



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

COUNCIL CHAMBERS

October 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. **To register via Zoom:**

https://us02web.zoom.us/webinar/register/WN_46g8XMRGTxiYISY8ScCaiw

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

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

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - September 27, 2021 – Regular Meeting
8. Interviews for the Board of Appeals and Planning Board

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
10. PUBLIC HEARINGS
 - a. (100121-1) The Kittery Town Council moves hold a Public Hearing on Title 12 - Political Signs.
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person).
 - b. Chairperson may read written comments into the record.
 - c. Chairperson's response to public comments.
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition
 - b. (100121-2) The Kittery Town Council moves to approve a renewal Liquor License application from the Black Birch located at 2 Government Street, Kittery.
 - c. (100121-3) The Kittery Town Council moves to approve a request from Tributary Brewing Company, 10 Shapleigh Road, to hold a special event for the release of Mott the Lesser on Saturday October 23, 2021 from 12pm to 7pm.
 - d. (100121-4) The Kittery Town Council moves to appoint Tara Price to the Parks Commission for a term to expire 12/31/2024.
14. COUNCILOR ISSUES OR COMMENTS
15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports
16. EXECUTIVE SESSION
 - a. (100121-4) The Kittery Town Council moves to go into executive session in accordance with 1 M.R.S., §405 (6) (A) to conduct the Town Manager's annual evaluation.

- b. (100121-5) The Kittery Town Council moves to go into Executive Session with the Town Manager in accordance with M.R.S Title1 §405 (6) (D) to discuss labor contracts.

17. ADJOURNMENT

Posted: October 7, 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 October 13, 2021

1. **Taylor Building Proposal** – The Town has received one proposal for sale or lease of the Taylor Building following its publication of a request for proposals. The next step in the process is to review the proposal and evaluate it based on the criteria described in the RFP.

I am seeking a Councilor to join the review team. The Councilor will work with staff to review the proposal and develop a recommendation to the Council for action.

2. **Electrical Vehicle Charging Stations** – The EV charging stations are installed and CMP has done all the work necessary to energize them. We are working with Revision Energy on the final step of turning the stations on. It is my hope to schedule a ribbon cutting ceremony in the coming days. The EV charging stations were purchased in part through a \$16,000 grant from CMP. Once turned on, the four charging stations will be available for the public to use, and will charge the Town's two EV vehicles.
3. **Emery Field Phase 2** – We were notified last week that the National Parks Service has finally signed off on the grant for the installation of the playground and courts at Emery Field. This grant award is for \$300,000 and will include a new, accessible playground, parking lot improvements, new half-basketball court, and pickleball courts.

We anticipate that with this milestone reached, we will be able to bid the project for construction to begin in spring of 2022.

4. **Herb Parsons Pond** – I have received communications from residents of Martin Road regarding Herb Parsons Pond recently and wanted to share with the Council the status. Herb Parsons Pond has been a topic of discussion for many years in Town. There are differing accounts of the condition of the pond over the last two to three decades and differing theories about what has contributed to its current condition.

Herb Parsons Pond is on private property, owned by Southern Maine Fish and Game. The Town lined up the Department of Environmental Protection to do a formal assessment of the pond and develop recommendations for restoration. DEP conducted a similar assessment for Legion Pond. The service gains great access to the expertise of DEP's team as we are experiencing with Legion Pond.

The DEP information was shared with SMF&G last year (early summer timeframe). I do not believe they have acted on it yet, or made contact with DEP.

Unfortunately, there is nothing the Town or DEP can do without the property owner being onboard. The Town cannot disregard private property rights. I have encouraged the neighbors to contact SMF&G to express their support for them taking the first step of reaching out to DEP.

Upcoming Dates:

- Absentee Ballot Applications Available Now – Town Clerks Office and www.kitteryme.gov
- Candidate Night – October 20, 6PM, Town Hall
- Marijuana Retail Business Pre-Application Deadline – October 21, Town Hall
- Voter Registration Night – October 27, 6PM, Town Hall
- Marijuana Retail Business Lottery – October 28, 5PM, Town Hall
- Trick-or-Treat – October 30, 5PM – 8PM
- Election Day – November 2, 8AM – 8PM, KCC

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

September 27, 2021, Council Chambers

6:00PM

1 1. Call to Order

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

3 Chair Thomson mentioned the passing of Maureen Pelletier, the mother of Councilor
4 Pelletier and asked for a moment of silence.

5 2. Introductory

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, and Mary Gibbons Stevens. Councilor absent: Cameron
10 Hamm.

11 5. Agenda Amendment and Adoption

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

13 6. Town Manager's Report

14 The Town Manager reported on: COVID - 19 Update, Joint Land Use Study, Upcoming
15 Dates: Absentee Ballot applications are available now at the Town Clerk's office and
16 online at www.kitteryme.gov, Kittery Corn Maze Nights is on October 7, and 17, 2021
17 please visit Kittery Community Center website for details, Taste of Kittery is on October
18 9, 2021 1PM to 4PM, please visit www.kittery375th.com, for more information, Town
19 Hall will be closed for Indigenous Peoples Day is on October 11, 2021, Candidate Night
20 is on October 20, 2021 6PM, at the Town Hall and Marijuana Retail Business pre-
21 application deadline is October 21, 2021 at the Town Hall.

22 7. Acceptance of Previous Minutes

23 • September 13, 2021 – Regular Meeting

24 Chair Thomson cast one vote to approve the September 13, 2021, minutes as
25 presented.

26 8. Interviews for the Board of Appeals and Planning Board – None

27 9. All items involving the town attorney, town engineers, town employees or other town
28 consultants or requested offices. – None

29 10. PUBLIC HEARINGS

30 a. (090221-1) The Kittery Town Council moves to hold a public hearing on Title 10
31 Foreside Parking.
32 The Town Manager gave an overview of Title 10 – Foreside Parking.

33 Rajesh Mandekar, of Tulsi Indian restaurant, 20 Walker Street, Kittery, Maine requested
34 15-minute parking in front of the restaurant.

35 CiCi Neilsen, 19 Traip Avenue, Kittery, Maine suggested the Town implement permit
36 parking.

37 Councilor Dow moved in accordance with Titles 30-A MRS §3001 and Town Charter
38 §2.14, the Town of Kittery hereby ordains amendment to Title 10 of the Town code as
39 presented, seconded by Vice Chair Spiller.

40 Vice Chair Spiller moved to strike lines 20, and 21, the 4-hour maximum parking,
41 seconded by Councilor Clark.

42 Chair Thomson, Vice Chair Spiller, Councilor Dow, Councilor Pelletier, and Councilor
43 Clark voted yes; Councilor Stevens voted no.

44 Motion Carried 5-1-0

45 The Council voted on the main motion as amended.

46 Motion Carried 6-0-0

47 b. (090221-2) The Kittery Town Council moves to approve a new Victualer's License
48 application from New England Fishmongers, located at 57 State Road, Kittery.

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

50 Motion Carried 6-0-0

51 c. (090221-3) The Kittery Town Council moves to approve a new Liquor License
52 application from New England Fishmongers, located at 57 State Road, Kittery.

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

54 Motion Carried 6-0-0

55 d. (090221-4) The Kittery Town Council moves to approve a new Victualer's License
56 application from Siam Mellow Tasty, located at 182 State Road, Kittery.

57 Moved by Councilor Stevens, seconded by Councilor Dow.

58 Motion Carried 6-0-0

59 11. DISCUSSION

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

61 Sheila Chapman, 114 Brave Boat Harbor Road, Kittery Point, Maine representing
62 Wreath Cross America wanted permission to lay wreaths in the Kittery Point First
63 Baptist Church cemetery.

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

65 c. Chairperson's response to public comments.

66 12. UNFINISHED BUSINESS – None

67 13. NEW BUSINESS – None

68 a. Donations/gifts received for Council disposition – None

69 b. (090221-5) The Kittery Town Council moves to approve the surplus of 42-44 Old
70 Post through a Request for Proposal process in accordance with Town Code
71 §3.2.10. D.

72 The Town Manager gave an overview of the surplus of 42-44 Old Post through a
73 Request for Proposal process in accordance with Town Code §3.2.10. D.

74 Councilor Dow moved to approve the surplus of 42-44 Old Post through a Request for
75 Proposal process in accordance with Town Code §3.2.10, seconded by Vice Chair
76 Spiller.

77 Motion Carried 6-0-0

78 c. (090221-6) The Kittery Town Council moves to approve a Release Deed for 119
79 Whipple Road, Kittery.

80 The Town Manager gave an overview of the Release Deed for 119 Whipple Road,
81 Kittery.

82 Vice Chair Spiller moved to approve the Release Deed for 119 Whipple Road, Kittery as
83 presented, seconded by Councilor Clark.

84 Motion Carried 6-0-0

85 d. (090221-7) The Kittery Town Council moves to approve rules for placement of
86 political signs in memorials.

87 The Town Manager gave an overview on placement of political signs in memorials.

88 Chair Thomson, Councilor Dow, Vice Chair Spiller, Councilor Clark, and Councilor
89 Stevens stated they would like a new ordinance concerning the placement of political
90 signs in memorials, Councilor Pelletier stated he would like a policy change.

91 Councilor Dow moved to schedule a Public Hearing on October 13, 2021 to consider
92 adopting a new ordinance, to go into effect November 12, 2021 for a new ordinance to
93 prohibit political signs at certain locations in the Town, seconded by Councilor Clark.

94 Motion Carried 6-0-0

95 e. (090221-8) The Kittery Town Council moves to approve a renewal Liquor License
96 application from Anneke Jans, located at 60 Wallingford Square, Kittery.

97 Moved by Councilor Dow, seconded by Councilor Stevens.

98 Motion Carried 6-0-0

99 f. (090221-9) The Kittery Town Council moves to approve a renewal Liquor License
100 application from When Pigs Fly Pizzeria, located at 460 US Route 1, Kittery.

101 Moved by Councilor Dow, seconded by Councilor Clark.

102 Motion Carried 6-0-0

103 g. (090221-10) The Kittery Town Council moves to approve a request for wreath
104 placement at the former Baptist Church cemetery.

105 The Town Manager gave an overview for wreath placement at the former Baptist
106 Church cemetery.

107 Moved by Councilor Stevens, seconded by Vice Chair Spiller.

108 Motion Carried 6-0-0

109 h. (090221-11) The Kittery Town Council moves to declare the following Committee
110 seats vacant, Conservation Commission and Climate Adaption Committee.

111 Chair Thomson recognized the passing of Stephen Hall.

112 Chair Thomson moved to declare the seats on the Conservation Commission and the
113 Climate Adaption Committee were vacant due to the untimely death of Stephen Hall,
114 seconded by Councilor Stevens.

115 All were in flavor.

116 i. (090221-12) The Kittery Town Council moves to approve a sign request from the
117 Traip Academy Football team to hang posters for their Homecoming football game
118 on October 1, 2021.

119 Moved by Councilor Dow, seconded by Councilor Clark.

120 Motion Carried 6-0-0

121 14. COUNCILOR ISSUES OR COMMENTS

122 Councilor Pelletier thanked the Town Council for their condolences for the passing of
123 his mother.

124 Councilor Dow asked individuals that are going east on Haley Road heading down
125 towards Mitchell school as people are coming to that intersection, he asked them to
126 slow down.

127 Councilor Stevens spoke about Ziggy.

128 Councilor Clark spoke about Colin McGuire.

129 Vice Chair Spiller inquired if there was any information about LD1638 which would go
130 into effect on October 18, 2021.

131 Chair Thomson commented on Maine DOT maintaining their signs.

132 15. COMMITTEE AND OTHER REPORTS

133 a. Communications from the Chairperson

134 Chair Thomson also reminded the Council of the next Town Council meeting would on
135 Wednesday, October 13, 2021.

136 b. Committee Reports – None

137 16. EXECUTIVE SESSION

138 a. (090221-10) The Kittery Town Council moves to go into executive session in
139 accordance with 1 M.R.S., §405 (6) (A) to conduct the Town Manager's annual
140 evaluation.

141 Chair Tomson moved to go into Executive session at 7:20 p.m., seconded by Vice Chair
142 Spiller.

143 Motion Carried 6-0-0

144 Chair Thomson moved to come out of Executive session at 8:00 p.m., seconded by
145 Councilor Pelletier.

146 Motion Carried 6-0-0

147 17. ADJOURNMENT

148 Councilor Dow moved to adjourn at 8:01 p.m., seconded by Councilor Pelletier.

149 All were in favor.

Submitted by Kim Tackett

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



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

REPORT TO TOWN COUNCIL

Date: September 27, 2021
Update: October 13, 2021
From: Kendra Amaral, Town Manager
Subject: Temporary Political Signs
Councilor Sponsor: Chairperson Jeffrey Thomson

EXECUTIVE SUMMARY

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

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

OPTIONS

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

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

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

PROPOSED SOLUTION/RECOMMENDATION

Council may either:

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

UPDATE

At your September 27th meeting, the Council chose to approach this matter as an ordinance. The draft ordinance and enactment have been developed for Council consideration.

ATTACHMENTS

- Draft Title 12 – Political Signs
- Draft Enactment – Title 12 Political Signs
- Maps indicating prohibited areas
- Various applicable laws and regulations

Chapter 12

Political Signs

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

§ 12.9 Political Signs

§12.9.1 Definitions

The following terms have the meanings indicated in this section:

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

§ 12.9.2 Prohibited Placement of Political Signs

Political signs are prohibited in the following locations:

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

§ 12.9.3 Violation

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

KITTERY TOWN CODE
TITLE 12
POLITICAL SIGNS

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

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

WHEREAS, the Town seeks to protect and preserve certain memorials in Town by restricting temporary political signs from being installed at Memorial Circle and defined sections of John Paul Jones Park;

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

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

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

Attest: {NAME}, _____ Town Clerk



Political Sign Policy

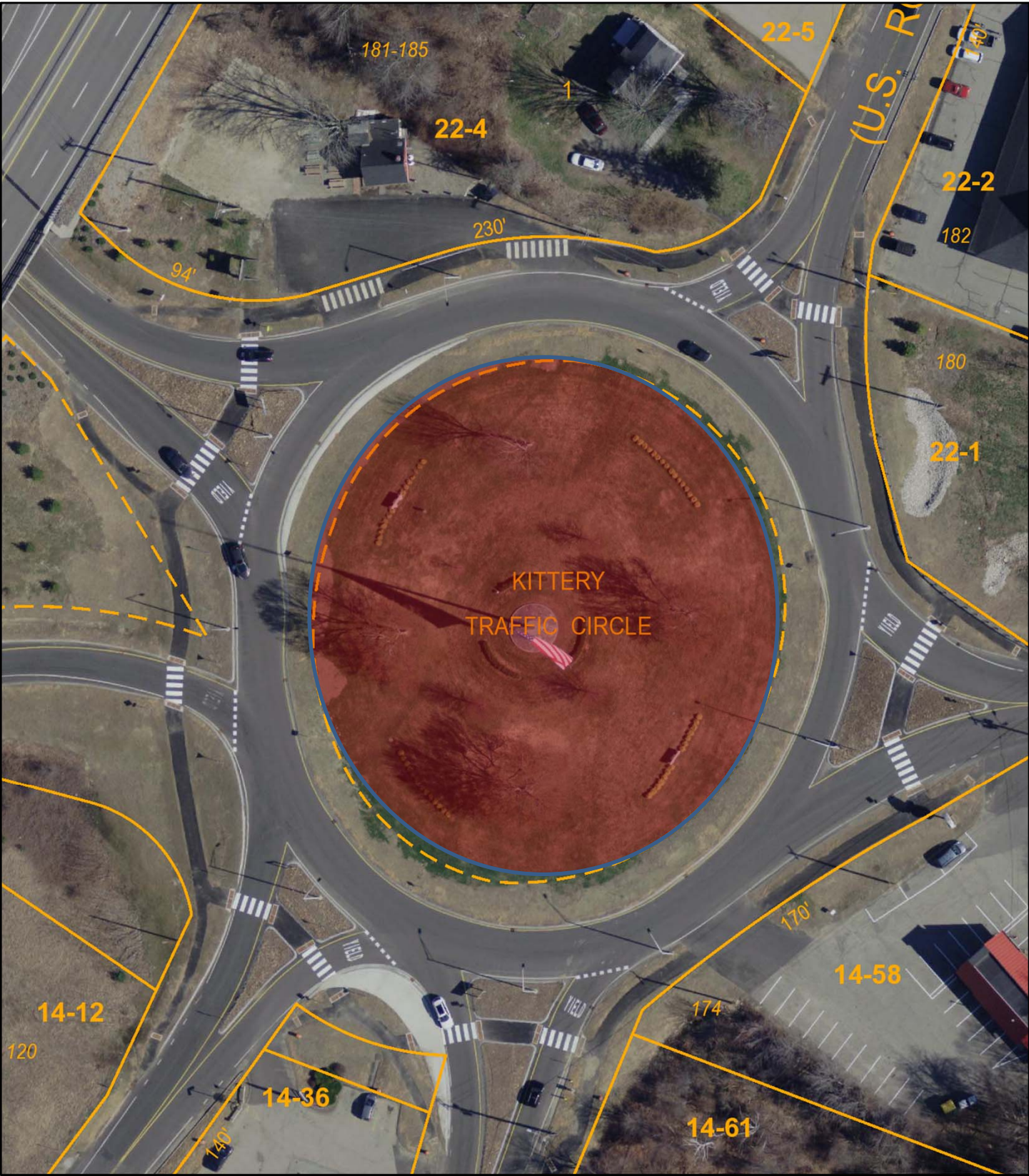
Kittery, ME



September 22, 2021

1 inch = 68 Feet

www.cai-tech.com



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Political Sign Policy

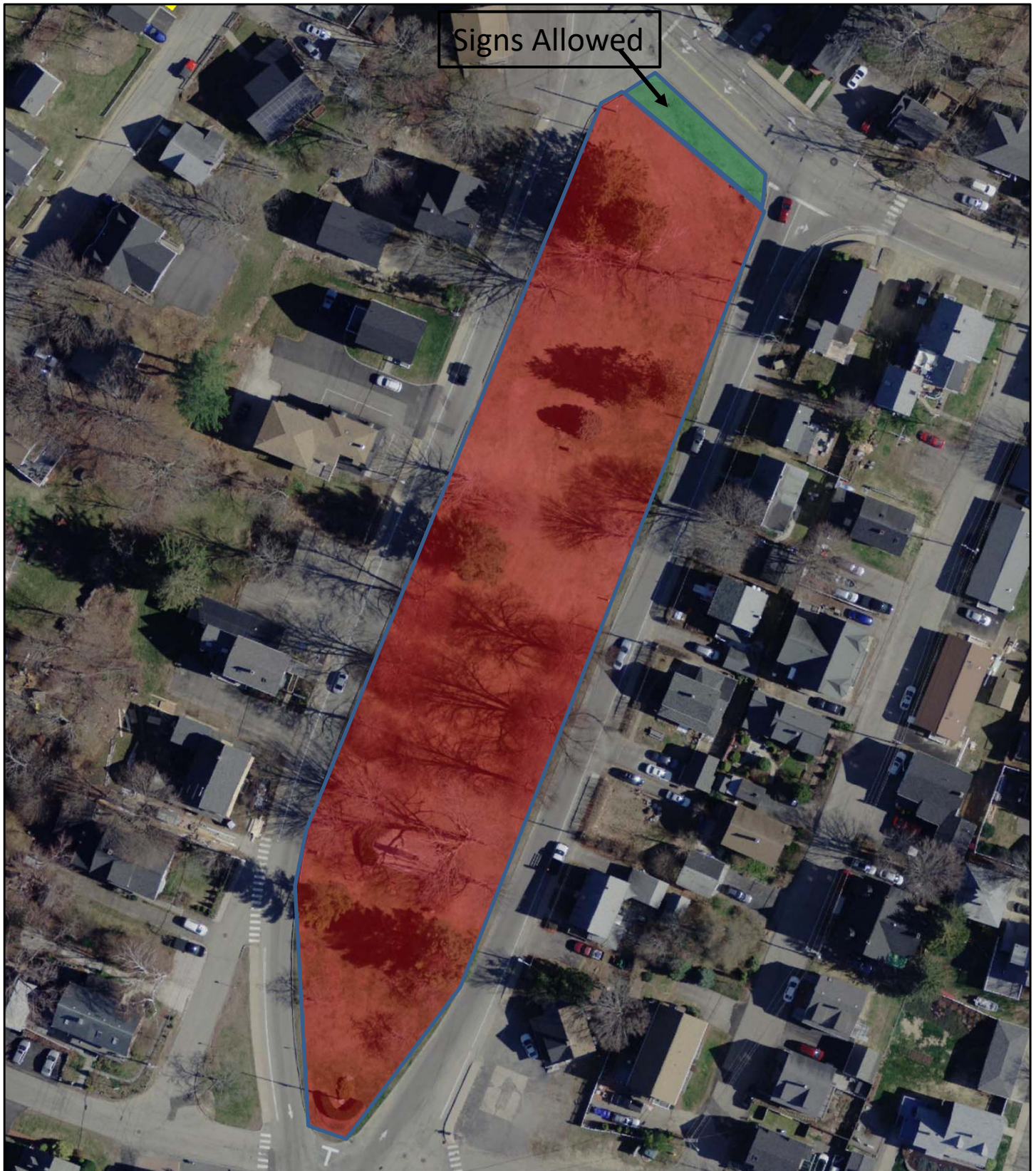
Kittery, ME

1 inch = 80 Feet



September 22, 2021

www.cai-tech.com



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

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

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

(1) Public property not earlier than 30 days prior to the election, primary or referendum to which they relate and are removed not later than two days thereafter.

(2) Private property without time constraints.

- J. Interior signs. Signs placed inside a building which are located at least 10 feet inside the building or otherwise not oriented to be viewed from outside the building.
- K. Vehicular signs. Signs painted on or affixed to registered motor vehicles or trailers where such signs are clearly incidental to the regular transportation function of the vehicle.
- L. Service club signs. Service club signs may be placed within the right-of-way of a street with approval of the Commissioner of Public Works. Such signs are encouraged to be consolidated on a single designated assembly structure at major entranceways to the Town. In addition, such signs not exceeding four square feet in size may be erected at locations where meetings of such service clubs are convened.
- M. Real estate signs. Any sign advertising real estate for sale, lease or rent, provided:
 - (1) Each sign does not exceed 12 square feet;
 - (2) Each sign is located on the property being advertised, except one sign may be located as an off-premises directional sign, provided the sign does not restrict safe sight distances or impair safety;
 - (3) No more than two signs are erected per property being advertised; and
 - (4) Each sign is removed within 60 days of transfer of property.
- N. Window signs. Any sign that is placed inside a window and is visible from the exterior of the window, provided such signage covers no more than 50% of the area of any window.
- O. Legally required signs. Any sign required by local, state or federal law with sign area no greater than two square feet or the minimum size required by law, whichever is larger.
- P. Food menu signs. Up to two signs advertising food items for sale on the premises at a legally existing restaurant, fast-food outlet, drive-in restaurant, or snack bar are allowed, provided that:
 - (1) The total sign area of each such food menu sign on the site must not exceed 32 square feet; and
 - (2) Such food menu signs must either be building-mounted or comply with the front yard requirements for structures and be located within 75 feet of the restaurant.
- Q. Undercanopy, pedestrian-oriented signs. One building-mounted business identification sign per business facility, not to exceed 10 square feet in size per sign,

§1917-B. Unlawful removal of temporary signs

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

SECTION HISTORY

PL 2015, c. 403, §6 (NEW).

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

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

To Whom it May Concern:

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

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

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



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

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

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

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

How do I recognize a "control of access" area?

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

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

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

Does MaineDOT enforce these sign placement restrictions statewide?

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

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

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

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

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

MaineDOT appreciates your cooperation in this effort.

Sincerely,



Stephen Landry, P.E.
State Traffic Engineer
MaineDOT



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

2021 SEP 23 12:10

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): The Black Birch Inc.	Business Name (D/B/A): The Black Birch
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 2 Government Street, Kittery, ME 03904
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: gavinbeaudry@theblackbirch.com
Telephone # Fax #:	Business Telephone # Fax #: 207-703-2294
Federal Tax Identification Number: 46-1023520	Maine Seller Certificate # or Sales Tax #: 1159546
Retail Beverage Alcohol Dealers Permit:	Website address: www.theblackbirch.com

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 11/27/2021

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

Food: \$ 471,200.⁰⁰ Beer, Wine or Spirits: \$ 236,620.⁰⁰ Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

2 Government Street, 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
Gavin Beaudry	03/26/1981	Nashua, NH
Benjamin Lord	09/13/1977	Calais, ME
Jake Smith	11/20/1975	Pawtucket, RI
Residence address on all the above for previous 5 years		
Name Gavin Beaudry	Address: Kittery, ME	
Name Benjamin Lord	Address: Dover, NH	
Name Jake Smith	Address: York, ME	
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: see attached _____ 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:

Studio Verte LLC, 172 Pepperrell Rd, Kittery Point, ME 03905

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)

Interior of the building, back exterior patio, parking area patio

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

Name: Church

Distance: 250.00

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: _____

8/18/21



Signature of Duly Authorized Person

GAVIN BEAUDRY

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

#15

Name: Benjamin Lord.....Date of Conviction: 10/21/05
Offense: DUI 1st Offense.....Location: Portsmouth, NH District Court
Disposition: Guilty

Name: Gavin Beaudry.....Date of Conviction: 08/21/03
Offense: Violation - Disorderly ConductLocation: Durham, NH District Court (now Dover)
Disposition: Guilty

Name: Jake Smith.....Date of Conviction: 04/16/19
Offense: OUI 1st Offense.....Location: York, ME District Court
Disposition: Guilty

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

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

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

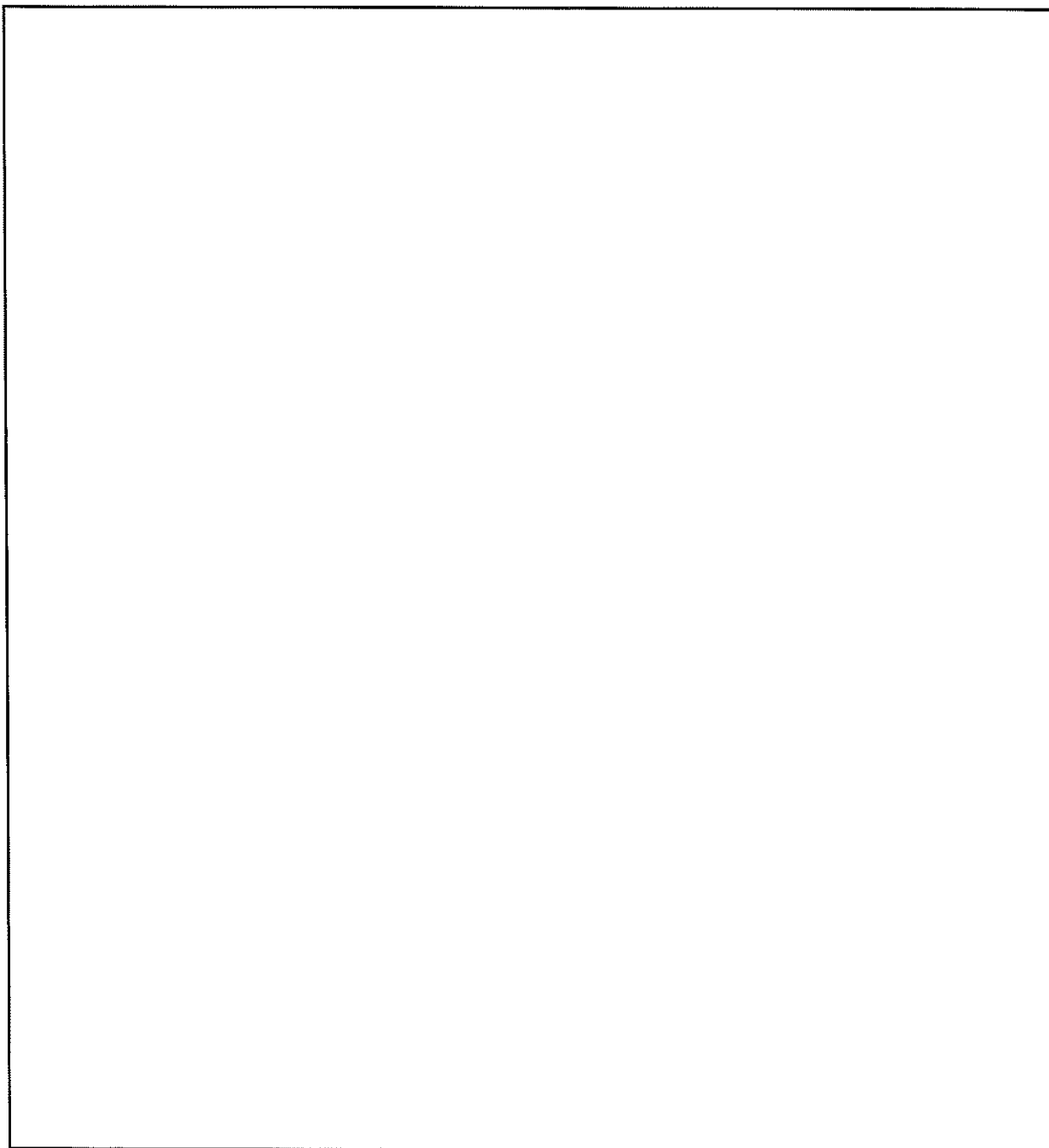
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

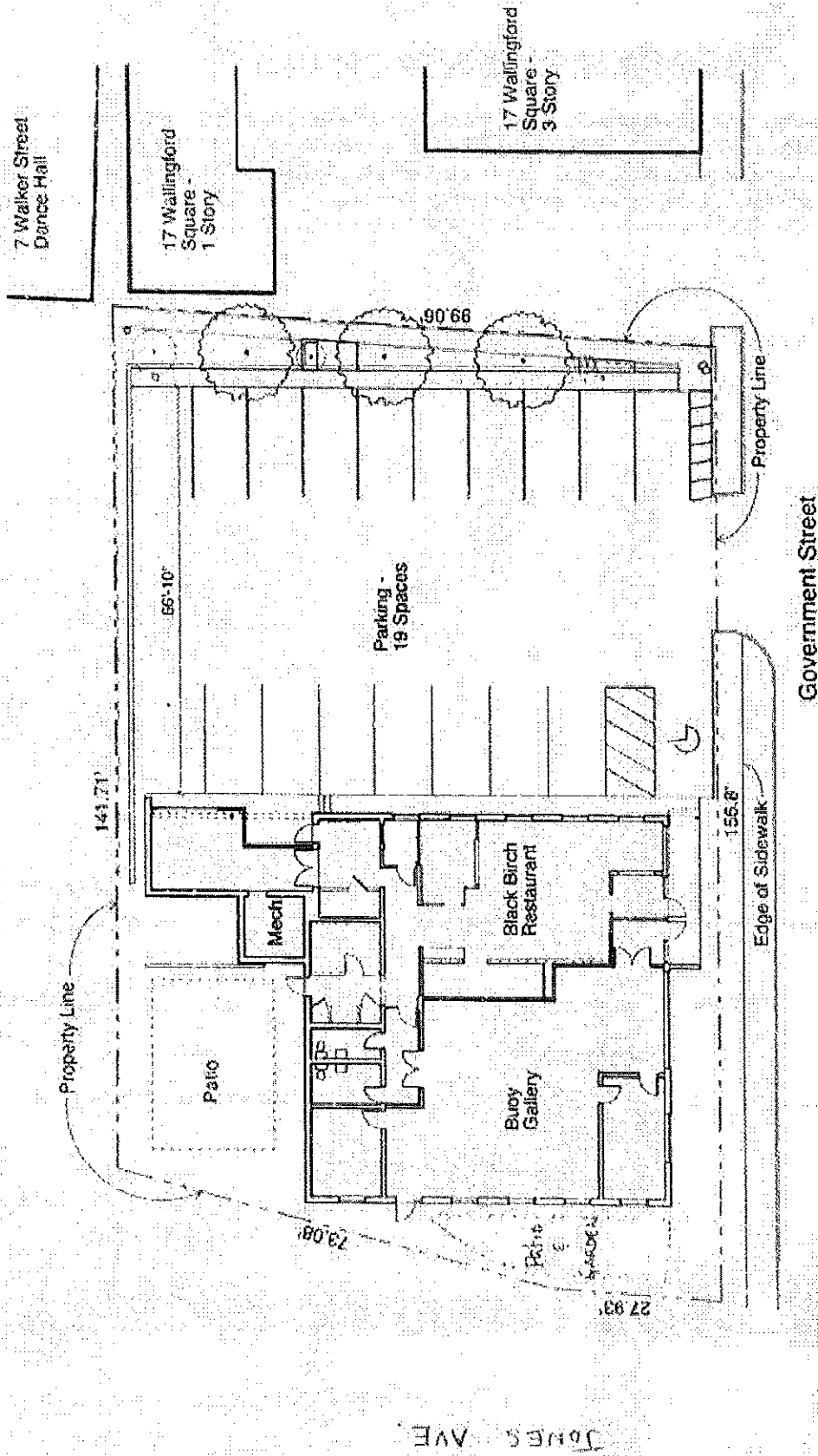
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis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

Section VI Premises Floor Plan

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

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





Site Plan
 2 Government Street - Map 4, Lot 105
 ARO Architects
 REV. May 15, 2014

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: The Black Birch Inc.
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 07/23/2012 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
Gavin Beaudry	Kittery, ME	03/26/1981	President	45.0000
Benjamin Lord	Dover, NH	09/13/1977	Treasurer	45.0000
Jake Smith	York, ME	11/20/1975	VP	10.0000

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

September 23, 2021

Town of Kittery
Attn: Town Council
200 Rogers Road Ext.
Kittery, ME 03904

Dear Sirs and Madams,

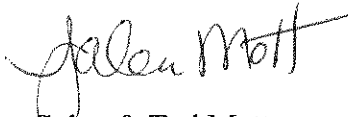
We are writing to request permission to hold a special event for the release of Mott the Lesser on Saturday, Oct. 23, 12 noon to 7 pm.

It is necessary to gain the Town of Kittery's permission in order to get a permit from the State of Maine to extend the bonded area to a tent outside our tasting room. Our landlord, Driscoll Realty, has given us approval and is prepared to write a letter to this effect.

Tributary will have a 20' x 20' tent, porto potty, and one day food vendor(s). We will hire a police detail for the event. We will also notify our business & immediate residential neighbors of the event.

We respectfully submit this request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Galen Mott". The signature is fluid and cursive, with the first name "Galen" written in a larger, more prominent script than the last name "Mott".

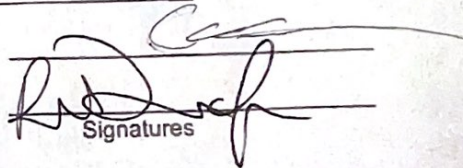
Galen & Tod Mott
Owners
Tributary Brewing Co.

TOWN COUNCIL BOARDS AND COMMITTEES
INTERVIEW FORM

TO: KITTERY TOWN COUNCIL
FROM: COUNCILOR CAMERON HAMM and Rich Demarco
RE: APPOINTMENT TO Parks Commission

DATE OF INTERVIEW: 9/25/21 at 9:30 (a.m.)/p.m.

We have interviewed Tara Price on the date and time
above. We approve recommendation of the applicant and whole heartedly endorse his/her
appointment for a term to expire on 12/31/24


Signatures

ATTENDANCE RECORD (for reappointments only)

Excellent _____
Good _____
Poor _____