

# TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

**Board of Selectmen/Assessors**

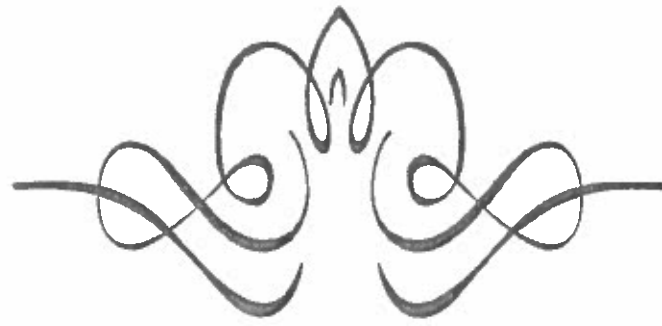
**Village Fire Station – 32 North Street**

**June 8, 2017 – 7:00 PM**

1. Call to Order.
2. Approve the May 25, 2017, 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 a liquor license renewal application for Coveside Resort, LLC., d.b.a. The Lodge on the Cove, 29 South Main St.
5. Consider a special amusement permit renewal application for Coveside Resort, LLC., d.b.a., The Lodge on the Cove, 29 South Main Street.
6. Consider a renewal liquor license application submitted by US Hotels New England LLC, US Hotels New England Management Corp, d.b.a. The Breakwater Inn, 133 Ocean Avenue.
7. Consider a renewal special amusement permit submitted by US Hotels New England LLC, d.b.a. The Breakwater Inn, 133 Ocean Avenue.
8. Presentation by Scott Gagnon on the chemistry of marijuana.
9. Consider request from the Rotary Club to rename Dock Square to Duck Square for one day on August 19 for the Duck Race and River Fest event.
10. Meet as Assessors to consider the following tax abatements.

Property Owner	Location	Map	Blk	Lot(s)	2017 Tax Abatements
Shawmut Woods Homeowners Assn.	Shawmut Woods Subdivision/ Squier Lane	22	1	1	\$344.71
Lynnfield Woods Homeowners Assn.	Lynnfield Woods Subdivision/ Bailey Court	21	4	23A	\$373.03

11. Consider amendment to the Sewer Use Ordinance.
12. Other business.
13. Approve the June 8, 2017, Treasurer's Warrant.
14. Adjournment.



# Agenda Item Divider



**Town of Kennebunkport  
Board of Selectmen Special Meeting  
Village Fire Station –6 Elm Street  
May 25, 2017 – 6:00 PM**

Minutes of the Selectmen Meeting of May 25, 2017

**Selectmen present:** Stuart E. Barwise, Patrick Briggs, Allen A. Daggett, Edward W. Hutchins, Sheila Matthews-Bull

**Others present:** Jim Burrows, Carol Cook, Sonny Hutchins, David James, Laurie Smith, and others.

**1. Call to Order.**

Chair Barwise called the meeting to order at 7:00 PM.

**2. Approve the May 1, 11, and 18, 2017, selectmen meeting minutes.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett, to approve the May 1, 2017, selectman meeting minutes. **Vote:** 4-0-1/Selectman Matthews-Bull abstained because she was not at this meeting.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the May 11, 2017, selectman meeting minutes. **Vote:** 3-0-2/Selectmen Daggett and Briggs abstained because they were not at this meeting.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the May 18, 2017, selectman meeting minutes. **Vote:** 4-0-1/Selectman Daggett abstained because he was not at this meeting.

**3. Public Hearing to consider applications for victualer's licenses for the period from June 1, 2017, through May 31, 2018.**

Chair Barwise opened the public hearing at 7:01 PM. Hearing no comments, he closed the public hearing at 7:01 PM.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the applications for victualer's licenses for the period from June 1, 2017, through May 31, 2018. **Vote:** 5-0.

**4. Consider a renewal liquor license application submitted by Richard W. Litchfield and Beverly D. Davis, DBA Captain Lord Mansion, 6 Pleasant St.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the renewal liquor license application submitted by Richard W. Litchfield and Beverly D. Davis, DBA Captain Lord Mansion, 6 Pleasant St. **Vote:** 5-0.

**5. 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.).**

Chair Barwise called Jim Burrows and Sonny Hutchins to the podium. Mr. Hutchins was invited to attend under the pretext that Jim Burrows is receiving an award and that as the oldest member of the Kennebunkport Fire Department, he should be there for the presentation. This award to Jim Burrows was actually a ruse to get Mr. Hutchins to attend the meeting. Chair Barwise presented to Mr. Hutchins a copy of the 2016 Annual Report which was dedicated to him and read parts of the dedication. The surprised Mr. Hutchins thanked the Board.

**6. Consideration of recreational marijuana.**

Town Manager Laurie Smith went over the Powerpoint slides regarding the new marijuana law and a land use chart. She also provided information on the 5 types of licenses.

David James said at the York County Budget Meeting, there was discussion about marijuana and it seemed that more towns are going toward the dry town approach because there is no benefit to them and more costs.

A woman commented that she had just read a book that tells how marijuana can precipitate schizophrenia.

The Board discussed that the state is still working on their own controls. Some members were leaning toward the dry town approach.

Ms. Smith said Chair of the SAMM (Smart Approach to Marijuana Maine) will present the science and chemistry of marijuana at the June 11 meeting. She said she can also have Police Chief Sanford join in on the discussion.

Chair Barwise would like to continue having this item on the agenda as more information comes forward.

**7. Amend Sewer Use Ordinance Article V. Sections 2 and 14.**

Ms. Smith said the Sewer Use Ordinance has not been amended since 1985 and staff recommends updating the fees to reflect the current costs to connect. They recommend charging \$4,000 per unit. Also, a revision in Section 2 to change the permit and inspection fee from one dollar, to two dollars per gallon.

Discussion followed. Some Board members were in agreement to charging \$4,000 per house, while others thought it was too much of a jump in price. The Board finally agreed to another proposal to charge \$3,000 for a home with 3 bedrooms or less and to charge \$4,000 for anything over 3 bedrooms. No vote was taken because they wanted more clarification on the language. Ms. Smith will bring in the new language at the next meeting.

**8. Authorize write-off of uncollected parking ticket balances.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to authorize the write-off of uncollected parking tickets. **Vote:** 5-0.

**9. Appoint Rebecca Nolette as alternate Street Naming and Numbering Delegate effective until March 31, 2018.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to appoint Rebecca Nolette as alternate Street Naming and Numbering Delegate effective until March 31, 2018. **Vote:** 5-0.

**10. Accept Dennis Thayer's resignation from the Ad Hoc Senior Advisory Committee.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept Dennis Thayer's resignation from the Ad Hoc Senior Advisory Committee. **Vote:** 5-0.

Item 11 was moved to the end of the meeting.

**12. Consider Donna Moore Hays' resignation as Assessors Agent.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to accept the resignation of Donna Moore Hays as Assessors Agent. **Vote:** 5-0.

Ms. Smith mentioned that Donna's last day is June 30.

**13. Other business.**

Ms. Smith mentioned that the Town Hall generally closes early on June 30 for processing the end of the fiscal year.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to close Town Hall at 3:00 PM on June 30 in order to process the end of the fiscal year. **Vote:** 5-0.

Ms. Smith stated that they will also need to have a warrant meeting either on June 29 or 30 for end of year bills. She will schedule this at a convenient time for the Board.

Ms. Smith also announced that she would be out of town for the June 22 meeting. The Board agreed to meet on June 21, at 9 AM, at the Town Hall.

**a. Award bid for Wastewater 2004 Ford F-350.**

Three bids were received:

Shaun Austin	\$2,424.11
Barry Moses	\$2,632.12
Bruce Schmidt	\$3,175.00

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to sell the 2004 Ford F-350 to Bruce Schmidt for the amount of \$3,165.00. **Vote:** 5-0.

**14. Approve the May 25, 2017, Treasurer's Warrant.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the May 25, 2017, Treasurer's Warrant. **Vote:** 5-0.

**15. Executive session** pursuant to MRSA 1, §405-6A to discuss personnel.

**Motion** by Selectman Daggett, seconded by Selectman Hutchins to go into executive session pursuant to MRSA 1, §405-6A to discuss personnel. **Vote:** 5-0.

The Board went into executive session at 7:30 PM and came out of executive session at 8:53 PM. No action was taken.

**16. Adjournment.**

The meeting adjourned at 8:53 PM.

Submitted by

Arlene McMurray  
Administrative Assistant.

*Minutes taken via video stream.*



# Agenda Item Divider





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BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008  
10 WATER STREET, HALLOWELL, ME 04347  
TEL: (207) 624-7220 FAX: (207) 287-3434  
EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 5/25/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)                | <input type="checkbox"/> CLASS A LOUNGE (Class X)        |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV)      | <input checked="" type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V)       |
| <input type="checkbox"/> CLUB w/o Catering (Class V)    | <input type="checkbox"/> CLUB with CATERING (Class I)                | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV)              | <input type="checkbox"/> QUALIFIED CATERING                          | <input type="checkbox"/> OTHER: _____                    |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <b>Coveside Resort LLC</b>		Business Name (D/B/A) <b>Lodge on the Cove</b>	
APPLICANT(S) -(Sole Proprietor) DOB:		Physical Location: <b>29 South Main Street</b>	
DOB:		City/Town <b>Kennebunkport</b>	State <b>ME</b>
		Zip Code <b>04046</b>	
Address <b>2 Livewell Drive Suite 203</b>		Mailing Address <b>2 Livewell Drive Suite 203</b>	
City/Town <b>Kennebunk</b>	State <b>ME</b>	City/Town <b>Kennebunk</b>	State <b>ME</b>
Zip Code <b>04043</b>		Zip Code <b>04043</b>	
Telephone Number <b>207-967-1503</b>	Fax Number <b>207-967-1516</b>	Business Telephone Number <b>207-967-3993</b>	Fax Number
Federal I.D. #		Seller Certificate #: or Sales Tax #: <b>1155294 (Resale ID)</b>	
Email Address: Please Print <b>colleen@krcmaine.com</b>		Website: <b>www.lodgeonthecove.com</b>	

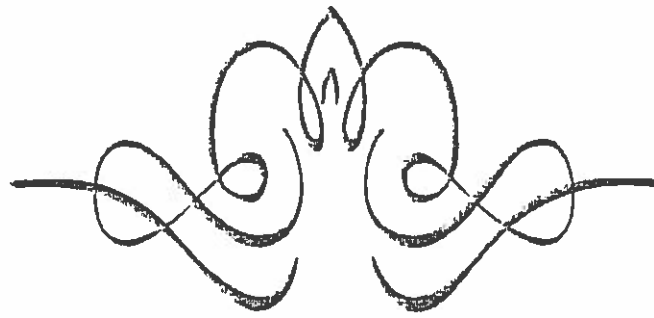
If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 30
2. State amount of gross income from period of last license: ROOMS \$ 500K FOOD \$ 50K LIQUOR \$ 25K
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

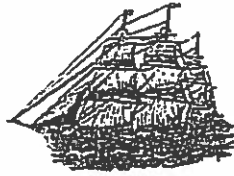
If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
5. If manager is to be employed, give name: Aja Bowley
6. Business records are located at: 2 Livewell Dr. Ste 203 Kennebunk, ME 04043
7. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐
8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐



# Agenda Item Divider





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# TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -  
MAINE'S FINEST RESORT

## APPLICATION

### SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Cove Side Resort LLC  
Residence Address 29 South Main St Kennebunkport  
Home Telephone Number 207-967-3993  
Name of Business Lodge on the Cove  
Business Address 2 LiveWell Dr Ste #203  
Type of Business Inn/Restaurant  
Business Telephone Number 207-967-1503  
Nature of Special Amusement Live Music

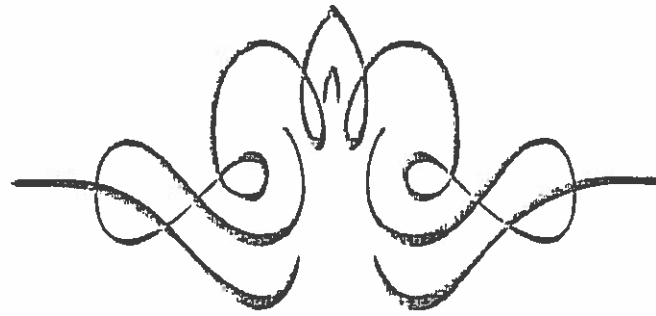
Has your liquor and or amusement license ever been denied or revoked?

Yes \_\_\_\_\_ No X

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

1. Permit Fee: \$ 50.00 (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.

Justin [Signature]  
applicant



# Agenda Item Divider



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BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008  
10 WATER STREET, HALLOWELL, ME 04347  
TEL: (207) 624-7220 FAX: (207) 287-3434  
EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 7/12/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)                | <input type="checkbox"/> CLASS A LOUNGE (Class X)        |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV)      | <input checked="" type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V)       |
| <input type="checkbox"/> CLUB w/o Catering (Class V)    | <input type="checkbox"/> CLUB with CATERING (Class I)                | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV)              | <input type="checkbox"/> QUALIFIED CATERING                          | <input type="checkbox"/> OTHER: _____                    |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: US Hotels New England Mgt. Corp. US Hotels New England LLC		Business Name (D/B/A) The Breakwater Inn	
APPLICANT(S) –(Sole Proprietor)		DOB:	
DOB:		Physical Location: 133 Ocean Avenue	
DOB:		City/Town Kennebunkport, ME 04046	State Zip Code
Address PO Box M		Mailing Address PO Box M	
City/Town Kennebunkport, ME 04046	State Zip Code	City/Town Kennebunkport, ME 04046	State Zip Code
Telephone Number (207) 967-5333	Fax Number (207) 967-0675	Business Telephone Number (207) 967-5333	Fax Number (207) 967-0675
Federal I.D. #		Seller Certificate #: 1080892 or Sales Tax #:	
Email Address: <a href="mailto:dhunt@thebreakwaterinn.com">dhunt@thebreakwaterinn.com</a> Please Print		Website: <a href="http://www.stripersrestaurant.com">www.stripersrestaurant.com</a> / <a href="http://www.thebreakwaterinn.com">www.thebreakwaterinn.com</a>	

If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 20
2. State amount of gross income from period of last license: ROOMS \$ 1,661,091 FOOD \$ 568,124 LIQUOR \$ 311,448
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

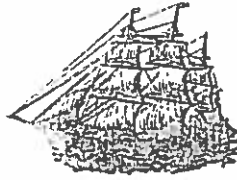
If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
5. If manager is to be employed, give name: Derek Hunt
6. Business records are located at: 131 Ocean Avenue Kennebunkport, ME 04046
7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐



# Agenda Item Divider





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# TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

## APPLICATION

### SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant US Hotels New England LLC  
Residence Address PO Box M Kennebunkport ME 04046  
Home Telephone Number (207) 967-5333  
Name of Business The Breakwater Inn  
Business Address 133 Ocean Ave Kennebunkport, ME 04046  
Type of Business Hotel and Restaurant  
Business Telephone Number (207) 967-5333  
Nature of Special Amusement Live music dancing

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

Yes \_\_\_\_\_ No X

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

1. Permit Fee: \$ 50.00 (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.

[Signature]  
applicant



# Agenda Item Divider







Rev. 12/1/16

*[Note: This sample ordinance prohibits all types of retail marijuana establishments as well as retail marijuana social clubs. However, the scope of the ordinance may be limited to only one or some but not all of these uses. This is a sample ordinance only. In order to thoroughly address concerns within a given municipality, MMA Legal Services advises that local counsel be consulted before enacting any ordinance.]*

**Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs**  
**in the Municipality of \_\_\_\_\_**

**Section 1. Authority.**

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

**Section 2. Definitions.**

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

**Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.**

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

**Section 4. Effective date; duration.**

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

**Section 5. Penalties.**

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

*[Note: This model ordinance was initially prepared by the law firm of Jensen, Baird, Gardner and Henry, and with their permission, was modified for use as a model ordinance. MMA Legal Services provides this moratorium as an example only. Local counsel should be consulted first before enacting a moratorium.]*

**MUNICIPALITY OF \_\_\_\_\_ MORATORIUM  
ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL  
MARIJUANA STORES AND RETAIL MARIJUANA SOCIAL CLUBS**

WHEREAS, the “Marijuana Legalization Act,” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (hereinafter, “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the Municipality’s current ordinances do not include any regulations related to retail marijuana stores, retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs within the Municipality of \_\_\_\_\_ raises legitimate and substantial questions about the impact of such establishments, stores and social clubs on the Municipality, including questions about the compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Municipality’s police and fire departments; and the adequacy of the Municipality’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Municipality has potentially serious implications for the health, safety and welfare of the Municipality and its residents; and

WHEREAS, the Municipality needs time to review the Act and to review its own ordinances to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Municipality's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the board of municipal officers, the administration and the planning board, with the professional advice and assistance of the police department, shall study the Municipality's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Municipality; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Municipality enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social Clubs;

NOW, THEREFORE, be it ordained by the legislative body of the Municipality of \_\_\_\_\_, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the legislative body does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the City.

This Moratorium Ordinance shall take effect, once enacted by the legislative body, but shall be applicable as of \_\_\_\_\_ as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the legislative body,

for the express purpose of drafting an amendment or amendments to the Municipality's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Municipality in responding to the same; and the adequacy of the Municipality's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Municipality.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40) (41), that may be proposed to be located within the Municipality on or after the \_\_\_\_\_ (date) applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Municipal official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Municipality on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Municipality shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.



# Agenda Item Divider





# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

To: Board of Selectmen/Assessors

From: Becky R. Nolette, CMA, Assessing & Development Assistant  
Donna Moore Hays, CMA, Assessors Agent

Date: May 19, 2017

Re: Abatement – Shawmut Woods Homeowners Assn. & Lynnfield Woods Homeowners Assn.

It was recently brought to our attention that an area of land in both the Shawmut Woods (Squier Lane) and the Lynnfield Woods Subdivisions (Bailey Court), classified as open space has been assessed and taxed. In the Town of Kennebunkport any land area, within an approved subdivision, classified as open space is exempt from taxation. We have verified that all open space classified within an approved subdivision is exempt.

Do to the nature of the error, the law allows the Town to abate the taxes for the past three years.

It is our recommendation the following abatements be approved at your June 8<sup>th</sup>, 2017 meeting.

- Shawmut Woods Subdivision - \$344.71
- Lynnfield Woods Subdivision - \$373.03

**Town of Kennebunkport  
Certificate of Abatement**

**2016-8**

**36 M.R.S.A. § 841**

**2016**

We, the undersigned Assessors/Municipal Officers of the municipality of Kennebunkport, Maine hereby certify to Laurie A. Smith, Tax Collector that an abatement of property taxes has been granted as follows:

Date: June 8, 2017

Type of Tax: Real Estate

Tax Year: April 1, 2016

Amount Abated: \$344.71  
\$120.89 (2016), \$112.42 (2015), \$111.40 (2014)

Taxpayer: Shawmut Woods Homeowners Assn.  
PO Box 1323  
Kennebunkport, ME 04046

Location: Shawmut Woods Subdivision/Squier Lane

MBL: 22-1-1

Reason: Exempt parcel

You are hereby discharged from any further obligation to collect the abated amount.

Date: June 8, 2017

\_\_\_\_\_  
Stuart Barwise

\_\_\_\_\_  
Patrick A. Briggs

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
Edward W. Hutchins

\_\_\_\_\_  
Sheila Matthews-Bull

Board of Assessors/Selectmen



KENNEBUNKPORT  
10:37 AM

**RE Account 1168 Detail**  
**as of 05/15/2017**

05/15/2017  
Page 1

Name: SHAWMUT WOODS HOMEOWNERS ASSOCIATION &  
C/O SHAWMUT WOODS HOMEOWNERS ASSOCIATION  
Location: 0 SCHOOL STREET  
Acreage: 11.63 Map/Lot: 022-001-001  
Book Page: B15442P525

Land: 14,600  
Building: 0  
Exempt: 0  
Total: 14,600

2017-1 Period Due:

Ref1: BP  
Mailing: P.O. BOX 1323  
Address: KENNEBUNKPORT ME 04046

Year/Rec #	Date	Reference	P	C	Principal	Interest	Costs	Total
2017-1 R	07/28/16	Original			120.89	0.00	0.00	120.89
113703	8/18/2016		A	P	120.89	0.00	0.00	120.89
		Total			0.00	0.00	0.00	0.00
2016-1 R	07/24/15	Original			112.42	0.00	0.00	112.42
96162	8/18/2015		A	P	112.42	0.00	0.00	112.42
		Total			0.00	0.00	0.00	0.00
2015-1 R	07/30/14	Original			111.40	0.00	0.00	111.40
80642	8/27/2014		A	P	111.40	0.00	0.00	111.40
		Total			0.00	0.00	0.00	0.00
2014-1 R					0.00	0.00	0.00	0.00
2013-1 R					0.00	0.00	0.00	0.00
2012-1 R					0.00	0.00	0.00	0.00
2011-1 R					0.00	0.00	0.00	0.00
2010-1 R					0.00	0.00	0.00	0.00
2009-1 R					0.00	0.00	0.00	0.00
Account Totals as of 05/15/2017					0.00	0.00	0.00	0.00

Total abated  
\$ 344.71

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Property Location: SQUIER LANE  
 Account # 1580  
 MAP ID: 22/ 1/ 1//  
 Bldg Name:  
 Bldg #: 1 of 1  
 Sec #: 1 of 1  
 Card 1 of 1  
 State Use: 903S  
 Print Date: 05/15/2017 12:10

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT		PREVIOUS ASSESSMENTS (HISTORY)															
[AWMUT WOODS HOMEOWNERS ASSOCIATION] [O SHAWMUT WOODS HOMEOWNERS ASSOCIATION] [J. BOX 1323]		[Level]		[Paved]	V[Village Residential] R[Rural-Vacant Land] F[Free Enterprise]	Description EXM LAND	Code 9030	Appraised Value 14,600	Assessed Value 14,600														
[ENNEBUNKPORT, ME 04046] Additional Owners:		SUPPLEMENTAL DATA Other ID: 0022 0001 0001 House Color			Total: 14,600																		
GIS ID: 1580		ASSOC PID#			Total: 14,600																		
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	SALE PRICE	V.C.	OTHER ASSESSMENTS																	
[AWMUT WOODS HOMEOWNERS ASSOCIATION] [AWMUT WOODS REALTY LLC] [ARTER W TURNER JR] [OWN JOANNA S] [OWN JOANNA S]		15442/ 525 14090/0409 11784/0351 09220/0227 01352/0663	06/25/2008 05/19/2004 07/12/2002 12/01/1998 U	U U U U U	0 IN 0 IB 200,000 00 0 1A 0	Yr. 2016	Code 1320	Assessed Value 14,600	Yr. 2014	Code 1320	Assessed Value 14,600												
EXEMPTIONS		Amount	Description	Code	Number	Amount	Comm. Int.	Total: 14,600															
Total:							Total: 14,600																
ASSESSING NEIGHBORHOOD		Street Index Name	Tracing	Batch																			
[NBHD/ SUB] [0001/A]																							
NOTES																							
[PEN SPACE] [AWMUT WOODS]																							
17- ABATEMENT FOR PAST 3 YRS, WAS MIS-CLASSIFIED, SHOULD HAVE BEEN EXEMPT-SUB VISION OPEN SPACE.																							
BUILDING PERMIT RECORD		Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp	Date Comp	Comments	Purpose/Result												
[04-69] [01-72]		03/25/2004 04/13/2001	RS RS	Residential Residential	107,500 30	0 0		0 0		TREE CLEARING FOR ROAD TIMBER HARVESTING	07/23/2008 03/12/1997	PR 00 RH 00											
LAND LINE VALUATION SECTION		Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	Factor	S.A.	C.	ST.	Factor	Idex	Adj.	Notes-Adj	Special Pricing	S Adj Fact	Unit Price	Land Value		
[903S SUBDIV OPEN SPACE] [903S SUBDIV OPEN SPACE]		FE FE						40,000 10.71 AC	2.33 5,000.00	1.0000 1.0000	4 4	0.10 0.10	200 200	1.00 1.00					Spec Use	Spec Calc	1.00 1.00	0.23 500.00	9,200 5,400
Total Card Land Units:		11.63 AC		Parcel Total Land Area:		11.63 AC		Total Land Value:					14,600										

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Model	00		Vacant				
<b>MIXED USE</b>							
<b>Code</b>	<b>Description</b>			<b>Code</b>	<b>Description</b>		
903S	SUBDIV OPEN SPACE				Percentage 100		
<b>COST/MARKET EVALUATION</b>							
Adj. Base Rate:				0.00			
Replace Cost				0			
AYB							
EYB				0			
Dep Code							
Remodel Rating							
Year Remodeled							
Dep %							
Functional ObsInc							
External ObsInc							
Cost Trend Factor				1			
Condition							
% Complete							
Overall % Cond							
Apprais Val							
Dep % Ovr				0			
Dep Ovr Comment				0			
Misc Imp Ovr				0			
Misc Imp Ovr Comment				0			
Cost to Cure Ovr				0			
Cost to Cure Ovr Comment							
<b>OR-OUTBUILDING &amp; YARD ITEMS(L) / NF-BUILDING EXTRA FEATURES(B)</b>							
Code	Description	Sub	Sub Description	L/B Units	Unit Price	Yr	Gde Dp Rt Cnd %Cnd Apr Value
<b>BUILDING SUB-AREA SUMMARY SECTION</b>							
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Underprec.	Value

**Town of Kennebunkport  
Certificate of Abatement**

**2016-9**

**36 M.R.S.A. § 841**

**2016**

We, the undersigned Assessors/Municipal Officers of the municipality of Kennebunkport, Maine hereby certify to Laurie A. Smith, Tax Collector that an abatement of property taxes has been granted as follows:

Date: June 8, 2017

Type of Tax: Real Estate

Tax Year: April 1, 2016

Amount Abated: \$373.03  
\$130.82 (2016), \$121.66 (2015), \$120.55 (2014)

Taxpayer: Lynnfield Woods Homeowners Assn.  
PO Box 753  
Kennebunkport, ME 04046

Location: Lynnfield Woods Subdivision/Bailey Court

MBL: 21-4-23A

Reason: Exempt parcel

You are hereby discharged from any further obligation to collect the abated amount.

Date: June 8, 2017

\_\_\_\_\_  
Stuart Barwise

\_\_\_\_\_  
Patrick A. Briggs

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
Edward W. Hutchins

\_\_\_\_\_  
Sheila Matthews-Bull

Board of Assessors/Selectmen

KENNEBUNKPORT  
9:57 AM

**RE Account 1036 Detail**  
**as of 05/19/2017**

05/19/2017  
Page 1

Name: LYNNFIELD WOODS HOMEOWNERS ASSOCIATION

Land: 15,800

Location: 0 SCHOOL STREET

Building: 0

Acreage: 9.59 Map/Lot: 021-004-023A

Exempt 0

Book Page: B9832P299

Total: 15,800

2017-1 Period Due:

Ref1: BP

Mailing PO BOX 753

Address: KENNEBUNKPORT ME 04046

Year/Rec #	Date	Reference	P C	Principal	Interest	Costs	Total
2017-1 R	07/28/16	Original		130.82	0.00	0.00	130.82
116945	9/15/2016	CHGINT	1 I	0.00	-0.04	0.00	-0.04
116945	9/15/2016		A P	65.41	0.04	0.00	65.45
123295	3/13/2017	CHGINT	1 I	0.00	-0.04	0.00	-0.04
123295	3/13/2017		A P	65.41	0.04	0.00	65.45
		Total		0.00	0.00	0.00	0.00
2016-1 R	07/24/15	Original		121.66	0.00	0.00	121.66
96730	8/26/2015		A P	60.83	0.00	0.00	60.83
104007	3/1/2016		A P	60.83	0.00	0.00	60.83
		Total		0.00	0.00	0.00	0.00
2015-1 R	07/30/14	Original		120.55	0.00	0.00	120.55
83314	9/18/2014	CHGINT	1 I	0.00	-0.03	0.00	-0.03
83314	9/18/2014		A P	120.55	0.03	0.00	120.58
		Total		0.00	0.00	0.00	0.00
2014-1 R				0.00	0.00	0.00	0.00
2013-1 R				0.00	0.00	0.00	0.00
2012-1 R				0.00	0.00	0.00	0.00
2011-1 R				0.00	0.00	0.00	0.00
2010-1 R				0.00	0.00	0.00	0.00
2009-1 R				0.00	0.00	0.00	0.00
Account Totals as of 05/19/2017				0.00	0.00	0.00	0.00

\$ 373.<sup>03</sup>

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

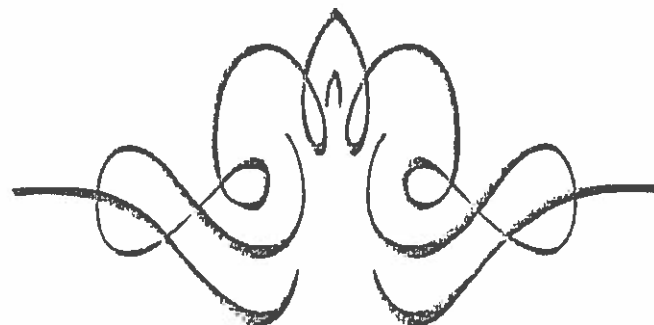




CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cl.	Ch.	Description	Element	Cl.	Ch.	Description					
Model	00		Vacant									
				MIXED USE								
Code	903S		SUBDIV OPEN SPACE	Description		Percentage	100					
				COST/MARKET VALUATION								
				Adj. Base Rate:			0.00					
				Replace Cost			0					
				AYB			0					
				EYB			0					
				Dep Code								
				Remodel Rating								
				Year Remodeled								
				Dep %								
				Functional Obslnc								
				External Obslnc								
				Cost Trend Factor			1					
				Condition								
				% Complete								
				Overall % Cond								
				Apprais Val								
				Dep % Ovr			0					
				Dep Ovr Comment								
				Misc Imp Ovr			0					
				Misc Imp Ovr Comment								
				Cost to Cure Ovr			0					
				Cost to Cure Ovr Comment								
OR-OUTBUILDING & YARD ITEMS(D) / NF-BUILDING EXTRA FEATURES(B)												
Code	Description	Sub	Sub Descript	1/B	Units	Unit Price	Yr	Gide	Dp Rt	End	%Cnd	Apr Value
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description		Living Area	Gross Area	Eff. Area	Unit Cost	Undeprcc. Value					
Ttl. Gross Liv/Lease Area:			0	0	0	0						



# Agenda Item Divider





11

## MEMORANDUM

To: Board of Selectmen  
Fr: Laurie Smith, Town Manager  
Re: Amendments to Sewer Use Ordinance  
Dt: June 5, 2017

The Board of Selectmen have discussed changing the connection fees for the past two meetings. At your last meeting a compromise solution was presented to increase the fees from \$2,000 per unit to \$3,000 for homes with 3 bedrooms or less and \$4,000 for homes with 4 bedrooms or more. Allan Moir and I discussed the proposal with Town Counsel, Amy Tchao. The concern with the split fees are that the entire sewer ordinance and fee system is built around a single family home as a dwelling unit. All other users are multiples of this dwelling unit. If we created a 3 bedroom dwelling unit and a 4+ bedroom dwelling unit then it would have impacts throughout the ordinance. Amy's recommendation is that we maintain one single family dwelling unit, but compromise on the price adjust.

As most homes are a 3 bedroom or higher, the average for other municipalities is calculated at \$3,669. Staff was recommending a charge of \$4,000 per unit, but now are recommending \$3,500 per unit. Staff have investigated neighboring communities and found the following fees:

Sewer Connection Fees for Single Family Home		
Old Orchard	\$3,300	
Kennebunk	\$3,887	
Wells	\$1,300	1 bdrm
	\$2,000	2 bdrm
	\$3,360	3 bdrm
Ogunquit	\$5,300	
York	\$2,500	

The other consideration that came up at the last meeting, was Article V, Section 14, B. This subsection provided an exemption from the connection fee for homes built prior to 1986. Allan Moir stated that the exemption was put in place due to the Goose Rocks Beach extension that was taken on at the time. The subsection is not relevant today and we are recommending its removal. **Staff are recommending the changes to the ordinance on the following page.**

## ARTICLE V - BUILDING SEWERS AND CONNECTIONS

**Sec. 2.** There shall be two (2) classes of building sewer permits: (a) for residential and (b) commercial service, for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Sewer Superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of ~~one dollar (\$1.00)~~ two dollars (\$2.00) per gallon based on the Design Flows Tables 501.1 and 501.2 in the Maine Subsurface Wastewater Disposal Rules residential or commercial building sewer permit shall be paid to the Town at the time the application is filed.

**Sec. 14.** Unless exempted under subparagraph (B) below, every person seeking to, or required to, make connection with the public sewer system shall pay the charge under this section. Such charge is in addition to any other charge imposed by this Ordinance.

(A) The fee for each unit change imposed under Article XIII shall be \$2,000-3,500. For those uses to be assigned a special charge under that Article, the connection charge shall be established by the Selectmen. Any person seeking to make connection shall fill out an appropriate form provided by the Superintendent. When the form has been approved and the fee paid, the Superintendent shall notify the Building Inspector. No building permit or occupancy permit may be issued until the fee has been paid.

~~(B) Any building or structure in existence or for which a building permit has been obtained prior to July 1, 1986, is exempted from the charge under this Section 13 for the initial building or structure connection to the Public Sewer System, except as provided in subparagraph (C) below.~~

~~(C)~~(B) After July 1, 1986, for any change of use within a building, or expansion or alteration to a building, which results in an increase in the unit charge imposed under Article XIII, a connection charge is due for each additional unit change.

~~(D)~~(C) All charges generated by this section shall be placed in a non-lapsing fund, to be known as the "Water Pollution Control Facility Fund," to be used for improvements to or expansion of or replacement of the existing treatment plant and facilities.