



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL COUNCIL CHAMBERS

May 23, 2022

6:00PM

Meetings may be watched in person, on Channel 22, the Town's website, or Kittery Channel 22 Facebook page.

The public may submit public comments via email, US Mail, or by dropping off written comments at the Town Hall. Emailed comments should be sent to:
TownComments@kitteryme.org.

The public may participate in person or via Zoom webinar. **To register for the Zoom webinar, click this link:**
https://us02web.zoom.us/webinar/register/WN_dd2n4FI3QT2AOmOtQUXd7A

After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during a public hearing and public comment.

Written 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
 - May 9, 2022 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 officials.
- a. (050322-1) The Kittery Town Council moves to receive the Educational Recycling Scholarship recipients' presentation. The recipients are as follows:
- Emily Sweeney
 - Lilly Kemp
 - Emma Ackerman
 - Emma Dawson-Webb
 - Olivia Kallay
 - Mary Lombardi

10. PUBLIC HEARINGS

- a. (050322-2) The Kittery Town Council moves to continue the public hearing from April 11, 2022 on Title 16 – Affordable Housing BL and BL1 amendments.
- b. (050322-3) The Kittery Town Council moves to hold a public hearing on the FY23 Municipal Budget.
- c. (050322-4) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from Friends 4 OBA – Food Truck, located at 69 Water Street, Exeter, NH.
- d. (050322-5) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from Smokin' Phil's Belly Bustin' BBQ – Food Truck, located at 27 Bonin Road, Monmouth, ME.
- e. (050322-6) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from Clyde's Cupcakes – Food Truck, located at 27 Greenleaf Drive, Exeter, NH.
- f. (050322-7) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from M&G Mobile Gourmet – Food Truck, located at 159 Stebbins Street, Belchertown, MA.
- g. (050322-8) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from The Corner Pub located at 4 Wallingford Square, Kittery.
- h. (050322-9) The Kittery Town Council moves to hold a public hearing on a new Liquor License application from the Corner Pub located at 4 Wallingford Square, Kittery.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

(050322-10) The Kittery Town Council moves to accept a donation from William Quirk in the amount of \$750.00 to be deposited into the Thresher Memorial fund.

- b. (050322-11) The Kittery Town Council moves to approve the annual renewal of the Victualer's License applications for 2022-23.
- c. (050322-12) The Kittery Town Council moves to approve a Special Activity Amusement Permit from AJ's Wood Grill Pizza, located at 68 Wallingford Square, Kittery.
- d. (050322-13) The Kittery Town Council moves to schedule a public hearing on June 13, 2022 on a Marijuana License for TreeTips 3 LLC, located at 8 Dexter Lane, Unit 8, Kittery.
- e. (050322-14) The Kittery Town Council moves to schedule a public hearing on June 13, 2022 on amendments to Title - 12 Shellfish.
- f. (050322-15) The Kittery Town Council moves to schedule a public hearing on June 13, 2022 on amendments to Title 16 – Affordable Housing Mixed Use Neighborhood.
- g. (050322-16) The Kittery Town Council moves to schedule a public hearing on June 13, 2022 on amendments to Title 10 Gorges Road Parking.
- h. (050322-17) The Kittery Town Council moves to schedule a public hearing on June 13, 2022 on the Town Meeting articles.
- i. (050322-18) The Kittery Town Council moves to accept the resignation of Rich DeMarco from the Parks Commission.
- j. (050322-19) The Kittery Town Council moves to approve a sign request from Kittery Harborside Garden Club to place signs about Town the week of May 23, 2022 to advertise the annual plant sale on Saturday May 28, 9AM to 1PM at the Lions Club.
- k. (050322-20) The Kittery Town Council moves to approve a sign and banner request from the Kittery Block Party Committee to place signs and banners about Town from June 1 to June 20 to advertise this Community Event which will be held on June 18.

- l. (050322-21) The Kittery Town Council moves to nominate Town Manager Kendra Amaral to the MMA's Legislative Policy Committee (LPC).
- m. (050322-22) The Kittery Town Council moves to set their summer meeting schedule for July 18 and August 15, 2022.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION - **None**

17. ADJOURNMENT

Posted: May 20, 2022



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council May 23, 2022

- 1. Rice Public Library** – Shelving is approximately 70% complete as of last week. However, we are still experiencing delays on the remaining shelving delivery. These delays are forcing us to delay the soft opening at least one more week.

Our most recent estimated delivery date from the manufacturer for shelving frames is May 26th. We are also still waiting for one of the manufacturers to produce needed parts for some of the shelving. Some of these parts are structural; they secure the shelving and prevent tipping.

Wright Ryan completed their construction work on May 27. Their warranty team will be back in Kittery over the course of the next few months for small items like landscaping, replacing temporary wood doors, swapping out check valves requested by the Mechanical Engineer, replacement of a damaged room divider, etc. These are all anticipated and part of the project warranty work.

We will announce the new soft opening date as soon as everything is in place. In the meantime, we appreciate everyone's patience and the growing excitement.

- 2. Whipple Sidewalk Project** – We held our preconstruction meeting with MaineDOT and the contractor for this project on May 16. The construction is expected to begin on or about June 27th. This is contingent upon the utility companies (CCI and CMP) completing the utility pole relocation on schedule. Anticipated completion date for the project is September 23rd, however it may take up to October 31st depending on weather and supply delays. The sidewalks will be concrete.

Upcoming Dates:

- Sharing Roads – Cars, Bikes, Walkers – May 25, 6PM, Zoom; registration required
- Real Estate & Personal Property Taxes Due – May 31, 2022, Town Hall
- Memorial Day Ceremony – May 28, 2022, 9:30AM, Orchard Grove Cemetery
- KEEP Property Tax Payment Plan Applications Due – June 1, 2022, Town Hall
- Voter Registration Night – June 8, 2022, 6PM - 7PM, Town Hall
- Town Meeting/School Budget Validation Referendum/State Primary Election – June 14, 2022, 8AM - 8PM, Kittery Community Center

Respectfully Submitted,

Kendra Amaral
Town Manager



Sharing the Roads - Cars, Bikes & Walkers

Wednesday, May 25, 2022 | 6:00 PM

Join the Town of Kittery, MaineDOT, and the Bicycle Coalition of Maine for an interactive virtual presentation about roadway safety.

This exciting event will test your knowledge about what is legal and safe, and provide new information about the best practices for people driving, cycling and walking on the same roads.

REGISTER AT: WWW.KITTERYME.GOV/SHARINGROADS



**BICYCLE
COALITION
OF MAINE**

KITTERY TOWN COUNCIL Unapproved Minutes

May 9, 2022, 6:00PM

COUNCIL CHAMBERS

1 1. Call to Order

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

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

6 Councilors present: Chair Judith Spiller, Councilor Cyrus Clark, Councilor Cameron
7 Hamm, Councilor Mary Stevens, and Jeffrey Pelletier. Councilors present on ZOOM
8 Vice Chair George Dow, and Councilor Colin McGuire.

9 5. Agenda Amendment and Adoption

10 Chair Spiller cast one vote to approve the agenda as presented.

11 6. Town Manager's Report

12 The Town Manager reported on: Rice Public Library, Community Partnership Grant
13 Award, Whipple Sidewalk Project, and Sharing Roads – Cars, Bikes, Walkers.
14 Upcoming Dates: "29 Mainers" Reception and Community Conversation on Diversity will
15 be on May 13, 2022, 5:30PM, at the Kittery Community Center, Sharing Roads – Cars,
16 Bikes, Walkers will be on May 25, 2022, at 6PM, on Zoom; registration will be required,
17 Real Estate & Personal Property Taxes are due on May 31, 2022, at the Town Hall,
18 Memorial Day Ceremony will be on May 28, 2022, at 9:30AM, at the Orchard Grove
19 Cemetery, KEEP Property Tax Payment Plan Applications are due on June 1, 2022, at
20 the Town Hall, Voter Registration Night will be on June 8, 2022, from 6PM - 7PM, at the
21 Town Hall, Town Meeting/School Budget Validation Referendum/State Primary Election
22 will be on June 14, 2022, from 8AM - 8PM, at the Kittery Community Center, and the
23 Senior Tax Credit applications are due on July 1, 2022, at the Town Hall, or online at
24 www.kitteryme.gov/taxpaymentassistance.

25 7. Acceptance of Previous Minutes

26 • April 24, 2022 Regular Meeting

27 • May 2, 2022 Special Meeting

28 The Town Council approved the April 24, 2022 Regular Meeting and the May 2, 2022
29 Special Meeting minutes as presented.

- 30 8. Interviews for the Board of Appeals and Planning Board.
- 31 9. All items involving the town attorney, town engineers, town employees or other
32 town consultants or requested officials.
- 33 a. (050222-1) The Kittery Town Council moves to receive the FY'23 Municipal
34 Budget presentation from the Town Manager.
- 35 The Town Manager gave the presentation for the FY'23 Municipal Budget and
36 answered any questions or concerns the Town Council might have had.
- 37 10. PUBLIC HEARINGS
- 38 a. (050222-2) The Kittery Town Council moves to hold a public hearing on Title 5
39 Renewal of certain Business Licenses.
- 40 The Town Manager gave an overview of Title 5 Renewal of certain Business Licenses.
- 41 Moved by Vice Chair Dow, seconded by Councilor Stevens.
- 42 Motion Carried 7-0-0
- 43 b. (050222-3) The Kittery Town Council moves to hold a public hearing on a new
44 Victualer's License application from Kona Ice of the Seacoast Food Truck located at 17
45 Strongs Landing, Greenland, NH.
- 46 Moved by Chair Spiller, seconded by Councilor Stevens.
47 Motion Carried 7-0-0
- 48 c. (050222-4) The Kittery Town Council moves to hold a public hearing on a new
49 Victualer's License application from Local Lunch Box Food Truck located at 7 Harvest
50 Drive, Dover, NH.
- 51 Moved By Chair Spiller, seconded by Councilor Clark.
- 52 Motion Carried 7-0-0
- 53 11. DISCUSSION
- 54 a. Discussion by members of the public (three minutes per person)
- 55 Suzanne Johnson, 13 Cromwell, Kittery, wrote in concern of how many dogs that were
56 unleashed at Seapoint Beach.

57 Debbie Driscoll, 9 Pepperrell Terrace, Kittery, wrote to ask the Housing Committee,
58 Planning Board and Town Council to consider removing the payment in lieu of including
59 affordable housing from the proposed zoning amendment in the MU-Neighborhood
60 zone. Requiring all developments over 5 units to provide a minimum of 10% affordable
61 units in each category of unit, studio, one bedroom, two-bedroom, house, condo,
62 apartment. Ms. Driscoll stated she is fearing Kittery may never get the affordable
63 housing we need or want.

64 Brian Early, 123 Rogers Road, Kittery, wrote about the minimum age to pull a fire
65 permit, and asked when the agendas and minutes would be available for the Beach
66 Working group

67 b. Response to public comment directed to a particular Councilor
68 c. Chairperson's response to public comments

69 Chair Spiller responded to Ms. Johnsons concerns about unleashed dogs at Seapoint
70 Beach.

71 Chair Spiller responded to Ms. Driscoll and stated the Planning Board has approved or
72 is about to approve an affordable housing addition to the mixed-use neighborhood zone,
73 and will be coming to Council and will be discussed at that time.

74 Chair Spiller responded to Mr. Early and stated she was a member of the Beach
75 working group and the minutes would be posted soon, Chair also stated the group
76 never discussed the minimum age to get a fire permit the Fire Chief has the authority to
77 set the age.

78 12. UNFINISHED BUSINESS- None

79 13. NEW BUSINESS

80 a. Donations/gifts received for Council disposition

81 (050222-5) The Kittery Town Council moves to accept a donation in the amount of
82 \$500.00 from Fuel & More for a Water Purification System. To be deposited into
83 account #101520-65480 General Assistance.

84 Moved by Councilor Hamm, seconded by Councilor Clark.

85 Motion Carried 7-0-0

86 b. (050222-6) The Kittery Town Council moves to schedule a public hearing on
87 May 23, 2022 to approve the FY'23 Municipal Budget.

88 Moved by Councilor Hamm, seconded by Councilor Stevens.

89 All were in favor.

90 c. (050222-7) The Kittery Town Council moves to approve a Special Activity
91 Amusement Permit for the Kittery Food Truck Pod, located at 230 US Route 1
92 Kittery.

93 Moved by Councilor Hamm, seconded by Councilor Stevens.

94 Motion Carried 7-0-0

95 14. COUNCILOR ISSUES OR COMMENTS

96 Councilor Stevens wanted to thank Lee Perkins, the Library Director and her staff for all
97 their hard work on the library.

98 Councilor Hamm, wanted to mention May 8th was a victory in Europe commemorating
99 the end of the WWII campaign on the European front, and read a quote. For peace,
100 freedom, and democracy never again fascism, millions of dead are a warning.

101 Councilor Clark wanted to thank Mike Rogers, for all his years of service at the Kittery
102 Water Department.

103 15. COMMITTEE AND OTHER REPORTS

104 a. Communications from the Chairperson

105 Chair Spiller spoke about affordable housing in Kittery.

106 b. Committee Reports - None

107 16. EXECUTIVE SESSION - None

17. ADJOURNMENT

108 Councilor Clark moved to adjourn at 7:33 p.m., seconded by Councilor Stevens.

109 All were in favor.

110 All were in favor.

111

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.

Kittery Education Scholarships – 2022

Each receiving \$2000

Students

College-Field of Study

Emily Sweeney

Endicott College – Nursing

Lilly Kemp

Wheaton College - US History and
Hispanic Studies.

Emma Ackerman

American University – School of Public
Affairs – Justice and Law major with a
minor in Psychology.

Emma Dawson-Webb

Tufts University – Architectural
Studies/Urban Studies/Public Health
or Sociology.

Olivia Kallay

Vassar College – Undeclared

Mary Lombardi

Worcester Polytechnic Institute –
Biomedical Engineering



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

REPORT TO TOWN COUNCIL

Date: March 14, 2022
Update: April 11, 2022, May 23, 2022
From: Kendra Amaral, Town Manager
CC: Dutch Dunkelberger, Planning Board Chair, Matt Brock, Housing Committee Chair
Subject: Title 16 – Affordable Housing BL & BL-1 Zones
Councilor Sponsor: Chairperson Judy Spiller

SUMMARY

Please see the attached report from Adam Causey, Director of Planning and Development.

UPDATE

The Council held a workshop with the Planning Board and Housing Committee. The discussion focused on the payment in lieu, the front-yard setbacks, density, and affordability requirement. At the conclusion of the workshop the Council requested the following be prepared:

- Written responses to the workshop questions
- Increased payment in lieu recommendation
- Draft of revision that required all units to be affordable (100% affordable) to qualify for density bonuses
- Bring forward the affordable housing amendment for the Mixed Use-Neighborhood that was just recommended by the Planning Board (separate agenda item for the 5/23/22 meeting)

PROPOSED SOLUTION/RECOMMENDATION

Adopt amendment to Title 16 as proposed.

ATTACHMENTS

- Staff Memo summarizing the changes and process
- Draft Title 16 – Affordable Housing Business Local (BL) Zone
- Draft Title 16 – Affordable Housing Business – Local 1 (BL-1) Zone
- Draft Title 16 – Affordable Housing Enactment
- Written Responses to Workshop Questions
- 100% AFFORDABLE OPTION: Revised Drafts of BL and BL-1 Zone amendments



TOWN OF KITTERY
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: BUSINESS-LOCAL AND BUSINESS LOCAL-1 ZONES
DATE: MARCH 3, 2022

This memo outlines the changes being proposed to the B-L and B-L1 zoning districts. For details on these zone locations, please consult the Town's zoning map, available through the Town's on-line GIS here: <https://www.axisgis.com/KitteryME/> . Click "agree" and select Layers on the left and then click the Zoning checkbox.

The intent of these amendments is to encourage and incentivize a variety of housing types, including modestly priced housing for sale or rent, within these zones. The zones currently allow multi-family and/or mixed-use structures, along with various types of commercial uses, but setbacks and density requirements make it difficult to develop housing projects in reality. With these amendments, the Town's affordable housing policy becomes a requirement in these zones, such that any development that includes five or more dwelling units will be required to provide affordable housing or a payment-in-lieu. It is important to note that these changes make a distinction between those areas that are on Town sewer. Areas within these zones that are not connected to public sewer will not be able to take advantage of increased density standards.

Highlights include:

- Multi-family dwellings of 3-4 dwelling units are permitted by minor site plan review
- Density incentive for a mixed-use building that proposes 5 or more units of housing and at least one commercial use on the first floor
- Density incentive for affordable housing
- Setback adjustments
- Reduced parking for studio and one-bedroom dwelling units or affordable units
- Reduced parking if within ¼ mile of public transit stop in the B-L1 zone
- Impervious surface limits replace building coverage limits
- Stormwater standards strengthened
- Landscaping requirements clarified

These amendments have been reviewed by the Housing Committee, the Economic Development Committee, and the Kittery Land Use Issues Committee within the last 18 months with subsequent

suggestions incorporated. The Planning Board reviewed these proposed changes at their February 24, 2022 meeting and voted unanimously to recommend it for adoption by Town Council.

**TITLE 16
AFFORDABLE HOUSING
BUSINESS LOCAL ZONE**

1. AMEND §16.4.17 Business – Local (B-L) to include affordable housing provisions as follows:

1 16.4.17 Business – Local Zone (B-L)

2 A. Purpose

3 The purpose of the Business – Local B-L Zone is to provide local ~~sales retail~~, services, and business
4 space as well as a variety of housing types within a walkable context. Much of this zone serves a well-
5 traveled corridor through Kittery with many buildings, including residential structures, oriented within
6 the Town, to Route 1. Other portions of the zone serve as business hubs for the neighborhoods they are
7 situated in.

8 B. Permitted uses

9 The following uses are permitted in the B-L Zone:

- 10 (1) Accessory Dwelling Unit
- 11 (2) Dwelling, Attached Single-Family
- 12 (3) Dwelling, Manufactured Housing
- 13 (4) Dwelling, Multi-Family
 - 14 a. Development proposing three or four dwelling units are permitted through minor site plan
 - 15 review;
 - 16 (4)b. Development proposing five or more dwelling units are permitted through major site plan
 - 17 review;
- 18 (5) Dwelling, Single-Family
- 19 (6) Dwellings Two-Family
- 20 ~~(6)~~(7) Dwelling Units as part of a Mixed-Use Building
- 21 ~~(7)~~(8) Convalescent Care Facility
- 22 ~~(8)~~(9) Nursing Care Facility, Long-term
- 23 ~~(9)~~(10) Residential Care Facility
- 24 ~~(10)~~(11) Accessory Buildings, Structures, and Uses
- 25 ~~(11)~~(12) Home Occupation, Major
- 26 ~~(12)~~(13) Home Occupation, Minor
- 27 ~~(13)~~(14) Day Care Facility
- 28 ~~(14)~~(15) Hospital
- 29 ~~(15)~~(16) Nursery School
- 30 ~~(16)~~(17) Private Assembly
- 31 ~~(17)~~(18) Public Facility
- 32 ~~(18)~~(19) Public or Private School
- 33 ~~(19)~~(20) Religious Use
- 34 ~~(20)~~(21) Recreation, Public Open Space

- 35 ~~(21)~~(22) ___ Aquaculture
- 36 ~~(22)~~(23) ___ Commercial Fisheries/Maritime Activities (provided only incidental cleaning and
- 37 cooking of seafood occur at the site)
- 38 ~~(23)~~(24) ___ Commercial School
- 39 ~~(24)~~(25) ___ Art Studio or Gallery
- 40 ~~(25)~~(26) ___ Business & Professional Offices
- 41 ~~(26)~~(27) ___ Business Service
- 42 ~~(27)~~(28) ___ Conference Center
- 43 ~~(28)~~(29) ___ Personal Service
- 44 ~~(29)~~(30) ___ Restaurant
- 45 ~~(30)~~(31) ___ Retail Sales (excluding those of which the principal activity entails outdoor sales and/or
- 46 storage and excluding those specifically mentioned under Subsection C of this section)
- 47 ~~(31)~~(32) ___ Retail Sales, Building Materials & Garden Supply (excluding those of which the
- 48 principal activity entails outdoor sales and/or storage)
- 49 ~~(32)~~(33) ___ Retail Sales, Convenience
- 50 ~~(33)~~(34) ___ Specialty Food and/or Beverage Facility
- 51 ~~(34)~~(35) ___ Mass Transit Station
- 52 ~~(35)~~(36) ___ Parking Area

53 C. Special exception uses

54 The following uses are permitted as special exception uses in the B-L Zone:

55 (1) Dwellings, cottage cluster

- 56 ~~(1)~~(2) ___ Motel
- 57 ~~(2)~~(3) ___ Hotel
- 58 ~~(3)~~(4) ___ Inn
- 59 ~~(4)~~(5) ___ Rooming House
- 60 ~~(5)~~(6) ___ Funeral Home
- 61 ~~(6)~~(7) ___ Gasoline Service Station
- 62 ~~(7)~~(8) ___ Public Assembly Area
- 63 ~~(8)~~(9) ___ Theater
- 64 ~~(9)~~(10) ___ Public Utility Facility
- 65 ~~(10)~~(11) ___ Mechanical Service
- 66 ~~(11) Residential Dwelling Units, as part of a mixed-use building~~

67 D. Standards.

68 All development and the use of land in the B-L Zone must meet the following standards. Kittery's
69 Design Handbook illustrates how these standards can be met. In addition, the design and performance
70 standards of Chapters §16.5, §16.7 and §16.8 must be met.

71 (1) The following space and dimensional standards apply:

72 (a) Minimum land area per dwelling unit:

73 [1] If served by on-site sewage disposal: 20,000 square feet;

74 [2] If served by the public sewerage system and:

75 [a] All floors are residential: 3,000 square feet; or

76 [b] When less than five dwelling units are proposed with, at minimum, one
77 nonresidential use to be located on the first floor facing State Road or Route 1
78 Bypass such that the use will be visible from the street:3,000 square feet. Such a
79 nonresidential use or uses need not occupy the entire first floor but must be an
80 independent nonresidential use, e.g., not a home office marketed with a dwelling
81 unit as a work/live unit.

82 [c] When five or more dwelling units are proposed with, at minimum, one
83 nonresidential use to be located on the first floor facing State Road or Route 1
84 Bypass such that the use will be visible from the street: 2,500 square feet. Such a
85 nonresidential use or uses need not occupy the entire first floor but must be an
86 independent nonresidential use, e.g. not a home office marketed with a dwelling
87 unit as a work/live unit; or

88 [d] 25% or more of the dwelling units will be affordable housing units as defined by
89 this code: 2,000 square feet.

90 Note: Except as otherwise required by the buffer provisions of this title.

91 ~~(b)(4) Parking. One row of parking spaces and a related access drive may be located between the~~
92 ~~front property line and the front wall of the building extending the full width of the lot. All~~
93 ~~other parking must be located to the side and/or rear of the building. All new or revised~~
94 ~~parking must be visually screened through the use of landscaping, earthen berms and/or~~
95 ~~fencing from adjacent public streets or residential properties. (See the Design Handbook for~~
96 ~~appropriate examples.)~~ Parking requirements are to be met on site. If meeting the parking
97 requirements is not possible, the parking demand may be satisfied off site or through joint-
98 use agreements as specified herein. Notwithstanding the off-street parking requirements in §
99 16.7.11.F(4), minimum parking requirements for the uses below are modified as specified:

100 [1] Dwelling units: 1.5 parking space per dwelling unit; unless:

101 [a] Affordable housing as defined by this code is proposed in which case the parking
102 requirements may be reduced to one parking space per dwelling unit at the
103 Planning Board's discretion; and/or

104 [b] Some or all of the proposed dwelling units are one-bedroom or studio type units in
105 which case parking requirements for these types of units may be reduced to one
106 parking space for each unit so described.

107 [2] For multifamily dwellings, if more than ten parking spaces are required, up to 20% of
108 the parking may be designated for compact cars. See § 16.7.11.F(4) Off-Street Parking
109 Standards.

110 [3] Electric car charging stations are allowed and encouraged in parking lots but must not
111 interfere with pedestrian movement on sidewalks.

112 (c) Off-site parking. Required off-street parking may be satisfied at off-site locations, provided
113 such parking is on other property owned by the applicant or is under the terms of a contractual
114 agreement that will ensure such parking remains available for the uses served. Applicant
115 must present evidence of a parking location and a contractual agreement prior to final

116 approval and file the same with Planning and Code office each time the contract is renewed.
117 Any changes to the contractual agreement must be reviewed by the Code Enforcement
118 Officer and if the location of the off-site parking changes, will require approval from the
119 municipal permitting authority which originally approved the off-site parking.

120 (d) Joint-use parking. Required off-street parking may also be satisfied by the joint use of parking
121 space by two or more uses if the applicant can show that parking demand is nonconflicting
122 and will reasonably provide adequate parking for the multiple uses without parking
123 overflowing into undesignated areas. Nonconflicting periods may consist of daytime as
124 opposed to evening hours of operation or weekday as opposed to weekends or seasonal
125 variation in parking demand.

126 [1] Such joint parking areas must be held under ownership of the applicant or under terms
127 of a contractual agreement that ensures such parking remains available to all users of
128 the shared parking spaces. Applicant must present evidence of the parking location and
129 a contractual agreement prior to final approval and file the same with the Planning and
130 Code office each time the contract is renewed. Any changes to the contractual agreement
131 must be reviewed by the Code Enforcement Officer and if the municipal permitting
132 authority which originally approved the off-site parking.

133 [2] Determination of parking adequacy will be based on a most frequent basis, not a "worst
134 case" scenario;

135 [3] Joint use parking areas must be located within 1,500 feet to the use served, but do not
136 need to be located on the same lot as the uses served;

137 [4] Ease and safety of pedestrian access to shared parking by the users served must be
138 demonstrated, including any proposed improvements or shuttle service that may be
139 offered and its requisite loading/unloading areas;

140 [5] Such joint parking areas must not be located in residential zones of the Town.

141 (e) In making determinations on off-site or joint-use parking under a development plan review,
142 the municipal permitting authority with jurisdiction to review and approve will make a final
143 determination of the joint-use and/or off-site spaces that constitute an acceptable combination
144 of spaces to meet the required parking demand.

145 (f) Special parking and access situations.

146 [1] In instances where one row of parking spaces and/or a related access drive is located
147 between the front property line and the front wall of the building extending the full width
148 of the lot and was utilized in accordance with previous permits or approvals, for parking,
149 display, storage, building or necessary vehicle circulation, the Planning Board may
150 allow such improvements to remain provided all other parking meets the location
151 requirements and provided that a landscaping plan for the property frontage is reviewed
152 and approved by the Planning Board.

153 (g) Minimum lot size: none.

154 NOTE: Except that all screening, open space, buffering and landscaping requirements must
155 be met or in instances where the Planning Board may modify such requirements, such
156 modifications must be found satisfactory by the Board.

157 (h) Minimum street frontage: none.

158 NOTE: All lots must meet the requirements of § 16.5.13 Lots unless specifically modified
159 by this section (§ 16.4.17). Street frontage must provide sufficient vehicular and pedestrian
160 access for the uses proposed while meeting public health and safety requirements (e.g. Fire
161 Department, Department of Public Works). The applicant must demonstrate to the municipal

162 permitting authority that the street frontage and lot design meet these requirements to the
163 extent practicable.

164 (i) Maximum-front setback: 20 feet.

165 NOTE: Except when a multistory building comprising 1) three or more residential dwelling
166 units; 2) nonresidential uses or 3) a combination of residential and nonresidential uses is
167 proposed directly across the street from a residential district or single-family use; in which
168 case a minimum of 15 is required.

169 Note: The Planning Board may, at its discretion, allow a greater setback when public
170 amenities such as pocket parks, outdoor dining or seating areas are proposed within the front
171 setback. Pocket parks must be at least 200 square feet with a minimum of three trees and a
172 bench for sitting required. Park must be vegetated with ground cover except for walkways.
173 Outdoor dining areas must meet any additional requirements specific to that use. Parking is
174 prohibited in the front setback except as allowed in subsection (1).(f).[1] above.).

175 (j) Minimum rear and side: setbacks: 10 feet.

176 NOTE: Except as otherwise required by the buffer provisions of this title, and except where
177 the side and/or rear setbacks about a residential district or single-family use; in which case a
178 minimum of 15 feet or 50% of the building height is required, whichever is greater.

179 (k) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations.

180 NOTE: Except that height standards for single- and two-family residential uses are the same
181 as for those of the Urban Residential District.

182 (l) Impervious surface: No maximum allowable, but all open space, landscaping, setbacks,
183 buffers, screening and street tree requirements apply. For development that is proposing 70%
184 or more impervious surface, the stormwater requirements in (m) below may not be modified.

185 (m) Stormwater: All new development must use LID (Low Impact Development) and BMP (Best
186 Management Practices), based on Maine DEP's Maine Stormwater Best Management
187 Practices Manual Volumes 1-III as amended from time to time, to manage 100% of the total
188 stormwater generated on-site. The stormwater report and plan demonstrating that this
189 requirement is met must be included with the application at the time of submission. A request
190 for a modification may be submitted to the Planning Board but it is incumbent on the
191 applicant to prove to the Planning Board's satisfaction that such a modification is necessary.
192 The Town reserves the right to submit such modification requests for independent
193 engineering review at the applicant's expense. The Board may also require additional
194 landscaping/plantings and/or LID-design features when granting such concessions.

195 (n) A minimum of fifteen percent of each lot must be designated as open space. See subsection
196 (4).(e).

197 (o) Minimum setback from functionally water dependent uses: zero feet.

198 (p) Minimum setback from streams, water bodies and wetlands: in accordance with § 16.5.30
199 and Appendix A, Fee Schedules.

200 (2) Parking design.

201 (a) Parking must be located to the side or rear of the building. If all parking cannot be located to
202 the rear or side, the Planning Board may allow limited parking in front of the building, but it
203 is incumbent upon the applicant to demonstrate why such a modification request should be
204 granted. In granting this concession, the Board may require more intensive landscape
205 plantings and/or LID-design features.

206 (b) Shared access between buildings and/or lots must be provided where feasible. Feasibility
207 criteria include:

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- [1] Fewer curb cuts required;
- [2] Improved or new pedestrian access between buildings or lots;
- [3] Improved internal circulation between buildings or lots; and
- [4] Improved overall site design with shared access.

(c) Screening through the use of plantings and/or fencing is required for all new or revised parking abutting public streets and/or single-family uses or residential zones. Such screening does not require that the parking lot and vehicles within it be completely obscured from view, rather the screening must provide visual interest and distraction from the parking area beyond, as well as buffer vehicle headlight trespass.

[1] A landscape plan showing screening and other landscaping requirements prepared by a registered landscape architect is a submission requirement. However, a landscape plan done by other design professionals may be allowed at the Planning Board’s discretion.

[2] Any required plantings that do not survive must be replaced within one year. This requirement does not expire and runs with the land.

[3] Surface parking lots designed for five or more cars that will service multi-family or mixed-use buildings with dwelling units and which abut a street, single-family use or residential zone must provide screening in one of the following ways:

[a] Any combination of trees, shrubs, tall ornamental grasses or perennial plants in a planting bed at least eight (8) feet wide. Climate-change tolerant Northeastern native plants are preferred. Plantings must be sufficient, as determined by the Planning Board, to screen the parking area from the street except for necessary vehicular and pedestrian access. Planting beds may be mulched but no dyed mulching material may be used. Drip irrigation is recommended.

[b] One tree per 25 feet of street frontage within a planting bed at least eight (8) feet wide which will include other plantings such as perennials. Plantings must be sufficient to screen the parking area from the street except for necessary vehicular and pedestrian access. To ensure survival, trees must be planted using silva cells, bioretention cells or tree wells. Trees must be at least 2.5-inch caliper and 12 feet high at the time of planting. Existing large healthy trees must be preserved if practical and will count towards this requirement. Trees proposed within the public right-of-way must remain under 20 feet tall at maturity. Trees native to the Northeast, selected for climate change tolerance, are preferred and must be drought and salt tolerant when used along streets. A diversity of tree species (three to five species per every 12 trees) is required to provide greater resiliency to threats from introduced insect pests and diseases. Planting beds may be mulched but no dyed mulching material may be used. Drip irrigation is recommended for plantings proposed to accompany the trees.

[c] Fencing, no taller than six (6) feet, of a type that screens rather than blocks a view and made of a material compatible with surrounding buildings. Chain link fences are not allowed unless they have a PVC color coating to blend in with surroundings. Stockade fences may only be allowed to buffer a parking lot along

249 the lot line that abuts a single-family use or residential zone. A planting bed at least
250 six (6) feet wide, including the fence, is required, with a combination of trees,
251 shrubs and perennials located on the proposed development's side of the fence.
252 Planting beds may be mulched but no dyed mulching material may be used. Drip
253 irrigation is recommended.

254 (d) A minimum of 10% of any surface parking area consisting of 10 or more spaces must be
255 landscaped with trees and vegetated islands. This requirement is in addition to other required
256 landscaping and street tree requirements.

257 (e) If 20% or more of the proposed development will be affordable dwelling units built rather
258 than using payment-in-lieu for required units, the Planning Board may, at its discretion,
259 modify surface parking lot screening and landscaping requirements under subsections (c) and
260 (d).

261 **A(3)** Building design standards. Kittery's characteristic buildings reflect its historic seacoast past. The
262 primary architectural styles are New England Colonial (such as Cape Cod and saltbox), Georgian,
263 Federal and Classical Revival. New buildings must be compatible with Kittery's characteristic
264 styles in form, scale, material and color. In general, buildings should be oriented with the front
265 of the building facing the street on which the building is located. The front or street facade must
266 be designed as the front of the building. The front elevation must contain one or more of the
267 following elements: 1) a "front door," although other provisions for access to the building may
268 be provided; 2) windows; or 3) display cases. (See Design Handbook for examples of acceptable
269 materials and designs.) Strict imitation is not required. Design techniques can be used to maintain
270 compatibility with characteristic styles and still leave enough flexibility for architectural variety.
271 To achieve this purpose, the following design standards apply to new and modified existing
272 building projects:

273 (a) Exterior building materials and details. Building materials and details strongly define a
274 project's architectural style and overall character. (See Design Handbook for examples of
275 acceptable materials, building scale and designs.) "One-sided" schemes are prohibited; similar
276 materials and details must be used on all sides of a building to achieve continuity and
277 completeness of design. Predominant exterior building materials must be of good quality and
278 characteristic of Kittery, such as horizontal wood board siding, vertical wood boards, wood
279 shakes, brick, stone or simulated stone, glass and vinyl, or metal clapboard.

280 (b) Roofs. A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated
281 to the Planning Board's satisfaction that this is not practicable. Acceptable roof styles are
282 gabled, gambrel, and hipped roofs. Flat roofs, shed roofs and roof facades (such as "stuck on"
283 mansards) are not acceptable as prominent roof forms except as provided above. Roof colors
284 must be muted. (See Design Handbook for examples.) The roof design must screen or
285 camouflage rooftop protrusions to minimize the visual impact of air-conditioning units, air-
286 handler units, exhaust vents, transformer boxes, and the like. (See Design Handbook for
287 examples of appropriate treatments.)

288 (c) Loading docks and overhead doors. Loading docks and overhead doors must be located on
289 the side or rear of the building and screened from view from adjacent properties in residential
290 use.

291 ~~(e)~~(d) Lighting plans, including outdoor lighting fixture designs and photometric plans, must be
292 included at the time of application submission. All lighting fixtures must be cutoff (dark sky

293 compliant).

294 (4) Landscaping and site design standards. A landscape plan prepared by a registered landscape
295 architect is a submission requirement. However, a landscape plan done by other design
296 professionals may be allowed at the Planning Board’s discretion. To achieve attractive and
297 environmentally sound site design ~~and appropriate screening of parking areas~~, in addition to the
298 landscaping standards contained in ~~Chapters 16.7 and 16.8~~ 16.5, the following landscaping
299 requirements apply to new and modified existing developments:

300 ~~B~~

301 (a) Landscape planter strip. A vegetated landscape planter strip must be provided a minimum of
302 15 feet in depth adjacent to the right-of-way of all public roads or the sidewalk if it already
303 exists. If a sidewalk does not yet exist on-site but sidewalks do exist on adjacent properties,
304 the planting strip must be located so that it does not interfere with connectivity to existing
305 sidewalks. Planting strips which demonstrate LID functionality to assist in stormwater capture
306 are preferred.. The Planning Board may reduce the required ~~depth-width~~ of the landscape
307 planter ~~er~~ing strip ~~if a sidewalk~~ is provided in front of the parcel and the area between the front
308 property line and the front wall of the building will be designed and used as a pedestrian space,
309 outdoor dining as defined by this title, or a seating area.. The landscape planter ~~er~~ing strip must
310 include the following landscape elements:

311 ~~(a)~~

312 [1] ~~Ground cover~~Plantings. The entire landscape planter ~~er~~ing strip must be vegetated with a
313 combination of shrubs, perennials, and ornamental grasses except for approved
314 driveways, walkways, bikeways and screened utility equipment. Climate-change tolerant
315 Northeastern native plants are preferred. Planting beds may be mulched but no dyed
316 mulching material may be used. Street trees required below may be included in this
317 planting strip. Drip irrigation is recommended.

318 ~~(b)~~

319 [2] Street-side trees. A minimum of one tree must be planted for each 25 feet of street
320 frontage. The trees may be spaced along the frontage or grouped or clustered to enhance
321 the visual quality of the site. (See Design Handbook for examples.) The trees must be a
322 minimum ~~two and one half inch~~ 2.5-inch caliper and be at least 12 feet high at the time
323 of planting. Trees must be planted to ensure survival, using silva cells, bioretention cells
324 or tree wells. The species must be selected from the ~~A~~ list of ~~approved~~ approved street-side trees
325 can be found in the Design Handbook. Trees native to the Northeast, selected for climate
326 change tolerance, are preferred and must be drought and salt tolerant when used along
327 streets. A diversity of tree species (three to five species per every 12 trees) is required to
328 provide greater resiliency to threats from introduced insect pests and diseases. Existing
329 large healthy trees must be preserved if practical and will count toward this requirement.
330 Trees located within the public right-of-way must not exceed 20 feet in height at maturity.

331 [3] Any required plantings that do not survive must be replaced within one year. This
332 requirement does not expire and runs with the land.

333 ~~(e)~~(b) Special situations.

334 ~~[1].~~[a]. Expansions of less than 1,000 square feet to existing uses including single-family
335 or two-family dwellings are exempt from the landscaping standard of this
336 subsection.

337 ~~{2}.[b].~~ Depth Width-of landscape planter strip. In instances where the required minimum
 338 depth width of the landscape planter strip is legally utilized in accordance with
 339 previous permits or approvals, for parking, display, storage, building or necessary
 340 vehicle circulation, the depth width may be narrowed by the Planning Board to the
 341 minimum extent necessary to achieve the objective of the proposed project,
 342 provided that shrubs and perennials are planted along the street frontage to soften
 343 the appearance of the development from the public street.

344 ~~{3}.[c].~~ Additions and changes in use. For additions to existing buildings and changes of
 345 residential structures to a nonresidential use, one street-side tree (see list of street
 346 trees in Design Handbook) is required to be planted for every 1,000 square feet of
 347 additional gross floor area added or converted to nonresidential use. In instances
 348 where parking, display area, storage, building or necessary vehicle circulation
 349 exists ~~at the time of enactment of this section,~~ the required trees may be clustered
 350 and/or relocated away from the road as is necessary to be practicable. The
 351 preservation of existing large trees is encouraged; therefore, the Planning Board
 352 may permit the preservation of existing healthy, large, mature trees within the
 353 landscape planter ing strip or other developed-landscaping areas of the site to be
 354 substituted for the planting of new trees.

355 (c). Outdoor service and storage areas. Service and storage areas must be located to the side or rear
 356 of the building. ~~Facilities for waste storage such as dumpsters must be located within an~~
 357 ~~enclosure and be visually buffered by fencing, landscaping and/or other treatments. (See~~
 358 ~~Design Handbook for examples of appropriate buffering.)~~ All service areas for dumpsters,
 359 compressors, generators and similar items must be screened by a fence at least six feet tall,
 360 constructed of a material similar to surrounding buildings, and must surround the service area
 361 except for the necessary ingress/egress.

362 ~~€(d)~~ Traffic and circulation standards. Sidewalks and roadways must be provided ~~within the site~~ to
 363 internally join abutting properties that are determined by the Planning Board using the criteria
 364 in subsection D.(2).(b). ~~to be compatible.~~ In addition, safe pedestrian route(s) must be provided
 365 to allow pedestrians to move within the site and between the principal customer entrance and
 366 the front lot line where a sidewalk exists or will be provided or where the Planning Board
 367 determines that such a route is needed for adequate pedestrian safety and movement. (See
 368 Design Handbook for appropriate examples.)

369 (e) Open space standards. A minimum of fifteen percent of the total area of a lot must be provided
 370 as o ~~Open space must be provided as a percentage of the total area of the lot,~~ including freshwater
 371 wetlands, water bodies, streams and setbacks. ~~Fifteen percent of each lot must be designated as~~
 372 ~~open space. Required open space must be shown on the plan with a note dedicating it as "open~~
 373 ~~space."~~ The open space must be located to create an attractive environment on the site, minimize
 374 environmental impacts, protect significant natural features or resources on the site and maintain
 375 wildlife habitat. Individual large, healthy trees and areas with mature tree cover should be
 376 included in the open space. Where possible, the open space must be located to allow the creation
 377 of continuous open space networks in conjunction with existing or potential open space on
 378 adjacent properties. The required amount of designated open space is reduced to 10% of each
 379 lot that is less than 40,000 square feet in size.

380 ~~D—[1]~~ In cases where creating or preserving open space to meet the 15% requirement above
 381 is not practicable, the Planning Board may allow the required landscaping in 4.(a) above

382 to count towards meeting the open space requirement provided the proposed landscaped
383 planting strip is expanded beyond the required width and the Planning Board finds that
384 all criteria for open space above has been met to the greatest extent possible.

385 ~~E—The following space standards apply:~~

386 ~~(a)—Minimum land area per dwelling unit when all floors are residential: 20,000 square feet if~~
387 ~~served by on-site sewage disposal; 8,000 square feet if served by the public sewerage system.~~

388 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
389 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
390 ~~50% of the building height is required.)~~

391 ~~(b).—Minimum land area per dwelling unit when the entire first floor is used for nonresidential~~
392 ~~uses: 20,000 square feet if served by on-site sewage disposal; 4,000 square feet if served by the~~
393 ~~public sewerage system.~~

394 ~~(c).—Minimum lot size: none.~~

395 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
396 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
397 ~~50% of the building height is required.)~~

398 ~~(d).—Minimum street frontage: none.~~

399 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
400 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
401 ~~50% of the building height is required.)~~

402 ~~(e).—Minimum front yard: 15 feet.~~

403 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
404 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
405 ~~50% of the building height is required.)~~

406 ~~(f).—Maximum front setback of the principal building: 60 feet.~~

407 ~~(g).—Minimum rear and side yards: 10 feet.~~

408 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
409 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
410 ~~50% of the building height is required.)~~

411 ~~(h).—Maximum building height: 40 feet.~~

412 ~~(NOTE: Except that space standards for single and two-family residential uses are the same as~~
413 ~~for those of the Urban Residential District.)~~

414 ~~(i).—Maximum building and outdoor stored material coverage: none, except that side, rear and~~
415 ~~front yards must be maintained~~

416 ~~(j).—Minimum water body setback for functionally water-dependent uses: zero feet.~~

417 ~~(k).—Minimum setback from streams, water bodies and wetlands: in accordance with Table~~
418 ~~16.5.30, § 16.4.28 and Appendix A, Fee Schedules.~~

419 (5) Cottage cluster requirements:

420 (a) Cottage cluster dwelling units must either face the required common open space or the street.

421 The required open space must be held in common for use by all the cottage cluster residents
422 and must be immediately accessible to each dwelling unit, via either the front or the back of
423 each unit.

424 (b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing between
425 units must comply with the requirements of the Fire Department and/or the State Fire
426 Marshall's office.

427 (c) Shared parking areas must be connected to each dwelling unit via a sidewalk.

428 (6) Affordable housing requirements:

429 (a) All requirements in § 16.5.4 Affordable Housing must be met.

430

431 (b) Density incentives outlined above in subsection D.(1).(a).[2].[d] may be applied to projects that
432 create affordable housing units, as defined by this code. No proportional payment-in-lieu is
433 required if the affordable dwelling unit requirements for the density incentives are met.

434 ~~(4)~~(7) Gasoline Sales

435 (a). Gasoline Sales must not be located within 1,000 feet of an existing station;

436 (b). not be located within 1,000 feet of any private residence; and

437 ~~(a)~~(c). not be located within 150 feet of any existing structure.

438 E. Shoreland Overlay Zone OZ-SL – Business – Local Zone (B-L)

439 (1) Permitted uses.

440 (a) Accessory Buildings, Structures, and Uses

441 (b) Dwellings if located farther than 100 feet from the normal high-water line of any water
442 bodies, or the upland edge of a wetland

443 [1] Dwelling, Attached Single-family

444 [2] Dwelling, Manufactured housing

445 [3] Dwelling, Multi-family

446 [4] Dwelling, Single-family

447 [5] Dwelling, Two-Family

448 ~~(b)~~(c) Recreation, Public Open Space

449 (2) Special exception uses.

450 (a). Art Studio or Gallery

451 (b). Retail Sales, Building Materials & Garden Supply (excluding those of which the principal
452 activity entails outdoor sales and/or storage)

453 (c). Business Services

454 (d). Business & Professional Offices

455 (e). Commercial Fisheries/Maritime Activities (provided only incidental cleaning and cooking of
456 seafood occur at the site)

457 (f). Parking Area

458 (g). Conference Center

459 (h). Retail Sales, Convenience

460 (i). Home Occupation, Major

461 (j). Home Occupation, Minor

462 (k). Mass Transit Station

- 463 (l). Motel
- 464 (m). Hotel
- 465 (n). Inn
- 466 (o). Rooming House
- 467 (p). Personal Services
- 468 (q). Public Assembly Area
- 469 (r). Theater
- 470 (s). Public Utility Facility
- 471 (t). Restaurant
- 472 (u). Retail Sales, but (excluding those of which the principal activity entails outdoor sales and/or
- 473 storage)
- 474 (v). Commercial School
- 475 (w). Public or Private School
- 476 (x). Nursery School
- 477 (y). Day Care Facility
- 478 (z). Elder Care Facility
- 479 (aa). Hospital
- 480 (bb). Nursing Care Facility, Long-term
- 481 (cc). Convalescent Care Facility
- 482 (dd). Public Facility
- 483 (ee). Religious Use
- 484 (ff). Private Assembly
- 485 (gg). Specialty Food and/or Beverage Facility

486 (3) See § 16.4.28 for purpose and standards in the Shoreland Overlay Zone OZ-SL

487 E. Resource Protection Overlay Zone OZ-RP – Business – Local (B-L).

488 (1) Permitted Uses.

489 (a) Recreation, Public Open Space

490 (2) Special Exception Uses.

491 (a) Accessory Uses & Buildings

492 (b) Aquaculture

493 (c) Home Occupations, Major

494 (d) Home Occupations, Minor

495 (e) Public Utility Facilities,

496 (f) Dwelling, Single-Family

497 (3) See § 16.4.29 for purpose and standards in the Resource Protection Overlay Zone RP-SL

**TITLE 16
AFFORDABLE HOUSING
BUSINESS – LOCAL 1 ZONE**

1. AMEND §16.4.18 Business – Local 1 (B-L1) to) to include affordable housing provisions as follows:

1 16.4.18 Business – Local 1 (B-L1)

2 A. Purpose

3 The purpose of the Business – Local 1 B-L1 Zone is to encourage a compact village ~~smart growth/urban~~
4 design pattern that will serve as a focal point for the provision of local sales, urban residences, services
5 and business space. The goal of this section is to create an attractive, functional and vibrant pedestrian-
6 scaled neighborhood supporting a mix of commercial and residential uses. ~~This type of development~~
7 ~~reflects a traditional New England pattern of building, where commercial uses are located on the first~~
8 ~~floor and housing on the upper floors.~~

9 B. Permitted uses

10 The following uses are permitted in the B-L1 Zone:

11 (1) Accessory Dwelling Unit

12 (2) Dwelling, Attached Single-Family

13 (3) Dwelling, Manufactured Housing

14 (4) Dwelling, Multi-Family

15 (a) Development proposing three or four dwelling units are permitted through minor site plan
16 review;

17 (b) Development proposing five or more dwelling units are permitted through major site plan
18 review;

19 (5) Dwelling, Single-Family

20 ~~(6)~~ Dwelling, Two-Family

21 ~~(6)~~~~(7)~~ Dwelling Units as part of a Mixed-Use Building

22 ~~(7)~~~~(8)~~ Convalescent Care Facility

23 ~~(8)~~~~(9)~~ Nursing Care Facility, Long-term

24 ~~(9)~~~~(10)~~ Residential Care Facility

25 ~~(10)~~~~(11)~~ Accessory Buildings, Structures, and Uses

26 ~~(11)~~~~(12)~~ Home Occupation, Major

27 ~~(12)~~~~(13)~~ Home Occupation, Minor

28 ~~(13)~~~~(14)~~ Inn

29 ~~(14)~~~~(15)~~ Day Care Facility

30 ~~(15)~~~~(16)~~ Hospital

31 ~~(16)~~~~(17)~~ Nursery School

32 ~~(17)~~~~(18)~~ Private Assembly

- 33 ~~(18)~~(19) Public Facility
- 34 ~~(19)~~(20) Public or Private School
- 35 ~~(20)~~(21) Religious Use
- 36 ~~(21)~~(22) Recreation, Public Open Space
- 37 ~~(22)~~(23) Commercial School
- 38 ~~(23)~~(24) Art Studio or Gallery
- 39 ~~(24)~~(25) Business & Professional Offices
- 40 ~~(25)~~(26) Business Services
- 41 ~~(26)~~(27) Conference Center
- 42 ~~(27)~~(28) Personal Services
- 43 ~~(28)~~(29) Restaurant
- 44 ~~(29)~~(30) Retail Sales (excluding those of which the principal activity entails outdoor sales and/or storage and excluding those specifically mentioned under Subsection C of this section)
- 45
- 46 ~~(30)~~(31) Retail Sales, Building Materials & Garden Supply (excluding those of which the principal activity entails outdoor sales and/or storage)
- 47
- 48 ~~(31)~~(32) Retail Sales, Convenience
- 49 ~~(32)~~(33) Specialty Food and/or Beverage Facility
- 50 ~~(33)~~(34) Mass Transit Station
- 51 ~~(34)~~(35) Parking Area

52 C. Special exception uses

53 The following uses are permitted as special exception uses in the B-L1 Zone:

- 54 (1) Motel
- 55 (2) Hotel
- 56 (3) Rooming House
- 57 (4) Funeral Home
- 58 (5) Gasoline Service Station
- 59 (6) Public Assembly Area
- 60 (7) Theater
- 61 (8) Public Utility Facility
- 62 (9) Farmers Market
- 63 (10) Mechanical service
- 64 (11) Dwellings, cottage cluster; and
- 65 ~~(10)~~(12) Buildings and structures over 40 feet that conform to the provisions of Title 16.

66 D. Standards

67 All development and the use of land in the B-L1 Zone must meet the following standards. Kittery's
68 Design Handbook illustrates how these standards can be met. In addition, the design and performance
69 standards of Chapter § 16.5, 16.7 and 16.8 must be met.

70

71 (1) The following space and dimensional standards apply:

72 (a) Minimum land area per dwelling unit:

73 [1] When all floors are residential: ~~8,000~~2,500 square feet

74 [2] When less than five dwelling units are proposed with, at minimum, one nonresidential
75 use to be located on the first floor facing State Road or Shapleigh Road such that the use
76 will be visible from the street: 2,500 square feet. Such a nonresidential use or uses need
77 not occupy the entire first floor but must be an independent nonresidential use, e.g., not a
78 home office marketed with a dwelling unit as a work/live unit. ~~When the entire first floor~~
79 ~~is in nonresidential use: 3,500 square feet.~~

80 [3] When five or more dwelling units are proposed with, at minimum, one nonresidential use
81 to be located on the first floor facing State Road or Shapleigh Road such that the use will
82 be visible from the street: 2,000 square feet. Such a nonresidential use or uses need not
83 occupy the entire first floor but must be an independent nonresidential use, e.g., not a
84 home office marketed with a dwelling unit as a work/live unit.

85 ~~[2]~~[4] When 25% or more of the dwelling units will be affordable housing units as
86 defined by this code, the minimum land area per dwelling unit is: 1,500 square feet.

87 (b) Parking:

88 Parking requirements are to be met on-site. If meeting the parking requirements is not
89 possible, the parking demand may be satisfied off-site or through joint-use agreements as
90 specified in 16.4.17.D.(1).(c) - 16.4.17.D.(1).(e) under the B-L Zone. Notwithstanding the
91 off-street parking requirements in 16.7.11.F.(4), minimum parking requirements for the uses
92 below are modified as specified:

93 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:

94 [i] Affordable housing as defined by this code is proposed in which case the parking
95 requirements may be reduced to a minimum of 1/2 spaces per dwelling unit at the
96 Planning Board's discretion; and/or

97 [ii] Housing is proposed within ¼ mile of a public transit stop, in which case the parking
98 requirements may be reduced to a minimum of 1/2 spaces per dwelling unit at the
99 Planning Board's discretion; and/or

100 [iii] Some or all of the proposed dwelling units are one-bedroom or studio type units in
101 which case parking requirements for these types of units are reduced to one parking space
102 for each unit so described.

103 [2] For multifamily dwellings, if more than ten parking spaces are required, up to 20% of
104 the parking may be designated for compact cars. See 16.7.11.F.(4) Off-Street Parking
105 Standards.

106 ~~(b)~~ [3] Electric car charging stations are allowed and encouraged in parking lots but must not
107 interfere with pedestrian movement on sidewalks. ~~Minimum parking spaces per dwelling~~
108 ~~unit: 1.5.~~

109 (c) Minimum lot size: ~~20,000 square feet~~None. (NOTE: Except that all screening, open space,
110 buffering and landscaping requirements must be met or in instances where the Planning
111 Board may approve modifications to such requirements, such modifications must be found
112 satisfactory by the Board.

113 (d) Minimum street frontage per ~~building~~lot: 50 feet.

- 114 (e) Maximum front ~~yard~~setback: ~~30~~20 feet.
115 (NOTE: This area must be designed to promote a pedestrian public space, which includes,
116 but is not limited to, landscaping, sidewalks and sitting areas. The Planning Board may, at its
117 discretion, allow a greater setback when public amenities such as pocket parks, outdoor
118 dining or seating areas are proposed within the front setback. Pocket parks must be at least
119 200 square feet with a minimum of three trees and a bench for sitting required. Park must be
120 vegetated with ground cover except for walkways. Outdoor dining areas must meet any
121 additional requirements specific to that use. ~~Parking and outdoor~~Outdoor storage ~~are~~is
122 prohibited anywhere in the front yard of the structure, except for seasonal sales items.
123 Parking is also prohibited in the front setback except as allowed in subsection (2).(e)
124 below).)
- 125 (f) Minimum rear and side ~~yards~~setbacks: 10 feet.
126 (NOTE: Except as otherwise required by the buffer provisions of this title, and except where
127 the side and/or rear ~~yards~~setbacks abut a residential zone or single-family use; in which case
128 a minimum of 15 feet or 50% of the building height, whichever is greater, is required.)
- 129 (g) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations.
130 Buildings and structures higher than 40 actual feet from the lowest point of grade to the
131 highest point of the building or structure (see Height of Building in 16.3), permitted as a
132 special exception, must have side, rear and front setbacks of sufficient depth to adequately
133 protect the health, safety and welfare of abutting properties, which may not be less than 50%
134 of the actual height of the proposed building.
- 135 (h) ~~Maximum building and outdoor stored material coverage: 50%~~ The maximum impervious
136 surface is:-
137 [1] 70%; or
138 [2] The Planning Board may, at its discretion, allow greater than 70% if:
139 (i) Additional landscaped or natural areas are proposed or preserved and such areas are
140 integrated into the site design in an environmentally conscious way utilizing LID to
141 provide stormwater filtration and/or water quality improvements. Such areas must exceed
142 the requirement that 15% of the lot be landscaped or natural. See (4) Landscaping/Site
143 Improvements. When granting such a concession, the Board must find that the proposed
144 additional landscaping and/or natural areas and the site design provide enough benefit to
145 outweigh the impact of greater impervious surface; or
146 (ii) Affordable housing to be built, rather than a payment-in-lieu, is proposed.
147 ~~(h)~~ Note: If using either option above, the stormwater requirements in (i) below may not
148 be modified.
- 149 (i) Stormwater: All new development must use LID (Low Impact Development) and BMP (Best
150 Management Practices), based on Maine DEP’s Maine Stormwater Best Management
151 Practices Manual Volumes I-III as amended from time to time, to manage 100% of the total
152 stormwater generated on-site. The stormwater report and plan demonstrating that this
153 requirement is met must be included with the application at the time of submission. A request
154 for a modification may be submitted to the Planning Board but it is incumbent on the
155 applicant to prove to the Planning Board’s satisfaction that such a modification is necessary.
156 The Town reserves the right to submit such modification requests for independent
157 engineering review at the applicant’s expense. The Board may also require additional

158 landscaping/plantings and/or LID features when granting such concessions.

159 (j) Minimum area dedicated to landscaped or natural areas: 15%.

160 [1] For the purposes of this zone, a natural area is an area that is not regularly mowed, and
161 contains trees and/or shrubs which may not have been deliberately planted. Invasive plants,
162 as defined by the State of Maine, must be removed.

163 (k) [2] For multifamily dwellings, mixed-use buildings with dwelling units and attached
164 single-family dwellings, in cases where the property cannot meet the 15% requirement due to
165 existing development (including parking areas), and where redevelopment will remain at the
166 same or a lower percentage of the lot, the Planning Board may, at its discretion, allow a
167 smaller percentage of landscaped and/or natural area. In granting this concession, the Board
168 may require more intensive landscape plantings and/or LID-designed features.

169 (k) Hours of operation must be noted on the final site plan and are determined by the
170 Planning Board on a case-by-case basis. All lighting other than designated security lighting
171 must be extinguished outside of noted hours of operation.

172 (l) Minimum ~~water body~~ setback for functionally water-dependent uses: zero feet.

173 (m) Minimum setback from streams, water bodies and wetlands: in accordance with Table
174 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.

175 ~~(m) Gasoline Sales must a) not be located within 1,000 feet of an existing station; (b) not be~~
176 ~~located within 1,000 feet of any private residence; and (c) not be located within 150 feet of~~
177 ~~any existing structure.~~

178 (2) Parking design.

179 (a) Parking must be located ~~on~~ to the side or ~~back~~ rear of the building yard; If all parking cannot
180 be located to the rear or side, the Planning Board may allow limited parking in front of the
181 building but it is incumbent upon the applicant to demonstrate why such a modification
182 request should be granted. In granting this concession, the Board may require more intensive
183 landscape plantings and/or LID-designed features.

184 (b) Shared access between buildings and/or lots must be provided where feasible; and
185 Feasibility criteria include:

186 [1] Fewer curb cuts required;

187 [2] Improved or new pedestrian access between buildings or lots;

188 [3] Improved internal circulation between buildings or lots; and

189 ~~(b)~~ [4] Improved overall site design with shared access.

190 (c) Screening through the use of plantings and/or fencing is required for all new or revised
191 parking abutting public streets and/or single-family uses or residential zones. Such screening
192 does not require that the parking lot and vehicles within it be completely obscured from view,
193 rather the screening must provide visual interest and distraction from the parking area
194 beyond, as well as buffer vehicle headlight trespass. ~~New or revised parking must be~~
195 ~~visually screened through the use of landscaping, earthen berms and/or fencing from adjacent~~
196 ~~public streets or residential properties. (See the Design Handbook for appropriate examples.)~~

197 [1] A landscape plan showing screening and other landscaping requirements prepared by a
198 registered landscape architect is a submission requirement. However, a landscape plan done
199 by other design professionals may be allowed at the Planning Board's discretion.

200 [2] Any required plantings that do not survive must be replaced within one year. This

201 requirement does not expire and runs with the land.

202 [3] Surface parking areas designed for less than five cars must use solid fencing, berms
203 and/or stone walls along the parking lot where it abuts any single-family use or residential
204 zone must be used to prevent vehicle headlights trespass. from shining on any abutting
205 residential property. Incorporating flowering vines and other plantings such as trees and
206 shrubs on next to fences and blank exterior walls is encouraged.

207 [4] Surface parking lots designed for five or more cars that will service multi-family or
208 mixed-use buildings with dwelling units and which abut a street, single-family use or
209 residential zone must provide screening in one of the following ways:

210 i. Any combination of trees, shrubs, tall ornamental grasses or perennial plants in a
211 planting bed at least eight (8) feet wide. Plantings must be sufficient, as determined by
212 the Planning Board, to screen the parking area from the street except for necessary
213 vehicular and pedestrian access. Climate-change tolerant Northeastern native plants are
214 preferred. Planting beds may be mulched but no dyed mulching material may be used.
215 Drip irrigation is recommended.

216 ii. One tree per 25 feet of street frontage within a planting bed at least eight (8) feet
217 wide which will include other plantings such as perennials. Plantings must be sufficient,
218 as determined by the Planning Board, to screen the parking area from the street except
219 for necessary vehicular and pedestrian access. To ensure survival, trees must be planted
220 using silva cells, bioretention cells or tree wells. Trees must be at least 2.5-inch caliper
221 and 12 feet high at the time of planting. Existing large healthy trees must be preserved if
222 practical and will count towards this requirement. Trees proposed within the public
223 right-of-way must remain under 20 feet tall at maturity. Trees native to the Northeast,
224 selected for climate change tolerance, are preferred and must be drought and salt tolerant
225 when used along streets. A diversity of tree species (three to five species per every 12
226 trees) is required to provide greater resiliency to threats from introduced insect pests and
227 diseases. Planting beds may be mulched but no dyed mulching material may be used.
228 Drip irrigation is recommended for plantings proposed to accompany the trees.

229 iii. Fencing, no taller than six (6) feet, of a type that screens rather than blocks a view
230 and made of a material compatible with surrounding buildings. Chain link fences are not
231 allowed unless they have a PVC color coating to blend in with surroundings. Stockade
232 fences may only be allowed to buffer a parking lot along the lot line that abuts a single-
233 family use or residential zone. A planting bed at least six (6) feet wide, including the
234 fence, is required, with a combination of trees, shrubs and perennials located on the
235 proposed development's side of the fence. Climate-change tolerant Northeastern native
236 plants are preferred. Planting beds may be mulched but no dyed mulching material may
237 be used. Drip irrigation is recommended.

238 (d) A minimum of 10% of any surface parking area consisting of 10 or more spaces must be
239 landscaped with trees and vegetated islands. This requirement is in addition to other required
240 landscaping and street tree requirements.

241 (e) In instances where one row of parking spaces and/or a related access drive is located
242 between the front property line and the front wall of the building extending the full width of the
243 lot and was utilized in accordance with previous permits or approvals, for parking, display,
244 storage, building or necessary vehicle circulation, the Planning Board may allow such
245 improvements to remain provided all other parking meets the location requirements and

246 provided that a landscaping plan for the property frontage is reviewed and approved by the
 247 Planning Board.

248 (f) If 20% or more of the proposed development will be affordable dwelling units built rather
 249 than using payment-in-lieu for required units, the Planning Board may, at its discretion, modify
 250 surface parking lot screening and landscaping requirements under subsections (c) and (d).

251 (3) Building design standards

252 Kittery's characteristic buildings reflect its historic seacoast past. The primary architectural styles
 253 are New England Colonial (such as Cape Cod and saltbox), Georgian, Federal and Classical
 254 Revival. New buildings must be compatible with Kittery's characteristic styles in form, scale,
 255 material and color. In general, buildings should be oriented to the street with the front of the
 256 building facing the street from which the building derives its street frontage. Architectural design
 257 and structure location must reinforce the human scale and pedestrian nature of the neighborhood
 258 by using orientation and building massing, exterior building materials, and roofing as set forth
 259 below. The front or street facade must be designed as the front of the building. The front
 260 elevation must contain one or more of the following elements: 1) a "front door," although other
 261 provisions for access to the building may be provided; 2) windows; or 3) display cases. (See
 262 Design Handbook for examples of acceptable materials and designs.) Main entries should be
 263 clearly visible from the street and provide adequate cover from the weather. Strict imitation is
 264 not required. Design techniques can be used to maintain compatibility with characteristic styles
 265 and still leave enough flexibility for architectural variety. To achieve this purpose, the following
 266 design standards apply to new and modified existing building projects:

- 267 (a) Exterior building materials and details. Building materials and details strongly define a
 268 project's architectural style and overall character. (See Design Handbook for examples of
 269 acceptable materials, building scale, and designs.) "One-sided" schemes are prohibited;
 270 similar materials and details must be used on all sides of a building to achieve continuity and
 271 completeness of design. Predominant exterior building materials must be of good quality and
 272 characteristic of Kittery, such as horizontal wood board siding, vertical wood boards, wood
 273 shakes, brick, stone or simulated stone, glass and vinyl, or metal clapboard.
- 274 (b) Roofs. ~~A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated~~
 275 ~~to the Planning Board's satisfaction that this is not practicable. Acceptable roof~~ Roof styles
 276 ~~are such as~~ gabled, gambrel and hipped roofs are preferred. ~~Flat roofs, shed~~ Shed roofs and
 277 roof facades (such as "stuck on" mansards) are not acceptable as prominent roof forms unless
 278 demonstrated to the Planning Board' satisfaction that another design is not practicable, except
 279 ~~as provided above~~. Roof colors must be muted. (See Design Handbook for examples.) Flat
 280 roofs proposed to locate heating, cooling, or other such mechanical or electrical apparatus off
 281 the ground, are acceptable provided that such apparatus are screened from view and the
 282 screening is designed as an integral part of the building to aid both aesthetics and noise
 283 attenuation. Flat roofs proposed for the purpose of solar array installations are also
 284 acceptable. The roof design must screen or camouflage rooftop protrusions to minimize the
 285 visual impact of air conditioning units, air handler units, exhaust vents, transformer boxes
 286 and the like. (See Design Handbook for examples of appropriate treatments.)
- 287 (c) Loading docks and overhead doors. Loading docks and overhead doors must be located on
 288 the side or rear of the building and must be screened from view from adjacent properties in
 289 residential use.

290 (d) Lighting plans, including outdoor lighting fixture designs and photometric plans, must be

291 included at the time of application submission. All lighting fixtures must be cutoff (dark sky
 292 compliant).

293 (4) Landscaping/site improvements.

294 A landscape plan prepared by a registered landscape architect is a submission requirement.

295 However, a landscape plan done by other design professionals may be allowed at the Planning
 296 Board’s discretion. Climate change-tolerant Northeastern native plants are preferred. To achieve
 297 attractive and environmentally sound site design ~~and appropriate screening of parking areas~~, in
 298 addition to the landscaping standards contained in § 16.7-5 ~~and § 16.8~~, the following landscaping
 299 requirements apply to new and modified existing developments:

- 300 (a) Fifteen percent of site area must be landscaped and/or in a natural state as described in
 301 D.(1).(j).[1], unless otherwise provided above;
- 302 (b) Outdoor spaces must be created to reinforce commercial and community activities and
 303 pedestrian-friendly access. Outdoor spaces are encouraged throughout the site ~~with special~~
 304 ~~attention along~~ especially in those areas to the front and sides of buildings when viewed from
 305 the sidewalk and street. Architectural features such as decorative pavers, planters and
 306 ~~benches~~ seating areas, as well as outdoor dining where applicable, are encouraged in the
 307 creation of these spaces;
- 308 (c) The ~~space~~ setback between the ~~roadway~~ street and any buildings must be attractively
 309 landscaped using trees, ~~flowers~~, shrubs, perennials, ornamental grasses, fencing or stone
 310 walls to reinforce the site's unique character and building design and complement the public
 311 use of the space;
- 312 (d) ~~A-Required~~ buffer setbacks that function as buffers between commercial and residential
 313 zones/single-family uses must be ~~established and be~~ landscaped at minimum with a
 314 combination of trees and shrubs in a planting bed at least six (6) feet wide. Planting beds may
 315 be mulched but no dyed mulching material may be used; ~~visually pleasing mixed planting~~
 316 ~~type;~~
- 317 (e) ~~Solid fencing, berms and/or stone walls must be used to prevent headlights from shining on~~
 318 ~~abutting residential property. Incorporating flowering vines and other plantings on fences and~~
 319 ~~blank exterior walls is encouraged;~~
- 320 (f)(e) Provide street trees in a pattern reflecting the existing streetscape. For new buildings, a
 321 minimum of one street tree must be planted for each 25 feet of street frontage. The trees may
 322 be spaced along the frontage or grouped or clustered to enhance the visual quality of the site.
 323 (See Design Handbook for examples.) The trees must be a minimum two-and-one-half-inch
 324 caliper and be at least 12 feet high at the time of planting. ~~The species must be selected from~~
 325 the A list of approved street trees may be found in the Design Handbook. Trees native to the
 326 Northeast, selected for climate change tolerance, are preferred and must be drought and salt
 327 tolerant when used along streets. A diversity of tree species (three to five species per every
 328 12 trees) is required to provide greater resiliency to threats from introduced insect pests and
 329 diseases. Trees located within the public right-of-way must not exceed 20 feet at maturity.
 330 Existing large healthy trees must be preserved if practical and will count toward this
 331 requirement.
- 332 (g)(f) For additions to existing buildings and changes of residential structures to a
 333 nonresidential use, one street-side tree (see list of street trees in Design Handbook) is
 334 required to be planted for every 1,000 square feet of additional gross floor area added or
 335 converted to nonresidential use. In instances where parking, display area, storage, building or

336 necessary vehicle circulation exists at the time of enactment of this section, the required trees
337 may be clustered and/or relocated away from the road as is necessary to be practicable. The
338 preservation of existing large trees is encouraged; therefore, the Planning Board may permit
339 the preservation of existing healthy, large, mature trees within developed areas of the site to
340 be substituted for the planting of new trees;

341 ~~(h)~~(g) Service and storage areas must be located to the rear of the building ~~and be shielded using~~
342 ~~plantings and/or fencing. Facilities for waste storage such as dumpsters must be located~~
343 ~~within an enclosure and be visually buffered by fencing, landscaping and/or other treatments~~
344 ~~(see Design Handbook for examples of appropriate buffering);~~ All service areas for
345 dumpsters, compressors, generators and similar items must be screened by a fence at least six
346 feet tall, constructed of a material similar to surrounding buildings, and must surround the
347 service area except for the necessary ingress/egress.

348 ~~(i)~~(h) No storage may be in front of buildings except seasonal sales items;

349 ~~(j)~~(i) Lighting, including lighting fixture designs and photometric plans, and landscape plans
350 must be provided and approved as a part of final plan; and

351 (j) Lighting along the street must be of a pedestrian scale using a full cutoff fixture in an
352 architectural style fixture appropriate to the neighborhood.

353 (k) Any required plantings that do not survive must be replaced within one year. This
354 requirement does not expire and runs with the land.

355 ~~(k)~~ (l) If 15% or more of the proposed development will be affordable dwelling units,
356 the Planning Board may, at its discretion, modify landscaping requirements under [c], [d] and [e]
357 above.

358 (5) Traffic and circulation standards.

359 Sidewalks and roadways must be provided ~~within the site~~ to internally join abutting properties
360 ~~that are~~ determined by the Planning Board using the criteria in subsection D.(2).(b).to be
361 ~~compatible~~. In addition, safe pedestrian route(s) must be provided to allow pedestrians to move
362 within the site and between the principal customer entrance and the front lot line where a
363 sidewalk exists or will be provided or where the Planning Board determines that such a route is
364 needed for adequate pedestrian safety and movement. (See Design Handbook for appropriate
365 examples.)

366 (6) Cottage cluster requirements:

367 (a) Cottage cluster dwelling units must either face the required common open space or the
368 street. The required open space must be held in common for use by all the cottage cluster
369 residents and must be immediately accessible to each dwelling unit, via either the front or the
370 back of each unit.

371 (b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing
372 between units must comply with the requirements of the Fire Department and/or the State Fire
373 Marshall's office.

374 (c) Shared parking areas must be connected to each dwelling unit via a sidewalk.

375 (7) Affordable housing requirements:

376 (a) All requirements in 16.5.4 Affordable Housing must be met.

377 (b) Density incentives outlined above in subsection D.(1).(a).[4] may be applied to projects
378 that create affordable housing units, as defined by this code. No proportional payment-in-lieu is

379 required if the affordable dwelling unit requirements for the density incentives are met.

380 (8) Gasoline Sales must a) not be located within 1,000 feet of an existing station; (b) not be located
381 within 1,000 feet of any private residence; and (c) not be located within 150 feet of any existing
382 structure.

383 E. Shoreland Overlay Zone OZ-SL – Business Local Zone (B-L1)

384 (1) Permitted uses

- 385 (a) Accessory Uses & Building
- 386 (b) Aquaculture
- 387 (c) Recreation, Public Open Space

388 (2) Special exception uses

- 389 (a) Art Studio or Gallery
- 390 (b) Business & Professional Offices
- 391 (c) Business Services
- 392 (d) Retail Sales, Building Materials & Garden Supply (excluding those of which the principal
- 393 activity entails outdoor sales and/or storage)
- 394 (e) Conference Center
- 395 (f) Retail Sales, Convenience
- 396 (g) Commercial Fisheries/Maritime Activities (provided only incidental cleaning and cooking of
- 397 seafood occur at the site)
- 398 (h) Parking Area
- 399 (i) Dwelling, Manufactured Housing
- 400 (j) Dwelling, Single-Family
- 401 (k) Dwelling, Two-Family
- 402 (l) Farmers market
- 403 (m) Funeral Home
- 404 (n) Home Occupation, Major
- 405 (o) Home Occupation, Minor
- 406 (p) Inn
- 407 (q) Mass Transit Station
- 408 (r) Motel
- 409 (s) Hotel
- 410 (t) Inn
- 411 (u) Rooming House
- 412 (v) Personal Service
- 413 (w) Public Assembly Area
- 414 (x) Theater
- 415 (y) Public Utility Facility
- 416 (z) Restaurant
- 417 (aa) Retail Sales (excluding those of which the principal activity entails outdoor sales and/or
- 418 storage)
- 419 (bb) Specialty Food and/or Beverage Facility

420 (3) See § 16.4.28 for purpose and standards in the Shoreland Overlay Zone OZ-SL

421 F. Resource Protection Overlay Zone OZ-RP – Business – Local Zone (B-L1)

- 422 (1) Permitted Uses
- 423 (a) Recreation, Public Open Space
- 424 (2) Special Exception Uses
- 425 (a) Accessory Uses & Buildings
- 426 (b) Home Occupations, Major
- 427 (c) Home Occupations, Minor
- 428 (d) Public Utility Facility
- 429 (e) Dwelling, Single-Family, including modular homes
- 430 (3) See § 16.4.29 for purpose and standards in the Resource Protection Overlay Zone OZ-RP

**KITTERY TOWN CODE –
TITLE 16
AFFORDABLE HOUSING**

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

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

10 **WHEREAS**, the Town of Kittery desires to promote and retain a diverse community of residents
11 who provide essential services to the Town, cultural enrichment, a variety of ages and
12 backgrounds, or who currently live in Kittery on modest means; and

13 **WHEREAS**, the Town of Kittery recognizes that municipal support provided through a
14 combination of policy, ordinances, and funds is needed for the creation, rehabilitation, and
15 retention of affordable housing units in Kittery; and

16 **WHEREAS**, the Town of Kittery seeks to remove barriers and incentivize the creation,
17 rehabilitation, and retention of affordable housing units through its zoning code;

18 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
19 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO TOWN
20 CODE, TITLE 16, LAND USE and DEVELOPMENT CODE, BUSINESS LOCAL AND
21 BUSINESS LOCAL-1 ZONES, AS PRESENTED.

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

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

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

Affordable Housing BL, BL-1 Zone - Workshop Questions

1. Are the primary goals of these amendments to create affordable housing?

- Yes, the amendments are developed to create affordable housing.
- Housing prices, whether they be purchase price or rental are skyrocketing due to high demand and low supply.
- Affordable housing means both income-restricted (aka: “big A Affordable”) and affordable as a result of natural market conditions such as sufficient supply, variety of unit sizes (studio, 1/2/3 bedrooms), and variety of types (rental, condo, multi-family, single family).
- “Big A Affordable” is defined in Title 16 as up to 80% of area median income, which is currently in the mid-\$80,000 per year for a family of four. The area median income is updated annually.
- The proposed amendments reduce the barriers to creating more housing in these zones which will add supply, and also require big “A” Affordable housing via income-restricted units or payment in lieu.

2. Can we increase the payment in lieu fee?

- Yes. The Housing Committee recommended that rate, knowing it may be low. The concern was setting it too high deterring housing projects that add both supply and affordable units.
- The payment in lieu fee was made an “Appendix A” component specifically to ensure Council could amend it relatively quickly as needed or desired.

OPTION A: Increase the Payment in Lieu fee to \$75,000 per unit; and/or

OPTION B: Allow no more than 50% of the units to be achieved through Payment in Lieu

3. If both zones were developed to their greatest density, how many units would result?

- Determining how many units is not possible within the scope of the staff resources. As part of the JLUS grant, the Town conducted a build-out exercise of a parcel along the Route 1 – Mall corridor and at the Water District. The Town also conducted a build-out exercise of the Walker Street Fire Station, through a Workforce Housing Coalition of Greater Seacoast charrette. These were done by consultants and volunteers in the architectural/developer/construction/financing industries, not staff. See Workforce Housing Coalition of Greater Seacoast report, and Urban Land Institute Technical Assistance Panel report.
- Each parcel has constraints specific to its own shape, topography, and site conditions. These constraints always reduce the developable acreage and therefore the size of the structure that can be placed on the parcel.
- To understand what **net density** will be on a particular site take the gross acreage and then subtract out:
 - Front, side, rear setbacks
 - Wetland setbacks
 - Buffering, landscape and parking requirements
 - Road access location and traffic egress routes

- Lot coverage limitations (aka: impervious surface limitations)
 - Required site improvements
-

4. How can we be sure that the residential wouldn't out compete and so exclude commercial as has happened in parts of Portsmouth?

- We cannot guarantee exactly what a property owner will chose to do with their private property; planning is a guiding mechanism that describes what can happen and what is desired to happen.
- Housing of all types are already allowed in the BL and BL-1 zones; yet only one project with housing has occurred in the past 8 years.
- The existing zoning density for housing, if served by public sewer is:
 - BL: 8,000 sqft, 4,000 sqft if entire first floor is non-residential
 - BL-1: 8,000 sqft, 3,500 sqft if entire first floor is non-residential.
- The proposed zoning makes housing more viable by increasing the density allowed, incentivizing mixed use, and further incentivizing affordable unit generation beyond the required 10%.
- The proposed zoning density for housing, if served by public sewer is:
 - BL: 3,000 sqft; 2,500 sqft if 5+ units and minimum of one nonresidential use on the first floor facing State Road or Route 1 Bypass, 2,000 sqft if 25% of units are affordable
 - BL-1: 2,500 sqft; 2,000 sqft if 5+ units and minimum of one nonresidential use on the first floor facing Shapleigh Road, State Road or Route 1, 1,500 sqft if 25% of units are affordable
- The Housing Committee spent a great deal of time discussing the impacts of commercial space requirements on affordable housing projects. Requiring commercial space as part of an affordable housing project adds barriers to the project including:
 - Commercial portion is ineligible for certain types of financing, and tax credits used in affordable housing developments.
 - If the entire first floor was required to be commercial, then an elevator could be required to meet ADA standards for affordable housing financing, which drives up the costs which in turn makes a project less financially viable for affordable housing.

OPTION: Require a portion of the first floor be commercial on State Road and Route 1 Bypass

5. What would State and Post Roads look like with 40' buildings with minimal setbacks on both sides of the road?

- See attached images.
-

6. Review what is proposed for Mixed Use Building that proposes 5 or more units of housing and at least one commercial unit on first floor.

- Proposed for BL, if served by public sewer: 2,500 sqft per unit with 10% of units restricted affordable or payment in lieu; ~ 17 units per **gross acre**.
- Proposed for BL-1, if served by public sewer: 2,000 sqft unit if 25% of units are restricted affordable or payment in lieu; ~ 22 units per **gross acre**

- See Q3 for an understanding of how gross acreage is reduced to actual developable land by parcel (net acreage).
-

7. How would it look if both sides of the road had forty-foot structures? Is there a way to require top level to be tiered to create more open-air space or require a ten-foot setback for the forty-foot structures?

- See attached images.
- Existing code: Minimum 15 ft front yard setback.
- Proposed code: Maximum 20 ft front yard setback.
- Both the tiered top floor and a minimum setback are possible, both would produce different outcomes.
- Requiring the top level to be tiered would impact space efficiency of building layout, may not feel “open air” as desired for the pedestrian on the street level, and reduces opportunities for roof mounted solar.
- The purpose for little to no front yard setback is to obtain that street activation that notably enjoyed in areas like the Foreside.

OPTION A: Amend front yard setback to have a minimum 15 feet; and/or

OPTION B: Increase the maximum setback to 40 feet

8. The “new” building on the corner of Love Lane and State Road has a scale and design that works with the setting. Something two or three times larger with greatly reduced setback seems like it would be out of scale for Kittery?

- There appears to be confusion between density and lot coverage. Density says how much you can put into the structure, lot coverage says how big of a structure, given all other constraints being met (setbacks, parking, landscaping, etc.) can be built. They are not synonymous.
 - Existing code and proposed amendments do not change height limitations. Maximum is 40 feet excluding solar panels.
 - Using the building noted above as an example, the building size would not change. However, rather than five luxury oversized condos it could have more than five units, modestly sized, thereby adding to the supply of housing, and the variability of housing types.
-

9. Why not create a new zone for the Kittery Point BL-1? Without sewer it cannot take advantage of the increased density. Even if it were sewered would we want that density there? Would creating a new zone BL-KP better protect the areas combination of working waterfront and residential?

- The Pepperrell Cove and Lewis Square areas of Kittery Point are designated BL, presumably, because it resembles the other areas of Town included in BL in terms of mix and characteristics of existing buildings and uses.
- The densities proposed in the BL amendment would not apply to Kittery Point due to a lack of sewer. Sewer would be very expensive for a private developer to achieve due to underground conditions, shoreland regulations, and water crossing requirements. The Town does not have plans to extend sewer to Kittery Point.

- The Planning Board has set a goal of limiting the number of unique zones in Kittery; this would add a new unique zone.
 - Adding a new unique zone is certainly possible, but a significantly larger scope of work than planned for with implementation of the Affordable Housing effort. It would likely take two years to complete the neighborhood planning effort involved in this.
-

10. Please address the build out scenario raised for the parcel on State Road?

- The example provided in the letter sent to the Council and included in public comment is a thought experiment that ignores any site or zoning code constraints.
 - When these constraints are incorporated into the letter writer's imagined redevelopment of that site, the acreage subject to the density calculation shrinks to approximately 48,000 square feet due to the presence of wetlands.
 - The site will also be limited by building height restrictions, open space and landscaping, and driveways and parking spaces that would constrain the size of any new building and thus reduce the net density further.
 - Please see Q3 for more information about gross acreage vs. net.
-

11. How will the market likely respond to these changes and what will it mean for the character of the area and our community?

- To date the market has not enthusiastically responded to current zoning.
 - One new project has occurred on State Road, and one is in the permitting stage and includes no residential. No projects are in the permitting stage for the Route 1 Bypass.
 - The Town conducted a Foreside Land Use, Parking and Transportation Study. In that study (completed December 2017) the study concluded that the pedestrian scale of the Foreside is desired up the length of Gourmet Alley.
 - If the zoning as currently in place is not producing the results desired, given the strong economy of the past eight years, it can be considered a signal that the requirements are not conducive to achieving the desired results; change in the zoning is needed.
 - The zoning was designed to accomplish the Foreside feel along State Road (aka: Gourmet Alley)
-

12. How do the amendments link to our Comprehensive Plan?

- The proposed amendments link to the following:
 - Comprehensive Plan:
 1. Housing: create housing that is affordable to younger, single-person, and family households; create housing that is affordable to seniors and accessible to amenities;
 2. Primary Economic Development Areas: Route 1 Bypass, Gourmet Alley
 - Foreside Land Use, Parking, and Transportation Study: extend the pedestrian scale of the Foreside up Gourmet Alley
 - Joint Land Use Study: Provide more housing for area workers to reduce traffic congestion and reliance on single occupancy vehicles (SOVs) to the PNSY.

13. The bulk, if not all, of the increased housing stock allowed by the ordinance will not be capital “A” affordable. Can staff make the case, given the relatively small payment in lieu fee, that there will be a significant amount of “Affordable” housing created? I’d suggest renaming this ordinance if not

- The Town cannot expect to address the challenge a housing shortage creates relative to affordability without addressing both the supply of housing and the requirement for income restricted housing (aka: “big A affordable”).
- Supply, and more importantly supply that is not all large single-family homes on large lots, is a necessary component of making housing generally more affordable in Kittery.

14. If the money from the payment in lieu fund is to be used, will Kittery need to buy land for Affordable housing? And will the Town be the entity that hires contractors to build it? Or as suggested a the last PB meeting, might the money go to other projects that may help existing homeowners but not directly increase Affordable housing?

- There are a lot of factors that go into generating big “A” Affordable housing. They include acquisition costs, construction costs, zoning and density, tax-incentivized financing and tax credits, site constraints, etc.
- The State of Maine has \$20M in tax credits for Affordable housing each year, and typically only funds 4 or 5 projects state wide.
- Payment in lieu funds can be used to add supply and assist those struggling to stay in their homes through:
 - Grants or revolving low/no interest loans to Affordable housing developers; funds can be used to offset acquisition costs, projects costs, and add valuable points to the Maine Housing tax credit scoring sheet.
 - Fund smaller rehabs and renovations that help those who would qualify for big A affordable, are currently housed, but are struggling to stay in their homes.
 - Fund Accessory Dwelling Units development, which is being piloted this summer using ARPA seed funding.

15. How was the scale of the density increase arrived at by the Housing Committee and Staff?

- The Housing Committee began as an ad hoc effort. It started with a presentation by housing experts at the KCC, then launched into the Workforce Housing Coalition of Greater Seacoast charrette effort.
- Following that, the Housing Committee gathered information from:
 - Maine Housing
 - Community Housing of Maine (a non-profit affordable housing developer)
 - Other communities and state agencies in New England with affordable housing initiatives
 - Local banks who fund housing projects
 - AVESTA Housing (a non-profit affordable housing developer)
- Conversations with affordable housing developers indicated a minimum density of 16 units per acre to achieve economically viable projects, or about 2,700 sqft per unit in Kittery’s code language.
- Staff and the committee tweaked that figure to arrive at more tailored standards for Kittery.

- In addition to the research, the Housing Committee includes broad representation from those in the housing and affordable housing space including representatives from a local housing advocacy group, an architect, a former housing developer, Planning Board members (past and current), and Councilors (past and current)
 - All of this information and expertise was synthesized, discussed at length, and used to develop the Affordable Housing zoning ordinance adopted in 2020.
 - The proposed amendments for the BL and BL-1 zones were developed in the Housing Committee, then reviewed and amended by the Kittery Land Issues Committee (with representation from the Planning Board, Council, Conservation Commission, Parks Commission, Economic Development Committee, Kittery Land Trust, and citizens)
-

16. Would you explain why we need so much more housing in our business zones?

- Kittery generally needs more housing to ebb the tide of gentrification, keep up with the demand, to ensure socio-economic diversity, to support local businesses employee and customer needs, to be a place where multiple generations can live.
 - The zones being focused on for increased housing offer the following:
 - Already built out, does not require new lots be developed
 - Already have infrastructure such as roads and utilities to support them
 - Access to hubs of services and amenities and employment
 - Support of and access to multi-modal transportation options (reducing GHG from single-occupancy car use)
-

17. Neither the Land Use Committee nor the Planning Board has been given an example of how many units of housing a particular lot or group of lots might yield. There are many lots that appear that they could support a large number of units. Example: J&J Villas (2 lots/5ac+ in total) is adjacent to the Lions Club (2 ac). Both appear to have no impediments to development. If both were purchased, how many units could be created under the currently proposed rules? How many units could the 15-acre Water District land yield?

- Please see Q3.
 - The Water District site is 7 acres and adjacent to wetlands that require a 100-foot setback. The net density allowed would yield fewer units than simply applying the density to the entire parcel's area.
-

18. How will this ordinance affect the value of properties in the Business zones? Do you anticipate an increase to the property tax in the zones, given the opportunity to create far more units of housing than currently allowed?

- The property value generally will not change unless the property has a site plan approval from the Planning Board or is under construction.
- Municipal finance is such that increases in property values do not generate "more taxes". Property values determine how much of the municipal and school budgets each property is responsible for. More value drives down the mil rate.

- Development along these roads would result in one time revenue from permit fees, and may increase sewer revenue with additional units.

19. Given Shipyard traffic in the area, was traffic increase a consideration when deciding the appropriate level of density?

- The Joint Land Use Study and Implementation Report concluded that a significant amount of the PNSY traffic is due to employees not having affordable housing options in the immediate area. This causes them to have to drive in from Rochester, Sanford, etc.
- An increase in local housing that has a mix of types and price ranges, and located in a manner that makes the PNSY accessible through non-SOV (single occupancy vehicles) or transit (e.g., COAST bus or shuttle bus), or active transit (walking, biking) would actually **reduce peak shipyard traffic** and GHG emissions in Kittery.

20. What if we made 100% of units required to be affordable?

- That is possible, though it will likely prove an insurmountable barrier to all but two possible project types:
 - Town funded
 - Projects with significant grant funds to offset the high costs of acquisition and construction.

OPTION A: Allow higher density only if 100% of units are affordable (see 100% Affordable Option)

Please visit www.kitteryme.gov/affordable-housing-reports for quick access to the source materials for this effort including:

- 10 Year Comprehensive Plan 2015 – 2025 – Executive Summary
- Foreside Land Use, Parking and Transportation Study
- Workforce Housing Coalition of Greater Seacoast - Workforce Housing Charrette Walker Street Fire Station
- Joint Land Use Study – Executive Summary
- Joint Land Use Implementation Report
- Urban Land Institute – Technical Assistance Panel Report - Kittery and Berwick
- Kittery Inclusionary/Workforce Housing Initiative







Figure 46 – Proposed Conditions Meeting Code: Route 1 Opportunity Site Across from York Hospital Site



Figure 49 – Proposed Infill Development on Government Street Not Meeting Zoning by Exceeding 1,500 SF (4,000 SF shown)



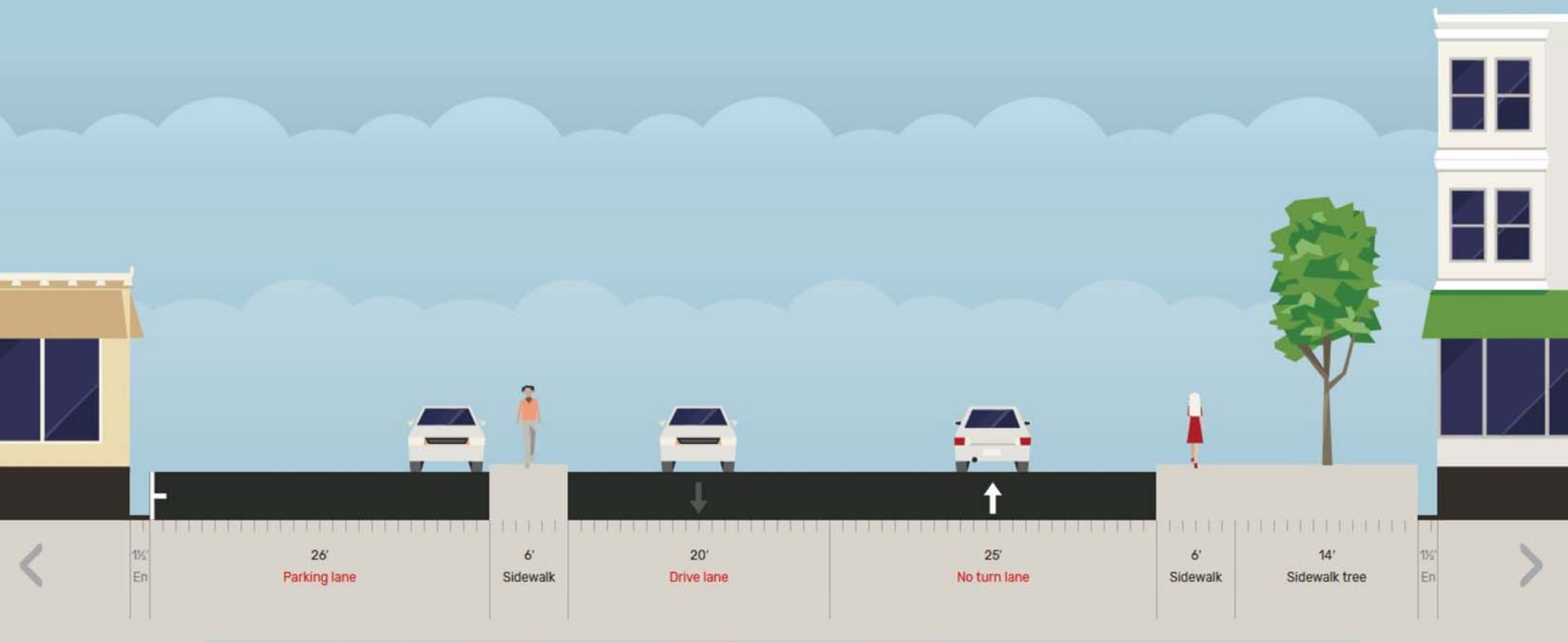
People-Oriented Street
vs.
Auto-Oriented Street



www.strongtowns.org/slowthecars

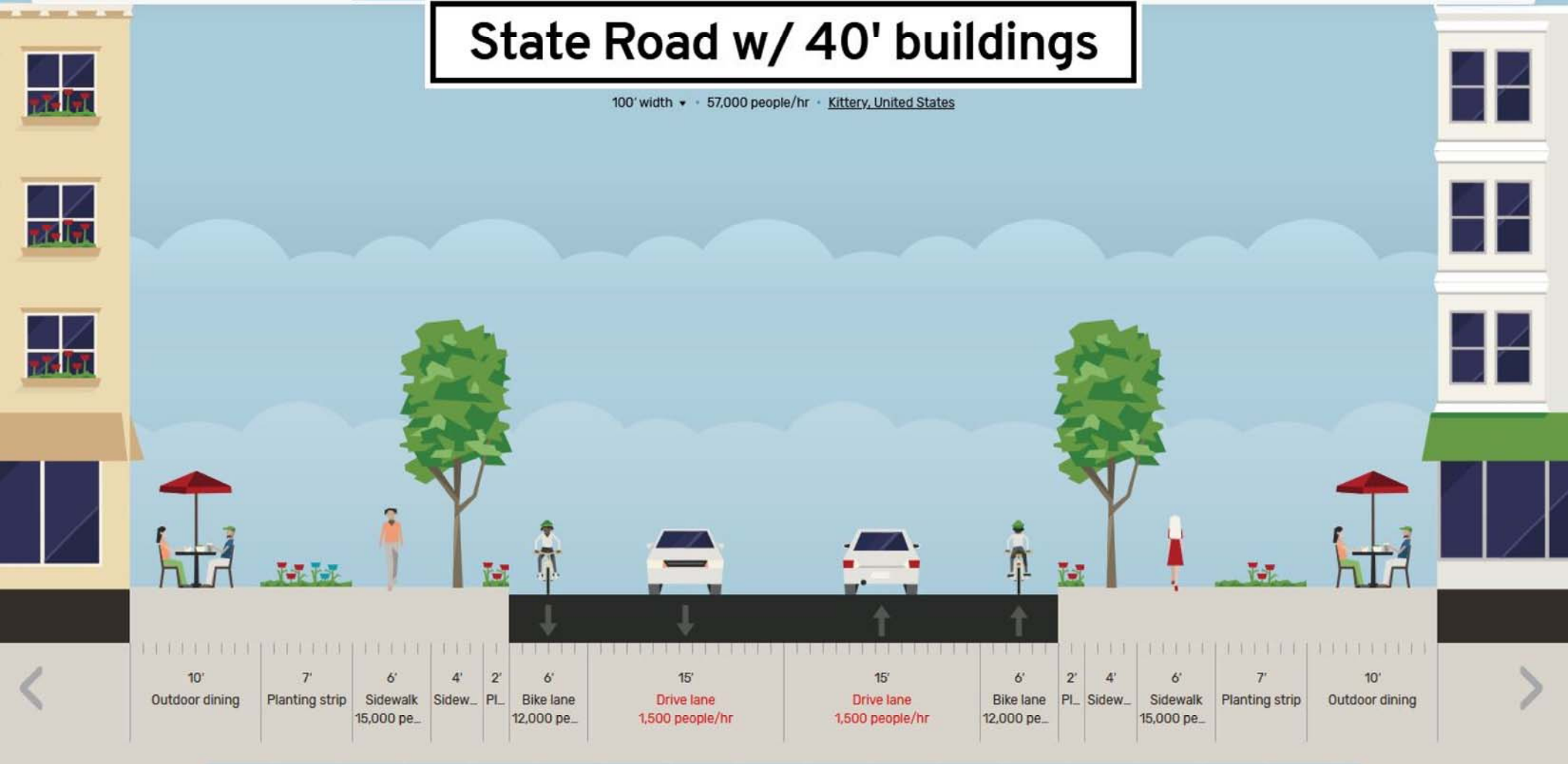
State Road

100' width (3' room) ▾ · [Kittery, United States](#)



State Road w/ 40' buildings

100' width · 57,000 people/hr · Kittery, United States





No setbacks
Less than 40' heights



Dexter, Maine. Main Street showing Gerry Block.

TITLE 16
AFFORDABLE HOUSING
100% AFFORDABLE ONLY OPTION
BL & BL-1 ZONES

1. Business Local (B-L) replace lines 67 through 90:

A. Standards.

All development and the use of land in the B-L Zone must meet the following standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the design and performance standards of Chapters §16.5, §16.7 and §16.8 must be met.

(1) The following space and dimensional standards apply:

(a) Minimum land area per dwelling unit:

[1] If served by on-site sewage disposal: 20,000 square feet;

[2] If served by the public sewerage system and:

[a] All floors are residential: 8,000 3,000 square feet; or

[b] The entire first floor is a nonresidential use or uses: 4,000 square feet; or

[c] 100% of the dwelling units will be affordable housing units as defined by this code: 2,000 square feet.

[d] ~~When less than five dwelling units are proposed with, at minimum, one nonresidential use to be located on the first floor facing State Road or Route 1 Bypass such that the use will be visible from the street: 3,000 square feet. Such a nonresidential use or uses need not occupy the entire first floor but must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a work/live unit.~~

[e] ~~When five or more dwelling units are proposed with, at minimum, one nonresidential use to be located on the first floor facing State Road or Route 1 Bypass such that the use will be visible from the street: 2,500 square feet. Such a nonresidential use or uses need not occupy the entire first floor but must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a work/live unit; or~~

[f] ~~25% or more of the dwelling units will be affordable housing units as defined by this code: 2,000 square feet.~~

Note: Except as otherwise required by the buffer provisions of this title.

2. Business Local 1 (B-L1) replace lines 71 through 86:

B. Standards

All development and the use of land in the B-L1 Zone must meet the following standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the design and performance standards of [Chapter § 16.5, 16.7 and 16.8](#) must be met.

(1) The following space and dimensional standards apply:

(a) Minimum land area per dwelling unit:

[1] When all floors are residential: ~~8,000~~2,500 ~~8,000~~ square feet; or

[2] When the entire first floor is in nonresidential use: 3,500 square feet; or

~~[2]~~[3] When 100% of the dwelling units will be affordable housing units as defined by this code, the minimum land area per dwelling unit is: 1,500 square feet.

[4] ~~When less than five dwelling units are proposed with, at minimum, one nonresidential use to be located on the first floor facing State Road or Shapleigh Road such that the use will be visible from the street: 2,500 square feet. Such a nonresidential use or uses need not occupy the entire first floor but must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a work/live unit. When the entire first floor is in nonresidential use: 3,500 square feet.~~

[5] ~~When five or more dwelling units are proposed with, at minimum, one nonresidential use to be located on the first floor facing State Road or Shapleigh Road such that the use will be visible from the street: 2,000 square feet. Such a nonresidential use or uses need not occupy the entire first floor but must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a work/live unit.~~

~~[3]~~[6] When 25% or more of the dwelling units will be affordable housing units as defined by this code, the minimum land area per dwelling unit is: 1,500 square feet.

TOWN OF KITTERY, MAINE



**TOWN BUDGET
FISCAL YEAR 2023**

GENERAL AND ENTERPRISE FUNDS

JULY 1, 2022 TO JUNE 30, 2023

TOWN COUNCIL

Judith Spiller, Chair
George V. Dow IV, Vice-Chair
Cyrus Clark
Mary Gibbons Stevens
Cameron Hamm
Colin McGuire
Jeffrey Pelletier

Town Manager

Kendra Amaral

Assistant Town Manager/Finance Director

Patricia Moore

SUBMITTED MAY 9, 2022

200 Rogers Road
Kittery, ME 03094

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TOWN MANAGER'S BUDGET MESSAGE

The Town of Kittery is emerging from pandemic operations, after two long years, to a new “normal” that is both similar and changed from pre-pandemic times. The new normal requires the town plan for the challenges of rapid inflation and tight labor markets, the increased demand for programs and community activities, and the changes in how people consume local government services via technology and communications.

The enclosed Fiscal Year 2023 (FY23) Operating and Enterprise Fund budgets represent the culmination of the Town of Kittery's conservative approach to financial management and the focus on implementing the town's vision, goals, and objectives as expressed through the Comprehensive Plan, Council Annual Goals, and community priorities.

This budget, though divided by department and function, represents the collective spending plan for the delivery of core municipal services.

The budget was developed with the assistance and input of our talented team of department heads. The spending plan relies on their expertise and problem-solving skills in delivering local services in the most responsive and cost-effective way possible. The Town utilizes a zero-based budgeting approach, meaning each service is reviewed for its alignment with community plans and goals, and reflects the true cost of providing a broad portfolio of services in today's market.

The prior year's spending plan focused on transitioning out of the pandemic, focusing on outdoor spaces, parks, and roads, establishing a new full-time firefighter force to augment the call-firefighter service, and to implement the Rice Public Library expansion and renovation project via new debt.

The FY23 spending plan is primarily driven by implementing collective bargaining agreements that reflect negotiated wages and benefits for town employees, addressing rapid inflation in the cost of the goods and services needed to provide municipal services, adding resources to expand communications, providing funding for expanded planning efforts around neighborhood level master plans, and activating the newly renovated and expanded Rice Public Library with content and programs. An add-on option is also being presented to add more full-time firefighters if the town is unsuccessful in its SAFER grant application.

We entered the prior year hopeful for a return to normal. The COVID-19 vaccine was readily available, and the rate of COVID-related hospitalizations and deaths were declining. As it turned out, the hope was premature at best. By August of 2021, mask requirements were back in place, restrictions on indoor gatherings and activities were necessary, and the impacts of supply and labor shortages were being felt at a local level.

Despite the uncertainty of the prior year, Kittery's financial position continues to remain strong. Conservative revenue projections and spending practices shield the Town from deficit

spending and service disruptions. The Town has met its unassigned fund balance policy with approximately \$8.13M in the fund balance, or approximately 2.77 months of combined school and town annual operating costs. The policy requires 2.5 months of combined operating costs. Based on the proposed budgets for school and town for FY23, the town is on track to meet policy requirements for the coming year as well.

Kittery's population grew slightly in the past year. The 2020 Census indicates a population of 10,070 residents, up from the 2020 projection of 9,819. Kittery's peak population was recorded at 11,028 in 1970 census.

The Maine Department of Labor indicates unemployment in York County is 4%, a reduction of 1.8% over the prior year; while the US Bureau of Labor Statistics is showing unemployment for the region is at 2.4%. Both of these rates are below what is considered a "natural rate of unemployment". Labor shortages have become ubiquitous across all labor sectors. To retain and compete for full-time and seasonal employees, the town has implemented wage adjustments, department reorganizations, and cost-of-living increases to reflect the current labor market pressure.

Kittery continues to lose ground on its housing affordability index. Median list prices for homes for sale are up \$30,000 over the prior year, with the median home price as of March 2022 coming in at \$459,000. High demand and low supply are driving up prices, and driving out younger people and families looking to move to and/or stay in Kittery. The impacts of unaffordable housing are wide reaching and include viability of local businesses and employers, increased greenhouse gas emissions from employees commuting to Kittery, and a lack of economic and social diversity in town; just to name a few.

Our customers' demands to experience their interaction with local government in ways similar to their experiences with private sector companies is steadily growing. Engaging citizens in initiatives, goal setting, planning, and even meetings have shifted to a heavy reliance on technology, social media, online surveys, and interactive feedback technology that is near-instantaneous. The Town has been working to catch up over the past five years, increasing its use of technology to conduct town business such as obtaining permits, passes, and licenses. The Town has also steadily expanded its use of digital communication tools; but more is needed to meet demand, including thoughtful curation of how information is presented, and doing more to align with the near-instant turnaround expected on communication.

In addition to the above noted challenges and opportunities for the coming year, the Town Council adopted FY23 budget and annual goals. The budget goals were simply put and recognize the transitional nature of our nation, region, and town.

Adopt a budget that is progressive, responsible, responsive to community expectations and needs.

The Town Manager has annual goals that are also factored into the development of the budget and considered in the review of requests and needs articulated by each department.

The 2022 annual goals include:

- Develop strategies to attract a diverse candidate pool for town positions, boards, commissions, and committees;
- Increase Town's presence on social media platforms;
- Implement tech-based interactive resident request system (SeeClickFix);
- Launch Police Citizens Academy and expand to other areas as appropriate;
- Implement short-term recommendations from Bike/Ped Master Plan;
- Launch five-year strategic planning effort for Library;
- Advance the integration of general assistance with our local social service agencies; and
- Working with partners, develop a plan to reestablish a preschool/daycare program at the KCC.

The FY23 budget has been developed to support work on these goals in a cost-conscious manner, to continue work on existing long-term plans, and to properly support on-going operations. Specifically, the FY23 budget includes funding for:

- Recently completed collective bargaining agreements inclusive of market-based wage adjustments and department reorganizations;
- A new Communications Director position to expand the Town's engagement on multiple platforms, media and technologies;
- Neighborhood planning efforts to fine tune zoning;
- Ongoing work on climate adaptation efforts; and
- Reopening of the newly renovated and expanded Rice Library;

BUDGET SUMMARY

The proposed FY23 budget, inclusive of municipal operations and capital spending is increasing \$714,399 or approximately 4.47% over the prior fiscal year. Approximately \$235,560 is offset by non-property tax revenue, resulting in a projected tax levy increase of 4.49% for the municipal operations and capital spending proposed for FY23. An add-on budget option of adding four additional full-time firefighters would result in an additional \$375,000 in expenses; if the Council chooses to move forward with it.

Historic trending still has limited reliability in projecting what may be in store for the coming year. The pandemic has resulted in two years of anomalies in the trending data; making the future difficult to predict for the purpose of forecasting revenue and costs.

The majority of the cost increases are associated with inflationary pressure on wages, benefits, supplies, materials, and vendor prices. In addition to market pressure, there are other contributing factors impacting the FY23 budget including:

- \$275,000 in additional State Revenue Sharing projections;
- \$175,000 reduction in revenue, from the one-time allocation of ARPA funds;
- \$93,000 in cost increases for employee benefits;

- \$50,000 in professional services for neighborhood planning and design guideline updates;
- \$110,000 for on-going annual wages and retirement benefits for new Police Officer added in prior year through a year-end transfer;
- \$78,682 for wages and retirement benefits for a new Communications Director;
- \$31,247 in Library program and materials costs with reopening of facility;

This budget seeks to ensure the Town is offering competitive wages and benefits, keeping up with inflationary pressure, and responding to the taxpayers' growing demands for more service.

I wish to thank our Department Heads for their assistance and efforts in developing this budget proposal. The town is fortunate to have a dedicated, creative, resourceful, and forward-focused leadership team.

Sincerely,

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

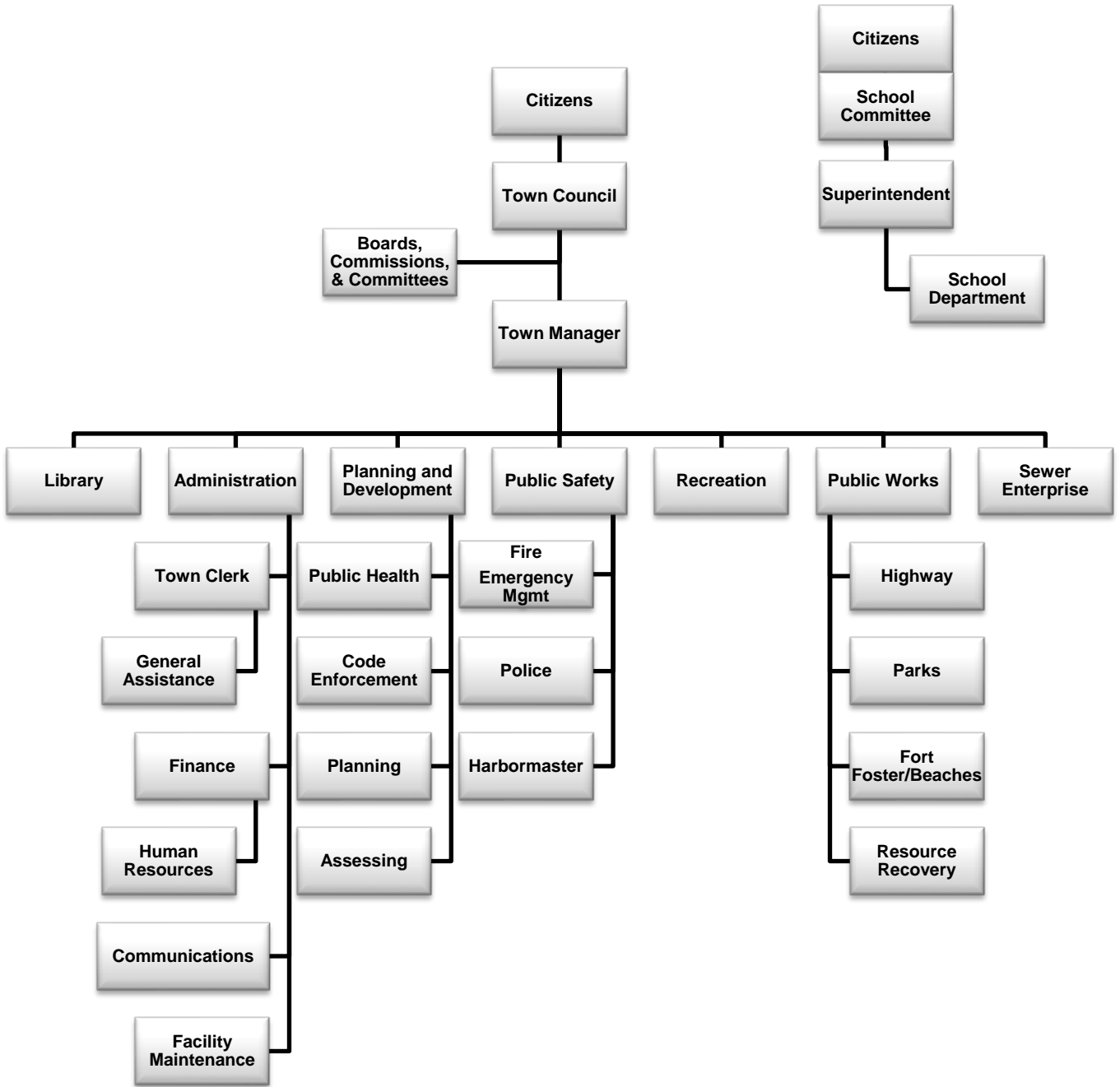
Kendra Amaral
Town Manager

Section I Overview



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TOWN ORGANIZATION CHART



BUDGET CALENDAR

The annual budget document is a numerical reflection of the Town of Kittery's values, priorities and goals. It serves as a policy document and is used throughout the year as a guide to decision-making and implementation of these priorities and goals. The budget preparation and approval represent a critical process that involves many months of coordination, consideration and compromise as all involved work together to best allocate financial resources, while being mindful and respectful of the tax burden on Kittery Citizens.

BUDGET CALENDAR

NOVEMBER

Capital Investment requests due to Town Manager

DECEMBER

Capital Investment requests reviewed by the Capital Investment Committee

JANUARY

Operating Budget forms provided to Department Heads
Town Manager and Superintendent meet to discuss overall financial picture

FEBRUARY

Municipal revenue estimates, salary projections and budget requests due to the Town Manager
Capital Improvement Plan updated and presented to Town Council

MARCH

Town Manager and Department Heads meet to discuss budget requests
School Committee Votes on School Budget and provides to Town Manager

APRIL

Town Manager finalizes proposed budget
School Committee votes on School Budget Ordinances and provides to Town Clerk

MAY

Public Hearing and Town Council vote on School Budget Articles
Town Manager presents Municipal Budget to Town Council and Council schedules
Municipal Budget Hearing and Vote

JUNE

Public Hearing – Town Meeting Articles and School Budget Validation Referendum
Town Election

COMMUNITY PROFILE

Founded in 1647, Kittery is Maine’s oldest incorporated town. Located at the mouth of the Piscataqua River, Kittery’s land area is approximately 23.2 square miles, with over 19 miles of waterfront, and 80.4 road miles of which the Town maintains 65 road miles.

According to the 2020 U.S. Census, Kittery has a population of 10,070. Kittery is the 22nd most populated municipality in Maine¹. The town is located within York County, which is the second most populated county in Maine. Kittery’s daytime population nearly doubles due to local employers and seasonal tourism.

Kittery residents live in approximately 5,100 housing units, which are approximately 63.8% owner occupied. The median household income is estimated by the U.S. Census Bureau at \$67,169², however, HUD estimates median household income for Kittery at \$115,034³. Approximately 7.5% of Kittery’s residents have incomes below the poverty level. Median household income has increased approximately \$31,111 over the past year, and the percentage of residents with incomes below the poverty level has increased 1.3%.

Kittery is directly adjacent to Portsmouth, New Hampshire, which has a population of over 21,956 people and a median income estimated at \$78,712². The city is accessible from Kittery by three bridges over the Piscataqua River.

Kittery’s full-time residential population level is most similar to Wells, Kennebunk, and Old Orchard Beach in York County. Kittery’s municipal budget, exclusive of school spending, is consistent with these comparably sized communities.

Comparisons of Population, State Valuation¹, Municipal Budget⁴ and 2022 Tax Rate⁴

	2020 Population	2022 State Valuation	2022 Municipal Budget	2022 Tax Rate
Wells	11,314	\$ 4,053,850,000	\$13,871,288	\$ 10.52
Kennebunk	11,536	\$ 3,124,350,000	\$17,469,583	\$ 14.25
Old Orchard Beach	8,960	\$ 2,120,900,000	\$21,650,230	\$ 14.16
Kittery	10,070	\$ 2,177,950,000	\$15,966,995	\$ 13.00

The town has a working waterfront, significant open space and parkland, and multiple vibrant commercial hubs including its Foreside district and the outlet malls which attract tourists from across the country and around the world each year.

Within the boundaries of the town exists the only land-based access to the Portsmouth Naval Shipyard. The Shipyard is federal land and is used in the maintenance and support of the Navy’s fleet of nuclear-powered submarines. The Shipyard employs over 8,000 civilian and

¹ Source: Maine Revenue Service

² Source: U.S. Census Bureau, Population and Demographic information, ACS Five-Year Estimates

³ Source: HUD’s Office of Policy Development & Research; Kittery, 2022 Estimate

⁴ Source: Town published Budget Documents and tax rate information

non-civilian personnel and has approximately \$109M in infrastructure investments that will expand its functional capacity underway. The expansion includes the ability to increase the number of submarines being worked on at any given time.

Other large employers in the area include the Kittery Trading Post and the York Hospital Walk-In Care Center. The town's wharves support commercial fishing and lobstering, along with recreational water uses.

The town's amenities and features, its proximity to Portsmouth, and it being home to one of the largest employers in the region create higher demand for access to Kittery. Two new housing developments are in the initial construction stages. Marijuana storefront operations are expected to be opening in Kittery by 2023. Locally-owned businesses are seeking real estate in which to grow. These factors are the primary drivers of economic development occurring at this time.

The available residential housing stock is at a critical stage. Median list price as of April 2022, was \$459,900⁵, an increase of 6.8% over the prior year; however, many homes are selling pre-list skewing the analysis of actual home sale trends. Homes are on the market an average of 8 days and are selling at 102% of asking price.

Kittery is categorized as unaffordable by Maine Housing, with 59.3%⁶ of the population unable to obtain a median priced home in town. The projected median income to afford to purchase a home in Kittery is \$129,722. The last time Kittery was categorized at this level of unaffordability, or 0.63 or less on the affordability index, was in 2017, and prior to that during the period spanning from 2002 and 2008.

Kittery businesses are struggling to find workers to meet the local demand for goods and services. Challenges include upward pressure on wages, low supply of affordable rental and for-purchase housing, and the general higher cost of living in a seacoast community.

⁵ Source: Realtor.com

⁶ Source: Maine Housing

BUDGET OVERVIEW

Revenue	FY19 Actual	FY20 Actual	FY21 Actual	FY22 Budget	FY23 Proposed	Difference
Taxes						
Property Tax Revenue (Net Abatements)	24,541,734	24,958,297	26,759,890	27,174,621	28,357,874	1,183,254
PILOTs	3,286	9,477	3,123	3,200	3,200	-
	24,545,020	24,967,774	26,763,013	27,177,821	28,361,074	1,183,254
Revenue Generating Operations						
Recreation Fees	1,068,298	682,312	182,586	550,000	580,000	30,000
Solid Waste Fees & Fines	157,602	126,085	199,042	125,000	170,000	45,000
Fort Foster	237,967	271,048	353,286	300,000	325,000	25,000
Harbormaster Fees & Fines	169,694	142,711	206,867	138,700	148,600	9,900
Dispatch	93,360	122,005	123,576	138,360	150,000	11,640
Library Fees & Fines	-	9,320	2,139	2,000	2,000	-
	1,726,922	1,353,482	1,067,496	1,254,060	1,375,600	121,540
Local Receipts						
Excise (Auto/Boat)	2,036,372	1,998,904	2,145,384	1,956,000	1,956,000	-
Code Enforcement Fees	297,272	331,064	383,404	300,000	350,000	50,000
Lien Fees & Penalty Interest	57,162	38,867	58,229	47,000	49,000	2,000
Town Clerk & Registration Fees	55,617	57,077	70,168	52,000	54,000	2,000
Police Department Fees, Fines & Permits	45,832	72,552	70,756	61,530	45,950	(15,580)
Planning and Land Use Fees	29,218	10,604	9,628	9,000	9,000	-
Animal Control	4,721	3,955	1,916	4,000	2,000	(2,000)
Other Local Receipts	10,001	26,487	9,565	6,300	7,800	1,500
	2,536,195	2,539,511	2,749,051	2,435,830	2,473,750	37,920
State Provided						
State Revenue Sharing	446,120	648,212	880,453	775,000	1,125,000	350,000
Homestead Reimbursement	267,578	377,150	407,281	400,000	350,000	(50,000)
General Assistance	34,348	38,136	33,330	45,000	20,000	(25,000)
MDOT Highway	-	23,000	12,000	12,000	12,000	-
Other State Provided	2,476	5,849	6,491	2,000	2,000	-
School Revenue	2,002,713	1,967,336	1,967,336	2,490,448	2,468,937	(21,511)
	2,753,235	3,059,683	3,306,891	3,724,448	3,977,937	253,489
Other Revenue						
GMH Housing	291,699	283,178	289,137	306,000	310,000	4,000
Investment Income	140,768	70,808	19,407	25,000	20,000	(5,000)
School Resource Officer	45,000	47,741	55,274	50,000	55,000	5,000
Trust Revenue	15,000	40,000	25,000	25,000	18,000	(7,000)
Sewer Department Rental	22,900	22,900	22,900	22,900	25,000	2,100
Miscellaneous/other	43,790	57,209	10,810	20,655	10,655	(10,000)
Carry forwards & Supplemental Appr	253,978	52,100	184,143	223,000	35,000	(188,000)
	813,135	573,935	606,672	672,555	473,655	(198,900)
TOTAL REVENUE	32,374,508	32,494,384	34,493,123	35,264,714	36,662,016	1,397,302
Expenses						
General Government	928,360	917,966	986,969	1,238,035	1,260,286	22,251
Shared Expenses	3,308,048	3,468,851	3,505,453	4,199,180	4,326,868	127,689
Planning & Code Enforcement	493,562	508,923	532,172	567,058	617,469	50,411
Public Safety	2,557,598	2,687,672	2,721,431	3,148,702	3,416,926	268,224
Public Works	1,829,662	1,774,225	1,924,417	2,159,208	2,335,799	176,591
Community and Human Services	1,778,273	1,703,621	1,419,077	1,568,397	1,669,116	100,719
County Tax	863,018	894,782	1,005,790	1,006,515	990,000	(16,515)
Streetlights	131,070	53,802	38,907	55,000	55,000	-
Hydrant Rental	254,179	254,179	255,149	255,000	268,950	13,950
Other	273,205	394,325	165,271	181,000	189,580	8,580
Education	17,229,230	17,695,885	18,672,378	19,284,752	19,980,622	695,870
Capital Investment	1,703,281	2,188,517	1,455,500	1,588,900	1,551,400	(37,500)
Overlay	-	-	-	-	-	-
Transfers to Other Funds	-	-	-	-	-	-
TOTAL EXPENSES	31,349,487	32,542,749	32,682,514	35,251,747	36,662,016	1,410,269
NET	1,025,021	(48,365)	1,810,610	12,967	-	

MIL RATE PROJECTION AND ALLOCATION

Mil Rate Projection

	ACTUAL FY19	ACTUAL FY20	ACTUAL FY21	COMMITTED FY22	PROPOSED FY23	\$ Change
Valuation Actual/Projected	1,458,091,186	1,478,141,893	2,064,279,273	2,088,743,839	2,110,036,139	21,292,300
Taxes Committed/Projected	24,541,734	25,679,320	26,629,234	27,153,849	28,457,874	1,304,025
Mil Rate	16.80	17.40	12.90	13.00	13.49	0.49
OVERLAY	113,564	135,000	214,712	157,292	100,000	(57,292.00)
School Portion of Commitment	15,226,517	15,901,465	16,406,201	16,794,304	17,511,685	717,381
Town Portion of Commitment	9,315,217	9,777,855	10,223,033	10,380,317	10,846,189	465,872

Mil Rate Projection Allocation

	ACTUAL FY19	ACTUAL FY20	ACTUAL FY21	COMMITTED FY22	PROPOSED FY23	\$ Change
Mil Rate	16.80	17.40	12.90	13.00	13.49	\$ 0.49
Municipal	4.54	5.05	3.68	3.65	4.36	\$ 0.71
Capital	1.17	0.95	0.71	0.76	0.48	\$ (0.28)
School	10.42	10.69	8.01	8.04	8.30	\$ 0.26
County	0.59	0.61	0.49	0.48	0.31	\$ (0.18)
Overlay	0.08	0.09	0.10	0.08	0.05	\$ -

Undesignated Fund Balance History

	FY18	FY19	FY20	FY21
Municipal	\$ 5,988,495	\$ 6,313,900	\$ 6,494,008	\$ 8,131,323
School Department	751,469	-	313,049	-
Total	\$6,739,964	\$6,313,900	\$6,807,057	\$8,131,323
Budgeted Expenditures	31,349,487	32,542,749	32,682,514	35,251,747
Budgeted Monthly	2,612,457	2,711,896	2,723,543	2,937,646
2.5 Months Budgeted	6,531,143	6,779,739	6,808,857	7,344,114
Actual Months Town & School	2.58	2.33	2.50	2.77
Town and School Fund Balance as % of Total Budget	21.5%	19.4%	20.8%	23.1%

REVENUE SUMMARY

REVENUE SOURCES

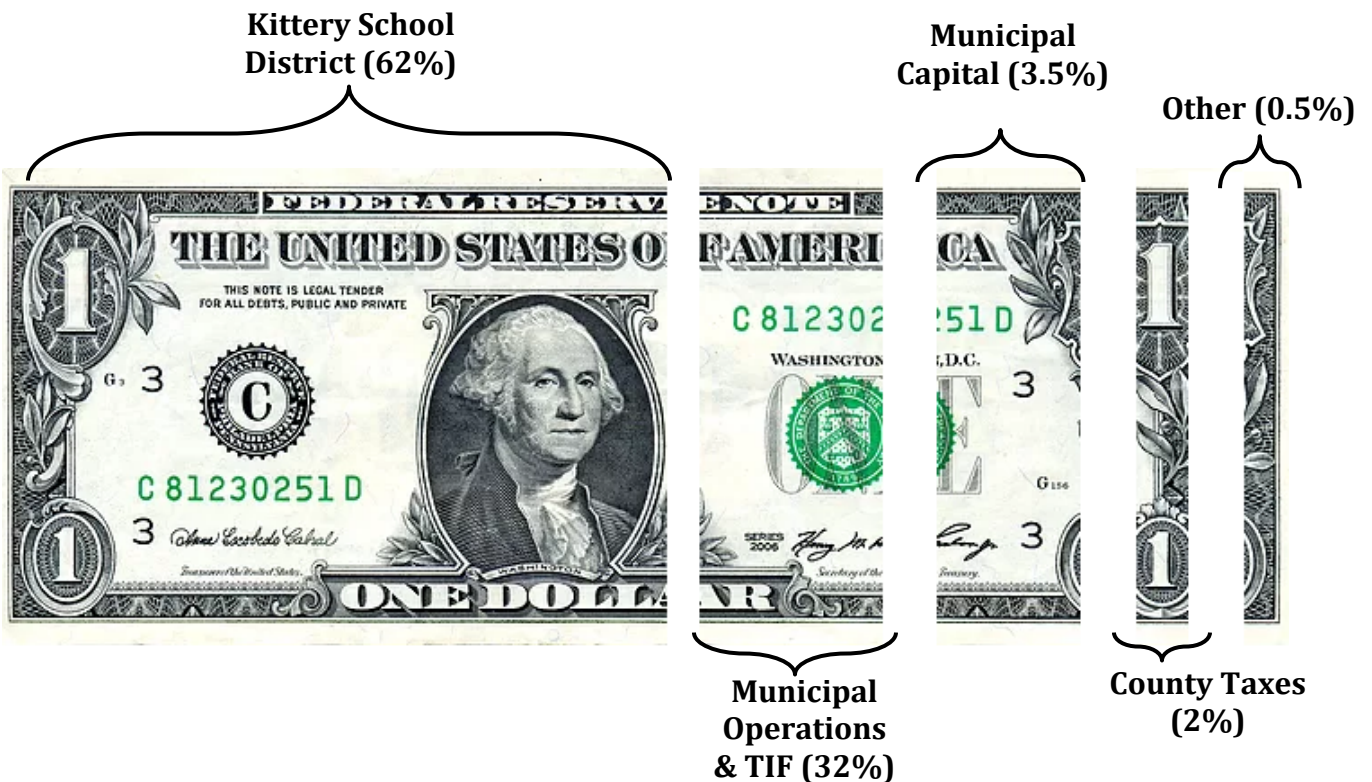
The Town of Kittery's primary revenue source is the local property tax. The property tax supports municipal, school, capital, and the town's-share of the county operations. Approximately 77% of the annual town and school appropriation is expected to be funded through local property taxes, a 1% decrease from the prior year.

Approximately 35% of municipal operations are funded through non-property tax revenue, an increase of 1.6% over the prior fiscal year. Approximately 12% of school operations are funded through non-property tax revenue, a decrease of 1% over the prior year. The town is a minimum receiver for education funding, meaning the state only provides financial support for mandated special education programs.

Each tax dollar paid supports a variety of local and county government functions. \$0.62 of every dollar paid in property tax supports Kittery's educational programs. The Town operations require \$0.32 of each property tax dollar. Municipal operations include: public works, police, harbormaster, administration, planning and code enforcement, fire service, recreation, and other functions.

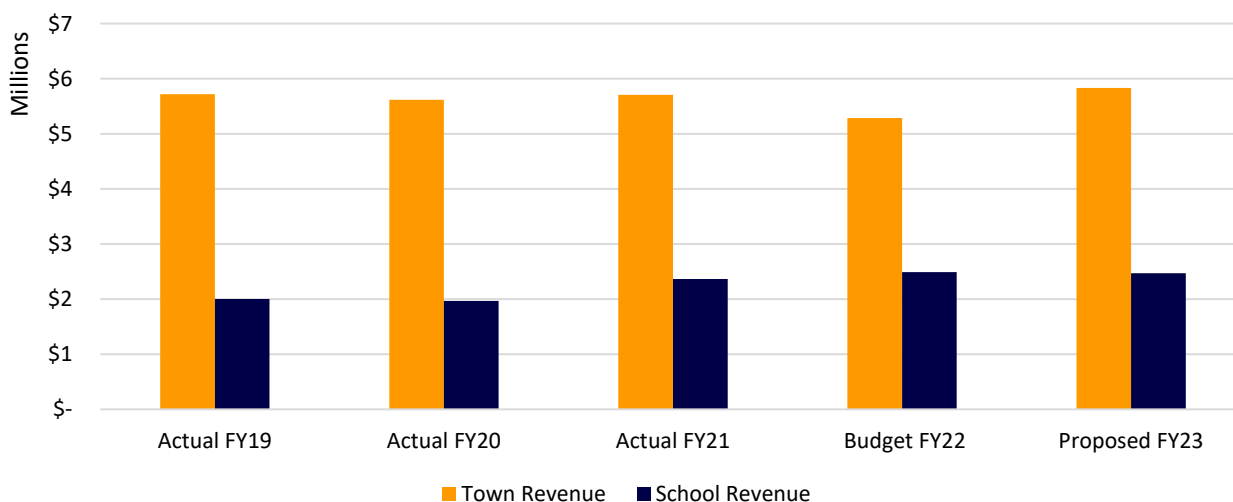
Capital is funded with \$0.035 from every property tax dollar raised, and the county receives \$0.02 of every dollar. The remaining is for ancillary charges such as the overlay.

Tax Dollar Breakdown



Revenue from municipal operations is expected to increase 4.16%, approximately \$232,860. As with the prior year, revenue generation is uncertain as the State and town continue to transition from the pandemic to the current rapid-inflation conditions.

Non-Property Tax Revenue Sources



Pre-pandemic, the KCC was generating over \$1M in revenue annually. Pandemic restrictions continued to impact the KCC’s program and rental income into the prior year. As a result, end of year revenue projections is coming in below budget estimates. The FY23 budget projects regaining ground on KCC revenue with programs, theater rentals, and rental of space for the launch of a new preschool program.

The Resource Recovery Facility’s Solid Waste (SW Fees & Fines) revenue is derived primarily from the sale of materials to recycling companies. Cardboard, metals, and some plastics have strong resale markets; while mixed paper, glass and others are not producing revenue. The town continues to modify its sorting processes at the Resource Recovery Facility to capture as much valuable material as possible from the waste-stream. Other materials are either no longer sorted, or have only enough value to cover the cost of transport and disposal.

The majority of revenue raised from Fort Foster is in the summer months. Fort Foster continues to be a major draw, with visitation levels remaining high despite the rainy summer experienced in the prior year. Season passes and day passes are easier to obtain and remain lower priced than similar venues in the region; driving growth in visitation.

Pepperrell Cove generates transient mooring, slip rentals, and hourly dockage fees from boaters visiting Kittery and the area restaurants. The Harbormaster is adding kayak rack rentals in the coming year which will generate an estimated \$2,700 in new revenue. The State has authorized the reopening of the Brave Boat Harbor clam flats due to improved water quality. The Town will resume issuing clamming permits for the first time since 2016; though it is currently unclear how much revenue this will generate.

Revenue Generating Operations

Revenue Projections	Actual FY19	Actual FY20	Actual FY21	Budget FY22	Projected FY23	Variance
Recreation	\$1,068,298	\$682,312	\$182,586	\$550,000*	\$580,000	\$30,000
SW Fees & Fines	\$157,602	\$126,085	\$199,042	\$125,000	\$170,000	\$45,000
Fort Foster Fees	\$237,967	\$271,048	\$353,286	\$300,000	\$325,000	\$25,000
Harbormaster Fees	\$169,694	\$142,711	\$206,867	\$138,700	\$148,600	\$9,900
Dispatch Income	\$93,360	\$122,005	\$123,576	\$138,360	\$150,000	\$11,640
Total	\$1,726,921	\$1,344,162	\$1,344,162	\$1,371,960	\$1,192,060	(\$179,900)

* - Actual revenue will be less than \$550,000.

The town in the process of negotiating its next three-year agreement with the Town of Eliot for dispatch services; which will run from July 2023 to June 2026. The projection is in the general range of what is being negotiated.

REVENUE SHARING AND FEDERAL SUPPORT

Approximately 31.3% of non-property tax revenue comes from state Revenue Sharing, property tax relief reimbursement programs, and payment-in-lieu-of-taxes from the Portsmouth Naval Shipyard (PNSY). This is a decrease of 2% over the prior year, due primarily to balancing equations of greater state Revenue Sharing to lower Homestead exemptions.

The Legislature voted to increase the revenue sharing allocation to 5% and has affirmed that with their approval of the Governor's biennial budget and supplemental budget. There is a danger in relying too heavily in state revenue sharing; the legislation has always required 5% revenue sharing, though past Governors and Legislators have not saw fit to fully fund it.

TAXABLE VALUATION

Maine law requires municipalities to revalue real estate every 10 years or when assessed values go below 60% of market, whichever is sooner. Kittery completed a revaluation in 2020 which resulted in an increase in value of \$588M to a total valuation of \$2,064,279,273.

The goal of the Town was to conduct mini-revaluations on an annual basis and ensure the general valuation stayed at approximately 95% or above of state certified values annually. High demand for residential property has reduced the town's valuation to approximately 90% of state certified values, in the two years since the revaluation, as a result of the extremely hot housing market. Demand for housing is not expected to reduce; however, sustained rapid inflation may cool market sales. Trying to chase a volatile real estate market in uncertain times could be unintentionally detrimental to residential property tax payers. For these reasons, the town has decided not to conduct a mini-revaluation at this time. This will need to be reevaluated in the coming year based on market activity and analysis.

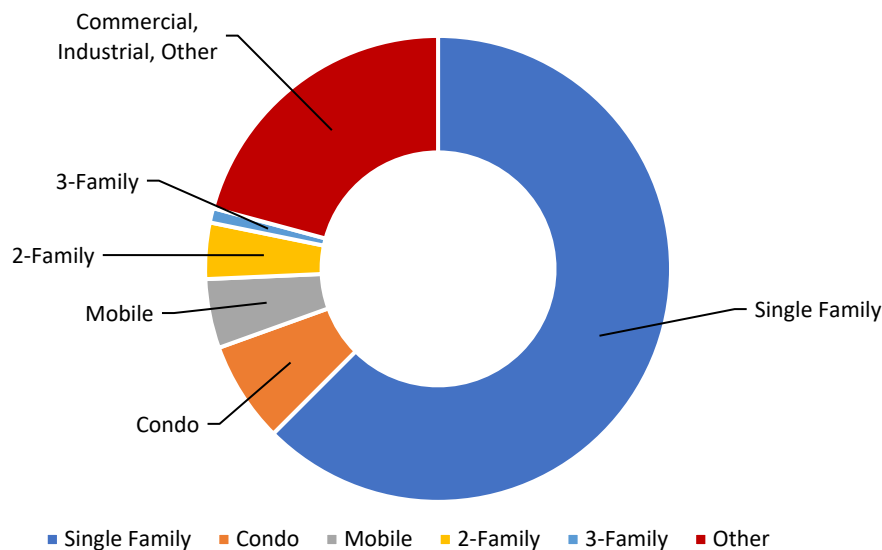
Multi-family housing including condominiums, two-families, three-families, and apartments are projected to increase 4.2%, single family home values will increase 1.7%. Total added value from residential properties is \$31M. Housing makes up over 79% of the town’s property value. Without growth in commercial and industrial sectors, the town will continue to have to rely on residential property owners to shoulder the majority of the town’s tax burden.

Commercial value is increasing less than 1%, while industrial is increasing 2.3%. Total added value from these property classifications is \$777,916.

The only categories projected to decrease are vacant land and 2-family residential. Vacant land will see a \$3.6M reduction in total value, while 2-family residential will decrease by \$491,700.

Approximately \$33.1M in property value will be exempted due to the Homestead Exemption provision of State law. The town is expected to set the assessed valuation at 90% of the state’s certified value. This will result in a lower return on the homestead exemption reimbursements from the state. Total Homestead and BETE (personal property for businesses) reimbursement is expected to decrease \$50,000 over the prior year as a result of the lower certified value.

Residential Property Values as % by Category



The Town Council recently approved the Title 16 recodification. The newly structured Title 16 makes the town’s land use regulations clearer for property owners and development; thereby improving the outcomes.

The Council is currently considering applying the Affordable Housing zoning requirements to the Business Local zones (BL and BL-1). The town is in the process of selling three properties

taken for tax foreclosure for the purpose of redevelopment and potential affordable housing projects.

The Council adopted marijuana licensing ordinances and land use regulations that permits one marijuana business in each of the three commercial zones. The first business is in the permitting and licensing process now.

Referring back to the Comparable Communities chart, the town’s operating budget (excluding education) is approximately \$1M below the average for the comparable communities; while the valuation is approximately \$1B below the average valuation. More importantly, it is clear that valuation is the primary driver of the tax rate.

Comparable Communities

	State Valuation	Municipal Budget	Tax Rate
Wells FY22	\$ 4,053,850,000	\$13,871,288	\$ 10.52
Kennebunk FY22	\$ 3,124,350,000	\$17,469,583	\$ 14.25
Old Orchard Beach FY22	\$ 2,120,900,000	\$21,650,230	\$ 14.16
Kittery FY23 Proposed	\$ 2,200,000,000	\$16,681,394	\$ 13.49

REVENUE DETAIL

	FY19 ACTUAL	FY20 ACTUAL	FY21 ACTUAL	FY22 BUDGET	FY23 PROPOSED	VARIANCE
43001 PROPERTY TAX REVENUE	9,294,991	9,777,855	10,504,411	10,380,317	10,846,189	465,872
43003 PROPERTY TAX ABATEMENTS	(101,731)	(16,152)	(50,025)	-	-	-
43004 PAYMENT IN LIEU OF TAXES-PILOT	3,286	9,477	3,123	3,200	3,200	-
43006 HOMESTEAD/VETS/BLIND EXEMPT STATE REIMB	267,578	377,150	407,281	400,000	350,000	(50,000)
43007 TREE GROWTH REVENUE	2,772	1,432	1,360	1,300	1,300	-
43031 EXCISE TAX AUTOMOBILE	2,006,973	1,974,662	2,111,718	1,936,000	1,936,000	-
43032 EXCISE TAX BOAT	29,399	24,242	33,666	20,000	20,000	-
43109 SIGN PERMITS	2,925	5,841	2,475	2,000	2,000	-
43110 CODE ENFORCEMENT FEES	297,272	331,064	383,404	300,000	350,000	50,000
43113 BOARD OF ASSESSMENT REVIEW	-	-	800	-	-	-
43114 ADDITIONAL LAND USE FEES	5,010	5,870	5,825	4,000	4,000	-
43115 PLANNING FEES (SUBDIVISIONS)	24,208	4,734	3,803	5,000	5,000	-
43120 TOWN CLERK FEES	26,701	22,015	25,769	24,000	24,000	-
43121 WILDLIFE AGENT FEE	1,218	908	1,172	1,200	1,200	-
43122 ANIMAL WELFARE AGENT FEE	1,570	1,699	1,727	1,600	1,600	-
43130 TOWN REGISTRATION FEES	28,916	35,062	44,399	28,000	30,000	2,000
43135 HWY PERMITS & FEES	530	16,117	1,724	-	1,500	1,500
43140 SOLID WASTE PERMITS & FEES	104,108	93,445	125,945	80,000	80,000	-
43145 SOLID WASTE RECYCLING	53,494	32,641	73,097	45,000	90,000	45,000
43147 DINGHY FEES	10,600	10,157	14,699	10,000	11,000	1,000
43148 TRANSIENT SLIP RENTAL	4,900	4,022	8,626	7,000	8,000	1,000
43149 KPA APPLICATION FEES	400	1,505	1,125	500	500	-
43150 MOORING FEES	116,002	97,672	151,642	100,000	100,000	-
43151 LAUNCH FEE	16,306	18,749	17,860	14,000	14,000	-
43152 TRANSIENT MOORING	6,830	1,505	8,075	4,000	8,000	4,000
43153 WAIT LIST FEE	1,128	811	1,880	800	1,000	200
43154 HARBOR & WATER USAGE FEE	9,929	4,941	55	-	-	-
43156 PIER USAGE FEES	3,000	2,950	2,278	2,400	2,400	-
43157 MOORING LATE FEES	600	400	626	-	1,000	1,000
43159 KAYAK RACK RENTAL	-	-	1	-	2,700	2,700
43160 FORT FOSTER FEES	237,967	271,048	353,286	300,000	325,000	25,000
43165 SPRINKLER PERMITS	800	100	-	-	-	-
43210 LIEN FEES	5,533	6,067	5,895	7,000	7,000	-
43220 PENALTY INTEREST	51,629	32,799	52,334	40,000	42,000	2,000
43320 RECREATION FEES	1,068,298	682,312	182,586	550,000	580,000	30,000
43221 LIBRARY FINES AND FEES	-	6,020	2,139	2,000	2,000	-
43222 RENTAL INCOME	-	3,300	-	-	-	-
43310 SALE OF ORDINANCES AND MAPS	-	2,413	-	-	-	-
43330 ANIMAL CONTROL	4,721	3,955	1,916	4,000	2,000	(2,000)
43335 POSTAGE	-	91	50	-	-	-
43336 PHOTO COPIES	187	299	258	200	200	-
43351 ACCIDENT REPORTS	3,405	3,585	2,421	3,000	3,000	-
43352 PARKING TICKETS	26,672	46,640	49,675	40,000	25,000	(15,000)
43353 GUN PERMITS	1,000	537	1,150	1,000	500	(500)
43354 ELIOT DISPATCHING SERVICES	93,360	122,005	123,576	138,360	150,000	11,640
43355 ORDINANCE FINES	1,600	425	550	350	350	-
43356 WITNESS FEES	55	35	40	300	300	-
43358 FALSE ALARMS	1,100	1,330	920	880	800	(80)
43359 AMBULANCE DISPTACH FEES	12,000	20,000	16,000	16,000	16,000	-

Continued on the next page

FY23 Revenue Detail (cont'd)

	FY19 ACTUAL	FY20 ACTUAL	FY21 ACTUAL	FY22 BUDGET	FY23 PROPOSED	VARIANCE
43410 MDOT HWY MAINTENANCE REVENUE	-	23,000	12,000	12,000	12,000	-
43420 STATE REVENUE SHARING	446,120	648,212	880,453	775,000	1,125,000	350,000
43421 STATE PARK FEE REV SHARING	-	2,616	5,787	2,000	2,000	-
43443 RESTITUTION INCOME/UNAPPROP	2,476	3,232	705	-	-	-
43470 STATE OF MAINE GENERAL ASSISTA	34,348	38,136	33,330	45,000	20,000	(25,000)
43480 MARY SAFFORD WILDES TRUST/WELF	15,000	40,000	25,000	25,000	18,000	(7,000)
43510 INTEREST ON INVESTMENTS	140,768	70,808	19,407	25,000	20,000	(5,000)
43511 UNREALIZED GAIN/LOSS INVESTMENT	-	62,105	(984)	-	-	-
43530 MISCELLANEOUS REVENUE/UNAPPO	18,424	28,849	10,181	10,000	10,000	-
43531 AMERICAN RESCUE PLAN REVENUE REPLACEMENT	-	-	-	175,000	-	(175,000)
43532 CRF CHILDCARE	-	-	9,000	-	-	-
43540 SEWER DEPT RENT	22,900	22,900	22,900	22,900	25,000	2,100
43555 SNOWMOBILE/HANDICAP/ELDER	616	642	629	655	655	-
43560 GMH HOUSING	291,699	283,178	289,137	306,000	310,000	4,000
43575 SUP APPRO FROM UNDESIGNATED	-	-	-	-	-	-
43576 TRANSFER IN FROM OTHER FUNDS	243,978	50,000	35,000	35,000	35,000	-
43580 USE OF CARRY FORWARDS	-	2,100	-	188,000	-	(188,000)
45015 FEMA REVENUE TO GF	-	-	141,127	-	-	-
45020 MMA WKRS COMP DIVIDEND	24,750	27,718	-	10,000	-	(10,000)
45025 SCHOOL RESOURCE OFFICER COMP	45,000	47,741	55,274	50,000	55,000	5,000
TOTAL REVENUE	15,013,321	15,394,971	16,220,283	16,154,962	16,681,394	526,432

EXPENSE SUMMARY

The FY23 annual tax commitment for municipal and school operations is projected to increase from \$27,153,849 to \$28,457,874 or approximately \$1,304,025 (5%). Total spending for municipal operations and capital is increasing \$714,399 (4.5%). Non-tax revenue is projected to cover \$235,560 of the additional costs, approximately 34%; the remainder will be raised through the tax levy. The proposed property tax levy is approximately \$50,000 below the LD-1 limit for municipal appropriations.

A measure the town uses to evaluate its annual budget increase is the Employment Cost Index (ECI). This index better measures the inflationary pressure on the municipal budget, as the town is primarily a service provider, with costs for wages and benefits exceeding 62% of the annual budget. At the conclusion of March 2022, ECI was 5.0% meaning employment costs increased 5.0% over the prior year in this region. In the two prior years, the increase was closer to 2.6%. The Consumer Price Index (CPI) is at 7% for the region. Overall, the FY23 budget increase is below both ECI and CPI.

Kittery remains in line with its comparable communities, relative to the cost of providing major municipal services. Logically, the scale of spending for police, fire, highway, parks, solid waste, and other municipal services for this area of Southern Maine should be generally consistent. The average budget for the town's comparable communities is \$17,663,700, exclusive of school/education budgets.

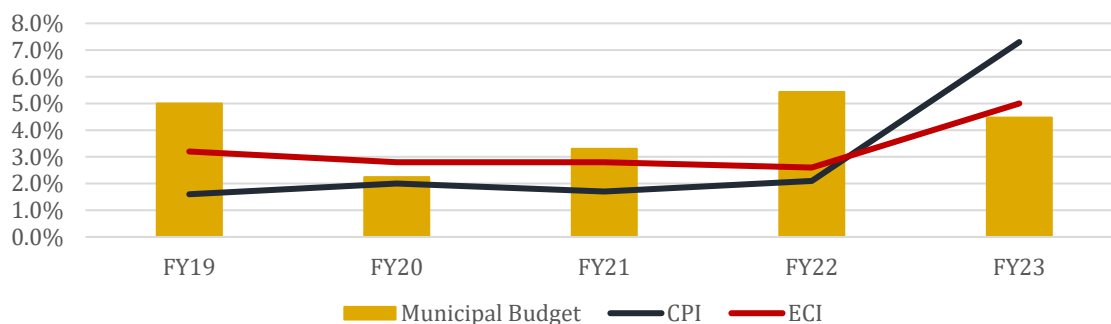
MUNICIPAL COST DRIVERS

The spending plan for the municipal and capital operations has been developed to support the priorities of the town in the coming fiscal year, to advance the annual goals and objectives, and to support the town's financial expectations.

Approximately \$9.5M in the \$15.1M operating budget (exclusive of capital) is associated with wages and benefits for active and retired employees. That represents 62.8% of the operating budget. Of that, approximately \$3M is dedicated to employer costs such as health and retirement benefits.

Wages increased by a factor of 3% for cost of living. Additional merit, longevity and salary adjustments are also factored in to reflect the true anticipated cost of wages for FY23. The wages shown in the prior year did not reflect the cost of living or merit increases issued for that fiscal year because the town was in negotiation with all seven bargaining units. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

% Increase Consumer Price Index, Employment Cost Index, and Municipal Operations⁷



Health insurance rates are increasing on average 6% across the board. The town splits the cost of premium increases over 2% with some of the employees. The only exceptions are the Police units which do not have a shared risk model incorporated into their collective bargaining agreement.

The FY23 budget incorporates the additional Police Officer added to the Police Department in the prior year through a year-end transfer. It also adds a new Communications Director to expand and enhance the town’s communications content across multiple platforms including web, social media, video and print.

The town has applied for a SAFER federal grant that could cover the full costs, for three years, of eight new full-time firefighters, bringing the town’s full-time firefighter force to 12. It will not be known until likely June if the town is awarded the grant. If it is not, the town does need to continue to address the decline of call-firefighter response by staffing up full-time firefighters to ensure that calls for fire service can be met safely and effectively. If the town is not awarded the SAFER grant, an add-alternative for the budget is being provided to add four full-time firefighters in the coming year; bringing the town’s full-time firefighter force to 8 total.

The Planning Department budget includes \$50,000 for consulting services to conduct neighborhood planning efforts including neighborhood master plans, and to review and update the town’s design guide. The neighborhood planning efforts allow staff and residents to develop master plans for neighborhood development, and can be used to guide zoning amendments to ensure the type of buildout desired.

The Library budget is increasing to reflect the anticipated costs of operating in the consolidated Library space, at the renovated and expanded Rice building. The Library budget

⁷ Source: Bureau of Labor Standards, Consumer Price Index Northeast Region New England Division, Employment Cost Index, Civilian, 12 months ended Mar 2022. Municipal operations exclude capital, county taxes and TIF revenue offset.

was reduced in the prior year to reflect the anticipated reduced costs of operating in half of their normal space while the Rice Public Library building was under construction. Space impacts library operations and it dictates the quantity of content/materials that can be held on site, the amount and type of programming available, and the overall building operations from utilities to maintenance. The renovated and expanded Rice Public Library building is expected to open in May 2022.

SUMMARY OF DEPARTMENT EXPENDITURES

Expense Projections	ACTUAL FY19	ACTUAL FY20	ACTUAL FY21	BUDGET FY22	PROPOSED FY23	\$ Change	% Change
GENERAL GOVERNMENT							
Admin	913,285	897,490	959,175	1,210,085	1,233,936	23,851	1.97%
Council	5,345	3,581	3,410	7,350	5,650	(1,700)	-23.13%
Elections	9,730	16,895	24,384	20,600	20,700	100	0.49%
Total General Government	928,360	917,966	986,969	1,238,035	1,260,286	22,251	1.80%
SHARED EXPENSES							
Retirement	488,893	533,703	535,959	609,216	625,418	16,203	2.66%
FICA	377,475	404,612	401,393	466,816	493,382	26,567	5.69%
Workers Compensation	186,587	145,342	124,001	148,208	163,251	15,043	10.15%
Medical - Active Employees	1,009,078	1,127,592	1,180,744	1,383,280	1,476,280	93,000	6.72%
Dental - Active Employees	10,520	11,416	13,006	19,536	17,120	(2,416)	-12.37%
Property and Casualty Insurance	166,526	172,645	178,174	185,950	198,180	12,229	6.58%
Self Insurance Claims	2,250	2,050	-	-	-	-	--
Retired Medical & Dental	186,408	178,574	192,522	205,816	200,000	(5,816)	-2.83%
Misc Employee-related costs	39,500	65,276	65,120	51,520	53,520	2,000	3.88%
Employee Benefits & Insurance	2,467,238	2,641,210	2,690,920	3,070,342	3,227,151	156,810	5.11%
Debt Service	840,811	827,641	814,532	1,128,838	1,099,717	(29,121)	-2.58%
Total Shared Expenses	3,308,048	3,468,851	3,505,453	4,199,180	4,326,868	127,689	3.04%
PLANNING & CODE ENFORCEMENT							
Planning Board & BOA	-	-	-	-	-	-	--
Planning & Code Enforcement	493,070	508,429	531,651	566,538	616,949	50,411	8.90%
Misc Exp - Public Health	491	494	521	520	520	-	0.00%
Total Planning & Code Enforcement	493,562	508,923	532,172	567,058	617,469	50,411	8.89%
PUBLIC SAFETY							
Fire	309,921	322,071	352,911	625,491	670,715	45,224	7.23%
Police	2,247,677	2,365,602	2,368,520	2,523,211	2,746,211	223,000	8.84%
Public Safety	2,557,598	2,687,672	2,721,431	3,148,702	3,416,926	268,224	8.52%
PUBLIC WORKS							
Highway	1,069,346	1,018,046	1,047,849	1,174,950	1,207,063	32,113	2.73%
Resource Recovery	501,275	497,540	561,665	587,607	686,323	98,716	16.80%
In Town Parks	110,167	132,717	177,578	201,767	253,043	51,276	25.41%
Fort Foster/Beaches	148,875	125,923	137,326	194,883	189,369	(5,514)	-2.83%
Public Works	1,829,662	1,774,225	1,924,417	2,159,208	2,335,799	176,591	8.18%
COMMUNITY & HUMAN SERVICES							
Library	478,901	395,715	434,671	418,044	484,931	66,887	16.00%
Harbormaster	100,903	106,217	108,292	116,378	130,760	14,382	12.36%
Recreation	1,054,269	1,041,778	730,900	864,497	890,025	25,528	2.95%
General Assistance	49,070	49,229	38,344	60,000	50,000	(10,000)	-16.67%
Community Agencies	8,365	11,712	7,900	7,900	7,900	-	0.00%
Adult Education	86,765	98,970	98,970	101,579	105,500	3,921	3.86%
Community and Human Services	1,778,273	1,703,621	1,419,077	1,568,397	1,669,116	100,719	6.42%
MISC EXPENSES - OTHER							
County Tax	863,018	894,782	1,005,790	1,006,515	990,000	(16,515)	-1.64%
Streetlights	131,070	53,802	38,907	55,000	55,000	-	0.00%
Hydrant Rental	254,179	254,179	255,149	255,000	268,950	13,950	5.47%
TIF	139,334	236,000	27,000	20,000	25,000	5,000	25.00%
Other Miscellaneous	133,871	158,325	138,271	161,000	164,580	3,580	2.22%
Miscellaneous Expenses	1,521,473	1,597,089	1,465,117	1,497,515	1,503,530	6,015	0.40%
Total Operating Expenses	12,416,976	12,658,347	12,554,636	14,378,095	15,129,994	751,899	5.23%
	2.7%	1.9%	-0.8%	14.5%	0.0%		
CAPITAL IMPROVEMENT PLAN	1,703,281	2,188,517	1,455,500	1,588,900	1,551,400	(37,500)	-2.36%
TOTAL MUNICIPAL EXPENSES	14,120,257	14,846,864	14,010,136	15,966,995	16,681,394	714,399	4.47%

FY23 COSTS BY CATEGORY

FY23 Budget Breakout by Category						
	Personnel	Utilities	Building/ Equip	Other	Total	% of Total
Administration	906,468	28,404	54,000	245,064	1,233,936	8.2%
Council	4,000	-	-	1,650	5,650	0.0%
Elections	5,000	-	-	15,700	20,700	0.1%
Planning	394,632	1,500	4,700	216,117	616,949	4.1%
Fire	525,451	41,387	51,409	52,468	670,715	4.4%
Police	2,375,160	52,415	123,500	195,136	2,746,211	18.2%
Harbormaster	92,129	5,531	10,500	22,600	130,760	0.9%
Public Works	1,282,321	46,298	132,000	875,180	2,335,799	15.4%
Recreation	576,283	85,462	35,305	192,975	890,025	5.9%
Miscellaneous	520	303,950	85,000	99,580	489,050	3.2%
Health and Retirement	2,372,338	-	-	-	2,372,338	15.7%
FICA	493,382	-	-	-	493,382	3.3%
Workers' Compensation	163,251	-	-	-	163,251	1.1%
Library	311,915	19,400	12,500	141,116	484,931	3.2%
Subtotal	9,502,851	584,347	508,914	2,057,586	12,653,697	
% of Total	62.8%	3.9%	3.4%	13.6%	83.6%	
OTHER						
Property and Casualty		198,180				
General Assistance		50,000				
Community Support		7,900				
County Tax		990,000				6.5%
TIF		25,000				0.2%
Adult Education		105,500				
Debt		1,099,717				
Subtotal		2,476,297				16.4%
GRAND TOTAL		\$ 15,129,994				

CAPITAL INVESTMENT PLAN

The FY23-FY27 CIP was developed to hold the capital funding amount to the prior year's appropriation. Despite the limitation, the plan continues to address various capital needs across multiple departments, and to advance priority projects such as LED building light conversions and implementation, assessment of Memorial Field for improvements, and implementation of short-term objectives of the Bicycle and Pedestrian Master Plan.

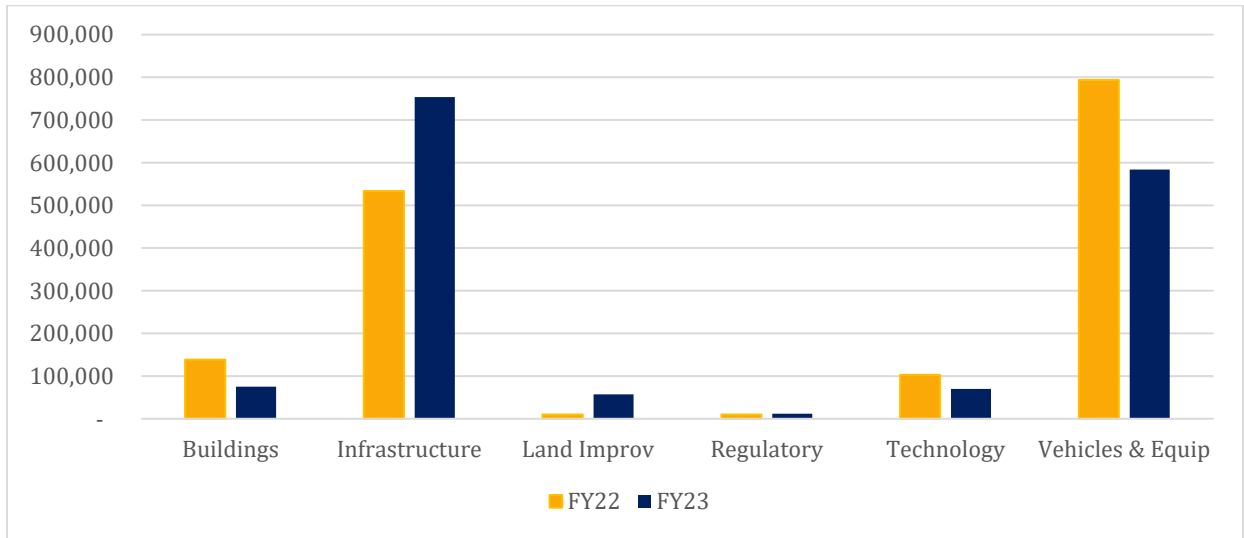
The proposed funding for capital in FY23 is \$1,516,400, representing a decrease of \$37,500 from the previous year's CIP funding. For comparison, the pre-COVID five-year plan called for \$1,748,917 to be funded in FY23. The CIP Committee considered anticipated operating budget increases, the broad range of needs, and other important factors in proposing the FY23 capital budget.

Funding for Holding Accounts is proposed to increase \$22,000 from the prior fiscal year. The Five-Year Pavement Management Plan has been updated based on the most recent pavement condition assessment. The Town had been developing a healthy reserve for the repaving of the Route 1 Mall Road area; however, MaineDOT has agreed to take on the majority of this project, saving the Town approximately \$900,000. This will allow the Town to move up rehabilitation and reconstruction of the Village stormwater system and roads to FY23 and FY24. The installation of a generator at Town Hall has been delayed due to significant cost increases resulting from current market conditions of materials and labor shortages.

The Capital Reserve Accounts are projected to decrease \$201,500 from the prior year. The primary driver is the shift of School capital out of the Municipal budget and into the School budget. Additional savings are coming from the Fire Facility Reserve. This reserve is not being funded in FY23 due to the approved Gorges Road expansion project.

There are three new Capital Projects being proposed for FY23. The first is the continuation of the invasive plant management effort at Fort Foster. This is a multi-year project, that began in FY22. The first year of funding was provided through Wetlands Mitigation Fund. The Youth Athletic Advisory Committee requested funding for the assessment of Memorial Field to determine what options are possible for improving the playing field conditions and support services such as parking, lighting, and field house. The assessment will build upon the work of the Youth Athletic Field Master Plan. Finally, the Town is proposing an LED building light conversion project for the KCC and Town Hall Complex. The project will take two years to complete and will reduce electricity use in these buildings by approximately 70% once implemented. The estimated cost includes projected Efficiency Maine incentives.

Capital Improvement Costs by Category



FY23 Capital Improvement Plan

Project Name	TYPE	FY23 Plan
Right of Way Reserve	Infrastructure	\$ 600,000
Fire Apparatus & Vehicle Reserve	Vehicles & Equip	-
Open Space Reserve	Land Improv	-
Municipal Facility Reserve	Buildings	50,000
		\$ 650,000

DPW Vehicles & Equipment Reserve	Vehicles & Equip	\$ 340,000
MS4 Compliance Reserve	Infrastructure	40,000
Parks Reserve	Land Improv	20,000
School Facility Reserve	Buildings	Moved to School Budget
School Vehicle Reserve	Vehicles & Equip	
School Equipment Reserve	Vehicles & Equip	
School Technology Reserve	Technology	
Fire Equipment Reserve	Vehicles & Equip	60,400
Municipal Technology Reserve	Technology	70,000
KCC Vehicle Reserve	Vehicles & Equip	-
KCC Equipment Reserve	Vehicles & Equip	30,000
KCC Facility Reserve	Buildings	25,000
KPA Boat Reserve	Vehicles & Equip	-
KPA Equipment Reserve	Vehicles & Equip	3,500
KPA Facility Reserve	Infrastructure	8,500
Police Vehicle Reserve	Vehicles & Equip	140,000
Police Equipment Reserve	Vehicles & Equip	10,000
Fire Facility Reserve	Buildings	-
Town Hall Records Preservation	Regulatory	12,000
		\$ 759,400

Rice Rehab and Expansion Design	Buildings	-
LED Lighting Conversion	Infrastructure	75,000
Emery Field Phase 2	Infrastructure	-
Fort Foster Invasive Plant Management	Land Improv	37,000
Climate Action Plan	Infrastructure	-
Memorial Field Assessment	Infrastructure	30,000
Bike/Ped Master Plan	Infrastructure	-
		\$ 142,000

		\$ 1,551,400
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Section II Department Budgets



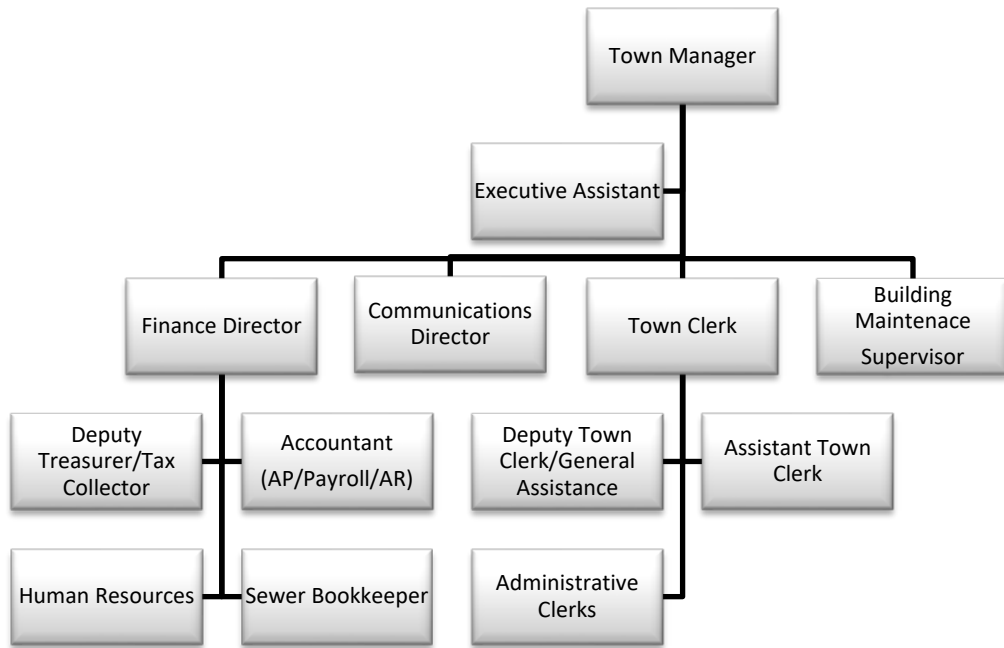
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ADMINISTRATION

MISSION STATEMENT

The mission of the Administration is to deliver municipal services in an efficient and cost-effective manner while meeting or exceeding the expectations of Kittery residents. The Administration budget includes the Town Clerk’s department, the Finance Department and Human Resources.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Town Manager (shared with Sewer Fund)	0.75	0.75
Executive Assistant	1	1
Finance Director/Assistant Town Manager	1	1
Deputy Treasurer/Tax Collector	1	1
Accountant	1	1
Sewer Bookkeeper (paid for by Sewer Fund)	1	1
Human Resources Manager	1	1
Building Maintenance Supervisor (formerly in KCC)	0	1
Communications Director	0	1
Town Clerk	1	1
Deputy Town Clerk/General Assistance	1	1
Assistant Town Clerk	1	1
Administrative Clerk	1.5	1
Total FTE	11.25	12.75

BUDGET OVERVIEW

The Administration budget is proposed to increase 2.0%, approximately \$23,851 over the prior year.

Unless otherwise noted, wage costs reflect the prior year's salary adjustments and projected step, and longevity adjustments based on years of service. Also note, the seven Collective Bargaining Agreements were still in negotiations during FY22. Therefore, the wages shown in FY22 did not reflect the cost of living or merit increases anticipated for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

The Administration Department organizational chart is being expanded to include the Building Maintenance Supervisor (previously under Kittery Community Center budget) and the new Communications Director position. The Building Maintenance Supervisor has been moved under this department budget to reflect the broader responsibilities/facilities being managed by this role, and to streamline management and support.

The Communications Director role is new, and reflects the value and expectations of the community. Residents are seeking the Town to communicate, share information in real time, engage on multiple platforms, and develop content that is of interest to a broad range of audiences. This work takes focus, purpose, and significant ongoing effort. It is no longer possible to approach communications as a secondary task, when time allows. This new position will manage the Town's presence on various social media platforms, develop print, electronic, video, and other content on Town services, programs, efforts, and initiatives, ensure the Town's communications are consistent and effective, and support all Town departments in sharing vital information to residents, businesses, and visitors of Kittery.

The Salary Adjustment line item is reduced approximately 65%, or \$165,000. This line item tends to fluctuate significantly depending on whether collective bargaining contract negotiations are underway or not. In a "negotiation year", the Administration budget carries a sum intended to cover the added costs anticipated from the negotiations. When contracts are locked in, the annual cost-of-living increases are projected in each department budget based on the negotiated rate for that year. All seven union contracts are now locked in until the end of FY24. Therefore, the wage increases, FICA, and retirement increases associated with cost of living in these contracts have been incorporated into their respective department budgets.

Non-personal expenses are increasing primarily due to inflationary forces on vendor, supply, and utility costs. Printing is increasing to reflect the added cost of supplies and postage for annual tax bills. Computer Services and Web Page are increasing to reflect the additional costs of web hosting, MUNIS (financial system), Trio (registration system), and the new SeeClickFix software launched in the prior year.

The Town was fortunate to lock in electricity rates for 2022 – 2024 in November of 2021; prior to the rapid inflation of utility costs. The electricity rate (for supply) is \$0.07858/kWh. Comparatively, CMP's supply rate is currently 33% higher than the Town's rate.

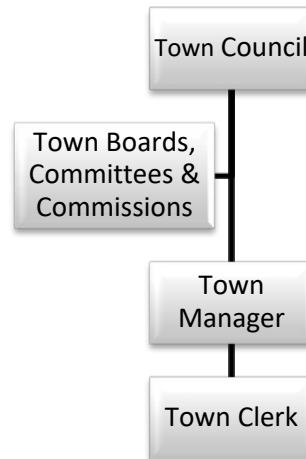
Legal services are increasing to reflect rates and the anticipated case work relative to the York/Kittery border dispute, and potential marijuana licensing civil suits.

ADMINISTRATION	FY19	FY20	FY21	FY22	FY23		
101110	ACTUALS	ACTUALS	ACTUALS	BUDGET	PROPOSED	VARIANCE	%
64011 MANAGER SALARY (75%)	94,604	103,982	106,978	105,896	115,200	9,304	
64014 TOWN CLERK SALARY	66,021	79,489	81,934	81,717	87,961	6,244	
64017 CLERKS SALARIES	297,024	305,654	318,483	319,904	322,388	2,484	
64018 HR MANAGER	54,794	60,815	63,330	65,498	74,983	9,485	
NEW COMMUNICATIONS DIRECTOR	-	-	-	-	71,400	71,400	
64026 FINANCE DIRECTOR SALARY	75,963	89,294	113,698	117,591	126,576	8,985	
TRNSF FACILITIES MAINTENANCE SUPERVISOR	-	-	-	-	59,055	59,055	
64027 CUSTODIAN WAGES	9,081	8,197	10,012	14,329	14,906	577	
64030 OVERTIME	9,696	3,389	699	4,000	4,000	-	
64031 SALARY ADJUSTMENT	32,000	-	-	195,000	30,000	(165,000)	
Total Personal Services	639,183	650,821	695,134	903,935	906,468	2,533	0.3%
65010 POSTAGE	18,745	13,628	6,884	13,000	8,000	(5,000)	
65020 TELEPHONE & INTERNET	7,927	7,885	8,140	9,000	9,000	-	
65030 TRANSPORTATION	400	-	-	2,500	2,500	-	
65040 EDUCATIONAL/MEETING EXPENSES	2,351	2,548	831	5,000	5,000	-	
65060 PRINTING	6,979	4,730	6,821	7,000	13,000	6,000	
65080 LEGAL NOTICES/OTHER ADV	2,521	714	2,380	3,000	3,000	-	
65200 ELECTRICITY	10,068	9,968	10,184	12,000	13,440	1,440	
65220 WATER	238	317	317	400	412	12	
65230 FUEL OIL	4,507	3,892	3,439	4,200	4,500	300	
65240 DUMPSTERS	588	413	633	625	727	102	
65250 SEWER	314	299	299	325	325	-	
65300 MACHINE & EQUIPMENT MAINT	23,780	38,670	34,312	35,000	35,000	-	
65400 LEGAL SERVICES	56,919	37,609	45,805	60,000	65,000	5,000	
65410 COMPUTER SERVICES	59,514	42,814	44,080	45,000	52,000	7,000	
65415 WEB PAGE	3,275	3,892	4,461	4,000	8,000	4,000	
65430 AUDIT SERVICES	16,500	17,000	19,050	17,500	17,500	-	
65480 OTHER PROFESSIONAL SERVICES	23,188	25,759	39,621	37,500	37,500	-	
65500 MAINTENANCE OF BLDG/GROUNDS	13,321	7,976	9,009	16,500	16,500	-	
66010 OFFICE SUPPLIES	7,062	7,649	7,217	7,000	8,000	1,000	
66020 BOOKS/SUBSCRIPTIONS	337	1,047	1,094	1,100	1,500	400	
66025 MAINE MUNICIPAL ASSOC. DUES	12,451	12,928	13,207	13,500	14,564	1,064	
66030 OTHER SUPPLIES	(5,693)	-	-	-	-	-	
66035 ABSTRACTS & LIENS	6,162	3,944	4,256	9,500	9,500	-	
66040 JANITORIAL SUPPLIES & SERVICES	1,383	935	2,003	2,500	2,500	-	
67510 OFFICE FURNITURE & EQUIPMENT	1,265	2,050	-	-	-	-	
Total Expenses	274,102	246,669	264,041	306,150	327,468	21,318	7.0%
TOTAL ADMINISTRATION	913,285	897,490	959,175	1,210,085	1,233,936	23,851	2.0%

TOWN COUNCIL

MISSION STATEMENT

The members of the Town Council are the municipal officers of the Town of Kittery and have all powers and authority to perform all duties required of municipal officers under the laws of the State of Maine.

DEPARTMENT ORGANIZATION**PERSONNEL SUMMARY**

POSITION	FY22 Budget	FY23 Proposed
Town Council (Stipend)	7	7
Town Manager (in Administration and Sewer Budgets)	N/A	N/A
Town Clerk (in Administration Budget)	N/A	N/A
Total FTE	N/A	N/A

BUDGET OVERVIEW

Members of the Town Council receive a stipend of \$20 for each meeting they attend. The Council is also eligible for expense reimbursement for travel to professional development programs, and for materials and supplies. Members of the Town Council historically have not sought reimbursement.

The Other Professional Services covers the cost of training opportunities for Councilors. These are typically received from Maine Municipal Association, though there are other sources as well. Councilors have recently taken greater advantage of these opportunities.

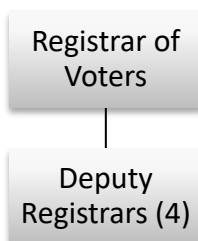
TOWN COUNCIL	FY19	FY20	FY21	FY22	FY23		
101115	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64001 COUNCIL STIPEND	4,120	3,440	3,320	4,000	4,000	-	
65480 OTHER PROF SERVICES	1,225	141	45	3,000	1,500	(1,500)	
66037 COUNCIL EXPENSES	-	-	45	350	150	(200)	
TOTAL TOWN COUNCIL	5,345	3,581	3,410	7,350	5,650	(1,700)	-23%

ELECTIONS

MISSION STATEMENT

The Town Clerk serves as the Registrar of Voters and is responsible for conducting fair elections and coordinating all elections activity in Kittery. This includes the administration of local, state and national elections along with the monitoring of candidate certifications and initiative petitions.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Registrar (Town Clerk in Administration Budget)	1	1
Deputy Registrars (PT as needed)	4	4
Total FTE	N/A	N/A

BUDGET OVERVIEW AND RECOMMENDATION

The prior year's budget was developed anticipating a special election in addition to the normal twice-annual voting. Though a special election is not anticipated at this time, the gubernatorial election in November is expected to generate a moderate to high election turnout. Therefore, this budget is remaining generally unchanged, with only minor increases anticipated in the cost of ballot printing and postage for absentee balloting.

ELECTIONS	FY19	FY20	FY21	FY22	FY23		
101130	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64020 PART TIME SALARIES/VOTER REG/ELECTIONS	3,081	3,059	8,721	5,000	5,000	-	
65000 ELECTION EXPENSES	-	189	189	800	800	-	
65010 POSTAGE	24	1,572	2,767	2,100	2,200	100	
65060 PRINTING	3,801	5,229	8,095	6,500	7,000	500	
65480 OTHER PROFESSIONAL SERVICES	2,645	3,230	2,480	5,000	5,500	500	
66010 OFFICE SUPPLIES	179	140	336	200	200	-	
67510 OFFICE FURNITURE & EQUIPMENT	-	3,476	1,796	1,000	-	(1,000)	
TOTAL ELECTIONS	9,730	16,895	24,384	20,600	20,700	100	0.5%

SHARED EXPENSES

DESCRIPTION

Shared expenses represent employee and insurance costs that are shared by all departments. These items are generally non-discretionary; meaning they are part of the mandatory costs associated with an operation that employs people and owns property. A combined Shared Expenses budget allows for a better understanding of the impact of cost increases in health plans or retirement assessments on the overall operational costs of the town. This approach also directly recognizes that items such as FICA, Workers Compensation Insurance, health benefits for full-time employees, and retirement benefits are either federally mandated or negotiated through collective bargaining agreements, and therefore no one department has control over these costs, nor can any department head choose to forgo spending on these mandated items.

EMPLOYEE BENEFITS & INSURANCE

The total increase for Employee Benefits and Insurance is \$156,810, approximately 5.1%.

The Shared Expenses reflect the Police Officer added through end of year funds transfers in August; and the addition of the Communications Director. These costs include FICA, Medical and Dental, and other benefits.

The anticipated rate increase from Allegiant Care, the primary insurer, is 6%. Some, though not all, of the collective bargaining agreements require a 50/50 cost share of increases over 2% with the employees.

EMPLOYEE BENEFITS & INSURANCE	FY19	FY20	FY21	FY22	FY23		
103000 - 103003	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64050 MAINE STATE RETIREMENT	466,248	511,034	506,184	578,671	537,863	(40,808)	-7.1%
64051 ICMA EMPLOYER SHARE	22,646	22,669	29,775	30,545	87,555	57,011	186.6%
64060 FICA EMPLOYER SHARE	377,475	404,612	401,393	466,816	493,382	26,567	5.7%
64070 WORKERS COMPENSATION	186,587	145,342	124,001	148,208	163,251	15,043	10.2%
64090 MAJOR MEDICAL INSURANCE	1,009,078	1,127,592	1,180,744	1,383,280	1,476,280	93,000	6.7%
64091 DENTAL INSURANCE	10,520	11,416	13,006	19,536	17,120	(2,416)	-12.4%
64092 DISABILITY INSURANCE	29,514	32,536	32,281	37,000	34,000	(3,000)	-8.1%
64090 RETIRED EMPLOYEE MEDICAL/DENTAL	186,408	178,574	192,522	205,816	200,000	(5,816)	-2.8%
65101 MMA RISK POOL (PROP & CASUALTY)	166,526	172,645	178,174	185,950	198,180	12,229	6.6%
68427 SELF INSURANCE CLAIMS	2,250	2,050	-	-	-	-	-
65115 UNEMPLOYMENT COMPENSATION	2,683	23,744	24,486	5,000	10,000	5,000	100.0%
65150 MISCELLANEOUS INSURANCE LIFE E	4,898	6,285	5,788	6,200	6,200	-	0.0%
65210 UNION CENTRAL LIFE INS	2,405	2,711	2,566	3,320	3,320	-	0.0%
BENEFITS AND INSURANCE	2,467,238	2,641,210	2,690,920	3,070,342	3,227,151	156,810	5.1%

DEBT SERVICE

BUDGET OVERVIEW

The municipal debt service is projected to decrease \$29,121, approximately 2.6% in FY23.

The bond for the Rice Library Expansion and Renovation project was issued in January 2021; with the first payments appearing in the prior year.

Municipal bonds become eligible for refinancing after 10 years. The Town refinanced a bond in 2021 that resulted in \$700,000 in savings over the remaining life of the note. Bond issues are constantly reviewed for possible refunding opportunities and the savings to the Town are considered along with the costs of the refunding. Sewer bonds obtained through the Maine Municipal Bond Bank and Clean Water State Revolving Fund bonds are not eligible for refinancing.

DEBT SERVICE 101230	FY19 ACTUAL	FY20 ACTUAL	FY21 ACTUAL	FY22 BUDGET	FY23 PROPOSED	VARIANCE	%
68057 RUSTLEWOOD FARM - PRINC	6,199	6,292	6,407	6,545	6,701	156	
68065 2006 FIRE STATION BOND	115,000	115,000	115,000	115,000	115,000	-	
68066 2010/2021 REFUND DPW BOND PRIN	35,000	35,000	35,000	16,500	16,500	-	
68067 2012 KCC BOND PRINC	275,000	275,000	275,000	275,000	275,000	-	
68068 2015 CIP BOND PRINCIPAL	225,000	225,000	225,000	225,000	225,000	-	
68069 KLT BRAVE BOAT HEADWATERS PRINC	11,463	11,592	11,741	11,910	12,101	191	
68071 LIBRARY BOND PRINCIPAL	-	-	-	240,000	240,000	-	
68257 RUSTLEWOOD FARM INTEREST	4,116	4,023	3,908	3,771	3,614	(157)	
68265 2006 FIRE STATION BOND INT	19,700	17,400	15,100	12,800	10,500	(2,300)	
68268 2015 CIP BONDS INTEREST	33,700	29,250	24,750	20,250	15,750	(4,500)	
68269 KLT BRAVE BOAT HEADWATERS INT	6,627	6,498	6,349	6,180	5,989	(191)	
68295 2010/2021 REFUND DPW BOND INT	15,231	14,312	13,503	5,474	4,557	(917)	
68297 2012 KCC BOND INT	93,775	88,275	82,775	77,275	71,775	(5,500)	
68271 LIBRARY BOND INTEREST	-	-	-	113,133	97,230	(15,903)	
DEBT & INTEREST	840,811	827,641	814,532	1,128,838	1,099,717	(29,121)	-2.6%

MISCELLANEOUS EXPENSES

DESCRIPTION

The Miscellaneous Expenses budget contains line items that do not fit neatly into other departmental categories or are line items that run across multiple departments. Miscellaneous also includes the revenue offset for the single TIF District, and funding for state mandated General Assistance.

BUDGET OVERVIEW

This budget is projected to have an overall decrease of \$3,985 or approximately 0.3%

Streetlight electricity is continuing to show lower than expected costs due to the LED conversion in FY21. Maintenance and Equipment is increasing as the Town's older traffic light signals require ongoing repairs and programming, and for repairs to streetlights as needed for non-warranty related outages.

General Assistance is projected to decrease \$10,000. The utilization of General Assistance has proved to not be growing as anticipated from the pandemic after effects, even with fuel prices spiking this past winter. The Town is involved in regular collaborative conversations with its various social service agencies in the area; and works to effectively coordinate support services for residents in need through multiple sources. This approach ensures General Assistance is not the only or primary source of support for a family in need. The projected spending reflects a conservative expectation that the need is leveling off or returning to a new "normal" state.

The annual County Tax assessment is decreasing from \$1,006,515 to \$990,000, approximately a 1.6% reduction. The last time the County assessment was below \$1M was in FY20. The county's Emergency Management Agency has been an exceptionally effective partner throughout the past two years; working with staff to plan clinics and testing, providing PPE supplies, and helping connect the region with vital information and strategies, throughout the pandemic. Conversely the county jails are severely limiting or denying support for our law enforcement activities, and the courts are drowning under a back-log of cases. This continues to be an issue for the county.

Hydrant rental fees from the Kittery Water District are increasing \$13,950 or approximately 5.5% per a vote of the Kittery Water Trustees.

All other increases are based on anticipated vendor and supply cost increases.

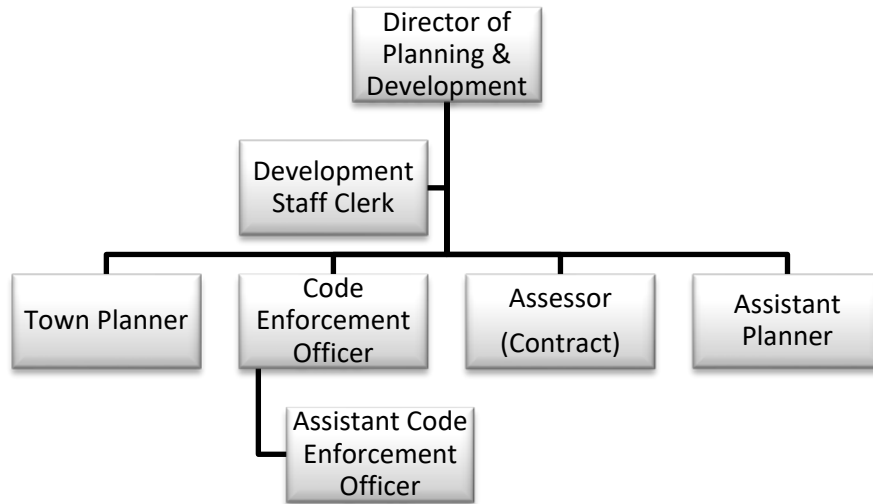
MISCELLANEOUS	FY19 ACTUAL	FY20 ACTUAL	FY21 ACTUAL	FY22 BUDGET	FY23 PROPOSED	VARIANCE	%
101330 STREETLIGHTS							
65200 ELECTRICITY - STREETLIGHTS	105,931	35,045	17,997	45,000	35,000	(10,000)	
65300 MACHINE & EQUIPMENT MAINT	25,139	18,757	20,910	10,000	20,000	10,000	
101520 GENERAL ASSISTANCE							
65480 GENERAL ASSISTANCE	49,070	49,229	38,344	60,000	50,000	(10,000)	-16.7%
101530 PUBLIC HEALTH							
64020 PUBLIC HEALTH SALARIES	491	494	521	520	520	-	
101150 COUNTY TAX							
65480 COUNTY TAX	863,018	894,782	1,005,790	1,006,515	990,000	(16,515)	-1.6%
101750 BANK FEES							
65954 BANK FEES & CHARGES	(218)	444	(11)	500	500	-	
101155 TIF DISTRICTS							
65000 TIF FINANCING PLAN AMOUNT	139,334	236,000	27,000	20,000	25,000	5,000	25.0%
101340 HYDRANTS							
65300 HYDRANT RENT MACHINE & EQUIP M	254,179	254,179	255,149	255,000	268,950	13,950	5.5%
101740 MISCELLANEOUS - GENERAL							
65023 EPA STORMWATER 4 PROGRAM	19,104	21,094	18,964	20,000	25,000	5,000	
65025 COMPUTER REPAIR/REPLACEMENT	42,799	66,156	49,103	65,000	65,000	-	
65455 MEMORIAL DAY ACTIVITIES	1,191	-	-	-	-	-	
65951 SHELLFISH CONSERVATION COMMISS	3,500	1,700	-	-	-	-	
66036 CONSERVATION COMMISSION	27	-	-	500	500	-	
68525 MOSQUITO/TICK/WEEDS CONTROL PRGM	35,194	36,750	38,856	40,000	38,580	(1,420)	
68532 GIS WEB ACCOUNT	3,600	900	-	-	-	-	
69200 PSAP PAID TO YORK PD	28,674	31,281	31,359	35,000	35,000	-	
TOTAL MISCELLANEOUS EXPENSES	1,571,034	1,646,812	1,503,982	1,558,035	1,554,050	(3,985)	-0.3%

PLANNING AND DEVELOPMENT

MISSION STATEMENT

The Planning and Development Department works with residents and developers to manage change within the community. Recently reorganized, this department will be assuming a significant leadership role in planning for and implementing the town’s community and economic growth objectives. The department continues to provide oversight of building projects, permitting, valuation and enforcement of land use and health and safety regulations. The department provides professional support to the Planning Board, Board of Appeals, and Board of Assessment Review. The department also assists the Kittery Port Authority.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Director of Planning & Development	1	1
Town Planner	1	1
Project/Assistant Planner	.5	.5
Development Staff Clerk	1	1
Code Enforcement Officer	1	1
Assistant Code Enforcement Officer	1	1
Total FTE	5.5	5.5

BUDGET OVERVIEW

The overall projected increase for this department is \$50,411, approximately 8.9%.

Unless otherwise noted, wage costs reflect the prior year's salary adjustments, and projected step and longevity adjustments based on years of service. The wages shown in FY22 did not reflect the cost of living or merit increases issued for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

The Planning Board and Board of Appeals costs have been incorporated into the Planning Department for efficiency. The prior years' costs for the Planning Board and Board of Appeals have been incorporated as well, to ensure there is the ability to continue to evaluate year-over-year costs.

The Planner position is currently vacant. In consideration of the employment market and the specialized skills and education need for this position, we have increased the wages to ensure our competitiveness.

The Personal Property Evaluation Services are being paused for a year as staff determine how much of this can be accomplished internally. The cost/benefit analysis of outsourcing this work has shown it to be slightly above neutral.

Operating expenses are increasing \$15,650, or approximately 7.59%. The primary driver is in Other Professional Services which includes the Town's contract Assessor. This line also includes funding for hiring professional services to assist the Town with neighborhood master planning and design guide updates. This requires architectural and engineering expertise not available in-house. The additional funding will make it possible to engage professionals capable to doing this specialized work.

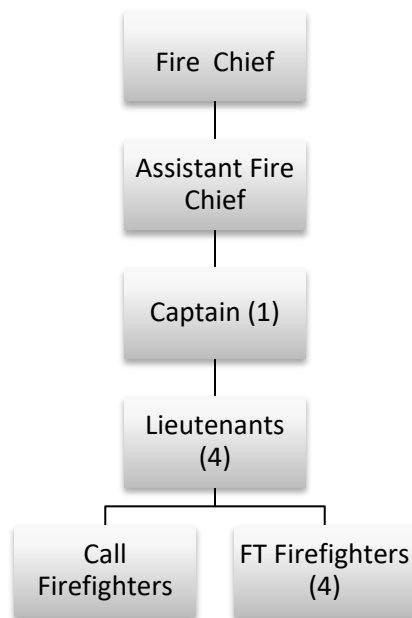
PLANNING & CODE ENFORCEMENT	FY19	FY20	FY21	FY22	FY23		
101721	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64042 DIRECTOR OF PLANNING AND DEVELOPMENT	98,964	100,879	103,076	103,238	112,875	9,638	
64006 PLANNER SALARY	62,720	49,544	64,431	64,260	75,000	10,740	
64005 CODE ENFORCEMENT SALARIES	64,339	85,714	71,442	72,119	76,595	4,476	
64010 DEVELOPMENT STAFF CLERK	39,367	35,102	41,044	40,934	43,410	2,475	
64017 ASSISTANT PLANNER	(763)	25,533	20,245	26,970	28,822	1,852	
64018 ASST CODE ENFORCEMENT OFFICER	50,877	42,778	52,967	52,349	57,930	5,581	
64020 SHORELAND RESOURCE OFFICER	18,162	-	-	-	-	-	
64030 OVERTIME	2,968	250	93	-	-	-	
Total Personal Services	336,635	339,799	353,298	359,871	394,632	34,762	9.66%
65010 POSTAGE	7	1,212	1,875	1,700	1,550	(150)	
65020 TELEPHONE & INTERNET	748	1,538	1,856	1,500	1,500	-	
65030 TRANSPORTATION	329	829	(51)	600	600	-	
65040 EDUCATIONAL/MEETING EXPENSES	1,922	2,079	1,187	4,000	4,000	-	
65060 PRINTING	-	191	113	750	450	(300)	
65070 MAPS	4,660	-	-	-	-	-	
65080 LEGAL NOTICES & OTHER ADVERTIS	929	930	1,366	1,750	3,000	1,250	
65300 MACHINE & EQUIPMENT MAINT	3,686	3,686	3,667	3,700	3,200	(500)	
65310 VEHICLE MAINTENANCE	-	115	114	500	500	-	
65311 GAS, GREASE & OIL	828	447	420	450	-	(450)	
65314 VEHICLE LEASE	-	-	471	1,900	1,885	(15)	
65400 LEGAL SERVICES	6,390	843	1,359	5,000	4,000	(1,000)	
65410 COMPUTER SERVICES	10,130	-	23,371	31,362	31,676	314	
65411 BOARD OF ASSESSMENT REVIEW	192	-	-	200	200	-	
65423 PERSONAL PROPERTY EVAL. SERVICES	20,000	6,000	1,500	6,000	-	(6,000)	
65425 VISION INTERNET	-	8,889	-	-	-	-	
65480 OTHER PROFESSIONAL SERVICES	100,168	134,159	135,185	137,820	161,000	23,180	
65521 UNIFORMS	220	100	-	250	300	50	
66010 OFFICE SUPPLIES	270	878	202	850	850	-	
66020 BOOKS/SUBSCRIPTIONS	70	441	33	400	500	100	
66026 SMPDC MEMBERSHIP	5,018	5,520	5,685	5,685	5,856	171	
66030 OTHER SUPPLIES	51	25	-	250	250	-	
66035 ABSTRACTS & LIENS TRANSFERS	818	726	-	-	-	-	
67510 OFFICE FURNITURE & EQUIPMENT	-	21	-	2,000	1,000	(1,000)	
Total Expenses	156,435	168,630	178,352	206,667	222,317	15,650	7.57%
TOTAL PLANNING & CODE ENFORCEMENT	493,070	508,429	531,651	566,538	616,949	50,411	8.90%

FIRE DEPARTMENT

MISSION STATEMENT

The Kittery Fire Department provides services for the preservation and protection of life, property and environment. The department protects the community from the adverse effects of fire, medical emergencies, hazardous material incidents and natural disasters. The department focuses its efforts by providing rapid, professional and humanitarian service, essential in keeping the community healthy and safe.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Fire Chief	1	1
Assistant Fire Chief	0.5	0.5
Full-time Firefighters	4	4*
Part-Time Firefighters and Officers	6.4	6.4
Total FTE	11.9	11.9

* Alternative budget includes additional full-time Firefighters

BUDGET OVERVIEW

The department budget is proposed to increase \$45,224, or approximately 7.2%. After years of discussing the need to transition, the prior year’s budget supported the first four full-time

Firefighters. It is understood this is a starting point and not the conclusion of what needs to be accomplished to ensure Kittery has the public safety response it expects.

Kittery has applied for a SAFER federal Firefighter grant for the addition of 8 full-time Firefighters to the current force; in addition to the existing four Firefighters. The SAFER grant pays for all wages and benefits for 3 years. If awarded this would bring Kittery to a sufficient level of full-time Firefighters to cover weekends, and later into the evening.

The FY23 budget is being proposed with a base funding request for the Fire Department (and Shared Expenses) to support the current staffing levels. A supplemental proposal is also included which would add an additional four full-time Firefighters at a cost of approximately \$375,000. Work is underway to determine the cost/revenue benefit of bringing the ambulance service in-house. The revenue from ambulance transports can be significant, however, the staffing required to ensure at least two ambulances are available at all times is equally costly. The analysis is expected to be complete by the end of the 2022 calendar year.

Kittery’s firefighters are dedicated, well-trained and equipped, and committed to the fire service. In 1975, Kittery had 72 firefighters on the roster. Today, Kittery has a total of 25, however only 15 are qualified, or approximately 60%, based on the State of Maine certification requirements and medical review. Only qualified firefighters may enter any immediately dangerous to life and health atmospheres. Firefighters that are not qualified are still very helpful at fire incidents and on fire scenes, however they are not available resources for all fire calls.

Regardless of qualifications or status, a firefighter must still respond to a call for service to be truly helpful. As discussed in previous years, the availability of call-firefighters continues to decline. The Fire Chief is continuing to track the average firefighter response to calls for service each year. Safe fire response generally requires a minimum of nine firefighters and one Incident Commander, for a total of 10.

Average Response by Month, Day of Week, and Time

Day of the Week	12AM - 8AM					8AM - 4PM					4PM - 12AM				
	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021
Sunday	10.0	9.8	8.8	8.2	6.2	11.4	9.9	9.1	9.5	7.7	13.0	10.1	11.8	10.1	8.8
Monday	10.6	8.8	7.8	6.8	6.8	11.2	8.4	7.9	8.9	7.3	14.1	10.0	10.0	10.3	8.8
Tuesday	8.5	8.4	7.4	8.3	7.3	9.8	8.5	9.0	8.8	7.5	14.6	12.3	11.0	11.0	10.0
Wednesday	11.0	8.0	9.1	7.8	6.9	9.6	9.3	8.6	9.5	7.7	12.6	11.4	10.4	9.1	8.8
Thursday	9.0	8.9	8.8	8.5	7.2	9.9	8.1	8.0	8.2	7.0	12.3	11.3	10.7	11.0	10.4
Friday	11.2	7.3	6.9	7.6	6.4	9.2	7.5	7.5	9.0	7.9	11.5	8.9	10.4	8.6	8.0
Saturday	11.5	9.3	9.0	8.1	6.4	9.8	10.0	8.5	9.1	7.7	12.0	10.6	9.3	8.9	6.6

Month	Firefighters per Call				
	2017	2018	2019	2020	2021
January	13.2	9.3	9.8	9.5	9.1
February	12.0	10.2	9.6	7.8	7.8
March	11.9	9.9	9.1	10.8	8.7
April	12.7	10.7	8.3	10.6	8.3
May	11.6	9.1	9.4	10.7	8.2
June	11.5	9.5	8.2	9.3	7.8
July	11.5	9.6	8.7	8.3	6.5
August	9.5	9.5	8.9	8.5	7.2
September	9.7	8.2	10.8	7.4	7.4
October	10.0	8.9	8.9	8.6	7.3
November	9.9	8.4	9.1	10.0	8.2
December	10.5	9.0	9.5	9.7	8.5

Unless otherwise noted, wage costs reflect the prior year’s salary adjustments, and projected step and longevity adjustments based on years of service. The wages shown in FY22 did not reflect the cost of living or merit increases issued for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

Wage costs have been adjusted to reflect the greater reliance on the full-time Firefighters to respond to calls of their normal M-F day shift.

The Health/Physical cost increase reflects both the added cost of trying to add both call and full-time Firefighters to the ranks; it also coincides with the vendor price increases. Firefighters (regardless of Call- or FT status) must be evaluated for respiratory and physical health standards to perform their work.

Utility and fuel lines are increasing with the increased costs of electricity, propane used to heat the Fire Stations, and fuel needed for apparatus.

FIRE		FY19	FY20	FY21	FY22	FY23		
101320		ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64003	FIRE CHIEF SALARY	71,683	90,870	92,854	92,604	107,435	14,831	
64044	FULL TIME FIREFIGHTER SALARIES	-	-	-	242,944	256,037	13,093	
64045	OVERTIME FT FIREFIGHTER (formerly	-	-	-	29,883	55,000	25,117	
64020	PART TIME SALARIES	109,697	119,921	131,218	111,056	102,493	(8,563)	
64043	ON-CALL FIREFIGHTING PAY	16,320	13,309	12,447	16,728	2,720	(14,008)	
64095	ACCIDENT & HEALTH	2,072	2,072	2,072	2,208	1,766	(442)	
Total Personal Services		199,772	226,172	238,591	495,423	525,451	30,028	6.1%
64050	POSTAGE	-	36	19			-	
65020	TELEPHONE & INTERNET	7,905	7,736	7,664	7,728	8,374	646	
65040	EDUCATIONAL/MEETING EXPENSES	1,726	1,396	2,431	2,235	2,235	-	
64045	TRAINING	2,070	1,595	2,953	4,650	4,650	-	
65046	HEALTH/PHYSICAL	1,969	1,620	1,596	2,618	7,600	4,982	
65080	LEGAL NOTICES/OTHER ADVERTISE	103	-	-	-	-	-	
65200	ELECTRICITY	8,168	7,727	7,900	8,688	9,731	1,043	
65220	WATER	293	293	293	302	312	10	
65230	FUEL OIL	16,079	13,492	12,458	19,398	22,570	3,172	
65250	SEWER	300	500	407	400	400	-	
65300	MACHINE & EQUIPMENT MAINT	22,551	21,108	37,124	33,829	35,419	1,590	
65302	PROTECTIVE & SAFETY EQUIPMENT	4,203	1,566	4,188	3,660	3,660	-	
65311	GAS, GREASE & OIL	5,887	6,209	7,121	7,185	8,388	1,203	
65312	TIRES & TUBES	4,522	943	6,392	-	-	-	
65330	RADIO MAINTENANCE	4,299	1,476	1,737	5,117	2,867	(2,250)	
65480	OTHER PROFESSIONAL SERVICES	7,397	6,724	6,350	7,896	7,896	-	
65500	MAINTENANCE OF BLDG/GROUNDS	17,898	10,899	8,185	15,390	15,390	-	
65521	UNIFORMS - FT FIREFIGHTERS	-	-	-	800	5,600	4,800	
66010	OFFICE SUPPLIES	188	407	-	672	672	-	
66020	BOOKS/SUBSCRIPTIONS/DUES	49	80	-	200	200	-	
66040	JANITORIAL SUPPLIES & SERVICES	703	329	447	600	600	-	
67505	EXTINGUISHER MAINTENANCE	265	256	318	500	500	-	
67515	LANTERNS & BATTERIES	240	33	301	200	200	-	
67520	OPERATING EQUIPMENT	3,336	11,472	6,436	8,000	8,000	-	
Total Expenses		110,149	95,899	114,320	130,068	145,264	15,196	11.7%
TOTAL FIRE		309,921	322,071	352,911	625,491	670,715	45,224	7.2%

OPTION: ADD FOUR FULL-TIME FIREFIGHTERS

If the Town does not receive the SAFER grant which would add 8 more full-time Firefighters at no cost for the next three years; then the Council is being asked to consider an alternative ramp up on staffing support for the Fire Department.

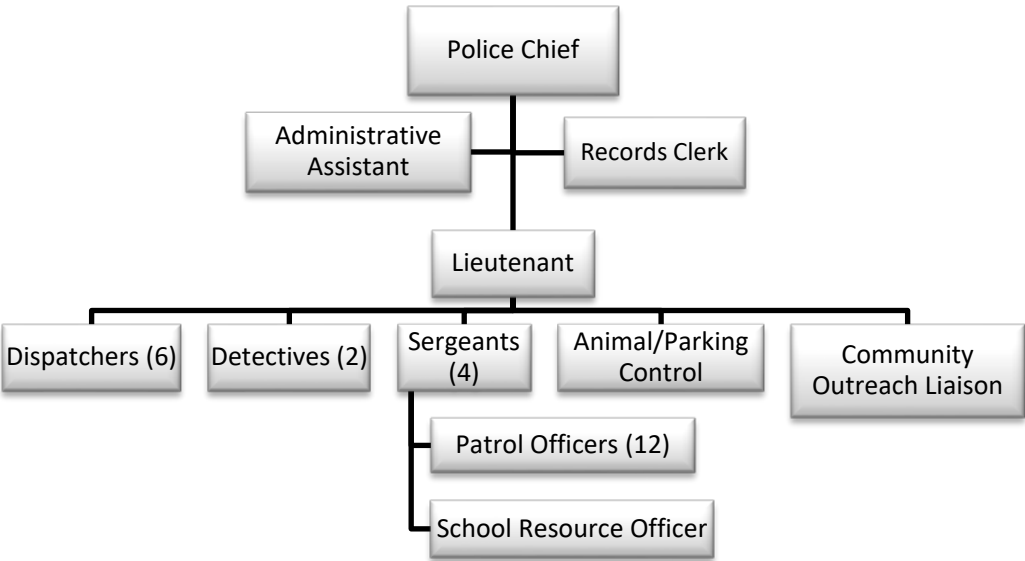
ADD FOUR FULL-TIME FIREFIGHTERS		OPTION ADD TO FY23
101320-64044	FULL TIME FIREFIGHTER SALARIES	251,763
101320-65521	UNIFORMS - FT FIREFIGHTERS	3,600
101320 MISC	PHYSICALS/TRAINING/ETC	10,000
103000-64060	FICA	18,882
103002-64050	MAINE STATE RETIREMENT	25,680
103001-64090	MAJOR MEDICAL INSURANCE	90,468
103001-64091	DENTAL INSURANCE	5,540
TOTAL ADDITION		405,933
APPROXIMATE IMPACT ON TAX RATE		\$ 0.19

POLICE DEPARTMENT

MISSION STATEMENT

The Kittery Police Department works in partnership with the community to enforce the law, preserve the peace and protect the rights, lives and property of all people. As guardians of the community, the department strives to ensure a high quality of life in a respectful, fair and compassionate manner.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Chief	1	1
Lieutenant	1	1
Sergeants	4	4
Detective	2	2
Patrol Officer	11	12
School Resource Officer	1	1
Lead Dispatcher	1	1
Dispatcher	4.5	4.5
Animal Control Officer	1	1
Administrative Assistant	1	1
Community Outreach Liaison (contracted)	0	0.3
Records Clerk	1	1
Total FTE	28.50	29.80

BUDGET OVERVIEW

The overall Police budget is increasing \$223,000, approximately 8.84%.

Unless otherwise noted, wage costs reflect the prior year's salary adjustments, and projected step and longevity adjustments based on years of service. The wages shown in FY22 did not reflect the cost of living or merit increases issued for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

Total personnel expenses are increasing \$195,448 or approximately 8.97%. This includes the addition of a Police Officer made through a year-end-transfer at the commencement of the prior fiscal year. This also includes wage adjustments made to address competitiveness of wages for Police Officers, and to cover negotiated benefits as part of the most recent collective bargaining efforts.

Overtime has been adjusted to reflect the impact of wage increases. The Police Department continues to rely heavily on overtime to cover shifts. The Town Council added an Officer to the budget in FY22 through the use of a year-end transfer. The full benefit of the additional Officer has not yet been realized. The Police Department was fully staffed for a brief period in the prior year, but that was disrupted when an Officer chose to move north for a new opportunity and more affordable housing options.

Non-personnel expenses are increasing \$27,552 or 8.02%.

The Town launched its collaboration with York and Eliot to hire a shared Community Outreach Liaison (COL). This program embeds a social services liaison in the departments to provide follow-up contact, outreach and referral services to victims and families. The COL works to understand and help address root-cause issues such as mental health, substance abuse, and socio-economic challenges that can lead to domestic abuse, crime, and other public safety issues. The position is housed in York County Community Action and funded by the three communities equally. The annual cost for Kittery's share is \$28,000.

Telephone and internet services is increasing to cover the incorporation of body worn cameras (Body Cams) for Officers. The program will equip each Officer with a cell phone-based system that is worn on their uniform or vest and records their interactions with the public. The benefit of this approach to body cams is it accomplishes all of the same functions as traditional systems, without the extremely high cost of software and data storage that has plagued these programs.

Machine and Equipment Maintenance is projected to increase \$10,500 to cover the increased cost of licensing and policy maintenance systems used by the Police Department. These systems are critical to the department obtaining and maintaining Maine Law Enforcement Accreditation (MLEAP) designation. The Town began working to achieve MLEAP in the prior year.

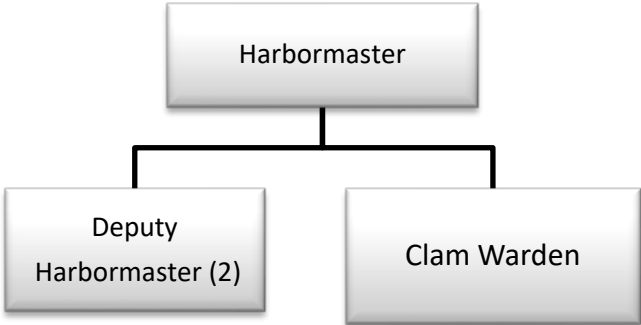
POLICE	FY19	FY20	FY21	FY22	FY23		
101310	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64002 POLICE CHIEF FT SALARY	72,596	97,940	101,639	99,809	107,435	7,626	
64012 SERGEANTS SALARIES	294,648	308,056	312,774	329,213	356,618	27,405	
64013 SCHOOL RESOURCE OFFICER	60,898	43,506	60,445	68,791	71,959	3,169	
64014 DETECTIVES SALARIES	129,377	139,241	138,234	140,909	154,296	13,386	
64015 PATROLMEN SALARIES	633,433	652,100	715,313	767,358	838,111	70,753	
64016 DISPATCHER SALARIES	318,246	291,370	292,112	296,420	329,385	32,965	
64017 ADMINISTRATIVE ASSISTANTS	46,674	82,049	96,523	95,895	101,473	5,579	
64022 ANIMAL CONTROL OFFICER SALARY	31,856	58,629	66,260	68,939	76,990	8,051	
64023 LIEUTENANT SALARY	75,451	129,988	81,620	83,454	89,830	6,377	
64024 NIGHT DIFFERENTIAL	15,537	15,845	15,605	17,000	15,500	(1,500)	
64034 PHYSICAL FITNESS STIPEND	3,000	3,300	1,500	5,700	14,700	9,000	
64027 CUSTODIAN WAGES	13,204	13,192	13,667	15,433	16,455	1,023	
64030 OVERTIME	230,258	253,735	222,919	188,710	200,000	11,290	
64032 DEA OVERTIME	6,775	-	-	-	-	-	
64033 SICK TIME BUY BACK	-	-	-	2,083	2,408	325	
64035 OUTSIDE DETAIL	3,917	-	-	-	-	-	
64047 OTHER COMPENSATION	56,919	-	-	-	-	-	
Total Personal Services	1,992,788	2,088,950	2,118,611	2,179,712	2,375,160	195,448	8.97%
65010 POSTAGE	23	388	931	870	870	-	
65020 TELEPHONE & INTERNET	22,132	23,043	24,880	24,700	30,000	5,300	
65030 TRANSPORTATION	5,776	2,971	2,800	2,800	2,800	-	
65040 EDUCATIONAL/MEETING EXPENSES	19,689	19,238	17,635	26,500	26,500	-	
65060 PRINTING	1,055	978	8,926	3,650	4,450	800	
65080 LEGAL NOTICES/OTHER ADVERTISE	-	254	541	1,010	850	(160)	
65200 ELECTRICITY	13,424	13,291	13,579	15,000	15,000	-	
65220 WATER	212	423	423	545	545	-	
65230 FUEL OIL	6,605	5,471	5,449	5,400	5,500	100	
65240 DUMPSTERS	784	671	844	750	970	220	
65250 SEWER	419	399	399	300	400	100	
65300 MACHINE & EQUIPMENT MAINT	57,334	71,642	66,131	72,500	83,000	10,500	
65310 VEHICLE MAINTENANCE	22,280	34,093	22,192	31,000	31,000	-	
65311 GAS, GREASE, OIL, & TIRES	35,539	32,092	29,692	45,000	48,125	3,125	
65470 DOG EXPENSE	385	-	85	750	750	-	
65480 OTHER PROFESSIONAL SERVICES	4,962	2,837	1,204	7,725	3,000	(4,725)	
65500 MAINTENANCE OF BLDG/GROUNDS	6,652	1,393	2,129	5,000	5,000	-	
65521 UNIFORMS	29,663	25,009	20,898	27,060	27,000	(60)	
65693 SOCIAL SERVICES PARTNER	-	-	-	20,000	28,000	8,000	
66010 OFFICE SUPPLIES	3,404	3,473	3,167	4,000	4,000	-	
66020 BOOKS/SUBSCRIPTIONS	3,289	2,942	2,964	5,080	5,715	635	
66030 OTHER SUPPLIES	3,283	5,191	3,285	7,800	7,800	-	
66032 ARMORY SUPPLIES	8,203	24,205	17,307	25,684	30,000	4,316	
66040 JANITORIAL SUPPLIES & SERVICES	2,152	1,622	2,411	3,000	3,000	-	
67510 OFFICE FURNITURE & EQUIPMENT	789	195	1,455	1,500	1,500	-	
67517 BULLET PROOF VESTS	6,837	4,832	581	5,875	5,276	(599)	
Total Expenses	254,889	276,652	249,908	343,499	371,051	27,552	8.02%
TOTAL POLICE	2,247,677	2,365,602	2,368,520	2,523,211	2,746,211	223,000	8.84%

HARBORMASTER

MISSION STATEMENT

The Harbormaster is responsible for maintenance and development of the port, harbor and navigable tidal waters within the jurisdiction of the town’s Port Authority. The Kittery Port Authority establishes the rules and regulations for the jurisdictional tidal waters, and the fees and fines collected by the town.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Harbormaster	1	1
Deputy Harbormaster (seasonal)	0.5	1
Clam Warden	0	0.5
Dock Attendant (seasonal)	0.5	0.5
Total FTE	2.0	3.0

BUDGET OVERVIEW

The Harbormaster budget is projected to increase \$14,382, approximately 12.4%.

Unless otherwise noted, wage costs reflect the prior year’s salary adjustments, and projected step and longevity adjustments based on years of service. The wages shown in FY22 did not reflect the cost of living or merit increases issued for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

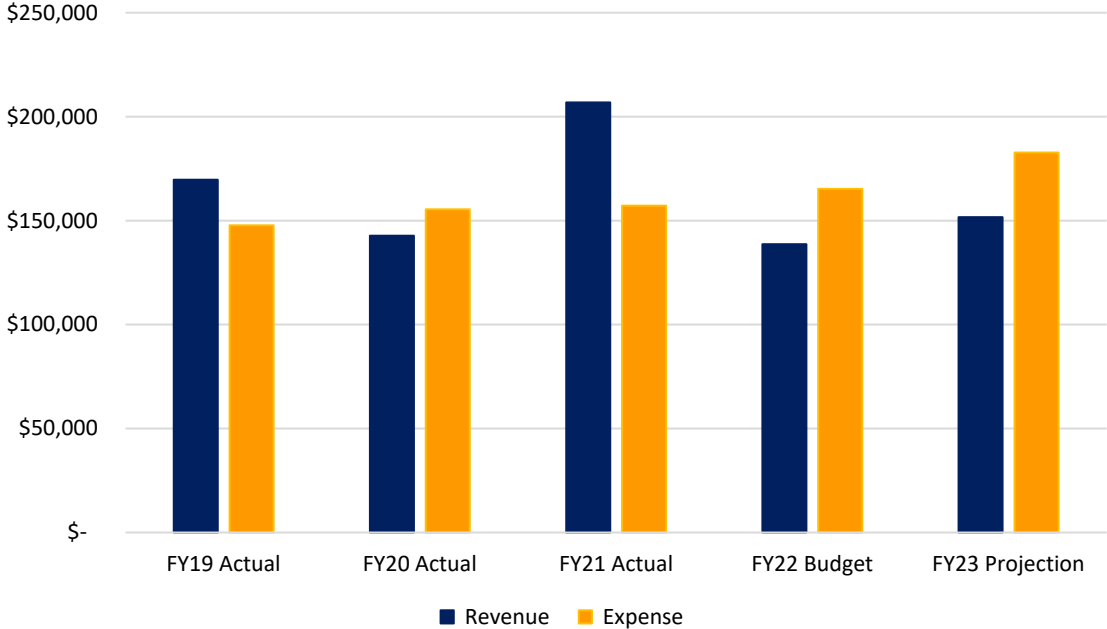
Total personnel costs are increasing \$12,551 or approximately 15.8%. Personnel are important during the boating season; they ensure the safety of boaters and visitors to the facilities, and

collect revenue for use of the piers, floats, and boat launches. The staff also help enforce parking regulations at Pepperrell Cove during the busy season. This year, the Clam Warden stipend has been added to the budget.

Of the Part Time Salaries increase, \$4,000 is for the Clam Warden stipend. Kittery’s clam flats have been closed since at least 2016 due to water quality issues. Despite it being closed, the Town continued to pay a stipend for a Clam Warden to enforce the flats closures. The stipend was carried in the Miscellaneous Budget. The Clam Warden duties were incorporated into the Harbormaster role in 2021 and the stipend was eliminated. In 2022, the State lifted the clamming restriction on Braveboat Harbor, meaning Kittery will begin to issue clamming permits and oversee compliance with state and local clamming regulations. Deputy Harbormaster Chuck Moran has agreed to assume the Clam Warden duties in addition to his Deputy HM duties.

Non-personnel costs are projected to increase \$1,831 or approximately 5.0%. The costs increase reflect increases costs for fuel, supplies and materials. The rigging costs have increased and include the setting additional navigational buoys.

Harbormaster Revenues and Expenses*



Notes:
* - Excludes capital expenditures
- The KPA voted to increase mooring fees effective for FY19.

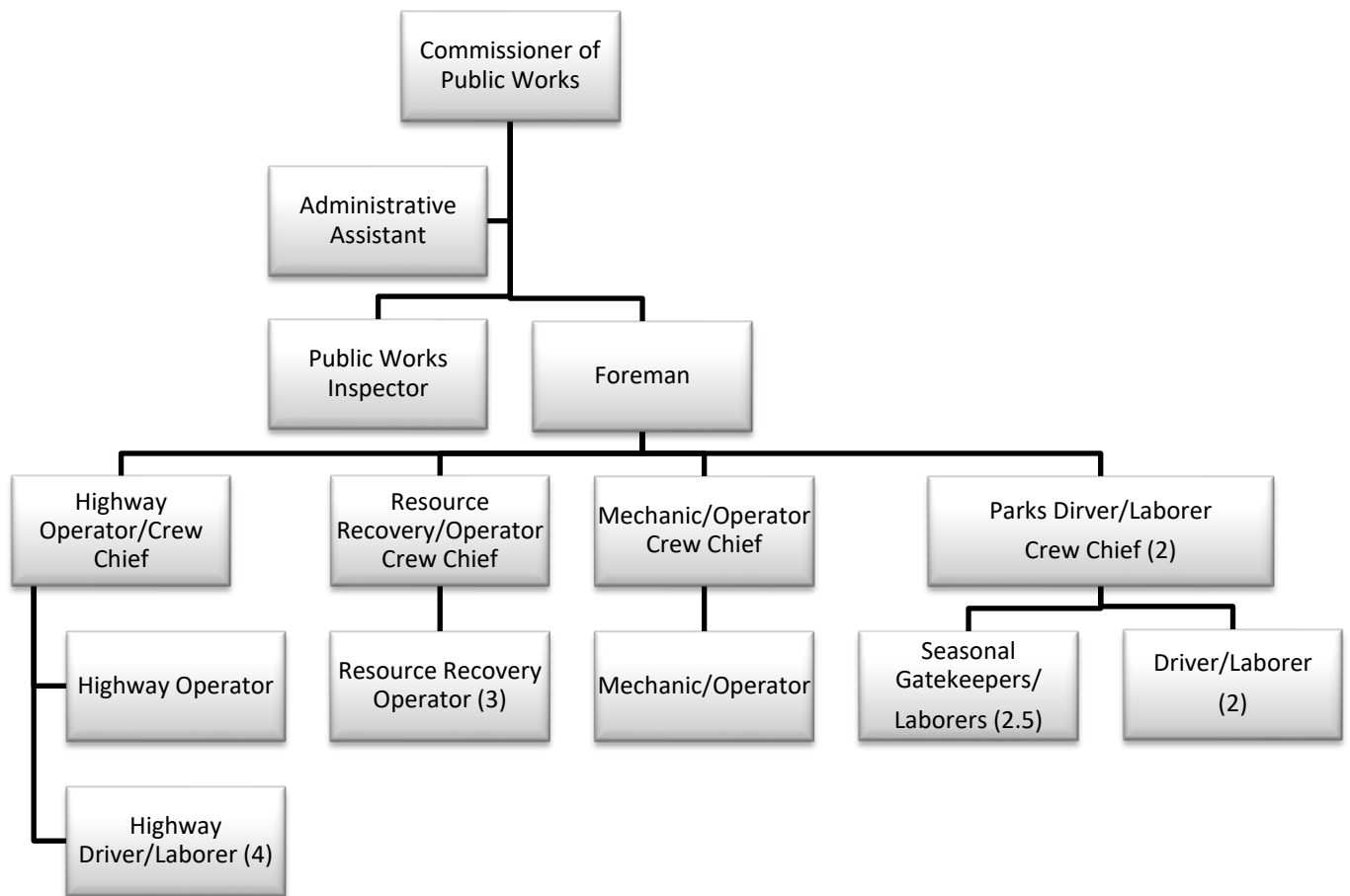
HARBORMASTER 101840	FY19 ACTUAL	FY20 ACTUAL	FY21 ACTUAL	FY22 BUDGET	FY23 PROPOSED	VARIANCE	%
64010 HARBOR MASTER FULL TIME SALARIES	56,416	58,323	60,396	60,536	65,162	4,626	
64020 PART TIME SALARIES	13,017	17,146	20,432	19,042	26,967	7,925	
Total Personal Services	69,432	75,469	80,829	79,578	92,129	12,551	15.8%
65010 POSTAGE	-	124	342	250	250	-	
65020 TELEPHONE & INTERNET	1,434	1,756	1,807	1,950	2,000	50	
65030 TRANSPORTATION	-	219		-	-	-	
65052 PETTY CASH REPLENISHMENT	180	(180)			-	-	
65200 ELECTRICITY	2,036	1,764	1,793	1,800	2,016	216	
65220 WATER	358	169	168	500	515	15	
65240 DUMPSTERS/TRASH REMOVAL	998	701	872	1,000	1,000	-	
65250 SEWER	100	-			-	-	
65305 BOAT EQUIPMENT MAINTENANCE	4,154	2,579	3,724	3,500	3,500	-	
65310 VEHICLE MAINTENANCE		3,986		1,500	1,000	(500)	
65311 GAS, GREASE & OIL	462	950	1,052	1,500	2,250	750	
65452 SAFETY	-		454	-	-	-	
65460 SIGNS	66		350	-	-	-	
65462 RIGGING	7,887	10,920	6,830	11,000	12,000	1,000	
65463 SANITATION	1,631	1,302	1,322	2,500	2,000	(500)	
65469 SECURITY	-			-	-	-	
65470 PROFESSIONAL DEVELOPMENT	525	600	172	1,500	1,500	-	
65480 OTHER PROFESSIONAL/CONTRACTED	2,157	2,065	2,764	3,000	3,000	-	
65500 MAIN BLDG/GROUNDS WHARVES/HARBOR	8,767	3,377	4,981	5,000	5,500	500	
65521 UNIFORMS	241	207	353	1,000	1,300	300	
66010 OFFICE SUPPLIES	237	211	314	300	300	-	
66040 JANITORIAL SUPPLIES & SERVICES	237	-	166	500	500	-	
Total Expenses	31,471	30,748	27,464	36,800	38,631	1,831	5.0%
TOTAL HARBORMASTER	100,903	106,217	108,292	116,378	130,760	14,382	12.4%

PUBLIC WORKS

MISSION STATEMENT

The Department of Public Works endeavors to maintain the town’s roadways and drainage infrastructure to enable safe and convenient travel within town; to maintain the town’s parks and open spaces for the enjoyment of residents and visitors; and to maintain an efficient means of meeting town waste disposal and recovery needs.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Commissioner of Public Works	1	1
Administrative Assistant	1	1
Foreman	1	1
Mechanic/Operator	2	2
Highway Equipment Operator	2	2
Highway Driver/Laborer II	4	4
Parks Driver/Laborer II	4	4
Parks Seasonal	2.5	2.5
Resource Recovery Operators	4	4
Public Works Inspector	1	1
Total FTE	22.5	22.5

BUDGET OVERVIEW

The Public Works budget is projected to increase a combined \$176,591, or 8.2%.

Unless otherwise noted, wage costs reflect the prior year's salary adjustments, and projected step and longevity adjustments based on years of service. The wages shown in FY22 did not reflect the cost of living or merit increases issued for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

Highway

The Highway budget has a \$32,113 increase, approximately 2.7%.

Non-personnel expense increases are driven primarily by the inflation pressure on the cost of materials and services. Current wholesale prices for gas and diesel are on the rise consistent with retail cost increases residents are seeing at the pump. Gas, Grease & Oil is increased to reflect the higher prices for these consumables.

Salt is increased \$20,000 to reflect the higher cost of materials. The Town purchases directly from the salt supplier rather than participating in a purchasing consortium in order to take advantage of cost savings. This approach achieves a lower price for Kittery, due to the Town's direct proximity to the suppliers. Communities that participate in the consortium pay a blended rate to reflect their various distance from the supplier. Winters are generally unpredictable. Ice events are increasing, while plowable events are decreasing. Ice events come from thaw/freeze that happens with "warmer" winter days, winter rains, and low accumulation snow and sleet events.

Improvements to Buildings and Grounds is decreasing over the prior year by \$37,000. This line received a year-end-transfer of \$40,000 to cover the cost of new landscaping at the Memorial Circle traffic islands. Due to a multitude of issues this project has not been designed yet. A

carryforward will be requested to bring this funding forward to FY23 so the project may be completed.

Parks

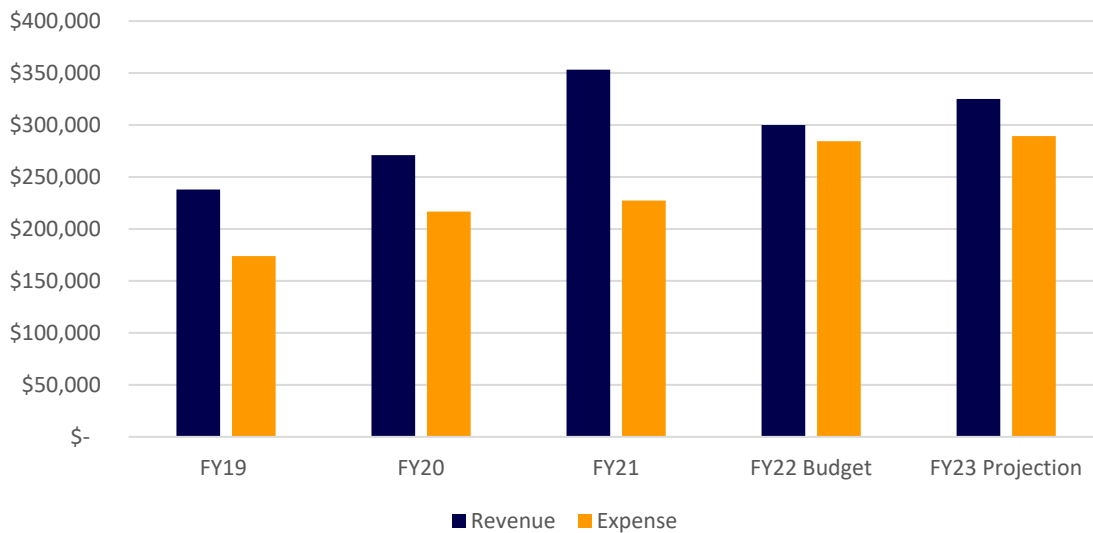
In Town Parks is projected to increase \$51,276 or approximately 25.4%. Town Parks personnel increases make up the majority of this increase. Transfers within the DPW divisions has resulted in employees with higher longevity benefits going to In Town Parks from Fort Foster, and Resource Recovery Facility.

Non-personnel expenses are increasing \$19,485 or 33.1%.

Other professional services are increasing \$13,800 to cover increasing vendor costs for field maintenance such as weed treatment, geese deterrent, etc.

Fort Foster expenses are expected to decrease \$5,514, approximately 2.8%. Seasonal staff wages are increasing to be competitive with other entry-level/labor positions in the private sector. Without seasonal staff, Fort Foster cannot operate its gate or keep up with maintenance of the grounds, restrooms, and other areas enjoyed throughout the summer. Offsetting the wage increases is a decrease in expenses of \$19,900 in Other Supplies. This line item was increased in the prior year to cover the cost of replacing the Fort Foster signs. That project is complete.

Fort Foster Revenue and Expenses*



Notes:

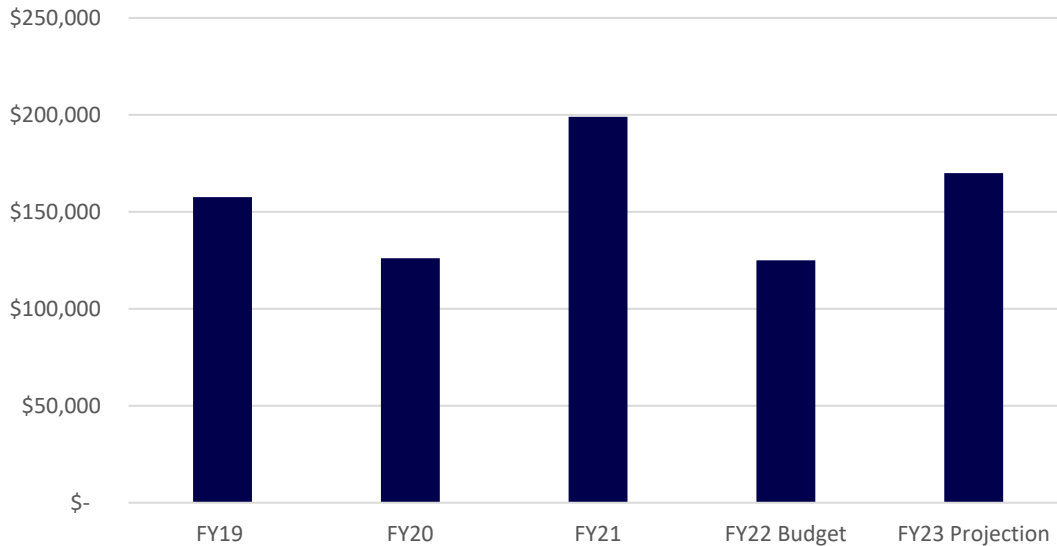
- * - Excludes capital expenditures, includes employee benefits (Share Expenses Budget)
- The Town Council increased some Fort Foster fees effective 2019 season
- COVID-19 pandemic impacted gate operations, required all entrants to have a pass purchased in advance via credit card

Resource Recovery Facility

The Resource Recovery Facility budget is projected to increase \$98,716, approximately 16.8%.

The most significant increase is in Other Professional Services which reflects the increased cost of waste disposal transportation and tipping. The Town’s waste disposal contracts have annual escalation costs tied to inflation. Additionally, the budget reflects the lease terms for the new dumpsters approved by Council in the prior year. Finally, the budget increase includes additional testing activities associated with the discovery of PFAS in the leachate from the closed landfill.

Resource Recovery Center Revenue



DPW SUMMARY	FY19	FY20	FY21	FY22	FY23		
SUBMISSION	ACTUALS	ACTUALS	ACTUALS	BUDGET	PROPOSED	VARIANCE	%
Highway	1,069,346	1,018,046	1,047,849	1,174,950	1,207,063	32,113	2.7%
Resource Recovery	501,275	497,540	561,665	587,607	686,323	98,716	16.8%
Parks	110,167	132,717	177,578	201,767	253,043	51,276	25.4%
Ft. Foster/Beaches	148,875	125,923	137,326	194,883	189,369	(5,514)	-2.8%
	1,829,662	1,774,225	1,924,417	2,159,208	2,335,799	176,591	8.2%

HIGHWAY 101410	FY19 ACTUAL	FY20 ACTUAL	FY21 ACTUAL	FY22 BUDGET	FY23 PROPOSED	VARIANCE	%
64004 HIGHWAY 35% COMM SALARY	32,977	34,365	35,497	35,020	38,973	3,953	
64010 FULL TIME SALARIES	431,293	478,596	491,027	529,033	543,165	14,131	
64015 ADMINISTRATIVE ASSISTANT	49,178	51,753	55,882	48,797	48,900	103	
64020 PART TIME SALARIES	27,614	5,683	-	-	-	-	
64029 OVERTIME - SNOW & STORMS	63,167	57,927	38,597	75,000	75,000	-	
64030 OVERTIME	12,059	8,194	14,658	7,200	8,000	800	
Total Personal Services	616,287	636,518	635,661	695,050	714,038	18,988	2.7%
65010 POSTAGE	44	113	194	500	500	-	
65020 TELEPHONE & INTERNET	4,931	4,239	5,284	4,200	4,200	-	
65030 TRANSPORTATION	541	560	13	750	750	-	
65040 EDUCATIONAL/MEETING EXPENSES	2,395	637	252	4,000	4,000	-	
65060 PRINTING	647	194	496	600	600	-	
65080 LEGAL NOTICES/OTHER ADVERTISE	-	-	1,036	1,000	1,000	-	
65200 ELECTRICITY	4,957	4,557	4,579	4,100	4,600	500	
65220 WATER	1,339	1,339	1,339	2,500	2,500	-	
65230 FUEL OIL	6,674	5,433	8,090	7,000	7,000	-	
65250 SEWER	375	400	400	350	400	50	
65300 MACHINE & EQUIPMENT MAINT	15,509	14,954	9,573	18,000	18,000	-	
65302 PROTECTIVE & SAFETY EQUIPMENT	2,711	3,053	3,067	3,000	3,000	-	
65303 FACILITY SAFETY INSPECTION EXP	1,300	1,490	1,555	1,250	1,250	-	
65310 VEHICLE MAINTENANCE	15,607	22,579	22,863	18,000	20,000	2,000	
65311 GAS, GREASE & OIL	47,664	40,680	35,073	52,000	64,875	12,875	
65312 TIRES & TUBES	3,451	6,190	6,703	8,000	8,000	-	
65450 TARRING & PATCHING	18,025	15,566	23,787	12,000	12,000	-	
65452 SALT	186,570	121,899	114,685	140,000	160,000	20,000	
65454 SAND	-	1,680	439	2,100	2,100	-	
65456 GRAVEL & FILL	2,568	2,942	2,875	3,000	3,000	-	
65458 DRAINAGE SUPPLIES	4,548	4,669	4,720	5,000	5,000	-	
65460 SIGNS	6,976	5,998	7,925	10,000	10,000	-	
65462 STRIPING	32,967	34,223	42,099	45,000	54,000	9,000	
65466 SNOW REMOVAL EQUIP/PARTS	23,906	18,834	23,765	19,000	22,000	3,000	
65480 OTHER PROFESSIONAL SERVICES	24,454	27,367	33,250	30,000	30,000	-	
65500 MAINTENANCE OF BLDG/GROUNDS	7,811	3,993	12,637	6,500	6,500	-	
65521 UNIFORMS	3,200	3,600	5,122	4,400	4,400	-	
65522 C.D.L PROGRAMS	252	206	868	850	850	-	
66009 SHOP SUPPLIES	17,732	14,859	19,154	17,000	19,000	2,000	
66010 OFFICE SUPPLIES	838	686	854	800	1,000	200	
66011 HAND TOOLS	639	632	1,010	600	600	-	
66020 BOOKS/SUBSCRIPTIONS	585	722	1,245	1,000	1,500	500	
66030 OTHER SUPPLIES	851	-	193	400	400	-	
66040 JANITORIAL SUPPLIES & SERVICES	7,754	11,086	4,744	8,500	8,500	-	
67514 PLANT EQUIPMENT	1,459	1,419	1,425	1,500	1,500	-	
67518 RENTAL EQUIPMENT	1,681	2,695	6,439	3,000	3,000	-	
67520 OPERATING EQUIPMENT	779	130	2,019	2,000	2,000	-	
67540 IMPROVEMENTS TO BLDGS/GROUNDS	1,316	1,905	2,414	42,000	5,000	(37,000)	
Total Expenses	453,059	381,528	412,188	479,900	493,025	13,125	2.7%
TOTAL HIGHWAY	1,069,346	1,018,046	1,047,849	1,174,950	1,207,063	32,113	2.7%

PARKS	FY19	FY20	FY21	FY22	FY23	VARIANCE	%
	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED		
101730							
64007 PARKS 10% COMM SALARY	9,422	9,819	10,142	10,006	11,135	1,129	
64010 FULL TIME SALARIES	46,500	50,859	90,654	131,898	161,960	30,062	
64020 PART TIME SALARIES	14,196	8,573	11,600	-	-	-	
64030 OVERTIME	580	187	45	1,000	1,600	600	
Total Personal Services	70,698	69,437	112,441	142,904	174,695	31,791	22.2%
65040 EDUCATIONAL/MEETING EXPENSES	-	-	-	100	100	-	
65060 PRINTING	-	-	-	100	100	-	
65080 LEGAL NOTICES/OTHER ADVERTISE	-	-	-	150	150	-	
65200 ELECTRICITY	957	907	1,082	1,538	1,723	185	
65220 WATER	3,872	4,041	4,222	7,400	7,600	200	
65300 MACHINE & EQUIPMENT MAINT	1,029	1,065	1,758	2,000	2,000	-	
65302 PROTECTIVE & SAFETY EQUIPMENT	243	258	908	1,050	1,050	-	
65303 FACILITY SAFETY INSPECTION EXP	121	340	1,153	625	625	-	
65310 VEHICLE MAINTENANCE	637	948	1,100	1,200	2,400	1,200	
65311 GAS, GREASE & OIL	2,698	2,499	1,855	5,500	9,100	3,600	
65312 TIRES & TUBES	664	-	1,156	1,000	1,000	-	
65457 LOAM & SOD	117	120	1,313	3,000	3,500	500	
65480 OTHER PROFESSIONAL SERVICES	26,972	31,225	47,236	31,200	45,000	13,800	
65500 MAINTENANCE OF BLDG/GROUNDS	1,062	21,169	406	1,000	1,000	-	
65521 UNIFORMS	400	400	2,284	1,200	1,200	-	
66011 HAND TOOLS	120	148	77	150	150	-	
66030 OTHER SUPPLIES	107	161	42	150	150	-	
66040 JANITORIAL SUPPLIES & SERVICES	-	-	-	500	500	-	
67520 OPERATING EQUIPMENT	469	-	543	1,000	1,000	-	
Total Expenses	39,469	63,279	65,137	58,863	78,348	19,485	33.1%
TOTAL PARKS	110,167	132,717	177,578	201,767	253,043	51,276	25.4%

FORT FOSTER AND BEACHES	FY19	FY20	FY21	FY22	FY23		
101735	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64007 PARKS 15% COMM SALARY	14,133	14,728	15,213	15,009	16,703	1,694	
64010 FULL TIME SALARIES	50,492	47,174	54,796	53,561	46,617	(6,944)	
64020 PART TIME SALARIES	52,474	38,174	48,540	64,626	78,500	13,874	
64030 OVERTIME	11,027	11,185	5,867	7,200	8,000	800	
Total Personal Services	128,126	111,261	124,416	140,395	149,819	9,424	6.7%
65020 TELEPHONE & INTERNET	1,428	1,444	1,632	1,400	1,400	-	
65040 EDUCATIONAL/MEETING EXPENSES	-	-	-	100	100	-	
65060 PRINTING	3,819	2,650	959	3,500	3,500	-	
65080 LEGAL NOTICES/OTHER ADVERTISE	240	-	-	200	200	-	
65200 ELECTRICITY	308	202	236	513	575	62	
65220 WATER	-	-	-	600	600	-	
65300 MACHINE & EQUIPMENT MAINT	420	55	243	1,500	1,500	-	
65302 PROTECTIVE & SAFETY EQUIPMENT	392	352	536	600	600	-	
65303 FACILITY SAFETY INSPECTION EXP	180	100	775	625	625	-	
65310 VEHICLE MAINTENANCE	-	534	818	1,200	2,400	1,200	
65311 GAS, GREASE & OIL	793	555	353	5,500	9,100	3,600	
65312 TIRES & TUBES	-	265	471	700	700	-	
65480 OTHER PROFESSIONAL SERVICES	4,573	835	-	4,000	4,000	-	
65500 MAINTENANCE OF BLDG/GROUNDS	2,129	830	2,644	4,500	4,500	-	
65510 PAINTING	217	70	401	400	400	-	
65521 UNIFORMS	391	400	628	700	800	100	
66011 HAND TOOLS	164	140	157	150	150	-	
66030 OTHER SUPPLIES	757	189	828	20,900	1,000	(19,900)	
66040 JANITORIAL SUPPLIES & SERVICES	4,697	5,054	1,011	6,000	6,000	-	
67520 OPERATING EQUIPMENT	40	986	1,218	1,200	1,200	-	
67575 SEAPOINT BEACH	200	-	-	200	200	-	
Total Expenses	20,749	14,662	12,910	54,488	39,550	(14,938)	-27.4%
TOTAL FORT FOSTER AND BEACHES	148,875	125,923	137,326	194,883	189,369	(5,514)	-2.8%

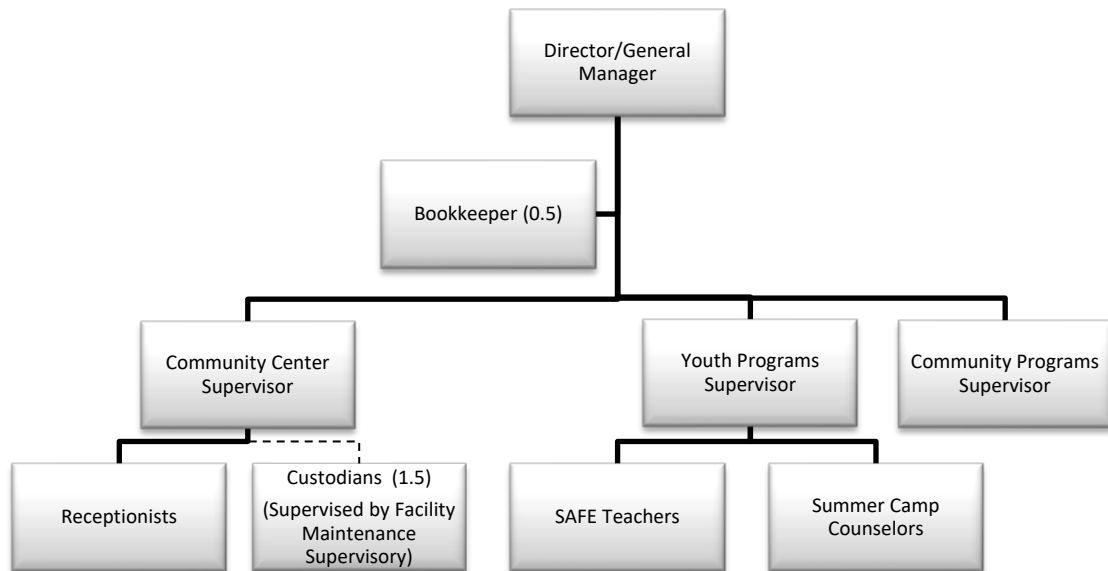
RESOURCE RECOVERY CENTER	FY19	FY20	FY21	FY22	FY23		
101930	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64009 SOLID WASTE 40% COMM SALARY	37,688	39,274	40,569	40,023	44,540	4,517	
64010 FULL TIME SALARIES	163,232	163,548	172,597	180,279	187,728	7,449	
64020 PART TIME SALARIES	1,073	-	-	-	-	-	
64030 OVERTIME	5,436	12,082	7,346	6,500	11,500	5,000	
Total Personal Services	207,428	214,904	220,512	226,802	243,768	16,966	7.5%
65020 TELEPHONE & INTERNET	823	857	909	2,000	2,000	-	
65030 TRANSPORTATION	-	-	-	200	200	-	
65040 EDUCATIONAL/MEETING EXPENSES	50	500	-	1,000	1,000	-	
65060 PRINTING	1,408	2,026	2,140	1,500	2,000	500	
65080 LEGAL NOTICES/OTHER ADVERTISE	-	-	-	-	-	-	
65090 ZERO WASTE PROGRAM EXPENSES	660	-	-	2,500	2,500	-	
65200 ELECTRICITY	15,100	17,074	16,208	11,275	12,700	1,425	
65220 WATER	602	527	527	950	1,000	50	
65230 FUEL OIL	411	-	-	1,230	1,230	-	
65300 MACHINE & EQUIPMENT MAINT	3,352	1,904	10,445	10,000	10,000	-	
65302 PROTECTIVE & SAFETY EQUIPMENT	1,900	750	1,150	1,000	1,000	-	
65303 FACILITY SAFETY INSPECTION EXPENSES	80	391	1,759	1,250	1,250	-	
65311 GAS, GREASE & OIL	9,026	7,508	5,132	12,000	16,275	4,275	
65312 TIRES & TUBES	-	94	1,094	3,000	3,000	-	
65480 OTHER PROFESSIONAL SERVICES	238,316	238,886	281,281	280,500	336,000	55,500	
65500 MAINTENANCE OF BLDG/GROUNDS	2,693	1,453	8,526	8,000	8,000	-	
65521 UNIFORMS	2,400	2,800	3,312	2,000	2,000	-	
66009 SHOP SUPPLIES	3,063	2,989	3,648	6,000	6,000	-	
66010 OFFICE SUPPLIES	89	155	145	250	250	-	
66011 HAND TOOLS	333	100	334	200	200	-	
66030 OTHER SUPPLIES	139	104	42	250	250	-	
66040 JANITORIAL SUPPLIES & SERVICES	1,385	1,514	1,512	2,200	2,200	-	
67516 PLANT EQUIPMENT MAINTENANCE	12,017	3,003	2,990	6,000	26,000	20,000	
67553 ASPHALT SURFACE MAINTENANCE	-	-	-	7,500	7,500	-	
Total Expenses	293,847	282,636	341,152	360,805	442,555	81,750	22.7%
TOTAL RESOURCE RECOVERY CENTER	501,275	497,540	561,665	587,607	686,323	98,716	16.8%

KITTERY COMMUNITY CENTER

MISSION STATEMENT

The Kittery Community Center provides recreation activities and services that contribute to the physical, emotional and social well-being of Kittery citizens. Through this mission, it provides athletic, educational, and cultural experiences for all ages that assist in contributing to a full and meaningful way of life.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Director	1	1
Community Center Supervisor (formerly Assistant Director)	1	1
Community Programs Supervisor (formerly Recreation Supervisor)	1	1
Youth Programs Supervisor (formerly Sports/SAFE Programmer)	1	1
Facilities Maintenance Supervisor (moved to Admin Budget)	1	0
FT Custodian	1	1
PT Custodian	1	1
Receptionists	2	2
Bookkeeper	0.5	0.5
SAFE Teachers	2	2
Total FTE	11.5	10.5

BUDGET OVERVIEW

The Kittery Community Center budget is increasing \$25,528, approximately 3.0%.

The KCC is still building back from two years of pandemic-related uncertainty and restrictions. Programs are filling up again, and demand for rental space is growing. The Town is in discussions with regional partners to relaunch an outdoor preschool program. Art installations, theater performances, and youth and community programs are growing to reflect demand.

Unless otherwise noted, wage costs reflect the prior year's salary adjustments, and projected step and longevity adjustments based on years of service. The wages shown in FY22 did not reflect the cost of living or merit increases issued for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

Personnel costs for FY23 are increasing \$7,809, approximately 1.4%.

Through contract negotiations, the Kittery Community Center staff were restructured to better serve the community and allow staff to excel in their roles. The reorganization resulted in moving from a Director/Assistant Director model to a Director/Supervisors model, where each supervisor has a specific focus.

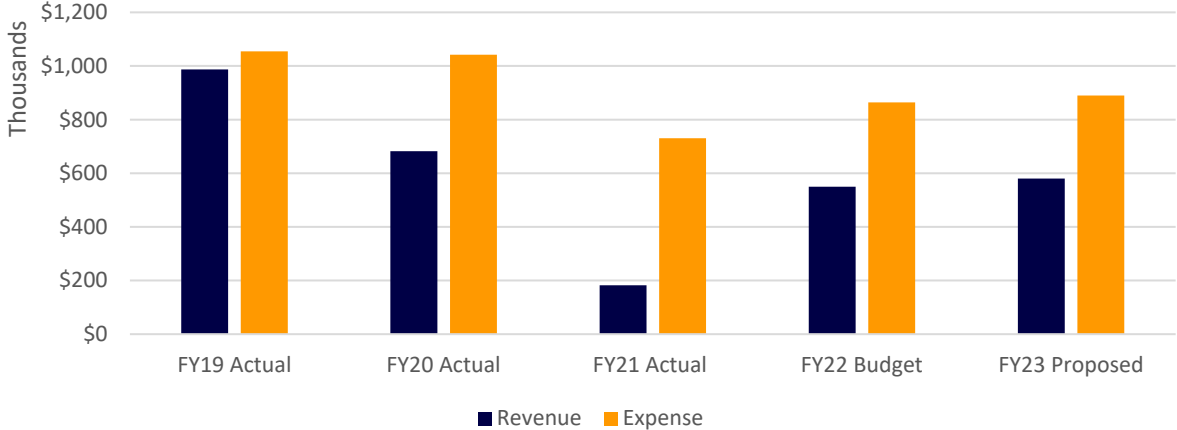
The Youth Programs Supervisor is responsible for development of youth-focused programs and activities including SAFE, Summer Camp, youth sports, and vacation camps, etc. The Community Programs Supervisor will be developing programs for the broader community, seniors, special events, and classes. This role also oversees the KCC's marketing efforts, including development of the brochure and management of the social media outreach. The Community Center Supervisor is charged with overseeing the use of the building, managing rentals for the Theatre and other spaces, overseeing the receptionists, setup and breakdown of rooms and spaces for events and programs, and overall building operations. This organizational structure was developed in collaboration with the staff.

The Facility Maintenance Supervisor was moved to the Administration Department (see Admin narrative).

Wages for part-time employees are evaluated and adjusted accordingly to maintain competitiveness. Filling part-time positions is growing increasingly difficult as the town competes with other local businesses hiring summer staff.

Operating expenses are increasing \$17,720, approximately 6.0%. The largest increase is in electricity and utilities, though all the cost increases are directly tied to inflationary pressure on the cost of materials, supplies, and vendor costs.

Recreation Department Revenues and Expenses*



* - Excludes capital expenditures

1. Closed KCC in March of 2020 due to pandemic; full programming did not resume until late FY21.

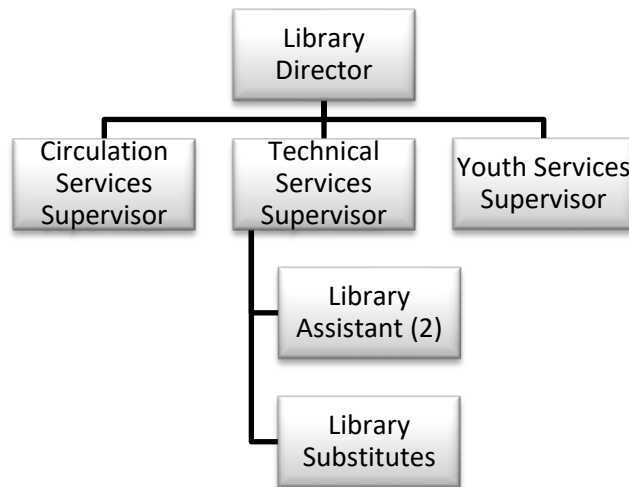
RECREATION		FY19	FY20	FY21	FY22	FY23		
101830		ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
64008	RECREATION DIRECTOR SALARY	78,364	82,446	85,118	84,281	90,720	6,440	
64009	ASST DIRECTOR/GEN MGR	58,501	60,215	42,057	57,366	-	(57,366)	
64038	COMMUNITY CENTER SUPERVISOR	-	-	-	-	51,418	51,418	
64010	EARLY CHILDHOOD SUPERVISOR	47,379	42,580	2,446	-	-	-	
64012	COMMUNITY PROGRAM SUPERVISOR	36,303	46,432	47,094	46,972	52,268	5,296	
64041	FACILITIES MAINT. SUPERVISOR	52,024	52,641	55,029	54,296	-	(54,296)	
64013	ASST EARLY CHILDCARE SUPER	21,070	25,390	-	-	-	-	
64014	LEAD TEACHERS	71,509	63,730	1,627	-	-	-	
64015	YOUTH PROGRAMS SUPERVISOR	36,760	37,771	38,946	38,959	53,474	14,515	
64016	RECEPTIONISTS	48,621	55,241	46,287	65,200	70,125	4,925	
64017	BOOKKEEPER/SECRETARY	21,586	21,437	27,476	23,790	24,808	1,018	
64020	PT SAFE SCHOOL YEAR SALARIES	24,021	28,977	72,565	35,650	55,522	19,872	
64021	SAFE SUMMER SALARIES	35,593	51,222	15,261	86,000	88,838	2,838	
64023	ADVENTURE SUMMER STAFF	13,875	-	-	-	-	-	
64024	FT CUSTODIAN	35,296	34,168	38,412	38,210	41,339	3,129	
64025	PRE-SCHOOL STAFF SALARIES	134,824	122,291	568	-	-	-	
64026	INSTRUCTORS STIPENDS	22,958	3,006	975	-	7,200	7,200	
64027	PT CUSTODIAN WAGES	30,835	32,108	30,778	34,500	37,321	2,821	
64028	THEATRE TECHNICIANS	120	100	-	250	250	-	
64030	OVERTIME	1,705	2,144	1,687	3,000	3,000	-	
Total Personal Services		771,343	761,901	506,324	568,475	576,283	7,809	1.4%
65010	POSTAGE	762	1,280	375	1,215	1,325	110	
65020	TELEPHONE & INTERNET	3,825	3,825	4,024	3,880	3,860	(20)	
65030	TRANSPORTATION/ADMISSIONS	7,257	3,758	2,481	10,000	10,000	-	
65060	PRINTING	7,800	8,500	6,615	8,500	9,400	900	
65080	LEGAL NOTICES/OTHER ADVERTISE	-	113	-	-	-	-	
65200	ELECTRICITY / UTILITIES	36,006	33,746	27,385	34,500	40,880	6,380	
65220	WATER	3,322	3,329	3,185	3,322	3,422	100	
65230	NATURAL GAS	39,455	30,701	31,365	31,500	32,000	500	
65250	SEWER	2,938	3,657	1,310	3,300	3,300	-	
65300	MACHINE & EQUIPMENT MAINT	4,363	4,306	3,749	4,305	4,305	-	
65310	VEHICLE MAINTENANCE	13	13	(11)	250	250	-	
65478	PROGRAM SERVICES	3,806	2,351	2,474	2,500	2,500	-	
65480	OTHER PROFESSIONAL SERVICES	2,181	1,456	2,642	2,500	2,000	(500)	
65500	MAINTENANCE OF BLDG/GROUNDS	13,497	18,934	27,202	15,500	18,000	2,500	
65521	UNIFORMS	537	213	226	-	-	-	
65610	SAFE SCHCOOL YEAR PROGRAM EXP	2,414	1,110	10,835	3,500	3,500	-	
65615	SAFE SUMMER PROGRAM EXPENSES	22,226	35,061	3,084	40,000	42,000	2,000	
65620	ADVENTURE ADOLESCENT CAMP	22,789	-	-	-	-	-	
65630	INSTRUCTORS-CONTRACTED	11,397	30,292	18,246	27,000	30,000	3,000	
65640	SPECIAL EVENTS	8,657	6,107	7,027	7,000	7,000	-	
65650	SENIOR PROGRAMS	3,154	5,816	-	1,500	2,000	500	
65670	TEAM EXPENSE	8,658	6,257	2,908	6,500	6,500	-	
65680	PRESCHOOL PROGRAM EXPENSES	8,552	7,484	447	-	-	-	
65801	CONTRACTED SERVICES	44,819	50,932	55,263	63,000	67,500	4,500	
65802	ANNEX UTILITIES	268	982	-	2,000	2,000	-	
65803	MISCELLANEOUS	5,165	3,986	3,213	4,000	3,500	(500)	
66010	OFFICE SUPPLIES	3,160	2,555	2,078	3,000	3,000	-	
66030	OTHER SUPPLIES	3,170	368	1,117	2,500	2,000	(500)	
66031	THEATRE SUPPLIES	767	423	-	750	750	-	
66040	JANITORIAL SUPPLIES & SERVICES	11,969	12,324	7,338	14,000	12,750	(1,250)	
Total Expenses		282,926	279,877	224,575	296,022	313,742	17,720	6.0%
TOTAL RECREATION		1,054,269	1,041,778	730,900	864,497	890,025	25,528	3.0%

RICE PUBLIC LIBRARY

MISSION STATEMENT

The mission of the Rice Public Library is to promote literacy and lifelong learning in a welcoming environment. The Rice Public Library provides patrons access to local, national and global resources. It offers a collection that reflects the varied interests of the community through its collection of print, electronic, digital and emerging media and addresses the cultural interests of the community.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY22 Budget	FY23 Proposed
Library Director	1	1
Circulation Services Supervisor	1	1
Youth Librarian Supervisor	1	1
Technical Services Supervisor	1	1
Cataloguing Assistant/Custodian	1	1
Library Services Assistant	1	1
Substitutes (PT)	Varies	Varies
Total FTE	6.0	6.0

BUDGET OVERVIEW

The budget is projected to increase \$66,887, approximately 16.0%. The Library budget decreased in the prior year, reflecting the anticipated costs of the Library operation while the Rice Library Building was under construction. It was noted at the time that the decrease was temporary and reflected the Town’s annual “zero-based budgeting” approach to operations.

This year will be a transition year, as the Library settles into its newly renovated and expanded Rice Library building. The facility will make library services more effective and comfortable for patrons and more efficient for staff. It is also likely to cost more for heating/cooling systems, lighting, and technology. The transition year will provide invaluable information about how these will blend and ultimately impact the annual operating budget.

Unless otherwise noted, wage costs reflect the prior year's salary adjustments, and projected step and longevity adjustments based on years of service. The wages shown in FY22 did not reflect the cost of living or merit increases issued for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

Wages are increasing \$24,340 or approximately 8.5%. In addition to cost-of-living, merit, and longevity increases, the increase includes wage adjustments made to a full-time position (union) and part-time positions to be more competitive in the labor market.

Operating expenses are projected to increase \$42,547, approximately 32.6%. This reflects the budget anticipated for operation of the new facility and the costs of resuming the robust programming conducted prior to the construction project.

Building utilities including electricity, heat, water and sewer are expected to increase approximately \$10,100 combined.

The operating budget also anticipates an increase in patron demand, common with the opening of new/expanded library facilities. The increased demand translates to demand for lending of more materials and more programs. Total cost increase for programs, books, and other library materials and supplies is \$29,247.

RICE PUBLIC LIBRARY		FY19	FY20	FY21	FY22	FY23		
101810		BUDGET	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
65002 LIBRARY DIRECTOR		-	80,788	82,561	83,364	90,324	6,960	
64010 LIBRARY FULL TIME		-	191,696	200,559	200,071	215,891	15,820	
65003 LIBRARY PART TIME		-	8,029	4,987	4,140	5,700	1,560	
Total Personal Services		314,368	280,513	288,107	287,575	311,915	24,340	8.5%
65010 POSTAGE		2,250	119	643	600	600	-	
65020 TELEPHONE		1,200	1,280	1,618	1,200	1,200	-	
65060 PRINTING		2,500	-	-	200	400	200	
65200 ELECTRICITY		7,000	5,063	5,449	4,500	7,500	3,000	12%
65220 WATER		1,600	293	293	200	400	200	3%
65230 HEATING		7,950	7,314	6,617	3,000	9,500	6,500	
65250 SEWER		-	800	800	400	800	400	
65338 E-BOOKS CHILD		-	-	249	1,000	1,000	-	
65339 AUDIOVISUAL CHILD/TEEN		-	-	1,051	1,100	1,100	-	
65340 E-BOOKS ADULT		2,000	3,449	6,037	4,000	4,000	-	
65341 AUDIOVISUAL ADULT		14,000	11,130	14,548	14,420	14,420	-	
65342 COPIER		2,500	3,694	3,525	3,000	3,000	-	
65431 PROFESSIONAL DUES		1,000	351	111	500	500	-	
65432 TECHNOLOGY		11,300	11,639	12,819	13,000	15,000	2,000	
65433 PROGRAMS - ADULT		16,000	9,287	2,798	5,000	16,000	11,000	
65434 PROGRAMS- CHILD/TEEN		-	-	8,516	6,000	9,000	3,000	
65435 CONFERENCES & WORKSHOPS		300	199	102	200	200	-	
65480 OTHER PROFESSIONAL (DELIVERY)		1,560	-	2,049	2,000	2,000	-	
65500 GROUNDS MAINTENANCE		6,000	9,623	11,217	3,000	5,000	2,000	
65505 BUILDING REPAIRS/MAINTENENACE		13,000	8,434	8,029	6,500	6,500	-	
65803 MISCELLANEOUS		1,650	976	1,088	1,250	1,250	-	
66010 OFFICE SUPPLIES		2,000	2,549	926	1,000	2,000	1,000	
66012 LIB PROCESSING SUPPLIES		-	-	3,392	3,600	3,600	-	
66020 BOOKS/MAGS/NEWS ADULT		48,543	37,816	37,463	39,249	48,523	9,274	
66021 BOOKS CHILD/TEEN		-	11	15,236	14,550	18,523	3,973	
67510 OFFICE EQUIPMENT/FURNITURE		2,500	1,175	1,991	1,000	1,000	-	
NA Insurance (Gen'l & Workers' Comp)		9,000	-	-	-	-	-	
NA Building Cleaning		15,000	-	-	-	-	-	
NA 401K & Payroll Service Fees		5,000	-	-	-	-	-	
NA Professional Services (PR)		1,200	-	-	-	-	-	
NA Bookkeeping, Bank & Audit Charges		9,500	-	-	-	-	-	
OFFSETTING REVENUE		(20,020)	-	-	-	-	-	
Total Expenses		164,533	115,202	146,564	130,469	173,016	42,547	32.6%
TOTAL LIBRARY		478,901	395,715	434,671	418,044	484,931	66,887	16.0%

COMMUNITY AGENCIES

MISSION STATEMENT

Through Community Agencies, the Town seeks to provide funding to non-profit agencies that provide support services for the residents of Kittery.

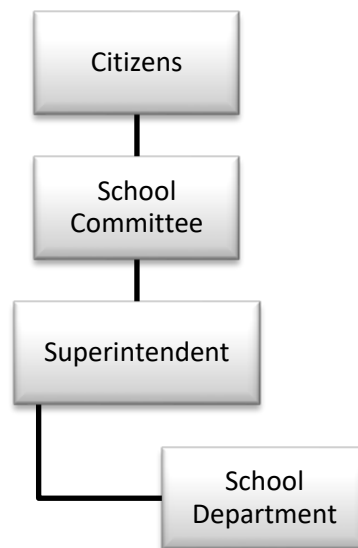
BUDGET OVERVIEW

The projected budget is unchanged from the prior year and remains focused on those agencies that directly help Kittery residents with essential needs such as housing, food, transportation, and case work.

COMMUNITY AGENCIES	FY19	FY20	FY21	FY22	FY23		
101540	ACTUALS	ACTUALS	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
65479 FAIR TIDE	1,600	1,800	2,000	2,000	2,000	-	
65482 AIDS RESPONSE SEACOAST	965	965	-	-	-	-	
65487 CARING UNLIMITED	-	2,847	-	-	-	-	
65492 YORK COUNTY COMMUNITY ACTION	2,500	2,500	2,500	2,500	2,500	-	
65497 SO MAINE AREA AGENCY ON AGING	1,300	1,400	1,400	1,400	1,400	-	
65499 CROSSROADS HOUSE	2,000	2,000	2,000	2,000	2,000	-	
65528 SO MAINE VETERANS MEMORIAL CEMETERY	-	200	-	-	-	-	
TOTAL COMMUNITY AGENCIES	8,365	11,712	7,900	7,900	7,900	-	0%

SCHOOL DEPARTMENT

The Kittery School Department is organized under the authority of the elected School Committee, who relies upon the Superintendent to manage the day-to-day operations of the department.



In contrast to other Town Department budgets that are submitted for final approval by Town Council, the School Department's annual budget is subject to a three-step process: 1) the School Committee must vote on its recommended budget, 2) the Town Council must vote to place the School Committee's submittal on the Town Meeting warrant, and 3) the final approval of the budget is subject to direct vote at the June Town Meeting Secret Ballot.

BUDGET OVERVIEW

The School Department has proposed a \$695,870 increase in spending and a \$21,511 reduction in non-tax revenue. The combined impact is a \$717,381, approximately 4.27% increase in the property-tax supported funds for the School Department.

SCHOOL DEPARTMENT	FY19 BUDGET	FY20 BUDGET	FY21 BUDGET	FY22 BUDGET	FY23 PROPOSED	VARIANCE	%
REGULAR INSTRUCTION	6,849,500	6,957,318	7,465,221	7,843,384	7,992,346	148,962	
SPECIAL EDUCATION	3,569,011	3,947,542	4,258,384	4,368,790	4,392,472	23,682	
CAREER & TECHNICAL	5,152	5,000	5,000	6,752	6,752	-	
OTHER INSTRUCTION	344,553	340,668	369,797	368,605	366,157	(2,448)	
STUDENT & STAFF SUPPORT	1,800,673	1,942,731	1,957,801	2,054,847	2,212,623	157,776	
SYSTEM ADMINISTRATION	609,767	622,541	699,712	748,915	832,571	83,656	
SCHOOL ADMINISTRATION	1,094,450	1,035,314	1,043,010	1,080,585	1,112,698	32,113	
TRANSPORTATION & BUSES	654,589	609,034	652,500	686,979	715,541	28,562	
FACILITIES MAINTENANCE	1,383,566	1,356,587	1,360,981	1,304,898	1,411,669	106,771	
DEBT SERVICE & OTHER COMMITMENTS	802,769	789,150	769,972	720,997	697,793	(23,204)	
ALL OTHER EXPENDITURES	115,200	90,000	90,000	100,000	240,000	140,000	
TOTAL SCHOOL EXPENSES	17,229,230	17,695,885	18,672,378	19,284,752	19,980,622	695,870	3.61%
TOTAL SCHOOL REVENUE	2,002,713	1,967,336	2,366,873	2,490,448	2,468,937	(21,511)	-0.86%
TOTAL TAX APPROPRIATION	15,226,517	15,728,549	16,305,504	16,794,304	17,511,685	717,381	4.27%

ADULT EDUCATION

BUDGET OVERVIEW

Adult Education refers to an education program primarily operated for individuals beyond the compulsory school age. It is administered by school administrative units, through a career-pathways and service system, that includes intake, assessment, advising, instruction and individual learning plans; is guided by data management and analysis, annual monitoring and annual professional development plans; uses appropriately certified staff; is designed to meet identified local needs; makes use of partnerships and alignment with workforce development, postsecondary institutions and support services; and offers at least 3 of the following:

- A. Basic literacy instruction or instruction in English as a Second Language
- B. High school completion courses
- C. College transition courses
- D. Enrichment courses
- E. Adult workforce training and retraining
- F. Adult career and technical education

BUDGET HIGHLIGHTS

The town's projected contribution to this function is projected to increase \$3,921, approximately 3.9%.

The overall costs for Adult Education are remaining flat compared to the prior year, however the various revenue sources are fluctuating. State and Town revenue is expected to increase to offset the reduction of revenue from enrichment programs and grants.

ADULT EDUCATION

	FY19	FY20	FY21	FY22	FY23	VARIANCE	%
REVENUE	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET		
State Subsidy	37,770	41,001	43,798	48,467	41,040	(7,427)	
Carry Forward - Adult Ed	26,136	24,563	22,432	31,701	39,904	8,203	
Enrichment Fees	27,872	30,203	30,000	15,000	15,500	500	
Local Funds	86,765	98,970	98,970	101,579	105,500	3,921	3.9%
Workforce Fees					1,000		
Fees from Other Schools	-	500	502	-	-	-	
Donations from Private Sources	2,200	-	-	-	-	-	
Private Grants	-	2,200	2,900	940	1,000	60	
TOTAL ADULT EDUCATION REVENUE	\$ 180,743	\$ 197,437	\$ 198,601	\$ 197,687	\$ 203,945	\$ 5,258	2.7%
EXPENSES							
Workforce Training							
Salaries - Professionals	1,300	9,120	9,120	9,348	9,950	602	
Salaries - Other	1,000	1,000	1,000	1,200	1,200	-	
FICA - Professionals	19	219	219	136	144	9	
FICA - OTHER	77	77	77	92	92	-	
Retirement - Professionals	52	2,906	2,906	2,906	2,906	-	
Work Comp - Professionals	7	39	39	39	39	-	
Work Comp - Reg EEs	5	5	5	5	5	-	
Contracted Services (ACCPAdvisor)	14,888	15,186	15,641	16,111	16,111	-	
Supplies - Instructional	100	100	100	200	1,200	1,000	
Books - Workforce	100	1,000	1,000	1,000	1,000	-	
Total Workforce Training	17,546	29,651	30,107	31,036	32,646	1,611	5.2%
High School Completion							
Salaries - Professionals	7,920	7,920	7,920	9,990	9,990	-	
Salaries - Other	-	-	-	-	-	-	
FICA - Professionals	115	300	300	152	152	-	
FICA - Other Employees	-	-	-	-	-	-	
Retirement - Professionals	314	300	329	403	403	-	
Work Comp - Professionals	40	43	43	43	43	-	
Work Comp -Other	-	-	-	-	-	-	
Contracted Services (ACCPAdvisor)	13,097	13,359	13,760	14,172	14,172	-	
Instructional Supplies	870	870	870	870	870	-	
Total High School Completion	22,356	22,792	23,222	25,631	25,631	-	0.0%
Local Literacy							
Salaries - Professionals	1,000	2,000	2,000	2,000	2,000	-	
FICA - Professionals	15	30	153	153	153	-	
Retirement - Professionals	40	80	80	80	80	-	
Work Comp - Professionals	5	10	10	10	10	-	
Instructional Supplies	100	100	100	100	100	-	
Total Local Literacy	1,159	2,220	2,343	2,343	2,343	-	0.0%
Enrichment							
Salaries - Enrichment	6,000	6,000	14,700	6,500	7,000	500	
FICA - Enrichment	459	459	1,125	497	536	38	
Retirement - Enrichment	-	50	50	-	-	-	
Work Comp - Enrichment	30	30	74	19	20	1	
Prof Services - Adult Ed	8,905	8,905	205	205	205	-	
Total Enrichment	15,394	15,444	16,153	7,221	7,761	539	7.5%

<i>Administration</i>	FY19 BUDGET	FY20 BUDGET	FY21 BUDGET	FY22 BUDGET	FY23 BUDGET	VARIANCE	%
Asst. Director Salaries	50,673	51,904	53,461	55,867	57,543	1,676	
Clerical Salaries	6,081	6,203	6,389	6,389	6,580	192	
(Assist) Director Health Benefit	8,716	9,413	10,166	10,979	10,979	-	
Dental	-	-	-	437	437	-	
FICA - Admin	735	750	775	795	818	24	
FICA - Clerical	465	496	489	489	503	15	
Retirement - Asst Director	2,012	2,068	2,224	2,280	2,280	-	
Tuition - Admin	1,000	1,000	1,350	1,350	1,350	-	
Work Comp - Admin	253	258	258	175	175	-	
Work Comp - Reg EE	30	31	31	20	20	-	
EE Train & Develop	200	200	200	100	100	-	
Professional Services (Director)	38,922	39,700	35,709	38,553	38,553	-	
Copier Service Agreement	193	200	200	200	200	-	
Copier Lease	200	200	200	200	200	-	
Postage	1,350	1,500	1,500	1,500	1,500	-	
Telephone	400	400	400	1,000	400	(600)	
Online Software Apps	300	300	300	300	300	-	
Advertising	2,500	4,000	4,200	4,200	4,200	-	
Printing	2,332	850	850	850	850	-	
Travel - Reg	500	500	500	300	300	-	
Travel - Professional Dev	550	550	550	350	350	-	
Supplies	700	700	700	700	700	-	
Food- Adult Ed Admin	200	200	200	100	100	-	
Tech Supplies	250	300	300	300	1,300	1,000	
Supplies - Graduation	225	325	325	325	325	-	
Tech Equipment >\$5K	-	-	-	-	-	-	
Tech Equipment <\$5K	1,000	1,000	1,000	1,000	2,000	1,000	
Tech Hardware <\$5K	2,000	2,000	2,000	1,000	1,000	-	
Dues and Fees	2,500	2,500	2,500	2,500	2,500	-	
Total Administration	124,287	127,548	126,776	131,456	135,564	3,306	2.5%
TOTAL ADULT EDUCATION EXPENSES	\$ 180,743	\$ 197,655	\$ 198,601	\$ 197,687	\$ 203,945	\$ 5,456	2.8%

Section III Sewer Enterprise



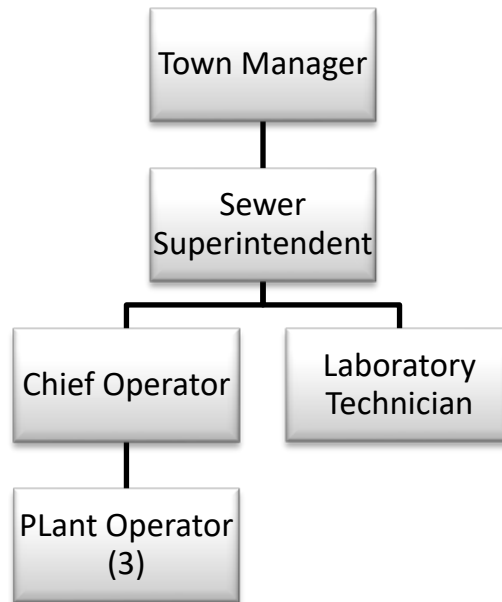
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SEWER ENTERPRISE

MISSION STATEMENT

The Kittery Wastewater Treatment operation was created as an enterprise fund in 1969. Known as the Sewer Department, their mission is to protect the local environment through the collection and treatment of wastewater.

An enterprise fund is separate from the town's General Fund in that its expenses are not borne by the taxpayers; but rather by a proportional fee charged to those who are connected to the sewer line. The fund is designed to support the sewer operation, with the revenues directly applied to department expenses.

DEPARTMENT ORGANIZATION**PERSONNEL SUMMARY**

POSITION	FY22 Budget	FY23 Proposed
Town Manager	0.25	0.25
Superintendent	1	1
Chief Operator	1	1
Plant Operator (formerly Operator I & II, Maint Tech)	3	3
Laboratory Technician	1	1
Total FTE	7.25	7.25

BUDGET OVERVIEW

Beginning in FY19, the town embarked on a five-year plan designed to ensure revenues meet annual operating and capital needs, and began an effort to reestablish an appropriate reserve balance for the fund. The plan also included paying down a deficit balance resulting from the general fund providing significant cash flow for the enterprise.

The Sewer Enterprise Fund is projected to raise \$2.6M in revenue to meet all of its annual operating expenses and annual debt. This is expected to be \$53,229 less than projected operating costs; however, building activity within the sewer service area will likely offset that. This is a marginal projected operating deficit, with revenue being forecasted using the pandemic-level flows and revenue. The Fund has reserves to cover an operating deficit if it ultimately materializes.

The Fund has approximately \$1.1M in capital reserves, including approximately \$296,783 in general capital reserves, and approximately \$812,526 in betterment and impact fees.

The Sewer Enterprise continues to work on building its operating reserve. The operating reserve is the result of revenue exceeding expenses year over year. The reserve ensures stable operations of the utility if there is a significant unexpected operating expense, operating loss, or revenue shortage. It will take several years to build a healthy reserve fund. The operating reserve fund goal is 2.5 months of annual expenses, consistent with the Town's unassigned fund policy.

Construction of the previously-permitted residential and mixed-use projects are expected to increase revenue \$30,000 once fully built out. The Town Council approved the extension of the sewer main up Route 236 to Mackenzie Lane. The expansion will be paid for by the applicant, and will eventually add more homes and businesses to the sewer service in this area.

Conversely, recent slowdown/shut down of manufacturing activities on Route 1 are reducing sewer flow equating to approximately \$55,000 in revenue. The town is unable to discern whether the manufacturing activities will resume in the coming year.

Revenue is projected to increase \$58,500, approximately 2.0%, over the prior year. Revenue from the Navy, Navy Housing, and the Town of Eliot are decreasing a total of \$65,000, while revenue from septage haulers is increasing \$50,000. This is the second year in which revenue from the two primary customers (Navy and Eliot) is expected to decrease. Conservation and reductions of inflow and infiltration on their respective sides of the sewer mains are reducing their overall flows.

The most pressing concern for the fund is the increase in sewer debt service in FY25. The debt for the 2016 sewer main expansion was structured to balloon eight years following its issuance, on the expectation that development of the land between Route 236 and Dennett Road will be built out and add new revenue to offset the debt service. To date, only one development has been permitted for that area, now called the Mixed-Use Neighborhood zone. Another project is currently undergoing a master plan review process at the Planning Board; however, gauging that resident sentiment about development in this area has shifted negatively, the change to development will likely be impacted. If development along the sewer main cannot offset the increase in debt, a general sewer rate increase will be required in the near future.

The operating budget is expected to increase \$137,990, approximately 6.2%.

Unless otherwise noted, wage costs reflect the prior year's salary adjustments, and projected step and longevity adjustments based on years of service. The wages shown in FY22 did not reflect the cost of living or merit increases issued for that fiscal year. At the conclusion of negotiations, the Council approved a 3.0% cost of living increase for FY22 and a 3% in FY23. The FY23 wages reflect the result of two years of cost of living and merit increases, and accordingly result in an overstated increase in annual wages.

Personnel costs are increasing by \$46,654, approximately 8.6%. Through collective bargaining, the town and unit restructured the wage schedules for the sewer staff collapsing the Plant Operators and Maintenance Techs into one position and increasing the base wage to address a lack of competitiveness.

The cost of outside contractors for plumbing, electrical, and other repair services is increasing across the board. Total anticipated increase in costs for Other Professional Services is \$10,000. Sludge disposal costs are on the rise and expected to get worse in the coming years. Sludge is projected to cost \$230,000 in FY23, an increase of \$65,000. Chemicals and waste processing services costs are continuing to increase as the new regulations require additional steps and materials to treat the collected wastewater. Plant Chemicals are increasing \$14,000.

The expansion of the SCADA system is still in the design phases, with an anticipated implementation of winter 2022. Expansion of SCADA will improve access to real-time data and information on pump station flows and operations, and reduce the number of callbacks for staff afterhours.

	FY19	FY20	FY21	FY22	FY23		
SEWER REVENUE	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROPOSED	VARIANCE	%
43210 SEWER LIEN FEES			-	-	-	-	
43220 PENALTY INTEREST	3,170	3,479	3,545	3,000	3,000	-	
43360 SPECIAL CONTRACT REVENUE	3,437	16,335	13,963	12,000	15,000	3,000	
45001 REVENUE US NAVY	579,522	530,032	496,905	550,000	500,000	(50,000)	
45002 REVENUE US NAVY HOUSING	123,450	102,866	132,221	120,000	105,000	(15,000)	
45003 REVENUE SEPTAGE	58,760	152,293	275,515	100,000	150,000	50,000	
45004 REVENUE TOWN OF ELIOT	197,309	205,468	204,841	200,000	200,000	-	
45005 REVENUE NEW SEWER	1,498,541	1,665,711	1,651,421	1,500,000	1,500,000	-	
45006 EXPANSION ASSESSMENT REVENUE	89,044	91,358	142,839	50,000	125,000	75,000	
45007 SEWER INTEREST REVENUE	14,587	12,354	13,346	12,000	7,500	(4,500)	
45008 PERMITS AND MISC SEWER REVENUE	-	240	-	-	-	-	
SEWER REVENUE	2,567,820	2,780,137	2,934,596	2,547,000	2,605,500	58,500	2.0%
EXPENSES	2,679,554	2,325,699	2,240,535	2,520,739	2,658,729	137,990	6.2%
NET	(111,734)	454,438	694,060	26,261	(53,229)		

SEWER ENTERPRISE FUND	FY19 ACTUAL	FY20 ACTUAL	FY21 ACTUAL	FY22 BUDGET	FY23 PROPOSED	VARIANCE	%
602760 GENERAL OPERATIONS							
64011 TOWN MANAGER SALARY	31,535	34,661	35,659	35,299	38,400	3,101	
64012 SUPERINTENDENT SALARY	150,476	97,941	101,171	99,549	107,897	8,348	
64013 OFFICE CLERK SALARY	35,547	49,137	49,845	49,712	52,922	3,210	
64031 SALARY & POSITION ADJUSTMENT	-	-	-	17,378	-	(17,378)	
64050 MAINE STATE RETIREMENT	13,090	14,712	15,152	15,835	16,404	569	
64051 ICMA EMPLOYER SHARE	1,862	1,974	2,062	2,211	2,241	30	
64060 FICA EMPLOYER SHARE	15,832	13,010	12,941	14,542	15,003	461	
64070 WORKERS COMPENSATION	19,493	15,433	11,110	14,079	11,813	(2,266)	
64090 MAJOR MEDICAL INSURANCE	149,141	148,202	129,108	135,777	125,977	(9,801)	
64091 DENTAL INSURANCE	1,559	2,433	2,433	1,426	1,500	74	
64092 DISABILTY INSURANCE	-	-	-	3,927	11,813	7,885	
65101 MMA RISK POOL	27,323	29,366	30,283	32,815	33,565	750	
65350 INDIRECT COSTS	22,900	22,900	22,900	22,900	25,000	2,100	
65430 AUDIT SERVICES	2,300	3,900	4,050	3,900	3,900	-	
65480 OTHER PROFESSIONAL SERVICES	-	-	-	-	-	-	
66035 ABSTRACTS & LIENS - SWR	304	190	152	500	500	-	
68060 DEBT SERVICE (PRINCIPAL & INTEREST)	769,024	767,504	765,954	764,270	763,738	(532)	
NEW CAPITAL EXPENSES	200,000	-	-	-	-	-	
TOTAL GENERAL OPERATIONS	1,440,385	1,201,363	1,182,820	1,214,121	1,210,671	(3,450)	-0.3%
602750 TREATMENT PLANT							
64010 TREATMENT PLANT LABOR	126,124	197,599	157,473	145,280	159,465	14,185	
64019 PLANT MAINT LABOR	48,714	29,320	49,213	56,113	61,591	5,478	
64030 OVERTIME	37,846	33,291	21,212	40,000	40,000	-	
65015 CELLULAR PHONE	-	-	-	-	-	-	
65020 TREATMENT PLANT TELEPHONE	3,300	4,098	4,027	4,000	4,400	400	
65040 TREATMENT PLANT EDUCATIONAL/MT	6,074	1,510	3,810	5,000	5,000	-	
64050 MAINE STATE RETIREMENT	38,235	35,822	32,661	34,176	35,937	1,761	
64051 ICMA EMPLOYER SHARE	-	-	-	-	-	-	
64060 FICA EMPLOYER SHARE	27,984	26,584	24,088	25,384	26,953	1,569	
65200 TREATMENT PLANT ELECTRICITY	101,300	84,248	97,488	110,000	110,000	-	
65220 TREATMENT PLANT WATER	6,382	3,357	3,638	5,000	5,000	-	
65230 TREATMENT PLANT FUEL (WOOD PELLETS)	13,749	11,930	11,092	16,000	16,000	-	
65310 TREATMENT PLANT MOTOR VEHICLE	34,615	15,310	11,731	45,000	45,000	-	
65316 TREATMENT PLANT GENERATOR FUEL	1,158	-	786	2,240	2,400	160	
65410 TREATMENT PLANT COMPUTER SERV	8,363	12,616	9,983	16,000	16,000	-	
65480 TREATMENT PLANT OTHER PROF/CON	85,346	57,686	56,949	60,000	70,000	10,000	
65500 TREATMENT PLANT BLDG MAINT	1,098	2,024	2,435	5,000	5,000	-	
65930 ALARMS	689	1,067	108	2,000	2,000	-	
65955 TREATMENT PLANT SLUDGE MGT	141,220	150,234	147,589	165,000	230,000	65,000	
66010 TREATMENT PLANT OFFICE SUPPLIE	3,796	4,870	3,361	4,000	5,000	1,000	
66300 TREATMENT PLANT SUPPLIES	26,538	21,505	7,015	32,000	32,000	-	
66340 LABORATORY CHEMICALS/SUPPLIES	8,957	12,530	13,386	16,000	18,000	2,000	
66400 TREATMENT PLANT REPAIRS/STRUCT	417	693	1,085	2,500	5,000	2,500	
66410 TREATMENT PLANT REPAIRS/EQUIPM	21,446	18,767	17,052	24,000	28,000	4,000	
66420 TREATMENT PLANT TOOL/EQUIPMENT	46,808	12,454	7,835	28,000	28,000	-	
66450 TREATMENT PLANT CHEMICALS & MA	107,900	96,273	123,732	111,000	125,000	14,000	
66520 TREATMENT PLANT SAFETY EQUIPME	12,668	13,669	8,236	14,000	14,000	-	
TOTAL TREATMENT PLANT	910,728	847,458	815,983	967,693	1,089,746	122,053	12.6%

SEWER ENTERPRISE FUND	FY19 ACTUAL	FY20 ACTUAL	FY21 BUDGET	FY22 PROPOSED	FY22 PROPOSED	VARIANCE	%
602702 SEWER LINES							
65692 SEWER LINES LABOR	15,789	22,623	20,042	18,187	19,962	1,775	
65480 LINES CONTRACT/PROF SVCS	40,283	13,415	6,333	26,000	26,000	-	
65691 LINES - SUPPLIES	5,969	5,898	3,999	12,000	14,000	2,000	
TOTAL SEWER LINES	62,041	41,937	30,374	56,187	59,962	3,775	6.7%
6E+05 PUMP STATIONS (consolidated)							
64010 PUMP STATION LABOR	51,722	51,891	45,895	58,095	63,767	5,672	
65015 PUMP STATION TELEPHONE	577	666	712	670	780	110	
65200 PUMP STATION ELECTRICITY	54,933	48,243	45,594	50,815	50,815	-	
65220 PUMP STATION WATER	1,130	1,420	1,156	1,420	1,420	-	
65315 PUMP STATION GENERATOR FUEL	385	1,829	606	2,000	2,000	-	
65467 PUMP STATION CONTRACTUAL SVCS	50,238	23,572	24,360	45,000	45,000	-	
65930 PUMP STATION ALARM	7,527	6,273	6,637	6,700	6,700	-	
66300 PUMP STATION SUPPLIES	220	3,809	1,645	5,000	6,000	1,000	
66320 PUMP STATION PARTS	17,366	17,607	13,396	20,000	22,000	2,000	
TOTAL PUMP STATIONS (CONSOLIDATED)	184,099	155,312	140,002	189,700	198,482	8,782	4.6%
602715 PUMP STATION 6 - PNSY							
64010 PUMP STATION # 6 LABOR	19,528	11,713	12,694	22,494	24,691	2,197	
65200 PUMP STATION # 6 ELECTRICITY	15,804	12,830	8,575	15,000	15,000	-	
65220 PUMP STATION # 6 WATER	852	529	1,058	1,000	1,100	100	
65315 PUMP STATION GENERATOR FUEL	280	-	166	400	400	-	
65480 PUMP STATION # 6 CONTRACTOR SE	10,517	16,902	8,845	8,000	10,000	2,000	
65930 PUMP STATION # 6 ALARM	263	70	183	300	300	-	
66300 PUMP STATION # 6 SUPPLIES	989	864	235	1,000	1,000	-	
66320 PUMP STATION # 6 PARTS	5,895	1,554	2,888	6,000	6,000	-	
TOTAL PUMP STATION # 6 (PNSY)	54,128	44,460	34,644	54,194	58,491	4,297	7.9%
602716 PUMP STATION 7 - ELIOT							
64010 PUMP STATION # 7 LABOR	18,070	20,282	18,219	20,814	22,846	2,032	
65200 PUMP STATION # 7 ELECTRICITY	5,159	4,425	5,090	4,600	5,090	490	
65220 PUMP STATION # 7 WATER	177	177	236	230	240	10	
65315 PUMP STATION GENERATOR FUEL	-	-	860	300	300	-	
65480 PUMP STATION # 7 CONTRACTOR SE	2,220	10,030	12,267	10,000	10,000	-	
65930 PUMP STATION # 7 ALARM	263	-	-	200	200	-	
66300 PUMP STATION # 7 SUPPLIES	-	54	-	200	200	-	
66320 PUMP STATION # 7 PARTS	2,285	202	40	2,500	2,500	-	
TOTAL PUMP STATION # 7 (ELIOT)	28,174	35,170	36,712	38,844	41,376	2,532	6.5%
TOTAL SEWER ENTERPRISE	2,679,554	2,325,699	2,240,535	2,520,739	2,658,729	137,990	5.5%

Town of Kittery New/Replacement Schedule and Estimated Costs						2023	2024	2025	2026	2027	
Sewer Dept											
Vehicles and Equipment											
		Annual Inflatn	4.50%								
Pump Station #13 Gen	2019	90,000	Capital	Collection	Kohler	100 KW					
Truck 452	2011	95,000	Capital	WWTF	Ford	F-550 Dump	75,000				
Truck 451	2019	63,000	Capital	WWTF	Ford	F-550 Utility					
Truck	2020	42,000	Capital	WWTF	Ford F-250						
SCADA	2020	90,000	Capital	Collection			30,000	30,000	30,000	30,000	
Septage Building	2020	35,000	Capital	WWTF							
Annual I/ Sewer Lines	Various	20,000	Capital	Collection	Various	Lining of Sewer Lines	22,823	23,850	24,924	26,045	
Pump Station #21 Upgrade	2021	175,000	Impact	Collection		Upgrade PS serving Homestead				27,217	
PS #8 Line Correction	2022	100,000	Capital	Collection		Camera line under wetlands					
Tank #1 Diff	2019	33,436	Capital	WWTF	Aqua Aerobic	Aeration diffusers					
PS # 7 controls	2019	10,000	Capital	Eliot Specific	Upgrade	Panel					
Quansit bldgt	2004	3,500	Operating	WWTF	15 yr	Quansit bldgt	4,174				
Computer Lab	2014	1,500	Operating	WWTF	Dell	window 7					
Computer sca,	2014	1,500	Operating	WWTF	Dell	window 7					
Computer CO	2014	1,500	Operating	WWTF	Dell	window 7	1,712				
Computer sca,	2014	1,500	Operating	WWTF	Dell	window 7					
Computer sup	2014	1,500	Operating	WWTF	Dell	window 7					
Computer surv	2011	1,500	Operating	WWTF	Thinkcenter	window 7					
Computer GPS	2012	1,500	Operating	WWTF	Dell	window 7					
Lap top 1	2019	500	Operating	WWTF	Dell	window 7					
Tim's Laptop	2020	1,230	Operating	WWTF	Dell	window 7					
Magnum Gen	2012	35,000	Capital	Collection	100 KW	Portable					
Plant Panel	1993	42,000	Capital	WWTF	panel	Aqua Aerobic					
Onan Gen 1	1998	20,000	Capital	Collection	60 KW	Portable				27,217	
Onan Gen 2	1998	25,000	Capital	Collection	60 KW	Portable					
Digester Blr 2	2008	12,000	Capital	WWTF	Tuthill		14,310				
CL2 tank	1993	6,000	Capital	WWTF	Poly	Poly		16,753			
PS#8 VFD 1	2010	5,000	Operating	Collection	panel						
Chem pump 1	2010	3,000	Operating	WWTF	Blue and white	hose pump	3,423				
Chem pump 2	2010	3,000	Operating	WWTF	Blue and white	hose pump	3,423				
Chem pump 3	2010	3,000	Operating	WWTF	Blue and white	hose pump		3,739			
Chem pump 4	2010	3,000	Operating	WWTF	Blue and white	hose pump		3,739			
Bisulfite tank	1993	2,000	Operating	WWTF	Poly		2,282				
Security Fence	1993	40,000	Capital	WWTF	30 yr	Replace Gate mechanism					
EQ Pump 1	1999	18,000	Capital	WWTF	Flyght	Submersible					
EQ Pump 2	1999	18,000	Capital	WWTF	Flyght	Submersible	10,000			23,441	
EQ pump 3	1999	18,000	Capital	WWTF	Flyght	Submersible		10,000			
Headworks Roof	1993	15,000	Capital	WWTF	30 yr						
Chem/Blower Room roof	1993	15,000	Capital	WWTF	30 yr						
Decantors trnk1	2006	14,000	Capital	WWTF	Aqua Aerobic	10 foot Float				19,052	
Decantors trnk2	2006	14,000	Capital	WWTF	Aqua Aerobic	10 foot Float					
Hworks Grt Pmp	2017	6,000	Capital	WWTF	Hayward Gordan	Grit Pump Headworks					
Headwks Blr 1	2014	1,500	Operating	WWTF	Roots	RIA 24 2"	1,789				
Headwks Blr 2	2014	1,500	Operating	WWTF	Roots	RIA 24 2"	1,789				
Skid Steer	2010	42,500	Capital	WWTF	Skid Steer	New Holland					
Digester Blr 1	2014	15,000	Capital	WWTF	Roots	Easyair X2		18,693			
Bio Filter media	2017	7,000	Capital	WWTF	replace	media and blower		8,723			
Lakeside HDW	2008	47,000	Capital	WWTF	Lakeside	Rotating Bar screen					
Pellet Boiler plt	2008	44,000	Capital	WWTF	Okefen	Maine Energy system					
Pellet Boiler Cen	2008	44,000	Capital	WWTF	Okefen	Maine Energy system					
Tank #2 Diff	2016	33,436	Capital	WWTF	Aqua Aerobic	Aeration diffusers				43,542	
PS# 7 Generator	2007	70,000	Capital	Eliot Specific	PS # 7	Kohler					
New Holland	2011	42,675	Capital	WWTF	New Holland	I-225					
Auma Actuator 1	2012	7,800	Capital	WWTF	Auma	Influent valve				10,615	
Auma Actuator 2	2012	7,800	Capital	WWTF	Auma	Decantor Valve Tnk 1				10,615	
Auma Actuator 3	2012	7,800	Capital	WWTF	Auma	Decantor Valve tnk 2				10,615	
Auma Actuator 4	2012	7,800	Capital	WWTF	Auma	Airline Tnk 1				10,615	
Auma Actuator 5	2012	7,800	Capital	WWTF	Auma	Airline Tnk 2				10,615	
Airation Blw 1	2017	5,000	Capital	WWTF	Roots	Aeration Blowers		6,231			
Airation Blw 2	2017	5,000	Capital	WWTF	Roots	Aeration Blowers		6,231			
Airation Blw 3	2017	5,000	Capital	WWTF	Roots	Aeration Blowers		6,231			
Jet Rodder	2011	43,400	Capital	WWTF	Mongoose	Model- 184	49,527				
Septage Pumps	2015	63,000	Capital	WWTF	Septic Rec	Wemco					
Plant/ PS Electric VFDs	2015	367,000	Capital	WWTF	Plant/Pump sta	VFD install					
PS #9 Generator	1993	100,000	Capital	Collection	PS # 9	Cat					
PS# 6 Generator	1993	70,000	Capital	Collection	PS # 6	Cat					
PS # 21 Generator	2014	70,000	Capital	Collection	PS # 21	CAT					
Plant Generator	2014	250,000	Capital	WWTF	Main Plant	CAT					
PS # 22 Generator	2014	100,000	Capital	Collection	PS # 22	Kohler					
PS # 23 Generator	2014	70,000	Capital	Collection	PS # 23	Kohler					
PS # 24 Generator	2014	70,000	Capital	Collection	PS # 24	Kohler					
JD Loader	1996	25,000	Capital	WWTF	Bucket Loader	John Deere 544 E					
Garage Roof	2014	25,000	Capital	WWTF	30 yr	Garage Roof					
Ash Shed Roof	2010	10,000	Capital	WWTF	30 yr	Ash Shed Roof					
Office/ Lab Roof	2011	24,800	Capital	WWTF	20 yr	Office/ Lab Roof					
Plant Windows	2015	37,000	Capital	WWTF	30 yr	Plant Windows					
Gen Barn	2010	10,000	Capital	WWTF	30 yr	Gen Barn					
Paving at Main Plant	2015	31,900	Capital	WWTF	20 yr	Paving at Main Plant					
CMOM Program			Capital	Collection		O&M / Asset Mgnt.					
GIS System						Asset Mgnt.					
PS 11 New Panel & VFD's			Capital	Collection	15 yr						
Engineering For Nitrogen	Removal	Upgrade vs	New	Process		B & C					
Screw Press	2024	250,000	Capital	WWTF		Screw Press					
TOTAL							123,191	160,912	125,262	123,028	156,560



TOWN OF KITTEERY
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 Apitchaya Ramirez
please print

Applicant's Address 2499 Main St. Tewksbury, MA 01876
please print

Applicant's mailing address if different from above: _____


Applicant's Email address (required) 69obatruck@gmail.com

Date of Birth 07/27/1995 Applicant's Telephone Number: 781-472-9478

Business Name: Friends 4 OBA (69 OBA TRUCK LLC)
please print

Business Address: 69 Water St. Exeter, NH 03833
please print

Business Telephone Number: 603-519-9962

Signature of Applicant  DATE: 05/11/2022

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



TOWN OF KITTERY
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 Phillip Butterfield
please print

Applicant's Address 27 Bonin Rd. Monmouth, ME 04259
please print

Applicant's mailing address if different from above: - same as above -

Applicant's Email address (required) smokinphil/sbbq@yahoo.com

Date of Birth 11/23/75 Applicant's Telephone Number: (207) 242-8797

Business Name: Smokin' Phil's Belly Bustin' BBQ, LLC
please print

Business Address: 27 Bonin Rd. Monmouth, ME 04259
please print

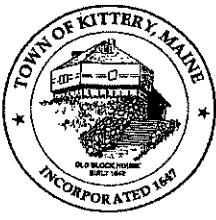
Business Telephone Number: (207) 242-8797

Signature of Applicant Phillip Butterfield DATE: 5/12/22

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
 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 Clyde Bullen

Applicant's Address 27 Greenleaf Drive, Exeter- NH 03833
please print

Applicant's mailing address if different from above: _____

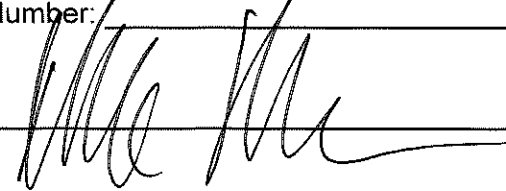
Applicant's Email address (required) clyde@clydescupcakes.com

Date of Birth 04/19/1966 Applicant's Telephone Number: 603 778-7700

Business Name: Clyde's Cupcakes

Business Address: 27 Greenleaf Drive, Exeter - NH 03833
please print

Business Telephone Number: 603 583-4850

Signature of Applicant  DATE: 5-11-22

LICENSE FEE: \$ 50⁰⁰/_{XX}

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 KITTEHY
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 Marie A. Galanek
please print

Applicant's Address 159 Stebbins Street, Belchertown, MA 01007
please print

Applicant's mailing address if different from above: _____

Applicant's Email address (required) mgmobilegourmet@gmail.com

Date of Birth 06/26/1956 Applicant's Telephone Number: 413-374-6684

Business Name: M&G Mobile Gourmet Inc.
please print

Business Address: 159 Stebbins Street, Belchertown, MA 01007
please print

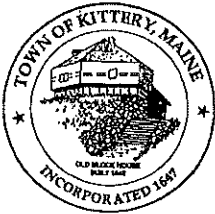
Business Telephone Number: 413-374-6684

Signature of Applicant *Marie A Galanek* DATE: 05/06/2022

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 KITTEERY
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 JESSICA BECKER
please print

Applicant's Address 143 BREAKFAST HILL ROAD, GREENLAND, NH 03840
please print

Applicant's mailing address if different from above: _____

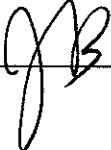
Applicant's Email address (required) JESSICA L BECKER @ ME. COM
~~JESSICA L BECKER @ GMAIL COM~~

Date of Birth 07/27/1979 Applicant's Telephone Number: 718.909.6587

Business Name: THE CORNER PUB
please print

Business Address: 4 WALLINGFORD SQUARE, KITTEERY, MAINE 03904
please print

Business Telephone Number: 207.703.0653

Signature of Applicant  DATE: 05/03/2022

LICENSE FEE: \$ _____

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

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

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

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

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

5. Business records are located at the following address:

4 Wallingford Sq. 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
Jessica Becker	07/27/79	Houston, TX
Scott Kimick	12/16/71	Atlanta, GA
Kira Kimick	06/26/1978	Portsmouth, NH
Residence address on all the above for previous 5 years		
Name Jessica Becker	Address: 136 Graham Ave, #2, Brooklyn, NY 11206 143 Breakfast Hill Rd, Greenland, NH 03840	
Name Scott Kimick	Address: 3334 Warbler Pl, Santa Rosa, CA 95403 221 Dump Rd, Warren, VT 05674	
Name Kira Kimick	Address: 3334 Warbler Pl, Santa Rosa, CA 95403 221 Dump Rd, Warren, VT 05674	
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:

Eliot Sirkin, 23 Random Rd. Bedford, NH 03110

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)

1 room front of house - 50 seats, 10 seat bar
1 kitchen
2 rest room
1 attic storage

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: Traip Academy

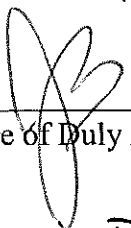
Distance: 1/2 mile

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 05/16/22



Signature of Duly Authorized Person

Jessica Becker

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

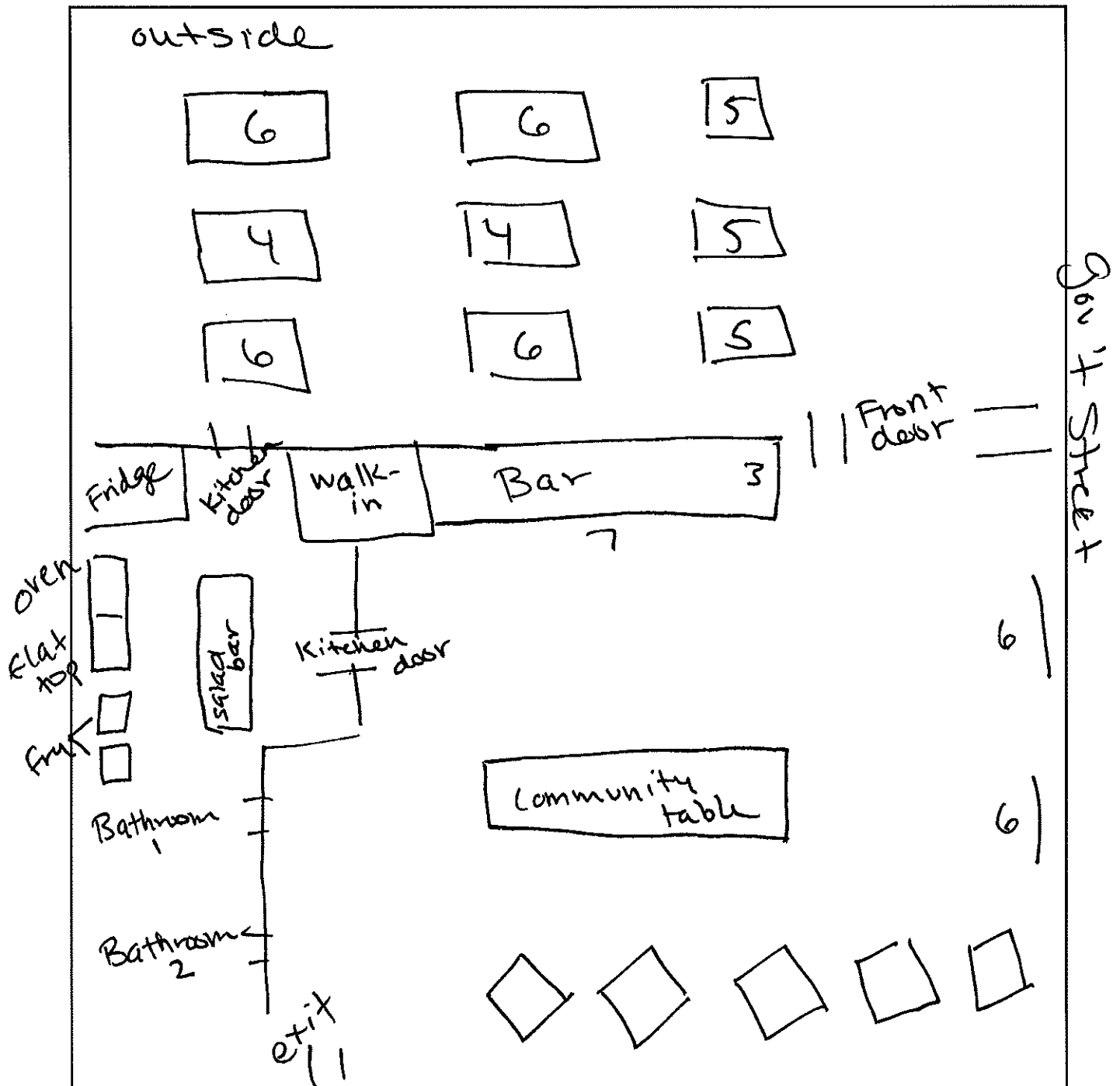
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Rickys Zoo, LLC.
2. Doing Business As, if any: The Corner Pub
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
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
Jessica Becker	143 Breakfast Hill Rd Greenland, VT 05840	07/27/79	owner	66 2/3
Scott Kimick	221 Dump Rd. Warren VT 05674	12/16/71	owner	33 1/3
Kira Kimick	221 Dump Rd. Warren, VT 05674	06/26/78	owner	33 1/3

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

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM LEFT TO RIGHT.

COPY/SCAN CAPTURE/ANTI-FRAUD PROTECTION

BNY MELLON TRUST OF DELAWARE

FIDELITY
BROKERAGE SERVICES LLC

NO. 939404651

62-35/311

April 25, 2022

PAY Seven Hundred Fifty Dollars and 00 Cents.

EXACTLY
\$750.00*

TO THE
ORDER OF

TOWN OF KITTERY
C/O WILLIAM S.A QUIRK
43 ORCHARD HILL RD.
EPPING NH 03042-1808

Not Valid After 90 Days

National Financial Services LLC



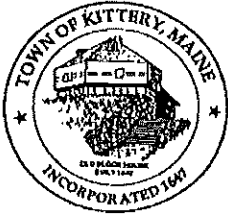
AUTHORIZED SIGNATURE

2022-23 VICTURALERS RENEWALS

7 Eleven 32530
AJ's Wood Grilled Pizza
Anju Noodle Bar
Anneke Jans
Applegreen New England 7-Eleven @ The
Kittery Outlets
Aroma Joes/Pine Tree Coffee
Auto Drip Drive Thru
Badger's Island Pizza LLC
Bagel Caboose
BBQ Betty Smokehouse
Beach Pea Baking Company LLC
Bedrock Lobster Pound
Bistro 1828
Blue Mermaid
Bob's Clam Hut
Burger King 6539
Carl's Meat Market LLC
Chauncey Creek Lobster Pier
Chun Ping Lau
Coachman Inn
DBC Kittery
Domino's
Dunkin Donuts
Enchanted Nights B&B
Festina Lente LLC
Frisbee's Wharf LLC
Golden Harvest
Hampton Inn & Suites Kittery
Henryville LLC DBA Henry VIII Carvery
Island Marina Svc / Badger's Island Marina
Kasha's Kitchen
Kittery Dairy Queen
Kittery Food Mart
Kittery Food Truck Pod
La Casita
Lexie's Seasonal LLC
Lil's Café
Loco Coco's Tacos
Lovebirds Donuts
Loyal Order of Moose 444

Maine Beer Café
Maine Meat (MEat)
Maine Squeeze Juice Café
McDonalds

Mian Noodle Bar LLC
Morrison's Lobsters LLC
Mrs. & Me Kittery Ice Cream
Navy Yard Bar & Billiard
Navy Yard Bar & Billiard (Amusement)
New England Fishmongers
Ore Nell's BBQ
Pine Tree Country Store
Robert's Maine Grill
Rose's Springs Rolls
Rudders Public House
Seacoast Street Eats
Siam Mellow Tasty
Starbucks Coffee (7907)
Starry Nights Bed & Breakfast
Subway/Maine Subs
Sue's Seafood
Sunny's Food Truck
Sunrise Grill
Suzanne's Village Café Bar-Bistro
The Black Birch
The Corner Pub
The Lobster Pot
The Pointe
The View
The Water Street Inn LLC
toast LLC
Town Pizza Restaurant
Tributary Brewing Company
Tulsi Indian Restaurant
Urban Farm Fermentory
Vida Cantina LLC
Warren's Lobster House
Weathervane Seafood
When Pigs Fly Pizzeria
Woodland Farms Brewery



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

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

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

AJ's Wood Grill Pizza
68 Wallingford Sq

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

AJ's Wood Grill Pizza
68 Wallingford Sq

Mailing address and telephone number of owner of the real estate: Golden Goose
21 Madbury Rd Durham NH 603-228-9988

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

outside patio

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

Wed - Sundays 12 - 9 pm

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

Solo musicians or trio or duo bands.

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

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

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

Looking to extend the hours of our current permit
to allow for more availability of bookings

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

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

Nicole Gula
Partner in ownership of AJ's

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

DATE OF APPLICATION: 5.4.22

SIGNATURE OF APPLICANT: Nicole Gula

APPLICANT'S NAME: Nicole Gula
(please print)

ADDRESS: 4 Autumn Ln Stratham NH 03885
(please print)

TELEPHONE NUMBER: 603-978-3266

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

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

MB-21-2**Marijuana Business License****Status:** Active**Date Created:** Dec 13, 2021**Applicant**

Nick Friedman
nfriedman12188@gmail.com
8 Dexter Lane
Suite 8
Kittery, ME 03904
413-429-6472

Location

8 DEXTER LANE Unit Unit 8
Unit Unit 8
KITTERY, ME 03904

Owner:

The Outlet Mall of Kittery LLC

Applicant's or Applicant's Agent's Information**Name**

Nick Friedman

Mailing Address

8 Dexter Lane, Suite 8, Kittery, ME, 03904

Phone Number

413-429-6472

Email Address

nfriedman12188@gmail.com

Relationship to company

Owner

Business Information**Name of Company**

Tree Tips 3 LLC

Corporate Structure of Company

LLC

Mailing Address of Company

8 Dexter Lane, Suite 8, Kittery, ME, 03904

Phone Number of Company

413-429-6472

Email Address of Company

nfriedman12188@gmail.com

Maine Tax Identification Number of Company

87-3044710

Name and position of all company officers

Nick Friedman - CEO

Name of individual or entity seeking license

Tree Tips 3 LLC

Property Information**Street Address of Premises**

8 Dexter Lane, Suite 8, Kittery, ME, 03904

Property Owner's Name

The Outlet Mall of Kittery LLC

Premises Zoning

Commercial - 1 (C-1)

Premises Overlay Zoning

Not Applicable

Property Owner's Mailing Address

102 Bay St, Manchester, NH, 03104

Property Owners' Phone Number

603-623-4956

Type of License Requested**Please select the license that you are applying for:**

Marijuana Retail Store

Marijuana Business Operation Information**Please provide a brief narrative of the nature of your business operation. Please note that a more detailed operation plan will need to be included for marijuana retail stores and must be added as an attachment.**

Tree Tips 3 LLC will be operating as a licensed marijuana retailer in full compliance with all state and local regulations, selling cannabis products to recreational customers over the age of 21. Further details of our operating plan will be provided as an attachment.

Acknowledgement and Certification**I certify that all information on this application and all documentation is true and accurate to the best of my abilities. I further acknowledge that any misleading or false information may be grounds for the rejection of this application.**

Nick Friedman

11/17/2021

I acknowledge that this is an application for a license to operate a marijuana business in the Town of Kittery and that the completion and submittal of this application does not constitute town authorization.

Nick Friedman

11/17/2021

I understand that authorization to operate a marijuana business in the Town of Kittery is granted only through the issuance of a license by the Kittery Town Council and land use approval by the Kittery Planning Board.

Nick Friedman










11/17/2021







I certify that I will operate in compliance with Maine State Law, the rules and regulations of the State of Maine, and the ordinances of the Town of Kittery. I understand that any violations of state law, the rules and regulations of the state, or the ordinances of the town may result in the suspension or revocation of the license.

Nick Friedman

11/17/2021

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Application Completeness & Zoning Verification	Complete	Dec 13, 2021 at 1:24 pm	Dec 13, 2021 at 3:50 pm	Dave Evans	-
 Licensing Fees	Paid	Dec 13, 2021 at 3:50 pm	Dec 13, 2021 at 4:42 pm	-	-
 Town Planner Review	Complete	Dec 13, 2021 at 4:43 pm	Jan 3, 2022 at 4:51 pm	Bart McDonough	-
 Code Enforcement Office Review	Complete	Dec 13, 2021 at 4:43 pm	Jan 4, 2022 at 7:46 am	Craig Alfis	-
 Planning Board Application Submitted	Complete	Jan 4, 2022 at 7:46 am	Jan 5, 2022 at 5:24 pm	Bart McDonough	-
 Police Approval and Background Check	Complete	Jan 5, 2022 at 5:24 pm	Jan 7, 2022 at 4:12 pm	Danielle Lindman	-
 Planning and Development Review	Complete	Jan 5, 2022 at 5:24 pm	Feb 2, 2022 at 6:01 pm	Adam Causey	-
 Fire Department Certification	Complete	Jan 5, 2022 at 5:24 pm	Apr 25, 2022 at 11:24 am	Craig Alfis	-
 Town Manager Review	Complete	Apr 25, 2022 at 11:24 am	May 18, 2022 at 5:10 pm	Kendra Amaral	-

Label	Status	Activated	Completed	Assignee	Due Date
 Town Manager Letter	Issued	May 18, 2022 at 5:10 pm	May 18, 2022 at 5:10 pm	-	-
 Application added to Town Council Agenda	Active	May 18, 2022 at 5:10 pm	-	Karen Estee	-
 Town Council Approval	Inactive	-	-	-	-
 Conditional License	Inactive	-	-	-	-
 Planning Board Approval	Inactive	-	-	-	-
 License Issuance	Inactive	-	-	-	-

COMMERCIAL LEASE (NET LEASE)

PARTIES As of September 28, 2021, (the "Lease Effective Date") The Outlet Mall Of Kittery LLC with a mailing address of 102 Bay St. Manchester NH 03104 , ("LANDLORD"), hereby leases to Tree Tips 3 LLC with a mailing address of 8 Dexter Lane, Suite #8 Kittery ME 03904, ("TENANT"), and TENANT hereby leases from LANDLORD the following described premises.

PREMISES The "Leased Premises" is **Suite 8** deemed to contain two thousand seven hundred forty-two and one-half (2,742.5) square feet located at 8 Dexter Lane Kittery, Maine 03904 in the shopping center known as The Outlet Mall of Kittery (the "Property") together with the right to use, in common, with others entitled thereto, the hallways, stairways, and parking, necessary for access to said Leased Premises, and lavatories nearest thereto.

POSSESSION DATE The "Possession Date" is the date LANDLORD delivers possession of the Leased Premises to TENANT free of all other occupants' rights thereto and in broom clean "as-is" condition. The Possession Date will occur upon the expiration of the Contingency Period.

CONTINGENCY PERIOD The "Contingency Period" is the period commencing on the Lease Effective Date and expiring three (3) months thereafter (the "Contingency Period Expiration Date"). TENANT'S obligations under this Lease are contingent on its receipt of all necessary governmental permits, licenses and approvals necessary to operate a Retail Marijuana Dispensary (the "Permits"). TENANT will use commercially reasonable efforts to obtain the Permits. Upon applying for the Permits, TENANT will diligently pursue same. If TENANT does not obtain the Permits on or before the expiration of the Contingency Period, TENANT will have the right to terminate this Lease upon seven (7) days written notice to LANDLORD. On any termination of this Lease, all rights and obligations of LANDLORD and TENANT shall be of no further force or effect. TENANT'S right to terminate shall expire as of the Contingency Period Expiration Date and if TENANT has not terminated this Lease, TENANT shall be deemed to have waived the contingencies as of the Contingency Period Expiration Date.

ONGOING CONTINGENCY TENANT shall have the right to terminate this Lease if changes to Federal, local or state laws or regulations lead to the revocation of any Permits required for TENANT to operate one or more of its Permitted Uses at the Premises. This contingency will not apply to a revocation of one or more permits as the result of TENANT actions or inactions in its licensing process or handling of its business practices.

PRE-TERM RENT During the Contingency Period, TENANT shall be not be obligated to pay LANDLORD any rent.

RENT COMMENCEMENT DATE TENANT shall give LANDLORD written notice within seven (7) days of TENANT'S receipt of the Permits. Upon this notification, the Contingency Period ends, the Possession Date shall occur and rent will commence.

LEASE TERM The initial term of this Lease shall be for a period of one hundred twenty (120) full calendar months, beginning on the Possession Date. If the Rent Commencement Date is not on the first day of a month, the first year of this Lease will include the period from the Rent Commencement Date through the last day of the month which is the twelfth (12th) month after the month in which the Rent Commencement Date occurs.

RENT Commencing on the Rent Commencement Date, TENANT shall pay to LANDLORD the following Base Rent:

Lease Year	Annual Base Rent	Monthly Base Rent
1	\$41,137.50	\$3,428.13
2	\$42,165.94	\$3,513.83
3	\$43,220.09	\$3,601.67
4	\$44,300.59	\$3,691.72
5	\$45,408.11	\$3,784.01
6	\$47,993.75	\$3,999.48
7	\$49,193.60	\$4,099.47
8	\$50,423.44	\$4,201.95
9	\$51,684.02	\$4,307.00
10	\$52,976.12	\$4,414.68

Base Rent is payable in advance in equal monthly installments on the first day of each month during the term of

this Lease without deduction or setoff, said rent to be prorated for portions of a calendar month at the beginning or end of said term, all payments to be made to LANDLORD or to such agent and at such place as LANDLORD shall from time to time in writing designate, the following being now so designated: 102 Bay St. Manchester NH 03104. If TENANT does not pay base rent, supplemental and additional rents, or other fees and charges when due pursuant to the term of this Lease, then LANDLORD, in its sole discretion, may charge, in addition to any other remedies it may have, a late charge for each month or part thereof that TENANT fails to pay the amount due after the due date. The late charge shall be equal to four percent (4%) of the amount due LANDLORD each month in addition to the rent then due.

RENEWAL OPTION

So long as TENANT has not been in default of this Lease during the term hereof, TENANT shall have the option to renew this Lease for two (2) terms of five (5) years each. In order to exercise TENANT'S option, TENANT shall notify LANDLORD in writing of its intention to exercise its option on or before six (6) months prior to the end of the then current term, said renewal to be upon the same terms and conditions set forth in this Lease except for Base Rent which shall be as follows:

FIRST RENEWAL TERM

Lease Year	Annual Base Rent	Monthly Base Rent
11	\$54,850.00	\$4,570.83
12	\$56,221.25	\$4,685.10
13	\$57,626.78	\$4,802.23
14	\$59,067.45	\$4,922.29
15	\$60,544.14	\$5,045.34

SECOND RENEWAL TERM

Lease Year	Annual Base Rent	Monthly Base Rent
16	\$61,706.25	\$5,142.19
17	\$63,248.91	\$5,270.74
18	\$64,830.13	\$5,402.51
19	\$66,450.88	\$5,537.57
20	\$68,112.16	\$5,676.01

In the event TENANT fails to perform its obligations under this Section, the option shall be deemed not to have been exercised.

SECURITY DEPOSIT

TENANT will deliver to LANDLORD a refundable initial security deposit of three thousand four hundred twenty-eight dollars and thirteen cents (\$3,428.13) upon the expiration of the contingency period. The Security Deposit shall be held as a security for TENANT'S performance as herein provided and refunded to TENANT without interest at the end of this Lease subject to TENANT'S satisfactory compliance with the conditions. TENANT shall immediately replenish the Security Deposit at any time it is applied or used by LANDLORD.

RENT ADJUSTMENT

A. TAXES

TENANT will pay to LANDLORD as additional rent hereunder hereof, in accordance with subparagraph B of this Article, sixteen point three percent (16.3%) of all real estate taxes on the land and buildings of which the Leased Premises are a part in each year of the term of this Lease or any extension or renewal thereof and proportionately for any part of a fiscal year in which this Lease commences or ends. If LANDLORD obtains an abatement of any such excess real estate tax, a proportionate share of such abatement, less the reasonable fees and costs incurred in obtaining the same, if any, shall be refunded to TENANT.

B. OPERATING COSTS

TENANT shall pay to LANDLORD as additional rent hereunder in accordance with subparagraph B of this Article, sixteen point three percent (16.3%) of all operating expenses. Operating expenses are defined for the purposes of this agreement as operating expenses per annum of the building and its appurtenances and all exterior areas, yards, plazas, sidewalks, landscaping and the like then (i.e., as of said last day of the calendar year concerned) located outside of the building but related thereto and the parcels of land on which they are located (said building appurtenances, exterior areas, and land hereinafter referred to in total as the "building"). Operating expenses include, but are not limited to: (i) all costs of furnishing electricity, heat, air-conditioning, water and sewer and other utility services and facilities to the building; (ii) all costs of any insurance carried by LANDLORD related to the building; (iii) all costs for common area cleaning and janitorial services; (iv) all costs of maintaining the building including the operation and repair of heating and air conditioning equipment and any other common building equipment, non-capital roof repairs and all other repairs, improvements and replacements required by law or necessary to keep the building in a well maintained condition; (v) all costs of snow and ice removal, landscaping and grounds care; (vi) all other costs of the management of the building, including, without limitation property management fees; and (vii) all other reasonable costs relating directly to the ownership, operation, maintenance and management of the building by LANDLORD. TENANT'S share of operating expenses shall be prorated should this Lease be in effect with respect to only a portion of any calendar year.

During each year of the term of this Lease, TENANT shall make monthly estimated payments to LANDLORD, as additional rent for TENANT'S share of real estate taxes and operating expenses for the then current year. Said estimated monthly payments shall be made along with base rent payments and shall be equal to \$950.00. After the end of each calendar year, LANDLORD shall deliver to TENANT a statement showing the amount of such real estate taxes and operating expenses also showing TENANT'S share of the same. TENANT shall, within thirty (30) days after such delivery, pay TENANT'S share to LANDLORD, as additional rent, less any estimated payments. If the estimated payments exceed TENANT'S share, then the excess shall be applied to the next year's monthly payments for estimated increases.

UTILITIES

TENANT shall pay, as they become due, all bills for electricity and other utilities (whether they are used for furnishing heat or other purposes) that are furnished to the Leased Premises and presently separately metered, all bills for fuel furnished to a separate tank servicing the Leased Premises exclusively, and all charges for telephone and other communication systems used at and supplied to the Leased Premises. LANDLORD agrees to furnish water for ordinary drinking, cleaning, lavatory and toilet facilities and reasonable heat and air conditioning, if installed as part of the structure of the building, (except to the extent that the same are furnished through separately metered utilities or separate fuel tanks as set forth above) so as to maintain the Leased Premises and common areas of the building at comfortable levels during normal business hours on regular business days of the heating and air condition seasons of each year, to furnish elevator service, if installed as a part of the structure of the building, and to light passageways and stairways during business hours, and to furnish such cleaning service as is customary in similar building in said city or town, all subject to interruption due to any accident, to the making of repairs, alterations or improvements, to labor difficulties, to trouble in obtaining fuel, electricity, service, or supplies from the sources from which they are usually obtained for said building, or to any cause beyond LANDLORD'S control.

LANDLORD shall have no obligation to provide utilities or equipment other than the utilities and equipment within the Leased Premises as of the commencement date of this Lease. In the event TENANT requires additional utilities or equipment, the installation and maintenance thereof shall be TENANT'S sole obligation, provided that such installation shall be subject to the written consent of LANDLORD.

USE OF LEASE PREMISES

TENANT shall use the Leased Premises for the storage and packaging of cannabis, dispensing of cannabis to qualified patients and individuals 21+ years of age, and any other cannabis related activities as permitted by local and state law (a "Retail Marijuana Dispensary"). This use is subject to TENANT obtaining all licenses and permits required under state and local law, and subject to TENANT'S continuing compliance with all applicable state and local laws.

EXCLUSIVE USE

LANDLORD represents, warrants, and covenants that from and after the Effective Date, neither LANDLORD nor any Landlord Affiliate will lease any space within five miles of the Property (except the premises hereby demised) permit the use or occupancy of any such space, whether at wholesale or at retail, to any unrelated tenant or other occupant which sells, or displays for sale or provides services in any one or more of the following: Retail Marijuana, Cannabis, CBD, recreational and/or medical.

COMPLIANCE WITH LAWS

TENANT agrees to conform to the following provisions during the entire term of this Lease: (i) TENANT shall not injure or deface the Leased Premises or building; (ii) No auction sale, inflammable fluids, chemicals, nuisance, objectionable noise or odor shall be permitted on the Leased Premises; (iii) TENANT shall not permit the use of the Leased Premises for any purpose other than set forth herein or any use thereof which is improper, offensive, contrary to law or ordinance, or liable to invalidate or increase the premiums for any insurance on the building or its contents or liable to render necessary any alterations or additions to the building; and (iv) TENANT shall not obstruct in any manner any portion of the building not hereby demised or the sidewalks or approaches to said building or any inside or outside windows or doors. TENANT shall observe and comply with all codes, ordinances, laws, regulations and other governmental or quasi-governmental orders or inspections affecting TENANT, the Leased Premises and/or TENANT'S use and all reasonable rules and security regulations now or hereafter made by LANDLORD for the care and use of the leased or installations to the building, and/or accommodations in TENANT'S use thereof required by law or any public authority as a result of TENANT'S use or occupancy of the premises or TENANT'S alterations or additions thereto, which alterations, improvements and installations shall be subject to LANDLORD'S consent as provided in this Lease.

MAINTENANCE

A. TENANT'S OBLIGATIONS

TENANT will maintain the interior of the Leased Premises, the heating, ventilation and air conditioning systems (collectively, "HVAC Systems") of the Leased Premises and the plumbing and electrical systems of the Leased Premises during the lease term. LANDLORD will warrant that the HVAC Systems, the plumbing, and electrical systems of the Leased Premises will be in good working condition for a period of five years from the Possession Date. Notwithstanding anything to the contrary herein, TENANT has leased ground floor space, TENANT covenants to keep all plate glass windows in good repair and condition and to carry adequate insurance to provide for the replacement of any such plate glass which is damaged or destroyed.

B. LANDLORD'S OBLIGATIONS

LANDLORD agrees to maintain and repair the parking lot, roof, exterior walls, foundation, underground or below the foundation sewer, plumbing, utility pipes, lines, mains and conduits, the structural components of the building

of which the Leased Premises are a part and the common areas of the Leased Premises, reasonable wear and tear, damage by fire and other casualty only excepted, unless such maintenance or repair is made necessary by fault or neglect of TENANT, in which case such maintenance or repair shall be at the expense of TENANT and TENANT shall pay all costs thereof.

SIGNAGE

TENANT will have the right to place its exterior signs on the Leased Premises, its own sign panel on the existing pylon, and to erect a new pylon for signage at the Property during the lease term, subject to Tenant and LANDLORD's prior written approval, which shall not be unreasonably withheld. Signage will adhere to all applicable local and state regulations as well as property standards, which are attached as Exhibit B.

ASSIGNMENT-SUBLEASING

TENANT shall not by operation of law or otherwise, assign, mortgage or encumber this Lease, or sublet or permit the Leased Premises or any part thereof to be used by others, without LANDLORD'S prior express written consent in each instance which consent shall not be unreasonably withheld. In any case where LANDLORD shall consent to such assignment or subletting, TENANT named herein shall remain fully liable for the obligations of TENANT hereunder, including, without limitation, the obligation to pay the rent and other amounts provided under this Lease. For purposes of this Lease, the sale of stock of a corporate TENANT, interest in an LLC or similar entity, or the change of a general partner of a partnership TENANT shall constitute an assignment of this Lease.

QUIET ENJOYMENT

Provided TENANT performs all of its obligations under this Lease, TENANT shall be entitled to the quiet enjoyment of the Leased Premises; provided TENANT covenants that it holds the Leased Premises subject to all easements, covenants and other matters of record, and agrees to abide by same to the extent the same affect the Leased Premises.

LANDLORD'S ACCESS

Notwithstanding the foregoing, LANDLORD acknowledges that due to the nature of TENANT's business, except with regard to law enforcement officers or life safety personnel, any representatives of LANDLORD shall be escorted by TENANT personnel when visiting the Leased Premises. In the event LANDLORD is prohibited from entering the Leased Premises and LANDLORD'S denied entry results in any damages or losses of any kind, TENANT shall be liable for all such costs including any applicable reasonable attorney's fees. TENANT hereby agrees to indemnify LANDLORD from any land all losses suffered in connection with this section.

TENANT'S LIABILITY INSURANCE

TENANT shall (i) insure TENANT and LANDLORD, as their interests appear, with commercial general liability coverage, in such amounts and with such companies and against such risks as LANDLORD shall reasonably require and approve, but in amounts not less than One Million Dollars (\$1,000,000.00) combined single limit with deductibles of not more than \$5,000 per occurrence, and (ii) insure LANDLORD and TENANT, as their interests appear, against loss of the contents and improvements of the Leased Premises for their full replacement value under standard Maine form policies against fire and standard extended coverage risks, and with such companies as LANDLORD shall reasonably require and approve, with waiver of subrogation if such waiver can be obtained without charge. TENANT shall deposit with LANDLORD certificates for such insurance at or prior to the commencement of the term, and thereafter within thirty (30) days prior to the expiration of any such policies. All such insurance certificates shall provide that such policies shall not be canceled without at least thirty (30) days prior written notice to each insured named therein. TENANT shall list LANDLORD as an additional named insured or loss payee, as the case may be, in all policies required by this Section.

FIRE CASUALTY-EMINENT DOMAIN

In the case of damage to the Leased Premises for which repair costs exceed 51% of the replacement value of the Leased Premises, TENANT may elect to terminate this Lease if it is forced to discontinue revenue operations for more than thirty (30) days cumulative.

Should a substantial portion of the Leased Premises, or of the Property of which they are a part, be damaged by fire or another casualty, or be taken by eminent domain, LANDLORD may elect to terminate this Lease. When such fire, casualty, or taking renders the Leased Premises unfit for use and occupation and LANDLORD does not so elect to terminate this Lease, a just and proportionate abatement of rent shall be made until the Leased Premises, or in the case of a partial taking what may remain thereof, shall have been put in proper condition for use and occupation. LANDLORD shall give TENANT notice of its decision to terminate this Lease or restore the premises within thirty (30) days after any occurrence giving rise to LANDLORD'S right to so terminate or restore.

DEFAULT AND BANKRUPTCY

In the event that:

- (a) TENANT shall default in the payment of any installment of rent or other sum herein specified when due which default is not corrected within seven (7) days after written notice thereof; or
- (b) TENANT shall default in the observance or performance of any other of the TENANT'S covenants, agreements, or obligations hereunder and such default shall not be corrected within ten (10) days after written notice thereof; or
- (c) The leasehold hereby created shall be taken on execution, or by other process of law; or
- (d) Any assignment shall be made of TENANT'S property for the benefit of creditors, or a receiver, guardian, conservator trustee in bankruptcy or similar officer shall be appointed by a court of competent jurisdiction to take charge of all or any part of TENANT'S property, or a petition is filed by TENANT under any bankruptcy,

insolvency or other debtor relief law, then and in any of said cases (notwithstanding any license of any former breach of covenant or waiver of the benefit hereof or consent in a former instance), LANDLORD shall be entitled to all remedies available to LANDLORD at law and equity including without limitation, the remedy of forcible entry and detainer, and LANDLORD lawfully may, immediately or at any time thereafter, and without demand or notice, mail a notice of termination to TENANT, or, if permitted by law, enter into and upon the Leased Premises or any part thereof in the name of the whole and repossess the same as of its former estate, and expel TENANT and those claiming through or under it and remove it or their effects without being deemed guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant, and upon such mailing or entry as aforesaid, this Lease shall terminate.

NOTICE

Any notice from LANDLORD to TENANT relating to the Leased Premises or to the occupancy thereof, shall be deemed duly served, upon mailing to the TENANT, registered or certified mail, return receipt requested, postage prepaid, addressed to TENANT at TENANT's address set forth in Article 1. Any notice from TENANT to LANDLORD relating to the Leased Premises or to the occupancy thereof, shall be deemed duly served, if mailed to LANDLORD by registered or certified mail, return receipt requested, postage prepaid, addressed to LANDLORD at LANDLORD'S address set forth in Article 1, or at such other address as LANDLORD may from time to time advise in writing.

SURRENDER

TENANT shall at the expiration or other termination of this Lease peaceably yield up the Leased Premises and all additions, alterations and improvements thereto in good order, repair and condition, damage by fire, unavoidable casualty, and reasonable wear and tear only excepted, first moving all goods and effects not attached to the Leased Premises, repairing all damage caused by such removal, and leaving the Leased Premises clean and tenantable. If LANDLORD in writing permits TENANT to leave any such goods and chattels at the Leased Premises, and TENANT does so, TENANT shall have no further claims and rights in such goods and chattels as against LANDLORD or those claiming by, through or under LANDLORD.

HAZARDOUS MATERIALS

TENANT covenants and agrees that, with respect to any hazardous, toxic or special wastes, materials or substances including asbestos, waste oil and petroleum products (the "Hazardous Materials") which TENANT, its agents or employees, may use, handle, store or generate in the conduct of its business at the Leased Premises, TENANT will: (i) comply with all applicable laws, ordinances and regulations which relate to the treatment, storage, transportation and handling of the Hazardous Materials; (ii) that TENANT will in no event permit or cause any disposal of Hazardous Materials in, on or about the Leased Premises and in particular will not deposit any Hazardous Materials in, on or about the floor or in any drainage system or in the trash containers which are customarily used for the disposal of solid waste; (iii) that TENANT will with advance notice and at all reasonable times permit LANDLORD or its agents or employees to enter the Leased Premises to inspect the same for compliance with the terms of this paragraph and will further provide upon five (5) days notice from LANDLORD copies of all records which TENANT may be obligated by federal, state and/or local law to obtain and keep; (iv) that upon termination of this Lease, TENANT will at its expense, remove all Hazardous Materials, which came to exist on, in, or under the Leased Premises during the term of this Lease or any extensions thereof, from the Leased Premises and comply with applicable local, state and federal laws as the same may be amended from time to time; and (v) TENANT further agrees to deliver the Leased Premises to LANDLORD at the termination of this Lease free of all Hazardous Materials which came to exist on, in, or under the Leased Premises during the term of this Lease or any extensions thereof. The terms used in this paragraph shall include, without limitation, all substances, materials, etc., designated by such terms under any laws, ordinances or regulations, whether federal, state or local.

WAIVER OF RIGHTS

No consent or waiver, express or implied, by either party to or of any breach of any covenant, condition or duty of the other, shall be construed as a consent or waiver to or of any other breach of the same or other covenant, condition or duty.

SUCCESSORS AND ASSIGNS

The covenants and agreements of LANDLORD and TENANT shall run with the land and be binding upon and inure to the benefit of them and their respective heirs, executors, administrators, successors and assigns, but no covenant or agreement of LANDLORD, express or implied, shall be binding upon any person except for defaults occurring during such person's period of ownership nor binding individually upon any fiduciary, any shareholder or any beneficiary under any trust.

MISCELLANEOUS

If TENANT is more than one person or party, TENANT'S obligations shall be joint and several. Unless repugnant to the context, "LANDLORD" and "TENANT" mean the person or persons, natural or corporate, named above as LANDLORD and TENANT respectively, and their respective heirs, executors, administrators, successors and assigns. LANDLORD and TENANT agree that this Lease shall not be recordable, but each party hereto agrees, on request of the other, to execute a Memorandum of Lease in recordable form and mutually satisfactory to the parties. If any provision of this Lease or its application to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease and the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by law. No

provision of this Lease may be modified or altered except by agreement in writing between LANDLORD and

TENANT, and no act or omission of any employee or agent of LANDLORD shall alter, change, or modify any of the provisions hereof. Time is of the essence of this agreement. This Lease shall be governed exclusively by the provisions hereof and by the laws of the State of Maine. The headings herein contained are for convenience only and shall not be considered a part of this Lease.

BROKERAGE

TENANT warrants and represents to LANDLORD that it has not dealt with any broker, finder or similar person concerning the leasing of the Leased Premises other than Justin C. DePre ("TENANT'S BROKER"). TENANT agrees in the event of any brokerage claims against LANDLORD by TENANT'S BROKER, TENANT agrees to defend the same and indemnify LANDLORD against any such claim. LANDLORD warrants and represents to TENANT that it has not dealt with any broker, finder or similar person concerning the leasing of the Leased Premises. LANDLORD agrees to credit TENANT a commission due on the Possession Date totaling 4% of the total lease value of the first term. No commission will be due on either of the renewal terms. This rent credit will be deducted from the monthly rent payments starting on the Rent Commencement Date.

POSSESSION OF REGULATED ASSETS

Notwithstanding the foregoing, no right of entry, possession or sale, either set forth expressly in this Lease or arising as a matter of law, shall permit Landlord or its agents to claim, control, possess, secure, sell, dispose of or handle in any manner any marijuana, marijuana waste or any other marijuana product or marijuana by-product (collectively, "Regulated Assets") located on the Premises. Landlord acknowledges and agrees that any Regulated Assets located on the Premises shall be controlled in accordance with all applicable State laws and Regulations.

DISCLAIMER: THIS IS A LEGAL DOCUMENT. IF NOT FULLY UNDERSTOOD, CONSULT AN ATTORNEY.

In witness whereof the parties have caused this agreement to be signed.

TENANT: Tree Tips 3 LLC

LANDLORD:



Signature

The Outlet Mall Of Kittery LLC

DocuSigned by:



Signature

DB1EAE80C802433...

Nick Friedman / Manager

Bernard Gamache Member

NAME/TITLE

NAME/TITLE

**MAINE ADULT USE MARIJUANA PROGRAM****162 STATE HOUSE STATION, 19 UNION STREET, AUGUSTA, ME 04333-0162, FIRST FLOOR**Transaction Type: **Apply for a Marijuana Retail Store License** | License: **ADULT USE MARIJUANA STORE****Transaction Receipt**

Transaction Details

- Date of Transaction: **10/13/2021 07:13 PM**
- Transaction Number: **2696057-2678050**
- Applicant: **TREE TIPS 3 LLC**
- Transaction Type: **Apply for a Marijuana Retail Store License**
- License Type: **ADULT USE MARIJUANA STORE**
- License: **AMS**
- Regulator:

MAINE ADULT USE MARIJUANA PROGRAM
162 STATE HOUSE STATION, 19 UNION STREET, AUGUSTA, ME 04333-0162, FIRST FLOOR

- Fee Paid:
Fees are nonrefundable.

Total: \$0

Application Instructions

This application must be submitted by an **AUTHORIZED BUSINESS REPRESENTATIVE**.

All persons to be listed as principals of the organization must have an Individual Identification Card number issued by the Office of Marijuana Policy **prior** to submitting this establishment license application.

In addition, OMP recommends reading and reviewing the **application instructions document** found on [OMP's Adult Use Applications and Forms page](#) which contains further instruction and definitions relevant to this application.

Documents That May be Uploaded with This Application

As the Authorized Business Representative completing this application, you will be asked for the following documentation in addition to the basic application information. The online application allows for uploading these required documents.

For your protection, this application will time out after 20 minutes of idle time. If more than 20 minutes passes between page refreshes, your session will be disconnected and you will have to start again from the beginning. Please be aware that if you do not have all documents ready, you will be able to upload them at a later time with login credentials provided after this initial submission.

Please have documents ready if you wish to upload them with your online application; otherwise, you will be required to provide them to the Office through the "Upload Outstanding Application Documents" option online, by email to Licensing.OMP@maine.gov, or by mail to MAINE ADULT USE MARIJUANA PROGRAM, 162 STATE HOUSE STATION, 19 UNION STREET, FIRST FLOOR, AUGUSTA, ME 04333-0162. This application is not complete and will not be processed until all documentation is provided, including the final notarization to be completed by the Authorized Business Representative. Forms referenced below may be found on [OMP's Adult Use Applications and Forms page](#).

- Principal(s) Attestation(s)
- Operating Agreement(s)
- Financial Instrument(s) if applicable
- Preliminary Operating Plan
- Business organizing documents (articles of incorporation, articles of organization, operating agreement, or partnership agreement as applicable)
- Additional Supporting Documentation (optional)

Prior License Number

Has this entity ever been licensed (either conditional or full license) by the Maine Adult Use Marijuana Program in the past?: **No**

If yes, please provide the previous license number:

Applicant Information

Please provide the following information about the organization applying for this license.

Type of Organization: **Limited Liability Corporation**

Applicant Organization's Legal Name

If the applicant is an organized business, all information provided in the applicant section should match the information on file with the Maine Secretary of State, Bureau of Corporations. If the applicant is a sole proprietor, provide full legal name.

Status: **New**

Legal Name: **TREE TIPS 3 LLC**

Doing Business As Name(s)

If applicable, indicate primary trade name or "Doing Business As" name here.

Not on file

Applicant Organization Details

Please provide the applicant organization's PHYSICAL address, phone, and email address. Please note that the name you enter here should match the legal name provided above.

Status: **New**

Name: **TREE TIPS 3 LLC**

Physical Address: **8 DEXTER LN STE 8, KITTERY, ME 03904-6510 US**

Email Address: **nfriedman12188@gmail.com**

Primary Contact Person for Application Purposes

This person will be the Office of Marijuana Policy's main point of contact for all correspondence, including required information missing in this application or supplemental information required later in the application process.

Status: **New**

Name: **NICK FRIEDMAN**

Address: **24A BIGELOW ST, CAMBRIDGE, MA 02139-2302 US**

Phone: **+1 (413) 429-6472**

Email Address: **nfriedman12188@gmail.com**

Principals

A principal is natural person who has controlling authority or is in a leading position in the business organization. It also includes any person who operates an adult use marijuana establishment as a sole proprietorship. Other examples include without limitation, officers, directors, managers, and general partners, except that "manager" for the purposes of this definition does not include an employee of a licensee whose managerial responsibilities are limited to staff supervision related to the day-to-day operation of a marijuana establishment.

Note on OMP not enforcing residency requirement: Title 28-B requires that every sole proprietor, officer, director, manager and general partner of a business entity be a natural person who is Maine resident, however OMP is currently not enforcing the residency requirement provision of the statute.

Status: **New**

Individual ID Card #: **IIC218**

Name: **FRIEDMAN, NICHOLAS CODY**

Role in Establishment: **Manager**

Tax Compliance

Each principal must download, print, and sign the **Maine Revenue Services Authorization to Review and Disclose Status of Tax and Filing Obligations to the Maine Office of Marijuana Policy - Principals Form**. Each principal must submit the completed form to Maine Revenue Services. This form may be found on [OMP's Adult Use Applications and Forms page](#).

Principal Attestation

All persons listed as principals of the organization must complete and attest to the accuracy of the information provided on the **Principal Attestation Form** found on [OMP's Adult Use Applications and Forms page](#). It is the responsibility of each individual principal to supply the completed form to you, the Authorized Business Representative.

Principal_Attestation_-_Nick_Friedman.pdf

Ownership

List all natural persons and/or business entities that hold any ownership interest in the organization applying for this license.

Note on OMP not enforcing residency requirement: Title 28-B requires that a majority of the shares, membership interests, partnership interests or other equity ownership interests as applicable to the business entity must be held or owned by natural persons who are Maine residents or business entities whose owners are all natural persons who are Maine residents, however OMP is currently not enforcing the residency requirement provision of the statute.

Status: **New**
Legal Name: **NICK FRIEDMAN**
Address: **24A BIGELOW ST, CAMBRIDGE, MA 02139-2302**
Phone: **+1 (413) 429-6472**
% Ownership in the organization applying for licensure: **99.000**
Birthdate: **01/21/1988**
Place of Domicile/Residency: **MA**

Status: **New**
Legal Name: **BENJAMIN FRIEDMAN**
Address: **120 KELLOGG RD, SHEFFIELD, MA 01257-9575**
% Ownership in the organization applying for licensure: **1.000**
Birthdate: **03/28/1945**
Place of Domicile/Residency: **MA**

Not on file

Operating Agreement(s)

You must provide copies of all ownership/shareholder agreements for each owner that holds any ownership interest in the organization applying for this license.

Tree_Tips_3_LLC_Operating_Agreement_-_Nick_and_Benno.pdf

Financial Interest Holders in the Applicant Organization

List all natural persons and/or business entities having any direct or indirect financial interest in the organization applying for this license, and the nature and extent of the financial interest held by each natural person and/or business entity. Owners previously listed do not need to be duplicated here.

A list of common financial interest holders is provided below. Refer to the definition of Direct or Indirect Financial Interest in the Adult Use Program Rule for further explanation.

- Royalty License Partners
- Employee, Contractor and Other Profit Sharing Arrangements
- Capital Investors and Lenders (i.e., banks, credit unions, and other state- and federally-chartered financial institutions, and private lenders)
- Management Contractors and Consultants

Not on file

Co-Location of Adult Use and Medical Marijuana Operations

Note: Maine law prohibits a marijuana store licensee that is also a registered caregiver or a registered dispensary from selling or offering to sell to consumers adult use marijuana and adult use marijuana products within the same facility or building in which the licensee also sells or offers to sell marijuana and marijuana products to qualifying patients for medical use.

Does the applicant intend to co-locate adult use and medical marijuana operations on the same premises? If yes, you must clearly explain in your preliminary operating plan.: **No**

Additional Information

Please provide the your website (if known) and proposed physical location of your facility.

Status: **New**
Applicant's Website:
Proposed Municipality: **NA**

Track & Trace Administrator Information

Please identify the individual that will serve as your Track & Trace Administrator. An email detailing next steps with respect to training and credentialing with the State's track and trace vendor will be sent to the applicant's Track and Trace Administrator's email address..

Status: **New**
Individual ID Card #: **IIC218**
Name: **FRIEDMAN, NICHOLAS CODY**

Email Address: **nfriedman12188@gmail.com** (New)
Email Type: **Track and Trace**

Preliminary Operating Plan

The Operating Plan is an official Plan of Record. Use of the template is required. The template can be found on [OMP's Adult Use website](#) under the Applications and Forms tab. The Office of Marijuana Policy (OMP) understands that applicants may have prepared other operating documents. OMP will accept additional operating documents. However, this Operating Plan must be used and information must be summarized as requested. (Referring to another plan will not be sufficient.)

Prelim_operating_plan.pdf

Business Organization Structure Documents

You must provide the following documentation:

- Description of the structure of the business organization;
- If the business entity is a corporation, a copy of its articles of incorporation or articles of organization;
- If the business entity is a limited liability company, a copy of its articles of organization and its operating agreement;
- If the business entity is a general partnership, limited partnership, limited liability partnership or limited liability limited partnership, a copy of the partnership agreement.

Tree_Tips_3_LLC_Operating_Agreement_-_Nick_and_Benno.pdf

Other Supporting Documentation

Would you like to provide any other documentation that would be helpful to the Office in reviewing your application?: **No, not at this time**

Authorization to Release Information

The Office of Marijuana Policy will confirm all responses in the Character and Fitness portion of the application. If the applicant is a business entity, the Office of Marijuana Policy will confirm all responses in the Character and Fitness portion for every officer, director, manager and general partner of the business entity. The applicant must provide a signed and dated **Authorization to Release Information** in order to allow the exchange of information related to Character and Fitness responses. You may find this form on [OMP's Adult Use Applications and Forms page](#).

Release_-_signed_-_nick_friedman.pdf

Affirmation and Consent

a. I affirm that the entire Maine Adult Use Marijuana Establishment Application, statements, attachments, and supporting documents are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed good cause for denial to issue a Maine Adult Use Marijuana Establishment by the Department.: **Agree**

b. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for denial or revocation of the Maine Adult Use Marijuana Establishment license. I affirm that I am voluntarily submitting this application to the Department of Administrative and Financial Services, Office of Marijuana Policy, and hereby authorize the Department to conduct a complete investigation into the truthfulness of the responses, using whatever legal means they deem appropriate.: **Agree**

c. I understand I am responsible for knowing and complying with all state laws and regulations governing Adult Use Marijuana pursuant to the Maine Revised Statutes, as well as the rules promulgated thereunder. I understand I am being made aware of the laws and regulations governing the Adult Use Marijuana Program and agree to comply with them, and all other applicable laws and regulations.: **Agree**

d. I understand that I must pay a fee to obtain a Maine Adult Use Marijuana Establishment license, as well as at the time of an annual renewal.: **Agree**

e. I understand the Department does not mail out a renewal application; and therefore, I am responsible for obtaining and submitting an application to renew my Adult Use Marijuana Establishment license prior to its expiration. I understand that in order to avoid unnecessary delays in issuance of a renewal license, the renewal application should be submitted no later than 30 days prior to the expiration date.: **Agree**

f. I understand that Maine Adult Use Marijuana Establishment licenses are valid for one year from the date of issuance. The Maine Adult Use Marijuana Establishment license shall be renewed on forms provided by the Department in accordance with the fee schedule. I understand that if I allow the Maine Adult Use Marijuana Establishment license to expire for even one day and then reapply, I must submit a new application along with the original application fee.: **Agree**

g. I understand I am responsible for notifying the Office of Marijuana Policy, in writing, upon any change in name, residence address, mailing address, or phone number, since all correspondence will be sent to my last known address. Failure to notify the Office of Marijuana Policy could result in not receiving my physical license, legal notices, and other correspondence.: **Agree**

h. I understand that I shall not by any means interfere with, obstruct, or impede, the Office of Marijuana Policy or its employees or investigators in exercising their official duties pursuant to the authority in Title 28-B and rules promulgated thereunder.: **Agree**

i. I understand that a Maine Adult Use Marijuana Establishment license issued by the Office of Marijuana Policy is a revocable privilege, and that the burden of proving an Applicant's qualifications for a Maine Adult Use Marijuana Establishment license rests at all times with the Applicant.: **Agree**

j. I understand in order to access or input data into the State's inventory tracking system, I must possess a valid Individual Identification Card and agree to follow all the rules and guidelines set forth for the use of this system.: **Agree**

k. I understand that this application is not complete and will not be processed until all required parties submit to have fingerprints taken and to a criminal history record check.: **Agree**

l. I understand that I may appeal an application denial pursuant to the Maine Administrative Procedure Act, 5 MRS, chapter 375.: **Agree**

Signature

Any information contained within this application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

If I have given incorrect information, this application may be denied, and I may be charged with giving false information. I understand the questions on this application and the penalty for hiding or giving false information or breaking any of the rules in the penalty warning. I certify under penalty of perjury that my answers, including those related to drug offenses correct and complete.

Authorizing Business Representative's Signature: **Nick Friedman**

Review of Application Materials

For your convenience, you may submit this online transaction and initiate the application process while you are still gathering all required documentation. However, **your application will not be reviewed until the Office of Marijuana Policy has received ALL pertinent documents.**

For each application requirement listed below, please confirm whether you plan to submit further documentation either via mail/email or by uploading at a later time using the "Upload Outstanding Application Documents" option on the Main Menu:

Attestation forms from **ALL** Principals: **I have provided all principal attestations**

Operating Agreement(s) from **ALL** Owners: **I have provided all operating agreement(s)**

Financial Instrument(s): **I have provided all financial instruments**

Operating Plan: **I have provided all preliminary operating plan documentation**

Business organizing documents (articles of incorporation, articles of organization, operating agreement, or partnership agreement as applicable): **I have provided all business organizing documentation**

Other Supporting Documentation (optional): **I have provided all other optional documentation**

Fee Notice

The Office of Marijuana Policy will send you an email with a Notice of Application Fee attached. In order for your application to be considered, the Office of Marijuana must receive your application fee. The Office of Marijuana Policy will accept application fees by cashier's check or money order made payable to the Treasurer, State of Maine in person or at our mailing address: Office of Marijuana Policy, 162 State House Station, Augusta, Maine 04333-0162.

Attest & Agree

Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

If I have given incorrect information, my application may be denied, and I may be charged with giving false information. I understand the questions on this application and the penalty for hiding or giving false information or breaking any of the rules in the penalty warning. I certify under penalty of perjury that my answers, including those related to drug offenses correct and complete.

I hereby certify that the information provided on this application is true and accurate to the best of my knowledge and belief.

Questions about this service? Contact MAINE ADULT USE MARIJUANA PROGRAM at: (207) 287-3282 or email: Licensing.OMP@maine.gov

Credits



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Information

Maine.gov
[Site Policies](#)
[Contact technical support.](#)

Transaction Security



OPERATING PLAN TEMPLATE MARIJUANA STORE

Pursuant to Section 3.5.2 of the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Operating Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other operating documents. Although the applicant or licensee may submit additional operating documents for reference, this Operating Plan is designed to be a succinct, standalone document.

OMP recognizes that during the conditional license application process, site-specific information may not be available. An updated, site-specific Operating Plan will be required prior to active licensure.

SECTION 1: Days and Hours of Operation

In the table below, indicate the operating hours of the facility. Place an "x" in the closed column if the facility will be closed on a particular day.

As a reminder, pursuant to Section 3.4.1(C) of the Adult Use Marijuana Program Rule: Licensees shall ensure that at all times during operating hours and hours of apparent activity that there is, on-site, an individual identification cardholder authorized to cooperate with Department inspection of the premises and business records.

	Closed	Facility Opening Hour	Facility Closing Hour
Sunday		8AM	10PM
Monday		8AM	10PM
Tuesday		8AM	10PM
Wednesday		8AM	10PM
Thursday		8AM	10PM
Friday		8AM	10PM
Saturday		8AM	10PM

SECTION 2: Marijuana Store Site Information

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide a diagram and layout of the proposed Marijuana Store.

1. Provide a diagram of the property on which the Marijuana Store is located, including all point(s) of ingress/egress from the closest maintained public way, employee entrance(s), point(s) of delivery, parking area(s), and public right(s) of way. (Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

2. Provide a diagram of the layout of the Marijuana Store, including limited access area(s) and location of displays, indicating how customer access to marijuana and marijuana product is controlled and where signage is placed. If the Marijuana Store is co-located with an Adult Use Products Manufacturing Facility and/or Adult Use Cultivation Facility, the diagram must clearly delineate the Marijuana Store from the other establishment(s). A Marijuana Store that connects to another Adult Use establishment, requires at least a single, lockable door to be reflected in the diagram.
(Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

3. If the property is also used as a residence, describe the location of that residence within the property and plans for complete separation of the residence from the facility, including:
- Entirely separate entrances from the public right of way, and
 - That no solvent extraction using potentially hazardous extraction methods or inherently hazardous extraction methods in the same building or structure as the residence.

N/A

SECTION 3: Co-Location of Adult Use Facilities

Is this Marijuana Store co-located with an Adult Use Products Manufacturing Facility and/or an Adult Use Cultivation Facility?

Yes No

If yes, complete Section 3(a) and (b)

SECTION 3(a): Type of Adult Use Facility Co-Location

Check all that apply.

Adult Use Products Manufacturing

Adult Use Cultivation Facility

SECTION 3(b): Co-Location of Adult Use Marijuana Establishments

¹ Describe how all applicable requirements of Section 2.4.9 of the Adult Use Marijuana Program Rule will be met.

N/A

SECTION 4: Equipment and Approval Listing

Provide approval listing(s) for all equipment listed below.

¹ List and describe all electrical equipment and all other equipment to be used.

In our Marijuana Store, our electrical equipment will include sales terminals, scales, refrigerators, lighting fixtures, security cameras / alarm system, printers, and other misc. office related items.

SECTION 5: Plans for Compliance with the Marijuana Legalization Act and the Adult Use Program Rules

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for how the following are intended to be done.

1. Describe plans for refrigerating any marijuana products requiring refrigeration.
Applicant will install commercial grade refrigerators in Applicant's vault room, as well as behind the sales counter, to ensure that perishable products are kept at appropriate temperatures at all times. Inventory staff will be trained on proper storage techniques. Applicant will require all vendors whom provide Applicant with Marijuana Products to disclose, prior to delivery, if any products require refrigeration.

2. Describe plans to dispose of or destroy used, unused and waste marijuana and marijuana products.
Applicant will first isolate any waste in the vault room of our Marijuana Store. Waste is kept in a seperate locked container and is also tracked seperately in our inventory control system. Applicant will contract with a Marijuana Cultivator or a Marijuana Product Manufacturer to securely and compliantly transport waste back to their production facility for disposal. Applicant will require copies of the reports that detail when and how the waste was disposed.

3. Describe plans for shipping and receiving of marijuana and marijuana products.
Applicant will ensure all transportation and receiving takes place in compliance with all applicable laws and regulations. Applicant will use a seperate door to receive marijuana / marijuana products. All receiving will take place on camera. Applicant will only receive product that has been compliantly manifested to our facility. Applicant will immediately count and / or weigh all incoming inventory to ensure that no discrepancies exist between the transport manifest and the inventory received.

4. Describe how the facility plans to verify identification of all customers and prevent unauthorized sales to, or access to the premises by, persons under age 21.
Applicant will verify the identity of all customers two times. First, Applicant's security guard will examine IDs at the front entrance of the facility. Once granted access to the Marijuana Store, our receptionist will use an ID Science scanner to verify that the IDs are valid. No individuals under the age of 21 will be permitted to enter the Marijuana Store. All doors are kept locked at all times.

5. Describe how the facility plans to conduct a background screening process for employees and vendors.
Applicant will use ESR Background Checks Services to performed pre-employment background checks on all employees and vendors. This service provider screens potential employees and vendors for potential criminal and civil violations.

SECTION 6: Proof of Compliance with State and Federal Code(s)

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Provide proof of compliance with building code(s).
Applicant has engaged Portland ME based Briburn Architects to design our Marijuana Store. This firm will ensure that all design and construction is performed in full compliance with all State and local codes. Applicant will not operate a Marijuana Store until all appropriate inspections have been completed and passed.

2. Provide proof of compliance with applicable electrical code(s).

Applicant has engaged Portland ME based Briburn Architects to design our Marijuana Store. This firm will ensure that all electrical design and construction is performed in full compliance with all State and local codes. Applicant will not operate a Marijuana Store until all appropriate electrical inspections have been completed and passed.

3. Provide proof of compliance with any other applicable federal and state environmental requirements.

Applicant is not aware of any additional federal or state environmental requirements that Applicant must adhere to. Applicant will immediately take necessary action to maintain compliance with any additional federal or state environmental standards should they become known to Applicant.

SECTION 8: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. Field Investigators will have access to all plans and will review all plans prior to an on-site assessment. Failure to comply with the Plan of Record may lead to enforcement action. Any significant changes to the Plan of Record must be approved by the Department.

Signature – This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature

Date

9/30/21

Printed Name:

Nick Friedman

Email Address:

nfriedman12188@gmail.com

Phone Number:

413-429-6472



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Marijuana Establishment Principal Attestation

Section 4(a)(1): Maine Adult Use Marijuana Establishment – Principals. Each person listed in Section 4(a) of the application must complete this Principal Attestation and must attest under penalty of perjury to the accuracy of the information provided in this Principal Attestation form.

Notice: This License Application for Maine Adult Use Marijuana Establishment is an official document. If you provide false information on your application, and/or do not disclose all information the application asks, the license is subject to denial, and you may be subject to criminal prosecution.

Legal Name Nick Friedman	Title within the Organization President	SSN 086-74-2423	DOB 01/21/1988	IIC Number IIC218
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Section 4(a)(1). State of Residency. Title 28-B requires that every officer, director, manager and general partner of a business entity be a natural person who is a Maine resident, however OMP is currently not enforcing the residency requirement provision of the statute.

1. In which state do you currently claim residency?

Massachusetts

2. List every municipality and state in which you have resided during the previous five years:

Cambridge, Massachusetts

Section 4(a)(2). Employment.

1. Are you an employee of the Department of Administrative and Financial Services or any other state agency with regulatory authority over Adult Use Marijuana in Maine?

Yes No

2. Are you an employee of the State of Maine?

Yes No If "yes," by which agency are you employed:

3. Are you a member of law enforcement, a corrections officer, or a person subject to the provisions found in Title 25, Chapter 341 of the Maine Revised Statutes?

Yes No

Section 4(a)(3). Tax Compliance.

1. Have you paid income and other taxes owed to the State of Maine, to another jurisdiction, if applicable, and to the United States Internal Revenue Services over the two years immediately preceding the year in which the application was filed?

Yes No If "no," explain here:

2. Do you have any outstanding tax liens imposed or levied in the State of Maine or in another jurisdiction within the five years immediately preceding the year in which the application was filed?

Yes No If "yes," explain here:

Section 4(a)(4). Prior Drug Convictions.

1. Have you ever been convicted for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more?

Yes No

2. If you answered "yes" to question 1 above, was the offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years prior to the submission of an application for a license under this Rule?

Yes No N/A

3. If you answered "yes" to question 1 above, was the offense regarding conduct that is now authorized under the Personal Adult Use of Marijuana and Marijuana Products; Home Cultivation of Marijuana for Personal Use?

Yes No N/A

Section 4(a)(5). Character and Fitness Requirements.

1. Have you ever been convicted of, or currently facing prosecution for, any state or federal offense involving dishonesty, deception, misappropriation, or fraud?

Yes No If "yes," explain here:

2. Have you ever faced penalties under the Maine adult use marijuana program?

Yes No If "yes," explain here:

3. Have you had an individual identification card issued under the Adult Use Marijuana Program revoked within the previous two years?

Yes No If "yes," explain here:

4. Have you ever been subject to two or more individual identification card revocations that were issued under the Adult Use Marijuana Program?

Yes No If "yes," explain here:

5. Have you had a registry identification card or registration certificate issued under the Maine Medical Use of Marijuana Act subject to revocation, suspension, limitation, or any other penalization?

Yes No If "yes," explain here:

6. Have you ever been subject to an enforcement action in any other jurisdiction's marijuana program?

Yes No If "yes," list and describe each enforcement action here:

7. Do you have outstanding court-ordered payments?

Yes No If "yes," explain here:

8. Do you have past due taxes or fees?

Yes No If "yes," explain here:

9. Do you have other tax delinquencies?

Yes No If "yes," explain here:

Section 4(a)(6). Other Marijuana Establishments. Identify any other marijuana establishments, including those outside of Maine, in which you hold a Direct or Indirect Financial Interest as defined in the Adult Use Marijuana Program Rule. Attach a separate sheet if necessary.

Name of Marijuana Establishment
See attached sheet.

Location of Marijuana Establishment
See attached sheet.

Description of Financial Interest
See attached sheet.

Acknowledgment and Signature.

I understand I am responsible for knowing and complying with all state laws and regulations governing Adult Use Marijuana pursuant to the Maine Revised Statutes, as well as the rules promulgated thereunder.
 Agree Disagree

I understand and agree to provide documents, if requested, to prove what I have stated in this Principal Attestation form. I understand and agree that federal, state and local officials or other persons and organizations may verify the information I have given. If I have given incorrect information, my application may be denied, and I may be charged with giving false information. I understand the questions on this application and the penalty for hiding or giving false information or breaking any of the rules in the penalty warning. I certify under penalty of perjury that my answers, including those related to drug offenses are true and complete.

Principal's Signature 

Date
11/17/21

Section 4(a)(6) attachment
Other Marijuana Establishments

#1

Name: Theory Wellness of Maine LLC
Location: South Portland, Maine
Description: 11% Owner

#2

Name: Theory Wellness of Maine 2 LLC
Location: Bangor, Maine
Description: 11% Owner

#3

Name: Theory Wellness of Maine 3 LLC
Location: Waterville, Maine
Description: 11% Owner

#4

Name: Theory Wellness of Maine Manufacturing LLC
Location: Waterville, Maine
Description: 11% Owner

#5

Name: Theory Wellness of Maine Cultivation LLC
Location: Waterville, Maine
Description: 11% Owner

#6

Name: Theory Wellness Inc.
Location: Massachusetts
Description: 17% Owner

#7

Name: Theory Wellness of NJ LLC
Location: New Jersey
Description: 50% Owner (NOTE THIS ENTITY HAS SUBMITTED AN APPLICATION BUT HAS NO ACTIVE LICENSES)

#8

Name: Tree Tips 3 LLC
Location: Kittery, Maine
Description: 99% Owner

#9

Name: Red Birch 4 LLC

Location: Kittery, Maine

Description: 100% Owner

#10

Name: Seven Points LLC

Location: Maine

Description: 28% Owner

#11

Name: Theory Wellness Holdings LLC

Location: Delaware

Description: 28% Owner

#12

Name: Northern Passage LLC

Location: Oregon

Description: PAST President/Manager (Company dissolved in 2016)

#13

Name: Magellan Unlimited LLC

Location: Oregon

Description: PAST President/Manager (Company dissolved in 2016)



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Marijuana Establishment Release of Information

Release – The application cannot be accepted without this release.

I, Nick Friedman, hereby authorize the Department of Administrative and Financial Services, Office of Marijuana Policy, (hereafter, the Department) to conduct a complete investigation into the background of the person(s) and/or entity, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Department to provide any and all such information deemed necessary by the Department. I hereby waive any rights of confidentiality in this regard.

I hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Department whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege. I authorize the release of this information, even though such information may be designated as “confidential” or “nonpublic” under the provisions of state or federal laws.

The Department reserves the right to investigate all relevant information and facts to their satisfaction. I understand that the Department may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the Department, and other agents or employees of the State of Maine shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Maine, Department of Administrative and Financial Services, Office of Marijuana Policy, and other agents or employees of the State of Maine for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Agent's Signature

Date

9/28/2021

Printed Name:

Nick Friedman

Email Address:

nfriedman12188@gmail.com

Phone Number:

413-429-6472

LLC OPERATING AGREEMENT

This Limited Liability Company Agreement (as from time to time amended, this “Agreement”) of Tree Tips 3 LLC, a Maine limited liability company (the “Company”), is effective as of October 12th, 2021 (the “Effective Date”) by and among the Members.

WHEREAS, the Company was formed as a limited liability company by the filing of a Certificate of Formation of a Limited Liability Company (the “Certificate”), pursuant to and in accordance with the LLC Act, as amended from time to time (the “Act”); and

WHEREAS, the Members agree that the membership in and management of the Company shall be governed by the terms set forth herein.

NOW, THEREFORE, the Members and the Company agree as follows:

Section 1 Purpose. The purpose of the Company is to engage in any lawful act or activity for which limited liability companies may be formed under the Act and to engage in any and all necessary or incidental activities.

Section 2 Principal Office and Registered Agent for Service of Process.

(a) Principal Office. The location of the principal office of the Company shall be located at such place as may from time to time be determined by the Managers.

(b) Registered Agent and Office. The name of the registered agent of the Company in the State of Maine and the registered office of the Company in the State of Maine is set forth in the Certificate of Formation. The Company may maintain such other registered agent, registered office, or principal place of business and designate any places of business as the Members may from time to time determine.

Section 3 Members.

(a) Members. The Members own the units and percentage of interests in the Company as set forth in Schedule A. The Persons listed on Schedule A shall be issued an LLC Interest in exchange for and upon receipt of the Capital Contribution set forth opposite his name in Schedule A. Each LLC Interest is represented by one or more “Units.” Each Member has the number of Units set forth opposite such Person’s name in Schedule A. No Member shall be obligated under any circumstances to make Capital Contributions in excess of the amounts set forth opposite its name on Exhibit A.

(b) Additional Members. One or more additional members may be admitted to the Company with the consent of the Managers. Prior to the admission of any such additional members to the Company, the Managers shall amend this Agreement and Schedule A to make such changes as the Managers shall determine to reflect the fact that the Company shall have such additional members. Each additional member shall execute and deliver a supplement or counterpart to this Agreement, as necessary.

(c) Certificates. The Company will not issue any certificates to evidence ownership of the membership interests.

Section 4 Management.

(a) **Management Structure.** Except as otherwise expressly provided or restricted in this Agreement, and subject in all instances to the terms and provisions hereof, the Managers (the “Managers”) shall have complete and exclusive control of the management and conduct of the business of the Company and the authority to do all things necessary or appropriate to carry out the purpose of the Company without any further act, vote or approval of any Members. There shall be two (2) Managers that shall be appointed by the Members. The initial Managers of the Company shall be Nick Friedman and Benjamin Friedman. A Manager may be removed at any time, with or without cause, by majority consent of the Members. In the event any Manager dies, suffers a disability, resigns, or is removed from office, the Members who appointed such Manager shall promptly designate a successor to such Manager, provided the new Manager can satisfy any licensing or other requirements of any Regulatory Authority applicable to such Manager. Managers need not be a Member of the Company. Any contract, instrument or act of the Manager on behalf of the Company shall be conclusive evidence in favor of any third party dealing with the Company that such Manager has the authority, power, and right to execute and deliver such contract or instrument and to take such action on behalf of the Company.

(b) **Powers of the Managers.** Except as otherwise in this Agreement, the Managers shall have the right and authority to take those actions that it deems necessary, useful, or appropriate for the oversight and management of the Company’s business, as set forth in this Agreement or the LLC Act. Each Manager shall have one (1) vote and, except as otherwise provided in this Agreement, the Managers shall act by the unanimous consent of the Managers.

(c) **Duties of the Managers.** Each Manager shall devote to the affairs of the Company such time as may be reasonably necessary to carry out his or her obligations hereunder. Each Manager shall perform his or her duties as a Manager in good faith, in a manner he or she reasonably believes to be in the best interests of the Company, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. A Manager who so performs his or her duties shall not have any liability by reason of being or having been a Manager of the Company. To the extent that, at law or in equity, a Manager has duties and liabilities relating thereto to the Company or to the Members, such Manager shall not be liable to the Company or any Member for its good faith reliance on the provisions of this Agreement.

(d) **Other Activities of the Managers.** Nothing in this Agreement shall be deemed to restrict in any way the rights of the Managers or of any Affiliate of a Manager, to conduct any other business or activity whatsoever, and each Manager shall not be accountable to the other Manager, the Company or to any Member with respect to that business or activity even if the business or activity competes with the Company’s business. The organization of the Company shall be without prejudice to each Manager’s rights (or the rights of its Affiliates) to maintain, expand, or diversify any other interests and activities and to receive and enjoy profits or compensation therefrom free from any interest therein by the Company, the other Manager or any Member in accordance with this Agreement. Each Manager and each Member waives any right it might otherwise have to share or participate in any other interests or activities of the other Manager.

(e) **Meetings of the Managers.** Meetings of the Managers may be called by any Manager. Notice of each such meeting shall be given to each Manager by telephone, electronic mail, or similar method (in each case, notice shall be given at least forty-eight (48) hours before the time of the meeting) or sent by first-class mail (in which case notice shall be given at least five

(5) days before the meeting). Any action required to be taken at a meeting of the Managers, or any action that may be taken at a meeting of the Managers, may be taken at a meeting held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Notwithstanding anything to the contrary, the Managers may take without a meeting any action that may be taken by the Managers under this Agreement if such action is approved by the written consent of the Managers.

(f) Election of Officers; Delegation of Authority. The Managers may, from time to time, designate one or more officers with such titles as may be designated by the Managers to act in the name of the Company with such authority as may be delegated to such officers by the Managers (each such designated person, an “Officer”). Any such Officer shall act pursuant to such delegated authority until such Officer is removed by the Managers. Any action taken by an Officer designated by the Managers pursuant to authority delegated to such Officer shall constitute the act of and serve to bind the Company. Persons dealing with the Company are entitled to rely conclusively on the power and authority of any officer set forth in this Agreement and any instrument designating such officer and the authority delegated to him or her.

Section 5 Liability of Members; Indemnification.

(a) Liability of Members. Except as otherwise required in the Act, the debts, obligations and liabilities of the Company, whether arising in contract, tort or otherwise, shall be solely the debts, obligations and liabilities of the Company, and the Members shall not be obligated personally for any such debt, obligation or liability of the Company solely by reason of being the Member or participating in the management of the Company.

(b) Indemnification. To the fullest extent permitted under the Act, each of the Member (irrespective of the capacity in which it acts), the Managers and the Officers shall each be entitled to indemnification and advancement of expenses from the Company for and against any loss, damage, claim or expense (including attorneys’ fees) whatsoever incurred by such Member, Managers or Officer relating to or arising out of any act or omission or alleged acts or omissions (whether or not constituting negligence or gross negligence) performed or omitted by such Member, Managers or Officer on behalf of the Company; *provided, however*, that any indemnity under this Section 5(b) shall be provided out of and to the extent of Company assets or insurance purchased by the Company, only, and neither the Member nor any other person shall have any personal liability on account thereof.

Section 6 Term. The term of the Company commenced on the date the Certificate was filed and shall continue in existence perpetually until the Company is dissolved in accordance with Section 10.

Section 7 Initial Capital Contribution. The Members hereby agrees to contribute initial capital and is deemed to own units and membership interests in the Company in the amounts set forth opposite the Member’s name on Schedule A attached hereto.

Section 8 Tax Status.

(a) Tax Status. As long as the Company has only one (1) member, it is the intention of the Company and the Member that the Company be treated as a disregarded entity for federal and all relevant state tax purposes and neither the Company nor the Members shall take any action or make any election which is inconsistent with such tax treatment. All provisions of this Agreement are to be construed so as to preserve the Company’s tax status as a disregarded entity.

(b) Income and Deduction. All items of income, gain, loss, deduction and credit of the Company (including, without limitation, items not subject to federal or state income tax) shall be treated for federal and all relevant state income tax purposes as items of income, gain, loss, deduction and credit of the Members.

Section 9 Distributions. Distributions shall be made to the Members at the times and in the amounts determined by the Managers.

Section 10 Dissolution; Liquidation.

(a) The Company shall dissolve, and its affairs shall be wound up upon the first occurrence of the following: (i) the written consent of the majority membership; (ii) the entry of a decree of judicial dissolution or administrative order of dissolution by the Cannabis Regulatory Commission of the State of Maine; or (iii) any other event or circumstance giving rise to the dissolution of the Company under the Act, unless the Company's existence is continued pursuant to the Act.

(b) Upon dissolution of the Company, the Company shall immediately commence to wind up its affairs and the Managers shall promptly liquidate the business of the Company. During the period of the winding up of the affairs of the Company, the rights and obligations of the Members and Managers under this Agreement shall continue.

(c) In the event of dissolution, the Company shall conduct only such activities as are necessary to wind up its affairs (including the sale of the assets of the Company in an orderly manner), and the assets of the Company shall be applied as follows: (i) first, to creditors, to the extent otherwise permitted by law, in satisfaction of the liabilities of the Company (whether by payment or the making of reasonable provision for payment thereof); and (ii) second, to the Members.

(d) Upon the completion of the winding up of the Company, the Manager shall file Certificate of Cancellation in accordance with the Act.

Section 11 Advisement of Counsel. THE CULTIVATION, PRODUCTION, DISTRIBUTION AND SALE OF CANNABIS IS ILLEGAL UNDER FEDERAL LAW. ATTORNEYS FOR COMPANY HAVE NOT MADE ANY REPRESENTATION TO THE CONTRARY.

Section 12 Miscellaneous.

(a) Amendments. Amendments to this Agreement may be made only with the written consent of the majority of Membership.

(b) Governing Law. This Agreement shall be governed by the laws of the State of Maine.

(c) Severability. In the event that any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall survive to the extent it is not so declared, and the validity, legality, and enforceability of the other provisions hereof shall not in any way be affected or impaired thereby, unless such action would substantially impair the benefits to any party of the remaining provisions of this Agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, the undersigned have executed this Agreement to be effective as of the date first written above.

COMPANY:



By: _____

Name: Nick Friedman

Title: Manager

MEMBERS:



By: Nick Friedman



By: Benjamin Friedman

Schedule A

MEMBERS SCHEDULE

Member Name	Common Units	Percentage Interest	Capital Contributions
Nick Friedman	999	99%	\$99.00
Benjamin Friedman	10	1%	\$1.00
Total:	1,000	100%	\$100.00

TREE TIPS 3 LLC

FIRST AMENDMENT TO LLC OPERATING AGREEMENT

This FIRST AMENDMENT TO LLC OPERATING AGREEMENT (this "Amendment") of Tree Tips 3 LLC (the "Company") by and among the undersigned Members and the Company is effective as of October 13, 2021 (the "Effective Date").

WHEREAS, the Members executed a LLC Operating Agreement dated October 13, 2021 (as so amended, the "Operating Agreement"); and

WHEREAS, the Members desire to amend the Operating Agreement to reduce the number of Managers of the Company from two (2) to one (1); and

WHEREAS, pursuant to Section 12(a) of the Operating Agreement, amending the Operating Agreement requires written consent of the majority of Members; and

WHEREAS, the undersigned, being all the Members of the Company, desire to amend the Operating Agreement as set forth herein.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements of the parties set forth herein, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledges, the parties hereto agree as follows:

1. **Definitions**. Capitalized term used herein without a definition shall have the meaning assigned to them in the Operating Agreement.

2. **Amendments to Agreement**. Section 5 of the Operating Agreement is hereby deleted in its entirety and replaced with the following:

(a) **Management Structure**. Except as otherwise expressly provided or restricted in this Agreement, and subject in all instances to the terms and provisions hereof, the Managers (the "Managers") shall have complete and exclusive control of the management and conduct of the business of the Company and the authority to do all things necessary or appropriate to carry out the purpose of the Company without any further act, vote or approval of any Members. There shall be one (1) Manager that shall be appointed by the Members. The initial Manager of the Company shall be Nick Friedman. A Manager may be removed at any time, with or without cause, by majority consent of the Members. In the event any Manager dies, suffers a disability, resigns, or is removed from office, the Members who appointed such Manager shall promptly designate a successor to such Manager, provided the new Manager can satisfy any licensing or other requirements of any Regulatory Authority applicable to such Manager. Managers need not be a Member of the Company. Any contract, instrument or act of the Manager on behalf of the Company shall be conclusive evidence in favor of any third party dealing with the Company that such Manager has the authority,

power, and right to execute and deliver such contract or instrument and to take such action on behalf of the Company.

3. **Consent.** The signatures of the undersigned Members of the Company confirms their consent to the amendment set forth in Paragraph 2 above, in accordance with Section 12(a) of the Operating Agreement.

4. **Ratification.** It is the intention of the parties hereto that the only modification to the Operating Agreement contemplated hereby shall be the modifications specifically effected above. The terms, provisions, covenants and agreements set forth in the Operating Agreement, as modified herein, are ratified and affirmed in all respects and made applicable to this Amendment.

5. **Regulatory Approval.** To the extent this Amendment requires notice of or approval from any Regulatory Authority, its effectiveness shall be contingent upon the Company's delivery of such notice or receipt of such approval, as the case may be.

6. **Counterparts.** This Amendment may be executed in separate counterparts each of which shall be an original and all of which taken together shall constitute one and the same agreement. One or more counterparts of this Amendment may be delivered via facsimile or pdf, with the intention that they shall have the same effect as an original counterpart hereof.

[Signatures page follows.]

IN WITNESS WHEREOF, the undersigned Members have executed this First Amendment to LLC Operating Agreement as of the Effective Date.



Nick Friedman

Benjamin Friedman

Benjamin Friedman

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM



This certifies that

TREE TIPS 3 LLC


License Number AMS984

has been issued a **CONDITIONAL** license as an
ADULT USE MARIJUANA STORE
under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
November 24, 2021

Expires on:
November 23, 2022



Erik Gundersen, Director
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA
PROGRAM

To make a complaint about this licensed Adult Use Marijuana Establishment:
Email: Licensing.OMP@maine.gov

The Conditional License for AMS984 has been issued based on the following organizational structure:

Principals:

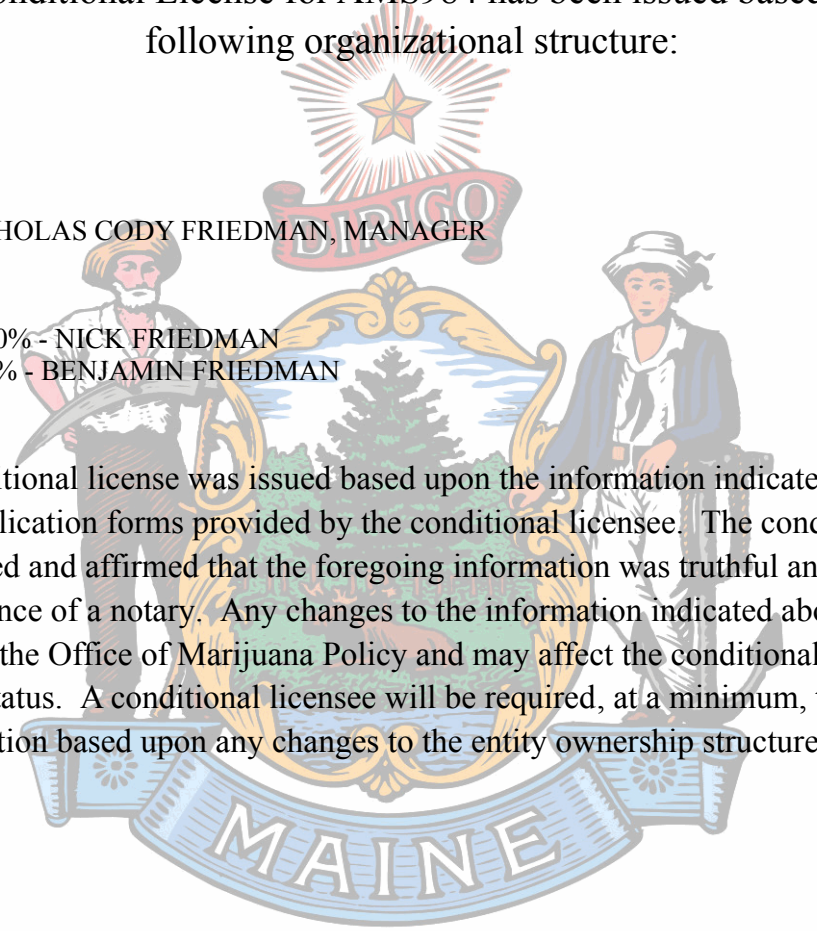
NICHOLAS CODY FRIEDMAN, MANAGER

Owners:

99.00% - NICK FRIEDMAN

1.00% - BENJAMIN FRIEDMAN

NOTICE: This conditional license was issued based upon the information indicated above and submitted on application forms provided by the conditional licensee. The conditional licensee acknowledged and affirmed that the foregoing information was truthful and complete in the presence of a notary. Any changes to the information indicated above must be timely reported to the Office of Marijuana Policy and may affect the conditional licensee's licensure status. A conditional licensee will be required, at a minimum, to obtain a new local authorization based upon any changes to the entity ownership structure listed above.



Tree Tips 3 LLC
Attestation of Corporate Documents

Prepared for Town of Kittery Marijuana License Application

I, Nick Friedman, as manager and owner of Tree Tips 3 LLC, hereby attest that the corporate documents included in this filing are accurate and current.

Thank you.

A handwritten signature in black ink, appearing to read "Nick Friedman", written in a cursive style.

Nick Friedman

Manager
Tree Tips 3 LLC

Dated: 12/8/2021

MAINE
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

File No. 20225335DC Pages 2
Fee Paid \$ 175
DCN 2212792230017 DLLC
FILED
10/05/2021


Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

FIRST: The name of the limited liability company is:

Tree Tips 3 LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "LLC," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c" - see 31 MRSA §1508.)

SECOND: Filing Date: (select one)



Date of this filing; or



Later effective date (specified here): _____

THIRD: Designation as a low profit LLC (Check only if applicable):



This is a low-profit limited liability company pursuant to 31 MRSA §1511 meeting all qualifications set forth here:

- A. The company intends to qualify as a low-profit limited liability company;
- B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
- C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
- D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

FOURTH: Designation as a professional LLC (Check only if applicable):



This is a professional limited liability company* formed pursuant to 31 MRSA Chapter 22-A to provide the following professional services:

(Type of professional services)

Form No. MLLC-6 (1 of 2)

FIFTH: The Registered Agent is a: (select **either** a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number: _____

(Name of commercial registered agent)

Noncommercial Registered Agent

Nick Friedman

(Name of noncommercial registered agent)

8 Dexter Lane, Suite 8, Kittery, ME, 03904

(physical location, not P.O. Box – street, city, state and zip code)

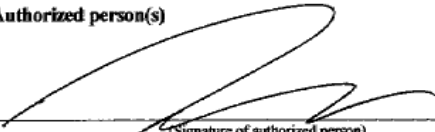
(mailing address if different from above)

SIXTH: Pursuant to 5 M.R.S.A. §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

SEVENTH: Other matters the members determine to include are set forth in the attached Exhibit _____, and made a part hereof.

****Authorized person(s)**

Dated 10/1/2021



(Signature of authorized person)

Nick Friedman

(Type or print name of authorized person)

(Signature of authorized person)

(Type or print name of authorized person)

***Examples** of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 M.R.S.A. §222.7)

****Pursuant to 31 M.R.S.A. §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person.**

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17 M.R.S.A. §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

**Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries: (207) 624-7752**

Email Inquiries: CEC.Corporations@maine.gov

Form No. MLLC-6 (2 of 2) Rev. 10/31/2012

LLC OPERATING AGREEMENT

This Limited Liability Company Agreement (as from time to time amended, this “Agreement”) of Tree Tips 3 LLC, a Maine limited liability company (the “Company”), is effective as of October 12th, 2021 (the “Effective Date”) by and among the Members.

WHEREAS, the Company was formed as a limited liability company by the filing of a Certificate of Formation of a Limited Liability Company (the “Certificate”), pursuant to and in accordance with the LLC Act, as amended from time to time (the “Act”); and

WHEREAS, the Members agree that the membership in and management of the Company shall be governed by the terms set forth herein.

NOW, THEREFORE, the Members and the Company agree as follows:

Section 1 Purpose. The purpose of the Company is to engage in any lawful act or activity for which limited liability companies may be formed under the Act and to engage in any and all necessary or incidental activities.

Section 2 Principal Office and Registered Agent for Service of Process.

(a) Principal Office. The location of the principal office of the Company shall be located at such place as may from time to time be determined by the Managers.

(b) Registered Agent and Office. The name of the registered agent of the Company in the State of Maine and the registered office of the Company in the State of Maine is set forth in the Certificate of Formation. The Company may maintain such other registered agent, registered office, or principal place of business and designate any places of business as the Members may from time to time determine.

Section 3 Members.

(a) Members. The Members own the units and percentage of interests in the Company as set forth in Schedule A. The Persons listed on Schedule A shall be issued an LLC Interest in exchange for and upon receipt of the Capital Contribution set forth opposite his name in Schedule A. Each LLC Interest is represented by one or more “Units.” Each Member has the number of Units set forth opposite such Person’s name in Schedule A. No Member shall be obligated under any circumstances to make Capital Contributions in excess of the amounts set forth opposite its name on Exhibit A.

(b) Additional Members. One or more additional members may be admitted to the Company with the consent of the Managers. Prior to the admission of any such additional members to the Company, the Managers shall amend this Agreement and Schedule A to make such changes as the Managers shall determine to reflect the fact that the Company shall have such additional members. Each additional member shall execute and deliver a supplement or counterpart to this Agreement, as necessary.

(c) Certificates. The Company will not issue any certificates to evidence ownership of the membership interests.

Section 4 Management.

(a) **Management Structure.** Except as otherwise expressly provided or restricted in this Agreement, and subject in all instances to the terms and provisions hereof, the Managers (the “Managers”) shall have complete and exclusive control of the management and conduct of the business of the Company and the authority to do all things necessary or appropriate to carry out the purpose of the Company without any further act, vote or approval of any Members. There shall be two (2) Managers that shall be appointed by the Members. The initial Managers of the Company shall be Nick Friedman and Benjamin Friedman. A Manager may be removed at any time, with or without cause, by majority consent of the Members. In the event any Manager dies, suffers a disability, resigns, or is removed from office, the Members who appointed such Manager shall promptly designate a successor to such Manager, provided the new Manager can satisfy any licensing or other requirements of any Regulatory Authority applicable to such Manager. Managers need not be a Member of the Company. Any contract, instrument or act of the Manager on behalf of the Company shall be conclusive evidence in favor of any third party dealing with the Company that such Manager has the authority, power, and right to execute and deliver such contract or instrument and to take such action on behalf of the Company.

(b) **Powers of the Managers.** Except as otherwise in this Agreement, the Managers shall have the right and authority to take those actions that it deems necessary, useful, or appropriate for the oversight and management of the Company’s business, as set forth in this Agreement or the LLC Act. Each Manager shall have one (1) vote and, except as otherwise provided in this Agreement, the Managers shall act by the unanimous consent of the Managers.

(c) **Duties of the Managers.** Each Manager shall devote to the affairs of the Company such time as may be reasonably necessary to carry out his or her obligations hereunder. Each Manager shall perform his or her duties as a Manager in good faith, in a manner he or she reasonably believes to be in the best interests of the Company, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. A Manager who so performs his or her duties shall not have any liability by reason of being or having been a Manager of the Company. To the extent that, at law or in equity, a Manager has duties and liabilities relating thereto to the Company or to the Members, such Manager shall not be liable to the Company or any Member for its good faith reliance on the provisions of this Agreement.

(d) **Other Activities of the Managers.** Nothing in this Agreement shall be deemed to restrict in any way the rights of the Managers or of any Affiliate of a Manager, to conduct any other business or activity whatsoever, and each Manager shall not be accountable to the other Manager, the Company or to any Member with respect to that business or activity even if the business or activity competes with the Company’s business. The organization of the Company shall be without prejudice to each Manager’s rights (or the rights of its Affiliates) to maintain, expand, or diversify any other interests and activities and to receive and enjoy profits or compensation therefrom free from any interest therein by the Company, the other Manager or any Member in accordance with this Agreement. Each Manager and each Member waives any right it might otherwise have to share or participate in any other interests or activities of the other Manager.

(e) **Meetings of the Managers.** Meetings of the Managers may be called by any Manager. Notice of each such meeting shall be given to each Manager by telephone, electronic mail, or similar method (in each case, notice shall be given at least forty-eight (48) hours before the time of the meeting) or sent by first-class mail (in which case notice shall be given at least five

(5) days before the meeting). Any action required to be taken at a meeting of the Managers, or any action that may be taken at a meeting of the Managers, may be taken at a meeting held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Notwithstanding anything to the contrary, the Managers may take without a meeting any action that may be taken by the Managers under this Agreement if such action is approved by the written consent of the Managers.

(f) Election of Officers; Delegation of Authority. The Managers may, from time to time, designate one or more officers with such titles as may be designated by the Managers to act in the name of the Company with such authority as may be delegated to such officers by the Managers (each such designated person, an “Officer”). Any such Officer shall act pursuant to such delegated authority until such Officer is removed by the Managers. Any action taken by an Officer designated by the Managers pursuant to authority delegated to such Officer shall constitute the act of and serve to bind the Company. Persons dealing with the Company are entitled to rely conclusively on the power and authority of any officer set forth in this Agreement and any instrument designating such officer and the authority delegated to him or her.

Section 5 Liability of Members; Indemnification.

(a) Liability of Members. Except as otherwise required in the Act, the debts, obligations and liabilities of the Company, whether arising in contract, tort or otherwise, shall be solely the debts, obligations and liabilities of the Company, and the Members shall not be obligated personally for any such debt, obligation or liability of the Company solely by reason of being the Member or participating in the management of the Company.

(b) Indemnification. To the fullest extent permitted under the Act, each of the Member (irrespective of the capacity in which it acts), the Managers and the Officers shall each be entitled to indemnification and advancement of expenses from the Company for and against any loss, damage, claim or expense (including attorneys’ fees) whatsoever incurred by such Member, Managers or Officer relating to or arising out of any act or omission or alleged acts or omissions (whether or not constituting negligence or gross negligence) performed or omitted by such Member, Managers or Officer on behalf of the Company; *provided, however*, that any indemnity under this Section 5(b) shall be provided out of and to the extent of Company assets or insurance purchased by the Company, only, and neither the Member nor any other person shall have any personal liability on account thereof.

Section 6 Term. The term of the Company commenced on the date the Certificate was filed and shall continue in existence perpetually until the Company is dissolved in accordance with Section 10.

Section 7 Initial Capital Contribution. The Members hereby agrees to contribute initial capital and is deemed to own units and membership interests in the Company in the amounts set forth opposite the Member’s name on Schedule A attached hereto.

Section 8 Tax Status.

(a) Tax Status. As long as the Company has only one (1) member, it is the intention of the Company and the Member that the Company be treated as a disregarded entity for federal and all relevant state tax purposes and neither the Company nor the Members shall take any action or make any election which is inconsistent with such tax treatment. All provisions of this Agreement are to be construed so as to preserve the Company’s tax status as a disregarded entity.

(b) Income and Deduction. All items of income, gain, loss, deduction and credit of the Company (including, without limitation, items not subject to federal or state income tax) shall be treated for federal and all relevant state income tax purposes as items of income, gain, loss, deduction and credit of the Members.

Section 9 Distributions. Distributions shall be made to the Members at the times and in the amounts determined by the Managers.

Section 10 Dissolution; Liquidation.

(a) The Company shall dissolve, and its affairs shall be wound up upon the first occurrence of the following: (i) the written consent of the majority membership; (ii) the entry of a decree of judicial dissolution or administrative order of dissolution by the Cannabis Regulatory Commission of the State of Maine; or (iii) any other event or circumstance giving rise to the dissolution of the Company under the Act, unless the Company's existence is continued pursuant to the Act.

(b) Upon dissolution of the Company, the Company shall immediately commence to wind up its affairs and the Managers shall promptly liquidate the business of the Company. During the period of the winding up of the affairs of the Company, the rights and obligations of the Members and Managers under this Agreement shall continue.

(c) In the event of dissolution, the Company shall conduct only such activities as are necessary to wind up its affairs (including the sale of the assets of the Company in an orderly manner), and the assets of the Company shall be applied as follows: (i) first, to creditors, to the extent otherwise permitted by law, in satisfaction of the liabilities of the Company (whether by payment or the making of reasonable provision for payment thereof); and (ii) second, to the Members.

(d) Upon the completion of the winding up of the Company, the Manager shall file Certificate of Cancellation in accordance with the Act.

Section 11 Advisement of Counsel. THE CULTIVATION, PRODUCTION, DISTRIBUTION AND SALE OF CANNABIS IS ILLEGAL UNDER FEDERAL LAW. ATTORNEYS FOR COMPANY HAVE NOT MADE ANY REPRESENTATION TO THE CONTRARY.

Section 12 Miscellaneous.

(a) Amendments. Amendments to this Agreement may be made only with the written consent of the majority of Membership.

(b) Governing Law. This Agreement shall be governed by the laws of the State of Maine.

(c) Severability. In the event that any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall survive to the extent it is not so declared, and the validity, legality, and enforceability of the other provisions hereof shall not in any way be affected or impaired thereby, unless such action would substantially impair the benefits to any party of the remaining provisions of this Agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, the undersigned have executed this Agreement to be effective as of the date first written above.

COMPANY:



By: _____

Name: Nick Friedman

Title: Manager

MEMBERS:



By: Nick Friedman



By: Benjamin Friedman

Schedule A

MEMBERS SCHEDULE

Member Name	Common Units	Percentage Interest	Capital Contributions
Nick Friedman	999	99%	\$99.00
Benjamin Friedman	10	1%	\$1.00
Total:	1,000	100%	\$100.00

TREE TIPS 3 LLC

FIRST AMENDMENT TO LLC OPERATING AGREEMENT

This FIRST AMENDMENT TO LLC OPERATING AGREEMENT (this "Amendment") of Tree Tips 3 LLC (the "Company") by and among the undersigned Members and the Company is effective as of October 13, 2021 (the "Effective Date").

WHEREAS, the Members executed a LLC Operating Agreement dated October 13, 2021 (as so amended, the "Operating Agreement"); and

WHEREAS, the Members desire to amend the Operating Agreement to reduce the number of Managers of the Company from two (2) to one (1); and

WHEREAS, pursuant to Section 12(a) of the Operating Agreement, amending the Operating Agreement requires written consent of the majority of Members; and

WHEREAS, the undersigned, being all the Members of the Company, desire to amend the Operating Agreement as set forth herein.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements of the parties set forth herein, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledges, the parties hereto agree as follows:

1. **Definitions**. Capitalized term used herein without a definition shall have the meaning assigned to them in the Operating Agreement.

2. **Amendments to Agreement**. Section 5 of the Operating Agreement is hereby deleted in its entirety and replaced with the following:

(a) **Management Structure**. Except as otherwise expressly provided or restricted in this Agreement, and subject in all instances to the terms and provisions hereof, the Managers (the "Managers") shall have complete and exclusive control of the management and conduct of the business of the Company and the authority to do all things necessary or appropriate to carry out the purpose of the Company without any further act, vote or approval of any Members. There shall be one (1) Manager that shall be appointed by the Members. The initial Manager of the Company shall be Nick Friedman. A Manager may be removed at any time, with or without cause, by majority consent of the Members. In the event any Manager dies, suffers a disability, resigns, or is removed from office, the Members who appointed such Manager shall promptly designate a successor to such Manager, provided the new Manager can satisfy any licensing or other requirements of any Regulatory Authority applicable to such Manager. Managers need not be a Member of the Company. Any contract, instrument or act of the Manager on behalf of the Company shall be conclusive evidence in favor of any third party dealing with the Company that such Manager has the authority,

power, and right to execute and deliver such contract or instrument and to take such action on behalf of the Company.

3. **Consent.** The signatures of the undersigned Members of the Company confirms their consent to the amendment set forth in Paragraph 2 above, in accordance with Section 12(a) of the Operating Agreement.

4. **Ratification.** It is the intention of the parties hereto that the only modification to the Operating Agreement contemplated hereby shall be the modifications specifically effected above. The terms, provisions, covenants and agreements set forth in the Operating Agreement, as modified herein, are ratified and affirmed in all respects and made applicable to this Amendment.

5. **Regulatory Approval.** To the extent this Amendment requires notice of or approval from any Regulatory Authority, its effectiveness shall be contingent upon the Company's delivery of such notice or receipt of such approval, as the case may be.

6. **Counterparts.** This Amendment may be executed in separate counterparts each of which shall be an original and all of which taken together shall constitute one and the same agreement. One or more counterparts of this Amendment may be delivered via facsimile or pdf, with the intention that they shall have the same effect as an original counterpart hereof.

[Signatures page follows.]

IN WITNESS WHEREOF, the undersigned Members have executed this First Amendment to LLC Operating Agreement as of the Effective Date.



Nick Friedman

Benjamin Friedman

Benjamin Friedman



MAINE

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

[Corporate Name Search](#)

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Tue Dec 07 2021 13:29:04. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
TREE TIPS 3 LLC	20225335DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING
Filing Date	Expiration Date	Jurisdiction	
10/05/2021	N/A	MAINE	
Other Names		(A=Assumed ; F=Former)	

NONE

Clerk/Registered Agent

NICK FRIEDMAN
8 DEXTER LANE
SUITE 8
KITTERY, ME 03904

[Back to previous screen](#)

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Click on a link to obtain additional information.

List of Filings

[View list of filings](#)

Obtain additional information:

Certificate of Existence [\(more info\)](#)

[Short Form without amendments \(\\$30.00\)](#) [Long Form with amendments \(\\$30.00\)](#)

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Town of Kittery

200 Rogers Road
Kittery, ME 03904
207-439-0452

Affidavit

I, Nick Friedman, of Tree Tips 3 LLC

Name

Name of Business

Located in the town of Kittery, Maine

Town

State

do attest that the proceeding information is true and accurate.

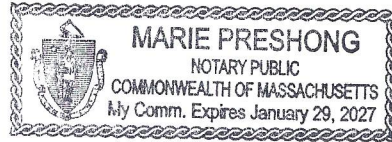
[Signature]

12/8/21

Signature

Date

State of ~~Maine~~ Massachusetts
County of ~~York~~ Middlesex



Sworn to and subscribed before me this 8th day of December, 2021.

by [Signature] (name of person making statement.)

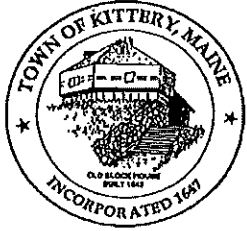
Marie Preshong

1/29/2027

Signature of Notary

Date Commission Expires

Type of Identification Produced MASS LIC



Town of Kittery

200 Rogers Road
Kittery, ME 03904
207-439-0452

Criminal Record and Background Check Release

Instructions: Please print a copy of this form for each owner, officer, member manager or partner. Each individual must complete this form.

I hereby grant permission to the Town of Kittery to conduct a criminal record and background check. I understand that this is a requirement of licensing of a Marijuana Business pursuant to Kittery Town Code 5.11.6.G.

Nick Friedman

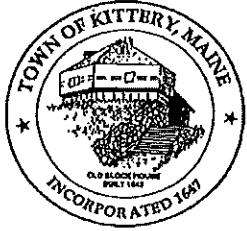
Printed Name



Signature

12/7/2021

Date



Town of Kittery

200 Rogers Road
Kittery, ME 03904
207-439-0452

Criminal Record and Background Check Release

Instructions: Please print a copy of this form for each owner, officer, member manager or partner. Each individual must complete this form.

I hereby grant permission to the Town of Kittery to conduct a criminal record and background check. I understand that this is a requirement of licensing of a Marijuana Business pursuant to Kittery Town Code 5.11.6.G.

Benjamin Friedman

Printed Name

Benjamin Friedman

Signature

12 / 07 / 2021

Date

Preliminary Site Plan Review

PSPR-21-3

Your submission

Submitted Nov 18, 2021 at 3:50pm

Your Submission

Attachments

Guests (2)

- ✔ Finance Review
- ✔ Planning Department Review
- ✔ Subdivision Application Payment
- 🔵 Peer Engineer Review

Sewer Approval

Planning Department Schedules Date with the Planning Board

Planning Dept - Final Draft

Planning Board to Sign Mylar

Planning Dept - Registered Mylar Sign Off

Planning Board Decision - Upload

Findings of Fact

Contact Information

Brian Nielsen

Email address

brian@attarengineering.com

Phone Number

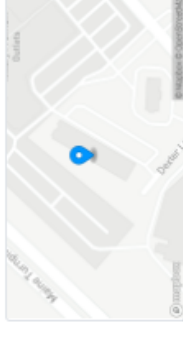
2074396023

Mailing Address

1284 State Road , Eliot, ME 30903

Location

**8 DEXTER LANE Unit Unit 8
KITTERY, ME 03904**



Property Owner Information

First Name *

The Outlet Mall of Kittery LLC

Last Name

--

Mailing Address *

102 Bay Street, Manchester, NH
03104

Phone Number *

6,036,234,956

Email Address *

ben@gamacheproperties.com

Tree Tips 3 LLC

Description of Floor Plan

Prepared for Town of Kittery Marijuana License Application

Tree Tips 3 LLC is proposing a Marijuana Retail Store to be located at 8 Dexter Lane, Suite 8, Kittery, ME, 03904. This is an existing building that has been used historically as retail. We will be doing an interior fit up to the space to accommodate our usage, and have designed a floor plan that will allow us to operate a safe, compliant Marijuana Retail Store here in Kittery. This document will describe the floor plan that is included in this submission.

Overview:

Tree Tips 3's owner, Nick Friedman, has a proven track record of operating safe and successful dispensaries both in Maine and Massachusetts. The floor plan created for this location has been based off extensive experience learning what works best for a dispensary.

At the highest level, the occupied space has a total square footage of 2,742 square feet. The customer accessible square footage, as measured by our architectural firm, BRIBURN, and detailed in our plans, is 1,940 square feet, under the 2,000 sq. ft. maximum required by the Town's ordinance.

The response will provide a narrative of how our floor plan works, detailing both the "Front of House" where customers go and interact with our employees, as well as the "Back of House" where only employees work.

Reception (Front of House):

Prior to entering the dispensary, customers are required to show their identification, verifying they are 21+ years of age, to our security staff member, who will be positioned outside our customer entrance. Once the ID is checked, the security staff will open the front door, admitting them into the dispensary. Once inside, the customers will present their ID a second time. Our receptionist will perform a second identification check using an ID verification device called "ID Science". Once their identification has been fully verified, they are permitted to proceed to sales counter on the Dispensary Floor.

Dispensary Floor (Front of House):

The dispensary floor is the central location for our customers. On the dispensary floor, we will have educational materials as well as apparel and accessory products that customers can browse on the left-hand side of our dispensary floor. No marijuana or marijuana products are ever located on the dispensary floor. To make a purchase, customers most go to our point-of-sale stations where a customer service agent will help guide them to their desired cannabis products.

Point of Sale Counter (Front of House):

The POS Counter provides a secure barrier/separation between our customers and our team members, keeping our marijuana inventory secured and only accessible to our staff. The marijuana inventory that is to be sold that day is stored in locked cabinets under the Point of Sale Counter. Our floor plan shows for 5 walk-up POS stations as well as 3 pre-order POS stations. The pre-order stations are for customers who placed an order online to be picked up in store, allowing for a faster checkout process. Our counter will include one ADA station that is wheelchair accessible. It is important to note that absolutely NO customers are ever allowed behind the Point of Sale Counter. A locking door provides our staff the ability to enter the dispensary floor if needed.

Once a transaction has been completed, the customer will leave the dispensary through the door they came in. Customers are reminded that we have a strict no-loitering policy.

Bathrooms (Front and Back of House):

Bathrooms will be ADA accessible; one bathroom is available for customers, one bathroom is only for our staff, accessible from the back of house.

Flex Room (Back of House)

The flex room is a secured room where staff will receive cannabis deliveries. All deliveries are scheduled in advance, and arrive in an unmarked vehicle. When the delivery vehicle arrives on site, the driver calls our manager on duty to let them know they have arrived, and the driver is directed to pull up to the rear entrance that opens directly into this room. Once our safety and security team has verified the area is safe (using the video surveillance system), the door is opened, and airtight, secured bins containing cannabis product are transported into this space. Once finished, the door is closed/locked, and the vehicle would leave.

Once the inventory is inside the building, our inventory team verifies the weights and quantities of the products received in this room. They are entered into the inventory control system and moved into the vault room for secure storage.

Vault (Back of House)

The vault room is where all cannabis inventory is stored. The vault room has extensive security features as discussed in our operations plan, and access to the vault room is limited to management only. The vault room will also contain a safe that is secured to the floor and in which any cash is stored. The vault room is fully climate controlled and will contain a carbon scrubber to reduce the risk of any odors. Cannabis waste is also stored in this space, in a separated secured bin.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

This certifies that

THEORY WELLNESS OF MAINE 2 LLC

DBA: THEORY WELLNESS

569 STILLWATER AVE STE C
BANGOR ME

License Number AMS157

Has qualified as required under 28-B M.R.S. and is licensed as:

ADULT USE MARIJUANA STORE

This license is restricted from allowing public access to the licensed premises or engaging in sale of authorized products pursuant to 28-B M.R.S. §504(1) until 6:00 AM on October 9, 2020.

Issued on:
May 10, 2021



Erik Gundersen, Director
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

Expires on:
May 9, 2022

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

This certifies that

THEORY WELLNESS OF MAINE CULTIVATION LLC

DBA: THEORY WELLNESS

20 INDUSTRIAL ST
WATERVILLE ME

License Number ACC161

Has qualified as required under 28-B M.R.S. and is licensed as:

ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3

This cultivation facility licensee has demonstrated to the Office of Marijuana Policy's satisfaction, pursuant to 28-B M.R.S. §501(6), that the licensee is eligible to conduct limited authorized transfers in accordance with Title 28-B and the Adult Use Marijuana Program Rule.

Issued on:
September 23, 2021



Erik Gundersen, Director
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

Expires on:
September 22,
2022

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

This certifies that

THEORY WELLNESS OF MAINE MANUFACTURING LLC

DBA: THEORY WELLNESS

20 INDUSTRIAL ST
WATERVILLE ME

License Number AMF160

Has qualified as required under 28-B M.R.S. and is licensed as:

ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITY

Issued on:
September 23, 2021



Erik Gundersen, Director

OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

Expires on:
September 22,
2022

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

This certifies that

THEORY WELLNESS OF MAINE LLC

DBA: THEORY WELLNESS

198 MAINE MALL RD # 1
SOUTH PORTLAND ME

License Number AMS155

Has qualified as required under 28-B M.R.S. and is licensed as:

ADULT USE MARIJUANA STORE

This license is restricted from allowing public access to the licensed premises or engaging in sale of authorized products pursuant to 28-B M.R.S. §504(1) until 6:00 AM on October 9, 2020.

Issued on:
September 7, 2021



Erik Gundersen, Director
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

Expires on:
September 6, 2022

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

This certifies that

THEORY WELLNESS OF MAINE 3 LLC

DBA: THEORY WELLNESS

20 INDUSTRIAL ST
WATERVILLE ME

License Number AMS158

Has qualified as required under 28-B M.R.S. and is licensed as:

ADULT USE MARIJUANA STORE

This license is restricted from allowing public access to the licensed premises or engaging in sale of authorized products pursuant to 28-B M.R.S. §504(1) until 6:00 AM on October 9, 2020.

Issued on:
December 10, 2020



Erik Gundersen, Director
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

Expires on:
December 9, 2021

To make a complaint about this licensed Adult Use Marijuana Establishment:
Email: AdultUseLicensing.OMP@maine.gov



MR281835 **09/10/2022**
License Number Expiration Date

Pursuant to its authority and power to license Marijuana Establishments granted to it under Chapter 94G of the Massachusetts General Laws,

The Cannabis Control Commission hereby grants a final Marijuana Establishment license to:

Theory Wellness Inc


Marijuana Establishment permitted to operate at the following address

**672 Fuller Road
Chicopee, MA 01020**

Marijuana Establishment licensed to perform operations as:

Marijuana Retailer


Steven J. Hoffman
Chairman


Ava Callender Concepcion
Commissioner


Nurys Camargo
Commissioner


Bruce Stebbins
Commissioner


Shawn Collins
Executive Director

The Marijuana Establishment is subject to M.G.L. 94G, Commission regulations, Commission decisions, and all other legal requirements. The Marijuana Establishment must remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.



MC281928 **04/11/2022**
License Number Expiration Date

Pursuant to its authority and power to license Marijuana Establishments granted to it under Chapter 94G of the Massachusetts General Laws,

The Cannabis Control Commission hereby grants a final Marijuana Establishment license to:


Theory Wellness Inc

Marijuana Establishment permitted to operate at the following address

**237 Bow Wow Road
Sheffield, MA 01257**

Marijuana Establishment licensed to perform the following operations:

Marijuana Cultivator



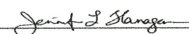
Steven J. Hoffman | Chairman



Kay Doyle | Commissioner



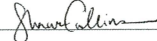
Britte McBride | Commissioner



Jennifer Flanagan | Commissioner



Shaleen Tittle | Commissioner



Shawn Collins | Executive Director

The Marijuana Establishment is subject to M.G.L. 94G, Commission regulations, Commission decisions, and all other legal requirements must remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.



RMD1567 07/17/22
License Number Expiration Date

Pursuant to its authority and power to license Medical Marijuana Treatment Centers granted to it under G.L.c 94I of the Massachusetts General Laws,

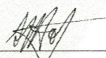
The Cannabis Control Commission hereby grants a
Final Medical Marijuana Treatment Center License to:

Theory Wellness, Inc.

Medical Marijuana Treatment Center permitted to operate at the following address(es):

Dispensing:
672 Fuller Road
Chicopee, MA 01020

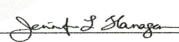
Cultivation/Product Manufacturing:
1050 Elm Street
Bridgewater, MA 02324



Steven J. Hoffman | Chairman



Kay Doyle | Commissioner



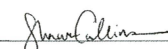
Jennifer Flanagan | Commissioner



Britte McBride | Commissioner



Shaleen Tittle | Commissioner



Shawn Collins | Executive Director

The Medical Marijuana Treatment Center Licensee is subject to M.G.L. 94I, Commission regulations, Commission decisions, and all other legal requirements. The licensee must remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.



MR281549 **10/23/2022**
License Number Expiration Date

Pursuant to its authority under Chapter 94G and 94I of the
Massachusetts General Laws,

The Cannabis Control Commission hereby grants a
final license to:

Theory Wellness Inc

The Licensee is permitted to operate at the
following address(es):

**394 Stockbridge Road
Great Barrington, MA 01230**

The Licensee is permitted to
perform operations as:

Marijuana Retailer



Steven J. Hoffman
Chairman




Ava Callender Concepcion
Commissioner



Nurys Camargo
Commissioner



Kimberly Roy
Commissioner



Bruce Stebbins
Commissioner



Shawn Collins
Executive Director

The Licensee is subject to M.G.L. c. 94G, M.G.L. c. 94I, Commission regulations, Commission decisions, and all other legal requirements as applicable. The Licensee shall remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.



MC281524 **11/08/2022**
License Number Expiration Date

Pursuant to its authority under Chapter 94G and 94I of the
Massachusetts General Laws,

The Cannabis Control Commission hereby grants a
final license to:

Theory Wellness Inc

The Licensee is permitted to operate at the
following address(es):

**1050 Elm Street
Bridgewater, MA 02324**

The Licensee is permitted to
perform operations as:

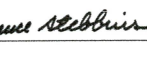
Marijuana Cultivator



Steven J. Hoffman
Chairman



Nurys Camargo
Commissioner



Bruce Stebbins
Commissioner



Ava Callender Concepcion
Commissioner



Kimberly Roy
Commissioner



Shawn Collins
Executive Director

The Licensee is subject to M.G.L. c. 94G, M.G.L. c. 94I, Commission regulations, Commission decisions, and all other legal requirements as applicable. The Licensee shall remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.



MP281424 **11/08/2022**
License Number Expiration Date

Pursuant to its authority under Chapter 94G and 94I of the
Massachusetts General Laws,

The Cannabis Control Commission hereby grants a
final license to:

Theory Wellness Inc

The Licensee is permitted to operate at the
following address(es):

**1050 Elm Street
Bridgewater, MA 02324**

The Licensee is permitted to
perform operations as:

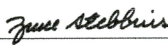
**Marijuana Product
Manufacturer**



Steven J. Hoffman
Chairman



Nurys Camargo
Commissioner



Bruce Stebbins
Commissioner



Ava Callender Concepcion
Commissioner



Kimberly Roy
Commissioner



Shawn Collins
Executive Director

The Licensee is subject to M.G.L. c. 94G, M.G.L. c. 94I, Commission regulations, Commission decisions, and all other legal requirements as applicable. The Licensee shall remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.



RMD-305

05/25/22

License Number

Expiration Date

Pursuant to its authority and power to license Medical Marijuana Treatment Centers granted to it under G.L.c 94I of the Massachusetts General Laws,


The Cannabis Control Commission hereby grants a
Final Medical Marijuana Treatment Center License to:

Theory Wellness, Inc.

Medical Marijuana Treatment Center permitted to operate at the following address(es):

Cultivation:
1050 Elm Street
Bridgewater, MA 02324
Processing:
1050 Elm Street
Bridgewater, MA 02324

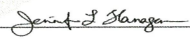
Dispensing:
1050 Elm Street
Bridgewater, MA 02324



Steven J. Hoffman | Chairman



Kay Doyle | Commissioner




Jennifer Flanagan | Commissioner



Britte McBride | Commissioner



Shaleen Tittle | Commissioner



Shawn Collins | Executive Director

The Medical Marijuana Treatment Center Licensee is subject to M.G.L. 94I, Commission regulations, Commission decisions, and all other legal requirements. The licensee must remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.

TREE TIPS 3 LLC

Operations Plan

Prepared for: Town of Kittery, Retail Marijuana License Application

Proposed Location: 8 Dexter Lane, Suite 8, Kittery, ME, 03904

This Operations Plan will follow the below outline:

- 1. Security plan*
- 2. Provisions to ensure against loitering and using marijuana and marijuana protects on or near the premises*
- 3. Protocols for hiring and training employees*
- 4. Experience and training in the State of Maine's seed-to-sale tracking system*
- 5. Protocols for odor control and disposal of waste marijuana and marijuana products*
- 6. Protocols for ensuring the safety and security of product*
- 7. Fire Suppression annual certification*

SECTION 1

Security Plan

Introduction

Nick Friedman, owner and manager of Tree Tips 3 LLC's ("COMPANY"), has a proven track record of safely operating cannabis dispensaries in highly regulated markets, having designed and operated six licensed cannabis dispensaries in Maine and Massachusetts. Mr. Friedman will implement extensive safety and security measures at 8 Dexter Lane, Suite 8 in Kittery, to protect our facility, our customers, our staff, and our neighbors.

In Kittery, we will contract with Interface Security Systems to execute these plans. We appreciate that there are many security risks when operating a marijuana dispensary. We take this responsibility seriously and believe to be well positioned to operate a safe, secure, and fully compliant dispensary.

Video Surveillance

COMPANY will contract with Interface Security Systems to install the physical security system for our dispensary. Security features include but are not limited:

1. The entire perimeter of the facility, will have outdoor lighting fixtures operating from sunset to sunrise 365 days per year. This lighting will be sufficient to deter nuisance and criminal activity, will facilitate surveillance, but will have proper light cutoffs to ensure that it does not disturb our neighbors
2. Should any exterior lighting fail, our exterior cameras are able to operate in low to no light.

3. The entire perimeter of the facility, including entrances and exits, will have digital camera coverage.
4. The entire inside of the facility, including the interior of the vault, will have digital camera coverage.
5. Our critical data will be stored in a secured server room, inside our dispensary, with secured access.
6. All footage will be saved for a minimum of 45 days and will be made accessible to State inspection agents and local law enforcement.

(PLEASE NOTE — copies of our security plan diagram are not included here as they are confidential and including in public applications could pose a public safety risk. We will share these plans directly with the Chief of Police).

Alarm System

COMPANY will install during construction, an alarm system in full compliance with all applicable State regulations, in order to provide ongoing alarm protection (24/7). When triggered, this alarm system automatically alerts local law enforcement and COMPANY management. Features of our alarm system include but are not limited to:

1. The alarm system will have motion sensors throughout the facility that will be armed when the business is closed.
2. The system will have panic buttons in key areas such as the vault room, behind the sales counters, and in the entrance room. These panic buttons silently alert law enforcement to a potential threat exits.
3. Door contact sensors on all exterior doors, including emergency exits.
4. All dispensary windows will have glass break sensors
5. The alarm system will have both battery backups in case of power loss, and a cellular backup in case the telephone line goes down. In either event, both local law enforcement and COMPANY management will be notified instantly that the system is now on either backup power or cellular backup.

Access Control

In addition to our physical security system, COMPANY will install access control to ensure that we deter and prevent the unauthorized access into our dispensary, and into certain restricted areas of our dispensary. First, our dispensary operates as a non-public facility - all entrances will be locked at all times. Our doors have an access control system which utilizes *key fobs*. *Key fobs* have unique RFID transmitters in them – allowing us to program access by door for each employee (or “Agent”) depending on the role, to ensure that only key people have access to our secure areas.

As per our record keeping SOP, a detailed log will be kept off all agents' current and prior access permissions.

Storage

Marijuana Storage

Per our floor plans, we will construct a secure access vault room in our dispensary to store all marijuana inventory that is not on the sales floor. All inventory that is available for sale will be stored behind the dispensary counter in locked cabinets that are only accessible to our employees.

This vault room will have reinforced walls, a heavy steel door, motion sensors, a panic button, video surveillance, and door contact alarm.

All finished marijuana, marijuana concentrates, and marijuana infused products will be stored inside our vault room at all times during non-operational hours. All of our marijuana waste is stored in our secure vault room in a locked, labeled, separated container until proper disposal occurs.

Cash Management

Banking

Tree Tips 3 already has been vetted, and in complete transparency, has opened an account with a local credit union that understands and is comfortable with our business. We can deposit cash, accept debit cards, and pay vendors from opening day.

Dispensary Cash Management Procedures

All cash is kept in a combination safe, located inside our secured access vault room, bolted to the floor. Only managers responsible for handling cash, have the combination to our cash safe. Moreover, we have an on-site maximum cash storage protocol, and cash deposit trips to our credit union in order to keep the amount of cash stored on hand in our safe to a minimum. These trips will be made by a third party, bonded, armed cash transportation service provider.

Staffing and Training

At Tree Tips 3, we care about building a culture of safety and accountability. Especially in the case of internal diversion prevention, it is critical that our staff are well trained at monitoring and reporting any suspicious activity that may be taking place. We believe that creating a workplace culture of safety and responsibility is essential to avoiding security breaches. Our safety and security training will include at a minimum:

1. Incident response procedures, including how to responded to 'safe mode' and fire alarms

2. Emergency procedures, such as attempted robbery, active shooter, and natural disaster
3. Suspicious activity reporting protocols – ALWAYS report suspicious activity to the Dispensary Manager or the Operations Manager.
4. Proper end of day 'lock down' procedures including securing inventory in vault room, arming all systems and ensuring all exterior doors.
5. Proper use of panic alarm buttons that are placed behind the sales counter, in the vault, and in the identification verification room.
6. Immediate notification to management if a badge or key fob is lost or stolen

Verification of Customers and Access Granting

No unauthorized persons under the age of 21 are permitted inside our dispensary; we follow the following multi-step verification and screening process before granting access to the dispensary floor and being permitted to make a purchase:

1. Customers check in with our security agent outside the dispensary entrance. They will be asked to present their form of picture identification. Our security agent will verify their picture ID before opening the door to let them inside the dispensary.
2. Once inside, customers will present their ID a second time to our receptionist. Our trained receptionist will scan their ID, using an identification verification scanner (Model # IDScience 5000/9000), to ensure legitimacy.
3. After being positively authorized, customers will be permitted to enter the dispensing area. At the sales counter, the customer will present their ID a third time for verification prior to making a purchase.

Authorized Entrance of Contractors/Visitors

No unauthorized persons are permitted inside our facility – all visitors, such as contractors, must notify the Dispensary Manager or Operations Manager at least 24 hours before they plan to enter the facility to be listed as an expected, approved, visitor. All approved visitors will:

1. Have their IDs verified when they are allowed entrance into the dispensary
2. Will be provided a visitor badge, and will be logged on a visitor log
3. Will be escorted at all times by a COMPANY employee
4. Will not be allowed to touch marijuana or marijuana products

Diversions Prevention

With management's prior experience operating dispensaries, Tree Tips 3 is uniquely to instill proper standard operating procedures to mitigate the risk of diversion being able to occur.

Pre-Employment Agent Screening

Our detailed personnel policies include a comprehensive screening process that all prospective agents will have to pass. All agents must pass a background check performed by the State of Maine and have a State issued cannabis agent identification card.

Inventory Control and Monitoring

The most effective way to limit the risk of employee diversion is through a robust inventory control system (ICS). We use Leaf Logix software. Our ICS will track and account for all marijuana, all finished marijuana, all marijuana concentrate, and all marijuana waste, at all times. This technology allows our Managers to perform daily reconciliations that would immediately identify discrepancies that could be caused by diversion. This system integrates with the State level METRC tracking system.

Furthermore, at all our facilities, we perform monthly physical inventory reconciliations, to ensure that our electronic system tracking perfectly matches our physical inventory count.

External Diversion

We acknowledge that external diversion is an additional risk, that we mitigate by implementing the following procedures:

1. Reminding all customers whom purchase marijuana that diversion is a serious criminal offense
2. Monitoring the parking lot for suspicious activity
3. Tracking the purchase limits on all customers to ensure no one is surpassing their allowable purchasing limits
4. Agents are trained to immediately report any suspicious activity to their supervisor

Redundancies/Backup Systems

Our safety and security plan includes the following measures to ensure our systems as fully operational even in unexpected adverse circumstances:

1. All security equipment, exterior lighting, interior emergency lighting, security monitoring and recording system, and alarm systems will have **uninterrupted power supply (UPS)**

battery backup systems that provides a first layer of backup in the scenario where we lose grid power.

2. Our alarm monitoring systems can operate on a **cellular backup** if a telecommunications line goes down.

Contact Sharing

Contact information of our general manager will be shared with the Kittery police department. Our General Manager will be available as the “on call” individual 24/7 should the Town need to contact someone regarding our dispensary.

Conclusion

We are extremely confident that our robust security infrastructure and proven operating policies will both protect our dispensary and produce a net positive impact on the safety and security of our immediate neighborhood.

SECTION 2

Provisions to ensure against loitering and using marijuana and marijuana products on or near the premises

COMPANY is committed to ensuring that our dispensary is operated in compliance with all state and local laws and regulations, and more, generally, is not a nuisance to our neighbors. We will be training our staff to implement numerous procedures to ensure customers do not loiter or use marijuana / marijuana products on or near the premises, including, but not limited to the following:

1. Signage

Signage will be clearly visible in the parking lot indicating that both loitering, and the consumption of cannabis, is prohibited on or near the premises. We will also post signage near the exit of the dispensary that reinforces this message.

2. Customer Education

Our staff will be trained to remind our customers that they are not to loiter on site, and that similar to alcohol, their cannabis products should not be opened or consumed until they reach their place of residence.

3. Monitoring

Our security team will actively monitor the premises and parking lot to ensure that customers are not loitering or using cannabis on site.

SECTION 3

Protocols for hiring and training employees

We plan to hire approximately eighteen (18) employees to operate our dispensary in Kittery. We will seek to prioritize a diverse, local workforce.

Hiring Protocol / Staffing Plan / Background Checks

We will be posting our job positions on a variety of online job sites (such as indeed.com, craigslist.org, LinkedIn, and monster.com).

We will be hiring for the following positions:

Title: Manager

of Hires: 1

Description of duties: This individual will be responsible for the day-to-day operations of the Kittery dispensary, overseeing all hiring, training, compliance, and operations.

Title: Operations Manager

of Hires: 1

Description of duties: Also known as the Assistant Manager, this individual is second in command and takes lead on staff scheduling amongst other duties.

Title: Supervisors

of Hires: 2

Description of duties: Supervisors take ownership of day-to-day operations, directly managing the cannabis consultants, reception, and safety team during business hours.

Title: Pre-Order Team members

of Hires: 2

Description of duties: Pre-Order Fulfillment is responsible for receiving online orders and accurately and compliantly packaging them for customer pickup.

Title: Inventory Team members

of Hires: 2

Description of duties: The inventory team is responsible for the accurate receiving of inventory and managing the flow of inventory from the vault through the retail store.

Title: Safety and Security Team members

of Hires: 2

Description of duties: The Safety and Security team is responsible for checking IDs of our customers, managing parking and traffic flow, and ensuring the safety and security of our customers and employees.

Title: Receptionist

of Hires: 2

Description of duties: The receptionist is responsible for controlling access into the dispensary, performing a secondary ID check, and answering incoming phone calls.

Title: Cannabis POS Staff

of Hires: 6

Description of duties: Cannabis POS Staff are responsible for directly interfacing with our customers, performing the sale transaction at the POS counter.

All employees must first have an “Individual Identification Card (IIC)” provided by the State of Maine’s Office of Marijuana Policy prior to beginning employment. In order to obtain an IIC card, the State of Maine runs background checks on each individual.

Training of Staff

All employees must undergo at least two weeks of training, with management employees being required to have a minimum of four weeks. All employees receive at least 40 hours of ongoing training each year to keep up with new policies. All steps of the training process are documented and kept in file.

Details of our training protocol includes:

1. During training, agents will have received their IIC card, however they are not provided an RFID access key fob until training is complete. During training, the supervisor conducting the training provides access to the areas of the facility necessary for the new agent to train.
2. Specific training varies depending on the agent’s job responsibilities, though all agents are trained on confidentiality, drug, alcohol, and tobacco policy, facility layout, safety / security, emergency procedures, and inventory control.
3. The supervising agent is responsible for designing and implementing the training process for each of his / her agents. Training will include both hands on training and ‘classroom style’ learning.
4. At the end of the training period, the supervising agent must sign off on the agent’s employee record that they believe the agent is adequately trained and is ready to move forward with the job position. If at the end of the training period, the supervising agent does not feel that the new agent is ready to move forward, they may elect to provide additional training or to recommend to the Dispensary Manager that the agent be terminated.

SECTION 4

Experience and training in the State of Maine's seed-to-sale tracking system

Tree Tips 3 LLC's owner, Nick Friedman, has extensive experience working with METRC, the seed to sale tracking system used by the State of Maine from his involvement with operating dispensaries in both Maine and Massachusetts, all of which remain in good standing with METRC. Mr. Friedman will be the Master Administrator on the METRC account for Tree Tips 3, to ensure top-down competency in using the State's seed-to-sale tracking system. We are extremely confident that our deep experience already operating in the State of Maine's seed-to-sale tracking system METRC will create a safe, compliant dispensary operation in Kittery.

SECTION 5

Odor Mitigation Plan and Protocols for Waste

Tree Tips 3 LLC will be a retail only facility, with no cultivation or manufacturing activities on site. Management has experience operating other dispensaries in Maine and Massachusetts and a proven track record of ensuring that its operations do not pose a nuisance to its neighbors, particularly by ensuring that no odors of cannabis emanate from the dispensary and that waste is properly disposed of.

Odor Plan

Several approaches will be taken to ensure odor does not become a nuisance.

Cannabis Packaging

We will require that any cannabis and cannabis products to arrive at our facility, must be packaged in **airtight containers** prior to being transported to our dispensary. In our experience, when cannabis and cannabis products are properly packaged and sealed prior to arrival at a retail dispensary, there is no odor that is emitted from those packages.

Cannabis Storage

All cannabis and cannabis products will be stored in our vault room. During storage, all cannabis and cannabis products will remain in their airtight packaging. Moreover, we will install a carbon filtration air scrubber in this vault room to reduce the chance of any odor leaving that room.

Air Filtration / Carbon Scrubbing

In addition to the carbon scrubber located in the vault room, an additional carbon scrubber will be located in the dispensary floor.

I am confident, based on our past experience, and the plans detailed in this proposal, that our proposed operations in Kittery will not cause any issues with odor.

Waste Plan

Cannabis waste

We will dispose of any cannabis waste in full compliance with the regulations written and enforced by the Maine Office of Marijuana Policy. As a retail only location, we generate very little cannabis waste. Examples of waste would come from customer returns, product that appears defective, or product that has a broken tamper evident seal. Waste is tracked in METRC, the State of Maine's inventory control system. It is stored in our vault room until it is time for disposal. Prior to disposal, marijuana waste is rendered "inert" by mixing it with non-cannabis materials such as rock salt. From there, it is placed in a locked dumpster for disposal.

Non-cannabis waste

All non-cannabis waste will be sorted and placed appropriately in a locked dumpster. We will make best efforts to recycle as much material as possible, and will have a separate recyclable only dumpster on the premises.

SECTION 6

Protocols for ensuring the safety and security of product

We follow a variety of cannabis industry best practices to ensure the safety and security of our cannabis inventory. At all times we maintain full compliance with the State of Maine's extensive set of regulations governing product safety. Below are some of the measures we take to ensure safety and security of product.

Security & Storage Procedures

As further detailed above, our security system's operations is a core component to ensuring the safety and security of our product. Please see SECTION 1 for further details.

Inventory Control

METRC, the State of Maine's inventory control system, allows us to know the location and movement of all product at all times. By using this system, employees appreciate and understand that no loss of product would go unnoticed, which heavily discourages any theft or diversion from employees.

Inventory Audits

To further ensure the safety and security of our products, once per week, we randomly select three different batches of product to do a full manual inventory count. Additionally, on an annual basis, we perform a complete inventory audit where every single product is counted and compared to the amounts that are shown in the inventory control system.

Secure Delivery

Product deliveries occur in the rear of the building at random times throughout the week. We expect around 3 deliveries per week. All vendors used to procure inventory from are mandated to use unmarked, discreet delivery vehicles. We maintain correspondence with an incoming delivery vehicle and, prior to their arrival, we check all exterior cameras to ensure that the Premises are safe for arrival to occur. The vehicle arrives in the back of the building and is unloaded directly into our facility.

Employee Training

As further detailed in SECTION 3, we comprehensively train our team members on how to operate a safe, compliant facility, including:

1. Never leave keys in locks
2. Never let anyone into the building that is not authorized and never prop open doors
3. At the end of the day, move all product into the vault room
4. Always arm the alarm system prior to leaving the building at the close of business

SECTION 7

Fire Suppression annual certification

We take first code and building safety extremely seriously. Tree Tips 3 LLC attests that:

1. Our facility will be designed and constructed in accordance with all applicable building codes and regulations, including fire codes
2. The building itself will be protected by fire suppression measures and fire 402 alarms to the satisfaction of the Fire Chief and in accordance with all applicable building codes. In order to satisfy this requirement Tree Tips 3 LLC will meet with the Fire Chief and review our plans prior to beginning construction, and post construction, will the Fire Chief and his team to walk through the building prior to commencing operations.

3. Prior to operations we will obtain Certification from the Fire Chief that the location of the Marijuana Business on the subject Premises will not pose an undue risk of fire or other safety hazard. We have already initiated discussions with the Fire Chief.
4. On an annual basis, we will work with an outside vendor and the Fire Chief to inspect and certify our Fire Suppression System is in good working order.

This concludes our operations plan. Please note that we will have hundreds of pages of operating procedures in place prior to commencing operations that we will use to train our staff to operate a safe, compliant, and industry leading dispensary.

Thank you for your review and please do not hesitate to reach out directly with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Friedman', with a stylized, cursive script.

Nick Friedman
Tree Tips 3 LLC
413-429-6472
Nfriedman12188@gmail.com

STATE OF MAINE
MAINE REVENUE SERVICES
RESALE CERTIFICATE



THIS CERTIFICATE IS VALID

NOVEMBER 01 2021 THRU DECEMBER 31 2025

<u>Business Name and Location Address</u>	<u>Certificate Number</u>	<u>Business Type</u>
TREE TIPS 3 8 DEXTER LANE SUITE 8 KITTERY ME 03904	1223093	MARJNA STR

This is to certify that the above named business is authorized to purchase during the period indicated on this certificate: (1) tangible personal property to be resold in the form of tangible personal property, or (2) a taxable service to be resold as the same taxable service. **This certificate cannot be reassigned or transferred and can only be used by the above business or its authorized employees. This certificate is void if the business has ceased operating or if the certificate has been altered.**

The above named business certifies that the following is being purchased in the ordinary course of business for resale as provided above.

Presented to: _____ Presented by: _____
(Insert name of seller on photocopy) (date) Authorized Signature (purchaser) (date)

DO NOT WRITE ON THIS ORIGINAL FORM

The document printed above is your new Resale Certificate. **Retain this copy as an original in your file.** This certificate is valid only for the period indicated.

Prior to the expiration of this certificate, Maine Revenue Services will automatically renew and reissue a new resale certificate for the next period if:

- your account is active; and
- you have reported \$3,000 or more in gross sales during the previous 12 months

Make copies of this original, fill in the appropriate data and provide it to the vendors from whom you make purchases for resale.

If you cease doing business, this certificate is void and must be returned to Maine Revenue Services.

Use of a resale certificate to make purchases not intended for resale is a criminal offense.

If you have any questions regarding this document, please call (207) 624-9693.



**STATE OF MAINE
MAINE REVENUE SERVICES**

**THIS REGISTRATION CERTIFICATE FOR A
RETAILER**

is issued under the provisions of MRSA, Title 36, Part 3, §1754-B to:

TREE TIPS 3
8 DEXTER LN STE 8
KITTERY, ME 03904-6510

Registration Number: 1223093

Date Issued: OCTOBER 01 2021

Business Code: 420
Filing Frequency: MONTHLY

**IMPORTANT INFORMATION CONCERNING THIS
RETAILER'S CERTIFICATE**

This certificate must be available for inspection by the State Tax Assessor, the Assessor's representatives and agents and authorized municipal officials. This retailer's certificate verifies that this retailer and this retail location hold a valid Maine sales tax account and is authorized to collect and remit the sales tax on behalf of the State of Maine. This certificate has no expiration date. If you cease to do business in Maine please return this certificate to Maine Revenue Services.

IMPORTANT PLEASE NOTE: This retailer's certificate may NOT be used to purchase merchandise for resale tax exempt (in Maine). A resale certificate is a separate document. If you qualify to receive a resale certificate, one has been printed and mailed to you.

Tree Tips 3 LLC
Other State/Local Approvals
Prepared for Town of Kittery Marijuana License Application

Tree Tips 3 LLC will always operate in full compliance with all applicable local and state laws and regulations.

The following approvals will be obtained prior to commencing operations, and Tree Tips 3 LLC understands and acknowledges that any license granted by the Town of Kittery is conditional upon the successful receipt of these approvals. At this point in time, Tree Tips 3 LLC is unable to apply for these approvals but will do so as soon as the time is appropriate to do so.

1. Retail food establishment license from the Department of Agriculture, Conservation, and Forestry
2. Retail tobacco license from the Department of Health and Human Services
3. Active license from the Office of Marijuana Policy, Department of Administrative and Financial Services for an adult use marijuana store
4. Any other approvals required by the Town of Kittery and / or the State of Maine

Sincerely,



Nick Friedman
Manager
Tree Tips 3 LLC

Dated: 12/8/2021



Nick Friedman <nfriedman12188@gmail.com>

RE: Request, Re: Marijuana License Permitting Process

1 message

David O'Brien <DO'Brien@kitteryme.org>

Thu, Nov 18, 2021 at 1:09 PM

To: Nick Friedman <nfriedman12188@gmail.com>

Cc: Adam Causey <ACausey@kitteryme.org>, Bart McDonough <BMcDonough@kitteryme.org>, Craig Alfis <Asstfirechief@kitteryme.org>

Congratulations on your lottery selection. The “certification” from the fire chief was written very open ended and as a result of this it leaves much to be desired. However saying that, the process flows through the planning board for approval. Your submittal to the board will include all of the “stuff” that would normally be submitted for any other type of new construction or commercial business. You are right in saying it will have to meet all of the applicable fire/safety requirements imposed by the Maine UBEC and NFPA 1 and 101. Should this be a “growing facility”, it will have to meet the requirements of NFPA 1, chapter 38. If this is only a retail facility then the requirements are no different than any other retail store meaning it will have the proper number of egress points, emergency exit lights and signs, fire extinguishers, dumpster laydown areas away from the building, etc. Should the facility be over 10,000 square feet or 100,000 cubic feet the towns sprinkler ordinance kicks in and a full NFPA 13 fire suppression system is required. The Dexter Lane building is fire suppressed at this time, however a look into the annual inspections and current state of the sprinkler system might be beneficial. Ensure also the alarm system is up to date and properly monitored. The planning process will include the FD input for discussion, action and incorporation. If and when approved and after the user meets the requirements set forward by the board the Fire Chief will give the Certification necessary to open for business.

I wish you well and good luck

Chief O'Brien

**KITTERY PLANNING BOARD
FINDINGS OF FACT -
for
8 Dexter Lane, Unit 8
Special Exception Use – Marijuana Business**

**M 47 L 3
Approved**

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: Owner, The Outlet Mall of Kittery LLC, and Applicant, Tree Tips 3 LLC, request approval for a Marijuana Business within an existing commercial retail space located on real property with the address of 8 Dexter Lane, Unit 8, Tax Map 47, Lot 3, in the Commercial 1 (C-1) zoning district, hereinafter the “Development”.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 04/28/2022;

Sketch Plan Review	N/A	
Site Visit	Held	2/1/2022
Preliminary Plan Completeness Review	Held, Accepted	1/27/2022
Public Hearing	Held	3/10/2022
Preliminary Plan Approval	Granted (with conditions)	3/10/2022
Final Plan Approval	Granted	4/28/2022

and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following and as noted in the Plan Review Notes dated 04/28/2022 (Hereinafter the “Plan”).

1. Final Plan Review Documents, Attar Engineering, Inc. letter dated April 19, 2022
2. Marijuana Retail Store Site Plan, Attar Engineering, Inc. dated April 18, 2022
3. Operations Plan prepared by Tree Tips 3 LLC (revised, submitted April 19, 2022)

NOW THEREFORE, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by Section 16.7.10.D.(5) and as recorded below:

FINDINGS OF FACT

Action by the Board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:

A. Development Conforms to Local Ordinances.

Standard: *The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing*

authority may interpret these ordinances and plans.

Finding: The proposed development conforms to Title 16, Article IV Land Use Zone Regulations, Section 16.4.19.C.(18).

Conclusion: This use is allowed by Special Exception Use with Planning Board approval, and this standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

B. Freshwater Wetlands Identified.

Standard: *All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.*

Finding: No freshwater wetlands within the project area have been identified on any maps submitted.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

C. River, Stream or Brook Identified.

Standard: *Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.*

Finding: No rivers, streams, nor brooks are identified within or abutting the proposed project.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

D. Water Supply Sufficient. {and}

Standard: *The proposed development has sufficient water available for the reasonably foreseeable needs of the development.*

E. Municipal Water Supply Available.

Standard: *The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.*

Finding: The proposed development is located within an existing commercial development that already has water service connected to and in use on the premises.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

F. Sewage Disposal Adequate.

Standard: *The proposed development will provide for adequate sewage waste disposal and will not*

<i>cause an unreasonable burden on municipal services if they are utilized.</i>	
Finding: The proposed development is located within an existing commercial development that already has sewer service connected to and in use on the premises.	
Conclusion: This standard appears to be met.	
	Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
G. Municipal Solid Waste Disposal Available.	
Standard: <i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>	
Finding: The proposed development doesn't require any changes to municipal solid waste services. The proposed development will dispose of marijuana / cannabis waste in accordance with the rules and regulations of the Maine Office of Marijuana Policy as outlined in the submitted Operations Plan.	
Conclusion: This standard appears to be met.	
	Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
H. Water Body Quality and Shoreline Protected.	
Standard: <i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>	
Finding: The proposed development is not located within two hundred fifty (250) feet of any wetland.	
Conclusion: This standard appears to be met.	
	Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
I. Groundwater Protected.	
Standard: <i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>	
Finding: The proposed development will use the existing connection to public water and will not adversely affect the quality or quantity of groundwater.	
Conclusion: This standard appears to be met.	
	Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining

J. Flood Areas Identified and Development Conditioned.	
Standard: <i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary</i>	

and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.

Finding: No flood hazard zones were identified to be located on the property.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

K. Stormwater Managed.

Standard: *Stormwater Managed. The proposed development will provide for adequate stormwater management*

Finding: The proposed development will use existing stormwater infrastructure in place and will not create additional impervious surface or additional runoff

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

L. Erosion Controlled.

Standard: *The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*

The Contractor shall follow MDEP best management practices for erosion and sediment control (silt fencing, silt sacks, etc.), and CMA Engineers will be notified to observe application during construction.

Finding: No changes to the existing impervious surface are proposed and the development will utilize the existing stormwater infrastructure in place.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

M. Traffic Managed.

Standard: *The proposed development will:*

1. *Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and*
2. *Provide adequate traffic circulation, both on-site and off-site.*

Finding: A traffic impact study was completed by the Sewall Company (December 2021) using conventional methodologies, including estimates of traffic generation from marijuana dispensaries in the Institute of Traffic Engineers (ITE) trip generation document. The Town's peer review engineer, CMA, reviewed the traffic study. The results indicate that there is insignificant deterioration of performance levels at the signalized intersection to the north of the Dexter Lane/Route 1 intersection, and the Dexter Lane/Route 1 intersection.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

N. Water and Air Pollution Minimized.

Standard: *The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:*

1. *Elevation of the land above sea level and its relation to the floodplains;*
2. *Nature of soils and sub-soils and their ability to adequately support waste disposal;*
3. *Slope of the land and its effect on effluents;*
4. *Availability of streams for disposal of effluents;*
5. *Applicable state and local health and water resource rules and regulations; and*
6. *Safe transportation, disposal and storage of hazardous materials.*

Finding:

1. Not applicable due to condition of existing development conditions.
2. Not applicable due to condition of existing development conditions.
3. Not applicable due to condition of existing development conditions.
4. The site is located approximately 860 feet from Wilson Creek but has no direct contact with the boundary of the creek. Since the proposed use is being located inside an existing development, the proposed use should not adversely impact the water quality and quantity of the stream.
5. Not applicable due to condition of existing development conditions.
6. Any marijuana or cannabis refuse will be discarded in accordance with the applicant's Operations Plan and conforming to the rules and regulations of the Maine Office of Marijuana Policy.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

O. Aesthetic, Cultural and Natural Values Protected.

Standard: *The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*

Finding: The proposed use is to be located in an existing development and will not have an undue adverse effect on the scenic or natural beauty of the area.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

P. Developer Financially and Technically Capable.

Standard: *Developer is financially and technically capable to meet the standards of this section.*

Finding: The developer will provide an inspection escrow in an amount suitable to cover the costs of on-site inspection by the Peer Review Engineer to ensure the proposed development is constructed according to the approved plan.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 abstaining

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers:

1. None.

Conditions of Approval (to be included as notes on the final plan in addition to the existing notes):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.7.12.C.)
2. Odor mitigation systems as designated in the Operation Plan shall be developed by a qualified HVAC contractor or engineer that can document appropriate sizing, operations, and maintenance and design details.

Conditions of Approval (Not to be included as notes on the final plan):

3. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to presentation of final plan for endorsement.
4. Provide the additional documents and/or responses to all CMA comments prior to presentation of final plan.
5. The entire premises must be free of mold prior to the issuance of an occupancy permit.

Notices to Applicant: (not to be included on the final plan)

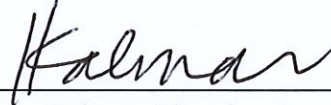
1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. Three (3) paper copies of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
3. The owner and/or developer, in an amount and form acceptable to the Town Manager, must file with the municipal treasurer an instrument to cover the cost of any infrastructure and right-of-way improvements and site erosion and stormwater stabilization, including inspection fees for same.

4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 6 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON April 28, 2022



Karen Kalmar, Planning Board Vice Chair

Appeal:

Per Title 16.2.12.B(1) - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.



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

REPORT TO TOWN COUNCIL

Meeting Date: May 23, 2022
From: Kendra Amaral, Town Manager
CC: Todd Rollins, Chairperson, Shellfish Conservation Committee, Chuck Moran,
Shellfish Warden
Subject: Title 12 – Shellfish Conservation
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

The Town received notice that the Brave Boat Harbor intertidal area is safe for shellfish harvesting.

The last time this area was opened for harvesting appears to be in 2016. The flats were closed due to water quality issues resulting from Portsmouth's Peirce Island wastewater treatment operation. The water quality has returned to a level where shellfish harvesting is now deemed safe by the Department of Marine Resources (DMR).

The first step to preparing for reopening of the flats, was for the Shellfish Conservation Committee to review Title 12 and determine if any amendments were needed or desired. Shellfish Warden Chuck Moran has been working closely with the Shellfish Conservation Committee and DMR on the review process.

The group identified a number of areas where the current language of Title 12 was not consistent with state law or DMR regulations. Additionally, the Shellfish Conservation Commission identified desired amendments including:

- Refining the definitions of resident and non-resident
- Expressly prohibiting commercial shellfish harvesting on Town flats
- Establishing when shellfish harvesting licenses will be valid, when Shellfish Conservation Committee will recommend the number of annual licenses, and when licenses expire
- Incorporate civil penalties for violation
- Establish a youth license, and youth license fee

The proposed amendments are currently being reviewed by DMR to affirm consistency with state law. Any edits recommended by DMR will be incorporated into an updated draft for the public hearing.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

- Draft Title 4, Title 12.6, and Appendix A Amendments
- Draft Title 4, Title 12.6, and Appendix A Enactment
- 12 MRS §6671

Chapters 4 and 12.6 Shellfish

1. AMEND Chapter 4.8.3 Shellfish Commission as follows:

§ 4.8.3 Membership.

The Committee consists of seven members and two alternate members appointed by the Town Council for terms of three years. Terms are to be staggered such that no more than three members' terms expire in a given year.

2. AMEND Chapter 12.6 Shellfish as follows:

§ 12.6.1 Authority.

The ordinance codified in this chapter is enacted in accordance with 12 M.R.S. § 6671.

§ 12.6.2 Purpose.

The purpose of this chapter is to establish a shellfish conservation program for the Town which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A. Licensing;
- B. Limiting the number of shellfish harvesters;
- C. Restricting the time and area where digging is permitted;
- D. Limiting the minimum size of ~~elams~~ shellfish taken; and
- E. Limiting the amount of ~~elams~~ shellfish taken daily by a harvester.

§ 12.6.3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOT

The total number of ~~soft-shell elams~~ shellfish in any bulk pile. Where ~~soft-shell shellfish elams~~ are in a box, barrel or other container, the contents of each box, barrel or other container constitutes a separate lot.

NONRESIDENT

Anyone who does not qualify as a resident under this chapter and is:

a) a property owner in Kittery; or

b) is domiciled in Maine for at least three months as evidenced by a vehicle registration, voter registration, State of Maine Income Tax return, or other documentation acceptable to the Town Clerk

POSSESS

Dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale ~~soft-shell clam~~ shellfish and

31 shellstock.

32 **RESIDENT**

33 A person who has been domiciled in ~~this municipality~~ Kittery for at least three months ~~next prior to the~~
34 ~~time claim of such residence is made~~ as evidenced by a vehicle registration, voter registration, State of
35 Maine Income Tax return, or other documentation acceptable to the Town Clerk.

36 **SHELLFISH, CLAMS AND INTERTIDAL SHELLFISH RESOURCES**

37 Clams, quahogs, oysters and mussels and includes shellstock and shucked shellfish.

38 ~~Soft-shell clams (Mya arenaria).~~

39 § 12.6.4 **Municipal shellfish digging license required.**

40 It is unlawful for any person to dig or ~~take~~ possess shellfish from the shores and flats of ~~this-~~
41 ~~municipality~~ Kittery without having a current license issued by ~~this municipality~~ the Town ~~as provided by this~~
42 ~~chapter.~~

43 § 12.6.5 **Designation, scope and qualifications.**

44 A. Residential recreational shellfish license. The license is available to residents ~~and real estate taxpayers-~~
45 ~~of this municipality~~ and entitles the holder to dig and take possession of no more than one peck of
46 shellfish in any one day for ~~the use of the holder and family~~ personal use.

47 B. Nonresident recreational shellfish license. The license is available to any person not a resident ~~of this-~~
48 ~~municipality~~ and entitles the holder to dig and ~~take~~ possess not more than one peck of shellfish in any
49 one day for ~~the use of the holder and family~~ personal use.

50 C. No person may dig and possess shellfish from the shores and flats of Kittery for the purposes of
51 commercial use or commercial sale.

52 ~~C. — License must be signed. The licensee must sign the license to make it valid.~~

53 § 12.6.6 **Application procedure.**

54 A. Any person may apply to the Town Clerk for the licenses a Shellfish Harvesting License as required by
55 this chapter on forms provided by the ~~municipality~~ Town.

56 ~~A. — Contents of application. The application must be in the form of an affidavit and must contain the~~
57 ~~applicant's name, current address, birth date, height, weight, signature and whatever information the~~
58 ~~municipality may require.~~

59 ~~BB.~~ BB. Misrepresentation. Any person who gives false information on a license application will cause said
60 license to become invalid and void.

61 § 12.6.7 **Fees.**

62 ~~The fees for the licenses are as stated in Appendix A and must accompany in full the application for the~~
63 ~~respective license. Fees received for shellfish licensing are to be used by the Town for shellfish management,~~

64 ~~conservation and enforcement~~ The annual license fee is set out in Appendix A.

65 § 12.6.8 **Limitation of diggers.**

66 ~~Clam resources vary in density and size distribution from year to year and over the limited soft clam-~~
67 ~~producing area of the Town.~~ It is essential that the Town carefully husband its shellfish resources. ~~Following~~
68 ~~the annual review of the Town's clam resources, its size distribution, abundance and report by the Warden,~~
69 ~~the Shellfish Conservation Committee in consultation with the DMR area biologist will determine whether~~
70 ~~limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the~~
71 ~~following year~~ The number of licenses issued from year to year will vary depending on the annual review of
72 the Town's shellfish resources, sizes, distribution, and abundance.

73 ~~A. Prior to September 30, the Committee is to report its findings and document recommendations for the~~
74 ~~allocation of recreational licenses to be made available for the following license year to the~~
75 ~~Commissioner of Marine Resources for concurrence.~~

76 ~~B. After receiving approval of proposed license allocations from the Commissioner of Marine Resources~~
77 ~~and prior to December 31, the Shellfish Conservation Committee is to notify the Town Clerk in~~
78 ~~writing of the number and allocation of shellfish licenses to be issued.~~

79 A. The Shellfish Conservation Commission, with approval of the Commissioner of Marine Resources,
80 will establish the number of noncommercial licenses to be permitted each year.

81 B. The Shellfish Commission will notify the Town Clerk in writing prior to November 1 of the number of
82 licenses to be issued for the ensuing year.

83 C. Notice of the number of licenses to be issued and the procedure for application is to be published in a
84 trade or industry publication, or in a newspaper or combination of newspapers with general circulation-
85 ~~which the municipal officers consider effective in reaching persons affected~~, not less than 10 days prior
86 to the period of issuance, and posted in the municipal offices until the period concludes.

87 D. Licenses shall be issued annually, on a first-come-first-served basis. A wait list may be established if all
88 licenses are issued. The wait list will only be valid for the season it is established.

89 ~~DE.~~ Licenses may be returned to the Town voluntarily and reissued to another qualifying person applicant at
90 the current fee ~~according to the priorities established in this section.~~

91 § 12.6.9 **License expiration date.**

92 Each license issued under authority of this chapter expires at midnight on ~~the 31st of December~~ November 30
93 ~~next~~ following the date of ~~issue~~ issuance.

94 ~~§ 12.6.10 Reciprocal harvesting privileges.~~

95 ~~Licenses from any other municipality cooperating with this municipality on a joint shellfish management~~
96 ~~program may harvest shellfish according to the terms of this license.~~

97 § 12.6. ~~12-10~~ **Opening and closing of flats.**

98 A. The ~~municipal officers~~ Town Council, upon the approval of the Commissioner of Marine Resources, may

99 open and close areas for shellfish harvest. Upon recommendation ~~s~~ of the Shellfish Conservation
100 Committee and concurrence of the Department of Marine Resources ~~area biologist~~ that the status of
101 shellfish resource and other factors bearing on sound management indicate that an area should be opened
102 or closed, the ~~municipal officers~~ Town Council may ~~call~~ hold a public hearing on the matter, and shall
103 send a copy of the notice to the Department of Marine Resources. The decision of the ~~municipal-~~
104 ~~officers~~ Town Council to open or close a shellfish harvest area ~~made after the hearing~~ is to be based on
105 findings of fact.

106 § 12.6.11 Harvesting Season

107 A. The shellfish harvest season shall be established each year by the Town Council, upon recommendation
108 of the Shellfish Conservation Commission and approval of the Commissioner of Marine Resources. The
109 shellfish harvest season may be amended by the Town Council as deemed recommended or needed.

110 B. Shellfish harvesting may only occur on Sundays and on nationally recognized holidays, between sunrise
111 and sunset, during the harvest season.

112 ~~§ 12.6.13-12~~ **§ 12.6.12 Minimum legal size of soft-shell clams.**

113 A. It is unlawful for any person to possess soft-shell clams within the Town which are less than two inches
114 in the longest diameter, ~~except unless~~ as ~~otherwise~~ provided ~~by § 12.6.14 below~~.

115 ~~§ 12.6.14 Tolerance.~~

116 B. Any person may possess soft-shell clams that are less than two inches if they comprise less than 10% of
117 any lot. The tolerance is determined by numerical count of not less than one peck nor more than four
118 pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than
119 one peck.

120 ~~§ 12.6.15 Violations and penalties.~~

121 ~~Whoever violates this chapter may be punished as provided by 12 M.R.S. § 6681.~~

122 § 12.6.11-13 Violation, Revocation and Suspension.

123 ~~Shellfish licensees having three convictions for a violation of this chapter are to have their shellfish license~~
124 ~~automatically suspended for a period of 30 days~~

125 A. The Shellfish Warden, Harbormaster, and Kittery Police Officers are authorized to enforce violations this
126 chapter, to include the issuance of civil violations.

127 B. Any person in violation of this chapter, excluding a violation of § 16.6.13.C may be assessed a penalty of
128 \$100 for the first offense, \$150 for the second offense and \$200 for the third and subsequent offenses.

129 C. Any person found taking shellfish from an area not opened by the Town Council for harvesting, or when
130 harvesting is not permitted, may be assessed a penalty of \$500, and may result in the revocation of the
131 individual's shellfish license, ~~and may be prohibited from receiving license for the ensuing year.~~

132 D. Repeat offenders and/or those who fail to pay fines within 30 days in accordance with this chapter may
133 have their license suspended or revoked. A license that has been suspended or revoked more than once
134 may be prohibited from receiving a license in the ensuing year.

135 E. Any person who violates this chapter may be charged with a Class D crime in accordance with 12 M.R.S.

136 §6671.

137 ~~C. — Any licensee whose shellfish license has automatically been suspended pursuant to this section is~~
138 ~~entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written request for~~
139 ~~hearing with the Town Clerk within 30 days following the effective date of suspension. The licensee~~
140 ~~may appeal the decision of the Shellfish Conservation Committee before the Town Council by filing a~~
141 ~~written request for appeal with the Town Clerk within seven days of the decision of the Shellfish~~
142 ~~Conservation Committee.~~

143 § 12.6.14 Conflict with other laws.

144 In the event of any conflict in the provisions of this article with the provisions of any present or future statute
145 relating thereto, the most restrictive or that imposing the higher standards governs.

146 **3. AMEND Appendix A Chapter 12.6 SHELLFISH, Shellfish License Fees as follows:**

147 Resident recreational	\$15
148 Residents 70 and over	Free
149 Residents under 14 years of Age	<u>\$0</u>
150 Nonresident recreational	\$30

KITTERY TOWN CODE
CHAPTERS 4 & 12.6
SHELLFISH

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 of Kittery seeks to update the Shellfish Conservation ordinance to align
11 with the governing state law 12 MRS §6671; and

12 **WHEREAS**, the membership of the Shellfish Conservation Commission is desired to have
13 staggered terms;

14 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN
15 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO TITLE 4
16 AND TITLE 12.6 OF THE TOWN CODE, AND AMEND APPENDIX A AS PRESENTED.

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

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

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

§6671. Municipal shellfish conservation programs

1. Municipal funds. Any municipality may, by vote of its legislative body, raise and appropriate money for the implementation of a shellfish conservation program.

[PL 1977, c. 661, §5 (NEW).]

1-A. Municipal fines. In accordance with Title 30-A, section 3001, a fine collected pursuant to this section must be paid to the municipality in which the violation occurred.

[PL 2009, c. 24, §1 (NEW).]

2. Municipal program and ordinance. Any municipality may, by vote of its legislative body, adopt, amend or repeal a shellfish conservation ordinance as provided by this section. A municipality may establish a municipal shellfish management committee to administer a municipal program.

[PL 2001, c. 188, §1 (AMD).]

3. Shellfish conservation ordinance. The following provisions govern a shellfish conservation ordinance.

A. Within any area of the intertidal zone within the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators;
- (4) Authorize the municipal officials to open and close flats under specified conditions;
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program;
- (6) Establish a minimum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any minimum size limit set in this chapter or by rule, except that an ordinance must establish minimum size limits for possession of soft-shell clams that are at least as strict as those limits established in section 6681; and
- (7) Establish a maximum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any maximum size limit set in this chapter or by rule. [PL 2019, c. 144, §1 (AMD).]

B. [PL 2019, c. 144, §2 (RP).]

C. Except as provided in section 6621, subsection 3, paragraph C, a program or ordinance may not allow surveying, sampling or harvesting of shellfish in areas closed by regulation of the commissioner. [PL 2001, c. 188, §2 (NEW).]

[PL 2019, c. 144, §§1, 2 (AMD).]

3-A. Shellfish conservation licensing. A shellfish conservation ordinance may fix the qualifications for a license, including municipal residency, subject to the following provisions.

A. [PL 2001, c. 188, §3 (RP).]

A-1. The following exceptions apply.

- (1) An individual is not required to hold a shellfish license issued by the commissioner under section 6601 in order to obtain a municipal commercial license.
- (2) A municipality may issue licenses under this section regardless of whether or not the area has been closed by the commissioner.

- (3) An individual taking shellfish from a closed area for depuration under a depuration certificate issued by the commissioner is not required to hold a municipal shellfish license. [PL 2001, c. 188, §3 (NEW).]
- B. A shellfish conservation ordinance may fix license fees as follows.
- (1) If the ordinance sets a fee of \$200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee.
- (2) If the ordinance sets a fee of more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee. [PL 1997, c. 589, §1 (RPR); PL 1997, c. 589, §2 (AFF).]
- C. Application methods and procedures for licenses may be determined by the shellfish conservation ordinance subject to the provisions of this section. Notice of the number and the procedure for application must be published in a trade or industry publication or in a newspaper or combination of newspapers with general circulation that the municipal officers consider effective in reaching individuals affected not less than 10 days prior to the period of issuance and must be posted in the municipal offices until the period of issuance concludes. The period of issuance for resident and nonresident licenses must be the same. Subsequent to the period of issuance, the municipality shall make any resident or nonresident licenses not granted during the period available to residents or nonresidents. [PL 2001, c. 188, §3 (AMD).]
- D. Except as otherwise provided in this section, a shellfish conservation ordinance may not discriminate between resident license holders and nonresident license holders. [PL 2001, c. 188, §3 (AMD).]
- E. A licensing authority shall provide and reserve a minimum number of commercial licenses for nonresidents. The number of nonresident commercial licenses may not be less than 10% of the number of commercial licenses provided for residents. When the number of resident commercial licenses is fewer than 10 but more than 5, at least one nonresident commercial license must be provided. When the number of resident commercial licenses is 5 or fewer, nonresident commercial licenses are not required. [PL 2001, c. 188, §3 (AMD).]
- F. When 2 or more municipalities have entered into a regional shellfish management agreement pursuant to subsection 7, the combined total number of commercial licenses for nonresidents provided by those municipalities must be a number not less than 10% of the combined total number of commercial licenses issued for residents. When the combined total number of resident commercial licenses is fewer than 10 but more than 5, at least one nonresident commercial license must be provided. When the combined total number of resident commercial licenses is 5 or fewer, nonresident commercial licenses are not required. [PL 1995, c. 531, §2 (AMD).]
- G. [PL 2001, c. 188, §3 (RP).]
- G-1. A licensing authority that issues recreational licenses to residents shall also make available to nonresidents recreational licenses. The number of nonresident recreational licenses may not be less than 10% of the number of recreational licenses issued to residents.
- For the purposes of this paragraph, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use. [PL 2001, c. 188, §3 (NEW).]
- For purposes of this subsection, "licensing authority" means a municipality or 2 or more municipalities that have entered into a regional shellfish management agreement pursuant to subsection 7. [PL 2001, c. 188, §3 (AMD).]
- 4. Adoption requirements.** Shellfish conservation ordinances may be adopted under this section by municipalities or unorganized townships.

A. Prior to adopting an ordinance, a municipality or unorganized township shall raise or appropriate money for a shellfish conservation program. [PL 1999, c. 255, §3 (AMD); PL 1999, c. 255, §8 (AFF).]

B. An ordinance proposed by a municipality or unorganized territory under this section must be approved in writing by the commissioner prior to its adoption, except that the commissioner may not withhold approval based on the amount of license fees specified in an ordinance. [PL 1999, c. 255, §4 (AMD); PL 1999, c. 255, §8 (AFF).]

C. Unorganized townships may adopt ordinances if:

- (1) At least 10 inhabitants have petitioned the county commissioners to adopt the ordinances;
- (2) The county commissioners of the townships have held a public hearing with at least 7 days' prior notice in one of the affected townships; and
- (3) A majority of the inhabitants eligible to vote voting at referendum approve the ordinances.

The county commissioners act as the municipal legislative body within unorganized townships that have elected to adopt ordinances under this section. [PL 2001, c. 188, §4 (RPR).]
[PL 2001, c. 188, §4 (AMD).]

4-A. State parks. The commissioner shall consult with the Commissioner of Agriculture, Conservation and Forestry in review of any municipal ordinance that affects intertidal areas located within state parks. The commissioner may not approve any ordinance that threatens any important resources or provides insufficient opportunity for recreational shellfish harvesting within state parks. [PL 1983, c. 418 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

4-B. Management program approval. The commissioner may adopt rules that set the criteria that municipal shellfish conservation programs and ordinances must meet in order to be approved by the commissioner.
[PL 2001, c. 188, §5 (AMD).]

5. Period of ordinance. Ordinances or amendments to an ordinance adopted under this section remain in effect until repealed by the municipality or rescinded by the commissioner. A certified copy of the ordinance or amendment to the ordinance must be filed with the commissioner within 20 days of its adoption. If a copy of the ordinance or an amendment to the ordinance is not filed within 20 days, the ordinance reverts to the ordinance previously in effect until the new ordinance or amendment is filed.
[PL 2001, c. 667, Pt. B, §6 (RPR).]

6. Municipality defined. For the purposes of this section, municipality includes:

- A. Village corporations; and [PL 1991, c. 390, §6 (AMD).]
- B. The combined towns of Yarmouth and North Yarmouth. [PL 1991, c. 390, §6 (AMD).]
- C. [PL 1991, c. 390, §7 (RP).]

[PL 1991, c. 390, §§6, 7 (AMD).]

7. Joint programs; reciprocal privileges. Municipalities may enter into regional shellfish management agreements with other municipalities and adopt regional shellfish management programs. The agreements, and the programs and ordinances adopted under them, are subject to the same requirements as municipal programs and ordinances. Resident privileges of one municipality in a regional shellfish management agreement may be extended to the residents of other municipalities in the agreement. A regional shellfish management committee comprised of at least one resident from each municipality named in the regional agreement may be established to administer a regional program.
[PL 2001, c. 188, §7 (AMD).]

8. Local enforcement. The following provisions apply to enforcement.

A. A municipality that enacts an ordinance under this section is responsible for enforcing it. [PL 2001, c. 188, §8 (AMD).]

B. Any municipal shellfish conservation warden appointed by a municipality to enforce the provisions of this article must be certified by the commissioner within one year of the warden's appointment. The commissioner shall establish a program to provide shellfish conservation training in principles of shellfish conservation, management, enforcement and protection and shall establish standards for certification of municipal conservation wardens upon their satisfactory completion of the training program. The commissioner may establish by rule procedures for certification, recertification and revocation of certification. The commissioner may revoke a certificate for failure of the warden to comply with performance standards. [PL 2013, c. 301, §14 (AMD).]

C. A certified municipal shellfish conservation warden shall enforce the shellfish ordinances of the municipality employing the warden and, if the warden is authorized by the municipality and meets the training requirements of Title 25, section 2804-I, the warden may arrest all violators. The warden may serve all process pertaining to the ordinance. The warden also has, within that warden's jurisdiction, the powers of a marine patrol officer provided in section 6025, subsection 4 and the authority to enforce section 6621. All of the powers conferred in this subsection are limited to the enforcement of a municipal shellfish conservation ordinance and section 6621.

At the commissioner's request, a certified municipal shellfish conservation warden may collect samples and otherwise assist the department in the detection of pollutants and contaminants. The commissioner is not required to conduct tests on samples not requested by the commissioner. [PL 2005, c. 171, §1 (AMD).]

D. Enforcement by the municipality of any provision adopted by a municipality pursuant to this section may occur only in the municipality in which the shellfish is harvested. [PL 2019, c. 144, §3 (NEW).]

[PL 2019, c. 144, §3 (AMD).]

9. Penalty.

[PL 1993, c. 281, §3 (RP).]

10. Criminal penalty. A person who violates a provision of a municipal ordinance adopted under this section commits a Class D crime punishable by the following fines:

A. For harvesting shellfish from an area closed for conservation purposes:

- (1) For the first offense by a commercial license holder, a fine of not less than \$300;
- (2) For subsequent offenses by a commercial license holder, a fine of not less than \$500 and not more than \$1,500;
- (3) For the first offense by a recreational license holder, a fine of not less than \$100; and
- (4) For subsequent offenses by a recreational license holder, a fine of not less than \$100 and not more than \$500; or [PL 2005, c. 171, §2 (AMD).]

B. For violating any other provision of a municipal ordinance adopted under this section, a fine of not less than \$100 and not more than \$1,500. [PL 2005, c. 171, §2 (AMD).]

The court may not suspend a fine imposed under this subsection or impose a penalty other than the monetary payment of a fine as provided in this subsection. For purposes of this subsection, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use. A fine for a violation of article 5 must be as provided by section 6681. [PL 2005, c. 171, §2 (AMD).]

10-A. Civil penalty. A person who harvests shellfish without a municipal shellfish license or in violation of a license restriction commits a civil violation for which the following fines may be adjudged:

A. For harvesting shellfish without a municipal shellfish license:

(1) For commercial purposes, a fine of not less than \$300 and not more than \$1,000. Possession of more than one peck of clams without a license is prima facie evidence of a violation of this subparagraph; and

(2) For personal use, a fine of not less than \$100 and not more than \$500; and [PL 2013, c. 468, §31 (AMD).]

B. For harvesting shellfish in violation of a license restriction:

(1) By a commercial license holder, a fine of not less than \$300 and not more than \$1,000; and

(2) By a recreational license holder, a fine of not less than \$100 and not more than \$500. [PL 2013, c. 468, §31 (AMD).]

The court may not suspend a fine imposed under this subsection or impose a penalty other than the monetary payment of a fine as provided in this subsection. For the purposes of this subsection, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use.

[PL 2013, c. 468, §31 (AMD).]

10-B. Molesting municipal shellfish gear placed in protected areas. A municipality may, as part of a municipal shellfish conservation program, place protective netting, fencing, traps or other gear in the intertidal zone to provide protection from shellfish predators. Any netting, fencing, traps or other gear placed for this purpose must be clearly marked with signs or tags that identify the municipality that placed the gear and indicate the purpose of the gear.

A. A person may not tamper with, molest, disturb, alter, destroy or in any manner handle gear placed by a municipality in accordance with this subsection. [PL 2013, c. 517, §1 (NEW).]

B. A person who violates paragraph A commits a civil violation for which a fine of not less than \$300 and not more than \$1,000 may be adjudged. [PL 2013, c. 517, §1 (NEW).]

[PL 2013, c. 517, §1 (NEW).]

10-C. Prohibition.

[PL 2013, c. 517, §1 (NEW); MRSA T. 12 §6671, sub-§10-C (RP).]

11. Certificate as evidence. A certificate of the clerk of the municipality or any other custodian of the records of a municipal shellfish conservation ordinance adopted under this section stating what the records of the municipality show is admissible as evidence in all courts as proof of the municipal records. A certificate stating that the records do not show that a person held a license is prima facie evidence that the person did not hold the license on the date specified in the certificate. A certificate stating that the records show that a shellfish conservation ordinance or portions of an ordinance were in effect on a particular date is prima facie evidence that the ordinance was in effect on the date specified in the certificate. The certified copy is admissible in evidence on the testimony of a municipal shellfish conservation warden that the warden received the certificate after requesting it from the municipality. Further foundation is not necessary for the admission of the certificate.

[PL 1999, c. 255, §7 (NEW); PL 1999, c. 255, §8 (AFF).]

12. Intertidal mussel harvesting. With the advice of the municipality, the commissioner may issue a permit to an individual licensed pursuant to section 6746 that authorizes the permit holder to fish for and take mussels from an area designated by the municipality pursuant to subsection 3. The commissioner shall limit the number of permits issued for a designated area to that number the commissioner determines is necessary to achieve the goals of the municipality's shellfish conservation

program. The permit may specify limits on the amount of mussels taken, when the mussels may be taken and gear usage and any other conditions necessary for consistency with the shellfish conservation program.

[PL 2007, c. 494, §2 (NEW).]

For the purposes of this section, "intertidal zone" means the shores, flats or other land below the high-water mark and above subtidal lands. [PL 2017, c. 350, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 608, §§1-3 (AMD). PL 1983, c. 283 (AMD). PL 1983, c. 418 (AMD). PL 1983, c. 689 (AMD). PL 1983, c. 838, §§2-5 (AMD). PL 1985, c. 48, §1 (AMD). PL 1985, c. 52, §2 (AMD). PL 1985, c. 259 (AMD). PL 1985, c. 737, §§A28,29 (AMD). PL 1987, c. 402, §A96 (AMD). PL 1987, c. 816, §KK13 (AMD). PL 1987, c. 867 (AMD). PL 1989, c. 257, §§3-5 (AMD). PL 1991, c. 29 (AMD). PL 1991, c. 242, §3 (AMD). PL 1991, c. 390, §§5-7 (AMD). PL 1991, c. 784, §6 (AMD). PL 1991, c. 831, §1 (AMD). PL 1993, c. 281, §§3,4 (AMD). PL 1993, c. 456, §1 (AMD). PL 1995, c. 75, §1 (AMD). PL 1995, c. 531, §§1-3 (AMD). PL 1997, c. 247, §§1,2 (AMD). PL 1997, c. 589, §1 (AMD). PL 1997, c. 589, §2 (AFF). PL 1999, c. 255, §§1-7 (AMD). PL 1999, c. 255, §8 (AFF). PL 1999, c. 682, §1 (AMD). PL 2001, c. 101, §1 (AMD). PL 2001, c. 188, §§1-8 (AMD). PL 2001, c. 667, §B6 (AMD). PL 2003, c. 284, §§1,2 (AMD). PL 2005, c. 171, §§1-3 (AMD). PL 2007, c. 494, §§1, 2 (AMD). PL 2009, c. 24, §1 (AMD). PL 2011, c. 657, Pt. W, §6 (REV). PL 2013, c. 301, §14 (AMD). PL 2013, c. 468, §31 (AMD). PL 2013, c. 517, §1 (AMD). PL 2017, c. 350, §§1, 2 (AMD). PL 2019, c. 144, §§1-3 (AMD).

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

REPORT TO TOWN COUNCIL

Date: May 23, 2022
From: Kendra Amaral, Town Manager
CC: Dutch Dunkelberger, Planning Board Chair, Matt Brock, Housing Committee Chair
Subject: Title 16 – Mixed Use – Neighborhood Affordable and Cottage Cluster Housing
Councilor Sponsor: Chairperson Judy Spiller

SUMMARY

Please see the attached report from Adam Causey, Director of Planning and Development.

PROPOSED SOLUTION/RECOMMENDATION

Adopt amendment to Title 16 as proposed.

ATTACHMENTS

- Staff Memo summarizing the changes and process
- Draft Title 16 – Mixed Use – Neighborhood Amendments
- Draft Title 16 – Mixed Use - Neighborhood Enactment



TOWN OF KITTERY
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: Neighborhood Mixed Use Zone (MU-N) amendments
DATE: May 12, 2022

At their April 28, 2022 regular meeting, the Planning Board held a public hearing on proposed amendments to the Neighborhood Mixed-Use Zone. The proposed changes introduce the Town's existing affordable housing regulations (also called "inclusionary zoning requirements") into this specific zone. These changes will bolster affordable housing opportunities in the MU-N zone in two ways:

1. The affordable housing policy requires that any development proposing five or more residential units must make 10% of the total number of units proposed affordable as defined by the Town.
2. The policy also allows a developer to make a payment-in-lieu (amount set by Town Council) to the Housing Fund rather than construct an affordable unit for use in future projects.

In addition to public comments entered into the record at the Planning Board meeting, members of the board had a spirited discussion on the effectiveness of payment-in-lie fees and other related factors of affordable housing regulations. Many of these topics were subsequently shared in the workshop with Town Council on May 2, 2022.

In addition to the housing-related amendments, this proposal included amendments pertaining to landscaping and the addition of a housing type called "cottage cluster," which would then be permitted in this zone. Cottage clusters are currently defined in Title 16 and permitted in other zones and offer a housing type currently not available in Kittery.

Finally, the staff discovered a typo that leads to an undesired setback minimum in the rear yar. The correction will make the rear yard setback a minimum rather than a maximum.

**TITLE 16
AFFORDABLE HOUSING
MIXED-USE NEIGHBORHOOD**

1. AMEND 16.4.26 Mixed-Use - Neighborhood MU-N to allow cluster cottages, require affordable housing, correct a typo in the rear yard setback, and add buffer requirement details, as follows:

1 A. Purpose

2 To encourage higher density, mixed-use development that provides increased housing
3 opportunities and a desirable setting for business while balancing such increased development
4 with environmentally conscious and ecologically sensitive use of land.

5 B. Permitted Uses

6 (1) Dwelling, Attached Single-Family

7 (2) Dwelling, Multi-Family

8 (3) Dwelling units located on the upper floors of a mixed-use building that is served by
9 public sewer. ~~Multi-Family (units on the upper floors of a mixed-use building that is~~
10 ~~served by public sewer)~~

11 C. Special exception uses

12 (1) Dwellings, Cottage Cluster

13 ~~(1)~~(2) Commercial Kennel

14 ~~(2)~~(3) Parking Area

15 ~~(3)~~(4) Construction Services

16 ~~(4)~~(5) Equipment sales and rentals (only on lots with frontage on Route 236)

17 ~~(5)~~(6) Gas service station (only on lots with frontage on Route 236)

18 ~~(6)~~(7) Industry, light (greater than 20,000 square feet in gross floor area)

19 ~~(7)~~(8) Mass Transit Station

20 ~~(8)~~(9) Mechanical Services

21 ~~(9)~~(10) New Motor Vehicle Sales (only on lots with frontage on Route 236)

22 ~~(10)~~(11) Used Car Lot (only on lots with frontage on Route 236)

23 ~~(11)~~(12) Repair Garage (only on lots with frontage on Route 236)

24 ~~(12)~~(13) Retail Sales (greater than 30,000 square feet in gross floor area and less than
25 50,000 square feet in gross floor area)

26 ~~(13)~~(14) Undefined use; additional commercial/business uses not defined by § 16.3.

27 (a) Undefined uses: will be considered by the Planning Board based on the following
28 criteria:

29 [1]. If the use is consistent with the Comprehensive Plan and zoning district purposes;
30 and

31 [2]. If the use meets special exception criteria found in § 16.3.2.1.C(14)

32 (b) In addition, the undefined use must meet one or both of the following criteria:

33 [1] If the proposed use has substantially similar impacts as a listed use.

34 [2] If the proposed use is compatible with existing uses within the zoning district for
35 which it is proposed.

36 D. Standards.

37 All development and the use of land in the MU-N Zone must meet the following standards.
38 Kittery's Design Handbook illustrates how these standards can be met. In addition, the design
39 and performance standards of § 16.5, 16.7 and 16.8 must be met unless noted otherwise below.

- 40 (1) All submissions must include a lighting plan. Hours of operation and number of
41 employees for businesses must also be provided.
- 42 (2) The following space standards apply:
- 43 (a) Minimum land area per dwelling unit - mixed-use building: 4,000 square feet for first
44 residential unit plus 3,000 square feet for each additional unit, no minimum land area
45 for business or commercial uses when combined in a building with residential uses
46 except that the total lot size must be at least 20,000 square feet.
47 [1] NOTE: ADA-compliant units may be located on the first floor through a special
48 exception permit by the Planning Board but only 50% of the first floor may be
49 such ADA-compliant residential units.
 - 50 (b). Minimum land area per dwelling unit - multiunit residential: 4,000 square feet for
51 first unit, plus 2,500 square feet for each additional unit up to 16 units per acre of lot
52 size. Total lot size must be a minimum of 20,000 square feet.
 - 53 (c). Mixed-use or multiunit residential buildings which encompass at least 50% of
54 required parking within the building: Two additional residential units may be added
55 to each story above the parking with no additional land area required.
 - 56 (d). Mixed-use buildings which encompass at least 50% of required parking within the
57 building and include a liner building for nonresidential uses buffering parking from
58 the street: One additional residential unit may be added to each story with no
59 additional land area required.
 - 60 (e). Minimum land area per bed for long-term nursing care and convalescent care
61 facilities that are connected to public sewer: 2,000 square feet.
 - 62 (f). Minimum land area per residential unit for residential care facilities that are
63 connected to public sewer: 3,000 square feet.
 - 64 (g). Minimum lot size: 20,000 square feet.
 - 65 (h). Minimum street frontage: 75 feet.
 - 66 (i). Minimum front setback on Route 236: 30 feet.
 - 67 (j). Minimum front setback on Dennett Road: 50 feet.
 - 68 (k). Minimum front setback on Martin Road: 100 feet.
 - 69 (l). Maximum front setback all other roads: 20 feet.
 - 70 (m). Spacing between buildings: 15 feet.*
 - 71 (n). ~~Maximum~~Minimum rear and side setbacks: 20 feet.**

72 NOTES:

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

** Except as may be required by the buffer provisions of Code. See Landscaping, Screening
and Buffers §16.4.26.(8)

73 (o). Maximum building height: 50 feet (exclusive of solar apparatus).

74 (p). Maximum impervious and outdoor stored material coverage: 70%.

75 NOTE: With Best Management Practices (BMPs) and Low Impact Development

76 Practices (LIDs) as defined in § 16.3 and based on Maine DEP's Maine
77 Stormwater Best Management Practices Manual, Volumes I - III, as amended
78 from time to time, incorporated in site design, otherwise 60%. Maximum on-site
79 stormwater infiltration is the desired and measurable outcome.

80 (q). Minimum setback from streams, water bodies and wetlands in accordance with Table
81 16.5.30.

82 [1] With Best Management Practices (BMPs) and Low Impact Development
83 Practices (LIDs) as defined in § 16.3 and based on Maine DEP's Maine
84 Stormwater Best Management Practices Manual, Volumes I - III, as amended
85 from time to time, incorporated in site design, then wetland setbacks pursuant
86 only to Maine Department of Environmental Protection (MDEP) Rules Chapters
87 305 and 310.

88 [2] Without Best Management Practices (BMPs) and Low Impact Development
89 Practices (LIDs) as defined in § 16.3 and based on Maine DEP's Maine
90 Stormwater Best Management Practices Manual, Volumes I - III, as amended
91 from time to time, incorporated in site design, wetland setbacks pursuant to
92 Kittery Town Code Title 16, Table 16.5.30.

93 [3] The Town shall retain expert consultation (qualified wetland scientist and/or
94 Maine-certified soil scientist) to determine wetland delineations and
95 classifications and to perform soil testing as needed, all of which shall be paid for
96 by the applicant at the time of sketch plan. The qualified wetlands scientist and/or
97 Maine-certified soil scientist shall determine through field investigation the
98 presence, location and configuration of wetlands on the area proposed for use.
99 Any wetland alterations proposed must also be reviewed by the Town's
100 consultant(s) at the applicant's expense. These requirements are in addition to
101 engineering, stormwater management/BMPs, traffic or other types of peer review
102 that may also be required.

103 (r). Minimum open space:

104 [1] Lot size less than 100,000 square feet: 15%.

105 [2] Lot size greater than 100,000 square feet: 25%.

106 NOTE: This requirement may be met by a payment-in-lieu to the Wetland
107 Mitigation Fund unless the development proposed is a cottage cluster as defined by
108 Title 16. These fees shall be set by Town Council. Landscaping, screening and
109 buffer requirements must still be met.

110 (3) Parking:

111 (a) Parking is encouraged within buildings. New or revised surface parking areas,
112 garages, and entrances to parking within buildings must be located to the rear of
113 buildings. If a rear location is not achievable, as determined by the Planning Board,
114 parking, garages and entrances to parking must be located to the side of the building.
115 Screening and/or fencing is required for surface parking areas along a street. See
116 Subsection (8), Landscaping, Screening and Buffers. Parking requirements are based
117 on the Institute of Transportation Engineers (ITE) parking generation rates.

118 (b). Joint-use agreements (between businesses and residences) for parking are
119 encouraged. A plan describing how joint-use parking needs will be met is required as
120 part of any development that proposes such parking and must be reviewed and

- 121 approved by the Planning Board.
- 122 (c). Parking requirements for nonresidential uses may be met partially or in full by
- 123 parking on the street except that no parking is allowed on Route 236, Dennett Road,
- 124 or Martin Road. Such on-street parking plans must be reviewed by planning staff
- 125 prior to submission and then reviewed and approved by the Planning Board.
- 126 (d). Electric car charging stations are encouraged and allowed in parking lots but must not
- 127 interfere with pedestrian movement on sidewalks.
- 128 [1] Parking for development that includes trails and low intensity recreation:
- 129 Development that includes the creation of public trails and low intensity
- 130 recreational opportunities such as wildlife observation stations or boardwalks may
- 131 apply the pertinent off-street parking standards below. All other off-street parking
- 132 standards as found in § 16.7.11F(3) shall apply.
- 133 (e) Multi-family residential buildings and mixed-use buildings that include residential.
- 134 [1] One parking space for studio and one-bedroom dwelling units.
- 135 [2] One and one-half parking spaces for two-bedroom dwelling units plus one guest
- 136 parking space per every four dwelling units.
- 137 [3] Two parking spaces for more-than-two-bedroom dwelling units.
- 138 (4) Loading docks, overhead doors, service areas and outdoor storage areas.
- 139 (a) Loading docks and overhead doors must be located on the rear or side of the building.
- 140 Loading docks must be screened from view by adjacent residential uses. This
- 141 screening must consist of the following:
- 142 [1] A fence, constructed of a material similar to surrounding buildings, of sufficient
- 143 height as determined by the Planning Board to accomplish the screening. No
- 144 fence may be less than six feet tall.
- 145 (b). All service areas for dumpsters, compressors, generators and similar items as well as
- 146 any outdoor storage areas must be screened by a fence at least six feet tall,
- 147 constructed of a material similar to surrounding buildings, and must surround the
- 148 service or storage area except for the necessary ingress/egress.
- 149 (5) Site design
- 150 Site design and building placement must be attentive to the surrounding environment
- 151 including sun, wind and shade patterns related to proposed and existing buildings. A
- 152 sun/shade analysis may be required by the Planning Board.
- 153 (6) Energy and sustainability
- 154 Energy efficiency is allowed and encouraged through the use of solar power, geothermal,
- 155 and other alternative and sustainable power sources.
- 156 (7) Building design standards.
- 157 (a) New buildings must meet the general design principles set forth in the Design
- 158 Handbook except as noted below. In general, buildings should be oriented to the
- 159 street from which they derive frontage, with the front of the building facing the street.
- 160 The front facade must contain the following:
- 161 [1] A front door for pedestrian access.
- 162 [2] Windows.

163 (b). Flat roofs, proposed to locate heating, cooling, or other such mechanical or electrical
164 apparatus off the ground, are acceptable provided that such apparatus are screened
165 from view and the screening is designed as an integral part of the building to aid both
166 aesthetics and noise attenuation. Flat roofs proposed for the purpose of solar array
167 installations are also acceptable.

168 (8) Landscaping, screening and buffers.

169 (a) A landscape plan prepared by a registered landscape architect is a submission
170 requirement. However, a landscape plan done by other design professionals may be
171 allowed at the Planning Board's discretion.

172 (b). Northeastern native trees, shrubs and herbaceous plantings, selected for climate
173 change tolerance, are preferred and must be drought and salt tolerant when used along
174 streets. A diversity of tree species (three to five species per every 12 trees) is required
175 to provide greater resiliency to threats from introduced insect pests and diseases.

176 (c). Any required plantings approved by the Planning Board that do not survive must be
177 replaced within one year. This requirement does not expire and runs with the land.

178 (d) Landscaping along the street frontage of each building must consist of one of the
179 following:

180 [1] Street trees. A minimum of one street tree must be planted for each 20 feet of
181 street frontage. Trees may be planted in groups or spaced along the frontage.
182 However, trees must be planted to ensure survival, using silva cells, bioretention
183 cells or tree wells. Trees are to be a minimum of 2.5-inch caliper and 12 feet high
184 at the time of planting. Existing large healthy trees must be preserved if practical
185 and will count towards this requirement.

186 [2] Pocket Park. The park must be at least 200 square feet. A minimum of three trees
187 and a bench for sitting are required. Park must be vegetated with ground cover
188 except for walkways.

189 (e) Surface parking areas that abut a street must provide screening in one of the following
190 ways:

191 [1] One tree per 25 feet of street frontage backed by a fence constructed of a material
192 similar to surrounding buildings which must screen the parking area from the
193 street except for necessary vehicular and pedestrian access. Trees must be at least
194 2.5-inch caliper and 12 feet high at the time of planting.

195 [2] A combination of trees and shrubs including at least 50% evergreen species, all at
196 least six feet high at time of planting, in a planting bed at least eight feet wide.
197 Plantings must be sufficient, as determined by the Planning Board, to screen the
198 parking area from the street except for necessary vehicular and pedestrian access.
199 Planting beds may be mulched but no orange- or red-dyed mulching material may
200 be used.

201 [3] A minimum of 10% of any surface parking area consisting of 10 or more parking
202 spaces must be landscaped with trees and vegetated islands. This requirement is in
203 addition to the screening requirements in Subsection §16.4.26.D(8)(e)(i) and
204 §16.4.26.D(8)(e)(ii) if the parking area abuts a street. Bioretention cells and rain
205 gardens may be utilized to meet the landscaping requirements and perform
206 stormwater management.

207 (f) Buffers required between residential uses and mixed use or nonresidential uses, and
208 between adjacent residential zones and this zone must be 50 feet wide and consist of

- 209 one of the following as determined by the Planning Board:
210 [1]. Existing natural woodland and vegetation.
211 [2]. Existing natural woodland augmented by the planting of additional trees
212 consisting of a variety of species at least 2.5-inch caliper and 12 feet high.
213 [3]. A fence at least six feet high, constructed of material similar to surrounding
214 buildings, with plantings of trees and shrubs at least six feet tall on either side of
215 the fence.

- 216 (9) Open space
217 Open space must be provided as a percentage of the total parcel area including freshwater
218 wetlands, water bodies, streams and setbacks. Required open space must be shown on the
219 site plan with a note dedicating it as open space. The open space must be situated to
220 protect significant natural features and resources, minimize environmental impacts and
221 promote an aesthetically pleasing site.
222 (a) Wherever possible, large healthy trees and areas with mature tree cover must be
223 included in the open space.
224 (b). Location of open space must promote the continuity of open-space networks across
225 adjacent parcels.
226 (c). Where possible, open space and open-space networks must include public trails and
227 low-intensity recreational opportunities.

- 228 (10) Special situations
229 Expansions or modifications of 1,000 square feet or less to existing uses are exempt
230 from landscaping, screening and buffer requirements.

- 231 (11) Conditions for approving special exception uses in the Neighborhood Mixed-Use Zone.
232 All applications must include a narrative describing why the use proposed will promote
233 the general welfare (specifics may be found in § 16.3 Definitions for special exception)
234 of the Town of Kittery, how the use proposed will meet the special exception criteria
235 found in § 16.2.12.F.(3) and how the proposed development will adapt and relate to the
236 natural environmental conditions found on the site.

237 (12) Cottage cluster requirements:

- 238 (a) Cottage cluster dwelling units must either face the required common open space or
239 the street. The required open space must be held in common for use by all the cottage
240 cluster residents and must be immediately accessible to each dwelling unit, via either
241 the front or the back of each unit.
242 (b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing
243 between units must comply with the requirements of the Fire Department and/or the
244 State Fire Marshall's office.
245 (c) Shared parking areas must be connected to each dwelling unit via a sidewalk.
246 (d) A minimum of 10% of the property must be open space.

247 (13) Affordable housing requirements:

- 248 (a) All requirements in 16.5.4 Affordable Housing must be met.

**KITTERY TOWN CODE –
TITLE 16
AFFORDABLE HOUSING
MIXED USE NEIGHBORHOOD (MU-N)**

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

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

10 **WHEREAS**, the Town of Kittery desires to promote and retain a diverse community of residents
11 who provide essential services to the Town, cultural enrichment, a variety of ages and
12 backgrounds, or who currently live in Kittery on modest means; and

13 **WHEREAS**, the Town of Kittery recognizes that municipal support provided through a
14 combination of policy, ordinances, and funds is needed for the creation, rehabilitation, and
15 retention of affordable housing units in Kittery; and

16 **WHEREAS**, the Town of Kittery seeks to remove barriers and incentivize the creation,
17 rehabilitation, and retention of affordable housing units through its zoning code;

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

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

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

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



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

REPORT TO TOWN COUNCIL

Meeting Date: May 23, 2022
From: Kendra Amaral, Town Manager
Subject: Title 10 – Gorges Road Parking
Council Sponsor: Chairperson Judy Spiller

OVERVIEW

Town staff are recommending the Council prohibit parking on Gorges Road for the safety of vehicles and heavy truck use of the road, and more importantly to ensure access to and from the Gorges Road Fire Station.

Public Works has identified that large, heavy trucks are parking along the road edge damaging the pavement edge and impacting the longevity of the road. The trucks are stopping for various durations either to rest, because there was not space at the area truck stop, or for other needs.

Additionally, trucks are parking in front of the apparatus bays for the Fire Department, which can impede emergency response.

The proposed amendments would prohibit parking and allow the Police Department to issue parking tickets for parking on Gorges Road.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

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

Chapter 10.3 Prohibit Parking on Gorges Road

1. ADD Gorges Road to the list of streets where parking is prohibited, as follows:

§ 10.3.1 **General parking regulations.**

§ 10.3.1.1 **Prohibited at all times.**

Parking is prohibited at all hours in the following locations:

[Gorges Road, both sides, from the intersection of the Route 1 Bypass to Ranger Dive](#)



Title 10 - Gorges Road Parking

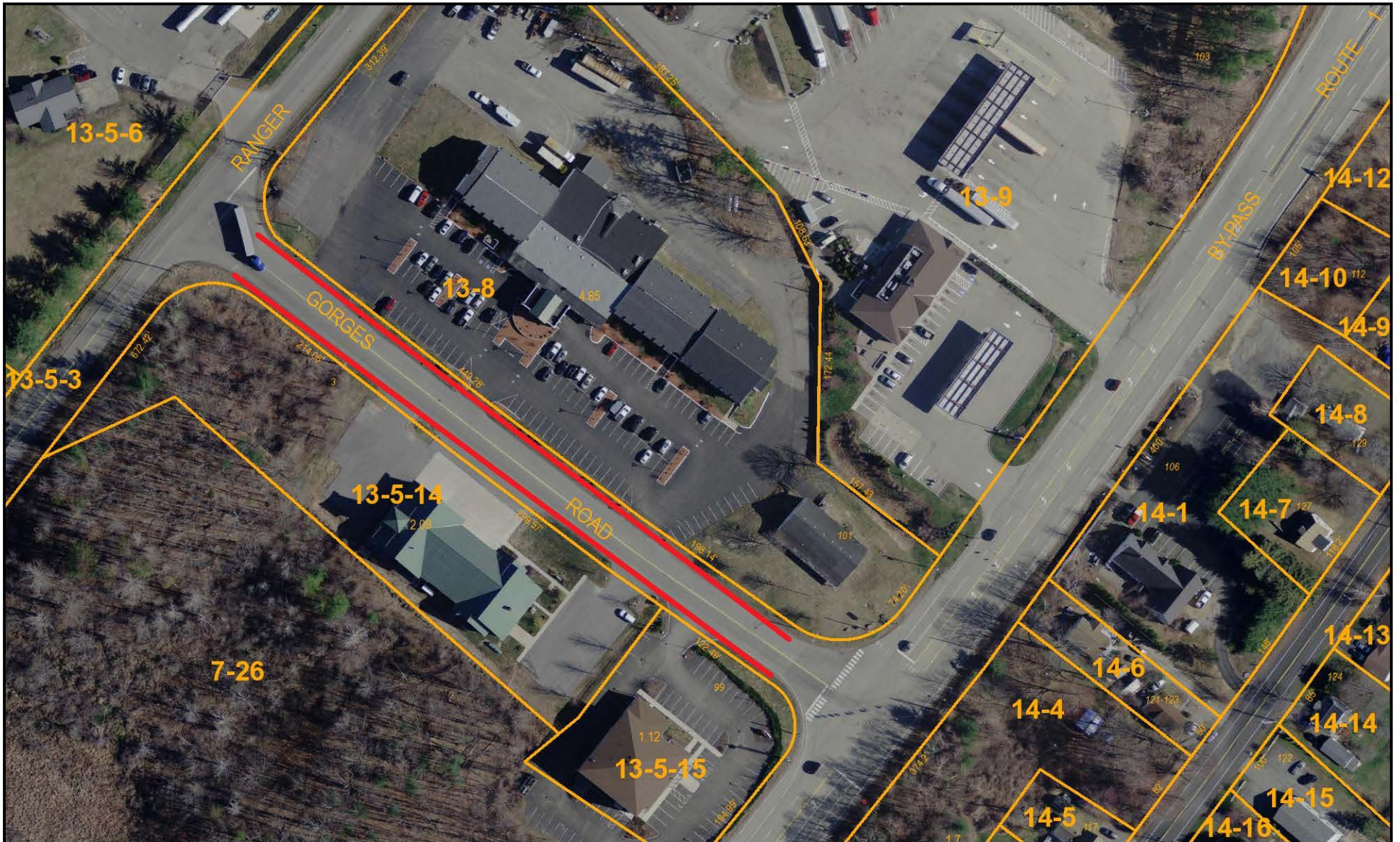
Kittery, ME



May 17, 2022

1 inch = 137 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.

**KITTERY TOWN CODE
TITLE 10
GORGES ROAD 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 around the Gorges Road Fire Station and
11 on a route that sees heavy truck traffic 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



**OFFICIAL BALLOT
TOWN MEETING ELECTION
KITTELY, MAINE
JUNE 14, 2022**

Karen Estee
Town Clerk

Instructions to Voters

- ◆ To vote for the selection of your choice, fill in the oval to the left, like this: ●.
- ◆ To have your vote count, do not erase or cross out your choice.
- ◆ If you make a mistake, ask for a new ballot.

Article 2: Shall the town vote to authorize the Town Council to transfer up to \$125,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$125,000 when necessary to maintain a positive fund balance in the Compensated Absences account and to pay for accrued vacation and/or sick leave to settle any unpaid benefits owed to retired or terminated employees in the fiscal year?

Town Council Recommends - Vote: Yes 7 No 0

- Yes
- No

Explanation: The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) to pay for accrued benefits owed when a municipal employee retires or leaves. The reserve account balance is currently \$289,739. The unassigned fund balance (unencumbered surplus) is currently \$8,131,323.

Article 3: Shall the town vote to authorize the Town Council to transfer up to \$25,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$25,000 when necessary for the purpose of paying the town's cost on accepted insurance claims against the town?

Town Council Recommends - Vote: Yes 7 No 0

- Yes
- No

Explanation: The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) to pay the deductible and other associated costs on insurance claims that may be made in the fiscal year. The unassigned fund balance (unencumbered surplus) is currently \$8,131,323.

Article 4: Shall the town vote to authorize the Town Council to transfer up to \$500,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$500,000 when necessary for the purpose of providing the town's match to federal, state, and non-profit grants?

Town Council Recommends - Vote: Yes 7 No 0

- Yes
- No

Explanation: Grant applications are filed by different town departments to assist with the operations and capital purchases. These grants, if successful, often require a local match to be raised. The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) when and if necessary, for the purpose of meeting grant match requirements. The unassigned fund balance (unencumbered surplus) is currently \$8,131,323.

Article 5: Shall the town vote to authorize the Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of covering shortfalls in the town departments' fuel accounts due to the unpredictable fuel pricing markets?

Town Council Recommends - Vote: Yes 7 No 0

- Yes
- No

Explanation: The purpose of this article is to provide departments, who have exhausted their allocated fuel budgets in the fiscal year, access to funds for fuel needs. The Town Council favored keeping the fiscal year fuel and utility accounts as low as possible, with this article making available surplus funds as a safety net in case of an unstable market for fuel. The unassigned fund balance (unencumbered surplus) is currently \$8,131,323.

CONTINUE VOTING ON BACK

Article 6: Shall the town vote to authorize the Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of providing for the town's General Assistance Program as required by town, state, and federal laws in the fiscal year?

Town Council Recommends - Vote: Yes 7 No 0

- Yes
- No

Explanation: The General Assistance Program is budgeted from the town's operational budget each year. The program assists town citizens with welfare type services by following very strict state and federal guidelines for income eligibility within the General Assistance Ordinance. The purpose of this article is to create a method for the Town Council to supplement the General Assistance budget if needed. The unassigned fund balance (unencumbered surplus) is currently \$8,131,323.

Article 7: Shall the town vote to authorize the Town Council to transfer up to \$50,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$50,000 when necessary for the purpose of paying for emergency repairs and energy efficiency improvements to town-owned facilities that are not contemplated in the regular fiscal year operating budget?

Town Council Recommends - Vote: Yes 7 No 0

- Yes
- No

Explanation: Occasionally, repairs to town facilities are needed that have not been budgeted. In addition, energy efficiency projects are being identified to further save the town funds. The purpose of this article is to allow the Town Council to make unplanned emergency facility repairs and undertake energy efficiency projects that may arise in the fiscal year. The unassigned fund balance (unencumbered surplus) is currently \$8,131,323.

Article 8: Shall the town vote to authorize the Town Council to transfer up to \$ 50,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$50,000 for a Municipal Property Tax Assistance program to credit property taxes owed by certain residents that meet the program requirements?

Town Council Recommends - Vote: Yes 7 No 0

- Yes
- No

Explanation: The Senior Tax Credit program allows for taxpayers that qualify to receive a credit on their property taxes each year. The program assists seniors with their property tax obligations. The unassigned fund balance (unencumbered surplus) is currently \$8,131,323.

Article 9: Shall the town vote to authorize the expenditure of up to \$460,000 from unassigned funds (unencumbered surplus) for the purchase of a fire rescue vehicle for the replacement of Rescue 3, the Kittery Fire Department's primary fire apparatus?

Town Council Recommends - Vote: Yes 7 No 0

- Yes
- No

Explanation: The current Rescue 3 apparatus was purchased in 2001 and scheduled for replacement in FY2026. The estimated cost for replacement, with normal inflation, was \$773,674 in FY2026. The funds needed to replace it would have been secured by FY2026 in accordance with the CIP funding schedule. However, during the latest annual maintenance and safety inspection, the frame was found to be severely corroded in the rear end area. Repairs have been made to keep the vehicle safe for operating in the short-term; but the repairs will not last for four years (FY2026). The purpose of this article is to allow the Town to replace the fire apparatus now and avoid a reduction in service response from the Fire Department. Due to rapid inflation of parts, materials, and labor, the cost to replace the apparatus based on a current bid is approximately \$746,000. The Fire Apparatus Holding Account has a balance of \$288,591. The unassigned fund balance (unencumbered surplus) is currently \$8,131,323.

May 1st, 2022

To Whom It May Concern,

I have thoroughly enjoyed my time volunteering with the Kittery Parks Commission, but I am writing this letter to inform you of my resignation from this Advisory Board.

The Town Parks were one of the first treasures my family experienced when moving to Kittery and I was drawn to volunteer my time to care for them. I feel content with my actions, leadership, contributions, and accomplishments during my tenure. Over the last year I have spoken with a new generation of volunteers wanting to join in the Parks Commission. I am confident the timing of my resignation will allow the open spot to be filled quickly and by someone with new ideas resulting in further improvement to the town Parks.

In addition, over the last few years I am feeling a new passion in improving the town's athletics. I have been a leader in forming the Kittery's Athletics and Fields Committee and have recently been elected to Chair. I am excited for this venture and wish to allocate my time to this new opportunity to serve the town.

I appreciate your understanding in accepting my resignation, and hope you are as excited as I am to continue to communicate and work together improving the towns fields and athletics program.

Thank you for the opportunity you have provided me by approving my initial application to the Parks Commission and reappointments over the years. I have learned a lot, and thoroughly enjoyed the experience.

Sincerely,
Rich DeMarco,
10 Tudor Dr, Kittery

May 17, 2022

Hi Karen,

I spoke with Richard Maina of the Kittery Harborside Garden Club this morning. They are seeking Council approval to place signs throughout Town the week of May 23rd to advertise the annual plant sale on Saturday May 28, 9AM to 1PM at the Lions Club. The Garden Club donates their time and resources to caring for planted areas around town including Inspiration Park. Some of the proceeds from the plant sale go to support Traip students.

Thank you,
Kendra



Kittery Community Center
120 Rogers Road, Kittery, ME 03904
(p) 207-439-3800 • (f) 207-439-1780
www.kitterycommunitycenter.org

Director
Community Programs Supervisor
Youth Programs Supervisor
Community Center Supervisor

Jeremy Paul
Valerie Lachapelle
Kyle Cook
Chris Luise

To: Kendra Amaral, Town Manager
Kittery Town Council Chairperson Judy Spiller
Kittery Town Councilors
From: Jeremy Paul, Director
Re: Kittery Block Party Sign Permit Requests
Date: May 18, 2022

The Kittery Block Party is back!

The 2022 Kittery Block Party is scheduled for Saturday, June 18th.

The Kittery Block Party Committee is requesting authorization from Council to place banners at the following locations to help publicize the event. All locations will place the banner at their respective establishments. All establishments are playing major roles in the sponsorship of this Community Event. We'd like to have the banners up from June 1-June 20.

The locations are:

- Rice Public Library
- York Hospital Kittery
- Kittery Trading Post
- Kennebunk Savings
- Lil's Café

In addition, the Kittery Block Party Committee is requesting authorization from Council to post directional signs/arrows in the traffic circle and other spots around town. These stake signs would be posted Friday night/Saturday morning and be picked up immediately at the conclusion of the Block Party.

The Kittery Block Party is a celebration of local art, culture and food that fosters lasting relationships and strengthens community in a fun neighborhood atmosphere enjoyable to all ages.

The Kittery Block Party will feature artisans, artists, non-profits, area farmers, and restaurants – with an emphasis on “local” – as well as other community involvement. There will be a children's area, live entertainment throughout the day, demonstrations and educational exhibits. This event is sure to entice, educate, and entertain all ages. KBP is a rain or shine event, and there is no admission fee.

Vendor booths will be set up in well-known downtown Kittery. This easily navigable neighborhood will host booths and entertainment from Government Street through Wallingford Square and up Walker and Wentworth Streets. The Block Party's main venue is compact and walkable, making everything easily accessible from the centrally located main stage area on the corner of Walker Street and Government Street.



Maine Municipal
Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

To: MMA's Key Municipal Officials
From: James Bennett, President, Maine Municipal Association
Date: May 2, 2022
Re: Nominations to MMA's 2022-2024 Legislative Policy Committee

This memo begins the process of electing 70 dedicated municipal officials to serve on MMA's Legislative Policy Committee (LPC) over the next two-year period. Given the importance of this Policy Committee to MMA's overall mission, I urge you to help us identify nominees for service during the 2022-2024 biennium.

The LPC brings elected and appointed officials together from towns and cities across the state. According to its by-laws, the purpose of the LPC is "*to define municipal interests and to maximize those interests through effective participation in the legislative process.*" Operating something like a town meeting, the LPC establishes MMA's public policy positions on all matters of direct and statewide municipal interest for representation in the State House.

After the next LPC is elected, its first task will be to develop MMA's legislative agenda for submission to the Legislature in January 2023. Beginning in early 2023, the LPC will meet to determine MMA's position on all municipally-related legislation submitted by the Governor and legislators. MMA's legislative staff advocates for the positions established by the LPC.

The membership of the LPC tends to be a mixture of seasoned municipal officials, who bring an extraordinary depth of experience to the table, and new members with fresh concerns and insights. Speaking as a former Chair of the LPC, it is my observation that the debates and decision-making accomplished by this Committee often include public policy discussions of the highest caliber. The results certainly help establish MMA's credibility in the Maine legislative process.

A Nomination Form is enclosed. Two municipal officials are elected from each of Maine's 35 Senate Districts. What follows is background information on the process of election, and the suggested time commitment to serve.

Background Information. Any elected or appointed municipal official holding office in any MMA member community is eligible to serve on the Committee. There are two seats on the LPC for each State Senate District. Members serve two-year terms, representing their own community and the other municipalities in their Senate District.

(over)

LPC activities require a time commitment of approximately ten hours a month during legislative sessions (i.e., during the first 4 months of each calendar year) which includes attendance at the monthly meeting and contacts with other communities and legislators in the district as issues arise. The LPC is also engaged in the development of MMA's legislative agenda during the fall and early winter of each even-numbered year, which typically involves at least one additional meeting in Augusta. All mileage expenses are reimbursed. MMA's strength as a municipal advocate depends on the active help of a dedicated LPC membership.

More information about MMA's Legislative Policy Committee and the Association's entire advocacy program can be found at the Legislative/Advocacy link at MMA's website <http://www.memun.org/LegislativeAdvocacy/TheLPCHandbook.aspx>. In particular, the *LPC Handbook* describes the Association's overall policy development process and procedures in more detail.

Nomination Process

Your municipality is entitled to nominate a representative to the LPC.

- The nominee may be either elected or appointed, but must be serving currently as a municipal official.
- You may nominate any municipal official from any member town or city within your Senate/LPC District; you do not have to nominate someone from your municipality.
- The names and brief bios of all municipal officials properly nominated will appear on the LPC ballot, which will be distributed on June 23rd.

Nominee Profile

Because the municipal officers may not be familiar with a nominee from another municipality, a brief description of each nominee who completes the enclosed **Nominee Profile Sheet** will be provided with the ballots that are distributed in late June. Please make sure that the person you nominate has a chance to complete the Nominee Profile Sheet and that it is returned to MMA with the Nomination Form.

Deadline for Submitting Nomination

- ✍ The Chairman of your Board of Selectman, Council or Assessors (the "nominator") *and the nominee* must sign the nomination form for it to be valid. If you are unable to obtain the signature of the nominee prior to the deadline, an email from the nominee signifying their willingness to serve, will serve as their signature.
- ☒ The forms must be returned to MMA by 5:00 P.M. on June 22, 2022, to be counted. Ballots will be sent out immediately after the nomination process closes, so make sure the nomination form is received by MMA by that deadline. Please return the nomination form *and* nominee profile to **Laura Ellis** at MMA either by FAX (624-0129), by email (Lellis@memun.org) or by mail using the enclosed envelope.

If you have any questions, please call MMA's Advocacy & Communications staff at 1-800-452-8786 or 623-8428.

NOMINATION FORM

Maine Municipal Association's
Legislative Policy Committee
July 2022 to June 2024


Senate District 35

Eliot
Kittery

Ogunquit
South Berwick


York

The municipal officers of Town of Kittery hereby nominate:
Print name of your municipality

Nominee: Kendra Amaral 
Print name of Nominee

Nominee's municipality: Town of Kittery Position: Town Manager

Date: 5/23/2022

Signature of Nominator 

Print name of Nominator

Consent

I agree to accept the nomination and to serve if elected to the MMA Legislative Policy Committee:

Date: _____

Signature of Nominee 

Please return Nomination Form by 5:00 p.m. by Wednesday, June 22, 2022, to:

Laura Ellis - Maine Municipal Association
60 Community Drive, Augusta, ME 04330
FAX: 624-0129

Nominations received after 5:00 p.m. on June 22, 2022 will not be counted.