

TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

Board of Selectmen Agenda Village Fire Station – 32 North Street February 26, 2015 – 7:00 PM

1. Call to Order.
2. Approve the February 12, 2015, selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).
4. Public Hearing to consider a new malt and vinous liquor license for Salt and Honey, 24 Ocean Avenue.
5. Consider a renewal liquor license application submitted by Peter Ciriello, Edgewater Hospitality, DBA The Edgewater Inn, 126 Ocean Avenue.
6. Presentation by Sarah Lachance regarding Conservation Commission's request to place a charging station in Kennebunkport.
7. Consideration of waiver from road restriction for George Burr relative to Colony Hotel project.
8. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance.
9. Consider proposed amendment to Dog Ordinance for the June 9, 2015, Town Meeting Warrant.
10. Meet as Assessors to consider the following abatement request:

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements 2015
Hollan Maine, LLC	15 Seaview Avenue	20	1	54	Denied

11. Other business.
12. Approve the February 26, 2015, Treasurer's Warrant.
13. Adjournment.

**Town of Kennebunkport
Board of Selectmen's Meeting
Town Hall-6 Elm Street
February 12, 2015 – 7:00 PM**

Minutes of the Selectmen Meeting of February 12, 2015

Selectmen present: Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, and Sheila Matthews-Bull

Selectmen absent: Edward W. Hutchins

Others present: Michael Claus, Werner Gilliam, Don Gobeil, Tina Hewitt-Gordon, David James, Arlene McMurray, David Powell, and Laurie Smith

1. Call to Order.

Chair Daggett called the meeting to order at 7:03 PM.

2. Approve the January 22, 2015, selectmen meeting minutes.

Motion by Selectman Briggs, seconded by Selectman Barwise, to approve the January 22, 2015, selectmen meeting minutes. **Vote:** 4-0.

3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).

There were no comments.

4. Consider a liquor license renewal application for Sheila W. Matthews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road.

Motion by Selectman Barwise, seconded by Selectman Briggs, to approve the liquor license renewal application for Sheila W. Matthews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road. **Vote:** 3-0-1/Selectmen Matthews-Bull recused herself due to conflict of interest.

Chair Daggett mentioned that all of these permit applications were inspected by the police chief, fire inspector, and code enforcement officer.

5. Consider a special amusement permit renewal application for Sheila W. Mathews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road.

Motion by Selectman Barwise, seconded by Selectman Briggs, to approve a special amusement permit renewal application for Sheila W. Mathews-Bull, d.b.a. Rhumb Line Resort, 41 Turbats Creek Road. **Vote:** 3-0-1/Selectmen Matthews-Bull recused herself due to conflict of interest.

6. Consider a renewal liquor license application for Cape Pier Chowder House, 79 Pier Road.

Motion by Selectman Barwise, seconded by Selectman Briggs, to approve a renewal liquor license application for Cape Pier Chowder House, 79 Pier Road.

Vote: 3-0-1/Selectmen Daggett recused himself due to conflict of interest.

7. Consider appointment of D. Michael Weston to the Administrative Code Committee.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to appoint D. Michael Weston on the Administrative Code Committee for a term expiring in July 2015. **Vote:** 4-0.

8. Discussion of Ocean Avenue road reconstruction project.

Town Manager Laurie Smith said the Town was planning to request funding to reconstruct Ocean Avenue this budget year. She explained that the highway department has been working on the road to prepare the base and shoulders for an improved pedestrian and bike lane on the new road. She said since road reconstruction is a large investment of time and money, the usual policy is to place a moratorium on road excavation or openings for five years to protect the Town's investment. She mentioned that the Kennebunk, Kennebunkport, Wells Water District contacted her regarding a potential water line project on Ocean Avenue.

Don Gobeil of K.K.W. Water District explained that he was contacted by a property owner on Ocean Avenue about expanding the water line, beginning at the Wanby parking area toward Turbats Creek Road approximately 700 feet. Mr. Gobeil said he envisions that he will get more inquiries from others. He and Highway Superintendent Michael Claus have prepared a letter to send out to homeowners explaining the road expansion and reconstruction project and asking them to contact Mr. Gobeil by April 28 if they wish to extend the water main to their property. The Board approved their letter.

Mr. Claus talked about the road reconstruction work on Ocean Avenue between Wanby Beach and Turbats Creek Road. He said the projected cost is \$250,000. If the water expansion project moves forward in the fall of 2015, the Town plans to delay this project until the spring of 2016.

The Board thanked Mr. Claus for the excellent job of keeping up with the snowplowing during the storms.

9. Presentation of proposed Land Use Ordinance revisions by Director of Planning and Development Werner Gilliam.

Director of Planning and Development explained six potential Land Use Ordinance revisions for June 2015 Town Meeting. (See exhibit A.)

The Board supports all of them and selected Option 2 on the revised lot area definition.

10. Update on foreclosures of properties located at 225 Beachwood Avenue and 6 High Street for unpaid taxes.

Ms. Smith said the property foreclosures took place on January 9, 2015. There were five properties that were due for foreclosure; however, Ann Seavey's was waived by the Board of Selectmen. Elizabeth Neathery is now deceased, so the family is in the process of appointing a representative which involves heirs in other countries. Ms. Smith anticipates receiving a payment from this one. Another property is an electronics tower owned by a company in New Jersey that is going through bankruptcy. She is in contact with the attorney for the company and waiting the legal process. The other two are homeowners who were sent letters from the town telling them the Board would receive a status update on their foreclosures tonight. She has not received any responses to date. She said she will continue with this process.

11. Accept donations to the Town.

a. Donation of \$50 from the Madonna Chapter 144 OES directed to the Town's emergency food account.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to accept the donation of \$50 from the Madonna Chapter 144 OES directed to the Town's emergency food account. **Vote:** 4-0.

b. Donation of \$340 from John Breen in memory of his grandmother Alice Soule directed to the Town's emergency food/fuel account.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to accept the donation of \$340 from John Breen in memory of his grandmother Alice Soule directed to the Town's emergency food/fuel account. **Vote:** 4-0.

c. Donation of \$100 from Karen L. MacGregor in memory of Peter Sargent's 65th birthday directed to the Town's emergency food/fuel account.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to accept the donation of \$100 from Karen L. MacGregor in memory of Peter Sargent's 65th birthday directed to the Town's emergency food/fuel account. **Vote:** 4-0.

12. Consider annual request from the DEP to locate the ozone monitoring station on town-owned property located off of Ocean Avenue beside St. Ann's Church.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the annual request from the DEP to locate the ozone monitoring station on town-owned property located off of Ocean Avenue beside St. Ann's Church.

Vote: 4-0.

13. Other business.

a. State budget information.

Town Manager Laurie Smith explained that the Town is receiving \$52,000 in state revenue sharing out of the \$135,000 it should be receiving under state law. She said the Governor's budget proposal also effects the homestead exemption, and they are still learning about its impact.

Ms. Smith made the Board aware of a memo sent by Werner Gilliam regarding an analysis of the Governor's budget proposal to tax nonprofits and the tax impact on nonprofit organizations.

Ms. Smith said that she and Sheila went to the Mat Lanigan Bridge Meeting Wednesday night. They found out that the engineers are 85-95% certain that the abutments supporting the bridge are sound and can support a new bridge, and that the project should only take one season, most likely in 2017.

14. Approve the February 12, 2015, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the February 12, 2015, Treasurer's Warrant. **Vote:** 4-0.

15. Adjournment.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to adjourn. **Vote:** 4-0

The meeting adjourned at 8:49 PM

Submitted by

Arlene McMurray
Administrative Assistant



TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

February 9, 2015

Memo: List of Potential Warrant Articles June 2015

From: Werner Gilliam, CFM Director of Planning and Development

To: Laurie Smith, Town Manager/ Board of Selectmen

For June 2015 I've identified a number of potential warrant articles related to the Land Use Ordinance that I would like to have the Board of Selectmen consider.

- ***Residential Mixed Use Standard:*** The Growth Planning Committee has been working on developing a standard that would allow 2 residential units to be constructed above a commercial structure without triggering a larger lot size requirement (See attached DRAFT RMU Standards) This article is consistent with their objectives found in the Comprehensive Plan that support the creation of more affordable housing options.
- ***Revised Lot Area Definition:*** Based on discussions with Town Counsel we have been contemplating revising the definition of "Lot Area" primarily to prevent the use of large intertidal areas for lot development calculations. To date we have developed two options.(See attached)
- ***Commercial ADA/Accessibility Issue:*** Recently the Nonantum Hotel attempted to obtain a setback variance to construct an ADA/Life-safety compliant elevator. The logical location from a cost and building code perspective would have required a variance which is difficult if not impossible to obtain. Other locations, while technically feasible, would have cost 3 to 4 times as much due to the need for significant building modifications. The result is that needed safety upgrades are not occurring at our commercial properties due to our local zoning restraints. With our stock of older Hotels, Inns and B&B's this issue affects many properties. I would like to propose a specific revision to the performance standards that would allow for stairwells and elevator shafts for existing Hotels, Inns, and B&B's that would allow for these type of Life Safety modifications to occur without the need for a variance.
- ***SLZ Map revision Cape Porpoise Square:*** Based on a site review by a Licensed Wetland Specialist, staff from Maine DEP, and town staff this proposal is to correct the Shoreland Zoning Map by removing a section of Stream Buffer over an area that has been misidentified as a stream. This area directly affects property owned by Church on the Cape, Bradbury Brothers, Atlantic Hall, and Cape Corp Condo Association. (See attached)



TOWN OF KENNEBUNKPORT, MAINE

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MAINE'S FINEST RESORT

- ***Permitted use structures:*** Currently the Land Use Ordinance requires Planning Board Site Plan approval for essentially all uses except for residential permitted uses. Over the years this has not been enforced as it relates to those uses which we identify as "permitted" in various zones. For example uses such as: Agriculture, Storage and Repair of Fishing Equipment, and Farm Stand while listed as "permitted uses" do not have their associated buildings exempt from Planning Board Site Plan Review under the current Ordinance. The proposed change to the LUO would be to exempt the review of structures associated with "permitted uses" from Planning Board review and allow them to be permitted and reviewed by just the Code Enforcement Officer which has been past practice.
- ***Land Use Ordinance Errors:*** Base on a significant and lengthy audit of the Land Use Ordinance a number of errors were discovered that need to be voted upon. These revisions are minor housekeeping items. We would like to have them addressed before the ordinance undergoes a reformatting that will make it more user friendly for the website.

DRAFT WARRANT ARTICLE Residential Mixed Use (RMU)

Article 2: RMU DEFINITIONS:

STREETSCAPE: An area that lies between the street curb and the façade of the adjacent building.

MIXED USE: A principal building (including any accessory structures) that blends a residential use with a commercial use. For purposes of minimum lot size calculations, outside of the Shoreland Zone, Mixed Use as defined shall be considered a single use.

WORKFORCE HOUSING: Affordable housing for households with earned income that is insufficient to secure quality condition housing in reasonable proximity to the work place.

Article 4: 4.6 Add RMU under Conditional Uses Subject to Site Plan Review

4.9 " " " " " " " " "

4.10 " " " " " " " " "

4.11 " " " " " " " " "

Article 6: 6.9 A7 Add RMU – Parking must include spaces identified for both commercial and residential units.

6.10 Add Parking for residential components of RMU shall be as follows:

1 Bedroom Unit	1 Parking Space
2or more Bedroom Unit	2 Parking Spaces

Article 7: # depends upon title (listed in alpha order)

RESIDENTIAL MIXED USE

Purpose: To provide for smaller scale housing options, specifically workforce housing and small scale commercial options by encouraging mixed use structures without requiring twice the minimum lot size on conforming lots.

A request for Residential Mixed Use requires submittal of a site plan that shall include the property owner with deed reference lot boundaries and dimensions to scale, the location and set backs of all buildings and parking areas and open spaces.

A request for Residential Mixed Use shall include a plan of the entire building showing a separate layout of all finished levels identifying the use of all room and the location of all entrances/exits.

The dwelling unit shall consist of a minimum of 600 square feet of habitable space and may not have any living space on a third story unless it meets the minimum Life Safety requirements as defined in the Building Code.

The dwelling unit shall be occupied as a primary residence (primary residence shall be defined as more than six (6) months per year)

Except in the Free Enterprise Zone, home occupations shall not be permitted. Where permitted only one(1) home occupation shall be permitted per dwelling unit.

The minimum commercial unit size shall be 500 square feet of gross floor area. The commercial area may not exceed 2 times the total residential area.

Minimum lot size and building setbacks shall meet the underlying zone requirements. Minimum open space (area not occupied by structures or parking) shall be 60% of total lot area.

The number of dwelling units permitted with a commercial use as identified in the definition of Residential Mixed Use shall be limited to two.

Residential Mixed Use structures located on properties connected to the Town's wastewater collection system must be approved by the Sewer Department. Properties utilizing subsurface waste system and private wells must meet the standards required in the Maine Subsurface Waste Rules.

In addition:

Existing septic systems must be evaluated for condition and capacity by a licensed Site Evaluator. A reserve area is required for existing and new systems in the event that replacement is necessary. Bi-annual pump-outs of septic systems servicing the property are required and documentation must be provided to the Town upon request.

Properties serviced by private wells must provide to the Code Enforcement Office a water quality test to ensure adequate water quality prior to issuance of a certificate of occupancy.

All new or redeveloped structures shall meet or exceed NFPA requirements for the applicable fire suppression system.

Parking shall meet the requirements set forth in Article 6. Parking shall be predominantly located to the side and/or rear of the building.

Streetscapes created by new development must be pedestrian-oriented. There shall be a direct pedestrian connection between the principal building entrance and the sidewalk(s) or path(s) along the adjoining street(s) if the commercial use is open to the public and/or fronts an existing public sidewalk or path.

Any specific performance standards otherwise identified in this Ordinance related to the commercial use must also be met.

Proposed Change to definition of “Lot Area” in Kennebunkport Land Use Ordinance (LUO), Article 2.2 (per conversation between Amy Tchao and Werner Gilliam on May 28, 2014):

OPTION #1 (excludes only wet sand areas, i.e., land areas below the normal high water mark of a water body):

Lot Area: The total area located within the lines of a lot as measured on a horizontal plane. Within the Shoreland Zone, lot area shall exclude land areas below the normal high-water line of a water body.

OPTION #2 (excludes both wet and dry sand areas):

Lot Area: The total area located within the lines of a lot as measured on a horizontal plane. Within the Shoreland Zone, lot area shall exclude land areas below the normal high-water line of a water body and any other adjacent areas of sand, if any, located between the normal high water line of a water body and either the seaward edge of a structure such as a sea wall or the seaward edge of dune vegetation.

Salt + Honey

This application has been reviewed and approved by the following Municipal Officials,
whose signatures are on file with the Town Clerk:

<u>✓</u>	Police Chief
<u>✓</u>	Fire Inspector
<u>✓</u>	Code Enforcement Officer

Conditional Approval
pending final
completion of
restrooms.

Capri Dwyer, Town Clerk

The Edgewater Inn

This application has been reviewed and approved by the following Municipal Officials,
whose signatures are on file with the Town Clerk:

<u>✓</u>	Police Chief
<u>✓</u>	Fire Inspector
<u>✓</u>	Code Enforcement Officer

Capri Dwyer, Town Clerk



TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -
MAINE'S FINEST RESORT

TOWN OF KENNEBUNKPORT

PUBLIC HEARING

NOTICE is hereby given that the Municipal Officers of the Town of Kennebunkport will hold a Public Hearing at the Village Fire Station, 32 North Street, on Thursday, February 26, 2015 at 7:00 PM to act on the following application:

Salt and Honey, 24 Ocean Ave., a New Malt and Vinous Liquor License.

April Dufoe
Town Clerk

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES NEW

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV)
- ☐ HOTEL-OPTINONAL FOOD (Class I-A)
- ☐ CLASS A LOUNGE (Class X)
- ☐ CLUB (Class V)
- ☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)
- ☐ HOTEL (Class I,II,III,IV)
- ☐ CLUB-ON PREMISE CATERING (Class I)
- ☐ GOLF CLUB (Class I,II,III,IV)
- ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Jackson Yordon</u> DOB: <u>12-13-1983</u>			2. Business Name (D/B/A) <u>Salt and Honey</u>		
DOB:			<u>RL Restaurant & LLC</u>		
DOB:			Location (Street Address) <u>24 Ocean Ave</u>		
Address <u>Po Box</u>			City/Town <u>Kennebunkport</u> State <u>Me</u> Zip Code <u>04046</u>		
			Mailing Address <u>Po Box 1459</u>		
City/Town <u>Kennebunkport</u> State <u>Me</u> Zip Code <u>04046</u>			City/Town <u>Kennebunkport</u> State <u>Me</u> Zip Code <u>04046</u>		
Telephone Number			Business Telephone Number <u>207-204-0195</u>		
Fax Number			Fax Number		
Federal I.D. #			Seller Certificate #		

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
7. If manager is to be employed, give name: Jackson Yordon
8. If business is NEW or under new ownership, indicate starting date: 5/23/2014

Requested inspection date: _____

Business hours: Thur-Mon 8:00-1:30pm Fri-Sat - 5:00-10:00pm

at _____ Dr.

10. Is/are applicants(s) citizens of the United States?

YES ☒

NO ☐

11. Is/are applicant(s) residents of the State of Maine?

YES ☐

NO ☒

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Jackson Jordan		

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Washington, D.C., Buyside, NY, Portland, Me

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____

Date of Conviction: _____

Offense: _____

Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) A Restaurant located on 2nd floor. 5 bar seats, 40 table seats. Full service.

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. 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? .2 miles Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kennebunkport, Maine on 10/16, 2014
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

RL Restaurant LLC

2. Other business name for your entity (DBA), if any:

Salt and Honey

3. Date of filing with the Secretary of State: 4-22-2014

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Jackson Yordan		12	50
Alison Piggieri		4-22-2014	50

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes

☐

No

☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

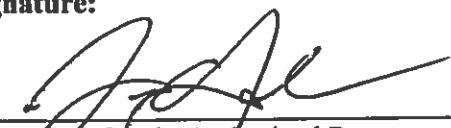
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

10/16/2014

Date

Jackson Yorden

Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov

Alison Piggieri
Jackson Jordan

Address for last 5 years

2217 40th St NW
Washington, DC 20007

215-07 39th Ave 11361
Bayside, NY

Po Box 1459
Kennebunkport, Me 04046

Trades Center Inc

GENERAL CONTRACTOR ■ DESIGN/BUILD ■ COMMERCIAL ■ INDUSTRIAL ■ RESIDENTIAL

JOB: SHMOLD FAMILY LLC

DATE: 29 Dec. 2014

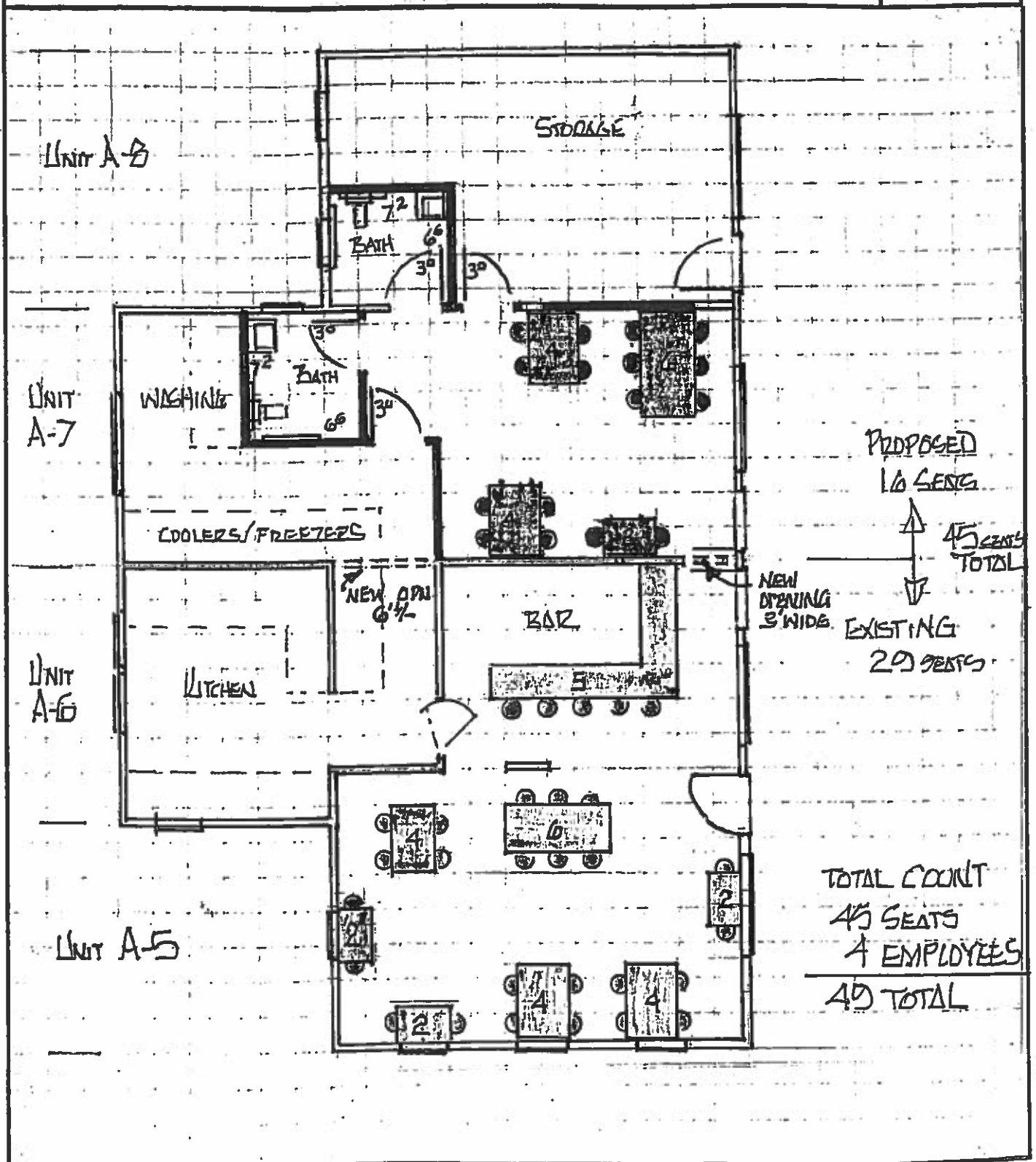
SK#

SEAT
COUNT

RE: UNIT A-7 & A-8

SALT & HONEY - SEATING

1



The drawing, design and information is property of Trades Center, Inc. Reproduction or any other use of the document without written consent is prohibited.

www.tradescenterinc.com

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE.....\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 164 State House Station, Augusta ME 04333-0164. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: Kennebunkport, Maine York ss
City/Town (County)
 On: Feb. 26, 2015
Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the
☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Kennebunkport, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise 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. [1993, c.730, §27(amd).]
 - 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. [1995, c.140, §4 (amd).]
 - 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-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise 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-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 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: [1987, c.45, Pt.A§4 (new).]
 - 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; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation 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; [1993, c.730, §27 (amd).]
 - 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; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
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 license requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) 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.

(5)

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 02/19/15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☒ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) —(Sole Proprietor, Corporation, Limited Liability Co., etc.) PETER CIRIELLO DOB: 09/09/53			2. Business Name (D/B/A) EDGEWATER HOSPITALITY, LLC		
DOB:			"THE EDGEWATER INN"		
DOB:			Location (Street Address) 126 OCEAN AVENUE		
Address:			City/Town State Zip Code KENNEBUNKPORT ME 04046		
City/Town State Zip Code KENNEBUNKPORT ME 04046			Mailing Address PO BOX 2578		
Telephone Number Fax Number			Business Telephone Number Fax Number 207 967-3315		
Federal I.D. #			Seller Certificate # 2		

3. If premises is a hotel, indicate number of rooms available for transient guests: 12

4. State amount of gross income from period of last license: ROOMS \$235,052 FOOD \$25,153 LIQUOR \$ 6453.65

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: CAROLINE NEISH

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: N/A Business hours: 8AM - 5PM

9. Business records are located at: 126 OCEAN AVENUE, KENNEBUNKPORT ME

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
PETER CIRIELLO		
CAROLINE NEISH		

Residence address on all of the above for previous 5 years (Limit answer to city & state)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) RESTAURANT AND LOUNGE AREA

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. 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? 0.5 miles Which of the above is nearest? ST. ANNE CHURCH

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: BIDDEFORD SAVINGS BANK - MORTGAGE

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: KENNERBUNKPORT, ME on FEBRUARY 10, 2015
Town/City, State Date

Peter CirIELLO
Signature of Applicant or Corporate Officer(s)
PETER W. CIRIELLO
Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Print Name

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS**

1. Exact Corporate Name: EDGEWATER HOSPITALITY, LLC
Business D/B/A Name: THE EDGEWATER INN
2. Date of Incorporation: 05/08/12
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
PETER W. CIRIELLO	DUNCAN, SC DOVER, MA		3 100	OWNER

6. What is the amount of authorized stock? 100 Outstanding Stock? 0
7. Is any principal officer of the corporation a law enforcement official? () YES (☒) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (☒) NO.
9. If yes, please complete the following: Name: _____

Date of
Conviction: _____ Offense: _____

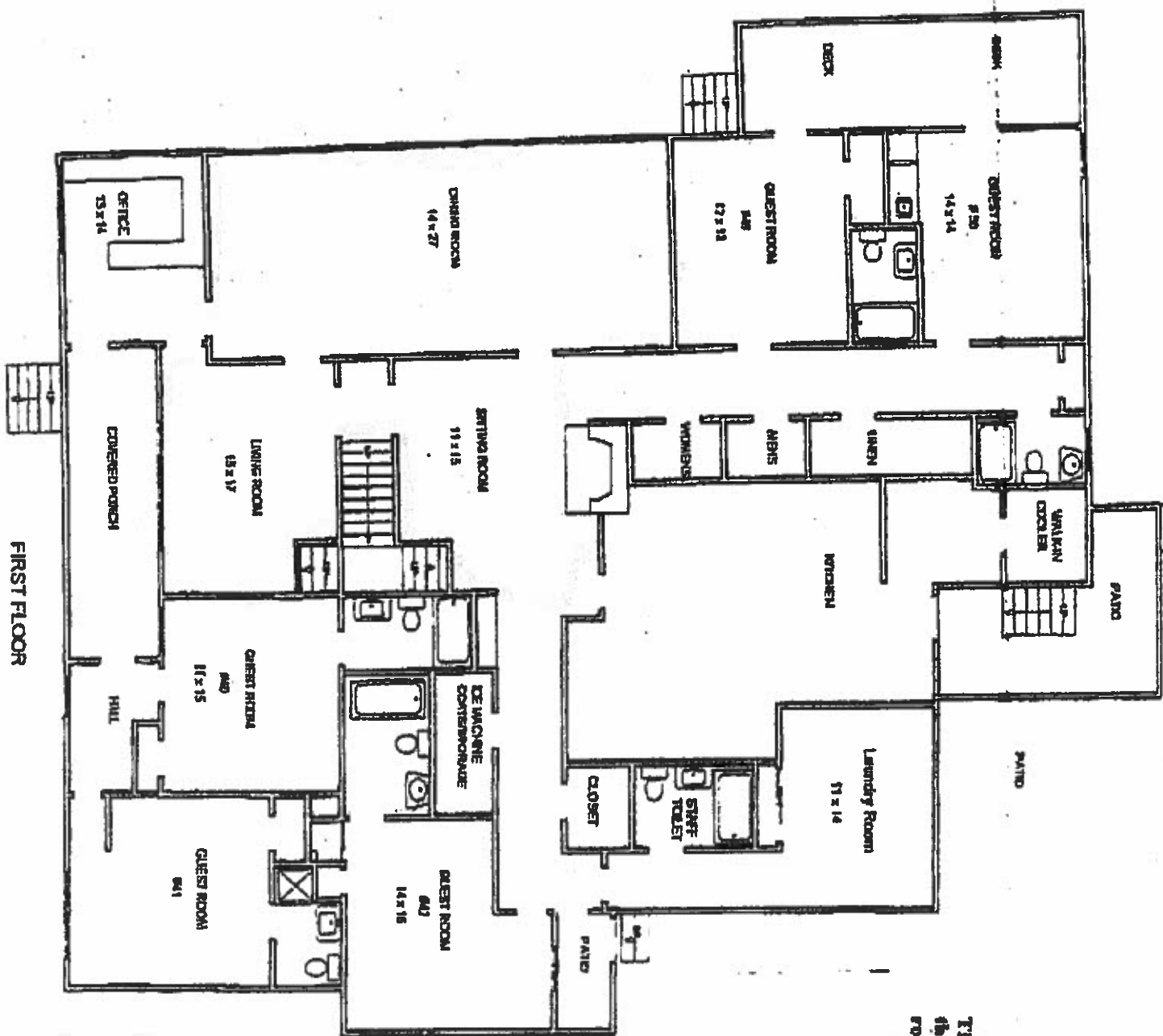
Location: _____ Disposition: _____

Dated at: _____ On: _____
City/Town Date

Peter W. Ciriello
Signature of Duly Authorized Officer

Date: 2/7/15

PETER W. CIRIELLO
Print Name of Duly Authorized Officer



This drawing is not to scale and
 the room dimensions have been
 rounded off to the nearest foot.

FLOOD HAZARD INFORMATION

FILE NUMBER: 33287
 ATTORNEY: BERGEN & PARKINSON 2012244.000
 TITLE COMPANY: FIRST AMERICAN TITLE INSURANCE COMPANY
 LENDER: NOT APPLICABLE OR NOT AVAILABLE
 OWNER: KUDOS HOSPITALITY, LLC
 APPLICANT: PETER W. CIRELLO OR NOMINEE

FLOOD MAP COMMUNITY NO.: 230170 ZONE: C
 PANEL: 0003 B DATED: 4/18/1983
 TITLE REFERENCE
 DEED BOOK: 13139 PAGE: 58
 PLAN BOOK: N/A PAGE: N/A LOT(S): N/A
 PLAN NUMBER: N/A OF N/A

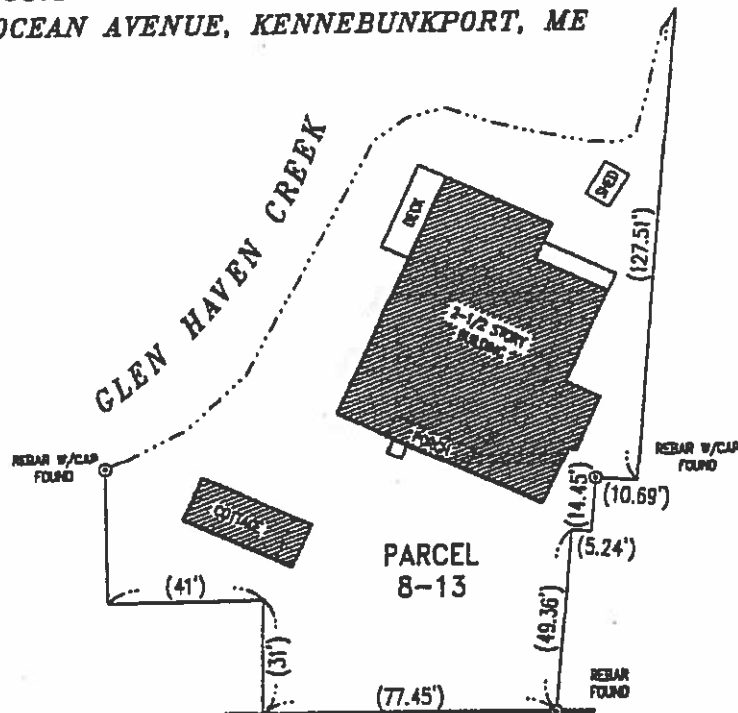
ASSESSORS MAP

DATE: 5/7/2012 SCALE: 1"=40' MAP: 8 BLOCK: 8 PARCEL: 13

MORTGAGE INSPECTION PLAN 126 OCEAN AVENUE, KENNEBUNKPORT, ME



NOTE:
 SEE LOCUS DEED FOR EASEMENT.



OCEAN AVENUE

**MORTGAGE LENDER
 USE ONLY**

THIS IS NOT A BOUNDARY SURVEY.

THIS IS THE RESULT OF TAPE MEASUREMENT, NOT THE RESULT OF AN INSTRUMENT SURVEY AND IS CERTIFIED TO THE TITLE INSURANCE COMPANY AND ABOVE LISTED ATTORNEY AND LENDER.

THERE ARE NO DEEDED EASEMENTS IN THE ABOVE REFERENCED DEED OR ENCROACHMENTS WITH RESPECT TO BUILDINGS SITUATED ON THIS LOT EXCEPT AS SHOWN.

THE LOCATION OF THE BUILDING SHOWN DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE.

THE LOCATION OF THE BUILDING AS SHOWN HEREON WAS IN COMPLIANCE WITH THE LOCAL ZONING LAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY).

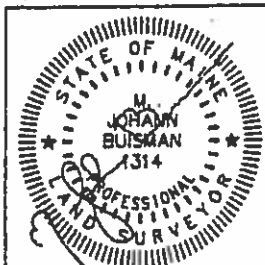
PARCEL NUMBER AND CONFIGURATION FROM ASSESSOR'S MAP.

SURVEYING ENGINEERING LAND PLANNING Northeast Civil Solutions

INCORPORATED
 153 US ROUTE 1, SCARBOROUGH, MAINE 04074

40' 0 40' 80'

tel: (207) 883-1000 or (800) 882-2227
 fax: (207) 883-1001
 e-mail: mlp@northeastcivilsolutions.com



GENERAL NOTES: (1) This mortgage inspection plan excepts Chapter 90, Part 2, Section 4 through 8 of the Maine Board of Licensure for Professional Land Surveyors' rules. (2) Declarations are made to the above named client only as of this date. (3) This plan was not made for recording purposes, for use in preparing deed descriptions or for construction purposes. (4) Verifications of property line dimensions, building offsets, fences, or lot configuration may be accomplished only by an accurate instrument survey.

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE		\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 164 State House Station, Augusta ME 04333-0164. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: Kennebunkport, Maine York ss
City/Town (County)
On: Feb. 26, 2015
Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the
☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Kennebunkport, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

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§ 653. Hearings; bureau review; appeal

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 - 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; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation 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; [1993, c.730, §27 (amd).]
 - 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; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
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 - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
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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.



Why put a solar pv electric vehicle charging station in Kennebunkport?

It's an iconic town in America known for its natural beauty and vibrant sense of community. People come from around the country and beyond to enjoy all that Kennebunkport has to offer.

Having an available solar powered e.v. charging station in your town will send a message to your community and beyond that you actively participate in positive change for your children's future.

This charging station will increase your outreach and when it does, it sends a powerful, positive message. Once installed, the station goes into a national database letting e.v. owners know where to find a charger in Kennebunkport.

When it's not in use, the solar pv will lower your electrical bill on the building.

You could build a "donations welcome" box to generate funds for whatever.

You would be providing a great, new service to local residents.

You would be providing a needed service for some tourists to visit your town. Kennebunkport is a place people come to vacation, eat, walk, and worship. It will get used and appreciated.

Kennebunk already has TWO solar pv electric vehicle charging stations. We can't be outdone by them!

We have signed the Mayors' Climate Action Pledge which says we will actively implement projects that lower carbon emissions and move toward renewable energy and energy efficiencies.

It will serve as a tool to the local elementary students. With this new system, students can learn about wind power at their own police station, solar pv for their own school, and now solar pv for cars. With so much negative news about climate change and pollution, this sends a hopeful message to our children that we are a community that works to protect their future.

Where and How Much?

The restroom building in the town lot behind Allison's is highly visible and located right downtown. The excess energy would help power the building. Other possibility is parking lot on North Street, using the fire station building.

Quick estimate from revision Energy: Six panels X 300 watts = 1.8 kw array would be the smallest array that would be "defensible" in terms of realistically powering an electric vehicle for significant annual mileage. Can we squeeze six onto the public restrooms?

The panels measure 65" tall X 32" wide = 15 s.f. roughly per panel. Otherwise, 8 panels at North Street Station.

1800 watts X \$3.90/watt = \$7,020 w/ Level II charging station = \$1,200-1,400 (6 panels)

7

From:  Michael W. Claus

Monday, February 23, 2015 1:44:01 PM 

Subject: Bond for Concrete Trucks on Ocean Avenue

To:  Laurie Smith

The Colony Hotel has been doing construction work this winter in an effort to complete renovation work before opening for the upcoming season. In order to maintain their construction schedule they would like to do an 80 yard concrete pour during the second or third week of March. I think that this work can be done with no damage to the road if the concrete trucks are limited to 6 yards of material each. This would put 14 concrete trucks on Ocean Avenue in one day. In case there is damage I recommend that the contractor bond the road against damage for the amount of **\$75,000**. This amount would cover a shim and overlay for the 1 mile length of Ocean Avenue from Dock Square to the Colony Hotel. I will go with the contractor and photograph the road before and after the concrete pour and recheck the road in April or May when the postings are pulled. At that point any damage to the road should be evident, and any damage amount covered by the bond can be determined. I think that in order to waive the posting requirements in lieu of a bond the Board of Selectmen would need to vote on this. I will be available to discuss this issue at Thursday's meeting.

-- Mike Claus
Kennebunkport Public Works Director

8

Restricted Vehicle Weight on Posted Roadways

The Town of Kennebunkport has authorized the closing of certain town ways to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds. The following roads will be closed to such traffic commencing on March 6, 2015 and will remain closed until at least April 25, 2015, unless postings are removed by the Town of Kennebunkport. Any violation of the rules is a traffic infraction punishable by a fine of not less than \$250. Home Heating Fuel Delivery Trucks and Municipal Solid Waste Collection Trucks are exempt from Posted Road regulations. The posting shall remain in force except when the way is solidly frozen. The highway is considered solidly frozen only when the air temperature is 32 degrees F. or below and no water is showing in the cracks in the road. Both conditions must be met.

The Town of Kennebunkport will be posting restricted vehicle weight signs on the following roads:

- * *Arundel Road from Goff Brook to Goose Rocks Road*
- * *River Road from Goff Brook to North Street*
- * *Beachwood Avenue from North Street to Route 9*
- * *Walkers Lane from North Street to Beachwood Avenue*
- * *Old Cape Road from Beachwood Avenue to Route 9*
- * *Goose Rocks Road from Log Cabin Road to Route 9*
- * *Stone Road from Beachwood Avenue to Goose Rocks Road*
- * *Guinea Road from Goose Rocks Road to Biddeford Line*
- * *Whitten Hill Road from Goose Rocks Road to Guinea Road*
- * *Maine Street from Elm Street to Wildes District Road*
- * *Pier Road*
- * *New Biddeford Road from Route 9 to Kings Highway*
- * *Winter Harbor Road from Route 9 to New Biddeford Road*
- * *Dyke Road*
- * *Wildes District Road*
- * *Ocean Avenue*
- * *Langsford Road*
- * *Ward Road*
- * *Northwood Drive*
- * *Oak Ridge Road*
- * *Others if needed*

Please feel free to contact the Highway Department at 967-5728 if you have any questions or concerns.

9

The Kennebunkport Dog Ordinance adopted at a Special Town Meeting on June 9, 1976 is hereby repealed and replaced with this Animal Control Ordinance

PROPOSED ANIMAL CONTROL ORDINANCE

Section A: Purpose

Deleted: 1

The purpose of this ordinance is to require that all animals in the Town of Kennebunkport be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public safety threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody or possession of that animal.

Section B: Definitions

Deleted: 2

1. ANIMAL: Every living, sentient creature not a human being.
2. ANIMAL CONTROL: Control of dogs, cats and domesticated or undomesticated animals.
3. ANIMAL CONTROL OFFICER: Any person appointed by the Town of Kennebunkport to enforce animal control laws.
4. ANIMAL SHELTER: A facility that includes a physical structure that provides temporary shelter to stray, abandoned, abused or owner-surrendered animals.
5. AT LARGE: Off the premises of the owner, unleashed and not under the Voice and Sight control of a responsible party.
6. BEACH: Any beach area within the Town of Kennebunkport which is used by the public.
7. DOG: Any of large and varied groups of domesticated animals in the canine family.
8. LEASH: Hand held device, 15 feet or less in length, which can be used to restrain a dog.
9. OWNER: Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
10. RESPONSIBLE PARTY: Any person who has custody, possession or control of a dog, whether or not that person is the Owner.
11. RESTRICTED AREAS: Any beach area that is designated for special protection for piping plovers or other endangered species based upon scientific and historical data.

12. VOICE AND SIGHT CONTROL: "Voice Control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. "Sight Control" means that dog is always within sight of the responsible party and the dog is capable of complying with Voice Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and is in violation of this Ordinance unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. A dog barking repeatedly is not considered under Voice and Sight Control.

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Section C: Requirements for Control of Animals

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1. AT LARGE DOGS: It is unlawful for any dog, licensed or unlicensed, to be at large within the Town of Kennebunkport, except when used for hunting. Dogs shall be considered at large unless leashed or under Voice and Sight Control of a responsible party. A responsible party shall maintain control of their dog(s) at all times, not allow the dog(s) to charge, chase or display aggression towards any person, or disturb or harass any person, other dogs or wildlife. A responsible party shall have a leash in his/her possession for any dog that is off leash. The owner of any dog found at large or otherwise in violation of this section will be subject to the civil penalties provided in the Ordinance.
2. DOGS LEASHED: A leash shall be used to restrain a dog: (a) if the dog fails to respond to voice commands when off the premises of the owner, (b) when a dog is walking with a responsible party on public streets and sidewalks in the Town of Kennebunkport, or (c) if the responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog. The owner of any dog found in violation of this section will be subject to the civil penalties provided in the Ordinance.
3. IMPOUNDMENT OR RETURN OF AT LARGE DOGS: All dogs found at large in violation of this Ordinance or Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer.
4. LICENSES: No dog shall be kept within the limits of the Town of Kennebunkport unless such dog is licensed by the owner in accordance with Maine State Law.
5. RABIES TAGS: Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to the dog's collar and must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner.
6. CONTROL OF ANIMAL WASTE: An owner or responsible party must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or

Deleted: A leash shall be used to restrain a dog if the dog fails to respond to voice commands or when a dog is walking with a responsible party on public streets and sidewalks in the Town of Kennebunkport or if the responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog.

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private property other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property. Deposit of feces left off property of the owner shall be placed in an appropriate litter receptacle.

Section D: Specific Requirements for Dogs on Beaches

1. **AUTHORITY:** The Board of Selectmen shall have the authority to adopt specific rules governing dogs on beaches that are more restrictive than the provisions of Section C of this Ordinance. For example, the Board of Selectmen may designate Restricted Areas on beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.
2. **DOG RULES ON BEACHES:** The following rules governing dogs on beaches, adopted in accordance with Section D.1 above, apply to all beaches within the Town of Kennebunkport which are used by the public.
 - a. An owner or responsible party shall always be required to leash their dog on any beach when directed to do so by a police officer or Animal Control officer.
 - b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.
 - c. Dogs must be kept at least 200 feet from any designated Restricted Area.
 - d. Restricted Areas include the following:
 - i. Any area of any beach that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.
 - ii. The West End Plover Protection Area is a Restricted Area on Goose Rocks Beach that begins at Norwood Avenue and continues westerly to the Batson River.
 - e. From April 1 to September 30, if under Voice and Sight Control, dogs may be off leash between 6 am and 7:30 am, however no dog may be off leash in any Restricted Area, including the West End Plover Protection Area on Goose Rocks Beach.
 - f. From June 15 to September 30, dogs are not permitted on the beach from 8:30 AM to 6:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability.

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Deleted: The current Dog Rules designated by the Board of Selectmen shall be listed here and include ¶
1.

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g. From October 1 through March 31, if under Voice and Sight Control, dogs may be off leash, except for the hours of 12-2 pm when they must remain on leash.

Section E: Penalties

Any person who violates any provision of this Ordinance shall be subject to civil penalties for each violation, as follows:

First violation: not less than \$50.00 and not more than \$100.00, plus costs and reasonable attorneys' fees.

Second violation: not less than \$100.00 and not more than \$250.00, plus costs and reasonable attorneys' fees.

Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs and reasonable attorneys' fees.

Notwithstanding multiple violations of this Ordinance, any person who violates Section C.4 (Licenses), or Section C.5 (Rabies Tags) of this Ordinance shall be subject to a civil penalty of not more than \$100.00 for each offense, consistent with 7 M.R.S.A. §§3918, 3924.

All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Kennebunkport and deposited in the separate account required by 7 M.R.S.A. Section 3945.

A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

Any civil penalty collected for a violation of this Ordinance shall not preclude the Town from imposing or collecting a fine or penalty for a violation of the Barking Dog Ordinance (adopted March 10, 1984).

Section F: Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Deleted: On all beaches in the Town of Kennebunkport, dogs are required to be on Leash, pet waste bags must be brought onto the beach, pet waste must be picked up immediately and disposed of properly, and dogs must be kept at least 200 feet from any Restricted Area.¶
2. On Goose Rocks Beach there are three exceptions to the requirements of Rule 1, provided that a responsible party shall always be required to leash their dog when directed to do so by a police officer or Animal Control Officer:¶
<#>From April 1 to September 30, if under Voice and Sight Control, dogs may be off leash between 6 am and 7:30 am, however no dog may be off leash in any Restricted Area including the West End Plover Protection Area.¶
<#>From June 15 to September 30, dogs are not permitted on the beach from 8:30 AM to 6:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability.¶
<#>From October 1 through March 31, if under Voice and Sight Control, dogs may be off leash, except for the hours of 12-2 pm when they must remain on leash.¶
3. Restricted Areas include the following:¶
<#>Any area of any Beach that has been roped off, fenced off or otherwise demarcated or posted by government officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.¶ [1]

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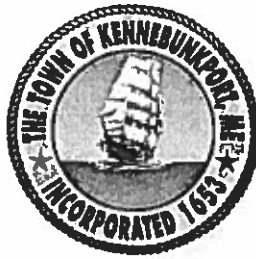
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The **West End Plover Protection Area** is a Restricted Area on Goose Rocks Beach that begins at Norwood Avenue and continues westerly to the Batson River.



TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

February 10, 2015

Hollan Maine LLC
c/o Edith Jones
711 Navarro Street, Suite 250
San Antonio, TX 78205

Dear Ms. Jones,

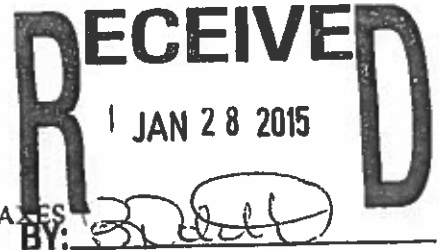
This is in response to your request for abatement on your property identified as Map 20, Block 1, Lot 54. I have reviewed the valuation of your property in connection to the properties noted in your request. The Town of Kennebunkport, had a full revaluation for the April 1, 2009 tax year. I have included copies of the property record cards and a copy of our map used during the revaluation that shows value in relationship to location.

As you know the purpose of any revaluation is to provide equitable assessments and distribution of taxes. All of the parcels enclosed have the same location factors applied. The only difference in final value would be due to the size of your parcel. I have included a copy of our land size adjustment chart which is applied to all properties in Town showing the relationship of square foot size to square foot cost.

I have reviewed your value in relationship to similar properties and find that your assessment is equitable and no abatement is warranted. It will be my recommendation to the Board of Selectmen/Assessors that this abatement be denied at their February 26th, 2015 meeting. If you have any questions, please let me know.

Sincerely,

Donna Moore Hays, CMA
Assessors Agent



KENNEBUNKPORT ASSESSOR'S OFFICE
APPLICATION FOR ABATEMENT OF PROPERTY TAXES
(Pursuant to Title 36 M.R.S.A. § 841)

1. NAME OF APPLICANT: Hollan Maine LLC By Edith H. Jones,
Sec. - Treasurer
2. ADDRESS OF APPLICANT: 806 Flint River Dr.,
San Houston, TX. 77024
3. TELEPHONE NUMBER: _____
4. STREET ADDRESS OF PROPERTY: 15 Seaview Ave.
5. MAP/BLOCK/LOT: 20/1/54//
6. ASSESSED VALUATION:
- | | |
|---------------|--------------|
| (a) LAND: | \$ 1,626,500 |
| (b) BUILDING: | \$ 229,600 |
| (c) TOTAL: | \$ 1,856,100 |
7. OWNER'S OPINION OF CURRENT VALUE:
- | | |
|---------------|--------------|
| (a) LAND: | \$ 1,100,000 |
| (b) BUILDING: | \$ 229,600 |
| (c) TOTAL: | \$ 1,329,600 |
8. ABATEMENT REQUESTED (VALUATION AMOUNT): \$ 526,500
9. TAX YEAR FOR WHICH ABATEMENT REQUESTED: 2015
10. AMOUNT OF ANY ABATEMENT(S) PREVIOUSLY GRANTED BY THE ASSESSOR FOR THE ASSESSMENT IN QUESTION: 0

11. REASONS FOR REQUESTING ABATEMENT. PLEASE BE SPECIFIC, STATING GROUNDS FOR BELIEF THAT PROPERTY IS "OVER-VALUED" FOR ASSESSMENT PURPOSES. ATTACH EXTRA SHEETS IF NECESSARY. Please submit any documentation available to support your claim.

On our cul-de-sac, our house is by far the most modest, indeed
a tear-down by modern standards. The land doesn't permit
full use due to a huge ditch at back. Also the footprint
on shoreline is smaller than our neighbors.
If you compare this property to the estates along Ocean
Ave. past the Bush estate toward our house, their land is valued
lower.
The above statements are correct to the best of my knowledge and belief.

Jan 27, 2015
Date

Edith H. Jones,
Signature of Applicant

THIS APPLICATION MUST BE SIGNED

A separate application form should be filed for each separately assessed parcel of real estate believed to be "over-valued."

Land Curve Report

02/10/2015

Class=R, Nbhd=(default), SI=(default), Curve ID = 1

LAND SIZE x Unit Price
x oceanfront factor
(4.50) x Neighborhood
factor (4.25)

(11)

Units	UnitPrice	LandValue
19,867	4.21	83,640
19,920	4.20	83,664
19,974	4.19	83,691
20,027	4.18	83,713
20,081	4.17	83,738
20,136	4.16	83,766
20,190	4.15	83,789
20,245	4.14	83,814
20,301	4.13	83,843
20,356	4.12	83,867
20,412	4.11	83,893
20,468	4.10	83,919
20,525	4.09	83,947
20,581	4.08	83,970
20,639	4.07	84,001
20,696	4.06	84,026
20,754	4.05	84,054
20,812	4.04	84,080
20,870	4.03	84,106
20,929	4.02	84,135
20,988	4.01	84,162
21,047	4.00	84,188
21,107	3.99	84,217
21,167	3.98	84,245
21,227	3.97	84,271
21,288	3.96	84,300
21,349	3.95	84,329
21,411	3.94	84,359
21,472	3.93	84,385
21,535	3.92	84,417
21,597	3.91	84,444
21,660	3.90	84,474
21,723	3.89	84,502
21,787	3.88	84,534
21,851	3.87	84,563
21,915	3.86	84,592
21,980	3.85	84,623
22,045	3.84	84,653
22,110	3.83	84,681
22,176	3.82	84,712
22,243	3.81	84,746
22,309	3.80	84,774
22,376	3.79	84,805
22,444	3.78	84,838
22,512	3.77	84,870
22,580	3.76	84,901
22,649	3.75	84,934
22,718	3.74	84,965
22,788	3.73	84,999
22,858	3.72	85,032
22,928	3.71	85,063
22,999	3.70	85,096
23,070	3.69	85,128
23,142	3.68	85,163
23,214	3.67	85,195
23,287	3.66	85,230
23,360	3.65	85,264

(2)

Land Curve Report

02/10/2015

Class=R, Nbhd=(default), SI=(default), Curve ID = 1

Units	UnitPrice	LandValue
23,434	3.64	85,300
23,508	3.63	85,334
23,582	3.62	85,367
23,657	3.61	85,402
23,733	3.60	85,439
23,809	3.59	85,474
23,885	3.58	85,508
23,962	3.57	85,544
24,039	3.56	85,579
24,117	3.55	85,615
24,196	3.54	85,654
24,275	3.53	85,691
24,354	3.52	85,726
24,434	3.51	85,763
24,515	3.50	85,803
24,596	3.49	85,840
24,677	3.48	85,876
24,759	3.47	85,914
24,842	3.46	85,953
24,925	3.45	85,991
25,009	3.44	86,031
25,093	3.43	86,069
25,178	3.42	86,109
25,264	3.41	86,150
25,350	3.40	86,190
25,436	3.39	86,228
25,524	3.38	86,271
25,612	3.37	86,312
25,700	3.36	86,352
25,789	3.35	86,393
25,879	3.34	86,436
25,969	3.33	86,477
26,060	3.32	86,519
26,152	3.31	86,563
26,244	3.30	86,605
26,337	3.29	86,649
26,430	3.28	86,690
26,525	3.27	86,737
26,619	3.26	86,778
26,715	3.25	86,824
26,811	3.24	86,868
26,908	3.23	86,913
27,006	3.22	86,959
27,104	3.21	87,004
27,203	3.20	87,050
27,303	3.19	87,097
27,404	3.18	87,145
27,505	3.17	87,191
27,607	3.16	87,238
27,710	3.15	87,287
27,814	3.14	87,336
27,918	3.13	87,383
28,023	3.12	87,432
28,129	3.11	87,481
28,236	3.10	87,532
28,343	3.09	87,580
28,452	3.08	87,632

Land Curve Report

02/10/2015

Class=R, Nbhd=(default), SI=(default), Curve ID = 1

Units	UnitPrice	LandValue
28,561	3.07	87,682
28,671	3.06	87,733
28,782	3.05	87,785
28,894	3.04	87,838
29,006	3.03	87,888
29,120	3.02	87,942
29,234	3.01	87,994
29,350	3.00	88,050
29,466	2.99	88,103
29,583	2.98	88,157
29,701	2.97	88,212
29,820	2.96	88,267
29,940	2.95	88,323
30,061	2.94	88,379
30,183	2.93	88,436
30,306	2.92	88,494
30,430	2.91	88,551
30,555	2.90	88,610
30,681	2.89	88,668
30,808	2.88	88,727
30,936	2.87	88,786
31,065	2.86	88,846
31,195	2.85	88,906
31,327	2.84	88,969
31,459	2.83	89,029
31,593	2.82	89,092
31,728	2.81	89,156
31,863	2.80	89,216
32,001	2.79	89,283
32,139	2.78	89,346
32,278	2.77	89,410
32,419	2.76	89,476
32,561	2.75	89,543
32,704	2.74	89,609
32,848	2.73	89,675
32,994	2.72	89,744
33,141	2.71	89,812
33,289	2.70	89,880
33,439	2.69	89,951
③ 33,590	2.68	90,021
33,742	2.67	90,091
33,896	2.66	90,163
34,051	2.65	90,235
34,207	2.64	90,306
34,365	2.63	90,380
34,525	2.62	90,456
34,686	2.61	90,530
34,848	2.60	90,605
35,012	2.59	90,681
35,178	2.58	90,759
35,345	2.57	90,837
35,514	2.56	90,916
35,684	2.55	90,994
35,856	2.54	91,074
36,030	2.53	91,156
36,205	2.52	91,237
36,382	2.51	91,319

Land Curve Report

02/10/2015

Class=R, Nbhd=(default), SI=(default), Curve ID = 1

Units	UnitPrice	LandValue
36,561	2.50	91,403
36,741	2.49	91,485
36,924	2.48	91,572
37,108	2.47	91,657
37,294	2.46	91,743
37,482	2.45	91,831
37,671	2.44	91,917
37,863	2.43	92,007
38,057	2.42	92,098
(12) 38,252	2.41	92,187
38,450	2.40	92,280
38,650	2.39	92,374
38,852	2.38	92,468
39,056	2.37	92,563
39,262	2.36	92,658
39,470	2.35	92,755
39,681	2.34	92,854
-10)+ 39,893	2.33	92,951
(13) 40,090	2.32	93,009
40,271	2.31	93,026
40,453	2.30	93,042
40,637	2.29	93,059
40,823	2.28	93,076
41,010	2.27	93,093
41,199	2.26	93,110
41,390	2.25	93,128
41,583	2.24	93,146
41,777	2.23	93,163
41,974	2.22	93,182
42,172	2.21	93,200
42,372	2.20	93,218
42,573	2.19	93,235
42,777	2.18	93,254
42,983	2.17	93,273
43,191	2.16	93,293
43,401	2.15	93,312
43,613	2.14	93,332
43,826	2.13	93,349
44,042	2.12	93,369
44,261	2.11	93,391
44,481	2.10	93,410
44,704	2.09	93,431
44,928	2.08	93,450
45,155	2.07	93,471
45,385	2.06	93,493
45,616	2.05	93,513
45,850	2.04	93,534
46,087	2.03	93,557
46,326	2.02	93,579
46,567	2.01	93,600
46,811	2.00	93,622
47,058	1.99	93,645
47,307	1.98	93,668
47,559	1.97	93,691
47,813	1.96	93,713
48,071	1.95	93,738
48,331	1.94	93,762

NEIGHBORHOOD CODES & FACTORS

<u>Code</u>	<u>Location</u>	<u>Factor</u>
100	FF & FE	0.80
200	FE	1.00
300	GRB	2.00
301	GRB	4.00
302	GRB	4.25
400	CP	0.90
401	CP1	2.50
402	CP2	3.75
403	CP3	1.50
404	CP4	1.00
500	VRE	1.10
501	VRE	1.75
600	VR	1.50
700	CA	2.25
701	CA	4.25
702	CA	6.50

SITE INDEXES

<u>Code</u>	<u>Description</u>	<u>Factor</u>
1		0.70
2		0.80
3		0.95
4		1.00
5		1.15
6		1.25
7		1.50
8		1.75
9		4.50
A	GRW1	4.50
B	GRW2	3.10
C	GRW3	1.90
D	GRW4	1.25
E	OPEN	1.00
F	CPW1	3.75
G	CPW2	3.00
H	CPW3	2.00
J	CA1	6.50
K	CA2	4.75
L	CA3	3.00
R	RIVER	4.75
S	RIVER 2	3.25
T	RIVER 3	1.75
U	CHICKS CRK	2.50
V	FAIRFIELD CRK	2.00
W	OCEANFRONT	4.50
X	GOLF FRONT	2.50
Y	MILL POND	3.25