



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

COUNCIL CHAMBERS

September 27, 2021

6:00PM

The public may attend the meeting in person or remotely via Zoom.

Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. **To register via Zoom:**

https://us02web.zoom.us/webinar/register/WN_le7fp1VpTx-z2UCtn-nJ2A

After registering, you will receive a confirmation email containing information about joining the webinar.

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

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - September 13, 2021 – Regular Meeting
8. Interviews for the Board of Appeals and Planning Board

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
10. PUBLIC HEARINGS
 - a. (090221-1) The Kittery Town Council moves to hold a public hearing on Title 10 – Foreside Parking.
 - b. (090221-2) The Kittery Town Council moves to approve a new Victualer’s License application from New England Fishmongers, located at 57 State Road, Kittery.
 - c. (090221-3) The Kittery Town Council moves to approve a new Liquor License application from New England Fishmongers, located at 57 State Road, Kittery.
 - d. (090221-4) The Kittery Town Council moves to approve a new Victualer’s License application from Siam Mellow Tasty, located at 182 State Road, Kittery.
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person).
 - b. Chairperson may read written comments into the record.
 - c. Chairperson’s response to public comments.
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition
 - b. (090221-5) The Kittery Town Council moves to approve the surplus of 42-44 Old Post through a Request for Proposal process in accordance with Town Code §3.2.10. D.
 - c. (090221-6) The Kittery Town Council moves to approve a Release Deed for 119 Whipple Road, Kittery.
 - d. (090221-7) The Kittery Town Council moves to approve rules for placement of political signs in memorials.
 - e. (090221-8) The Kittery Town Council moves to approve a renewal Liquor License application from Anneke Jans, located at 60 Wallingford Square, Kittery.

- f. (090221-9) The Kittery Town Council moves to approve a renewal Liquor License application from When Pigs Fly Pizzeria, located at 460 US Route 1, Kittery.
- g. (090221-10) The Kittery Town Council moves to approve a request for wreath placement at the former Baptist Church cemetery.
- h. (090221-11) The Kittery Town Council moves to declare the following Committee seats vacant, Conservation Commission and Climate Adaption Committee.
- i. (090221-12) The Kittery Town Council moves to approve a sign request from the Traip Academy Football team to hang posters for their Homecoming football game on October 1, 2021.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

- a. (090221-10) 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 23, 2021



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 27, 2021

- 1. COVID Update** – We are preparing for the implementation of the anticipated OSHA emergency rule mandating vaccination for employers of 100+ employees. The rules, once issued, will apply to our employees. The State of Maine issued rules requiring public safety personnel, including Police and Firefighters to be fully vaccinated this fall. We are reviewing preliminary guidelines and determining how we will administer and document the implementation of the OSHA emergency rule.

Our Police Officers and Firefighters are 100% vaccinated. Of the full staff population, approximately 93% are fully vaccinated. The Maine CDC is reporting that residents in Kittery are between 78% and 99% vaccinated.

Residents are encouraged to get vaccinated and to wear face-coverings as a means to prevent the further spread of COVID. For more information about getting vaccinated please visit

<https://www.maine.gov/covid19/vaccines>.

- 2. Joint Land Use Study** – The Implementation Committee for the Joint Land Use Study is preparing to meet again to review the progress of work on implementation of the Joint Land Use recommendations for reducing the impacts of the Portsmouth Naval Shipyard on the Town and region.

The team has nearly completed its study of transit feasibility, which has included identifying existing developed land for remote park-and-rides and opportunities for a new multimodal hub, identified funding opportunities, and developed strategies to incentivize PNSY workers to utilize transit for the “last mile” to reduce congestion on local Kittery roads and parking resources.

Significant work has gone into evaluating affordable housing options for the immediate area. The Urban Land Institute Technical Assistance Panel report is being finalized, a housing development toolkit is drafted, and the Town staff are scheduling meetings with interested developers.

A joint communications plan has been developed with the PNSY, Portsmouth, and a number of other partner communities and agencies. The communications plan is being finalized and prepared for signatures.

A presentation to the Council of the results of the Implementation effort will be scheduled at the end of the calendar year. Please see the attached Update Flyer or visit www.kitteryme.gov Projects Tab for more information.

Upcoming Dates:

- Absentee Ballot Applications Available Now – Town Clerks Office and www.kitteryme.gov
- Kittery Corn Maze Nights – October 7 and 17, visit KCC website for details
- Taste of Kittery – October 9, 1PM to 4PM, www.kittery375th.com for more info

- Town Hall Closed for Indigenous Peoples Day – October 11
- Candidate Night – October 20, 6PM, Town Hall
- Marijuana Retail Business Pre-Application Deadline – October 21, Town Hall

Respectfully Submitted,

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

Kendra Amaral
Town Manager

TOWN OF KITTERY + PORTSMOUTH NAVAL SHIPYARD JLUS IMPLEMENTATION

PROJECT UPDATE #3



The past few months of the JLUS implementation project have developed a detailed understanding of needs and preferences, and appropriate solutions for transit, housing, development and communications in the region. Discussions with regional employers have refined the estimate of regional transit demand, and further PNS data identified geographic locations where workers are in need of more travel options. A survey of shipyard workers was conducted to understand preferences for alternative transportation options and their interest in utilizing a multimodal hub, and early discussions with potential developers of a multimodal hub began. The ULI Tap Panel further validated the region's needs for a strategic approach to diversifying its housing stock and adding a mix of other uses. The Communications Committee identified specific improvements to communication channels in various areas. The final stage of the project will include finalizing reporting for each task and completing on-going discussions focused on implementation details.

PROJECT SUMMARY BY TASK

TASK 2.1- TRANSIT FEASIBILITY ASSESSMENT



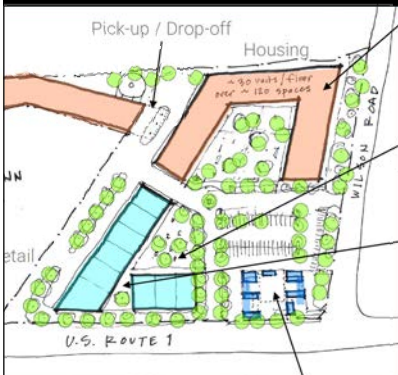
- Transit Committee convened
- Other employer data gathered
- Microtransit/vanpool case studies identified
- Funding identified

TASK 2.2- MULTIMODAL HUB FEASIBILITY



- PNS survey conducted
- Site information sheets created
- Early developer conversations held
- Hub funding sources identified

TASK 3- HOUSING AFFORDABILITY ANALYSIS



- ULI Panel conducted
- ULI TAP Briefing Book finalized
- Housing Toolkit drafted

TASK 4- JOINT COMMUNICATIONS PLAN

Town Hall
150 York Street
York, Maine 03909
Phone: 207-363-1000

Regular Planning Board Meetings are typically held on the 2nd and 4th Thursdays on Time-Warner Cable's Public Channel 132 and streamed on Town Hall Stream.

Departments	Position Title	Contact	Telephone
Town Manager's Office	Town Manager	Stephen H. Burns	207-363-1000, ext. 6021
Town Clerk/Tax Collector	Town Clerk/Tax Collector	Mary-Ann Kwasniewski	207-363-1003, ext. 6072
Code Enforcement	Director LMO, CRS Coordinator	Amber Harrison	207-363-1002
Tax Assessor	Tax Assessor	Rick Mack, MCA	207-363-1001, ext. 6044
Finance	Finance Director	Wendy Anderson	207-363-1004, ext. 6024
Human Resources	Director of Human Resources	Kathryn Dawicki-Lanese	207-363-1000, ext. 6032
Parks & Recreation	Department Director	Robin Cogger	207-363-1040
Planning	Planning Director	Dylan Smith	207-363-1000, ext. 6042
Town of York Police Department	Chief of Police	Charles J. Kwasniewski	207-363-1031
Public Works	Director of Public Works	Dean A. Lessard, P.E.	207-363-1010
School Department	Superintendent of Schools	Loy Colebrook	207-363-3403

- MOA established with relevant parties
- Joint Communications Manual drafted

The remaining steps of the JLUS are as follows:



KITTERY TOWN COUNCIL Unapproved Minutes

September 13, 2021 Council Chambers

6:00PM

1 1. Call to Order

2 Chair Thomson called meeting to order at 6:00 p.m.

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

6 Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, George Dow, Vice Chair
7 Judith Spiller, Cyrus Clark, Cameron Hamm, and Mary Gibbons Stevens.

8 5. Agenda Amendment and Adoption

9 Chair Thomson cast one vote to accept the agenda as presented.

10 6. Town Manager's Report

11 The Town Manager report on: COVID Update, November 2, 2021 Town and State
12 Election, Kittery 375th Celebration, Kittery Kitchen Compost Campaign, Town Website
13 Update, Kittery Water District Survey, Bike/Ped Master Plan, Marijuana Licenses, and
14 Welcome Officer Bouchard.

15 Upcoming Dates: Absentee ballot applications are available now at the Town Clerks
16 Office and at www.kitteryme.gov, Kittery Water District Trustee Election is on
17 September 16, 2021 7AM to 7PM, at the Kittery Community Center, Kittery Corn Maze
18 Nights is on October 7 and 17, 2021 visit Kittery Community Center website for the
19 details, the Town Hall is closed for Indigenous Peoples Day on Monday, October 11,
20 2021, Candidate Night is on Monday, October 20, 2021 at 6PM, at the Town Hall, and
21 the Marijuana Retail Business Pre-Application Deadline is on Thursday, October 21,
22 2021 at the Town Hall.

23 7. Acceptance of Previous Minutes

- 24 • August 9, 2021 – Regular Meeting
25 • August 23, 2021 – Special Meeting

26 Chair Thomson cast one vote for the acceptance of the August 9, 2021 regular meeting
27 and August 23, 2021 special meeting minutes as presented.

28 8. Interviews for the Board of Appeals and Planning Board - None
29 9. All items involving the town attorney, town engineers, town employees or other town
30 consultants or requested offices.

31 a. (090121-1) The Kittery Town Council moves to establish an overlay amount of
32 \$_____, resulting in a mil rate of per mil, and to charge an interest rate
33 of 6% per annum on past due accounts and an interest rate of 2% on
34 overpayment of property taxes, and confirms the dates of November 1, 2021,
35 February 15, 2022 and May 31, 2022, as the due dates for property and personal
36 taxes.

37 Tax Assessor, Paul McKenney gave an overview of the FY22 Tax Rate Calculation and
38 answered any questions the Council might have had.

39 Chair Thomson moved to establish an overlay amount of \$157, 292, resulting in a mil
40 rate of \$13.00 per mil, and to charge an interest rate of 6% per annum on past due
41 accounts and an interest rate of 2% on overpayment of property taxes and confirms the
42 dates of November 1, 2021, February 15, 2022 and May 31, 2022, as the due dates for
43 property and personal taxes, seconded by Councilor Dow.

44 Chair Thomson commented on the remarks that were made regarding property and
45 personal taxes.

46 Motion Carried 7-0-0

47 10. PUBLIC HEARINGS

48 a. (090121-2) The Kittery Town Council moves to hold a public hearing on Title 2 –
49 Firefighters.

50 The Town Manager gave an overview on Title 2 – Firefighters.

51 Colin McGuire, 26 Whipple Road, Kittery, Maine spoke in support of Title 2.

52 Councilor Dow moved in accordance with Titles 30-A MRS §3001 and Town Charter
53 §2.14, the Town of Kittery hereby ordains amendment to Tile 2 of the Town code as
54 presented, seconded by Vice Chair Spiller.

55 Motion Carried 7-0-0

56 b. (090121-3) The Kittery Town Council moves to hold a public hearing to adopt a
57 Remote Meeting Policy for Council, Boards, Commissions and Committees.

58 The Town Manager gave an overview on the Remote Meeting Policy.

59 Colin McGuire, 26 Whipple Road, Kittery, Maine was in support of the Remote Meeting
60 Policy.

61 Chair Thomson moved to approve in accordance with MRS §403-B, the recently
62 approved policy for remote meeting participation that policy be approved for the of Town
63 of Kittery, seconded by Councilor Dow.

64 Motion Carried 7-0-0

65 c. (090121-4) The Kittery Town Council moves to hold a public hearing on a Zoning
66 Amendment application, Title 16 – Gas Station Buffer.

67 The Director of Planning and Development, Adam Causey gave an overview on the
68 Zoning Amendment application, Title 16 – Gas Buffer and answered any questions the
69 Council might have had.

70 Sandra Guay an attorney at Archipelago Law, Portland, Maine representing
71 Cumberland Farms spoke on their behalf and answered any questions the Council
72 might have had.

73 Chair Thomson moved to hold a public hearing on a Zoning Amendment application,
74 Title 16 – Gas Station buffer, seconded by Councilor Hamm.

75 Motion Failed 0-6-1

76 Chair Thomson, Councilor Pelletier, Councilor Dow, Vice Chair Spiller, Councilor Hamm,
77 and Councilor Stevens voted no; Councilor Clark abstained.

78 d. (090121-5) The Kittery Town Council moves to hold a public hearing on new
79 Victualer’s License application for Toast, located at 7 Shapleigh Road, Kittery.

80 Moved by Vice Chair Spiller, seconded by Councilor Dow.

81 Motion Carried 7-0-0

82 e. (090121-6) The Kittery Town Council moves to hold a public hearing on a new
83 Victualer’s License application for Ed’s French Fries, Mobile Food Unit located at
84 724 Sanford Road, Wells, Maine.

85 Moved by Vice Chair Spiller, seconded by Councilor Dow.

86 Motion Carried 7-0-0

87 11. DISCUSSION

88 a. Discussion by members of the public (three minutes per person). - None

89 b. Chairperson may read written comments into the record. - None

90 c. Chairperson's response to public comments. - None

91 12. UNFINISHED BUSINESS - None

92 13. NEW BUSINESS

93 a. Donations/gifts received for Council disposition.

94 (090121-7) The Kittery Town Council moves to accept a donation from York
95 Hospital in the amount of \$10,000 to be deposited in account #5003-43600.

96 Moved by Councilor Dow, seconded by Vice Chair Spiller.

97 All were in favor

98 b. (090121-8) Kittery Town Council moves to donate the rights of certain Town owned
99 parcels to Maine DOT for Right of Way, drainage and construction easements for
100 the Whipple Road Sidewalk Project.

101 The Town Manager gave an overview of the donation of the rights of certain Town
102 owned parcels to Maine DOT for Right of Way, drainage and construction easements
103 for the Whipple Road Sidewalk Project.

104 Moved by Councilor Stevens, seconded by Councilor Hamm.

105 Motion Carried 7-0-0

106 c. (090121-9) The Kittery Town Council moves to approve a renewal Liquor License
107 application from Navy Yard Bar and Billiard, located at 182 State Road, Kittery.

108 Moved by Councilor Dow, seconded by Councilor Hamm.

109 Motion Carried 7-0-0

110 d. (090121-10) The Kittery Town Council moves to approve a Special Activity
111 Amusement Permit application from Navy Yard Bar and Billiard, located at 182
112 State Road, Kittery.

113 Moved by Councilor Dow, seconded by Councilor Hamm.

114 Moved Carried 7-0-0

115 e. (090121-11) The Kittery Town Council moves to approve a renewal Liquor License
116 application from Tulsi located at 20 Walker Street, Kittery.

117 Moved by Councilor Hamm, seconded by Councilor Clark.

118 Motion Carried 7-0-0

119 f. (090121-12) The Kittery Town Council moves to appoint a Councilor along with the
120 Chair of the Parks Commission, to interview Tara Price for the Parks Commission
121 for a three-year term to expire 12/31/2024.

122 Chair Thomson moved to appoint Councilor Hamm, seconded by Vice Chair Spiller.

123 All were in favor.

124 g. (090121-13) The Kittery Town Council moves to schedule a public hearing on
125 September 27, 2021 on Title 10 – Foreside Parking.

126 Moved by Councilor Dow, seconded by Councilor Stevens.

127 All were in favor.

128 h. (090121-14) The Kittery Town Council moves to approve the repair of headstones
129 and gravesites in Orchard Grove Cemetery as proposed by the Orchard Grove
130 Sexton, in accordance with 13 MRS §1371.

131 Moved by Councilor Stevens, seconded by Councilor Clark.

132 Motion Carried 7-0-0

133 i. (090121-15) The Kittery Town Council moves to approve a request from the
134 Kiwanis Club of The Seacoast to sponsor the annual Kittery Holiday Parade on
135 Saturday, December 4, 2021.

136 The Council agreed to delay the approval until the second Council meeting in October.

137 j. (090121-16) The Kittery Town Council moves to approve the Annual General
138 Assistance Appendices A-D and Appendix H for 2021-2022 year.

139 Moved by Chair Thomson, seconded by Councilor Hamm.

- 140 Motion Carried 7-0-0
- 141 14. COUNCILOR ISSUES OR COMMENTS
- 142 Councilor Hamm thanked the Chair for his comments about the budget.
- 143 Councilor Clark commented on wearing a mask and vaccinations.
- 144 Vice Chair Spiller asked if there was a way the residents could contact Public Works
145 directly via the website.
- 146 Chair Thomson asked the Council their thoughts on limiting or eliminating political signs
147 in John Paul Jones Park and other Memorials in the town.
- 148 15. COMMITTEE AND OTHER REPORTS - None
- 149 a. Communications from the Chairperson - None
- 150 b. Committee Reports – None
- 151 16. EXECUTIVE SESSION - None
- 152 17. ADJOURNMENT
- 153 Councilor Dow moved to adjourn at 7:26 p.m., seconded by Councilor Hamm.
- 154 All were in favor.

Submitted by Kim Tackett

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



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

REPORT TO TOWN COUNCIL

Meeting Date: September 13, 2021
Updated: September 27, 2021
From: Kendra Amaral, Town Manager
Subject: Title 10 – Foreside Parking
Council Sponsor: Councilor Jeff Thomson

OVERVIEW

Town staff met with the Foreside Business Group on Monday, August 2 to talk about their parking issues. The Foreside Business Group includes various business owners in the Foreside including Yarrow, Maine Meat, Lil's, Corner Pub, Rudders, Winter Holben Architecture and Design, etc.

In 2019 Council amended Title 10 to allow four-hour parking on Wentworth and parts of Walker Street for the purpose of helping the businesses address employee parking needs. In 2020, Council amended Title 10 again to move these areas back to two-hour parking limits to address concerns regarding Shipyard employees overrunning the Foreside parking on weekdays.

In April, the Foreside Business group conducted a survey of the downtown businesses and found they need on average 50 parking spaces on weekdays for their employees. We conducted parking utilization counts in the Foreside late fall last year and found that on average 60% of the parking spaces are being utilized under the two-hour restrictions. Foreside businesses are paying for some parking on private lots. This doesn't meet their full need and they report is limiting their ability to grow their businesses.

The problem is not a lack of parking spaces, but a challenge of how to regulate parking in a way that supports the vitality of the Foreside.

OPTIONS

We talked through various options with the Business Group develop a solution that would be workable. The conclusion was that they want to reestablish a number of four-hour parking spots on the outskirts of the Foreside, closest to State Road. They also would like to make permanent the 15-minute parking spots at the heart of Wallingford Square, and the 1-hour parking at Yarrow's business.

We did discuss varied parking regulations, for example two-hour parking until a time certain, then it transitions to longer term parking. The Police Chief has expressed reservations about the enforceability and practical implications of such an approach. In practice, it will not likely produce desired results.

We talked about permit parking for Foreside employees. The Town does not currently have a parking permit program per se. Other than resident/non-resident based on dump stickers, such a program would create a new operation that will require administration of permit applications, issuance, renewal, and more enforcement. We currently enforce time restricted parking by having Officer Walsh take photos of the license plate and location of the car (as in where a tire is relative to a landmark); then he has to go back

and compare photos to determine if a vehicle has moved. It's time consuming and not exact by any means.

Permit Parking Programs are typically administered with Parking Control Officers through metered parking programs. They also utilize technology to track and issue parking violations. Kittery does not currently have such resources.

We are also concerned about the domino effect. A number of other areas in town have floated the idea of permit parking to prevent others from parking near their homes, at their favorite places in Kittery, etc. This includes Badgers Island, Pocahontas Road, and Pepperrell Cove. If we are to venture down the road of permit parking, we need to be prepared to do it elsewhere in town.

We are not opposed to permit parking so long as the resources are made available to be successful. This would include adding parking control officers to the payroll and purchasing technology to track permits, parking conditions, and violations. There are parking control management systems that GPS the vehicle and plate, making it more efficient to identify time-restricted parking violations. These systems can be expensive.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

- Proposed Title 10 – Foreside Parking
- Map of Impacted Area
- Draft Title 10 Foreside Parking Enactment

**TITLE 10
FORESIDE PARKING**

1 **AMEND Title 10 to make 4-hour parking on Walker Street from :**

2 **§ 10.3.1.3 Fifteen-minute parking from 7:00 a.m. to 6:00 p.m.**

3 Fifteen-minute parking, identified by Town of Kittery parking signs, from 7:00 a.m. to 6:00 p.m.
4 (unrestricted parking is permitted on Sundays and holidays) in the following locations except as may be
5 prohibited in §10.3.1.1:

6 A. ~~One Two~~ parking spaces, ~~identified by a Town of Kittery parking sign,~~ in front of 7 Wallingford Square
7 ~~will be designated for fifteen minute parking from 7:00 a.m. to 6:00 p.m. (unrestricted parking is-~~
8 ~~permitted on Sundays and holidays)-~~

9 B. Two parking spaces, ~~identified by Town of Kittery parking signs,~~ on the north side of Pepperrell Road,
10 starting 15 feet east of Pepperrell Terrace, ~~will be designated for fifteen minute parking.~~

11 C. Two parking spaces, ~~identified by Town of Kittery parking signs,~~ on the south side of Island Avenue,
12 beginning 50 feet from the intersection of Route 1 ~~will be designated for fifteen minute parking.~~

13 D. Two parking spaces on the north side of Walker Street, in front of 20 Walker Street.

14 **§ 10.3.1.4 One-hour parking from 7:00 a.m. to 6:00 p.m.**

15 One-hour parking is permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted on Sundays and
16 holidays), in the following locations except as may be prohibited in § 10.3.1.1:

Two parking spaces on the south side of Walker Street, in front of 23 Walker Street.

17 **§ 10.3.1.5 Four-hour maximum parking.**

18 A. Four-hour parking is permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted Sundays
19 and holidays) in the following locations except as may be prohibited in § 10.3.1.1:

20 ~~(Reserved)~~ Walker Street, between signs starting 350 feet east of its intersection State Road, to its
21 intersection with Main Street.

**KITTERY TOWN CODE
TITLE 10
FORESIDE PARKING**

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

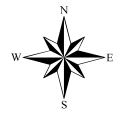
10 **WHEREAS**, the Town seeks to improve traffic safety and customer access to businesses and
11 public spaces in the Foreside through parking regulations;

12 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN
13 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 10
14 OF THE TOWN CODE, AS PRESENTED.

15 **INTRODUCED** and read in a public session of the Town Council on the ____ day of _____,
16 20____, by: _____ {NAME} Motion to approve by Councilor
17 _____ {NAME}, as seconded by Councilor _____ {NAME} and
18 passed by a vote of _____.

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

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



September 3, 2021

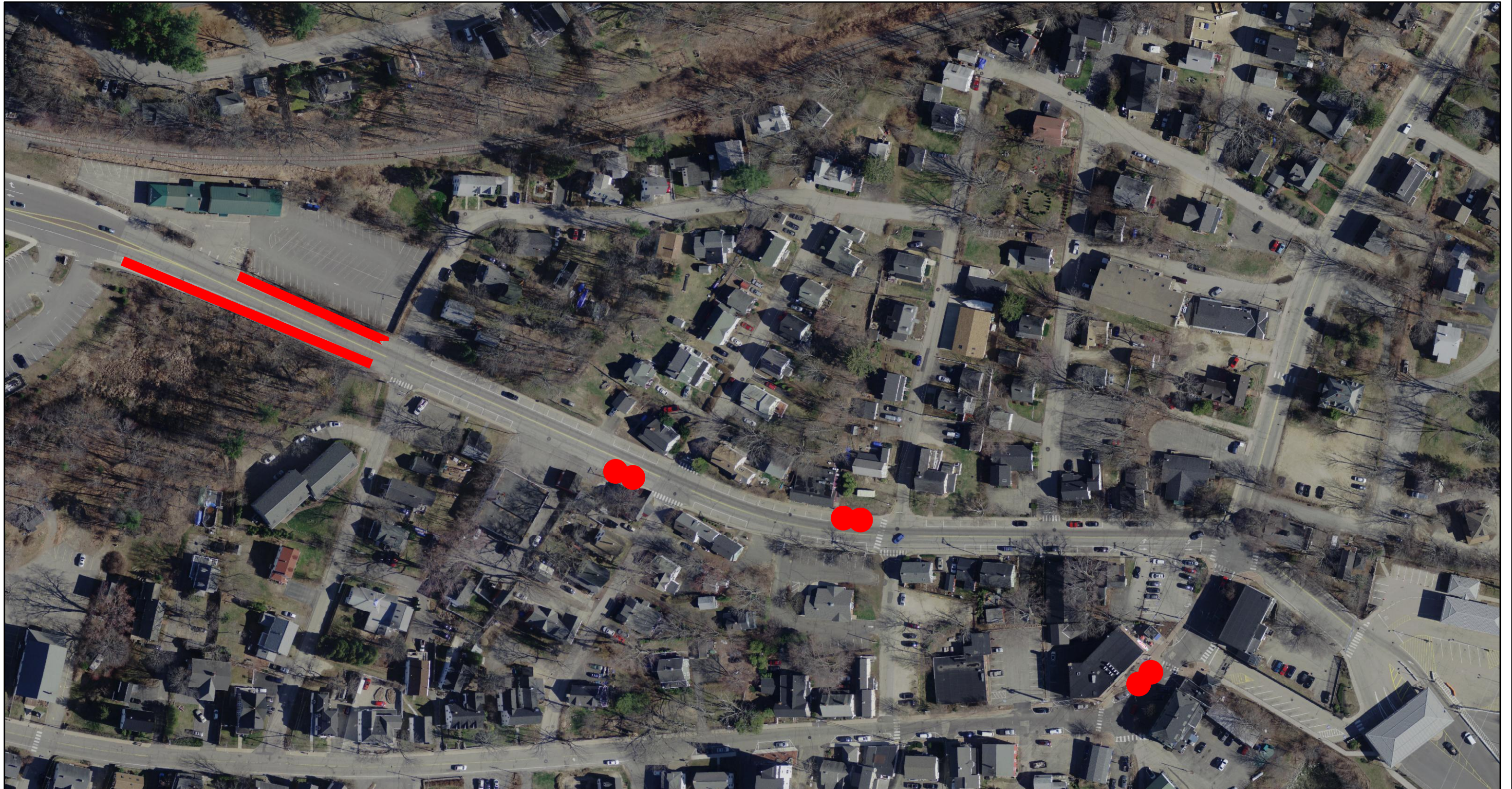
Foreside Parking

Kittery, ME

1 inch = 118 Feet



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



TOWN OF KITTEBY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1313 Fax: (207) 439-6806

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

Applicant's Name Timothy Rider

please print

Applicant's Address 11 Settlement Dr #206, Dover, NH

please print

Applicant's mailing address if different from above: _____

Applicant's Email address (required) tim@newenglandfishmongers.com

Date of Birth 07/10/1976 Applicant's Telephone Number: 603 953 5515

Business Name: New England Fishmongers

please print

Business Address: 57 State Road, Kittery, ME

please print

Business Telephone Number: 603 953 5515

Signature of Applicant  DATE: 9/1/2021

LICENSE FEE: \$ 50

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

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



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): New England Fishmongers, LLC	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 57 State Road, Kittery, ME
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: kayla@newenglandfishmongers.com
Telephone # Fax #: 978-412-5557	Business Telephone # Fax #: 603-953-5515
Federal Tax Identification Number: 45-2418082	Maine Seller Certificate # or Sales Tax #: 1221260
Retail Beverage Alcohol Dealers Permit: Registered with TTB (see attached)	Website address: www.newenglandfishmongers.com

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: _____

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

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

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

Malt Liquor (beer) Wine Spirits

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

- Restaurant (Class I, II, III, IV) Class A Restaurant/Lounge (Class XI) Class A Lounge (Class X)
- Hotel (Class I, II, III, IV) Hotel – Food Optional (Class I-A) Bed & Breakfast (Class V)
- Golf Course with auxiliary and mobile cart options (Class I, II, III, IV) Tavern (Class IV)
- Qualified Caterer Self-Sponsored Events (Qualified Caterers Only)

Other: _____

Refer to Section V for the License Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

October 17th

5. Business records are located at the following address:

30 Crosby Road #12, Dover, NH

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

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

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Kayla Cox	01/06/1995	Beverly, MA
Timothy Rider	07/10/1976	Manchester, NH
Cameryn Cox	10/12/1998	Beverly, MA

Residence address on all the above for previous 5 years

Name Kayla Cox - 11 Settlement Drive #206, Dover, NH
Address:

Name Tim Rider - 11 Settlement Drive #206, Dover, NH
Address:

Name Cameryn Cox - 5 Pearson Drive, Byfield MA
Address:

Name Address:

9. Is the licensee/applicant(s) citizens of the United States? Yes No

10. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

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

Yes No

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

12. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No

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

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

Jim Spencer - 4 Nubble Pt, York, ME

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

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

We will be making a fresh seafood market with a small takeout menu of hot, prepared food. No counter service available, however there is seating available for customers who wish to eat their takeout food on-site. We will offer cans of beer and wine for purchase, which can be consumed within the dining areas with their meals.

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

Name: Church of Christ, Kittery

Distance: 2.1 miles

Section II: Signature; Fee; Delivery of application

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

Please sign and date in blue ink.

Dated: 9/20/2021

Kayla Cox
Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

Kayla Cox
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VII on this application.

Section III: For use by Municipal Officers and County Commissioners only
Approval of an application for an on-premises liquor license

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

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

This Approval Expires in 60 Days

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

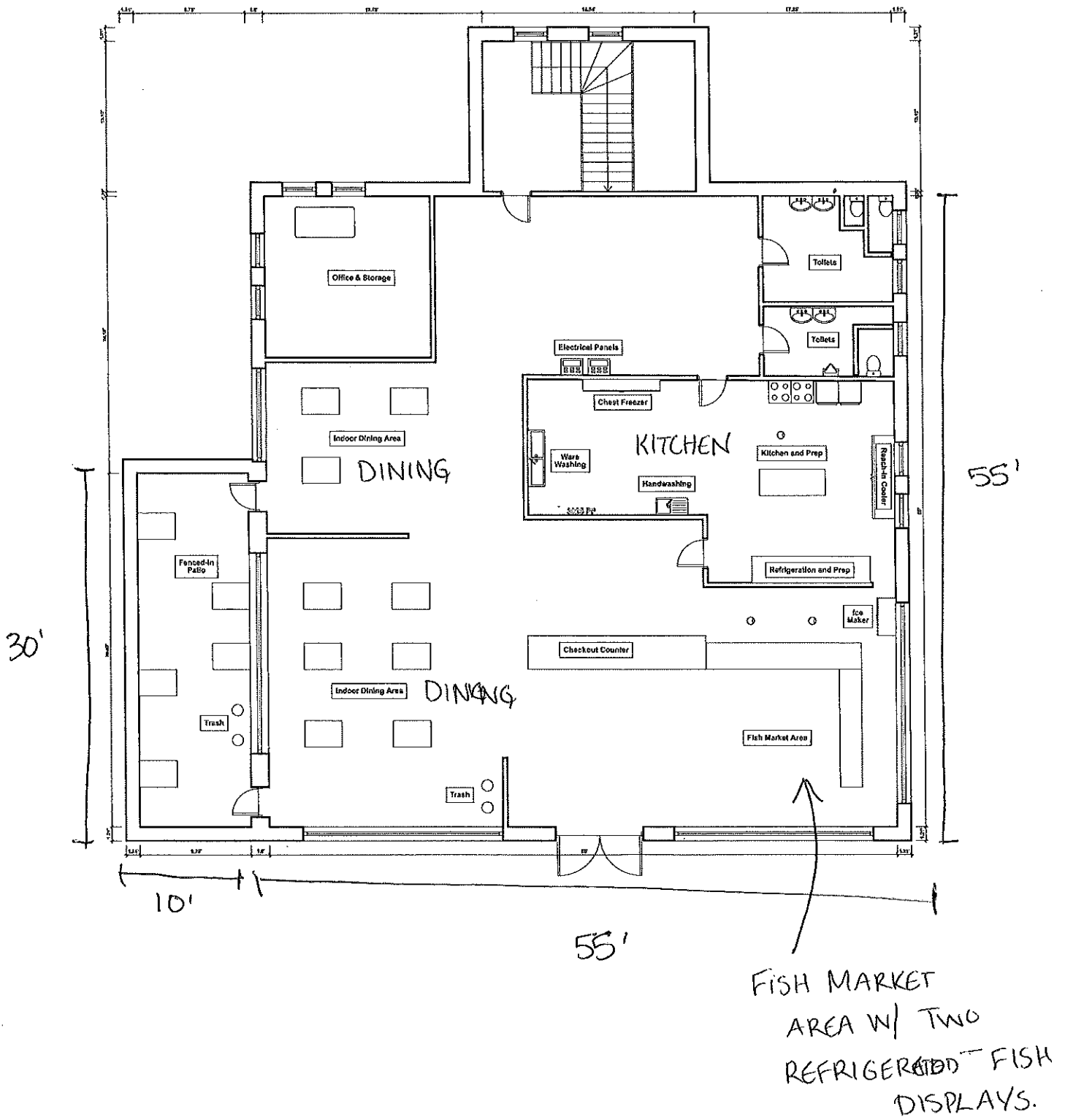
Section V: Fee Schedule

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

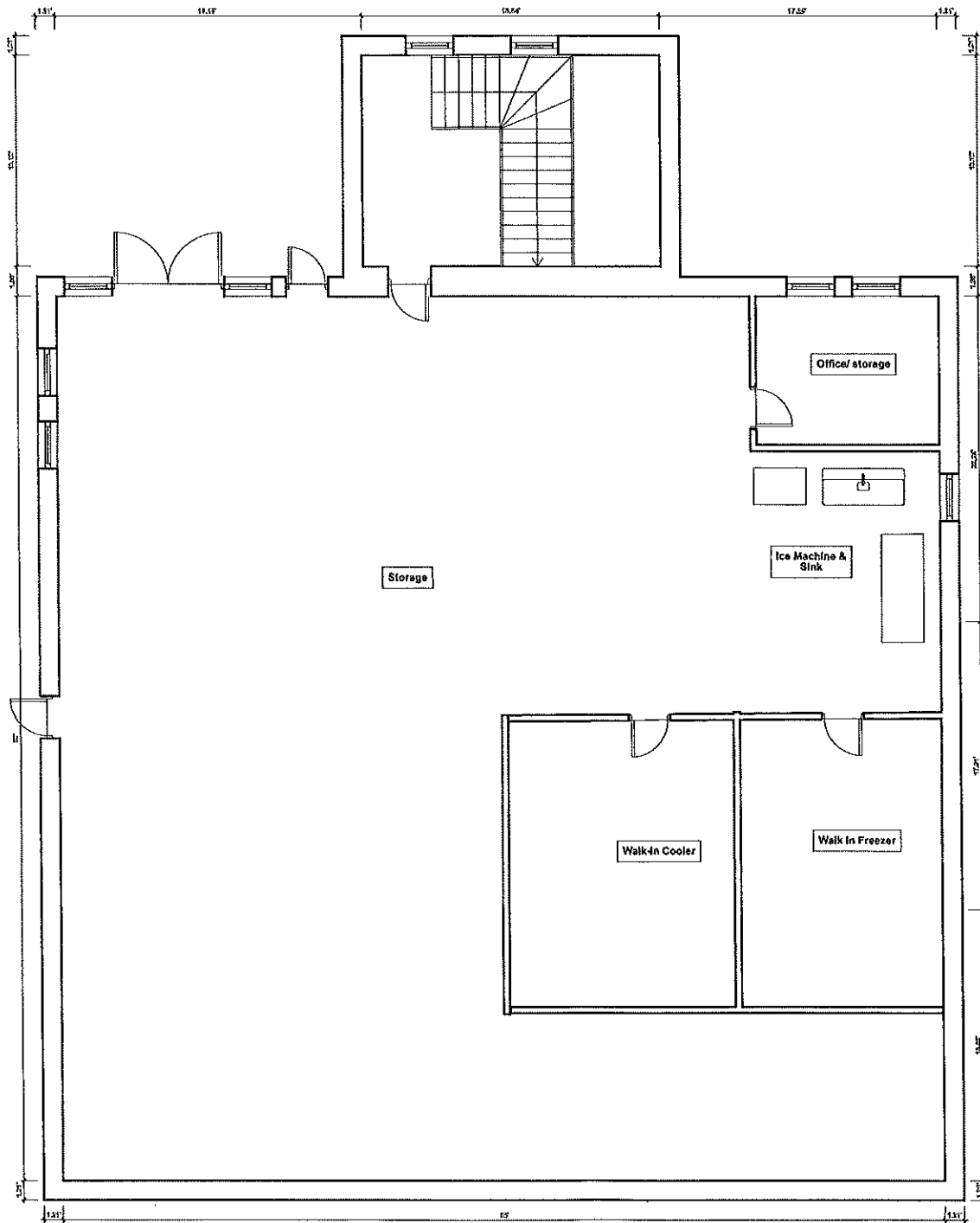
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

First floor



Basement



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: New England Fishmongers
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 04/11/2011 State in which you are formed: NH
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 9/16/2021
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Timothy Rider	11 Settlement Dr #206 Dover NH	7/10/1996	Owner	100

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



Kayla Cox <kayla@newenglandfishmongers.com>

Re: [EXTERNAL]Contact by: Email - Applications - Permits Online

1 message

nrc@ttb.gov <nrc@ttb.gov>
 To: kayla@newenglandfishmongers.com

Fri, Sep 10, 2021 at 8:19 AM

This message was sent securely using Zix®

Dear Kayla Cox,

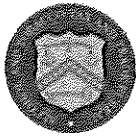
Thank you for your inquiry.

Once you are registered, there is nothing else that needs to be done. You are able to sell alcohol at retail once registered.

If you require further assistance, contact us at 1-877-882-3277, or submit an inquiry online at [Contact Us](#).

With Kindest Regards,

NPS6943

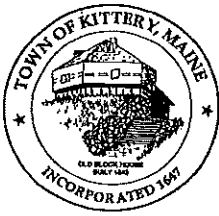


Alcohol & Tobacco Tax & Trade Bureau
 National Revenue Center, Cincinnati, OH

******* This mailbox is not actively monitored. Please DO NOT REPLY to this email. Visit our website at <https://www.ttb.gov/nrc/contact-nrc> if you have any additional requests. *******

From: Do-Not-Reply-NRC@ttb.gov
To: NRC@ttb.gov
Sent: Fri, Sep 10, 2021 08:06 AM -04:00
Subject: [EXTERNAL]Contact by: Email - Applications - Permits Online
 You have received a new message from kayla cox
Business Name: New England Fishmongers
Primary Email Address: kayla@newenglandfishmongers.com
Alternate Email Address: kayla@newenglandfishmongers.com
Phone Number: 9784125557
Preferred Method of Contact: Email
Best Time to Contact:
Location: NH
Reference Number:
EIN: 452418082
Registry Permit Number:
PONL Tracking Number: 2021-SOTREG-03151-I
Fax:
File Name: No File

Comments: Hi there, I applied for a permit to sell beer and wine at my takeout restaurant in Kittery, ME. The tracking number is 2021-SOTREG-03151-I. I can't tell if I need to do anything else for this permit? It just says "registered" under my submissions on Permits Online, so I don't know if that means the permit is all set, or if I missed something. Thanks!



TOWN OF KITTEKY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1313 Fax: (207) 439-6806

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

Applicant's Name NAPAK CHANVATIK
please print

Applicant's Address 70 HORNE ST. DOVER, NH 03820
please print

Applicant's mailing address if different from above: _____

Applicant's Email address (required) youn.1981@hotmail.com

Date of Birth 6/22/1981 Applicant's Telephone Number (978-954-2253)

Business Name: Siam Mellow Tasty
please print

Business Address: 182 State Road. Kittery, Maine 03904
please print

Business Telephone Number: 207-439-9988

Signature of Applicant J. Chanvatik DATE: 8/31/2021

LICENSE FEE: \$ 50.00

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

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



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

REPORT TO TOWN COUNCIL

Meeting Date: September 27, 2021
From: Kendra Amaral, Town Manager
Subject: Redevelopment of 42 & 44 Old Post Road
Council Sponsor: Chairperson Jeffrey Thomson

SUMMARY

The Town obtained clean title, associated with tax foreclosure, in the fall of 2020 for 42 & 44 Old Post Road after a protracted legal battle with the prior owners. These properties contain the house and garage formally owned by James Dineen and Diana Sylvester (deceased). The legal battles were focused on forcing the removal of junked buses, unregistered buses, and resolution of general property maintenance violations. The properties are not occupied, and do not serve as a primary residence for anyone. With a clean title, the Town is now able to surplus the properties, and, if possible, recoup the legal costs, settlement fees, and back taxes associated with the properties.

Given the location, size, and zoning of the area, we wish to not simply surplus the properties but to advance the redevelopment of the full site. This site is a strong candidate for an affordable housing project. An additional factor for the site redevelopment is the recent brownfields assessment which identified hazardous materials on site, including in building materials and ground contamination from fuel and heating oil,

We are recommending a Request for Proposal approach to allow the Town to evaluate proposals for their ability to meet the goals articulated for the site, rather than just focus on the price offer. Per Town Code Title 3.2.10, the Town Council must approve any alternative approach to disposition of real property.

REQUEST FOR PROPOSALS

Attached is a draft Request for Proposals. This draft is intended to be a rough draft, with sections still to be added including logistics of submitting a proposal, selection process, and complete index of appendices. The RFP language will be further refined and added to, prior to issuance.

Once issued, the final version of the RFP will be posted on our website and advertised in the local newspaper. We will schedule a site walk for interested parties, which is typically occurs two or more weeks prior to the deadline for RFPs.

For the selection process, we would propose a team representing the Housing Com, Economic Development Com, and staff to review proposals and recommend the winning proposal to the full Council.

PROPOSED SOLUTION/RECOMMENDATION

Approve the use of a Request for Proposal approach.

ATTACHMENTS

- Draft Request for Proposals
- Property Cards
- Town Code Title 3



TOWN OF KITTELY
Planning and Development Department
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1307

TO: KENDRA AMARAL, TOWN MANAGER
FROM: ADAM CAUSEY, DIRECTOR OF PLANNING & DEVELOPMENT
SUBJECT: OLD POST ROAD REDEVELOPMENT
DATE: SEPTEMBER 8, 2021

The Town acquired 42 & 44 Old Post Road via tax foreclosure. The site contains two structures, a house and a garage, and is adjacent to Legion Pond at the busy intersection of Old Post Road and Dennett Road. The property is in need of redevelopment in a manner that adds value to the surrounding neighborhood. To do that, the Town plans to solicit redevelopment ideas from the private sector via a Request for Proposals (RFP) process.

The site is in a residential area with a history of mixed-use commercial services near the intersection. Discussions between Town staff and the Economic Development Committee and Housing Committee have centered on the development of small-scale affordable housing on the site, though the density and configuration of the units are to be determined. Depending on how the Business-Local (B-L) zoning district is updated, the site could support between 4 to 8 units of multi-unit housing (depending on site design, reuse of buildings or new construction, lot coverage, other uses, parking, etc.).

Because the site includes a history of heavy vehicle storage and fuel discharge, the Town obtained grant funds from the [Southern Maine Planning & Development Commission's Brownfield Redevelopment Program](#) to perform Phase I and Phase II Environmental Site Assessments. The Phase II revealed further testing is necessary to determine the scope of any remediation. To gain the most efficient outcome for redevelopment, the Town would like to partner with a private developer to complete the environmental assessment, create a concept plan for the redevelopment, obtain zoning approvals for the new uses and site plan, and determine the ownership structure going forward.

The draft goals for the redevelopment of the site are:

1. Complete environmental site assessment and remediate to clean any contaminated soils
2. Return the properties to productive use via bid process to private owner
3. Create a development plan appropriate for the neighborhood
4. Create affordable housing units on-site
5. Recover funds to offset legal and acquisition costs to the Town

The Economic Development Committee and Housing Committee will meet on September 15th and October 7th, respectively, to give more input in the process for redeveloping this site. There is a

chance to split this process into two parts: (1) an initial Request for Qualifications (RFQ) step that would present broad goals to attract qualified developers the Town finds suitable, and subsequently (2) an RFP to solicit the best designs from those qualified respondents. If a clear consensus emerges on the uses, ownership structure, and site design for this land, the Town could go right to an RFP process and allow respondents to submit proposals for evaluation. The Planning Department stands ready to begin either process immediately.

Thank you,

Adam Causey, AICP
Director of Planning & Development



Town of Kittery
Maine

Request for Proposals

**42 & 44 OLD POST ROAD REDEVELOPMENT
KITTELY, MAINE**

**Responses Due
THURSDAY, XXXXXXXXXX XX, 2021
10:00 AM**

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

**TOWN OF KITTELY MAINE
42 & 44 OLD POST ROAD REDEVELOPMENT**

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REDEVELOPMENT OPPORTUNITY.....Error! Bookmark not defined.

PROPOSAL REQUIREMENTS7

DESCRIPTION OF PROPERTYError! Bookmark not defined.

1. OVERALL VISION

The Town of Kittery (“Town”) is seeking a buyer for 42 & 44 Old Post Road, Kittery Maine, that would be responsible for redevelopment of the property into an affordable housing project of a neighborhood-appropriate size and design.

The Firm would be responsible for land-use and permit approvals, environmental remediation, community engagement, project design, financing, construction, unit leasing, and ongoing property and asset management related to the redevelopment of real property. The Town is open to having a mixed-use development with neighborhood-scale commercial uses (offices, retail, services, etc.) but the provision of affordable housing units is paramount.

The Town will partner with the chosen entity to manage an existing Brownfields assessment and remediation program, obtain required site approvals, and ultimately convey the property for redevelopment. The Town is open to exploring multiple disposition and/or partnership structures that suit the best development outcome, including but not limited to fee-simple sale, joint venture, or long-term ground lease.

Respondents will be evaluated based on their experience developing affordable housing units, multi-unit housing (with or without mixed-use components), securing entitlements and financing, experience with environmental assessment and remediation, ability to provide a guarantee of completion, and achieving design excellence. The Town will grade each response based on a points system described in the “Evaluation of Responses” section below.

2. PROJECT SCOPE

The Town’s goals for the redevelopment of the site are:

- A. Complete environmental site assessment and remediate to clean any contaminated soils
- B. Return the properties to productive use
- C. Create a development plan appropriate in scale, design, and context for the neighborhood
- D. Create affordable housing units on-site
- E. Recover funds to offset costs of acquisition to the Town

The Town seeks the complete redevelopment of the property into a quality residential or mixed-use development built to the standards contained in Title 16 Land Use & Development Code. The Town envisions the following steps to achieve the above goals:

1. Complete the Brownfield Redevelopment Program with the recommendations from the Phase I & Phase II ESAs
2. Develop conceptual plan with proposed uses, density, and concept site plan
3. Determine the number of affordable housing units to be provided and the levels and terms of affordability in accordance with Title 16 Land Use & Development Code
4. Engage the community to gather input throughout the design process
5. Determine the ownership structure that offers the best outcomes
6. Negotiate disposition of property
7. Obtain zoning entitlements

8. Complete property transfer and obtain construction permits

3. PROPOSAL TIMELINE

[TO BE FILLED IN]

4. PROPERTY DESCRIPTION AND NEIGHBORHOOD OVERVIEW

[TO BE FILLED IN]

5. PROPOSAL SUBMISSION

A. Firms must deliver five (5) copies of the proposal to the address below by the indicated deadline.

Kittery Town Hall
Town Manager's Office
200 Rogers Road
Kittery, ME 03904
DEADLINE: XXXX, 2021, 10:00AM

B. Each response shall be submitted in a sealed envelope clearly marked with the Firm's name and "42 & 44 Old Post Road Redevelopment" on the outside. Electronic format of proposals will not be accepted.

C. Each price proposal shall be submitted in a separate sealed envelope within the proposal package, clearly marked with the Firm's name and "42 & 44 Old Post Road Redevelopment Bid Proposal" on the outside.

D. Proposals that are incomplete, conditional or obscure, or which contain any additions not called for may be rejected by the Town.

E. The price proposal must bear the written signature of an Offeror representative who is duly authorized to bind the Offeror to the terms, conditions, and contracts associated with this RFP.

F. Any proposal may be withdrawn or withdrawn and resubmitted on request of the Offeror up until the deadline. Proposals may not be withdrawn after the deadline.

6. QUESTIONS AND SITE TOUR

A. Unless otherwise specified, questions pertaining to general information regarding this RFP shall be addressed only in writing. No questions will be answered in-person or via telephone.

Questions shall be mailed or emailed to the following:

Adam Causey
Planning Director
Town of Kittery
200 Rogers Road

Kittery, ME 03904

acausey@kitteryme.org

- B. **A pre-proposal site walk will be performed on XXXXXX, at XPM.**
- C. Written questions are due to the Town by XXXXX at XXPM. Responses to submitted questions will be answered and posted in a subsequent addendum on XXXX at 5:00PM. Any questions received after XXXXXXX 5:00PM time will not be answered.
- D. The Firm must acknowledge receipt of addendums on the Bid Proposal form. The Firm shall be responsible to check for addendum located at the Town’s website www.kitteryme.org/bids or by contacting Adam Causey at the Town of Kittery at (207) 475-1307 or acausey@kitteryme.org.

4. REQUIREMENTS

It is mandatory that the Firm be able to meet the following requirements:

- A. Have designed, entitled, and developed residential housing units for no less than 5 years under the current Firm name.
- B. Have in-house staff or confirmed sub-consultants experienced in performing any other services that may be necessary to successfully complete the project or scope of service sought.
- C. Have the resources and ability to consistently and effectively provide the Detailed Project Scope detailed or any alternatives accepted by the Town.
- D. Procure and maintain insurance for the duration of the contract as described herein.
- E. Attend meetings with the Town designee, as deemed necessary by the Town, to coordinate and implement services.
- F. Provide the Town with reports, data, and information on real estate development and housing market trends and other information as requested.

5. EXISTING CONDITIONS

Descriptions of the site and building provided, verbal or otherwise, are intended only as an aid. The Offeror will be responsible for verifying all existing conditions prior to transacting a purchase or lease. Prior to execution of a lease or purchase, the selected Offeror will be permitted to conduct a thorough building inspection at their own expense.

6. SELECTION PROCESS

The Town will assemble a Review Committee to evaluate each response against the Scoring Criteria below. The Review Committee will offer a recommendation on which response, if any, to forward to Town Council for further action.

7. CANCELLATION OF RFP, REJECTION OF PROPOSALS, ACCEPTANCE OF ALTERNATIVES

The Town reserves the right to cancel the RFP and/or reject any and all proposals and/or to waive any informalities if deemed in the best interest of the Town to do so. The Town reserves the right to

accept or reject proposed alternatives if deemed in its best interest. The Town is the sole judge of its best interest.

8. BASIS FOR EVALUATING PROPOSALS

The proposals will be evaluated using the following criteria, **scored from 0 to 100 points**:

- A. Has the Respondent provided a detailed inventory of the development team’s relevant projects, roles, and outcomes while highlighting comparable factors between the team’s experience and the Old Post Road site? **(10 points)**
- B. Has the Respondent provided evidence of successful outcomes related to similar development projects, including providing affordable housing units and working with government agencies to secure entitlements? **(20 points)**
- C. Has the Respondent identified key financial relationships and demonstrated a track record of securing financing and strong, sustainable financial performance on relevant projects? **(15 points)**
- D. Has the Respondent provided evidence of on-time, on-budget completion of similar past projects? **(15 points)**
- E. Has the Respondent demonstrated experience leading projects that showcase both time-tested and cutting-edge best practices in design, placemaking, and sustainability? **(15 points)**
- F. Has the Respondent previously partnered with governmental or non-profit organizations? Did the Respondent describe its role and responsibilities, and how the partnership contributed to shared goals? **(10 points)**
- G. Has the Respondent previously developed a successful project that involved community and neighborhood input in and support of the site design process. **(15 points)**

7. SELECTION PROCESS

The Town will form a Review Committee to evaluate each proposal against the Project Minimum Requirements and Strong Preferences above. The Review Committee will recommend which proposal, if any, to forward to Town Council for further action.

Upon Town Council approval of the recommended proposal, the Town will work with the Offeror on scheduling a building inspection and negotiating the final terms of the purchase or lease.

8. NEGOTIATIONS

The Town will enter into negotiations with the selected Offeror. If the Town is unable to reach agreement on acceptable terms with the selected Offeror within 60 days of notification of award, the Town reserves the right to end negotiations. If negotiations are ended, the Town may choose to select the next ranked proposal, to cancel the RFP and reject all proposals, and/or to reissue the RFP at a later date, with or without modification.

9. PROPOSAL REQUIREMENTS

Respondents interested in serving as the Town's development partner must submit the following information in the order prescribed below. Each section should be separated by tabs or otherwise clearly marked. Points will be deducted for failure to comply with submission instructions. Submissions must not exceed 35 pages (8.5x11-inch paper, minimum 11-point font) and be clearly organized using the structure below. (Note that the audited financial statements in Section 2 and mandatory submittals in Section 7 do not count against the 35-page limit.)

Section 1: Cover Letter and Contact Information

- A. Include a cover letter that identifies the development team, outlines your team's interest in this redevelopment opportunity, why your team is best qualified to serve as the Town's development partner, and how you envision the development process for the Old Post Road site.
- B. Identify the single point of contact with authority to make decisions (preferably executive level) for your organization with whom to communicate during the solicitation process, along with their contact information.

Section 2: Firm Qualifications & Experience

- A. **Organizational Structure:** Indicate if the Respondent to this RFP will be a single firm, joint venture or partnership. If a joint venture or partnership, describe the organizational structure legal framework by which the work would be carried out.
- B. **Firms' Expertise:** Provide an overview of the Firm's expertise and services provided and an overall description of its portfolio of projects. Discuss your team's experience developing multi-unit housing and/or affordable housing projects, including those done through public-private partnerships, if applicable. Highlight any development experience in the Seacoast region, if applicable.
- C. **Relevant Experience:** Provide 3 to 5 detailed examples of your experience developing and/or operating affordable housing or mixed-income projects of similar size, scope, and character.

The following must be included for each project example:

- 1) Project name and location
- 2) Date of award of contract
- 3) Construction start and end dates (include phasing plan if applicable)
- 4) Program description and uses, including residential, commercial, retail,

cultural, community, etc. (Include gross square footage and unit counts. For residential, note market rate vs. affordable and identify AMI levels.)

5) Other partners involved (other developers, community orgs., etc.)

6) Financing structure:

- Names of financing institutions, including lenders and equity provider. True ownership of borrowing entities.

- Any subsidies or tax-credit programs utilized, if applicable.

- Any public financing utilized, especially for infrastructure components include parking and open space, if applicable.

7) Project budget vs. final cost:

- Include details of performance and completion guarantees, including parties at-risk.

8) Challenges

9) Project reference:

- Include contact name, position, organization, phone number, e-mail

D. **Financial Capacity Statement:** Provide evidence of your firm’s financial capacity to take on this project, including:

1. Information about recent closings.

2. Liquid capital or letter of credit, and letters of support from debt and/or equity providers, etc.

3. Audited financials for the previous two years for the Respondent, if the identified developer and manager parties are related parties (“Related Team Members”) with an operating history. In the case of a Respondent (a) with Related Team Members, but no operating history or (b) that is a joint venture of otherwise unrelated developer(s) and property manager(s), supply audited financials for the previous two years for both the developer team member(s) and the property manager team member(s). The Financial Statements should be submitted in a separate labeled sealed envelope.

4. Note: Financial statements and related information will not be returned. After review and analysis, all financial statements will be shredded and destroyed prior to award of the subsequent contract(s). The committee will use this information only to confirm that the entity is financially capable of completing the project. This information will be used for no other purposes and will remain confidential to the extent permitted by law.

E. **Past and Current Litigation Disclosure:** Provide documentation of all litigation actions taken against your firm, or related parties, in the past 5 years, including any ongoing and/or pending actions which may impact your firm’s capacity to successfully perform the Old Post Road redevelopment, if selected.

Section 3: Respondent Information

A. Identify the development team and provide an organization chart that includes all anticipated team members and their roles (architect, engineer, specialty consultants, etc.).

- B. Provide the biographies for key development staff that would work directly with the Town.
- C. Include the qualifications of your anticipated partners outside your immediate company, including firm/organization overview, relevant experience, and biographies for key staff.
- D. Describe projects where members of the Respondent team worked together

Section 5: Development Approach

Please prepare responses to the following questions:

- A. What would be your team’s preferred development strategy for the site? What would be your firm’s role and what types of partners might you bring on? Does your team have a preferred disposition strategy (purchase, ground lease, etc.)?
- B. Provide your team’s feedback on the Town’s goals for the Old Post Road site, including the provision of affordable housing. What elements of the site are you most interested in and what do you see as generating the highest value? What opportunities and challenges does the site present?
- C. How would you approach the site’s overall infrastructure needs (including green infrastructure and sustainability) in order to support development? How would you coordinate with the needs of the neighborhood (e.g., sidewalks, parking, access to Legion Pond)? What other resources might be necessary to develop a successful project in this location?
- D. How would your team approach public outreach and engaging the community during the design process?
- E. How do you think about this site relative to other developments occurring in the area?
- F. Describe your team’s preferred disposition and/or partnership structure, if any at this time.

Section 6: Proposed Redevelopment

Please submit a clear proposal that adequately details the redevelopment to be provided and the manner in which they will be constructed, owned, or conveyed, with the following:

- A. Program Summary: number of units, building type, other uses
- B. Conceptual Design Scenarios: site plans and architectural renderings
 - 1. Plan sheets no larger than 11” x 17”
- C. Preliminary Budget

1. estimated cost of site work and building construction
 2. estimated cost of any public improvements (roads, sidewalks, utilities)
- D. Bid Proposal – submission of a financial transaction proposal to include the following:
1. Best offer for fee simple conveyance of 42 & 44 Old Post Road
- E. Alternative Disposition Structure (if proposed)
- F. Pro Forma for development

Section 7: Mandatory Submittals

- A. Insurance?
- B. Addendum Acknowledgement?
- C. Disclosures?
- D. Other?

In a separately sealed envelope include the Bid Proposal and supported detailed information including:

- A. Bid proposal for property

APPENDIX

BUILDING PLANS

PROPERTY TAX CARD

BROWNFIELDS ASSESSMENT

DRAFT

§ 3.2.10. Disposal of property.

- A. All municipally owned property, real or personal, must be disposed of either by:
- (1) Trade-in on purchase of new equipment. Any item that is offered as a trade-in must also be offered for sale by competitive bid. The higher amount of the two (trade-in allowance or bid) must be accepted;
 - (2) Sealed bids; or
 - (3) Auction.
- B. Monies received from the disposal of property. **[Added 11-10-2014 by Ord. No. 14-07; amended 10-14-2020 by Ord. No. 20-07]**
- (1) Real property obtained through tax foreclosure. Unless otherwise requested by the Town Manager and so directed by the Council, monies received from the disposal of real property obtained through tax foreclosure, pursuant to Subsection A(2) and (3), must be credited to the housing reserve fund, net of taxes owed on the property, fines and fees associated with the foreclosure and sale of the property, and any and all municipal fines and fees associated with the property.
 - (2) Personal property. Unless otherwise requested by the Town Manager and so directed by the Council, monies received from the disposal of personal property pursuant to Subsection A(2) and (3) above must be credited to the vehicle or equipment reserve fund revenue account designated as the current vehicle or equipment fund used by the department for which it was purchased.
 - (3) Other property. Unless otherwise requested by the Town Manager and so directed by the Council, all other monies received from the disposal of property, real or personal, must be credited to the undesignated reserve fund, net of any fines, fees, or taxes associated with the property or its disposal.
- C. This chapter does not apply to disposal of:
- (1) Items commonly termed refuse, waste or trash;
 - (2) Recycled material emanating from the solid waste facility;
 - (3) Compost or sludge materials developed by treatment of sewage;
 - (4) Interdepartmental transfers approved by the Town Manager; or
 - (5) Property whose estimated value is less than \$100.
- D. The above procedure must be followed at all times unless prior approval is obtained from the Town Council.

42 OLD POST ROAD

Location 42 OLD POST ROAD

Mblu 8/ 24/ / /

Acct# 8/24

Owner TOWN OF KITTERY

Assessment \$157,300

Appraisal \$157,300

PID 746

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$74,700	\$82,600	\$157,300

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$74,700	\$82,600	\$157,300

Owner of Record

Owner TOWN OF KITTERY
Co-Owner
Address 230 U.S. ROUTE #1
KITTERY, ME 03904

Sale Price \$0
Certificate
Book & Page 18331/563
Sale Date 07/30/2020
Instrument 1N

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
TOWN OF KITTERY	\$0		18331/563	1N	07/30/2020
SYLVESTER, DIANA T	\$0		5995/260	1N	01/02/1990
DINEEN, JAMES MARTIN	\$0		2017/588		11/02/1973

Building Information

Building 1 : Section 1

Year Built: 1940
Living Area: 3,600
Replacement Cost: \$205,157
Building Percent Good: 36

**Replacement Cost
Less Depreciation:**

\$73,900

Building Attributes

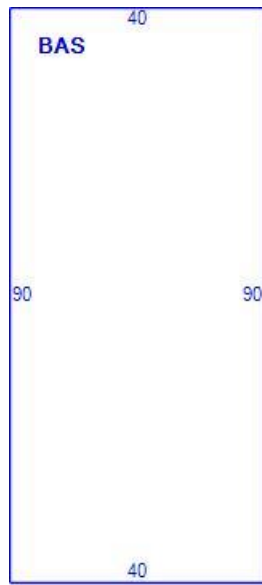
Field	Description
Style	Service Shop
Model	Ind/Com Open
Grade	Below Average
Stories:	1
Occupancy	1.00
Exterior Wall 1	Concr/Cinder
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Hot Air-no Duc
AC Type	None
Prim Bldg Use	AUTO REPR MDL-96
Total Rooms	
Total Bedrms	00
Total Baths	0
1st Floor Use:	332I
Heat/AC	NONE
Frame Type	MASONRY
Baths/Plumbing	AVERAGE
Ceiling/Wall	NONE
Rooms/Prtns	AVERAGE
Wall Height	10.00
% Comn Wall	0.00
Fireplaces	
Basement Area	
Fin Bsmt Area	

Building Photo



(<http://images.vgsi.com/photos/KitteryMEPhotos//000214.jpeg>)

Building Layout



(ParcelSketch.ashx?)

pid=746&bid=761)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	3,600	3,600
		3,600	3,600

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land**Land Use**

Use Code 332I
Description AUTO REPR MDL-96
Zone R-U
Neighborhood C3
Alt Land Appr Category No

Land Line Valuation

Size (Acres) 0.35
Frontage 0
Depth 0
Assessed Value \$82,600
Appraised Value \$82,600

Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			1200.00 S.F.	\$800	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$74,700	\$82,600	\$157,300
2019	\$58,600	\$63,600	\$122,200
2018	\$58,600	\$63,600	\$122,200

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$74,700	\$82,600	\$157,300
2019	\$58,600	\$63,600	\$122,200
2018	\$58,600	\$63,600	\$122,200

44 OLD POST ROAD

Location 44 OLD POST ROAD

Mblu 8/ 23/ / /

Acct# 8/23

Owner TOWN OF KITTERY

Assessment \$272,500

Appraisal \$272,500

PID 745

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$117,300	\$155,200	\$272,500

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$117,300	\$155,200	\$272,500

Owner of Record

Owner TOWN OF KITTERY
Co-Owner
Address 200 ROGERS ROAD
KITTERY, ME 03904

Sale Price \$0
Certificate
Book & Page 18331/563
Sale Date 07/30/2020
Instrument 1N

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
TOWN OF KITTERY	\$0		18331/563	1N	07/30/2020
SYLVESTER, DIANA T	\$0		5995/260	1N	01/02/1990
DINEEN JAMES MARTIN	\$0		2017/588		11/02/1973

Building Information

Building 1 : Section 1

Year Built: 1920
Living Area: 1,193
Replacement Cost: \$195,448
Building Percent Good: 60

Replacement Cost
Less Depreciation:

\$117,300

Building Attributes

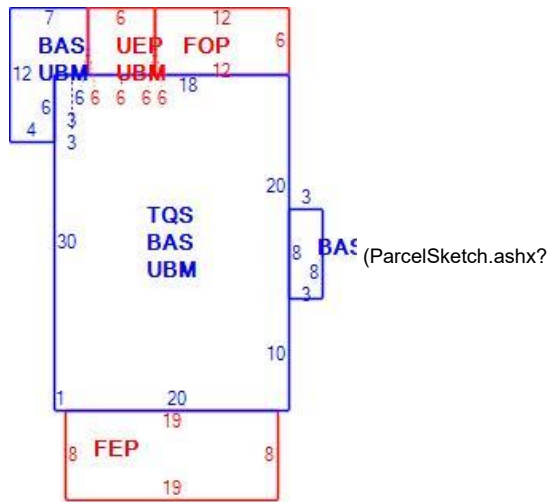
Field	Description
Style	Conventional
Model	Residential
Grade:	Average
Stories:	1 3/4 Stories
Occupancy	1
Exterior Wall 1	Aluminum Sidng
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Pine/Soft Wood
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Old Style
Kitchen Style:	Old Style
MHP	

Building Photo



(http://images.vgsi.com/photos/KitteryMEPhotos//0002\13.jpeg)

Building Layout



pid=745&bid=760)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	720	720
TQS	Three Quarter Story	630	473
FEP	Porch, Enclosed, Finished	152	0
FOP	Porch, Open, Finished	72	0
UBM	Basement, Unfinished	732	0
UEP	Porch, Enclosed, Unfinished	36	0
		2,342	1,193

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description SINGLE FAM MDL-01
Zone R-U
Neighborhood PP
Alt Land Appr Category No

Land Line Valuation

Size (Acres) 0.45
Frontage 0
Depth 0
Assessed Value \$155,200
Appraised Value \$155,200

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$117,300	\$155,200	\$272,500
2019	\$112,600	\$69,000	\$181,600
2018	\$112,600	\$69,000	\$181,600

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$117,300	\$155,200	\$272,500
2019	\$112,600	\$69,000	\$181,600
2018	\$112,600	\$69,000	\$181,600



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: September 27, 2021
From: Kendra Amaral, Town Manager
Subject: Release Deed Map 10 Lot 103
Councilor Sponsor: Chairperson Jeffrey Thomson

EXECUTIVE SUMMARY

The Town Council is being requested to execute a Release Deed for Map 10 Lot 103, 119 Whipple Road in order to resolve outstanding liens so the property may be sold.

BACKGROUND

The property's owner is deceased and his estate is seeking to sell it, with a potential closing date at the end of this month. Total owed is \$48,971.40 in property taxes and fees.

Payment will be due prior to recording of the Release Deed.

PROPOSED SOLUTION/RECOMMENDATION

Approve the Release Deed as presented.

MUNICIPAL RELEASE DEED

The TOWN OF KITTERY (the 'Town'), a municipal corporation existing under the laws of the State of Maine and located in the County of York, State of Maine, releases to

with a mailing address of

any interest the Town may have in a certain lot or parcel of land with any improvements located thereon, located in the Town of Kittery, County of York and State of Maine, now or formerly owned by IRVING EDGAR WHITNEY and recorded in the

York County Registry of Deeds in Book / Page 9984/141 and further shown as Map / Lot 10-103 on the Town of Kittery Assessor's Tax Maps, as may have been acquired by the Town by virtue of any of the following Tax Lien Certificates on record in said Registry of Deeds:

1. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 16434 Page 28
2. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 16693 Page 573
3. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 16877 Page 70
4. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 17094 Page 999
5. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 17298 Page 825
6. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 17545 Page 182
7. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 17789 Page 53
8. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 18033 Page 292
9. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 18405 Page 715
10. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 18766 Page 27

The sole purpose of this Municipal Release Deed is to release to the Grantee herein any interest which the Town may have acquired in the property described by virtue of delinquent taxes through and including the current taxes due.

IN WITNESS WHEREOF, the Town of Kittery, acting through its municipal officers, has caused this Municipal Release Deed to be signed.

DATE: _____

TOWN OF KITTEY

WITNESS

By

JEFFREY THOMSON

JUDY SPILLER

CAMERON HAMM

JEFFREY PELLETIER

CYRUS CLARK

MARY GIBBONS STEVENS

GEORGE DOW

STATE OF MAINE
YORK, ss.

Personally appeared the above named Municipal Officers and acknowledged the foregoing instrument to be their free act and deed in said capacity and the free act and deed of the Town of Kittery, Maine.

Before me,

Print Name: Karen Estee
Notary Public
My commission expires August 4, 2023



09/21/2021 12:40
220pbrewster

TOWN OF KITTERY - LIVE
Real Estate Tax Statement

P 1
txtaxstm

PARCEL: 10-103

LOCATION: 119 WHIPPLE ROAD

OWNER:

WHITNEY, IRVING EDGAR
51 MILLER ROAD
KITTERY POINT ME 03905
USA

STATUS:

SQUARE FEET 6,534
LAND VALUATION 153,600
BUILDING VALUATION 36,700
EXEMPTIONS 50,000

TAXABLE VALUATION 140,300
INTEREST PER DIEM 6.45

LEGAL DESCRIPTION:

SBF PAID IN FULL 8/15/00 REC#139978
DISCHARGED IN BOOK 10265/PAGE 342

DEED DATE: 08/21/2001 BOOK/PAGE: 10902/0325

INTEREST DATE: 09/27/2021

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
2022	RE-R	220126				
1	TXRE TX		716.46	716.46	.00	716.46
	TXSWR		166.70	166.70	.00	166.70
	TXSWRINT		9.26	9.26	.00	9.26
			892.42	892.42	.00	892.42
2	TXRE TX		716.22	716.22	.00	716.22
	TXSWR		166.65	166.65	.00	166.65
	TXSWRINT		9.23	9.23	.00	9.23
			892.10	892.10	.00	892.10
3	TXRE TX		716.22	716.22	.00	716.22
	TXSWR		166.65	166.65	.00	166.65
	TXSWRINT		9.23	9.23	.00	9.23
			892.10	892.10	.00	892.10
			2,676.62	2,676.62	.00	2,676.62
2021	LIEN	91				
1	TXRE TL		2,132.37	2,132.37	22.90	2,155.27
	TXSWR		297.49	297.49	3.19	300.68
	TXSWRINT		12.49	12.49	.13	12.62
	DEMAND FEE		5.00	5.00	.00	5.00
	CERT TL		6.69	6.69	.00	6.69
	FEE TL		38.00	38.00	.00	38.00
	CERT TL		6.96	6.96	.00	6.96
	COLL TL		13.00	13.00	.00	13.00
	TWNFEE TL		10.00	10.00	.00	10.00
	ACCINT TL		82.13	82.13	.00	82.13
			2,604.13	2,604.13	26.22	2,630.35
			2,604.13	2,604.13	26.22	2,630.35



09/21/2021 12:40
220pbrewster

TOWN OF KITTEERY - LIVE
Real Estate Tax Statement

P 2
txtaxstm

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
2020	LIEN	200094				
1	TXRE TL		3,492.18	3,492.18	237.75	3,729.93
	DEMAND FEE		5.00	5.00	.00	5.00
	CERT TL		7.40	7.40	.00	7.40
	TWNFEE TL		10.00	10.00	.00	10.00
	COLL TL		13.00	13.00	.00	13.00
	FEE TL		38.00	38.00	.00	38.00
	ACCINT TL		147.79	147.79	.00	147.79
			3,713.37	3,713.37	237.75	3,951.12
			3,713.37	3,713.37	237.75	3,951.12
2019	LIEN	374				
1	TXRE TL		3,354.96	3,354.96	489.64	3,844.60
	TXSWR		87.31	87.31	12.74	100.05
	TXSWRINT		3.73	3.73	.54	4.27
	TWNFEE TL		10.00	10.00	.00	10.00
	RECORDING		19.00	19.00	.00	19.00
	RECORDING		19.00	19.00	.00	19.00
	CERT TL		6.80	6.80	.00	6.80
	DEMAND FEE		5.00	5.00	.00	5.00
	ACCINT TL		128.44	128.44	.00	128.44
			3,634.24	3,634.24	502.92	4,137.16
			3,634.24	3,634.24	502.92	4,137.16
2018	LIEN	1				
1	TXRE TL		3,547.50	3,547.50	766.06	4,313.56
	TXSWR		13.46	13.46	2.91	16.37
	TXSWRINT		.13	.13	.03	.16
	CERT TL		7.04	7.04	.00	7.04
	DEMAND FEE		3.00	3.00	.00	3.00
	RECORDING		38.00	38.00	.00	38.00
	TWNFEE TL		10.00	10.00	.00	10.00
	ACCINT TL		128.18	128.18	.00	128.18
			3,747.31	3,747.31	769.00	4,516.31
			3,747.31	3,747.31	769.00	4,516.31
2017	LIEN	2				
1	TXRE TL		3,518.16	3,518.16	1,009.37	4,527.53
	TXSWR		14.24	14.24	4.09	18.33
	TXSWRINT		.18	.18	.05	.23
	COLL TL		10.00	10.00	.00	10.00
	RECORDING		19.00	19.00	.00	19.00
	REC TL		19.00	19.00	.00	19.00
	CERT TL		6.56	6.56	.00	6.56
	DEMAND FEE		5.00	5.00	.00	5.00
	ACCINT TL		129.17	129.17	.00	129.17
	CERT MAIL		6.67	6.67	.00	6.67



09/21/2021 12:40
220pbrewster

TOWN OF KITTERY - LIVE
Real Estate Tax Statement

P 3
txtaxstm

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
			3,727.98	3,727.98	1,013.51	4,741.49
			3,727.98	3,727.98	1,013.51	4,741.49
2016	LIEN	60002				
1	TXRE TL		3,494.41	3,494.41	1,252.53	4,746.94
	TXSWR		15.24	15.24	5.46	20.70
	TXSWRINT		.18	.18	.06	.24
	CERT TL		6.49	6.49	.00	6.49
	DEMAND FEE		5.00	5.00	.00	5.00
	RECORDING		19.00	19.00	.00	19.00
	COLL TL		10.00	10.00	.00	10.00
	RECORDING		19.00	19.00	.00	19.00
	ACCINT TL		122.29	122.29	.00	122.29
			3,691.61	3,691.61	1,258.05	4,949.66
			3,691.61	3,691.61	1,258.05	4,949.66
2015	LIEN	3				
1	TXRE TL		3,460.96	3,460.96	1,466.21	4,927.17
	TXSWR		348.51	348.51	147.64	496.15
	TXSWRINT		27.20	27.20	11.52	38.72
	CERT TL		6.74	6.74	.00	6.74
	DEMAND FEE		5.00	5.00	.00	5.00
	COLL TL		10.00	10.00	.00	10.00
	RECORDING		19.00	19.00	.00	19.00
	RECORDING		19.00	19.00	.00	19.00
	ACCINT TL		152.81	152.81	.00	152.81
			4,049.22	4,049.22	1,625.37	5,674.59
			4,049.22	4,049.22	1,625.37	5,674.59
2014	LIEN	2014003				
1	TXRE TL		3,394.06	3,394.06	1,689.12	5,083.18
	TXSWR		455.38	455.38	226.63	682.01
	TXSWRINT		16.61	16.61	8.27	24.88
	DEMAND FEE		5.00	5.00	.00	5.00
	CERT TL		6.49	6.49	.00	6.49
	FEE TL		48.00	48.00	.00	48.00
	ACCINT TL		138.41	138.41	.00	138.41
			4,063.95	4,063.95	1,924.02	5,987.97
			4,063.95	4,063.95	1,924.02	5,987.97



09/21/2021 12:40
220pbrewster

TOWN OF KITTELY - LIVE
Real Estate Tax Statement

P 4
txtaxstm

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
2013	LIEN	2013002				
1	TXRE TL		3,067.36	3,067.36	1,727.71	4,795.07
	DEMAND FEE		5.00	5.00	.00	5.00
	CERT TL		6.11	6.11	.00	6.11
	FEE TL		36.00	36.00	.00	36.00
	ACCINT TL		123.35	123.35	.00	123.35
			<hr/>	<hr/>	<hr/>	<hr/>
			3,237.82	3,237.82	1,727.71	4,965.53
			<hr/>	<hr/>	<hr/>	<hr/>
			3,237.82	3,237.82	1,727.71	4,965.53
2012	LIEN	2012003				
1	TXRE TL		2,930.46	2,930.46	1,673.05	4,603.51
	DEMAND FEE		5.00	5.00	.00	5.00
	CERT TL		5.75	5.75	.00	5.75
	FEE TL		36.00	36.00	.00	36.00
	ACCINT TL		131.89	90.34	.00	90.34
			<hr/>	<hr/>	<hr/>	<hr/>
			3,109.10	3,067.55	1,673.05	4,740.60
			<hr/>	<hr/>	<hr/>	<hr/>
			3,109.10	3,067.55	1,673.05	4,740.60
 GRAND TOTALS			 38,255.35	 38,213.80	 10,757.60	 48,971.40



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

REPORT TO TOWN COUNCIL

Date: September 27, 2021
From: Kendra Amaral, Town Manager
Subject: Temporary Political Signs
Councilor Sponsor: Chairperson Jeffrey Thomson

EXECUTIVE SUMMARY

The Town Council expressed an interest, at their September 13, 2021 meeting, in codifying the prohibition of temporary political signs in certain locations.

It has been a Town practice to not place temporary political signs on the Kittery Traffic Circle (also known as Memorial Circle). This is not codified in Town ordinance or policy, but has been routinely communicated to candidates. The Council expressed a desire to prohibit political signs on John Paul Jones Park, also a memorial, excepting the area immediately adjacent to Government Street.

OPTIONS

Maine law sets forth some regulations regarding temporary signs in public right of ways. State law also prohibits the removal of lawfully placed temporary signs. MaineDOT issues guidelines on political signs in MDOT right-of-way. Finally, Kittery Town Code, §16.8.10.9 addresses signs not requiring a permit, including political campaign signs.

The Town Council may adopt a policy that would codify the prohibition of political signs in the designated areas. A policy may be adopted without a public hearing and takes effect immediately. The Council may also adopt an ordinance, which would require the scheduling of a public hearing at a future meeting, and if adopted, take effect 30 days from the date of adoption.

An ordinance has greater weight and would, without question, be upheld if the Town was challenged for removing a political sign placed in a prohibited area. A policy may hold up against challenge, but it is less certain and could expose the Town to legal action if someone was to challenge the removal of a sign in a prohibited area.

PROPOSED SOLUTION/RECOMMENDATION

Council may either:

- a) Adopt the policy OR
- b) Schedule a public hearing for October 13 to consider and adopt an ordinance; ordinance to go into effect on Nov 12

ATTACHMENTS

- Draft Ordinance and Draft Policy
- Maps indicating prohibited areas
- Various applicable laws and regulations

Chapter 12 Political Signs

ADD new ordinance to prohibit political signs at certain memorials in Town as follows:

§ 12.9 Political Signs

§12.9.1 Definitions

The following terms have the meanings indicated in this section:

POLITICAL SIGN means signs bearing political messages or candidate names relating to an election, primary or referendum.

§ 12.9.2 Prohibited Placement of Political Signs

Political signs are prohibited in the following locations:

- A. Kittery Traffic Circle/Thresher Memorial – the grass road island defining the rotary
- B. John Paul Jones Park – except for the land immediately adjacent to Government Street

§ 12.9.3 Violation

- A. Political signs placed in prohibited locations will be removed by the Town.

POLICY FOR POLITICAL SIGNS AT VETERAN MEMORIALS

The temporary placement and removal of roadside political signs must adhere to state and local regulations including 23 MRS §1913-A, MaineDOT regulations, Kittery Town Code Title 16 – Signs, and this policy.

Political signs are any temporary sign bearing political messages or candidate names related to an election, primary, or referendum.

Political signs are prohibited in or on the following memorials except unless other specified:

- Kittery Traffic Circle/Thresher Memorial – the grass road island defining the rotary
- John Paul Jones Park, except for the land immediately adjacent to Government Street

Political signs placed in prohibited locations will be removed.



Political Sign Policy

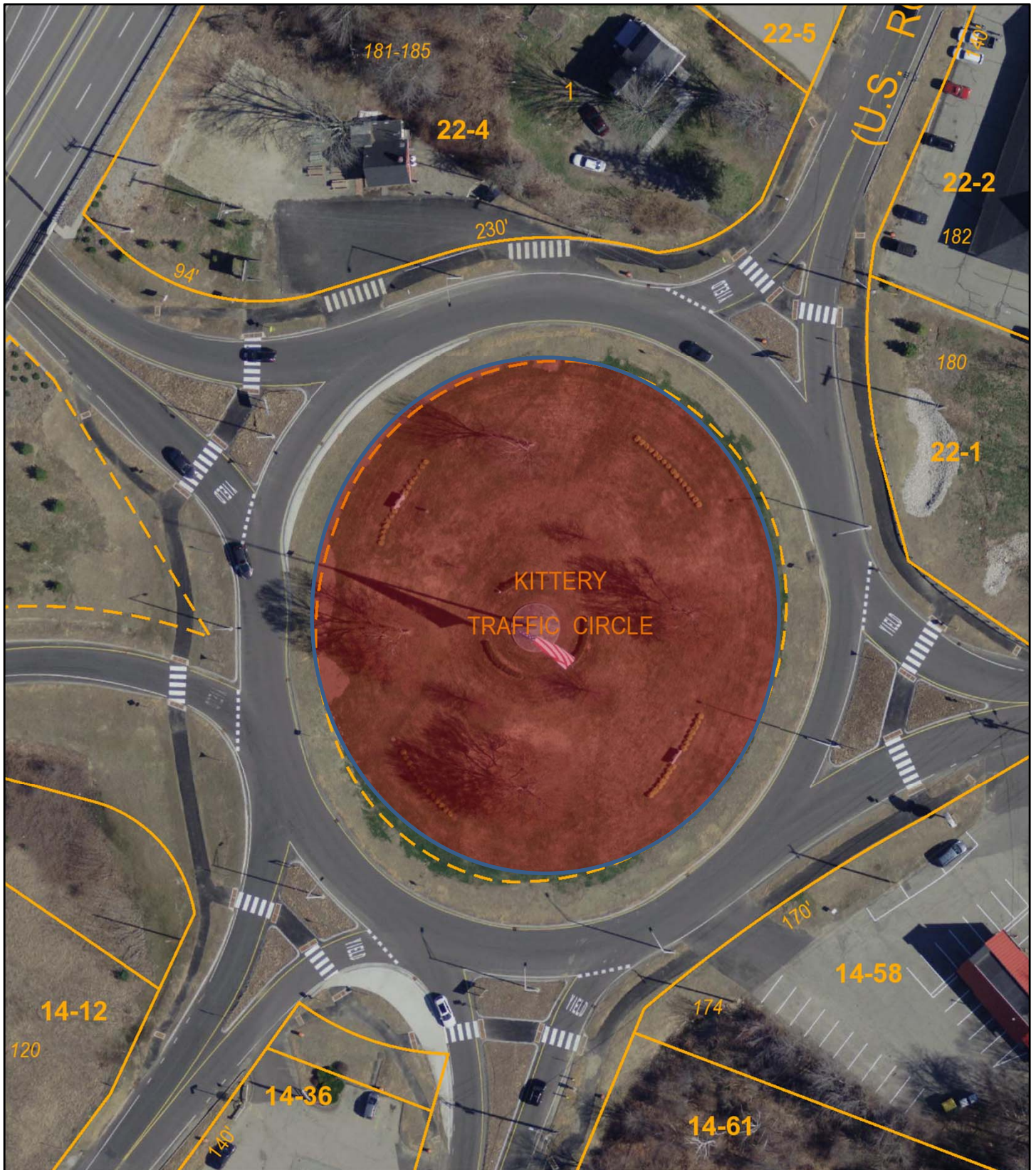
Kittery, ME



September 22, 2021

1 inch = 68 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Political Sign Policy

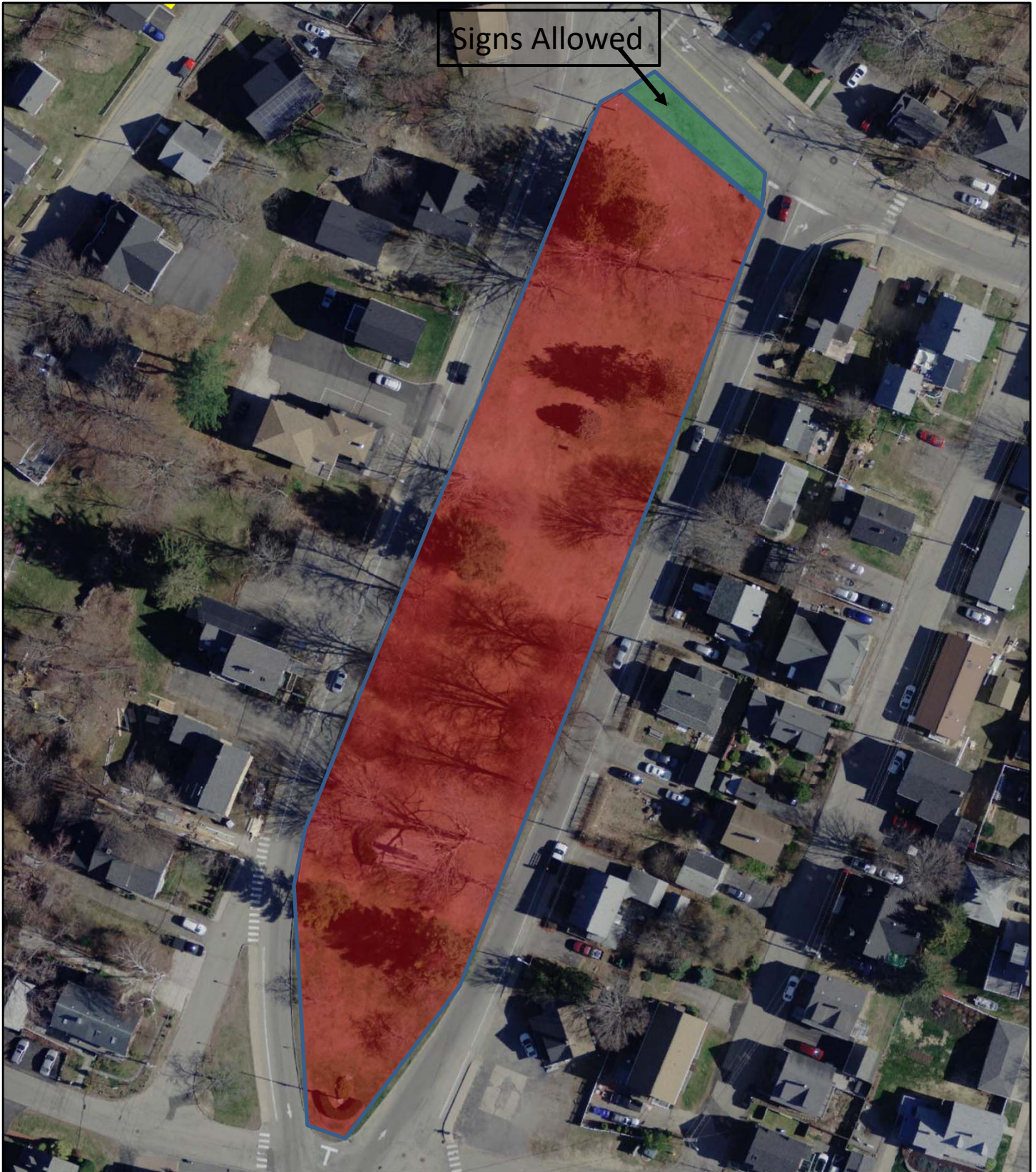
Kittery, ME



September 22, 2021

1 inch = 80 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

§ 16.8.10.9. Signs allowed without sign permit. [Amended 9-26-2011 by Ord. No. 11-15; 5-30-2018 by Ord. No. 04-18; 12-10-2018 by Ord. No. 11-18]

The following types of signs, in sizes and under conditions stated, are allowed without a Town sign permit, but must conform with all other provisions of Article X of this chapter except for the provisions restricting the number of signs (§§ 16.8.10.4 and 16.8.10.5), limiting the total sign area (§ 16.8.10.6) or as otherwise provided for in § 16.8.10.9.

- A. Public information signs. Signs for the control of traffic and other regulatory purposes, route markers, street signs, warning signs, utility, danger or warning signs, signs which indicate direction to hospitals, churches or other places of worship, or other public facilities.
- B. General information signs. Signs which provide direction or instruction, such as location of telephone, restrooms, parking, automatic teller machines (ATMs), transit stops, entrances and exits, open and closed signs, where installed entirely upon the property to which they pertain. "Enter" and "Exit" signs must not exceed four square feet in size. All other general information signs must not exceed two square feet in size. Except for identifying approved off-premises parking stalls, no logos, trademarks or names of businesses are permitted on general information signs. The Planning Board may approve increased sizes and/or the use of logos or names of businesses on general information signs when considered necessary to promote safety or eliminate confusion.
- C. Memorial tablets. Grave markers, signs commemorating a historical figure or event, names or dates of buildings to which a sign is attached.
- D. Public notices and community signs. Official notices posted by public employees in performance of their duties, and any sign for Town sponsored or supported events or facilities as approved by the Town Council.
- E. Signs placed on municipal property by the Town or signs placed on municipal property through approval of the Town Council.
- F. Flags of any government or recognized political subdivision. The flag of any government or recognized political subdivision is allowed, provided it is displayed no higher than 50 feet above the original ground level or the elevation of the center line of the nearest street measured at the closest point to the flag, whichever is greater. A single memorial flagpole installation sponsored by private funding not to exceed 129 feet in height installed on Town-owned or regulated property at Memorial Circle is allowed.
- G. Religious symbols.
- H. Building street numbers. In accordance with the street-numbering map on file with the Town Assessing Department.
- I. Political campaign signs. Signs bearing political messages relating to an election, primary or referendum, provided these signs may be displayed on:

- (1) Public property not earlier than 30 days prior to the election, primary or referendum to which they relate and are removed not later than two days thereafter.
 - (2) Private property without time constraints.
- J. Interior signs. Signs placed inside a building which are located at least 10 feet inside the building or otherwise not oriented to be viewed from outside the building.
- K. Vehicular signs. Signs painted on or affixed to registered motor vehicles or trailers where such signs are clearly incidental to the regular transportation function of the vehicle.
- L. Service club signs. Service club signs may be placed within the right-of-way of a street with approval of the Commissioner of Public Works. Such signs are encouraged to be consolidated on a single designated assembly structure at major entranceways to the Town. In addition, such signs not exceeding four square feet in size may be erected at locations where meetings of such service clubs are convened.
- M. Real estate signs. Any sign advertising real estate for sale, lease or rent, provided:
- (1) Each sign does not exceed 12 square feet;
 - (2) Each sign is located on the property being advertised, except one sign may be located as an off-premises directional sign, provided the sign does not restrict safe sight distances or impair safety;
 - (3) No more than two signs are erected per property being advertised; and
 - (4) Each sign is removed within 60 days of transfer of property.
- N. Window signs. Any sign that is placed inside a window and is visible from the exterior of the window, provided such signage covers no more than 50% of the area of any window.
- O. Legally required signs. Any sign required by local, state or federal law with sign area no greater than two square feet or the minimum size required by law, whichever is larger.
- P. Food menu signs. Up to two signs advertising food items for sale on the premises at a legally existing restaurant, fast-food outlet, drive-in restaurant, or snack bar are allowed, provided that:
- (1) The total sign area of each such food menu sign on the site must not exceed 32 square feet; and
 - (2) Such food menu signs must either be building-mounted or comply with the front yard requirements for structures and be located within 75 feet of the restaurant.
- Q. Undercanopy, pedestrian-oriented signs. One building-mounted business identification sign per business facility, not to exceed 10 square feet in size per sign,

§1917-B. Unlawful removal of temporary signs

A person who takes, defaces or disturbs a sign placed within the public right-of-way in accordance with section 1913-A, subsection 1, paragraph L commits a civil violation for which a fine of up to \$250 may be adjudged. This section does not apply to a person authorized to remove signs placed within the public right-of-way in accordance with section 1913-A, subsection 1, paragraph L. [PL 2015, c. 403, §6 (NEW).]

SECTION HISTORY

PL 2015, c. 403, §6 (NEW).

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The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.



STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0016

Janet T. Mills
 GOVERNOR

Bruce A. Van Note
 COMMISSIONER

To Whom it May Concern:

As we approach another campaign season the Maine Department of Transportation would like to take this opportunity to offer some information regarding the placement of temporary signs in the right-of-way on state and state aid highways.

Changes were made to the temporary sign laws during the 129th Legislature. The law allows temporary signs, which include campaign signs, to be placed in the right-of-way for up to 6 weeks from January 1st to June 30th and another 6 weeks between July 1st and December 31st. The law further states that individual signs bearing substantially the same message must be placed at least 30 feet from one another and requires that each sign be labeled with the owner’s name, address and the date on which the sign was erected. This will help MaineDOT discern whether a sign is in compliance and also allows the Department to contact an entity if a sign needs to be removed for any reason.

There are areas within the state’s roadway system that are off limits to temporary signs. These areas include the Maine Interstate System, the Maine Turnpike Authority system, Route 1 between Bath and Brunswick and all connecting interchanges and ramps. Along with the interstate system, some sections of state highways have been designated as “control of access” (C.O.A) roadways where ingress and egress to and from the highway is prohibited/limited. **No temporary signs of any kind can be placed along these control of access areas.** These areas have been officially designated with signage indicating the beginning and ending of a C.O.A. A sample of these signs has been provided below for your reference:



Note: The interstate, including the Maine Turnpike and all their ramps and the portion of Route 1 between Bath and Brunswick do not have C.O.A. signage. The signage denoted to the right has been erected on those other roadways that have C.O.A.

Temporary signs are also prohibited on traffic control devices (stop signs, yield signs, warning signs, guide signs, regulatory signs, etc.), all utility poles and trees,

on islands within a rotary/roundabout, and in medians/islands in the center of the road that are less than 6 feet wide.

Here are some questions that campaign personnel may ask regarding the placement of political signs:

How do I recognize a “control of access” area?

- *Aside from the Interstate System, MaineDOT officials have marked C.O.A areas across the state. These areas will have signs indicating the beginning and ending of a C.O.A.*

What will happen to my sign if it has been placed within a C.O.A. section?

- *MaineDOT personnel have been advised to remove temporary signs from within the C.O.A. areas. Maintenance crews have also been instructed to safely store the signs until the owner of the sign can be contacted or 60 days, whichever comes first.*

Does MaineDOT enforce these sign placement restrictions statewide?

- *MaineDOT is committed to providing the equitable enforcement of these sign restrictions upon notification of a violation.*
- *Per a recent statute change, Temporary Signs within Urban compact areas may be enforced by the municipality they are within.*

What do I need to know about placing my sign along the roadway?


- *The first thing to consider in placement is the safety of the traveling public. Please do not install your signs where they will limit the sight line of anyone trying to pull out of a side road or driveway. Signs that block a driver's sight line will be removed and held at the closest MaineDOT maintenance lot to be picked up by the owner.*

In summary, when placing political signs, the important areas to avoid are the interstate system with the connecting interchanges, including the MTA system, and control of access areas across the state. Also, individual signs bearing the same message can be no closer than 30 feet from one another and must contain appropriate contact information and the date in which the sign was placed in the ROW. Candidates/referendums/special interest signage may want to work with sign making companies to have the contact information printed on their signs. MaineDOT will continue to provide the necessary information to help Maine's candidates.

For more information regarding the appropriate placement of political signs, please contact the Department's Legislative Liaison, Meghan Russo at Meghan.russo@maine.gov.

MaineDOT appreciates your cooperation in this effort.

Sincerely,



Stephen Landry, P.E.
State Traffic Engineer
MaineDOT



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): KITTERY FORESIDE LLC	Business Name (D/B/A): ANNEKE JANS
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 60 WARRINGFORD SQ. KITTERY, ME 03904
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: JASONCANTY@COMCAST.NET
Telephone # Fax #:	Business Telephone # Fax #: 207-439-0001
Federal Tax Identification Number: 27-3499377	Maine Seller Certificate # or Sales Tax #: 1147456
Retail Beverage Alcohol Dealers Permit: CAR-2010-7538	Website address: ANNEKEJANS.NET

1. New license or renewal of existing license? New Expected Start date: _____
 Renewal Expiration Date: **10/27/2021**

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
 Food: **600 K** Beer, Wine or Spirits: **400 K** Guest Rooms: _____

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

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

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

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

5. Business records are located at the following address:

60 WASHINGTON SQUARE KITTERY, ME 03904

6. Is the licensee/applicant(s) citizens of the United States? Yes No

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

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

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

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

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

Yes No

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

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

Yes No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
JASON ADAM CANTY	06-06-1970	LONEN, MA

Residence address on all the above for previous 5 years

Name	Address:
JASON CANTY	49 LOVE LN. KITTEBY, ME 03904
Name	Address:
Name	Address:
Name	Address:

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

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

MADBURY PROPERTIES 21 MADBURY RD. DURHAM, NH 03824

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

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

NEIGHBORHOOD BISTRO WITH MAIN DINING ROOM + BAR/LOUNGE
AREA SERVING DINNER NIGHTLY

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

Name: SECOND CHRISTIAN CONGREGATION


Distance: 1/4 MILE

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 9-14-21



Signature of Duly Authorized Person

JASON CANBY

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

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

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

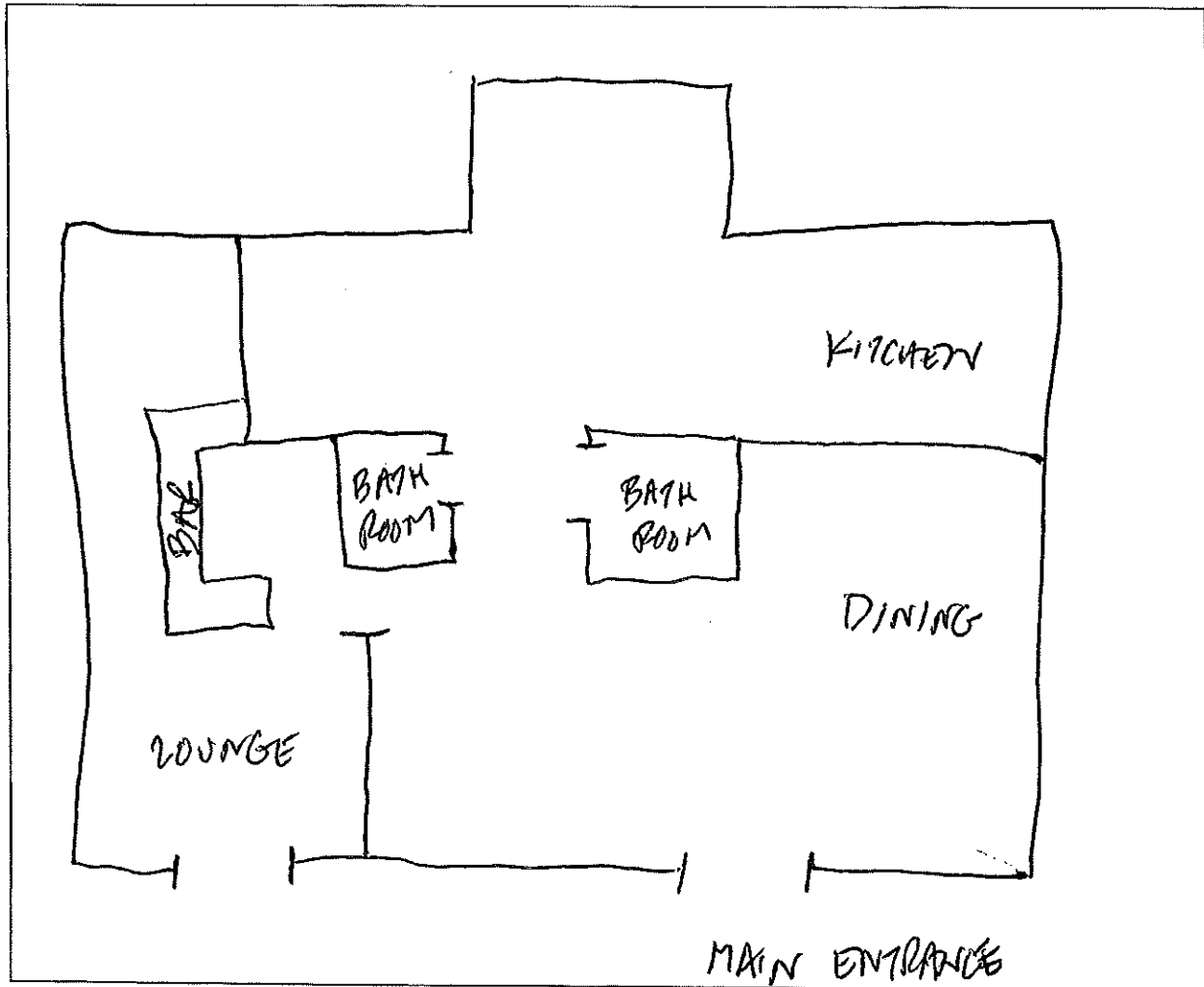
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM
(Facility Drawing/ Floor Plan)

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

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



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

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

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
JASON ADAM CANTY	99 LOVE LANE KITTERY, ME 03904	6-6-70	OWNER	100

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



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): ROLLING IN THE MUD LLC	Business Name (D/B/A): WHEN PIGS FLY PIZZERIA
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 460 US RTE 1 KITTERY, ME 03904
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address:
Telephone # Fax #: 207-438-7036 207-363-2511	Business Telephone # Fax #: 207-438-7036 207-363-2511
Federal Tax Identification Number: 27-3936816	Maine Seller Certificate # or Sales Tax #: 1148785
Retail Beverage Alcohol Dealers Permit:	Website address: www.whenpigsflypizzeria.com

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

Renewal Expiration Date: 12/11/2021

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

Food: \$ 2,798,600.00 Beer, Wine or Spirits: \$ 762,397.00 Guest Rooms: \$ 0.00

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

Malt Liquor (beer) Wine Spirits

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

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

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

5. Business records are located at the following address:

460 US RTE 1 KITTELY, ME 03904

6. Is the licensee/applicant(s) citizens of the United States? Yes No

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

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

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

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

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

Yes No

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

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

Yes No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
RYAN MCNALLY	04/16/1998	YORK, ME
EMMA SIEGEL	12/01/1990	YORK, ME
ANDREW MARK SIEGEL	03/03/1962	MT KISCO , NY
RONALD SAMUEL SIEGEL	09/09/1958	NY, NY
Residence address on all the above for previous 5 years		
Name RYAN MCNALLY	Address: DOVER, NH	
Name EMMA SIEGEL	Address: SOUTH BERWICK, ME	
Name ANDREW SIEGEL	Address: YORK, ME	
Name RONALD SIEGEL	Address: YORK, ME	

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

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: Andrew Siegel/ Ryan McNally Date of Conviction: 05/01/1980 / 2007-2008

Offense: OUI/ possession and misdemeanor Location: Portsmouth, NH/ Portsmouth, ME

Disposition: Fine and suspension/ fine & fine

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

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

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

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

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

see attached:

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

Name: School

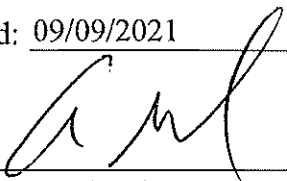
Distance: 2-4 miles

Section II: Signature of Applicant(s)

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

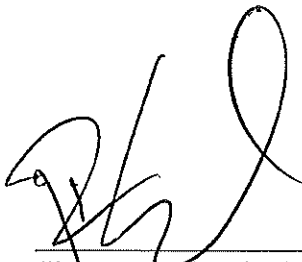
Please sign and date in blue ink.

Dated: 09/09/2021



Signature of Duly Authorized Person

ANDREW SIEGEL
Printed Name Duly Authorized Person



Signature of Duly Authorized Person

RONALD SIEGEL
Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

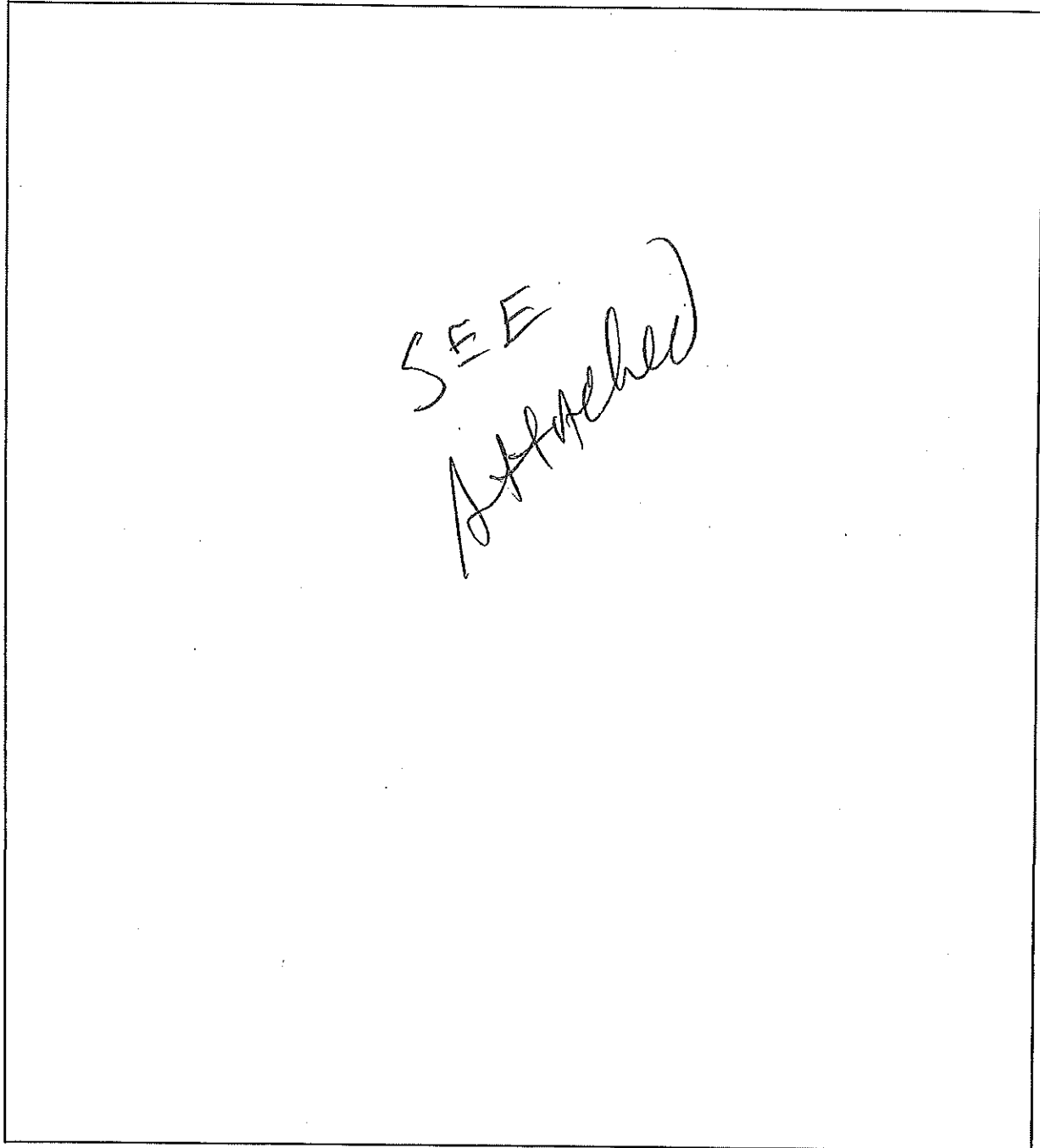
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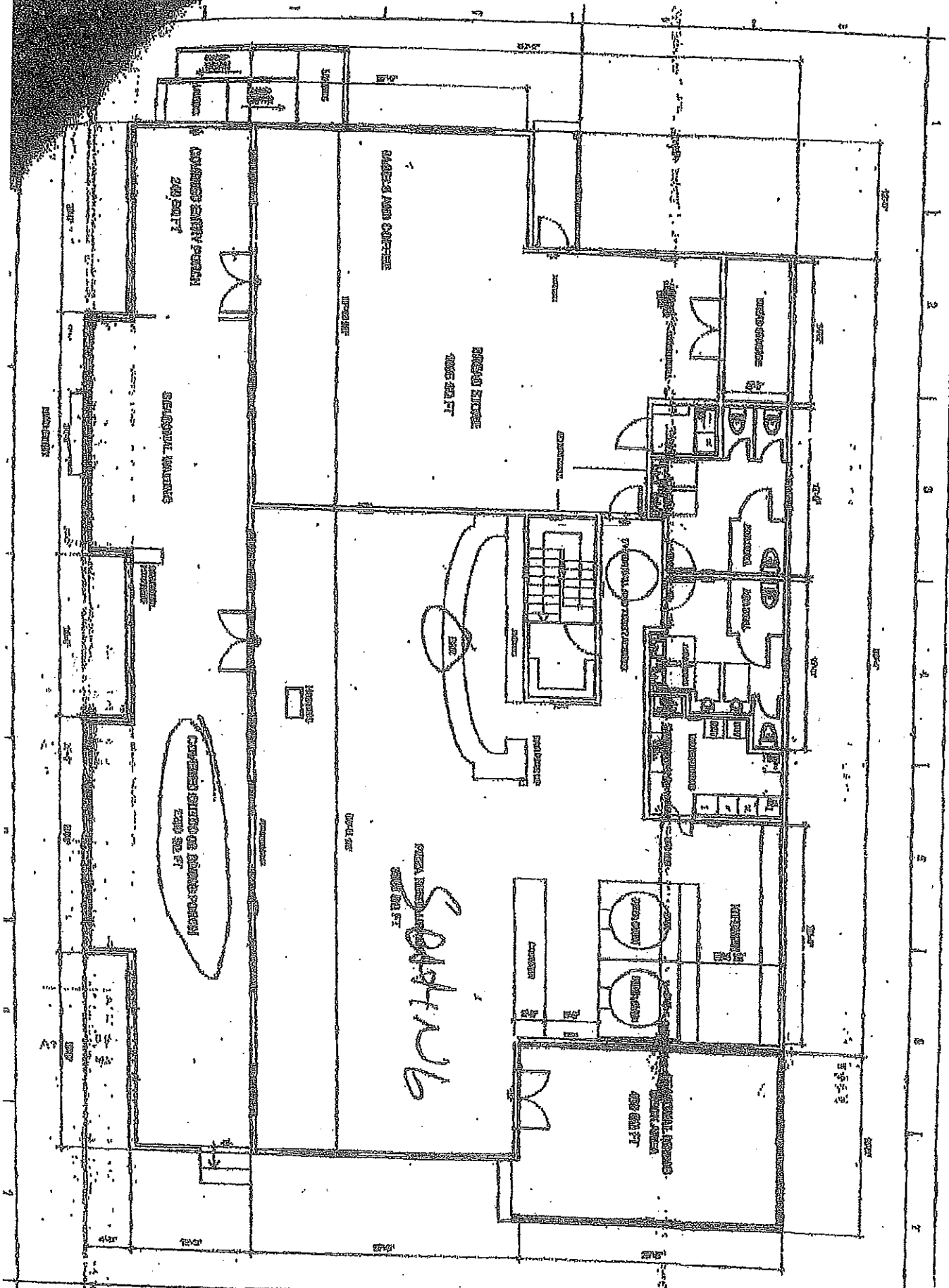
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VII Premises Floor Plan

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

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.





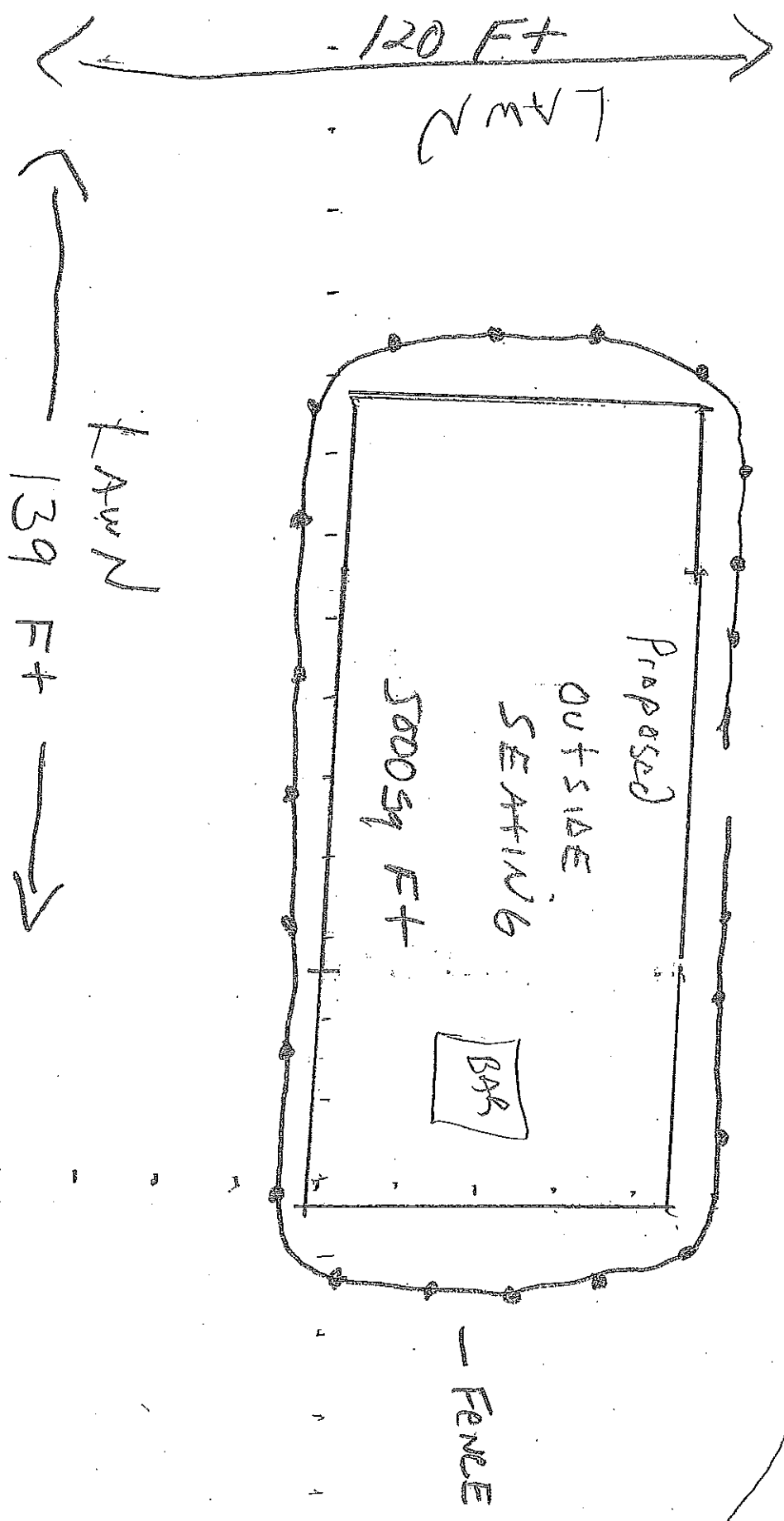
A1	FRONT FLOOR PLAN
	SCALE: 1/4" = 1'-0"
	DATE: 10/1/00

WHEN PIGS FLY
 KITTERY, MAINE

Drawn by: [Name]
 P.O. Box 100
 Kittery, Maine 03944
 Phone: (603) 853-1100
 Fax: (603) 853-1100
 E-mail: [Email]

RESTAURANT

Urban Pigs Pizzeria



Scale
 1/10 FT = 1/2 INCH

ROAD 1

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: ROLLING IN THE MUD LLC
2. Doing Business As, if any: WHEN PIGS FLY PIZZERIA
3. Date of filing with Secretary of State: 12/21/2010 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
RONALD SIEGEL	25 HARBOR HILL RD, YORK	09/09/1958	PREDIDENT	50.0000
ANDREW SIEGEL	15 RAMS HEAD LANE ,YORK	03/03/1962	VICE PRES	50.0000
ANDREW SIEGEL	4 SNAP HOOK DR, YORK		VICE PRES	

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



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

REPORT TO TOWN COUNCIL

Date: September 27, 2021
From: Kendra Amaral, Town Manager
Subject: Approval of Wreaths Across America – Former First Baptist Church Cemetery
Councilor Sponsor: Chairperson Jeffrey Thomson

SUMMARY

A group of residents are working diligently to expand Kittery's involvement in Wreaths Across America, by ensuring a wreath is placed at various local cemeteries this holiday season to honor and acknowledge the veterans who are interred there.

They have hit a road block for the cemetery on Haley Road, adjacent to Bethany Church. This cemetery is not owned by Bethany Church, and it is not a municipal cemetery. It is without a Sexton or owner who can complete the Wreath Across America application.

I am proposing the Council consider authorizing the Town Manager to sign the Wreaths Across America application form, under the context of 13 MRS §1371. This is the provision of state law that has been utilized by the Orchard Grove Cemetery to seek Council approval to maintain and/or repair headstones.

PROPOSED SOLUTION/RECOMMENDATION

Approve Ms. Chapman's request to maintain gravesites, in the form of participating in Wreaths Across America, at the cemetery on Haley Road, formally owned by the First Baptist Church.

ATTACHMENTS

- Ms. Chapman's request
- Communication to Wreaths Across America in support of the application

Kendra Amaral

From: Kendra Amaral
Sent: Friday, September 17, 2021 9:05 AM
To: SHEILA CHAPMAN
Subject: RE: Wreaths Across America/Kittery ME Area Cemeteries

Hi Shelia,

I am sorry, but the Town does not hold the deed for the Bethany Church or the cemetery adjacent to it. When Bethany Church bought the property from the Baptist Church they chose not to purchase the cemetery land. The Baptist Church asked the Town to take ownership of the cemetery at the time, but the Town declined.

In reading the form it implied it was about granting permission to place a wreath and taking responsibility for any damage or injury resulting from it.

The only option I can think of is seeking the Council to vote approval to sign the letter under the provision of State law that allows municipal officers to approve gravesite improvements if the heirs/family are not responsive.

I'll talk with the Council Chair and see if I can get something done at the Sep 27 Council meeting. Does that timing work for you?

Thanks
Kendra

From: SHEILA CHAPMAN <slc6000@comcast.net>
Sent: Thursday, September 16, 2021 4:22 PM
To: Kendra Amaral <KAmaral@kitteryme.org>
Subject: Wreaths Across America/Kittery ME Area Cemeteries

Good afternoon:

I have not heard anything from WAA Headquarters on the letter you wrote on August 10th.

But I have been told by several local people that the Town Of Kittery holds the deed on the Old Baptist Church Cemetery in Kittery Point.

If this is true, could you have someone just the papers, as we will be doing all the work. they Just need someones name on the paper work in case they can not get in touch with Steve Lawrence or my self.

If we could get this it would mean we can do into the Cemetery and place One large Wreath for all that served.

Also we will holding a meeting on Sunday the 19th September from 1-4 at the Klittery Lions Club in case any one from the Town office would like to come.

Thank you for your time.

Remember, Honor and Teach

Sheila L. Chapman Phone 207-703-0525

Steve Lawrence



Kendra Amaral
Town Manager

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

August 10, 2021

Wreaths Across America

RE: Cemetery on Haley Road, Kittery

To Whom It May Concern:

The Town of Kittery is aware of the wonderful work Ms. Chapman is doing to honor veterans who have passed in Kittery. Her efforts include applying to Wreaths Across America for wreaths to be placed at the veterans' gravesites at the former First Baptist Church cemetery on Haley Road.

Wreaths Across America has had a special relationship with Kittery. The Kittery Trading Post has been an annual stop for the convoy of Wreaths. We have been honored to escort the convoy for a small portion of the long journey to Arlington National Cemetery each year.

The cemetery on Haley Road does not currently have a legally recognized owner. The legal ownership was briefly researched and reviewed in 2016 when the adjacent church property was being sold. No resolution to the question of ownership was arrived at then. Unfortunately, this means the Town does not have the ability to officially grant permission to Ms. Chapman to lay the wreaths.

Despite this barrier, the Town supports the mission of Wreaths Across America, and hopes Ms. Chapman will still be able to place wreaths at the gravesites of these veterans this holiday season. It would seem quite a travesty that some veterans' gravesites are excluded from her noble efforts due to a lack of there being a recognized legal owner of the cemetery.

We are happy to work with Wreaths Across American on alternative processes to address your needs and ensure these gravesites are not excluded. Please contact me at your earliest convenience at 207-475-1329 or at kamaral@kitteryme.org to discuss options.

Sincerely,

Kendra Amaral
Town Manager

Hi Karen:

As we discussed the other day, the Traip Football team wants to make posters to hang on the telephone poles/posts headed down Old Post Road to Memorial Field. We estimate about 18-20 signs to hang. They will have the players names on them.

This is for our Homecoming football game which is on October 1st. We'd like to hang them anytime that week to support our team.

You had asked me to send this to you so that council can approve.

Thank you!