



# TOWN OF KITTERY

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

January 14, 2019

Council Chambers

## Workshop Affordable Housing w/ Planning Board 5:00 p.m.

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 –
  - November 14, 2018 Regular Minutes
  - November 26, 2018 Regular Minutes
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(010119-1) The Kittery Town Council moves to hear a report from a member of the Kittery Conservation Commission on the town of Kittery's Adopt a Road Program.

10. PUBLIC HEARINGS
  - a. (010119-2) The Kittery Town Council moves to hold a public hearing and ordain amendments to Title 8- Blasting.
  - b. (010119-3) The Kittery Town Council moves to hold a public hearing to consider an application from the Loyal Order of Moose Lodge #444 for a Special Activity Amusement permit for The Loyal Order of Moose Lodge #444, 76 US Route 1 Bypass, Kittery.
  - c. (010119-4) The Kittery Town Council moves to hold a public hearing to consider an application for a Victualers License from Chick-fil-A, 286 Turnpike Rd. Westboro, MA 01581 for Chick-fil-A (mobile food truck).
11. DISCUSSION
  - a. Discussion by members of the public (three minutes per person)
  - b. Response to public comment directed to a particular Councilor
  - c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.
  - (010119-5) The Kittery Town Council moves to accept a donation in the amount of \$300.00 from Staritch Foundation, Inc. to be deposited into the Kittery Community Center Fundraising Account # 2063.
- b. (010119-6) The Kittery Town Council moves to approve the disbursement warrants
- c. (010119-7) The Kittery Town Council moves to approve an application from Weathervane Seafoods Inc, for a malt, vinous and spirituous liquor license for Weathervane Seafoods, 306 US Route 1, Kittery.
- d. (010119-8) The Kittery Town Council moves to approve an application from The Ares LLC, for a malt and vinous liquor license for AJ's Wood Grill Pizza, 68 Wallingford Square, Kittery.
- e. (010119-9) The Kittery Town Council moves to release funds in the amount of \$1,000 from unassigned surplus and deposit said amount into account #101740-28427- Expense Self Insurance Claims Coverage, to cover the cost of the deductible for an insurance claim.
- f. (010119-10) The Kittery Town Council moves to schedule a public hearing on proposed amendments to Title 2- Fire Department.
- g. (010119-11) The Kittery Town Council moves to approve the 2019 Town Council and Town Manager Goals, and FY 20 Budget Goals.
- h. (010119-12) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Shellfish Conservation to interview Jean Treacy for reappointment to that board until 12/31/21.
- i. (010119-13) The Kittery Town Council moves to approve amendments to appendix A- Fort Foster Fees.
- j. (010119-14) The Kittery Town Council moves to appoint Nicole Maurice as Registrar of Voters until 12/31/20.
- k. (010119-15) The Kittery Town Council moves to approve an application from the Kittery Outlets for their 2019 Sales Events;
  - Memorial Day Sale - May 24-27
  - July 4<sup>th</sup> Sale Weekend- July 4-7
  - Back to School Event- August 9-12
  - Labor Day Sale Event- August 30 – September 2
  - Columbus Day Sale- October 11-14
- l. (010119-16) The Kittery Town Council moves to authorize the release of funds in the amount of \$6,380.00 from Wetlands Preservation Fee fund for phase-2 of the Fort Foster Invasive Species Management Plan.

- m. (010119-17) The Kittery Town Council moves to appoint a representative to meet with the chair of the Conservation Commission to interview Cassandra O'Brian to move from an associate member to a full member of that board with her term expiring on 12/31/22.
- n. (010119-18) The Kittery Town Council moves to approve an application from BNKittery LLC for a malt, vinous and spirituous liquor license for the Farm Bar and Grille, 57 State Road, Kittery.
- o. (010119-19) The Kittery Town Council moves to approve and application from Tasty Thai Inc. for a malt, vinous and spirituous liquor license for Tasty Thai, 182 State Road, Kittery.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION - NONE

17. ADJOURNMENT

Posted: January 10, 2019

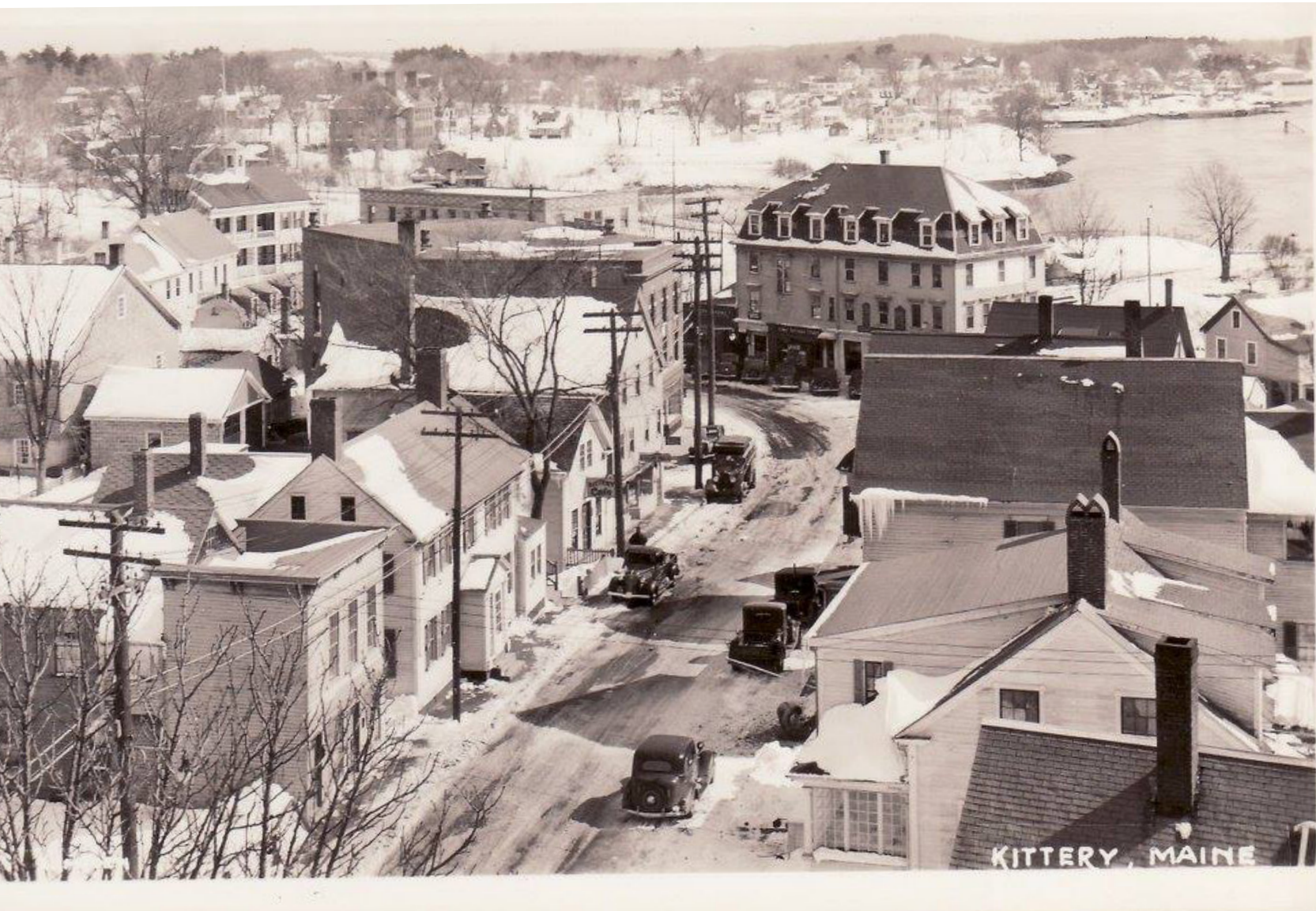


# Kittery Housing Workshop

## A Workforce Housing Coalition Design Charrette

### October 24<sup>th</sup> and 26<sup>th</sup> 2018

DRAFT



# Table of Contents

- 1 Workforce Housing Overview
- 2 Charrette Mission and Process
- 2 Charrette Leadership Team
- 3 25 Walker Street
- 4 Community Listening Session
- 5 Charrette Team Brainstorm
- 6 What's Possible Under Current Zoning?
- 7 Pushing Current Zoning
- 8 Cottage-Style Homes
- 11 Apartments for Seniors
- 12 Apartments for Families
- 13 Neighborhood Context
- 13 Cooperative Housing Model
- 14 Recommendations for Next Steps
- 15 WHC Board of Directors
- 15 WHC Mission

## Director's Note

This was the Workforce Housing Coalition's second visit to Kittery. At the time of our first visit in 2011 the organization was in its second year of delivering our design charrettes, which, as we know now, would later become the WHC's signature program. For both the WHC and the town of Kittery, a lot has changed since 2011.

The effort was led by municipal staff and members of Kittery's housing working group, who are tasked with exploring a variety of housing-related issues, including workforce housing. The community was broadly supportive of growing the supply of housing that is affordable to area workers and thoughtful of the steps that would be needed to accomplish this, specifically zoning amendments.

The charrette team was dynamic and ambitious. The large team divided into four groups early in the day and worked collaboratively in their small groups to sketch design ideas and calculate the feasibility of each idea. One team focused on rendering the site under the town's current zoning, while the other teams maximized the small study area. Teams played with varying housing typologies, numbers of bedrooms, unit sizes, and parking configurations, but every team struggled to produce a design that was financially feasible. Realistically, the size of the study area made achieving the necessary density difficult.

The team persevered and learned a valuable lesson: sometimes developing a large apartment building is not the most financially feasible way to achieve affordability. The financial feasibility team tested a cluster of 10 cottages using only conventional financing and produced a 19% return on investment when priced at market rate and an ROI of 11% when priced at rents affordable to people making 50 percent of the area median income. This option, which included 10-20 units, 10 parking stalls, and green space, of course, does not conform with current zoning regulations.

Sincerely,



**Sarah Wrightsman**  
Executive Director,  
Workforce Housing  
Coalition of the Greater  
Seacoast

# Workforce Housing Overview

“Workforce housing” is a term used to describe a broad range of owner occupied and rental housing that is affordable to the individuals and families that represent the majority of a diverse workforce, and whose income is generally no more than 100 percent of the median area income. Housing that is “affordable” to the workforce refers to combined rental and utility costs or combined mortgage loan that do not exceed 30 percent of a household annual gross income. Workforce housing is permanent, quality housing, intended as primary year-round residence that is available to households regardless of age.

Options that are affordable to moderate- and low-income households include single- or multi-family homes, townhouses, condominiums, and apartments. Workforce housing is based on good design and minimal impact. The housing includes small, mixed-income developments that are distributed throughout a town. Developments in suburban settings are clustered to leave areas of open space; compared to unplanned sprawl, such land use is much more efficient and attractive.

A healthy and vibrant community is filled with all generations of the workforce from young professionals to empty-nesters and people living at a wide variety of incomes. The faces of the workforce are often healthcare workers, teachers, skilled laborers, and workers in the tourism industry. These workers provide the benefits and services we associate with a desirable place to live. Ensuring that there are housing options available to provide the opportunity for them to establish roots and become part of the community where they work will create a healthy social, cultural, and economic system.



# Charrette Mission and Process

The Coalition's signature Workforce Housing Design Charrettes are dedicated to transforming the way people work together by broadening the host community's capacity for collaboration. Each charrette is a hypothetical thought exercise that harnesses the talents and energies of volunteer architects, engineers, and other housing industry professionals. The charrette process relies on the realistic challenges presented by a real site, but allows the community and the volunteers to ask "what if?" We ask community members to describe their ideal community, and our volunteers to bring these ideas to life. The charrette process is intended to be a catalyst, helping host communities identify, and therefore change, local land-use regulations that aren't conducive to the development of financially feasible workforce housing. Volunteers are encouraged to push the host community's existing land-use regulations and present a design that will inspire change.

The lack of an adequate and balanced supply of housing poses a threat to the region's economic health. Addressing this issue requires that a broad range of individuals, organizations, and public officials become engaged in efforts to change attitudes towards housing development, and to identify and amend local land-use regulations in order to better facilitate the development of financially feasible workforce housing. For three days, planners, architects, designers, developers, bankers, business leaders, property owners, and abutters join forces to cooperatively discuss creative plans for solutions around workforce housing.



## Kittery Charrette Leadership Team

### Chair and Facilitator

[Kristen Grant](#), Maine Sea Grant, and UMaine Cooperative Extension

### Hosts

[Kendra Amaral](#), Town Manager, Town of Kittery  
[Matt Brock](#), Town Councilor, Town of Kittery

### Design Team Leads

[Tom Emerson](#), StudioB-E Architecture  
[Robert White](#), GPI

### Design Team

[Sarah Hourihane](#), Lassel Architects  
[Brian Rodonets](#), Coastal Architects  
[Sage Sluter](#), GPI  
[Greg Gosselin](#), Gosselin Realty Group  
[Caleb Sloan](#), JSA  
[Jeff Clifford](#), Altus Engineering  
[Deane Rykerson](#), Rykerson Architecture  
[Chuck Adams](#), Ambit Engineering  
[John Chagnon](#), Ambit Engineering

### Housing Expert

[Greg Payne](#), Executive Director, Maine Affordable Housing Coalition

### Finance and Feasibility Team Lead

[Michael Castagna](#), Castagna Consulting Group

### Finance and Feasibility Team

[Ivy Vann](#), Ivy Vann Town Planning  
[Jeanee Wright](#), NEROC Maine  
[Catherine Elliott](#), Avesta Housing  
[Bree LaCasse](#), Community Housing of Maine  
[Brian Kilgallen](#), Community Housing of Maine  
[Samik Roy](#), Kennebunk Savings Bank  
[Dean Johnson](#), People's United Bank

### Report Production and Design

[Laura Harper Lake](#), Graphic Designer, Regional Economic Development Center  
[Sarah Wrightsman](#), Workforce Housing Coalition

### Planning and Advisory Committee

[Kendra Amaral](#), Town Manager, Town of Kittery  
[Matt Brock](#), Town Councilor, Town of Kittery  
[Adam Causey](#), Director of Planning, Town of Kittery  
[Drew Fitch](#), Kittery Housing Working Group and Kittery Planning Board  
[Chuck Morgan](#), SMPDC  
[Tom Emerson](#), StudioB-E Architecture  
[Russell White](#), Kittery Housing Working Group and Kittery Planning Board  
[Marissa Rustici](#), WHC Board of Directors  
[Kristen Grant](#), Maine Sea Grant and UMaine Cooperative Extension  
[Sarah Wrightsman](#), Workforce Housing Coalition  
[Elizabeth Rollins](#), Ambit Engineering  
[Gayle Sanders](#), Gayle Sanders Home Design and WHC Board of Directors  
[Amy Sharp](#), TD Bank and WHC Board of Directors

### Special Recognition

Thank you to the [Town of Kittery](#) and [Maine Sea Grant](#). Special thanks to [Hadley Barndollar](#) of Seacoast Media Group for the excellent media coverage throughout the workshop.

### Media Coverage

*Design Charrette to Examine Housing Options in Kittery Foreside*

By [Hadley Barndollar](#), Posted on SeacoastOnline.com on September 28, 2018

*Kittery Focuses on Affordable Housing Options*

By [Hadley Barndollar](#), Posted on SeacoastOnline.com on October 3, 2018

*Workforce Housing Charrette Comes to Kittery*

By [Hadley Barndollar](#), Posted on SeacoastOnline.com on October 26, 2018

# 25 Walker Street

The site of 25 Walker Street was used as the study area for the purposes of the Kittery Housing Workshop. The site was formerly home to the fire station and is still owned by the Town of Kittery and currently used to house the contracted ambulance service for the town.

- Very small site: 0.4 acres (16,000 square feet)
- Traffic on Walker Street is very loud and congested when there is a shift change at the nearby Portsmouth Naval Shipyard
- American Ambulance would ideally be relocated to the Gorges Road Fire Station
- Under current zoning:
  - Setbacks are ten feet on all sides
  - Height is limited to 40 feet
  - 3 dwelling units
  - 1 ½ parking stalls per unit with a 3-stall allowance
- E Street provides access to the site in the back of the property and for abutting neighbors
- The small red shed on the front of the property along Walker Street is not part of the study site
- Site is on town sewer and water. Anticipated density on the site will not overload the current water/sewer capacity
- The study site is within downtown (Kittery Foreside) and is surrounded by a mix of uses (including multifamily housing) and architectural styles in an eclectic area that lends itself well to creative and innovative approaches.



## Housing in the York-Kittery-South Berwick HMFA

Kittery is part of the York-Kittery-South Berwick HUD Metro Fairmarket Area (HMFA). Median area income in this HMFA is \$91,400. While the regional data was used by the charrette team, it is important to note that the Area Median Income in the Town of Kittery is much lower than the HMFA at \$64,105.

Renters account for 27 percent of total households in the York-Kittery-South Berwick HMFA. The estimated hourly mean renter wage for 2018 is \$11.33 (\$23,566 per year for a full-time employee) compared with the hourly wage of \$24.15 (\$50,232 per year for a full-time employee) necessary to afford a 2-bedroom rental unit in this area. The median gross rent in this area is \$1,256 per month, while the monthly rent that is affordable to the average renter is \$589 per month.

For every 100 renter households making 30 percent of the area median income, there are only 59 units available that are affordable to this group. For every 100 renter households making 50 percent of the area median income, there are still only 75 affordable units available.

Thank you to the [Maine Affordable Housing Coalition](#) for providing the data.



# Community Listening Session

Input from stakeholders is a critical part of the charrette process. Kittery residents, business owners, and local leaders were invited to share their ideas, hopes, and concerns about workforce housing in Kittery via online survey before the charrette, during the site “walk and talk” in early October, and during the site walk and listening session on the first day of the Kittery Housing Workshop. Here is a sample of what the charrette team heard from Kittery.

## Design

Kittery community members expressed support for:

- A building of 3-4 stories that is appropriate to the scale of Kittery Foreside;
- Apartments, as well as cottages, condominiums, and townhouses;
- A mix of very small units including studio and one-bedroom units;
- A design that is compatible with the existing context and character of the Foreside;
- Increased density to maximize units per acre on the site;
- Including green space and public gathering spaces, including safe play space for children;
- Providing privacy for abutters to the site;
- A design, which accommodates parking on the site, but also considers approaches to reduce the need for parking;
- And a design that uses clean energy approaches.

## People

Kittery community members expressed support for housing that is affordable to those with low- to moderate-incomes who work locally, as well as families, young professionals, seniors, military, and those who are homeless and disabled.

## Zoning

Kittery community members expressed support for changes to the existing zoning in order to maximize the opportunities at the site.

## Affordability

Kittery community members expressed support for a design that focuses on units that are affordable to low and moderate income earners.

## Mixed Income

Kittery community members expressed support for a design that includes housing for people with a mix of incomes.

## Transportation

Kittery community members expressed support for a design that includes transportation planning in an effort to address traffic issues in the area of the site.

## Flexible Mix of Uses

Participants were amenable to both residential-only and mixed-use development and sought flexibility with how the first floor will be used.

## Neighborhood

Kittery community members expressed support for a design that takes advantage of the walkable neighborhood and proximity to Foreside, and improving area infrastructure, such as sidewalks, street lamps, and benches.

## “Out of the Box” Ideas

Kittery community members expressed support for “out of the box” ideas, such as forming a cooperative.

Finally, Kittery community members expressed a desire that the lessons learned from this process be applied elsewhere in town.

## Notable quotes:

“People who work in the [Foreside] businesses can’t afford to live here and drive long distances”

“It is nice to see people who live here doing things here, like walking their dogs through town”

It is “neat” when people live and work in close proximity because it reduces transit”

“I think most people in the community will support workforce housing [in the Foreside]”

# Charrette Team Brainstorm

The charrette team regrouped early on Friday, October 26th to discuss the feedback from the community listening session and online survey, their observations from the site walks, and their ideas. Friday was spent drawing architectural renderings, crunching numbers, and drafting basic recommendations for next steps.



## Considerations

- The site is very small - just 0.4 acres, which will make it difficult to reach the necessary density and provide parking on site.
- The land is owned by the town, which presents an opportunity for a restricted long-term lease and low land acquisition costs.
- Development of the site may create additional on-street parking spots by shrinking the current driveway, but more parking will be needed on site. It may be possible to use natural gradient to create underground parking, but this is an expensive option.
- Must cooperate with direct abutters who rely on access in the back of the site. The charrette team opted to assume the E Street as the entrance to the site.
- The site poses an opportunity for mixed-use development and the commercial space and market rate units can carry the affordable units.
- This site is also seen as an opportunity to create town-owned gathering/green space.
- The charrette team estimated that relocating the ambulance service to the Gorges Road Fire Station will cost the town about \$250,000.
- The team assumed a \$50,000 acquisition cost for the site and assumed the existing structure would be removed by the town prior to acquisition.
- Providing parking on the site would be challenging given the size and necessary density. The charrette team pondered alternate ideas, including decoupling parking from housing and renting stalls separately or providing a rental car on site.
- A 1:1 parking rate for workforce housing is often too high. Developers find a lower parking ratio is usually sufficient for workforce and senior housing.
- Market rate rental units can be used to offset costs of providing workforce housing units, if needed.
- Commercial space can also be used to offset costs of providing workforce housing units but would need to be a high value tenant such as a bank.
- Commercial space may maintain ambulance/fire station theme.

- The scoring criteria for the Low-Income Housing Tax Credit program differs for senior vs. family housing projects. The Town of Kittery receives more points for senior housing than family housing because Maine Housing has concluded Kittery has a great need for senior housing.
  - In addition, senior housing developments don't require 2- and 3-bedroom units.
- Cost of construction scores poorly for low-income housing tax credits but scoring criteria may be revisited by MaineHousing in the future. The site scores very well for walkability and access to services.
- The Town may want to explore a private-public partnership with a nonprofit developer.

## Financial Targets

Because the area median income in Kittery is significantly less than the York-Kittery-South Berwick HMFA, the charrette team opted to target renters making less than 50-60 percent of the area median income.

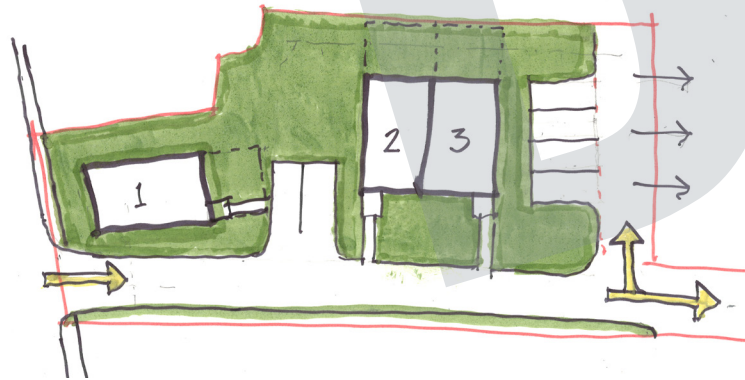
Per MaineHousing's 2018 Income Eligibility Limits and Maximum Rent Levels the following target prices are affordable to a family of three making 60 percent of the area median income (\$49,380) in the York-Kittery-South Berwick HMFA

- \$960 per month gross rent (including utilities) for a studio unit
- \$1,029 per month gross rent (including utilities) for a one-bedroom unit
- \$1,234 per month gross rent (including utilities) for a two-bedroom unit
- \$1,426 per month gross rent (including utilities) for a three-bedroom unit

# What's Possible Under Current Zoning?

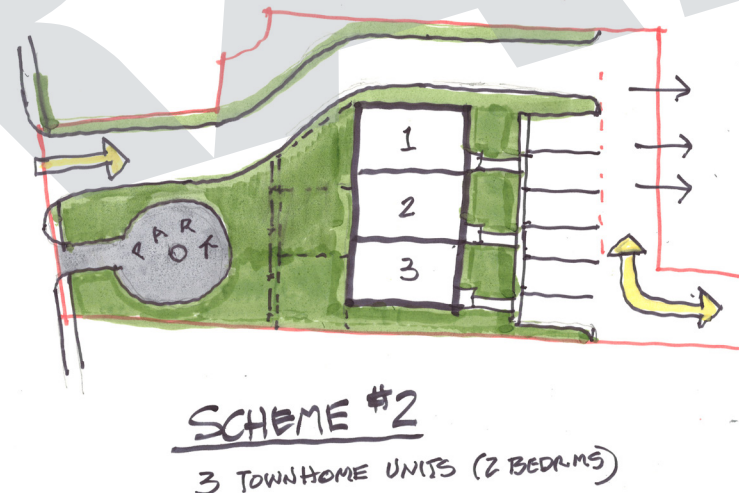
## Scheme 1

- 3 townhouse units, 6 parking spaces
- One-way street cuts through site



## Scheme 2

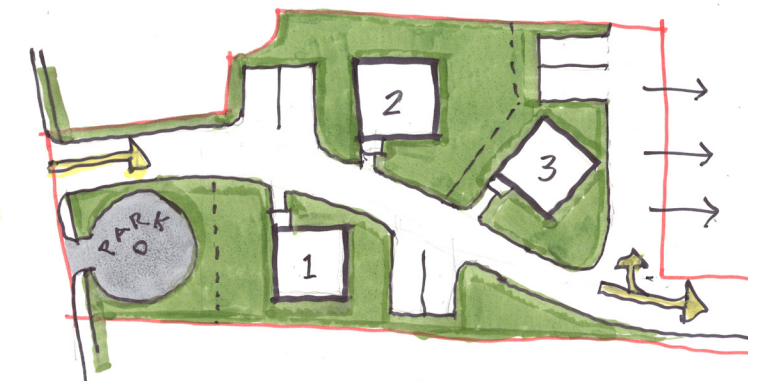
- 3 townhouse units, 6 parking spaces
- One-way street cuts through site
- Public green space on Walker Street
- Functionally the same as scheme 1, but with a slightly different configuration and the addition of green space



**SCHEME #2**  
3 TOWNHOME UNITS (2 BEDRMS)

## Scheme 3

- 3 cottage-style homes, 6 parking spaces
- One-way street that cuts through site
- Public green space on Walker Street
- Very similar to schemes 1 and 2, but with a different configuration and the addition of green space



**SCHEME #3**  
3 COTTAGE UNITS

**While schemes 1-3 are beautiful, at target prices none would produce a return on investment that would entice a developer (the goal is an ROI of at least 10 percent).**

# Pushing Current Zoning

- Scheme 4 is very similar to scheme 1, but each townhouse is divided into three units
- This scheme wouldn't look any different from a single-family home from the outside - something that is very common in the Foreside
- Includes 6 rental units (a mix of 1- and 2-bedroom units), 3 accessory dwelling units below, and 9 parking spaces (1 per unit)
- Like schemes 1-3, a one-way street cuts through the site
- Includes green space

**Scheme 4 begins to push the current zoning of the study site, by increasing the density, but this option is still not financially feasible at workforce housing prices.**



**SCHEME #4**  
9 UNITS { 3 ADU'S  
          { 6 RENTALS (1-2 BDRMS)

# Cottage-Style Homes

- 10 small, cottage-style houses of varying sizes  
    Smaller units closer to Walker Street
- 10-20 units total
- 10 parking spaces (covered parking in very back of lot)
- Covered parking presents an opportunity to add solar panels on the roof
- Each footprint is about 500 square feet
- Enter either down half a level to a basement ADU or go up to stairs on second level
- Classic, small-scale cottage houses
- Pedestrian walk through the middle of site
- Each house has a small garden area
- Would need to purchase the red shed on Walker Street or lose one unit
- Removing Walker Street access to site would add five on-street parking spaces along Walker Street in front of site
- E Street would be the only access to the site
- Mix of market rate and workforce housing. Interior would differ between market rate and affordable units.
- Town would sign 99-year lease, including a clause to ensure affordability

**The cottage home option produces a return on investment (ROI) that may entice an affordable housing development (approximately 10.75% ROI) using only conventional financing and provide rental housing for those making no more than 50 percent of AMI. This option assumes the developer will pay the Town \$50,000 in acquisition costs. The Town would need to relocate the ambulance service to another location and remove the existing building on the site prior to transfer. The parcel will become a tax-generating property under this scenario.**

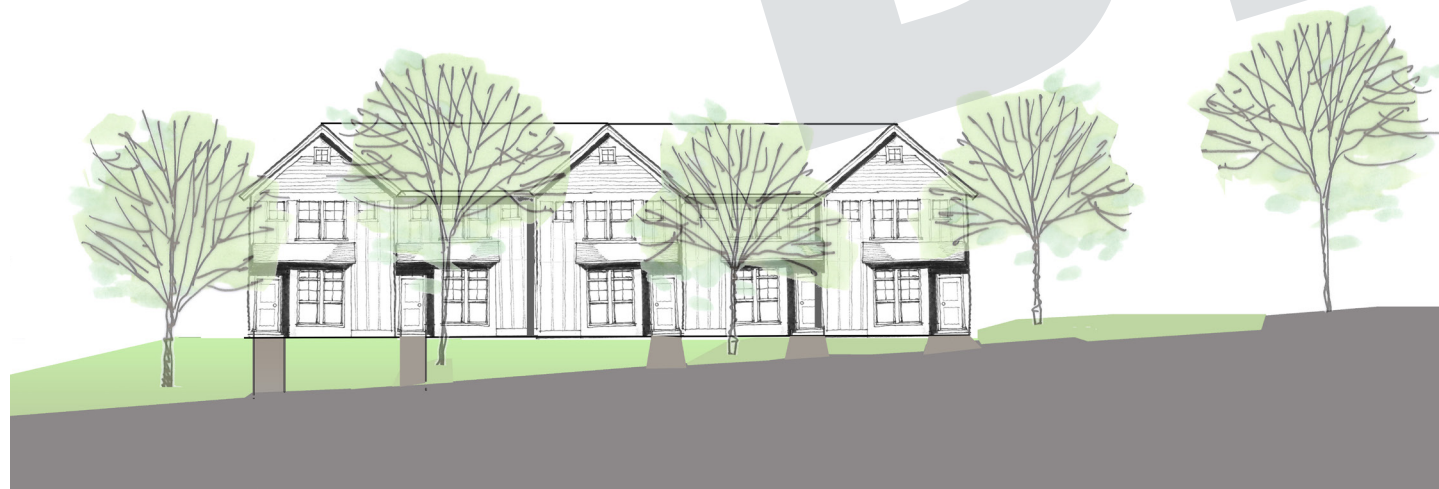
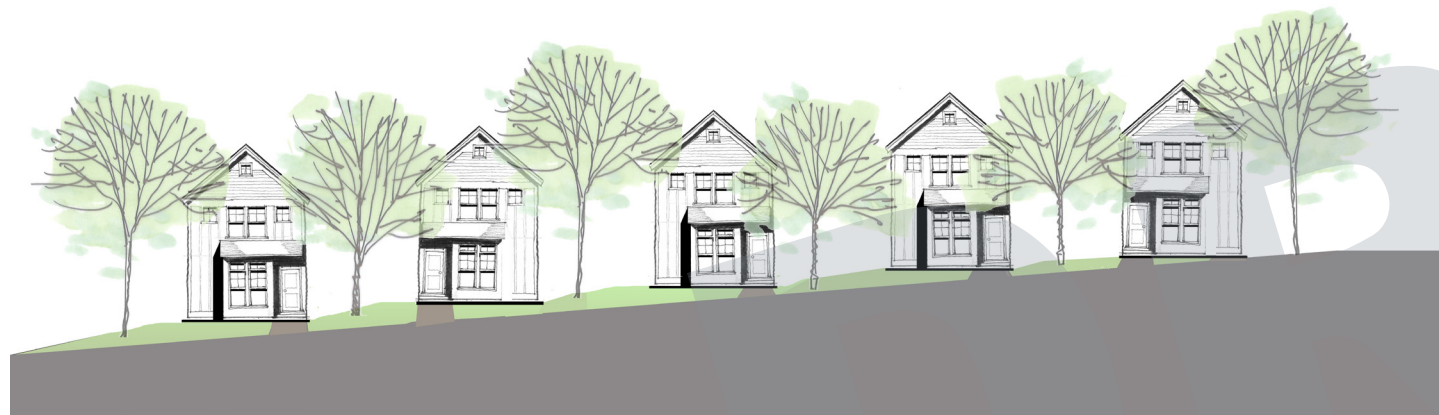


# Cottage-Style Homes Continued

DRAFT



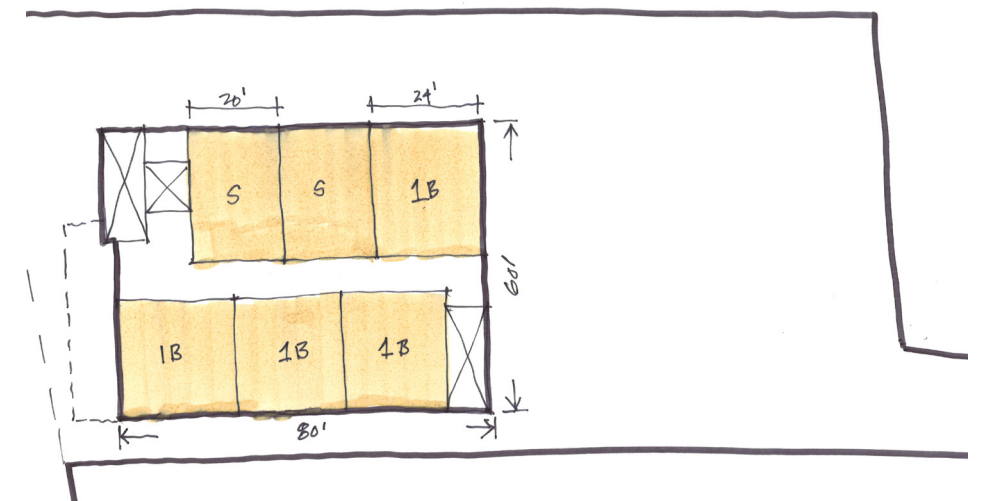
# Cottage-Style Homes Continued



# Apartments for Seniors

This option sought to create high-quality permanent affordable rental housing for individuals aged 55 and over using the Low-Income Housing Tax Credit program as a primary source of financing.

- 4 story building
- 22 units total
  - 7 studios (at 540 square feet each)
  - 15 one-bedroom units (at 650 square feet each)
  - Some units affordable to people making up to 50 percent of the AMI (\$32,000 for an individual or \$36,000 for a family of two)
  - Some units affordable to people making up to 60 percent of the AMI (\$38,400 for an individual or \$43,920 for a family of two)
- 19 surface parking spaces behind the building
- Universal design
- First floor community and utility space for tenants
- Fourth story stepped back a bit with a flat roof area to allow for solar/green roof
- Slightly taller than allowed by right (~45 feet)
- \$5.4 million project (4 million in LIHTC money)
- Can gain points if town does 99-year lease with low acquisition costs



The primary source of financing for this option is the Low-Income Housing Tax Credit (LIHTC), a program administered by Maine Housing. The intention of the program is to restrict rents to below market rate levels in order to make them affordable to lower income households. A Land Use Restriction Agreement would be recorded, legally restricting the rents for 45 years. Maximum rental rates would be set each year by the U.S. Department of Housing and Urban Development. For reference, 2018 rents for the studios would be \$800 per month (for renters making 50 percent of AMI) and \$960 per month (for renters making 60 percent AMI). One-bedroom units would rent for \$857 per month (for renters making 50 percent AMI) and \$1,029 per month (for renters making 60 percent AMI).

While the charrette team found the project to be financially feasible, the project does not score well on the highly competitive application for Low-Income Housing Tax Credits based on the 2019 application and the scores of the 5 projects that were successfully awarded tax credits in 2018. The biggest factor affecting the project's score was the total development cost per unit. Using current construction cost estimates resulted in the project scoring poorly on the 2019 application's total development cost scoring criteria.

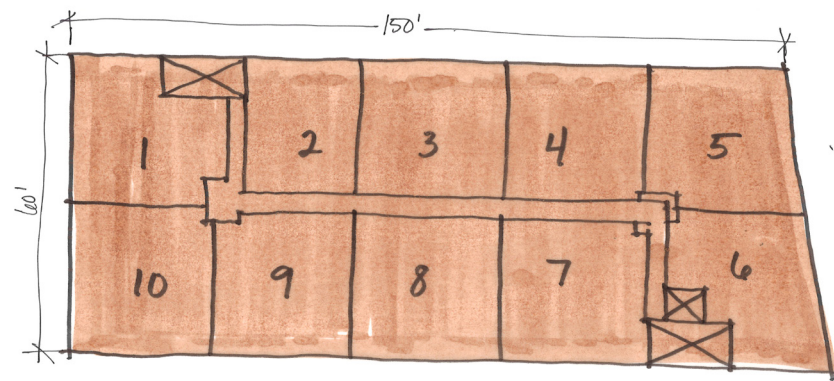
The LIHTC Qualified Allocation Plan (QAP) application changes from year to year, so it is possible that an affordable housing development on this site could be competitive in a future funding round. In several other key scoring categories, the town of Kittery scores very well.



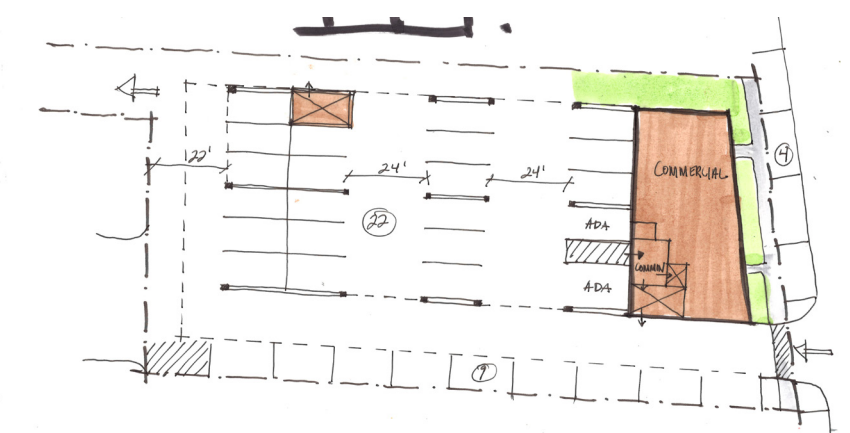
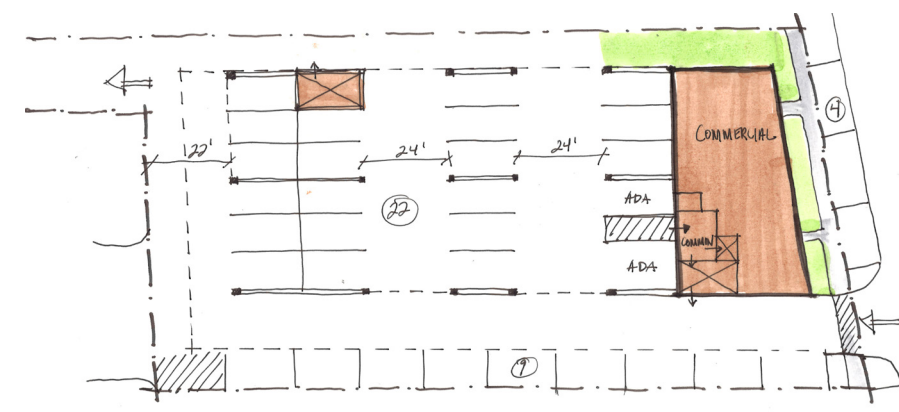
# Apartments for Families

The charrette team attempted to max out the site. This rendering includes a mix of unit sizes,

- 4 stories, 30 units total, average size of 900 square feet each, total footprint is about 9,300 square feet (more than 50% of the site).
  - 3 3BR renting for \$1,100 - \$1,500
  - 10 2BR renting for \$1,000 - \$1,300
  - 10 1BR renting for \$850 - \$1,100
  - 7 studios renting for \$800 - \$950
- Parking: 22 garage spaces underneath, 9 parking spaces on side, 4 new parking spaces on street.
- In order to qualify for LIHTC, 3-bedroom units are required.
  - 2- and 3-bedroom units must make up 50 percent of total units.
- Commercial on the street on first floor, 3 floors of housing above (approximately 10 units per floor).
- This option is the most urban and stretches current zoning.
- Alternative transportation (such as a rental car) should be provided on the site.
- Renting at an average of \$900 per unit per month (affordable to renters making up to 50 percent of the AMI) results in a return on investment of just 5.5 percent, which would only be appealing to a nonprofit developer. More density is needed to make this financially feasible for a for-profit developer.
- Scoring is not competitive due to high total construction costs.
- Underground parking contributes to high development costs.
- Zoning changes needed: total number of units from 3 to 30; parking at 1:1 ratio.



Floor 2,3+4



Floor 1 @ grade

# Neighborhood Context

The charrette team expanded their efforts beyond the study area to Walker and Government streets to explore opportunities in the surrounding area.

- There are many opportunities for green space and other street scaping on the bump outs along Walker Street.
- Like many communities, Kittery's parking problem is a perceived parking problem, not a true parking problem. In the Foreside area, the problem is partly a circulation problem.
  - Current parking craters can be better utilized
  - Single bays of parking are not efficient and there is room in many places to transition to double bays of parking
  - More collaboration and cooperation between property owners and the town will create better utilized parking areas.
    - For example, the church has paid parking, which is a revenue stream for the church. Other businesses can do the same.
- Addressing misperceptions about parking will also create an opportunity to turn Wallingford Square back into a square, rather than a parking lot.
- Improvements needed to the sidewalks
- Add lighting to create an atmosphere on Walker Street that mimics the atmosphere created by the lighting in the Foreside
- Enormous opportunities if Kittery is open to creative and innovative solutions



# The Cooperative Housing Model

- Limited equity housing cooperatives can be formed by residents who live or plan to live together in any type of affordable housing
- In a limited equity housing cooperative, each resident becomes a member of the cooperative and receives one ownership share of the corporation, allowing them to occupy one unit. This allows the residents of the community to collectively own their housing, with ownership shares being distributed equally among the resident-members.
- Resident-members share the expenses of the corporation, such as mortgage costs, professional services, and other operating costs.
- By means of self-governance, resident-members are united and empowered to control their living conditions, manage their ongoing operating costs, maintain and improve their housing, and build a stronger community.
- Resident-members can sell their share of the cooperative and move of their unit. Under the limited equity model, there is an equity cap on the resale value of their share, ensuring permanent housing affordability.
- Development costs of housing cooperatives can be reduced by seeking low interest loans and/or grant funding through private, local, state, and federal sources.
- The Cooperative Development Institute (CDI) has extensive experience in developing cooperatives in housing, food systems, and business sectors in Maine. CDI continues to work toward expanding and supporting a robust cooperative community in Maine and throughout the Northeast.

To learn more, visit the Cooperative Development Institute at [www.cdi.coop](http://www.cdi.coop)



# Recommendations for Next Steps

Foreside is beloved by the community, but it could not be replicated today under current zoning. Much of Foreside is non-conforming and current zoning does not reflect historical development patterns in the Foreside. The charrette was an opportunity to collect information about housing and affordability generally and the hope is that lessons learned through this process can be replicated elsewhere in town. Below are several recommendations for amending current zoning in Foreside and recommendations for how to move forward.

## Recommendations for Zoning Ordinance Amendments:

Look at Foreside today and create zoning that matches what Kittery already has and loves. Use regulatory tools to replicate the historical fabric of the downtown, promote walkability and connectivity by placing amenities closer to one another, promote small-scale commercial uses (such as ground floor retail), slow traffic, increase housing choices, and enhance parking options.

- Consider eliminating front setbacks and allow buildings up to sidewalk
- Increase sidewalk widths
- Reduce or eliminate side setbacks
- Reduce or eliminate density limitations
- Require all off-street parking to be behind buildings or shield off street parking that meets the street or back of sidewalk with a solid structure between four and six feet
- Work with property owners to bring building up to code when changing use of building
- Reduce or eliminate minimum lot size
- Reconsider lot coverage maximums (currently 60 percent, but existing buildings are much higher)
- Consider implementing a flexible approach to land use code, which focuses on building design and character, rather than use.

## Recommendations for Next Steps:

- Consider a public-private partnership to ensure affordability is maintained at the site of 25 Walker Street.
- Explore the use of density bonuses, or other regulatory tools, for ensuring affordability is included in all future housing developments.
- Continue to engage Kittery residents on the issue of workforce housing to ensure public support when it is time to implement future amendments.
- Be flexible and creative with parking requirements, including connecting with nearby businesses to explore how to address the parking misperceptions in Kittery.
- Charge the housing working group with the task of ensuring this discussion continues.
- Continue to communicate and partner with the Workforce Housing Coalition of the Greater Seacoast moving forward.



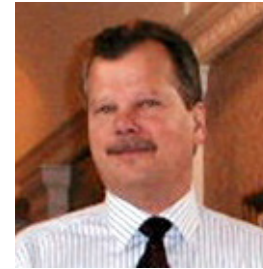
# Workforce Housing Coalition

## Board of Directors



**Kim Rogers**  
WHC President

President,  
G.L. Rogers and  
Company Inc.



**Thomas House**  
WHC Vice  
President

Principal,  
THA Architects L.L.C.



**Michael Castagna**  
WHC Treasurer

Principal,  
Castagna Consulting  
Group



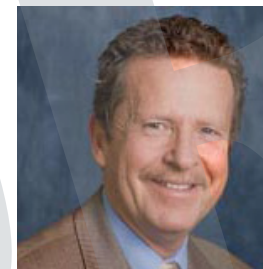
**Amy Sharp**  
WHC Secretary

Vice President of  
Commercial Lending,  
TD Bank



**Gayle Sanders**

Owner,  
Gayle Sanders Home  
Design L.L.C



**Ralph Pope**

Sales Associate,  
Coldwell Banker  
Residential Brokerage



**Tim Roache**

Executive Director,  
Rockingham Planning  
Commission



**Marissa Day**

Budget Analyst,  
U.S. Air Force Reserve



**Laurel Adams**

President,  
Regional Economic  
Development Center



**Lindsay Sonnett**

Nonprofit Consultant &  
Sales Associate,  
Bean Group

## Mission

The mission of the Workforce Housing Coalition of the Greater Seacoast is to ensure the development of a range of housing options for the diverse workforce in the communities it serves.

The coalition's strategy is to be a catalyst through creating, sustaining, and nurturing a unity of business, government, and community groups. Through education, advocacy, and community engagement, the WHC communicates the importance of diversified, accessible, and quality housing. WHC strives to bring parties together to ensure that the professional workforce is able to live in the community where they work. Since its inception in 2001, the WHC has continued to serve 54 communities in New Hampshire and Maine and has helped more than two dozen communities improve their housing regulations.

WHC envisions an adequate supply of affordable, desirable housing throughout the greater Seacoast region, providing opportunities for area workers to put down roots, thus creating a more diverse community that benefits us all.

[www.SeacoastWHC.org](http://www.SeacoastWHC.org)

## Sponsors



[www.SeacoastWHC.org](http://www.SeacoastWHC.org)

  @ SeacoastWHC

The Workforce Housing Coalition of the Greater Seacoast is a 501c3 nonprofit organization.



## Partners



## Contributors





# TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

## Town Manager's Report to the Town Council January 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 its 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 COUNCIL GOALS

2018

FINAL

1. Work together respectfully toward consensus, capitalizing on our experiences and diversity.
2. Continue to work on sharing services with neighboring towns.
3. Address proposals for Charter, Ordinance, and policy changes for improving efficiency and effectiveness of Town operations, including:
  - Title 2 – Personnel – **Complete**
  - Title 4 – Boards and Commissions – **In process**
  - Title 5 – Business Licenses and Regulations
  - Title 6 – Animals
  - Title 13 – Public Services – **Complete**
  - Proposed – Title 15 – Ethics – **Withdrawn**
  - Title 16 – Land Use – **In process**
4. Support the Town Manager to achieve greater economy & effectiveness in the delivery of services. – **On going**
5. Adopt a budget that is progressive, responsible, and visionary – moving the community forward.  
– **Complete**
6. Conduct quarterly review of Council and Manager progress on annual goals. – **Complete**
7. Give attention to Councilor expressed items, including:
  - Impacts of Shipyard and MaineDOT on local traffic – **In process**
  - Senior Property Tax Circuit Breaker Program - **Complete**
  - Energy Efficiency Efforts – **In process**
  - Rice Public Library as a Town Department – **In process**
  - Rice Public Library facility project - **In process**
  - Comp Plan adoption on the November 2018 ballot - **Complete**
  - Foreside Study and action plan completion, and progress on action plan - **In process**



**TOWN MANAGER ANNUAL GOALS  
STATUS REPORT – 2018 FINAL**

2018 GOALS	STATUS	Update
<b>Support Long-Term Planning and Growth Management Objectives</b>		
Enhance the Town’s economic development activities and work with local and regional organizations to attract, support, and sustain appropriate local economic investment	On going	Completed brownfields analysis on Sowerby parcel; anticipate final development plans will be issued in early 2019. Plan development is being finalized on the Cook Block (does <b>not</b> include a large hotel); plans are expected to come forward in early 2019. Water District brownfield assessment is complete, and the Town maintains an open line of communication with the Water District on their plans for their site.
Propose and implement zoning amendments that support desired growth in the targeted growth areas including the Business Park, Route 1, Route 1 Bypass	On going	Mixed Use Neighborhood rezone (Business Park) is complete. ADU amendments to support affordable housing will be presented to the Planning Board in early 2019. Title 16 recodification is underway, monthly reports will be given to the Council as the project progresses.
Develop and begin to implementation of an action plan associated with the Foreside Land Use, Parking, and Transportation Study	On going	Parking amendments approved. Foreside Survey completed and being reviewed by the Planning Department and Taylor Bldg Com.
Support town process to adopt the 2015-2025 Updated Comprehensive Plan	Complete	Comp Plan adopted by the voters overwhelmingly in Nov.
<b>Enhance Financial Stability</b>		
Produce a 2019 budget that seeks to maintain a stable tax rate, and that is adequately justifiable in comparison to appropriate economic indicators and comparable communities.	Complete	Worked with School Department to manage overall cost increases in association with tax rate and economic indicators. Adopted by Council in June. Met with Senators’ offices about reviewing and increasing the military connected aid to the town.
Develop a policy to manage tax liens in a timely manner and address tax liens from prior years.	In process	Review of foreclosure property in process; presentation to Council in fall on property disposition. <b>Senior Tax Relief program launched successfully.</b> Update of tax lien policy completed, however recent legislative changes will require another update. Development of foreclosure process on hold until new Finance Director is onboard.

**TOWN MANAGER ANNUAL GOALS  
STATUS REPORT – 2018 FINAL**

Develop options to resolve the current Sewer Enterprise Fund challenges and implement as guided by Council.	Complete	Following two workshops and a public hearing, Council voted to adjust the rates. New rates are in effect for July.
Develop a Facility Master Plan to inform the Capital Improvement planning.	Complete	Facility Maintenance Supervisor is completing the building inventory process including creating an inventory of all systems (roofs, MEP systems, building envelopes) with details on useful life remaining and cost to replace. <b>Plan completed and ready for implementation into the overall CIP.</b>
Resolve the matter of the Library becoming a Town department, resolve the Taylor Building disposition, and advance the Library renovation and expansion project efforts.	In process	Taylor Building Com reviewing relevant documentation and discussing options. <b>Rice Building Com recommended a design team, contract negotiations are underway. Design will kick-off in Jan 2019. Transition Com is reviewing an MOU for the legal arrangement for the Library to become a Town Dept by 7/1/19</b>
<b>Continue to Improve Organizational Efficiency</b>		
<p>Continue to propose and implement Charter, Ordinance, and Rule changes that improve efficiency and effectiveness of town operations.</p> <ul style="list-style-type: none"> <li>○ Title 2 – Personnel</li> <li>○ Title 4 – Boards and Commissions</li> <li>○ Title 5 – Business Licenses and Regulations</li> <li>○ Title 6 – Animals</li> <li>○ Title 13 – Public Services</li> </ul>	On going	Town Council to vote on changes to Title 2 to reflect renaming of Recreation department; <b>Title 4 has been drafted and is under review by the Boards/Commissions/Committees and Town Attorney.</b>
Prioritize employee safety and reduction of workers compensation costs, take steps to begin reducing the town’s current experience modification factor of 1.23.	On going	Safety Committee is meeting regularly. Committee releases quarterly safety advisories and reviews claims. Awarded grants for safety equipment, and recent W/C and Liability inspections have had minimal corrective action identified. <b>Been informed by MMA the Mod Rate will be going down again; awaiting official rate.</b>

TOWN MANAGER ANNUAL GOALS  
STATUS REPORT – 2018 FINAL

<b>Increase Public Awareness and Engagement</b>		
Continue to improve town generated communications and ensure they are concise, accurate, and accessible for a variety of audiences	On going	Adjusted format and approach to public communications; KCC rebranding and redesign of website is launching. Star Theater is being wired to increase options for filming/broadcast of programs. Mobile broadcast unit being purchased.
Propose revisions to Title 4 that enhance public interest in volunteering to serve on boards, commissions and committees.	On going	Increased public notification and outreach for volunteers.

1  
2  
3 **Kittery Town Council**  
4 **Regular Meeting**  
5 **November 14, 2018 – 6:00 p.m.**  
6 **Council Chambers**  
7  
8

9 1. Call to Order: Chairperson Lemont called the meeting to order at 6:00 p.m.

10  
11 2. Introductory: Chairperson Lemont read the introductory.  
12

13 3. Pledge of Allegiance: Chairperson Lemont led those present in the Pledge of Allegiance  
14

15 4. Oath of Office to Newly Elected Officials: Chairperson Lemont asked Nicole Maurice, Town  
16 Clerk, to administer the oath of office to the newly elected officials.  
17

18 Ms. Maurice administered the oath of office to Cyrus Clark, Judith Spiller and Jeffrey Thomson.  
19

20 5. Roll Call: Answering the roll were: Councilors Judy Spiller, Jeffrey Pelletier, Jeffrey  
21 Thomson, Cyrus Clark, Matthew Brock, Vice-Chairperson Charles Denault and Chairperson Kenneth  
22 Lemont.  
23

24 6. The Kittery Town Council moves to elect a Chairperson for the ensuing year.  
25

26 Chairperson Lemont turned the meeting over to the Town Manager, who said they will move on to the  
27 election of the Chair and Vice Chair of the Council.  
28

29 Town Manager Amaral read from Roberts' Rules, and stated in accordance with what has been standing  
30 practice, opened the floor for nominations for Chair.  
31

32 **COUNCILOR PELLETIER MOVED TO NOMINATE COUNCILOR JUDY SPILLER AS CHAIRPERSON**  
33 **OF THE KITTEERY TOWN COUNCIL FOR THE ENSUING YEAR, SECONDED BY COUNCILOR**  
34 **THOMSON.**  
35

36 Town Manager Amaral asked if there were any other nominations for Chair, and seeing none, closed the  
37 nominations.  
38

39 **ROLL CALL VOTE WAS TAKEN, WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**  
40

41 7. The Kittery Town Council moves to elect a Vice-Chairperson for the ensuing year.  
42

43 Town Manager Amaral opened the floor for the nominations for Vice-Chair.  
44

45 **COUNCILOR LEMONT NOMINATED COUNCILOR MATT BROCK AS VICE-CHAIRPERSON OF THE**  
46 **KITTEERY TOWN COUNCIL FOR THE ENSUING YEAR, SECONDED BY COUNCILOR DENAULT.**  
47

48 Town Manager Amaral asked if there were any other nominations for Vice-chair, and, seeing none,  
49 closed the nominations.  
50

51 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**  
52

53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106

Town Manager Amaral said the process is closed.

Chairperson Spiller recognized Councilor Thomson.

Councilor Thomson said that seven of us are in by the casting of ballots, which determined who does the work and who falls short, perhaps for another day. He said last Tuesday, a gentleman who served the Town of Kittery, fell a little short.

Councilor Thomson said that Councilor Dennett will be known and remembered as the "Dean" of "shall's" and "wills". He said that Mr. Dennett served a very distinguished role for over 29 ½ years.

Councilor Thomson said at times, none of us here agreed with Mr. Dennett, and, at other times, all of us agreed with him. He said that he has served with Mr. Dennett the longest and he will certainly miss his sage wisdom among us and thanked him for his 29 ½ years of service.

Chairperson Spiller thanked Councilor Thomson and said that they all share that sentiment.

8. Agenda Amendment and Adoption: Chairperson Spiller asked if there were any adjustments to the agenda, and seeing none, cast one vote in favor of its adoption as presented.

9. Town Manager's Report:

Town Manager Amaral offered her congratulations to the new Councilors and returning Councilor and welcomed them. She also congratulated and thanked Town Clerk Nicole Maurice and her election team for a wonderfully ran election. She said the turnout was significant and despite the rain and the mud, there were lines but the due diligent efforts of the could be seen with them helping people and answering questions.

Town Manager Amaral said one of the improvements made by Ms. Maurice was getting out the unofficial results before midnight so people could have the answers to the referendum questions before they went to bed. She said this will continue for future elections.

Town Manager Amaral also thanked the Community Center staff for their support as well as the Police Dept. for directing traffic.

Town Manager Amaral said there are vacancies on Town Boards and Committees and encouraged residents interested in getting involved and having time to manage the commitment, to volunteer. She said to check out the website or to see the Town Clerk to apply for one of the boards.

Town Manager Amaral said she has provided a quarterly report update on the 2018 goals for the Town Council and herself.

Town Manager Amaral said they are implementing the parking amendments and launched the Foreside survey at the polls. She said to keep sending in your responses to the survey.

Town Manager Amaral said she is working with the School Committee and Supt. Waddell on the FY'19 budget trying to increase funding from the State to increase revenue for the 2020 budget.

Town Manager Amaral said the Master Plan draft is being developed as part of the CIP program and Council will see it this winter.

Town Manager Amaral reported that the Rice Library Committee received 9 proposals for design and are busy reviewing them and interviewing candidates.

107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160

Town Manager Amaral said they are prioritizing staff safety and their MOD rate will be going down. She said the MOD rate is the rate insurance companies use which is put on the rates, based on the number of risk factors.

Town Manager Amaral said it is early but they are watching revenue activity for Quarter 1 of FY'19 and the Homestead Exemption is coming in higher. She said it is a little more than \$63,000 over budget projections and is higher than last year. She said it is based on what our assessment ratio so right now it is an 85% assessment rate ratio. She said as that goes down, the Homestead Exemption goes down.

Town Manager Amaral said that the excise tax is up and the Code Enforcement Officer fees are coming in as what was projected. She thought expenditures will be okay for the end of the fiscal year, but she is nervous about that at all times. She said at this time, everything seems to be on track.

Town Manager Amaral said she built into the budget \$200,000 over for salt and snow operations, so if they have a milder winter, this can loosen the constraints on the budget. She said the Police Dept. will be at budget but they have hired three new Police Officers, who are going to the Academy while working, so they are paying for that.

Town Manager Amaral said the Sewer Dept. is doing well and that the Town Council had adopted new rates in June. She said they are already seeing revenue getting the Sewer Fund in the black.

Town Manager Amaral said she submitted the town's appeal to FEMA flood rates. She said she reported on this a few meetings ago so hopefully they will adjust the maps accordingly. She said Council had directed the Town Manager in 2014 to get donations and they have sent an incentive report to those who donated.

Town Manager Amaral said she has been meeting with Jessa Kellogg, Resource Protection Officer, the Conservation Commission and the Kittery Land Trust to address the conditions of Legion Pond and will be developing a strategy on how to resolve the issue.

Town Manager Amaral reminded everyone that the Holiday Parade is on Saturday, December 1<sup>st</sup> at 3:00 pm.

Chairperson Spiller asked if there were any questions.

Councilor Thomson said, through the Chair to the Town Manager, with the election just gone by and the next one almost two years away, he wanted to know if the town could possibly create a second voting site. He said they could divide the list by the alphabet, because there was a lot of waiting on line and problems with parking.

Councilor Thomson said if they continue with one site, is it possible for the poll workers to park elsewhere and have the KCC shuttle bring them back and forth to the Community Center. He said the field took quite a hit, as you know, and there were a lot more voters.

Chairperson Spiller asked the Town Manager to reply to how many absentee ballots were issued?

Town Manager Amaral looked to the Town Clerk and Ms. Maurice replied about 1700.

Chairperson Spiller said almost half of the residents voted.

Ms. Maurice responded that it was about one-third.

Chairperson Spiller asked if there were any other questions?

161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213

Councilor Lemont said to follow up on the comment about “Gourmet Alley” as it is called, Route 1, he received numerous calls about the flags disappearing. He said they are put up not only to make the town look nicer, but also to honor our veterans who served our country so we can have our freedom. He said they disappeared around Halloween and it bothers him that some people will stoop so low.

Councilor Lemont said he does not know if anything can be done, but there must be some way to get the word out that it is not appropriate to take down the flags.

Chairperson Spiller said she promised the Board of Appeals she would put in a special appeal to the residents to apply for the Board of Appeals. She said it was over a year ago when she sat in this chair so it feels comfortable. She put in a pitch if anyone is interested in joining the Board of Appeals there are two vacancies and it is a very interesting Board and terrific people are on the board.

10. Acceptance of Previous Minutes: September 24, 2018

Chairperson Spiller asked for any corrections to the minutes and some were noted. She asked Vice-Chair Brock if he would handle the motion on these minutes, since she was not present at that meeting.

Vice-Chairperson Brock said he would cast one vote to approve the minutes of Sept. 24<sup>th</sup> as amended.

11. Interviews for the Board of Appeals and Planning Board: none

12. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials. – none

13. PUBLIC HEARINGS: none

14. DISCUSSION:

- a. by members of the public

Chairperson Spiller asked if anyone wished to speak they may do so at this time, but please respect the three-minute timeframe.

Jerry Burns, 6 Wallingford Square, said he will speak briefly on the referendum question last week. He said in 2016 the citizens voted overwhelmingly for legalization, in 2017 the overwhelming majority voiced their approval of recreational marijuana and in 2018, the non-binding referendum it was voted to have retail marijuana stores in town.

Mr. Burns believed that the citizens have voiced their opinion quite clearly and asked the Town Council, Town Planner and Town Manager to begin the process of creating licensing standards for recreational marijuana in town, using the State regulations and recommendations of Kittery’s marijuana workshop. He said that the Town Planner has the necessary guidelines to craft changes to the ordinance.

Shaye Robbins, 402 Haley Road, Kittery Point, spoke about Frank Dennett and thanked him. She said she will miss him on the Town Council and is looking forward to see how they will replace his role on the Town Council. She said she voted for him many times and noticed his attention to detail with everything from spelling and grammar on minutes to budgets and liquor licenses.

Ms. Robbins said when he is spoken about on the Committees that she has been on, she always felt that Mr. Dennett would listen to whatever the Committee would bring forward, note the corrections, but never

214 block what the Committee was doing. She said he would say they should go back and they can improve  
215 this.

216  
217 Ms. Robbins wished to welcome the returning Council members. She said she does follow Mr. Burns'  
218 comments via Facebook and that, a few moments ago, the new Town Councilors took an oath, which  
219 included following the laws of the United States constitution. She said as Mr. Dennett had pointed out,  
220 when Council discussed marijuana, what was the definition so they could prohibit it in the Land Use  
221 code. She said they will be facing this on a State level, medical marijuana caregivers, but asked how do  
222 they address this on the town level?

223  
224 Ms. Robbins said, along those lines, with the non-binding referendum, asked what is the difference, and  
225 how are they going to handle binding versus non-binding. She addressed Councilor Clark and said she  
226 knows he is a medical marijuana caregiver. She wanted to know, moving forward, how he would handle  
227 the technical and conflict of interest rules relating to marijuana.

228  
229 c. Chairperson's Response to Public Comments:

230  
231 Chairperson Spiller said she would address the comments made about Frank Dennett, and then the  
232 marijuana issue. She said they will all miss former Councilor Dennett's expertise and that he was the  
233 parliamentarian on Council. She said she will nominate Councilor Thomson to fill that role, Mr. Dennett's  
234 attention to detail will be challenging.

235  
236 Chairperson Spiller said they are all aware and yes, the town did support the non-binding referendum  
237 question on marijuana. She said they could ignore it, but that would be unwise. She asked the Town  
238 Manager to look back to about one and one-half years ago when the ordinance was passed prohibiting  
239 the sale of retail marijuana. She said the Town Planner had heard testimony from a group associated  
240 with York Hospital and maybe they could bring them back. She said she does not want the town to  
241 assume the extra burden of enforcement and cost associated with marijuana. She said sometime in  
242 January, Council will need to have a workshop.

243  
244 Chairperson Spiller said that she, as well as the Vice-Chair, will be meeting with the Town Manager to  
245 discuss a strategy. She said they will address the conflict of interest when it comes up. She asked  
246 Councilor Clark if he would like to comment?

247  
248 Councilor Clark said that everyone should know that it is a slow-moving thing and he just sat down with  
249 his lawyers in Portland to see when recreational marijuana would be implemented and see a storefront  
250 and it will likely be 2020 later in the year.

251  
252 Councilor Clark said that if Council would be voting, he would abstain himself from voting or on being on  
253 any committee, if he was going to do something in Kittery. He said he has plans for an operation in  
254 Portland, and it has been in the works for a long time. He said he is looking out for his business interest,  
255 just as anyone would, but that is not the reason why he is on this Town Council.

256  
257 Chairperson Spiller asked if any other Councilors wanted to speak?

258  
259 Vice-Chairperson Brock thought that it is important to respect the will of the voters, even though it is non-  
260 binding. He said that this is a democracy and this was put out to vote, but he has concerns like  
261 enforcement and cost. He said there are a lot of issues that the Town Council will need to grapple with  
262 and they will be proceeding slowly. He said he does advocate having a workshop.

263  
264 Vice-Chairperson Brock addressed the citizens and said your public officials are responsive and are  
265 listening, but let us move forward and take the time and try to get it right.

266



267 Councilor Thomson agreed, saying this is a slow-moving train on this matter and he has been watching  
268 what is going on in Massachusetts. He said they have to recognize that every new legislator and  
269 Governor may decide to tweak it and it was passed in the last session, but the bottom line is they would  
270 have to vote to opt in.

271  
272 Councilor Thomson asked Chairperson Spiller if that was correct and she responded yes.

273  
274

275 15. UNFINISHED BUSINESS: none

276

277 16. NEW BUSINESS:

278

279 a. Donations/gifts received for Council disposition. – none

280

281 b. (110118-1) The Kittery Town Council moves to approve the disbursement warrants.

282

283 Chairperson Spiller asked Councilor Denault if he reviewed the Town and Sewer payables and were they  
284 in appropriate order.

285

286 Councilor Denault replied that they were.

287

288 Chairperson Spiller asked Councilor Pelletier if the School payable was in appropriate order and  
289 Councilor Pelletier responded that they are.

290

291 Chairperson Spiller read the amounts: Town = \$341,753.59; Sewer = \$12,594.61 and School =  
292 \$603,566.21 for a total of \$957,914.41.

293

294 **COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS READ,**  
295 **SECONDED BY COUNCILOR DENAULT. VOICE VOTE WAS TAKEN WITH ALL VOTING IN**  
296 **FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

297

298 c. (110118-2) The Kittery Town Council moves to discuss Council Rules for the ensuing year.

299

300 Chairperson Spiller said we have last year's version before Council. She suggested instead of "10<sup>th</sup>"  
301 newly revised it would be moved to "11<sup>th</sup> edition that is online.

302

303 Councilor Thomson said he did not have a copy of the existing rules in his packet and asked if they could  
304 perhaps act on this at the next meeting?

305

306 Chairperson Spiller said typically they discuss it and we would vote at the following meeting.

307

308 d. (110118-3) The Kittery Town Council moves to discuss appointment of Council members to  
309 ongoing Council Committees.

310

311 Chairperson Spiller asked if everyone got a copy of list. She said there are a couple of vacant spots, one  
312 is on the CIP Committee.

313

314 Councilor Denault said he would like to do that.

315

316 Chairperson Spiller suggested first, continuing with the Comprehensive Plan Update Committee and  
317 secondly, suggested adding another representative to the committee, a generic chair of the Council. She  
318 said they do not meet on a regular basis, maybe 2 -3 times a year, just to make sure and get a general  
319 sense, they are moving in the right direction.

320

321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374

Town Manager Amaral said that was discussed a number of times before the plan was finalized and it was agreed not to have a Committee going forward, but rather to adopt an action plan to decide what steps need to be taken.

Chairperson Spiller said several members of the present Committee were part of that and they all said the Committee should continue, so she was sort of at a loss.

Vice-Chair Brock thought, as representative on the Committee, at this point, he would be in favor of continuing the Committee, at least to have a clear path going forward on how the plan will be implemented.

Chairperson Spiller said the last Comprehensive Plan, people put a lot of time and work into it and she did not think anyone opened it. She said it is a substantial document and the Committee could at least guide the process and decide that it would be implemented, and if they do not need a Committee, we could either extend it or disband, but she would be reluctant to do that at this point.

Chairperson Spiller asked if there was any further discussion?

Councilor Thomson asked the Town Manager, through the Chair, after the town vote last week, will the Committee be getting together again, yes or no?

Town Manager Amaral replied no, there are no plans finalized and they did not include the Committee going forward.

Councilor Pelletier suggested that the Chair and the Town Manager put this on your list of things to discuss and come back to Council with a recommendation on how to proceed. He said there are benefits in both directions.

All Councilors were in agreement.

Councilor Thomson asked if they were leaving Councilor Brock as representative for the purpose of adopting this list?

Chairperson Spiller replied yes, and we can add another name.

Chairperson Spiller said the Kittery Community Center Board of Directors has a vacancy.

Councilor Thomson said that needed to be corrected because Councilor Pelletier was appointed in March and he believed that the appointment term goes to March 31, 2021.

Councilor Pelletier said that is how he saw it.

Councilor Denault asked if they skipped something?

Chairperson Spiller said she was waiting for people to mention what they wanted or if they wanted to step off as they go down the list. She said they will go by Committee.

Councilor Lemont wanted to continue serving on the Economic Development Committee.

Educational Scholarship Committee – Councilor Pelletier and Councilor Denault.

Trustees of the Trust Fund is the Chair.

375 Chairperson Spiller said she did discuss with the Vice-Chair him stepping aside and she would take over  
376 his spot, on the Kittery Open Space Advisory Committee.  
377

378 Vice-Chair Brock said that would okay, he has other Committees that he is serving on.  
379

380 Councilor Lemont said he wanted to step down from reviewing the disbursement warrants and let the  
381 new member be on.  
382

383 Councilor Clark said he would step into Councilor Lemont's slot.  
384

385 Chairperson Spiller asked Councilor Clark if he wanted the first slot for reviewing the Disbursement  
386 Warrant for Town Expenses. Councilor Clark agreed.  
387

388 Councilor Pelletier said he is fine remaining first in line to review the School Warrants.  
389

390 Chairperson Spiller said she would like to stay on the York River Study Committee.  
391

392 Chairperson Spiller said that Councilor Brock and Councilor Thomson are on the Taylor Building  
393 Committee; Councilor Denault and Councilor Pelletier are on the Library Building Committee.  
394

395 Chairperson Spiller asked the Town Manager if the work of the Transition Committee is still ongoing?  
396

397 Town Manager Amaral responded yes, they hope to be completed by the end of the fiscal year. She  
398 said she would like Council to consider letting Mr. Beers continue as representative on it, because of all  
399 the work that has gone into it and the short period of time remaining.  
400

401 Council agreed to let Mr. Beers continue as representative.  
402

403 Chairperson Spiller asked if they needed to vote on it?  
404

405 Councilor Thomson replied they usually have a clean copy prepared for them and they vote on it at the  
406 next meeting.  
407

408 e. (110118-4) The Kittery Town Council moves to approve a request from Burrrito Betty's and  
409 The Blue Mermaid to park their Mobile Units at the Kittery Premium Outlets #4 on Friday, November 23,  
410 2018.  
411

412 Chairperson Spiller said permission from the property owners and copies of the Victualers' licenses have  
413 been provided in Council's packets.  
414

415 **COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE THE REQUEST FROM**  
416 **BURRITO BETTY'S AND THE BLUE MERMAID TO PARK THEIR MOBILE UNITS AT THE KITTERY**  
417 **PREMIUM OUTLETS ON FRIDAY, NOVEMBER 23, 2018, SECONDED BY COUNCILOR PELLETIER.**  
418 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, MOTION CARRIES.**  
419

420 f. (110118-5) The Kittery Town Council moves to authorize the Town Manager to close  
421 departments, with the exception of essential personnel, the day after Thanksgiving, November 23, 2018,  
422 with the understanding that employees will use their personal accumulated time.  
423

424 **COUNCILOR THOMSON MOVED TO AUTHORIZE THE TOWN MANAGER TO CLOSE**  
425 **DEPARTMENTS WITH THE EXCEPTION OF ESSENTIAL PERSONNEL, THE DAY AFTER**  
426 **THANKSGIVING, NOVEMBER 23, 2018, WITH THE UNDERSTANDING EMPLOYEES WILL USE**  
427 **THEIR PERSONAL ACCUMULATED TIME, SECONDED BY COUNCILOR PELLETIER.**  
428

429 Chairperson Spiller asked if the Transfer Station would be open on Friday, and the Town Manager  
430 replied no, but it will be open Saturday.

431

432 **ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0. MOTION CARRIES.**

433

434 g. (110118-6) The Kittery Town Council moves to schedule a public hearing on Title 16 Land  
435 Use and Development – Shoreland and Resource Protection Overlay Zone amendments on December  
436 10, 2018.

437

438 Chairperson Spiller asked if they wanted to have a workshop before the public hearing. She said they  
439 could determine a workshop and put that on the agenda as well on the 26<sup>th</sup>.

440

441 Town Manager Amaral said that the Parks Commission would also like to discuss fees on November  
442 26<sup>th</sup>. She wanted to know if Council wanted back to back workshop or put it on another day before the  
443 10<sup>th</sup>?

444

445 Councilor Thomson suggested next Monday, the 19<sup>th</sup>?

446

447 Chairperson Spiller said they could have a workshop on November 19<sup>th</sup> at 5 pm.

448

449 Town Manager Amaral replied that she would reach out to the Planning Board to see if they would be  
450 available for that.

451

452 **COUNCILOR THOMSON MOVED THE TOWN COUNCIL HOLD A PUBLIC HEARING ON**  
453 **DECEMBER 10<sup>TH</sup> ON AMENDMENTS TO TITLE 16 LAND USE AND DEVELOPMENT – SHORELAND**  
454 **AND RESOURCE PROTECTION OVERLAY ZONES, SECONDED BY COUNCILOR PELLETIER.**  
455 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, MOTION CARRIES.**

456

457 h. (110118-7) The Kittery Town Council moves to authorize the Town Manager to make  
458 application for financial assistance under the provisions of the Land and Water Conservation Fund Act,  
459 Public Law 88-578 for development of Phase 2 of Emery Field Improvements and authorizes the Town  
460 Manager to enter into an agreement between the Town of Kittery and the State of Maine upon Federal  
461 approval of the above-identified project.

462

463 Chairperson Spiller asked the Town Manager if she would like to mention anything.

464

465 Town Manager Amaral responded yes, the Renovation Project. She said the Town Council approved  
466 Phase 1 in 2015. She said this included making improvements to the parking as well as expenditures  
467 rebates on repairs to the existing Recreation Building and construction of a new building. She said they  
468 are looking to complete the path around the park and repairs to the Basketball court.

469

470 Town Manager Amaral said the total cost would be \$609,000 for the construction and they can receive  
471 \$300,000 from the Land and Water Conservation Fund grant. She said in terms of meeting the other  
472 pool, there is money available in the Open Space fund and the CIP fund. She said every year Council  
473 votes to transfer money from unencumbered surplus and they can do that to match funds in order to get  
474 access. She said the current application is due on Friday.

475

476 **COUNCILOR THOMSON MOVED THAT THE TOWN MANAGER BE AUTHORIZED TO MAKE SAID**  
477 **APPLICATION FOR FINANCIAL ASSISTANCE UNDER THE PROVISIONS OF THE LAND AND**  
478 **WATER CONSERVATION FUND ACT, PUBLIC LAW 88-578, FOR DEVELOPMENT OF PHASE 2**  
479 **EMERY FIELD IMPROVEMENTS AND TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN**  
480 **AND THE STATE OF MAINE UPON FEDERAL APPROVAL OF THE PROJECT. COUNCILOR**  
481 **DENAUPT SECONDED THE MOTION.**

482

483 Chairperson Spiller asked if there was any discussion.

484

485 Councilor Lemont wanted to know how many phases are there for this project, and who do we anticipate  
486 using this field?

487

488 Chairperson Spiller asked the Town Manager to address the questions.

489

490 Town Manager Amaral said Phase 1 is the construction of the playing field for Lacrosse and Soccer and  
491 they also have adult regulars who use it. She said overall, it is likely they would like three phases, and  
492 may have a basketball court and a playground.

493

494 Chairperson Spiller wanted to know about whiffle or pickleball, it is fast-growing, or racquet sports.

495

496 Councilor Thomson said as a follow up, he does no people who play pickleball. He said it is growing in  
497 Kittery and it would be nice to have a facility like that in the summer months.

498

499 **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION**  
500 **CARRIES.**

501

502 i. (110118-8) The Kittery Town Council moves to authorize the release of funds in the amount of  
503 \$1,000 from unassigned funds (unencumbered surplus) as approved by the voters at the June 12, 2018  
504 Town Meeting, and to deposit said funds into account #101740-68427 Expense Self-Insurance Claims,  
505 to cover the cost of the deductible for an insurance claim.

506

507 **COUNCILOR THOMSON MOVED TO AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF**  
508 **\$1,000 FROM UNASSIGNED FUNDS AS APPROVED BY THE VOTERS AT THE JUNE 12, 2018**  
509 **TOWN MEETING AND TO NOTE THAT THERE IS NOTHING IN THAT ACCOUNT NUMBER 101740-**  
510 **68427, EXPENSE SELF-INSURANCE CLAIMS TO COVER THE COST OF THE DEDUCTIBLE FOR**  
511 **AN INSURANCE CLAIM, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS**  
512 **TAKEN WITH ALL VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

513

514

515 17. COUNCIL COMMENTS / ISSUES:

516

517 Chairperson Spiller started with Councilor Lemont and asked if he had any comments.

518

519 Councilor Lemont said, in his capacity as Chair, a letter was sent to himself, the Town Manager, Chair of  
520 the Port Authority and the Harbor Master from the Chair of the Conservation Commission regarding the  
521 clean-up on Crescent Beach indicating that the lobstermen using tie wraps is a serious problem. He said  
522 the Town Council could come up with a solution to this issue and address this problem. He said he  
523 would give the letter to the Town Manager.

524

525 Councilor Lemont congratulated Chairperson Spiller on her new leadership role and said he looked  
526 forward to working with her.

527

528 Councilor Denault asked about the Boston Cane award. He said he knows they are not at that point yet,  
529 but he wanted to be ready when it comes.

530

531 Councilor Pelletier welcomed the new Councilor and said welcome back to Councilor Thomson and  
532 Chairperson Spiller and he looked forward to a productive year. He hoped they were all up for the  
533 challenges going forward.

534

535

536 Vice-Chair Brock said the Kittery Workforce Coalition put on a two-day workshop on Affordable Housing  
537 at 25 Walker Street and are looking to use that as a model. He said it was well-attended and they had  
538 bankers, 3-4 architects and landscapers. He said this is a quality professional group who are in the  
539 process of preparing a report for the town. He said they hopefully will have something to present to the  
540 Town Council after January 1<sup>st</sup>. He said he would like Council to consider what action they will take  
541 moving forward on this item.

542  
543 Vice-Chairperson Brock appreciated the vote of the Council making him Vice-Chair and welcomed Judy  
544 Spiller as the new Chair. He said he is looking forward to mastering the procedural intricacies of Council  
545 practice and thanked Council for their support.

546  
547 Councilor Thomson said the way Christmas falls next month, he wants to try to have one meeting in  
548 December and suggested possible ways to that that. He said they have a workshop with the School  
549 Committee to discuss the annual budget and they offered to have a workshop prior to their regular  
550 meeting on December 4<sup>th</sup>. He wanted to know if it was possible to have the municipal budget workshop  
551 prior to the December 10<sup>th</sup> meeting.

552  
553 Councilor Thomson wanted to know where do we go from here regarding the Comprehensive Plan? He  
554 said they have a checklist for the first year under the new Comprehensive Plan Committee with Council  
555 and various Boards starting to pursue.

556  
557 Councilor Thomson wanted to know the status of John Paul Jones Park. He said he put a message out  
558 to Representative Rykerson regarding the process for the park to be turned over to the town but wanted  
559 to know if it starts all over again or can Gov. Mills sign a conveyance deed to turn the park over?

560  
561 Councilor Thomson said he would like to have a workshop with members of DOT to talk about the speed  
562 limits and the roads getting beaten up.

563  
564 Councilor Thomson said he would like some discussion on owners of vacant rentals since that issue is  
565 coming to a head.

566  
567 Chairperson Spiller asked if Councilor Thomson was suggesting a budget workshop on December 4<sup>th</sup>.

568  
569 Councilor Thomson responded it usually takes about 30 minutes.

570  
571 Chairperson Spiller said she will be on her annual trip to Haiti but they have a very capable Vice-Chair  
572 who can run the meeting instead.

573  
574 Vice-Chair Brock asked if this is a workshop?

575  
576 Councilor Thomson replied yes, they sit down and get some sense from Town Council what our hope will  
577 be for the budget package.

578  
579 Vice-Chair Brock asked if they knew if the School Committee would be available for the workshop?

580  
581 Councilor Thomson responded no, they do not.

582  
583 Chairperson Spiller asked the Town Manager to work with Supt. Waddell to see if that is an option. She  
584 said December 10<sup>th</sup> will be a budget workshop and a workshop with the Parks Commission on November  
585 26<sup>th</sup>.

586  
587 Chairperson Spiller said there will be a workshop on November 19<sup>th</sup> with the Planning Board and Town  
588 Manager and asked what are you looking for in that workshop?

589

590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632

Councilor Thomson said the Town Council goals would be part of it, but he would like not to be Christmas Eve.

Town Manager Amaral said she does not usually work on the goals until January after she works on the CIP plan.

Chairperson Spiller said this Fall, the #1 issue is congestion and speeding from the Shipyard, which is a major problem. She said those are time times people are speeding on our roads. She asked if there was a way they could look at State Road with DOT – from the traffic circle to the malls. She said people are going to fast, the speed limit goes from 25 to 35 mph but some people are going 45 mph.

Chairperson Spiller said that short term rentals is a growing issue and thought it would be useful for us to look at that.

Chairperson Spiller said in her year of exile, they spoke about transparency on Council. She said what is there not to see unless you are not looking. She said they will ramp up periodic communication to the public from what they were doing. She said the town does a good job but, in her opinion, when it comes to communication, more is better.

Chairperson Spiller congratulated her fellow Councilors and welcomed Councilor Clark. She asked Councilor Thomson how many years has it been that he has served on Council.

Councilor Thomson responded 22 years.

Chairperson Spiller said she had a very helpful conversation with Councilor Lemont the other night and thanked him.

18. COMMITTEE AND OTHER REPORTS: none

19. EXECUTIVE SESSION: none

20. ADJOURNMENT:

**COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 7:20 P.M. SECONDED BY COUNCILOR DENAULT. VOICE VOTE WAS TAKEN AND ALL WERE IN FAVOR, 7-0. MOTION CARRIES. MEETING ADJOURNED.**

Respectfully submitted,

Barbara Boggiano  
Recording Secretary

1  
2  
3 **Kittery Town Council**  
4 **Regular Meeting**  
5 **November 26, 2018 – 6:00 p.m.**  
6 **Council Chambers**  
7

8 1. Call to order: Chairperson Spiller called the meeting to order at 6:00 p.m.

9  
10 2. Introductory: Chairperson Spiller read the introductory.

11  
12 3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.

13  
14 4. Roll call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey  
15 Thomson, Cyrus Clark, Kenneth Lemont, Matthew Brock, Vice-Chair and Judy Spiller, Chair.

16  
17 5. Agenda Amendment and Adoption:

18  
19 Chairperson Spiller asked if there were any adjustments to the agenda and, seeing none, cast one vote  
20 to approve the agenda as presented.

21  
22 6. Town Manager's Report: Town Manager Amaral wanted to welcome new members of the Police  
23 Dept. and introduced Police Chief, Robert Richard. She asked if he would like to say a few words.

24  
25 Chief Richard thanked the Town Manager promised he would make the Kittery Police Dept. the best  
26 there is. He said he is looking forward to working with everyone.

27  
28 Town Manager Amaral said he has extensive experience in full-time law enforcement and has been a  
29 Deputy Police Chief in Wilmington for 12 years. She said he has a Bachelors' Degree in Criminal Justice  
30 and graduated from the FBI National Academy.

31  
32 Town Manager Amaral said that new Police Officers, Cory Blancato and Michael Webster are both Army  
33 veterans and Officer Webster is also the recipient of a Purple Heart. She said he has law enforcement  
34 experience working with the Dept. of Defense. She said that Officer Blancato has law enforcement  
35 experience in the towns of Raymond and Barrington.

36  
37 Town Manager Amaral said that Andrew Noyes is the new dispatcher, who comes from South Berwick  
38 and is experienced in public safety.

39  
40 Town Manager Amaral announced new detectives, replacing retired Detectives Hazen and Hamel:  
41 Detective Brian Cummer has been with the Police Dept. since 2006 and was the Community Liaison  
42 Officer and Detective Ryan Sanford has been with the Police Dept. since 2013 and was Cadre at the  
43 Maine Criminal Justice Academy.

44  
45 Town Manager Amaral said that Pauline Brewster comes from South Berwick Water District and has  
46 experience in utility bookkeeping and management and Lisa Harkin returned to the School Dept.

47  
48 Town Manager Amaral announced some upcoming dates: Holiday Parade, 3:00 p.m. Sat., December  
49 1<sup>st</sup>; Breakfast with Santa is at the KCC on Saturday, December 15<sup>th</sup> at 8:30 am; Holly Jolly Trolley  
50 December 6<sup>th</sup> and 7<sup>th</sup>.

51  
52 7. Acceptance of Previous Minutes: none



53  
54 8. Interviews for the Board of Appeals and Planning Board:

55  
56 **Planning Board – three positions effective immediately until 12/31/21**

- 57  
58
  - 59 • Alan Rindler
  - 60 • Karen Kalmar
  - 61 • Mark Alesse
  - 62 • Dutch Dunkelberger
  - 63 • Pamela Edwards (withdrew)

64 Chairperson Spiller said she would like to waive the interview normally done, but did not want to impose  
65 her will. She asked if Council is willing to move ahead?

66  
67 Councilor Denault wanted to know if the Town Council says we have to do interviews?

68  
69 Chairperson Spiller replied they have rules.

70  
71 Councilor Thomson said the last time this occurred, he believed that Council's decision was to have each  
72 incumbent appear that night and we would have it on the agenda so questions could be asked and we  
73 could meet the requirements.

74  
75 Chairperson Spiller asked if the Town Council was comfortable with that?

76  
77 Councilor Pelletier believed there was a distinction made and said it makes sense for them to be here  
78 and to move forward with re-appointments without the necessity of an interview.

79  
80 Chairperson Spiller said that Mr. Rindler is here and this is an uncomfortable situation. She said he was  
81 invited and should be given a chance to have his say. She said they would start with Karen Kalmar.

82  
83 Ms. Kalmar said in lieu of Mr. Dunkelberger's condition, she was trying to concede the podium to him  
84 since he just had surgery.

85  
86 Ms. Kalmar said that it is an absolute joy a minute serving the community and she would be honored to  
87 continue.

88  
89 Chairperson Spiller asked if she would like to speak on Mr. Dunkelberger's behalf?

90  
91 Ms. Kalmar replied she could not speak more highly of anyone.

92  
93 Mr. Alesse said he was glad Chairperson Spiller made that decision. He said they have finally gotten to  
94 the point where we have a good group of people on the Board, which has not always been the case. He  
95 said they are professional, qualified people and if you do not have good people on that board, people do  
96 not make good decisions when we are meeting later.

97  
98 Mr. Alesse said he knows Council has adopted rules, where they gather names for a pool, but he thought  
99 they should pick people who have the most professional experience and not give the appointment to  
100 someone who is the next person on the list. He said it is not an easy job and he thought that a vote from  
101 the Planning Board should be added to the process. He said we know what we need and it takes a lot of  
102 work. He said they have a great composition now.

103  
104 Chairperson Spiller said the pool is handled by the Town Clerk, but Council has to vote on the  
105 composition.

106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158

Mr. Dunkelberger said he enjoyed being on the Board and everyone comes to the table being open-minded. He said he is very proud to be a member of the Planning Board and that is why he is re-applying.

Chairperson Spiller asked Mr. Rindler if he wanted to speak about why he wanted to be on the Planning Board.

Mr. Rindler said he got a call last week and he had applied a couple of years ago. He said he had indicated Planning Board as a possibility, on an as needed basis. He thought there were vacancies but he thought it is appropriate for the members to continue in his opinion. He said he would withdraw his name and support the people who are up for re-election.

Chairperson Spiller asked him if he would like to stay in the pool?

Mr. Rindler replied yes.

Chairperson Spiller said that Ms. Edwards has withdrawn her application to both the Planning Board and the Board of Appeals.

**COUNCILOR PELLETIER MOVED TO RE-APPOINT KAREN KALMAR, MARK ALESSE AND DUTCH DUNKELBERGER TO THE PLANNING BOARD EFFECTIVE IMMEDIATELY TO SERVE THROUGH DECEMBER 31, 2021, SECONDED BY COUNCILOR CLARK.**

Chairperson Spiller asked for any discussion.

Councilor Denault said he will support the motion; however, he felt that Mr. Alesse has brought up a good point, as he stated, regarding applicants for the Planning Board. He said it would make it easier to interview candidates and would follow due process.

Chairperson Spiller said they do have Title 4 coming up.

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

**Board of Appeals – two positions effective immediately until 12/31/21**

- Vern Gardner
- Suzanne Dwyer-Jones
- Pamela Edwards (withdrew)

Chairperson Spiller said that since Ms. Dwyer-Jones is not physically present to be interviewed, we can interview Mr. Gardner, but we cannot appoint them. She asked Mr. Gardner if he would like to wait until the next meeting or be interviewed tonight.

Mr. Gardner replied he would wait until the next meeting.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials. (none)

10. PUBLIC HEARINGS: (none)

11. DISCUSSION:

159 Chairperson Spiller said they do have the Business Park on the agenda tonight, and since they didn't get  
160 a chance to comment, this is your opportunity if you have anything more to add to our subsequent  
161 discussion on the Business Park. She opened the public discussion and asked anyone wishing to speak  
162 to state their name, address and limit their comments to three minutes.

163

164 a. Discussion by member of the public:

165

166 Willie Goodson, Martin Road, said he spoke to a lot of residents and they are not happy with the re-  
167 zoning and Council should do what the residents want. He asked why are they re-zoning an area when  
168 they are not sure how it will affect everything? He said the residents told Council they do not want it and  
169 they do not understand it and he wanted to know how can Council sit here tonight and vote for it.

170

171 Chairperson Spiller asked if there was anyone else who wished to speak.

172

173 Mr. Shawn Harris, Piccott Rd., Kittery wanted to address the York River Study proposed resolution, but  
174 said it should be delayed a month. He said there were many topics left undiscussed that should be  
175 discussed and should be communicated to the actual owners of the parcels that will be affected by it. He  
176 said a workshop for the land owners should not cause too much havoc. He said one thing in the  
177 workshop was they avoided discussion on what is being done.

178

179 Mr. Harris said there will be no Federal taking of land. He said the land in town in the current watershed  
180 is not where it might be in the future. He said it goes up a 1000 ft. embankment and goes down to the  
181 current watershed and that parcel is excluded from the building envelope. He said the land owner  
182 cannot use it, or get a fair market value for it, and it takes more land than is currently needed.

183

184 Mr. Harris mentioned errors in the FEMA Flood Plan which is not where it might be in 20 years. He said  
185 what was discussed was there would be no additional costs. He said he hated to go into in-depth  
186 accounting but there will be indirect and direct costs associated with this.

187

188 Mr. Harris said the town is hiring a consultant to streamline the current code and they are adding a whole  
189 section to make it more consistent. He said he had another question and wanted to know if it would be  
190 affecting the revenues as well. He said that the town can say a parcel is "open space" but State  
191 regulations say it has a reduced value, depending upon the type of open space percentage, and there  
192 will be an additional cost with the reallocation of taxes from the parcel which will increase the tax base to  
193 everyone else.

194

195 Chairperson Spiller noted that Mr. Harris was getting close to his three-minute limit.

196

197 Mr. Harris said a workshop is needed and that Council should consider maybe not voting on it tonight,  
198 but moving the resolution to the Dec. meeting.

199

200 Mr. Ron Ledgett, Kittery, wanted to make two points. He said first, he was a Planning Board member  
201 when this draft ordinance was voted on and he was one of the members who voted against it because of  
202 the height allowed, which was 70 ft., but changed to 50 ft. He said he supports the ordinance as it is  
203 written now.

204

205 Mr. Ledgett said the second point is that concerns were raised in the public hearings before the Planning  
206 Board where, despite the ordinance structure, things can happen, and with the permit by rule, resulted in  
207 the filling of wetland, which damaged houses and properties adjacent to the building. He said this is a  
208 concern the town needs to address. He thought that the ordinance, Title 16, is a commitment by the  
209 town to have the development occur in a way that people can anticipate how their property will be  
210 handled and that somehow the makers of the features should be subverted.

211

212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264

Mr. Ledgett said the loud concern of the residents surrounding the area of the Business Park are not addressed by the ordinance and should be. He asked Council if it is clear, the points he is making here?

Chairperson Spiller responded yes.

Frank Dennett, Kittery Point, wanted to extend his congratulations to Councilor Clark on his election to the Council and to Chairperson Spiller, who has returned to the Town Council after some rest and recreation. He said he perhaps will take her example. He wanted to congratulate Councilor Thomson on his re-election but said perhaps it should be condolences as he is now the senior member of the Town Council.

Mr. Dennett also wanted to extend his thanks to the citizens of Kittery and Councilors while he was serving in office.

Mr. Dennett said there was a grievous error on the agenda as approved and posted. He called Council's attention to items 13 (d) and (e) under "New Business" for liquor license applications for the Blue Mermaid and the Loyal Order of the Moose. He said they were written backwards and if voted to approve as written, it will be a grave disservice to the applicants.

Chairperson Spiller asked if anyone else wished to speak and there was no other public comment.

c. Chairperson's response to public comments:

Chairperson Spiller addressed Mr. Goodson first by saying the Business Park is a challenging situation. She said she was at the Workshop and most of the meetings when residents spoke about their concerns. She said the Town Manager has made a few more tweaks and she thought that these changes make the ordinance more protective of the residents. She said the change in the ordinance will yield something better than what the current ordinance would have yielded.

Chairperson Spiller said she hopes the citizens know that some of the Councilors will be watching closely for any sort of development taking place in that area to make sure that the environment is protected. She said she knows that traffic is a significant issue and further development will have a big impact on that.

Chairperson Spiller addressed Mr. Harris, saying he had covered several different points. She said the York River resolution is on the agenda tonight but Council may decide to postpone taking action on it. She said they had a number of hearings on it and two weeks ago they held a workshop. She said every resident in the York River watershed in Kittery received a notice outlining what steps we would be doing. She said they did not hear from very many people.

Chairperson Spiller said they have been working with other communities as part of this and there is no Federal taking of land and that is the way the amendment to the Legislative Wild & Scenic Rivers Act is written. She said there is no public access on the watershed and no changes in the land use. She said the only bodies that can change the land use ordinance are the local town governments. She said the Stewardship Committee is purely for guidance purposes.

Chairperson Spiller said what she heard from being on the York River Study Committee and talking with other communities is that there are no changes to the FEMA flood plan, but she is not familiar with the current FEMA flood plan, to comment.

Chairperson Spiller said Mr. Harris mentioned codification as part of the York River partnership but there are no changes in the land use and no increase in cost.

265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317

Chairperson Spiller addressed Mr. Ledgett, saying, regarding permit by rule, the Economic Development Committee and the Town Manager have their antennae up regarding any potential environmental impacts and will be watching this area closely.

Chairperson Spiller addressed Mr. Dennett and said it is always a pleasure to see him. She thanked him for his service to the Town Council and to the community. She said that the agenda has been changed to reflect that grievous error.

12. UNFINISHED BUSINESS:

(090218-1) The Kittery Town Council moves to ordain zoning amendments to Title 16 – Land Use and Development Code, Title 16.3.2.10 – Business Park.

Chairperson Spiller said this item is a continuation of a motion (made by Councilor Thomson and seconded by Councilor Denault) from the Sept. 24<sup>th</sup> meeting to postpone and asked the Town Manager to give Council some background on the changes to the Business Park ordinance.

Town Manager Amaral said they conducted a public forum on October 29<sup>th</sup> and responded to questions. She said she will go through the code proposal but from that discussion, they heard that Martin Road residents are concerned their neighborhood will become a through way for this zone. She said they have updated the code to a 100 ft. buffer which was a boundary change recommended by the Town Council. She said they had multiple conversations with the Martin Road residents and they followed up on any reports of illegal filling.

Town Manager Amaral said they had conversations with the residents regarding the sewer expansion, which was brought up as part of the discussion on the zoning amendments. She said they are looking at anything within the contract that they can do with potential issues of blasting with this particular zoning change. She said the question she had was which board has jurisdiction and requested the Planning Board define uses. She said the Planning Board does have jurisdiction and that the Board of Appeals cannot be appealed to. She said the aggrieved applicant would have to go to Superior Court.

**COUNCILOR THOMSON FURTHER MOVED TO AMEND THE ORDINANCE AS PREVIOUSLY AMENDED AND THAT SEC. 16.3.2.10 (D) LINE 121, MINIMUM FRONT SETBACK ON MARTIN ROAD TO BE 100 FT., SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN, WITH SEVEN VOTING IN FAVOR OF THE AMENDMENT. MOTION CARRIES.**

Chairperson Spiller asked if there was further discussion.

Councilor Thomson said this has certainly been a long winding road to quote the song and work began well over three years' ago. He said he was Council rep on the Economic Development Committee at the time and one area they wanted to tune in on was what he suggested, a full-time Economic Development Director. He said it took awhile, with changing Managers, but Adam Causey joined us with a priority of looking at all zoning in areas perhaps contrary to State law. He said that both Mr. Causey and the Economic Development Committee have done an excellent job.

Councilor Thomson said the Planning Board spent many hours on the ordinance and Council has had many discussions, they held the required public hearing, and delayed action on the ordinance until they held a public forum on October 29<sup>th</sup>. He was disappointed at the turn-out but legitimate concerns were raised and addressed that evening. He believes the proposal has been thoroughly vetted. He said the proposed zone will be a net positive for the community and the possibility of something happening. He said he is prepared to vote on this and moved the question.

318 Vice-Chair Brock said he appreciated Councilor Thomson's summary of the whole process. He said  
319 there has been a lot of thinking gone into it before Council and they deferred action to have a public  
320 hearing and be more transparent. That said, he asked if he was completely free of concern and stated  
321 this is a tough site. He said there are wetlands and vernal pools, but thought that what is being proposed  
322 is better than what was offered and he has no problems with it.

323  
324 Councilor Clark spoke to Mr. Goodson's comment and said he is on Vice-Chair Brock's page. He said it  
325 is not Mixed Use or nothing, but this is private property and someone owns it and they have a right to  
326 develop it. He also thought that it is a better alternative than previously submitted and he wanted to  
327 make it clear that he was ready to vote on the proposed changes.

328  
329 Councilor Denault said he has taken a look at this and, addressing Mr. Goodson, spoke with the  
330 neighbors on Martin Road. He said he understands their plight, but this is better and that Council made  
331 sure they did everything they could do going forward. He said he has proved himself to the residents of  
332 Martin Road and that this is better than what could go in that pit right now.

333  
334 Councilor Lemont said he would like thank the Planning Board, it's been a long journey for them. He  
335 said they had numerous workshops and they addressed his concerns, namely, the height and the  
336 extension of the C1 and C2 zones. He said like his fellow Councilors, he believes this is better than what  
337 was previously brought forward. He said, with every use, no matter what they propose, it will have to go  
338 back to the Planning Board. He said this is not a done deal, and he will be voting for this amendment.

339  
340 **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION**  
341 **CARRIES.**

342  
343 13. NEW BUSINESS:

- 344  
345 a. Donations/gifts received for Council disposition – none  
346  
347 b. (110218-1) The Kittery Town Council moves to approve the disbursement warrants.

348  
349 Chairperson Spiller asked Councilor Lemont if he reviewed the Town and Sewer payables and are they  
350 in order?

351  
352 Councilor Lemont replied yes, they are in due form.

353  
354 Chairperson Spiller asked Councilor Pelletier if the School payable is in appropriate form.

355  
356 Councilor Pelletier replied yes, it is.

357  
358 Chairperson Spiller read the amounts: Town = \$89,952.35; Sewer = \$11,682.73; School = \$156,494.86  
359 for a total of \$258,129.94.

360  
361 **COUNCILOR THOMSON MOVED THE DISBURSEMENT WARRANTS BE PAID AS PRESENTED,**  
362 **SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE.**  
363 **MOTION CARRIES.**

364  
365 c. (110218-2) The Kittery Town Council moves to accept the resignation of Fran Farr from the  
366 Rice Library Building Committee.

367  
368 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT THE**  
369 **RESIGNATION OF FRAN FARR FROM THE RICE LIBRARY BUILDING COMMITTEE, WITH**  
370 **THANKS FOR HER SERVICE. COUNCILOR PELLETIER SECONDED THE MOTION.**

371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

d. (110218-3) The Kittery Town Council moves to approve a renewal application from Bedrock Restaurant ENT. INC., 10 Shapleigh Road, Kittery, Maine for a Malt, Vinous and Spirituous License for The Blue Mermaid, 10 Shapleigh Road, Kittery.

Chairperson Spiller said the Code Enforcement Officer has conducted an inspection of the premises and found the business to be compliant with the Kittery Town Code.

**COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM BEDROCK RESTAURANT ENT. INC., 10 SHAPLEIGH ROAD, KITTEY FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE BLUE MERMAID, 10 SHAPLEIGH ROAD. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

e. (110218-4) The Kittery Town Council moves to approve a renewal application from the Loyal Order of Moose No. 444, 76 U.S. Route 1 Bypass, Kittery, Maine for a Malt, Vinous and Spirituous License for the Loyal Order of Moose, No. 444, 76 U.S. Route 1 Bypass, Kittery, Maine.

Chairperson Spiller said the Code Enforcement Officer has conducted an inspection of the premises and found that the business is in compliance with the Kittery Town Code.

**COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM THE LOYAL ORDER OF MOOSE NO. 444, 76 U.S. ROUTE ONE BY-PASS, KITTEY FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE LOYAL ORDER OF MOOSE, NO. 444, 76 U.S. ROUTE ONE BY-PASS, KITTEY.**

Chairperson Spiller asked if there was any discussion by Council on this item?

Councilor Lemont said, for clarification, line 16 on the application, it is closer to a church than a school.

Chairperson Spiller asked the Town Clerk to make a note of that.

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

f. (110218-5) The Kittery Town Council moves to appoint Council members to on-going Council committees.

Chairperson Spiller said she proposes a change of membership on the Comprehensive Plan Update Committee to include the Chair and the Vice-Chair and she will be happy to provide an updated charge at the next meeting. She asked if the Council was comfortable with that change?

**COUNCILOR THOMSON MOVED THAT THE LIST OF STANDING AD HOC AND COUNCIL COMMITTEES APPOINTMENTS, WITH THE CHANGE TO THE COMPREHENSIVE PLAN UPDATE COMMITTEE AS NOTED, WITH THE CHAIR AND VICE-CHAIR AS MEMBERS BE APPROVED. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

g. (110218-6) The Kittery Town Council moves to adopt Council Rules for the ensuing year.

424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476

Chairperson Spiller said the only change she noted was this should be the “11<sup>th</sup> edition of Roberts’ Rules”.

**COUNCILOR THOMSON MOVED TO ADOPT THE COUNCIL RULES FOR THE ENSUING YEAR WITH THE NOTATION THAT IT IS THE ELEVENTH EDITION OF ROBERTS RULES, SECONDED BY COUNCILOR DENAULT. ROLL CALL VTOE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

h. (110218-7) The Kittery Town Council moves to propose a York River resolution.

Chairperson Spiller said she will read the resolution and reminded Council that the York Select Board recently approved this, on a 2-1 vote, Eliot Select Board, 7-1 vote and she believed that the South Berwick Town Council was considering the resolution this evening.

Chairperson Spiller said that the study has taken place over three years and was created by an Act of Congress.

Chairperson Spiller said they went through the process and it is their understanding of the program that the Federal government is not taking any private land and there will be no changes in the land use. She said each community would have to change the language and the Town of York had a big debate about this question. She said the stewardship plan covers a wide area, 100 miles of the river and streams and the Kittery Water District is part of the committee.

Chairperson Spiller read from the plan and said the primary responsibility is the scenic water wetlands which includes rivers that are on Federal lands. She said this is for the river that goes through private lots to protect the water quality and the land resources.

Chairperson Spiller said there was public notice as to what the Committee was doing and a post card was sent out to everyone in the watershed. She said local access Channel 22 had a presentation on the value of the river and the reason for protecting it played for a long time. She said there also were numerous articles in the newspapers.

Chairperson Spiller read the resolution:

*“Kittery Town Council Resolution endorsing Designation of the York River and its major tributaries as a Partnership Wild and Scenic River under the 1968 Wild and Scenic Rivers Act (16 USC 1271-1287) and further, endorsing the York River Study Committee’s proposed York River Watershed Stewardship Plan.*

*Whereas, the York River is an iconic feature of our region with unique biological, historical, and economic features; and Whereas, the locally-appointed York River Study Committee’s three-year study of the York River watershed documents the importance of the York River’s features to our region;*

*Whereas, the York River and its tributaries require long-term protection best accomplished through coordinated oversight by the four watershed communities (Kittery, Eliot, South Berwick, and York) with representatives appointed by those communities; and*

*Whereas, designation does not include any federal acquisition or management of lands; public access on private lands; any changes in land use regulation unless approved by each community; nor any financial obligation on the watershed communities;*

*Now, therefore, be it resolved that the Kittery Town Council supports designation of the York River and its major tributaries as a Partnership Wild and Scenic River under the 1968 Wild and Scenic Rivers Act and further, the adoption of the York River Study Committee’s proposed York River Watershed Stewardship Plan. “*



477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528

COUNCILOR PELLETIER MOVED THE RESOLUTION, ENDORSING DESIGNATION OF THE YORK RIVER AND ITS MAJOR TRIBUTARIES AS A PARTNERSHIP WILD AND SCENIC RIVER, SECONDED BY COUNCILOR THOMSON.

Chairperson Spiller asked if there was any discussion by Council?

Councilor Denault responded for the record, he was reserved when this started coming forward as another attempt of the Federal Government to get involved in local matter and wanted to know if Chair Spiller was a Council rep on the Committee at the time?

Chairperson Spiller replied yes, she was.

Councilor Denault said as this went on, and Councilor Spiller brought back reports, a lot of his questions were answered. He said that Mr. Harris was at the podium and he wanted to share an e-mail he received from Mr. Dow, inviting him and now he is not here. He thanked Chairperson Spiller for bringing forth this information and said he will support the resolution.

Chairperson Spiller said she met with the Director of the Dept. of the Interior one year ago to go over the programs.

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

i. (110218-8) The Kittery Town Council moves to approve and sign the policy on the Treasurer's Disbursement Warrants for Employee Wages and Benefits, designating three Councilors who may review, approve and sign such warrants, to expire on November 30, 2019.

**COUNCILOR THOMSON MOVED TO APPROVE AND SIGN THE POLICY ON THE TREASURER'S DISBURSEMENT WARRANTS FOR EMPLOYEE WAGES AND BENEFITS, DESIGNATING COUNCILORS THOMSON, CLARK OR PELLETIER WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, TO EXPIRE ON NOVEMBER 30, 2019. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**

j. (110218-9) The Kittery Town Council moves to approve and sign the policy on Treasurer's Disbursement Warrants for Municipal Expenses, designating three Councilors who may review, approve and sign such warrants, to expire on November 30, 2019.

**COUNCILOR THOMSON MOVED TO APPROVE AND SIGN THE POLICY ON THE TREASURER'S DISBURSEMENT WARRANTS FOR MUNICIPAL EXPENSES, DESIGNATING COUNCILORS CLARK, DENAULT OR LEMONT WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, TO EXPIRE ON NOVEMBER 30, 2019, SECONDED BY COUNCILOR PELLETIER.**

Chairperson Spiller wanted to know if Councilor Clark has had the benefit of anyone sitting down with him to explain the process?

Town Manager Amaral and Councilor Clark replied yes.

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

529 k. (110218-10) The Kittery Town Council moves to approve and sign the School Department  
530 policy on the General Disbursement Warrants for Educational Expenses, designating three Councilors  
531 who may review, approve and sign such warrants, to expire on November 30, 2019.  
532

533 **COUNCILOR THOMSON MOVED TO APPROVE AND SIGN THE SCHOOL DEPARTMENT POLICY**  
534 **ON THE GENERAL DISBURSEMENT WARRANTS FOR EDUCATIONAL EXPENSES, DESIGNATING**  
535 **COUNCILORS PELLETIER, THOMSON OR BROCK WHO MAY REVIEW, APPROVE AND SIGN**  
536 **SUCH WARRANTS, TO EXPIRE ON NOVEMBER 30, 2019.**  
537

538 l. (110218-11) The Kittery Town Council moves to appoint Brian Kilroy to serve as a full member  
539 on the Kittery Community Center Board of Directors until 12/31/2021.  
540

541 **COUNCILOR PELLETIER MOVED THAT THE KITTEERY TOWN COUNCIL APPOINT BRIAN KILROY**  
542 **TO SERVE AS A FULL MEMBER ON THE KITTEERY COMMUNITY CENTER BOARD OF**  
543 **DIRECTORS UNTIL 12/31/2021, SECONDED BY VICE-CHAIRPERSON BROCK.**  
544

545 Vice-Chairperson Brock said he met with the Chair to interview Mr. Kilroy and he thought he will be an  
546 excellent candidate. He said he has experience in School and labor negotiations.  
547

548 **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION**  
549 **CARRIES.**  
550

#### 551 14. COUNCILOR ISSUES OR COMMENTS 552

553 Chairperson Spiller asked if anyone had any comments they wanted to share.  
554

555 Councilor Thomson said he was somewhat disappointed with some of Mr. Alesse's comments during the  
556 interview process. He said he is not the Chairman but as to the matter of the appointment process, he  
557 felt it was not necessary.  
558

559 Councilor Denault said he shared Councilor Thomson's comments on Mr. Alesse's remarks. He had a  
560 couple of people who passed away recently he wanted to recognize: John Penney, Martin Road, who  
561 served in the Korean War and worked at the Shipyard, and Kevin Niles, Jr. who was coach for the Traip  
562 Soccer team. He said their thoughts and hearts are with the families at this time.  
563

564 Chairperson Spiller said she was approached by a resident who is concerned about the hunting in Kittery  
565 and the impact on the deer and also another resident who was concerned about the fireworks and the  
566 town needs to control the use of them.  
567

568 Chairperson Spiller said another resident approached her about the traffic signal on Walker and State  
569 Road and also Government Street and State Road, which is a chronic problem. She said that when the  
570 pedestrian hits the button and starts walking across, the traffic does not stop.  
571

572 Councilor Denault said he brought that issue up last year.  
573

574 Chairperson Spiller said she brought it up 1 ½ years ago.  
575

576 Councilor Denault replied "you got me!" He said that the ladies who worked at Bagel Caboose  
577 complained about that and if it still is not fixed something should be done.  
578

579 Chairperson Spiller asked the Town Manager if she would look into that.  
580

581 Town Manager Amaral asked if they were looking at the signal so people can turn on red, the concurrent  
582 signal.

583  
584 Chairperson Spiller responded no, the signal so the pedestrians can cross the road.

585  
586 Town Manager Amaral replied that is the design of the intersection – it is not a mistake. She said it is  
587 engineered to function that way as per Federal standards. She said it can be looked at as part of the  
588 Walker Street project, when they get into that point, but it is not broken. She said we would have to  
589 request the State to turn away from Federal Standards that are a guide.

590  
591 Chairperson Spiller said perhaps they can discuss this when they are addressing the Foreside area.

592  
593 15. COMMITTEE AND OTHER REPORTS:

594  
595 Chairperson Spiller reminded everyone about the Holiday Parade at 3:00 p.m. on Saturday, Dec. 1<sup>st</sup>.

596  
597 Chairperson Spiller said that she, Vice-Chair Brock and the Town Manager will be meeting with the York  
598 Select Board to discuss the boundary dispute between York and Kittery.

599  
600 There were no Committee reports.

601  
602 16. EXECUTIVE SESSION

603  
604 Chairperson Spiller said they do have an Executive Session this evening.

605  
606 Councilor Thomson asked if the Chair anticipated any action being taken in public or will that be on  
607 another agenda?

608  
609 Chairperson Spiller said that action will be taken at the December 10<sup>th</sup> meeting.

610  
611 (110218-12) The Kittery Town Council moves to go into Executive Session in accordance with 1  
612 M.R.S. §405 (6) (D) to discuss the Town Manager's contract.

613  
614 **COUNCILOR THOMSON MOVED TO ENTER EXECUTIVE SESSION AT 7:15 PM IN ACCORDANCE**  
615 **WITH 1 M.R.S. §405 (6) (D) TO DISCUSS THE TOWN MANAGER'S CONTRACT. COUNCILOR**  
616 **PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN**  
617 **FAVOR, NONE OPPOSED, MOTION CARRIES.**

618  
619 **COUNCILOR THOMSON MOVED TO COME OUT OF EXECUTIVE SESSION AT 7:50 P.M.,**  
620 **SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING**  
621 **IN FAVOR, NONE OPPOSED MOTION CARRIES.**

622  
623 17. ADJOURNMENT

624  
625 **COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:51 PM., SECONDED BY**  
626 **COUNCILOR LEMONT. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, NONE OPPOSED,**  
627 **MOTION CARRIES.**

628  
629 Respectfully submitted,

630  
631 Barbara Boggiano,  
632 Recording Secretary

**Town of Kittery, Maine  
Municipal Volunteer Program  
Volunteer Release and Waiver of Liability**

This Release and Waiver of Liability, (the "Release") executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, (hereinafter "Volunteer"), in favor of the Town of Kittery, and its directors, officers, employees and agents.

Volunteer desires to work in a volunteer capacity for the Town of Kittery and to engage in activities related to being a volunteer on premises owned, operated or maintained by the Town of Kittery (the "Activities"). Volunteer does hereby freely, voluntarily, and without duress execute the Release under the following terms:

1. **RELEASE AND WAIVER:** Volunteer, for him/herself and his or her legal representatives, spouse, heirs and assigns, does hereby release and forever discharge and hold harmless the Town of Kittery and its municipal departments, and its officers, directors, employees, agents, insurers and representatives, successors and assigns, from any and all liability claims and demands of whatever kind or nature, either in law or in equity, which arise or may hereafter arise from Volunteer's Activities with the Town of Kittery.

Volunteer understands that this Release discharges the Town of Kittery from any liability or claim that the Volunteer may have against the Town of Kittery with respect to any bodily injury, illness, death, or property damage (hereinafter "loss") of such loss and without regard to whether the loss was caused by the negligence of the Town of Kittery or its officers, directors, employees, or agents or otherwise. Volunteer covenants not to bring any action against the Town of Kittery for any such loss. Volunteer also understands that the Town of Kittery does not assume any responsibility for obligation to provide financial or other assistance including but not limited to medical, health, or disability insurance in the event of injury or illness.

2. **MEDICAL TREATMENT:** Volunteer does hereby release and forever discharge the Town of Kittery from any claim whatsoever which arises or may hereafter arise on account of any first aid, treatment, or service rendered in connection with the Volunteer's Activities with the Town of Kittery. Volunteer authorizes the Town of Kittery, its agents, representatives, and other volunteers to act or refrain from acting, in accordance with their best judgment, on Volunteer's behalf in case of an emergency. Nothing in this paragraph or elsewhere herein shall create any affirmative obligation requiring the Town of Kittery, its officers, directors, employees, or volunteers to render any first aid to the Volunteer in the event of a medical issue.
3. **INSURANCE:** Volunteer understands that, except as otherwise agreed upon by the Town of Kittery in writing, the Town of Kittery does not carry or maintain health, medical, disability or Workers Compensation insurance coverage for any volunteer.
4. **OTHER:** Volunteer expressly agrees that the Release is intended to be as broad and inclusive as permitted by the laws of the State of Maine, and that this Release shall be governed by and interpreted in accordance with the laws of the State of Maine. Volunteer agrees that in the event that any clause or provision of this Release shall be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not otherwise affect the remaining provisions of this Release which will continue to be enforceable.

Initial: \_\_\_\_\_

IN WITNESS, WHEREOF, Volunteer (and Volunteer's parent/legal guardian if Volunteer is under age 18) has carefully read this Release and agrees with all its terms and conditions, and has executed this Release as of the day and year first written.

**Signature of Volunteer:** \_\_\_\_\_

Printed Name of Volunteer: \_\_\_\_\_

**Signature of Parent/Legal Guardian if Volunteer is 17 Years of Age or Under (must be at least 13 years old):**

\_\_\_\_\_

Printed Name of Parent/Legal Guardian: \_\_\_\_\_

\_\_\_\_\_ Mother \_\_\_\_\_ Father \_\_\_\_\_ Legal Guardian

**Witness Signature:** \_\_\_\_\_

Printed Name of Witness: \_\_\_\_\_

**Volunteer Information:**

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #s: (Home) \_\_\_\_\_ (Cell) \_\_\_\_\_ (Work) \_\_\_\_\_

Email Address: \_\_\_\_\_



**Town of Kittery, Maine**  
**Conservation Commission**

P.O. Box 808, Kittery, Maine 03904

# Adopt A Road Application Form

First Name:

Phone:

Last Name:

Email Address:

Mailing Address:

Home Address:

Road/Segment:

Sign Name:

I reviewed the Safety Checklist (Y/N)

I signed the Liability Waiver (Y/N)

The adopter agrees to

- Clean the road or road segment at least 3 times per year over a 2 year commitment.
- Comply with the safety guidelines and follow Kittery Adopt A Road (AAR) policies. These are located on the AAR web page at [www.kitteryme.org](http://www.kitteryme.org).
- Complete a brief status form

*KCC respects your privacy and will not share any contact information outside of the Adopt A Road program*



**Town of Kittery, Maine  
Conservation Commission**

P.O. Box 808, Kittery, Maine 03904

# Adopt A Road Status Form

First Name:

Last Name:

Address:

Road/Segment:

Phone:

Email Address:

Cleanup Date:

Types of Debris Found:

Amount of Debris (Large, Moderate, Small)

Collection Notes:

*Thank you for taking the time to complete this. Please scan and email it to [AdoptKitteryRoads@gmail.com](mailto:AdoptKitteryRoads@gmail.com), drop it off at the Town Hall, or send to the Conservation Commission at the address above.*



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: December 10, 2018  
Update: January 14, 2019  
From: Kendra Amaral, Town Manager  
Subject: Title 8 – Blasting Ordinance  
Council Sponsor: Chairperson Judy Spiller

---

Kittery has a significant amount of ledge throughout town and specifically in its targeted development areas.

Development in these areas often requires the builder to blast ledge in order to lay foundations, utilities, and other necessary infrastructure. Most recently the discussion on the proposed Mixed-Use Neighborhood zoning, has resurfaced concerns and frustration with the blasting that occurred to lay the sewer extension along Martin Road.

### **OVERVIEW**

The attached proposed Title 8 – Blasting Ordinance was developed to add clarity, consistency, and protective standards to any blasting operation occurring within Kittery. The ordinance includes the establishment of a permitting process, notification to both Town officials and adjacent property owners, pre-blast assessments, post-blast documentation, and safety protocols.

The ordinance was drafted by the Fire Chief with input from the Code Enforcement Officer and Director of Planning and Development. It specifically references state requirements and industry standards for safe blasting operations.

### **UPDATE**

Minor language changes have been made to clarify and correct the text of the proposed ordinance. The corrections include ensuring this ordinance does not apply to emergency blasting operations and amending the approach to violations from being Land Use violations under MRS to a Town Ordinance violation in accordance with Title 1 of the Town Code.

Clarifications encompass minor wording adjustments that do not impact the substance of the proposed ordinance.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve as presented.

### **ATTACHMENTS**

- Proposed Title 8 and Appendix A Amendments
- Proposed Title 8 Enactment



1 **ADD: Chapter 8.4 BLASTING**

2 **8.4. Blasting**

3 **8.4.1. Purpose.**

4 This chapter describes the general regulation and enforcement of blasting operations within the  
5 town limits.

6 **8.4.2. Definitions**

7 **Airblast** an airborne shock wave resulting from the detonation of explosives. The movement of  
8 overburden or the release of expanding gas into the air from the detonation of explosives may  
9 cause airblast. Airblast may or may not be audible.

10 **Applicant** the person, responsible for managing and/or conducting of a blasting operation.

11 **Blasting** any activity entailing the use of explosives for the purpose of producing an explosion to  
12 demolish structures or to fragment rock for mining, quarrying, excavation, or construction.  
13 Related terms are as defined in National Fire Protection Association (NFPA) 495; Explosive  
14 Materials Code.

15 **Blasting Operation** includes all blasting anticipated to be undertaken during the completion of a  
16 contract or a series of contracts, for demolition, excavation, construction, and development. A  
17 blasting operation includes all work involving the preparation, drilling, loading and detonation of  
18 the explosive charge.

19 **Code Enforcement Officer** includes the Town's duly appointed Code Enforcement Officer,  
20 Assistant Code Enforcement Officer, and any assigned designee of the Code Enforcement  
21 Officer.

22 **Decibel** the unit of sound pressure commonly used to measure airblast for an explosion.

23 **Emergency** a sudden or unexpected occurrence involving a clear and imminent danger,  
24 demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property,  
25 or essential public services.

26 **Explosives** any substance, chemical compound, or mechanical mixture that is commonly used  
27 for the purpose of producing an explosion for blasting. Initiating devices such as detonators,  
28 detonating cords, etc. are also included in this definition.

29 **Flyrock** rock that is propelled through the air or along the ground as a result of the detonation of  
30 an explosive.

31 **Ground Vibration** the shaking of ground caused by the blast wave emanating from the  
32 detonation of an explosive.

33 **Hertz** a term used to express the frequency of ground vibrations and airblast. One hertz is equal  
34 to one cycle per second.

35 **Independent Firm** a bona fide person approved by the Code Enforcement Officer which is not  
36 affiliated with the applicant but is contracted to impartially render services. In order to qualify as  
37 an independent firm, such firm shall verify the following:

38 (1) The person holds commercial general liability, workers' compensation, and auto liability  
39 insurance.

40 (2) The person and/or its principal has a minimum of three years-experience in the use and  
41 theory of seismology, as well as structural engineering as it relates to vibratory energies.  
42

43 **Level 1 Blasting Operation** a blasting operation involving less than 250 cubic yards of material  
44 to be removed.

45 **Level 2 Blasting Operation** a blasting operation involving 250 cubic yards or more of material  
46 to be removed.

47 **Particle Velocity** a measure of ground vibration that describes the velocity as which a particle of  
48 ground vibrates when excited by a force producing ground motion such as an earthquake or an  
49 explosion. Particle velocity is measured in inches per second.

50 **Seismograph** an instrument that measures and records earthborn vibration induced by the  
51 detonation of explosives. The instrument produces a printout of ground motion frequency,  
52 acceleration, particle velocity and amplitude which may be recorded directly or produce a record  
53 from which any of these parameters may be calculated.

#### 54 **8.4.3. Applicability.**

55 This section applies to all blasting operations related to demolition, excavation, construction,  
56 and development within the Town limits. Emergency blasting operations are not subject to this  
57 section.

#### 58 **8.4.4. Permit.**

59 A. A permit must be obtained from the Code Enforcement Officer prior to any blasting with  
60 explosive devices or materials.

61 B. All blasting permits expire six (6) months from the date of issuance.

#### 62 **8.4.5. Authority.**

63 A. All blasting permits must be approved, approved with conditions, or denied by the Code  
64 Enforcement Officer

65  
66 B. Based on the reliability of the quantity estimate, the location of the project, and other factors  
67 that may warrant additional review, the Code Enforcement Officer may elevate a Level 1  
68 blasting operation application to a Level 2 blasting operation application.

#### 69 **8.4.6. Application Requirements.**

70 A. A blasting permit is required for all blasting operations.

71 B. Permits require the following:

72 (1) Evidence that notification of landowners has been sent in accordance with Section  
73 8.4.7.C 1-3.

74 (2) Evidence that preblast surveys were offered to landowners in accordance with Section  
75 8.4.7.D.

76 (3) Evidence that drinking water well tests were offered to landowners in accordance with  
77 Section 8.4.7.E.

78 C. Blasting may not occur without approval or conditional approval of the Code Enforcement  
79 Officer.

80 D. Applications for Level 1 and Level 2 blasting operations must be accompanied by the fee  
81 established in Appendix A.

82 **8.4.7. Performance standards.**

83 A. Blasting operations are limited to the hours between 8:00 am. and 6:00 pm., Monday through  
84 Saturday, inclusive.

85 B. Blasting applicants shall maintain commercial general liability insurance in accordance with  
86 requirements established by the Town. The insurance policy must contain specific reference  
87 to blasting as an activity covered by the insurance.

88 C. Notification requirements:

89 (1) Prior to applying for a Level 1 blasting permit, the applicant shall notify all landowners  
90 and owners of public water and sewer services, and any other entity with underground  
91 public utilities within 250 feet of the proposed blasting operation. Notice shall be sent  
92 by the United States Postal Service (USPS) certified mail at least ten (10) calendar days  
93 prior to the intended date of the commencement of the blasting operation.

94 (2) Prior to applying for a Level 2 blasting operations, the applicant shall notify all  
95 landowners and owners of public water and sewer services, and any other entity with  
96 underground public utilities within 500 feet of the proposed blasting operation. Notice  
97 shall be sent by the United States Postal Service (USPS) certified mail at least ten (10)  
98 calendar days prior to the intended date of the commencement of the blasting operation.

99 (3) The landowner notice must include the proposed blasting schedule, a description of the  
100 blasting signals to be used during the operation, an address and telephone number where  
101 landowners may request further information and additional notification, information  
102 about obtaining a pre-blast survey at no cost to the landowner in accordance with section  
103 8.4.7.D, and information about how to receive a 24-hour pre-blast notification

104 (4) No less than 48 hours prior to any blast, the applicant shall inform the Fire Department  
105 and Code Enforcement Officer of the impending blast, and include the time of the blast  
106 within 2 hours.

107 (5) No less than 24 hours prior to any blast, the applicant shall inform all landowners, who  
108 have requested to be so notified as per section 8.4.7.C.(3), of the impending blast. Such  
109 notification may be given by telephone or email and must state the time of the blast  
110 within 2 hours. The burden of proof as to whether the notification was in fact received  
111 rests with the person responsible for the blasting operation.

112 D. Preblast survey requirements:

- 113 (1) Level 1 blasting operations require the applicant to arrange for an independent firm to  
114 perform preblast surveys on all buildings within 250 feet of the blasting area. All costs  
115 of the preblast survey shall be borne by the applicant. Surveys must include a written  
116 description and either a video or photographic documentation of any preexisting  
117 conditions on the inside and outside of each building. At least three documented  
118 attempts must be made by the applicant to physically offer the survey ~~before to the~~  
119 landowner ~~may be deemed non-responsive~~.
- 120 (2) Level 2 blasting operations require the applicant to arrange for an independent firm to  
121 perform preblast surveys on all buildings within 500 feet of the blasting area. All costs  
122 of the preblast survey shall be borne by the applicant. Surveys must include a written  
123 description and either a video or photographic documentation of any preexisting  
124 conditions on the inside and outside of each building. At least three documented  
125 attempts must be made by the applicant to physically offer the survey ~~before to the~~  
126 landowner ~~may be deemed non-responsive~~.
- 127 (3) All preblast survey documentation must be provided to the Code Enforcement Officer  
128 and held by the independent firm, and following completion of the blasting operation,  
129 upon request, be made available to the landowner at the expense of the applicant.

130 E. Water tests:

- 131 (1) The applicant will offer the ~~services of~~ an independent water testing company to  
132 perform water tests of all active drinking water wells within 500 feet of the blasting  
133 area. All costs of the water test shall be borne by the applicant. The test must  
134 document the flow rate of the well prior to blasting, as well as the levels of coli form  
135 bacteria, e-coli, nitrate, pH, copper, iron chloride, manganese, arsenic, calcium, and  
136 sodium. At least three documented attempts must be made to physically offer the water  
137 test to the ~~landowner~~ ~~may be deemed non-responsive~~.
- 138 (2) The water tests shall be held by the independent water testing company, and upon  
139 request, be made available to the landowner at the expense of the landowner within 14  
140 days of the request.

141 F. Monitoring:

- 142 (1) Instrumentation: All seismographs used for compliance with this section must meet the  
143 requirements written in USBM RI 8507, current revision. Calibration must be laboratory  
144 calibrated as necessary, but at least once every 12 months according to the manufacturer's  
145 recommendations. A copy of the latest calibration certificate must be available with any  
146 and all seismographs on site.
- 147
- 148 (2) Level 1 blasting operations require either an independent firm, retained at the sole cost  
149 and expense of the applicant, or the applicant to monitor airblast and vibration. All  
150 instrumentation ~~must~~ be in compliance with the specifications outlined in this section.  
151 Instrument(s) ~~will~~ be placed at the closest point of the building in greatest proximity to  
152 the detonation to be recorded. A sketch showing the blast site, its relation to adjacent  
153 buildings, the locations of the seismograph(s) and pertinent distances will also be  
154 required. Written reports containing pertinent information and seismograph printouts for

155 each detonation shall be submitted weekly to the Code Enforcement Officer and the  
156 applicant.

157 (3) Level 2 blasting operations require either an independent firm, retained at the sole cost  
158 and expense of the applicant, or the applicant themselves, to monitor airblast and  
159 vibration for Level 2 blasting operations. No fewer than two seismographs must be  
160 employed to monitor airblast and vibration for Level 2 blasting. All instrumentation must  
161 be in compliance with the specifications outlined in this section. The independent firm is  
162 required to record each detonation, document the location of surrounding buildings, their  
163 distances and relation to the blast site, analyze readings for compliance, and report results  
164 to the blaster following each detonation. Written reports containing pertinent information  
165 and seismograph printouts for each detonation shall be submitted to the Code  
166 Enforcement Officer and the applicant.

167 (4) Ground vibration from all blasting operations must be measured in terms of peak particle  
168 velocity (inches per second) and frequency (Hertz). The permissible maximum ground  
169 vibration at any adjacent building must conform to values established in USBM RI 8507,  
170 current revision.

171 (5) Airblast at any building from all blasting operations may not exceed the values  
172 established in USBM RI 8485, current revision.

173 (6) Sufficient stemming, matting or natural protective cover to prevent flyrock from leaving  
174 the property or from entering protected natural resources or natural buffer strips must be  
175 used. Crushed rock or other suitable material must be used for stemming when available;  
176 native gravel, drill cuttings or other material may be used for stemming only if no other  
177 suitable material is available

178  
179 (7) Record maintenance: The applicant will provide a record of each blast to the Code  
180 Enforcement Office for inclusion in the property file. Written records must contain the  
181 following:

- 182 (a) Name of person responsible for the blasting operation.
- 183 (b) Location, date(s), and time of blast(s).
- 184 (c) Type of material blasted.
- 185 (d) Types of explosives used.
- 186 (e) Amount of explosives used.
- 187 (f) Types of protections used (mats, etc.)
- 188 (g) Seismograph and airblast readings (when and where measured)

189 G. When a blasting operation pursuant to an issued permit is suspended in an area for 90 days or  
190 more, re-notification in accordance with the standards written in section 8.4.7.C.(4) and  
191 8.4.7.C.(5) is required. Additional preblast surveys are not required with the re-notification  
192 unless the blasting operations have been suspended past the date of permit expiration.

193 H. Blasting must be conducted in compliance with all pertinent sections of the Town Code  
194 except as superseded by the provisions of NFPA 495: Explosive Materials Code as adopted

195 by the State of Maine. In any particular instance where these regulations are in conflict with  
196 any other rules, regulations, or ordinances or the Town the more restrictive regulation or  
197 provision prevails.

198  
199 **8.4.8. Appeal of denial of a blasting permit.**  
200 Where the Code Enforcement Officer has denied a blasting permit under this section, the  
201 applicant may appeal the denial to the Board of Appeals within 30 days of the Code Enforcement  
202 Officer’s decision.

203 **8.4.9. Conditions.**  
204 The Code Enforcement Officer and/or the Fire Chief may prescribe any reasonable conditions or  
205 requirements deemed necessary to minimize adverse effects upon the neighborhood or  
206 community.

207 **8.4.10. Penalties**  
208 Any material misstatement or omission of information required by this section or the violation of  
209 this section or any condition of a permit granted under this section constitutes a violation of this  
210 chapter and will be assessed a penalty under Title 1, Chapter 1.3.

211 **ADD: 8.4 Fees to Appendix A**

212 **Chapter 8.4 BLASTING**

213	<u>Level 1 Blasting Permit</u>	<u>\$100</u>
214	<u>Level 2 Blasting Permit</u>	<u>\$200</u>

**KITTERY TOWN CODE TITLE 8  
BLASTING**

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

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

10 **WHEREAS**, the Kittery Town Council seeks to add clarity, consistency, and protective  
11 standards to blasting operations within the town limits;

12 **WHEREAS**, codifying in Title 8 a permit requirement, notification standards, pre-blast  
13 assessments, post-blast documentation, and safety protocols, will directly provide for the public  
14 health, welfare, and safety of persons in the vicinity of blasting;

15 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001 AND TOWN CHARTER  
16 §2.07(3), THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 8 OF THE  
17 TOWN CODE, AS PRESENTED.

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

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

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



TOWN OF KITTERY  
P. O. Box 808  
Kittery, ME 03904  
207-439-0452

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

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

Loyal order of Moose Lodge # 444  
76 US RTE 1 bypass Kittery, ME 03904

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

Loyal order of Moose Lodge # 444  
76 US RTE 1 bypass Kittery, ME 03904

Mailing address and telephone number of owner of the real estate: PO Box 968  
Portsmouth, NH 03802 207-703-0899

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

Inside Building closed to RTE 1 bypass

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

6pm to 12pm Friday or Saturday Nights

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

D.J. Karaoke, Band

Has any individual(s), partner(s), majority shareholder(s) of the business entity, seeking to hold this permit, been convicted of a felony or had any similar type of amusement or activity permit been denied or revoked within the past ten (10) years by any other municipal or state authority, agency or board? If so, give the state of conviction for any felony and describe specifically the circumstances of any such denial or revocation giving the state or city and date of such denial or revocation:

NO



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

---

---

---

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

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

John Wentworth - Governor.

---

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

DATE OF APPLICATION: 12-18-18

SIGNATURE OF APPLICANT: John Wentworth Gov

ADDRESS: 76 US Route 1 bypass Kittery, ME 03904

TELEPHONE NUMBER: 207-703-0899

**FEE: \$20.00 per year (Please make check payable to "Town of Kittery")  
Must be renewed annually**

PLEASE SUBMIT THIS FORM AND APPROPRIATE FEE TO THE TOWN CLERK'S  
OFFICE, P.O. BOX 808, KITTERY, ME 03904

From: Sandra Backstrom sab1016@aol.com  
Date: Dec 31, 2018 at 1:56:27 PM  
To: Cassie-Lee/daughter Backstrom cllb585@aol.com



**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.): Chick-fil-A  
(please print)

Applicant Address: 286 Turnpike Rd Westboro, MA 01581  
(please print)

Applicant's mailing address if different from above: \_\_\_\_\_

Date of Birth (Sole Proprietor): 9/2014 Applicant's Telephone Number: 508 366 8407  
508 963 6160 (C)

Business Name: Chick-fil A  
(please print)

Business Address: \_\_\_\_\_  
(please print)

Business Telephone Number: \_\_\_\_\_

Signature of Applicant: Sandra Backstrom DATE: 12/31/18

Applicant's Name: Sandra Backstrom  
(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

**STARITCH FOUNDATION, INC.**  
**P. O. BOX 1356**  
**SARANAC LAKE, NEW YORK 12983-7356**

December 14, 2018

Kittery Community Center  
120 Rogers Road  
Kittery, ME 03904

Ladies and Gentlemen:

Enclosed please find a check in the amount of three hundred dollars and no cents (\$300.00).

This gift is being sent at the request of Alexander Ritchie Valhouli and Kellan Maloney.

Kindly acknowledge, for tax purposes, receipt of this gift directly to the Staritch Foundation, Inc. at the above address.

Sincerely,

  
Ben Edenfield

THIS DOCUMENT CONTAINS MULTIPLE SECURITY FEATURES. SEE REVERSE SIDE FOR DETAILS.

1660

**STARITCH FOUNDATION, INC.**

P.O. BOX 1356  
SARANAC LAKE, NY 12983

Wells Fargo Bank  
99-716-1023

12/14/2018

PAY TO THE ORDER OF KITTERY COMMUNITY CENTER

\$ \*\*\*300.00

DOLLARS

Three Hundred and 00/100\*\*\*\*\*

KITTERY COMMUNITY CENTER  
120 ROGERS ROAD  
KITTERY, ME 03904

*Ben Edwards*  
AUTHORIZED SIGNATURE

MEMO

Security features. Details on back.

STARITCH FOUNDATION, INC.

KITTERY COMMUNITY CENTER

Date 12/13/2018  
Type Reference  
Bill

12/14/2018

Original Amt. 300.00  
Balance Due 300.00  
Check Amount

Payment 300.00  
300.00

1660

WELLS FARGO CHE

300.00

01/14

**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:** January 16, 2019

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:**

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

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <b>Weathervane Seafoods, Inc</b>			Business Name (D/B/A) <b>Weathervane Seafoods</b>		
APPLICANT(S) –(Sole Proprietor)		DOB:	Physical Location: <b>306 US Route 1</b>		
		DOB:	City/Town <b>Kittery</b>	State <b>ME</b>	Zip Code <b>03904</b>
Address <b>306 US Route 1</b>			Mailing Address <b>same</b>		
City/Town <b>Kittery</b>	State <b>ME</b>	Zip Code <b>03904</b>	City/Town	State	Zip Code
Telephone Number <b>207-439-0330</b>	Fax Number <b>207-439-7463</b>	Business Telephone Number <b>207-439-0335</b>		Fax Number <b>207-439-7754</b>	
Federal I.D. # <b>521153457</b>		Seller Certificate #: or Sales Tax #: <b>R270889</b>			
Email Address: Please Print <b>mhoude@weathervaneseafoods.com</b>			Website: <b>www.weathervaneseafoods.com</b>		

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: n/a
- State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 4,404,079.00 LIQUOR \$ 403,357.00
- Is applicant a corporation, limited liability company or limited partnership? YES  NO   
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you permit dancing or entertainment on the licensed premises? YES  NO

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

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

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

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

7. Business records are located at: 306 US Route 1 Kittery, ME 03904

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

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

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

Full Name (Please Print)	DOB	Place of Birth
Erica Benson	6/9/1988	Worcester, MA

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

Name: Erica Benson	City: Dover	State: NH
Name: _____	City: _____	State: _____
Name: _____	City: _____	State: _____

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

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

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

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

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

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

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

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

16. Describe in detail the premises to be licensed: (**On Premise Diagram Required**) A single-story restaurant with 5 dining rooms.

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

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

18. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5 miles

Which of the above is nearest? church

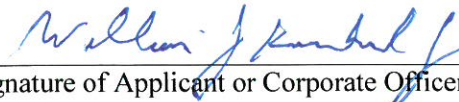
19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: Mortgage with TD Bank

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 December 13, , 20 18  
Town/City, State Date

  
 Signature of Applicant or Corporate Officer(s)  
 William J Kurkul CFO  
 Print Name

**Please sign in blue ink**

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)  
 \_\_\_\_\_  
 Print Name

**FEE SCHEDULE**

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

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

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

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

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

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

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

On: \_\_\_\_\_  
Date

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§653. Hearings; bureau review; appeal**

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

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

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

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

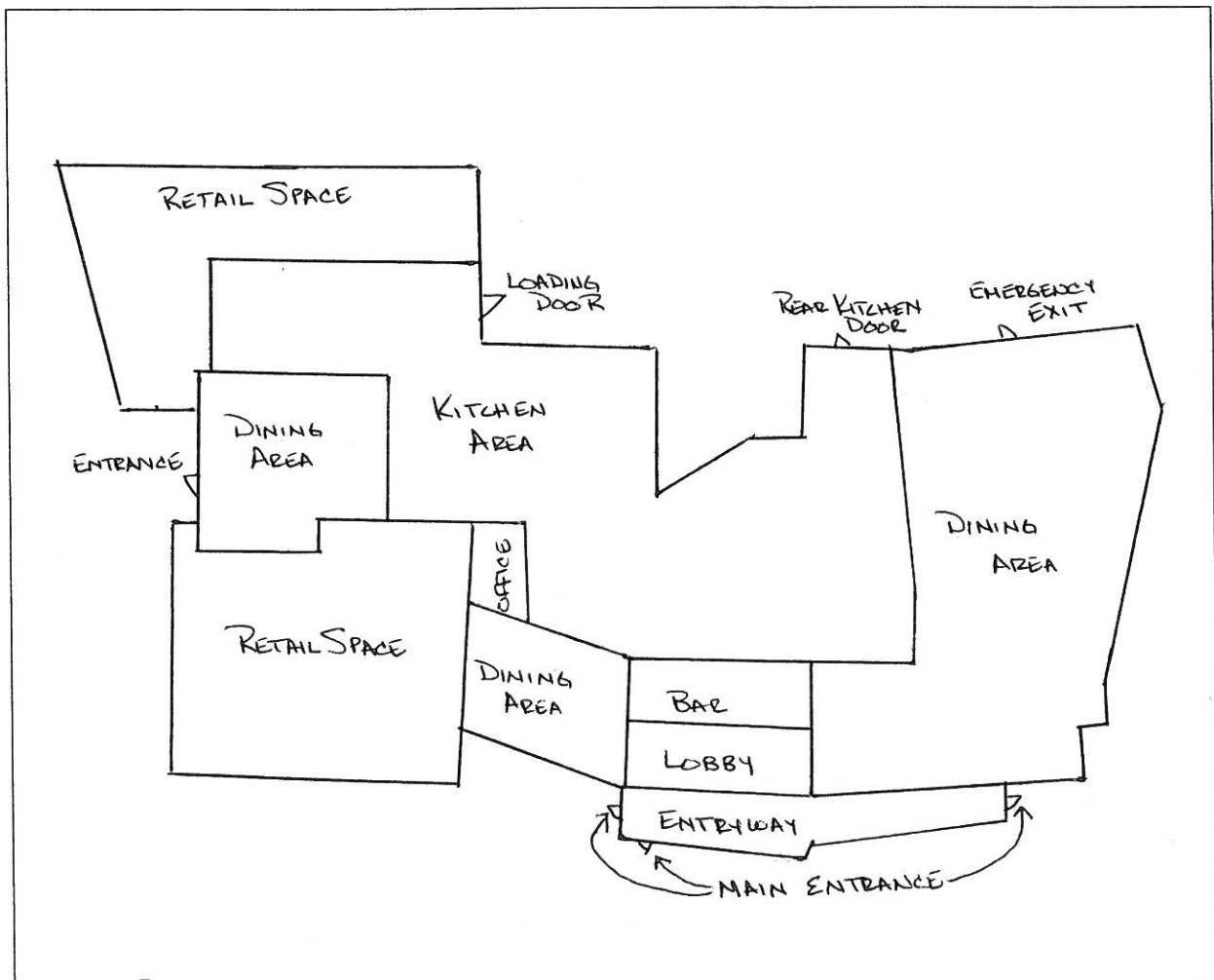
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347 (overnight)  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)



### 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: Weathervane Seafoods, Inc
2. Doing Business As, if any: same
3. Date of filing with Secretary of State: 7/11/1969 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Terry Gagner	7 Whaleback Dr Kittery, ME 03904	5/3/1954	President/ Owner	74.25
Janet Gagner	7 Whaleback Dr Kittery, ME	3/18/1956	Treasurer	25.77
William Kurkul	5 Golden Oaks Ln Andover, MA	7/1/1954	Chief Financial Officer	.004

(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 8, 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

December 13, 2018

Date

William J Kurkul CFO

Print Name of Owner or Corporate Officer

---

Submit Completed Forms to:

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

**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:** 2-26-19

NEW application:  Yes  No

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

Requested inspection (New Licensees/ Ownership Changes Only) Date : \_\_\_\_\_ Business hours: 11AM - 9PM

**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)  
 CLUB w/o Catering (Class V)  CLUB with CATERING (Class I)  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>THE ARES LLC</u>	Business Name (D/B/A) <u>AJ'S Wood Grill Pizza</u>
APPLICANT(S) - (Sole Proprietor) <u>Eides ARES</u>	DOB: _____ Physical Location: <u>68 Wallingford Square</u>
<u>HENRY ARES</u>	DOB: _____ City/Town State Zip Code <u>Kittery Me 03904</u>
Address <u>68 Wallingford Square</u>	Mailing Address <u>68 Wallingford Square</u>
City/Town State Zip Code <u>Kittery Me 03904</u>	City/Town State Zip Code <u>Kittery Me 03904</u>
Telephone Number Fax Number <u>207-439-9700</u>	Business Telephone Number Fax Number <u>207-439-9700</u>
Federal I.D. # <u>463 905 045</u>	Seller Certificate #: or Sales Tax #:
Email Address: Please Print <u>Atlantic30@aol.com</u>	Website: <u>www.AJswoodgrillPizza.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 \$ 619,174.00 LIQUOR \$ 19,353.00
- 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

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 The View at Pepperrell Cove LLC  
Physical Location 88 Pepperrell Road City / Town Kittery Point Me 03904

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

7. Business records are located at: 68 Wallingford square - 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
Eides ARES	09-04-84	BRAZIL
HENRY ARES	05-13-68	Philippines

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

Name: Eides ARES	City: Kittery	State: Me
Name: HENRY ARES	City: Kittery	State: Me

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: 60-68 Wallingford square LLC - 21 Madbury Road - Durham NH 03824

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) 25 Seat Pizza Restaurant with take out, dine in and delivery

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, 1/8 of a mile

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

If YES, give details: Kennebunk Savings Bank

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 12.18., 2018

Eides Ares  
Signature of Applicant or Corporate Officer(s)  
Eides ARES  
Print Name

Please sign in blue ink

Henry Ares  
Signature of Applicant or Corporate Officer(s)  
Henry ARES  
Print Name

FEE SCHEDULE

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

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

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

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

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

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

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

On: \_\_\_\_\_  
Date

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§653. Hearings; bureau review; appeal**

**I. 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).]

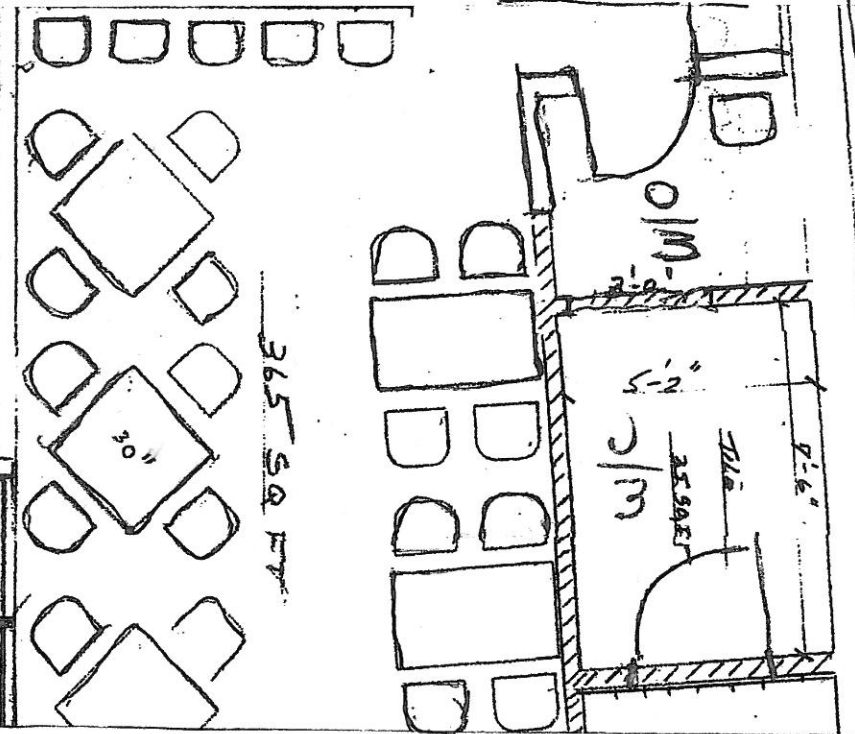
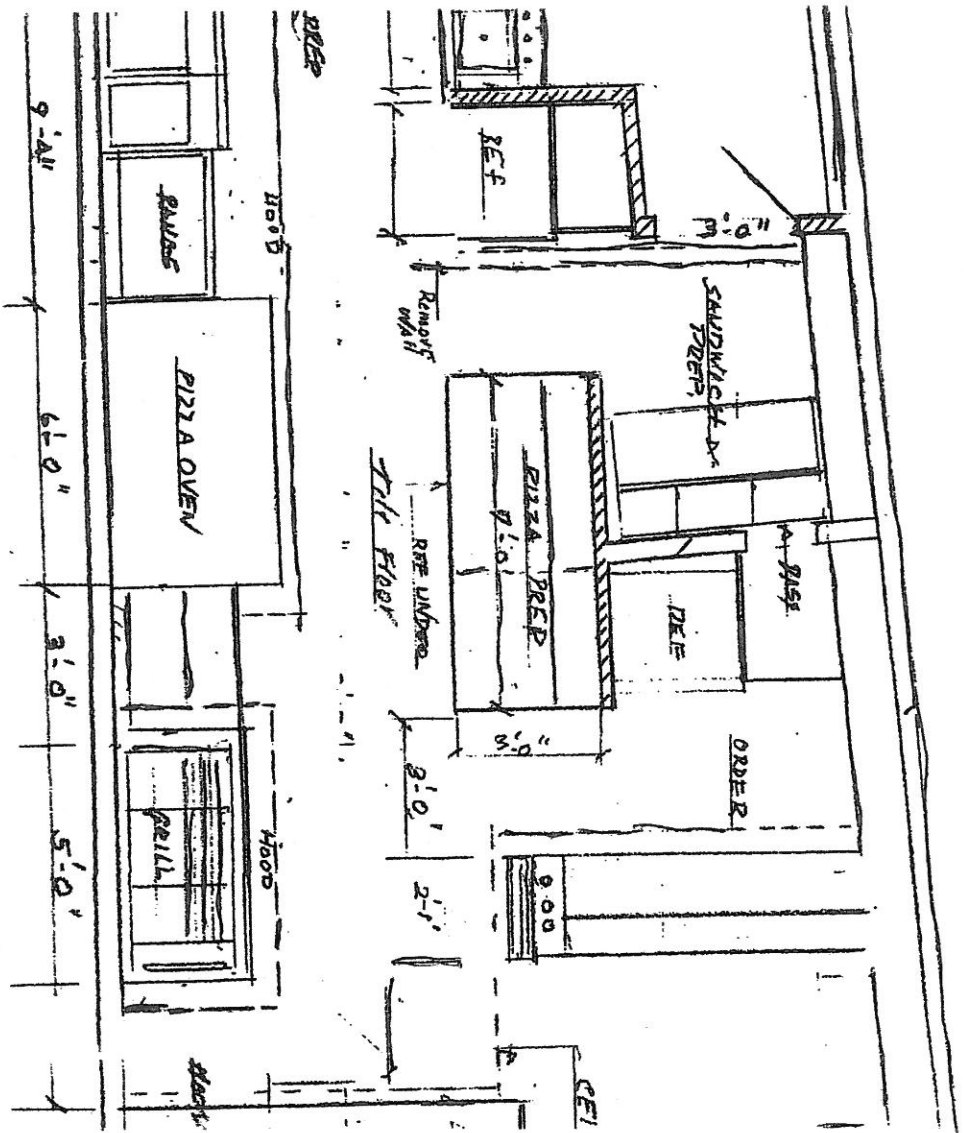
[1995, c. 140, §6 (AMD) .]

**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 (APE).]



SC	RE	JO
----	----	----

*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](mailto:MaineLiquor@maine.gov)*



### ON PREMISE DIAGRAM

(Facility Drawing/ Floor Plan)

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

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

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



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

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

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

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

Please clearly complete this form in its entirety.

- Exact legal name: THE ARES LLC
- Doing Business As, if any: AJ'S wood Grill Pizza
- Date of filing with Secretary of State: 10-18-2013 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Eides Ares	87 Whipple Road Kittery, ME 03904	9-4-84	President	50%
HENRY ARES	87 Whipple Road Kittery, ME 03904	5-13-68	Partner	50%

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

- 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 8, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

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

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

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

\_\_\_\_\_

**Signature:**

Eides Ares  
Signature of Owner or Corporate Officer

12.18.2018  
Date

Eides Ares  
Print Name of Owner or Corporate Officer

---

Submit Completed Forms to:

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



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: January 14, 2019  
From: Kendra Amaral, Town Manager  
Subject: Title 2 – Fire Department  
Council Sponsor: Chairperson Judy Spiller

---

The Kittery Fire Station Association has been considering changes to the process of selecting officers for the Fire Department. The changes would reflect an appointment approach that focuses on the importance of having the skills, training, and experience necessary to lead.

**OVERVIEW**

In order to transition to a qualifications-based process for selecting officers for the Fire Department, the Kittery Fire Station Association is seeking to eliminate the “election” requirement for officers.

The Association held a vote on November 5, 2018 to recommend the elimination of section 2.2.5 of Town Code requiring elections, and to advance development of the new promotion policy. The Fire Chief supports this change and will work with the Association on this effort.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve as presented.

**ATTACHMENTS**

- Proposed Title 2 Amendments
- Proposed Title 2 Enactment
- Kittery Fire Association Minutes, November 5, 2018
- Working Draft of Promotion Policy

## Fire Department

1 **DELETE 2.2.5 Election of Fire Department Officers:**

2 **§ 2.2.1 Purpose.**

3 The purpose of this chapter is to recognize and establish the Kittery Fire Department as the municipal  
4 firefighting unit within the Town pursuant to 30-A M.R.S. § 3151, and to vest the Fire Department with  
5 all the rights, responsibilities, and obligations of a municipal fire department as created under said statute.

6 **§ 2.2.2 Establishment.**

7 The Fire Department is established as the organized firefighting unit for the Town for the principal  
8 purpose of preventing and extinguishing fires and related activities as provided by 30-A M.R.S. § 3151.

9 **§ 2.2.3 Fire Chief.**

10 The Fire Chief is the administrative head of the Fire Department and is responsible for the management of  
11 the Department. The duties and scope of employment of the Fire Chief are as defined in the Personnel  
12 Code, Chapters 2.3, 2.4 and 2.5. The Fire Chief is appointed by and is directly accountable to the Town  
13 Manager. In addition, the Fire Chief is responsible for promulgating and enforcing rules, policies and  
14 regulations of the Fire Department. In addition to all other duties and responsibilities, the Fire Chief  
15 prepares the annual budget in a manner and form as the Manager deems desirable or the Council requires,  
16 consistent with the Town Charter.

17 **§ 2.2.4 Pending matters.**

18 All rights, claims, actions, contracts, mutual aid agreements and other legal or administrative proceedings  
19 taken by or affecting the Fire Department in its said capacity, and all Town ordinances, resolutions, orders  
20 and regulations adopted by the Town, and the policies, rules and regulations of the Fire Department  
21 remain in full force and effect and are adopted, ratified and become incorporated into and binding on the  
22 Fire Department as herein established as if the same were repeated and fully set forth and incorporated by  
23 reference herein. In addition, the Fire Department has all rights, obligations and legal authority consistent  
24 with the Town Charter and state statutes.

25 ~~**§ 2.2.5 Election of Fire Department officers.**~~

26 ~~Each district of the Fire Department has subordinate officers consisting of a Deputy Chief, one or more~~  
27 ~~Captains and one or more Lieutenants, and they are to be elected or reelected for one-year terms in the~~  
28 ~~following manner:~~

29 ~~A. — A nominating committee from each district is to propose one or more candidates for each office from~~  
30 ~~among those firefighters who have met the officer candidate qualifications established by each~~  
31 ~~district.~~

32 ~~B. — The list of candidates is to be submitted to the Town Manager via the Fire Chief. Within 10 days~~  
33 ~~after the list is submitted to the Fire Chief, either the Fire Chief or the Town Manager may reject any~~  
34 ~~candidate for cause relating to previous performance or other serious problems. Candidates who are~~  
35 ~~rejected are to be given a reason in writing for the rejection and are entitled to request a hearing~~  
36 ~~before a board consisting of the Town Manager, the Fire Chief and the nominating committee, to be~~  
37 ~~held within 10 days of rejection. The decision of the Town Manager after such a hearing is final.~~

38 ~~C. — The election is held in the month of December on a date determined by the members of each district,~~  
39 ~~and the candidates with the most votes for each office are officially appointed to office by the Fire~~  
40 ~~Chief.~~

**KITTERY TOWN CODE TITLE 2  
FIRE DEPARTMENT SELECTION OF OFFICERS**

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

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

10 **WHEREAS**, the Fire Service is a technical and challenging profession, requiring extensive  
11 training and a deep understanding of fire science and life safety principles; and

12 **WHEREAS**, instituting a selection process that enables the most qualified members to be  
13 promoted, based on skills, experience, and training benefits both the Town and the employees;  
14 and

15 **WHEREAS**, the Kittery Fire Station Association has recommended and approved of this  
16 amendment;

17 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001 AND TOWN CHARTER  
18 §2.07(3), THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 2 OF THE  
19 TOWN CODE, AS PRESENTED.

20

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

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

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



**KITTERY FIRE STATION ASSOCIATION  
REGULAR MEETING 5TH OF NOVEMBER 2018**

Meeting Called to Order: 1904

Attendees: 20

Absent: 04

Excused: 08

First Roll Call

Salute to Colors

Reading of Previous Meeting and Treasurers Report:

- Motioned by Al Beckwith, Seconded by Lucas Edwards

Treasurers Report:

- Motioned to postpone by Noah Laster, Seconded by Lucas Edwards

Secretary's Report:

- Nothing Reportable

Collections of Fines and Dues:

- Read and no one has paid

Communications from the F.D.

**Chief**

- We need to get more Christmas lights for the tree and pick a date to have them up before the parade ASAP. Welcomed Kellie Huddleston to the department and her big brother is Al Beckwith. All of the radios are done. SCBA and hose testing are done. Raffle Patriots tickets from Bob Adams. Eban Carr is the new contracted painter for the stations, 3 end command tape is the only thing that should be put on the walls from here on out. Deputy Chiefs position is going away and Craig Alfis is being trained to take over as Chief and is moving up to Assistant Chief.

**Assistant Chief Alfis**

- 12th of November from 12-1700 the Blood Drive will be taken place at Gorges Road. Volunteers and Blood Givers needed. Make sure to be here the 9th of December if you did not make the previous annual training. Still working with IAR still working on text paging.

**Captain Paisley**

- Hose testing completed and a 4 inch failed, 1 3/4 is lost, and 4 inch is up for grabs. Check hose packs on trucks, may not have been put back just as right. Harbor Masters boat will be returning to Gorges Road soon. Generator on Eng1 is OOS.
- - Hall Committee – Chris Saiuski and Jimmy Nightingale

**Captain Doucette**

- Nothing Reportable

**LT Erhard**

- Excused

**LT White**

- Nothing Reportable

**LT Corcoran**

- Nothing Reportable

**LT Teddy Edwards**

- Excused

**LT Lucas Edwards**

- Forestry has been winterized, if flowing water let an officer know.

Report of Committees**Sick Committee**

- Nothing Reportable

**Finance Committee**

- Nothing Reportable

**Election Committee**

- Paisley suggested that at Section 02 Part I - to specify Kittery Fire Department.
- Lucas Edwards asked about annual reviews in regards to officers receiving feedback and Craig Alfis will look into further.
- Craig Alfis stated that this is just a recommendation and moving forward looking for a motion to move forward with the deletion of the town charter and then it will require for us to sit down and really go through it and make changes to how we want it. This policy is an example of 90% of what we are working towards.
  - o Motion: For the officer selection policy committee to move forward with the recommendation of the deletion of policy 2.2.5 from town charter. Seconded by David Clark. Association voted unanimously, 20 votes for, 0 votes against, 0 members abstained.

**Unfinished or Misc Business**

- Nothing Reportable

**New Business**

- Mark Bitomski inquired about a Awards Night. Craig Alfis commented that the offer is still on the table if someone takes the lead. Ryan Doucette and Lucas will form a committee and looking at hopefully Spring.
- 5k domain named expires on the 2nd of December as reported by Dan Hale. Agreed to let it expire.

**Halloween Committee**

## Kittery Fire Department Promotional Policy

### 1. Scope

- a. This policy will provide a systematic method for the selection of department members for promotion from firefighter to a higher ranking position. This method will be used to select the most qualified member for promotion to a vacant officer position. This selection is to be based on merit and a member's ability to fulfill the obligation of the position.

### 2. Selection Process

- a. Notification: The Chief of Department shall announce to the department membership, in addition to posting a written notice that applications will be accepted for a leadership position vacancy. A date shall be established as a deadline for the submission of an application.
- b. Application: Members wishing to apply for the position shall submit a letter of intent and submit a resume of not more than two pages in length.
- c. Record Review: The Assistant Chief shall review the submitted applications and the applicant's personnel record, comparing the information with the minimum requirements of the position applied for. Applicants meeting the minimum requirements will be added to the list of interviewees and their applications will be forwarded to the Chief of Department.
  - i. Minimum Requirements:
    1. Lieutenant:
      - a. Has served a minimum of 3 years on the Department
      - b. Have achieved certification at the Firefighter I or II level
      - c. Possesses a valid driver's license
      - d. Possesses a high school diploma or equivalent
    2. Captain:
      - a. Meets all requirements of the lieutenant position
      - b. Has served a minimum of two (years) at the lieutenant level
- d. Peer Performance Ranking: All non-probationary members of the fire department shall be given an opportunity to rank the candidates in order of promotional preference based on ability to fulfill the obligation of the position. This will be conducted through an anonymous process administered by the Assistant Chief.
- e. Oral Board Interview: An oral board will be formed, consisting of the Fire Chief or Assistant Fire Chief, an area fire chief or officer and one (1) Kittery firefighter. This oral board shall meet to determine interview questions tailored to the vacant position and administer these questions in a standardized interview to the selected interviewees. The Board shall rank the applicants based on their performance in the interview, taking into account the peer performance rankings. The ranked list shall then be submitted to the Chief of Department for consideration.
- f. Recommendation/Approval: The Chief of Department, at his/her discretion, may interview the candidate(s) and shall then approve or deny the recommendation made

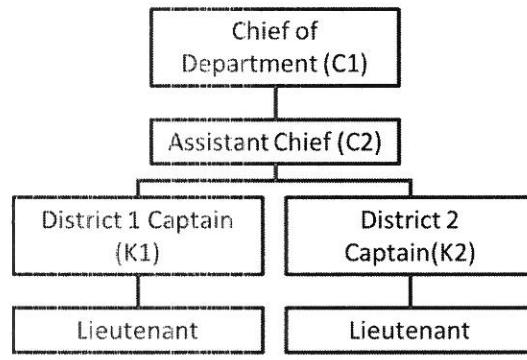
by the oral board. The Chief of Department has the authority to hire the candidate he/she feels will be most beneficial for the department. The Chief of Department may also decide to not fill a vacancy if he/she decides none of the prospective candidates are qualified to fill the vacant position. If approval/selection is achieved, the name of the applicant for promotion will be submitted by the Chief of Department to the Town Manager.

3. **Selected & Incumbent Officers**

- a. **Probationary Period:** Each newly promoted officer will be placed on a probationary evaluation period of six (6) months. Failure to adequately meet fundamental and ancillary responsibilities shall be cause for return to their previously held position.
- b. **Voluntary Demotion:** If an officer later decides to request a voluntary demotion to a subordinate position, he/she must do so in writing with at least a two-week notice.

4. **Fire Department Organizational Structure**

- a. The Chief of Department and Assistant Chief shall have the ability to make changes to the number of officers within the Department and to change the organizational structure to fill the current need of the Department and Town. The Fire Department leadership shall consist of one or more front line officers (Lieutenants and Captains) for each active district of the department. The ultimate authority to determine the number of leadership positions shall lie with the Chief of Department.
- b. **Sample Organizational Chart:**



1 **TOWN COUNCIL GOALS**  
2 **2019**

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

4 Continue to work towards sharing services with neighboring towns.

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

- 7 • Title 4 - Boards, Commissions, Committees
- 8 • Title 5 - Business License Regulations

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

- 10 • Launch a Climate Adaptation Study
- 11 • Develop Housing Plan/Affordable Housing Strategies
- 12 • Address Transportation through Improved Parking Strategies and Traffic  
13 Management
- 14 • Title 16 recodification to achieve development goals

15 Adopt a budget that is progressive, responsible, and visionary – moving the community  
16 forward.

17 Give attention to Councilor expressed items, including:

- 18 • Impacts of Shipyard and State transportation infrastructure on local traffic
- 19 • Energy efficiency efforts
- 20 • Rice Public Library incorporation as a Town Department
- 21 • Rice Public Library Building renovation and expansion plans
- 22 • Legion Pond management
- 23 • 236 Traffic Safety
- 24 • Explore local option tax proposals
- 25 • Ensure effective communication with the public
- 26 • Short-term-rental ordinance

1 **TOWN MANAGER GOALS**  
2 **2019**

3 Support long term planning and growth management objectives:

- 4 • Work with local and regional organizations to attract and sustain appropriate local  
5 economic investment
- 6 • Propose and implement zoning amendments that support desired growth in the  
7 targeted growth areas including Route 1, and the Route 1 Bypass
- 8 • Advance the Title 16 recodification effort to draft stage

9 Enhance Financial Stability

- 10 • Produce a 2020 budget that seeks to maintain a stable tax rate, and that is  
11 adequately justifiable in comparison to appropriate economic indicators, comparable  
12 communities, and supports implementation of town objectives
- 13 • Implement tax lien policy and address tax liens from prior years

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

16 Implement the Comprehensive Plan 5 Year Action Plan, specifically focused on the  
17 following:

- 18 • Launch of a Climate Adaptation Study
- 19 • Develop amendments to ADU ordinance and develop an affordable housing overlay  
20 zone to increase variety of housing stock
- 21 • Complete the Joint Land Use Study and identify traffic management solutions for  
22 implementation
- 23 • Resolve the matter of the Library becoming a town department
- 24 • Support the development of a strategy for disposition of the Taylor Building
- 25 • Advance the Rice Library renovation and expansion planning

26 [Evaluation transitioning the Fire Chief position from Part-Time to Full-Time](#)

1 **BUDGET GOALS**  
2 **FY2020**

3 The Town Manager, School Committee, and various Departments should develop their budgets  
4 such that the funding requests adequately provide for the delivery of the core functions of the town  
5 and school; and that initiatives are considered and proposed that advance the effectiveness of town  
6 and school operations, improve service delivery, support implementation of the Town’s  
7 Comprehensive Plan, and/or improve operational efficiency.

8 The Town Manager and School Committee should produce a structurally balanced budget that  
9 funds necessary expenditures with recurring revenues; maintains adequate unassigned fund  
10 balances; uses non-recurring revenue judiciously and for non-recurring expenditures; and  
11 incorporates a sensible investment in the town’s assets, all with the intent of promoting long-term  
12 financial sustainability.

13 The Town Manager and School Committee should produce a budget that seeks to maintain a stable  
14 tax rate, and that is adequately justifiable in comparison to appropriate economic indicators and  
15 comparable communities.



01/14  
RECEIVED

DEC 10 2018

BY: Mem @ 11:30 AM

**TOWN OF KITTELY, MAINE**  
**TOWN CLERK'S OFFICE**  
200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1328 Fax: (207) 439-6806

**PLEASE CHECK APPROPRIATE SQUARE:**

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

NAME: Jean Treacy \_\_\_\_\_

RESIDENCE: 135 Pepperrell Road, Kittery Point \_\_\_\_\_

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: jeangtreacy@gmail.com \_\_\_\_\_

TELEPHONE NUMBERS: (HOME) 207-703-0448 \_\_\_ (WORK) \_\_\_\_\_

PRESENT POSITION: Member, Shellfish Commission \_\_\_\_\_

**PLEASE CHECK APPROPRIATE SQUARE:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Board of Appeals                | <input type="checkbox"/> Port Authority   | <input type="checkbox"/> Mary Safford Wildes Trust               |
| <input type="checkbox"/> Conservation Commission         | <input type="checkbox"/> Planning Board   | <input checked="" type="checkbox"/> Shellfish Conservation Comm. |
| <input type="checkbox"/> Board of Assessment Review      | <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee                    |
| <input type="checkbox"/> Education Scholarship Committee | <input type="checkbox"/> Other _____      |  |

COMMENTS: I request that I be reappointed to the Shellfish Commission. Thank you.  
\_\_\_\_\_

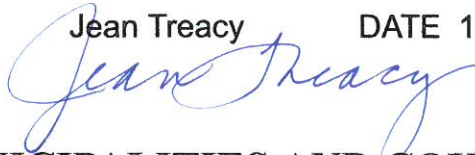


**Please read the back of this application before signing.**

SIGNATURE OF APPLICANT

Jean Treacy

DATE 12/5/18



**Title 30-A: MUNICIPALITIES AND COUNTIES**

**§2605. Conflicts of interest**

**1. Voting.** The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest.

**4. Direct or indirect pecuniary interest.** In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

A. This subsection does not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves.

**6. Avoidance of appearance of conflict of interest.** Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: January 14, 2019  
From: Kendra Amaral, Town Manager  
Subject: Parks Commission Recommendation – Fort Foster Fees  
Council Sponsor: Chairperson Judy Spiller

---

The Parks Commission is focused on supporting the implementation of various objectives/projects, and supporting the long-term maintenance and improvement of Fort Foster. The Parks Commission is proposing fee increases that will directly support the objectives and projects they have identified as priorities. The administration supports the fee increases and has conferred with the Parks Commission on how to address their objectives.

**IMPACT**

The Parks Commission and I have agreed to conservatively estimate the increased revenue from the fee changes to be \$60,000 in the first year. This is recognized as being highly conservative, and is expected to be adjusted with data from the coming year.

Of the projected increase in revenue the following allocations are anticipated:

- \$40,000 to CIP Parks Reserve to advance the Tower Bathroom Roof Repair, the Landscape Plan, and to build the reserve for future projects
- \$20,000 to DPW and Police to cover maintenance and increased enforcement at Fort Foster. The details of the enforcement plan are still be worked out with the Police Department.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve as presented.

**ATTACHMENTS**

- Parks Commission Report to Council
- Fort Foster Fee Proposal

# REPORT to the KITTELY TOWN COUNCIL

## Fort Foster Fee Changes

January 14, 2019

1 **RESPONSIBLE INDIVIDUALS (Parks Commission):**

2 Page Mead (Co-Chair), Rich DeMarco (Co-Chair), Dave Wrocklage, Gale Turner, Kristina DeMarco, Denise Payne,  
3 Shaye Robbins, George Dow

4

5 **Subject: Parks Commission recommends updating fees at Fort Foster**

6

7 **Issue:**

8 The Parks Commission would like to advance projects prioritized off the Town Parks Plan and presented to the  
9 Town Council during the workshop on November 26, 2018. The PC recognizes money will be needed. Through  
10 higher user fees, and Town Council's approval of additional funding through the budget process, the identified  
11 projects can be completed in a timely manner. The hope is the Town Council will approve a higher budget next  
12 year knowing fees will be increasing.

13 **Current Situation:**

14 The Parks Commission estimates additional spending need of \$85,000-\$100,000

- 15 1) Increase rule enforcement at Fort Foster in the form of a Community Service Officer or Community  
16 Reserve Officer
- 17 2) Repair the Roof to the Tower Bathroom
- 18 3) Develop a Landscape use plan
- 19 4) Implement an invasive management plan
- 20 5) Look into a portable toilet at Seapoint Beach
- 21 6) Start funding future goals (ex. additional/mew Kitterly Parks)

22

23 **Background:**

24 The Parks Commission has been and will continue to be in discussion with the Town Manager on the best course  
25 of action to accomplish these goals. The Parks Commission has provided research of current usage and associated  
26 fees at Fort Foster, fees at other local parks, and results of a public survey to the Town Council at a workshop on  
27 November 26, 2018. The Parks Commission provided their opinion/support for increasing current fees as well as  
28 ideas for new fees. From these discussions the Parks Commission is making the following recommendations to  
29 Council:

30

31 **Parks Commission Recommendation:**

32 It is the recommendation of the Parks Commission to

- 33 • Increase the Non-resident season pass from \$60 to \$75
- 34 • Increase Small Pavilion Rental (credit card fee is added) from \$50 to \$100
- 35 • Increase Large Pavilion Rental <50ppl (credit card fee is added) from \$100 to \$200
- 36 • Increase Large Pavilion Rental >50ppl (credit card fee is added) from \$150 to \$300
- 37 • Increase Vehicle at Gate with occupants included from \$10 to \$20
- 38 • Increase School/Camp Bus from \$50 to \$75
- 39 • Initiate an new gate RV fee for \$50.
- 40 • Initiate a new Paybox to be placed at FF encouraging a suggested entry fee while park is closed ~\$2

## Fee Schedules

1 **ADD Fort Foster Fees to Fee Schedule Appendix A and AMEND fees:**

2 **Season Pass**

3 Resident	\$20
4 Non-Resident	<del>\$60</del> <u>75</u>
5 Senior Resident	\$ 5

6 **Duplicate/Replacement Pass**

7 Resident	\$ 5
8 Non-Resident	\$15
9 Senior Resident	\$ 5

10 **Single Day Pass**

11 Vehicle w/occupants	<del>\$10</del> <u>20</u>
12 Walk/Bike	
13 Adult	\$ 5
14 Child	\$ 1

15 **Buses and Recreational Vehicles**

16 School/Summer Camp Bus	<del>\$50</del> <u>75</u>
17 (does not include additional vehicles accompanying bus)	
18 Tour	\$100
19 <u>Recreational Vehicle</u>	<u>\$50</u>
20 ( <u>Fees include entrance fee for occupants</u> )	

21 **Small Pavilion Rental**

22 Up to 35 people	<del>\$51.50</del> <u>100</u>
23 (Fee does not include entrance fees <u>or credit/debit card processing fees</u> )	

24 **Large Pavilion Rental**

25 Up to 50 people	<del>\$102.50</del> <u>200</u>
26 51 to 100 people	<del>\$153.75</del> <u>300</u>
27 (Fees do not include entrance fees <u>or credit/debit card processing fees</u> )	

**MAINE**  
**Kittery Outlets**  
*America's Maine Street for Shopping*

---

December 13, 2018

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

Dear Kendra,

Enclosed is our application for The Kittery Outlets' 2019 Sale Events, to be approved by the Kittery Town Council.

Please let me know if you have any questions for us. I hope all is going well, and I look forward to having you attend one of our meetings in 2019.

Sincerely,



Lynn M. Smith  
Marketing Director

/enclosure

CC: Ms. Nicole Maurice  
Kittery Outlet Owners

BY: \_\_\_\_\_  
RECEIVED  
DEC 20 2018



# TOWN OF KITTERY, MAINE

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 439-0452 Fax: (207) 439-6806

## APPLICATION TO THE KITTERY TOWN COUNCIL TO APPROVE UP TO FIVE (5) REQUESTED DATES FOR TOWN-WIDE SIDEWALK SALES EVENTS

1. List requested dates and days of the week for up to five (5) sidewalk sales events

in this calendar year (each event not to exceed four days):

- Event #1: Memorial Day <sup>Sale Event</sup> May 24-27, 2019
- Event #2: July 4<sup>th</sup> Sale Weekend July 4-7, 2019
- Event #3: Back to School Event August 9-12, 2019
- Event #4: Labor Day Sale Event August 30 - Sept. 2, 2019
- Event #5: Columbus Day Sale Event October 11-14, 2019

2. List the names and show signatures of five (5) merchants primarily engaged in retail trade or landlords of tenants primarily engaged in retail trade supporting

this application:

	<u>Name:</u>	<u>Affiliation:</u>	<u>Signature:</u>
A.	<u>Mari DeNeil</u>	<u>Outlets at Kittery</u>	<u>[Signature]</u>
B.	<u>Debbie Bonti</u>	<u>Asi Kashi B'Gosh</u>	<u>[Signature]</u>
C.	<u>Brian Fortier</u>	<u>Lucky Brand</u>	<u>[Signature]</u>
D.	<u>Jane Coffey</u>	<u>LoCreuset</u>	<u>[Signature]</u>
E.	<u>Amy Stern</u>	<u>Kittery Place</u>	<u>[Signature]</u>

continued...

**APPLICATION TO THE KITTERY TOWN COUNCIL TO APPROVE UP TO FIVE (5)  
REQUESTED DATES FOR TOWN-WIDE SIDEWALK SALES EVENTS (Continued)**

3. Indicate means of informing the Kittery business community of the opportunity to participate in the town-wide sidewalk sales event(s) should it be approved:

(Please circle at least one "yes" response)

Yes    No    Post notices in conspicuous locations around town, including on KOA's website and the Town Office, stating the dates of the event and the requirement for a town-approved sidewalk sales site plan for merchants to participate.

Yes    No    Insert a notice or article in the Greater York Chamber of Commerce newsletter or website.

Yes    No    Place a legal notice in a newspaper of general circulation at least ten (10) days preceding the event.

Other methods: \_\_\_\_\_

4. Name of applicant/contact person coordinating the event(s):

NAME: Lynn Smith

SIGNATURE: 

ADDRESS: PO Box 357 Kittery

TELEPHONE #: 439-4367

E-MAIL (OPT.): lynn@thekitteryoutlets.com



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

---

**REPORT TO TOWN COUNCIL**

---

Meeting Date: January 14, 2019  
From: Kendra Amaral, Town Manager  
Subject: Wetlands Preservation Fund  
Councilor Sponsor: Chairperson Judy Spiller

---

**EXECUTIVE SUMMARY**

The Council approved the utilization of the Wetlands Mitigation Fund for the development of an invasive species map for Fort Foster. The invasive species map has been completed.

The next step in the project is to develop a management plan that will layout strategies, both short and long-term, to address and control the growth and spread of invasive species that threaten the native species of both flora and fauna of Fort Foster.

**BACKGROUND**

Per Town Code 16.9.3.9.3 the Planning Board recommends and the Council approves release of funds in the Wetlands Preservation Fee fund. The estimate for the project is \$6,380. I recommend the Council authorize release of up to \$7,000 in case there are incidental or unanticipated scope adjustments associated with this project.

The Wetland Preservation Fee fund (Wetlands Mitigation Fund, 2060) has a balance of \$33,915.

The administration, Parks Commission, Conservation Commission, and Planning Board recommend the release of Wetlands Preservation Fee funds for the project.

**PROPOSED SOLUTION/RECOMMENDATION**

Authorize release of funds as recommended.

**ATTACHMENTS**

- Fort Foster Invasive Management Plan Proposal
- Fort Foster Invasive Map
- Planning Board Recommendation





97 A Exchange St.  
Suite 305  
Portland, ME  
04101

207-221-6699 (v)  
[www.fbenvironmental.com](http://www.fbenvironmental.com)

Mr. Rich DeMarco  
Co-Chair Kittery Parks Commission  
200 Rogers Road  
Kittery, ME 03904

December 7, 2018

Dear Mr. DeMarco,

FB Environmental Associates (FBE) is pleased to submit the attached proposal to conduct several tasks associated with the management of non-native, invasive plant species (invasives) present at Kittery's Fort Foster Park.

FBE is a ten-person environmental consulting firm with offices located in Portland, Maine and Portsmouth, New Hampshire. Since the company's start in 2001, we have focused much of our work on evaluating natural areas and helping communities reduce human impacts on waterbodies and wetlands. We have completed natural resource assessments and management plans throughout New England for both individual properties and entire towns. The vast majority of our work is completed for the public sector, including state agencies, the US EPA, and a number of municipalities including Kittery.

The project area for the activities proposed herein consists of the entire approximately 95-acre park (see attached map). In Summer 2018, FBE completed the first step to the management of invasives present at Fort Foster. This effort consisted of inventorying and mapping invasive plants on the property. All collected data have been uploaded into iMapInvasives online database, and a map depicting the type, location, and density of invasives at Fort Foster was submitted to the Kittery Parks Commission on October 24, 2018.

To continue the management and eradication of invasives present at Fort Foster, we propose to provide a field consultation with Vegetation Control Services to discuss options for invasive plant eradication methods and associated cost, review applicable laws and ordinances and acquire necessary permits, draft a management plan regarding the long-term management of non-native invasive plants on the property, and provide a presentation to the town council.

Kevin Ryan, Ph.D., FBE's Ecological Services division lead, and Amanda Gavin, M.S. Botanist, will conduct the majority of work associated with this project. If you have any questions, I can be reached on my cell phone at (207) 650-7597, or via email at [info@fbenvironmental.com](mailto:info@fbenvironmental.com).

Sincerely,

Forrest Bell  
Principal, FB Environmental Associates

## PROJECT ESTIMATE (AND SCOPE OF SERVICES)

The project estimate and scope of services below is divided into five main tasks. Please note that we offer a “menu” approach which allows for selection of individual tasks.

### Task 1. Project Management and Administration

In order to effectively manage this project, FBE will:

- Participate in phone calls and email communication with the client;
- Conduct project management duties (directing staff, scheduling);
- Complete project invoicing, memorandums, and other administrative duties.

### Task 2. On-site coordination with a vegetation management company

FBE will coordinate a field visit with a company that specializes in the management of invasive vegetation and that has the necessary equipment (e.g., skid steers, chain saws, backpack sprayers) to implement a variety of control methods. (Best methods of control are determined during the on-site consultation.) Two reputable companies are Taylor’s Invasive Plant Control and Vegetation Control Services, both of which FBE has a good working relationship with.

Please note that the chosen vegetation management company will submit a separate proposal which will include a dollar amount (separate from this contract) to conduct on-the-ground removal of invasives.

### Task 3. Ordinance Review and Permitting

FBE will prepare and submit the necessary DEP permit applications to conduct invasive species removal at Fort Foster. It is likely that the DEP will require a completed Permit by Rule (PBR) form as opposed to a Tier I application under the Natural Resources Protection Act. The former application is a streamlined process compared to the latter. FBE will also research applicable ordinances and acquire any necessary permits from the Town of Kittery.

As part of this task FBE will also contact State and/or Federal biologists regarding the management of the New England cottontail (*Sylvilagus transitionalis*) within the park. As the species uses dense vegetation thickets (sometimes composed of invasive species), the presence of the species might affect invasive management within certain areas of the park.

### Task 4. Management Plan

FBE will use information collected from the invasive plant inventory and mapping that was completed in Summer 2018 and Tasks 2 and 3, as well as previous knowledge of the site, to develop a site-specific invasive species management plan for Fort Foster. The plan will include species-specific treatment recommendations to assist the Town of Kittery with long-term restoration strategies for the park. These recommendations will describe what management practices are acceptable based on previously identified site constraints, the best timing for implementation, what permitting is necessary, which invasive species

should be targeted, and how native species should be used to restore the site. The management plan will include a proposed schedule for restoration.

**Task 5. Presentation to Town Council**

FBE will prepare and deliver a PowerPoint presentation to the Town of Kittery explaining the key project features.

**SCHEDULE OF WORK**

Work can begin upon signing of this contract.

**COMPENSATION**

The cost of FB Environmental's services is up to \$6,380.00. The cost shall not be exceeded without prior authorization from the Town of Kittery. The amount is based on time and materials (see below). If the scope of work changes materially, the amounts of compensation set forth herein shall be equitably adjusted in writing.

**PROJECT TASKS**

**TASK 1: PROJECT MANAGEMENT AND ADMINISTRATION**

Site visit preparation, administration, and overall project management.	\$ 875.00
<b>Task 1 Total</b>	<b>\$ 875.00</b>

**TASK 2: FIELD CONSULTATION WITH A VEGETATION MANAGEMENT COMPANY**

Site walk with chosen company.	\$ 635.00
Expenses Mileage (100 miles @ \$0.55/mile)	\$ 55.00
<b>Task 2 Total</b>	<b>\$ 690.00</b>

**TASK 3: ORDINANCE REVIEW AND PERMITTING**

Review ordinances and acquire necessary permits.	\$ 1,265.00
<b>Task 3 Total</b>	<b>\$ 1,265.00</b>

**TASK 4: MANAGEMENT PLAN**

Draft plan for long-term management of invasives at Fort Foster.	\$ 3,160.00
<b>Task 4 Total</b>	<b>\$ 3,160.00</b>

**TASK 5: PRESENTATION TO TOWN COUNCIL**

Production and delivery of a PowerPoint presentation to Town Council and/or general public.	\$ 1,265.00
<b>Task 5 Total</b>	<b>\$ 1,265.00</b>

<b>GRAND TOTAL</b>	<b>\$ 6,380.00</b>
--------------------	--------------------

**ASSUMPTIONS AND LIMITING CONDITIONS:**

To further define our role in the project, our assumptions are as follows:

- This proposal does not include the cost for Vegetation Control Services to conduct on-the-ground invasive removal activities.
- All deliverables will be provided by FBE in electronic format including invasive species maps, and the Invasive Management Plan, unless otherwise requested.

**INVOICES**

FBE will submit invoices based on lump sum by task. FBE is a small business and functions best when invoices are submitted on a monthly basis. We ask that payments be made within 30 days from the date of invoice. Thank you and we look forward to assisting the Town of Kittery with this project.

**ACCEPTANCE OF CONSULTING SERVICES**

By signing below, FB Environmental Associates and the Town of Kittery accept the terms and conditions stated herein.



---

**Forrest Bell ~ FB Environmental Associates**

**Date:** December 7, 2018

---

**Date:**



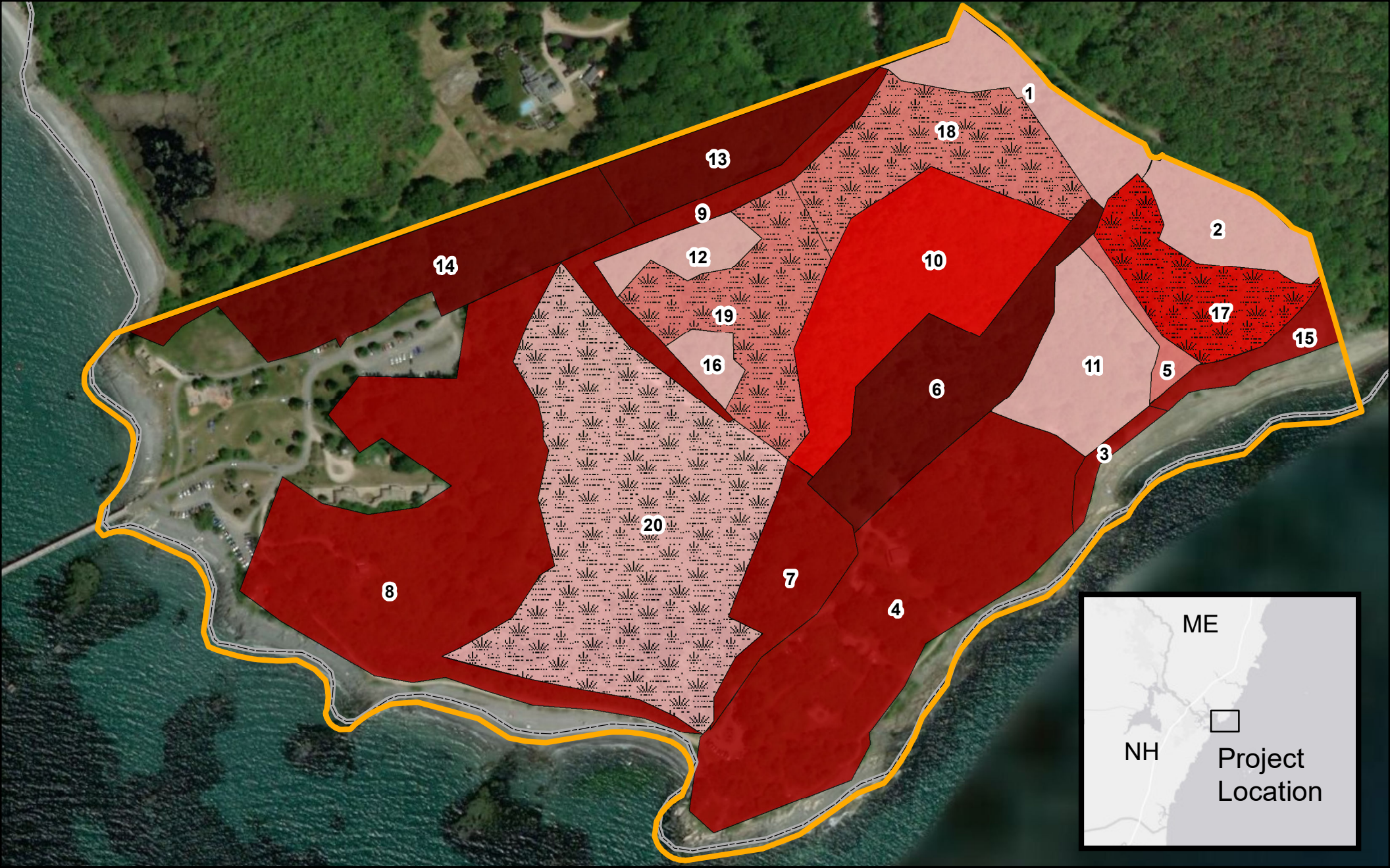
-  Town Boundary
-  Fort Foster Boundary
-  Road
-  Parcel

**Fort Foster**  
**Kittery, Maine**

0 500 1,000  
Feet



Data Sources: MEGIS, ESRI  
Coordinage system: NAD 1983 UTM Zone 19N  
Map created by FB Environmental, March 2018



**Legend**

Invasives Percent Cover			
0-5%		50-75%	
5-25%		75-100%	
25-50%		Wetland	
		Kittery Town Boundary	
		Fort Foster Boundary	

**Fort Foster Invasive Species Map**  
*Kittery, Maine*



Data Sources: MEGIS, ESRI  
 Coordination system: NAD 1983 UTM Zone 19N  
 Map created by FB Environmental, August 2018

Polygon numbers refer to table entries on the following page.

**Fort Foster Invasive Map Table**

Polygon Number*	Species 1**	Species 2	Species 3	Species 4	Species 5	Percent Class Cover	Disitrbution	Maturity	Woody Plant Info	Notes
1	Glossy False Buckthorn	-	-	-	-	Less than 5	Scattered plants or clumps	Vegetative	Mature and Seedling	All stems cut 1x from Oct 2017 to May 2018 by G. Mitchel.
2	Glossy False Buckthorn	-	-	-	-	Less than 5	Scattered plants or clumps	Vegetative	Mature and Seedling	All stems cut 1x from Oct 2017 to May 2018 by G. Mitchel.
3	Morrow's honeysuckle	-	-	-	-	50 to 75	Dense plants or clumps	Fruit	Mature	Linear plot along the edge of cobble beach.
4	Morrow's honeysuckle	Asian bittersweet	Japanese barberry	Multiflora Rose	Glossy False Buckthorn	50 to 75	Dense plants or clumps	Fruit	Mature	Dense patches throughout plot. Rabbit Habitat. Significant patches of Black Swallowwort marked by P Meade and D Wroklledge 2018
5	Glossy False Buckthorn	Japanese barberry	-	-	-	Five to 25	Scattered plants or clumps	Seeds	Mature	Predominantly buckthorn and occasional barberry.
6	Glossy False Buckthorn	Japanese barberry	-	-	-	75 to 100	Dense plants or clumps	Seeds	Mature	Highest density along old road.
7	Morrow's honeysuckle	Japanese barberry	-	-	-	50 to 75	Dense plants or clumps	Fruit	Mature	Highest density along old road.
8	Morrow's honeysuckle	Glossy False Buckthorn	Asian bittersweet	Black Swallowwort	Japanese barberry	50 to 75	Dense plants or clumps	Vegetative, Flowers, Fruits	Mature	Rabbit habitat
9	Morrow's honeysuckle	Glossy False Buckthorn	Japanese barberry	-	-	50 to 75	Dense plants or clumps	Vegetative, Flowers, Fruits	Mature	
10	Glossy False Buckthorn	Japanese barberry	Morrow's honeysuckle	-	-	25 to 50	Dense plants or clumps	Vegetative, Flowers, Fruits	Mature and Seedling	Highest density along road and ridge in center of polygon; <10 percent along wetland border.
11	Glossy False Buckthorn	Japanese barberry	Morrow's honeysuckle	Multiflora Rose	-	Less than 5	Scattered plants or clumps	Seeds	Mature and Seedling	Highest density along edges.
12	Glossy False Buckthorn	-	-	-	-	Less than 5	Scattered plants or clumps	Seeds	Mature and Seedling	Buckthorn concentrated along wetland edge.
16	Glossy False Buckthorn	-	-	-	-	Less than 5	Scattered plants or clumps	Seeds	Mature and Seedling	Buckthorn concentrated along wetland edge.
13	Glossy False Buckthorn	Morrow's honeysuckle	Japanese barberry	-	-	75 to 100	Dense plants or clumps	Vegetative, Flowers, Fruits	Mature and Seedling	Buckthorn dense along road and fence line.
14	Glossy False Buckthorn	Morrow's honeysuckle	Japanese barberry	Asian bittersweet	-	75 to 100	Dense plants or clumps	Vegetative, Flowers, Fruits	Mature and Seedling	Very thick vegetation, nearly 100% invasive.
16	Glossy False Buckthorn	-	-	-	-	Less than 5	Scattered plants or clumps	Seeds	Mature and Seedling	Buckthorn concentrated along wetland edge.
15	Morrow's honeysuckle	-	-	-	-	50 to 75	Dense plants or clumps	Seeds	Mature	Clumps of honeysuckle on cobble beach.
17	Glossy False Buckthorn	Common Reed	-	-	-	25 to 50	Dense plants or clumps	Vegetative, Flowers, Fruits	Mature and Seedling	Thick wetland, difficult to access during ice-free season. Common reed near beach-should be removed before it expands.
18	Glossy False Buckthorn	-	-	-	-	Five to 25	Scattered plants or clumps	Vegetative, Flowers, Fruits	Mature and Seedling	Dense wetland.
19	Glossy False Buckthorn	Purple Loosestrife	-	-	-	Five to 25	Scattered plants or clumps	Vegetative, Flowers, Fruits	Mature and Seedling	Dense wetland; mostly Glossy false buckthorn; patch of purple loosestrife borders polygon 12.
20	Common Reed	-	-	-	-	Less than 5	Dense plants or clumps	Vegetative	N/A	Located on beach side of wetland.

\* Polygon number refers to polygons depicted on the August 2018 Fort Foster Invasive Species map.

\*\*Speices are listed in order of prevalence.



**TOWN OF KITTELY**  
Planning and Development  
200 Rogers Road, Kittery, ME 03904  
Telephone: 207-475-1307 Fax: 207-439-6806

**TO:** TOWN COUNCIL  
**FROM:** PLANNING BOARD  
**SUBJECT:** **PARKS COMMISSION REQUEST TO FUND FORT FOSTER INVASIVE SPECIES MANAGEMENT PLAN – PHASE 2**

**DATE:** DECEMBER 20, 2018  
**CC:** KENDRA AMARAL, TOWN MANAGER, ADAM CAUSEY, DIRECTORY OF PLANNING & DEVELOPMENT, JAMIE STEFFEN, TOWN PLANNER

---

On December 13, 2018, Shaye Robbins of the Parks Commission presented FB Environmental's Phase 2 proposal to draft an invasive species eradication/management plan for Fort Foster. Numerous invasive species (as listed by the State of Maine) are known to exist in the park.

The FB Environmental proposal includes two phases:

Phase 1: Management and administration

- Invasive species field mapping
- GIS data and mapping creation, with uploading to the iMapInvasives application.

Phase 2: Removal of the known invasive species by a contractor and replacement of vegetation where needed:

- On-site coordination with Vegetation Control Service
- Ordinance review and permitting for removal
- Management Plan creation
- Presentation to Town Council

Phase 1 work was conducted this past summer and all data has been uploaded into the iMapInvasives online database and a map depicting the type, location and density of invasives was submitted to the Parks Commission on October 24, 2018. Both the Parks Commission and the Conservation Commission (see Conservation Commission's letter to the Planning Board dated December 12, 2018) believe that this proposal is consistent with the intent of the Wetlands Preservation Fund (Title 16's 16.9.3.9.3.d) because it involves both environmental and conservation work. The plan will serve to preserve and protect Fort Foster from destructive invasive species and reclaim portions of the park for native species.

The Planning Board is strongly supportive of the Parks Commission request and agreed that the proposal serves the purpose of the Wetlands Preservation Fund. The Board voted unanimously on December 13, 2018 to recommend that Town Council consider releasing \$6,380.00 to fund Phase 2 of FB Environmental's proposal.





# Town of Kittery, Maine

## *Conservation Commission*

P.O. Box 808, Kittery, Maine 03904

DATE: December 12, 2018

TO: Jamie Steffen, Town Planner  
Ann Grinnell, Planning Board, Chair

FROM: Earldean Wells, Chair

RE: Phase II Fort Foster plant species management/eradication and re-vegetation

Shaye Robbins, of the Parks Commission, attended the December 6, 2018 regular meeting of the Conservation Commission to present the FB Environmental Consulting Firm's findings on Phase I work to inventory and map invasive plants in the 95 acres of Fort Foster Park. The work was conducted in the Summer of 2018 and all data has been uploaded into iMapInvasives online database, and a map depicting the type, location and density of invasives was submitted to the Parks Commission on October 24, 2018.

Phase II is now ready to be funded. This will provide a field consultation with Vegetation Control Services to discuss options for invasive plant eradication methods and associated cost, a review of applicable laws and ordinances and acquiring necessary permits, drafting a management plan regarding the long-term management of non-native invasive plants in Fort Foster and a power point presentation to the Town Council.

#### PROJECT TASKS:

Task 1; Project Management and Administration	\$ 875.00
Task 2: Field Consultation with Vegetation Management Co.	690.00
Task 3: Ordinance Review and Permitting	1,265.00
Task 4: Management Plan	3,160.00
Task 5: PowerPoint Presentation to Town Council	1,265.00
	<hr/>
	\$6,380.00

The PowerPoint Presentation is optional at this time, the Management Plan will provide valuable information on proper invasives removal that can be passed along to Kittery residents and staff for removal of invasives on private or town property.

The Conservation Commission voted on a motion to support Phase II of FB Environmental project proposal, it was seconded and unanimously approved by all voting members present. We respectfully request that the Planning Board request the Town Council release \$6,380.00 from the Wetland Preservation Fee account to cover the costs of the Phase II project.



# TOWN OF KITTEERY, 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: Cassandra O'Brian

RESIDENCE: 10 Old Farm Road, Kittery, ME 03904

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: Cassandraann34@gmail.com PHONE #: (Home) 603-969-1175 (Work) 603-319-5309

### Please check your choices:

- |  |   |
|--|---|
| <input type="checkbox"/> Board of Appeals                          | <input type="checkbox"/> Board of Assessment Review       |
| <input checked="" type="checkbox"/> Conservation Commission        | <input type="checkbox"/> Mary Safford Wildes Trust        |
| <input type="checkbox"/> Comprehensive Plan Update Committee       | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input type="checkbox"/> Economic Development Committee   |
| <input type="checkbox"/> Parks Commission                          | <input type="checkbox"/> Open Space Committee             |
| <input type="checkbox"/> Port Authority                            | <input type="checkbox"/> Planning Board                   |
| <input type="checkbox"/> Personnel Board                           | <input type="checkbox"/> Other _____                      |

EDUCATION/TRAINING: B.S. Environmental Conservation & Sustainability, minor in Wildlife Conservation, U.S. Army (5 years)

RELATED EXPERIENCE (Including other Boards and Commissions) Experience with wildlife and other biological surveys, wetland

delineation support, GIS/GPS, NH wetland and shoreland permitting, communication between municipal/state level authorities, conducting research/due diligence, marketing tactics, health and safety concerns, and environmental

education. Volunteer within the community in support of environmental conservation, habitat restoration, and wildlife concerns. Co-founder and former president of the UNH Student Armed Forces Association.

PRESENT EMPLOYMENT: Wildlife Biologist, H&S Support, and Marketing Support at Normandeau Associates, Inc.

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTEERY  Yes  No

ANY KNOWN CONFLICT OF INTEREST: No

REASON FOR APPLICATION TO THIS BOARD: application for regular Member of the Conservation Commission

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.

Cassandra O'Brian  
SIGNATURE OF APPLICANT

1/8/2019  
DATE

## **Title 30-A: MUNICIPALITIES AND COUNTIES**

### **§2605. Conflicts of interest**

**1. Voting.** The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest.

**4. Direct or indirect pecuniary interest.** In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

A. This subsection does not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves.

**6. Avoidance of appearance of conflict of interest.** Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.

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

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

NEW application:  Yes  No

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

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

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <u>BN Kittery LLC</u>			Business Name (D/B/A) <u>Farm Bar &amp; Grille</u>		
APPLICANT(S) (Sole Proprietor) <u>Noah Goldstein</u>		DOB: <u>6/28/81</u>	Physical Location: <u>57 State Rd.</u>		
APPLICANT(S) <u>Ryan Coy</u>		DOB: <u>12/29/79</u>	City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>
Address <u>57 State Rd</u>			Mailing Address <u>57 State Rd</u>		
City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>	City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>
Telephone Number <u>207-475-0000</u>	Fax Number <u>207-475-0050</u>	Business Telephone Number <u>207-475-0000</u>		Fax Number	
Federal I.D. # <del>47-2655201</del> <u>47-2655201</u>			Seller Certificate #: <u>1172335</u> or Sales Tax #:		
Email Address: Please Print <u>FarmBarGrille@gmail.com</u>			Website: <u>FarmBarGrille.com</u>		

If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_ X

Requested inspection date: \_\_\_\_\_ X Business hours: \_\_\_\_\_ X

- 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 \$ 690,000 LIQUOR \$ 360,000
- Is applicant a corporation, limited liability company or limited partnership? YES  NO   
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? ~~Yes~~  No   
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

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

License #	Name of Business
Physical Location	City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES  NO
6. If manager is to be employed, give name: Heather Bradley
7. Business records are located at: 57 State Rd Kittery ME 03904
8. Is/are applicants(s) citizens of the United States? YES  NO
9. Is/are applicant(s) residents of the State of Maine? YES  NO
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Noah Goldstein	6/28/81	Boston, MA
Ryan Cox	12/29/79	Boston, MA
Bradley Atkinson	7/4/82	Boston, MA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Heather Bradley	12/21/85	Alabama

11. 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)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_
13. Has/have applicant(s) formerly held a Maine liquor license? YES  NO
14. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_  
Jim Spencer 32 Grover Ave Eliot ME 03903
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_
17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2.3 miles  
Which of the above is nearest? church
18. 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: Wittig Town Hall, Wittig ME on 1/3, 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)

Noah Goldstein

Print Name

Print Name

**FEE SCHEDULE**

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

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

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

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

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

**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).]

### **Please be sure to include the following with your application:**

**Completed the application and sign the form.**

**Signed check with correct license fee and filing fee.**

**Your local City or Towns signature(s) are on the forms.**

**Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).**

**Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.**

**Complete the Corporate Information sheet for all ownerships except sole proprietorships.**

**If you have any questions regarding your application, please contact us at (207) 624-7220.**



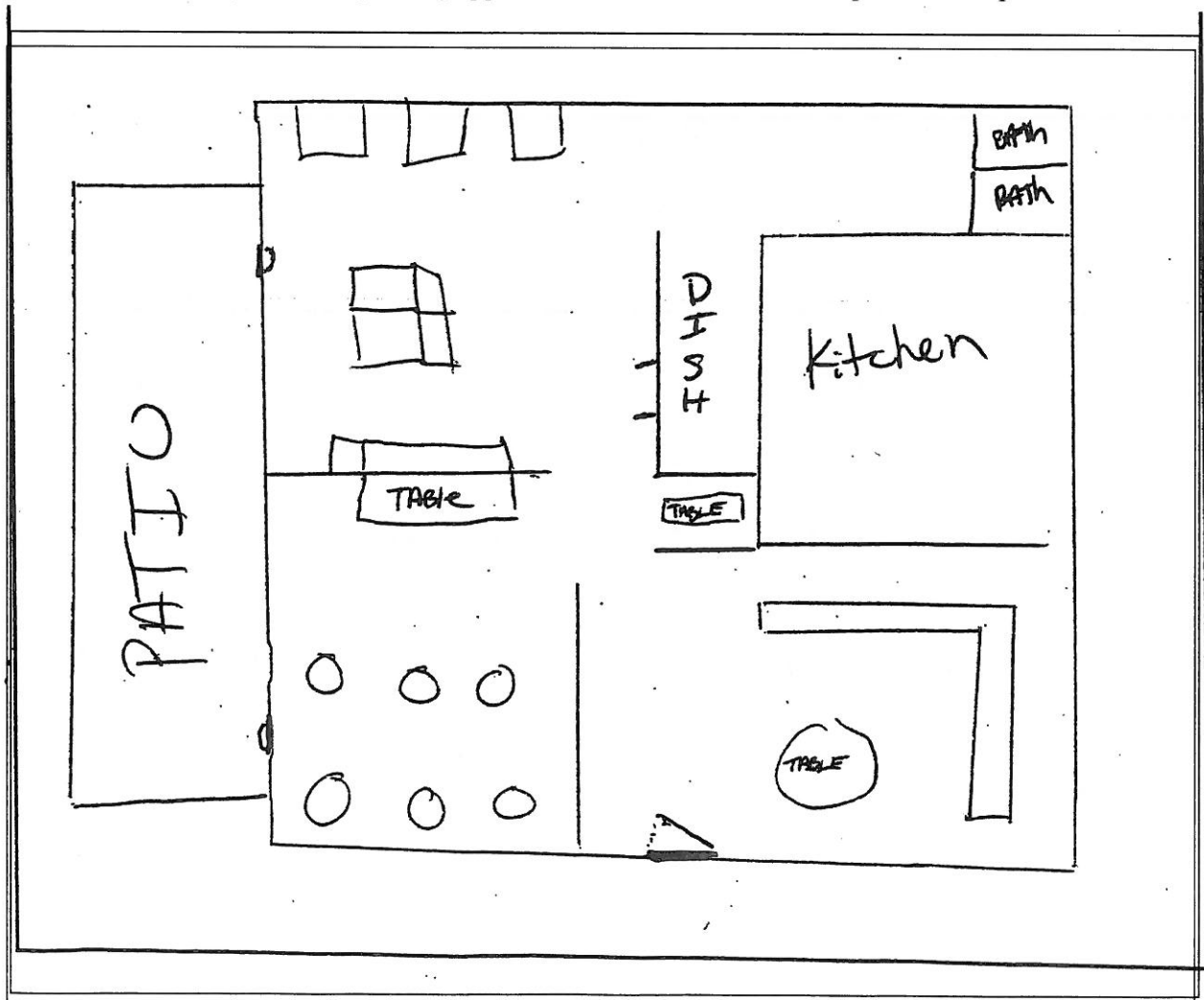
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

### ON PREMISE DIAGRAM

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 of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





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

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

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

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

Please clearly complete this form in its entirety.

- Exact legal name: BN Kittery LLC
- Doing Business As, if any: The Farm Bar & Grille
- Date of filing with Secretary of State: 1/2015 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
- 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 %
Nash Goldstein	92 Spinnaker Way Portsmouth NH 03861	6/26/81	owner	33.33
Ryan Cox	234 Western Ave Essex MA 01929	12/29/79	owner	33.33
Bradley Atkinson	Essex MA	7/4/82	owner	33.33

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

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

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

Yes  No  If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

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

Yes  No

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

Name: \_\_\_\_\_

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

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

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**



Signature of Duly Authorized Person

1/3/19  
Date

Noah Goldstein

Print Name of Duly Authorized Person

---

Submit Completed Forms to:

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

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

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

NEW application:  Yes  No

PRESENT LICENSE EXPIRES 1/25/19

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

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

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <u>Tasty Thai, Inc</u>	Business Name (D/B/A) <u>Tasty Thai</u>
APPLICANT(S) - (Sole Proprietor) <u>Allan I Pechner JR.</u> DOB: <u>05/21/71</u>	Physical Location: <u>182 State Rd</u>
DOB: _____	City/Town <u>Kittery</u> State <u>ME</u> Zip Code <u>03904</u>
Address <u>099 Lafayette #6</u>	Mailing Address <u>182 State Rd</u>
City/Town <u>Portsmouth</u> State <u>NH</u> Zip Code <u>03801</u>	City/Town <u>Kittery</u> State <u>ME</u> Zip Code <u>03904</u>
Telephone Number <u>603-373-6185</u> Fax Number _____	Business Telephone Number <u>207-439-9988</u> Fax Number _____
Federal I.D. # <u>475648414</u>	Seller Certificate #: or Sales Tax #: <u>1176434</u>
Email Address: Please Print <u>Tastythaimaine@gmail.com</u>	Website: <u>WWW.TASTYTHAIMAINE.COM</u>

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

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

- 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 \$ 287,500 LIQUOR \$ 5425
- 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 own or have any interest in any other Maine Liquor License?  Yes  No  
 If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

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

License #	Name of Business
Physical Location	City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES  NO
6. If manager is to be employed, give name: Allan I Pechner Jr.
7. Business records are located at: 182 State Rd 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. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Allan I Pechner Jr.	6/21/1971	Lynn, MA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
399 Maplewood Ave Portsmouth, NH 03801		

11. 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)

12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

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

14. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner:  
M. H. Parsons & Sons Lumber Company; John Parsons PO Box 450 York ME 03901

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_  
Existing location of Restaurant.

16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_

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

Which of the above is nearest? school

18. 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 ME 03904 on 12/22, 2018  
Town/City, State Date

*Allan Pechner Jr.*  
 Signature of Applicant or Corporate Officer(s)  
Allan Pechner Jr.  
 Print Name

**Please sign in blue ink**

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)  
 \_\_\_\_\_  
 Print Name

**FEE SCHEDULE**

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

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

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

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

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

**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) .]

### **Please be sure to include the following with your application:**

**Completed the application and sign the form.**

**Signed check with correct license fee and filing fee.**

**Your local City or Towns signature(s) are on the forms.**

**Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).**

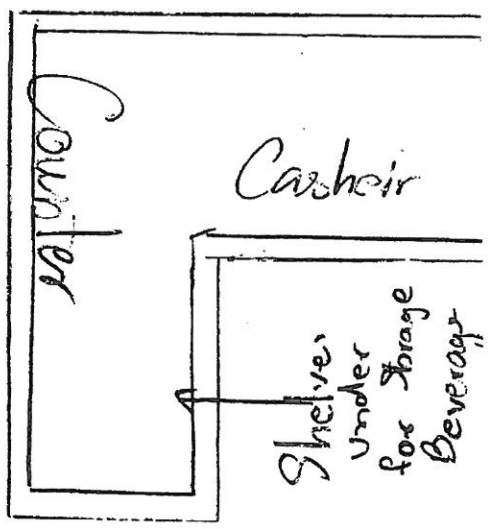
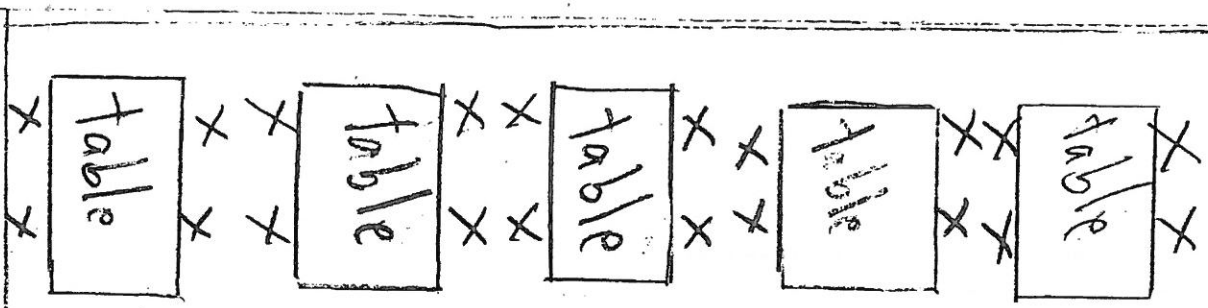
**Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.**

**Complete the Corporate Information sheet for all ownerships except sole proprietorships.**

**If you have any questions regarding your application, please contact us at (207) 624-7220.**



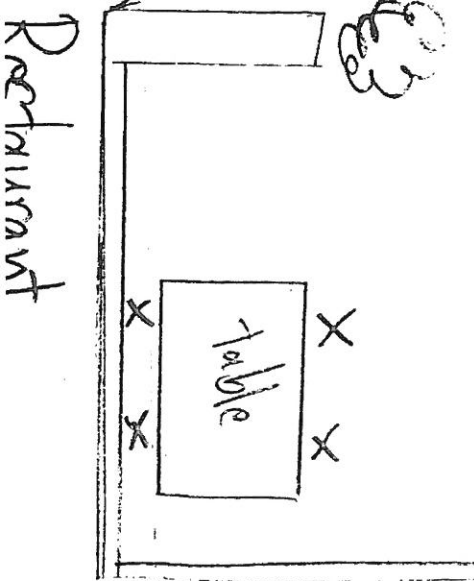
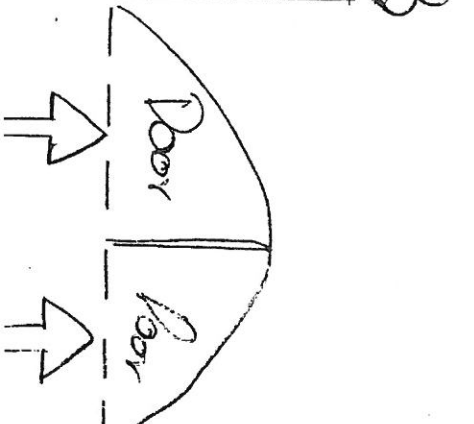
New Kestner  
Reservations

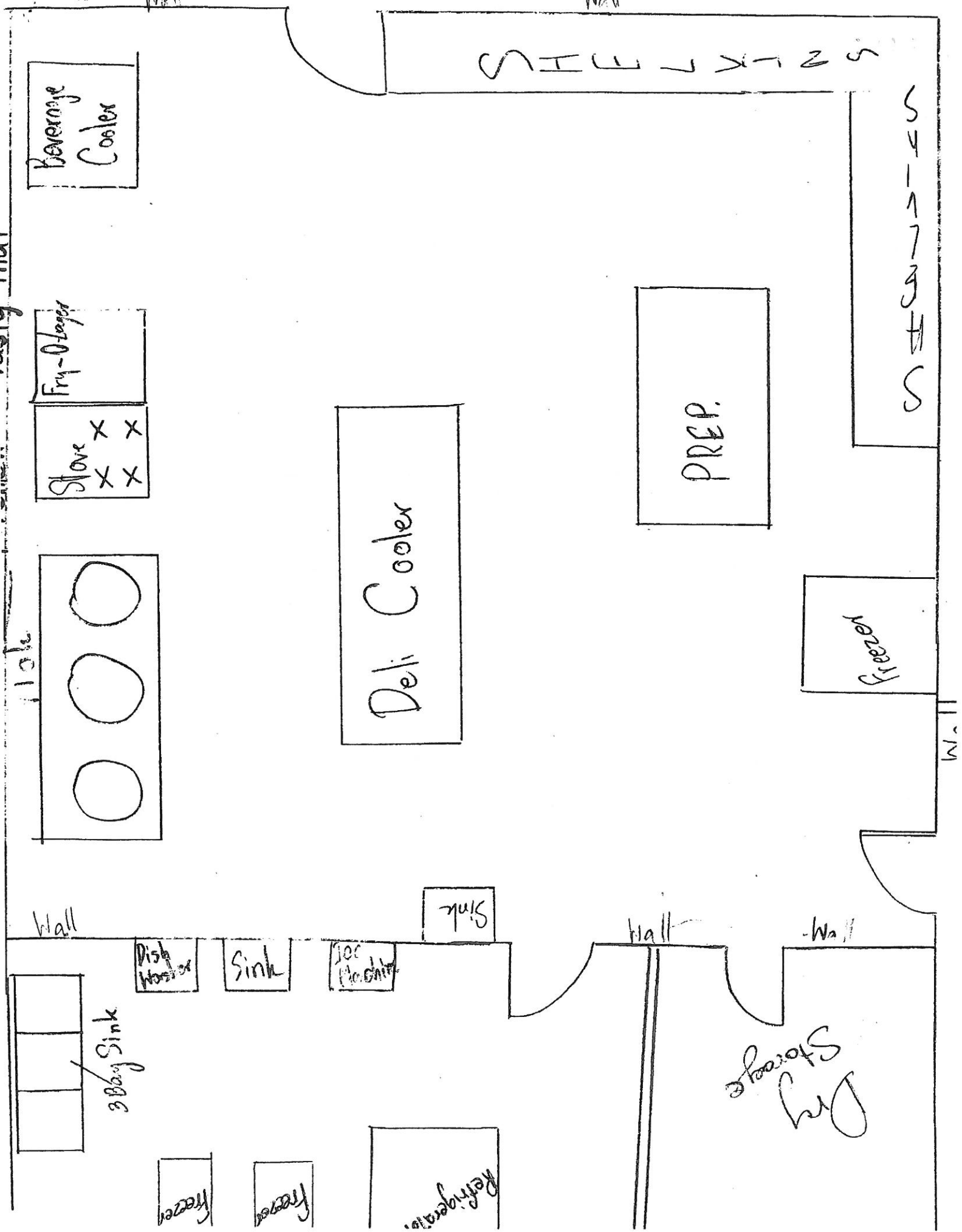


32 Seats



Tastu Mai





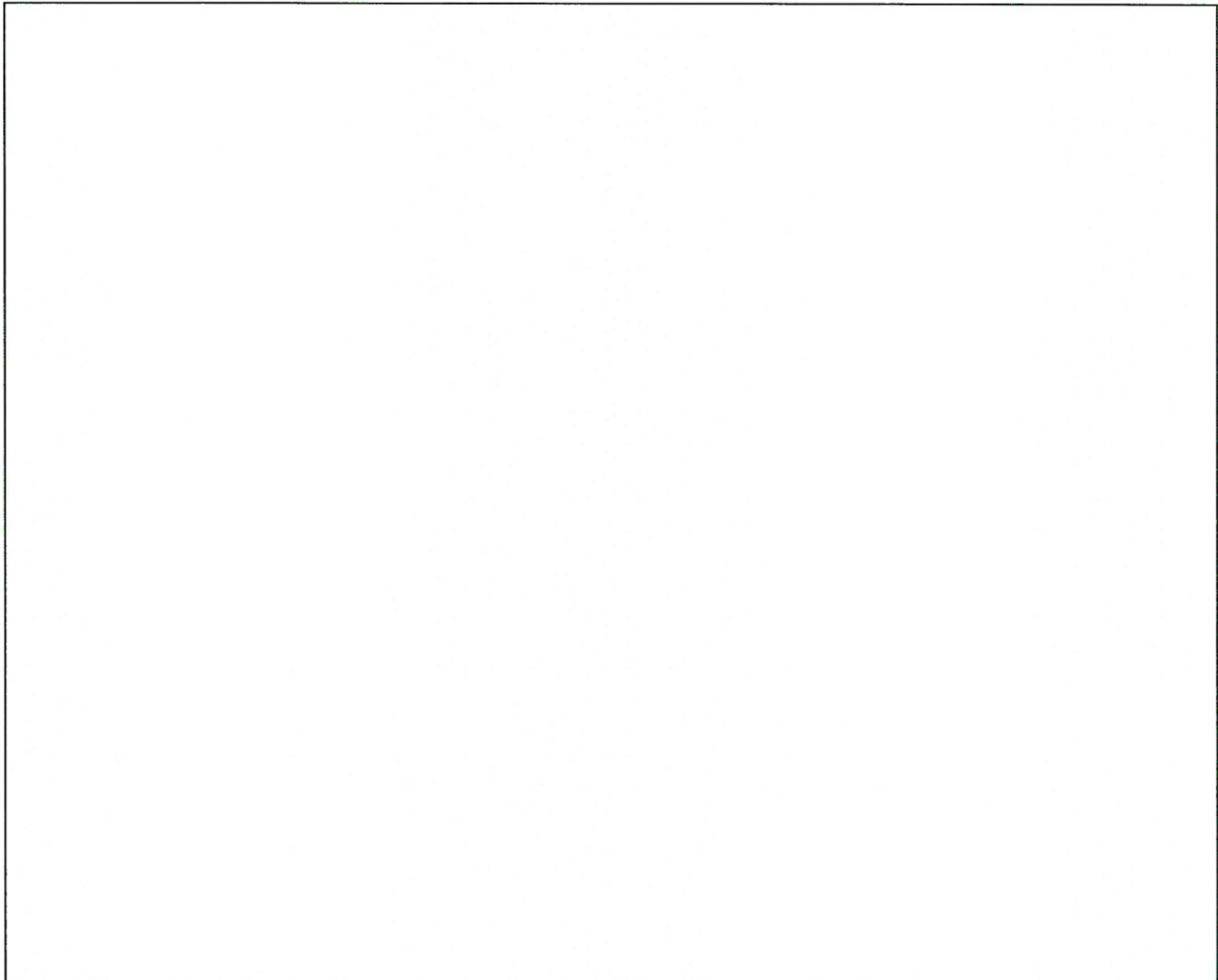
*Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)*

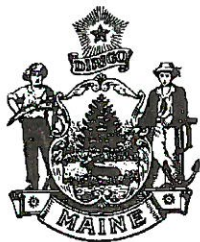
DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

### ON PREMISE DIAGRAM

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 of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





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

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

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100%	Yes <input type="checkbox"/> No <input type="checkbox"/>

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

Please clearly complete this form in its entirety.

- Exact legal name: Tasty Thai, Inc
- Doing Business As, if any: Tasty Thai Restaurant
- Date of filing with Secretary of State: 11/16/2015 State in which you are formed: Kittery ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
- 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 %
Allan I Pechner Jr.	399 Maplewood Av Portsmouth, NH 03801	5/21/71	OWNER	100%

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

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

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

Yes  No  If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

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

Yes  No

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

Name: \_\_\_\_\_

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

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

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

Allan Pechner Jr. 12/22/18  
Signature of Duly Authorized Person Date

Allan I Pechner Jr.  
Print Name of Duly Authorized Person

Submit Completed Forms to:

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