



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL COUNCIL CHAMBERS

June 13, 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_R1AF0cFCRNesU_AkEooyvA

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 23, 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.

10. PUBLIC HEARINGS

- a. (060122-1) The Kittery Town Council moves to hold a public hearing on the Town Meeting Articles.
- b. (060122-2) The Kittery Town Council moves to hold a public hearing on Title 10 Gorges Road Parking.
- c. (060122-3) The Kittery Town Council moves to hold a public hearing on Title 12 Shellfish.
- d. (060122-4) The Kittery Town Council moves to hold a public hearing on Title 16 Affordable Housing Mixed Use Neighborhood.
- e. (060122-5) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from the Buoy Shack, located at 1 Badgers Island West, Unit 5, Kittery.
- f. (060122-6) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from the Buoy Shack, located at 1 Badgers Island West, unit 5, Kittery.
- g. (060122-7) The Kittery Town Council moves to hold a public hearing on a new Retail Sales application of wine, spirits or malt liquor at the Kittery Community Market.
- h. (060122-8) The Kittery Town Council moves to hold a public hearing on a new Special Activity Amusement permit from The Black Birch, located at 2 Government Street, Kittery.
- i. (060122-9) The Kittery Town Council moves to hold a public hearing on a new Liquor License application from Siam Mellow Tasty, located at 182 State Road Kittery.
- j. (060122-10) The Kittery Town Council moves to hold a public hearing on a new Liquor License application from Tributary Brewing Company, located at 10 Shapleigh Road 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
- b. (060122-11) The Kittery Town Council moves to appoint a Councilor along with the Chair from the Parks Commission to interview John Corgan for a three-year term.
- c. (060122-12) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Kittery Community Center Board of Directors to interview Leela Pahl for a three-year term.
- d. (060122-13) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Kittery Community Center Board of Directors to interview Kathleen Starkey for a three-year term
- e. (060122-14) The Kittery Town Council moves to accept the resignation of Alan Rindler from the Board of Assessment Review.
- f. (060122-15) The Kittery Town Council moves to approve a Pole Permit request from Central Maine Power to install a Pole South Bound side of roadway between Old Ferry Lane and Wyman Avenue.
- g. (060122-16) The Kittery Town Council moves to approve a sign request from Kittery Adult Education to place signs about Town to advertise their HiSET (High School Equivalency Test) exam completion campaign.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: June 9, 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

June 13, 2022

- 1. PFAS Update** – We have received confirmation from Maine DEP they will accept the water line extension solution for Jewett, Pettigrew/Shade Tree, and the properties on Evergreen.

The program reimburses for costs up to 90% if the property was built before 2000, and 50% if built after 2000. The Jewett line will be reimbursed at 50%; Pettigrew/Shade Tree would be a blended reimbursement rate (to be determined by DEP), and Evergreen would be at 50%. Working with Kittery Water District, we received cost estimates for Jewett and Pettigrew/Shade Tree in February and used that to calculate the anticipated total cost to the Town after reimbursement. The scope of work anticipates a direct connection to each home from the new water main.

The Bolt Hill property preferred a water filter system rather than connect to KWD. Installation of the filter system is eligible for 90% reimbursement. The town's total expected cost for the filter will be less than \$1,000 and can be covered with existing funds.

Total anticipated cost exposure to the Town for the new water mains is approximately \$324,000. This assumes There are a number of funding options for the work including ARPA, year-end transfer, and/or allocation of exposed unassigned fund balance (Grant Match category). I am also working on following up with other sources for potential additional offsetting grants. To note though, relying on additional grant funding will delay implementation and may not be successful in terms of securing more funding.

I am seeking Council consensus on moving forward. If the Council is comfortable with the potential costs and sources, we can reach out to each property owner about their intention to connect, bid the project based on a clearly defined scope, and pursue the additional grant funding opportunities.

- 2. ADU Grant Launched** – The Housing Committee has launched its ADU Grant Pilot Program. The program will fund up to \$50,000 for design, permitting and construction of an accessory dwelling unit (ADU) for up to two applicants. The grant is funded through the allocation of ARPA money.

The Housing Committee reported on the development of this grant in their Annual Report to Council on November 22, 2021. The Committee had determined that the primary goal for the use of the Housing Reserve fund should be to increase housing supply through the generation of new housing units in Kittery. As we know, there is a severe shortage of housing which is driving up rents and housing prices. ADUs are seen as such a critical part of the affordable housing strategy for Maine.

The grant will not only provide an income qualified property owner with the opportunity to earn rental income, it will add two new affordable units to Kittery's housing stock. The rents for the new ADUs will be restricted to affordable based on Maine Housing guidelines.

For more information, please visit www.kitteryme.gov/adugrant. Applications are due August 1, 2022.

3. **Seapoint Beach Fires** – The implementation of the Seapoint Beach Fire ordinance has been challenging so far. Since May 1st, there have been nine weekend evenings and a holiday. The Fire Chief has conducted six monitoring visits, and the Fire Department has been called to the beach five times by neighbors noticing more than five fires, or fires that may not be permitted.

The Police Officers are attempting to get out to the beach on evenings. However, as noted when the ordinance was passed, we cannot guarantee Officer availability at any given time; they must prioritize 911 calls and calls for service.

Temporary signage has been installed at Seapoint and includes information about beach fire permits being required. Larger, permanent signs are being ordered but are not likely to arrive until later this summer. The notice of Beach Fire Permits is on our home page and we have conducted a number of news blasts. The Portsmouth Herald ran a story on the new permit requirement as well.

Public Safety Dispatch is receiving a call nearly every weekend evening for public safety personnel to respond and verify permits. The Town does not have full-time firefighters on staff nights and weekends, so Call Firefighters are being called in to respond. The team are expressing concern about this continuing throughout the summer. We are concerned it will result in fewer Call Firefighters being willing to respond when needed.

When the ordinance was drafted, it was discussed that monitoring could not be guaranteed every night. However, the public safety staff cannot disregard a call for service, which is occurring with regularity since the start of May.

Council guidance is requested. I can work with the Chiefs on possible options, which very likely will have to include increasing staffing and costs to meet the monitoring expectation.

4. **New Park and Ride** – The new Park and Ride at the Kittery Premium Outlets is now open. The Park and Ride offers 175 commuter and carpool parking spaces, conveniently located along the I-95 and Route 1.

Park and Ride facilities support ride sharing, carpooling, and employer shuttles. Park and Ride facilities help to reduce greenhouse gas emissions generated by single-occupancy vehicles, reduce congestion on our local roads, and can lower commuting costs for area employees. Use of the park and ride is free.

Located only 2.9 miles from the Portsmouth Naval Shipyard (PNS), the Park and Ride also provides a new, convenient option for PNS workers and visitors to utilize carpools, ridesharing arrangements, and even biking for the last leg of their commute to the shipyard. The Joint Land Use Study, conducted by the Town of Kittery and its partners, identified locations such as the Kittery Premium Outlets as ideal for park and rides due to their proximity to major routes into Kittery and to the PNS. The Town began working with Maine DOT and the Kittery Premium Outlets on establishing the park and ride in 2019.

5. **Children's Garden Design Input** – The Library Building Committee is hosting a public input session on the Rice Library Children's Garden design, on June 15, 4:30 PM at the Rice Library. The event will include an orientation in the garden space, then the unveiling of three design options. Participants will be asked to provide feedback and questions about the designs, and to vote on their preferred option and features. Children ages 1 to 100 are welcome to join and help shape the design of this vital public space.

Design and construction of the Children's Garden is being funded by generous donors in memory and honor of former Town Councilor and Planning Board Chairperson Ann Grinnell.

- 6. BL & BL-1 Affordable Housing Public Discussion** – We have tentatively scheduled the public discussion regarding the BL and BL-1 affordable housing zoning amendments for Wednesday, June 29 at 6PM. The event, being developed at the request of the Council, will be held via Zoom.

We have reached out to Maine Housing for their participation in the event. We have asked them to provide information not only on the housing statistics in our region, but also on the policy approaches to addressing the housing crisis. We will also review the information provided in the proposed zone amendment. The event will end with plenty of time for Q&A and feedback.

More information and the link to register will be posted in the coming days.

- 7. Town Hall Customer Service Center Closed June 14** – The Town Hall Customer Service Center will be closed on June 14 so staff can be available at the polls.

We are pleased to offer many of the services, such as vital records requests, licenses and registrations online. Information on online services can be found at www.kitteryme.gov.

Completed absentee ballots may be returned using the secure drop box outside of Town Hall, located at 200 Rogers Road, until 6:00 PM on Monday, June 13th. After the close of business on Monday, all absentee ballots must be returned directly to the polls between 8:00 AM - 8:00 PM on Election Day.

The Customer Service Center will reopen for normal business hours on Wednesday, June 15th.

Upcoming Dates:

- Town Hall Service Center Closed – June 14
- Town Meeting/School Budget Validation Referendum/State Primary Election – June 14, 2022, 8AM – 8PM, Kittery Community Center
- Children's Garden Design Input – June 15, 4:30PM, Rice Public Library
- Kittery Block Party – June 18, 10AM to 4PM, Foreside
- Town Hall Closed in Observance of Juneteenth – June 20
- Independence Day Celebration – June 25, 9AM, Thresher Memorial Park behind Town Hall

Respectfully Submitted,



Kendra Amaral
Town Manager

**Water Line Extension
Cost Estimate**

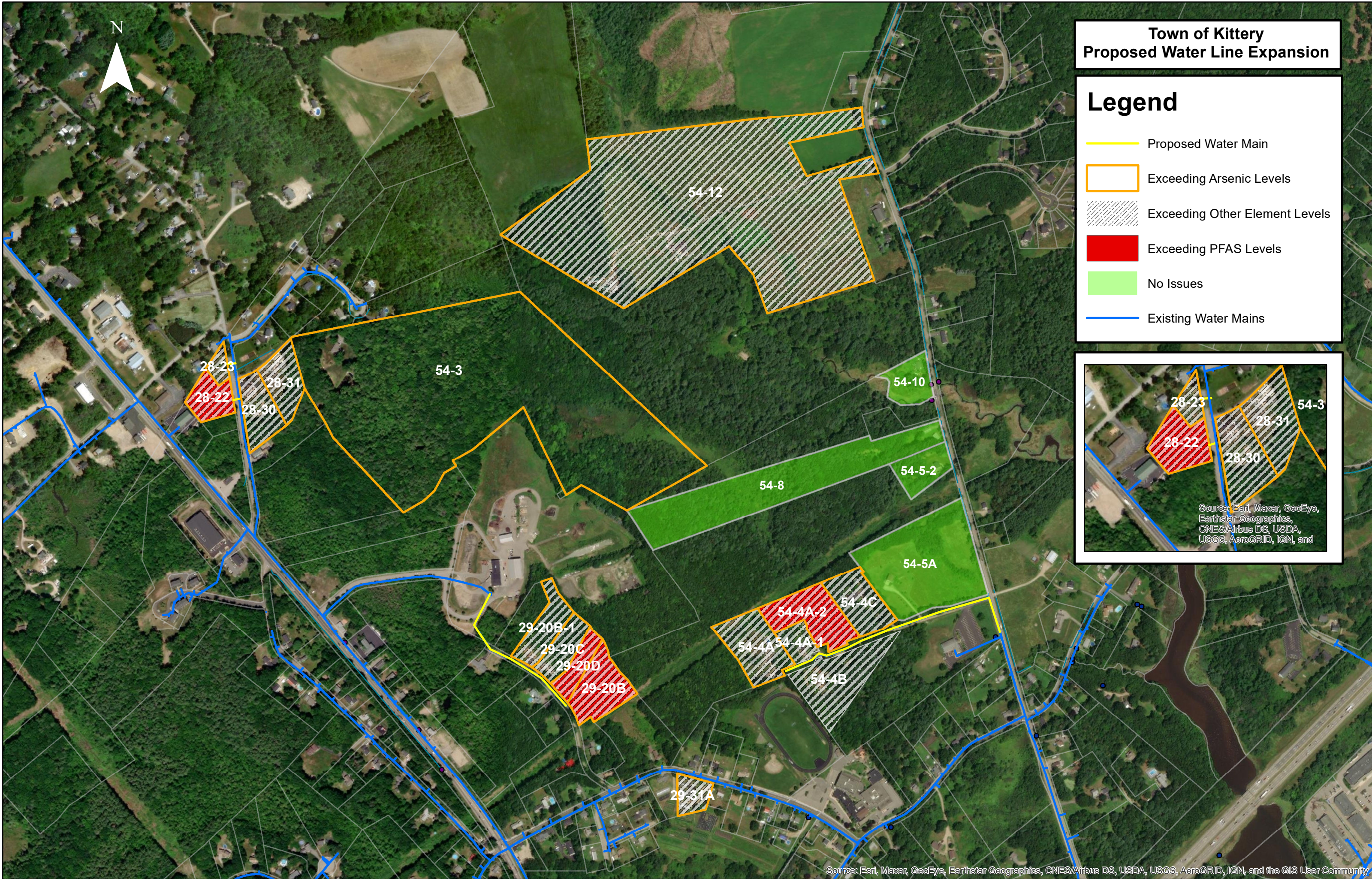
	Quote	Est w/Escalation	Eligible Reimbursement	Town Costs
Jewett Lane	\$ 246,785	\$ 264,060	50%	\$ 132,030
Pettigrew	\$ 287,410	\$ 307,529	65%	\$ 107,635
Evergreen		\$ 100,000	50%	\$ 50,000
Contingency		\$ 67,159	50%	\$ 33,579
Anticipated Cost				\$ 323,244

Possible Funding Sources

ARPA			\$ 262,000
FY22 End of Year Transfer		Up to	\$ 100,000
Exposed Unassigned Fund - Grant Match			
Seek addtl grants (questionable time line and success)			

Notes:

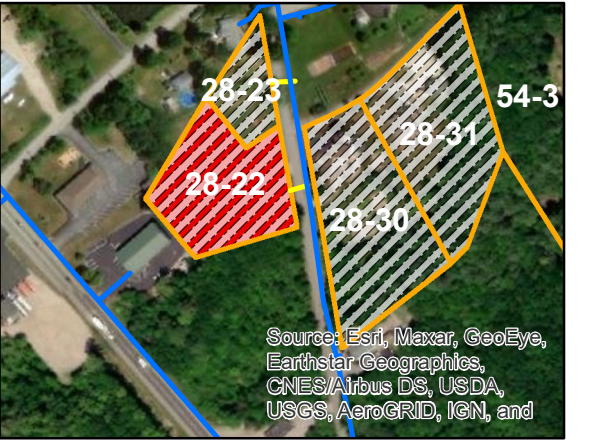
1. Escalation calculated at 7%
2. Eligible reimbursement for Pettigrew is a conservative blended rate based on the varying ages of the homes.
3. Evergreen scope estimate based on costs of other projects
4. Costs do not anticipate ledge removal to be needed



**Town of Kittery
Proposed Water Line Expansion**

Legend

- Proposed Water Main
- Exceeding Arsenic Levels
- Exceeding Other Element Levels
- Exceeding PFAS Levels
- No Issues
- Existing Water Mains



**AMERICAN RESCUE PLAN
UPDATED**

Estimated Allocation		\$ 1,037,041		
Proposed Uses		% of Funds		USE CATEGORY
Senior Tax Circuit Breaker	\$ 400,000	39%	Increase allocation for eligible recipients	Assistance to Households
COVID Supplies and Operations	\$ 10,000	1%	Reserve fund	Public Health Emergency
Capital	\$ 215,000	21%	Addl technology upgrades	Revenue Loss
Affordable Housing Programs	\$ 150,000	14%	Grants to assist homeowners in need	Assistance to Households
FY22 Revenue Loss Offset	\$ -	0%	Revenue collections exceeded projections	Revenue Loss
PROPOSED Water line project	\$ 262,000			
Total Remaining Allocation	\$ 41			

FISCAL YEAR ALLOCATION	
FY22	
Senior Tax Circuit Breaker	\$ 150,000
COVID Supplies and Operations	\$ 10,000
Capital	\$ 215,000
Affordable Housing Programs	\$ 100,000
Revenue Loss from KCC	\$ 175,000
FY22 Allocation	\$ 650,000
FY23	
Senior Tax Circuit Breaker	\$ 150,000
Affordable Housing Programs	\$ 50,000
FY23 Allocation	\$ 200,000
FY24	
Senior Tax Circuit Breaker	\$ 100,000
FY24 Allocation	\$ 100,000

CAPITAL & COVID SUPPLIES	
Emergency Generator - Town Hall	\$ 65,000
Technology/VIOP	\$ 50,000
Sidewalks	\$ 100,000
Capital and COVID Supplies Allocation	\$ 215,000

Qualifying Revenue Loss	
Total Available for Revenue Loss Category	\$ 10,000,000
Total Allocated	\$ 215,000
Compliant (Y/N)	YES

Notes:

1. FY22 business operation revenue exceeded projections due to marijuana pre-application and two large building permit fees.
2. VoIP project came in less than the projected \$100,000. Based on bids determined a hosted solution is the best fit.
3. Propose increasing Senior Tax Circuit Breaker allocation in FY23 from \$125,000 to \$150,000

Adopted: June 14, 2021

Proposed Update: June 13, 2022



ACCESSORY DWELLING UNITS

MAXIMIZE YOUR PROPERTY WITH AN ADU



TOWN OF KITTERY ADU GRANT PILOT PROGRAM

The Town of Kittery is such a beautiful, vibrant and desirable place to live. As a result, housing is becoming less affordable for families and workers.

To help increase availability of affordable residential units in the community, the Town of Kittery has launched the ADU Grant Pilot Program.

RECEIVE UP TO \$50,000 FOR DESIGN, PERMITTING AND CONSTRUCTION TO BUILD AN ADU

- The newly created ADU unit may be inside an existing structure, attached to an existing structure or a totally separate structure on the property.
- The unit must comply with all Town of Kittery code and zoning regulations.
- Property owner(s) must meet income eligibility requirements.
- The ADU must be completed within 2-years of grant award.

APPLY TODAY

A pre-application meeting with the Planning Department staff is required prior to submitting an application. The deadline to submit an application is August 1, 2022.

WHAT IS AN ADU?

An Accessory Dwelling Unit (ADU) is a secondary housing unit on a single-family residential lot. ADUs can be attached to the primary house like a converted garage, or unattached like a freestanding cottage.

WHAT ARE THE BENEFITS?

Earn Additional Income

An ADU is a great way to earn supplemental income from your property. ADU rentals can bring in a regular stream of revenue to help cover mortgage costs or bolster savings.

Affordable Housing

Finding affordable housing is one of the greatest challenges facing our area. Because they are smaller and share a property with another residence, ADUs can be a more affordable housing option.

WWW.KITTERYME.GOV/ADUGRANT



PARK AND RIDE IN KITTERY

A Smarter Way to Commute



**PARK & RIDE AT 345 US RTE 1
KITTERY, MAINE**



Scan to map it!

The Maine Department of Transportation has launched a new Park and Ride facility, in partnership with the Town of Kittery and the Kittery Premium Outlets.

The Park and Ride is conveniently located along Interstate 95 and Route 1 in Kittery. The Park and Ride includes 175 commuter and carpool spaces behind the Kittery Outlets.

WHY PARK AND RIDE?

Park and Ride facilities provide sustainable transportation options to help limit greenhouse gas emissions, reduce the number of cars on local roads and help drivers reduce commuter costs.



Located 2.9 miles from the Portsmouth Naval Shipyard (PNS), the Park and Ride also provides a new, convenient option for PNS workers and visitors to utilize carpools.

The Kittery Park and Ride furthers the Town's efforts to simplify commuting and provide sustainable transportation options to the community.

FMI: WWW.KITTERYME.GOV/PARKANDRIDE



Rice Public Library Children's Garden Community Discussion

WEDNESDAY, JUNE 15, 2022 | 4:30 PM

AT THE RICE PUBLIC LIBRARY

The Rice Public Library Children's Garden, funded by generous donors, in honor of former Town Councilor Ann Grinnell is in the design phase and ready to hear from you.

The event will include an orientation in the garden space, then the unveiling of three design options. Participants will be asked to provide feedback and questions about the designs, and to vote on their preferred option and features. Children ages 1 to 100 are welcome to join and help shape the design of this vital public space.

FMI: www.kitteryme.gov/gardendesign

KITTERY TOWN COUNCIL Unapproved Minutes

May 23, 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 Before the Pledge of Allegiance Chair Spiller wanted to recognize the passing of Coach
6 Scott and the tragedy which occurred in Buffalo, New York.

7 4. Roll Call

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

11 5. Agenda Amendment and Adoption

12 Chair Spiller cast one vote for the agenda as presented.

13 6. Town Manager's Report

14 The Town Manager reported on: Rice Public Library, Whipple Sidewalk Project,
15 Upcoming Dates: Sharing Roads – Cars, Bikes, Walkers – May 25, 6PM, Zoom;
16 registration required, Real Estate & Personal Property taxes are due on May 31, 2022,
17 at the Town Hall, Memorial Day Ceremony is on May 28, 2022, at 9:30AM located at
18 Orchard Grove Cemetery, KEEP Property Tax Payment Plan applications are due on
19 June 1, 2022, at the Town Hall, Voter Registration Night is on June 8, 2022, at 6PM -
20 7PM, located at the Town Hall, and the Town Meeting/School Budget Validation
21 Referendum/State Primary Election is on June 14, 2022, from 8AM to 8PM, located at
22 the Kittery Community Center.

23 7. Acceptance of Previous Minutes

24

25 • May 9, 2022 Regular Meeting

26 All were in favor to approve the May 9, 2022 regular meeting minutes.

27

28 8. Interviews for the Board of Appeals and Planning Board

29 9. All items involving the town attorney, town engineers, town employees or other
30 town consultants or requested officials.

31 a. (050322-1) The Kittery Town Council moves to receive the Educational Recycling
32 Scholarship recipients' presentation. The recipients are as follows:

33 Councilor Clark presented the recipients with the Educational Recycling Scholarships.

34 • Emily Sweeney

35 • Lilly Kemp

36 • Emma Ackerman

37 • Emma Dawson-Webb

38 • Olivia Kallay

39 • Mary Lombardi

40 10. PUBLIC HEARINGS

41 a. (050322-2) The Kittery Town Council moves to continue the public hearing from April
42 11, 2022 on Title 16 – Affordable Housing BL and BL1 amendments.

43 Emily Flinkstrom, Director of Fair Tide, member of the Housing Committee, and a Kittery
44 resident spoke in support of Title 16 – Affordable Housing BL and BL1 amendments, as
45 well as made some suggestions.

46 Deborah Driscoll, 9 Pepperrell Terrace, Kittery said if the Council moved forward on the
47 amendments, she hoped they would consider the 100% affordable proposals, and to be
48 sure there is plan the town can implement.

49 Suzy Courage Johnson, 13 Cromwell Street, Kittery, wrote she thinks the town should
50 not designate a mere 25% of rental structures for "Affordable Housing". Make laws
51 which reflect total inclusion in who is permitted to live and exist by allowing ALL units
52 100% Affordable Housing.

53 Karen Kalmar, 191 Brave Boat Harbor Road, Kittery Point, urged the Council to
54 consider alternatives in making these areas of Kittery an "urbanite "center, and said it
55 won't get us the diversity of housing we want.

56 Ron Ledgett, 45 Crockett Neck Road, Kittery Point, stated on further consideration it is
57 now plain to me that the proposed change to BL benefits developers at the expense of
58 Kittery residents. While I cannot undue my prior Planning Board vote I am making it
59 clear that I no longer endorse the change as proposed.

60 Matt Brock, 50 Goodwin Road, Kittery Point, and Chair of the Housing Committee wrote
61 years after the citizens of Kittery stated emphatically, through the Comprehensive Plan,
62 that they want affordable housing to support a diverse community, this Town Council
63 now has the opportunity to take a substantial step towards that goal: approve the
64 rezone of the BL and BL1 zones, he also suggested two changes.

65 Adam Causey, Director of Planning & Development for the Town of Kittery tried to
66 address the questions and concerns which were brought to his attention at the
67 workshop.

68 Chair Spiller moved to postpone action on Title 16 – Affordable Housing BL and BL1
69 amendments until July 18, 2022, seconded by Councilor Clark.

70 Motion Carried 6-1-0

71 Councilor Hamm voted no.

72 b. (050322-3) The Kittery Town Council moves to hold a public hearing on the FY23
73 Municipal Budget.

74 Chris Andrews, 3 Deer Ridge Lane, Kittery stated he opposed the FY23 Municipal
75 Budget.

76 Jeff Thomson, 25 Old Post Road, Kittery spoke in support of the FY23 Municipal
77 Budget.

78 Chair Spiller moved to accept the FY23 Municipal Budget as presented, seconded by
79 Councilor Stevens.

80 Motion Carried 7-0-0

81 c. (050322-4) The Kittery Town Council moves to hold a public hearing on a new
82 Victualer's License application from Friends 4 OBA – Food Truck, located at 69 Water
83 Street, Exeter, NH.

84 Moved by Councilor Clark, seconded by Councilor Hamm.

85 Motion Carried 7-0-0

86 d. (050322-5) The Kittery Town Council moves to hold a public hearing on a new
87 Victualer's License application from Smokin' Phil's Belly Bustin' BBQ – Food Truck,
88 located at 27 Bonin Road, Monmouth, ME.

89 Moved by Councilor Stevens, seconded by Councilor Hamm.

90 Motion Carried 7-0-0

91 e. (050322-6) The Kittery Town Council moves to hold a public hearing on a new
92 Victualer's License application from Clyde's Cupcakes – Food Truck, located at 27
93 Greenleaf Drive, Exeter, NH.

94 Moved by Councilor McGuire, seconded by Councilor Hamm.

95 Motion Carried 7-0-0

96 f. (050322-7) The Kittery Town Council moves to hold a public hearing on a new
97 Victualer's License application from M&G Mobile Gourmet – Food Truck, located at 159
98 Stebbins Street, Belchertown, MA.

99 Moved by Councilor Stevens, seconded by Councilor Clark.

100 Motion Carried 7-0-0

101 g. (050322-8) The Kittery Town Council moves to hold a public hearing on a new
102 Victualer's License application from The Corner Pub located at 4 Wallingford Square,
103 Kittery.

104 Moved by Councilor Hamm, seconded by McGuire.

105 Motion Carried 7-0-0

106 h. (050322-9) The Kittery Town Council moves to hold a public hearing on a new Liquor
107 License application from the Corner Pub located at 4 Wallingford Square, Kittery.

108 Moved by Councilor Clark, seconded by Councilor Hamm.

109 Motion Carried 7-0-0

110 11. DISCUSSION

111 a. Discussion by members of the public (three minutes per person)

112 Ella Hamilton of Kittery wrote how excited she was to announce that she had been
113 selected as the Ms. Teen Kittery Maine again for 2023.

114 b. Response to public comment directed to a particular Councilor

115 c. Chairperson's response to public comments

116 12. UNFINISHED BUSINESS - None

117 13. NEW BUSINESS

118 a. Donations/gifts received for Council disposition

119 (050322-10) The Kittery Town Council moves to accept a donation from William Quirk in
120 the amount of \$750.00 to be deposited into the Thresher Memorial fund.

121 Moved by Councilor Stevens, seconded by Councilor Hamm.

122 Motion Carried 7-0-0

123 b. (050322-11) The Kittery Town Council moves to approve the annual renewal of the
124 Victualer's License applications for 2022-23.

125 Moved by Councilor Stevens, seconded by Councilor Clark.

126 Motion Carried 7-0-0

127 c. (050322-12) The Kittery Town Council moves to approve a Special Activity
128 Amusement Permit from AJ's Wood Grill Pizza, located at 68 Wallingford Square,
129 Kittery.

130 Moved by Councilor Clark, seconded by Councilor Hamm.

131 Motion Carried 7-0-0

132 d. (050322-13) The Kittery Town Council moves to schedule a public hearing on July
133 18, 2022 on a Marijuana License for Tree Tips 3 LLC, located at 8 Dexter Lane, Unit 8,
134 Kittery.

135 Moved by Councilor Hamm, seconded by Councilor McGuire.

136 All were in favor.

137 e. (050322-14) The Kittery Town Council moves to schedule a public hearing on June
138 13, 2022 on amendments to Title - 12 Shellfish.

139 Moved by Councilor McGuire, seconded by Councilor Hamm.

140 All were in favor.

141 f. (050322-15) The Kittery Town Council moves to schedule a public hearing on June
142 13, 2022 on amendments to Title 16 – Affordable Housing Mixed Use Neighborhood.

143 Moved by Councilor Clark, seconded by Vice Chair Dow.

144 All were in favor.

145 g. (050322-16) The Kittery Town Council moves to schedule a public hearing on June
146 13, 2022 on amendments to Title 10 Gorges Road Parking.

147 The Town Manager gave an overview on the amendments to Title 10 Gorges Road
148 Parking.

149 Moved by Councilor McGuire, seconded by Councilor Clark.

150 All were in favor.

151 h. (050322-17) The Kittery Town Council moves to schedule a public hearing on June
152 13, 2022 on the Town Meeting articles.

153 Moved by Councilor Clark, seconded by Councilor Hamm.

154 All were in favor.

155 i. (050322-18) The Kittery Town Council moves to accept the resignation of Rich
156 DeMarco from the Parks Commission.

157 Moved by Councilor Clark, seconded by Councilor McGuire.

158 Motion Carried 7-0-0

159 j. (050322-19) The Kittery Town Council moves to approve a sign request from Kittery
160 Harborside Garden Club to place signs about Town the week of May 23, 2022 to
161 advertise the annual plant sale on Saturday May 28, 9AM to 1PM at the Lions Club.

162 Moved by Councilor Clark, seconded by Councilor Hamm.

163 Motion Carried 7-0-0

164 k. (050322-20) The Kittery Town Council moves to approve a sign and banner request
165 from the Kittery Block Party Committee to place signs and banners about Town from
166 June 1 to June 20 to advertise this Community Event which will be held on June 18.

167 Moved by McGuire, seconded by Councilor Hamm.

168 Motion Carried 7-0-0

169 l. (050322-21) The Kittery Town Council moves to nominate Town Manager Kendra
170 Amaral to the MMA's Legislative Policy Committee (LPC).

171 Moved by Councilor Clark, seconded by Councilor Hamm.

172 Motion Carried 7-0-0

173 m. (050322-22) The Kittery Town Council moves to set their summer meeting schedule
174 for July 18 and August 15, 2022.

175 Moved by Councilor Steven, seconded by Councilor McGuire.

176 Motion Carried 7-0-0

177 14. COUNCILOR ISSUES OR COMMENTS

178 Councilor Stevens commented on Coach Scott being a wonderful Coach and resident of
179 Kittery, and she also spoke about the DEI Committee.

180 Councilor Hamm mentioned he will not be attending the Council meetings for the next
181 couple of months due to work.

182 Councilor McGuire spoke about the housing discussion and what Kittery needs to
183 continue to grow with more affordable housing for younger families.

184 Vice Chair Dow commented on the passing of Bart Scott and stated he was a terrific
185 man.

186 15. COMMITTEE AND OTHER REPORTS

187 a. Communications from the Chairperson

188 Chair Spiller mentioned that she and the Town Manager met with the head of the Kittery
189 Land Trust and their acquisitions committee.

190 Chair Spiller also informed the Council on June 2, 2022 6pm at the Kittery Community
191 Center the Kittery Climate Action Now Group will be sponsoring the second Kittery
192 solarize session.

193 b. Committee Reports

194 16. EXECUTIVE SESSION - None

195 17. ADJOURNMENT

196 Councilor Hamm moved to adjourn at 7:49 pm, seconded by Councilor Stevens.

197 All were in favor

Submitted by Kim Tackett

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



**OFFICIAL BALLOT
TOWN MEETING ELECTION
KITTERY, 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.



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
Update: June 13, 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.

UPDATES

None.

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

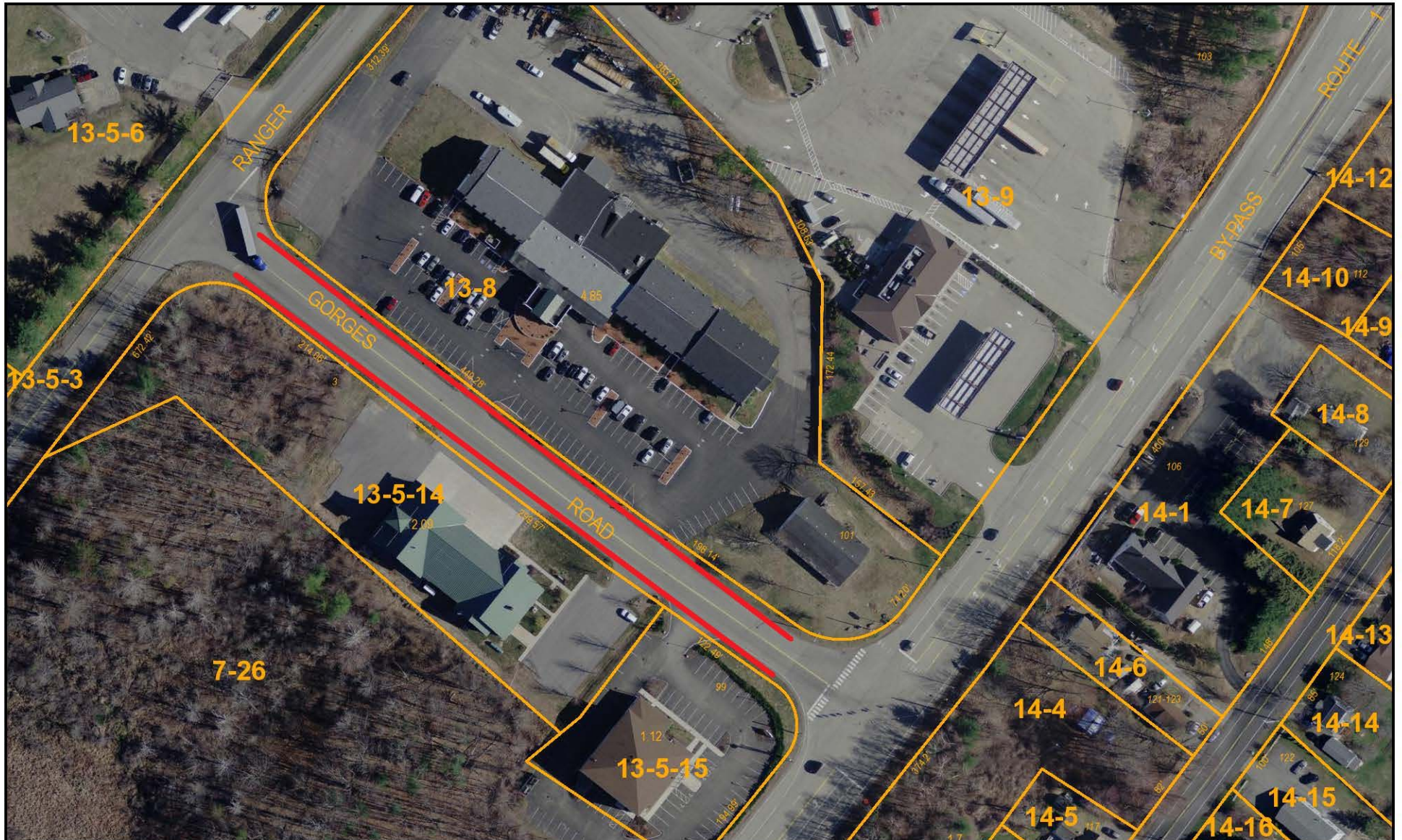
Kittery, ME



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

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

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

WHEREAS, the Town seeks to improve traffic safety around the Gorges Road Fire Station and on a route that sees heavy truck traffic through parking regulations;

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

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

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

Attest: {NAME}, _____ Town Clerk



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

REPORT TO TOWN COUNCIL

Meeting Date: May 23, 2022
Update: June 13, 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.

UPDATE

Maine Department of Marine Resources offered no revisions to the proposed ordinance language.

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 shellstock.

RESIDENT

A person who has been domiciled in ~~this municipality~~ Kittery for at least three months ~~next prior to the time claim of such residence is made~~ as evidenced by a vehicle registration, voter registration, State of Maine Income Tax return, or other documentation acceptable to the Town Clerk.

SHELLFISH, CLAMS AND INTERTIDAL SHELLFISH RESOURCES

Clams, quahogs, oysters and mussels and includes shellstock and shucked shellfish.

~~Soft-shell clams (Mya arenaria).~~

§ 12.6.4 Municipal shellfish digging license required.

It is unlawful for any person to dig or ~~take~~ possess shellfish from the shores and flats of ~~this municipality~~ Kittery without having a current license issued by ~~this municipality~~ the Town ~~as provided by this chapter.~~

§ 12.6.5 Designation, scope and qualifications.

A. Residential recreational shellfish license. The license is available to residents ~~and real estate taxpayers of this municipality~~ and entitles the holder to dig and take possession of no more than one peck of shellfish in any one day for ~~the use of the holder and family~~ personal use.

B. Nonresident recreational shellfish license. The license is available to any person not a resident ~~of this municipality~~ and entitles the holder to dig and ~~take~~ possess not more than one peck of shellfish in any one day for ~~the use of the holder and family~~ personal use.

C. No person may dig and possess shellfish from the shores and flats of Kittery for the purposes of commercial use or commercial sale.

~~C. License must be signed. The licensee must sign the license to make it valid.~~

§ 12.6.6 Application procedure.

A. Any person may apply to the Town Clerk for ~~the licenses~~ a Shellfish Harvesting License as required by this chapter on forms provided by the ~~municipality~~ Town.

~~A. Contents of application. The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever information the municipality may require.~~

~~BB.~~ Misrepresentation. Any person who gives false information on a license application will cause said license to become invalid and void.

§ 12.6.7 Fees.

~~The fees for the licenses are as stated in Appendix A and must accompany in full the application for the respective license. Fees received for shellfish licensing are to be used by the Town for shellfish management, conservation and enforcement.~~ The annual license fee is set out in Appendix A.

§ 12.6.8 Limitation of diggers.

~~Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the Town. It is essential that the Town carefully husband its shellfish resources. Following the annual review of the Town's clam resources, its size distribution, abundance and report by the Warden, the Shellfish Conservation Committee in consultation with the DMR area biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.~~ The number of licenses issued from year to year will vary depending on the annual review of the Town's shellfish resources, sizes, distribution, and abundance.

~~A. Prior to September 30, the Committee is to report its findings and document recommendations for the allocation of recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.~~

~~B. After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to December 31, the Shellfish Conservation Committee is to notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.~~

A. The Shellfish Conservation Commission, with approval of the Commissioner of Marine Resources, will establish the number of noncommercial licenses to be permitted each year.

B. The Shellfish Commission will notify the Town Clerk in writing prior to November 1 of the number of licenses to be issued for the ensuing year.

C. Notice of the number of licenses to be issued and the procedure for application is to be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation- ~~which the municipal officers consider effective in reaching persons affected~~, not less than 10 days prior to the period of issuance, and posted in the municipal offices until the period concludes.

D. Licenses shall be issued annually, on a first-come-first-served basis. A wait list may be established if all licenses are issued. The wait list will only be valid for the season it is established.

~~D~~E. Licenses may be returned to the Town voluntarily and reissued to another qualifying person applicant at the current fee ~~according to the priorities established in this section.~~

§ 12.6.9 License expiration date.

Each license issued under authority of this chapter expires at midnight on ~~the 31st of December~~ November 30 ~~next~~ following the date of ~~issue~~ issuance.

~~§ 12.6.10 Reciprocal harvesting privileges.~~

~~Licenses from any other municipality cooperating with this municipality on a joint shellfish management~~

~~program may harvest shellfish according to the terms of this license.~~

§ 12.6.~~12-10~~ **Opening and closing of flats.**

A. The ~~municipal officers~~ Town Council, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendation ~~s-~~ of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources ~~area biologist~~ that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the ~~municipal officers~~ Town Council may ~~call~~ hold a public hearing on the matter, and shall send a copy of the notice to the Department of Marine Resources. The decision of the ~~municipal officers~~ Town Council to open or close a shellfish harvest area ~~made after the hearing~~ is to be based on findings of fact.

§ 12.6.11 **Harvesting Season**

A. The shellfish harvest season shall be established each year by the Town Council, upon recommendation of the Shellfish Conservation Commission and approval of the Commissioner of Marine Resources. The shellfish harvest season may be amended by the Town Council as deemed recommended or needed.

B. Shellfish harvesting may only occur on Sundays and on nationally recognized holidays, between sunrise and sunset, during the harvest season.

§ 12.6.~~13-12~~ **Minimum legal size of soft-shell clams.**

A. It is unlawful for any person to possess soft-shell clams within the Town which are less than two inches in the longest diameter, ~~except unless~~ as otherwise provided ~~by § 12.6.14 below.~~

~~§ 12.6.14 Tolerance.~~

B. Any person may possess soft-shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance is determined by numerical count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.

~~§ 12.6.15 Violations and penalties.~~

~~Whoever violates this chapter may be punished as provided by 12 M.R.S. § 6681.~~

§ 12.6.~~11-13~~ **Violation, Revocation and Suspension.**

~~Shellfish licensees having three convictions for a violation of this chapter are to have their shellfish license automatically suspended for a period of 30 days~~

A. The Shellfish Warden, Harbormaster, and Kittery Police Officers are authorized to enforce violations this chapter, to include the issuance of civil violations.

B. Any person in violation of this chapter, excluding a violation of § 16.6.13.C may be assessed a penalty of \$100 for the first offense, \$150 for the second offense and \$200 for the third and subsequent offenses.

C. Any person found taking shellfish from an area not opened by the Town Council for harvesting, or when harvesting is not permitted, may be assessed a penalty of \$500, and may result in the revocation of the individual's shellfish license. ~~, and may be prohibited from receiving license for the ensuing year.~~

D. Repeat offenders and/or those who fail to pay fines within 30 days in accordance with this chapter may have their license suspended or revoked. A license that has been suspended or revoked more than once may be prohibited from receiving a license in the ensuing year.

E. Any person who violates this chapter may be charged with a Class D crime in accordance with 12 M.R.S. §6671.

~~C. Any licensee whose shellfish license has automatically been suspended pursuant to this section is entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written request for hearing with the Town Clerk within 30 days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Town Council by filing a written request for appeal with the Town Clerk within seven days of the decision of the Shellfish Conservation Committee.~~

§ 12.6.14 Conflict with other laws.

In the event of any conflict in the provisions of this article with the provisions of any present or future statute relating thereto, the most restrictive or that imposing the higher standards governs.

3. AMEND Appendix A Chapter 12.6 SHELLFISH, Shellfish License Fees as follows:

Resident recreational	\$15
Residents 70 and over	Free
Residents under 14 years of Age	<u>\$0</u>
Nonresident recreational	\$30

KITTERY TOWN CODE
CHAPTERS 4 & 12.6
SHELLFISH

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

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

WHEREAS, the Town of Kittery seeks to update the Shellfish Conservation ordinance to align with the governing state law 12 MRS §6671; and

WHEREAS, the membership of the Shellfish Conservation Commission is desired to have staggered terms;

NOW THEREFORE, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO TITLE 4 AND TITLE 12.6 OF THE TOWN CODE, AND AMEND APPENDIX A AS PRESENTED.

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

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

Attest: {NAME}, _____ Town Clerk

§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
Update: June 13, 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.

UPDATE

None

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 yard. 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:

A. Purpose

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

B. Permitted Uses

(1) Dwelling, Attached Single-Family

(2) Dwelling, Multi-Family

(3) Dwelling units located on the upper floors of a mixed-use building that is served by public sewer; ~~Multi-Family (units on the upper floors of a mixed-use building that is served by public sewer)~~

C. Special exception uses

(1) Dwellings, Cottage Cluster

~~(1)(2)~~ Commercial Kennel

~~(2)(3)~~ Parking Area

~~(3)(4)~~ Construction Services

~~(4)(5)~~ Equipment sales and rentals (only on lots with frontage on Route 236)

~~(5)(6)~~ Gas service station (only on lots with frontage on Route 236)

~~(6)(7)~~ Industry, light (greater than 20,000 square feet in gross floor area)

~~(7)(8)~~ Mass Transit Station

~~(8)(9)~~ Mechanical Services

~~(9)(10)~~ New Motor Vehicle Sales (only on lots with frontage on Route 236)

~~(10)(11)~~ Used Car Lot (only on lots with frontage on Route 236)

~~(11)(12)~~ Repair Garage (only on lots with frontage on Route 236)

~~(12)(13)~~ Retail Sales (greater than 30,000 square feet in gross floor area and less than 50,000 square feet in gross floor area)

~~(13)(14)~~ Undefined use; additional commercial/business uses not defined by § 16.3.

(a) Undefined uses: will be considered by the Planning Board based on the following criteria:

[1]. If the use is consistent with the Comprehensive Plan and zoning district purposes; and

[2]. If the use meets special exception criteria found in § 16.3.2.1.C(14)

(b) In addition, the undefined use must meet one or both of the following criteria:

[1] If the proposed use has substantially similar impacts as a listed use.

[2] If the proposed use is compatible with existing uses within the zoning district for which it is proposed.

D. Standards.

All development and the use of land in the MU-N 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 § 16.5, 16.7 and 16.8 must be met unless noted otherwise below.

- (1) All submissions must include a lighting plan. Hours of operation and number of employees for businesses must also be provided.
- (2) The following space standards apply:
 - (a) Minimum land area per dwelling unit - mixed-use building: 4,000 square feet for first residential unit plus 3,000 square feet for each additional unit, no minimum land area for business or commercial uses when combined in a building with residential uses except that the total lot size must be at least 20,000 square feet.
[1] NOTE: ADA-compliant units may be located on the first floor through a special exception permit by the Planning Board but only 50% of the first floor may be such ADA-compliant residential units.
 - (b). Minimum land area per dwelling unit - multiunit residential: 4,000 square feet for first unit, plus 2,500 square feet for each additional unit up to 16 units per acre of lot size. Total lot size must be a minimum of 20,000 square feet.
 - (c). Mixed-use or multiunit residential buildings which encompass at least 50% of required parking within the building: Two additional residential units may be added to each story above the parking with no additional land area required.
 - (d). Mixed-use buildings which encompass at least 50% of required parking within the building and include a liner building for nonresidential uses buffering parking from the street: One additional residential unit may be added to each story with no additional land area required.
 - (e). Minimum land area per bed for long-term nursing care and convalescent care facilities that are connected to public sewer: 2,000 square feet.
 - (f). Minimum land area per residential unit for residential care facilities that are connected to public sewer: 3,000 square feet.
 - (g). Minimum lot size: 20,000 square feet.
 - (h). Minimum street frontage: 75 feet.
 - (i). Minimum front setback on Route 236: 30 feet.
 - (j). Minimum front setback on Dennett Road: 50 feet.
 - (k). Minimum front setback on Martin Road: 100 feet.
 - (l). Maximum front setback all other roads: 20 feet.
 - (m). Spacing between buildings: 15 feet.*
 - (n). ~~Maximum~~ Minimum rear and side setbacks: 20 feet.**

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)

(o). Maximum building height: 50 feet (exclusive of solar apparatus).

(p). Maximum impervious and outdoor stored material coverage: 70%.

NOTE: With Best Management Practices (BMPs) and Low Impact Development

Practices (LIDs) as defined in § 16.3 and based on Maine DEP's Maine Stormwater Best Management Practices Manual, Volumes I - III, as amended from time to time, incorporated in site design, otherwise 60%. Maximum on-site stormwater infiltration is the desired and measurable outcome.

(q). Minimum setback from streams, water bodies and wetlands in accordance with Table 16.5.30.

[1] With Best Management Practices (BMPs) and Low Impact Development Practices (LIDs) as defined in § 16.3 and based on Maine DEP's Maine Stormwater Best Management Practices Manual, Volumes I - III, as amended from time to time, incorporated in site design, then wetland setbacks pursuant only to Maine Department of Environmental Protection (MDEP) Rules Chapters 305 and 310.

[2] Without Best Management Practices (BMPs) and Low Impact Development Practices (LIDs) as defined in § 16.3 and based on Maine DEP's Maine Stormwater Best Management Practices Manual, Volumes I - III, as amended from time to time, incorporated in site design, wetland setbacks pursuant to Kittery Town Code Title 16, Table 16.5.30.

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

(r). Minimum open space:

[1] Lot size less than 100,000 square feet: 15%.

[2] Lot size greater than 100,000 square feet: 25%.

NOTE: This requirement may be met by a payment-in-lieu to the Wetland Mitigation Fund unless the development proposed is a cottage cluster as defined by Title 16. These fees shall be set by Town Council. Landscaping, screening and buffer requirements must still be met.

(3) Parking:

(a) Parking is encouraged within buildings. New or revised surface parking areas, garages, and entrances to parking within buildings must be located to the rear of buildings. If a rear location is not achievable, as determined by the Planning Board, parking, garages and entrances to parking must be located to the side of the building. Screening and/or fencing is required for surface parking areas along a street. See Subsection (8), Landscaping, Screening and Buffers. Parking requirements are based on the Institute of Transportation Engineers (ITE) parking generation rates.

(b). Joint-use agreements (between businesses and residences) for parking are encouraged. A plan describing how joint-use parking needs will be met is required as part of any development that proposes such parking and must be reviewed and

- approved by the Planning Board.
- (c). Parking requirements for nonresidential uses may be met partially or in full by parking on the street except that no parking is allowed on Route 236, Dennett Road, or Martin Road. Such on-street parking plans must be reviewed by planning staff prior to submission and then reviewed and approved by the Planning Board.
- (d). Electric car charging stations are encouraged and allowed in parking lots but must not interfere with pedestrian movement on sidewalks.
- [1] Parking for development that includes trails and low intensity recreation: Development that includes the creation of public trails and low intensity recreational opportunities such as wildlife observation stations or boardwalks may apply the pertinent off-street parking standards below. All other off-street parking standards as found in § 16.7.11F(3) shall apply.
- (e) Multi-family residential buildings and mixed-use buildings that include residential.
- [1] One parking space for studio and one-bedroom dwelling units.
- [2] One and one-half parking spaces for two-bedroom dwelling units plus one guest parking space per every four dwelling units.
- [3] Two parking spaces for more-than-two-bedroom dwelling units.
- (4) Loading docks, overhead doors, service areas and outdoor storage areas.
- (a) Loading docks and overhead doors must be located on the rear or side of the building. Loading docks must be screened from view by adjacent residential uses. This screening must consist of the following:
- [1] A fence, constructed of a material similar to surrounding buildings, of sufficient height as determined by the Planning Board to accomplish the screening. No fence may be less than six feet tall.
- (b). All service areas for dumpsters, compressors, generators and similar items as well as any outdoor storage areas must be screened by a fence at least six feet tall, constructed of a material similar to surrounding buildings, and must surround the service or storage area except for the necessary ingress/egress.
- (5) Site design
- Site design and building placement must be attentive to the surrounding environment including sun, wind and shade patterns related to proposed and existing buildings. A sun/shade analysis may be required by the Planning Board.
- (6) Energy and sustainability
- Energy efficiency is allowed and encouraged through the use of solar power, geothermal, and other alternative and sustainable power sources.
- (7) Building design standards.
- (a) New buildings must meet the general design principles set forth in the Design Handbook except as noted below. In general, buildings should be oriented to the street from which they derive frontage, with the front of the building facing the street. The front facade must contain the following:
- [1] A front door for pedestrian access.
- [2] Windows.

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

(8) Landscaping, screening and buffers.

- (a) A landscape plan 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.

- (b). Northeastern native trees, shrubs and herbaceous plantings, 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.

- (c). Any required plantings approved by the Planning Board that do not survive must be replaced within one year. This requirement does not expire and runs with the land.

- (d) Landscaping along the street frontage of each building must consist of one of the following:

- [1] Street trees. A minimum of one street tree must be planted for each 20 feet of street frontage. Trees may be planted in groups or spaced along the frontage. However, trees must be planted to ensure survival, using silva cells, bioretention cells or tree wells. Trees are to be a minimum of 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.

- [2] Pocket Park. The park must be at least 200 square feet. A minimum of three trees and a bench for sitting are required. Park must be vegetated with ground cover except for walkways.

- (e) Surface parking areas that abut a street must provide screening in one of the following ways:

- [1] One tree per 25 feet of street frontage backed by a fence constructed of a material similar to surrounding buildings which must screen the parking area from the street except for necessary vehicular and pedestrian access. Trees must be at least 2.5-inch caliper and 12 feet high at the time of planting.

- [2] A combination of trees and shrubs including at least 50% evergreen species, all at least six feet high at time of planting, in a planting bed at least eight feet wide. 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 orange- or red-dyed mulching material may be used.

- [3] A minimum of 10% of any surface parking area consisting of 10 or more parking spaces must be landscaped with trees and vegetated islands. This requirement is in addition to the screening requirements in Subsection §16.4.26.D(8)(e)(i) and §16.4.26.D(8)(e)(ii) if the parking area abuts a street. Bioretention cells and rain gardens may be utilized to meet the landscaping requirements and perform stormwater management.

- (f) Buffers required between residential uses and mixed use or nonresidential uses, and between adjacent residential zones and this zone must be 50 feet wide and consist of

one of the following as determined by the Planning Board:

[1].Existing natural woodland and vegetation.

[2].Existing natural woodland augmented by the planting of additional trees consisting of a variety of species at least 2.5-inch caliper and 12 feet high.

[3].A fence at least six feet high, constructed of material similar to surrounding buildings, with plantings of trees and shrubs at least six feet tall on either side of the fence.

(9) Open space

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

(a) Wherever possible, large healthy trees and areas with mature tree cover must be included in the open space.

(b).Location of open space must promote the continuity of open-space networks across adjacent parcels.

(c). Where possible, open space and open-space networks must include public trails and low-intensity recreational opportunities.

(10) Special situations

Expansions or modifications of 1,000 square feet or less to existing uses are exempt from landscaping, screening and buffer requirements.

(11) Conditions for approving special exception uses in the Neighborhood Mixed-Use Zone.

All applications must include a narrative describing why the use proposed will promote the general welfare (specifics may be found in § 16.3 Definitions for special exception) of the Town of Kittery, how the use proposed will meet the special exception criteria found in § 16.2.12.F.(3) and how the proposed development will adapt and relate to the natural environmental conditions found on the site.

(12) Cottage cluster requirements:

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

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

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

(d) A minimum of 10% of the property must be open space.

(13) Affordable housing requirements:

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

**KITTERY TOWN CODE –
TITLE 16
AFFORDABLE HOUSING
MIXED USE NEIGHBORHOOD (MU-N)**

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

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

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

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

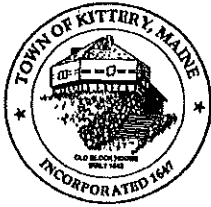
WHEREAS, the Town of Kittery seeks to remove barriers and incentivize the creation, rehabilitation, and retention of affordable housing units through its zoning code;

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

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

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

Attest: {NAME}, _____ Town Clerk



TOWN OF KITTERY
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 Joel Harris
please print

Applicant's Address 2 Monroe St Portsmouth, NH
please print

Applicant's mailing address if different from above: _____

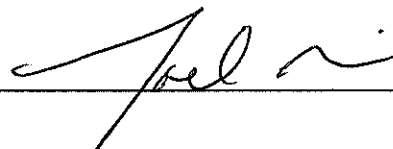
Applicant's Email address (required) joelfredharris@hotmail.com

Date of Birth 6/16/79 Applicant's Telephone Number: 603-475-3601

Business Name: Little Bridge Lobster LLC. dba Buoy Shack
please print

Business Address: 1 Badgers Island West Unit #5
please print

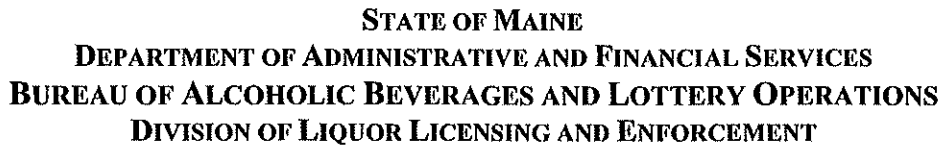
Business Telephone Number: 207-703-2374

Signature of Applicant  DATE: 5/31/22

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



All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Little Bridge Lobster LLC	Business Name (D/B/A): Buoy Shack
Individual or Sole Proprietor Applicant Name(s): Joel Harris	Physical Location: 1 Badgers Island West #5
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: 2 Monroe St Portsmouth, NH 03801	Email Address: joel.fred.harris@hotmail.com
Telephone # Fax #: 603 - 475 - 3601	Business Telephone # Fax #: 207 - 703 - 2374
Federal Tax Identification Number: 88-0843042	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address: www.buoyshack.com

1. New license or renewal of existing license? ☒ New Expected Start date: 6/29/22
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

60 Brigham Ln Wells, ME 04090

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
Joel Harris	6/16/79	Ware, MA.
Matthew Junkin	11/28/78	Lancaster, PA
William Banfield	11/1/88	Albany, NY
Elizabeth Casella	2-21-89	Rutland, VT

Residence address on all the above for previous 5 years	
Name	Address:
Joel Harris	2 Monroe St Portsmouth, NH
Matthew Junkin	30 Elwyn Rd Rye NH
William Banfield	1 Bridgers Island (W) Kittery
Elizabeth Casella	1 Bridgers Island (W) Kittery

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:

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

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

The restaurant will have three main seating areas. 1) The waterfront area will have 14 Adirondack style chair w/ 7 side tables. 2) The patio area will have 7 picnic tables, with 3 being under a 10'x30' tent. 3) The dining room will have 3 2-top dining tables (6 seats) and 6 2-top high-top tables (12 seats) as well as 8 stools on the outside deck.

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: St. Mark's United Methodist Church

Distance: 0.3 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 5/31/22

Joel Harris
Signature of Duly Authorized Person

Joel Harris
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

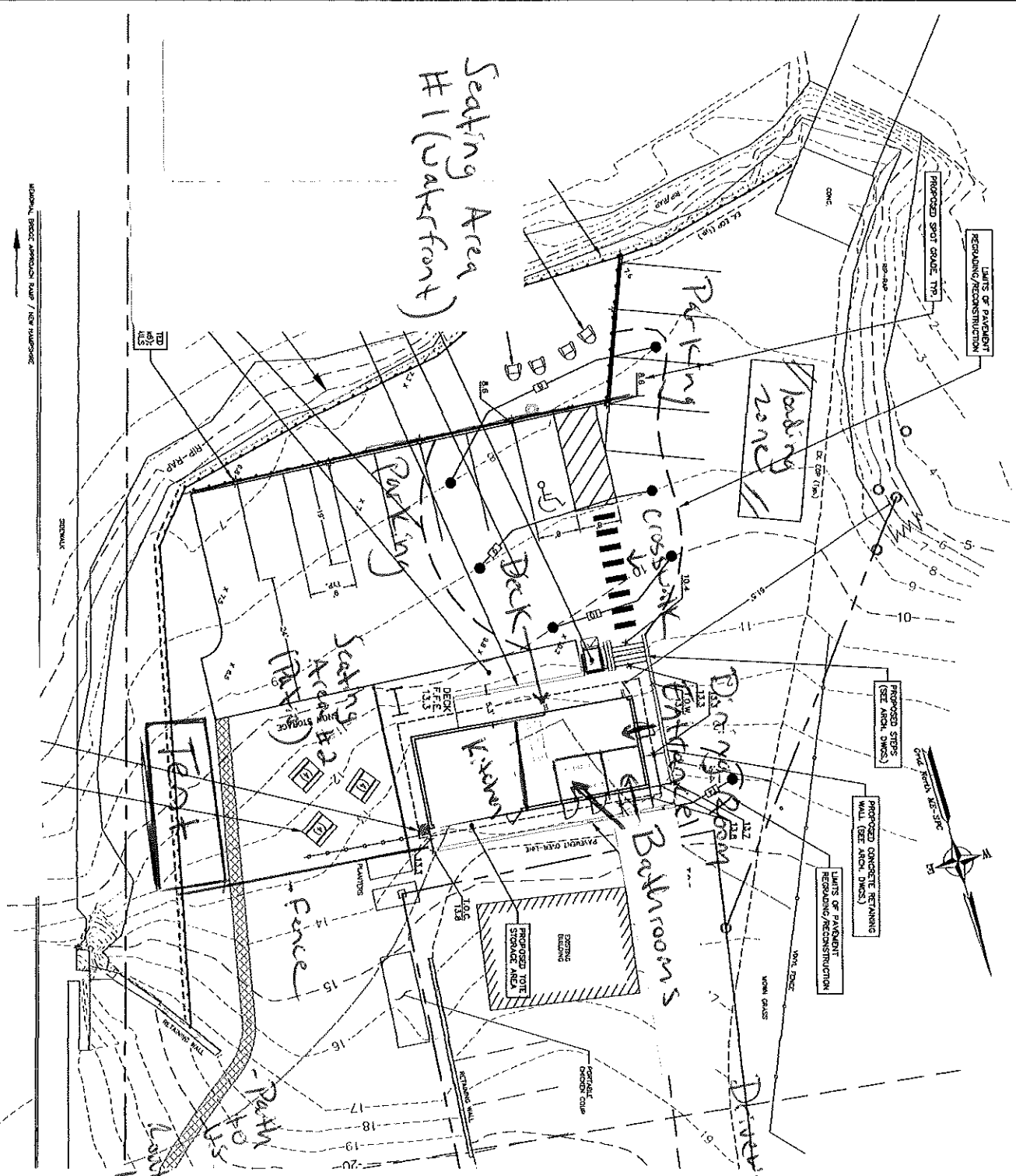
Section VI Premises Floor Plan

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.

See Attached

(IN FIELD)



- [illegible]

GRADING NOTES:

- [illegible]

SECTION 1.01

1. GENERAL UTILITY WORK WITH RESPECTING UTILITY CONCEPT, ARCHITECTURAL DRAWINGS, ALL ELECTRICAL, CABLE AND TELECOMMUNICATION SERVICES AND CONDUITS SHALL BE LOCATED AND DEPTH SHALL BE DETERMINED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR UNDERGROUND UTILITY MARKING. UNDERGROUND UTILITIES MUST BE MARKED WITH THE APPROPRIATE MARKING SYSTEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING PLACING OF ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING PLACING OF ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING PLACING OF ALL UNDERGROUND UTILITIES.
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TOWN OF KITTEERY, PLANNING BOARD

YORK & REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ M _____ A, AND
RECORDED IN BOOK _____ PAGE _____
ATTEST: _____

REGISTER

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: Little Bridge Lobster, LLC
2. Doing Business As, if any: Booy Shack
3. Date of filing with Secretary of State: 1/28/21 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Joel Harris	2 Monroe St Portsmouth, NH	6/16/79	member	50%
Matthew Junkin	30 Elwyn Rd Rye, NH	11-22-78	member	25%
William Banfield	1 Badgers Island West, Kittery, ME	11-1-88	member	12.5%
Elizabeth Casella	1 Badgers Island West, Kittery, ME	2-21-89	member	12.5%

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



STATE OF MAINE
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 State House Station, Augusta, ME 04333-0008 (Regular Mail)
10 Water Street, Hallowell, ME 04347 (Overnight Mail)
Telephone: 207-624-7220 Fax: 207-287-3434
Email inquiries: MAINELIQUOR@MAINE.GOV

Application for a New or Renewal of a Farmers' Market Authorization

The following information must be provided. All information must be typed or printed legibly.

Name of Farmers' Market: Kittery Community Market	
Location of Farmers' Market: 10 Shapleigh Road, Kittery, Maine	
Current License Number, if any:	Expiration Date:
Days of the Week that you will be operating: (1) one (Sunday)	
Contact Person: Michelle Gill or Dot Avery	
Mailing Address to send license: PO Box 832, Kittery, ME 03904	
Contact Person Email: kitterycommunitymarket@gmail.com	
Municipality: Kittery	State: Maine Zip Code: 03904
Telephone Number: (508) 292-7748	Fax Number: —

PLEASE SIGN IN BLUE INK

DA Driscoll
Signature of Owner or Corporate Officer

5/31/22
Date

Deborah A. Driscoll, Treasurer
Print Name of Owner or Corporate Officer

Farmers' Markets held on Private Property:

10 Shapleigh Road, LLC, Kittery Me.

I, Karen Logan, the owner of the property that the above farmers' market is to be held on agrees to allow the sale of malt liquor or wine on my property during legal hours of sale of these products at the farmers' market.

Karen Logan
Signature of property owner

5/31/22
Date

Karen Logan
Printed name of property owner

For Municipal Approval Only

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

On: _____
Date

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

Signature of Officials	Printed Name and Title

§1366. RETAIL SALES AT FARMERS' MARKET

3. Conditions. A licensee under subsection 1 may sell wine, spirits or malt liquor at a farmers' market under the following conditions:

A. The licensee shall apply for and must have received authorization to sell at farmers' markets from the bureau and paid an annual fee of \$75. The application pursuant to this paragraph must be in a form determined by the bureau. The licensee shall submit the application at least 30 days prior to the date when wine, spirits or malt liquor is to be sold at a farmers' market; [2017, c. 168, §2 (AMD).]

B. Prior to each month during which the licensee wishes to sell or conduct a taste testing at a farmers' market, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to sell or conduct a taste testing and must receive approval from the bureau for that month; [2017, c. 168, §2 (AMD).]

B-1. The licensee shall keep and maintain a record of the dates, times and locations of the licensee's participation in a farmers' market under this section; [2017, c. 168, §2 (NEW).]

C. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including liquor, and must be authorized by the bureau under subsection 4; [2017, c. 168, §2 (AMD).]

D. The stall or booth operated by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter; [2011, c. 280, §3 (NEW).]

E. All wine, spirits and malt liquor must be prepackaged and sold by the bottle or case; [2017, c. 1, §19 (COR).]

F. Taste testing of wine, spirits and malt liquor may be conducted in accordance with section 1367; and [2017, c. 1, §19 (COR).]

G. Spirits sold in accordance with this subsection are subject to the listing, pricing and distribution provisions of this Title. The holder of a small distillery license may provide spirits for sale at a farmers' market in the same manner as permitted under section 1355-A, subsection 5, paragraph G. [2017, c. 168, §2 (NEW).] [2017, c. 1, §19 (COR).]

4. Farmers' market authorization. At least 30 days prior to the sale of wine, spirits or malt liquor, a farmers' market must obtain municipal approval to sell wine, spirits and malt liquor under this section and apply for and receive authorization from the bureau for a licensee authorized under subsection 3, paragraph A to sell wine, spirits or malt liquor at the farmers' market. If the farmers' market is held on private property, the application must include a written statement signed by the owner of the property permitting the sale of wine, spirits or malt liquor in accordance with this section. The bureau may request a diagram of the layout of the farmers' market. An application required by this subsection must be in a form determined by the bureau.

[2017, c. 168, §3 (AMD).] **5. Rules.** The bureau may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2011, c. 280, §3 (NEW).]



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:

The Black Birch Inc.

2 Government St. Kittery, ME 03904

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

A

Mailing address and telephone number of owner of the real estate: Studio Verte LLC

178 Peppermell Rd Kittery, ME 03905

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

Black Birch Parking Lot

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

Sunday - Saturday - 4 - 10pm

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

Live music - acoustic based

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 ☒

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:

Frequency will be pretty isolated to a
few dates for the whole season.

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:

President / owner-operator of The Black Birch Inc.

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: 6/2/22

SIGNATURE OF APPLICANT: 

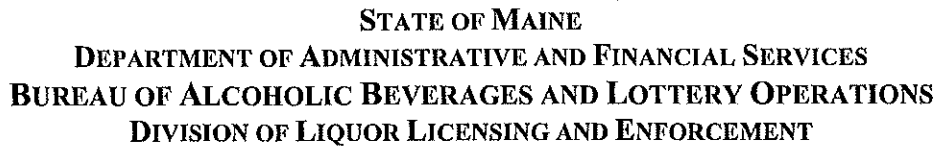
APPLICANT'S NAME: GAVIN BEAUDRY
(please print)

ADDRESS: 10 Foyes Lane, Kittery Point, ME 03905
(please print)

TELEPHONE NUMBER: 603-320-0149

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



All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Siam Chanwell Inc.	Business Name (D/B/A): Siam Mellow Tasty
Individual or Sole Proprietor Applicant Name(s): Napak Chanvatic	Physical Location: 182 State Road. Kittery, Maine 03904
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: siammellow2021@gmail.com
Telephone # Fax #: 207-439-9988	Business Telephone # Fax #: 207-439-9988
Federal Tax Identification Number: 87-2813947	Maine Seller Certificate # or Sales Tax #: 1224209
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: 06/24/2022
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☐ Spirits

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

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

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

5. Business records are located at the following address:

182 State Road. Kittery, Maine 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
Napak Chanvatic	06/22/1981	Thailand
Residence address on all the above for previous 5 years		
Name	Address:	
Napak Chanvatic	70 Horne St. Dover, NH 03820	
Name	Address:	
Name	Address:	
Name	Address:	

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

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

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

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: _____


Distance: _____

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: 6/6/22


Signature of Duly Authorized Person

Napak Chanvatik
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

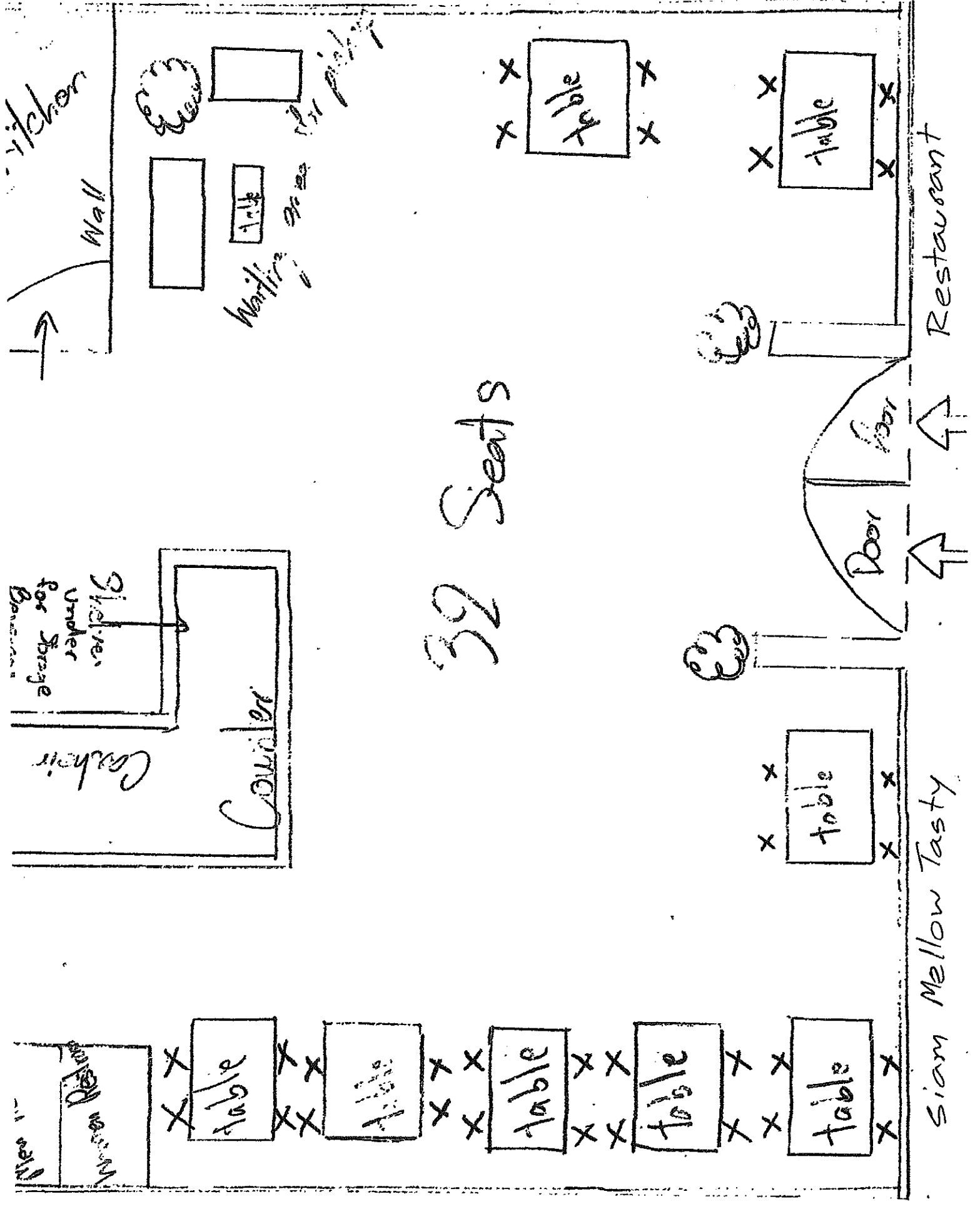
- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau 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



32 Seats

Siam Mellow Tasty

Restaurant

WILL - 2-25

Beverage
Cooler

Fry - Ovens

Stove X X
X X

1 1/2 ft
O O O

Deli Cooler

PREP.

Swing High S

Freezer

Wall

Sink

Dish
Washer

Sink

Joe
Machine

Refrigerator

Freezer

Freezer

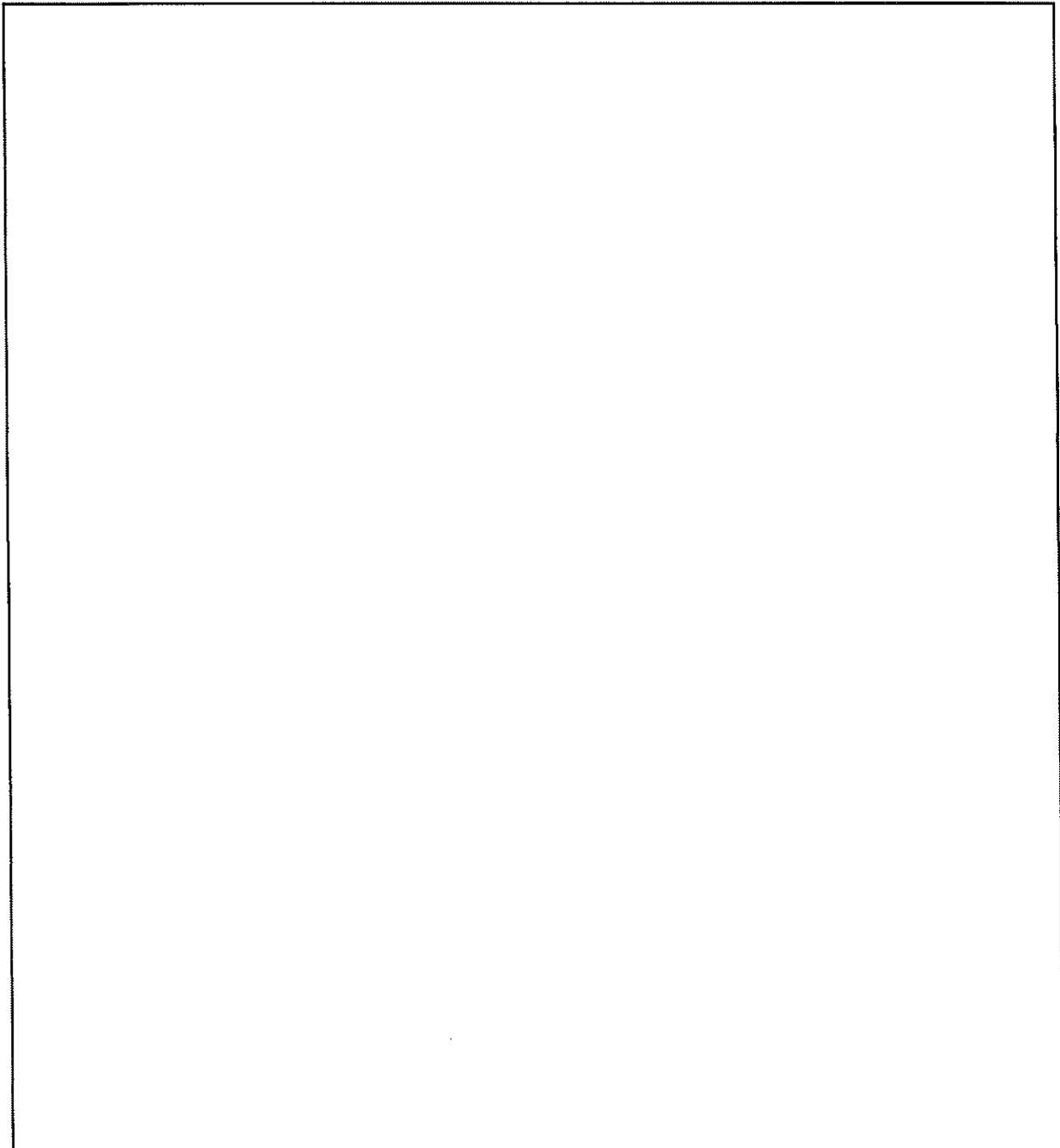
Dry
Storage

3 Bay Sink

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.

A large, empty rectangular box with a thin black border, intended for the applicant to draw and label the floor plan of the premises. The box occupies the majority of the page below the instructions.

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: Sai Siam Chanwell Inc.
2. Doing Business As, if any: Siam Mellow Tasty
3. Date of filing with Secretary of State: 9/27/2021 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Napak Chanvatik	70 HORNE ST DOVER, NH 03820	6/22/1981	OWNER	50
TUANSAI CHANVATIK	70 HORNE ST. DOVER, NH 03820	19/11/1957	OWNER	50

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



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): <u>Tributary Brewing Co. LLC</u>	Business Name (D/B/A): <u>Tributary Brewing Co.</u>
Individual or Sole Proprietor Applicant Name(s): <u>Theodore O.D. Mott</u>	Physical Location: <u>10 Shapleigh Rd. Ste. A</u> <u>KITTERY, ME 03904</u>
Individual or Sole Proprietor Applicant Name(s): <u>Galen M. Mott</u>	Mailing address, if different:
Mailing address, if different from DBA address: <u>5 Winding Brook Ln.</u> <u>South Berwick, ME 03908</u>	Email Address: <u>galen@tributarybrewingcompany.com</u>
Telephone # Fax #: <u>207-384-2568</u>	Business Telephone # Fax #: <u>207-703-0093</u>
Federal Tax Identification Number: <u>46-1683342</u>	Maine Seller Certificate # or Sales Tax #: <u>1169310</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>tributarybrewingcompany.com</u>

1. New license or renewal of existing license? ☒ New Expected Start date: 7/6/2022
☐ Renewal Expiration Date: _____

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

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

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

☒ Malt Liquor (beer) ☒ Wine ☐ Spirits

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

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

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

5. Business records are located at the following address:

10 Shapleigh Rd., Ste. A 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
Theodore O.D. Mott	05/01/1958	New York City
Galen M. Mott	11/13/1959	New York City

Residence address on all the above for previous 5 years

Name Galen and Theodore Mott Address: 5 Winding Brooke Ln.
South Berwick, ME 03908

Name Address:

Name Address:

Name Address:

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

10 Shapleigh Rd LLC, 10 Shapleigh Rd., Ste. B, Kittery, ME 03904

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

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

The areas include a Fasting Room 38' x 42' with a bar, 2 kegerators that serve 8 beer styles, tables + hightops for customers; outdoor deck approx. 300 sq. ft; and seasonally outdoor seating area in front with seating + awning that is approx. 1,200 sq feet.

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: 4200 feet

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: 06/02/2022

Galen M. Mott
Signature of Duly Authorized Person

Theodore Mott
Signature of Duly Authorized Person

Galen M. Mott
Printed Name Duly Authorized Person

THEODORE MOTT
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.

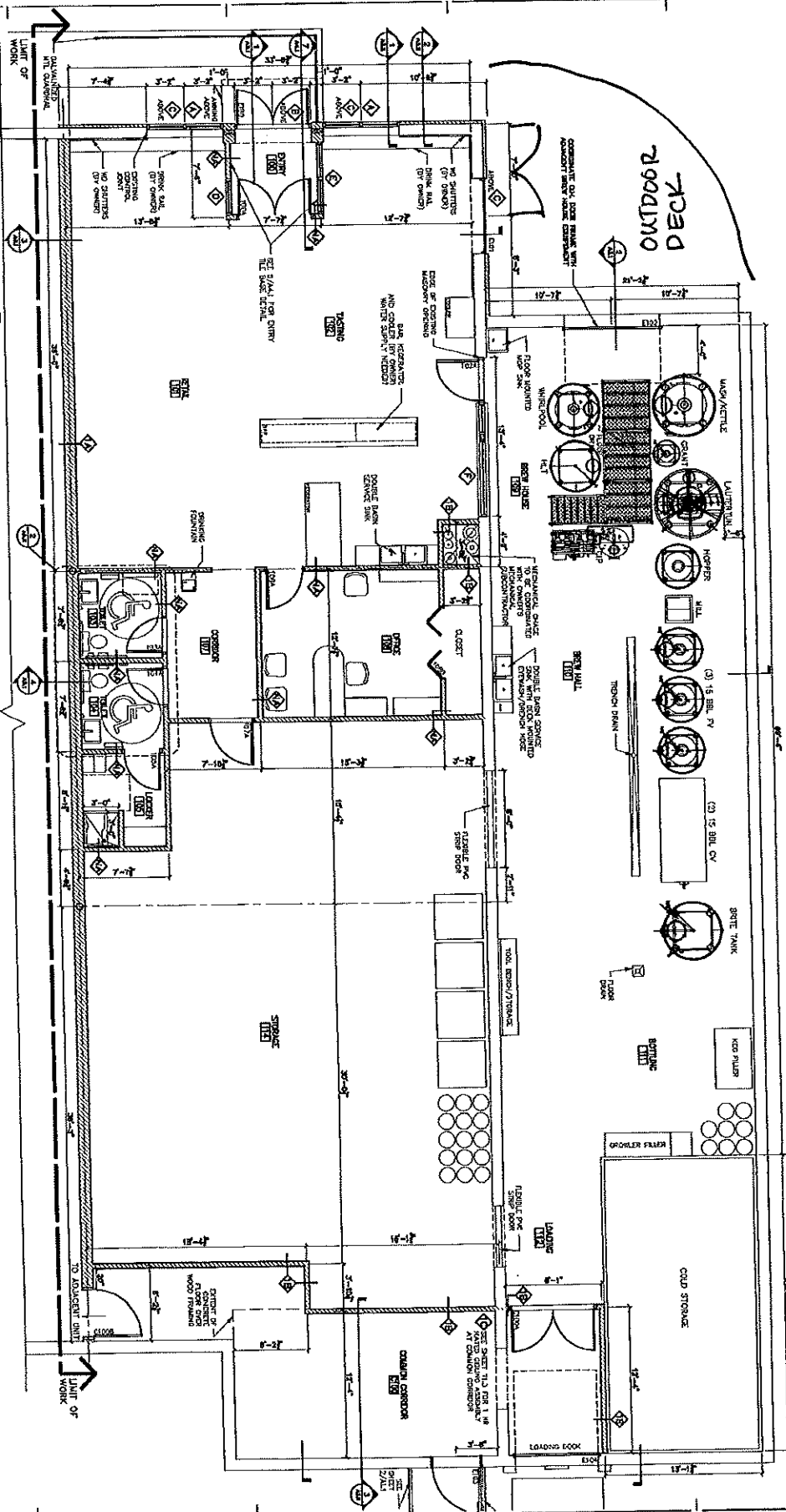
Section V: Fee Schedule

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 <i>KMZ</i>	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 <i>KMZ</i>	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

1 FIRST FLOOR PLAN
 A1.2 SCALE: 1/8"=1'-0"
 NORTH



TRIBUTARY BREWING CO.
 POST OFFICE SQUARE
 Kittery, ME



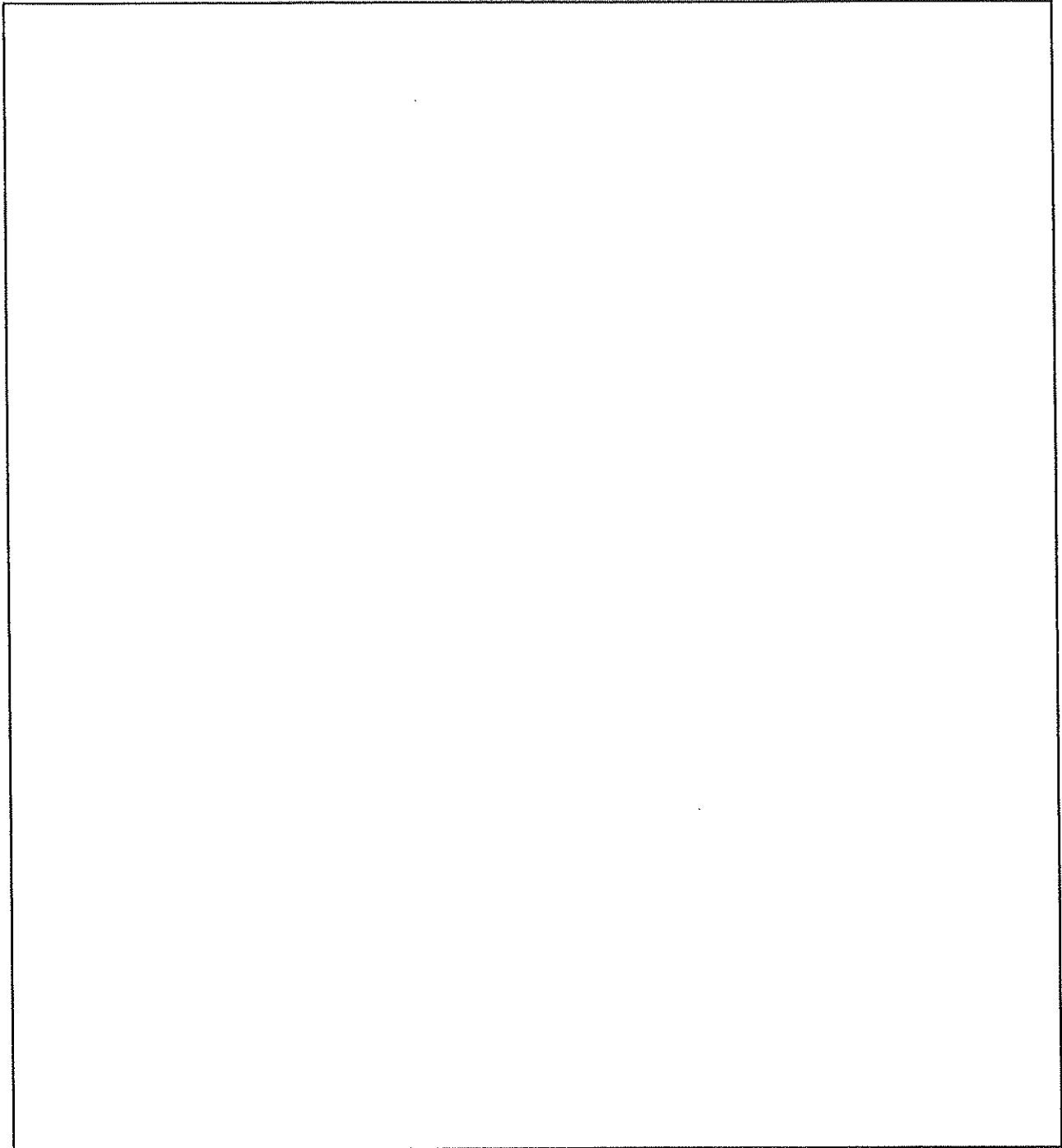
AGENCY
 ARCHITECTURE
 100 Main Street
 Portsmouth, NH 03801-0277

PROJECT: Tributary Brewing Co.
 ARCHITECT: Tributary Architecture
 DATE: 10/20/2011
 SHEET: A1.2
 FIRST FLOOR PLAN
 1/8"=1'-0"

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.

A large, empty rectangular box with a thin black border, intended for the applicant to draw and label the floor plan of the premises. The box occupies the majority of the page below the instructions.

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: Tributary Brewing Co., LLC
2. Doing Business As, if any: Tributary Brewing Co.
3. Date of filing with Secretary of State: 10/22/12 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Theodore O.D. Mott	5 Winding Brooke Ln. South Berwick, ME 03908	05/01/1958	COO	49%
Gaelen M. Mott	same as above	11/13/1959	CFO	51%

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



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

Rec'd
1-19-21 @ 1:05 pm

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: John Corgan

RESIDENCE: 24 Landmark Hill Lane

MAILING (if different) _____

E-MAIL ADDRESS: JCorgan@msn.com

PHONE #: (H) 484-553-0316 (W) _____ (C) _____

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

- | | |
|---|---|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Board of Trustees of Trust Funds |
| <u>3</u> Comprehensive Plan Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Education Scholarship Committee | <input type="checkbox"/> Economic Development Committee |
| <u>2</u> Parks Commission | <input type="checkbox"/> Kittery Port Authority |
| <u>1</u> Planning Board | <input type="checkbox"/> KCC Board of Directors |
| <input type="checkbox"/> Kittery Climate Adaptation Committee | <input type="checkbox"/> Library Advisory Committee |
| <input type="checkbox"/> Kittery Celebration Committee | Other <u>Land Issues</u> |

EDUCATION/TRAINING: BA Accounting

RELATED EXPERIENCE (Including other Boards and Commissions) In my role as a product manager @ Merck I have significant experience leading projects + working with project teams. Small business owner w/ my wife Michelle.

PRESENT EMPLOYMENT: Merck & Co Product Manager Home Again Pet Recovery

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

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

REASON FOR APPLICATION TO THIS BOARD: Looking to get more involved in town

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

Please read the back of this application before signing.

[Signature]
SIGNATURE OF APPLICANT

1/8/2021
DATE



Published on *Kittery ME* (<https://www.kitteryme.gov>)

[Home](#) > [Town of Kittery Board & Committee Application](#) > [Webform results](#) > Submission #4

Submission information

Form: [Town of Kittery Board & Committee Application](#) ^[1]

Submitted by Anonymous (not verified)

February 7, 2022 - 11:46am

98.217.109.210

Name:

Leela Pahl

Residence:

28 Woodlawn avenue, Kittery ME 03904

Mailing (if different):**E-Mail Address:**

pahl.leela@gmail.com

Cell Phone Number:

8607056173

Home Phone Number:**Work Phone Number:****Board, Committee & Commission Choices**

- Conservation Commission
- Educational Scholarship Committee
- Kittery Community Center Board of Directors

Rank Choices By Priority

I am equally interested in the 3 committees I selected. I just want to serve where my skills would be most useful.

Education/Training:

M.Ed. in Independent School Leadership and 7 years in school administration. Currently Head of School at The Cornerstone School in Stratham.

Bachelor's degree in Environmental Analysis and Policy with 3 years in wildlife research (primarily bird surveying and banding) and a background in outdoor education and experiential learning.

Related Experience (Including other Boards and Commissions):

As a school administrator, I've worked closely with the Board of Directors at my schools. I was Vice President of the Tennessee Valley Audubon Society for 3 years prior to relocating to Kittery.

Present Employment:

Head of School at The Cornerstone School in Stratham, NH.

Are You a Registered Voter in the Town of Kittery?

Yes

Do You Have Any Conflicts of Interest?

No.

Reason for Application to this Board:

Interested in getting involved and being helpful to the community.

I have attended at least two meetings of the board for which application is being made:

Have not

I agree to attend all meetings, except for illness/emergency & will advise the Chair when unable to attend:

Agree

Signature

Leela Pahl

Source URL: <https://www.kitteryme.gov/node/71141/submission/12976>

Links

[1] <https://www.kitteryme.gov/home/webforms/town-kittery-board-committee-application>



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1313 Fax: (207) 439-6806

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Kathleen Starkey

RESIDENCE: 34 George Street Kittery, ME 03904

MAILING (if different) _____

E-MAIL ADDRESS: J.KStarkey@hotmail.com

PHONE #: (H) X (W) 207-332-0528 (C) 207-332-0528

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

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

EDUCATION/TRAINING: College education, ^{Other} people management training

RELATED EXPERIENCE (Including other Boards and Commissions) 17 year Kittery resident, mother of 2 Mitchell School children, KCC participant and 17 years of financial institution employment.

PRESENT EMPLOYMENT: Bangor Savings Bank, Mortgage Loan Officer

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): N/A

REASON FOR APPLICATION TO THIS BOARD: Be a voice for the community, to expand and maintain the services and opportunities offered by the KCC.

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

Please read the back of this application before signing.

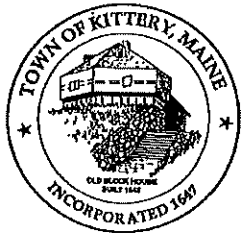
Kathleen Starkey
SIGNATURE OF APPLICANT

April 13, 2022
DATE

Received 5/23/2022

I am currently living in Portsmouth, where I have registered to vote. Although I still own our home at 4 Seapoint Rd, I do not consider it appropriate to continue as a member of this board and therefore resign.

Alan Rindler



Town of Kittery, Maine

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-0333 Fax: (207) 439-6118

Date Issued: 5/31/2022

TO: Karen Estes

FROM: David Rich, Department of Public Works

RE: Pole Permit Request

NAME OF APPLICANTS:

Central Maine Power & Consolidated Communications Inc.

REQUESTED LOCATION:

South Bound side of roadway between Old Ferry Lane and Wyman Ave.

OF POLES: 27

☒ Location has been approved.

☐ Location has NOT been approved.

Public Works Commissioner

Date: 5/31/2022

Pole List:

Existing Pole #	Existing Station	Left/Right		Existing Offset	Proposed Station	Left/Right		Proposed Offset	Comments
		LT	RT			LT	RT		
38	12+82	X		15	12+84	X		19	
40	14+14	X		19	14+14	X		19	REPLACE IN LOCATION – UTILITY PREF.
41	15+25	X		15	15+25	X		13.5	
43	16+33	X		19	16+33	X		19	REPLACE IN LOCATION – UTILITY PREF.
44	17+38	X		16	17+39	X		19	REPLACE IN LOCATION – UTILITY PREF.
45	18+10	X		17	18+10	X		18	
46	19+07	X		14	19+24	X		14	
46S	19+11		X	16	19+21		X	21	
47	20+06	X		16	20+06	X		13	
48	21+25	X		13.5	21+25	X		13.5	LEAVE EXISTING POLE
49	22+13	X		18	22+07	X		14	
50	23+29	X		17	23+30	X		14	
51	24+20	X		15.5	24+14	X		14	
52	24+93	X		16.5	24+96	X		18.5	
53	25+57	X		15	25+59	X		14	
54	26+22	X		16	26+22	X		14	
55	26+99	X		15	27+00	X		14	
56	28+85		X	16	28+85		X	16	LEAVE EXISTING POLE
57	28+67	X		18	28+66	X		14	
58	29+69	X		22	29+69	X		14	
59	30+48	X		16	30+48	X		14	
60	31+69	X		15.5	31+68	X		14	
61	32+24	X		19	32+24	X		19	REPLACE IN LOCATION
62	33+80	X		19	33+80	X		18.5	
63	35+05	X		19	35+06	X		18	
64	36+28	X		16	36+30	X		18	PLACE BEHIND RET. WALL
239 CMP-1	36+35		X	18	36+32		X	20	

From: Cindy Furbish <cfurbish@kitteryschools.com>

Sent: Tuesday, June 7, 2022 12:43 PM

To: Kendra Amaral <KAmaral@kitteryme.org>

Cc: Linda Greer <lgreer@kitteryschools.com>

Subject: Request for Signage on Public Property

Hi Kendra,

Kittery Adult Education would like to request permission from the Town Council to place approx. 5/6 signs "advertising" our HiSET (High School Equivalency Test) exam completion campaign.

The Department of Education has provided us with several signs, as we try to encourage people to complete their high school credential (to also qualify for free community college).

Attached is an image of what the signs would look like.

Ideal dates of postings: approx. from 6/15/2022 - 7/5/2022 & maybe 8/29-9/9/2022

Ideal locations of postings:

Approach to the Kittery Traffic Circle (2)

Town Hall/School Dept

Curbside grass by the Taylor Bldg.

Curbside grass by Community Bldg.

Curbside grass by Traip Academy

--

Thank you,

Cindy Furbish

Assistant Director

Kittery Adult Education

207-439-5896

cfurbish@kitteryschools.com

www.kittery.maineadulted.org

It's time for

HiSET[®]



**KITTERY
ADULT EDUCATION**
kittery.maineadulted.org



207-439-5896

Adult Education can help!