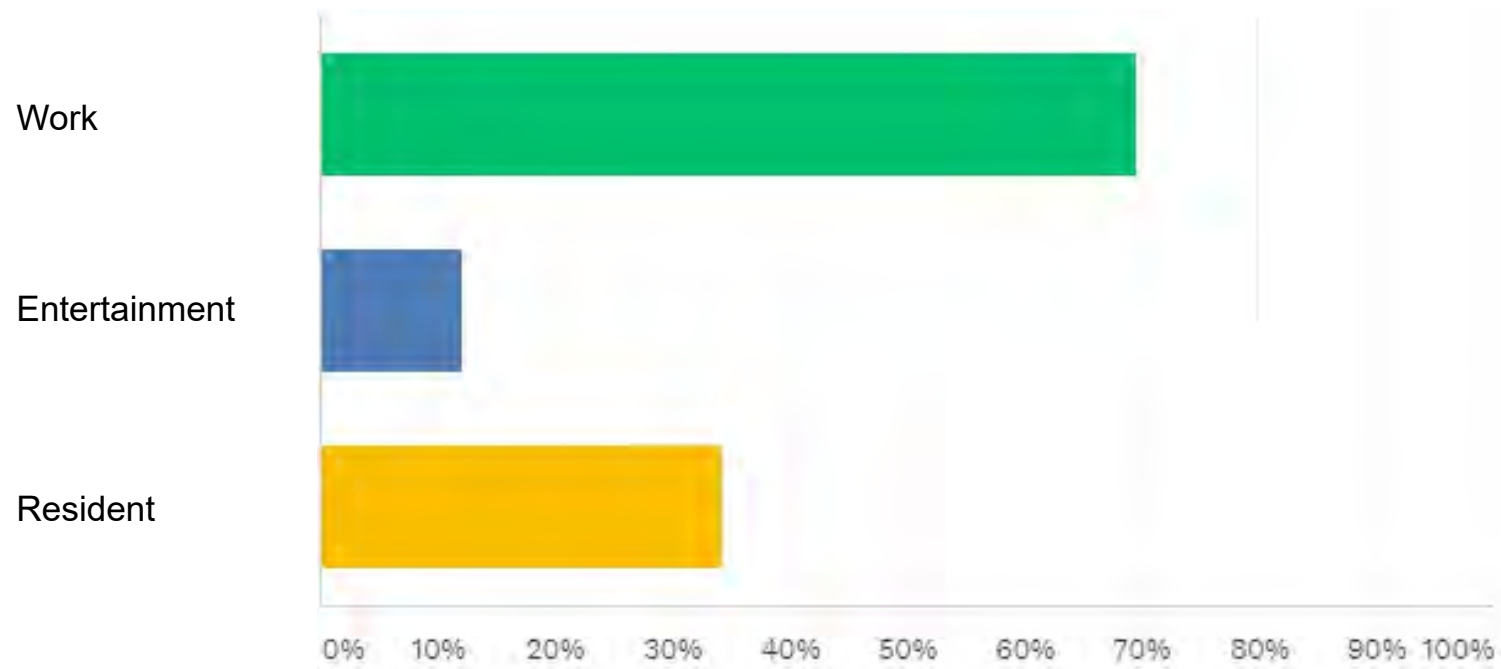
Public Survey

What is the primary mode of travel you typically use on a weekday?



Public Survey

What is your primary reason for traveling to or through downtown Kittery?



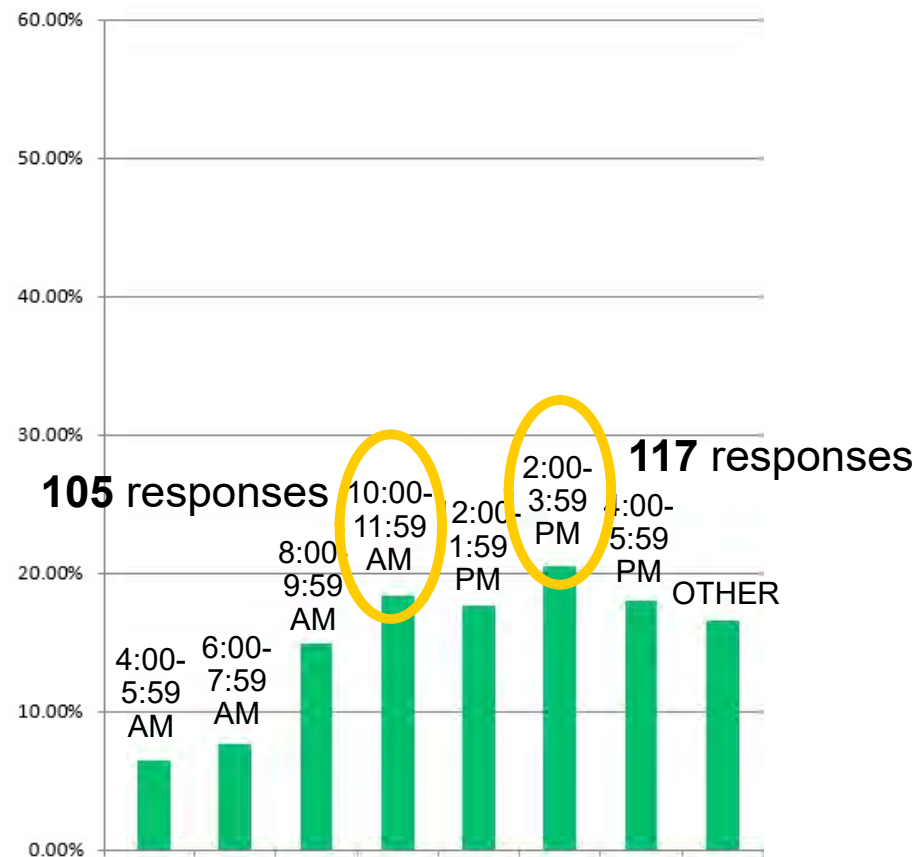
Public Survey

Which time of the day do you typically travel to/through Kittery (weekday)?



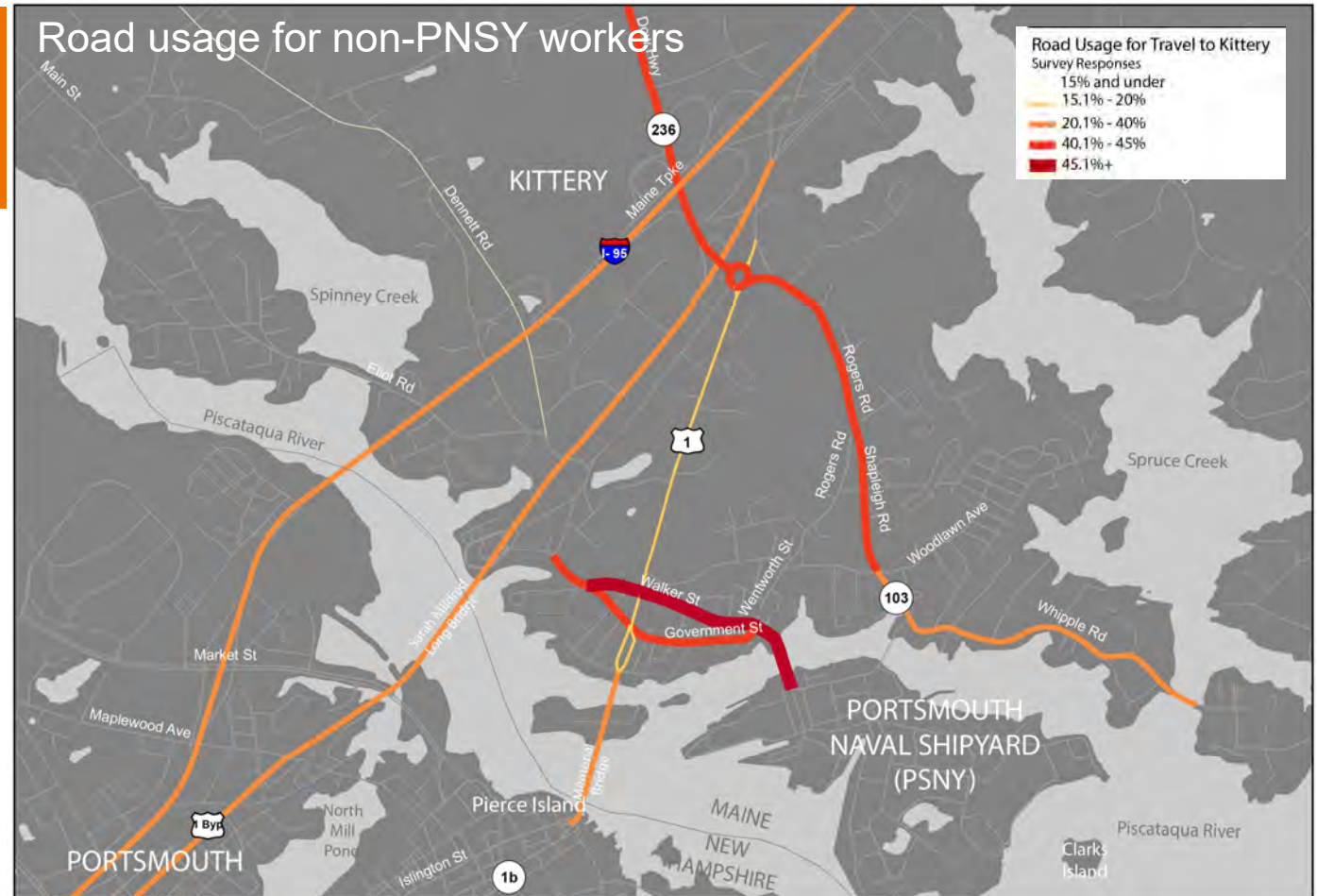
Public Survey

What time of the day do you typically travel to/through Kittery (weekend)?



Public Survey

Which road do you typically utilize to access downtown Kittery/Foreside?



STRATEGY SUMMARY

ISSUE: TRAVEL/TRAFFIC SAFETY

SURVEY COMMENTS

"There should be crossing guards."

"High school kids on Foreside do not get to ride the bus and have to walk past the front gate to get to school. That intersection is dangerous and should be improved."

"There is no handicap access at Gate 2."

ISSUE: TRAVEL/TRAFFIC SAFETY

STRATEGY

- Traffic calming on local roads (Government, Shapleigh, Rogers, Love, etc)
- Clearer driver warning signage about pedestrians and cyclists
- Signed truck routes
- Increase police enforcement for speeding, not stopping, etc.



LEVEL OF IMPACT

HIGH

MEDIUM

LOW

MEDIUM

EASE OF IMPLEMENTATION/ TIME FRAME

Moderate (1-3 years)

Easy (<1 year)

Moderate (1-3 years)

Easy (<1 year)

ISSUE: CONGESTION

SURVEY COMMENTS

"Gate 2 should be open at all times. This would stop the incoming second shift traffic from being backed up on the street and make for easier exiting from the shipyard."

"Increase Whipple Ave to 3 lanes with the ability to shift the center lane to heavy traffic direction."

"I never feel like the traffic lights mess anything up – waiting to get through security and on yard logistics seem to be the holdup coming to work."

"Model Kittery traffic circle to emulate Portsmouth with inside and outside lanes."

"Some web-cams strategically located to give a big picture of Kittery traffic might help Shipyard better manage its gate backups in the am."

ISSUE: CONGESTION

STRATEGY

- Add traffic signals or turn lanes where delays exist (i.e. Woodlawn, Shapleigh)
- Improve efficiency at gate checkpoints (e.g. more personnel, expanded Gate 2 hours, clearly ban trucks from Walker approach to Gate 1)
- Add bus-only lane
- Disincentive single vehicle use (e.g. charge for single vehicle parking on shipyard)



LEVEL OF IMPACT

MEDIUM

MEDIUM

HIGH

MEDIUM

EASE OF IMPLEMENTATION/ TIME FRAME

Moderate (1-3 years)

Easy (<1 year)

Difficult (3+ years)

Easy (<1 year)

ISSUE: TRANSIT

SURVEY COMMENTS

“More public transportation in general, not just to the shipyard. In the southern ME/NH/northern MA corridor there is no connectivity.”

“We need greater development density to support public transit.”

“Shipyard should lease the Kittery Water District land and create a secure train terminal with associated parking and then run a train via existing train lines or a bus/shuttle.”

ISSUE: TRANSIT

STRATEGY

- Create curbside bus bypass lane(s) during peak hours
- Utilize rail grade for transit
- Increase coverage and frequency (especially to places like Sanford)
- Broader education and advertisement of incentive programs
- Coordinate with providers and institutions/employers in region for shared options
- River ferry between Dover and PNSY



LEVEL OF IMPACT

MEDIUM

MEDIUM

MEDIUM

LOW

MEDIUM

LOW

EASE OF IMPLEMENTATION/ TIME FRAME

Easy (<1 year)

Difficult (ownership)

Difficult (funding)

Easy (<1 year)

Moderate (1-3 years)

Difficult (funding)

ISSUE: PARKING

SURVEY COMMENTS

“Shipyard should consider restriping to make them more space efficient. Some people resort to parking in areas on Jamaica Island (that aren’t striped and don’t appear to impede traffic) and yet are being ticketed. It’s not their fault additional parking solutions haven’t been provided before clinic construction started.”

“Off-yard parking brings with it small crime and abandoned vehicles.”

“People are coming in early just to get a space and sleeping in their car. Others come in and can’t find a parking space and have to go home”

ISSUE: PARKING

STRATEGY

- Create new, off-yard worker parking within walking and shuttle distance
- Increase enforcement
- Change pricing/time-limit structure downtown
- Create downtown parking map with clear regulations
- Advertise opportunities, locations and incentives for using park and ride
- Establish guaranteed remote vanpool parking arrangements



LEVEL OF IMPACT

MEDIUM

MEDIUM

MEDIUM

LOW

MEDIUM

LOW

EASE OF IMPLEMENTATION/ TIME FRAME

Difficult (3+ years)

Easy (<1 year)

Easy (<1 year)

Easy (<1 year)

Easy (<1 year)

Moderate
(negotiations)

ISSUE: BIKING AND WALKING

SURVEY COMMENTS

“Walk signals don’t work correctly near Wallingford Square. This is a hazard to pedestrians, especially children trying to walk to Traip.”

“I would be more than happy to ride a bike, walk, to Shipyard from nearby (<2miles) parking area but there are no good areas that would not impact local business or cause my vehicle to get towed.”

“At Gate 2 maybe put a pedestrian bridge that goes up and over the main road to the other side. It would remove one of the traffic factors and be safer for people trying to walk home.”

ISSUE: BIKING AND WALKING

STRATEGY

- Improve options (bumpouts, crossing signals, bike lanes and racks)
- Expand bikeshare to Kittery
- Create bike lanes on river bridges
- Launch park and pedal program from nearby park and ride
- Lane diet on 103 and Love Lane to accommodate bike/ped easier
- Improve bike awareness education



LEVEL OF IMPACT

MEDIUM

LOW

LOW

LOW

MEDIUM

LOW

EASE OF IMPLEMENTATION/ TIME FRAME

Moderate (1-3 years)

Easy (<1 year)

Moderate (1-3 years)

Easy (<1 year)

Difficult (3+ years)

Easy (<1 year)

ISSUE: HOUSING

SURVEY COMMENTS

"Pre-fab homes delivered for quick construction could be constructed in concept designed neighborhoods for maximum social interaction and green quality of life."

"I own rental property in Kittery, York and Portsmouth and haven't yet been able to coordinate housing availability with shipyard employees and military personnel. A liaison or even web bulletin board would help."

"Expanding shipyard capacity to perform submarine maintenance will increase number of personnel in area and providing affordable housing should be looked at now."

ISSUE: HOUSING

STRATEGY

- Add more worker housing close to PNSY
- Re-zoning along Bypass to allow for new mixed-use/residential development
- Develop mixed-income multi-family housing program



LEVEL OF IMPACT

HIGH

MEDIUM

MEDIUM

EASE OF IMPLEMENTATION/ TIME FRAME

Difficult (3+ years)

Moderate (1-3 years)


Difficult (3+ years)

ISSUE: REGIONAL COORDINATION

(ROUNDTABLE) COMMENTS

An orange speech bubble with a pointed bottom, containing the text "Need for regional transportation hubs".

"Need for regional transportation hubs"

A grey speech bubble with a pointed bottom, containing the text "Cross-border dialogue not really happening between DOTs and municipalities, even for larger projects".

"Cross-border dialogue not really happening between DOTs and municipalities, even for larger projects"

A teal speech bubble with a pointed bottom, containing the text "Lack of engagement by regional leaders".

"Lack of engagement by regional leaders"

ISSUE: REGIONAL COORDINATION

STRATEGY

LEVEL OF IMPACT

EASE OF IMPLEMENTATION/ TIME FRAME

- Form cross-state economic/ transportation advisory committee
- Quarterly meetings between MPO's for project updates with cross-border interests
- Identify and maximize partnership opportunities to increase funding chances
- Implement process for regional data sharing

MEDIUM

Moderate (1-3 years)

MEDIUM

Easy (<1 year)

HIGH

Easy (<1 year)

LOW

Moderate (1-3 years)

ISSUE: COMMUNICATIONS

SURVEY COMMENTS

“Are there any outreach programs to encourage shipyard employees to be respectful and courteous to neighbors, and stewards of community relations?”

“Residents might be more accepting of shipyard if it felt like they gave back to community (work with land trust to preserve, address/help/study environmental issues.”

“A number to call (about complaints, questions) would be nice.”

“We would like more communication about activities impacting nearby residence. Examples, celebrations, louder than normal construction, major events, etc.”

ISSUE: COMMUNICATIONS

STRATEGY

LEVEL OF IMPACT

EASE OF IMPLEMENTATION/ TIME FRAME

- Reverse 911, communication to community
- Joint Town/PNSY newsletter
- Maximize opportunities on social media to engage the general public and informally-established local groups

MEDIUM

Easy (<1 year)

HIGH

Easy (<1 year)

HIGH

Easy (<1 year)

ISSUE: ENVIRONMENTAL CONCERNS

SURVEY COMMENTS

"Climate impact is something I'm concerned about and how heavily regulated any run-off or emissions are or aren't"

"The water from the shipyard and how it is impacting the local community"

"Amount of contractor work that will be happening. Talk was establishing a cement fabrication facility on yard for the new drydock and how that's going to affect communities who use the river during and after this work"

"Noise and light pollution in the area from continuously operating/running cranes and other operations"

ISSUE: ECONOMIC RESILIENCE

STRATEGY

LEVEL OF IMPACT

EASE OF IMPLEMENTATION/ TIME FRAME

- Integrate JLUS economic analysis findings into the CEDS update
- Leverage need for defense diversification and workforce housing into mixed use development strategies for Town of Kittery
- Tap into PNSY Defense contracting opportunities to build and support small business development
- Explore commercial spin-off from PNSY manufacturing activities

LOW

Easy (<1 year)

HIGH

Moderate (1-3 years)

MEDIUM

Moderate (1-3 years)

MEDIUM

Moderate (1-3 years)

PRIORITIZATION AND RESPONSIBILITY EXERCISE

- Which strategies should we pursue and how should we prioritize them?
 - Urgency?
 - Cost?
 - Feasibility?
 - Timeline?
 - Impact?
- Which agencies/organizations should be responsible for helping to coordinate and implement them?

NEXT STEPS

TOWN OF KITTERY + PORTSMOUTH NAVAL SHIPYARD JOINT LAND USE STUDY

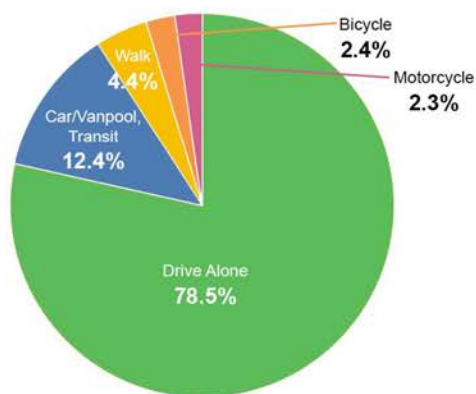
PROJECT UPDATE #3



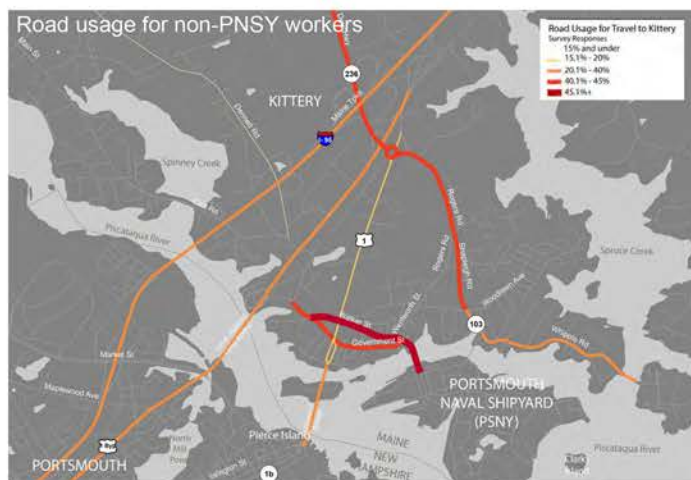
The Joint Land Use Study (JLUS) was initiated in January 2019 with a kick-off meeting and tour of the Portsmouth Naval Shipyard. This was followed by a series of stakeholder roundtable sessions and interviews conducted through April, and a public survey completed in July. Some of the responses have been summarized below. The survey garnered 573 responses from all across the region and will support a current effort of a similar survey for PNSY employees. Although the JLUS investigates 24 different compatibility factors, PNSY Commander David Hunt has vocalized his particular support of the transportation-related factors being studied - "This is a community-driven planning process where the town of Kittery, in partnership with the shipyard, will identify and evaluate existing and potential future traffic and parking challenges impacting both the Navy and surrounding community,"

PUBLIC SURVEY RESPONSE SUMMARY

QUESTION - What is the primary mode of travel you typically use on a weekday?

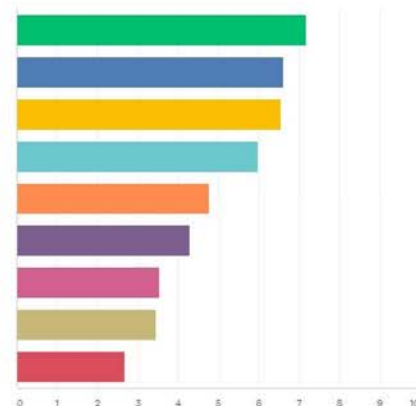


QUESTION - Which road do you typically utilize to access downtown Kittery/Foreside? (Thicker lines indicate a higher-used road)



QUESTION - Various stakeholders have suggested a number of ideas for addressing the PNSY impacts. Please rank the following:

Park and ride facilities connected with frequent shuttle
More nearby off-shipyard parking to walk to/from
Reduce delays entering/exiting the shipyard
Change traffic signal response to reduce delays
Improve existing bus service/frequency
Add additional bus routes to other places
Add ferry service to/from New Hampshire
Improve bicycling facilities
Increase nearby affordable housing options



KEY THEMES

Results from the public survey helped further refine the issues emphasized by the study.

The key issues identified were:

- Travel/Traffic Safety
- Congestion
- Transit
- Parking
- Biking and Walking
- Housing
- Regional Coordination
- Communications
- Environmental Concerns
- Economic Resilience

Based on these issue areas, a series of specific strategies and potential implementation tasks will be introduced in the next phase of the project. Their potential impacts and relationship with other strategies will also be investigated in greater detail.

TOWN OF KITTERY + PORTSMOUTH NAVAL SHIPYARD JOINT LAND USE STUDY



VOICES IN THE COMMUNITY

The JLUS project team met with 5 groups of stakeholders in March 2019 to gain a better understanding of potential compatibility factors between operations of the Portsmouth Naval Shipyard and the Town of Kittery, with particular emphasis on transportation, planning and housing. Attendees represented a range of regional and local governance and agencies (e.g. political, planning, transportation, public works), as well as neighborhood businesses and residents.

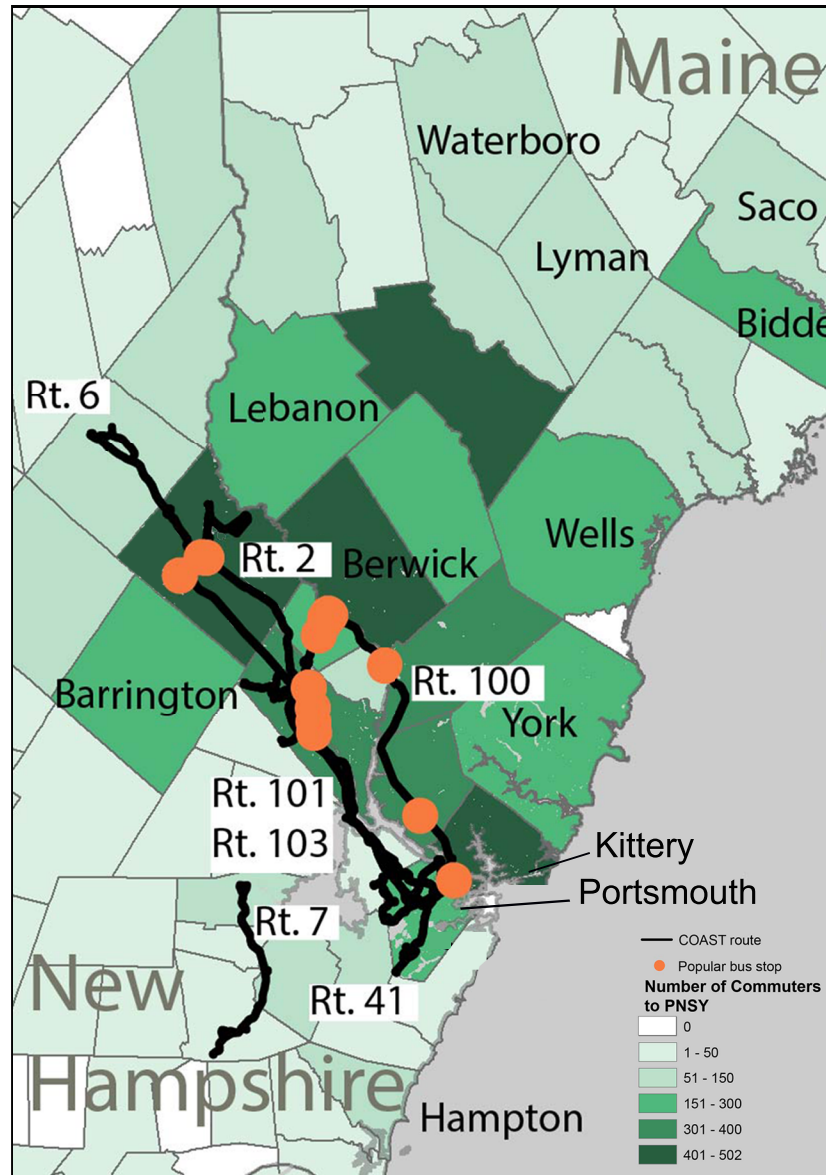
The key issues identified were:

- Local traffic congestion
- Alternative transportation needs
- Last-mile travel
- Cross-border collaboration
- Transit funding
- Parking perceptions vs. needs
- Affordable housing
- Shifting needs of Shipyard workforce
- Regional connectivity

The key suggestions for future data collection and analysis included:

- Regional park and ride utilization
- Analysis of current, proposed zoning
- Analysis of recent housing needs assessments
- Concurrent transportation-related studies
- Transit ridership and service locations
- Parking utilization counts in Kittery
- Existing transportation incentive programs
- Identification of planned transportation projects
- Employment data for large, regional employers
- Vehicle volumes at key intersections

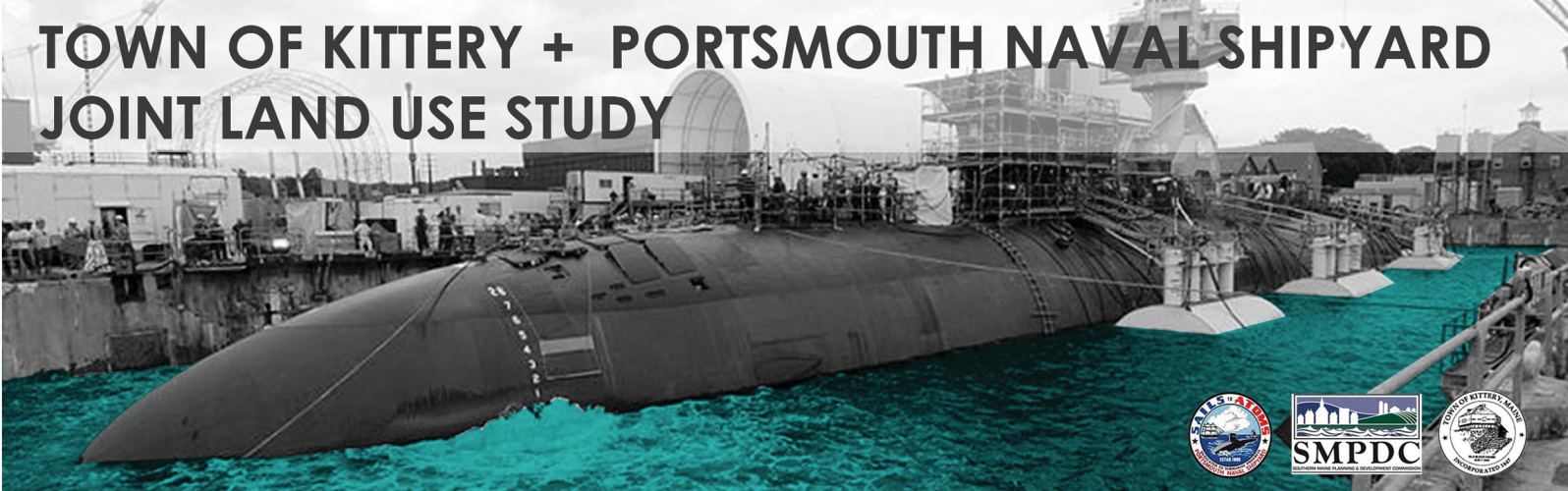
These issues and suggestions be refined during the data collection and mapping phase of the study. A public survey will shortly be released to contribute further to this effort.



COMMUTING ORIGINS TO PNSY

This map demonstrates the wide range of distances PNSY workers travel from in relation to existing transit service areas. These distances have impacts on the efficiency of the road network and also highlight potential need for affordable housing supply closer to the shipyard. This map is part of a series that will demonstrate existing conditions in the region.

TOWN OF KITTERY + PORTSMOUTH NAVAL SHIPYARD JOINT LAND USE STUDY



PROJECT DESCRIPTION

The JLUS incorporates a team approach to define compatibility issues that could impede either military operations or continued regional growth. These issues may include: adequate local and regional transportation networks; adequate workforce housing, resiliency of coastal development; community development guidelines and infrastructure investments to guide compatible community development; and protection of military line of site corridors, port access, river channel/shipping lanes, and sea-based mobility corridors. A parallel robust public outreach and stakeholder involvement initiative will increase public awareness of the military operations and its regional economic contribution, as well as ensure a smooth transition for stakeholders to implement recommendations.

PROJECT SCOPE

- Stakeholder and Public Involvement
- Survey/Interview Key Stakeholders
- Data Collection, Inventory and Mapping
- Conflict and Compatibility Analysis
- Conflict Resolution Strategies
- Prepare JLUS Report + Implementation Plan

PROJECT TIMELINE 2019



WHAT IS A JOINT LAND USE STUDY?

A collaborative planning initiative undertaken by state or local government in partnership with the military installation, to protect and preserve military readiness and defense capabilities while supporting continued community growth and economic development. The JLUS provides a blueprint for mutually beneficial actions.

WHAT IS THE NEED FOR A JLUS?

The JLUS focus will include immediate areas around the shipyard and the Kittery region, to address transportation, housing and other land use issues that may adversely impact military operations as access needs continue to grow.

HOW IS A JLUS CONDUCTED?

Kittery has established a JLUS Policy Committee and JLUS Working Group to provide guidance to the JLUS Team during the process and to engage the community. The Team will gather and analyze data; conduct a compatibility analysis; propose recommendations; and provide a detailed plan to carry out the recommendations.

WHAT WILL HAPPEN WITH THE RESULTS OF THE JLUS?

The Final JLUS document will include analysis and findings, a series of recommendations, and an Implementation Plan to identify prioritized actions, responsible parties, timeframe, cost estimates, and possible funding sources. Upon final review and approval, the JLUS Policy Committee will submit the JLUS document to participating community legislative bodies and state agencies for consideration of support to carry out the recommendations.



Kittery, shipyard begin land use study process

Posted Jan 18, 2019 at 11:27 AM

Updated Jan 18, 2019 at 11:27 AM

KITTERY, Maine -- The town has awarded a contract to Stantec Consulting Services to complete a joint land use study with Portsmouth Naval Shipyard. This week, the Stantec team was joined by a large group of regional planners, town leaders, and congressional staffers for a tour of PNSY. This begins the process of collecting data, identifying issues impacting local communities, and ultimately recommending solutions.

"The JLUS presents an opportunity to strengthen Kittery and the region's existing partnership with the Portsmouth Naval Shipyard, understand and address the issues impacting both the Navy and surrounding communities - especially traffic congestion - and establish a blueprint for mutually-beneficial actions to address the problems," said Stantec Project Manager Jason Schrieber.

Schrieber said there will be extensive public outreach and engagement throughout the JLUS planning process.

"Stantec offers experience working with military communities across the country both inside and outside the fence," he said. "Through local offices in Auburn, New Hampshire, Scarborough, Maine, and Burlington and Boston, Massachusetts, the Stantec team is committed to completing a successful JLUS and continue to work with the community and Navy to carry out the recommendations."

The town of Kittery, with support from the Southern Maine Planning and Development Commission, agreed to sponsor the JLUS. Kittery was awarded a grant from the Department of Defense's Office of Economic Adjustment. The amount of the grant is \$247,605, and the town must match 10 percent, which will be done through in-house staff time.

The JLUS focus will include areas around the shipyard in Kittery, as well as across the region, addressing transportation, housing, and other land use issues.

“Bringing in experts to find ways to address traffic congestion while strengthening the region’s partnership with the military installation, will help us solve the traffic problems we are facing in Kittery,” said Town Manager Kendra Amaral.

On Jan. 15, more than 30 regional land use planners and congressional staffers spent the afternoon on the base, learning about operations and discussing challenges.

“We are excited that the process will include many opportunities for those affected to weigh in,” said Tom Reinauer, transportation director for Southern Maine Planning and Development Commission.

The JLUS is expected to take about one year and will include numerous public meetings, stakeholder workshops and surveys.

Portsmouth Naval Shipyard is responsible for the maintenance, repair and modernization of the Navy’s fleet of attack submarines. U.S. Navy Capt. David Hunt, commanding officer of the shipyard, told the group the base is the region’s largest economic engine, pumping more than \$750 million into the economy in 2017. According to Hunt, the base employs approximately 6,100 civilians and up to 2,500 contractors. That’s in addition to the 1,000 military personnel on site at Seavey Island. The base is in the process of being modernized and will see more than a billion dollars worth of construction over the next six years.



Kittery, shipyard planning effort seeks public input

By Hadley Barndollar

hbarndollar@seacoastonline.com

Posted May 28, 2019 at 6:44 PM

Updated at 9:05 AM

KITTERY, Maine -- A collaborative planning effort between the town of Kittery and Portsmouth Naval Shipyard, made possible by a grant from the Department of Defense, will hold an open house next week to kick off public input.

Last year, the town, in partnership with the shipyard and Southern Maine Planning and Development Commission, was awarded a grant for a Joint Land Use Study (JLUS) from the DoD's Office of Economic Adjustment. The project team has already begun its work, and ultimately, the process will lead to the production of a cooperative land use planning document addressing transportation and land use issues shared by the two entities, much of which is a result of the rising employment at the shipyard.

The planning effort seeks to protect and preserve the military readiness of one of the country's four public shipyards, while supporting continued community growth and economic development.

On Wednesday, June 5, from 4:30 to 7 p.m., the public is invited to join the JLUS project team for an open house at the Kittery Community Center. The JLUS will look at 24 potential compatibility factors including road capacity and congestion, air and water quality, resilience, marine environment, local housing availability, infrastructure capacity, land use, noise and vibration, and public and military safety.

"I am particularly excited to get to the solutions development phase," said Kittery Town Manager Kendra Amaral. "I know this will be an iterative process of developing ideas, understanding the opportunities, barriers and potential outcomes, revising and repeating until we come to a set of recommendations that are implementable and impactful. This will require a strong working

relationship with our project partners, and a shared commitment to achieve outcomes that support the shipyard's mission and the town and surrounding region's needs."

The town of Kittery awarded Stantec Consulting Services the contract to complete the JLUS, and in January, the Stantec team was joined by a large group of regional planners, town leaders, and congressional staffers for a tour of the shipyard, beginning the process of collecting data, identifying issues impacting local communities, and ultimately recommending solutions.

The amount of the DoD grant is \$247,605, and the town will match 10 percent, which will be done through in-house staff time.

Stantec Project Manager Jason Schrieber said the team has been collecting data and input from regional planners and stakeholders for six months. "We are looking for further input from community members and shipyard workers as we refine our our conclusions and begin drafting recommendations," he said.

In 2018, Portsmouth Naval Shipyard sported an economic impact of more than \$882 million, which has grown by 41.6 percent since 2013. The yard employs nearly 8,000 workers, which almost rivals Kittery's residential population of 9,614.

During the summer months, Kittery's roadways see wear and tear by not only the thousands of workers commuting to the shipyard, but also the motorists getting off Interstate 95 in an attempt to circumvent highway traffic.

Portsmouth Naval Shipyard has worked over the years to relieve the impacts of its commuters on its host community. Measures to improve traffic and safe transportation have been implemented, and the yard is consistently seeking innovative ways to get workers on and off the base more efficiently. In 2011, the shipyard commissioned a pedestrian and traffic study to address specific challenges with motor vehicle congestion on and off base. In 2017, the shipyard initiated a High-Occupancy Vehicle program designed to offer premium parking spots to employees carpooling with three or more personnel. Those who choose to utilize the program receive a parking pass to such premium parking spots.

Workers get reimbursed for a portion of the cost of the COAST bus service that travels to the shipyard every day, a service provided as part of a broader government program known as the Mass Transportation Benefit Program. The program, which covers Rideshare, VRide, COAST Bus and GoMaine, is currently utilized by more than 900 employees, though Morin noted this is not all encompassing of alternative commuters.

In addition to next week's open house, the public is invited to fill out a survey to help inform recommendations developed in the final JLUS report. The survey can be found at www.surveymonkey.com/r/RKCV97M.

"This is an important step in the Joint Land Use Study," said Southern Maine Planning and Development Commission Executive Director Paul Schumacher. "Public engagement is critical as the group develops solutions that will impact the Seacoast region. We urge people to get involved."



Shared Kittery, shipyard transportation issues get spotlight

By Hadley Barndollar

hbarndollar@seacoastonline.com

Posted Jun 5, 2019 at 8:36 PM

Updated Jun 5, 2019 at 8:36 PM

KITTERY, Maine - Whether it was an expanded regional transit system, more nearby park and rides, or changes to traffic signals, possible solutions to improve the relationship between Portsmouth Naval Shipyard's colossal commuting workforce and the town of Kittery were on the minds of local residents, stakeholders and yard workers Wednesday.

The Joint Land Use Study project team hosted an open house at the Kittery Community Center, where they presented data collected thus far on key issues such local traffic congestion, alternative transportation, transit funding, regional connectivity and workforce/housing needs.

A grant awarded to the town of Kittery by the Department of Defense's Office of Economic Adjustment enabled the JLUS, in the amount of \$247,605, with a 10 percent match from the town in in-house staff time. It's a collaborative planning effort between the town of Kittery, Portsmouth Naval Shipyard and the Southern Maine Planning and Development Commission to identify, and then attempt to solve, compatibility issues that could either impede military operations or continued regional growth - two issues relevant to all parties involved.

In 2018, Portsmouth Naval Shipyard sported an economic impact of more than \$882 million, which has grown by 41.6 percent since 2013. The yard employs nearly 8,000 workers, which almost rivals Kittery's residential population of 9,614. Simultaneously, the Seacoast population is growing, and infrastructure needs are changing.

Kittery awarded Stantec Consulting Services the contract to complete the JLUS. On Wednesday, the project team was on hand to answer questions, highlight data and move the conversation forward.

“People are absolutely concerned about congestion and parking impacts near the (shipyard) gates, but they believe there are answers to alleviate that,” said Stantec Project Manager Jason Schrieber. “And there has to be a commitment from the town and the region.”

One hour into the open house, Schrieber had already talked with residents about biking as an alternative mode of commuting, remote park and rides, and expanding regional transit.

“Many folks are just worried about the uncomfortable concept of cut-through traffic, as well,” he said.

Kittery Town Councilor Cyrus Clark, a Foreside resident, said it’s not unusual for him to stop a car on his road in the morning, and ask them one, not to use it as a cut-through, and two, not to speed. He also wondered if the operators of the Memorial and Sarah Long bridges are in tune with the shipyard’s traffic schedule.

Shipyard Cmdr. Capt. David Hunt said he’s been spoken to about changing bus routes, and perhaps security requirements at the gate that might cause a delay in traffic. Hunt noted that the shipyard and the town have different peak travel times, so while much of the time the finger is pointed at PNSY for causing the traffic jams, that’s not always the case.

The shipyard currently seems approximately 6,000 working the day shift from 5:30 a.m. to 1:30 p.m., and 2,000 on the backshift from 3 p.m. to 11 p.m. The latter is expected to increase by 15 percent over the next few years.

They’re also exploring parking closer to the base, Hunt said, where people could shuttle to and from. He was surprised by a map of parking in Kittery as shown on a May day at 12:30 p.m., where 57 percent, 429 out of 757, of the highlighted spaces were not utilized, connecting to the study’s key concepts of parking perception versus needs.

In 2018, there were 2,418 park and ride spaces available with 17 miles of PNSY. The yard has also seen more than 800 participants in its Transportation Incentive Program, which gives carpoolers access to the best spots on the yard, or reimbursement for COAST bus travel, for example.

A transit study conducted in 2011 showed 68 percent of shipyard employees commuted alone to work, and 12 percent “van-pooled” or used buses.

Today, there are 63 PNSY “van pools” operating. 2018 statistics from the eight Zagster bike share locations in Portsmouth show the location closest to the shipyard had the highest rate of utilization.

The policy and working groups are even examining the idea of a “fast pass” lane for buses, though that could raise some fire and safety concerns that need to be further explored.

Tom Reinauer, transportation director for the Southern Maine Planning and Development Commission, said there is already a project underway by the state Department of Transportation to change the traffic signals at Gate 1 of the shipyard, which “will help for sure,” he said.

Both Hunt and Reinauer said Wednesday’s open house was a way to see what concepts and solutions resonated with both residents and shipyard employees.

On a poster board where attendees were asked to place stickers under topics of biggest concern, congestion and travel safety ranked at the top. Other options included housing, sea level rise, and parking.

Betsy Hawes, an Eliot resident, attended Wednesday’s open house because she’s concerned about the increasing traffic and speed on Route 236. “I’m worried about safety,” she said, noting she recently watched a school bus drop children off where there were no sidewalks, and more than 20 cars were lined up behind it.

Kittery Town Manager Kendra Amaral said there were a lot of “a-ha” moments when reviewing the data collection. “This is primarily about transportation, but we also need to be talking about housing and workforce,” she said.

Amaral said the working group will meet over the summer with the hopes of presenting something to the public in the fall. In the meantime, she hopes for an “interim discussion on some short-term, low-cost solutions” that could be implemented.

An online survey for the JLUS has already received 540 responses, and the project team continues to seek input at <https://www.surveymonkey.com/r/RKCV97M>.



TOWN OF KITTERY

Office of the Town Manager

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kamaral@kitteryme.org

Town Manager's Report to the Town Council January 14, 2019

1. **Year End Report on 2018 Annual Goals** – Attached please find the final report on the 2018 Annual Goals.
2. **Joint Land Use Study** – We have planned an installation tour of the Portsmouth Navy Shipyard for the Policy Committee and Working Group teams later this month. Stantec, our consultants on this project, are also working on outreach to specific stakeholder groups that can provide detailed perspective on the transportation challenges resulting from the Shipyard traffic. We are also developing a public outreach plan for the project, which will include formal updates to the Town Council. More information will be provided as we advance on the project plan.
3. **Library Committees Update** – The Library Building Committee has recommended Scott Simons Architects for the design of the renovation and expansion project. We are in the process of finalizing negotiations on their contract and setting up the next meeting to kick-off design.

The Library Transition Committee has received from the Library Board of Trustees a draft Memorandum of Understanding to advance the Library becoming a town department. Review of that is underway. I expect to have that agreement to the Council in February.

4. **Route 236 Study** – The traffic project to identify solutions to improve safety on Route 236 is moving into its next phase. Gorrill Palmer, the project consultant has analyzed the traffic speeds, turning movements, volume patterns, and anticipated impacts from future development along Route 236. The team is now working on developing various design and traffic management strategies to address the issues identified. The study has reaffirmed that in accordance with MDOT and federal standards, signalized intersections are not warranted. From the discussions with Gorrill Palmer, there appears to be a number of other options that could have a positive impact. This project is funded by KACTS and is being implemented in collaboration with the Town of Eliot.
5. **Coordination with Planning Board** – The Town Council is preparing to approve it's 2019 Council and Town Manager goals. Following up on the Chair's request to ensure the goals are reflected in the Planning Board work plan, I met with the leadership of the Planning Board. Specifically the overlap items such as a short-term-rental ordinance, climate adaptation, affordable housing, and recodification are prominent on their 2019 workplan as well.
6. **Recodification of Title 16** – We have launched the recodification project for Title 16. The committee has met twice since its launch. An analysis of the Comprehensive Plan and the resulting land use code implications are complete, and an "audit" or diagnostic on the existing Title 16 is near

complete. We will be providing detailed information each month to the Council on the progress and milestones of the effort.

7. **New State Administration and Delegation** – With every transition of Governor, state administration, and legislative delegation, we as a town have an opportunity to make positive connections and develop a productive working relationship with the leaders in Augusta. I am interested in taking this opportunity to reach out to Governor Mills on behalf of the Town, to establish a positive working relationship and communicate the Town’s goals and objectives. To do so, I require Council consensus.

Additionally, we are working on scheduling a meeting with Representatives Meyer and Rykerson, and State Senator Lawrence for the Council. This will be in a workshop format to allow for informal discussion. A date has not been set yet.

8. **MDOT Workshop** – Councilor Thomson requested a discussion with MDOT to discuss the upcoming Route 95 bridge project, and other transportation related items. We have scheduled Leanne Timberlake for a Council workshop on January 28 to update the Council specifically on the major bridge project, which is anticipated to further impact seasonal traffic.
9. **Coffee with the Chief** – Police Chief Robert Richter has scheduled a “Coffee with the Chief” event for January 29 at the KCC. This is an opportunity to meet the new Chief and have informal conversations about Kittery’s public safety services. He will also be attending upcoming “Coffee with the Cops” events typically scheduled for mornings throughout the year. All are invited to join.

Upcoming Dates:

- Coffee with the Chief – January 29, 4PM to 7PM, Kittery Community Center
- Dog License Renewal – January 31

Respectfully Submitted,



Kendra Amaral
Town Manager



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 May 13, 2019

1. **Captain William Paisley** – Please help me in congratulating Captain William Paisley on his fifty years of service on the Kittery Fire Department. Captain Paisley has been an important member of the department, responding to the call for help and being a consistent source of strength and knowledge for those that serve with him. Captain Paisley was honored at a dinner on May 4, where past and present colleagues celebrated his many contributions to the Fire Service.
2. **Joint Land Use Study** – The Joint Land Use Study is continuing to progress through its workplan. The existing conditions analysis and stakeholder meetings are wrapping up. A survey is being launched in the next few weeks to collect additional data and start to get input on solutions. The survey will seek to collect input from those who live and work in the region, as well as those specifically working on the shipyard. Please see the attached project fact sheet for additional information.

The public are invited to a Project Open House on June 5. The consultant team will present information gathered to-date, collect additional information on existing conditions, and seek feedback on solutions being considered.
3. **Route 236 Corridor Study** – The team working on the Route 236 corridor study met late in April to review a first round of proposed options to improve traffic safety. The consultant is collecting comments from the project team, then will make revisions and present them to the public later this month for further input. Details about the public meeting are still being developed and will be announced as soon as they are available.
4. **Kittery's 375th and Maine's Bicentennial** – We met with Bob Gray of the Kittery Historical and Naval Society to discuss next steps on planning for both the town's 375th anniversary of incorporation and Maine's 200th. We will be putting out a survey to seek ideas for events and activities to commemorate these important milestones; and to seek volunteers interested in helping bringing the ideas to fruition. The survey seeking input will be launched in early June.
5. **Snow Plow Rodeo Recognition** – Please help me in congratulating Jimmy Nightingale, Rob Hames, Josh Hilton, and Charlie Morrow on their first- and third- place finishes in the recent Snow Plow Rodeo. As the first-place team, Jimmy and Rob advance to the State Championship in Skowhegan. The Snow Plow Rodeo is one of multiple events held each spring to provide Public Works staff with professional development opportunities and recognition for their work.

- 6. Town Service Center Software Update** – The Town Hall Service Center will be closed from 8AM to 9AM on May 15 for a software update. This update impacts the primary software used in processing renewals, registrations, and other core services. Customers will still be able to access various services online during this time including registration renewals, license renewals, etc. We apologize for the inconvenience.
- 7. Council Minutes** – It is with regret; I share that Barbara Boggiano has decided to resign from minute taking for the Town Council. Barbara will spend the next few weeks finishing up minutes from past meetings. Please help me in thanking Barbara for her service.

The Minute Taker role has been an increasingly difficult position to fill for the Council and other boards. As a result, I am looking to transition the Town's minutes to a "high-level summary" format, and utilize the video recordings as the official records of the meetings. We are testing out a feature on Town Hall Streams that tags the agenda to the corresponding section on the video, to make searching and viewing the video record easier.

The transition will take some time to get used to, and will likely need adjustments along the way. I ask for the patience of the Council, Board members, and public as we work on this effort.

- 8. Memorial Day Parade and Ceremony** – The Town Council is invited to join the Memorial Day Parade and Ceremony being organized by the VFW and scheduled to take place May 25th. Step-off is at 9AM at the Walker Street Station. The parade will conclude with a ceremony at the Orchard Grove Cemetery. Please let me know if you plan on attending.

Upcoming Dates:

- Town Clerk Office Closed for Software Upgrade – May 15, 8AM-9AM
- Kittery J-1 Student Community Support Meeting – May 21, 9AM , Kittery Community Center
- Memorial Day Parade – May 25, 9AM
- Town Hall Closed – Memorial Day – May 27
- Spruce Creek Buffer Planting Volunteer Day – May 30, 8AM, Rustlewood Farm
- Property Taxes Due – May 31
- Joint Land Use Study Open House – June 5, 4:30PM-7PM, Kittery Community Center

Respectfully Submitted,



Kendra Amaral
Town Manager



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

May 29, 2019

1. **Joint Land Use Study** – The project team has launched a survey for residents and shipyard workers to provide additional information about the impacts of the PNSY on the surrounding area. To participate in the survey, please visit the Town's website and look for the Joint Land Use Study page on the Projects tab.
2. **Government Street Wharf Project** – The project is expected to be complete in the next few weeks. Projections for the remainder of the project have it coming in on budget and on time. Total budget for the project is \$498,500 funded through a warrant article appropriation from the undesignated reserve fund (\$450,000) and KPA Facility capital reserve funds. We will be working with the Port Authority and Council to schedule a ribbon cutting for the new wharf soon after completion.
3. **Fort Foster Invasive Plant Management Plan**– The Parks Commission, Conservation Commission, and staff met with FB Environmental to discuss priorities for the development of the Fort Foster Invasive Plant Management Plan. Once developed, the plan will be utilized in conjunction with the invasive map and provide a multi-year/multi-faceted strategy to address the the invasive plants impacting both the natural flora and animal habitat.
4. **Maine National Guard at Fort Foster** – The Maine National Guard is setting up their camp at Fort Foster and preparing for Phase 2 of the Wood Island restoration project. They are working with WILSSA to replace the south seawall, and perform additional electrical and plumbing work. The Maine National Guard is expected to be at Fort Foster through June. We are currently working with WILSSA on planning an event to commemorate the work being accomplished this year on the island.

Upcoming Dates:

- Absentee Ballots Available – Town Clerk's Office
- Spruce Creek Buffer Planting Volunteer Day – May 30, 8AM, Rustlewood Farm
- Property Taxes Due – May 31
- Voter Registration Night – June 5, 6PM – 8PM Town Hall
- Joint Land Use Study Open House – June 5, 4:30PM-7PM, Kittery Community Center
- Town Meeting Election & School Budget Validation – June 11, 8AM – 8PM, Kittery Community Center

Respectfully Submitted,

Kendra Amaral
Town Manager



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS,
AND LODGING HOUSE OPERATORS LICENSE**

Applicant (Sole Proprietor, Corporation, Limited Liability Co.): KENZIES LLC
(please print)

Applicant Address: 15 WINSLOW ST HARRISON, ME 04040
(please print)

Applicant's mailing address if different from above: _____

Date of Birth (Sole Proprietor): _____ Applicant's Telephone Number: 609-247-5418

Business Name: KENZIES RESTAURANT and Pub
(please print)

Business Address: 57 STATE RD. KITTERY, ME
(please print)

Business Telephone Number: _____

Signature of Applicant: Sharon Gage DATE: 9/18/19

Applicant's Name: SHARON GAGE
(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

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

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

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

PRESENT LICENSE EXPIRES: _____

NEW application: ☒ Yes ☐ No

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

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: 11am - 12am

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|--|--|--|---|--|--|
| Corporation Name: <u>Kenzie's LLC</u> | | | Business Name (D/B/A) <u>Kenzie's Restaurant and Pub</u> | | |
| APPLICANT(S) --(Sole Proprietor) <u>Jeffery S. Gage</u> | | | Physical Location: <u>57 State Rd.</u> | | |
| DOB: <u>12/10/1954</u> | | | City/Town State Zip Code <u>Kittery ME 03904</u> | | |
| Address <u>15 Winslow St</u> | | | Mailing Address <u>15 WINSLOW ST</u> | | |
| City/Town State Zip Code <u>Harrison ME 04040</u> | | | City/Town State Zip Code <u>HARRISON ME 04040</u> | | |
| Telephone Number <u>856-776-1910</u> | | | Business Telephone Number Fax Number | | |
| Federal I.D. # <u>84-3035424</u> | | | Seller Certificate #: or Sales Tax #: <u>84-3035424</u> | | |
| Email Address: Please Print <u>jecs@gce.comcast.net</u> | | | Website: <u>Kenzie's Restaurant.com</u> | | |

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

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: Kittery Town Hall, ME on Sept. 19, 20 19
Town/City, State Date

Jeffery S. Gage
Signature of Applicant or Corporate Officer(s)
Jeffery S. Gage
Print Name

Please sign in blue ink

Sharon L. Gage
Signature of Applicant or Corporate Officer(s)
Sharon L. Gage
Print Name

FEE SCHEDULE

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

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

License # _____ Name of Business _____

Physical Location _____ City / Town _____

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

7. Business records are located at: _____

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

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

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

| Full Name (Please Print) | DOB | Place of Birth |
|--------------------------|------------|------------------|
| Jeffery Scott Gage | 12/10/1954 | Candauqua, NY |
| Sharon Lorraine Gage | 4/6/1957 | Baltimore, MD |
| John Michael Gage | 1/12/1986 | Turnersville, NJ |

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

| | | |
|----------------------------|-----------------------------|-----------------|
| Name: Jeffery Scott Gage | City: Harrison Vineland | State: ME NJ |
| Name: Sharon Lorraine Gage | City: Harrison Vineland | State: ME NJ |
| Name: John Michael Gage | City: Eliot Philadelphia | State: ME PA |

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

Name: John Gage Date of Conviction: 2007

Offense: Misdemeanor vandalism Location: San Francisco, CA

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

James Spencer 5 Bristol Lane, York, ME 03903

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

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

YES ☐ NO ☒ Applied for: _____

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? Chapel 2.1 mi, school 3.4, church 9/10 mi,

Which of the above is nearest? St John's Episcopal Church 9/10 mi

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

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

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

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

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

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

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

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[2009, c. 81, §§1-3 (AMD).]

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

A. [1993, c. 730, §27 (RP).]

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

[1995, c. 140, §6 (AMD).]

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

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

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

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

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

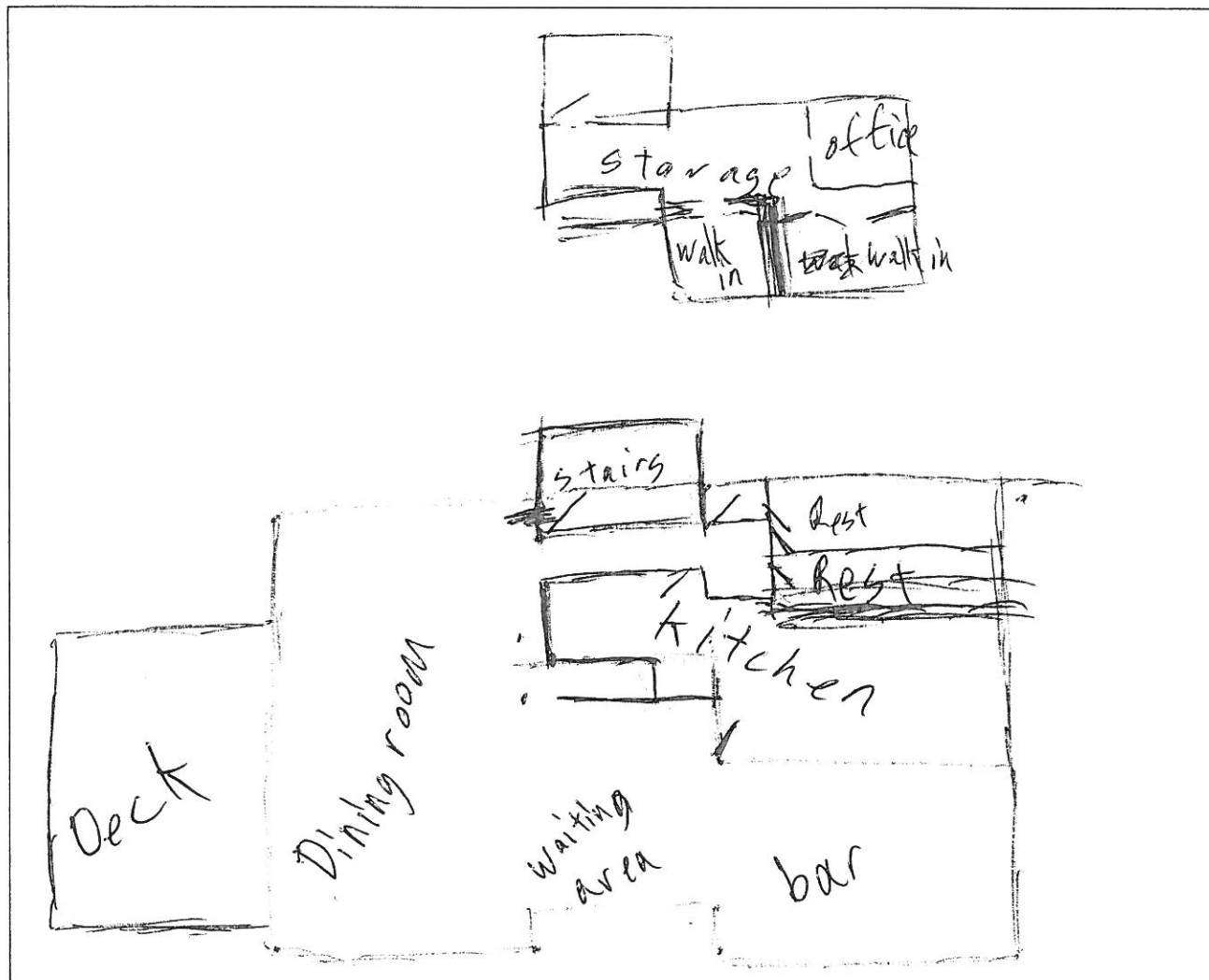


ON PREMISE DIAGRAM

(Facility Drawing/ Floor Plan)

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

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





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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

1. Exact legal name: Kenzie's LLC
2. Doing Business As, if any: Kenzie's Restaurant and Pub
3. Date of filing with Secretary of State: _____ 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 and list the percentage ownership: (attach additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|-----------------|--|---------------|-------|-------------|
| Jeffery S. Gage | 15 Winslow St. Harrison, ME 04040 1069 Maurice River Pkwy Vineland, NJ 08360 | 12/10/1954 | | 45 (45) |
| Sharon L. Gage | 15 Winslow St. Harrison, ME 04040 1069 Maurice River Pkwy Vineland, NJ 08360 | 4/6/1957 | | 45 (45) |
| John M Gage | 33 Mitra Lane, Eliot, ME 513 Parrish St, Philadelphia, PA 19123 4355 Fleming St, Philadelphia, PA 19128 3321 Hurston St, Philadelphia, PA 19128 | 11/12/1987 | | 10 |
| | | | | |

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

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

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

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

Name: _____


Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Owner or Corporate Officer

9/19/19
Date

Jeffery S. Gage
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

BOND REFERENDUM

RICE PUBLIC LIBRARY EXPANSION, RENOVATIONS AND IMPROVEMENT

"Shall the Town of Kittery council be authorized to issue bonds in a total amount not to exceed \$5,000,000 for the purpose of funding costs to expand, renovate, and improve the Rice Public Library?"

Yes

No ☒

Background

The Town of Kittery is seeking to expand, renovate, and improve the Rice Public Library. The project will result in a 21st century library that is consolidated into a single building, accessible to all visitors/ADA accessible; with space for collections, children, young adult, and adult programs, flexible community meeting and program space, technology to meet the evolving needs for information access, and adequate parking.

The construction and associated soft costs for implementation of the project are estimated to be \$5,000,000. Grants and private donations may be used to augment the project budget for enhanced building features, landscaping, furniture, fixtures, equipment and technology.

The Library is a department of the Town of Kittery, and all assets of the Library including the Rice Building and the Taylor Building are owned by the Town.

The debt will be general obligation bonds, funded through annual tax revenue. The estimated cost of interest, at 3%, is \$1,574,583, and the estimated total cost of principal and interest at maturity is \$6,574,583.

The total amount of bonds outstanding and unpaid is \$23,927,920. The Town's capital improvement program ("CIP") policy bonding limit, 2.5% of Total Valuation, is \$42,997,500. If the proposed bonds are approved, the Town will be at 67.3% of its total CIP policy bonding limit. The Town does not have authorized, unissued bonds.

The validity of the bond and of the voters' ratification of the bond may not be affected by any errors in the estimate made pursuant to Town Charter 6.07 paragraph (2). If the actual amount of the total debt service for the bond varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond is not affected by reason of the variance.

VENDOR: KITTEY COMMUNITY CENTER

YORK HOSPITAL

CHECK NO. 055101

INVOICE NO.

INVOICE DATE

INVOICE AMOUNT

JULY 2019

//

10,000.00

Support

FROM ONE SEMI-IMPORTANT
PERSON TO ANOTHER:

MAKE YORK HOSP

Please deposit into
5003 - 43600
York Hospital acct.
Thank you!



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CHECK NO.

CHECK DATE

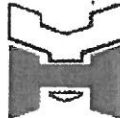
VENDOR NO.

055101

07/22/19

61517

Kennebunk Savings Bank



York Hospital

15 HOSPITAL DRIVE

YORK, MAINE 03909

CHECK NO. 055101

52-7445/2112

CHECK AMOUNT

10,000.00

PAY Ten Thousand And 00/100 Dollars*****
TO THE KITTEY COMMUNITY CENTER
ORDER OF 120 ROGERS ROAD
KITTEY, ME 03904



TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5000

VOID AFTER 180 DAYS



SECURITY FEATURES INCLUDED. DETAILS ON BACK.





TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Robert J. Guay

RESIDENCE: Kittery

MAILING (if different) 45 Betty Welch Rd.

E-MAIL ADDRESS: RJGuay@aol.com

PHONE #: (H) _____ (W) _____ (C) 207-299-0860

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

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

Other _____

EDUCATION/TRAINING: BS mechanical ENGINEERING

RELATED EXPERIENCE (Including other Boards and Commissions) _____

KCC BUILDING COMMITTEE

SHARPEIGH SCHOOL BUILDING COMMITTEE

PRESENT EMPLOYMENT: FEDERAL CONTRACTOR

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): NO

REASON FOR APPLICATION TO THIS BOARD: BOARD REP. FOR FRIENDS OF KCC ARTS

I HAVE ☒ / HAVE NOT ☐ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

RJ Guay
SIGNATURE OF APPLICANT

9/25/19
DATE



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

REPORT TO TOWN COUNCIL

Meeting Date: October 7, 2019
From: Kendra Amaral, Town Manager
CC: Dutch Dunkelberger, Planning Board Chair
Subject: Title 16 – Shoreland Overlay
Councilor Sponsor: Chairperson Judy Spiller

The Planning Board recommends approval of amendments to Title 16 to better clarify the permitting authority for review and approval of specific projects within the Shoreland Zone. The amendments address development generally associated with new or expanded dwelling units.

The proposed amendments specifically achieve:

- Clarification of what expansion of a structure is;
- Move dwellings to “permitted uses” from “special exceptions”; simplifying the process for homeowners;
- Eliminates prohibition on mobile homes (achieves compliance with state law);
- Simplifies the process for repair/expansion of a non-conforming existing structure if it is located outside of the baseline and overlay zone setbacks; and
- Clarifies process/restrictions on expansion of a nonconforming structure within the 25 foot setback.

The Planning Board recommended adoption of the ordinance amendments at their June 27, 2019 meeting, following a public hearing. There were no public comments.

The vote was unanimous to recommend the amendments; though there was some disagreement over certain parts of the amendment proposal. Typically, when the Planning Board unanimously recommends amendments, a workshop with the Council is not deemed to be needed.

No action of the Council is required at this time. I encourage you to review the proposed revisions and provide any questions, concerns, and/or feedback.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

- Proposed Amendment to Title 16 – Shoreland Overlay Zone
- Proposed Enactment
- Memo to Planning Board outlining proposed amendments

Video of the June 27, 2019 Planning Board Meeting is available at kitteryme.org

Title 16 Shoreland Overlay Zone

AMEND Definitions §16.2.2 as follows:

EXPANSION OF STRUCTURE

An increase in the ~~floor area or volume~~ footprint of a structure, including all extensions, such as, but not limited to, piers or attached decks, garages, porches and greenhouses.

AMEND Shoreland Overlay Zone §16.3.2.17 as follows:

B. Permitted and special exception land use. The following uses in this section are allowed in accordance with the land use standards established in the underlying base zone in this chapter and land uses identified by the Mandatory Shoreland Zoning Act, 38 M.R.S. §§ 435 to 449.

(1) Residential – Rural Zone (R-RL).

(a) Permitted uses.

[1] Public open space recreational uses;

[2] Any agricultural building or use except a sawmill, piggery or the raising of poultry for commercial purposes;

[3] Accessory uses and buildings; ~~and~~

[4] Individual private campsite; ~~and~~

[5] Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or the upland edge of a wetland.

(b) Special exception uses.

~~[1] Dwellings or modular home, excluding mobile home, in a single family or duplex configuration;~~

[2] School, hospital, long-term nursing care facility, convalescent care facility, municipal building or use, church or other institution of educational, religious, philanthropic, fraternal or social nature;

[3] Home occupations;

[4] Day-care facility;

[5] Public utility facilities including substations, pumping stations and sewage treatment facilities;

[6] Mineral extraction subject to § 16.9.1.2; and

[7] Recreation activity buildings and grounds operated for profit, exclusive of drive-in theaters.

(2) Residential – Suburban Zone (R-S).

(a) Permitted uses.

[1] Public open space recreational uses;

[2] Day-care facility; ~~and~~

[3] Elderly day-care facility; ~~and~~

[4] Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or the upland edge of a wetland.

(b) Special exception uses.

~~[1] Dwellings in a multiunit residential configuration with not more than four units per building and mobile homes;~~

[2] School or educational facility (including nursery schools), elder-care facility, hospital, long-term nursing care facility, convalescent care facility, municipal, county or state building or use, church or other institution of educational, religious, philanthropic, fraternal, political or social nature. Any single listed use may not occupy more than 5,000 square feet of floor area;

[3] Public utility facilities, including substations, pumping stations and sewage treatment facilities;

- 42 [43] Mineral extraction subject to § 16.9.1.2; and
43 [54] Home occupations.
- 44 (3) Residential – Kittery Point Village (R-KPV).
45 (a) Permitted uses.
46 [1] Any agricultural building or use except a sawmill, piggery or the raising of poultry for commercial
47 purposes;
48 [2] Accessory uses and buildings; and
49 [3] Day-care facility; and
50 [4] Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or the
51 upland edge of a wetland.
52 (b) Special exception uses.
53 ~~[1] Dwellings or modular home, excluding mobile homes, in a single family or duplex configuration;~~
54 [21] School or educational facility (including nursery schools), municipal, county or state building or use,
55 church or other institution of educational, religious, philanthropic, fraternal, political or social nature.
56 Any single listed use may not occupy more than 5,000 square feet of floor area;
57 [32] Home occupations; and
58 [43] Public utility facilities, including substations, pumping stations and sewage treatment facilities.
- 59 (4) Residential – Urban Zone (R-U).
60 (a) Permitted uses.
61 [1] Public open space recreational uses;
62 [2] Day-care facility; ~~and~~
63 [3] Accessory uses and buildings; and
64 [4] Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or the
65 upland edge of a wetland.
66 (b) Special exception uses.
67 ~~[1] Dwellings, or manufactured housing, in a single family or duplex configuration;~~
68 [21] School (including day nursery), hospital, long-term nursing care facility, convalescent care facility,
69 municipal or state building or use, church or any other institution of educational, religious,
70 philanthropic, fraternal, political or social nature;
71 [32] Home occupations;
72 [43] Recreational uses, exclusive of drive-in theaters;
73 [54] Public utility facilities, including substations, pumping stations and sewage treatment facilities; and
74 [65] Inn.
- 75 (5) Residential – Village Zone (R-V).
76 (a) Permitted uses.
77 [1] Public recreation;
78 [2] Municipal, county or state building or use; ~~and~~
79 [3] Accessory buildings and structures; ~~and~~
80 [4] Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or the
81 upland edge of a wetland.
82 (b) Special exception uses.
83 ~~[1] Dwellings or modular home, excluding mobile home, in a single family or duplex configuration;~~
84 [21] Home occupation;
85 [32] Public utility facilities, including substations, pumping stations and sewage treatment facilities; and

- 86 [43] Day-care or nursery school facility for 13 or more persons in care, in conformance with the standards
87 for a major home occupation (see § 16.8.22.3).
- 88 (6) Residential – Rural Conservation Zone (R-RC).
- 89 (a) Permitted uses.
- 90 [1] Any agricultural building or use except sawmill, piggery or the raising of poultry for commercial
91 purposes;
- 92 [2] Timber harvesting;
- 93 [3] Public recreation; ~~and~~
- 94 [4] Accessory uses and buildings; and
- 95 [5] Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or
96 the upland edge of a wetland.
- 97 (b) Special exception uses.
- 98 ~~[1] Dwellings or modular home, excluding mobile home, in a single family or duplex configuration;~~
- 99 [21] Home occupation;
- 100 [32] School, municipal building or use, or any other institution of educational, religious, philanthropic,
101 fraternal or social nature;
- 102 [43] Public and private open space recreational uses, exclusive of drive-in theaters;
- 103 [54] Public utility facilities, including substations, pumping stations and sewage treatment facilities; and
- 104 [65] Day-care facility.
- 105 (c) Prohibited uses. Prohibited use is any use not listed as a permitted or special exception use.
- 106 (8) Business – Local Zone (B-L).
- 107 (a) Permitted uses.
- 108 [1] Public open space recreational uses; ~~and~~
- 109 [2] Accessory uses and buildings; ~~and~~
- 110 [3] Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or
111 the upland edge of a wetland.
- 112 (b) Special exception uses.
- 113 ~~[1] Dwellings or modular home, excluding mobile home, in a single family or duplex configuration;~~
- 114 [21] School or educational facility (including nursery schools), day-care facility, elder-care facility,
115 hospital, long-term nursing care facility, convalescent care facility, municipal, county or state
116 building or use, church or any other institution of educational, religious, philanthropic, fraternal,
117 political or social nature;
- 118 [32] Home occupation;
- 119 [43] Retail business and service establishments, but excluding those of which the principal activity entails
120 outdoor sales and/or storage, and excluding those specifically mentioned under Subsection C of this
121 section;
- 122 [54] Business and professional offices;
- 123 [65] Mass transit station;
- 124 [76] Commercial parking lot or parking garage;
- 125 [87] Restaurant;
- 126 [98] Art studio or gallery;
- 127 [409] Convenience store, food store, grocery store;
- 128 [4410] Personal service;
- 129 [4211] Business service;
- 130 [4312] Building materials, but excluding those of which the principal activity entails outdoor sales and/or

- 131 storage;
- 132 ~~[14]~~^[13] Garden supply;
- 133 ~~[15]~~^[14] Conference center;
- 134 ~~[16]~~^[15] Commercial boating and fishing uses and facilities, provided only incidental cleaning and cooking
- 135 of seafood occur at the site;
- 136 ~~[17]~~^[16] Motel, hotel, inn or rooming house;
- 137 ~~[18]~~^[17] Place of public assembly, including theater;
- 138 ~~[19]~~^[18] Public utility facilities, including substation, pumping stations and sewage treatment facilities;
- 139 ~~[20]~~^[19] Apartment building;
- 140 ~~[21]~~^[20] Residential dwelling units as part of a mixed-use building; and
- 141 ~~[22]~~^[21] Specialty food and/or beverage facility.

- 142 (14) Mixed-Use Zone (MU).
- 143 (a) Permitted uses.
- 144 [1] Agricultural uses and practices, except a piggery or the raising of poultry for commercial purposes;
- 145 [2] Art studio/gallery;
- 146 [3] Church or institution of religion;
- 147 [4] Research and development;
- 148 [5] Public open space or recreation;
- 149 [6] Municipal or state building or use;
- 150 [7] Institution of philanthropic, fraternal, political or social nature which is not used for residential or
- 151 overnight occupancy;
- 152 [8] Timber harvesting; ~~and~~
- 153 [9] Home occupations~~;~~ and
- 154 [10] Dwellings, limited to the following:
- 155 [a] Dwellings on lots of record as of April 1, 2004 if located farther than 100 feet from the normal high-
- 156 water line of any water bodies, or the upland edge of a wetland.
- 157 [b] Dwelling units on the upper floors of a mixed-use building that is served on the upper floors of a
- 158 mixed-use building that is served by public sewerage if located farther than 100 feet from the normal
- 159 high-water line of any water bodies, or the upland edge of a wetland.
- 160 (b) Special exception uses.
- 161 ~~[1] Dwellings, limited to the following:~~
- 162 ~~[a] Single family dwellings on lots of record as of April 1, 2004; and~~
- 163 ~~[b] Dwelling units on the upper floors of a mixed-use building that is served by public sewerage.~~
- 164 ~~[21]~~^[21] Business and professional offices;
- 165 ~~[32]~~^[32] Boatyard;
- 166 ~~[43]~~^[43] Grocery store, food store, convenience store or neighborhood grocery;
- 167 ~~[54]~~^[54] Day-care facility;
- 168 ~~[65]~~^[65] Commercial parking lot or garage;
- 169 ~~[76]~~^[76] Hospital;
- 170 ~~[87]~~^[87] Inn;
- 171 ~~[98]~~^[98] Institution of education which is not used for residential or overnight occupancy;
- 172 ~~[109]~~^[109] Mass transit station;
- 173 ~~[1110]~~^[1110] Restaurant;
- 174 ~~[1211]~~^[1211] Convalescent care facility, long-term nursing care facility;
- 175 ~~[1312]~~^[1312] Personal services;

176 [4413] Repair service;
 177 [4514] Selected commercial recreation;
 178 [4615] Theater;
 179 [4716] Veterinary hospital;
 180 [4817] Accessory buildings and uses;
 181 [4918] Retail use, a single use not to exceed 50,000 square feet in gross floor area;
 182 [2019] Elder-care facility;
 183 [2420] Housing for elderly as part of a mixed-use project;
 184 [2221] Commercial kennel;
 185 [2322] Motel or hotel;
 186 [2423] Public utility facilities, including substations, pumping stations and sewage treatment facilities;
 187 [2524] Shop in pursuit of trades;
 188 [2625] Transportation terminal;
 189 [2726] Wholesale business;
 190 [2827] Warehousing/storage;
 191 [2928] Construction services;
 192 [3029] Funeral home;
 193 [3130] Research and development; and
 194 [3231] Specialty food and/or beverage facility.

195 (15) Mixed-Use – Badger's Island Zone (MU-BI).

196 (a) Permitted uses.

197 [1] Public open space and recreational uses;

198 [2] Shuttle service and ride-sharing facilities

199 [3] Aquaculture; ~~and~~

200 [4] Research laboratories; and

201 [5] ~~Dwellings if located 75 feet or farther from the normal high-water line of any water bodies, or the~~
 202 ~~upland edge of a wetland.~~

203

204 (b) Special exception uses.

205 ~~[1] Dwellings including modular homes in a single family or duplex configuration, excluding mobile-~~
 206 ~~homes;~~

207 [21] School, municipal or state building or use, church or any other institution of educational, religious,
 208 philanthropic, fraternal, political or social nature;

209 [32] Accessory buildings and uses;

210 [43] Home occupations;

211 [54] Day-care facility;

212 [65] Retail business and service establishments, but excluding those with any outdoor sales and/or
 213 storage;

214 [76] Business and professional offices;

215 [87] Restaurant with the hours of operation limited to 5:00 a.m. to 11:00 p.m., but excluding restaurants
 216 where ordering and/or pickup of food may take place from a motorized vehicle;

217 [98] Art studio/gallery;

218 [409] Grocery store, food store;

219 [4410] Personal, business or service;

220 [4211] Inn;

221 [4312] Boatyard;

222 [413] Marina;
 223 [4514] Commercial boating and fishing uses and facilities, provided only incidental cleaning and cooking
 224 of seafood occur at the site;
 225 [4615] Commercial recreational use;
 226 [4716] Place of assembly;
 227 [4817] Theater;
 228 [4918] Public utility facilities, including substations, pumping stations and sewage treatment facilities;
 229 and
 230 [2019] Specialty food and/or beverage facility.

231 (16) Mixed-Use – Kittery Foreside Zone (MU-KF).

232 (a) Permitted uses.

233 [1] Public open space recreational uses; and

234 [2] Dwellings if located 75 feet or farther from the normal high-water line of any water bodies, or the
 235 upland edge of a wetland.

236 (b) Special exception uses.

237 ~~[1] Dwellings in a single-family or duplex configuration, excluding mobile homes;~~

238 [21] Retail business and service establishments, excluding those where the principal activity entails
 239 outdoor sales and/or storage;

240 [32] Business and professional offices, including financial institutions;

241 [43] Shuttle service and ride-sharing facilities;

242 [54] Restaurant, coffee shop, bakery, cafes and similar food service operations, but excluding drive-in
 243 facilities;

244 [65] Art studio or gallery;

245 [76] Grocery store, food store;

246 [87] Personal and/or business service;

247 [98] Inn;

248 [409] Commercial or private parking lots;

249 [4110] Marinas;

250 [4211] Commercial boating and fishing uses and facilities, provided only incidental cleaning and cooking
 251 of seafood occur at the site;

252 [4312] Home occupations;

253 [4413] Place of assembly;

254 [4514] Theater;

255 [4615] Research and development;

256 [4716] Public utility facilities, including substations, pumping stations, and sewage treatment facilities;
 257 and

258 [4817] Specialty food and/or beverage facility.

259 **AMEND Nonconforming Structures §16.7.3.3.B as follows:**

260 Nonconforming structure repair and/or expansion.

261 ~~(1) Except where otherwise permitted in this title, repair and/or expansion of a nonconforming structure~~
 262 ~~must be approved by the Board of Appeals. In cases where the structure is located in the Shoreland~~
 263 ~~or Resource Protection Overlay Zone, the repair and/or expansion must be approved by the Planning~~
 264 ~~Board.~~

265 (21) The Code Enforcement Officer may approve the repair and/or expansion of a nonconforming
 266 structure provided the proposed expansion is not located in the base zone setback of the Shoreland

Overlay Zone or at any location in the Resource Protection Overlay Zone and meets ~~all~~ either of the following criteria:

(a) A vertical expansion that follows the existing building footprint;

(b) Will not result in setbacks less than those existing; and

~~(c) Is not located in the Shoreland Overlay or Resource Protection Overlay Zone.~~

(3) Except where otherwise permitted in this title, repair and/or expansion of a nonconforming structure must be approved by the Board of Appeals. In cases where the structure is located in the base zone setback of the Shoreland Overlay or Resource Protection Overlay Zone, the repair and/or expansion must be approved by the Planning Board.

(3) This subsection does not apply to any proposed vertical expansion of a patio, deck or accessory structure permitted to be closer to a water body or to a principal structure in accordance with Table 16.9 - Minimum Setbacks from Wetlands and Water Bodies.

(a) A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this title. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this title, the Board of Appeals or the Planning Board will review such expansion application and may approve proposed changes provided the changes are no more nonconforming than the existing condition and the Board of Appeals or the Planning Board makes its decision per § 16.6.6.B.

(b) Except in the Residential - Village (R-V) Zone, minimum setbacks of residential storage sheds that are less than 121 square feet, one-story residential garages that are less than 577 square feet, and decks less than 251 square feet may be one-half the minimum rear and side yard setbacks, providing the lots are legally nonconforming.

(c) Where the expansion of the residential use within the Commercial Zones involves an expansion of a structure, the structure must be expanded in conformity with the dimensional requirements contained in this title. If the proposed structure expansion cannot meet the dimensional requirements of this title, the application may be submitted to the Board of Appeals for review as a miscellaneous variation request. In reviewing all such applications, the Board of Appeals must use the criteria established in this section, and then may approve the proposed variations to the dimensional requirements.

(d) The addition of steps and landings, exterior to the structure does not constitute expansion. Such steps are not to be considered part of the structure for such determination. Step landings may not exceed three feet by three feet in size.

(e) In addition to the standards in the above § 16.7.3.3B(3)(a) through (d), the expansion of a nonconforming structure and the construction of new, enlarged, or replacement foundation beneath a nonconforming structure located in the Shoreland or Resource Protection Overlay Zone must meet the following:

[1] Wherever a new, enlarged, or replacement foundation is constructed under a nonconforming structure the structure and new foundation must be placed such that setback requirements are met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in § 16.7.3.3A(2), Nonconforming structure relocation.

[2] All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in § 16.3.2.17D(2). A

nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with § 16.7.3.3B(3)(e)[4] and [5] below.

[3] If a legally nonconforming principal structure is located partially within 25 feet from the normal high-water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland, Expansion-expansion of the footprint and/or height of any portion of ~~a~~the structure that is located within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland is prohibited even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or coastal or freshwater wetland setback requirement.

[4] Notwithstanding § 16.7.3.3B(3)(e)[2] above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by § 16.7.3.3B(3)(e)[2]:

[a] The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

[5] All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or coastal or freshwater wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by § 16.7.3.3B(3)(e)[2] or [3] above:

[a] For structures located less than ~~100 feet~~the base zone setback from the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet, or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet, or the height of the existing structure, whichever is greater.

[b] In addition to the limitations in § 16.7.3.3B(3)(e)[5](a) above, for structures that are legally nonconforming due to their location within the Resource Protection Overlay Zone when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet, or 30% larger than the footprint that existed at the time the Resource Protection Overlay Zone was established on the lot, whichever is greater. The maximum height of any structure may not be greater than 25 feet, or the height of the existing structure, whichever is greater, except that any portion of those structures located less than ~~100 feet~~the base zone setback from the normal high-water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland must meet the footprint and height limits in § 16.7.3.3B(3)(e)[4][a], and [5](a) above.

AMEND Single and Duplex family dwellings in Resource Protection and Shoreland Overlay Zones §16.8.28.1 as follows:

The Code Enforcement Officer may issue a permit for a new dwelling outside the base zone setback in the Shoreland Overlay Zone only provided the structure is conforming with all base zone standards. In addition to the criteria specified in §§ 16.6.6 and 16.10.8.3D, applicable to the granting of a special exception use request, the Planning Board may approve an application for a single- or duplex-family dwelling special exception use request within the base zone setback, where applicable, provided the applicant demonstrates all of the following conditions are met:

- A. There is no location on the property, other than a location within the base zone setback of the Shoreland Overlay or any location within the Resource Protection Overlay Zones, where a single-family dwelling can be built, or similarly for a duplex in the Shoreland Overlay Zone.

**KITTERY TOWN CODE –
TITLE 16 – SHORELAND OVERLAY ZONE**

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

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

WHEREAS, sections of Title 16 pertaining to the Shoreland Overlay Zone require updating to address identified inconsistencies, and to conform to updated state recommended language; and

WHEREAS, the proposed amendments will provide better clarity on the permitting authority for review and approval of specific projects within the Shoreland Overlay Zone;

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 16, LAND USE and DEVELOPMENT CODE, SHORELAND OVERLAY ZONE AMENDMENTS OF THE TOWN CODE, AS PRESENTED.

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

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

Attest: {NAME}, _____ Town Clerk



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

ITEM 1

MEMORANDUM TO PLANNING BOARD

Meeting Date: June 27, 2019
From: Jessa Kellogg, Interim Code Enforcement Officer
Subject: Amendments to Title 16.2.2, 16.3.2.17, 16.7.3.3 and 16.8.28.1

EXECUTIVE SUMMARY

Amendments to one definition, Shoreland Overlay Zone standards, nonconforming structures relative to shoreland zoning setbacks, and single and duplex-family dwellings in Resource Protection and Shoreland Overlay Zones are proposed in an effort to better clarify the permitting authority for review and approval of specific projects.

TITLE 16.2.2 DEFINITIONS

In 2017 the Town amended the nonconforming structure repair/expansion ordinance to remove “floor area and volume” and replace with the State recommended “footprint” calculation for expansions. Inadvertently, the definition of EXPANSION OF STRUCTURE was not modified, so this amendment eliminates confusion for applicants and permitting authorities.

TITLE 16.3.2.17 SHORELAND OVERLAY ZONE

The Town previously amended a few areas of Title 16 to permit the Code Enforcement Officer to issue permits in the Shoreland Overlay zone that were outside the shoreland setback for that base zone, however this section of the Code was not amended to reflect that, which has caused confusion and conflict in interpreting the code. These amendments will enable the Code Enforcement Officer to issue permits for dwellings outside shoreland setbacks as defined in each base zone section. The special exception use was removed, thereby eliminating the possibility of new dwellings being permitted in the base zone shoreland setback which would violate minimum State Shoreland Zoning mandates. Additionally, mobile homes are no longer excluded in any zone per State law.

TITLE 16.7.3.3

Amendments to this section of the Code include adding the language “base zone setback” to accomplish two goals. First, this will enable the Code Enforcement Officer more clearly to permit repairs and expansions to nonconforming structures outside of the base zone shoreland setback, and second, to give clarity on what that setback is. The majority of base zones have a 100 foot

setback, however MU-KF, MU-BI and MU-N have a 75 foot setback from water resources. By adding this language, it eliminates confusion for these three zones for what setback they are held to. This also helps clarify projects that may require Board of Appeals review. For base zones MU-KF, MU-BI and MU-N, the special exception use for a dwelling is removed as no new structures are permitted by state law to be closer than 75 feet to the water resource. The Planning Board will review a special exception use request for dwellings proposed between 75 feet and 100 feet from a water resource in all other base zones.

A second amendment in this section is to clarify what expansion of a structure means for nonconforming structures that straddle the 25 foot setback line. In a few projects reviewed by the Planning Board in the last year there was confusion on what was permitted and after clarification with DEP, staff wanted to explicitly clarify that the portion of the structure within 25 feet could not be expanded in either footprint or height.

TITLE 16.8.28.1

Amendments to this section of the Code include giving the Code Enforcement Officer authority to issue permits for a dwelling outside of the base zone setback in the Shoreland Overlay Zone only. New dwellings anywhere within the Resource Protection Overlay Zone will still require Planning Board approval, as well as for dwellings located within the base zone setback for all base zones except MU-KF, MU-BI and MU-N which have the state minimum 75 foot setback requirement.



RTE 236 On ramp to the By-pass

Other Signs posted are at the Old Police Station South Bound.



Coming off the Sarah Long Bridge in front of the obscured speed Limit Sign.



TITLE 10.1

§10.1.9 Traffic restrictions for trucks, buses and tractor-trailer vehicles as follows:

A. Except for vehicles performing municipal services, through traffic on:

A(1). Love Lane by buses and heavy trucks having a gross weight in excess of 10,000 pounds is prohibited on Love Lane.

B(2). Williams Avenue by buses and heavy trucks having a gross weight in excess of 10,000 pounds is prohibited (except for local deliveries and pickup) starting at the point where the easterly side of Traip Academy parking lot and Williams Avenue intersect and continuing around Williams Avenue to intersection with Whipple Road.

C(3). Maple Avenue by tractor-trailer vehicles is prohibited.

D(4). Commercial Street by buses (as defined in M.R.S. Title 29A) and heavy trucks having a gross weight in excess of 10,000 pounds are prohibited from the intersection of Government Street to the intersection of Water Street (except for local deliveries and pickups on Commercial Street).

E(5). Pleasant Street by buses (as defined in M.R.S. Title 29A) and heavy trucks having a gross weight in excess of 10,000 pounds is prohibited from the intersection of Government Street to the intersection of Water Street (except for local deliveries and pickups on Pleasant Street).

B. Except for vehicles performing municipal services, It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated in the Town of Kittery, any Jake (Jacob) Brake, engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud or unusual noise from such vehicle, unless such use is necessary to avoid imminent danger.

DEFINITIONS. For the purposes of this ordinance the following words and phrases are defined as follows:

1. "Engine retarding brake" means a "Dynamic Brake," "Jake Brake," "Jacobs Brake," "C-Brake," "Paccar Brake," transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.

REPORT to the KITTERY TOWN COUNCIL – Jake (Jacob) Brake

RESPONSIBLE INDIVIDUAL: Councilor Charles Denault

Date: 09-30-2019

Subject: Adding restrictions of Jake Brake (exhaust brakes) to Title 10.

Prelude

Circa 2011, the use of Jake Brakes was raised by Councilor Leo Guy and residents of Old Post Road. The complaint was about the vehicles that slow for the signal lights and Howells Truck Stop on the Rte. 1 bypass. Signs were once erected yet; there are references within the ordinances to the signage. Kittery has a noise ordinance that may cover this with a slight modification.

Background:

DOT has undertaken a significant project (the high level bridge) that alters the traffic patterns through residential areas and has exponentially increased this traffic flow as a result of the High Level Project. Complaints are being made of Tractor Trailer trucks jack knifing as they attempt to turn around on driveways and side streets after missing the signage that is poorly placed warning them to the closure of the bridge.

Eliot Maine's State Road has seen a number of truck increase as well. This increase brings noise, pollution, and an increased use of a safety device activation known as JAKE (JACOB) BRAKES which allow for the compression of the engines to be released and used to slow the trucks down. The brakes are often referred to as "Jake Brakes," which is the leading brand of the engine-retarding devices. Some trucking businesses, as well as the Connecticut-based manufacturer of the Jake Brake, say the noise is often linked to the muffler, or lack of one. This alone (not having a muffler) is a violation of Maine Law. As stated (Slow the trucks down) is clue that there driving too fast for conditions, but however the noise is described as a RAT A TAT bass sounding noise that is clearly heard and there is no mistake made as to what it is. Detours bring unfamiliarity with local side roads and alternative roadways not usually traveled by the Big Rigs.

Recently residents have complained about DENNETT rd., I-95 SOUTH BOUND near Rte 236 on ramp, MARTIN Rd, VALLE'S Rd, OLD POST, BRIDGE ST, the RTE 1 BYPASS, RTE 236 at STEVENSON Rd. and this includes STEVENSON AND MANSON Rd as well as STATE Rd near the circle and WALKER ST. All these roads have seen an increase in truck traffic. The use of JAKE BRAKES have been reported mostly near intersections of hills when the trucks are slowing down.

Portsmouth NH passed an ordinance as well as several Maine Communities including the Town of Ogunquit. Maine Townsman article-Nov 2008 has some interesting reading.

REPORT to the KITTERY TOWN COUNCIL – Jake (Jacob) Brake

Current Situation:

There is no ordinance or reference to signs being erected to prohibit, regulate or reduce the noise from Jake Brakes. I am pretty sure that the Noise Ordinance is not enforced with respect to exhaust noise and at the minimum, signage would help but there is nothing that would reference why the current (three) signs were erected or where it should be erected.

Town Code 16.9.1.9 Noise abatement, says, Excessive noise at unreasonable hours shall be controlled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. (See Attached). These are regulated within the commercial and business zones.

Proposed Solution

- Accept as written and adopt the changes to Title 10.1 Rules of the Road 10.1.9 ordinance restricting the use of Jake Brakes as allowed by Maine 30-A § 3009
- Incorporate the definition of Jake Brake and the restricted use of Jake Brakes under the Noise Ordinance or Title 10.07 and allow for signage based on the Noise Ordinance.
- Post the areas that area seen heavy usage of the JAKE BRAKES.

Rationale for the Proposed Solution:

Limit the unnecessary use of Jake Brakes in Town

Limit Noise pollution

Due to detours and alternate routes, the use of Jake Brakes has increased in areas not usually known for the use of them.

Attachments

Title 10 with recommended changes

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

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

PRESENT LICENSE EXPIRES: 10-28-18

NEW application: ☐ Yes ☒ No

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

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

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | |
|--|--|
| Corporation Name: <u>KITTERY FORESIDE LLC</u> | Business Name (D/B/A) <u>ANNEKE JANS</u> |
| APPLICANT(S) –(Sole Proprietor) <u>JASON CANTY</u> | DOB: <u>6/6/70</u> |
| Physical Location: <u>60 WARRINGFORD SQUARE</u> | |
| DOB: _____ | City/Town <u>KITTERY</u> State <u>ME</u> Zip Code <u>03904</u> |
| Address <u>60 WARRINGFORD SQUARE</u> | Mailing Address Same As Above? <input checked="" type="checkbox"/> |
| City/Town <u>KITTERY</u> State <u>ME</u> Zip Code <u>03904</u> | City/Town _____ State _____ Zip Code _____ |
| Telephone Number <u>207-439-0001</u> Fax Number _____ | Business Telephone Number <u>207-439-0001</u> Fax Number _____ |
| Federal I.D. # <u>27-3499377</u> | Seller Certificate #: or Sales Tax #: <u>1147456</u> |
| Email Address: <u>JASONCANTY@COMCAST.NET</u> | Website: <u>ANNEKEJANS.NET</u> |

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license:

ROOMS \$ — FOOD \$ 400 K LIQUOR \$ 300 K

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

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

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

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

License # _____ Name of Business _____

Physical Location _____

City / Town _____

6. If manager is to be employed, give name: JASON CANTY

7. Business records are located at: 60 WINDINGFORD SQ. KITTERY, ME 03904

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

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

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

| Full Name (Please Print) | DOB | Place of Birth |
|--------------------------|----------|----------------|
| JASON ADAM CANTY | 06/06/70 | LOWELL, MA |
| | | |
| | | |

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

| | | |
|-------------------|---------------|--------------|
| Name: JASON CANTY | City: KITTERY | State: ME |
| Name: _____ | City: _____ | State: _____ |
| Name: _____ | City: _____ | State: _____ |

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

GOLDEN GOOSE PROPERTIES 21 HARBURY RD DURHAM NH 03824

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

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

YES ☒ NO ☐ Applied for: _____

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

Which of the above is nearest? CHURCH

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

If YES, give details: BUSINESS LOAN / CAMBRIDGE TRUST

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

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

Dated at: KITTERY, ME on SEPT 17, 20 19
Town/City, State Date

PLEASE SIGN IN BLUE INK

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

FEE SCHEDULE

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

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

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

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

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

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

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

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

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

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

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

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

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

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

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

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

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

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

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

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

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

[2009, c. 81, §§1-3 (AMD) .]

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

A. [1993, c. 730, §27 (RP) .]

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

[1995, c. 140, §6 (AMD) .]

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

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

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

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

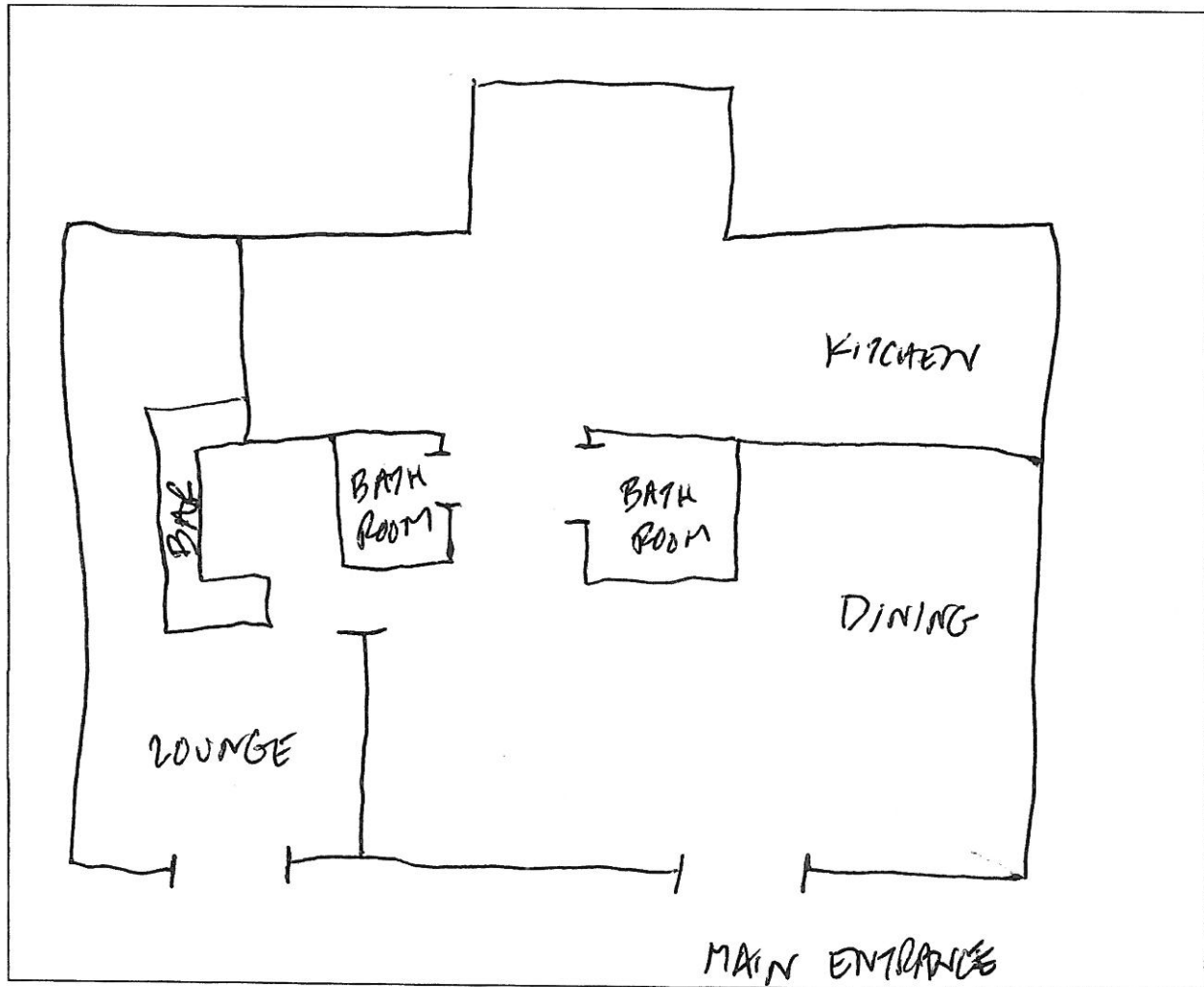
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM
(Facility Drawing/ Floor Plan)

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

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





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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

1. Exact legal name: KITTERY FORESIDE LLC
2. Doing Business As, if any: ANNEXE VANS
3. Date of filing with Secretary of State: OCT 2010 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|------------------|-----------------------------------|---------------|-------|-------------|
| JASON ADAM CANTY | 49 LOVE LANE KITTERY, ME 03904 | 6-6-70 | OWNER | 100 |
| | | | | |
| | | | | |
| | | | | |

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

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

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

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK



Signature of Owner or Corporate Officer

9-17-19

Date

JASON CANITY

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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