



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

September 24, 2018

Council Chambers

**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 – **None**
8. Interviews for the Board of Appeals and Planning Board – **None**
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS
  - a. (080218-1) The Kittery Town Council moves to hold a public hearing and ordains zoning amendments to Title 16- Land Use and Development Code, 16.3.2.10 – Business Park.
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.
  - b. Kittery Town Council moves to approve the disbursement warrants.
  - c. (080218-2) Kittery Town Council moves to sign the warrant for the Municipal Election to be held on November 6<sup>th</sup>, 2018 at the Kittery Community Center, 120 Rogers Road.

- d. (080218-3) The Kittery Town Council moves to appoint William Peirce as an alternate member to the Board of Assessment Review.
- e. (080218-4) The Kittery Town Council moves to approve an application from Divine Cuisines LLC for a Malt, Vinous and Spirituous Liquor License for Tulsi, 20 Walker Street.
- f. (080218-5) The Kittery Town Council moves to adopt the Annual General Assistance Appendices A-G for the 2018-2019 year.
- g. (080218-6) The Kittery Town Council moves to request that the Town Manager further investigate options to address Legion Pond.
- h. (080218-7) The Kittery Town Council moves to establish the Holiday Parade as a town event, sponsored by the Kiwanis Club of the Seacoast to be held on Saturday, December 1<sup>st</sup> at 3:00 pm and appoint Glen Philbrook, Kiwanis Club member, as the official parade committee.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

- a. (080218-8) The Kittery Town Council moves to go into executive session in accordance with 1 M.R.S., §405 (6) (A) to conduct the Town Manager's annual evaluation.

17. ADJOURNMENT

Posted: September 20, 2018



# 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 September 24, 2018

- 1. Flag Pole at John Paul Jones Park** – The state has been positively responsive to Kittery's request to have the flag pole at JPJ addressed. They are working to line up a contractor to do the painting. This is not a simple job and may take some time to identify the properly trained and equipped contractor.
- 2. Memorial Circle Tree Replacement** – DPW is in the process of identifying and pricing out a replacement tree for the one that had to be removed from the Memorial Circle. Typically, we replace trees with young, small caliper trees. However, the preference for Memorial Circle would be to get a tree that is fairly mature, in order to fit with the overall landscaping of the Circle. The cost of such a tree will be higher than our usual tree replacement costs. Contributions are welcome if Councilors and residents wish to support this effort.
- 3. Badger's Island Parking** – Several members of the Town Council asked that we look into issues with parking on Badger's Island. This was generated from a resident request and frustration that the island is being used as an overflow parking location for various businesses, and for downtown Portsmouth. I will assemble a team of staff to take a look at it and identify any options to resolve the challenges.
- 4. Route 95/Piscataqua Bridge Project** – MaineDOT, the MTA, and the project engineers met with Kittery and Portsmouth to discuss proposed traffic management plans and detouring during the project. At this meeting, it was stated that MTA is looking at moving up their planned installation of traffic signs along the highway that indicate travel time to various milestones. More information is expected from MTA on the scheduled installation.
- 5. Route 236 Corridor Study** – The corridor study for Route 236 has been launched. The project is funded through KACTS and includes both Kittery and Eliot. The project area encompasses Route 236 from Stevenson Road to Beech Road in Eliot. The study objectives are to identify current conditions and issues and develop short-and long-term solutions to improve safety and travel for Route 236 and the connecting side roads and driveways. We anticipate receiving a potentiation solutions draft report early in 2019, which will be presented to the public for input and feedback prior to being finalized.
- 6. Title 16 Recodification** – We received one proposal for the Title 16 recodification project. The proposal is being reviewed by staff, a member of the Board of Appeals and a member of the Planning Board. An interview of the firm is being planned. If the process goes well, I anticipate awarding a contract in the coming weeks and beginning critical project.
- 7. Fort Foster Pathway** – DPW and our Emergency Management Director are working with FEMA on the estimates and project plan for the rehabilitation of the damaged pathway at Fort Foster. We anticipate FEMA reimbursement/funding to complete this project, though the timing and amount are

still being worked out. Once the funding is received, we will purchase the necessary materials and schedule the work. We intend to use in-house staff for the project.

8. **Whipple Road Sidewalk Project** – DPW is working with MDOT and Consolidated (the group that manages utility easements) to collect the remaining guy-wire easements for the project. There are three property owners that have not responded to the easement request. Significant outreach has been conducted to reach and discuss with these property owners. We are also working to get the design of the utility layouts to determine if these easements are also in the Right of Way, providing an alternative approach to addressing these last few properties. Until such time as the easements and Right of Way agreements are completed, this project is not able to move forward.
9. **Potential Closure of Memorial Bridge** – Maine and New Hampshire have been approached by a film producer seeking to shoot scenes for an upcoming movie on Memorial Bridge. I am currently working with the state and Portsmouth to get more information on the proposal, including timing, duration, and anticipated impact.
10. **Retirement Detective Ray Hazen** – Detective Ray Hazen has announced he will be retiring September 28<sup>th</sup> from the Kittery Police Department. Detective Hazen has honorably served the Town for 12 years. He has been our local detective, working with residents and businesses closely to resolve issues and bring resolution to police cases. He is a member of the community, and well known and liked throughout town. Detective Hazen will not be enjoying retirement too long, as he has accepted a position with York County and will begin there on October 1<sup>st</sup>. Please help me in congratulating him on his upcoming retirement.
11. **Retirement Sewer Superintendent George Kathios** – Sewer Superintendent George Kathios has also announced his pending retirement, effective January of 2019. Mr. Kathios rose through the ranks over his 24-year career in Kittery. He has maintained and grown the collection and treatment systems, addressed infiltration that can drive up costs and wear down equipment, participated in multiple major projects, and has overseen the operation of a highly efficient department. Please help me in congratulating him on his upcoming retirement.

**Upcoming Dates:**

- Absentee Ballot Applications Available – now until November 1, Town Hall
- Candidate Night – October 9, 6PM, Council Chambers
- Voter Registration Night – October 24, 6PM to 8PM, Town Hall
- Trick or Treat – October 30, 5PM to 8PM
- Election Day – November 6, 8AM to 8PM, Kittery Community Center

Respectfully Submitted,



Kendra Amaral  
Town Manager



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

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## REPORT TO TOWN COUNCIL

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Meeting Date: September 24, 2018  
From: Kendra Amaral, Town Manager  
Subject: Neighborhood Mixed Use Zone (Business Park Zone)  
Councilor Sponsor: Chairperson Kenneth Lemont

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Following an extensive review and development process, the administration, in collaboration with the Kittery Open Space Advisory Committee (repurposed for this effort), and the Economic Development Committee, is pleased to be advancing zoning amendments to the former Business Park Zone. These amendments were developed to support investment in and build-out of one of Kittery's primary "target growth areas".

### OVERVIEW

#### Business Park Use Study

In 2016, the Economic Development Committee was fielding information from a parcel owner within the Business Park Zone about potential development opportunities. The owner was seeking town support to utilize the Tax Incentive Financing district to invest in roads, water, and power access to his parcel. At the time, the EDC wished to better understand the opportunities and challenges with development of the whole zone, prior to providing the Council with a recommendation on the specific request. The EDC and Council agreed to pursue a land-use study as a prudent next step.

In 2017, Southern Maine Planning and Development Commission was engaged to conduct the land-use study. The scope included identifying the build-out options for the full zone and determine the best possible layout for roads, access to water, and three-phase power to support that build-out. The consultant team, working with staff and the owners of the parcels, evaluated the physical conditions of the land, the zoning regulations, and the market opportunities.

The study was completed in August of 2017. Its primary conclusion was that the wetlands and vernal pools serve as the most significant impediment to development in the zone. The zoning regulations further restricted the site, such that beneficial development was all but stifled. Recommendations included adjusting zoning to maximize the limited pockets of developable land that existed between the wetlands.

The complete study was provided to the Council and is available on our Projects tab on our website.

#### Zoning Amendment Development

In July of 2017, the Council was advised of the plan to utilize the Kittery Open Space Committee as a working group to develop ideas on zoning amendments for the Business Park zone. KOSAC includes representatives from a majority of the land-use focused boards, commissions, and committees in town including Council, Planning, Board of Appeals, Conservation Commission,

Economic Development Committee, Parks Commission, Kittery Land Trust, and the Comp Plan Update Committee. Over the fall and winter, KOSAC worked with staff on the zoning amendment. The result is a new “Neighborhood Mixed-Use” zone in place of the Business Park Zone.

KOSAC’s work was guided by the understanding that the zone is designated as a targeted growth area, the majority of the land is undevelopable due to wetlands, and this particular area of town is truly a fitting place for new growth given its location, its natural buffers with other neighborhoods, and its access to major road systems. KOSAC finalized their process in February, supporting the main principals of the zoning amendment being brought forward.

### **Neighborhood Mixed-Use (Business Park Zone)**

Attached is the draft zoning for the Neighborhood Mixed Use. Our goal is to see an area that attracts a diverse demographic of residents, workers and visitors. The zone:

- Establishes pockets of population and street-level activity surrounded by large amounts of natural open space;
- Incentivizes Best Management Practices (BMPs) and Low Impact Development (LIDs) practices for stormwater management through wetland setback bonuses;
- Supports the town’s interests in wetland protection and eliminates drawn out disputes and costly peer reviews of wetland evaluations by requiring the wetland professional on a project to be selected by the town;
- Maximizes the limited uplands for development through higher density options;
- Allows mixed-use and multi-unit residential development instead of single-family units;
- Encourages vibrant street-level activity through setback standards, incentivized parking under buildings, and “liner-building” buffers;
- Incentivizes paths and trails through parking requirement bonuses.

Also attached is the draft zoning boundary amendment proposal. Our primary goal with the boundary amendment is to have parcels be entirely in a single zone rather than two (Commercial-2 and the proposed new zone). We are also proposing adding parcels to the zone, based on requests from the specific parcel owners.

### **Planning Board Review**

The Planning Board discussed the proposed amendments at a number of meetings, and held a public hearing on June 14, 2018. The Planning Board sought increases in density, and expressed divergent opinions on the height allowance (50 feet, or up to 70 feet if parking is constructed under the building). The Planning Board also discussed whether affordable housing incentives could be incorporated into the zone.

The Planning Board voted 4-2 in favor of recommending the zoning amendment to the Town Council.

### **UPDATE**

The Council has conducted its workshop with the Planning Board on the proposed amendment to Title 16, and gathered public input. The comments overwhelmingly focused on building height and proposed zoning boundaries. Please note the zoning boundaries are not part of the Council’s

consideration at this time, but are provided simply as informational. The Council will be asked to consider the zone boundaries at a future meeting.

The building height in the original zoning proposal was 50 feet maximum unless parking was contained within the building footprint (meaning under the building), in which case the building could go up to 70 feet maximum. If building heights were to be 70 feet, the town would need to replace its fire aerial (ladder truck) with a model that could service the higher buildings. Currently our fire aerial is appropriate for a maximum 50 feet building height.

The revised proposal has eliminated the 70 feet maximum height allowance. All buildings within the zone will have a 50 feet height maximum.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve as presented.

### **ATTACHMENTS**

- Proposed Title 16 Amendments
- Proposed Title 16 Enactment
- Memo of additional Planning Board comments

**KITTERY TOWN CODE TITLE 16**  
**REZONING OF BUSINESS PARK TO MIXED USE - NEIGHBORHOOD**

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 Town has identified a certain zone as a target development area for over a  
11 decade; and

12 **WHEREAS**, following a development study in 2017 it was determined that the current land use  
13 regulations for the zone were serving as critical impediments to achieving the development  
14 associated with a target development area; and

15 **WHEREAS**, the Kittery Town Council seeks to rezone the area to support the type of  
16 development appropriate for the location and topographical conditions of the targeted  
17 development area;

18 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001 AND TOWN CHARTER  
19 §2.07(3), THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 16 OF THE  
20 TOWN CODE, AS PRESENTED.

21

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

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

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



1 **REPLACE in 16.2 DEFINITIONS Best Management Practice**

2 **Best Management Practice (BMP)**

3 ~~Schedules of activities, prohibitions of practices, maintenance procedures, and other~~  
4 ~~management practices to prevent or reduce the pollution of water bodies. BMPs also include~~  
5 ~~treatment requirements, operating procedures, and practices to control plant site runoff, spillage~~  
6 ~~or leaks, sludge or waste disposal, or drainage from raw material storage.~~

7 Best Management Practice (BMP) means a structure or practice designed to minimize the  
8 flushing by stormwater and the discharge of pollutants to waterbodies by temporarily storing and  
9 treating urban runoff. BMPs must be used to achieve four stormwater management objectives  
10 identified by Maine DEP: effective pollutant removal, cooling, channel protection and flood  
11 control.

12 **ADD to 16.2 DEFINITIONS Liner Building and Low Impact Development**

13 Liner building means a building that lines the edge of a street or other public space. Liner  
14 buildings are typically used to shield public space, like a street or sidewalk, from something less  
15 desirable to view, such as a parking garage. They can also be used to enclose a space such as  
16 protecting a courtyard from a busy street. Where allowed, a liner building must be a minimum of  
17 8 feet deep and a maximum of 14 feet deep.

18 Low Impact Development (LID) means the site-based process of developing land while  
19 minimizing impacts on water resources and infrastructure. LID replicates the natural hydrology  
20 of a site.

21 **AMEND 16.3 Table of Zones**

22 **16.3.1.2 Establishment of zones.**

23 To implement the provision of this title, the Town is divided into the following base and overlay  
24 zones:

25 A. Base zones.

~~Business—Park~~Mixed Use – Neighborhood

~~B-PK~~MU-N

26 **DELETE 16.3.2.10 Business – Park - BP and REPLACE with the following:**

27 **16.3.2.10 Mixed Use – Neighborhood (MU-N)**

28 **A. Purpose:** To encourage higher density, mixed-use development that provides increased  
29 housing opportunities and a desirable setting for business while balancing such increased  
30 development with environmentally-conscious and ecologically-sensitive use of land.

31 **B. Permitted Uses.**

- 32 1. Accessory buildings and uses including minor or major home occupations;
- 33 2. Art studio/gallery;
- 34 3. Business and professional offices;
- 35 4. Business Services;
- 36 5. Conference Center;
- 37 6. Convalescent care facility,
- 38 7. Convenience Store, neighborhood grocery facilities excluding the sale of gasoline;
- 39 8. Day care facility;
- 40 9. Dwellings, limited to the following:
  - 41 i. Multiunit residential;
  - 42 ii. Dwelling units on the upper floors of a mixed-use building that is served by public
  - 43 sewer;
- 44 10. Eldercare facility, attached dwelling units only
- 45 11. Elderly daycare facility;
- 46 12. Food Store;
- 47 13. Grocery store;
- 48 14. Hospital;
- 49 15. Hotel;
- 50 16. Industry, light (less than or equal to twenty thousand (20,000) square feet in gross floor
- 51 area);
- 52 17. Inn;
- 53 18. Liner buildings, as part of a mixed-use building;
- 54 19. Low intensity recreation;
- 55 20. Nursing care facility, long term;
- 56 21. Personal services;
- 57 22. Public open space or recreation;
- 58 23. Public utility facilities including substations, pumping stations, and treatment facilities;
- 59 24. Repair service;
- 60 25. Research and development;
- 61 26. Restaurant;
- 62 27. Retail use, not to exceed thirty thousand (30,000) square feet in gross floor area unless part
- 63 of a mixed-use building;
- 64 28. Selected commercial recreation, except shooting and archery ranges;
- 65 29. Shop in pursuit of trades;
- 66 30. Specialty food and/or beverage facility.
- 67 31. Theater;
- 68 32. Veterinary hospital;

69 **C. Special Exception Uses.**

- 70 1. Commercial kennel;

- 71 2. Commercial parking lot or garage
- 72 3. Construction services
- 73 4. Equipment sales and rentals (only on lots with frontage on Route 236)
- 74 5. Gas service station (only on lots with frontage on Route 236);
- 75 6. Industry, light (greater than twenty thousand (20,000) square feet in gross floor area);
- 76 7. Mass transit station;
- 77 8. Mechanical service;
- 78 9. New or used motor vehicle sales, (only on lots with frontage on Route 236);
- 79 10. Repair garage; (only on lots with frontage on Route 236)
- 80 11. Retail use, greater than thirty thousand (30,000) square feet in gross floor area and less than
- 81 fifty thousand (50,000) square feet in gross floor area;

82 **D. Other Uses.**

83 Additional commercial/business uses may be considered by the Planning Board if:

- 84 1. The use is not listed above and;
- 85 2. The use is not defined by 16.2.

86 Such uses will be considered special exceptions uses and must be reviewed by the Board based on

87 the following criteria:

- 88 1. If the use is consistent with the Comprehensive Plan and zoning district purposes and
- 89 2. If the use meets special exception criteria found in 16.6.4.4.

90 In addition, the use must meet one or both of the following criteria:

- 91 1. If the proposed use has substantially similar impacts as a listed use.
- 92 2. If the proposed use is compatible with existing uses within the zoning district for which it
- 93 is proposed.

94 **E. Standards.**

95 1. All development and the use of land in the MU-N zone must meet the following standards.

96 Kittery's Design Handbook illustrates how these standards can be met. In addition, the

97 design and performance standards of Chapters 16.8 and 16.9 must be met unless noted

98 otherwise below.

99 All submissions must include a lighting plan. Hours of operation and number of employees

100 for businesses must also be provided.

101 2. The following space standards apply:

<u>Minimum land area per dwelling unit – mixed-use building:</u>	<u>4,000 square feet for first</u>
	<u>residential unit plus 3,000</u>
	<u>square feet for each</u>
	<u>additional unit, no</u>

minimum land area for business or commercial uses when combined in a building with residential uses except that the total lot size must be at least 20,000 square feet.\*

102 **NOTE:**  
103 \*1) ADA-compliant units may be located on the first floor  
104 through a special exception permit by the Planning Board but only  
105 50% of the first floor may be such ADA- compliant residential units.

Minimum land area per dwelling unit – multiunit residential: 4,000 square feet for first unit, plus 2,500 square feet for each additional unit up to 16 units per acre of lot size. Total lot size must be a minimum of 20,000 square feet.

106 Mixed-use or multiunit residential buildings which encompass at least 50% of required parking within the building Two additional residential units may be added to each story above the parking with no additional land area required

107 Mixed-use buildings which encompass at least 50% of required parking within the building and include a liner building for non-residential uses buffering parking from the street: One additional residential unit may be added to each story with no additional land area required.

108 Minimum land area per bed for long-term nursing care and  
109 convalescent care facilities that are connected to public sewer 2,000 square feet

110 Minimum land area per residential unit for eldercare facilities that  
111 are connected to public sewer 3,000 square feet

112	<u>Minimum lot size</u>	<u>20,000 square feet</u>
113	<u>Minimum street frontage</u>	<u>75 feet</u>
114	<u>Minimum front setback on Route 236</u>	<u>30 feet</u>
115	<u>Minimum front setback on Dennett Road</u>	<u>40 feet</u>
116	<u>Minimum front setback on Martin Road</u>	<u>40 feet</u>
117	<u>Maximum front setback all other roads</u>	<u>20 feet</u>
118	<u>Spacing between buildings</u>	<u>15 feet*</u>
119	<u>Maximum rear and side setbacks</u>	<u>20 feet**</u>

120 **NOTES:**

121 \* Or as required by the Fire Department or State Fire Marshal's office.

122 \*\* Except as may be required by the buffer provisions  
123 of this Code, and where the side and/or rear yards of a  
124 proposed nonresidential use abut a residential zone or  
125 use in which case a minimum of forty (40) feet is required.  
126 See Landscaping, Screening and Buffer requirements.

<u>Maximum building height</u>	<u>50 feet (exclusive of solar apparatus)</u> <u>*Buildings which encompass all required parking may be 70 feet.</u> <u>Additional public safety impact fees apply</u>
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127 Maximum impervious and outdoor stored material coverage 70%\*

128 **\*NOTE:**

129 1) With Best Management Practices (BMPs) and Low Impact  
130 Development Practices (LIDs) as defined in 16.2 and based on Maine  
131 DEP's Maine Stormwater Best Management Practices Manual,  
132 Volumes I - III, as amended from time to time, incorporated in site  
133 design, otherwise 60%. Maximum on-site stormwater infiltration is the  
134 desired and measurable outcome.

135 Minimum setback from streams, water bodies and wetlands in accordance with

136

Table 16.9\*

137 **\*NOTES:**

138 1) With Best Management Practices (BMPs) and Low Impact  
139 Development Practices (LIDs) as defined in 16.2 and based on Maine  
140 DEP’s Maine Stormwater Best Management Practices Manual,  
141 Volumes I - III, as amended from time to time, incorporated in site  
142 design, then wetland setbacks pursuant only to Maine Department of  
143 Environmental Protection (MDEP) Rules Chapters 305 and 310.

144 Without Best Management Practices (BMPs) and Low Impact  
145 Development Practices (LIDs) as defined in 16.2 and based on Maine  
146 DEP’s Maine Stormwater Best Management Practices Manual,  
147 Volumes I - III, as amended from time to time, incorporated in site  
148 design, wetland setbacks pursuant to Kittery Town Code Title 16,  
149 Table 16.9.

150 2) The Town shall retain expert consultation (qualified wetland  
151 scientist and/or Maine-certified soil scientist) to determine wetland  
152 delineations and classifications and to perform soil testing as needed,  
153 all of which shall be paid for by the applicant at the time of sketch plan.  
154 The qualified wetlands scientist and/or Maine certified soil scientist  
155 shall determine through field investigation the presence, location and  
156 configuration of wetlands on the area proposed for use. Any wetland  
157 alterations proposed must also be reviewed by the Town’s consultant(s)  
158 at the applicant’s expense. These requirements are in addition to  
159 engineering, stormwater management/BMPs, traffic or other types of  
160 peer review that may also be required.

161 Minimum open space:

162	<u>Lot size less than 100,000 square feet</u>	<u>15 percent*</u>
163	<u>Lot size greater than 100,000 square feet</u>	<u>25 percent*</u>

164 **\*NOTE:**

165 1) This requirement may be met by a payment-in-lieu to the Wetland Mitigation Fund. These  
166 fees shall be set by Town Council. Landscaping, screening and buffer requirements must still  
167 be met.

168 3. Parking:

169 Parking is encouraged within buildings. New or revised surface parking areas, garages, and  
170 entrances to parking within buildings must be located to the rear of buildings. If a rear  
171 location is not achievable, as determined by the Planning Board, parking, garages and

172 entrances to parking must be located to the side of the building. Screening and/or fencing is  
173 required for surface parking areas along a street. See 8. Landscaping, Screening and Buffers.  
174 Parking requirements are based on the Institute of Transportation Engineers (ITE) parking  
175 generation rates.

176 Joint use agreements (between businesses and residences) for parking are encouraged. A plan  
177 describing how joint use parking needs will be met is required as part of any development that  
178 proposes such parking and must be reviewed and approved by the Planning Board.

179 Parking requirements for non-residential uses may be met partially or in full by parking on the  
180 street except that no parking is allowed on Route 236, Dennett Road, or Martin Road. Such  
181 on-street parking plans must be reviewed by planning staff prior to submission and then  
182 reviewed and approved by the Planning Board.

183 Electric car charging stations are allowed in parking lots but must not interfere with pedestrian  
184 movement on sidewalks.

185 a. Parking for development that includes trails and low intensity recreation:

186 Development that includes the creation of public trails and low intensity recreational  
187 opportunities such as wildlife observation stations or boardwalks may apply the pertinent  
188 off-street parking standards below. All other off-street parking standards as found in  
189 16.8.9.4 shall apply.

190

<u>Multiunit residential buildings and mixed-use buildings that include residential</u>	<u>1 parking space for studio and one bedroom dwelling units</u>
	<u>1.5 parking spaces for two bedroom dwelling units plus 1 guest parking space per every 4 dwelling units.</u>
	<u>2 parking spaces for more than two bedroom dwelling units</u>

191 4. Loading Docks, Overhead Doors, Service Areas and Outdoor Storage Areas:

192 Loading docks and overhead doors must be located on the rear or side of the building.  
193 Loading docks must be screened from view by adjacent residential uses. This screening must  
194 consist of the following:

195 a. A fence, constructed of a material similar to surrounding buildings, of sufficient  
196 height as determined by the Planning Board to accomplish the screening. No fence  
197 may be less than six feet tall.

198 All service areas for dumpsters, compressors, generators and similar items as well as any  
199 outdoor storage areas must be screened by a fence at least six feet tall, constructed of a

200 material similar to surrounding buildings, and must surround the service or storage area  
201 except for the necessary ingress/egress.

202 5. Site Design

203 Site design and building placement must be attentive to the surrounding environment  
204 including sun, wind and shade patterns related to proposed and existing buildings. A  
205 sun/shade analysis may be required by the Planning Board.

206 6. Energy and Sustainability

207 Energy efficiency is allowed and encouraged through the use of solar power, geothermal, and  
208 other alternative and sustainable power sources.

209 7. Building Design Standards

210 New buildings must meet the general design principles set forth in the Design Handbook  
211 except as noted below. In general, buildings should be oriented to the street from which they  
212 derive frontage, with the front of the building facing the street. The front façade must contain  
213 the following:

- 214 a. A front door for pedestrian access
- 215 b. Windows

216 Flat roofs, proposed to locate heating, cooling, or other such mechanical or electrical  
217 apparatus off the ground, are acceptable provided that such apparatus are screened from view  
218 and the screening is designed as an integral part of the building to aid both aesthetics and  
219 noise attenuation. Flat roofs proposed for the purpose of solar array installations are also  
220 acceptable.

221 8. Landscaping, Screening and Buffers:

222 A landscape plan prepared by a registered landscape architect is a submission requirement.  
223 However, a landscape plan done by other design professionals may be allowed at the  
224 Planning Board's discretion.

225 Native trees, shrubs and herbaceous plantings are preferred and must be drought and salt  
226 tolerant when used along streets. A diversity of tree species (3-5 species per every 12 trees) is  
227 required to provide greater resiliency to threats from introduced insect pests and diseases.

228 Any required plantings approved by the Planning Board that do not survive must be replaced  
229 within one year.

230 a. Landscaping along the street frontage of each building must consist of one of the  
231 following:

- 232 i. Street Trees. A minimum of one street tree must be planted for each 20 feet of street  
233 frontage. Trees may be planted in groups or spaced along the frontage. However,  
234 trees must be planted to ensure survival, using silva cells, bioretention cells or tree



235 wells. Trees are to be a minimum of 2.5”caliper and 12 feet high at the time of  
236 planting. Existing large healthy trees must be preserved if practical and will count  
237 towards this requirement.

238 ii. Pocket Park. The park must be at least 200 square feet. A minimum of three trees and  
239 a bench for sitting are required. Park must be vegetated with ground cover except for  
240 walkways.

241 b. Surface parking areas that abut a street must provide screening in one of the following  
242 ways:

243 i. One tree per 25 feet of street frontage backed by a fence constructed of a material  
244 similar to surrounding buildings which must screen the parking area from the street  
245 except for necessary vehicular and pedestrian access. Trees must be at least  
246 2.5”caliper and 12 feet high at the time of planting

247 ii. A combination of trees and shrubs including at least 50% evergreen species, all at  
248 least 6 feet high at time of planting, in a planting bed at least 8 feet wide. Plantings  
249 must be sufficient, as determined by the Planning Board, to screen the parking area  
250 from the street except for necessary vehicular and pedestrian access. Planting beds  
251 may be mulched but no orange or red-dyed mulching material may be used.

252 c. A minimum of 10% of any surface parking area consisting of 10 or more parking spaces  
253 must be landscaped with trees and vegetated islands. This requirement is in addition to  
254 the screening requirements in b. above if the parking area abuts a street. Bioretention  
255 cells and rain gardens may be utilized to meet the landscaping requirements and perform  
256 stormwater management.

257 d. Buffers required between non-residential uses and residential uses must be forty feet wide  
258 and consist of one of the following as determined by the Planning Board:

259 a. Existing natural woodland and vegetation

260 b. Existing natural woodland augmented by the planting of additional trees  
261 consisting of a variety of species at least 2.5”caliper and 12 feet high

262 c. A fence at least six feet high, constructed of material similar to surrounding  
263 buildings, with plantings of trees and shrubs at least 6 feet tall on either side of the  
264 fence.

265 9. Open Space

266 Open space must be provided as a percentage of the total parcel area including freshwater  
267 wetlands, water bodies, streams and setbacks. Required open space must be shown on the site  
268 plan with a note dedicating it as open space. The open space must be situated to protect  
269 significant natural features and resources, minimize environmental impacts and promote an  
270 aesthetically pleasing site.

- 271 a. Wherever possible, large healthy trees and areas with mature tree cover must be included
- 272 in the open space.
- 273 b. Location of open space must promote the continuity of open space networks across
- 274 adjacent parcels
- 275 c. Where possible, open space and open space networks must include public trails and low
- 276 intensity recreational opportunities.

277 10. Special Situations

278 Expansions or modifications of 1,000 square feet or less to existing uses are exempt from

279 landscaping, screening and buffer requirements.

280 11. Conditions for Approving Special Exception Uses in the Neighborhood Mixed Use Zone

281 All applications must include a narrative describing why the use proposed will promote the

282 general welfare (specifics may be found in Chapter 2 Definitions for **special exception**) of

283 the Town of Kittery, how the use proposed will meet the special exception criteria found in

284 16.6.4.4 and how the proposed development will adapt and relate to the natural

285 environmental conditions found on the site.

286 **REMOVE from 16.3.2.17 the Business Park Zone**

287 **16.3.2.17 Shoreland Overlay Zone OZ-SL.**

288 ~~(10) Business—Park Zone (B-PK):~~

289 ~~(a) Permitted uses:~~

290 ~~[1] The following land uses are permitted for projects that are cluster mixed use developments:~~

291 ~~[a] Art studio/gallery;~~

292 ~~[b] Mass transit station;~~

293 ~~[c] Public open space recreational uses, recreational facilities, and selected commercial~~

294 ~~recreation;~~

295 ~~[d] Research and development; and~~

296 ~~[e] Public utility facilities, including substations, pumping stations, and sewage treatment~~

297 ~~facilities.~~

298 ~~[2] The following land uses are permitted for projects that are not cluster mixed use~~

299 ~~developments:~~

300 ~~[a] Accessory uses and buildings.~~

301 ~~(b) Special exception uses. The following uses are permitted in a cluster mixed use~~

302 ~~development as a special exception:~~

303 ~~[1] Business and professional offices;~~

304 ~~[2] Business services;~~

305 ~~[3] Commercial parking lot or parking garage;~~

306 ~~[4] Conference center;~~

307 ~~[5] Cluster residential development;~~

308 ~~[6] Grocery, food store, convenience store, including gas station;~~

- 309 ~~[7] Mechanical services, excluding junkyard;~~
- 310 ~~[8] Motel, hotel, rooming house, inn;~~
- 311 ~~[9] Personal service;~~
- 312 ~~[10] Place of public assembly, including theater;~~
- 313 ~~[11] Repair services;~~
- 314 ~~[12] Restaurant;~~
- 315 ~~[13] Retail uses and wholesale businesses, excluding used car lots and junkyards;~~
- 316 ~~[14] School (including day nursery), university, museum, hospital, municipal or state building or~~
- 317 ~~use, church, or any other institution of educational, religious, philanthropic, fraternal,~~
- 318 ~~political or social nature;~~
- 319 ~~[15] Shops in pursuit of trade;~~
- 320 ~~[16] Veterinary hospital;~~
- 321 ~~[17] Warehousing and storage; and~~
- 322 ~~[18] Specialty food and/or beverage facility.~~

323 **REMOVE from 16.3.2.19 the Business Park Zone**

324 **16.3.2.19 Resource Protection Overlay Zone OZ-RP**

- 325 ~~(10) Business Park Zone (B-PK).~~
- 326 ~~(a) Permitted uses — cluster and noncluster development.~~
- 327 ~~[1] Public open space recreational use.~~
- 328 ~~(b) Special exception uses — cluster development.~~
- 329 ~~[1] Public utility facilities, including substations, pumping stations and sewage treatment~~
- 330 ~~facilities.~~
- 331 ~~(c) Special exception uses — noncluster. Special exception uses for projects not designed as a~~
- 332 ~~cluster mixed use development include:~~
- 333 ~~[1] Accessory uses and buildings.~~

334 **ADD NEW SUBSECTION to 16.7.8.4 Exemptions to Net Residential Acreage Calculations**

335 **16.7.8.4 Exemptions to Net Residential Acreage Calculations**

- 336 A. The maximum number of dwelling units for residential development not subject to
- 337 subdivision is based on minimum land area per dwelling unit defined in Chapter 2
- 338 Definitions of this Title.
  
- 339 B. The creation of dwelling units subject to subdivision within existing buildings that are
- 340 connected to town sewer and are located in the Mixed Use -Kittery Foreside; Mixed Use-
- 341 Badgers Island; Residential Village; Business Local; or Business Local -1 zones are exempt
- 342 from the net residential acreage calculations in 16.7.8.4. Total number of dwelling units
- 343 permitted is determined by dividing the gross lot area by the minimum land area per dwelling
- 344 unit allowed in the zone. The exemption is allowed in the above base zones when subject to
- 345 the Shoreland Overlay Zone.
  
- 346 C. The Mixed-Use – Neighborhood Zone (MU-N) is exempt from Title 16.7.8.2 Net Residential
- 347 Acreage Calculation but is subject to the **minimum land area per dwelling unit** as defined

348 in Chapter 2 Definitions except that 50% of all wetlands may be subtracted, rather than  
349 100%.

350  
351 **REMOVE from 16.8.11.2 the Business Park zone**

352 **16.8.11.2 Permitted zones.**

353 A. Cluster residential development is permitted in various zones as indicated in Chapter 16.3.

354 ~~B. Cluster mixed-use development is permitted only in the Business Park (B-P) Zone.~~

355 **REMOVE from 16.8.11.6 the Business Park Zone**

356 **16.8.11.6 Standards.**

357 E. Open space requirements.

358 (5) Open space must also be for preserving large trees, tree groves, woods, ponds, streams,  
359 glens, rock outcrops, native plant life, and wildlife cover as identified in the applicant's written  
360 statement. In the ~~Business Park (BP)~~Mixed Use - Neighborhood Zone, open space may be both  
361 man-made and natural. Man-made open space must be for the development of recreational areas,  
362 pedestrian ways and aesthetics that serve to interconnect and unify the built and natural  
363 environments.

364 ~~F. In the Business Park (BP) Zone, the maximum building height is 40 feet. If the Planning~~  
365 ~~Board finds that provisions for firesafety are adequate to allow buildings of greater height, then~~  
366 ~~the Board may allow a building height of up to 60 feet as a part of the development plan review~~  
367 ~~and approval process.~~

368 **REMOVE from 16.8.11.7 the Business Park Zone**

369 **16.8.11.7 Open space dedication and maintenance.**

370 C. If any, or all, of the open space is to be reserved for ownership by the residents and/or by  
371 commercial entities, the bylaws of the proposed homeowners' or similar governing  
372 association for commercial owners (~~in the Business Park Zone~~) and/or the recorded  
373 covenants must specify maintenance responsibilities and be submitted to the Planning  
374 Board prior to approval. See Subsection A above.



**TOWN OF KITTEERY**  
**Planning and Development**  
**200 Rogers Road, Kittery, ME 03904**  
**Telephone: 207-475-1307 Fax: 207-439-6806**

**TO:** TOWN COUNCIL  
**FROM:** PLANNING BOARD  
**SUBJECT:** **POTENTIAL EXPANSION OF THE PROPOSED  
NEIGHBORHOOD MIXED-USE ZONE (FORMERLY  
KNOWN AS THE BUSINESS PARK ZONE)**  
**DATE:** AUGUST 27, 2018  
**CC:** KENDRA AMARAL, TOWN MANAGER, ADAM CAUSEY,  
DIRECTOR OF PLANNING& DEVELOPMENT

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At the August 23, 2018 Planning Board meeting, the Board continued the public hearing of August 21, 2018, and took further public comments on the proposed boundary expansion of the proposed Neighborhood Mixed-Use (MU-N) zone. After considerable discussion about the proposal, the Board concluded that it could not make a formal recommendation regarding adoption of the proposed boundary expansion of the MU-N zone until the proposed text amendment undergoes the public hearing process with Town Council. The Board would like to offer Town Council additional comments for consideration as it moves forward with reviewing the proposed Neighborhood Mixed-Use (MU-N) zone language.

In light of resident comments during these most recent public hearings, the Board would like to suggest additional language in the proposed MU-N zone text amendment to further protect where the proposed zone abuts single-family residential uses. The Board discussed that this could be accomplished by adding requirements for perimeter buffering and screening and to consider increasing the width of the current proposed buffer requirement of forty (40) feet where non-residential uses abut single-family residential uses. Greater buffering was also desired where a proposed multi-family residential use might abut a single-family residential use.

The other issue of concern for the Board is the maximum building height of seventy (70) feet in the proposed text amendment now before Town Council. Though the Board voted to recommend the proposed text amendment to Town Council at their June 14, 2018 meeting, members of the Board feel that they cannot support the proposed expansion of the proposed new zone if this height allowance remains in the proposed text amendment. The Planning Board took an informal poll on proposed building heights in the zone, and the result was 5 to 1 in favor of reducing the proposed height to fifty (50) feet for any properties along Route 236 that are in the proposed boundary expansion.

**TOWN OF KITTERY  
WARRANT FOR MUNICIPAL ELECTION**

**COUNTY OF YORK, SS**

**STATE OF MAINE**

To Don O'Halloran, a constable (or resident) of this municipality:

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

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

You are hereby notified that the **MUNICIPAL ELECTION** in this municipality will be held at the **KITTERY COMMUNITY CENTER**, 120 Rogers Road, on **NOVEMBER 6, 2018**, to determine the following:

**To elect three members to the Town Council for three year terms.**

**To elect two members to the School Committee for three year terms.**

**Referendum Question:**

Shall the town vote to adopt the Comprehensive Plan Update 2015-2025?

**Explanation:** A copy of the Comprehensive Plan Update 2015-2025 Executive Summary and Volumes 1 through 3 are available at the Town Hall, Kittery Community Center and Rice Public Library. The Comprehensive Plan Update Committee developed the Comprehensive Plan Update following an extensive public input and drafting process. The plan had been deemed to be consistent with the goals and guidelines of the Growth Management Act (30-A MRS §§ 4312-4350) by the Department of Agriculture, Conservation and Forestry. The Comprehensive Plan serves as the town's basis for land use and zoning ordinances. It also serves as a framework for town government's annual and multi-year goals and objectives.

**Nonbinding Referendum Question:**

Should the Town of Kittery allow a limited number of non-medical adult-use marijuana retail stores in the town's commercial zones (C-1, C-2, C-3)?

**Explanation**

Maine legalized marijuana in 2016. Since then the State Legislature has adopted revisions to the legislation that impacts land use in the Town of Kittery. The legislation requires approval of the municipality to allow adult-use retail marijuana operations in their jurisdiction. **As with other retail operations, all sales tax generated by adult-use retail operations go directly to the**

**state and will not be distributed to the host municipalities. The new excise tax on adult-use retail marijuana operations will also go directly to the state and will not be distributed to the host municipalities.** Host municipalities may charge a license fee for adult-use retail marijuana operations.

Citizen input is sought to determine if Kittery should allow adult-use retail marijuana operations in the town. If allowed, town officials will need to develop local regulations and determine which zones will have permitted adult-use retail marijuana operations. The town cannot enact ordinances or regulations that prohibit or limit personal use of recreational marijuana in Kittery.

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

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

The Registrar of Voters will hold office hours while the polls are open to correct any error, or change a name or address on the voting list; to accept the registration of any person who becomes 18 years of age on Election Day or after the close of registration prior to it; and to accept new enrollments.

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

Dated at Kittery this 24th day of September, 2018.

_____	_____
_____	_____
_____	_____
_____	_____

A true copy  
ATTEST: \_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
MUNICIPAL OFFICERS



*me*

RECEIVED

JUL 03 2018

BY: *[Signature]*

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

**APPLICATION FOR APPOINTMENT TO TOWN BOARDS**

NAME: William C. Peirce  
RESIDENCE: 53 Rogers Road  
MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: wf5@yahoo.com PHONE #: (Home) 2074519171 (Work) \_\_\_\_\_

**Please check your choices:**

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Appeals                          | <input checked="" type="checkbox"/> Board of Assessment Review |
| <input 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: Real Estate broker in CA and MA  
RELATED EXPERIENCE (Including other Boards and Commissions) Sewer Assesment Appea

PRESENT EMPLOYMENT: landlord  
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY  Yes  No

ANY KNOWN CONFLICT OF INTEREST: I am 30 days late paying one of my property tax

REASON FOR APPLICATION TO THIS BOARD: General interest in the process. As an alterna  
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.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

July 3rd 2018  
DATE



9/24  
Agenda  
Item

TO: KITTERY TOWN COUNCIL

FROM: COUNCILOR Jeff Thomson and Joe Alfinko

RE: APPOINTMENT TO Board of Assessment Review

DATE OF INTERVIEW: 9/10/18 at 6:45 a.m./p.m.

We have interviewed William Peirce on the date and time noted

above. We approve recommendation of the applicant and wholeheartedly endorse his/her

appointment for a term to expire on 12/31/21.

ATTENDANCE RECORD: Excellent \_\_\_  
Good \_\_\_  
Poor \_\_\_

Jeff Thomson  
Joe Alfinko

Signatures

COMMENTS:

**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 10/25/2018

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>Divine Cuisines LLC</b>			Business Name (D/B/A) <b>Tulsi</b>		
APPLICANT(S) –(Sole Proprietor)		DOB:	Physical Location: <b>20 Walker Street</b>		
		DOB:	City/Town <b>Kittery</b>	State <b>Maine</b>	Zip Code <b>03904</b>
Address <b>20 Walker Street</b>			Mailing Address <b>20 Walker Street</b>		
City/Town <b>Kittery</b>	State <b>Maine</b>	Zip Code <b>03904</b>	City/Town <b>Kittery</b>	State <b>Maine</b>	Zip Code <b>03904</b>
Telephone Number <b>207-451-9511</b>	Fax Number		Business Telephone Number <b>207-451-9511</b>	Fax Number	
Federal I.D. # <b>02-0523796</b>			Seller Certificate #: or Sales Tax #: <b>1072793</b>		
Email Address: Please Print <b>tulsimaine@gmail.com</b>			Website: <b>www.tulsiindianrestaurant.com</b>		

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: N/A
- State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 841,782.00 LIQUOR \$ 191,834.00
- 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.

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.

RES-2016-16-1133	<u>Tulsi North</u>	(Use an additional sheet(s) if necessary.)
License #	Name of Business	
231 Post Road	Wells	
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: Stan Campbell
7. Business records are located at: 20 Walker Street Kittery, Maine
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
Janet Howe	10/15/1940	Framingham, MA
Rajesh Mandekar	8/13/1974	Mumbai, India
Stan Campbell	10/23/1960	Decatur, AL
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Janet Howe - Kittery Maine		
Rajesh Mandekar - Kittery Maine		
Stan Campbell - Kittery Maine		

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: \_\_\_\_\_

15. Describe in detail the premises to be licensed: **(On Premise Diagram Required)** \_\_\_\_\_  
 Dining Room and Bar Area

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? 200 Yards

Which of the above is nearest? Church

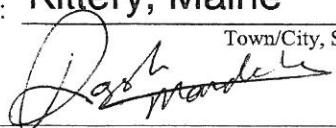
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: SBA Loans & Kennebunk Savings Bank Loans

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

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

Dated at: Kittery, Maine on 8/20/18, 20 18  
Town/City, State Date



**Please sign in blue ink**

Signature of Applicant or Corporate Officer(s)  
RAJESH P MANI EKAR  
Print Name

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

**FEE SCHEDULE**

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

**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.**

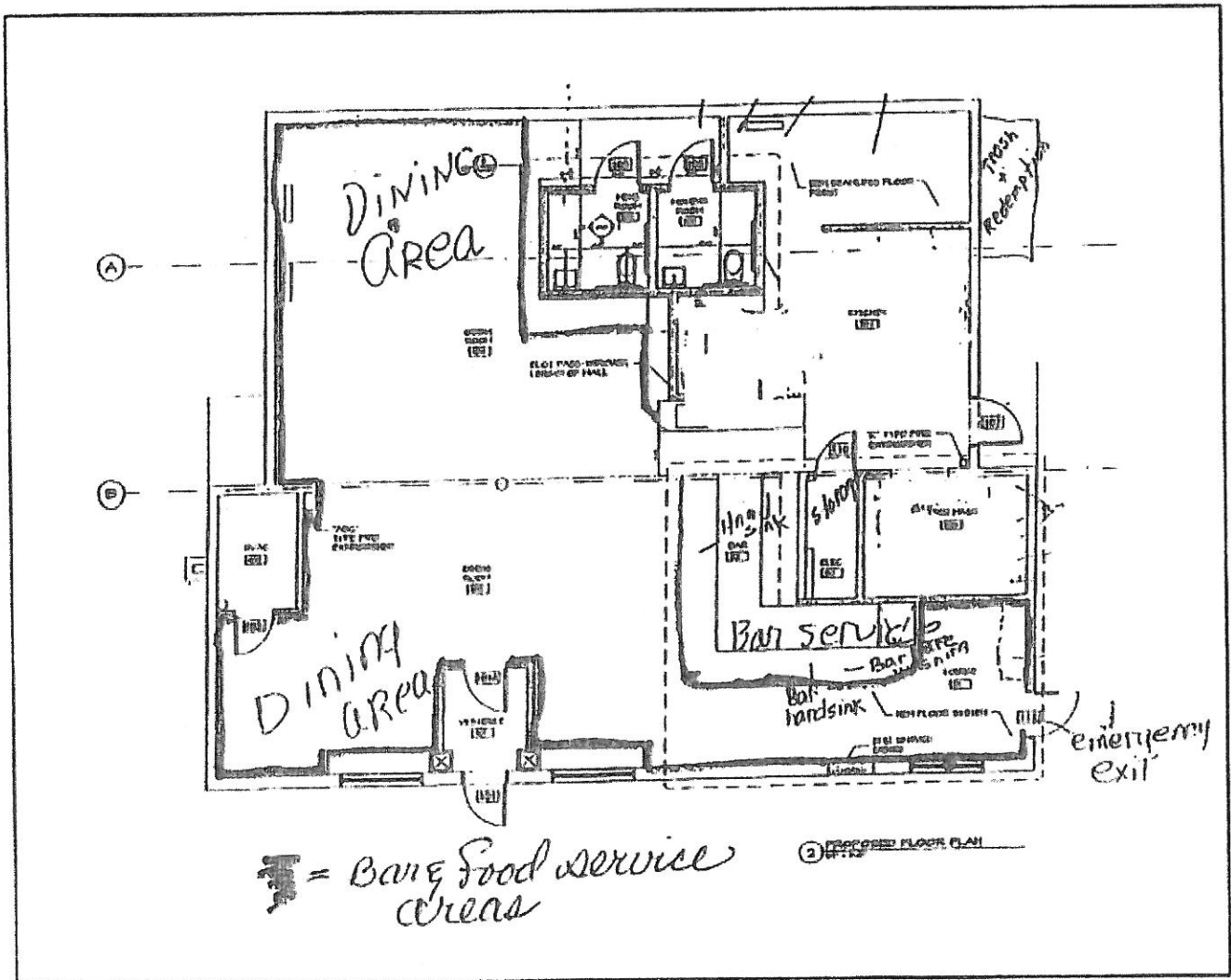
Bureau of Alcoholic Beverages and Lottery Operations  
 Division of Liquor Licensing & Enforcement  
 8 State House Station, Augusta, ME 04333-0008  
 10 Water Street, Hallowell, ME 04347  
 Tel: (207) 624-7220 Fax: (207) 287-3434  
 Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

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: Divine Cuisines, LLC
- Doing Business As, if any: Tulsi
- Date of filing with Secretary of State: \_\_\_\_\_ 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:  
N/A
- 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 %
Janet Howe	68 Rodgers Road Kittery, ME	10/15/40	Owner/Mgr	50
Rajesh Mandekar	68 Rodgers Road Kittery, ME	8/13/74	Owner/Mgr	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. 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:

*Rajesh Mandekar*  
M.P.

8/28/2018

Signature of Duly Authorized Person

Date

RAJESH P. MANDEKAR

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)



Maine Department of Health and Human Services  
Office for Family Independence  
19 Union Street  
11 State House Station  
Augusta, Maine 04333-0011

PAUL R. LEPAGE  
GOVERNOR

BETHANY L. HAMM  
ACTING COMMISSIONER

TO: Municipal Officials/Welfare Directors/General Assistance Administrators  
FROM: Sara Russell, General Assistance Program Manager  
RE: 2018-2019 General Assistance Ordinance Maximums  
DATE: August 30, 2018

Enclosed please find the following items:

- MMA's new (October 1, 2018–September 30, 2019) “**General Assistance Ordinance Appendix**” (A - D).
- “**GA Maximums Summary Sheet**” which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- “**GA Maximums Quick Reference Sheet**” which consolidates GA maximums onto one form. This is meant to be a quick reference tool for municipal officials administering GA. A copy is being sent to your municipality based on your specific maximums.
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

**Appendix A – D**

The enclosed Appendices A - D have been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendices A – D. Even if you have already adopted MMA's model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendices yearly.**

## 2018-2019 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	733	814	1,032	1,294	1,748
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	693	697	908	1,137	1,297
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	669	736	932	1,193	1,461
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,058	1,159	1,483	1,986	2,303
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	989	1,039	1,382	1,749	2,433
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	784	831	1,091	1,593	1,820

# Appendix A

Effective: 10/01/18-09/30/19

COUNTY	1	2	3	4	5*
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	786	875	1,017	1,345	1,636
<b>York County HMFA:</b> Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	766	884	1,098	1,487	1,515

\*Note: Add \$75 for each additional person.

## Non-Metropolitan Areas

### Persons in Household

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	622	662	773	1,016	1,112
<b>Franklin County</b>	650	680	807	1,005	1,431
<b>Hancock County</b>	698	798	1,009	1,274	1,397
<b>Kennebec County</b>	727	756	944	1,241	1,326
<b>Knox County</b>	759	765	944	1,210	1,344
<b>Lincoln County</b>	788	845	1,004	1,259	1,503
<b>Oxford County</b>	694	699	839	1,221	1,426
<b>Piscataquis County</b>	615	681	843	1,115	1,238
<b>Somerset County</b>	679	714	859	1,156	1,219
<b>Waldo County</b>	696	761	903	1,231	1,389
<b>Washington County</b>	679	683	840	1,062	1,212

\* Please Note: Add \$75 for each additional person.

## Appendix B

Effective: 10/01/18 to 09/30/19

### 2018-2019 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2018, those amounts are:

<b>Number in Household</b>	<b>Weekly Maximum</b>	<b>Monthly Maximum</b>
1	44.65	192
2	82.09	353
3	117.44	505
4	149.30	642
5	177.21	762
6	212.56	914
7	235.12	1,011
8	268.60	1,155

**Note: For each additional person add \$144 per month.**

## 2018-2019 GA Housing Maximums (Heated & Unheated Rents)

**NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS!** Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (*See Instruction Memo for further guidance.*)

### **Non-Metropolitan FMR Areas**

<b><u>Aroostook County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	112	483	131	565
1	115	496	140	600
2	133	572	163	700
3	180	776	217	932
4	192	826	236	1,016
<b><u>Franklin County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	511	138	593
1	120	514	144	618
2	141	606	171	734
3	178	765	214	921
4	266	1,145	310	1,335
<b><u>Hancock County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	124	535	147	633
1	140	602	169	726
2	183	788	215	924
3	230	988	273	1,175
4	246	1,058	299	1,285
<b><u>Kennebec County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	564	154	662
1	131	564	159	684
2	168	724	200	859
3	222	955	266	1,142
4	230	987	282	1,214

**Non-Metropolitan FMR Areas**

<b><u>Knox County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	139	596	161	694
1	139	596	161	694
2	168	724	200	859
3	215	924	258	1,111
4	234	1,005	287	1,232
<b><u>Lincoln County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	625	168	723
1	151	649	180	773
2	182	783	214	919
3	226	973	270	1,160
4	271	1,164	323	1,391
<b><u>Oxford County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	528	146	629
1	123	528	146	629
2	140	600	175	754
3	218	935	261	1,122
4	253	1,087	306	1,314
<b><u>Piscataquis County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	110	474	130	559
1	119	512	144	619
2	149	640	179	771
3	203	871	240	1,032
4	220	946	266	1,142
<b><u>Somerset County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	143	614
1	121	519	149	642
2	147	631	180	774
3	202	870	246	1,057
4	205	880	257	1,107

**Non-Metropolitan FMR Areas**

<b><u>Waldo County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	530	147	631
1	131	565	160	689
2	159	683	190	818
3	220	945	263	1,132
4	244	1,050	297	1,277

<b><u>Washington County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	513	143	614
1	119	513	143	614
2	140	601	176	755
3	181	776	224	963
4	203	873	256	1,100

**Metropolitan FMR Areas**

<b><u>Bangor HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	132	567	155	668
1	144	618	173	742
2	185	793	220	947
3	234	1,008	278	1,195
4	328	1,409	380	1,636

<b><u>Penobscot Cty. HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	527	146	628
1	123	527	146	628
2	156	669	191	823
3	198	851	241	1,038
4	223	958	276	1,185

<b><u>Lewiston/Auburn MSA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	503	140	604
1	125	540	154	664
2	165	711	197	847
3	211	907	254	1,094
4	261	1,122	314	1,349



**Metropolitan FMR Areas**

<b><u>Portland HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	208	892	231	993
1	224	963	253	1,087
2	289	1,244	325	1,398
3	395	1,700	439	1,887
4	457	1,964	510	2,191
<b><u>York/Kittery/S. Berwick HMFA</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	192	824	215	924
1	196	843	225	967
2	266	1,143	302	1,297
3	340	1,463	384	1,650
4	487	2,094	540	2,321
<b><u>Cumberland Cty. HMFA</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	144	618	167	719
1	148	635	177	759
2	202	868	234	1,006
3	304	1,307	347	1,494
4	344	1,481	397	1,708
<b><u>Sagadahoc Cty. HMFA</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	145	623	168	721
1	158	679	187	803
2	185	795	217	932
3	246	1,059	290	1,246
4	302	1,297	354	1,524
<b><u>York Cty. HMFA</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0	140	600	163	701
1	160	688	189	812
2	203	875	236	1,013
3	274	1,201	323	1,388
4	274	1,201	326	1,403

Oct 1, 2018 to Sept 30, 2019

**A OVERALL MAXIMUMS**

Persons in Household				
1	2	3	4	5
989	1,039	1,382	1,749	2,433
Household of 6 = 2,508				

\* Add \$75 for each additional person

**C Housing Maximums**

BEDROOM	UNHEATED		Heated	
	Weekly	Monthly	Weekly	Monthly
0	192	824	215	924
1	196	843	225	967
2	266	1,143	302	1,297
3	340	1,463	384	1,650
4	487	2,094	540	2,321

**D ELECTRIC**

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is not automatically entitled to the "maximums" established applicants must demonstrate need.  
 1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

**B FOOD MAXIMUMS**

Persons	Weekly	Monthly
1	44.65	192
2	82.09	353
3	117.44	505
4	149.30	642
5	177.21	762
6	212.56	914
7	235.12	1,011
8	268.60	1,155

Add \$144 per month for each + person

**F PERSONAL CARE & HOUSEHOLD SUPPLIES**

Number in Household	Weekly Amount	Monthly Amount
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

**E HEATING FUEL**

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

**SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

1-800-442-6003

Revised 8/30/18 SLR

## 2018-2019 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2018 to September 30, 2019.**

### **APPENDIX A - OVERALL MAXIMUMS**

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
<p><b>NOTE:</b> For each additional person add \$75 per month.</p> <p style="text-align: center;"><b>(The applicable figures from Appendix A, once adopted, should be inserted here.)</b></p>						

### **APPENDIX B - FOOD MAXIMUMS**

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	44.65	192
2	82.09	353
3	117.44	505
4	149.30	642
5	177.21	762
6	212.56	914
7	235.12	1,011
8	268.60	1,155
<p><b>NOTE:</b> For each additional person add \$144 per month.</p>		

### **APPENDIX C - HOUSING MAXIMUMS**

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				
<p><b>(The applicable figures from Appendix C, once adopted, should be inserted here.)</b></p>				

*FOR MUNICIPAL USE ONLY*

**APPENDIX D - UTILITIES**

**ELECTRIC**

**NOTE:** For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

**1) Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

**NOTE:** For each additional person add \$7.50 per month.

**2) Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

**NOTE:** For each additional person add \$10.00 per month.

**NOTE:** For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

**APPENDIX E - HEATING FUEL**

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

***FOR MUNICIPAL USE ONLY***

**NOTE:** When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

**APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES**

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

**NOTE:** For each additional person add \$1.25 per week or \$5.00 per month.

**SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
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4	\$27.90	\$120.00

***FOR MUNICIPAL USE ONLY***

# GENERAL ASSISTANCE ORDINANCE APPENDICES A-D 2018-2019

The Municipality of           KITTERY           adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2018—September 30, 2019. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the   24th   (day) of   SEPTEMBER   (month)   2018   (year) by the municipal officers:

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

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(Print Name)

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(Print Name)

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(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

## REPORT to the KITTERY TOWN COUNCIL – Protection of Legion Pond

1 **RESPONSIBLE INDIVIDUALS:** Councilor Charles Denault and Jeffrey Thomson **Date 09-18-2018**

2  
3 **Subject:** PROTECTION of LEGION POND

RECEIVED  
SEP 18 2018

4  
5 **Background:**

BY 4:00 pm

6  
7 Kittery's Legion Pond is a habitat for fish and waterfowl, a recreational body of water for ice-  
8 skating and light boating and it is slowly deteriorating. Legion Pond is located at James Corner  
9 on Old Post Rd. and is a Town Owned Pond. Legion Pond is apparently struggling with its  
10 health and visual appearance. The issue is that the pond appears to be dying due unknown and  
11 known causes. (See the attached aerial pictures of Legion Pond). As ponds succumb to heavy  
12 layers of algae, the aquatic species, fishes and other life begin to die and waterfowl visits  
13 diminish.

14  
15 Legion Pond is no exception and is dire need of human intervention to restore the pond to its  
16 natural state as it once was. Lakes and ponds receive oxygen by natural processes like surface  
17 disruption through wind and rain, and aquatic vegetation converting CO<sub>2</sub> and light energy into  
18 oxygen. These natural processes are not always a reliable source of oxygen, which puts our  
19 pond at the mercy of the weather.

20  
21 Legion Pond has decreased in size since 1937 as it was filled in near the Little League section  
22 of the field during building on the Sara Long Bridge during its original construction.

### 23 24 **Proposal to Halt the Deterioration and Restore the Pond.**

25  
26 Adding a way to aerate provides LEGION POND with an insurance policy through a constant  
27 and predictable source of oxygen. This policy provides you with overall better water quality,  
28 algae control, better growth rates in fish, and better fish health and immunity.

29  
30 The most important factor to adding aeration is the reduced risk of losing our ponds to a fish kill.  
31 Nothing is quite as aggravating as a pond that stinks of dead fish, especially when adding a  
32 little aeration could have prevented the whole thing. Decomposing organic material (leaves, fish  
33 waste, etc.) settles to the bottom of the pond and begins to decay.

34  
35 As it decays it depletes oxygen and releases toxic gasses (nitrogen, ammonia, etc.). Without  
36 proper aeration, these toxic gasses become trapped in the deeper, colder, and now oxygen  
37 starved water. The lack of dissolved oxygen in the water, known as an anaerobic condition,  
38 blocks out beneficial bacteria that act to break down the decaying material, thus adding to the  
39 problem.

40  
41 This natural process called stratification occurs in all bodies of water. Stratification does not  
42 pose an immediate issue. The issue occurs when the layers suddenly mix (a turnover event)  
43 due to surface cooling by wind, rain or fall weather. Often times the surface layer does not  
44 contain enough oxygen to compensate for the lack of oxygen in the bottom layer. This causes  
45 an overall lack of oxygen and ultimately a fish kill.

46  
47 The result of an unbalanced ecosystem mixing of nutrients can lead to a buildup of algae. Algae  
48 consume nitrogen, ammonia, and soluble phosphates and release oxygen through

## REPORT to the KITTELY TOWN COUNCIL – Protection of Legion Pond

49 photosynthesis. The problem occurs when blooms of planktonic algae race out of control, thus  
50 producing high amounts of oxygen during the day and using most all of it up at night. The result  
51 is typically a total fish kill. Having an aeration system levels out the natural cycle and maintains  
52 an acceptable level of oxygen in the water year round.

53

### 54 **Rewards of Aeration**

55

56 **1. Aeration reduces pond muck.** As a pond ages, nutrients accumulate at the bottom of the  
57 pond and become muck. Not only is muck unpleasant to see or feel between your toes, but it  
58 can also give ponds a bad odor and provide habitat for leeches. Aeration is important because  
59 it combats muck and other decomposing debris by increasing the dissolved oxygen and  
60 circulating the water. This pond water aeration encourages the colonization of beneficial aerobic  
61 bacteria that consume the nutrients to reduce existing muck build-up and prevent it from  
62 accumulating in the future.

63 **2. Aeration improves water quality.** Nutrients not only accumulate at the bottom of the pond  
64 to become muck, but they can also be suspended in the water column causing your pond to  
65 look murky. By reducing the muck and excess nutrients, increasing oxygen, and circulating the  
66 water, you will improve your water quality and clarity. Additionally, from pond water aeration,  
67 you'll see a reduction in algae and weeds since there will not be as many nutrients to fuel their  
68 growth.

69 **3. Aeration boosts dissolved oxygen levels.** Oxygen is needed from pond water aeration to  
70 sustain your fish, but it is also needed by your beneficial bacteria. Aeration is important because  
71 without oxygen, your pond will go into an anaerobic state. Anaerobic bacteria are not as  
72 efficient at breaking down organic material as their aerobic counterparts. Additionally, anaerobic  
73 bacteria produce carbon dioxide and hydrogen sulfide when digesting organic material, giving  
74 the pond a rotten egg smell. In contrast, beneficial bacteria produce a harmless gas when  
75 breaking down muck and debris. Incorporating aeration into the pond increases the amount of  
76 dissolved oxygen in the water keeping your pond functioning as a healthy aerobic system.

77 **4. Aeration eliminates the thermocline.** The thermocline is the border between the warmer,  
78 surface water and the colder, deeper water. Aeration is important because it circulates and  
79 mixes the water to eliminate these stratified layers by moving the cooler oxygen-starved water  
80 to the pond's surface so it can become infused with oxygen. The warmer, oxygen-rich water  
81 than drops to the bottom of the pond to fuel your beneficial bacteria. With all this churning, the  
82 water temperature of a properly aerated pond will be no more than a few degrees' difference  
83 throughout.

84 **5. Aeration reduces the risk of a fish kill.** Fish perish from time to time, but when many die at  
85 one time, it is often linked to low oxygen conditions. In the winter, the gases released when  
86 organic debris is decomposing can become trapped when the pond freezes over and reduce  
87 the oxygen available for your fish; if enough oxygen is displaced your fish will suffocate.  
88 Aeration is important because it will pump fresh oxygen into the pond and help to keep a hole in  
89 the ice to allow for gas exchange. In the spring and fall, turnover events due to stratified water  
90 can cause a fish kill. During a turnover event, a stratified pond rapidly mixes, depleting the  
91 oxygen from the surface water as it combines with the bottom oxygen-starved water. Pond  
92 water aeration will eliminate the thermocline and prevent spring and fall turnover.

93

94



## REPORT to the KITTERY TOWN COUNCIL – Protection of Legion Pond

### 95 **Current Situation:**

96  
97 Legion Pond is covered with algae and needs human intervention and is slowly dying. It is  
98 lacking wildlife that once visited this pond and the growth of necessary aquatic vegetation is  
99 disappearing. It is also providing a location for mosquitos to breed and affect the environment.  
100 Recently West Nile has been discovered at the Memorial Field, which abuts LEGION POND.  
101

102 There has been a decrease in waterfowl such as swans, geese and ducks. The ponds visual of  
103 its depth has diminished as well. The pond has slowly transformed from a once healthy pond to  
104 a pond of heavy green algae, mosquitos and a lack of life due to reasons that may or may not  
105 be easily explained.  
106

### 107 **Proposed Solution**

- 108
- 109 • Request the Town Manager to explore options available to the Town of Kittery and
- 110 explore acceptable solutions.
- 111 • **Collaborate with the Conservation Commission** to develop a plan acceptable to the
- 112 Conservation Commission and Planning Board.
- 113 • Work, as appropriate, with the Kittery Land Trust as the KLT owns and manages the
- 114 wetland body behind The Farm Restaurant which is attached to Legion Pond.
- 115 • Report the findings back to the Town Council.  
116

### 117 **Rationale for the Proposed Solution:**

- 118
- 119 • A proactive approach will aid in restoring the health of Legion Pond.
- 120 • By working with the Conservation Commission and the Planning board, a group effort
- 121 may be realized to protect the pond.
- 122 • Adding Aerators to this pond, will inject air and gentle movement to the water thereby
- 123 minimizing algae growth, adding air to the water for the species associated with the
- 124 pond.
- 125 • It will restore oxygen in the water, to prevent anaerobic condition, a condition that block
- 126 out beneficial bacteria that act to break down the decaying material, thus adding to the
- 127 problem.
- 128 • It will restore an unbalanced ecosystem reducing a buildup of algae.
- 129 • Having an aeration system levels out the natural cycle and maintains an acceptable level
- 130 of oxygen in the water year round.
- 131 • It's a low cost alternative to rebuilding a very damaged eco system and rebuilding life
- 132 within and around the pond.
- 133 • Pond AERATORS vary in cost and appear on a preliminary review to be very affordable
- 134 and the benefits of the use of the aerators outweigh the cost.
- 135 • A caveat to some aerators is that they have LED lights adding to beauty within the pond
- 136 during the night hours that can be programmed for special events or just provide gentle
- 137 ambient lighting.
- 138 • Acting before it dies, will aid in restoring it for generations to come.  
139  
140

REPORT to the KITTERY TOWN COUNCIL – Protection of Legion Pond

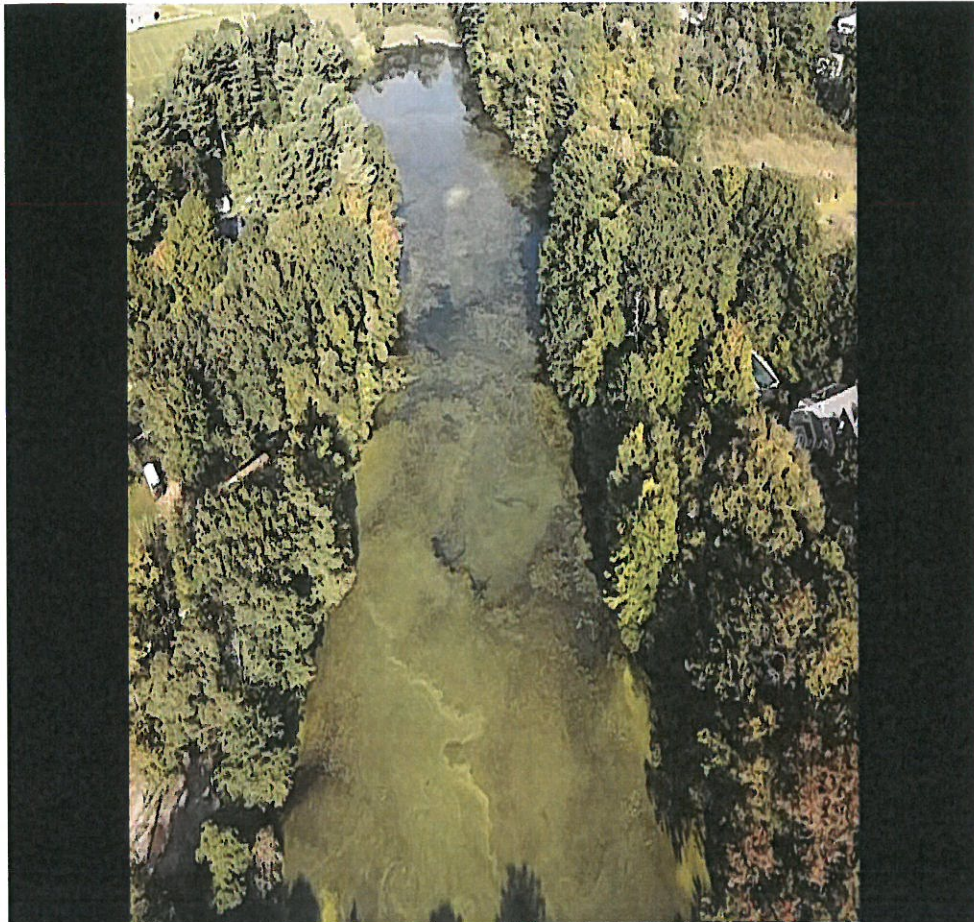


141



142

REPORT to the KITTERY TOWN COUNCIL – Protection of Legion Pond



143



144

# Kiwanis

www.kiwanis.org

September 18, 2018

Town of Kittery  
Attn: Nicole Maurice – Town Clerk  
200 Rogers Road  
Kittery, ME 03904

Dear Council Members,

The **Kiwanis Club of The Seacoast** is requesting permission from the Town to sponsor the annual Kittery Holiday Parade on Saturday – December 1, 2018 and to have the following Kiwanis Club member appointed as the Town's Official Parade Committee:

**Glen Philbrook**

**41 Love Lane**

**Kittery**

The parade will start at Post Office Square at 3:00pm, follow the traditional parade route through the downtown area, and conclude at the **John Paul Jones Park** with the tree lighting ceremony.

Should the case of inclement weather, we would like to have a rain date of Sunday – December 2, 2018 at 3:00 pm as the backup plan.

The **Kiwanis Club of the Seacoast** has sponsored the parade since 1994 and is looking forward to another successful community event again this year.

If you should have any questions concerning the parade, please contact Glen Philbrook at cell 603-799-8453 or Dan Witham (contact information below)

Respectfully,

Daniel R Witham  
Secretary  
Kiwanis Club of the Seacoast  
603-559-2614 w or 603-969-4694 c

**Kiwanis Club of the Seacoast PO Box 285, Kittery, ME 03904**  
Frank Dennett – President      Glen Philbrook – Immediate Past President  
Dan Witham – Secretary      Kim Marsh - Treasurer