



# TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

**Board of Selectmen Agenda**

**Village Fire Station – 32 North Street**

**March 26, 2015 – 6 PM**

1. Call to Order.
2. Continue to review fiscal year 2016 budgets and take all recommendation votes.
3. Approve the March 12, and 19, 2015, selectmen meeting minutes.
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.).
5. Consider a renewal liquor license application submitted by Robert and Stephanie Fischer, d.b.a. Mabels Inc., 124 Ocean Avenue.
6. Consider a renewal application for a liquor license submitted by the Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue.
7. Consider a renewal application for a special amusement permit submitted by the Tina Hewett-Gordon, Seaside Hotel Association, L.T.D., d.b.a. Nonantum Resort, 95 Ocean Avenue.
8. Consider the following proposed Warrant Articles for the June 9, 2015, Town Meeting Warrant.
  - a. Proposed amendment to the Land Use Ordinance concerning resident mixed use standard.
  - b. Proposed amendment to the Land Use Ordinance concerning revised lot area definition.
  - c. Proposed amendment to the Land Use Ordinance concerning commercial ADA/accessibility issue.
  - d. Proposed amendment to the Land Use Ordinance concerning SLZ Map revision Cape Porpoise Square
  - e. Proposed amendment to the Land Use Ordinance concerning Permitted use structures.
  - f. Proposed amendment to the Land Use Ordinance concerning Land Use Ordinance errors.

g. Proposed amendments to Dog Ordinance.

9. Consider recommendation from Administrative Code Committee that the ZBA be changed to five members and two alternates, and add a quorum requirement for Planning Board and ZBA.
10. Appoint Town Officers.
11. Set the 2015 fees for Goose Rocks Beach parking stickers.

Current fees are:

Resident seasonal	\$5.00
Nonresident daily	\$12.00
Nonresident weekly	\$50.00
Nonresident seasonal	\$100.00

12. Meet as Assessors to consider the following abatement requests:

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements 2015
CKM Realty Trust	272 Mills RD	37	2	2/2B	Denied
CKM Realty Trust	272 Mills RD	37	2	2/C9	Denied
CKM Realty Trust	272 Mills RD	37	2	2/1D	Denied

13. Consideration of Maintenance Cleaning Contract
14. Other business.
15. Approve the March 26, 2015, Treasurer's Warrant.
16. Executive session pursuant to 1MRSA §405 6 (c) regarding the disposition of town property.
17. Adjournment

2016 Summary Budget

	2015	2016	2016	2016
	Budget	Town Manager	Board of Selectmen	Budget Board
Administration	781,804.00	816,653.00		
Zoning Board of Appeals	550.00	530.00		
Conservation Commission	1,200.00	1,200.00		
Growth Planning	3,450.00	3,450.00		
Legal fees	160,000.00	138,000.00		
Insurance	130,707.00	129,908.00		
Community Development	24,542.00	26,542.00		
Planning & Development	350,811.00	330,993.00		
Police dept	1,387,357.00	1,386,253.00		
Communications	417,105.00	421,672.00		
Fire dept	385,687.00	378,495.00		
KEMS	116,500.00	108,000.00		
Emergency Management	750.00	750.00		
Animal Control	14,201.00	14,201.00		
Harbor Master	18,800.00	20,772.00		
Solid Waste	444,037.00	452,169.00		
Health	160,479.00	172,246.00		
Welfare	4,275.00	3,200.00		
Social Services	26,200.00	25,450.00		
Shellfish Conservation	5,805.00	4,305.00		
HB-H2O Quality Program	500.00	0.00		
Public Restrooms	31,500.00	32,500.00		
Highway dept	725,040.00	746,647.00		
Mechanic	103,889.00	105,876.00		
Utilities	163,445.00	172,150.00		
Conservation Shade Tree	32,538.00	33,788.00		
Cemetery	14,140.00	14,140.00		
Recreation	322,687.00	335,853.00		
Graves Library	115,000.00	120,000.00		
Cape Porpoise Library	11,175.00	12,675.00		
Parsons Way	3,200.00	3,500.00		
GRB Advisory Reserve	30,000.00	35,000.00		
Local Circuit Breaker	0.00	20,000.00		
Contingency	60,000.00	114,742.00		
Miscellaneous Agencies	7,278.00	8,281.00		
CO - Administration	25,000.00	42,500.00		
CO - Police	39,500.00	29,500.00		
CO - Communications	100,000.00	100,000.00		
CO - Fire	233,700.00	180,500.00		
CO - Highway	174,141.00	144,000.00		
CO - Road Improvement	524,850.00	640,000.00		
CO - Sidewalk construction	138,200.00	75,000.00		
CO - Recreation	25,000.00	25,000.00		
CO - Govt Wharf Dredge	200,000.00	0.00		
CO - "Piers	50,000.00	100,000.00		
Debt Service	315,017.00	308,412.00		
	7,880,060.00	7,834,853.00	0.00	0.00



**Town of Kennebunkport  
Selectmen's Meeting  
March 12, 2014  
6 p.m. – Village Fire Station – 32 North Street**

Minutes of the Selectmen's Meeting of March 12, 2015

**Selectmen attending:** Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, and Sheila Mathews-Bull

**Others:** Judy Barrett, Carol Cook, Michael Claus, David Conway, Michael Davis, Richard Driver, April Dufoe, Werner Gilliam, David James, Jennifer Lord, Arlene McMurray, Allan Moir, Pam Padgett, Craig Sanford, Roger Seavey, Bob Sherman, Laurie Smith, and others

**Budget Board:** Barbara Barwise, David Betses, Doug Dicey, David James, Kathryn Leffler, Dawn Morse, Chris Perry, Michelle Powell

**1. Call to Order.**

Chair Daggett called the selectmen's meeting to order at 6 P.M.

Barbara Barwise called the Budget Board meeting to order at 6 PM.

**2. Joint meeting with Budget Board for fiscal year 2016 municipal budget presentation and discussion of department capital requests.**

Town Manager Laurie Smith reviewed the capital items for the fiscal year 2016 budget. The department heads presented their capital items.

Barbara Barwise adjourned the Budget Board meeting at 7:14 PM.

**3. Approve the February 26, 2015, and March 5, 2015, selectmen meeting minutes.**

**Motion** by Selectman Barwise, seconded by Selectman Mathews-Bull, to approve the February 26, 2015, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Briggs abstained because he was not present at that meeting.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the March 5, 2015, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Briggs abstained because he was not present at that meeting.

**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).**

Fire Chief Allan Moir mentioned that the Kennebunkport Fire Department replaced Engine 23. It went to Reed Plantation, a small Fire Department consisting of about eight men. He said they were thrilled to receive it and sent him

photos showing that they kept "Kennebunkport, home of the 41<sup>st</sup> President" on it.

Richard Driver commented on letters sent to the editor attacking the Town in regard to the Goose Rocks Beach litigation. He disagreed with letters from KRA Board members saying that they did not represent all of the KRA members' opinions. He urged the Board of Selectmen to stay on course.

David James, president of the KRA, responded that he signed onto a letter that represents facts that people should consider before they spend another \$70,000. He said the letter was to inform the public so they could make their own decision.

Pam Padgett of Alissons's Restaurant asked about the Dock Square Parking Lot's conversion to automated machines. She was concerned about the parking lot hours.

Ms. Smith responded that the operating hours will be the same as it was before for this initial transition. She agreed to keep Ms. Padgett informed.

Town Clerk April Dufoe announced the positions that expire this year:

- Selectmen: Stuart Barwise and Allen Daggett
- RSU #21 Board member Robert Domine
- K.K. & W. Water District trustee James Burrows
- Beach Advisory Committee At-Large member D. Michael Weston

Ms. Dufoe said that nomination papers are available on March 16 and due back to her on April 27, by 4:30 PM.

Chris Perry urged the Board to stay on course with the Goose Rocks Beach litigation. He thanked Richard Driver for speaking out about the KRA letters.

**5. Consider a renewal liquor license application submitted by W. Scott Lee, SBJC, LLC, DBA Bandaloop, 2 Ocean Avenue.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by W. Scott Lee, SBJC, LLC, DBA Bandaloop, 2 Ocean Avenue. **Vote:** 5-0.

**6. Consider a renewal special amusement permit application submitted by, W. Scott Lee, DBA Bandaloop (SBJC, LLC), 2 Ocean Avenue.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Briggs, to approve the renewal special amusement permit application submitted by, W. Scott Lee, DBA Bandaloop (SBJC, LLC), 2 Ocean Avenue. **Vote:** 5-0.

**7. Consider a renewal liquor license application submitted by JEM Holdings, LLC, DBA Pier 77 Restaurant, 77 Pier Road.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by JEM Holdings, LLC, DBA Pier 77 Restaurant, 77 Pier Road. **Vote:** 5-0.

**8. Consider a special amusement permit submitted by JEM Holdings, LLC, DBA Pier 77 Restaurant, 77 Pier Road.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the special amusement permit submitted by JEM Holdings, LLC, DBA Pier 77 Restaurant, 77 Pier Road. **Vote:** 5-0.

**9. Consider a renewal liquor license application submitted by Alisson's/Dock Square LTD, DBA Alisson's Restaurant, 11 Dock Square.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by Alisson's/Dock Square LTD, DBA Alisson's Restaurant, 11 Dock Square. **Vote:** 5-0.

**10. Consider a renewal special amusement permit submitted by Ashley Padget DBA Alisson's Restaurant, 11 Dock Square.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal special amusement permit submitted by Ashley Padget DBA Alisson's Restaurant, 11 Dock Square. **Vote:** 5-0.

**11. Consider a renewal liquor license application for Coastal Breezes, L.L.C. DBA Kennebunkport Inn, 1 Dock Square.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the renewal liquor license application for Coastal Breezes, L.L.C. DBA Kennebunkport Inn, 1 Dock Square. **Vote:** 5-0.

**12. Consider a special amusement permit renewal application for Coastal Breezes, L.L.C., DBA Kennebunkport Inn, 1 Dock Square.**

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to approve the special amusement permit renewal application for Coastal Breezes, L.L.C., DBA Kennebunkport Inn, 1 Dock Square. **Vote:** 5-0.

**13. Authorize contract for banking services.**

Treasurer Jen Lord said Requests for Proposals (RFP's) were sent to 12 banks and the following 5 proposals were received:

- Peoples United Bank
- Gorham Savings Bank
- Bank of Maine
- Camden National Bank
- TD Bank.

Ms. Smith and Treasurer Jen Lord reviewed the proposals and recommended awarding the contract to Camden National Bank. Ms. Lord said she also checked to make sure the bank's online software program met the Town's requirements, and it does. A five-year contract was recommended.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to award a five-year contract for the Town's banking services to Camden National Bank.  
**Vote:** 5-0.

Ms. Smith announced that Kennebunkport was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report. She said the Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. She congratulated Ms. Lord for this accomplishment for the second year in a row.

Ms. Smith also announced that the local circuit breaker is now available. Ms. Smith said the application deadline is April 20, 2015, and they are available online on the Kennebunkport Website. Ms. Lord explained the qualifications to apply.

**14. Consider the following proposed Warrant Articles for the June 9, 2015, Town Meeting Warrant.**

Director of Planning and Development Werner Gilliam reviewed the proposed amendments to the Land Use Ordinance that he discussed at the February 12, 2015, Selectmen's Meeting. He said they have been submitted to Town Counsel for review. (See Exhibit A).

- a. Proposed amendment to the Land Use Ordinance concerning residential mixed use standard.**
- b. Proposed amendment to the Land Use Ordinance concerning revised lot area definition.**
- c. Proposed amendment to the Land Use Ordinance concerning commercial ADA/Accessibility Issue.**
- d. Proposed amendment to the Land Use Ordinance concerning SLZ Map revision Cape Porpoise Square.**

- e. **Proposed amendment to the Land Use Ordinance concerning permitted uses structures.**
  
- f. **Proposed amendment to the Land Use Ordinance concerning Land Use Ordinance errors.**
  
- g. **Proposed amendments to Dog Ordinance.**

Ms. Smith passed out a copy of the original Dog Ordinance adopted in 1976 (See Exhibit B). The Board also received a new draft of the proposed Dog Ordinance from Town Attorney Amy Tchao in which she merged the proposed ordinances developed by the Beach Advisory Committee and Barbara Barwise's group. (See Exhibit A). In this draft, the Town Attorney included the names of the beaches throughout the document: Goose Rocks Beach, Colony Beach, and Cleaves Cove. The language in this draft allows the Selectmen to set the rules and regulations for all public properties in Section E. The current Dog Ordinance says that dogs must be leashed even on private property. This proposed ordinance allows dogs to be off leash everywhere except on public roads, sidewalks, and during certain hours on the beach.

Chair of the Goose Rocks Beach Advisory Committee (BAC) Bob Sherman said the BAC had two corrections for the draft (See Exhibit C). One was a piece that was missed when the two documents were merged. In section D 2 he suggested adding: from April 1 to September 30, dogs must be on leash between 7:30 and 8:30 AM. He said dogs can be off leash prior to that time until 7:30 AM; and after 6 PM dogs must still be on leash. Also, he understood that the intent of **Section C: Requirements for Control of Animals** was to "change the existing dog ordinance to allow owners to have a dog off leash on their own property, but requiring that a dog be on leash when off the property owner's property. The existing law says the dog must be on the leash even in your own yard. He said this might be confusing because according to the proposed ordinance, the only place a dog is allowed off leash under voice control is on the beach. He suggested expanding the definition of where dogs should be on leash such as private roads, public parks, and Town parking areas.

Barbara Barwise said there are many places people like to exercise their dogs by voice and sight control such as: Turbats Creek, Conservation Trust, Wanby Beach, Town Forest and private roads.

Lengthy discussion followed. Richard Driver mentioned two incidents in which unleashed dogs went on his private property. He said most dogs won't obey voice control, and it is a mistake to allow dogs to be on voice and sight control on every private road in town. He said the proposed ordinance expands the off-leash provision, and it is a mistake.

David Conway, animal control officer, said zones should be put back in the ordinance. He said it worked for all of these years. He said voice control does not

work, that dogs have other priorities.

Ms. Barwise said the main problem is that it is done by zone. She doesn't like the Village Residential East. It has voice control, but the rest of the town doesn't.

Mr. Sherman said what works for Goose Rocks might not work at other areas in town. He would like it built in the ordinance the ability to modify it.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to amend the proposed Dog Ordinance to change **Section C: Requirements for Control of Animals 2. DOGS LEASHED:** A leash shall be used to restrain a dog: (a) if the dog fails to respond to voice commands when off the premises of the owner, (b) when a dog is walking with a responsible party on ~~public streets~~ roads and sidewalks in the Town of Kennebunkport. Also, to add, from April 1 to September 30, dogs must be on leash between 7:30 AM and 8:30 AM and after 6 PM.

**Vote:** 5-0.

**15. Authorize the assessing maintenance agreement with Maine Equilization Consultants, Inc.**

Ms. Smith explained that Donna Moore Hayes has been the Town's Assessor's Agent for many years and her contract needs to be updated. The Selectmen received an updated contract to review.

**Motion** by Selectman Barwise, seconded by Selectman Hutchins, to accept the contract with Maine Equilization Consultants, Inc. for assessing services.

**Vote:** 5-0.

**16. Consider amendment to agreement between the Town and Oceanside Rubbish, Inc. for waste collection and hauling services.**

Ms. Smith said the contract with Oceanside Rubbish for waste collection expires August 2016. She asked if the Board wanted to go out to bid again, as it is a lengthy process. She explained that Kennebunk recently went out to bid. The Board received a copy of their bid results. They had two options: 1. An automated system for waste and recycling collection using carts; and 2. The same waste and recycling collection the Town currently uses. She said Oceanside was the lowest bid for the services that Oceanside provides the Town now. She and Highway Superintendent Michael Claus both agree that the Town receives very good service from them.

**Motion** by Selectman Barwise, seconded by Selectman Matthews-Bull, to authorize the Town Manager to negotiate a new contract with Oceanside Rubbish.

**Vote:** 5-0.

**17. Authorize the establishment of scholarships and accept \$200 contri-**

**tribution to the Kennebunkport Parks and Recreation Scholarship Program from Mary Ellen Auriemma.**

Parks and Recreation Director Carol Cook explained that the scholarship program came about because of a check she received from Mary Ellen Auriemma who had children in her summer camp last year. When she paid her bill for summer camp, she included a donation of \$200 directed toward whatever best meets the needs of the program. Ms. Cook and the Town Manager discussed establishing a scholarship program for low income youth so they could participate in recreation programs or summer camp. The Board received a scholarship application developed by Ms. Cook and Director of Public Health Judy Barrett. This item is their first donation to the scholarship.

**Motion** by Selectman Barwise, seconded by Selectman Matthews-Bull, to authorize the establishment of scholarships and to accept a \$200 contribution to the Kennebunkport Parks and Recreation Scholarship Program from Mary Ellen Auriemma. **Vote:** 5-0.

Ms. Smith added that anyone wishing to donate to the Scholarship Fund may do so by writing a check to the Town of Kennebunkport and sending it to either the Town Treasurer or to Ms. Cook.

**18. Accept \$290 donation from Consolidated School's February Sock Hop to be directed to the emergency fuel/food account.**

**Motion** by Selectman Barwise, seconded by Selectman Matthews-Bull, to accept \$290 donation from Consolidated School's February Sock Hop to be directed to the emergency fuel/food account. **Vote:** 5-0.

**19. Meet as Assessors to consider the following abatement request:**

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements 2015
Janet Wendle	134 Goose Rocks RD	16	1	18	\$546.31

**Motion** by Selectman Hutchins, seconded by Selectman Barwise, to accept the tax abatement for Janet Wendle, map 16, block 1, lot 18, in the amount of \$546.31 per Assessor's Agent Donna Moore Hayes' recommendation. **Vote:** 5-0.

**20. Other business.**

Selectman Briggs thanked Ms. Smith for her professional presentation of the budget. He said it was very well coordinated and cross referenced and made the Board's job easier.

Selectman Hutchins wanted it on record that his stance on the Goose Rocks Beach litigation is to see it through to the end. He said he believes that "justice

Ms. Smith said Mike Claus applied for a Project Canopy grant and the Town received a grant of \$4,900 to be used for software that is integrated with our GIS system to keep track of tagged trees and store their history.

**21. Consider the March 12, 2015, Treasurer's Warrant.**

**Motion** by Selectman Hutchins, seconded by Selectman Barwise, to approve the March 12, 2015, Treasurer's Warrant. **Vote:** 5-0.

**22. Adjournment.**

**Motion** by Selectman Hutchins, seconded by Selectman Barwise, to adjourn the meeting. **Vote:** 5-0.

The meeting adjourned at 8:40 P.M.

Submitted by

Arlene McMurray  
Administrative Assistant



## TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

February 9, 2015

Memo: List of Potential Warrant Articles June 2015

From: Werner Gilliam, CFM Director of Planning and Development

To: Laurie Smith, Town Manager/ Board of Selectmen

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

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



# TOWN OF KENNEBUNKPORT, MAINE

~INCORPORATED 1653~

## MAINE'S FINEST RESORT

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

149

**PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING RESIDENTIAL MIXED USE STRUCTURES**

Shall an ordinance entitled "2015 Amendment to the Kennebunkport Land Use Ordinance concerning residential mixed use structures be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: Currently the ordinance allows for mixed use structures, it does however require a doubling of the minimum lot size in order to accomplish this. This revision would allow mixed use structures in certain zones to be constructed/converted without doubling the minimum lot size when the proposal includes up to two residential dwelling units utilized as permanent residences. All otherwise current commercial performance standards remain in effect.]

Note: Underlined language is proposed to be inserted and words ~~stricken out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Article 2: DEFINITIONS:

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

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

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

Article 4: ZONE REGULATIONS:

Add Residential Mixed Use as a Conditional Use Subject to Site Plan Review for the following Zones.

4.6 Riverfront Zone: Residential Mixed Use

4.9 Cape Porpoise East & Cape Porpoise West Zones: Residential Mixed Use

4.10 Cape Porpoise Square Zone: Residential Mixed Use

4.11 Free Enterprise Zone: Residential Mixed Use

Article 6.9 Off-Street Parking and Loading-Non-Residential

A7 Residential Mixed Use - Parking for the Non-Residential Component based on the requirements listed in this section

Article 6.10 Residential Parking Standards

5. Parking for residential components of RMU shall be as follows:

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

Article ~~7.13~~ Roomers

Article 7.14 Roomers

Article 7.13 Residential Mixed Use

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

- A. A request for Residential Mixed Use requires submittal of a site plan that shall include the property owner with deed reference lot boundaries and dimensions to scale the location and set backs of all buildings and parking areas and open spaces.
- B. Minimum lot size and building setbacks shall meet the underlying zone requirements. Minimum open space (area not occupied by structures or parking) shall be 60% of total lot area.
- C. Streetscapes created by new development must be pedestrian-oriented. There shall be a direct pedestrian connection between the principal building entrance and the sidewalk(s) or path(s) along the adjoining street(s) if the commercial use is open to the public and/or fronts an existing public sidewalk or path.
- D. Parking shall meet the requirements set forth in Article 6. Parking shall be predominantly located to the side and/or rear of the building.
- E. Residential Mixed Use structures located on properties connected to the Town's wastewater collection system must be approved by the Sewer Department. Properties utilizing subsurface waste system and private wells must meet the standards required in the Maine Subsurface Waste Rules.

In addition:

- 1. Existing septic systems must be evaluated for condition and capacity by a licensed Site Evaluator. A reserve area is required for existing and new systems in the event that

replacement is necessary. Bi-annual pump-outs of septic systems servicing the property are required and documentation must be provided to the Town upon request.

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.

- F. A request for Residential Mixed Use shall include a plan of the entire building showing a separate layout of all finished levels identifying the use of all rooms and the location of all entrances/exits.
- G. The number of dwelling units permitted with a commercial use as identified in the definition of Residential Mixed Use shall be limited to two
- H. Individual dwelling units shall consist of a minimum of 600 square feet of habitable space and may not have any living space on a third story unless it meets the minimum Life Safety requirements as defined in the Building Code.
- I. The dwelling unit(s) shall be occupied as a primary residence (primary residence shall be defined as more than six (6) months per year)
- J. Where permitted only one(1) home occupation shall be permitted per dwelling unit.
- K. The minimum commercial unit size shall be 500 square feet of gross floor area. The commercial area may not exceed 2 times the total residential area.
- L. All new or redeveloped structures shall meet or exceed NFPA requirements for the applicable fire suppression system.
- M. Any specific performance standards otherwise identified in this Ordinance related to the commercial use must also be met.



146

## **PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING THE DEFINITION OF LOT AREA**

Shall an ordinance entitled "2015 Amendment to the Kennebunkport Land Use Ordinance Concerning The Definition of Lot Area be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment would revise the description of Lot Area. Lot Area is used to determine the square footage of a lot used towards calculating allowable lot coverage. This amendment would specifically exclude beach areas from that calculation.]

Note: Underlined language is proposed to be inserted and words ~~stricken-out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

### **AMEND ARTICLE 2 DEFINITIONS:**

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



14c

**PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND  
USE ORDINANCE CONCERNING PERFORMANCE  
STANDARDS OF HOTELS MOTELS BED & BREAKFASTS  
AND INNS**

Shall an ordinance entitled "2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Performance Standards for Hotels, Motels, Bed & Breakfasts and Inns be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment would allow existing non-conforming Hotels Motels Bed & Breakfasts and Inns to construct ADA and Life Safety Compliant Stairwells and Elevator Shafts without the need for a variance.]

Note: Underlined language is proposed to be inserted and words ~~stricken out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Hotels, Motels, Bed & Breakfasts, and Inns

G. Hotels Motels Bed & Breakfasts or Inns, constructed prior to January 1 2015 may after receiving all applicable approvals, construct compliant stairwells or elevator assemblies meeting all dimensional requirements including lot coverage, setback, and building height to the greatest practical extent as determined by the Planning Board without the need for a variance. These stairwells and elevator assemblies shall not be considered an expansion of use as otherwise described in this ordinance and are specifically exempt from the dimensional requirements of this Ordinance. When considering such a request Planning Board shall with the assistance of the Code Enforcement Officer ensure that proposals are in full compliance with current ADA and Life Safety standards.



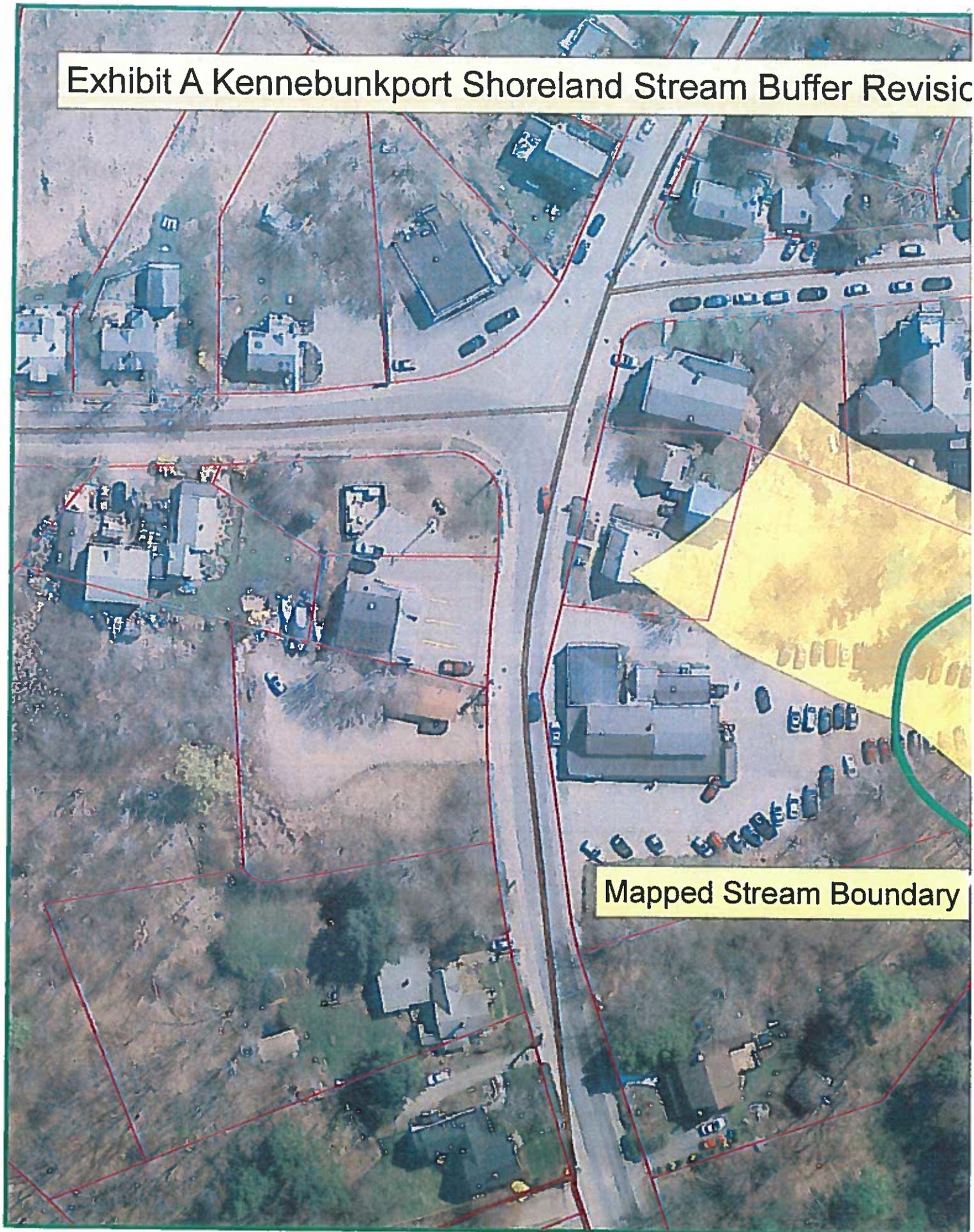
1401

**PROPOSED AMENDMENT TO THE OFFICIAL  
KENNEBUNKPORT SHORELAND ZONING MAP**

Shall an ordinance entitled "2015 Amendment to the Kennebunkport Shoreland Zoning Map be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This map amendment revises an existing stream buffer in Cape Porpoise to reflect actual stream boundaries. See Exhibit A.]

Exhibit A Kennebunkport Shoreland Stream Buffer Revisio



Mapped Stream Boundary

14e

**PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND  
USE ORDINANCE CONCERNING STRUCTURES FOR  
PERMITTED USES**

Shall an ordinance entitled “2015 Amendment to the Kennebunkport Land Use Ordinance concerning structures for permitted uses be enacted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: This ordinance revision clarifies that structures associated with certain permitted uses do not require Planning Board Site Plan Review.]

10.2

B. Site Plan Review and Approval shall not be required:

1. For detached single family dwellings, accessory apartments, two family dwellings, home occupations and their accessory buildings, driveways and parking areas; or structures associated with: Agriculture, Farm Stands, or Storage and Repair of Fishing Equipment.



**PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING ERRORS AND OMISSIONS**

Shall an ordinance entitled "2015 Amendment to the Kennebunkport Land Use Ordinance concerning Errors and Omissions be Enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This ordinance revision fixes a number of various typographical errors and omissions from past warrant articles.]

Revise Article 3.2D to read:

In the event that a dispute cannot be resolved by the use of the rules in section 3.2.C above, the applicant or the Code Enforcement Officer may refer the matter to the Board of Appeals who shall interpret location of the disputed zoning district boundaries or location of the normal high water mark, pursuant to the procedure for administrative appeals, as set forth in section ~~9.2~~ 9.3 The Code Enforcement Officer shall provide copies of any such administrative appeal application to both the Conservation Commission and the Growth Planning Committee, as well as to the Department of Environmental Protection in cases involving any Shoreland Zone, so these bodies may have an opportunity to provide background information, comments and recommendations to the Board of Appeals regarding interpretation of the official maps. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to the location of district boundaries subject to the appeals provisions in section ~~9.2~~ 9.3

Revise Article 11.2I to read:

I. Roads, Filling, Grading: Road construction and filling or grading of land, as described in Subsection ~~6.15~~ 6.14

Revise Article 11.12H to read:

H. **Issuance procedure.** Growth management permit applications shall be submitted to the Code Enforcement Officer who shall endorse each with the date and time of receipt. ~~On~~ In the event two or more growth management permit applications are received simultaneously, the Code enforcement Officer shall determine their order by random selection. ...

Revise Article 10.8B to read:

B ...The notice shall identify the property involved, the applicant, the nature of the ~~appeal-application~~, and the time and place of the public hearing.



149

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

**PROPOSED ANIMAL CONTROL ORDINANCE**

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**Section A: Purpose**

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

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

**Section B: Definitions**

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

Deleted: Any

Deleted: area

Deleted: which is used by the public

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

### **Section C: Requirements for Control of Animals**

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

6. CONTROL OF ANIMAL WASTE: An owner or responsible party must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property). Deposit of feces left off property of the owner shall be placed in an appropriate litter receptacle.

**Section D: Specific Requirements for Dogs on Beaches**

1. AUTHORITY: The Board of Selectmen shall have the authority to adopt specific rules governing dogs on ~~Goose Rocks Beach, Colony Beach and Cleaves Cove~~ that are more restrictive than the provisions of Section C of this Ordinance. For example, the Board of Selectmen may designate Restricted Areas on ~~these~~ beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.

Deleted: beaches

2. DOG RULES ON BEACHES: The following rules, adopted in accordance with Section D.1 above, apply to ~~the following beaches located~~ within the Town of Kennebunkport: ~~Goose Rocks Beach, Colony Beach and Cleaves Cove.~~

Deleted: governing dogs on beaches

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a. An owner or responsible party shall always be required to leash their dog on any of ~~the applicable~~ beaches ~~referenced above~~ when directed to do so by a ~~law~~ enforcement officer or Animal Control officer.

b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.

c. Dogs must be kept at least 200 feet from any designated Restricted Area.

d. Restricted Areas include the following:

i. Any beach area ~~on Goose Rocks Beach, Colony Beach or Cleaves Cove~~ that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.

Deleted: of any beach

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

e. From April 1 to September 30, if under Voice and Sight Control, dogs may be off leash ~~on the beach~~ between 6 am and 7:30 am, ~~except to the extent the rules in Sections D(2)(a), (c) and (d) above may require otherwise.~~

Deleted: however no dog may be off leash in any Restricted Area, including the West End Plover Protection Area on Goose Rocks Beach

- f. From June 15 to September 30, dogs are not permitted on the beach from 8:30 AM to 6:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability.
- g. From October 1 through March 31, if under Voice and Sight Control, dogs may be off leash on the beach, except for the hours of 12-2 pm when they must remain on leash, and except to the extent the rules in Sections D(2)(a), (c) and (d) above may require otherwise.

**Section E: Rulemaking Authority governing Other Public Resources**

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Notwithstanding the general rules found in Section C herein, the Board of Selectmen shall have the authority to adopt specific rules governing dogs on other publicly owned or operated lands located within the Town of Kennebunkport, such as public parks.

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**Section F: Penalties**

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

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

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

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

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

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

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

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

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**Section G: Severability Clause**

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

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**Dog Ordinance**

Adopted at a Special Town Meeting on June 9, 1976

1. It shall be unlawful for any person owning, keeping or harboring a dog, whether licensed or unlicensed, either to bring such dog onto or to permit such dog to remain on any beach in the Town of Kennebunkport between the hours of 8:00 AM and 6:00 PM, from June 15 through September 15. This section shall not apply to seeing-eye dogs.
2. It shall be unlawful for any person owning, keeping or harboring a dog, licensed or unlicensed, to allow it to run unleashed in the Village Residential, Village Riverfront, Village Dock Square, Cape Arundel, Goose Rocks, Cape Porpoise West, Cape Porpoise East and Cape Porpoise Square zones, as defined in the Kennebunkport Zoning Ordinance as amended.
3. "Person" shall mean any individual, firm, association, or corporation owning, keeping or harboring a dog.
4. Whoever violates this ordinance shall be punished by a fine of \$25.00 for the first offense, and \$25.00 for each subsequent offense to be recovered by complaint before the District Court.



Request for *Correction* to the draft of the  
Proposed Animal Control Ordinance when integrating the  
BAC Approved Dog Rules for Goose Rocks Beach

1. The BAC dog rules specified that "dogs are required to be on leash" followed by three specified exceptions. Two of these exceptions identified times of day or months in which dogs could be on the beach if "under Voice and Sight Control", thereby permitting a dog to be unleashed.

2. The Issues:

- a. The time periods in the draft do not correctly match those set forth in the BAC approved dog rules.
- b. The structure of Section C(1) At Large Dogs could be interpreted to mean that dogs are allowed Under Voice and Sight Control during the two time periods identified below.

3. Proposed Solution:

Section D 2 should be modified as follows:

Add new 2 (f): "From April 1 to September 30, dogs must be on leash between 7:30 and 8:30 AM"

Old 2 (f) becomes 2 (g)

New 2 (h): "From April 1 to September 30, dogs must be on leash after 6 PM"

Old 2 (g) becomes new 2 (i)



**Request for *Clarification* of the draft of the  
Proposed Animal Control Ordinance when integrating the  
BAC Approved Dog Rules for Goose Rocks Beach**

1. Section C (2) reads: **DOGS LEASHED:** A leash shall be used to restrain a dog: (a) if the dog fails to respond to voice commands when off the premises of the owner, (b) when a dog is walking with a responsible party on public streets and sidewalks in the Town of Kennebunkport, or (c) if the responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog. The owner of any dog found in violation of this section will be subject to the civil penalties provided in the Ordinance.

**2. The Issues:**

A. As a first issue, it is my understanding that intent of Section C (2) was to change the existing dog ordinance to allow owners to have a dog off leash on their own property, but requiring that a dog be on leash when off the owner's property. Section C (2a) might be confusing, as it implies that dogs can also be under voice commands when off the premises of the owner, which is only true at the Beach.

B. A second issue that has been raised is to consider expanding the definition of the areas where dogs should be on leash, such as private roads, public parks, and Town parking areas.

**3. Possible Solution:** Section C (2a) might be rewritten as follows: if the dog fails to respond to voice commands when on the Beaches as set forth in this Ordinance.

Section C (2b) might be expanded to include other public areas.



**Town of Kennebunkport  
Selectmen/Budget Board Meeting  
March 19, 2015  
6 p.m. – Village Fire Station – 32 North Street**

Minutes of the Selectmen's Meeting of March 19, 2014

**Selectmen attending:** Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Ed Hutchins, and Sheila Mathews-Bull

**Budget Board:** Barbara Barwise, Dan Beard, David Betses, Doug Dicey, David James, Kathryn Leffler, Leo Martin, Chris Perry, Michelle Powell

**Others:** Judy Barrett, MaryLou Boucouvalas, Brad Bohon, Jim Burrows, Ken Creed, Michael Davis, Kathy Dietz, Laura Dolce, Werner Gilliam, Megan Gendron, Jen Lord, Deb Paradis, Ann Sanders, Dick Smith, Suzanne Stohlman, Laurie Smith, Ted Trainer and others

**1. Call to Order.**

Chair Daggett called the meeting to order at 6:00 PM

**2. Joint meeting with Budget Board for fiscal year 2016 municipal budget presentation and discussion with town committees, outside agencies and social services.**

Chair Leo Martin called the Budget Board Meeting to order at 6:05 PM.

Town Manager Laurie Smith mentioned the items on the joint Boards' agenda that were open for discussion.

Representatives of some of the health and welfare social service agencies, miscellaneous agencies, and libraries gave their presentations.

David James of the Budget Board Subcommittee presented the funding that the subcommittee recommended and Judy Barrett explained her recommendations.

The Budget Board adjourned at 7:15 PM.

**3. Adjournment.**

**Motion** by Selectmen Barwise, seconded by Selectman Hutchins to adjourn.  
**Vote:** 5-0.

The meeting adjourned at 7:15 PM.

Submitted by Arlene McMurray  
Administrative Assistant  
Minutes taken via online broadcast.

Mabel's

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

- Police Chief
- Fire Inspector
- Code Enforcement Officer

April Dwyer, Town Clerk

Nonantum Resort

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

- Police Chief
- Fire Inspector
- Code Enforcement Officer

April Dwyer, Town Clerk



5

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



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY  
LICENSE NUMBER: CLASS:  
DEPOSIT DATE  
AMT. DEPOSITED: BY:  
CK/MO/CASH:

PRESENT LICENSE EXPIRES April 15, 2015

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTINONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)
- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Mabels Inc</u> DOB: _____	2. Business Name (D/B/A) <u>Mabels Inc</u>
<u>Stephanie Fischer</u> DOB: <u>10 20 67</u>	<u>124 Ocean Avenue</u>
<u>Robert Fischer</u> DOB: <u>6-12-64</u>	Location (Street Address) <u>Kennebunkport ME. 04046</u>
Address <u>93 Coles Hill Rd.</u>	City/Town <u>PO BOX 1956</u> State _____ Zip Code _____
<u>Wells</u> <u>Me. 04090</u>	Mailing Address <u>Kennebunkport ME. 04046</u>
City/Town _____ State _____ Zip Code <u>646-4691</u>	City/Town _____ State _____ Zip Code <u>967-2562</u>
Telephone Number _____ Fax Number _____	Business Telephone Number _____ Fax Number _____
<u>04-3356696</u>	<u>* 10286952</u>
Federal I.D. # _____	Seller Certificate # _____

- 3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
- 4. State amount of gross income from period of last license: ROOMS \$ -0- FOOD \$ 1,263M; LIQUOR \$ 190,000 = 1.453 million
- 5. Is applicant a corporation, limited liability company or limited partnership? YES  NO
- If YES, complete Supplementary Questionnaire
- 6. Do you permit dancing or entertainment on the licensed premises? YES  NO
- 7. If manager is to be employed, give name: N/A
- 8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_
- Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
- Business address: 124 Ocean Avenue Kennebunkport



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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Robert Fischer	6-12-64	Arlington Mass
Stephanie Fischer	10-20-67	Middleboro Mass

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
Wells, Maine - both 14 years

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

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

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

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

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

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 124 Ocean Avenue  
Entire building and including front enclosed porch area

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mile Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
If YES, give details: Peoples United

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

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

Dated at: Kennebunkport, ME. on 3-3-, 20 15  
Town/City, State Date

Robert Fischer  
Signature of Applicant or Corporate Officer(s)  
Robert Fischer  
Print Name

Please sign in blue ink

Stephanie Fischer  
Signature of Applicant or Corporate Officer(s)  
Stephanie Fischer  
Print Name



STATE OF MAINE  
 Liquor Licensing & Inspection Unit  
 8 State House Station  
 Augusta, Maine 04333-0008  
 Tel: (207) 624-7220 Fax: (207) 287-3434

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

1. Exact Corporate Name: Mabels Inc  
 Business D/B/A Name: Mabels Lobster Claw
2. Date of Incorporation: MARCH 1997
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
 \_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Stephanie Fischer	Wells, Maine	10/20/67	50	Treasurer
Robert Fischer	Wells, Maine	6/12/64	50	President

6. What is the amount of authorized stock? 200sh Outstanding Stock? ∅
7. Is any principal officer of the corporation a law enforcement official? ( ) YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (X) NO.
9. If yes, please complete the following: Name: \_\_\_\_\_

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

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

Dated at: Wells On: March 4-2015  
City/Town Date

*Robert Fischer*



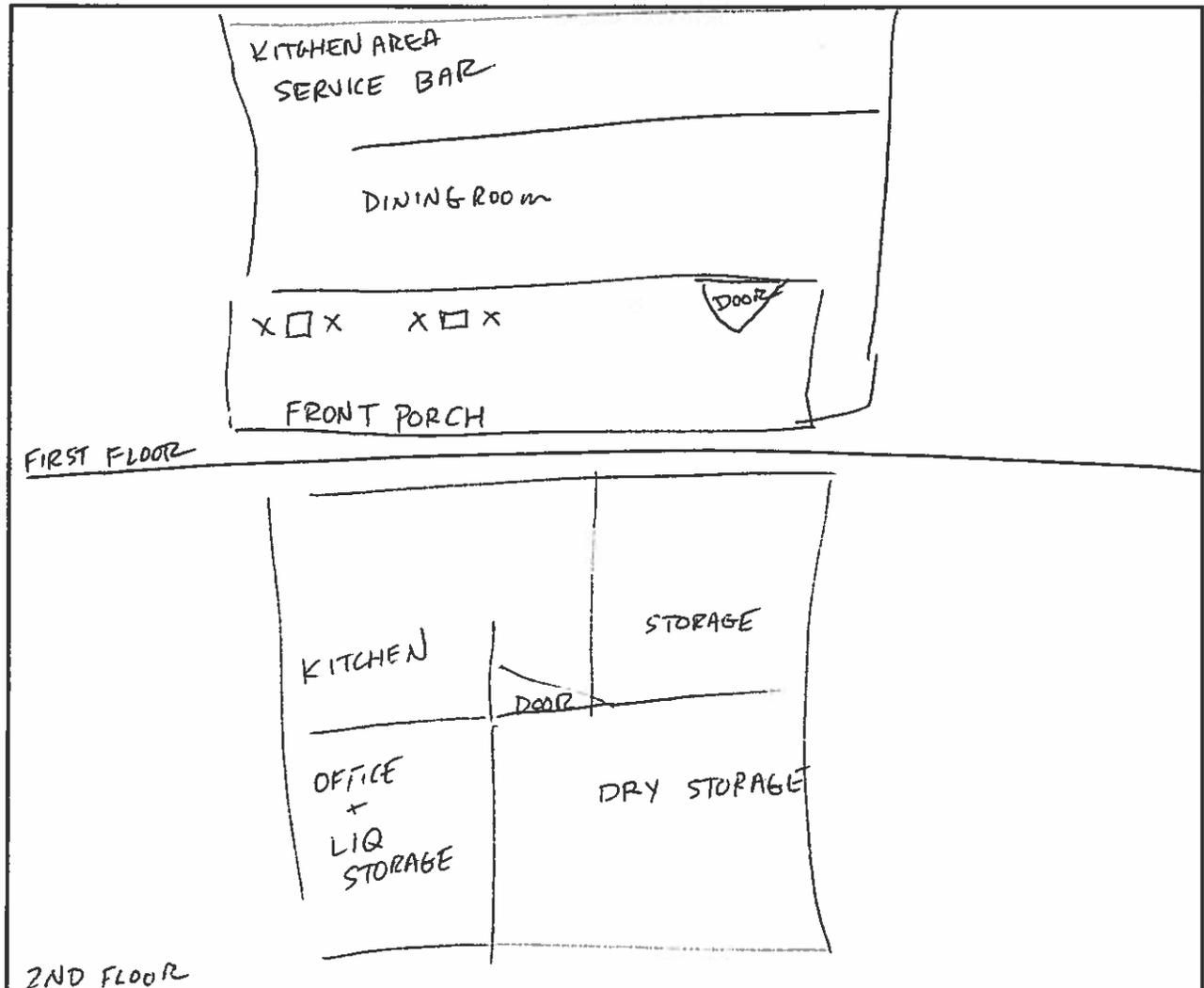


Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement  
164 State House Station  
Augusta, ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 387-3424

## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





**NOTICE – SPECIAL ATTENTION**

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

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

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

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

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



STATE OF MAINE

Dated at: Kennebunkport, Maine York ss  
City/Town (County)

On: March 26, 2015  
Date

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]

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

A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]

C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]

E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

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

A. [1993, c.730, §27 (rp).]

4. No license to person who moved to obtain a license. (REPEALED)

5. (TEXT EFFECTIVE 3/15/01) **Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

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



(6)

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



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

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

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 4-12-15

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

INDICATE TYPE OF LICENSE:

RESTAURANT (Class I,II,III,IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL-OPTINONAL FOOD (Class I-A)

HOTEL (Class I,II,III,IV)

CLASS A LOUNGE (Class X)

CLUB-ON PREMISE CATERING (Class I)

CLUB (Class V)

GOLF CLUB (Class I,II,III,IV)

TAVERN (Class IV)

OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

<p>1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.)</p> <p style="text-align: right;">DOB: _____</p> <p><u>SEASIDE HOTEL ASSOC. LTD</u> DOB: <u>PARTNERSHIP</u></p> <p style="text-align: right;">DOB: _____</p> <p>Address <u>220 MAINE MAN ROAD</u></p> <p>City/Town <u>SO. PORTLAND</u> State <u>ME</u> Zip Code <u>04106</u></p> <p>Telephone Number <u>207-761-2131</u> Fax Number <u>207-761-9208</u></p> <p>Federal I.D. # <u>01-0493637</u></p>	<p>2. Business Name (D/B/A)</p> <p><u>NONANTUM RESORT</u></p> <p>Location (Street Address)</p> <p><u>95 OCEAN AVENUE</u></p> <p>City/Town <u>KENNEBUNKPORT</u> State <u>ME</u> Zip Code <u>04046</u></p> <p>Mailing Address</p> <p><u>PO BOX 2626</u></p> <p>City/Town <u>KENNEBUNKPORT</u> State <u>ME</u> Zip Code <u>04046</u></p> <p>Business Telephone Number <u>207 967 4050</u> Fax Number <u>207 967 8451</u></p> <p>Seller Certificate # <u>0237544</u></p>
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3. If premises is a hotel, indicate number of rooms available for transient guests: 109

4. State amount of gross income from period of last license: ROOMS \$ 3,211,359 FOOD \$ 1,353,160 LIQUOR \$ 490,586

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

complete Supplementary Questionnaire, if YES

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

7. If manager is to be employed, give name: TINA HEWETT - GALOON

8. If business is NEW or under new ownership, indicate starting date: N/A

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

9. Business records are located at: BUSINESS ADDRESS



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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
TINA HEWETT GORDON (PALMIOTTO)	10-01-1969	NISKAYUNA, NY
MARK WOZNY	1-29-1958	LITTLETON, NH
CHRISTINE FEUSER	5-26-1985	PORTLAND, ME

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

TINA RESIDES IN KENNEBUNK, ME. MARK RESIDES IN KENNEBUNK PORT. ME. CHRISTINE RESIDES IN SACO, ME.

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

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

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

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

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

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) SEE DIAGRAM

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 MILE Which of the above is nearest? CHURCH

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

If YES, give details: \_\_\_\_\_

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

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

Dated at: SO. PORTLAND, ME on JANUARY 13<sup>th</sup>, 20 15

Town/City, State

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

Jean Ginn MARVIN





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

<b>For Office Use Only:</b>	
License #:	_____
Date Filed:	_____

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

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

- Exact legal name:  
THE NONANTUM HOTEL COMPANY
- Other business name for your entity (DBA), if any:  
NONANTUM RESORT
- Date of filing with the Secretary of State: 5-1-28
- State in which you are formed: MAINE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Herbert E. Ginn Irrevocable Trust Dated 12-31-05	c/o Ginn Real Estate 220 Maine Mall Rd South Portland, ME		100%
Jean Ginn Marvin PRESIDENT	49 Cranbrook Dr Cape Elizabeth, ME 04107	7-30-59	-
Ellen E. Fontaine, TREASURER	6 WILLOWOOD LN SCARBOROUGH, ME 04074	7-1-59	-

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

Yes  No

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

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



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

Yes  No

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

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

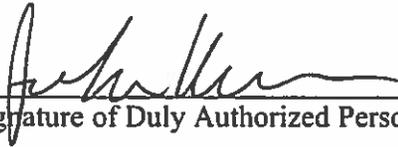
Date of Conviction: \_\_\_\_\_

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

Location of Conviction: \_\_\_\_\_

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

Signature:

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

3-6-15  
\_\_\_\_\_  
Date

Jean Ginn Marvin  
\_\_\_\_\_  
Print Name of Duly Authorized Person

---

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

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







**DESIGNATED AREAS OF ALCOHOL SERVICE  
2015**

**All Public Areas Including:**

**Carriage Inn Front Lobby  
Heckman's Pub  
Kennebunk River Room  
Continental Board Room  
Portside Pub  
Meeting Room 126  
Outdoor Patio (95 Ocean)  
Pool Area/Latitudes  
Carriage Inn Front Porch  
Portside Lodge Lobby  
Back Lawn**







**NOTICE – SPECIAL ATTENTION**

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

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

**Class I** Spirituous, Vinous and Malt .....\$ 900.00  
**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

**Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) .....\$1,100.00  
**CLASS I-A:** Hotels only that do not serve three meals a day.

**Class II** Spirituous Only .....\$ 550.00  
**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

**Class III** Vinous Only .....\$ 220.00  
**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class IV** Malt Liquor Only .....\$ 220.00  
**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

**Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....\$ 495.00  
**CLASS V:** Clubs without catering privileges.

**Class X** Spirituous, Vinous and Malt – Class A Lounge .....\$2,200.00  
**CLASS X:** Class A Lounge

**Class XI** Spirituous, Vinous and Malt – Restaurant Lounge .....\$1,500.00  
**CLASS XI:** Restaurant/Lounge; and OTB.

**FILING FEE**.....\$ 10.00

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

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



STATE OF MAINE

Dated at: Kennebunkport, Maine York ss  
City/Town (County)

On: March 26, 2015  
Date

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

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
  - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
  - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
  - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
  - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
  - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
  - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
  - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
  - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

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





TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

APPLICATION

SPECIAL AMUSEMENT PERMIT FOR  
DANCING AND ENTERTAINMENT

Name of Applicant TINA GOLDON  
Residence Address 11 TIDEWATER COURT KENNEBUNK, ME  
Home Telephone Number 207-590-0922  
Name of Business NONANTUM RESORT  
Business Address 95 OCEAN AVENUE  
Type of Business RESORT HOTEL  
Business Telephone Number 207 967 4050  
Nature of Special Amusement WEDDINGS, SPECIAL  
EVENTS, 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.

Tina Goldon  
applicant



89

3-26-2015

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

**PROPOSED ANIMAL CONTROL ORDINANCE**

**Section A: Purpose**

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

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

**Section B: Definitions**

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

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

**Section C: Requirements for Control of Animals**

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

Deleted: public streets=

6. **CONTROL OF ANIMAL WASTE:** An owner or responsible party must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property). Deposit of feces left off property of the owner shall be placed in an appropriate litter receptacle.

**Section D: Specific Requirements for Dogs on Beaches**

1. **AUTHORITY:** The Board of Selectmen shall have the authority to adopt specific rules governing dogs on Goose Rocks Beach, Colony Beach and Cleaves Cove that are more restrictive than the provisions of Section C of this Ordinance. For example, the Board of Selectmen may designate Restricted Areas on these beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.
2. **DOG RULES ON BEACHES:** The following rules, adopted in accordance with Section D.1 above, apply to the following beaches located within the Town of Kennebunkport: Goose Rocks Beach, Colony Beach and Cleaves Cove.
  - a. An owner or responsible party shall always be required to leash their dog on any of the applicable beaches referenced above when directed to do so by a law enforcement officer or Animal Control officer.
  - b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.
  - c. Dogs must be kept at least 200 feet from any designated Restricted Area.
  - d. Restricted Areas include the following:
    - i. Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.
    - ii. The **West End Plover Protection Area** is a Restricted Area on Goose Rocks Beach that begins at Norwood Avenue and continues westerly to the Batson River.
  - e. From April 1 to September 30, if under Voice and Sight Control, dogs may be off leash on the beach between 6 am and 7:30 am, except to the extent the rules in Sections D(2)(a), (c) and (d) above may require otherwise.

- f. From April 1 to September 30, dogs must be on leash between 7:30 am and 8:30 am, and after 6:00 pm.

Deleted:

- g. From June 15 to September 30, dogs are not permitted on the beach from 8:30 AM to 6:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability.
- h. From October 1 through March 31, if under Voice and Sight Control, dogs may be off leash on the beach, except for the hours of 12-2 pm when they must remain on leash, and except to the extent the rules in Sections D(2)(a), (c) and (d) above may require otherwise.

**Section E: Rulemaking Authority governing Other Public Resources**

Notwithstanding the general rules found in Section C herein, the Board of Selectmen shall have the authority to adopt specific rules governing dogs on other publicly owned or operated lands located within the Town of Kennebunkport, such as public parks.

**Section F: Penalties**

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

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

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

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

- 2. Notwithstanding multiple violations of this Ordinance, any person who violates Section C(4) (Licenses), or Section C(5) (Rabies Tags) of this Ordinance shall be subject to a civil penalty of not more than \$100.00 for each offense, consistent with 7 M.R.S.A. §53918, 3924.
- 3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Kennebunkport and deposited in the separate account required by 7 M.R.S.A. Section 3945.
- 4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer or law enforcement officer shall cause

the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

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

**Section G: Severability Clause**

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





Wayne T. Adams  
 Christian L. Barner  
 Milda A. Castner  
 C. Wesley Crowell  
 Susan Bernstein Driscoll  
 Scott M. Edmunds  
 William J. Gallitto, III  
 Jason G. Howe  
 Erin K. Kalakowsky  
 Brin M. Moore

Sarah B. Neault  
 Durward W. Parkinson  
 Leah B. Rachin  
 Laura H. White  
*Of Counsel*  
 Jonathan Bangs  
 Barbara I. Belik  
 Bruce W. Bergen  
 Earle J. Patterson

March 17, 2015

Board of Selectmen  
 Town of Kennebunkport  
 P.O. Box 566  
 Kennebunkport, Maine 04046

Dear Board of Selectmen:

The Administrative Code Committee had referred to it a proposal to combine the Zoning Board of Appeals and the Board of Assessment Review. This proposal would establish a single Board of Appeals with jurisdiction over appeals from both the Kennebunkport Land Use Ordinance and decisions of the Kennebunkport Tax Assessor. The reasons offered for combining the two boards were as follows:

1. The workload of both boards is currently so light and the meetings so infrequent that maintaining a sense of continuity has become a challenge;
2. It has become increasingly difficult to recruit new board members.

The Administrative Code Committee met twice to consider this proposal and as part of its deliberations took note of the following facts:

1. Zoning appeals and assessment appeals are two entirely different and wholly unrelated matters handled under different statutes and ordinances.
2. Zoning appeals and assessment appeals each have separate and distinct statutory requirements, and newly appointed members of each board receive training in the statutes, ordinances, and procedures applicable to that particular type of appeal.
3. The Kennebunkport Zoning Board of Appeals has seven members with no alternates whereas both the Board of Assessment Review and the Planning Board have five members and two alternates.



4. It has been suggested that there are some people willing to serve on one board but not the other. By the same token, there are three individuals now serving on both boards.
5. The Town Manager took an informal survey and determined that there are three Towns in Maine which have combined the two boards: two small towns, Baileyville and Whiting, and one large town, Ellsworth. In addition, Yarmouth is considering combining the two Boards but has not yet done so.

The Administrative Code Committee's conclusions are as follows:

1. The Town should continue to maintain a separate Board of Appeals and Board of Assessment Review.
2. There is inadequate justification at this time to warrant combining the boards and the dissimilar functions of the boards make consolidation undesirable at this time.
3. Alternatives may be available to address the present concerns of lack of interest in serving on these boards which have not yet been fully explored.
4. There is ample opportunity to reconsider this consolidation proposal in the future if the experience of other similarly situated towns that have pursued consolidation demonstrates that there are tangible benefits.

In reviewing this proposal, however, the Administrative Code Committee also concluded that a change to the composition of the Zoning Board of Appeals was warranted. We believe that the Zoning Board of Appeals, which has seven members and no alternates, should be brought into line with the Board of Assessment Review and the Planning Board -- each of which has five members and two alternates. We believe that this would be beneficial for two reasons:

1. Having experience as an alternate allows a new member to observe, to learn, and to gain familiarity with the statutes and ordinance before having to sit and decide on every matter that comes before the Board.
2. The current seven member Board of Appeals with no alternate formula is interpreted to mean that four members present is a quorum and that four votes are required to approve an application even when only four are present. That sometimes happens and means that an applicant has to get a unanimous vote of the four members present. The Committee believes that an applicant is entitled to a vote of a full Board whenever possible and that he or she should not be placed under a greater burden when less than the full Board is present.

Accordingly, we would propose that the Kennebunkport Administrative Code be amended to provide (1) that the Zoning Board of Appeals shall be composed of five members and two



Board of Selectman  
Town of Kennebunkport  
March 17, 2015  
Page 3 of 3

alternates with four members constituting a quorum, and (2) that, to make the provisions similar, that four members shall also, constitute a quorum of the Planning Board.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Wayne T. Adams", written in a cursive style.

Wayne T. Adams (Chair)  
Christian Barner  
Stedman Seavey  
Richard Smith



10

**MEMORANDUM**

**DATE:** March 18, 2015  
**TO:** Laurie Smith, Town Manager  
**FROM:** April Dufoe, Town Clerk  
**SUBJECT:** Appointed Town Officers

The following appointed Town Officers need to be reappointed for the upcoming year. Please put this on the March 26th Selectmen's agenda. Thank you.

- |                                    |                       |
|------------------------------------|-----------------------|
| Animal Control Officer             | David R. Conway       |
| Assessor's Agent                   | Donna Moore Hays, CMA |
| Code Enforcement Officer           | Werner D. Gilliam     |
| Asst. Code Enforcement Officer     | Wayne B. Mathews      |
| Plumbing Inspector                 | Werner Gilliam        |
| Plumbing Inspector                 | Wayne B. Mathews      |
| Constable                          | April Dufoe           |
| Emergency Management Director      | James E. Burrows      |
| Fire Inspector                     | Allan K. Moir         |
| Harbor Master-Cape Porpoise        | Lee F. McCurdy        |
| Harbor Master-Kennebunk River      | Ray Billings          |
| Health Officer                     | Judith A. Barrett     |
| Public Access Officer              | April Dufoe           |
| Registrar of Voters                | April Dufoe           |
| Road Commissioner                  | Michael W. Claus      |
| Shellfish Warden                   | Terry W. Baron        |
| Street Naming & Numbering Delegate | James E. Burrows      |
| Tax Collector                      | Laurie A. Smith       |
| Town Clerk                         | April Dufoe           |
| Town Forester                      | Patrick A. Briggs     |
| Treasurer                          | Jennifer L. Lord      |
| Tree Warden                        | Karen A. Schlegel     |



11

### Goose Rocks Beach Sticker Fees

Year	Resident	Non-Resident		
	Seasonal	Seasonal	Weekly	Daily
2002	\$3.00	\$50.00	\$20.00	\$5.00
2003	\$3.00	\$50.00	\$20.00	\$5.00
2004	\$3.00	\$50.00	\$20.00	\$5.00
2005	\$3.00	\$50.00	\$20.00	\$5.00
2006	\$4.00	\$50.00	\$25.00	\$6.00
2007	\$4.00	\$50.00	\$25.00	\$6.00
2008	\$4.00	\$50.00	\$25.00	\$6.00
2009	\$4.00	\$100.00	\$50.00	\$12.00
2010	\$4.00	\$100.00	\$50.00	\$12.00
2011	\$4.00	\$100.00	\$50.00	\$12.00
2012	\$4.00	\$100.00	\$50.00	\$12.00
2013	\$5.00	\$100.00	\$50.00	\$12.00
2014	\$5.00	\$100.00	\$50.00	\$12.00



# **Goose Rocks Beach Parking Sticker Rules/Regulations**

Parking in the Goose Rocks Beach area is regulated during the summer season through a parking sticker program because the demand for parking far exceeds the limited number of on-street parking spaces available. Parking stickers are available for daily, weekly and seasonal use.

## **Kennebunkport Taxpayers**

Seasonal parking stickers are available to Kennebunkport residents and taxpayers at a cost of \$5.00 per vehicle. In order to qualify for the resident sticker an individual must either pay property taxes on property in Kennebunkport or be a resident of Town and pay excise taxes to the Town on a motor vehicle registered in his/her name. Individuals paying property taxes to the Town may obtain parking stickers for more than one vehicle so long as each vehicle is registered in his/her name. Individuals seeking residential stickers shall provide a copy of the vehicle registration for each residential sticker issued. In circumstances where ownership of the property is dispersed among multiple people it is the individual's responsibility to provide proof of ownership interest to the Town. The sticker shall be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. Any sticker not permanently affixed in that location shall be considered void and a violation of these regulations and Kennebunkport Traffic and Parking Control Ordinance.

## **Non-Kennebunkport Taxpayers**

Non-Kennebunkport taxpayers shall pay \$12.00 for daily stickers, \$50.00 for weekly stickers, and \$100.00 for seasonal stickers. Each sticker shall be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. Any sticker not permanently affixed in that location shall be considered void and a violation of these regulations and Kennebunkport Traffic and Parking Control Ordinance.

## **Hotels, Inns, Rental Properties and the Goose Rocks Beach General Store**

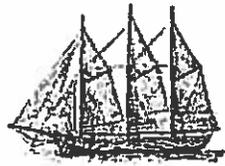
Hotels, inns, owners of rental properties (including room rentals) and the Goose Rocks Beach General Store shall be allowed to purchase, for re-sale to their customers, daily and weekly stickers for \$10.00 and \$50.00 each, respectively. Stickers must be marked with a laundry marking pen or other indelible marker to show the date or dates for which they are issued, and each sticker must be permanently affixed to the lower left-hand corner of the rear window of the vehicle to which it is issued. If these conditions are not met, the sticker will be considered void. The establishment selling the sticker is responsible for recording the license plate number of the vehicle, the sticker number, the day or week for which the sticker is issued and explaining to the customer the beach and parking rules and regulations.

It shall be the policy of the Town of Kennebunkport to deny the issuance of any Goose Rocks Beach Parking Sticker to a registered vehicle that has an outstanding parking ticket(s) until said parking ticket fine(s) has been paid in full.

Adopted by the Kennebunkport Board of Selectmen on March 24, 2005 in accordance with Section 13.II of the Kennebunkport Traffic and Parking Control Ordinance.

Amended January 12, 2006, November 9, 2006, June 14, 2007, November 13, 2008, May 13, 2010, and March 28, 2013.





# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

March 10, 2015

William F. Casey, Jr. Trustee  
CKM Realty Trust  
52 Coventry Road  
Atkinson NH 03811

Dear Mr. Casey,

This is in response to your request for abatement on your property identified as Map 37, Block 2, Lot 2-2B. I realize the basis of this request is the inaction of the developer and the possible adverse reaction on valuations. All our valuations are based on sales and according to the actual purchase price of property as stated on the Declaration of Value filed with Maine Revenue Services. As you know a full revaluation was completed for the April 1, 2009 tax year. The sales study used to arrive at our current assessments covered a period of April 1, 2007 through April 1, 2009 and all sales after that date will be used in the future adjustments of values to maintain equity. For 2012 we used the previous years' sales of condominiums at Resort at Goose Rocks and found that a reduction in value was warranted. All units were given a reduction in value of \$34,800 with the exception of the cottages.

I have reviewed the information you provided regarding the developer as well as the assessed values that you are willing to accept. The Town of Kennebunkport's values are based on actual sales prices and any adverse actions or inactions by the developer would be reflected in the sales prices.

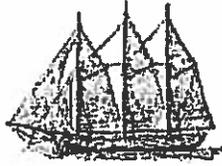
All units at The Resort at Goose Rocks are assessed according to the Condominium plans recorded in October of 2006 and any revisions that have been made since that original recording. When reviewing your concern for the square footage of basement storage allocated to your unit this information was obtained from these documents. I have included copies of plans for Buildings #1 and #2 which were used to arrive at your basement area. I apologize for the reduced size however it was the only way to include this information.

Unfortunately the only way to measure the damage the developer/declarant has on your value is with the actual sales and until there is some true indication in the market our current assessments are equitable and a reduction in value on this unit is not warranted. It will be my recommendation to the Board of Selectmen/Assessors this abatement be denied at their March 26, 2015 meeting.

Sincerely,

Donna Moore Hays, CMA  
Assessors Agent





# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

March 10, 2015

William F. Casey, Jr. Trustee  
CKM Realty Trust  
52 Coventry Road  
Atkinson NH 03811

Dear Mr. Casey,

This is in response to your request for abatement on your property identified as Map 37, Block 2, Lot C-9. I realize the basis of this request is the inaction of the developer and the possible adverse reaction on valuations. All our valuations are based on sales and according to the actual purchase price of property as stated on the Declaration of Value filed with Maine Revenue Services. As you know a full revaluation was completed for the April 1, 2009 tax year. The sales study used to arrive at our current assessments covered a period of April 1, 2007 through April 1, 2009 and all sales after that date will be used in the future adjustments of values to maintain equity. For 2012 we used the previous years' sales of condominiums at Resort at Goose Rocks and found that a reduction in value was warranted. All units were given a reduction in value of \$34,800 with the exception of the cottages.

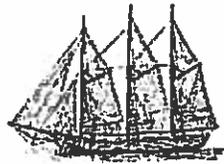
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Sincerely,

Donna Moore Hays, CMA  
Assessors Agent





# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

March 10, 2015

William F. Casey, Jr. Trustee  
CKM Realty Trust  
52 Coventry Road  
Atkinson NH 03811

Dear Mr. Casey,

This is in response to your request for abatement on your property identified as Map 37, Block 2, Lot 2-1D. I realize the basis of this request is the inaction of the developer and the possible adverse reaction on valuations. All our valuations are based on sales and according to the actual purchase price of property as stated on the Declaration of Value filed with Maine Revenue Services. As you know a full revaluation was completed for the April 1, 2009 tax year. The sales study used to arrive at our current assessments covered a period of April 1, 2007 through April 1, 2009 and all sales after that date will be used in the future adjustments of values to maintain equity. For 2012 we used the previous years' sales of condominiums at Resort at Goose Rocks and found that a reduction in value was warranted. All units were given a reduction in value of \$34,800 with the exception of the cottages.

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Sincerely,

Donna Moore Hays, CMA  
Assessors Agent

