

TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda  
January 25, 2024 @ 6:00 PM  
VILLAGE FIRE STATION  
32 North Street**

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**This is an in-person meeting, but the public may join in the Zoom webinar format.**

Join by **computer or mobile device** and click on:

<https://us06web.zoom.us/j/83864886438>

or go to **Zoom** and enter the **webinar ID**: 838 6488 6438

By **phone** 1(929) 205 6099 US

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1. Call to Order.
2. Approve the January 11, 2024, and January 14, 2024, 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. Consider renewal liquor license for Chez Rosa LLC d/b/a Chez Rosa Bistro, located on Cross Street and Union St in Building D.
5. Consider renewal liquor license and special amusement permit for Rhumb Line Motor Lodge d/b/a Rhumb Line Resort, located at 41 Turbats Creek Rd.
6. Audit presentation by Casey Leonard of RKO for FY 2023.
7. Authorize annual transfer to the Capital Reserve Fund in accordance with the Fund Balance Policy.
8. Presentation of proposed June 2024 ordinance changes:
  - a. LD 2003 Land Use Ordinance Amendments
  - b. Floodplain Ordinance Amendment
9. Consider a quote from Allegiance Trucks for the wiring harness to fix Truck 2.
10. Town Hall Building Committee Update.

11. Discussion of Goose Rocks Beach parking permit fees for 2024.
12. Accept a \$50.00 donation from an anonymous donor towards the nurses' general account.
13. Accept a \$800.00 donation from the Kennebunkport Residents Association, where \$400.00 goes towards the general needs account, and \$400.00 towards the fuel account.
14. Other Business.
15. Approve the January 25, 2024, Treasurer's Warrant.
16. Adjournment.

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# **AGENDA ITEM DIVIDER**

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Town of Kennebunkport  
Board of Selectmen Meeting  
January 11, 2024  
5:00 PM  
Village Fire Station (32 North Street)

**MINUTES**

**Selectmen attending:** Mike Weston, Sheila Matthews-Bull, Allen Daggett, Jon Dykstra, Marybeth Gilbert.

**1. Call To Order.**

Chairman Weston called the meeting to order at 5:00 PM.

**2. 5 PM - Executive Session per MRSA 1, §405-6E to consult with town attorney regarding pending litigation.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to enter Executive Session per MRSA 1, §405-6E to consult with town attorney regarding pending litigation. **Voted:** 5-0. **Motion passed.**

The Selectmen entered Executive Session.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to exit Executive Session per MRSA 1, §405-6E to consult with town attorney regarding pending litigation. **Voted:** 5-0. **Motion passed.**

The Selectmen resumed the regular meeting at 6:22 pm.

**3. ESTIMATED 6 PM - Approve the December 28, 2023, selectmen meeting minutes.**

**Motion** by Selectman Daggett, seconded by Selectman Dykstra, to approve the December 28, 2023, selectmen meeting minutes. **Voted:** 5-0. **Motion passed.**

**4. 4. 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.)**

Craig Sanford, Police Chief, informed the Board of damage he and Chris Simeoni, Public Works Director, had seen because of the January 10<sup>th</sup> storm, presenting some slides with pictures, in preparation for a FEMA declaration. Affected areas included Wandby Beach, Ocean Avenue, the sidewalk near the Bush compound, Kings Highway,



Dyke Road, Head of the Harbor on Pier Road, Langsford Road, Dock Square, and the Causeway on Pier Road. He urged the public not to drive around barricades blocking flooded roads and asked that they not be near the shoreline during the upcoming storm this weekend.

**No motion was necessary. No motion was taken.**

**5. Consider the following Special Amusement applications:**

- **The Boathouse @ Kennebunkport LLC d/b/a The Boathouse, 21 Ocean Avenue**
- **Cape Arundel Inn LLC d/b/a Cape Arundel Inn, 208 Ocean Avenue**
- **Hidden Pond LLC d/b/a Hidden Pond, 354 Goose Rocks Road**
- **Ivy One LLC d/b/a The Clubhouse @ Cape Arundel Inn**
- **The Kennebunkport Inn LLC d/b/a The Kennebunkport Inn, 1 Dock Square**
- **Lodge on the Cove LLC d/b/a Lodge on the Cove, 29 S. Main Street**
- **Tides Beach Club LLC d/b/a Tides Beach Club, 930 Kings Highway**
- **Yachtsman Hospitality LLC d/b/a Yachtsman Hotel & Marine Club, 57 Ocean Avenue**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the Special Amusement Applications. **Voted: 5-0. Motion passed.**

**6. Annual Investment presentation by H.M. Payson.**

Daniel Lay, H.M. Payson representative, made a slide presentation to the Board about the Town's Endowment Fund investments for our four firehouses. They are not Operational Funds. The current value at year end is about \$1.8 million, about 75% of which is managed equity investments with the remainder being bonds, cash and other short-term instruments. The return for the previous year was 13.94%. While this is an underperformance in comparison to the "Magnificent Seven" companies, 2023 was nonetheless a very good year and Payson takes a more conservative approach which has paid off long term. The Inception (2/28/2015) to date Gross Return was projected at 7.54%, but the actual has exceeded that at 8.29%. We started out with about \$1.1 million and now have a valuation of about \$1.83 million.

Nicole Evangelista, Finance Director, added that the 4% annual payout to the four fire companies in December 2023 amounted to a total of \$50,438, with \$8,070 going to Wildwood, \$18,158 to the Village Fire Station, and \$12,105 each to Atlantic and Goose Rocks.

**No motion was necessary. No motion was taken.**

## **7. Presentation of Capital Improvement Plan.**

Laurie Smith, Town Manager, reminded the Board that the CIP is a plan, not a budget. It is a multi-year financial plan that identifies capital projects and acquisitions, along with funding sources and operational costs. In the plan one will see the total cost for an item at the time of purchase, while in the budget only the portion of the total set aside for the item in that one fiscal year would be seen. The five-year CIP is just shy of \$32.5 million and includes equipment, buildings, and infrastructure.

The FY25 CIP is \$13.4 million, with \$9 million of that being for Administration which includes the cost of a new Town Hall. \$143,000 is for Fire, \$105,000 for Parks & Recreation, \$70,000 for Police, \$1.273 million for Public Works, \$2.45 million for Special Projects, and \$330,000 for Wastewater. The FY25 CIP Funding Sources are \$6 million in Bonds, \$1.2 million in Grants, \$3 million in Reserves, and \$3.181 million in the Capital Budget. The five year, FY25-FY29 CIP is \$32.5 million, including the larger items of a new Town Hall, pump station rebuilds, streets and public works as well as Ocean Avenue and Head of the Harbor resiliency projects.

The FY25-FY29 CIP for Administration includes \$9 million as a placeholder for a new Town Hall, as well as much smaller amounts for records preservation and replacement of the 2017 codes vehicle in FY27. Tracey O'Roak, Town Clerk, made a presentation regarding records preservation. As the second oldest town in Maine, Kennebunkport has records going back to the late 1600s and it's important to preserve them. State law requires that certain types of paper records be preserved.

Jay Everett, Fire Chief, explained the FY25-FY29 CIP for the Fire Department. There are not many expenses in FY25, but we're planning \$1.75 million for the renovation of the Village Fire Station for per diem firefighter office and bunk space in FY26, assuming that a new Town Hall with Community Room has been constructed in that same time frame. The ten-year replacement of the SCBA air packs comes in FY27 for \$355,000 with funds that have been set aside each year. In FY29 the replacement of the generator at the Village Fire Station is anticipated for \$75,000, as the current one was installed when the building was constructed in 2001. He anticipates the replacement of the ladder truck in a year, with the replacement of one of the fire engines in two years. In FY25 the annual replacement of 7 to 8 sets of PPE is anticipated for a cost of \$23,000 as well as the replacement of the chief's vehicle for \$90,000. The 2014 F-150 truck he currently uses would be repurposed as a utility vehicle (e.g. for picking up deployed fire hoses) for the rest of its useful life. In addition, there have been issues getting the truck bay doors at the Village Fire Station to close completely. It is a problem with the electronics in the motors for which replacement parts are no longer available. Replacement of the overhead door motors is anticipated at a cost of \$30,000 in FY25.

Stephanie Simpson, Director of Parks and Recreation, informed the Board that in FY25 she is planning to do survey and engineering work to improve the drainage at Parsons Field (\$30,000) and resurfacing of the tennis/pickleball courts at Rotary Park (\$75,000). In FY26, replacement of the bus (\$130,000) along with planned improvements at Rotary Park (\$85,000) and Parson's Field site reconstruction (\$200,000) are planned. Other projects that are part of the ten-year master plan are projected to take place in later years. There may be grant money available to help fund these projects, which we will apply for as we get closer to their planned implementation.

Laurie Smith went over the Pier CIP for Cape Porpoise and Government Wharf piers. The #2 pier hoist is planned for replacement in FY26 (\$10,000). The add alternate items for the Cape Porpoise Pier reconstruction project are scheduled in FY27 at a cost of \$400,000.

Craig Sanford, Police Chief, informed the Board that there are exterior repairs (e.g. siding, doors) that need to be made in FY25 (\$15,000). Also in FY25 is the planned cycled replacement of a police cruiser. The Chief made a comparison of gas vs. hybrid and has learned that other departments have had repair issues with hybrids as well as a long lead time (18 months to 2 years) for new hybrid cruiser orders. He recommends that we stick with a gas vehicle for this next cruiser replacement. The Chief also anticipates the requirement to replace the 20-year-old Central Square software system with the new version in the next 3-5 years and recommends putting aside \$60,000 for that purchase. Though he has been told the upgrade will be much more expensive, he is working with a consortium of law enforcement agencies in York County to get a discount on the upgrade for all with the possibility of obtaining Federal grant funds. He is also anticipating the need to replace the flooring in the Public Safety building (Police & Health Departments). Some discussion by the Board followed regarding the appropriate roles of hybrid vehicles and the possibility of moving up the timeline for purchasing hybrids to take the long ordering to delivery time into consideration.

Chris Simeoni, Public Works Director, said that in FY25 he's proposing to repair and reconstruct roads (\$868,000) and sidewalks (\$95,000), and replace the 2007 trackless (\$220,000) and 21-year-old Truck #8 (\$90,000). In FY26 he plans to replace the garage repair lift (\$27,000) as it does not have the capacity to lift many of the larger, heavier trucks we currently have. In future years, replacements of more roads, sideways, and trucks are anticipated. The amounts anticipated in the CIP do not reflect the costs of resiliency projects such as Ocean Avenue and Head of the Harbor. He described specific road improvement projects recommended for FY25-FY29.

Chairman Weston inquired about damage to the sewer infrastructure during the latest storm. Chris responded that there was no damage. Eric Labelle, Principal Engineer, added that the plant is rated to accept 700,000 gallons a day, hydraulically able to process up to 1.8 million gallons. By utilizing a few "tricks of the trade", opening up

aeration tanks onsite, they were able to handle 2 million gallons. Selectmen Dykstra & Gilbert emphasized that it was important to educate residents that their sump pumps should not be tied into the sewer system as this creates the serious issue of excess water that must be processed by the wastewater treatment plant.

Chris continued, describing special projects including the resiliency construction on Ocean Avenue Wandby area (FY25, \$2.42 million), and at the Head of the Harbor (FY28, \$3.5 million). Also in FY25 is the replacement of 20 more streetlights (\$50,000). Laurie added that we hope to be able to find Federal grants to help pay for these resiliency projects. In Dock Square, \$300,000 has been designated for resiliency design in FY28. The challenge is a coordinated response to an area with both public infrastructure and private property. Three options being considered are to stop the flood waters (tidal gates), elevate the buildings or relocate.

Eric informed the Board that some of the pump stations experienced problems in this latest storm with equipment underwater. We need to upgrade Pump Station #12 (Goose Rocks Beach Main) in FY25 as it experienced a major failure this year. FY25 will also see the upgrade of the PLCs and SCADA system and improvements for four pump stations that were underwater in the latest storm. Larger pump stations that are older, but not troublesome are being pushed out to later years for upgrades.

Nicole described a chart depicting current and future debt. Current debt includes bonds for the Police building, Parks & Recreation building, the Seawall, Village Parcel, Radio Tower and two Wastewater bonds. Future debt would be bonds for a new Town Hall, Village Fire Station upgrade, Head of the Harbor project, and two for Wastewater upgrades. Laurie then displayed a chart showing capital expenses from FY20 thru the proposed FY25 budget. The proposed FY25 budget is \$3.2 million minus \$200,000 from the Capital Fund Balance, netting \$2.98 million, which would be much greater than previous years because of the resiliency projects that have been proposed.

**No motion was necessary. No motion was taken.**

**8. Authorize sewer commitment for prorated properties.**

Chris Simeoni explained that there are nine properties that have come online over the past year with a prorated sewer rate.

**Motion** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to commit the nine properties for a total of \$2,182.61. **Voted: 5-0. Motion passed.**

**9. Accept a \$230.00 donation from the Church on The Cape towards the emergency fuel fund.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to accept a \$230.00 donation from the Church on The Cape towards the emergency fuel fund.

**Voted: 5-0. Motion passed.**

**10. Accept a \$3,346.00 donation from the Kennebunkport Village Fire Department towards the general needs account.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept a \$3,346.00 donation from the Kennebunkport Village Fire Department towards the general needs account. **Voted: 5-0. Motion passed.**

**11. Other Business.**

Selectman Gilbert asked about increasing the liquor license fee as a source of increased revenue generation. Laurie responded that staff was looking into this and would present a recommendation to the Board.

Selectman Gilbert also inquired if large boulders could be put in front of some of the public rights of way at Goose Rocks Beach to resist sand being pushed into the roadway by storm waves. Chris responded that there are boulders that were set aside after the Mat Lanigan bridge reconstruction that could be used for this purpose as well as for the Cape Porpoise pier reconstruction. Selectman Dykstra added that remediation strategies need to be examined as this is an existential problem for Kings Highway that demands serious attention.

Selectman Dykstra said he had flown his drone over Goose Rocks Beach today and that the dune loss from this storm was more severe than the storm in March 2018. He could see the carbon line from the 1947 fires, indicating that more than 80 years of dune had been washed away.

Chairman Weston expressed his thanks to the highway department for their efforts during the storm. From his property he saw the worst flooding in his 23 years in Kennebunkport on Pier Road.

Laurie thanked Police, Fire and Public Works for all their efforts dealing with a variety of issues – flooded basements, road hazards, power outages, etc. While we were fully staffed and able to deal with these issues in this storm, with the increasing frequency of storms and the small staff that we have, she is worried about the Town's ability to meet the needs of residents in the future. She asked Chris for an update on Colony Beach, noting that there had been damage to the parking area last year, reducing its effective size. Chris added that the most recent storm has washed away the remaining parking area, and he has closed the area to parking. At this point Laurie & Chris feel that it would

not be economically feasible to rebuild the parking area as proposed last year. To do so would be another expensive project involving federally and privately owned land.

Laurie also mentioned that the no-cost leases for two electric vehicles from Hyundai are coming due in March 2024. We could purchase the vehicles for \$22,000 each or obtain three-year leases for two new electric vehicles with less than 10,000 miles per year for \$5,500 per year. The Board indicated that they would support the leasing of two new electric vehicles. Laurie said she would come back to them with specifics.

**12. Approve the January 11, 2024, Treasurer's Warrant.**

**Motion** by Selectman Mathews-Bull, seconded by Selectman Daggett, to approve the January 11, 2024, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

**13. Adjournment.**

**Motion** by Selectman Mathews-Bull, seconded by Selectman Daggett, to adjourn. **Voted: 5-0. Motion passed.** The meeting adjourned at 8:27 PM.

Submitted by,  
Dave Powell,  
Technology Specialist

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# **AGENDA ITEM DIVIDER**

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Town of Kennebunkport  
Board of Selectmen Emergency Meeting  
January 14, 2024 @ 10:00 AM  
Police Station (101 Main Street)

**MINUTES**

**Selectmen attending:** Mike Weston, Sheila Matthews-Bull, Jon Dykstra, Marybeth Gilbert.

**Other attending:** Laurie Smith, Craig Sanford, John Everett, Chris Simeoni, Yanina Nickless, Fred Stafford, Steven Painter.

**1. Call To Order.**

Chairman Weston called the meeting to order at 10:00 AM.

**2. Tour the Town to observe and discuss the aftermath of the January 13<sup>th</sup> storm.**

Craig Sanford, Police Chief, started the meeting with a PowerPoint that described the volume of the January 13<sup>th</sup> storm damage. He presented photos of the most affected areas and explained what efforts staff put into mitigation threats. Steve Painter asked about the propane tanks that were tipped over due to the wind. John Everett, Fire Chief, explained that if they are not leaking, it is best to let the propane companies put it back up. Selectperson Gilbert asked about the wastewater facility and pump stations. Chris Simeoni, Public Works Director, said that it was a challenging time, and the stations worked at their fullest capacity.

After this, the Board and attending loaded the bus and went on the tour of damaged areas. The group visited Dock Square, Langsford Rd, Wandby Beach, Turbats Creek, and a few other places. Selectboard did not make any decisions but rather took this trip as an educational point and a base for further budget meetings.

**3. Adjournment.**

**Motion** by Selectman Mathews-Bull, seconded by Selectman Dykstra, to adjourn.  
**Voted:** 4-0. **Motion passed.**

The meeting adjourned at 12:02 PM.

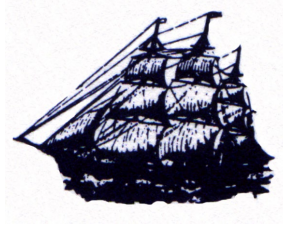
Submitted by,  
Yanina Nickless,  
Director of Support Services



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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT TOWN CLERK

**To:** Laurie Smith, Town Manager  
Board of Selectmen

**Fr:** Tracey O’Roak, Town Clerk

**Re:** Liquor and Special Amusement Applications

**Dt:** January 19, 2024

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We have received the following renewal applications:

Liquor License:

- **Chez Rosa LLC d/b/a Chez Rosa Bistro**  
Building D on Cross Street and Union Street

Liquor License and Special Amusement Permit:

- **Rhumb Line Motor Lodge d/b/a Rhumb Line Resort**  
41 Turbats Creek Road

Staff have reviewed the applications and provided approval for these licenses and, therefore, I recommend approval.



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

## Application for an On-Premises License

*All Questions Must Be Answered Completely. Please print legibly.*

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

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

|  |  |
|--|--|
| Legal Business Entity Applicant Name (corporation, LLC):<br><u>Chez Rosa LLC</u>           | Business Name (D/B/A):<br><u>Chez Rosa Bistro</u>  |
| Individual or Sole Proprietor Applicant Name(s):<br><u>Yazmin Saraya Jean</u>              | Physical Location: <u>Kennebunkport ME</u><br><u>Building D on Cross St and Union St</u> |
| Individual or Sole Proprietor Applicant Name(s):<br><u>Kyle Albert Robinson</u>            | Mailing address, if different:<br><u>328 Flag Pond Rd, Saco, ME 04072</u>                |
| Mailing address, if different from DBA address:<br><u>328 Flag Pond Rd, Saco, ME 04072</u> | Email Address:<br><u>ky.rosa16@gmail.com</u>   |
| Telephone #      Fax #:<br><u>970-930-5440</u>   | Business Telephone #      Fax #:<br><u>970-930-5440</u>                                  |
| Federal Tax Identification Number:<br><u>84-2194197</u>                                    | Maine Seller Certificate # or Sales Tax #:<br><u>1204621</u>                             |
| Retail Beverage Alcohol Dealers Permit:<br><u>N/A</u>                                      | Website address:<br><u>www.chezrosabistro.com</u>  |

1. New license or renewal of existing license? ☐ New      Expected Start date: \_\_\_\_\_  
☒ Renewal      Expiration Date: 04/20/2024

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

Food: 841,133.45      Beer, Wine or Spirits: 357,841.00      Guest Rooms: N/A  
04/21/2023 - 01/16/2024

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

328 Flag Pond Rd, Saco, ME 04072

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 |
|------------------|----------------|---------------------------|
| N/A              | N/A            | N/A                       |
| N/A              | N/A            | N/A                       |

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      |
|----------------------|------------|---------------------|
| Yazmin Saraya Jean   | 10/07/1988 | Mexico City, Mexico |
| Kyle Albert Robinson | 08/24/1980 | Biddeford, ME, USA  |
| Julia Ruth Russell   | 01/25/1997 | Portland, ME, USA   |
|                      |            |                     |

Residence address on all the above for previous 5 years

|                      |   |
|----------------------|---|
| Name                 | Address:  |
| Yazmin Saraya Jean   | 328 Flag Pond Rd, Saco, ME 04072 (2018 - Present) |
| Name                 | Address:  |
| Kyle Albert Robinson | 328 Flag Pond Rd, Saco, ME 04072 (2018 - Present) |
| Name                 | Address:  |
| Julia Ruth Russell   | 7 Riverside Ave, Saco, ME 04072 (2014 - Present)  |
| 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: N/A

Location: \_\_\_\_\_

Disposition: N/A

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

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

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: N/A

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:

Ray Shmalo/Nathan Shmalo 1023 Wagon Wheel Dr. Sarasota, FL  
34240

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

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

Full service restaurant. Dinner only daily. Serving  
French inspired cuisine.  
8 bar seats, 24 tables with 60 seats in the dining room.

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: South Congregational Church UCC

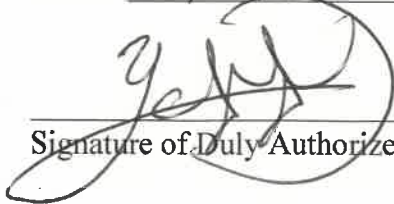
Distance: 0.30 mi

## Section II: Signature of Applicant(s)

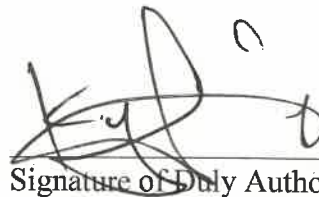
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary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

Please sign and date in blue ink.

Dated: 01/17/2024



Signature of Duly Authorized Person



Signature of Duly Authorized Person

Yarmín Saraya Jean

Printed Name Duly Authorized Person

KYLE A. PETERSON

Printed Name of Duly Authorized Person



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

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

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

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

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

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

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

§653. Hearings; bureau review; appeal

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

**A.** The bureau shall prepare and supply application forms.



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

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

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

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

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

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

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

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

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

**E.** A violation of any provision of this Title;

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

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

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

**A. Repealed**

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

**4. Repealed**

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

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

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

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

## Section V: Fee Schedule

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

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

| <b>Class of License</b> | <b>Type of liquor/Establishments included</b>  | <b>Fee</b> |
|-------------------------|--|------------|
| <b>Class I</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>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  |
| <b>Class I-A</b>        | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only hotels that do not serve three meals a day.  | \$1,100.00 |
| <b>Class II</b>         | <b>For the Sale of Spirits Only</b><br>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  |
| <b>Class III</b>        | <b>For the Sale of Wine Only</b><br>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  |
| <b>Class IV</b>         | <b>For the Sale of Malt Liquor Only</b><br>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  |
| <b>Class III and IV</b> | <b>For the Sale of Malt Liquor and Wine Only</b><br>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  |
| <b>Class V</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Club without catering privileges.  | \$ 495.00  |
| <b>Class X</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Class A Lounge   | \$2,200.00 |
| <b>Class XI</b>         | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Restaurant Lounge  | \$1,500.00 |

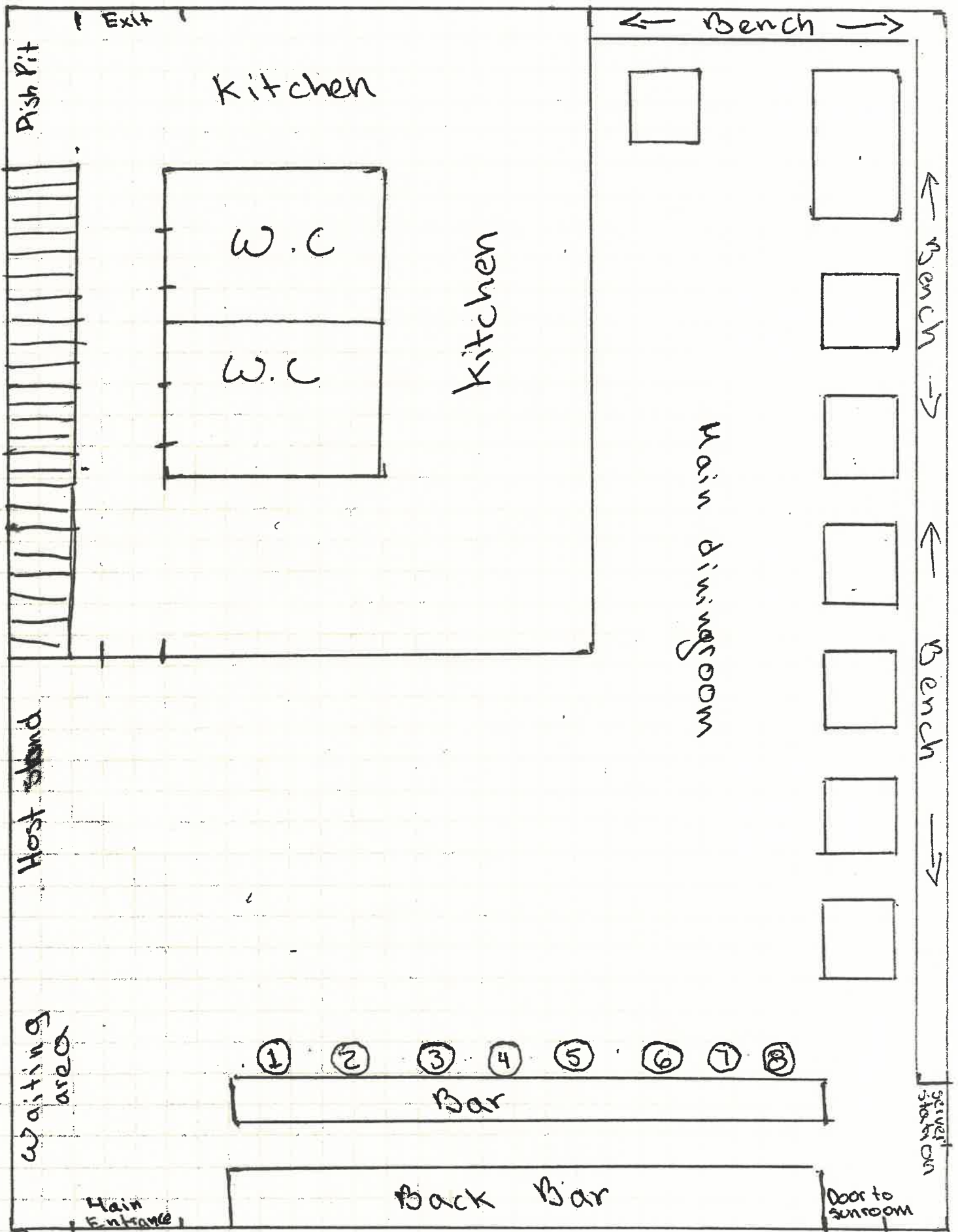
## Section VI Premises Floor Plan

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.

On Next Page

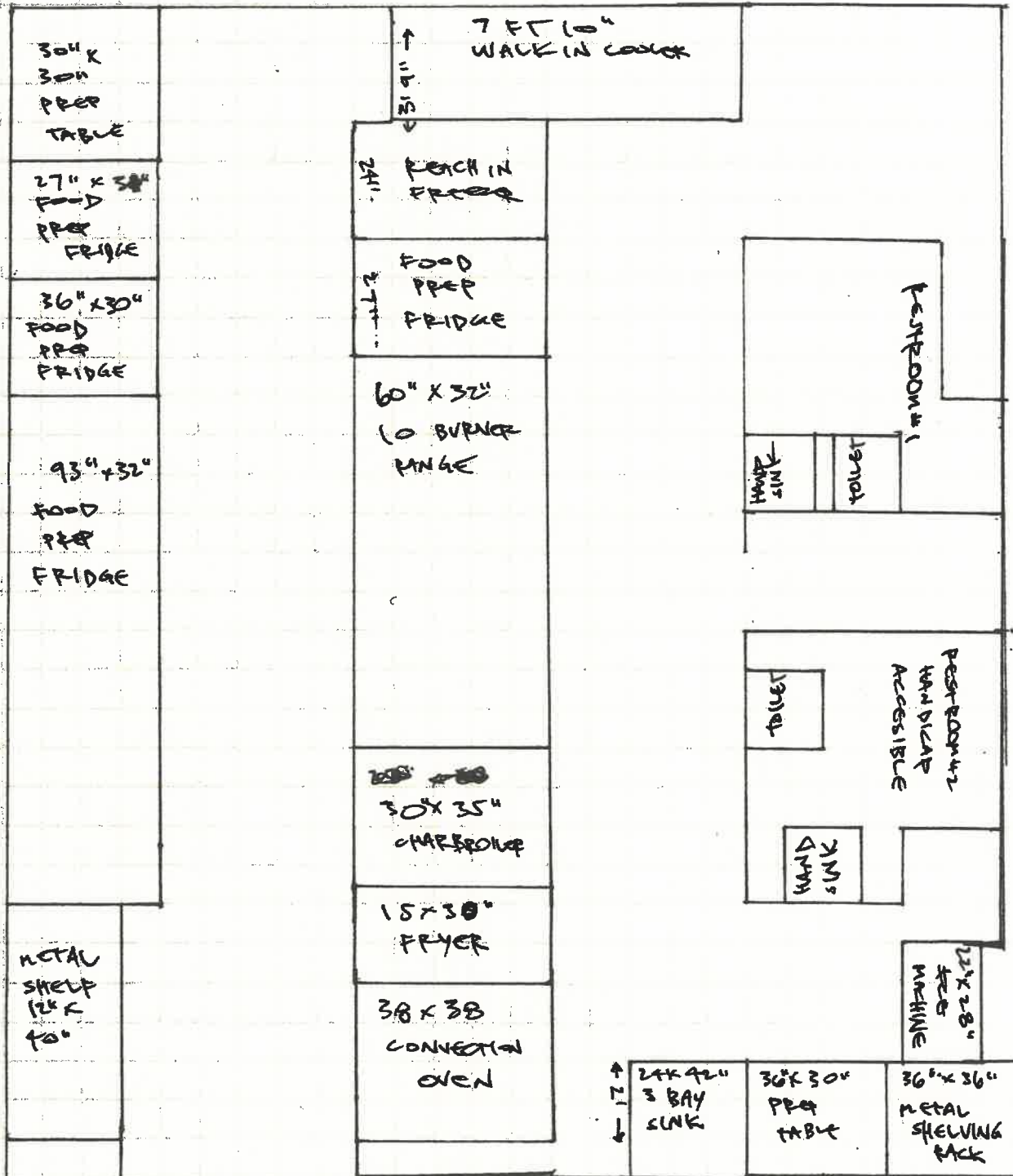






← 15 FT 11" →

↑ 17 FT 3" ↓



36 x 36"  
METAL  
SHELVING  
RACK

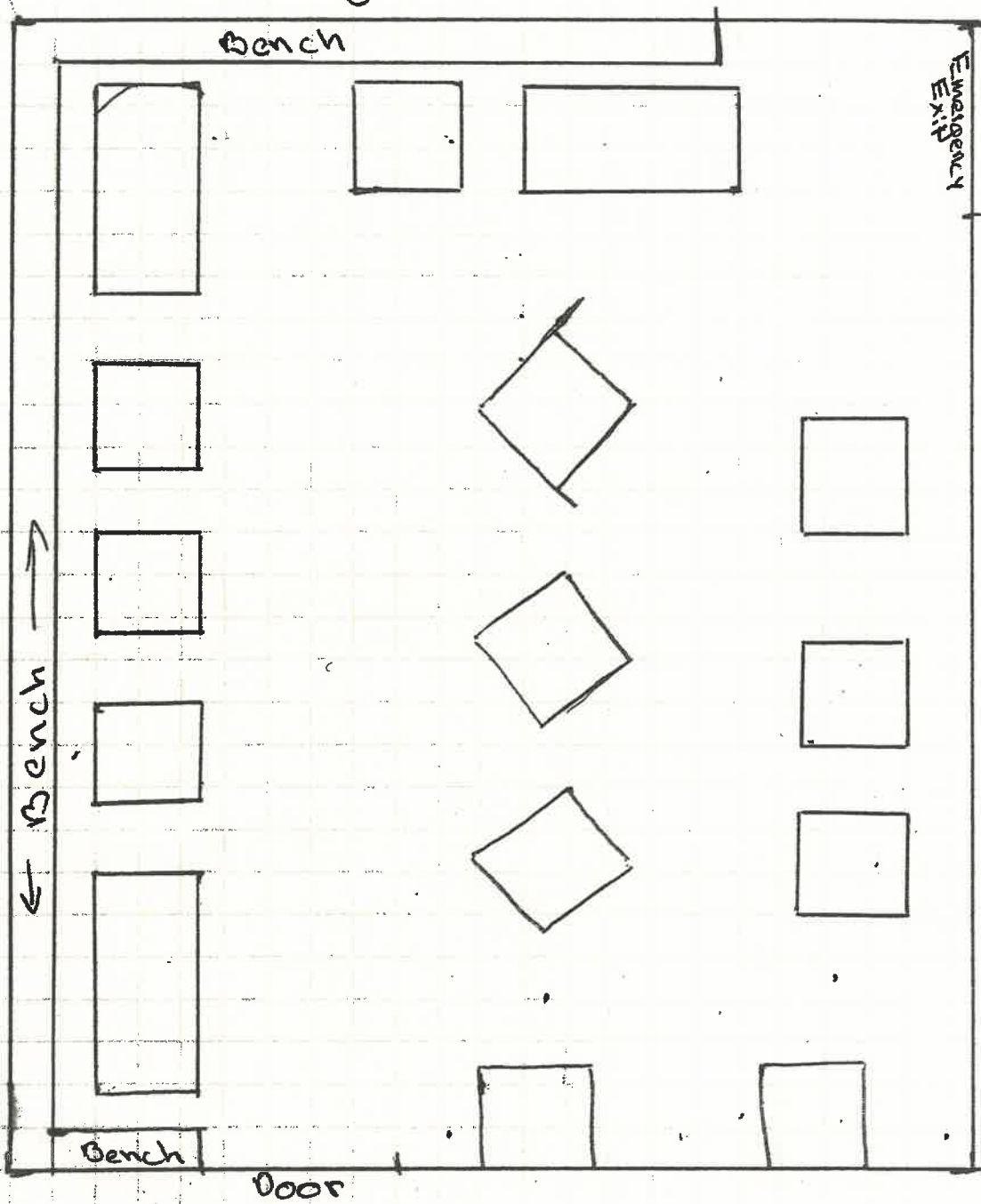
84 x 32"  
DISH MACHINE  
+ SINK W/  
HAND STAYER

TRASH  
BINS

OIL  
BINS

GAFFS

# 2nd Diningroom "Sunroom"



## **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: Chez Rosa LLC
2. Doing Business As, if any: Chez Rosa Bistro
3. Date of filing with Secretary of State: 06/10/2019 State in which you are formed: ME
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 |
|----------------------|--|---------------|---------------------------|-------------------------|
| Yazmin Saraya Jean   | 328 Flag Pond Rd, Saco, ME, 04072 (2018-Present) | 10/07/1988    | General Manager/ Co-Owner | 50.0000                 |
| Kyle Albert Robinson | 328 Flag Pond Rd, Saco, ME 04072 (2018-Present)  | 08/24/1980    | Head Chef/ Co-Owner       | 50.0000                 |
|                      |  |               |                           |                         |
|                      |  |               |                           |                         |
|                      |  |               |                           |                         |
|                      |  |               |                           |                         |

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



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# **AGENDA ITEM DIVIDER**

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

## Application for an On-Premises License

*All Questions Must Be Answered Completely. Please print legibly.*

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

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

|   |   |
|---|---|
| Legal Business Entity Applicant Name (corporation, LLC):<br><u>Rhumb Line Motor Lodge</u> | Business Name (D/B/A):<br><u>Rhumb Line Resort</u>                        |
| Individual or Sole Proprietor Applicant Name(s):<br><u>Sheila Matthews-Bull</u>           | Physical Location:<br><u>41 Turbats Creek Rd Kennebunkport</u>            |
| Individual or Sole Proprietor Applicant Name(s):  | Mailing address, if different: <u>ME 04044</u>                            |
| Mailing address, if different from DBA address:   | Email Address:<br><u>sheila@rhumblinemaine.com</u>                        |
| Telephone #      Fax #:<br><u>207-967-3622</u>  | Business Telephone #      Fax #:<br><u>207-967-5457      207-967-4418</u> |
| Federal Tax Identification Number:<br><u>01-0411890</u>                                   | Maine Seller Certificate # or Sales Tax #:<br><u>4065</u>                 |
| Retail Beverage Alcohol Dealers Permit:   | Website address:<br><u>www.rhumbline.com</u>                              |

1. New license or renewal of existing license? ☐ New      Expected Start date: \_\_\_\_\_  
☒ Renewal      Expiration Date: 2/1/2024

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

Food: 108,000<sup>00</sup>      Beer, Wine or Spirits: 65,000<sup>00</sup>      Guest Rooms: 1,140,000<sup>00</sup>

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

☒ Malt Liquor (beer)      ☒ Wine      ☒ Spirits

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

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

41 Turbats Creek Road Kennebunkport, ME 04046

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 |
|----------------------|--------|----------------|
| Sherla Matthews-Bull | 9/8/49 | Lowell, MA     |
|                      |        |                |
|                      |        |                |
|                      |        |                |

Residence address on all the above for previous 5 years

|                      |                                 |
|----------------------|---------------------------------|
| Name                 | Address:                        |
| Sherla Matthews-Bull | 59 Langsford Road Kennebunkport |
| Name                 | Address:                        |
|                      |                                 |
| Name                 | Address:                        |
|                      |                                 |
| Name                 | Address:                        |
|                      |                                 |

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

☐ Yes ☒ No

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

\_\_\_\_\_

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

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

Kennebunk Savings 104 Main St. Kennebunk, ME

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 59

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)

Pool / Lounge Area / Function rooms

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: Wildwood Chapel

Distance: 300 ft.

## 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: January 18, 2024

Sheila Matthews-Bull  
Signature of Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person

Sheila MATTHEWS-Bull  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Printed Name of Duly Authorized Person

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

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

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

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

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

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

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**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.

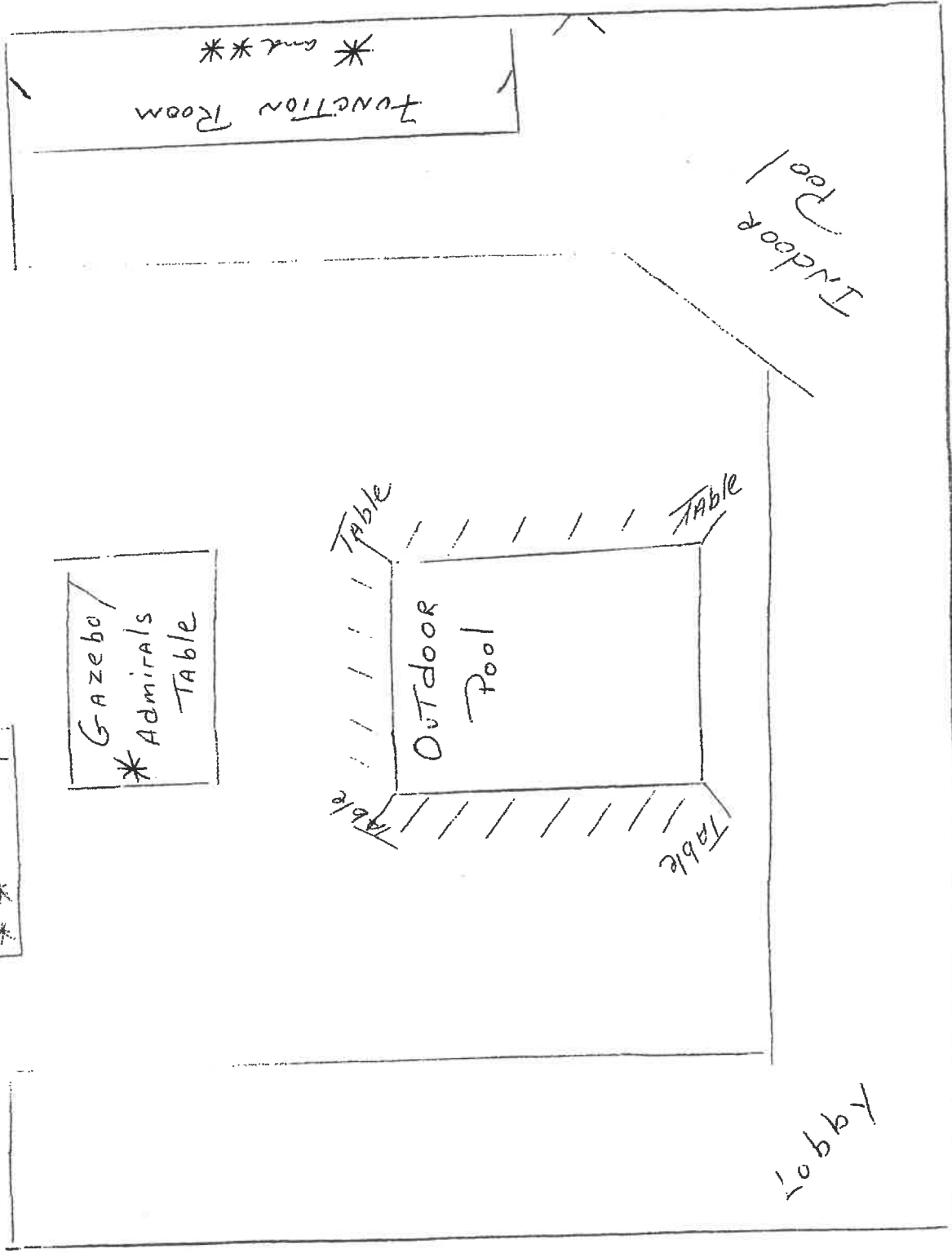
**A.** The bureau shall prepare and supply application forms.

Liquor served  
in function  
Room and  
under  
Gazebo

\*\* Storage  
in Kitchen  
and function  
Room

Kitchen/  
\*\* Storage

Gazebo/  
\* Admirals  
Table



Rhumb Line Motor Lodge  
PO Box 3067 41 Turbats Creek Rd  
Kennebunkport, ME 04046

207-967-5457



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

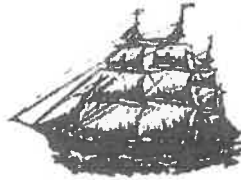
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*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: Rhumb Line Motor Lodge
2. Doing Business As, if any: Rhumb Line Resort
3. Date of filing with Secretary of State: Dec 10 1985 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 |
|----------------------|-----------------------|---------------|---------------------|-------------------------|
| Sheila Matthews-Bell | 59 Langsford Rd Kport | 9/8/49        | owner/<br>president | 86                      |
| Elizabeth Clark      | 20 Bryant Lane Kport  |               |                     | 14                      |
| Susan Caldwell       |                       |               |                     |                         |
| Lorna Bryant         |                       |               |                     |                         |
|                      |                       |               |                     |                         |
|                      |                       |               |                     |                         |
|                      |                       |               |                     |                         |

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



# TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

## APPLICATION

### SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Sheila Matthews-Bull  
Residence Address 59 Langsford Rd Kennebunkport  
Home Telephone Number 207-967-3622  
Name of Business Rhumb Line Resort  
Business Address 41 Turbats Creek Road  
Type of Business Hotel  
Business Telephone Number 207-967-5457  
Nature of Special Amusement Weddings/Functions.

Has your liquor and or amusement license ever been denied or revoked?

Yes \_\_\_\_\_ No ☒

If yes, describe circumstances specifically. (Attach additional page if necessary)

1. Permit Fee: \$100<sup>00</sup> (payable to the Town of Kennebunkport)
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

Sheila Matthews-Bull  
applicant

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# **AGENDA ITEM DIVIDER**

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# Town of Kennebunkport

Item 6

## FINANCIAL OVERVIEW

Presented By: Casey Leonard

*RUNYON KERSTEEN OUELLETTE*

### INSIDE

2. Summary of Audit Results
3. Fund Balances
4. General Fund - Revenues
5. General Fund - Expenditures
6. Unassigned Fund Balance as a Percentage of Expenditures
7. Expenditure Distribution - 2023
8. Expenditure Distribution - 2022

### **About this presentation**

This presentation is intended as a tool to assist the Board of Selectmen and management in understanding its financial operating results. The information contained in this publication should be read in conjunction with the comprehensive annual financial report and should not be used for any other purposes without the expressed consent of *RUNYON KERSTEEN OUELLETTE*.

Please contact us at 207-773-2986 or 1-800-486-1784  
20 Long Creek Drive, South Portland, ME 04106



# Town of Kennebunkport

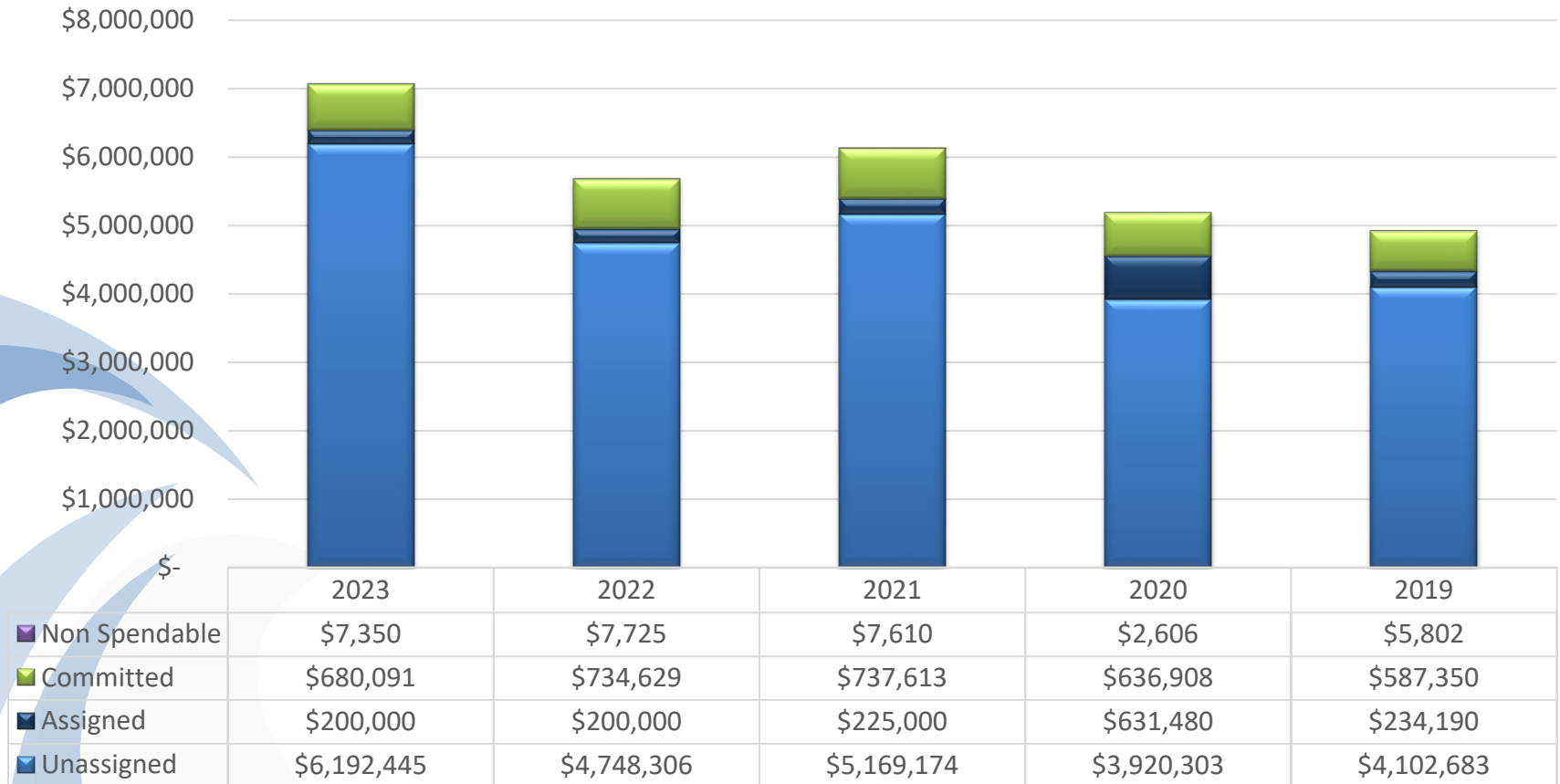
## SUMMARY OF AUDIT RESULTS

- Financial Statement Opinion – Unmodified
- Report Required by *Government Auditing Standards* (GAS)
  - No Material Weaknesses
  - No Significant Deficiencies
  - Other comments:
    - Segregation of Duties
    - Credit Card Policy
- Report Required by the Uniform Guidance
  - Programs Tested:
    - Clean Water State Revolving Loan Cluster
      - Findings - uniform guidance procurement standards



# Town of Kennebunkport

## FUND BALANCES



- **Total Fund balance** increased by \$1,389,226 to \$7,079,886 in the current year.
- See pages 47-49 of the financial statements for breakdown of fund balance.

# Town of Kennebunkport

## GENERAL FUND - REVENUES

|  | Budget               | Actual            | Variance         |
|--|----------------------|-------------------|------------------|
| Property taxes                                   | \$ 20,819,326        | 20,871,371        | 52,045           |
| Excise taxes                                     | 1,114,000            | 1,233,257         | 119,257          |
| Intergovernmental revenues                       | 581,279              | 719,992           | 138,713          |
| Licenses and permits                             | 749,900              | 792,665           | 42,765           |
| Charges for services                             | 304,500              | 426,206           | 121,706          |
| Interest earned                                  | 30,000               | 380,646           | 350,646          |
| Other revenues                                   | 10,000               | 64,620            | 54,620           |
| <b>Total revenues</b>                            | <b>23,609,005</b>    | <b>24,488,757</b> | <b>879,752</b>   |
| Transfers  | 746,000              | (71,661)          | (817,661)        |
| Utilization of unassigned fund balance           | 200,000              | -                 | (200,000)        |
| Utilization of committed fund balance            | 734,629              | -                 | (734,629)        |
| <b>Total revenue and other financing sources</b> | <b>\$ 25,289,634</b> | <b>24,417,096</b> | <b>(872,538)</b> |

### **SUMMARY OF SIGNIFICANT VARIANCES**

- **Excise taxes** exceeded their budget due to conservative budgeting.
- **Intergovernmental revenues** were over budget due to greater-than-expected revenue sharing proceeds.
- **Charges for services** were over budget primarily due to greater-than-expected revenue from parking violations and Goose Rocks Beach stickers.
- **Interest earned revenues** were over budget due to higher-than-expected rates of return.



# Town of Kennebunkport

## GENERAL FUND - EXPENDITURES

|   | Budget            | Actual            | Variance         |
|---|-------------------|-------------------|------------------|
| General government                          | \$ 3,246,917      | 2,237,402         | 1,009,515        |
| Public safety                               | 3,294,743         | 3,072,945         | 221,798          |
| Public works                                | 1,466,060         | 1,325,590         | 140,470          |
| Health and welfare                          | 830,209           | 744,275           | 85,934           |
| Recreation and culture                      | 577,408           | 557,439           | 19,969           |
| County tax                                  | 1,302,970         | 1,302,970         | -                |
| Education                                   | 11,349,467        | 11,349,467        | -                |
| Debt service                                | 1,246,931         | 982,040           | 264,891          |
| Committed funds                             | 524,629           | 5,442             | 519,187          |
| <b>Total expenditures</b>                   | <b>23,839,334</b> | <b>21,577,570</b> | <b>2,261,764</b> |
| Transfers out                               | 1,450,300         | 1,450,300         | -                |
| <b>Total expenditures and transfers out</b> | <b>25,289,634</b> | <b>23,027,870</b> | <b>2,261,764</b> |

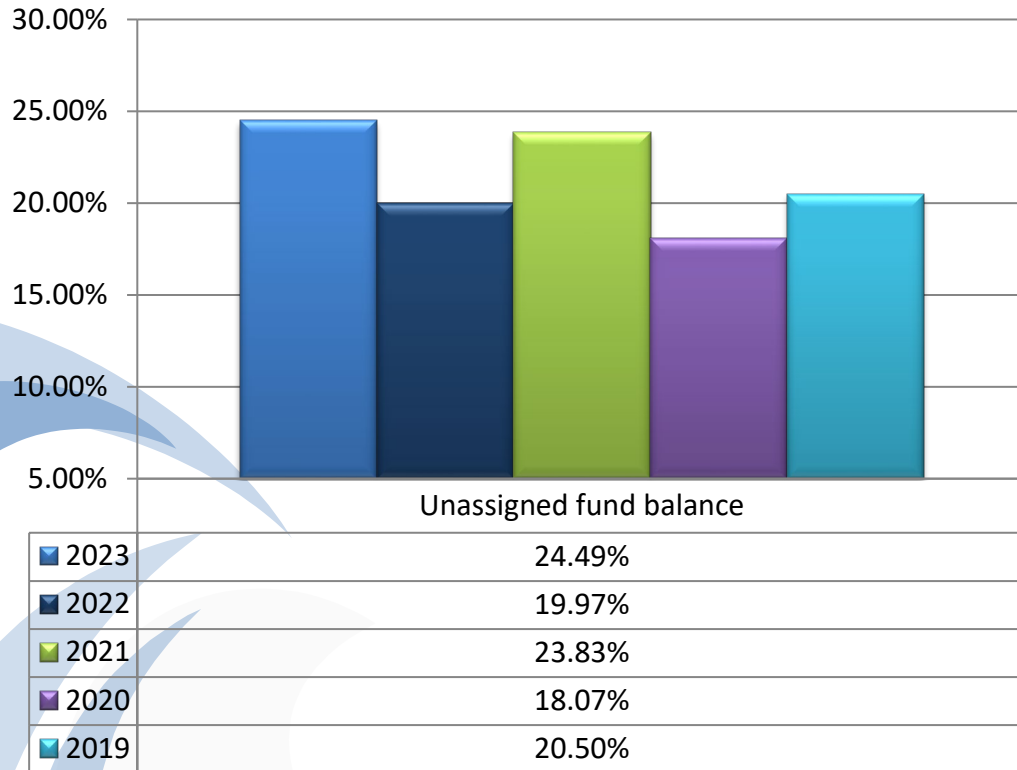
### SUMMARY OF SIGNIFICANT VARIANCES

- **General government expenditures** were under budget primarily due to lower-than-expected costs related to administration, planning and development and unneeded contingency and tax abatements.
- **Public safety expenditures** were under budget primarily due to vacancies in the police department and communications.
- **Public Works expenditures** were under budget primarily due to vacancies and lower-than-expected repair costs.
- **Debt Service expenditures** were under budget as the first payment for the 2022 radio bond was budgeted for in fiscal year 2023, but wasn't due until 2024.
- **Committed funds** were under budget as they are carried forward until they are expended on their intended use.



# Town of Kennebunkport

## GENERAL FUND – UNASSIGNED FUND BALANCE AS PERCENTAGE OF EXPENDITURES

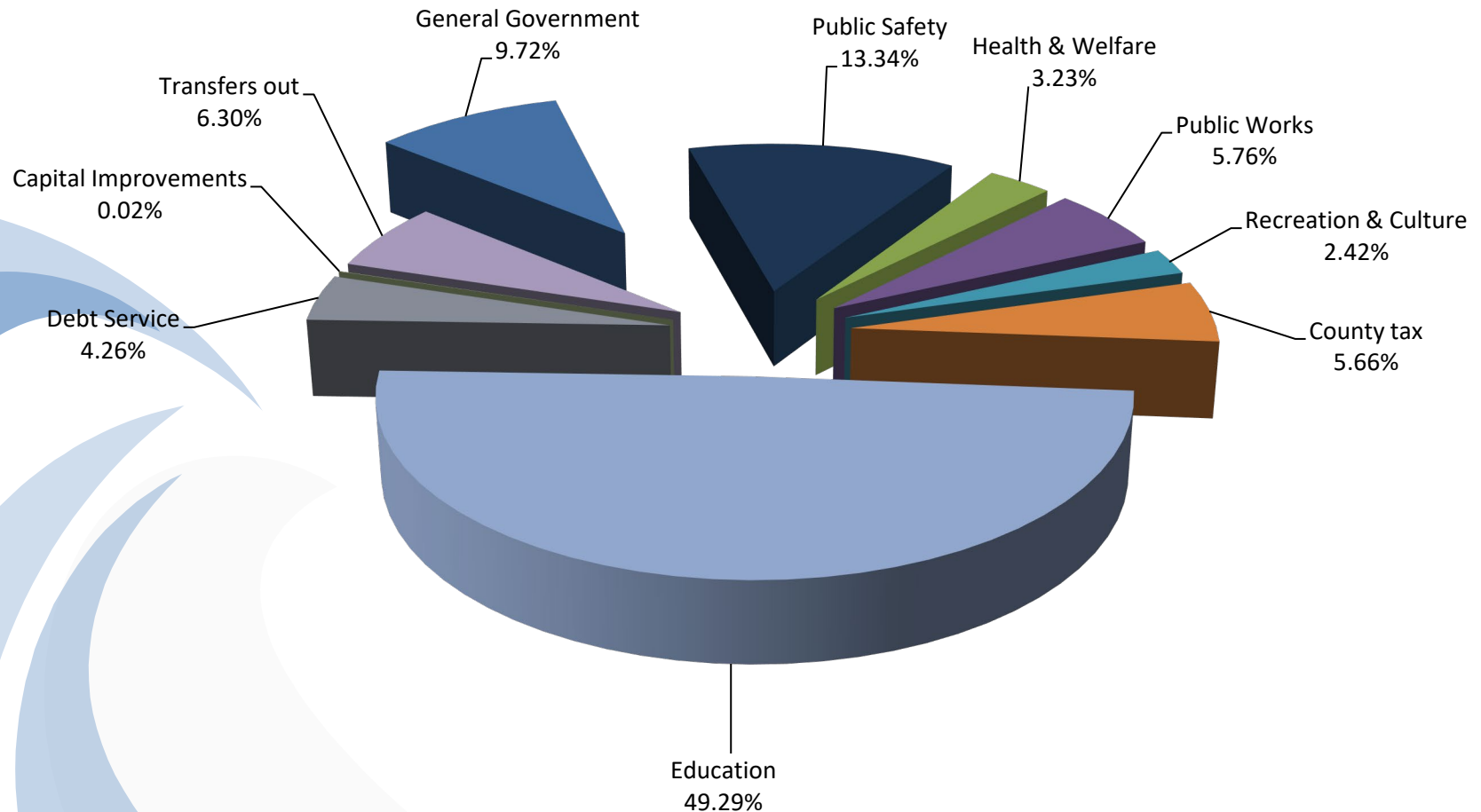


### *Town of Kennebunkport Minimum Fund Balance Policy:*

It is the policy of the Town of Kennebunkport to maintain unassigned fund balance in the general fund at a minimum of two months of general fund expenditures (or 18%) measured on a GAAP basis. If unassigned fund balance drops below this level, the Town will develop a plan to bring the balance to the target level over a period of five years or less. Any unassigned funds in excess of the 18% target balance will be transferred to capital reserve accounts for projects identified in the Capital Improvement Plan.

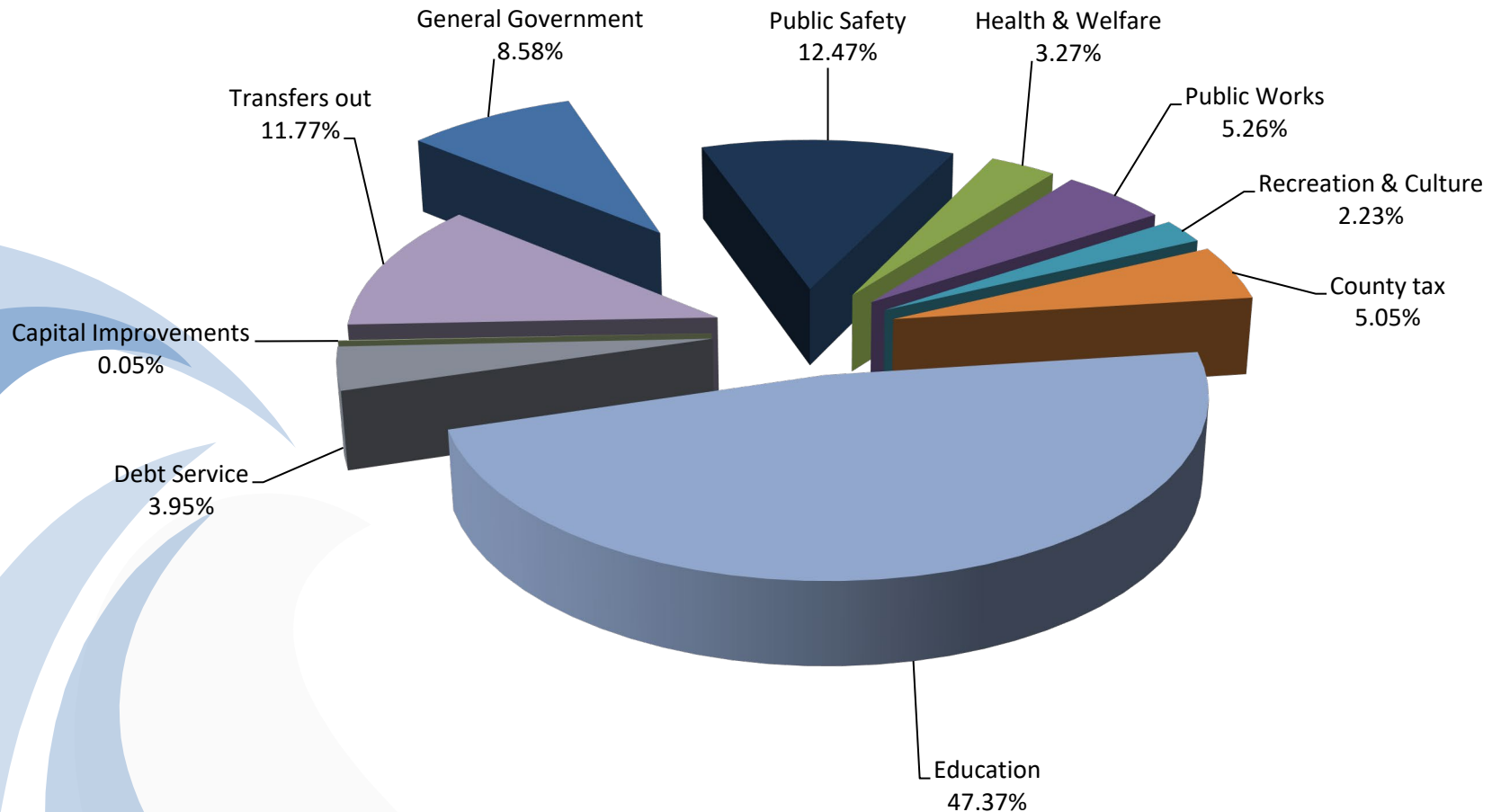
# Town of Kennebunkport

## GENERAL FUND – EXPENDITURE DISTRIBUTION - 2023



# Town of Kennebunkport

## GENERAL FUND – EXPENDITURE DISTRIBUTION - 2022



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# **AGENDA ITEM DIVIDER**

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## MEMORANDUM

**To:** Kennebunkport Board of Selectmen

**Fr:** Laurie Smith, Town Manager  
Nicole Evangelista, Finance Director

**Re:** Fund Balance Transfer

**Dt:** 1/11/2024

Per the General Fund - Fund Balance Policy, we recommend that the Board of Selectmen authorize the transfer of \$1,810,871 to the Capital Projects Fund - General Capital Improvements account. This will adjust the General Fund Unassigned Fund Balance (Statement 3 of the Annual Finance Report) to \$4,380,396.

This addition of \$1,810,871 and the current year's use of \$1,585,000 generates a balance of \$1,403,841 in the General Capital Improvements account for future use toward Capital Improvement projects.

| <b>Town of Kennebunkport<br/>Unassigned Fund Balance</b> |                   |
|--|-------------------|
| Total Expenditures (Statement 4)                         | 21,577,570        |
| Transfers to Other Funds                                 | 2,757,961         |
| Total Expenditures and Transfers                         | <u>24,335,531</u> |
| Unassigned Fund Balance Should be 18% Expenditures       | 4,380,396         |
| 6/30/23 Unassigned Fund Balance (Statement 3)            | 6,191,267         |
| Unassigned Fund Balance Should be 18% Expenditures       | 4,380,396         |
| Amount to Transfer to Capital Improvements               | <u>1,810,871</u>  |
| <b>Capital Improvements</b>                              |                   |
| Balance at 6/30/2023                                     | 1,177,969         |
| Transfer per FY24 Budget                                 | (600,000)         |
| Transfer Boat Launch Funding, 7/1/23                     | (275,000)         |
| Transfer Cape Porpoise Pier Funding, 11/7/23             | (710,000)         |
| Transfer per Fund Balance Policy                         | <u>1,810,871</u>  |
| Adjusted Balance   | 1,403,841         |

## **Town of Kennebunkport General Fund - Fund Balance Policy**

### **Purpose of this Policy**

The purpose of this policy is to establish a target level of fund balance for the general fund and to establish a process and criteria for the continued evaluation of that target level as conditions warrant. This policy shall also establish a process for reaching and or maintaining the targeted level of fund balance, and the priority for the use of resources in excess of the target. Finally, this policy shall provide a mechanism for monitoring and reporting the Town's general fund balance. This policy applies only to the general fund.

### **Definitions and Classifications**

- *Fund Balance* is a term used to describe the net position of governmental funds. It is calculated as the difference between the assets and liabilities and defined outflows or inflows of resources reported in a governmental fund.
- Governmental fund balance is reported in five classifications that comprise a hierarchy based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The five classifications of fund balance for the General fund are defined as follows.
  - *Non-spendable* – resources which cannot be spent because they are either a) not in spendable form or; b) legally or contractually required to be maintained intact (example inventory balances).
  - *Restricted* – resources with constraints placed on the use of resources which are either a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b) imposed by law through constitutional provisions or enabling legislation.
  - *Committed* – resources which are subject to limitations the government imposes upon itself at its highest level of decision making (Town Selectmen), and that remain binding unless removed in the same manner.
  - *Assigned* – resources neither restricted nor committed for which a government has a stated intended use as established by the Town Selectmen, or a body or official (management) to which the Town Selectmen has delegated the authority to assign amounts for specific purposes.
  - *Unassigned* – resources which cannot be properly classified in one of the other four categories. The General Fund should be the only fund that reports a positive unassigned fund balance amount. The committed, assigned, and unassigned classifications are often referred to, in the aggregate, as the *unrestricted fund balance*.

### **Background and Considerations**

Fund balance is intended to serve as a measure of financial resources in a governmental fund. The Town's management, credit rating agencies, and others monitor the levels of fund balance in the general fund as an important indicator of the Town's economic condition. While credit agencies have always analyzed fund balance as part of their evaluation of credit-worthiness, increased attention has been focused on determining sufficient levels because of recent events in the credit markets.

In establishing an appropriate level of fund balance the Town has considered the following factors:

- Property Tax Base
- Non-property Tax Revenues
- Debt Profile
- Liquidity
- Budget Management
- Contingent / unexpected liabilities
- Future Uses
- Economy

### **Policy**

It is the policy of the Town of Kennebunkport to maintain unassigned fund balance in the general fund at a minimum of two months of general fund expenditures (or 18%) measured on a GAAP basis (*GAAP* - generally accepted accounting principles in the United States). In the event that the unassigned fund balance drops below this level, the Town will develop a plan, implemented through the annual budgetary process, to bring the balance to the target level over a period five (5) years or less. The Treasurer shall report fund balance in the appropriate classifications and make the appropriate disclosures in the Town's financial statements. Unless already classified as restricted or committed, the following balances shall be classified as assigned, as per GAAP or a matter of policy. Encumbrances – Amounts encumbered at year-end by contract, including purchase order, or encumbered by some other means shall be classified as assigned. (GAAP) Budget Appropriation – Amounts appropriated in the annual budget resolve, or in any supplemental budget resolves, for expenditures in ensuing fiscal year shall be classified as assigned, unless otherwise already restricted or committed. (GAAP) Capital Budget – Amounts designated for use in the first year of the capital improvement program, whether by appropriation or advance to another fund, shall be classified as committed.

Any unassigned funds in excess of the of 18% target balance will be transferred to capital reserve accounts for projects identified in the Capital Improvement Plan.

### **Policy Administration**

After the annual audit, the Treasurer shall report the Town's fund balance and the classification of the various components in accordance with GAAP and this policy. Should the Town fall below the target level, the Treasurer shall prepare a plan to restore the unassigned fund balance to the target level.

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# **AGENDA ITEM DIVIDER**

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TOWN OF KENNEBUNKPORT, MAINE  
~ INCORPORATED 1653 ~

MEMORANDUM

To: Laurie Smith, Town Manager & Kennebunkport Selectboard  
Fr: Galen Weibley, Director of Planning & Development  
Re: LD 2003 Land Use Ordinance Amendments  
Dt: January 17, 2024

Enclosed are proposed changes for consideration by the Selectboard to update Kennebunkport's Land Use Chapter 240 to comply with LD 2003. The passage of this legislation requires towns in Maine to update their land use codes to address identified barriers to new housing opportunities as a policy solution to housing affordability within the state.

The legislation requires the following:

1. Allow Accessory Apartments townwide and exempt from growth permits.
2. Prohibit parking standards for accessory apartments above requirement for residential on same parcel.
3. Allow Affordable Housing Developments (new definition) a density bonus of 2.5 times the base lot density for a single-family dwelling if located within the Growth Area or connecting to public water/sewer.
4. Restrict parking requirements to 2 parking spaces for every 3 units for affordable housing.
5. Allow up to 2 residential units townwide on a parcel (must comply with lot density & coverage standards) and 4 units if located within growth area or public sewer/water if a community does not have a comprehensive plan.

**Growth Planning Committee Update:**

The Growth Planning Committee (GPC) held a rigorous review as did planning and code staff to determine the impact of these changes to the existing land use code policy. They have decided to send the following amendments to your attention:

**1. 240-7.1 Accessory Apartments**

- a. Adds accessory apartment design standards, stormwater standards and non-conformance language to address statute changes and community concerns by GPC.

**2. 240-2.1 Affordable Housing Definition**

- a. Adds state statutory definition for affordable housing.

**3. 240-7.15 Affordable Housing Density Bonus & performance standards**

- a. Adds parking requirements of 2 spaces per 3 units
- b. Adds state statutory requirements for affordable housing developments
- c. GPC added prohibition of affordable housing developments from the short term rental program for the duration of the affordability term
- d. Added section clarifying affordable housing developments shall comply with growth permit program with the town.

**4. 240-610 B Parking Standards Update**

- a. Adds Affordable housing developments to parking standards at .66 spaces per unit given the statutory changes of 2 spaces per 3 units.

The GPC unanimously agreed to forward the proposed policy changes for selectboard and town vote consideration. The GPC has decided more review and discussion is needed for the 2–4-unit amendment and has not forwarded that proposed amendment. The Planning Board was briefed on the proposed changes and has not offered a recommendation at present. Please do not hesitate to contact me should you have any questions.

**Actions Requested:**

Suggested motion: Mr. Chairman, I move that we schedule a public meeting regarding the proposed changes as recommended by the Growth Planning Committee.

*Enclosures*

Ch. 240-2.1 Affordable Housing Definition Amendment

Ch. 240-6.10 Affordable Housing Parking Standards Amendment

Revised Ch. 240-7.1 Accessory Apartments aka ADU Amendments

Revised Ch. 240-7.15 Affordable Housing Density Amendments

## ARTICLE 2 Terminology

### § 240-2.1. Word usage.

- A. In the interpretation and enforcement of this chapter, all words other than those specifically defined in the chapter shall have the customary dictionary definition unless a different meaning is clearly implied by the context in which they are used. In the event of a conflict between the text of this chapter and any map, illustration, or table, the text shall control.
- B. The word "person" includes an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.
- C. The present tense includes the future tense; the singular includes the plural, and the plural includes the singular.
- D. The words "shall" and "will" are mandatory; the word "may" is permissive.
- E. The word "he" means either "he" or "she."

### § 240-2.2, Definitions.

In this chapter, the following terms shall have the following meanings:

**ABUTTING PROPERTY** - Any lot that is physically contiguous with the subject lot even if only at a point, and any lot which is located directly across the street or light-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

**ACCESSORY USE OR STRUCTURE** - A subordinate use or structure customarily incidental to and located on the same lot as the principal use or structure, such as a detached garage, workshop, or the like. Accessory uses, in the aggregate, shall not subordinate the principal use or structure on a lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure and may not be independently conveyed to the extent permitted by law. [Amended 6-13-2023]

**ACRE** - A measure of land containing 43,560 square feet.

**AFFORDABLE HOUSING:** Dwelling units that can be afforded by households in the following two categories:

- A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

**AGGRIEVED PERSON OR PARTY** - An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this chapter; a person whose land abuts land for which a permit or variance has been granted; or any other person or

group of persons who have suffered particularized injury as a result of the granting or denial of **such permit or variance**,

**AGRICULTURALLY RELATED PRODUCTS** - Includes such items as homemade jams and jellies, honey, cheese, dairy products, baked goods, herbs and spices, ice cream and maple syrup. These products are to be produced privately or by an approved home occupation. It does not include items purchased for wholesale for the purpose of selling for retail, except as permitted within Subsection A(2) of the "farm stand" definition. Any licenses, either state or federal, are the owner/applicant's responsibility to obtain and maintain. (Also see "farm stand.")

**AGRICULTURE** - The cultivation of soil for the production or raising of food, crops, or other valuable or useful products including commercial gardening, and the growing of nursery stock.

- B. Each multiplex shall meet the following standards:
- (I) The design, layout, size, area, construction, and screening standards of §§ 240-7.11 and 240-10.7 shall be met.
  - (2) Parking spaces shall be provided to conform with the number required in the following schedule:
    - (a) One-bedroom units: one space per unit.
    - (b) Two-bedroom units: two spaces per unit.
    - (c) Three- and four-bedroom units: two spaces per unit.
    - (e)(d) Affordable Housing Developments: .66 spaces per unit.
- C. Off-street parking shall be provided for elder-care facilities in accordance with the following schedule:
- (I) One space for each employee on the shift with the greatest number of employees; plus
  - (2) One space for each independent living unit in which the occupant receives no supportive services; plus
  - (3) One space for every two congregate living or similar units in which the occupant receives only a basic level of supportive services; plus
  - (4) One space for every three assisted-living or similar units or beds in a nursing home in which the occupant receives a high level of supportive services.
- D. Parking spaces must be composed of sufficient impervious or semipervious material (e.g., asphalt, concrete, composites, gravel) to support a vehicle in all conditions. Semipervious materials such as "grass pavers" or similar materials can be used.
- E. Parking for residential components of residential mixed use shall be as follows:
- (I) One-bedroom unit: one parking space.
  - (2) Two-or-more-bedroom unit: two parking spaces.
- F. Parking for a residential rental accommodation shall include one additional off-street parking space per room rented, in addition to the minimum parking spaces required for the dwelling unit.

**§ 240-6.11. Sanitary provisions.**

- A. Connection to public facilities. All plumbing shall be connected to public collection and treatment facilities when required by other ordinances.
- B. Subsurface sewage disposal. No plumbing permit shall be issued for a subsurface disposal system unless:
- (I) The system meets the requirements of the State of Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Chapter 241; a second disposal site that meets the state rules is not required unless mandated by other law. Any such site shall be shown on the permit application as a reserve area and be set aside on the plot plan for possible future use as a disposal site; and

## ARTICLE 7

## Performance Standards for Specific Activities, Land Uses and Zones

## § 240-7.1. Accessory apartments. [Amended 11-3-2020; 6-13-2023]

Accessory apartments may only be located in, attached to, or detached from a single-family dwelling, shall not be defined as a two-family or a multiplex, are allowed as a permitted use in all zones, except where otherwise noted in Subsection D, and are subject to the limitations below:

- A. A request for an accessory apartment requires submittal of a site plan that shall include the property owner with deed reference, lot boundaries and dimensions to scale and the location and setbacks of all buildings and parking areas.
- B. A request for an accessory apartment shall include a plan of the entire building showing a separate floor layout of all finished levels identifying the use of all rooms and the location of all entrances ~~and exits.~~ [All Accessory Apartments either attached to the principal building or stand alone shall meet the design criteria in Article 240-Article 6 section 6.2 (Height Restrictions) where appropriate as well as 240-Article 7 section 7.1.C of this ordinance.]
- C. The dwelling shall have only one front entrance and all other entrances shall be either on the side or in the rear of the dwelling. An entrance leading to a foyer with interior entrances leading from the foyer to the two dwelling units is permitted. The living area of an accessory apartment shall be a minimum of 190 square feet, and a maximum of 800 square feet. An accessory apartment may not have any living space on a third story unless it meets the minimum life safety requirements as defined in the Building Code.
- D. Accessory apartments are not permitted in the Shoreland Zone unless the lot on which it will be located has at least double the lot size for that zone, double the minimum lot size, and double the shore frontage for that zone.
- E. Only one accessory apartment shall be permitted per single-family dwelling.
- F. An accessory apartment shall be occupied as a primary residence. ("Primary residence" shall be defined as more than six months per year.) An accessory apartment is not eligible to operate as a short-term rental.
- G. Accessory apartment 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 Wastewater Disposal Rules. In addition:
  - (1) Existing septic systems must be evaluated for condition and capacity by a licensed site evaluator. A reserve is required for existing and new systems in the event that replacement is necessary. Biannual pump-outs of septic systems servicing the property are required and documentation must be provided to the Town upon request.
  - (2) 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.

H. Any plan for a stand alone Accessory Apartment or an addition to the primary structure for an Accessory Apartment must provide a Drainage Plan which meets the following stormwater design standards:

- (1) The plan must demonstrate that the proposed improvements are designed to minimize the amount of stormwater leaving the site. This must include consideration of the design and location of improvements to minimize the total area of impervious surface on the site

**Commented [GW1]:** Clarifies the cross reference and removes section below.

**Commented [GW2]:** GPC amendment to address design concerns

and stormwater management techniques to minimize both the volume and rate of runoff from the lot.

- (2) Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or redirected so as to create ponding on, or flooding of, adjacent lots; and
- (3) Any increase in volume or rate of stormwater draining from the lot onto an adjacent following the improvement can be handled on the adjacent lot, whether privately or publicly owned, without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot.

The Drainage Plan must include a written statement demonstrating how the proposed addition for an Accessory Apartment or stand alone Accessory Apartment has been designed to meet the requirements of this subsection and must contain at least the following information:

- (1) The location and characteristics of any streams or drainage courses existing on the parcel and/or abutting parcels;
- (2) The existing and proposed grading of the site using one-foot contours;
- (3) The location and area of existing and proposed buildings and impervious surfaces on the site;
- (4) The existing pattern of stormwater drainage on the site, including points of discharge to public ways or adjacent properties; and
- (5) The proposed pattern of stormwater drainage after the improvements, including the location and design of any stormwater facilities.

[. An accessory apartment is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory apartment does not further increase the nonconformity.]

**Commented [GW3]:** P. Hogan Amendment: Addresses post-development concerns of stormwater impacting abutting properties or waterbodies.

**Commented [GW4]:** GPC concerned with nonconforming lots, state legislature addressed this with passage of LD 1706. This language will address concerns of detached ADU on non-conforming lot given setbacks and lot coverage

shall have code compliant smoke and carbon monoxide detectors in addition to complying with current building code requirements for primary and secondary means of escape;

- (5) The rooms occupied by the roomers do not have a separate entrance from the outside;
- (6) The rooms occupied by the roomers are within the principal structure;
- (7) The roomers use utilities which are not separately metered from those used by the remaining occupants of the dwelling unit;
- (8) One off-street parking space per room rented shall be required as per § 240-6.1OF; and
- (9) The owner of the residential rental accommodation shall remain in residence while rooms are being rented.

C. Approval; permit; appeal.

- (1) Approval to operate a residential rental accommodation shall be granted by the Code Enforcement Officer upon a successful property inspection and complete permit application. Such permit shall be issued to the property owner only, and is subject to sufficient evidence that the property is owner occupied. **[Amended 11-8-2022]**
- (2) A permit to operate a residential rental accommodation shall expire upon a change in ownership or a change in owner residency status.
- (3) A single-family dwelling approved to accommodate roomers prior to November 8, 2016, may continue to operate under the conditions of approval as specified by the Zoning Board of Appeals, including the Land Use Ordinance requirements and restrictions in effect at the time of such approval.
- (4) Penni! shall be revoked upon confirmation of a second confirmed noise or barking dog citation related to use of a dwelling unit by a roomer. Permit shall also be revoked upon any confirmed violation of the requirements contained within the definition of residential rental accommodation located in Article 2. Any such permit having been revoked shall not be reissued to the same property owner within one year (365 days) from the date of revocation, which shall require Code Enforcement Officer reapproval. **[Amended 11-8-2022]**
- (5) An appeal from any decision of the Code Enforcement Officer related to the issuance, non issuance, suspension or revocation of a residential rental accommodation permit shall be taken by-an aggrieved party to the Zoning Board of Appeals within 30 days of the decision.

240-7.15

Affordable housing density

For an affordable housing development approved on or after July 1, 2023, the town shall apply density requirements in accordance with this section.

- A. Affordable housing development shall be allowed where multifamily dwellings are allowed and have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area and have 51% of the units designated as affordable under the Affordable Housing Development Definition meeting the following criteria:



1. The locally designated growth area, as identified in a comprehensive plan adopted pursuant to and consistent with the procedures, goals and guidelines of this subchapter or as identified in a growth management program certified under MRS 30-A section 4347-A;

The development must comply with minimum lot size requirements in accordance with MRS Title 12, chapter 423- A, as applicable.

**B. Long-term affordability.** Before approving an affordable housing development, the developer shall provide proof that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

1. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

2. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

**C. Shoreland zoning.** An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

**D. Water and wastewater.** The owner/developer of an affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:

1. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

2. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

3. If a housing unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

**E. Subdivision requirements.** This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with the state & municipal subdivision regulations.

**F. Restrictive covenants.** This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**G. Short-Term Rental License Prohibition.** No units created by an affordable housing development shall qualify for the Town's Short Term Rental License Program during the duration of the long-term affordability restriction in subsection B above.

**H. Growth Permit Requirements.** All affordable housing developments shall comply with Section 240-11.12 (Growth management permit required)

**Commented [GW1]:** This provision is added if a parcel is located in the growth area but public water is unavailable. SMPDC is in agreement this would be costly from a developer perspective for monthly testing requirements.

**Commented [GW2]:** GPC suggested change relating to short term rental prohibition concerns for new market rate units that are part of development.

**Commented [GW3]:** Suggested amendment by staff to clarify separation from LD 2003 ADU & Affordable house development provisions.

**Commented [GW4]:** PB suggestion for easy cross reference by the public.

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# **AGENDA ITEM DIVIDER**

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TOWN OF KENNEBUNKPORT, MAINE  
~ INCORPORATED 1653 ~

MEMORANDUM

To: Laurie Smith, Town Manager & Kennebunkport Selectboard  
Fr: Galen Weibley, Director of Planning & Development  
Re: Floodplain Ordinance Amendment  
Date: January 18, 2024

Enclosed are proposed changes for consideration by the Selectboard to update Kennebunkport's Floodplain Ordinance (Chapter 219) to comply with updated Federal Emergency Management Agency's (FEMA) updated Flood Insurance Rate maps (FIRM) and state model ordinance (enclosed). FEMA FIRM update has been an ongoing and contentious issue of the inaccuracy of the proposed FEMA map and its impact on resident's properties and insurance premiums.

The Town has received word that the final letter of determination (FLD) has been issued by FEMA, requiring municipalities to begin the adoption process of updating their floodplain ordinances with the revised map. The town is required to adopt these changes while FEMA processes the town's Letter of Map Amendment (LOMA) application, which has been pending until the final adoption of FEMA's proposed map. Failure of the town to make necessary updates will disqualify residents and mortgagors from obtaining insurance policies under the National Flood Insurance Program for properties within the town.

The strategy moving forward is to adopt an amended model ordinance to repeal the town's existing Floodplain Ordinance to include a disclaimer pending the consideration of the Town's LOMA application. This will do two things:

1. Not jeopardize current property owners flood insurance eligibility in the National Flood Insurance Program.
2. Allow for an automatic update of the floodplain maps without a future amendment requiring a future town vote which will lapse coverage or require coverage for currently exempt properties.

With town adoption, the FEMA FIRM will go into effect July 1, 2024, with the town's LOMA map taking effect the day after.

**Actions Requested:**

Suggested motion: Mr. Chairman, I move that we schedule a public hearing regarding the proposed changes to Chapter 219 of the town's Floodplain Ordinance.

*Enclosures*

Maine DEP Floodplain Model Ordinance

Map differences between current, proposed and LOMA maps

**FLOODPLAIN MANAGEMENT ORDINANCE**

**FOR THE**

**TOWN OF KENNEBUNKPORT, MAINE**

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ENACTED: \_\_\_\_\_  
Date

EFFECTIVE: \_\_\_\_\_  
Date

CERTIFIED BY: \_\_\_\_\_  
Signature

CERTIFIED BY: \_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

Affix Seal

# **FLOODPLAIN MANAGEMENT ORDINANCE**

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## **ARTICLE I - PURPOSE AND ESTABLISHMENT**

Certain areas of the Town of Kennebunkport, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Kennebunkport, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Kennebunkport, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Kennebunkport has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Kennebunkport having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Kennebunkport, Maine.

The areas of special flood hazard, Zones A, AE, and VE for the Town of Kennebunkport, York County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – York County, Maine" dated \_\_\_\_\_, 2023 with accompanying "Flood Insurance Rate Map" dated \_\_\_\_\_, 2023 are hereby adopted by reference and declared to be a part of this Ordinance.

## **ARTICLE II - PERMIT REQUIRED**

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer, except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Kennebunkport, Maine.

## **ARTICLE III - APPLICATION FOR PERMIT**

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

A. The name, address, and phone number of the applicant, owner, and contractor;

- B. An address and a map indicating the location of the construction site;
- C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
  - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
    - a. in Zones AE, and VE from data contained in the "Flood Insurance Study - York County, Maine," as described in Article I; or,
    - b. in Zone A:
      - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.M. and IX.D.; or,
      - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.H.2.b., Article VI.I.2.b., or Article VI.J.2.b.
  - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
  - 3. lowest floor, including basement; and whether or not such structures contain a basement;
  - 4. lowest machinery and equipment servicing the building; and,
  - 5. level, in the case of non-residential structures only, to which the structure will be floodproofed.
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;



J. A written certification by:

1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,
2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.I., and other applicable standards in Article VI;
2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE and Coastal AE Zone, will meet the criteria of Article VI.R.; and other applicable standards in Article VI;
3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.N.2.a.;
4. a certified statement that bridges will meet the standards of Article VI.O.;
5. a certified statement that containment walls will meet the standards of Article VI.P.

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

#### **ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE**

A non-refundable application fee of \$50.00 shall be paid to the Code Enforcement Officer and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

## **ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS**

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
  - 1. the base flood and floodway data contained in the "Flood Insurance Study - York County, Maine," as described in Article I;
  - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.M.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
  - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
  - 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" Elevation Certificate completed by a Professional Land Surveyor based on the Part I permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., J., or R. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part

II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.I.1. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

## **ARTICLE VI - DEVELOPMENT STANDARDS**

All developments in areas of special flood hazard shall meet the following applicable standards:

### **A. All Development - All development shall:**

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Utilities** - New construction or substantial improvement of any structure (including manufactured homes) located within:
  - 1. Zones A and AE shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation.
  - 2. Zone VE shall meet the requirements of Article VI.R.2.
- G. **Physical Changes to the Natural Landscape** - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.
  - 1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
    - a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
    - b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
  - 2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.

3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.
- H. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.
  2. Zone A shall have the lowest floor (including basement) elevated:
    - a. to at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;
    - b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure.
  3. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.
- I. **Non-Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:
    - a. be floodproofed to at least two feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
    - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K., and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
  2. Zone A shall have the lowest floor (including basement) elevated:
    - a. to at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;

- b. in the absence of all data described in Article VI.I.2.a., to at least two feet above the highest adjacent grade to the structure; or,
- c. together with attendant utility and sanitary facilities, be floodproofed to two feet above the elevation established in Article VI.I.2.a. or b. and meet the floodproofing standards of Article VI.I.1.a., b., and c.

3. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

**J. Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zones AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least two feet above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
  - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
  - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
  - (3) All components of the anchoring system described in Article VI.J.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.J.1.b., such that the lowest floor (including basement) of the manufactured home is at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D.; or,
- b. in the absence of all data described in Article VI.J.2.a., to at least two feet above the highest adjacent grade to the structure; and,
- c. meet the anchoring requirements of VI.J.1.c.

3. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

**K. Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE shall either:
  - a. be on the site for fewer than 180 consecutive days; and,
  - b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
  - c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.J.1.
2. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of either Article VI.K.1.a. and b., or Article VI.R.

**L. Accessory Structures** - New construction or substantial improvement of Accessory Structures, as defined in Article XIV, shall be exempt from the elevation criteria required in Article VI.H. & I. above, if all other requirements of Article VI and all the following requirements are met.

1. Accessory Structures located in Zone A and AE shall:
  - a. meet the requirements of Article VI.A.1. through 4., as applicable;
  - b. be limited in size to a one-story two car garage;
  - c. have unfinished interiors and not be used for human habitation;
  - d. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area;
  - e. be located outside the floodway;
  - f. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure;
  - g. have hydraulic openings, as specified in Article VI.N.2., in at least two different walls of the accessory structure; and
  - h. be located outside the Coastal AE Zone.

2. Accessory Structures in Zone VE and Coastal A Zones shall meet the requirements of Article VI.R.

**M. Floodways -**

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.M.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
  - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
  - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

**N. Hydraulic Openings/Flood Vents -** New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs H., I., or J. and is elevated on posts, columns, piers, piles, or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIV;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
  - a. be engineered and certified by a registered professional engineer or architect; or,
  - b. meet or exceed the following minimum criteria:



- (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
- (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

O. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, and VE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least two feet above the base flood elevation; and,
2. a registered professional engineer shall certify that:
  - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.M.; and,
  - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

P. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A, AE, and VE shall:
  - a. have the containment wall elevated to at least two feet above the base flood elevation;
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
  - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

**Q. Wharves, Piers, and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in and over water and seaward of the mean high tide if the following requirements are met:

1. in Zones A and AE, wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; or,
2. in Zone VE, wharves, piers, and docks shall have a registered professional engineer develop or review the structural design, specifications, and plans for the construction.

**R. Coastal Floodplains** -

1. New construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.R.7.
2. New construction or substantial improvement of any structure located within Zone VE or Coastal AE Zone shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.
3. New construction or substantial improvement of any structure located within Zone VE and Coastal AE Zones (as defined) shall:
  - a. be elevated on posts or columns such that:
    - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to at least two feet above the base flood elevation;
    - (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
    - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
  - b. have the space below the lowest floor:
    - (1) free of obstructions; or,
    - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,

- (3) constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
- c. require a registered professional engineer or architect to:
  - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
  - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.R.3.
- 4. The use of fill for structural support in Zone VE and Coastal AE Zones is prohibited.
- 5. Human alteration of sand dunes within Zone VE and Coastal AE Zones is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
- 6. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
- 7. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.I. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.M., and VI.N. are met:
  - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
  - b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
  - c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
  - d. The structure shall have unfinished interiors and shall not be used for human habitation.
  - e. Any mechanical, utility equipment, and fuel storage tanks must be anchored and either elevated or floodproofed to at least two feet above the base flood elevation.
  - f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and, when possible, outside the Special Flood Hazard Area.

## ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

**A. Review Procedure for a Conditional Use Flood Hazard Development Permit**

1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied may serve as the permit application for the Conditional Use Permit.
2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

**B. Expansion of Conditional Uses**

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

**ARTICLE VIII - CERTIFICATE OF COMPLIANCE**

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

**A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:**

1. an Elevation Certificate completed by a Professional Land Surveyor for compliance with Article VI, paragraphs H., I., J., or R.; and,

2. for structures in Zone VE and Coastal AE Zone (as defined), certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.R.3.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
  - C. Within 10 working days, the Code Enforcement Officer shall:
    1. review the required certificate(s) and the applicant's written notification; and,
    2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

## **ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS**

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

## **ARTICLE X - APPEALS AND VARIANCES**

The Board of Appeals of the Town of Kennebunkport may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision,

or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
  - 1. a showing of good and sufficient cause; and,
  - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and,
  - 3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,
  - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
    - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
    - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
    - c. that the granting of a variance will not alter the essential character of the locality; and,
    - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
  - 1. the criteria of Article X.A. through C. and Article VI.M. are met; and,
  - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article X.A. through C.; and,
  2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:
1. the development meets the criteria of Article X.A. through C.; and,
  2. the development meets the criteria of Article VI.M. and Article VI.N.
- G. Any applicant who meets the criteria of Article X.A. through C. and Article X.D., E., or F. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and,
  2. such construction below the base flood level increases risks to life and property; and,
  3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- H. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
  2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.
  3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

## **ARTICLE XI - ENFORCEMENT AND PENALTIES**

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer, upon identifying a violation, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of:
  1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
  2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
  3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
  4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
  5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## **ARTICLE XII - VALIDITY AND SEVERABILITY**

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

## **ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES**



This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

## **ARTICLE XIV - DEFINITIONS**

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law, and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

**Accessory Structure** - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

**Adjacent Grade** - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Agricultural Structure** - structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

**Area of Special Flood Hazard** - land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

**Base Flood** - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement** - any area of a building that includes a floor that is subgrade (below ground level) on all sides.

**Breakaway Wall** - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Building** - see **Structure**.

**Certificate of Compliance** - a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

**Coastal AE Zone** - The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

**Coastal High Hazard Area** - An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE and Zone AE bounded by a line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM).

**Code Enforcement Officer** - a person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

**Conditional Use** - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

**Containment Wall** - a wall surrounding all sides of an above ground tank to contain any spills or leaks.

**Development** - any manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

**Elevated Building** - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, so that the top of the elevated floor, or in the case of a building in Zone VE or Coastal AE Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, posts, or piers; and,
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.N. In the case of Zone VE and Coastal AE Zone, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.R.3.b.(3).

**Elevation Certificate** - an official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

**Existing Manufactured Home Park or Subdivision** - a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community’s first floodplain management regulations.

**Flood or Flooding** -

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Study** - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

**Floodplain or Floodprone Area** - any land area susceptible to being inundated by water from any source (see **Flood or Flooding**).

**Floodplain Management** - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain Management Regulations** - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

**Floodway** - see **Regulatory Floodway**.

**Floodway Encroachment Lines** - the lines marking the limits of floodways on federal, state, and local floodplain maps.

**Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Functionally Dependent Use** - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Historic Structure** - any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or,
  2. Directly by the Secretary of the Interior in states without approved programs.

**Limit of Moderate Wave Action (LiMWA)** - The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

**Locally Established Datum** - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lowest Floor** - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.N. of this Ordinance.

**Manufactured Home** - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Minor Development** - all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**National Geodetic Vertical Datum (NGVD)** - the national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and has been called "1929 Mean Sea Level" (MSL).

**New Construction** - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**North American Vertical Datum (NAVD)** - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

**100-year flood** - see **Base Flood**.

**Recreational Vehicle** - a vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

### **Regulatory Floodway -**

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and,
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Riverine** - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area** - see **Area of Special Flood Hazard**.

**Start of Construction** - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

**Structure** - for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

**Substantial Damage** - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,

- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

**Variance** - a grant of relief by a community from the terms of a floodplain management regulation.

**Violation** - the failure of a structure or development to comply with a community's floodplain management regulations.

## **ARTICLE XV - ABROGATION**

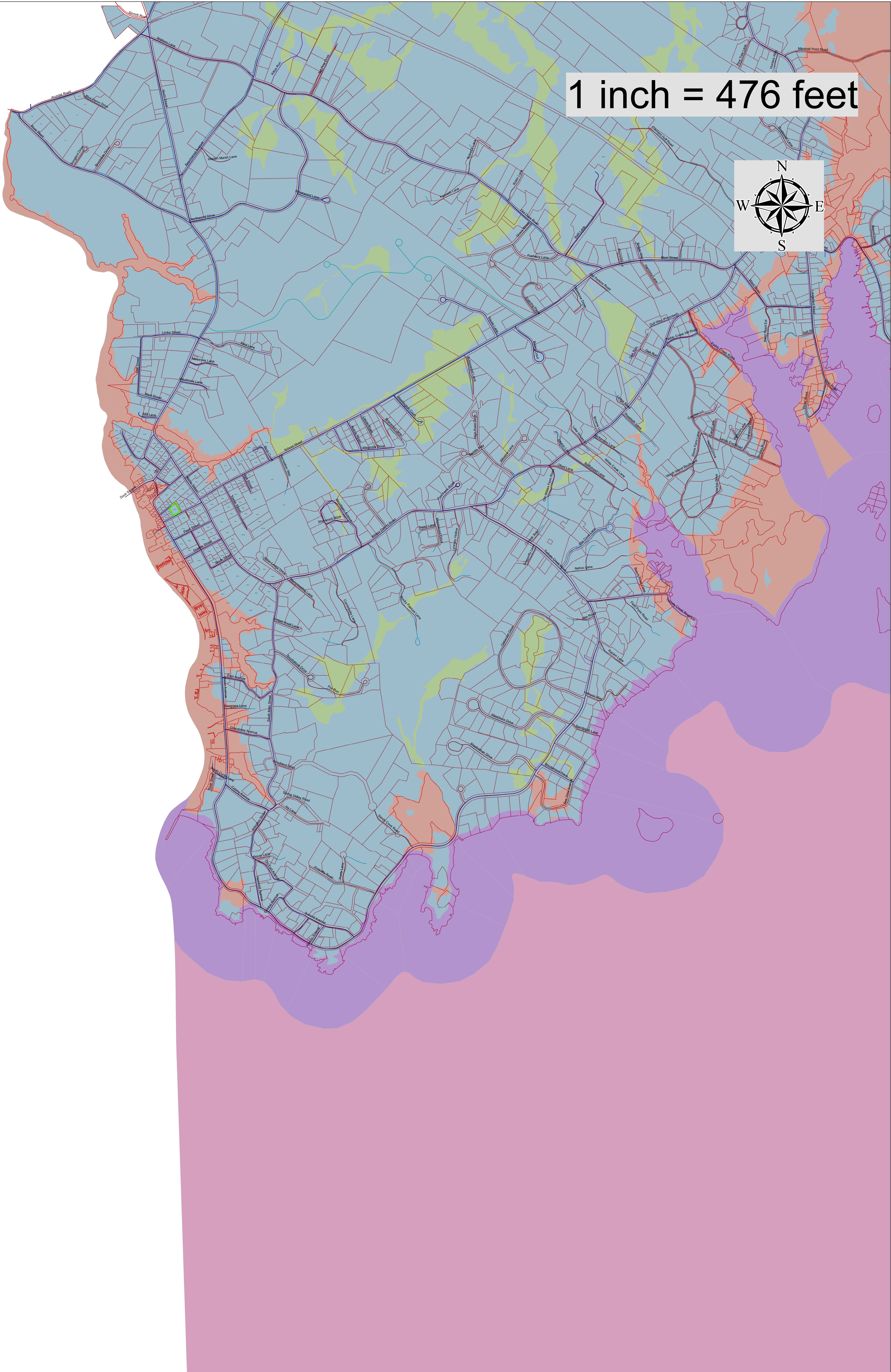
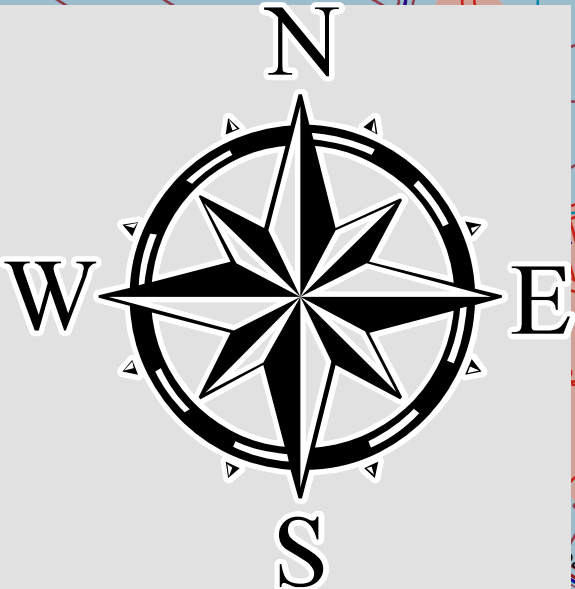
This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

## **ARTICLE XVI - DISCLAIMER OF LIABILITY**

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.



1 inch = 476 feet



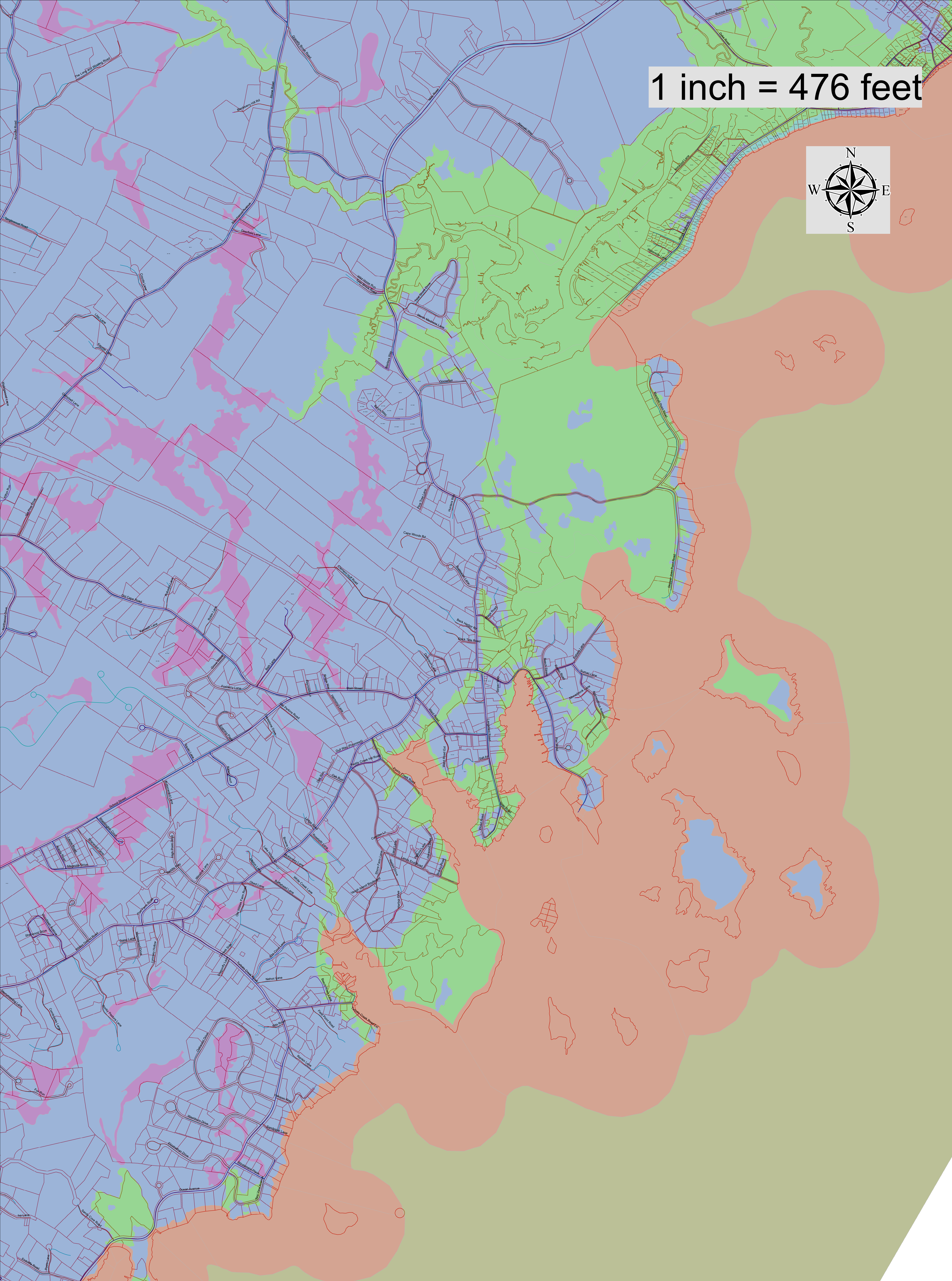






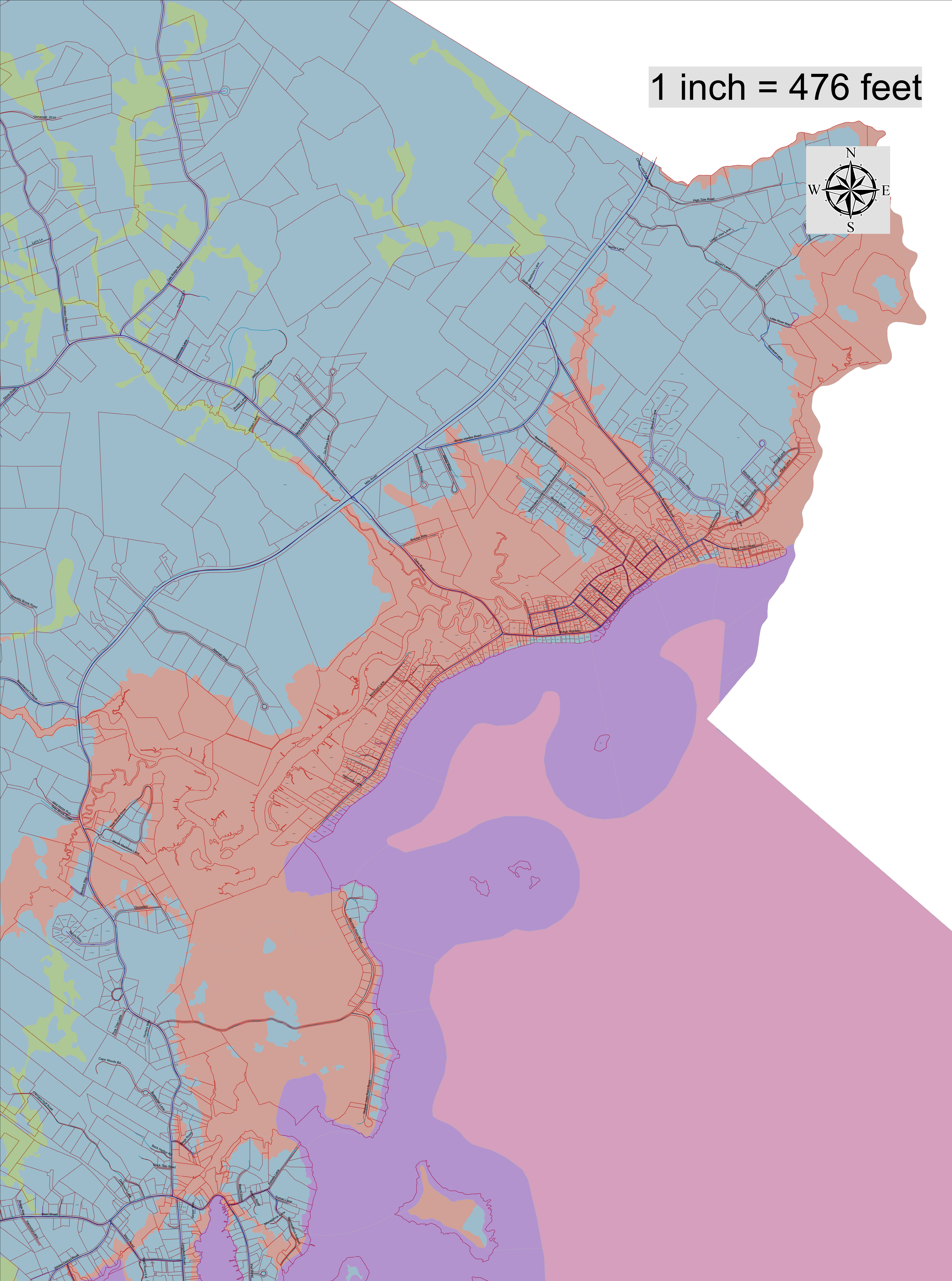
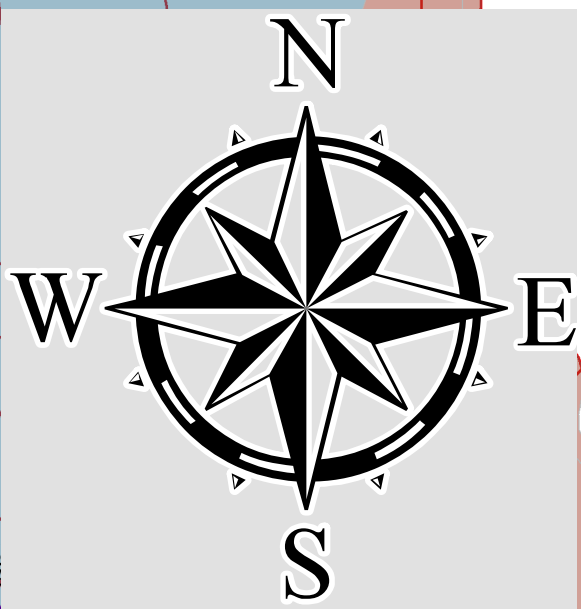








1 inch = 476 feet





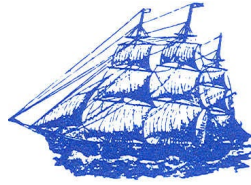




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# **AGENDA ITEM DIVIDER**

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## TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

### MEMORANDUM

**To:** Laurie Smith  
**Fr:** Chris Simeoni, Director of Public Works  
**Re:** Request authorization to purchase replacement wiring harness for Truck 2.  
**Dt:** January 22nd, 2024

During the last snowstorm, we experienced several electrical issues with one of our International five-ton dump trucks. The truck is a frontline truck used for snow removal.

Our mechanic concluded that the wiring harness is severely corroded and appears to have several breaks/shorts causing a variety of issues. The most severe is loss of power to the fuel injector harness and DEF system causing the truck not to run. The truck is completely inoperable at this time.

The cost of the new wiring harness is \$9,890.42 from Allegiance Trucks. This would be a sole source purchase as this part is not available in the aftermarket. The part is only available from International. We are seeking authorization to purchase the replacement harness at a cost of \$9,890.42.

# ALLEGIANCE

## TRUCKS™

AT MAINE, LLC  
ALLEGIANCE TRUCKS SACO  
351 NORTH STREET  
SACO, ME 04072  
P:(207) 289-6688  
F:  
www.allegiancetrucks.com



BILL TO  
KENNEBUNKPORT,TOWN OF - 44853  
6 ELM ST  
KENNEBUNKPORT, ME 04046  
P:

DELIVER TO  
KENNEBUNKPORT,TOWN OF - 44853  
6 ELM ST  
KENNEBUNKPORT ME 04046  
P:

**ESTIMATE: E513000854**

**ESTIMATE:**

| DATE SHIPPED | SHIP VIA | DATE INVOICE      | SALESPERSON | UNIT ID | VIN | SALE TYPE | TERMS | EMPID | CUS REFERENCE |
|--------------|----------|-------------------|-------------|---------|-----|-----------|-------|-------|---------------|
| 1/12/2024    | PICKUP   | 1/12/2024 3:06 pm | BRADLEY C   |         |     | PRET      | CB    |       |               |

| QTY SHP | QTY B/O | ITEM                 | DESCRIPTION                    | BIN   | LIST PRICE | UNIT PRICE | EXTD PRICE |
|---------|---------|----------------------|--------------------------------|-------|------------|------------|------------|
|         |         | VIN: GL283836        |                                |       |            |            |            |
|         |         | iKnow Case # 6430685 |                                |       |            |            |            |
| 1       |         | 513N/4063961F91      | MODULE,HARNESS                 | NOLOC | 101.79     | 75.34      | 75.34      |
| 1       |         | 513N/4039830C92      | HARNESS,JUMPER , 9.5 GAL DEF T | NOLOC | 739.08     | 492.63     | 492.63     |
| 1       |         | 513N/4039822C94      | HARNESS,JUMPER , W/WS W/SB W/F | NOLOC | 863.23     | 574.53     | 574.53     |
| 1       |         | 513N/2512810C91      | HARNESS, CAB TO ENGINE, I6 I-3 | NOLOC | 13,458.34  | 8,747.92   | 8,747.92   |

THANK YOU-WE APPRECIATE YOUR BUSINESS

# ESTIMATE

**DISCLAIMER:**

The seller hereby expressly disclaims all warranties, either express or implied, including all implied warranties of merchantability or fitness for the particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sales of these parts. Customer agrees to pay all costs of collections, including attorney fees, if amount due on invoice become delinquent. Due and payable by 10th of following month, subject to late charges of 1.5% per month. No refund without this invoice. 25% handling charge on parts returned within 10 days. Special order and electrical parts not returnable. No parts returnable after 10 days. All cores must be returned within 30 days or no returns will be accepted.

SIGNATURE X \_\_\_\_\_

|              |                    |
|--------------|--------------------|
| SUB-TOTAL    | \$ 9,890.42        |
| PREPAY       | \$ 0.00            |
| TAX          | \$ 0.00            |
| SHIPPING     | \$ 0.00            |
| <b>TOTAL</b> | <b>\$ 9,890.42</b> |

Please Remit Payment to:  
AT MAINE, LLC  
CORPORATE BILLING LLC  
DEPT 100 PO BOX 830604  
BIRMINGHAM, AL 35283



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# **AGENDA ITEM DIVIDER**

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Town of Kennebunkport  
Town Hall Building Committee January 18, 2024, Meeting

**MINUTES**

**Selectmen attending:** Mike Weston and Marybeth Gilbert.

**Staff attending:** Laurie Smith, Yanina Nickless

**Committee members attending:** David Graham, Kevin McDonnell, Dick Smith, Tim Pattison, John Ware, Allen Evelyn, Deborah Bauman, Judy Phillips, April Dufoe

**Invited experts:** Mark Adams, Owens McCullough, Mike Hays,

**General meeting description:**

Mark Adams and Owens McCullough from Sebago Technics and Mike Hays from Grant Hays Architecture started the meeting by bringing everyone up to speed and showing the PowerPoint of what was done previously. They used the PowerPoint presented at the Board of Selectmen meetings before. In between slides, the committee asked follow-up questions to clarify some information.

**Discussion points:**

- How can this committee better engage and educate the public? – The committee decided to enhance communication through the Select Board meetings as well as have some additional meetings in the future.
- What were some reasons for the negative vote? – The committee established a few reasons, such as price, clear communication on energy efficiency, the need and benefit for the public, and better communication. In addition, the committee decided to send out a survey to the community to see if there were any other potential reasons. The plan is to address those reasons if possible.
- What sites were explored for this project? – Sebago Technics explored in detail the following sites: Village Parcel, Village Fire Station, current Town Hall site, McCabe lot near School St, and Police Station lot. So far, Village Parcel was the best option financially and based on public response to the survey. The committee asked Sebago Technics to look closer into the Village Parcel and Fire Station at 32 North St.

**Action items:**

1. To compare the Village Parcel lot and the Village Fire Station lot as potential sites for the new Town Hall.
2. Explore other potential options to reduce the cost:
  - a. Different square footage (smaller footprint)



























































January 18, 2024, BOS Meeting Minutes

- b. Parking
  - c. Open spaces
  - d. Make sure the design feels like Kennebunkport
  - e. Solar and geothermal
3. Send out a survey to the public.
  4. Update the public at the Select Board meeting about the progress and discussion of the Town Hall Building Committee.
  5. Invite energy consultants to a future meeting to educate the committee on the energy efficiency choices (solar, geothermal, other)

Submitted by,  
Yanina Nickless,  
Director of Support Services

## KENNEBUNKPORT TOWN HALL

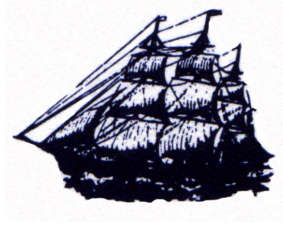
## SITES EVALUATION MATRIX SUMMARY

| CRITERIA  | VILLAGE<br>PARCEL   | TOWN HALL<br>(existing)   | FIRE STATION   | POLICE<br>STATION   | SCHOOL<br>STREET (Parks<br>& Recreation)  |
|---|---|---|--|---|---|
| Available Acreage   |    |    |    |    |    |
| Future Expansion  |    |    |    |    |    |
| Zoning  |    |    |    |    |    |
| Parking   |    |    |    |    |    |
| Traffic   |    |    |    |    |    |
| Compatibility   |    |    |    |    |    |
| Accessibility   |  |  |  |  |  |
| Utilities   |  |  |  |  |  |
| Other Site Features   |  |  |  |  |  |
| Environmental<br>Considerations   |  |  |  |  |  |
| Site Development Cost<br>(est.)   |  |  |  |  |  |
| <div>  GOOD/FAVORABLE            MODERATE/CAUTION            UNFAVORABLE         </div> |   |   |  |   |   |

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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT

### MEMORANDUM

**To:** Laurie Smith, Town Manager and Select Board  
**Fr:** Yanina Nickless, Director of Support Services  
**Re:** Goose Rocks Beach Sticker Fees  
**Dt:** January 18, 2024

During the March budget deliberation meetings in 2023, the Board discussed adjusting parking sticker prices to increase the Town's revenue. Thus, the Board considered the following changes:

Residents' stickers: Increase from \$5.00 to \$10.00

Daily stickers: Increase from \$25.00 to \$30.00

Weekly stickers: No change.

Seasonal non-residents: No change.

The Board implemented the price adjustment for daily stickers during the meeting on March 23, 2023. However, it was agreed that resident's stickers would be charged \$10.00 starting from the summer season in 2024. In addition, it is proposed by the staff that the Board look into increasing Weekly and Seasonal non-resident stickers, too. All the adjustments could potentially increase the revenue by \$38,000.00

Attached is a breakdown of past fees charged for parking at Goose Rocks Beach and the proposed charges for 2024.

## Goose Rocks Beach Sticker Fee History

| Year             | Tax-Payer | Non- Tax-payer |          |          |
|------------------|-----------|----------------|----------|----------|
|                  | Seasonal  | Daily          | Weekly   | Seasonal |
| 2002             | \$3.00    | \$5.00         | \$20.00  | \$50.00  |
| 2003             | \$3.00    | \$5.00         | \$20.00  | \$50.00  |
| 2004             | \$3.00    | \$5.00         | \$20.00  | \$50.00  |
| 2005             | \$3.00    | \$5.00         | \$20.00  | \$50.00  |
| 2006             | \$4.00    | \$6.00         | \$25.00  | \$50.00  |
| 2007             | \$4.00    | \$6.00         | \$25.00  | \$50.00  |
| 2008             | \$4.00    | \$6.00         | \$25.00  | \$50.00  |
| 2009             | \$4.00    | \$12.00        | \$50.00  | \$100.00 |
| 2010             | \$4.00    | \$12.00        | \$50.00  | \$100.00 |
| 2011             | \$4.00    | \$12.00        | \$50.00  | \$100.00 |
| 2012             | \$4.00    | \$12.00        | \$50.00  | \$100.00 |
| 2013             | \$5.00    | \$12.00        | \$50.00  | \$100.00 |
| 2014             | \$5.00    | \$12.00        | \$50.00  | \$100.00 |
| 2015             | \$5.00    | \$15.00        | \$50.00  | \$100.00 |
| 2016             | \$5.00    | \$15.00        | \$50.00  | \$100.00 |
| 2017             | \$5.00    | \$15.00        | \$50.00  | \$100.00 |
| 2018             | \$5.00    | \$15.00        | \$50.00  | \$100.00 |
| 2019             | \$5.00    | \$25.00        | \$100.00 | \$200.00 |
| 2020             | \$5.00    | \$25.00        | \$100.00 | \$200.00 |
| 2021             | \$5.00    | \$25.00        | \$100.00 | \$200.00 |
| 2022             | \$5.00    | \$25.00        | \$100.00 | \$200.00 |
| 2023             | \$5.00    | \$30.00        | \$100.00 | \$200.00 |
| Proposed<br>2024 | \$10.00   | \$30.00        | \$125.00 | \$250.00 |

## MEMORANDUM

To: Board of Selectmen

Fr: Laurie Smith, Town Manager

Re: Fee and Permit Changes

Dt: April 10, 2023

As part of the FY24 budget deliberations, the Board of Selectmen and Budget Board discussed the permits and fees in several categories, these included Goose Rocks Beach permit fees, building permit fees, and parking violations. The Board of Selectmen voted to amend these fees; however, I have placed them on your agenda for review so that the Board can establish an effective date of changes.

### Goose Rocks Beach permit fees:

| Beach Permit Type     | Current Fee | Proposed Fee | Effective Date |
|-----------------------|-------------|--------------|----------------|
| Resident              | \$5.00      | \$10.00      | 05/01/2024     |
| Daily                 | \$25.00     | \$30.00      | 05/01/2023     |
| Non-Resident Weekly   | \$100.00    | \$100.00     | No change      |
| Non-Resident Seasonal | \$200.00    | \$200.00     | No change      |

### Building permit fees:

| Type of Permit                            | Current Fee                  | Proposed Fee                 | Effective Date |
|---|------------------------------|------------------------------|----------------|
| Residential new construction / renovation | \$10 / \$1,000 project value | \$12 / \$1,000 project value | 06/01/2023     |

### Parking violations:

| Type Violation               | Current Fee | Proposed Fee | Effective Date |
|------------------------------|-------------|--------------|----------------|
| GRB parking without permit   | \$53.00     | \$65.00      | 05/01/2023     |
| All other parking violations | \$28.00     | \$35.00      | 05/01/2023     |
| Late Fees after 30 days      | Current Fee | Proposed Fee | Effective Date |
| GRB parking w/out permit     | \$5.00      | \$20.00      | 05/01/2023     |
| All other parking violations | \$5.00      | \$20.00      | 05/01/2023     |



Town of Kennebunkport  
Board of Selectmen Meeting  
March 23, 2023  
6:00 PM

## **MINUTES**

**Selectmen attending in person:** Edward Hutchins, Sheila Matthews-Bull, Jon Dykstra, Michael Weston.

**Selectmen attending via Zoom:** Allen Daggett.

**1. Call to Order:**

Selectman Hutchins called the meeting to order at 6:00 PM.

**2. Approve the March 9, 2023, selectmen meeting minutes and March 16, 2023, joint meeting with the Budget Board minutes:**

**Motion** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to approve the March 9, 2023, selectmen meeting minutes and March 16, 2023, joint meeting with the Budget Board minutes. **Voted:** 5-0. **Motion passed.**

**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):**

No meeting attendees, either in the room or via Zoom came forward with an issue.

**No motion was necessary. No motion was taken.**

**4. Review the final fiscal year 2024 budgets and make recommendations:**

Town Manager Laurie Smith said that she is requesting that the Board vote tonight on the budget. She noted that in the previous Budget Board meetings there was concern about the tax rate and inquiries about ways to even that out and reduce it a bit. Suggestions were made regarding additional revenue sources and the capital investment, particularly for new waste and recycling bins.

Laurie remarked that the Recreation Health Insurance was the only operational change she is bringing forward. The change is because we have a new employee, which changes the participation rate and allows for that savings without decreasing benefits.

Regarding capital changes, Laurie had several proposals for consideration by the Board:

- The street light fixture replacement project could be done over 5 years instead of 3 years. That would reduce the cost of the project to about \$50,000/year. We are unable to get replacement parts for the fixtures, but if we replace some fixtures we

## March 23, 2023, BOS Meeting Minutes

can cannibalize those for parts for use with remaining old fixtures still in use if needed.

- Regarding the waste and recycling bins with a total one-time cost of \$385,000, we could get a three-year lease spreading the expense across three years but costing the Town an additional \$20,000 in interest over the course of the lease.

To increase revenue, it was requested that the following be examined:

- Increasing building permit fees from \$10 per thousand to \$12 per thousand.
- Increasing parking violation fees by \$7 to make the fee \$60 at Goose Rocks Beach and \$40 for other areas throughout town.
- Increasing the resident seasonal and visitor daily Goose Rocks Beach parking stickers by \$5 to make them \$10 and \$30, respectively. This could potentially increase annual revenue by \$50,000.
- Transferring \$15,000 of Picavet funds to pay for the Police and Public Health building gutter replacement.
- Increasing the transfer from the Dock Square parking lot account by \$30,000 to pay for the paving of Pearl & Elm Streets.

If all of these changes were adopted, it would mean an estimated total adjustment of \$487,000, decreasing the current estimate of a 29 cent increase in the mil rate to a 15 cent increase.

The Selectmen discussed the building permit fees. Director of Planning, Werner Gilliam, suggested that we could implement a tiered system with the permit fee rate based on the cost of the overall project. Selectman Weston countered that we should keep it simple to eliminate additional work for the Codes and Planning office.

**Motion** by Selectman Weston, seconded by Selectman Hutchins, to increase building permit fees from \$10 per thousand to \$12 per thousand. **Voted:** 4-1. **Motion passed.** Selectman Dykstra asked that the minutes reflect he is opposed not because he opposes an increase, but because he feels it should be a tiered rate increase based on total project cost.

Next, the Selectmen discussed Goose Rocks Beach parking sticker fee increases. They agreed that they would not increase the fee for seasonal resident stickers for the 2023 season because those have already started to sell. But they could increase the fee for non-resident daily stickers.

**Motion** by Selectman Dykstra, seconded by Selectman Weston, to increase the daily parking sticker rate from \$25 to \$35 for the 2023 season. Discussion ensued, starting with Laurie stating that she was more comfortable with \$30 rather than \$35. **Motion amended** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to increase

the daily parking sticker rater from \$25 to \$30 for the 2023 season. **Voted: 5-0. Motion passed.**

The Selectmen then took up the proposal to increase the parking violation rates.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to increase the fee to \$60 at Goose Rocks Beach and \$40 for other areas of Town. **Voted: 5-0. Motion passed.**

Next was the suggestion regarding Picavet funds transfer.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to transfer \$15,000 of Picavet funds to pay for the Police and Public Health building gutter replacement. **Voted: 5-0. Motion passed.**

Last was the plan to transfer Dock Square parking lot funds to pay for paving.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Weston, to increase the transfer from the Dock Square parking lot account by \$30,000 to pay for the paving of Pearl & Elm Streets. **Voted: 5-0. Motion passed.**

In reference to capital changes, the Selectmen discussed the street light fixture replacement project. Laurie stated that there is a total of 105 streetlights. Eric Labelle informed the selectmen that the fixtures cost \$2,300 each to replace. Laurie explained that this would mean a reduction of \$30,000 per annum if we extended the project from 3 years to 5 years.

**Motion** by Selectman Daggett, seconded by Selectman Weston, to extend the street light replacement project from 3 to 5 years. **Voted: 5-0. Motion passed.**

The Selectmen next discussed leasing the automated waste and recycling bins instead of making a one-time payment up front for them. Selectman Weston stated that he was against the leasing option. Selectmen Dykstra & Matthews-Bull were more favorable to it as it would lower the tax rate.

**Motion** by Selectman Weston, seconded by Selectman Hutchins, that the Town not use the leasing option for the bin acquisition. **Voted: 3-2. Motion passed.**

Selectman Hutchins asked Laurie if a notice and hearing is required for the hourly parking rate at the Dock Square parking lot to be increased for the 2023 season. She replied that a notice and hearing are required. She also brought up the concern that some chaser tickets for resident free parking hours had already been sent out to taxpayers in the community. Changing the rate now might complicate that process. Selectman Hutchins was under the impression that the gates opened late at night, allowing those who stayed in Dock Square late enough to leave the parking lot without paying. Chief Sanford clarified that this is not the case. The parking lot operates 24 x 7 in the summer season, requiring a patron to pay, no matter what time they leave the lot.

## March 23, 2023, BOS Meeting Minutes

Laurie revisited the \$20,000 health insurance operational change; that the addition of a new employee reduced the cost of benefits by this amount. The Selectmen agreed to accept this.

The Selectmen then proceeded to vote on the various items in the budget by category:

**Motion** by Selectman Daggett, seconded by Selectman Dykstra, to accept General Government Programming Expenses in the amount of \$2,313,526. **Voted: 5-0. Motion passed.**

**Motion** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to accept Public Safety Program Expenses in the amount of \$3,389,796. **Voted: 5-0. Motion passed.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to accept Health & Welfare Program Expenses in the amount of \$827,319. **Voted: 5-0. Motion passed.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to accept Public Works Program Expenses in the amount of \$1,561,060. **Voted: 5-0. Motion passed.**

**Motion** by Selectman Daggett, seconded by Selectman Dykstra, to accept Recreation, Culture, Contingency & Miscellaneous Program Expenses in the amount of \$680,214. **Voted: 5-0. Motion passed.**

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to accept Capital Expenses & Reserve Account and Debt Service Payments in the amount of \$3,557,280. **Voted: 5-0. Motion passed.**

### 5. Consider the renewal of liquor licenses submitted by Roma Pizza, 5 Union St:

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, that the application be accepted.

Selectman Weston brought up that there was a mismatch of addresses in the application. This didn't factor into his approval of the application, but he wanted to be sure that there was no legal issue as these papers are submitted to the State. The Board agreed that they could approve the application provided that the applicant correct the discrepancy.

Selectman Daggett inquired about a notation on the application made by Werner Gilliam stating that he preferred the outdoor seating be limited to 12 customers, not 20. Werner explained that his concern was that you couldn't fit more than 12 people in the outdoor designated service area.

**Motion withdrawn** by Selectman Matthews-Bull.

**Motion** by Selectman Weston, seconded by Selectman Matthews-Bull, that the application be accepted provided that the outside seating be limited to 12 people and that the addresses in the application be corrected. **Voted: 5-0. Motion passed.**

**6. Annual appointment of Town Officers:**

Chairman Hutchins stated that as they still have much to do in this meeting, he did not intend to enumerate the list of those appointed as Town Officers.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the Town Officers as listed. **Voted: 5-0. Motion passed.**

**7. Request from St. Anne's Church for an easement to maintain their seawall:**

Bill Walsh from Walsh Engineering, representing St. Anne's Church, made a presentation including video, pictures and diagrams showing damage to the seawall at St. Anne's Church from recent storms. Part of the wall itself is on Town property and access to replace the seawall would necessitate an easement from the Town.

Selectman Weston inquired if an easement from the Town were granted, would that make the Town liable for applying for DEP permits along with St. Anne's. Mr. Walsh stated that it would not.

Selectman Daggett asked if instead of an easement the Town could grant a license to access the wall. Laurie responded that a license to do the work would be temporary and could be rescinded by a future Board of Selectmen. In order to be able to access the wall again in the future, should any repairs be required, Mr. Walsh indicated that a permanent easement would be preferred.

Laurie added that a Town Meeting vote would be required to grant the easement.

**Motion** by Selectman Weston, seconded by Selectman Dykstra, that the request for an easement for St. Anne's Church to maintain their seawall be approved and placed for vote on the written ballot in June. **Voted: 5-0. Motion passed.**

**8. Other Business:**

None of the Selectmen, nor Laurie Smith had another other business.

David James, attending the meeting via Zoom, asked Laurie if the budget number changes made at tonight's meeting would be updated for the Budget Board meeting next week. Laurie replied that they would be.

**9. Approve the March 23, 2023, Treasurer's Warrant:**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to approve the March 23, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

10. **Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate:**
11. **Executive Session per MRSA 1, §405-6E to consult with an attorney concerning pending or contemplated litigation:**

**Motion** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to enter Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate and to consult with an attorney concerning pending or contemplated litigation. **Voted:** 5-0. **Motion passed.**

Selectmen were in Executive Session for 90 minutes. Remotely attending Selectman Daggett did not return from Executive Session.

**Motion** by Selectman Dykstra, seconded by Selectman Matthews-Bull to exit Executive Session. **Voted:** 4-0. **Motion passed.**

Chairman Hutchins commented that as an action taken from the Executive Session, they are going to schedule a Special Board of Selectmen meeting for next Thursday, March 30, 2023 at 6 PM, to discuss the purchase of land in Kennebunkport.

**12. Adjournment.**

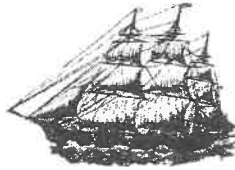
**Motion** by Selectman Matthews-Bull, seconded by Selectman Weston, to adjourn. **Voted:** 4-0. **Motion passed.**

Submitted by,  
Dave Powell,  
Technology Specialist

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# **AGENDA ITEM DIVIDER**

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# Kennebunkport Public Health

— INCORPORATED 1653 —

## Kennebunkport Public Health

January 16, 2024

ATN: Kennebunkport Board of Selectmen, Laurie Smith-Kennebunkport Town Manager

Please accept this generous gift of \$50.00 from an anonymous donor to the Nurses account (08-01-39). This money was granted to Kennebunkport Public Health nurses to assist us with supplies, equipment, training, or any needs we see fit.

Thank you!

Alison Kenneway RN, BSN  
Kennebunkport Public Health

10-4 8110  
220

164

DATE 1-12-24

PAY TO THE ORDER OF Town of KPT

Fifty and no/100 \$50.00

MEMO FOR TOWN KPT NURSES

thank you!

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MP

101-A Main Street, Kennebunkport, Maine 04046  
Tel: (207) 967-4401 Fax: (207) 967-3633



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# **AGENDA ITEM DIVIDER**

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## **Kennebunkport Public Health**

ATN: Kennebunkport Board of Selectmen, Laurie Smith-Kennebunkport Town Manager

Please accept this generous gift of \$800.00 from The Kennebunkport Residents Association. It was designated for General needs account and fuel assistance. We would like to divide it \$400.00 donating into the general needs account (08-01-50) and \$400.00 donating into the fuel account (1-320-08 fuel) as stated on their paperwork.

Thank you!

Alison Kenneway RN, BSN

Kennebunkport Public Health

Kennebunkport Residents Association  
 Dave Powell, Treasurer  
 P.O. Box 323  
 Kennebunkport, ME 04046

January 8, 2024

Alison Kenneway, Director of Public Health  
 Town of Kennebunkport  
 P.O. Box 566  
 6 Elm Street  
 Kennebunkport, ME 04046

Dear Alison,

Please accept the enclosed check from the Kennebunkport Residents Association for \$800 with \$400 of that as a donation to the Kennebunkport Nurses' General Fund and \$400 as a donation to the Emergency Fuel Fund. We thank you and the nurses in the Health Department for your continuing efforts for the health and well being of the citizens of Kennebunkport.

Fond regards,



Dave Powell, Treasurer  
 Kennebunkport Residents Association

KENNEBUNKPORT RESIDENTS ASSOCIATION 52-7450/2112 1119  
 66437155

DATE January 8, 2024

PAY TO THE ORDER OF Town of Kennebunkport Public Health Department \$ 800.00

Eight hundred DOLLARS



Community Roots Since 1871

MEMO 2024 Donation



2112745021 66 437155 1119

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**GO TO THE FIRST PAGE**

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