



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

COUNCIL CHAMBERS

September 13, 2021

6:00PM

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

Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. Please note, the Town is testing its hybrid meeting technology. Every effort will be made to make this run smoothly, however some technical difficulties may occur as the Town implements this new approach. **To register via Zoom:**

https://us02web.zoom.us/webinar/register/WN_-gTdxvfCTs2hEMk0bmsjA

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

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

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - August 9, 2021 – Regular Meeting
 - August 23, 2021 – Special Meeting

8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
 - a. (090121-1) The Kittery Town Council moves to establish an overlay amount of \$_____, resulting in a mil rate of _____ per mil, and to charge an interest rate of 6% per annum on past due accounts and an interest rate of 2% on overpayment of property taxes, and confirms the dates of November 1, 2021, February 15, 2022 and May 31, 2022, as the due dates for property and personal taxes.

10. PUBLIC HEARINGS

- a. (090121-2) The Kittery Town Council moves to hold a public hearing on Title 2 – Firefighters.
- b. (090121-3) The Kittery Town Council moves to hold a public hearing to adopt a Remote Meeting Policy for Council, Boards, Commissions and Committees.
- c. (090121-4) The Kittery Town Council moves to hold a public hearing on a Zoning Amendment application, Title 16 – Gas Station Buffer.
- d. (090121-5) The Kittery Town Council moves to hold a public hearing on new Victualer’s License application for Toast, located at 7 Shapleigh Road, Kittery.
- e. (090121-6) The Kittery Town Council moves to hold a public hearing on a new Victualer’s License application for Ed’s French Fries, Mobile Food Unit located at 724 Sanford Road, Wells, Maine.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person).
- b. Chairperson may read written comments into the record.
- c. Chairperson’s response to public comments.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

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

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

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

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

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

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

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

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

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

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

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson

- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: September 9, 2021



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council September 13, 2021

- 1. COVID Update** – We continue to watch as the Delta and Mu variants of COVID become more prevalent in our country and region. York County has gone from “moderate” community transmission to “high” community transmission, according to the CDC, in just six weeks. Hospitals are beginning show signs of strain as the number of COVID infected patients increase.

The Town implemented a mask mandate in all municipal buildings at the beginning of August. We are planning for booster shot clinics starting late Sep or early Oct. Certain programs and performances planned for this fall, at the KCC, are being reviewed for indoor capacity and safety. I anticipate we will again need to temper our expectations of normal operations for the remainder of the year.

Residents are encouraged to get vaccinated and to wear face-coverings as a means to prevent the further spread of COVID. For more information about getting vaccinated please visit <https://www.maine.gov/covid19/vaccines>

- 2. November Town Election** – Absentee Ballot applications are currently available at Town Hall and on the Town's website for the upcoming November 2nd Town Election. To apply for an absentee ballot or to register to vote, visit the Town Hall or the Town's website, or contact the Town Clerk's Office at 207-475-1313. Absentee ballots are expected to be available by the first week of October.

The Candidate Forum has been scheduled for October 20, 6PM at Town Hall. The Candidate Forum is hosted by the Traip Student Government and includes candidates for Council and School Committee. The Candidate Forum will be live-streamed on the Town's website and Channel 22 Facebook page, and broadcast on Channel 22.

- 3. Kittery 375th Celebration** – The 375th Celebration Committee has been working hard this past year to plan a number of great events and activities to celebrate Kittery's 375th anniversary of incorporation as a town. The Celebration will kick off with a Taste of Kittery on October 9. For information about the Celebration and upcoming events please visit www.Kittery375th.com.

Restaurants and breweries interested in participating in the Taste of Kittery, or to volunteer for the event please contact Kittery375th@gmail.com.

- 4. Kittery Kitchen Compost Campaign** - The Town of Kittery, in partnership with Kittery Climate Action Now (KCAN), is making it easy for residents to turn more than 25% of household trash into clean, garden-ready soil. Kittery residents can now bring food scraps, compostable plastics, and other kitchen waste to the compost collection bin at the Kittery Resource Recovery Facility. The new service provides an easy, free way to reduce climate-changing methane pollution, reduce waste disposal costs, and turn trash into a valuable soil amendment. The compost program is being administered by Mr. Fox, a Maine company, that collects and processes compostable materials from municipalities and businesses throughout the Seacoast area.

To make the composting as easy as possible, Kittery Climate Action Now is partnering with two local businesses to offer home composting containers - We Fill Good and Eldredge Lumber & Hardware/Kittery Ace. Both businesses will offer a 10% discount on composting containers to people participating in the Kittery Kitchen Compost Campaign. Kittery Climate Action Now (KCAN) will help defray the cost of compost collection containers for anyone who needs financial assistance – please contact Melissa Paly at mpaly01@gmail.com.

5. **Town Website Update** – The Town website is undergoing a makeover. The update will include a new homepage layout that makes services, news, and the calendar more accessible and visually appealing. The design reflects a modern and vibrant community, and places an emphasis on current communication best practices. It has been four years since our last refresh. The redesigned website will be launched in October.
6. **Kittery Water District Survey** – The Town of Kittery staff have been working with the Kittery Water District Trustees to design and host a customer and resident survey. The survey is focused on gathering input on KWD services and planning for its future. All KWD customers and town residents (regardless whether or not they are KWD customers), are welcomed to take part in the survey. The link to the survey is available on the KWD website and the Town website, and will be available until the week of September 20th. Staff will be presenting the survey results to the KWD Trustees in October.
7. **Bike/Ped Master Plan** – More than 100 people provided input on the bike/ped master plan effort by using an interactive Wikimapping tool to identify areas of concern and opportunities to enhance conditions for walking or cycling in Kittery. The feedback collected from this outreach will be used to prioritize pedestrian and cyclist improvement locations, and develop a multi-year plan for enhancing, repairing, or adding new sidewalks and bike lanes in town.

We are planning, in partnership with Seacoast Ebikes and Bicycle Coalition of Maine, a community bike ride for Town Councilors on October 16th. The bike ride will take Councilors to key areas identified for attention or need in the master plan. Please mark your calendars and watch for more details of the bike ride in the coming weeks.

The Bicycle and Pedestrian Master Plan, like our Pavement Management Plan, will be incorporated into our CIP process and used to inform capital funding allocations and grant applications going forward. The Master Plan is expected to be complete this fall.

8. **Marijuana Licenses** - The Town is now accepting pre-applications for the Marijuana Retail Business License Lottery in accordance with the new ordinances adopted by the Town Council. License applications for Medical Caregiver Home Establishments, and marijuana cultivation, manufacturing and testing are also available at this time. The Planning and Development Department issued a Frequently Asked Questions to provide information and guidance on the ordinance and application process. The application documents and FAQ may be found on the Town’s website.
9. **Welcome Officer Bouchard** – Please help me in welcoming our newest Police Officer, Officer Joseph “Pete” Bouchard. Officer Bouchard is a York native, and most recently served as a certified Reserve Officer for the Town of York Police Department. He will be receiving his Bachelor’s Degree in Justice Studies from Grand Canyon University this December.

Officer Bouchard is scheduled to attend the Criminal Justice Academy in January. Until he attends the Academy, he will be working with Field Training Officers.

Upcoming Dates:

- Absentee Ballot Applications Available Now – Town Clerks Office and www.kitteryme.gov
- Kittery Water District Trustee Election – September 16, 7AM to 7PM, KCC
- Kittery Corn Maze Nights – October 7 and 17, visit KCC website for details
- Town Hall Closed for Indigenous Peoples Day – October 11
- Candidate Night – October 20, 6PM, Town Hall
- Marijuana Retail Business Pre-Application Deadline – October 21, Town Hall

Respectfully Submitted,

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

Kendra Amaral
Town Manager

KITTERY TOWN COUNCIL Unapproved Minutes
August 9, 2021 Council Chambers
6:00PM

1 1. Call to Order

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

3 2. Introductory

4 Chair Thomson explained why everyone was wearing a mask and also encouraging
5 everyone to get vaccinated.

6 3. Pledge of Allegiance

7 4. Roll Call

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

10 5. Agenda Amendment and Adoption

11 Chair Thomson stated under Public Hearing item a. (080121-1) The Kittery Town
12 Council moves to hold a public hearing on the Year End Transfers.
13 No action would be taken at this time. Chair Thomson stated the public hearing would
14 remain open until the Special meeting on August 23, 2021, at 5:00 p.m.
15 Chair Thomson cast one vote to accept the agenda as written.

16 6. Town Manager's Report

17 The Town Manager reported on: Year End financial report, quarterly goals update,
18 COVID-19 update, traffic circle landscaping, Route 236 paving and traffic controls,
19 Senior Tax Circuit Breaker, Stevenson Road sidewalk, and roadwork, Pepperrell Road
20 sidewalk and paving project, National Night Out and Firefighters Matt Fiori and Hector
21 Serrano.

22 Upcoming Dates: Nomination papers are due August 12, 2021, at the Town Clerk's
23 office and the Town Hall is closed for Labor Day, September 6, 2021.

24 7. Acceptance of Previous Minutes

25

26 July 12, 2021 – Regular Meeting

27 Line 6, replace Judy with Jane, line 16, change the date to 08/09/2021, and line 21,
28 capitalize e and p in Emancipation Proclamation.

29 Chair Thomson cast one vote to approve July 12, 2021 Council minutes as amended.

30 8. Interviews for the Board of Appeals and Planning Board - None

31 9. All items involving the town attorney, town engineers, town employees or other town
32 consultants or requested offices. - None

33 10. PUBLIC HEARINGS

34 a. (080121-1) The Kittery Town Council moves to hold a public hearing on the Year End
35 transfers.

36 The Town Manager gave an overview of the Year End transfers.

37 No action would be taken at this time. Chair Thomson stated the public hearing would
38 remain open until the Special meeting on August 23, 2021, at 5:00 p.m.

39 11. DISCUSSION

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

41 Brian Early, 123 Rogers Road, Kittery, Maine, stated that the Council should reject the
42 marijuana ordinance.

43 Julie Cutting, owner of Green Blossom LLC, suggested keeping the retail marijuana
44 permitting separate from medical marijuana.

45 Rich Kunz, 23 Stevenson Road, Kittery, Maine said he was not in support of the
46 marijuana ordinance and thought the Council should reject it.

47 Jim Henry, South Berwick, Maine said he was worried big business would come in take
48 over the retail marijuana business.

49 b. Chairperson may read written comments into the record.

50 Wendy Turner, 121 Haley Road, Kittery Point, Maine, stated before voting on the
51 marijuana ordinance to please understand that the Council are going to be severely
52 damaging and limiting legal businesses that have been following state laws for a state
53 program.

54 Russell White, 59 Goodwin Road, Kittery Point, Maine, stated he had continuing
55 concerns about the regulation of home-based providers as contained in the proposed
56 new ordinances.

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

58 12. UNFINISHED BUSINESS

59 a. (080121-2) The Kittery Town Council moves to adopt the proposed amendments to
60 Title 5 and Title 16 Marijuana.

61 Chair Thomson moved to adopt the proposed amendments to Title 5 and Title 16
62 Marijuana, seconded by Vice Chair Spiller.

63 The Town Manager stated that there were a couple of items the staff had notice that she
64 would like to propose for amendments. The Town Manager presented those items to
65 the Council.

66 Chair Thomson moved to approve the amendments made to lines 23 and 24, seconded
67 by Vice Chair Spiller.

68 Motion Carried 6-0-0

69 Chair Thomson moved to make amendments to lines 210, 211, 220, 241, 360 and 361,
70 seconded by Vice Chair Spiller.

71 Motion Carried 6-0-0

72 Councilor Pelletier moved to amend one license per zone lines 174, 175, remove
73 buffering in Title 16 lines 368 thru 374, 375 thru 381 and 382 thru 388 and remove
74 mixed use zone lines 389 thru 396 and gave his explanation for his amendments,
75 seconded by Chair Thomson.

76 Motion Carried 6-0-0

77 Councilor Pelletier moved to amend the Lottery system, plus less onerous property right
78 title and interest requirement at pre-application stage lines 186 thru 187, Lottery system
79 lines 192 thru 197, Lottery system plus less onerous property right title and interest
80 requirement at pre-application stage line 200, Lottery system plus the limited license per
81 zone lines 209 thru 221, and Lottery system (conducted by an independent third party),
82 seconded by Chair Thomson.

83 Motion Carried 6-0-0

84 The Council had a discussion to get a clear understanding of Title 5 and Title 16
85 Marijuana.

86 Chair Thomson moved that Titles 5 and 16 as amended on August 9, 2021 stand for a
87 public hearing at a special meeting August 23, 2021 for the purposes of placing said
88 ordinances before the voters of Kittery at the Municipal election to be held November 2,
89 2021, seconded by Councilor Dow.

90 The Council discussed whether Title 5 and 16 should be placed on the ballot of the
91 November 2, 2021 election.

92 Motion Failed 2-4-0

93 Chair Thomson and Councilor Hamm voted yes.

94 Vice Chair Spiller, Councilor Pelletier, Councilor Dow, and Councilor Stevens voted no.

95 Chair Thomson gave some final thoughts and asked what the benefits or positives does
96 the Town of Kittery obtain by opening the door to this type of business enterprise.

97 Chair Thomson also gave reasons for not having retail marijuana in the Town of Kittery.

98 Chair Thomson requested a vote on the main motion.

99 Motion Carried 5-1-0

100 Vice Spiller, Councilor Pelletier, Councilor Dow, Councilor Hamm, and Councilor
101 Stevens voted yes.

102 Chair Thomson voted no.

103 13. NEW BUSINESS

104 a. Donations/gifts received for Council disposition

105 (080121-3) The Kittery Town Council moves to accept a donation in the amount of
106 \$5,000 from Friends of the Rice Public Library to be deposited into account #4060.

107 Moved by Councilor Dow, seconded by Councilor Pelletier.

108 Motion Carried 7-0-0

109 b. (080121-4) The Kittery Town Council moves to schedule a public hearing on
110 September 13, 2021 on Title 2 - Firefighters.

111 The Town Manager gave an overview of Title 2 - Firefighters.

112 Vice Chair Spiller moved to schedule a public hearing on September 13, 2021 on Title 2
113 – Firefighters, second by Councilor Dow.

114 All were in Favor.

115 c. (080121-5) The Kittery Town Council moves to approve the surplus of the Taylor
116 Building, 2 Walker Street through a Request for Proposal process in accordance
117 with Town Code §3.2.10. D.

118 The Town Manager gave an overview on the surplus of the Taylor Building, 2 Walker
119 Street through a Request for Proposal process in accordance with Town Code §3.2.10.
120 D.

121 Chair Thomson moved to approve the process to begin for the surplus of the Taylor
122 Building by allowing the Town Manager to issue a Request for Proposal for future use,
123 seconded by Councilor Dow.

124 All were in favor.

125 d. (080121-6) The Kittery Town Council moves to issue a letter of support for the
126 Kittery Land Trust application to Maine Natural Resource Conservation Program.

127 Vice Chair Spiller gave an overview on the Kittery Land Trust application to Maine
128 Natural Resource Conservation Program.

129 Councilor Dow moved for the letter of support, seconded by Councilor Clark.

130 Motion Carried 7-0-0

131 e. (080121-7) The Kittery Town Council moves to schedule a public hearing on
132 September 13, 2021 to adopt a Remote Meeting Policy for Council, Boards,
133 Commissions and Committees.

134 The Town Manager gave an overview of the Remote Meeting Policy for Council,
135 Boards, Commissions and Committees.

136 Chair Thomson moved to schedule a public hearing on September 13, 2021 to adopt a
137 Remote Meeting Policy for Council, Boards, Commissions and Committees, seconded
138 by Vice Chair Spiller.

139 All were in favor.

140 f. (080121-8) The Kittery Town Council moves to schedule a public hearing on
141 September 13, 2021 on a Zoning Amendment application Title 16 – Gas Station Buffer.

142 Chair Thomson moved to schedule a public hearing on September 13, 2021 on a
143 Zoning Amendment application Title 16 – Gas Station Buffer, seconded by Vice Chair
144 Spiller.

145 All were in favor.

146 g. (080121-9) The Kittery Town Council moves to approve a Special Activity
147 Amusement Permit for AJ's Wood Grill Pizza located at 68 Wallingford Square,
148 Kittery.

149 Moved by Councilor Dow, seconded by Councilor Clark.

150 Motion Carried 7-0-0

151 h. (080121-10) The Kittery Town Council moves to approve the Rock Rest marker in
152 Wallingford Square.

153 Councilor Stevens gave an overview of the Rock Rest marker in Wallingford Square.

154 Councilor Stevens moved to approve the Rock Rest marker in Wallingford Square,
155 seconded by Councilor Pelletier.

156 Motion Carried 7-0-0

157 14. COUNCILOR ISSUES OR COMMENTS

158 Councilor Stevens thanked the Council for approving the Rock Rest marker.

159 Councilor Hamm spoke about an article in the New York Times about Maine's new
160 recycling law.

161 Councilor Clark wanted to thank all the unvaccinated for his mask.

162 Councilor Dow stated this was a tough evening referring to the Marijuana Ordinance,
163 and encouraged the residents of Kittery to make sure they understand a petition before
164 signing.

165 Councilor Dow thanked Chair Thomson for his earlier words.

166 Chair Thomson stated the vote is the vote and we move on referring to the Marijuana
167 Ordinance.

168 15. COMMITTEE AND OTHER REPORTS

169 a. Communications from the Chairperson

170 b. Committee Reports

171 Vice Chair Spiller gave an update on the Beach working group.

172 16. EXECUTIVE SESSION - None

173 17. ADJOURNMENT

174 Councilor Dow moved to adjourn at 7:49 p.m., seconded by Councilor Pelletier.

175 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.

KITTERY TOWN COUNCIL Unapproved minutes
Special Meeting Requested by Chair Thomson
TOWN COUNCIL CHAMBERS
August 23, 2021 5:00 PM

1 1. Call to Order

2 Chair Thomson called meeting to order at 5:00 P.M.

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

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

8 5. DISCUSSION – Discussion is limited to the matter on the agenda for this meeting
9 only.

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

11 Colin McGuire, 26 Whipple Road, Kittery, Maine, commented he was in support of the
12 transfer from Kittery Community Center to the new reserve Climate Action Plan in the
13 amount of \$65,000.

14 Suzanne Sayer, 1 Prince Avenue, Kittery, Maine, stated there was an asset (referring to
15 the old Code enforcement car) sitting out in the parking lot for months.

16 The Town Manager addressed Ms. Sayer concerns by stating the car would be
17 auctioned in a group auction.

18 b. Chairperson may read written comments into the public record.

19 Emily Flinkstrom, Executive Director of Fair Tide, 15 State Road, Kittery, Maine, wrote a
20 letter recommending that a portion of the budget surplus from FY21 be allocated to
21 affordable housing and specifically to the Housing Reserve Fund.

22 c. Chairperson's response to public comments.

23 6. PUBLIC HEARINGS

24 7. a. (080221-1) The Kittery Town Council moves to hold a public hearing on the Year
25 End transfers (continued).

26 The Town Manager gave an overview of the Year End transfers.

27 Chair Thomson moved to approve the Year End transfers, seconded by Vice Chair
28 Spiller.

29 The Town Manager had a discussion with the Town Council and addressed any
30 questions the Council had in reference to the Year End transfers.

31 Councilor Dow moved to amend the Year End transfers and propose a matching
32 amount of \$150,000 be assigned to the Housing Reserve Fund to match the \$150,000
33 that came from ARPA, also \$250,000 moved into CIP to help offset half of the CIP
34 budget that was cut, equaling \$400,000 leaving a balance of \$339,413 in the
35 undesignated reserve fund.

36 Seconded by Councilor Stevens.

37 The Council had a discussion on the amendments Councilor Dow proposed.

38 Motion failed 2-5-0

39 Councilor Dow and Councilor Hamm voted yes.

40 Chair Thomson, Vice Chair Spiller, Councilor Clark, Councilor Pelletier, and Councilor
41 Stevens voted no.

42 Councilor Stevens moved to amend the Year End transfers and proposed to delete the
43 carry forward from the Kittery Community Center budget to hiring an additional Police
44 officer for \$108,000.

45 Motion failed due to the lack of a second.

46 Councilor Hamm moved to amend the Year End transfers and proposed \$72,000 to be
47 added to the Affordable Housing Fund as a carry forward, seconded by Councilor Dow.

48 Motion Failed 2-5-0

49 Councilor Dow and Councilor Hamm voted yes.

50 Chair Thomson, Vice Chair Spiller, Councilor Clark, Councilor Pelletier, and Councilor
51 Stevens voted no.

52 Chair Thomson mentioned one area not being addressed in these transfers that needs
53 to be looked at in the coming budget is an additional person in the Code enforcement
54 office.

55 Chair Thomson stated on his way to the meeting he noticed two properties that where in
56 violation of the property maintenance ordinance and feels the Council needs to look at
57 this in the coming year.

58 Chair Thomson also stated while he supports the additional Police Officer position, he is
59 supporting the position with the hope in the coming year there will be some kind of
60 community policing plan presented to the Council by the Town Manager and the Police
61 Chief.

62 Chair Thomson stated he endorses the Climate Action Plan.

- 63 Chair Thomson requested a vote on the main motion.
- 64 Motion Carried 6-1-0
- 65 Chair Thomson, Vice Chair Spiller, Councilor Clark, Councilor Pelletier, Councilor Dow
66 and Councilor Hamm voted yes.
- 67 Councilor Stevens voted no.
- 68 8. ADJOURNMENT
- 69 Councilor Dow moved to adjourn at 5:50 P.M., seconded by Councilor Pelletier.
- 70 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.

Memorandum

TO: Kendra Amaral
Town Manager

FROM: Paul McKenney, CMA
Municipal Resources, Inc.
Contracted Assessor

DATE: September 13, 2021

RE: FY22 Tax Rate Calculation

Attached are schedules in support of the FY22 Tax Rate Calculation.

The Town's overall taxable valuation base has increased 1.20%. This is comprised of a \$25,667,666 increase in real estate taxable valuation attributed to new construction and building permits, accompanied by a personal property valuation decrease of \$1,203,100 due in large part to more businesses applying for the Business Equipment Tax Exemption (BETE). The BETE valuation increased by \$1,352,900, or 12.11%.

The Municipal budget increase of \$814,128 is being paid for entirely from non-tax revenue; meaning the levy increase is not associated with municipal operations. The voters approved the School Budget in June which included an increase of \$488,800 to the tax levy.

Exhibit A is a presentation of the recommended tax rate and the accompanying overlay. With consideration for all aspects, including prior year tax rates, it is my suggestion that a rate of \$13.00 be selected which is a 0.78% increase from last year and results in an overlay of \$157,292. For a property assessed at \$425,000, the year-to-year tax increase is \$42.50.

Exhibit B highlights the relationship between possible tax rates and the resulting overlay and is presented for your reference. In general, for each penny change in the tax rate, taxes on the above assessment amount changes \$4.25 while the overlay changes by roughly \$21,210.

If there is any further information you desire, please let me know.

TAC RATE CALCULATION WORKSHEET
EXHIBIT A

LINE				
1	LOCAL TAXABLE REAL ESTATE VALUATION	\$2,054,897,939		
2	LOCAL TAXABLE PERSONAL PROPERTY VALUATION	\$33,845,900		
3	TOTAL TAXABLE VALUATION		\$2,088,743,839	
4A	TOTAL OF ALL HOMESTEAD EXEMPT VALUATION	\$37,075,300		
4B	HOMESTEAD EXEMPT REIMBURSEMENT VALUE	\$25,952,710		
5A	TOTAL OF ALL BETE EXEMPT VALUATION	\$12,525,900		
5B	THE STATUTORY STANDARD REIMBURSEMENT FOR 2017 IS 50%	\$6,262,950		
6	<u>TOTAL VALUATION BASE</u>		<u>\$2,120,959,499</u>	
	ASSESSMENTS			
7	COUNTY TAX	\$1,006,515		
8	MUNICIPAL APPROPRIATION	\$14,783,155		
9	TIF FINANCING PLAN AMOUNT	\$17,853		
10	SCHOOL/EDUCATION APPROPRIATIONS	\$19,284,752		
11	<u>TOTAL APPROPRIATIONS</u>		<u>\$35,092,275</u>	
	ALLOWABLE DEDUCTIONS			
12	STATE MUNICIPAL REVENUE SHARING	\$775,000		
13	OTHER REVENUES	\$6,902,093		
14	<u>TOTAL DEDUCTIONS</u>		<u>\$7,677,093</u>	
15	NET TO BE RAISED BY LOCAL PROPERTY TAX RATE	<u>\$27,415,182</u>		
16	MAXIMUM ALLOWABLE TAX	\$27,415,182	1.05	\$28,785,941
17	MINIMUM TAX RATE	\$27,415,182	\$2,120,959,499	\$0.012926
18	MAXIMUM TAX RATE	\$28,785,941	\$2,120,959,499	\$0.013572
19	TAX FOR COMMITMENT	\$2,088,743,839	\$0.01300	\$27,153,670
20	MAXIMUM OVERLAY	\$27,415,182	0.05	\$1,370,759
21	HOMESTEAD REIMBURSEMENT	\$25,952,710	\$0.01300	\$337,385
22	BETE REIMBURSEMENT	\$6,262,950	\$0.01300	\$81,418
23	OVERLAY	\$27,572,473	\$27,415,182	\$157,292

2021-2022 TAX RATE - OVERLAY RELATIONSHIP

EXHIBIT B

TAX RATE	OVERLAY AMOUNT	EQUATES TO ASSESSED VALUE	% OF TOTAL TAXABLE ASMNT
\$12.99	\$136,082	\$10,475,905	0.50%
\$13.00	\$157,292	\$12,099,385	0.58%
\$13.01	\$178,501	\$13,720,292	0.66%



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

REPORT TO TOWN COUNCIL

Meeting Date: August 9, 2021
Update: September 13, 2021
From: Kendra Amaral, Town Manager
Subject: Title 2 Amendments - Firefighters
Councilor Sponsor: Chairperson Jeffrey Thomson

OVERVIEW

The proposed amendments incorporate the firefighter position into the Administrative Code of Title 2 in accordance with the FY22 budget approval to add full-time firefighters to the Fire Department.

PROPOSED TITLE 2 REVISIONS

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

Regardless of qualifications or status, a firefighter must still respond to a call for service to be truly helpful. As discussed in previous years and in the FY22 budget, the availability of call-firefighters is on a steady decline. The lack of availability weekday mornings and afternoons is clearly impacting the town's ability to provide safe and effective fire response. Therefore, the Council approved funding for four full-time firefighters to become a part of the Town's Fire Department.

The proposed amendments add Firefighters to the Administrative Code and incorporate them into the personnel system.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

- Draft Title 2 Firefighter Amendments
- Draft Title 2 Firefighter Enactment

**TITLE 2
PERSONNEL POSITIONS UPDATE**

1 **ADD Firefighter to Title 2.4.8 as follows:**

2 **2.4.8.6 Firefighter.**

3 The purpose of the Kittery Firefighter is to provide cost-effective services for the preservation and protection
4 of life, property, and environment from adverse effects of fire, medical emergencies, natural disasters, and
5 other hazardous conditions for those who live, work and travel in and through the Town of Kittery, and
6 perform additional tasks as assigned by the Fire Department Officers.

7 **Amend § 2.5.1 Enumeration of positions as follows:**

Section	Position	Established By
Fire		
2.4.8.1	Fire Chief	Council
2.4.8.2	Assistant Chief	Council
2.4.8.3	Deputy Chief	Council
2.4.8.4	Captain	Council
2.4.8.5	Lieutenant	Council
<u>2.4.8.6</u>	<u>Firefighter</u>	<u>Council</u>

KITTERY TOWN CODE
TITLE 2
PERSONNEL POSITION - FIREFIGHTER

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

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

10 **WHEREAS**, the Town Council seeks to add Firefighters to the Administrative Code and
11 personnel system;

12 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN
13 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 2
14 OF THE TOWN CODE, AS PRESENTED.

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

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

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



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

REPORT TO TOWN COUNCIL

Date: August 9, 2021
Update: September 13, 2021
From: Kendra Amaral, Town Manager
Subject: Remote Meeting Policy
Councilor Sponsor: Chairperson Jeffrey Thomson

EXECUTIVE SUMMARY

In accordance with 1 MRS §403-B, the Town must adopt a policy for remote meeting participation by members of Town Council, Boards, Commissions, and Committees.

The proposed policy allows for both members of the public body and the public to participate in meetings entirely remotely (under certain circumstances) and via hybrid meetings.

The policy follows the sample policy drafted by the Maine Municipal Association following the adoption of the new law.

UPDATE

Based on feedback from Chairs of the Boards, Commissions, and Committees, language about lack of quorum due to technical issues has been added.

PROPOSED SOLUTION/RECOMMENDATION

Approve the policy as proposed.

ATTACHMENTS

- Draft Remote Participation Policy
- 1 MRS §403-B

1 **POLICY FOR REMOTE MEETINGS OF THE COUNCIL, BOARDS, COMMISSIONS AND**
2 **COMMITTEES**

3 Pursuant to 1 MRS §403-B, the following policy is established to govern the participation, via remote
4 methods, of members of the Town of Kittery Council, Boards, Commissions, and Committees.

5 Members of the Kittery Town Council, and the Boards, Commissions, and Committees established by
6 Town Charter or Town Code (Title 4) are expected to be physically present for meetings except when
7 not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via
8 remote methods, or if a members may experience significant difficulty in traveling to the meeting
9 location due to illness, or other physical condition or temporary absence from the Town.

10 **1. Determination of Remote Meeting Participation**

11 A member of the body who is unable to attend a meeting in person will notify the Chair or presiding
12 officer (i.e. Vice Chair, Chair pro tempore, etc.) of the body as far in advance as possible.

13 A member of the body who participates remotely will be considered present for the purposes of a
14 quorum and voting.

15 In the case of an emergency or urgent issue, the Chair, or presiding officer of the body, in consultation
16 with other members if appropriate and possible, will make a determination that remote methods of
17 participation are necessary in as timely a manner as possible under the circumstances.

18 **2. Method of Remote Meeting Participation**

19 Remote methods of participation may include telephonic or video technology allowing simultaneous
20 reception of information and may include other means necessary to accommodate disabled persons.
21 Remote participation will not be by text-only means such as email, text messages, or chat functions.

22 **3. Public Participation**

23 The public will be provided a meaningful opportunity to attend via remote methods when any member
24 of the body participates via remote methods. If public input is allowed or required at the meeting, an
25 effective means of communication between the body and the public will also be provided. The public
26 will also be provided an opportunity to attend the meeting in person, unless there is an emergency or
27 urgent issue that requires the entire body to meet using remote methods.

28 **4. Notice of Remote Participation**

29 When the public may attend via remote methods, notice will include the means by which the public may
30 access the meeting remotely and will provide a method for disabled persons to request necessary
31 accommodation to access the meeting. Notice will also identify the location where the public may
32 attend the meeting in person. The body will not restrict public attendance to remote methods except in
33 the case of an emergency or urgent issue that requires the body to meet using entirely remote methods
34 of attendance only.

35 **5. Votes During Remote Meetings**

36 All votes taken during a meeting where members are using remote methods will be by roll call that can
37 be seen and heard if using video technology (including broadcast video), or heard if using audio
38 technology only, by other members of the body and the public.

39 **6. Technical Issues**

40 It is recognized that the technology required to accomplish hybrid meetings is not perfect, and some
41 technical issues may occur. Every effort will be made to ensure participation via video technology and
42 audio technology is seamless and without issues.

43 When technical issues arise, the Chair or presiding officer will determine whether the technical issues
44 directly prohibit public input if allowed or required at the meeting (public hearing, public comment), or if
45 the technical issues prohibit the body's roll call votes from being heard or seen by other members of the
46 body or the public. If a technical issue results in a lack of quorum, then the meeting must be ended and
47 all unfinished business remaining on the agenda will be taken up at a future meeting when a quorum
48 can be achieved.

49 **7. Policy Exception and Review**

50 All applicable provisions of State Law, Town Charter, and Town Code apply to the meeting of Town of
51 Kittery public bodies. The policy will be reviewed and updated by the Town Council, as needed, to
52 ensure compliance with applicable laws.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 40 - L.D. 32

An Act Regarding Remote Participation in Public Proceedings

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the state of emergency declared by the Governor pursuant to the Maine Revised Statutes, Title 37-B, section 742 in response to the public health emergency caused by the spread of the novel coronavirus disease referred to as COVID-19 may terminate sooner than 90 days after the adjournment of the First Special Session of the 130th Legislature; and

Whereas, the Maine Revised Statutes, Title 1, section 403-A governs remote participation in public proceedings of certain public bodies but is automatically repealed 30 days after the termination of the state of emergency declared by the Governor; and

Whereas, there is a need to have in place a law that governs remote participation in public proceedings of certain public bodies after the termination of the state of emergency declared by the Governor; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §403-B is enacted to read:

§403-B. Remote participation in public proceedings

1. Remote participation. This section governs remote methods of participation in public proceedings of certain public bodies. For the purposes of this section, "remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.

2. Requirements. A public body subject to this subchapter may allow members of the body to participate in a public proceeding using remote methods only under the following conditions:

A. After notice and hearing the body has adopted a written policy governing the conditions upon which members of the body and the public may participate in a public proceeding of that body by remote methods;

B. The policy adopted pursuant to paragraph A must provide that members of the body are expected to be physically present for public proceedings except when being physically present is not practicable. Circumstances in which physical presence for one or more members is not practicable may include:

(1) The existence of an emergency or urgent issue that requires the public body to meet by remote methods;

(2) Illness, other physical condition or temporary absence from the jurisdiction of the body that causes a member of the body to face significant difficulties traveling to and attending in person at the location in the notice under section 406;

(3) With respect to a public body with statewide membership, significant distance a member must travel to be physically present at the location in the notice under section 406; and

(4) The area of the public body's jurisdiction includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges;

C. The policy adopted pursuant to paragraph A must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities;

D. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided;

E. Notice of the proceeding must be provided in accordance with section 406. When the public may attend by remote methods pursuant to paragraphs C and D, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may not determine that public attendance at a proceeding will be limited solely to remote methods except under the conditions in paragraph B, subparagraph (1);

F. A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting;

G. All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public; and

H. The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend

the proceedings of the public body in person, as long as additional costs are not incurred by the public body.

3. Remote participation not permitted. This section does not authorize town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings held pursuant to Title 20-A, section 1482-A to be conducted using remote methods.

4. Application. This section does not apply to:

A. The Legislature; or

B. A public body to which specific statutory provisions for remote participation apply.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.



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: PROPOSED TITLE 16 LAND USE TEXT AMENDMENT: GAS STATION BUFFERS
DATE: SEPTEMBER 13, 2021

Cumberland Farms, an operator of convenience stores and gas stations in eight states, is interested in developing a new one at 355 US Route 1 in Kittery. The current zoning restrictions in the C-1 zone prohibit gas stations within 1,000 feet of a private residence and within 150 feet of an existing structure. An existing residence is located within 1,000 feet to the southeast, crossing US Route 1 and Spruce Creek and, since the existing zoning code defines a structure as “anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground,” the site clearly does not meet the current buffer restrictions. Cumberland Farms requests to amend Title 16 Land Use Code with a proposed text amendment that would alter the existing buffer restrictions for gas stations located in Section 16.3.2.11.C(1)(a) with the following language:

“Gas sales if: i) not located within 1,000 feet of an existing gasoline station; ii) not located within 1,000 feet of an existing private residence unless that 1,000-foot measurement is bisected by an arterial as defined in Article 16.8.4.3.A. in which case not located within 800 feet of an existing private residence; and iii) not located within 150 feet of an existing building.”

The Planning Board held a public hearing on this request at their regularly scheduled meeting on Thursday, July 22, 2021. After deliberation, the Planning Board affirmatively voted 4 to 2 that the amendment as proposed should not be recommended for adoption by Town Council.

While the proposed language would narrowly permit such a gas station use at the subject site, there are sound reasons that warrant a denial of or no further action on the proposed amendment:

- The Town of Kittery Comprehensive Plan contains the following goal for the Route 1 corridor: “Develop guidelines for the future redevelopment of the RT. 1 corridor into a mixed-use, pedestrian-oriented area” (Goal Statement 3.3, page 81). While one could argue that a gas station represents a “mix” of uses amongst the existing retail environment along Route 1, it hardly qualifies as “pedestrian-oriented” due to its primary use of servicing the fueling needs of automobiles. Comprehensive Goal Statement 4.1.4., “Update zoning regulations to encourage multi-family housing where appropriate” supports the recent updates to the C-1

zone explained further below. Comprehensive Goal Statement 5.3 declares the Town's intent to "explore ways of providing non-vehicular modes of transportation," supporting the provision of alternative modes of transportation and sustainable transportation practices; goals that are undercut by making gas stations more prevalent along Route 1.

- To fulfill the above, Town staff, various committees, the Planning Board, and Town Council have spent considerable time and resources amending the C-1 zoning district to position the corridor for redevelopment into a pedestrian-friendly, mixed-use corridor via the inclusion of denser residential uses that previously were not permitted. Approving language that would more easily permit an automobile-centered use like a gas station works against this goal.
- Likewise, the Town has spent even more time and resources on the recodification of Title 16 in an effort to make the zoning code more straightforward, user-friendly, and easier to implement. This proposed amendment, while narrowly written to allow a gas station at this location, is a fairly convoluted revision to a fairly simple buffer requirement. As illustrated by the maps provided by the Town Planner in his report to the Planning Board, the proposed buffer language actually creates multiple buffer distances dependent on whether the abutting use is a residence or existing gas station, and further conditioned on a proposed location's relationship to Route 1, I-95/Maine Turnpike, or another "arterial highway." Adding the proposed paragraph injects complicated language in a land use code that staff is trying to simplify.
- The applicant included site plans and architectural renderings of a hypothetical Cumberland Farms gas station at the identified location that elicited a lengthy discussion between the Planning Board and the applicant's site designers. However, it is important to note that the proposed text amendment neither guarantees that the submitted renderings nor a specific brand of gas station would ultimately be built. An entirely separate site plan review process is required should an allowable use be proposed for a site, and the submission of any site plans or drawings at this point is completely irrelevant. The proposed text amendment would allow any gas station to operate at a location meeting the proposed buffer, subject to its approval after all required Planning Board and staff reviews, and the satisfaction of all applicable Town ordinances, state laws, and minimum site design standards. Development projects routinely fail for many reasons – real estate due diligence, market fluctuations, financial challenges, environmental concerns, etc. – and any promises by an applicant of specific architectural standards, upgraded landscaping, increased tax revenue, or enhanced economic growth cannot be relied upon at this time.

The Town Planner presented the proposed amendment and his analysis of the practical impacts of it to the Planning Board in accordance with Town ordinances. As the department head responsible for the Town's economic development planning, it is my recommendation to the Town Manager that the proposed amendment does not advance the Town's objectives regarding future development of the Route 1 corridor.

**Town of Kittery
Planning Board Meeting
July 22, 2021**

ITEM 1— Land Use Development Code Amendments—Proposed Revisions to Title 16 to Amend Distant Requirements between a Gas Station and Protective Structures.

Action: Continue to a subsequent meeting, close public hearing, issue recommendation to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 *Amendments* of the Town of Kittery Land Use and Development Code, the Planning Board seek to hold a public hearing for a proposed amendment to §16.3 *Land Use Regulations* from petitioner Cumberland Farms Inc., and agent Archipelago Law, LLP by amending §16.3.2.11.C(1)(b.) to reduce the required distance between Gasoline Sales and protected uses and certain types of structures.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
Yes	Public Hearing	July 22, 2021	Ongoing
Yes	Recommendation	Made be made at the July 22, 2021 meeting	Pending

Background

The purpose of text amendment change is for the applicant to be permitted to use a certain property (Map 47- Lot 3A) for gasoline sales. Currently, as the code is written, pursuant to §16.3.2.11.(C)(1)(a.)¹, gasoline sales are not permitted if an existing gas station or dwelling unit is within 1,000-ft. thereof. Moreover, the provision states that a gas station cannot be less than 150-ft from a structure. The currently language would prohibit outright the installation of a gas station at the lot in question, while the proposed language² that would narrowly permit such a use. Staff did a buffer analysis illustrating what this would look like for the rest of C-1 zoning district. It appeared that if the text amendment were to be codified, no other gas station other than the one to be proposed would be permitted as a result the protective land use types within and abutting the C-1 zoning district. The language appeared to tailor the use to a specific location and, if approved, would disallow any further gasoline stations to be located within the zone based on the current land use characteristics.

From a standpoint of concern over the proliferation of gasoline sales within the zoning district, it appears that the text amendment coupled with the proposed site location and existing land use characteristics would zone out any further gas stations within the C-1 zone. Accordingly, the Board should not be concerned over more gasoline sales stations establishing within the zoning district.

As regards the justification for the zoning amendment, the petitioner reference multiple sections of the comprehensive plan that reference economic activity improvement, tourism accommodation, increase in tax revenue, and redevelopment opportunities of underutilized and vacant properties. Also in the comprehensive plan, which were not referenced by the applicant are references to traffic mitigation efforts, implementing climate change adaptation measures and uses, making more accommodations for alternative modes of transportation, protect natural resources, and improve safety of existing roads.³

Accordingly, the Board needs to review the comprehensive plan and determine if the incorporation of additional gasoline sales establishments within the C-1 zoning district fits into the vision that the comprehensive plan had established for that area. The Board should consider the merits the text change would bring and compare them to the disadvantages that it might produce and make a recommendation to Town Council.

Planning Board Procedural Steps

After the Board has been presented with the petition and deliberation has exhausted, the following procedural sequence must take place:

¹ The applicant mistakenly reference the incorrect provision, which was originally stated as §16.3.2.11.C(1)(b.)

² Proposed language from petition: Gasoline Sales if : i) not located within 1,000 feet of an existing gasoline station; ii) no location within 1,000 feet of an existing private residence unless that 1,000-foot measurement is bisected by an arterial as defined in Article 16.8.4.3.A. in which case not located within 150 of an existing building.

³ See pages 16-30 of volume 1 of the Kittery Comprehensive Plan 2015-2025.

https://www.kitteryme.gov/sites/g/files/vyhlf3316/f/uploads/000-complete_comp_plan_vol_1_final_no_exec_summary_3.22.18.pdf

1. Continue the application to a subsequent meeting;
2. Close the public hearing
3. Make recommendation to Town Council

Recommended Motions

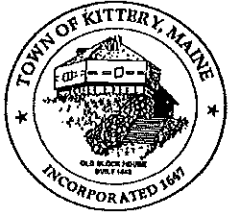
Below are recommended motions for the Board's use and consideration:

Motion to continue petition

Move to continue the public hearing for a proposed amendment to §16.3 Land Use Regulations from petitioner Cumberland Farms Inc., and agent Archipelago Law, LLP by amending §16.3.2.11.C(1)(b.) to reduce the required distance between Gasoline Sales and protected uses and certain types of structures.

Motion to recommend to Town Council

Move to recommend / not recommend to Town Council the proposed amendment to §16.3 Land Use Regulations from petitioner Cumberland Farms Inc., and agent Archipelago Law, LLP by amending §16.3.2.11.C(1)(b.) to reduce the required distance between Gasoline Sales and protected uses and certain types of structures.



TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT
 200 Rogers Road, Kittery, ME 03904
 Telephone: 207-475-1323 Fax: 207-439-6806

Office Use Only	Application Fee: <input type="checkbox"/> \$300.00	Date Submitted: _____	Amount Paid: \$ _____
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APPLICANT INFORMATION	NAME	EG America	MAILING ADDRESS	165 Flanders Road Westborough, MA 01581
	PHONE	(508) 270-4482		
	FAX			

Zoning Amendment Type	<input checked="" type="checkbox"/> <i>Text</i>	<input type="checkbox"/> <i>Map</i>
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COMPLETE ONLY THE APPLICABLE SECTIONS BELOW

Amendment to Land Use Code (Text Change)

The proposed amendment would be:	<input type="checkbox"/> A new provision to the code	<input checked="" type="checkbox"/> A change to the existing code
----------------------------------	--	---

NEW PROVISION TO THE CODE

Provide proposed ordinance language and code section format and numbering in space below

Provide a narrative of why the proposed amendment would be beneficial for the Town in the space provided below. Include benefits and hardship this would address.

ADDITIONS AND MODIFICATIONS TO THE EXISTING CODE

Code section number to be amended	Article 16.3.2.11.C(1)(b)
--	---------------------------

Proposed amendment language	Please see attached
------------------------------------	---------------------

Provide a narrative of why the proposed amendment would be beneficial for the Town in the space provided below. Include benefits and hardship this would address.

Please see attached

Amendment to the Land Use Zoning Map

Provide a narrative of the proposed change including benefits for the Town, compatibility to the abutting land uses and any supporting information. Also, attach a sketch of the proposed map change with this application.

N/A

PROPOSED KITTERY ZONING ORDINANCE AMENDMENT

Article: 16.3.2.11.C(1)(b)

I. Introduction

For some time now, Cumberland Farms has envisioned repurposing the parcel located at 355 U.S. Route 1, the former location of the Super Shoes store, with a new Cumberland Farms convenience store and bakery with state-of-the-art fuel service. This vision is supported by the Town's most recent update to the Comprehensive Plan, wherein the Town expresses an interest in exploring, with outlet property owners, the eventual adoption of more of a mixed-reuse approach to the Kittery outlet area. Attached to this Application as Attachment 1 are examples of the style and landscaping at similar new Cumberland Farms stores. As can be seen, the Kittery Cumberland Farms store and landscaping plan would be designed to assist in the Town's vision for the outlet area, through enhancement and beautification of that section of Route 1.

The 355 U.S. Route 1 property is located in the Town's Commercial (C-1) Zone. Gasoline sales are a Special Exception Use in the C-1 Zone. (Article 16.3.2.11.C). Per Article 16.3.2.11.C(1)(b) as presently drafted, gasoline sales is a permitted use in the C-1:

- i) if not located within 1,000 feet of an existing station or private residence; and
- ii) not located within 150 feet of an existing structure.

The drawing attached as Attachment 2 shows the 1,000-foot perimeter from the proposed point of fuel sales at the 355 U.S. Route 1 property.¹ If measured "as the crow flies" there is one residential structure and one partial residential structure within that perimeter. If measured linearly along the travelled way, the closest residential structure is greater than 1,000 feet from the proposed point of sale.²

The intent of the 1,000-foot perimeter appears to be to separate fuel sales from existing residential structures. In this case however the proposed use and the residential structures are bisected by U.S. Route 1, an arterial highway at the 355 U.S. Route 1 property that serves approximately 14,000 vehicles each day.³

¹ The Code Enforcement Officer ("CEO") has determined that the 1,000-foot perimeter is to be measured from point of sale on the property to the closest point of the residential structure.

² The CEO has determined that the distance should be measured "as the crow flies" as opposed to linearly along the travelled way.

³ MaineDOT 2019 Average Daily Traffic (ADT) count. The Ordinance defines "arterial highways" as "major traffic ways that provide connections with other thoroughfare or interstate roads and have a high potential for the location of significant community activity centers as well as retail, commercial and industrial facilities. The average daily traffic count (ADT) would be 9,001 or more trip ends." (Article 16.8.4.3.A.).

In addition, the Ordinance defines the term “structure” as:

Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground. The term includes decks. The term does not include fences less than eight feet in height, nor any required by the Planning Board or Town Planner to be taller; flagpoles no higher than 50 feet in height; signs located in conformance with Article X of Chapter 16.8; and electricity generators and propane and oil tanks for residential use only and the pads on which they are located, provided the pad is less than 20 square feet in size.

The term structure does not exclude such items typically located in a developed commercial area, such as utility poles, light poles, guardrails and parking stanchions.

The intent of this section would appear to be designed to keep gasoline station buildings separated from other *buildings* in the C-1 Zone.

II. Proposed Amendment

To allow for redevelopment of the 355 U.S. Route 1 property with the convenience store and bakery with fuel service, Cumberland Farm proposes the following revised language for Article 16.3.2.11.C(1)(b):

Gasoline sales if: i) not located within 1,000 feet of an existing gasoline station; ii) not located within 1,000 feet of an existing private residence [unless that 1,000-foot measurement is bisected by an arterial as defined in Article 16.8.4.3.A. in which case not located within 800 feet of an existing private residence; and iii) not located within 150 of an existing building.]

III. Compliance with the Comprehensive Plan; Town Benefits

The Kittery Comprehensive Plan 2015-2025 (“Plan”) notes that more than 6,000 workers commute to Kittery daily from Massachusetts, New Hampshire and northern areas of Maine. (Plan; page 44). “Kittery also functions as the tourist and principle economic gateway to Maine” with Route 1 “playing a role in welcoming and servicing both the

commercial traveler and the tourist” which has greatly expanded with the development of the Outlet Mall area. (Plan pages 44-45).

With this in mind, the proposed amendment to Article 16.3.2.11.C(1)(b) to allow for a convenience store with fuel sales use is well supported by the Town’s Plan:

- While the Plan recognizes that the Route 1 Outlet Malls area has contributed a substantial amount over time to the commercial tax base in Kittery and that the area continues to draw visitors, particularly from all over Northern New England, it also recognizes that changes in retailing threaten to leave long term vacancies and lost revenue. (Plan; page 119). This has certainly been the case for the property located a 355 U.S. Route 1 which has been vacant since at least 2019. The redevelopment of the 355 U.S. Route 1 property would provide the Town with significant new tax revenue.
- The area around the Outlet Mall is seen in the Plan as successful but with an uptick in vacancies. The Town’s vision is to encourage the Town to look for ways to provide property owners with the tools appropriate for redevelopment options. (Plan; page 78). The Plan recognizes that there is a desire expressed by residents to see more of a mixed-use in that area which might include the addition of housing; however, the Plan also expresses a desire to direct new commercial development to existing commercial areas. (Plan; page 77). The Plan discusses possible consideration of establishing Design Guidelines in this area of Route 1 to guide future development. (Plan; page 130). The attractively designed Cumberland Farms store supports that vision by providing a convenience store and bakery in a developed commercial area but also within walking distance of the envisioned future mixed-uses as well as convenient fuel service both for the travelling public and for nearby residents. The New England styled architecture with particular attention to landscaping will provide a model for future commercial design guidelines.
- The Town has stated as an objective to economic development to “continue to promote economic development in areas already identified by the town” as growth areas. (Plan; page 30). The Route 1 Outlet Mall area, including the 355 U.S. Route 1 property, is a mapped growth area in the Plan. (Plan; page 134).
- As part of its Future Land Use Plan, the Plan provides that the “Town should look to direct new development, where feasible, to vacant or underutilized sites and buildings within developed areas.” (Plan; page 125). Again, the property located at 355 U.S. Route 1 has been vacant and underutilized for over two years.



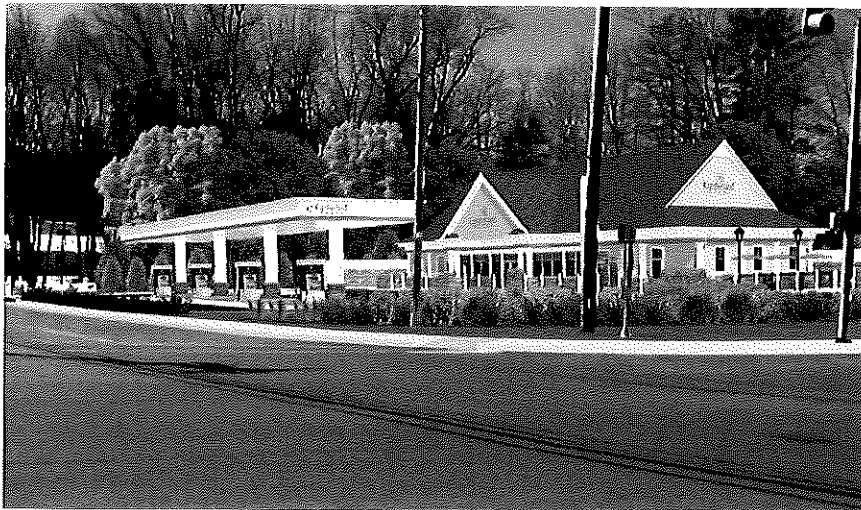
I, Thomas Cacciola, on behalf of my company Cumberland Farms, Inc., hereby authorize our attorneys, Archipelago Law, LLP, and our engineers, Civil Design Group, LLC, to sign any and all State of Maine or Town of Kittery permit, zoning amendment, and/or appeal applications on our behalf with regard to the proposed Cumberland Farms development located at 355 US Route 1, Kittery, Maine (Map 47, Lot 3A) (the "Project"). I further authorize any of the attorneys in that firm to appear on behalf of Cumberland Farms, Inc. and to represent the Company before any department, board, committee or agency of said State or Town, including, but not limited to, the Maine Department of Environmental Protection, Planning Board and the Zoning Board of Appeals, regarding the Project.

DATED: May 17, 2021

Cumberland Farms, Inc.

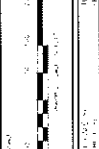
A handwritten signature in black ink, appearing to read "Thomas Cacciola", written over a horizontal line.

By: Thomas Cacciola
Its: Senior V.P. of Real Estate,
Construction



NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION
1	11/21/11	ISSUED FOR PERMIT
2	01/10/12	REVISED TO REFLECT PERMIT COMMENTS
3	02/01/12	REVISED TO REFLECT FIELD SURVEY
4	03/15/12	REVISED TO REFLECT PERMIT COMMENTS
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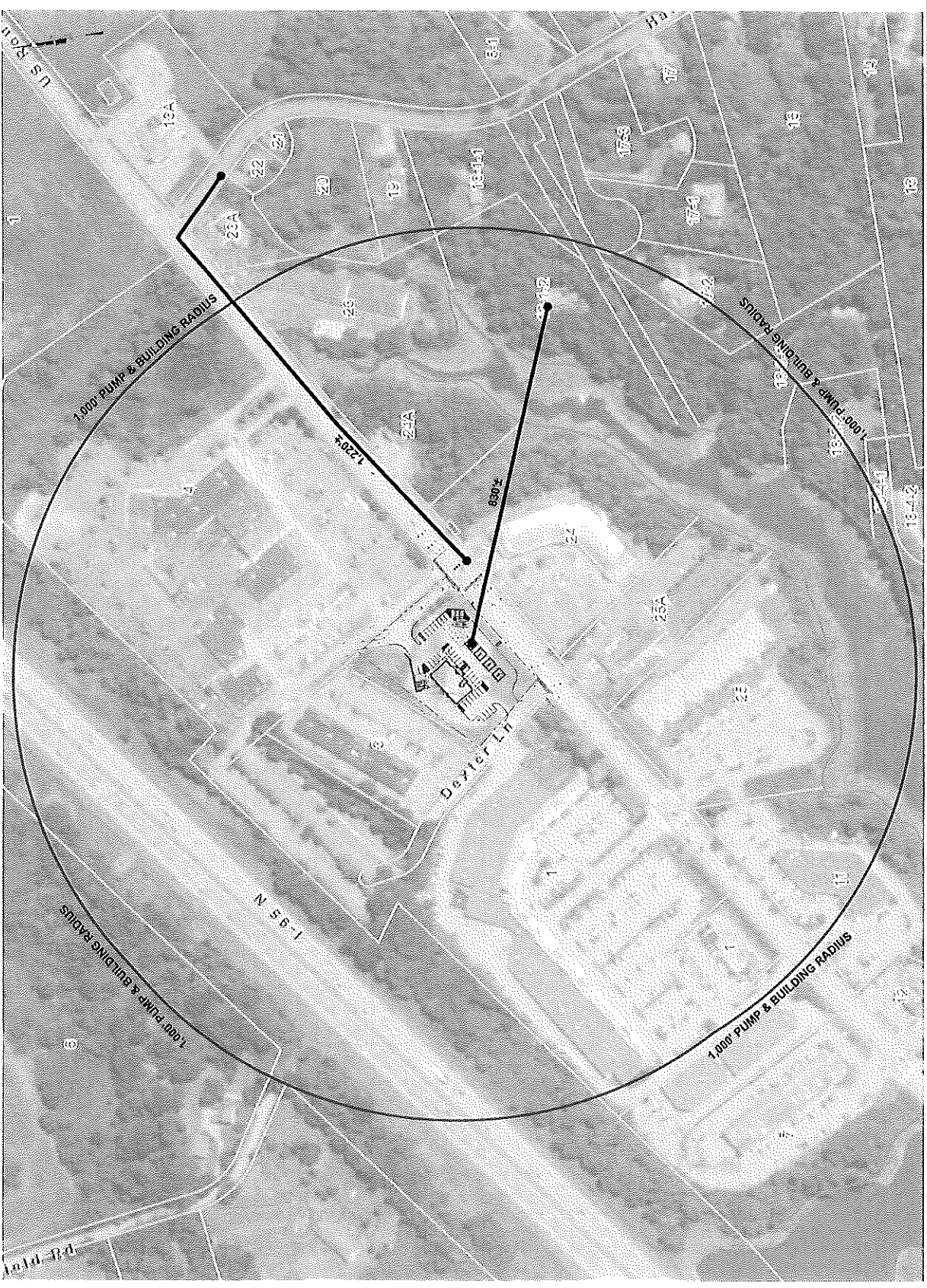
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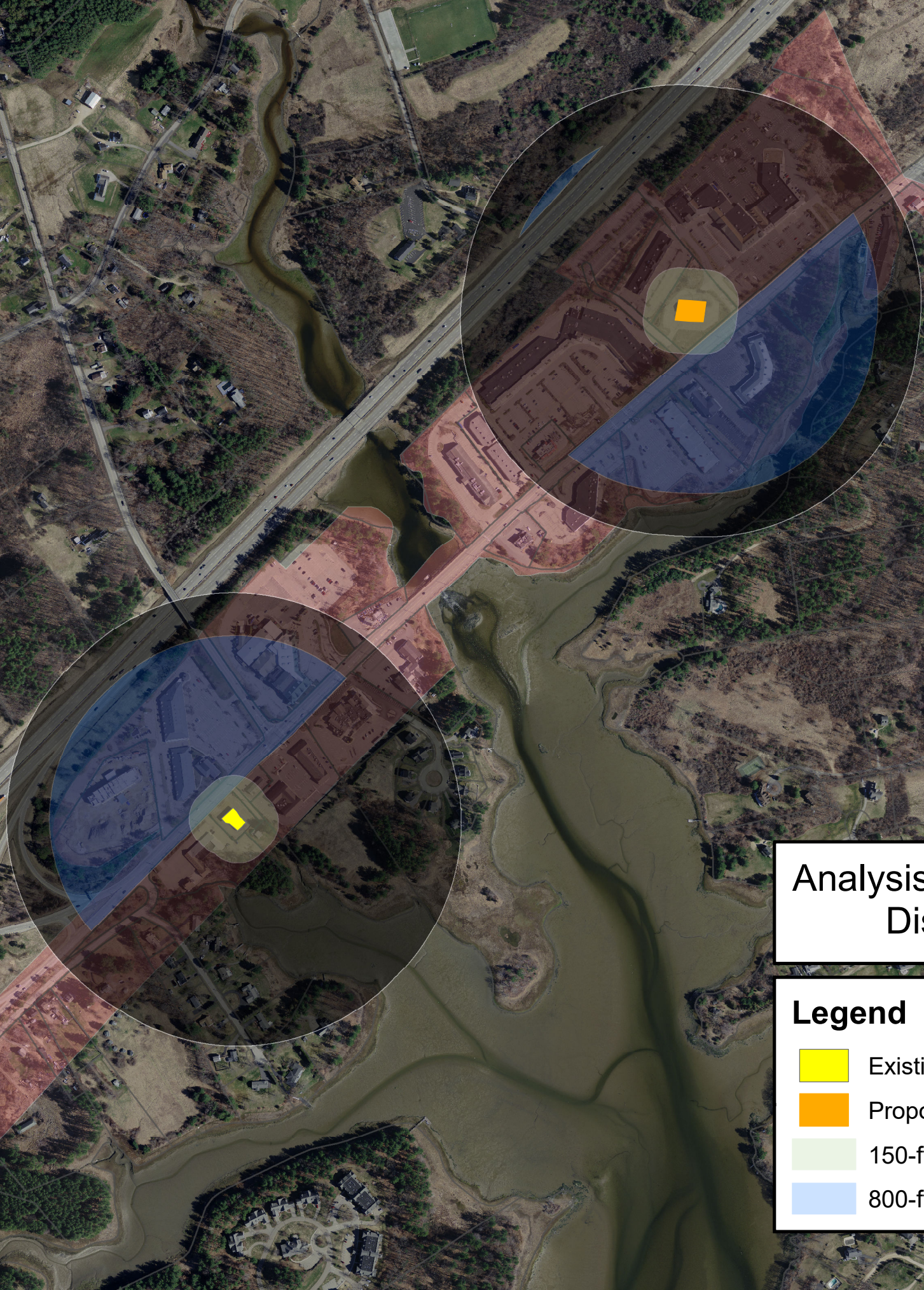
Cumberland
185 FLANCERS ROAD
WESTPORT, MA 01886
TEL: 978-339-1111
WWW.CUMBERLAND-MA.COM

CIVIL DESIGN GROUP, LLC
21 HIGH STREET, SUITE 200
NORTH ANDOVER, MA 01854
P: 978-742-2100 F: 978-652-1971

1,000' RADIUS EXHIBIT EXH-1







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DATE	11/21/11

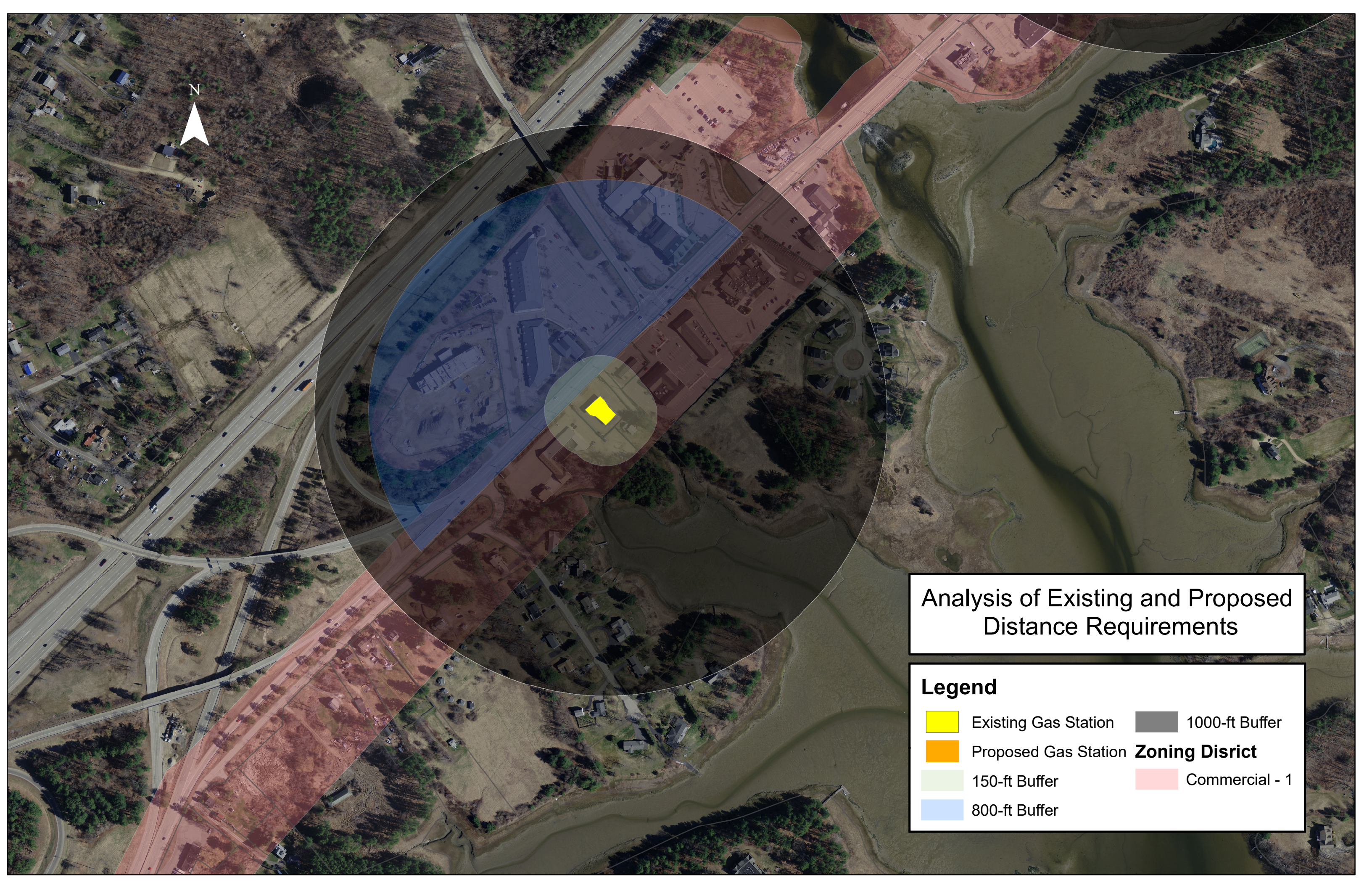




Analysis of Existing and Proposed Distance Requirements







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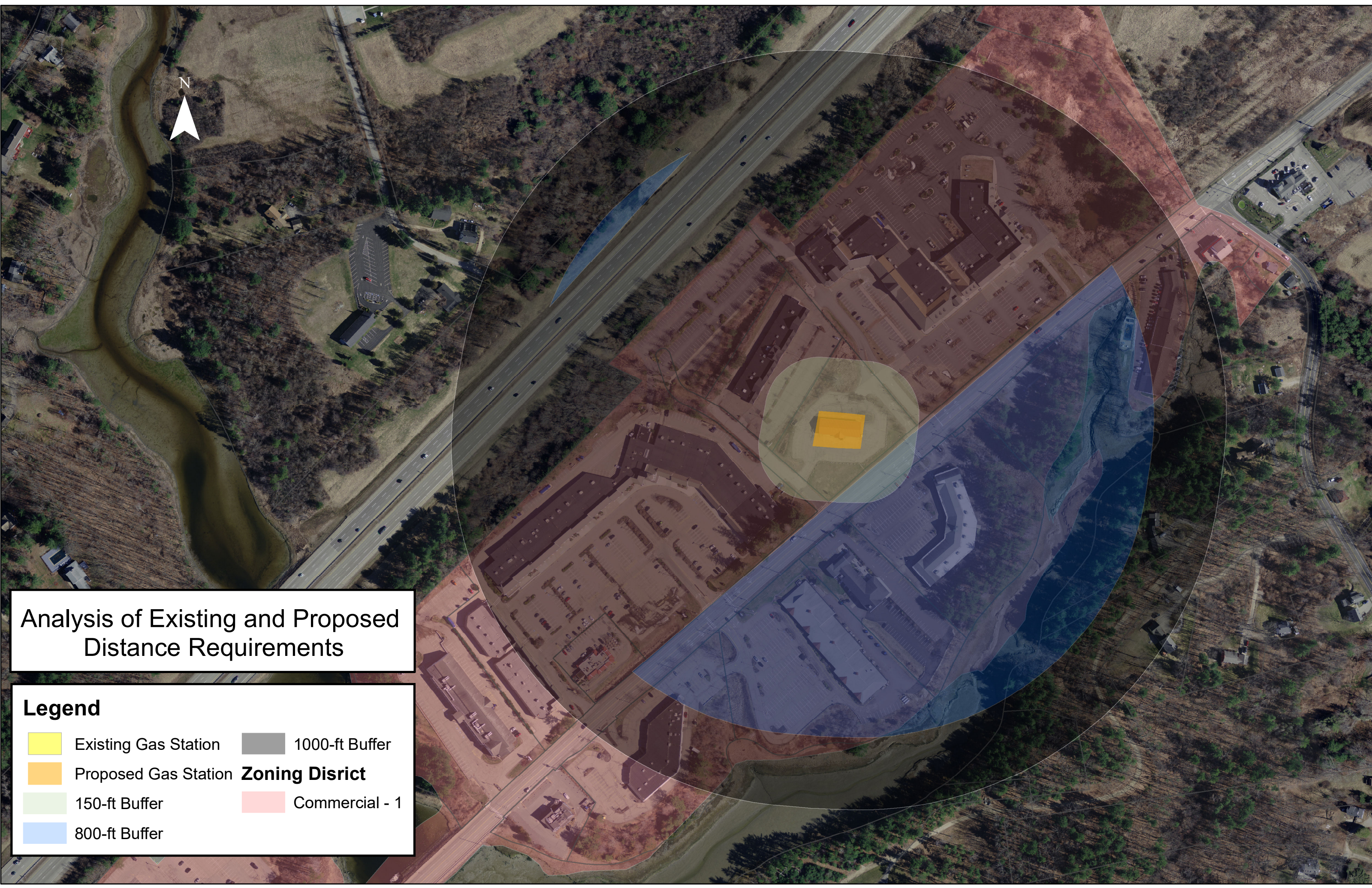
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	Proposed Gas Station	Zoning District	
	150-ft Buffer		Commercial - 1
	800-ft Buffer		



Analysis of Existing and Proposed Distance Requirements







Legend

	Existing Gas Station		1000-ft Buffer
	Proposed Gas Station	Zoning District	
	150-ft Buffer		Commercial - 1
	800-ft Buffer		



Analysis of Existing and Proposed Distance Requirements

Legend

 Existing Gas Station	 1000-ft Buffer
 Proposed Gas Station	Zoning District
 150-ft Buffer	 Commercial - 1
 800-ft Buffer	



Sandra L. Guay, Esq.
Partner
sguay@archipelagolaw.com

22 Free Street
Portland, Maine 04101
Main office (207)558-0102

August 3, 2021

Attn: Kendra Amaral, Town Manager
Town of Kittery
200 Rogers Road
Kittery, ME 03904

Re: Cumberland Farms, Inc.
Proposed Kittery Zoning Ordinance Amendment

Dear Ms. Amaral:

In addition to the application packet and other documents provided to you by the Planning Department for Cumberland Farms, Inc.'s Proposed Zoning Ordinance Amendment, enclosed please find Cumberland Farms, Inc.'s supplemental submission of the Town Council.

I understand this matter will be placed on the August 9th Town Council Agenda for scheduling a public meeting.

Thank you.

Very Truly Yours,

SANDRA L. GUAY

SLG:lb

Enclosures

Copy to: Russ Mikkola, Cumberland Farms, Inc.
Dalina Boryszewski, Cumberland Farms, Inc.
Philip Henry, Civil Design Group, LLC

PROPOSED KITTERY ZONING ORDINANCE AMENDMENT

Article: 16.3.2.11.C(1)(a)

Supplemental Council Submission

In addition to the information provided in the Cumberland Farms, Inc. (CFI) application for a proposed amendment to Article 16.3.2.11.C(1)(a)¹ provided to the Planning Board for that Board’s review at the July 21, 2021 Planning Board meeting and public hearing, CFI provides the following additional information:

- Cumberland Farms is not seeking to add a new use in the C-1 Zone. Gasoline sales are already a permitted Special Exception Use in that zone. Ironically however, while the Town has determined that gasoline sales is permitted in the C-1 Zone, in light of the present 1,000-foot residential structure setback requirement, there is nowhere in the entire zone that this use can be permitted.
- As discussed by Board members at the Planning Board hearing, the 1,000-foot setback requirement was apparently added to the Ordinance following an accident and explosion at a Kittery gas station several years ago. Since the time of this incident, there have been significant safety updates to gasoline station equipment and procedures, all of which would be included in the new Cumberland Farms facility. For more information about state-of-the-art fuel safety systems, including dispensers, storage, emergency preparedness and required training, please see the attached Fuel System Components/Safety Features Memo prepared by Huseyin Seveincgil, Fuel System Designer at Greenman-Pedersen, Inc.
- At the Planning Board meeting, Cumberland Farms shared renderings of its vision of a new Kittery store (attached again to this memo for reference). While Board members appeared to like the conceptual design, one of the comments at the Planning Board meeting was that if the ordinance amendment is approved and the Cumberland Farms store is not constructed for any reason, another gas station facility could be constructed there. It is important to note however that Kittery has a Design Handbook, the provisions of which apply to all commercial and multi-family development in Kittery. These design standards are required in the C-1 Zone as provided in the Zoning Ordinance at Article 16.3.2.11.D. Specifically, 16.3.2.11.D(3)(b) applies to Building Design standards and 16.3.2.11.D(3)(c) applies to Landscaping and Site improvements. In other words, whether it is Cumberland Farms or another gas station facility, the design will be held to these high standards.
- The 355 US Route 1 location provides driveway access off of Dexter Lane, as well as a fully signalized intersection that enters into the Kittery Outlets Driveway, providing

¹ The article number in the Planning Board packet was incorrectly noted as Article 16.3.2.11.C(1)(b) based on the pre-October 26, 2020 ordinance amendment. This was corrected to Article 16.3.2.11.C(1)(a) in testimony at the July 22, 2021 Planning. Board hearing.

motorists with safe options when there is traffic in the area. Also, as access to the Cumberland Farms store itself would be from Dexter Lane or from the Kittery Outlets driveway, there is no direct access to or from US Route 1. This eliminates the need seen at other locations to stop traffic and to cut across lanes of moving traffic in order to access the facility.

For more information about traffic safety at this location, please see the attached Traffic Assessment Memo Maureen Chlebek, P.E., PTOE at McMahon Associates.

FUEL SYSTEM COMPONENTS/SAFETY FEATURES

To: Town of Kittery
From: Huseyin Sevincgil, GPI
Date: August 2, 2021
Project: Proposed Cumberland Farms
355 US Route 1
Kittery, ME
GPI Proj. #: 2021241

The following information summarizes the facility's fuel system safety features and procedures that have been implemented in the design to maximize safety and minimize any potential environmental impact:

1. Fuel Dispensing Area

- a. Positive Limiting Barriers – The fuel dispensing area will consist of a 6" reinforced concrete mat with spill containment grooves (Positive Limiting Barriers (PLB)) around each dispenser island. These PLBs will contain any minor spillage that might occur at the fuel dispensing islands. This allows any minor spillage to be immediately cleaned up by the attendant using the on-site spill containment kit.
- b. Dispenser Hoses – The fuel dispensing hoses on each dispenser contain a breakaway coupling (dry-break connection). In the event that a driver leaves the area with the hose nozzle still in the vehicle fill pipe, the dry-break will disconnect from the dispenser. Mechanisms inside the dry-break coupling prevent the release of product to the environment.
- c. Dispenser Shear Valves – Within each dispenser there is an emergency shear valve on the fuel piping supply line. Should the dispenser become dislodged by a vehicle, the emergency shear valve closes and prevents an uncontrolled release of product to the environment.
- d. Dispenser Sumps – A sump constructed of a fiber reinforced plastic (FRP) is located under each dispenser with an electronic liquid sensor located at the bottom of the sump. Should fuel product leak inside the dispenser it will be captured by the sump and the electronic sump sensor will activate the central leak detection console located inside of the building.
- e. Fire Suppression System – The fuel dispensing canopy will be equipped with an overhead chemical fire suppression system that can be automatically and/or manually activated in the unlikely event of a fire.
- f. Emergency Shutoff – The facility will be equipped with an emergency shutoff switch located inside the store at the cashier. This switch allows the attendant to immediately cut all power to the dispensers.

2. Fuel Storage System

- a. Leak Detection Console Unit - The fuel storage system will be monitored 24 hours a day, 365 days a year by a state-of-the-art central monitoring system located inside the convenience store. This electronic monitoring system continuously monitors the level of gasoline in each tank and can detect a 0.1-gallon per hour loss of product. In addition, the system monitors all fuel piping sumps, dispenser sumps, and the double wall (annular) space of each tank.
- b. Double Wall Fiberglass Tanks - The facility will be supplied with two 20,000 gallon split compartment double wall fiberglass underground petroleum storage tanks. Fiberglass is inherently corrosion proof and the annular space between the two walls is filled with brine (freeze resistant liquid solution). The level of the brine is monitored continuously with an electronic sensor. Should any change in the level of the brine occur, the sensor will activate the central console unit on the building.
- c. Fuel Piping - The fuel product piping will consist of double-wall fiberglass construction. The primary pipe contains the gasoline or diesel fuel. In the unlikely event of a failure in the primary pipe, the interstice between the two pipes conducts the fuel product to a containment sump at the tank. The tank containment sump has an electronic sensor located at the bottom of the sump. All underground piping

is sloped to a containment sump, so any potential release of product flows to the containment sump for detection. Activation of a sump sensor creates an audible/visual alarm at the central console unit in the building.

- d. Overfill Prevention - When the underground storage tanks are filled by the fuel tanker, numerous precautions are taken to prevent spillage. Prior to filling the tanks, the tanker truck driver will check the contents of the tank with a measuring stick. The driver then checks this measurement against a tank gauge chart to verify that the tank will hold the amount of product that was ordered. The central console unit is also checked to confirm the volume of product in the tank. As an additional factor of safety, there is an overfill shut-off valve located inside of each underground tank. This device is designed to prevent the delivery truck from continuing to transfer product into the tanks once the product level reaches 95% tank capacity.
 - e. Fill and Vapor Spill Prevention - In order to prevent minor spillage when the fuel tanker delivery hose is removed from the tank connection point on the ground, there is a spill containment manhole proposed on each fill tube and vapor tube which holds a minimum capacity of 5 gallons. In the unlikely event of a spill, the fill containment manhole will contain any fuel remaining in the delivery hose. Therefore, should the delivery truck driver spill any product while disconnecting the delivery hose, it would be contained and removed from the containment manhole.
 - f. Pressurized Line Leak Detection - The pressure within the product piping will be continually monitored by an in-line leak detector attached directly to the submerged turbine pump (STP) at each tank. This detector is activated when the dispenser is turned on by the customer. This detector monitors the pressure in each line electronically. If a pressure loss is detected, the system will shut down the dispensers. These product piping detectors are also connected to the central console unit located inside of the building.
 - g. Observation Wells - Two observation wells will be installed at the tank field when the facility is constructed. These wells allow access to the groundwater for future testing of the groundwater, if necessary. The groundwater in these two wells can be tested prior to the facility opening in order to set up a "baseline" of groundwater data for future reference.
3. Emergency Preparedness
 - a. An emergency response procedure will be developed for this facility to supplement local authorities preparedness in reacting to emergency situations. This emergency response plan outlines the procedures to be taken by the employees of the facility in the event of an emergency. This plan includes an Emergency Contact List which provides many of the phone numbers and names of people and/or companies that will be contacted if an emergency situation occurs. This plan will be conspicuously posted at the facility and employees will be trained in emergency preparedness. A copy of this Emergency Response Procedures Plan is attached.
 4. Training - Federal EPA Regulations require that all owners and operators have certified employees operating the facility. There are three categories of operators for each underground tank, A, B, C. The A operator is responsible to be certain that regulations are being met at the company level. The B operator must know the equipment and operation of the tank system and on a monthly basis inspect the tank systems. This includes monthly inventory control in accordance with current regulations. A & B operators are required to take and pass a test. The A and or B operator is also responsible for training C operators. The C operator must be present whenever a tank system is in operation. The C operator must be trained to respond to emergencies.
-



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MEMORANDUM

TO: Dalina Boryszewski, Cumberland Farms
FROM: Maureen Chlebek, P.E., PTOE
DATE: August 3, 2021
RE: Traffic Assessment
Proposed Cumberland Farms
355 Route 1
Kittery, ME

McMahon Associates has completed a traffic assessment for the proposed Cumberland Farms to be located at 355 Route 1 in Kittery, Maine. This assessment is based on a concept plan prepared by Civil Design Group, dated October 12, 2020. The following memorandum reviews the proposed site access and circulation, site safety, and estimated project trip generation.

Project Description

The project site is located at 355 Route 1 in Kittery, Maine, adjacent to the Kittery Outlets as shown in Figure 1 below. The proposed project involves the construction of a Cumberland Farms gas station and convenience store with four gasoline pumps (8 fueling positions) and an approximately 5,000 square foot convenience store. The proposed Cumberland Farms is bounded by Route 1 to the south, the Kittery Outlets to the north, Dexter Lane to the west, and the driveway to the Kittery Outlets to the east.



Existing Roadway Network

Route 1 generally extends in a northeast-southwest direction through the Town of Kittery and is classified as an urban minor collector under MaineDOT jurisdiction. Route 1 provides two travel lanes measuring approximately 12 feet wide in both directions. Approaching the signalized intersection of Route 1 and the Kittery Outlets driveway, an additional dedicated left-turn lane is provided in each direction. Sidewalks are provided on both sides of the roadway north of Dexter Lane, and on the western side of the roadway south of Dexter Lane. A speed limit of 25 miles per hour (mph) is posted on Route 1 in both directions approaching the project site.

Dexter Lane generally extends in a northwest-southeast direction through the Town of Kittery and is classified as a local road under Town jurisdiction. Dexter Lane measures approximately 24 feet wide and accommodates two-way traffic. No sidewalks are provided on either side of the roadway, and no speed limits are provided along Dexter Lane in the vicinity of the project site.

A review of available MaineDOT traffic counts conducted in 2017 indicates Route 1 carries a volume of approximately 14,800 vehicles per day (vpd) south of Dexter Lane and approximately 15,160 vpd north of Dexter Lane.

Site Access and Circulation

The proposed Cumberland Farms would be accessed via two full-access driveways, one on Dexter Lane and one on the Kittery Outlets driveway; the site cannot be entered or exited directly from Route 1. Locating the two access driveways on side streets instead of on Route 1 directly provides continued access management and helps maintain safe and efficient access without creating potential conflict points on Route 1. Internal circulation is two-way throughout the site.

Project Safety

Crash data for the intersection of Route 1 at the Kittery Premium Outlets driveway and Route 1 at Dexter Lane was obtained from the MaineDOT Public Crash Query Tool for the five-year period available from 2015 through 2019. Crash data from 2020 was not reviewed due to the COVID-19 pandemic as this year is not considered to be representative of typical safety conditions. A summary of the available crash data is prevented in Table 1 below.

Table 1: Crash Data Summary

	Route 1 at Dexter Lane	Route 1 at Kittery Outlets Driveway
Year		
2015	1	0
2016	0	0
2017	1	0
2018	1	0
2019	2	0
Type		
Intersection Movement	2	0
Rear-end/Sideswipe	1	0
Head-on	0	0
Single Vehicle	0	0
Bicycle	2	0
Severity		
Property Damage	2	0
Personal Injury	3	0
Fatality	0	0
Time		
7:00 AM to 9:00 AM	0	0
9:00 AM to 4:00 PM	4	0
4:00 PM to 6:00 PM	0	0
6:00 PM to 7:00 AM	1	0
Total	5	0

Source: MaineDOT

The signalized intersection of Route 1 at Kittery Premium Outlets driveway is reported to have experienced a total of five crashes during the five-year period reviewed. Two of the crashes involved intersection movements, one was a rear-end or sideswipe, and two crashes involved bicycles. Two of the reported crashes resulted in property damage only, and three resulted in personal injury.

At the unsignalized intersection of Route 1 at Dexter Lane, no crashes were reported during the five-year period reviewed.

No crashes were reported in the vicinity of either of the proposed site driveways.

Project Trip Generation

In order to estimate the number of vehicle trips associated with the proposed Cumberland Farms development, the Institute of Transportation Engineers’ (ITE) publication, *Trip Generation Manual, 10th Edition*, was referenced. ITE is a national research organization of transportation professionals, and the *Trip Generation Manual, 10th Edition* provides traffic generation information for various land uses compiled from studies conducted by members nationwide. For the proposed gas station and convenience store, Land Use Code (LUC)

853 (Convenience Market with Gasoline Pumps) was used. This reference establishes vehicle trip rates (in this case expressed in trips per square foot of gross floor area) based on actual traffic counts conducted at similar types of existing land uses. Table 2, below, presents an estimate of the trips generated by the proposed Cumberland Farms.

Table 2: Proposed Project Site Trips

Description	Size	Weekday AM			Weekday PM		
		Peak Hour			Peak Hour		
		In	Out	Total	In	Out	Total
Total Proposed Project Trips ⁽¹⁾	5,000 s.f.	101	101	202	123	123	246

(1) ITE Land Use Code 853 (Convenience Market with Gasoline Pumps), based on 5,000 square feet.

However, not all trips to gas stations and convenience stores are new trips. In fact, a portion of the total trips attracted to such uses are “pass-by” trips, which are trips taken by vehicles already traveling past the site. According to the ITE publication, *Trip Generation Handbook, 3rd Edition*, approximately 63 percent of weekday morning and weekday afternoon peak hour trips to the proposed Cumberland Farms could be considered pass-by trips based on Land Use Code 853 (Convenience Market with Gasoline Pumps). The number of new trips projected to be generated by the proposed Cumberland Farms are separated into pass-by vehicle trips and new vehicle trips, as shown in Table 3.

Table 3: New Project Trips

Description	Size	Weekday AM			Weekday PM		
		Peak Hour			Peak Hour		
		In	Out	Total	In	Out	Total
Total Proposed Project Trips ⁽¹⁾	5,000 s.f.	101	101	202	123	123	246
- Pass-by Trips ⁽²⁾		<u>64</u>	<u>64</u>	<u>128</u>	<u>77</u>	<u>77</u>	<u>154</u>
Total New Project Trips		37	37	74	46	46	92

(1) ITE Land Use Code 853 (Convenience Market with Gasoline Pumps), based on 5,000 square feet.

(2) Based on ITE Land Use Code 853, 63% of weekday AM and weekday PM peak hour trips can be attributed to pass-by trips.

As shown in Table 3, the proposed Cumberland Farms is estimated to generate approximately 74 new vehicle trips during the weekday morning peak hour (37 entering vehicles and 37 exiting vehicles) and approximately 92 new vehicle trips during the weekday afternoon peak hour (46 entering vehicles and 46 exiting vehicles). ITE does not provide Saturday trip generation data for Land Use Code 853; however, based on previous studies completed at similar land uses, the trips generated by the proposed Cumberland Farms during the Saturday midday peak hour would be expected to be comparable to or less than the trips generated during the weekday afternoon peak hour.

Findings

The proposed project involves the development of an eight fueling position, approximately 5,000 square foot Cumberland Farms gas station and convenience store located at 355 Route 1 in Kittery, Maine, adjacent to the Kittery Premium Outlets. Below is a summary of the findings of this traffic assessment for the proposed Cumberland Farms:

- The site would be accessed by two driveways, one on Dexter Lane and one on the Kittery Premium Outlets driveway, and cannot be accessed directly from Route 1 to reduce the number of potential conflict points on Route 1.
- Based on a review of ITE trip generation data, approximately 63 percent of the peak hour trips to the proposed Cumberland Farms could be attributed to pass-by trips and would not result in new vehicles on Route 1.
- The proposed Cumberland Farms is estimated to generate approximately 74 new vehicle trips during the weekday morning peak hour (37 entering vehicles and 37 exiting vehicles) and approximately 92 new vehicle trips during the weekday afternoon peak hour (46 entering vehicles and 46 exiting vehicles). Saturday midday peak hour trip generation would be estimated to be similar to or less than the weekday afternoon peak hour trip generation.

The proposed Cumberland Farms does not generate a high volume of new trips on the adjacent roadway system. Access to the site from Route 1 is provided via the unsignalized intersection of Route 1 and Dexter Road and via the signalized intersection of Route 1 at the Kittery Outlets Driveway, with provisions for the left turns to and from Route 1 to be accomplished under signal control. The site driveways are located on Dexter Road and Kittery Outlets Driveway, with adequate space from the adjacent Route 1 intersection. Based on the trip projections and the site access design, the proposed site is not expected to adversely impact the surrounding street system. Should the project move forward, McMahon Associates will provide the necessary traffic analysis in coordination with the Town and MaineDOT.

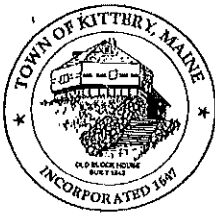
Statement for public hearing on the proposed amendment to the Town of Kittery Land Use and Development Code by Cumberland Farms.

My name is Keith Lemont and I operate Pine Tree Country Store - a third-generation business - that has operated in Kittery since 1973. I wish to publicly state my opposition to the code amendment proposed by Cumberland Farms for the following reasons.

Over the last decade, and really throughout my entire life, I have observed town citizens, staff, and elected officials express a desire to reshape the Route 1 zone into a more livable and inviting area. Adding residences, pedestrian walkways, and green space are a few of the ideas that have been put forth to achieve this goal. It seems to me that the Foreside area, with its local businesses and library addition, represents the vision the town is working toward. Sticking a Cumberland Farms in the middle of Route 1 is not compatible with the town's vision of the future.

I understand that I am not an impartial observer but I want to point out the difference between myself, the local business owner, and the large out-of-state chain Cumberland Farms. I worked with town staff and board members to update the town code to allow for LED lights on signs. I saw it as a change that would benefit my business, the town, and the environment. It was also beneficial to my competition but I felt that the efficiency gains for every business in town was worth it. In contrast, Cumberland Farms is seeking to narrowly amend the town code for their benefit only. To me, that is not what Kittery and the State of Maine is about.

Thank you for your consideration.



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

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

Applicant's Name Nina Holland

please print

Applicant's Address 19 Oakwoods Rd. North Berwick ME
please print 03906

Applicant's mailing address if different from above: P.O. Box 129 North Berwick
ME 03906

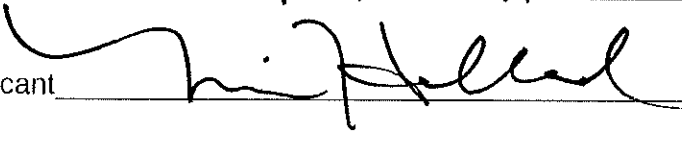
Applicant's Email address (required) Nina.we3@gmail.com

Date of Birth 1/1/1987 Applicant's Telephone Number: 207 710 7847

Business Name: toast LLC
please print

Business Address: 7 Shapleigh Rd. Kittery
please print

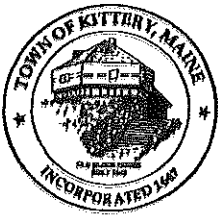
Business Telephone Number: 207 710 7847

Signature of Applicant  DATE: 8/11/21

LICENSE FEE: \$ 50.00

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

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



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

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

Applicant's Name TINA RICHARD

please print

Applicant's Address 724 SANFORD RD. WELLS, ME 04090

please print

Applicant's mailing address if different from above: PO BOX 908 MOODY, ME 04054

Applicant's Email address (required) THEACADIANWAY2017@GMAIL.COM

Date of Birth 11-05-1976 Applicant's Telephone Number: 207-219-4792

Business Name: THE ACADIAN WAY INC (ED'S FRENCH FRIES)

please print

Business Address: PO BOX 908 MOODY, ME 04054

please print

Business Telephone Number: 978-549-2905

Signature of Applicant *Tina Richard* DATE: 8/2/2021

LICENSE FEE: \$ 50⁰⁰

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

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

YORK HOSPITAL
 YORK HOSPITAL 15 HOSPITAL DRIVE
 YORK, ME 03909

Vendor #61517
 KITTERY COMMUNITY CENTER

N^o 084465

P.O. NUMBER	INVOICE DATE	INVOICE NUMBER	INVOICE AMOUNT	DISCOUNT AMOUNT	NET AMOUNT
	07/01/2021	JULY 2021	10,000.00	.00	10,000.00
<i>ENDS 2021</i>					
			<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>Please deposit into 5003-43600 York Hospital account + Town Council agenda for approval</p> </div>		
Totals:			10,000.00	.00	10,000.00

PAYMENT AMT: 10,000.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON

York Hospital
 LOVING KINDNESS
 15 Hospital Drive
 York ME 03909

KENNEBUNK SAVINGS BANK
 KENNEBUNK, ME 04043

N^o 084465

DATE
 08/17/2021

CHECK AMOUNT
 10,000.00

Ten Thousand And 00/100 Dollars*****

PAY TO THE ORDER OF KITTERY COMMUNITY CENTER

KITTERY COMMUNITY CENTER
 120 ROGERS ROAD
 KITTERY, ME 03904



[Signature] MP
[Signature] MP
 TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5000
 VOID AFTER 180 DAYS

Security features included. Details on back.



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

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

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

Date: **August 18, 2021**
WIN: **019394.00**
Project: **STP-1939(400)X**
Town: **Kittery**

RE: Parcel # 5 and 8

Dear Ms. Amaral:

Normally, it is typically MaineDOT's policy to present offers in person. Due to current health directives, this offer has been mailed to you. Please review the included materials and call or email for further conversation, any follow up questions you may have, or information you may need.

In conjunction with the Town of Kittery, the Maine Department of Transportation is currently working through the process for a locally administered pedestrian safety (sidewalk) and drainage improvement project located on Whipple Road in Kittery, ME. This letter informs you of the proposed project and your involvement as a property owner.

The Department and the Town of Kittery held a public meeting on February 15, 2017 in Kittery to present and explain the proposed project providing for public comment and input to the design process. Based on that design, the impact to abutting landowners has been determined and the appraisals were prepared and approved to establish "Just Compensation" for the proposed rights to be acquired and impacts from construction. At this time, offers are being made to all the impacted landowners by mail.

General Project Description:

The project consists of constructing a new ADA compatible 5-foot wide paved sidewalk (possibly concrete surface) on the north side of Whipple Road between Old Ferry Lane to Wyman Avenue. The project will also include granite curbing and some drainage system upgrades. Thirty-two properties will be impacted by rights needed for the construction.

Construction Details:

The existing Right of Way line, (your property line) is outlined in red, indicated by the long dash line on the plan. The Department will be acquiring the rights listed below in the **Summary of Impacts** with associated color reference. An ADA compatible 5-foot wide sidewalk with 5-inch reveal granite curb segments will be built on the northerly side of Whipple Road. Drainage system upgrades will be placed on this property, including a stone plunge pool.

Summary of Impacts:

Parcel 5:

Land Taken 206.00± S.F. (as shown in green)
Temporary Construction Right 60.00± S.F. (as shown in pink)

Parcel 8:

Drainage Easement 463±S.F. (as shown in blue)

Included with this letter are:

- A copy of the Right of Way map, Sheet Number #34&36, showing the proposed impacts to your property;
- A copy of the section of construction plans, Sheet #1, C-03, C-06, C-13;
- A copy of the section of construction plans, Sheet #1, C-03, C-07, C-16, C-17;
- Self-addressed stamped envelope and a blue ruler to scale the map sheet, and;
- A copy of the booklet "MaineDOT Project and Your Property"
- A donation form for each parcel.

The right of way plans outline the different property interests to be acquired, such as the Easement for Highway Purposes, Slope and Drainage Easements, Temporary Construction Rights and etc.

It is our understanding the Town wishes to donate these rights for the purpose of the project. Please take some time to review the information in this packet.

The current schedule for the project is the Department will file the Notice of Layout and Taking with the York County Registry of Deeds and a preliminary copy of the Right of Way Plans filed at the County Commissioner's office on or about **September 20, 2021**. The date of this filing is the date the Department acquires all the rights needed by Eminent Domain to construct the project. Shortly after this date, you will receive by certified mail a package including a letter indicating the parcel as settled or unsettled, a copy of the Notice of Layout and Taking, and a copy of the plan showing the impacts to your property.

The project will be advertised for bid by contractors after the filing of the Notice of Layout in and Taking in the Fall of 2021, with a Spring 2022 construction begin, and proposed completion the end of 2022.

Please contact me at your convenience with any questions or concerns. Thank you in advance for taking the time to review these documents.

At this point we have initiated our negotiations with you, and it is important to us that you understand the process fully. We make every attempt to meet with property owners in person to explain the impacts to your property and procedure for accepting or proposing a counteroffer to the offer that has been made. You may contact me during business hours to discuss your property or request that we meet in person. I can be reached at (207) 215-9487 or (207) 624-3518 or by e-mail at Cheryl.Dugal@maine.gov. Hopefully we can discuss the project in the near future.

Sincerely,



Ms. Cheryl Dugal
Right of Way Appraiser I/Project Negotiator
Multimodal Program
MaineDOT

Donation and Release of Agency Obligation

PROJECT NO.: STP-1939(400)X

WIN: 019394.00

PCL/ITEM NO: 5

OWNER(S): Town of Kittery

We acknowledge that we have been informed of the right to receive just compensation based upon an approved appraisal. Notwithstanding, we desire to donate the right of way (land and/or rights therein) and release the State of Maine from their obligation to provide an appraisal and offer for the real estate needed for the above referenced project. This donation to the State of Maine is made without coercive action of any nature.

DATED: _____

WITNESS:

SIGNATURE OF OWNER(S):

Printed

Printed

Title

Title

Donation and Release of Agency Obligation

PROJECT NO.: STP-1939(400)X

WIN: 019394.00

PCL/ITEM NO: 8

OWNER(S): Town of Kittery

We acknowledge that we have been informed of the right to receive just compensation based upon an approved appraisal. Notwithstanding, we desire to donate the right of way (land and/or rights therein) and release the State of Maine from their obligation to provide an appraisal and offer for the real estate needed for the above referenced project. This donation to the State of Maine is made without coercive action of any nature.

DATED: _____

WITNESS:

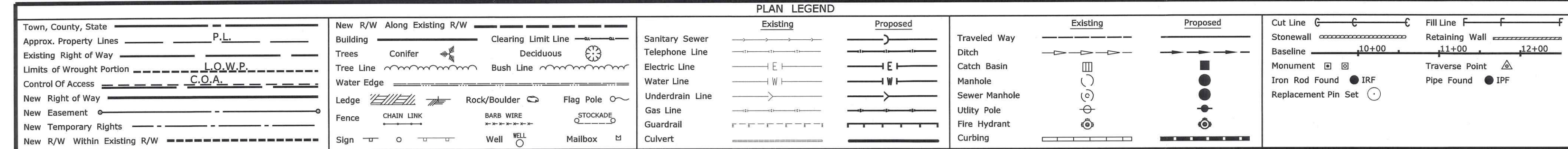
SIGNATURE OF OWNER(S):

Printed

Printed

Title

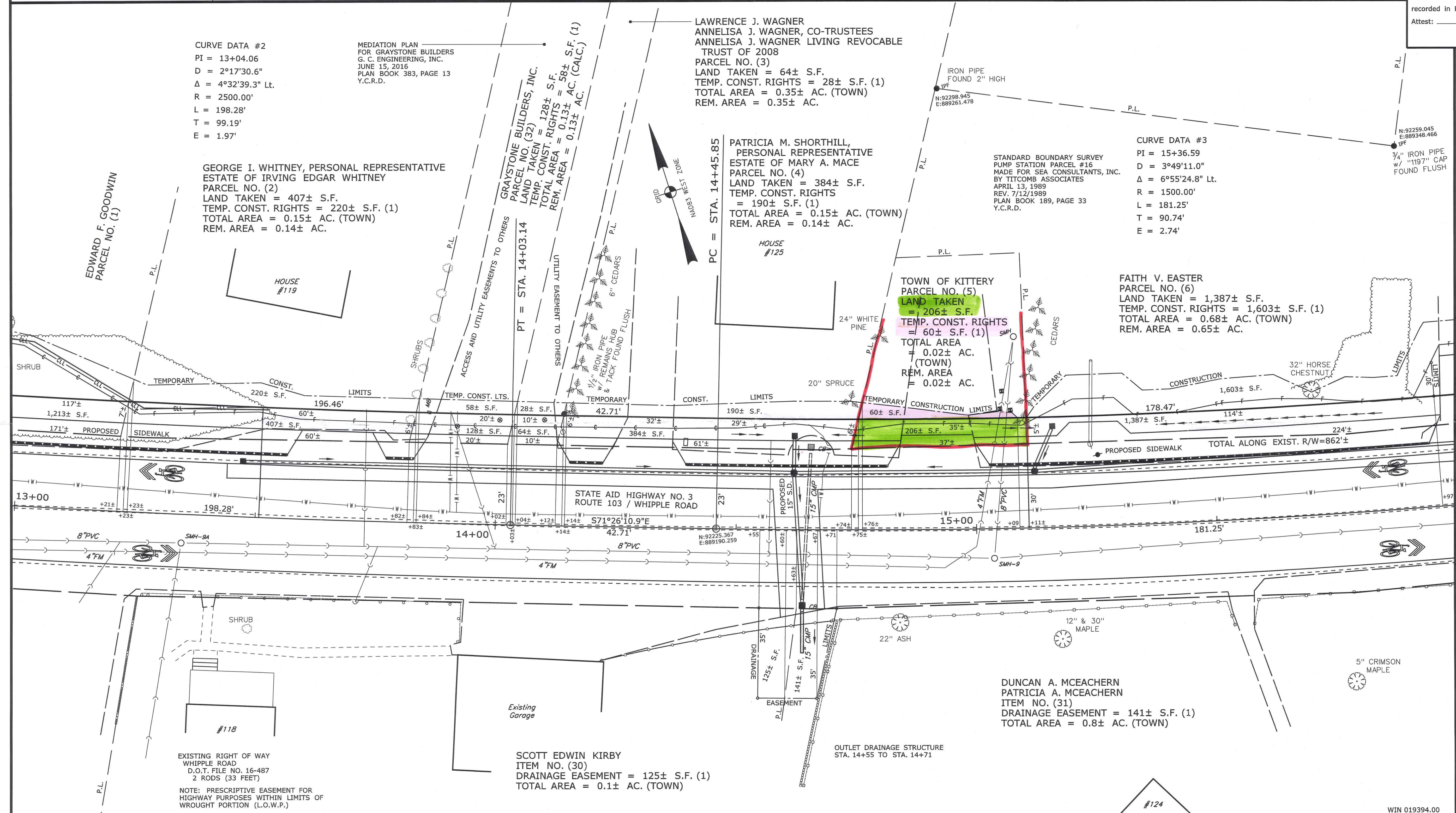
Title



THIS PLAN WAS PREPARED IN CONNECTION WITH THE DEPARTMENT'S ACQUISITION OF REAL PROPERTY FOR TRANSPORTATION PURPOSES. IT CANNOT BE USED TO ESTABLISH LEGAL BOUNDARIES BETWEEN ADJACENT PROPERTY OWNERS.

STATE OF MAINE
REGISTRY OF DEEDS

COUNTY _____
RECEIVED _____
at _____ h _____ m _____ M and
recorded in Plan Bk _____, Pg. _____
Attest: _____ REGISTER



CURVE DATA #2
PI = 13+04.06
D = 2°17'30.6"
Δ = 4°32'39.3" Lt.
R = 2500.00'
L = 198.28'
T = 99.19'
E = 1.97'

MEDIATION PLAN
FOR GRAYSTONE BUILDERS
G. C. ENGINEERING, INC.
JUNE 15, 2016
PLAN BOOK 383, PAGE 13
Y.C.R.D.

GEORGE I. WHITNEY, PERSONAL REPRESENTATIVE
ESTATE OF IRVING EDGAR WHITNEY
PARCEL NO. (2)
LAND TAKEN = 407± S.F.
TEMP. CONST. RIGHTS = 220± S.F. (1)
TOTAL AREA = 0.15± AC. (TOWN)
REM. AREA = 0.14± AC.

GRAYSTONE BUILDERS, INC.
PARCEL NO. (32)
LAND TAKEN = 128± S.F.
TEMP. CONST. RIGHTS = 58± S.F. (1)
TOTAL AREA = 0.13± AC. (CALC.)
REM. AREA = 0.13± AC.

LAWRENCE J. WAGNER
ANNELISA J. WAGNER, CO-TRUSTEES
ESTATE OF MARY A. MACE
PARCEL NO. (4)
LAND TAKEN = 64± S.F.
TEMP. CONST. RIGHTS = 28± S.F. (1)
TOTAL AREA = 0.35± AC. (TOWN)
REM. AREA = 0.35± AC.

PATRICIA M. SHORTHILL,
PERSONAL REPRESENTATIVE
ESTATE OF MARY A. MACE
PARCEL NO. (4)
LAND TAKEN = 384± S.F.
TEMP. CONST. RIGHTS
= 190± S.F. (1)
TOTAL AREA = 0.15± AC. (TOWN)
REM. AREA = 0.14± AC.

CURVE DATA #3
PI = 15+36.59
D = 3°49'11.0"
Δ = 6°55'24.8" Lt.
R = 1500.00'
L = 181.25'
T = 90.74'
E = 2.74'

STANDARD BOUNDARY SURVEY
PUMP STATION PARCEL #16
MADE FOR SEA CONSULTANTS, INC.
BY TITCOMB ASSOCIATES
APRIL 13, 1989
REV. 7/12/1989
PLAN BOOK 189, PAGE 33
Y.C.R.D.

TOWN OF KITTELY
PARCEL NO. (5)
LAND TAKEN
= 206± S.F.
TEMP. CONST. RIGHTS
= 60± S.F. (1)
TOTAL AREA
= 0.02± AC.
(TOWN)
REM. AREA
= 0.02± AC.

FAITH V. EASTER
PARCEL NO. (6)
LAND TAKEN = 1,387± S.F.
TEMP. CONST. RIGHTS = 1,603± S.F. (1)
TOTAL AREA = 0.68± AC. (TOWN)
REM. AREA = 0.65± AC.

DUNCAN A. MCEACHERN
PATRICIA A. MCEACHERN
ITEM NO. (31)
DRAINAGE EASEMENT = 141± S.F. (1)
TOTAL AREA = 0.8± AC. (TOWN)

SCOTT EDWIN KIRBY
ITEM NO. (30)
DRAINAGE EASEMENT = 125± S.F. (1)
TOTAL AREA = 0.1± AC. (TOWN)

EXISTING RIGHT OF WAY
WHIPPLE ROAD
D.O.T. FILE NO. 16-487
2 RODS (33 FEET)
NOTE: PRESCRIPTIVE EASEMENT FOR
HIGHWAY PURPOSES WITHIN LIMITS OF
WROUGHT PORTION (L.O.W.P.)

TECH	CHECKED
EXISTING CONDITION PLAN	B.S. G.L.L.
FINAL RIGHT OF WAY	B.S. G.L.L.
AREAS	B.S. G.L.L.

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION - AUGUSTA, ME 04333-0016 - 207-624-3460
KITTELY
RIGHT OF WAY MAP

REVISIONS			PLAN FILED IN PLAN BOOK						COUNTY RECORD								
NO.	DATE	DESCRIPTION	BY	NO.	GRANTOR	PAGE	INSTRUMENT	DATE	BOOK	PAGE	NO.	GRANTOR	PAGE	INSTRUMENT	DATE	BOOK	PAGE

BRUCE A. VAN NOTE
COMMISSIONER
JOYCE NOEL TAYLOR
CHIEF ENGINEER
DATE _____

STATE AID HIGHWAY NO. 3
ROUTE 103 / WHIPPLE ROAD
KITTELY YORK COUNTY
FEDERAL AID PROJECT NO. STP-1939(400)X
JUNE 2021 RIGHT-OF-WAY MAP
SCALE 1" = 10' SHEET 2 OF 9
D.O.T. FILE NO. 16-487A

SHEET NUMBER
34
OF 41

Filename: ...:\00\ROW\MSTA\002_RWPLAN2.dgn
 Division: ROW
 Username: Benjamin.Singer
 Date: 6/14/2021



Town, County, State _____
 Approx. Property Lines _____
 Existing Right of Way _____
 Limits of Wrought Portion _____
 Control of Access _____
 New Right of Way _____
 New Easement _____
 New Temporary Rights _____
 New R/W Within Existing R/W _____

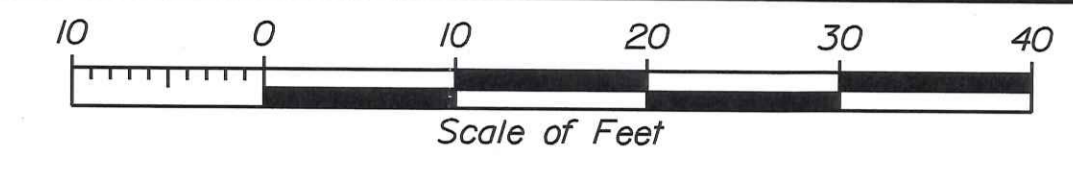
New R/W Along Existing R/W
 Building _____
 Trees _____
 Tree Line _____
 Water Edge _____
 Ledge _____
 Fence _____
 Sign _____

PLAN LEGEND
 Existing Proposed
 Sanitary Sewer _____
 Telephone Line _____
 Electric Line _____
 Water Line _____
 Underdrain Line _____
 Gas Line _____
 Guardrail _____
 Culvert _____

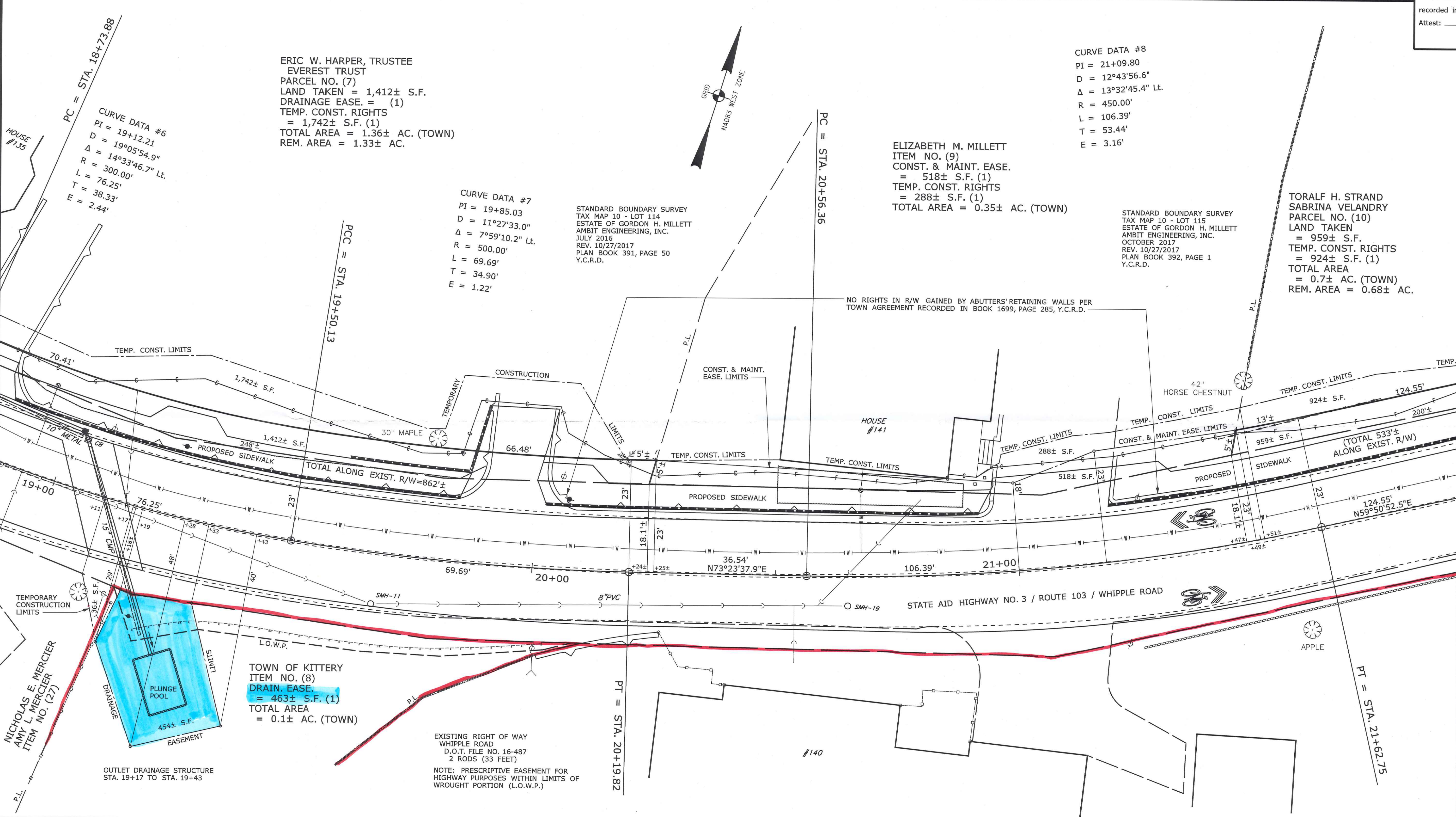
Existing Proposed
 Traveled Way _____
 Ditch _____
 Catch Basin _____
 Manhole _____
 Sewer Manhole _____
 Utility Pole _____
 Fire Hydrant _____
 Curbing _____

Cut Line _____
 Stone Wall _____
 Baseline _____
 Monument _____
 Iron Rod Found _____
 Replacement Pin Set _____
 Fill Line _____
 Retaining Wall _____
 Traverse Point _____
 Pipe Found _____

THIS PLAN WAS PREPARED IN CONNECTION WITH THE DEPARTMENT'S ACQUISITION OF REAL PROPERTY FOR TRANSPORTATION PURPOSES. IT CANNOT BE USED TO ESTABLISH LEGAL BOUNDARIES BETWEEN ABUTTING PROPERTY OWNERS.



STATE OF MAINE
 REGISTRY OF DEEDS
 COUNTY _____
 RECEIVED _____
 at _____ h _____ m _____ M and
 recorded in Plan Bk _____, Pg. _____
 Attest: _____ REGISTER



Filename: ...\\00\\ROW\\MSTA\\004_RWPLAN4.dgn Division: ROW
 Username: Benjamin.Singer Date: 6/14/2021

ITEM	EXISTING CONDITION	PLAN	FINAL RIGHT OF WAY	AREAS	TECH	CHECKED
					B.S.	G.L.L.
					B.S.	G.L.L.
					B.S.	G.L.L.

STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION - AUGUSTA, ME 04333-0016 - 207-624-3460
 KITTERY
 RIGHT OF WAY MAP

REVISIONS			PLAN FILED IN PLAN BOOK						COUNTY RECORD					
NO.	DATE	DESCRIPTION	BY	NO.	GRANTOR	INSTRUMENT	DATE	BOOK	PAGE	NO.	INSTRUMENT	DATE	BOOK	PAGE

BRUCE A. VAN NOTE
 COMMISSIONER
 JOYCE NOEL TAYLOR
 CHIEF ENGINEER
 DATE

STATE AID HIGHWAY NO. 3
 ROUTE 103 / WHIPPLE ROAD
 KITTERY YORK COUNTY
 FEDERAL AID PROJECT NO. STP-1939(400)X
 SHEET NUMBER
36
 OF 41



**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>Delta Amusement Inc.</u>	Business Name (D/B/A): <u>NAVY YARD BAR + BILLIARD</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <u>182 STATE RD KITHEN ME. 03904</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>JOE SUYDER 65A GMAIL.COM</u>
Telephone # Fax #: <u>207-439-7137 OR 508-331-1259</u>	Business Telephone # Fax #: <u>207-439-7137 OR 508-331-1259</u>
Federal Tax Identification Number: <u>01-0524107</u>	Maine Seller Certificate # or Sales Tax #: <u>1043464</u>
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? New Expected Start date: _____
- Renewal Expiration Date: 9-28-21

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

Food: 36,946 Beer, Wine or Spirits: 109,850 Guest Rooms: 0

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 type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input checked="" type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class J-A) | <input type="checkbox"/> Bed & Breakfast
(Class Y) |
| <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 Rd. 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
Joseph E. SUGDEN	1-30-54	MAGNAID MASS.
ANTHONY BORRELLI	12-08-54	LAWRENCE MASS.

Residence address on all the above for previous 5 years	
Name	Address:
Joseph E. SUGDEN	3 TOBEY ST. HAMPTON NH 03842
ANTHONY BORRELLI	1 ALDER BROOK LN. METHUEN MA. 01844

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: Joseph E SUGDEN Date of Conviction: 1975

Offense: Disturbing The Peace Location: SALISBURY MASS

Disposition: PAID FINE
see ATTACH ment

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:

M.H PARSON'S and SONS 50 Wood Bridge Rd. York MAINE

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)

There is a Area where There is a Full Bar with 9 Bar Stools and 5 Table with chairs, Area with 5 9 Ft Pool, TABLE area with 1 Ping Pong TABLE and Four Dart Board, And outside patio with TABLES + CHAIRS

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

Name: school

Distance: 1 mile

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 8/5/21

Joseph E. SUGDER
Signature of Duly Authorized Person

Joseph E. SUGDER
Printed Name Duly Authorized Person

Anthony Borrelli
Signature of Duly Authorized Person

ANTHONY BORRELLI
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.

Joseph E Sugden

② Petty LARCENY 1978

north ADAMS MASS

STOLE A STEAK (colloge PARK

PAID FINE

③ D.V.I 1981

19

SALISBURY MASS

PAID FINE

ANTHONY BORRELL.

1984

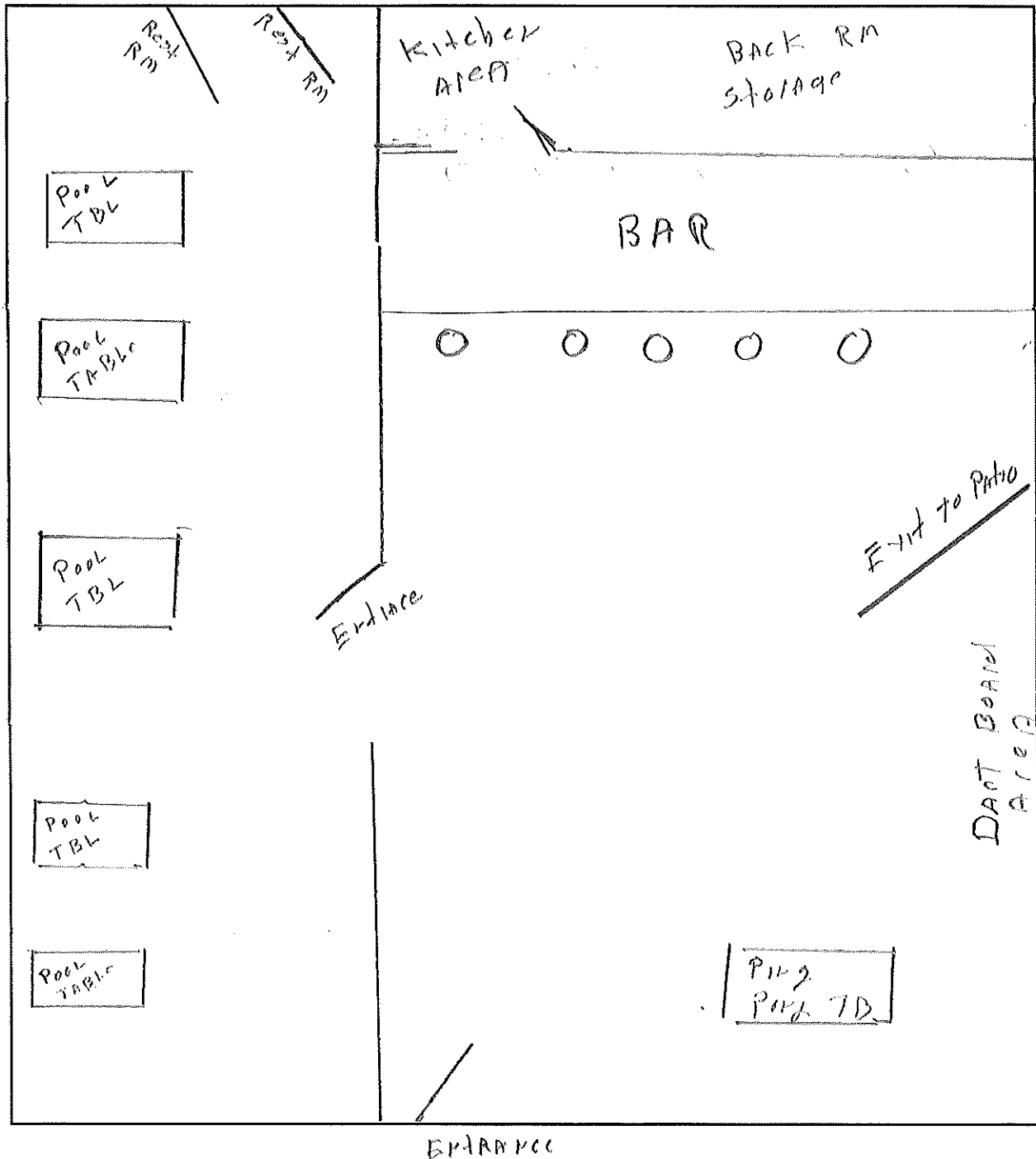
D.V.I

D.V.I

Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: DELTA AMUSEMENT INC.
2. Doing Business As, if any: NAVY YARD BAR + BILLIARD
3. Date of filing with Secretary of State: 1999 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
Joseph E SUGDER	3 ToBey St Hampden NH	1-30-54	President	50%
ANTHONY BOLLINI	1 Alder Brook Ln Methuen MA	12-8-54	vice Pres.	50%

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



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:

Delta Amusement Inc.

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

182 State Rd Kittery ME 03904

Mailing address and telephone number of owner of the real estate: M.H. PARSONS + SONS

Po Box 450 207 363 4151

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

upper North end corner of Bld.

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

Thursday 8pm - 12:30 pm SATURDAY 8pm - 12:30 pm

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

KARAOKE / DJ DANCING Thursday with
SMALL BANDS (occasionally) SATURDAY with

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:

Disturbing The Peace 1975 Paid Fine
SALISBURY MASS

(Over)

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

To enhance BUSINESS

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:

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: 8-5-21

SIGNATURE OF APPLICANT: Joseph E Sugder

APPLICANT'S NAME: Joseph E Sugder (Delta Amusement Inc)
(please print)

ADDRESS: 182 State Rd Kittery Me. 03904
(please print)

TELEPHONE NUMBER: 508 331-1259

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

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:

20 Walker Street 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
Rajesh Mandekar	08/13/1975	Mumbai, India
Stanley Keith Campbell	10/23/1960	Decatur, Alabama

Residence address on all the above for previous 5 years

Name Rajesh Mandekar Address: 68 Rogers Road Kittery, Maine 03904

Name Stanley Keith Campbell Address: 28 Government Street Kittery, Maine 03904

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)

INDOOR DINING ROOM AND BAR AREA.

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


Name: Second Christian Congregational Church

Distance: 0.11

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. 8/24/2021

Dated: 
RAJESH MANDERKAR

Signature of Duly Authorized Person

Signature of Duly Authorized Person

Printed Name 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.

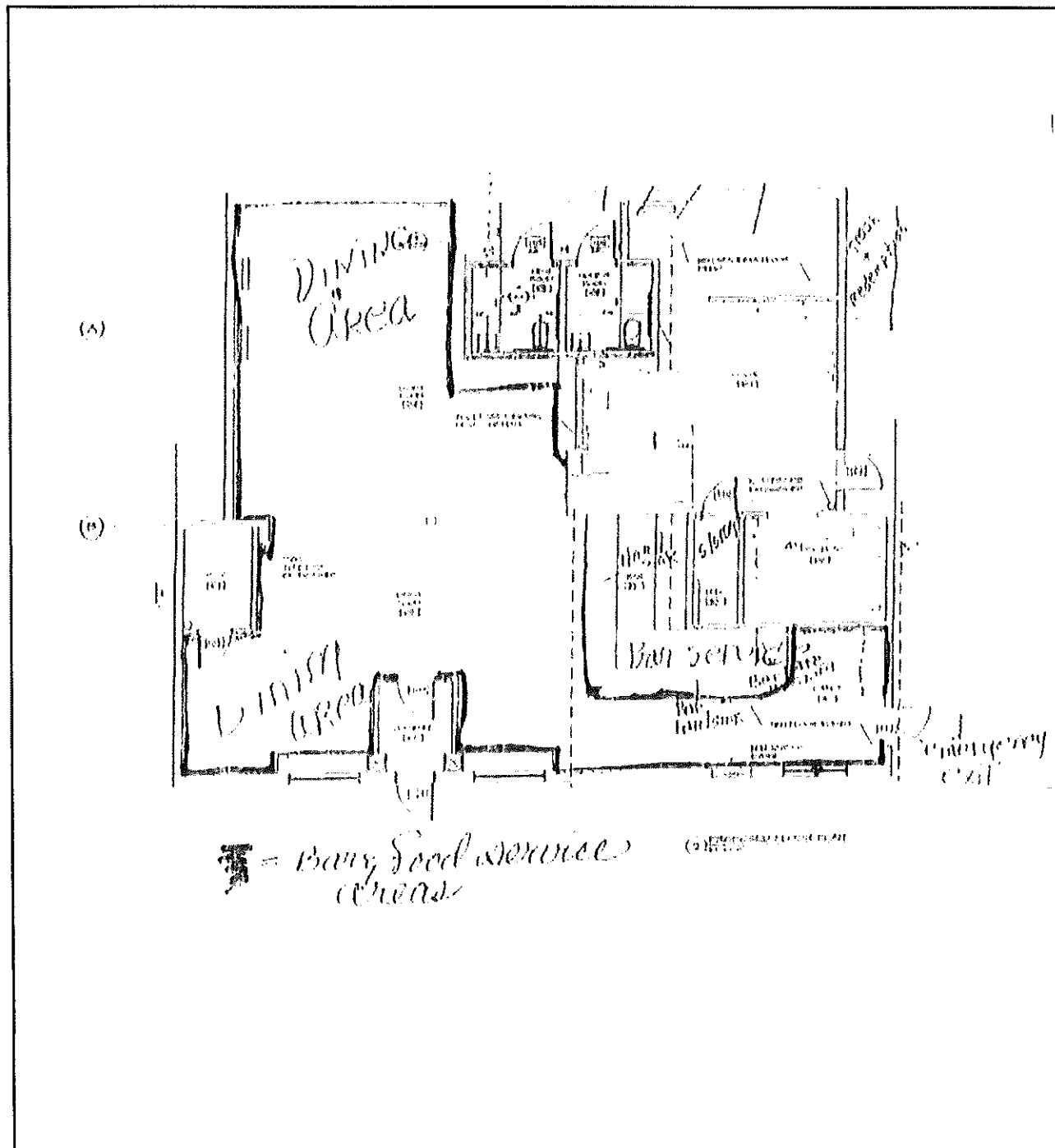
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Divine Cuisines LLC
2. Doing Business As, if any: Tulsi
3. Date of filing with Secretary of State: 09/08/2003 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
Rajesh Mandekar	68 Rogers Rd. Kittery, ME 03904	08/13/1974	Owner	100

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



TOWN OF KITTEBY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Tara Price

RESIDENCE: 618 Haley Road, Kittery Point, ME 03905

MAILING (if different) same

E-MAIL ADDRESS: taraprice@gmail.com

PHONE #: (H) n/a (W) n/a (C) 818-667-2703

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 |
| <u>1</u> Parks Commission | <input type="checkbox"/> Kittery Port Authority |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> KCC Board of Directors |
| <u>2</u> Kittery Climate Adaptation Committee | <input type="checkbox"/> Library Advisory Committee |
| <u>3</u> Kittery Celebration Committee | Other _____ |

EDUCATION/TRAINING: Graduate of Winnacunnet HS, now a volunteer with their Decisions program.

RELATED EXPERIENCE (Including other Boards and Commissions) Over ten years experience producing television requiring an extensive amount of communication, logistics, planning, teamwork, and decision-making. (I've also written, directed, and produced award-winning short films that have screened around the globe.)

PRESENT EMPLOYMENT: Currently unemployed due to the Covid-19 pandemic but still writing.

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTEBY Yes No

ANY KNOWN CONFLICT OF INTEREST (please read back of application): None

REASON FOR APPLICATION TO THIS BOARD: I have a keen interest in the outdoors and my love of beautiful Kittery inspires me to give back to the community.

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

Please read the back of this application before signing.

SIGNATURE OF APPLICANT

11/17/2020

DATE



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

REPORT TO TOWN COUNCIL

Meeting Date: September 13, 2021
From: Kendra Amaral, Town Manager
Subject: Title 10 – Walker and Wentworth Street Parking
Council Sponsor: Councilor Jeff Thomson

OVERVIEW

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

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

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

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

OPTIONS

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

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

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

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

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

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

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

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

**TITLE 10
FORESIDE PARKING**

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

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

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

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

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

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

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

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

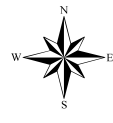
15 One-hour parking is permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted on Sundays and
16 holidays), in the following locations except as may be prohibited in § 10.3.1.1:

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

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

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

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



September 3, 2021

Foreside Parking

Kittery, ME

1 inch = 118 Feet



www.cai-tech.com



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

**KITTERY TOWN CODE
TITLE 10
FORESIDE PARKING**

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

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

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

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

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

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

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

Kendra Amaral

From: O.G. Sexton <o.g.sexton87@gmail.com>
Sent: Thursday, August 12, 2021 11:24 AM
To: Kendra Amaral
Subject: Orchard Grove Cemetery Headstone Repair Continuance

Dear Ms. Amaral,

Orchard Grove Cemetery intends to continue to make repairs to a number of headstones and gravesites and served this notice for plot owners or descendants of the following persons to assure that all work is in keeping with their wishes. Related parties were requested to contact the Orchard Grove Sexton at (207) 703-6738; or via e-mail at O.G.SEXTON87@gmail.com for more details. We have widely publicized the following first group with no contact from any family or descendant.

SUBCHAPTER V: PROTECTION AND PRESERVATION

1371. Approval for repair, maintenance and removal

1. Prior authorization or approval for repair, maintenance or removal. Any person may repair, maintain or remove, subject to the restrictions of subsection 2, any tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure for the burial of the dead, after obtaining:

A. The authorization of the owner of the burial lot or a lineal descendent of the deceased buried there, if reasonable to locate and notify; or

B. The written approval of the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located.

Plot 195

Fernald, Andrew 2 May 1818 4 Sep 1889

Plot 171

Charlie A. Lydston 24 May 1875 21 Feb 1878

Plot 168

Unreadable - "Next To Eva Keen Hall"

Plot 161

Simon Hanscom 1814 26 Apr 1864

Martha Hanscom 1816 17 Dec 1843

Mary Hanscom 1797 12 Oct 1826

Nancy Hanscom 1800 19 Jan 1825

Plot 158

Mae Gertrude (Beaumont) Bristow 1883 3 Jun 1912

Plot 152

Harry E. Given 26 Dec 1870 20 Jul 1902

Samuel Given 7 Dec 1841 25 Oct 1863

Plot 142

Infant Daughter of A.R. & F.M. Young 1900 1900

Plot 139

Capt. Sewell Aderton 11 Feb 1864 14 Dec 1912

Plot 120

Cynthia Fernald 16 Jul 1829 12 Jan 1854

Abbie A. Young 1835 26 Feb 1913

Plot 123

Hannah Junkins Cutts 1783 5 Apr 1833

Hannah Thompson Cutts 1808 21 Apr 1877

Edward Cutts 1807 8 Dec 1859

Plot 120

George Tilton 1839 14 Dec 1863

Plot 124

Eunice Remick Mar 1820 14 Dec 1902

John Remick 1820 26 Apr 1889

Joseph Remick 1847 28 Mar 1924

Mary Remick 1850 22 Jun 1878

Respectfully request your approval to effect said repairs.

v/r

garybeers

Secretary/Sexton

§1371. Approval for repair, maintenance and removal

1. Prior authorization or approval for repair, maintenance or removal. Any person may repair, maintain or remove, subject to the restrictions of subsection 2 or 3, any tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure for the burial of the dead, after obtaining written approval of the owner or operator of the cemetery or burial ground, if an owner or operator exists, and one of the following, in the following order of priority.

A. The person must first seek the authorization of the owner of the burial lot or a lineal descendant of the deceased buried there, if the owner or a lineal descendant is reasonable to locate and notify. [PL 2015, c. 294, §1 (AMD).]

A-1. If an owner or lineal descendant listed in paragraph A cannot reasonably be located and notified, the person shall seek the authorization of a next of kin, if reasonable to locate and notify, of the deceased buried there. [PL 2015, c. 294, §1 (NEW).]

B. If none of the persons listed in paragraph A or A-1 can reasonably be located and notified, the person shall obtain the written approval of the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located. [PL 2015, c. 294, §1 (AMD).]
[PL 2015, c. 294, §1 (AMD).]

2. Conditions on removal for repair, restoration or preservation. Removal of a tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or a portion or fragment of a memorial, is permitted only for the purpose of preservation. A tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or a portion or fragment of a memorial, may not be removed from the confines of the cemetery or burial ground, except that a person who has obtained authorization or approval described in subsection 1 may remove all or a portion of a memorial for a period of no longer than 6 months for the purpose of repair, restoration or preservation, but only when repair, restoration or preservation can not reasonably be accomplished on the site of the cemetery or burial ground. Prior to removal of the memorial, a notice must be submitted to the municipality, or to the county in the case of unorganized territory, stating the location of the burial ground, the identification of the memorial, the authority requesting the removal, the site to which the memorial will be temporarily removed, the proposed date of removal and the proposed date of replacement in the burial ground.
[PL 2015, c. 294, §1 (AMD).]

3. Permanent removal of memorial. If a tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead is in such poor condition that it cannot be preserved in its original location, that memorial may be removed by a person who has obtained authorization or approval described in subsection 1 to another location accessible to the public. Prior to removal of the memorial, a notice must be submitted to the municipality, or to the county in the case of a memorial in unorganized territory, stating the location and identification of the memorial, the authority requesting the removal and the site to which the memorial will be moved and providing documentation of the reason the memorial cannot be preserved in its original location.

When possible, a replacement or replica of the removed memorial must be placed in the original location along with information as to the location of the original memorial. If such placement is not possible, a sign must be placed recording the new location of the memorial.
[PL 2015, c. 294, §1 (NEW).]

All costs associated with actions taken pursuant to this section must be paid by the person or entity that requests the repair, maintenance or removal of a tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or any portion or fragment of any such

memorial, or any fence, railing, curb or other enclosure in the burial lot or cemetery. [PL 2015, c. 294, §1 (NEW).]

The owner, operator or caretaker of a burial lot or a cemetery association that authorizes removal of a memorial pursuant to this section is not responsible or liable for the location or care of the memorial. [PL 2015, c. 294, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 326, §1 (NEW). PL 1997, c. 193, §1 (AMD). PL 2015, c. 294, §1 (AMD).

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--

Kiwanis

www.kiwanis.org

September 6, 2021

Town of Kittery
Attn: Karen Estee
200 Rogers Road
Kittery, ME 03904

Dear Council Members,

The **Kiwanis Club of The Seacoast** is requesting permission from the Town to sponsor the annual Kittery Holiday Parade on Saturday – December 4, 2021, and to have the following Kiwanis Club member appointed as the Town’s Official Parade Committee:

Glen Philbrook

41 Love Lane

Kittery

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

Should the case of inclement weather, we would like to have a rain date of Sunday – December 5, 2021 at 3:00 pm as the backup plan.

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

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

Respectfully,

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

Kiwanis Club of the Seacoast PO Box 285, Kittery, ME 03904
Frank Dennett – President Glen Philbrook – Immediate Past President
Dan Witham – Secretary Kathryne O’Connell - Treasurer

Oct 1, 2021 to Sept 30, 2022

OVERALL MAXIMUMS

Persons in Household

1	2	3	4	5
\$1,016	\$1,030	\$1,293	\$1,615	\$1,896

Household of 6 = \$1,971

* Add \$75 for each additional person

FOOD MAXIMUMS

Persons	Weekly	Monthly
1	\$58.14	\$250
2	\$106.74	\$459
3	\$153.02	\$658
4	\$194.19	\$835
5	\$230.70	\$992
6	\$276.74	\$1,190
7	\$306.05	\$1,316
8	\$349.77	\$1,504

Add \$188 per month for each + person

HEATING FUEL

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

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

HOUSING MAXIMUMS

BEDROOM	UNHEATED		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$201	\$863	\$224	\$963
1	\$201	\$863	\$225	\$968
2	\$243	\$1,047	\$284	\$1,221
3	\$307	\$1,318	\$356	\$1,531
4	\$356	\$1,529	\$417	\$1,793

PERSONAL CARE & HOUSEHOLD SUPPLIES

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

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

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

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

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

***New - Appendix H Revisions

<p>Burial Maximum: \$1,475 Cremation Maximum: \$1,025</p>
--

ELECTRIC

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

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

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

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

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

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

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

1-800-442-6003

Revised 7/22/20

2021-2022 GA Overall Maximums – Revised (9/2/21)

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	783	909	1,163	1,447	1,979
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	963	1,023	1,331	1,773	1,904
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	754	811	1,042	1,335	1,652
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	748	750	992	1,243	1,357
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,197	1,352	1,751	2,267	2,770
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	828	981	1,195	1,575	1,777

Appendix A

Effective: 10/01/21-09/30/22

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,016	1,030	1,293	1,615	1,896
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,173	1,230	1,620	2,096	2,805

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

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	655	717	840	1,132	1,254
Franklin County	690	737	846	1,119	1,497
Hancock County	844	880	1,058	1,334	1,462
Kennebec County	776	794	990	1,299	1,387
Knox County	800	807	990	1,316	1,406
Lincoln County	877	895	1,123	1,397	1,806
Oxford County	771	775	947	1,337	1,555
Piscataquis County	665	715	883	1,172	1,412
Somerset County	716	751	969	1,263	1,354
Waldo County	920	925	1,101	1,376	1,883
Washington County	717	721	937	1,173	1,268

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

Appendix B

Effective: 10/01/21 to 09/30/22

2021-2022 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2021, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 58.14	\$ 250.00
2	106.74	459.00
3	153.02	658.00
4	194.19	835.00
5	230.70	992.00
6	276.74	1,190.00
7	306.05	1,316.00
8	349.77	1,504.00

Note: For each additional person add \$188 per month.

Appendix B

Effective: 10/01/21 to 09/30/22

2021-2022 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2021, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 58.14	\$ 250.00
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5	230.70	992.00
6	276.74	1,190.00
7	306.05	1,316.00
8	349.77	1,504.00

Note: For each additional person add \$188 per month.

2021-2022 GA Housing Maximums – Revised (9/2/21) (Heated & Unheated Rents)

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

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	510	142	612
1	125	536	156	670
2	141	608	183	785
3	198	853	249	1,070
4	212	913	274	1,180
<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	127	545	150	647
1	129	556	160	690
2	143	614	184	791
3	195	840	246	1,057
4	269	1,156	331	1,423
<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	161	691	184	791
1	161	691	190	818
2	189	812	229	986
3	241	1,037	291	1,250
4	255	1,095	316	1,359
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	623	168	723
1	145	623	170	732
2	173	744	213	918
3	233	1,002	283	1,215
4	237	1,020	299	1,284

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	150	647	174	747
1	150	647	174	747
2	173	744	213	918
3	237	1,019	287	1,232
4	242	1,039	303	1,303
<u>Lincoln County</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	168	724	192	824
1	168	724	194	833
2	204	877	244	1,051
3	256	1,100	305	1,313
4	335	1,439	396	1,703
<u>Oxford County</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	618	167	718
1	144	618	167	718
2	163	701	203	875
3	242	1,040	291	1,253
4	276	1,188	338	1,452
<u>Piscataquis County</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	501	165	609
1	119	512	165	652
2	146	627	201	811
3	200	862	288	1,086
4	241	1,037	333	1,312
<u>Somerset County</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	563	154	663
1	131	563	160	689
2	168	723	209	897
3	225	966	274	1,179
4	230	987	291	1,251

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	178	767	202	867
1	178	767	202	867
2	199	855	239	1,029
3	251	1,079	300	1,292
4	353	1,516	414	1,780

<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	564	154	664
1	131	564	154	664
2	161	691	201	865
3	204	876	253	1,089
4	210	901	271	1,165

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	147	630	170	730
1	166	714	197	847
2	213	917	254	1,091
3	267	1,150	317	1,363
4	375	1,612	436	1,876

<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	188	810	212	910
1	193	828	223	961
2	252	1,085	293	1,259
3	343	1,476	393	1,689
4	357	1,537	419	1,801

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	140	601	163	701
1	143	616	174	749
2	185	796	226	970
3	241	1,038	291	1,251
4	299	1,285	360	1,549

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	138	595	162	695
1	138	595	162	695
2	173	746	214	920
3	220	946	270	1,159
4	230	990	292	1,254
<u>Portland HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	243	1,044	266	1,144
1	269	1,157	300	1,290
2	350	1,505	390	1,679
3	458	1,970	508	2,183
4	559	2,403	620	2,667
<u>Sagadahoc Cty. HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	157	675	180	775
1	183	786	214	919
2	221	949	261	1,123
3	297	1,278	347	1,491
4	328	1,410	389	1,674
<u>York Cty. HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	201	863	224	963
1	201	863	225	968
2	243	1,047	284	1,221
3	307	1,318	356	1,531
4	356	1,529	417	1,793
<u>York/Kittery/S. Berwick HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	237	1,020	260	1,120
1	237	1,020	272	1,168
2	320	1,374	360	1,548
3	418	1,799	468	2,012
4	567	2,438	628	2,702

2021-2022 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2021 to September 30, 2022.**

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	York	<u>Persons in Household</u>					
		1	2	3	4	5	6
		1,016.00	1,030.00	1,293.00	1,615.00	1,896.00	1,971.00

NOTE: For each additional person add \$75 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	\$ 58.14	\$ 250.00
2	106.74	459.00
3	153.02	658.00
4	194.19	835.00
5	230.70	992.00
6	276.74	1,190.00
7	306.05	1,316.00
8	349.77	1,504.00

NOTE: For each additional person add \$188 per month.

APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	201.00	863.00	224.00	963.00
1	201.00	863.00	225.00	968.00
2	243.00	1,047.00	284.00	1,221.00
3	307.00	1,318.00	356.00	1,531.00
4	356.00	1,529.00	417.00	1,793.00

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

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APPENDIX D - UTILITIES

ELECTRIC

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

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

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

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

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

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

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

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

APPENDIX E - HEATING FUEL

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

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

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

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

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

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

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

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

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$1,025**.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary

Appendix H

Effective: 10/01/21-9/30/22

- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

MUNICIPALITY OF Kittery
GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of Kittery, after notice and hearing, hereby amend the municipal General Assistance Ordinance by repealing and replacing appendices A through H of the existing ordinance with the attached appendices A through H, which shall be in effect from October 1, 2021 through September 30, 2022. This amendment will be filed with the Maine Department of Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4), and a copy of the ordinance and amended appendices shall be available for public inspection at the municipal office along with a copy of the 22 M.R.S. chapter 1161.

Signed this 13th day of September, 2021, by the municipal officers:

(Print Name)

(Signature)

(Printed Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

[Please send a copy of the enactment page only to DHHS, 109 Capitol Street, SHS 11, Augusta, ME 04330-0011]