



TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda  
February 23, 2023, @ 6:00 PM  
VILLAGE FIRE STATION  
32 North Street**

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

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

<https://us06web.zoom.us/j/87907047367>

or go to **ZOOM** and enter the **webinar ID: 879 0704 7367**

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

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1. Call to Order.
2. Approve the February 9, 2023, selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
4. Public Hearing on proposed amendment to Chapter 160-11, unlawful parking, of the General Ordinances regarding Wharf Lane.
5. Consider the renewal of the special amusement and liquor license submitted by The Colony Hotel, located at 140 Ocean Ave.
6. Consider the renewal of liquor licenses and special amusement permits submitted by the Taylormade Hospitality d/b/a Hurricane Restaurant, 29 Dock Square.
7. Presentation by Meagan McDevitt of Woodard & Curran regarding Pier Road causeway updates.
8. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance.
9. Presentation of proposed June 2023 ordinance changes.
  - a. Administrative Code revision regarding Cape Porpoise Pier Committee members.
  - b. Administrative Code revision regarding days of annual town meeting.
  - c. Land Use Ordinance revision regarding accessory dwelling units.
  - d. Land Use Ordinance revision regarding private road construction.

- e. Land Use Ordinance revision regarding the description of the resource protection zone.
- f. Update to Floodplain Management Ordinance.

- 10. Personnel Policy correction.
- 11. Accept \$75.00 from Robert and Cathy Gordon towards the emergency fuel fund.
- 12. Other Business.
- 13. Approve the February 23, 2023, Treasurer's Warrant.
- 14. Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate.
- 15. Adjournment.

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# **AGENDA ITEM DIVIDER**

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Town of Kennebunkport  
Board of Selectmen Meeting  
February 9, 2023  
6:00 PM

**MINUTES**

**Selectmen attending:** Edward Hutchins, Allen Daggett, Jon Dykstra, Michael Weston, Sheila Matthews-Bull (via Zoom).

**1. Call to Order:**

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

**2. Approve the January 26, 2023, meeting minutes:**

**Motion** by Selectman Dykstra, seconded by Selectman Daggett, to approve the January 26, 2023, selectmen meeting minutes. **Voted:** 5-0. **Motion passed.**

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

Zoom attendee Lorrie asked if there was an update on the Village Parcel and new Town Hall plans. Chairman Hutchins said there was nothing new to bring out to the public at this time. Town Manager Laurie Smith added that there is a Town Hall Building Committee that is meeting with the architects to develop a plan that will be brought out to the public, but there is nothing at this point.

Zoom attendee David James asked about solar-powered speed restriction signs he believed had been approved by the Selectmen previously. Chairman Hutchins confirmed the approval, and Laurie Smith added that the signs have been received and are scheduled to be put out in the Spring.

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

**4. Consider the renewal liquor license submitted by the W&A Inc. d/b/a Cape Pier Chowder House, located at 79 Pier Rd:**

Selectman Daggett abstained. **Motion** by Selectman Dykstra, seconded by Selectman Weston, to renew the license. **Voted:** 4-0-1. **Motion passed.**

**5. Presentation of proposed June 2023 ordinance changes:**

**a. Administrative Code revision regarding Cape Porpoise Pier Committee members.**

Town Clerk Tracey O'Roak explained that the code currently requires 75% membership to be Kennebunkport residents. The proposed change is to change that to be that 75% are commercial fishermen. After discussion by the board, it was agreed that the term "commercial fishermen" should be defined. Laurie Smith added that the revised code language would be taken to legal review in March.

**b. Administrative Code revision regarding days of annual town meeting.**

Tracey explained that some residents had brought forth the proposal to change the timing of the annual town meeting from Saturday morning to Wednesday night after the town election. Chairman Hutchins noted that if this change were to be adopted, it would not go into effect until 2024. Laurie Smith noted that proposed ordinance changes to the Administrative Code would also need to be reviewed by the Administrative Code Committee.

**c. Land Use Ordinance revision regarding accessory dwelling units.**

Town Planner Michelle Radley explained that LD 2003 legislation, which deals with affordable housing, has a section directly addressing Accessory Dwelling Units (ADUs). The Town would need to change the Land Use Ordinance (LUO) in regards to ADUs being permitted uses, meeting minimum square foot requirements, and being intended as primary residences not eligible for short-term rental licenses per LD 2003.

**d. Land Use Ordinance revision regarding private road construction.**

Because of the upcoming purchase of a new, larger ladder truck by the Fire Department, the current specification of a minimum 16-foot wide travel way on private roads is being expanded to 20 feet wide. Selectman Dykstra asked what would be done with existing narrower roads and the new ladder truck. Laurie Smith stated that Chief Everett could be brought in to answer such questions, but her understanding was that the Fire Department would make its best effort, perhaps not bringing hose trucks as far in on the road in certain situations. Selectman

Daggett requested that Chief Everett come in to speak to the Board about this issue.

Chief Everett was available later in the meeting via Zoom. He answered Selectman Dykstra's question by saying that he would like the change going forward to better accommodate the new larger truck by allowing it to turn around in a cul-de-sac or hammerhead and not have to back out off a long private road. However, in cases of existing private roads, the truck should not be significantly hampered in reaching the structure.

Selectman Daggett asked why a 50-foot right of way, in addition to the 20-foot travel path for development with four or more detached dwellings, was requested. Chief Everett responded that in situations where hydrants are not available, and water has to be brought in by truck, they need room for the 8½-foot wide trucks to be able to pass each other.

**e. Land use Ordinance revision regarding the description of the resource protection zone.**

Michelle Radley explained that this change relates to the digital flood insurance rate map that is likely to be coming out soon and the resource protection zone and coastal flood plain. With the update would come a significant amount of developed areas that would fall under resource protection. As this is not the purpose of resource protection, this change would exempt the already developed areas. Selectman Dykstra had questions about the size of properties and how they would be affected. Laurie Smith said she would ask Werner Gilliam to come before the Board and provide some examples.

**f. Update to Floodplain Management Ordinance.**

Michelle Radley explained that this was also due to the digital flood insurance maps changing and updating our LUO to coincide with that. The Town is currently waiting on the model ordinance from the state, which FEMA would vet. Michelle anticipates that a section replacement rather than a line-by-line strikeout will be requested. Chairman Hutchins asked if there was a timeline for receiving the model ordinance, and Laurie Smith responded that Werner Gilliam is expecting that sometime in the next few weeks.

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

**6. Presentation and adoption of the updated Personnel Policy:**

Special Projects Manager & HR Administrator Yanina Nickless informed the Board

that the Personnel Policy needs to be updated for three reasons:

- 1) The current Personnel Policy was created by outgoing Town Manager Larry Mead and adopted by the Board in 2013. It is now 10 years old and out of date.
- 2) She has done payroll for a while, so she is familiar with the practical side of personnel policy, not just theory. So, she knows that some policies became obsolete and unworkable because of COVID and labor shortages.
- 3) Union contract negotiations made some articles very divergent and, in some cases, contradictory to each other. The updated policy is an attempt to mirror them as much as possible.

Changes were made on three levels – structurally, conceptually, and contextually. Structurally, to make the information as easy as possible for employees to find. Conceptually, to move away from a set of rules and to include the goals and background of Kennebunkport to make this an inclusive, welcoming place to work. And contextually, she provided a table to the Selectmen listing the articles that are to be changed.

Yanina, former Finance Manager Denise Brown, and Laurie Smith went through the policy article by article and made the changes they deemed necessary. Then they submitted the updated policy to the legal team at Drummond Woodsum to make sure they were in line with state and federal law. Next, the updated policy was reviewed by union representatives, who confirmed that nothing contradicted the union contract. Department directors were consulted throughout the process.

The policy was also submitted to the Board for review and input. There were a few changes. The Board was referred to as both Board of Selectmen and Select Board, so Yanina made those consistent using the term Select Board only. Other minor grammatical and visual changes were made. The most significant change made was an item on page 21 – in the event of the death of an employee, the town would pay 50% of sick leave time. This was changed to 100%.

The Board members all expressed their appreciation for the hard work that went into the policy update and had no further questions or concerns.

**Motion** by Selectman Dykstra, seconded by Selectman Daggett, to adopt the updated Personnel Policy. **Voted:** 5-0. **Motion passed.**

7. **Accept \$200.00 from an anonymous donor dedicated toward the emergency food fund.**

**Motion** by Selectman Daggett, seconded by Selectman Dykstra, to accept \$200.00 from an anonymous donor dedicated toward the emergency food fund **Voted:** 5-0. **Motion passed.**

8. **Accept \$600.00 from The Church on the Cape dedicated toward the emergency fuel fund:**

**Motion** by Selectman Dykstra, seconded by Selectman Daggett, to accept \$600.00 from The Church on the Cape dedicated toward the emergency fuel fund. **Voted:** 5-0. **Motion passed.**

9. **Other Business:**

Laurie Smith reminded citizens that on Friday from 7:00 am to 3:00 pm and Saturday from 8:00 am to noon, the Public Works Department will be doing their final wood debris collection days. Kennebunkport residents and those bringing debris from Kennebunkport properties are eligible.

Chairman Hutchins once again expressed his thanks to the Fire Department for their efforts during last week's storm.

10. **Approve the February 9, 2023, Treasurer's Warrant:**

**Motion** by Selectman Dykstra, seconded by Selectman Daggett, to approve the February 9, 2023, Treasurer's Warrant. **Voted:** 5-0. **Motion passed.**

11. **Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate:**

**Motion** by Selectman Daggett, seconded by Selectman Dykstra, to enter Executive Session per MRSA 1, §405-6C to consider the acquisition of real estate. **Voted:** 5-0. **Motion passed.**

Selectmen were in Executive Session for 27 minutes. Remotely attending Selectman Matthews-Bull did not return from Executive Session.

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



**7. Adjournment.**

**Motion** by Selectman Daggett, seconded by Selectman Dykstra, to adjourn.

**Voted:** 4-0. **Motion passed.** The meeting adjourned at 7:09 PM.

Submitted by,  
Dave Powell,  
Technology Specialist

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# **AGENDA ITEM DIVIDER**

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**Town of Kennebunkport  
Public Hearing on  
Proposed Amendment to Chapter 160-11, unlawful parking,  
of the General Ordinances**

The Town of Kennebunkport Board of Selectmen will conduct a public hearing on **Thursday, February 23, 2022 at 6:00 PM** at the Village Fire Station on the following proposed amendment to the Kennebunkport ordinance – Part 1 General Ordinances, Article II Traffic and Parking Control, **Chapter 160-11, Unlawful Parking.**

The revision of:

~~Wharf Lane~~ ~~\_\_\_\_\_~~ ~~No parking on either side of Wharf Lane~~

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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT TOWN CLERK

To: Laurie Smith, Town Manager  
Board of Selectmen  
Fr: Tracey O'Roak, Town Clerk  
Re: Liquor License and Special Amusement Applications  
Dt: February 21, 2023

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We have received the following renewal applications for Liquor License and Special Amusement Permits:

- **Taylormade Hospitality d/b/a Hurricane Restaurant**, 29 Dock Square
- **Broughton Hotel Corp. d/b/a The Colony Hotel**, 140 Ocean Avenue

Staff have reviewed the applications and provided approval for this license and therefore, I recommend approval.

**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** 05-15-2023

**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**

<b>1. APPLICANT(S)</b> – (Sole Proprietor, Corporation, Limited Liability Co., etc.)			<b>2. Business Name (D/B/A)</b>		
DOB:			The Colony Hotel		
DOB:					
Boughton Hotel Corp			Location (Street Address)		
DOB:			140 Ocean Avenue		
Address			City/Town	State	Zip Code
140 Ocean Avenue			Kennebunkport	Maine	04046
			Mailing Address		
City/Town	State	Zip Code	City/Town	State	Zip Code
Kennebunkport	Maine	04046			
Telephone Number		Fax Number	Business Telephone Number		Fax Number
207-967-3331		207-967-8738	207-967-3331		207-967-8738
Federal I.D. # 01-020192300			Seller Certificate # 0002699		

3. If premises are a hotel, indicate number of rooms available for transient guests: 125

4. State amount of gross income from period of last license: ROOMS \$ 4,549,585 FOODS 2,115,837 LIQUOR \$ 958,791

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

Questionnaire complete Supplementary ,If YES

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

- | Name in Full (Print Clearly)  | DOB       | Place of Birth   |
|---|-----------|------------------|
| John E. Martin  | 6-12-1966 | Biddeford, Maine |
|   |           |                  |
|   |           |                  |
| Residence address on all of the above for previous 5 years (Limit answer to city & state) |           |                  |
| Kennebunk, Maine (17 years)   |           |                  |

- Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_
- Offense: \_\_\_\_\_ Location: \_\_\_\_\_
- Disposition: \_\_\_\_\_

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

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

Dated at: Kennebunkport, Maine on \_\_\_\_\_, 2020  
Town/City, State Date

**Please sign in blue ink**

  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

Tom E. Marshall

Print Name

\_\_\_\_\_  
Print Name

**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners 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.	

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

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganiz 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 mail to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Statu Augusta ME 04333-0008. 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: \_\_\_\_\_  
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 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 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 application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of 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 within 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 at 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 appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



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

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

**For Office Use Only:**

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

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

1. Exact legal name:

Boughton Hotel Corporation

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

DBA The Colony Hotel

3. Date of filing with the Secretary of State: March 18, 1948

4. State in which you are formed: Maine

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

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

Name	Address for Previous 5 years	Date of Birth	Ownership %
Jestena Boughton	Delray Beach, Fl	9/29/46	80 %
Hilary Roche	Boca Ratan, Fl	7/25/68	10 %
John Martin	Kennebunk, Maine	6/12/1966	10 %

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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Date

John E. Martin

\_\_\_\_\_  
Print Name of Duly Authorized Person

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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 Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

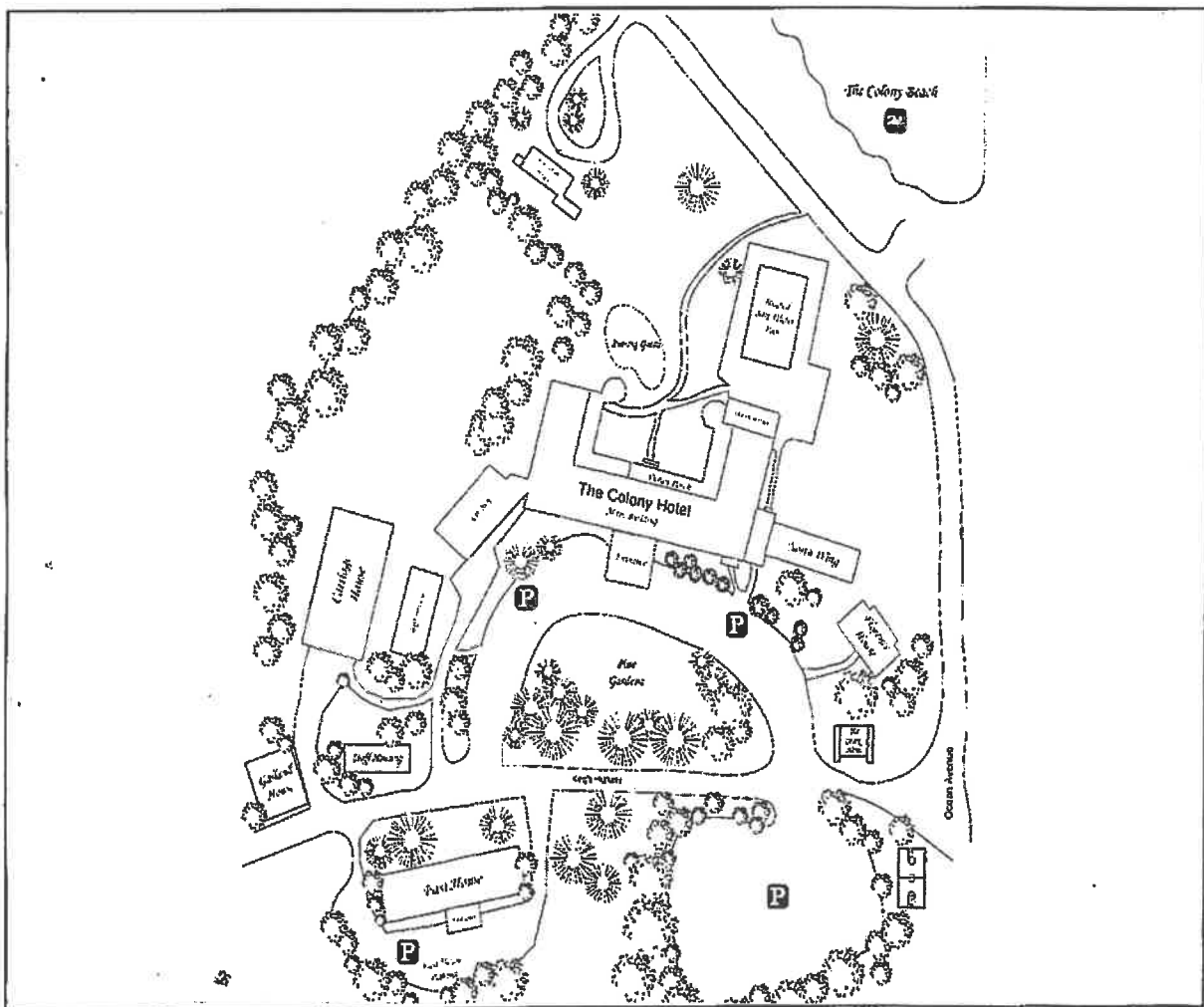


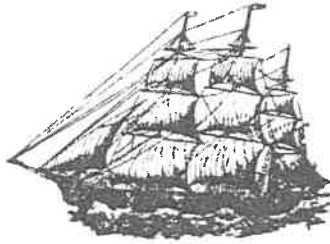
Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement  
164 State House Station  
Augusta, ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 387-3424

## 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.





## TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

### APPLICATION SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT


Name of Applicant Boughton Hotel Corporation  
Residence Address 140 Ocean Avenue, Kennebunkport, ME 04046  
Home Telephone Number 207-967-3331  
Name of Business Colony Hotel  
Business Address 140 Ocean Avenue, Kennebunkport, ME 04046  
Type of Business Hotel & Restaurant  
Business Telephone Number 207-967-3331  
Nature of Special Amusement Live & Recorded Music for Events

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: **\$ 100.00 (payable to the Town of Kennebunkport)**
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

  
Signature of Applicant  
Printed name: John E. Martin



All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):
Taylor-made Hospitality	Hurricane Restaurant
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
Taylor Benenti	29 Dock Square, Kennebunkport, Maine, 04046
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
	PO Box 1801, Kennebunkport, Maine, 04046
Mailing address, if different from DBA address:	Email Address:
	info@hurricanerestaurant.com
Telephone #                      Fax #:	Business Telephone #                      Fax #:
207-286-7127                      207-967-9113	207-967-9111                      207-967-9113
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
83-2213121	1197972                      &                      013 / EAN: 1000647000
Retail Beverage Alcohol Dealers Permit:	Website address:
N/A	www.hurricanerestaurant.com

1. New license or renewal of existing license? ☐ New Expected Start date: \_\_\_\_\_
- ☒ Renewal Expiration Date: 06/08/2023

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

Food: \$ 1,875,690.88      Beer, Wine or Spirits: \$ 824,644.52      Guest Rooms: \$ 0.00

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

☒ Malt Liquor (beer)      ☒ Wine      ☒ Spirits

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

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

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

5. Business records are located at the following address:

29 Dock Square, Kennebunkport, Maine, 04046

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_

\_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Taylor William Benenti	06/06/1991	Portland Maine
Residence address on all the above for previous 5 years		
Name	Address:	
Taylor Benenti	39 Lassell Street, Portland, Maine, 04102	
Name	Address:	
Name	Address:	
Name	Address:	



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

☐ Yes ☒ No

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

\_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

Michael Brannen, 12 Riverlocks Road, Kennebunk, Maine, 04043

\_\_\_\_\_

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 0.00

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

We are a full service restaurant with a full bar and lounge area, as well as one dining room and booth area, all located on the first floor. We have a small outdoor area with two high top tables and a drink rail for four people, which was built Spring of 2020 and was approved by the Town of Kennebunkport and our liquor inspector/State of Maine.

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

Name: South Congregational Church

Distance: 300.00

## Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 02/06/2023



Signature of Duly Authorized Person

Taylor W. Benenti

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

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

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

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

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

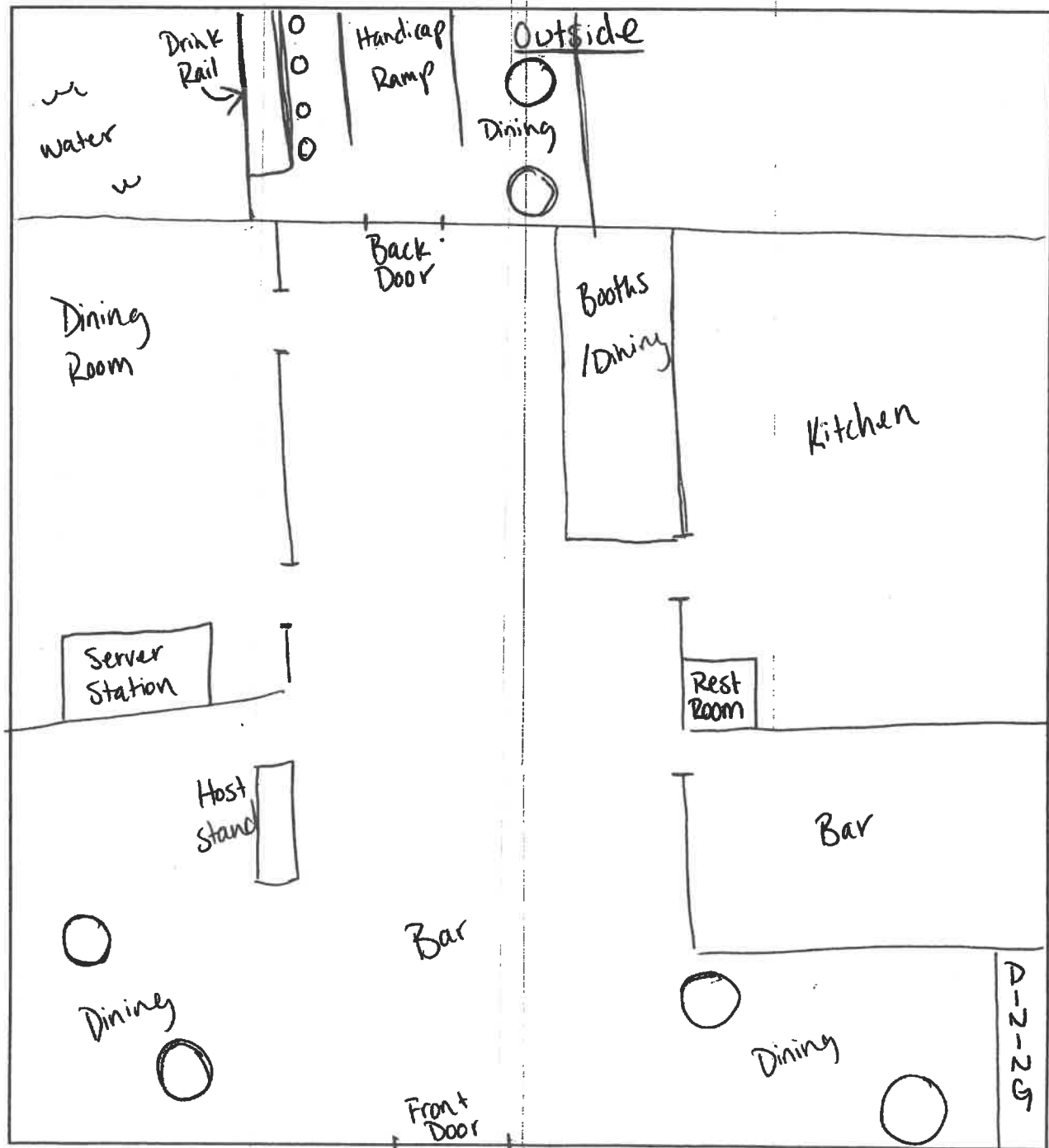
**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location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

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

## Section VI Premises Floor Plan

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

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



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

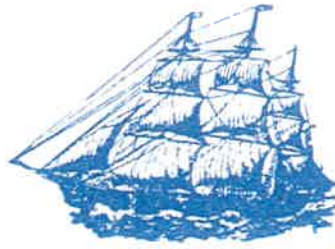
Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

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

1. Exact legal name: Taylor-made Hospitality
2. Doing Business As, if any: Hurricane Restaurant
3. Date of filing with Secretary of State: 10/16/2018 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Taylor W. Benenti	39 Lassell Street	06/06/1991	Owner/Operate	100.0000

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



## TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

### APPLICATION SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Taylor Benenti  
Residence Address 39 Lassell Street, Portland, ME, 04102  
Home Telephone Number 207-286-7127  
Name of Business Taylor Made Hospitality DBA Hurricane Restaurant  
Business Address 29 Dock Square, Kennebunkport, ME, 04046  
Type of Business Restaurant & Bar & Lounge  
Business Telephone Number ~~207-967-9111~~ 207-967-9111  
Nature of Special Amusement Duo Live Music once a week

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: \$ 100.00 (payable to the Town of Kennebunkport)
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

Signature of Applicant

Printed name: Taylor Benenti

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# **AGENDA ITEM DIVIDER**

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# Pier Road Causeway Reconstruction *Kennebunkport, Maine*

Megan McDevitt P.E.

February 23, 2023





# Agenda

- ▶ **Roadway Elevation Comparisons**
- ▶ **Revised Roadway Layout**
- ▶ **Boat Launch Comparison**
- ▶ **Updated Renderings**
- ▶ **Questions**



# Existing Roadway Elevation Comparison

Datum	Source	NAVD88 Elevation (feet)	MLLW Tide (feet)
<b>Mean High Water (MHW)</b>	NOAA Station 8418911	4.09	9
<b>Highest Annual Tide (HAT)</b>	Maine DEP	6.10	11
<b>Current Pier Road Causeway Lowest Elevation</b>	<i>Tidewater Survey</i>	6.50	
<b>January 23, 2023 – High Tide</b>	NOAA Station 8418911	6.59	11.50
<b>1-year High Water</b>	NOAA Station 8418150	6.66	
<b>2-year High Water</b>	NOAA Station 8418150	7.28	
<b>10-year SWEL</b>	FEMA FIS	7.44	
<b>50-year SWEL</b>	FEMA FIS	8.04	13
<b>10-year SWEL + 1.5' of sea level rise by 2050</b>	FEMA FIS, MCC	8.94	
<b>December 23, 2022 Storm – Peak Water</b>	Video	~9.00	
<b>50-year SWEL + 1.5' of sea level rise by 2050</b>	FEMA FIS, MCC	9.54	15
<b>Effective FEMA BFE</b>	FEMA FIS & FIRM	10.24	
<b>10-year SWEL + 3.9' of sea level rise by 2100</b>	FEMA FIS, MCC	11.34	
<b>Effective FEMA BFE + 1.5' of sea level rise by 2050</b>	FEMA FIS, MCC	11.74	
<b>50-year SWEL + 3.9' of sea level rise by 2100</b>	FEMA FIS, MCC	11.94	
<b>Effective FEMA BFE + 3.9' of sea level rise by 2100</b>	FEMA FIS & FIRM, MCC	14.14	

NAVD – North American Vertical Datum of 1988

MLLW – Mean Lower Low Water

FEMA - Federal Emergency Management Agency

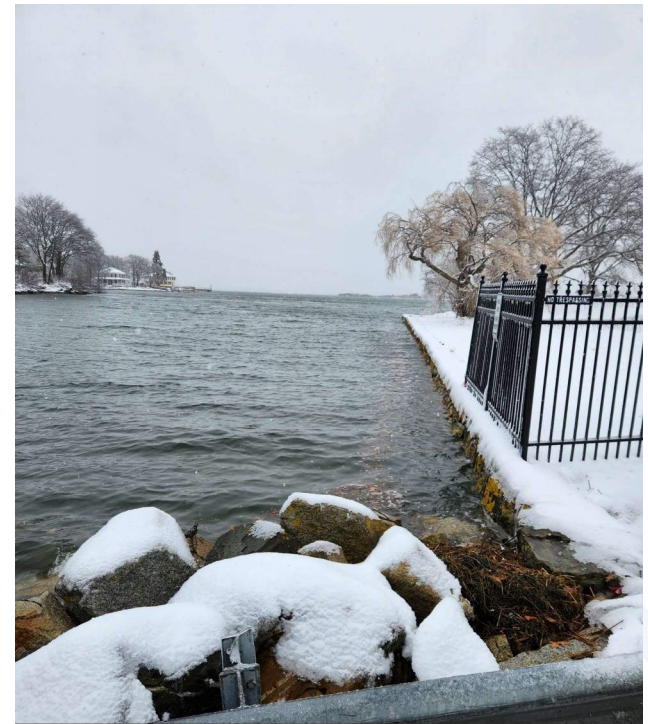
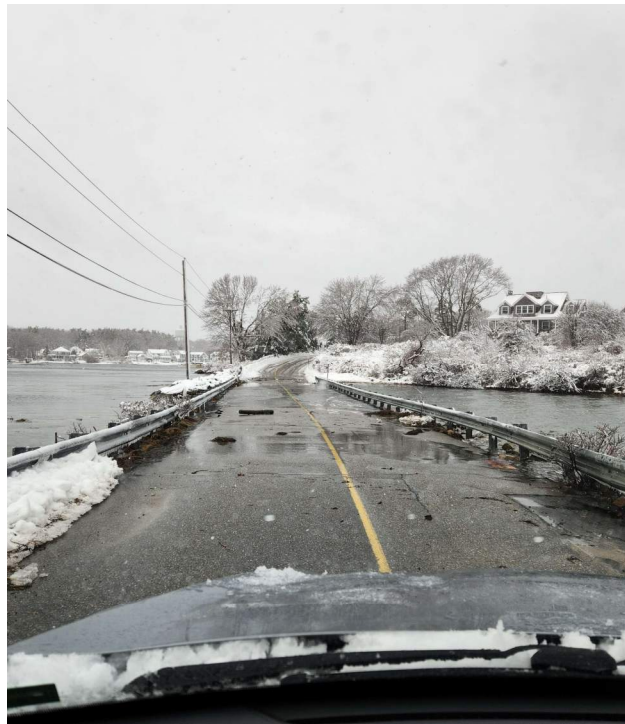
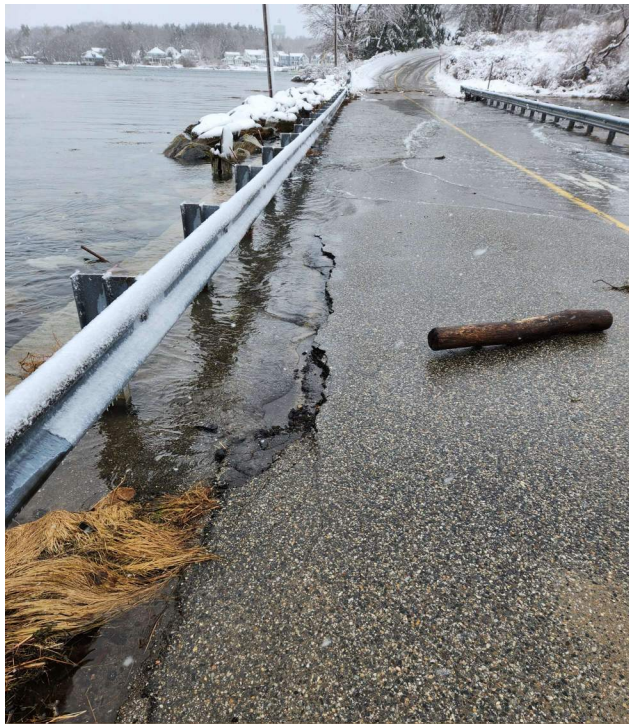
BFE - Base Flood Elevation for the 1% annual chance storm

SWEL – Stillwater Elevation

MCC - Maine Climate *Maine Won't Wait: Four-Year Plan for Climate Action Plan* published December 2020



# January 23, 2023 – 1 Hour After High Tide



## December 23, 2022 - Storm Event





## December 23, 2022 - Storm Event



# Proposed Roadway Elevation Comparison

Datum	Source	NAVD88 Elevation (feet)	MLLW Tide (feet)
Mean High Water (MHW)	NOAA Station 8418911	4.09	9
Highest Annual Tide (HAT)	Maine DEP	6.10	11
<b>Current Pier Road Causeway Lowest Elevation</b>	<i>Tidewater Survey</i>	6.50	
<b>January 23, 2023 – High Tide</b>	NOAA Station 8418911	6.59	11.50
1-year High Water	NOAA Station 8418150	6.66	
2-year High Water	NOAA Station 8418150	7.28	
10-year SWEL	FEMA FIS	7.44	
50-year SWEL	FEMA FIS	8.04	13
10-year SWEL + 1.5' of sea level rise by 2050	FEMA FIS, MCC	8.94	
<b>December 23, 2022 Storm – Peak Water</b>	Video	~9.00	
50-year SWEL + 1.5' of sea level rise by 2050	FEMA FIS, MCC	9.54	15
Effective FEMA BFE	FEMA FIS & FIRM	10.24	
<b>Proposed Pier Road Causeway Lowest Elevation</b>	<i>W&amp;C Preliminary Design</i>	11.00	
10-year SWEL + 3.9' of sea level rise by 2100	FEMA FIS, MCC	11.34	
Effective FEMA BFE + 1.5' of sea level rise by 2050	FEMA FIS, MCC	11.74	
50-year SWEL + 3.9' of sea level rise by 2100	FEMA FIS, MCC	11.94	
Effective FEMA BFE + 3.9' of sea level rise by 2100	FEMA FIS & FIRM, MCC	14.14	

NAVD – North American Vertical Datum of 1988

MLLW – Mean Lower Low Water

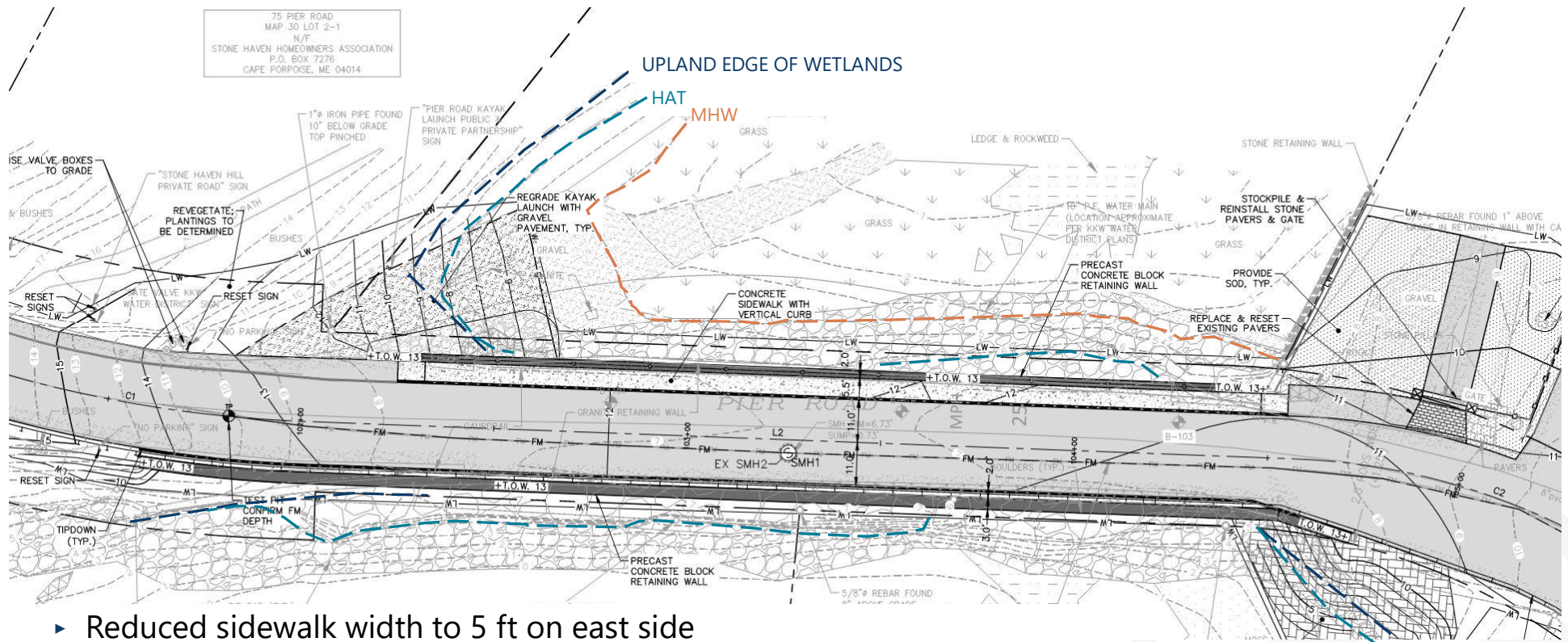
FEMA - Federal Emergency Management Agency

BFE - Base Flood Elevation for the 1% annual chance storm

SWEL – Stillwater Elevation

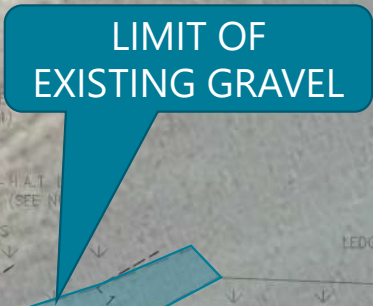
MCC - Maine Climate *Maine Won't Wait: Four-Year Plan for Climate Action Plan* published December 2020

# Revised Roadway Layout

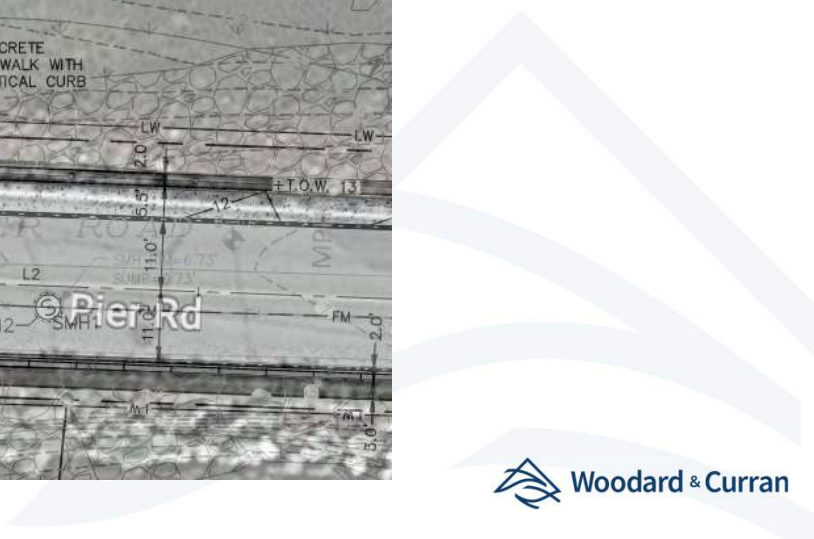


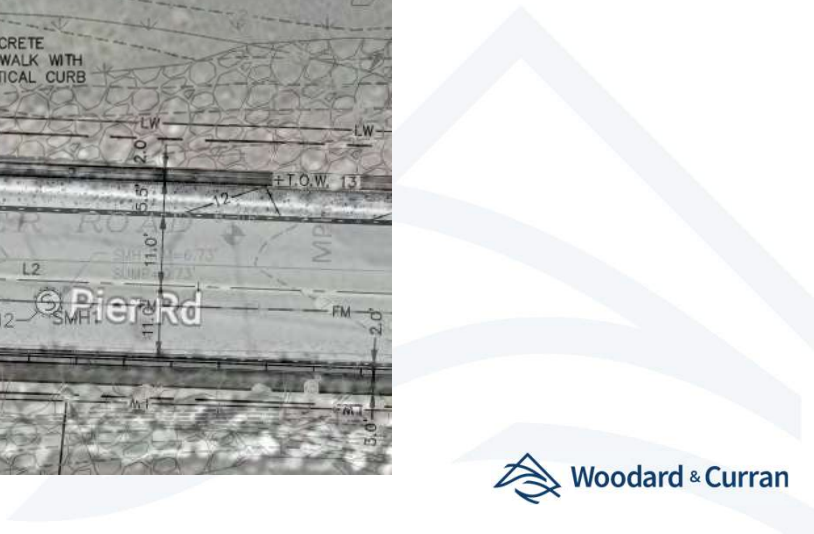
- ▶ Reduced sidewalk width to 5 ft on east side
- ▶ Adjusted top of east and west walls to be constant
- ▶ Created back-in ramp at the kayak launch (~12% slope, 18' width)













## Pier Road – Existing Conditions





## Pier Road – Proposed Conditions





## Pier Road – Proposed Conditions December 23, 2022 Storm Rendering



## View From 1 Stone Haven Drive - Existing Condition





# View From 1 Stone Haven Drive - Proposed Condition



## View From 2 Stone Haven Drive - Existing Condition





## View From 2 Stone Haven Drive - Proposed Condition





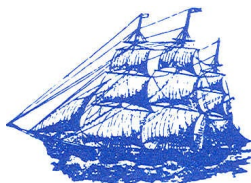
Thank you



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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT WASTEWATER DEPARTMENT

### MEMORANDUM

To: Laurie Smith  
Fr: Chris Simeoni, Director of Public Works  
Re: Authorization to post roads  
Dt: February 9<sup>th</sup>, 2023

Annually, the Public Works Department posts roads in Kennebunkport to prevent heavy vehicles from causing damage to the roadways during the winter to spring transition. During this time, roads are subject to additional damage from heavy vehicles due to freeze and thaw cycles.

During the winter/spring, Maine roads weaken, and they need to be protected. As temperatures warm and the ground thaws, soil under the pavement becomes saturated with water, making pavement unstable. As a result, many roads cannot support heavy loads.

To protect roads from serious damage, The Public Works Department, seasonally, will post roads to protect its public infrastructure from damages and pre-mature repairs and or improvements. Our roads are posted in accordance with [Title 29-A MRSA 2395](#).

The Town does sometimes allow for travel during certain periods of cold weather. This will require permission from the Director of Public Works. An application to operate on a posted way is available on the Town's website.

It is my recommendation to authorize the posting of the attached list of roads in accordance with [Title 29-A MRSA 2395](#). The attached list of roads would be closed to such traffic commencing on February 27, 2023 and would remain closed until April 30<sup>th</sup>, 2023, unless postings are removed earlier at the discretion of the Public Works Director.

## **Restricted Vehicle Weight on Posted Roadways**

The Town of Kennebunkport has authorized the closing of certain town ways to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds. The following roads will be closed to such traffic commencing on February 27th, 2023, and will remain closed until April 30th, 2023, unless postings are removed earlier at the discretion of the Director of Public Works. Any violation of the rules is a traffic infraction punishable by a fine of not less than \$250. Home Heating Fuel Delivery Trucks and Municipal Solid Waste Collection Trucks are exempt from Posted Road regulations. The posting shall remain in force except when the way is solidly frozen. The highway is considered solidly frozen only when the air temperature is 32 degrees F. or below, and no water is showing in the cracks in the road. Both conditions must be met. The Town of Kennebunkport will be posting restricted vehicle weight signs on the following roads:

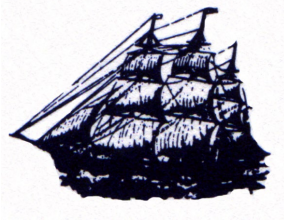
- Arundel Road from Goff Brook to Goose Rocks Road
- River Road from Goff Brook to North Street
- Beachwood Avenue from North Street to Route 9
- Walkers Lane from North Street to Beachwood Avenue
- Old Cape Road from Beachwood Avenue to Route 9
- Goose Rocks Road from Log Cabin Road to Route 9
- Stone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

Please feel free to contact the Highway Department at 967-5728 if you have any questions or concerns. An application for a Posted Road Permit is available for download on our website.

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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT TOWN CLERK

### MEMORANDUM

To: Board of Selectmen  
Laurie Smith, Town Manager  
Fr: Tracey O'Roak, Town Clerk  
Re: Proposed ordinance revisions for June Town Meeting  
Dt: January 31, 2023

We have six ordinances to bring to the voters in June. I have broken down the proposed ordinances below.

1. Administrative Code/Boards and Committees/Cape Porpoise Pier Committee – this amendment was brought forward by the Cape Porpoise Pier Committee. It changes the makeup of the committee from 75% of registered voters of Kennebunkport to 75% of commercial fishermen.
2. Administrative Code/Annual and Special Town Meetings – This was brought forward by a resident and would change the Annual Town Meeting from the Saturday immediately following the second Tuesday to the Wednesday evening immediately following the second Tuesday.
3. Land Use Ordinance/Terminology (regarding Accessory Apartments) – Werner Gilliam has proposed revisions to clarify the definitions regarding accessory apartments.
4. Land Use Ordinance/Town-wide Regulations (private road construction) – this amendment was suggested by Werner Gilliam, Director of Codes and Planning.
5. Land Use Ordinance/Establishment of Zones – this amendment was suggested by Werner Gilliam, Director of Codes and Planning.
6. Floodplain – Werner Gilliam is waiting on further information regarding this revision. Once he passes it along, I will forward it.





TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

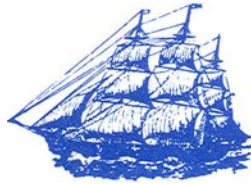
## MEMORANDUM

To: Laurie Smith, Town Manager  
Fr: Werner Gilliam, Director of Planning and Development  
CC: Tracey O'Roak, Michelle Radley  
Re: Proposed Ordinance Revisions June 2023 Update  
Dt: February 2<sup>nd</sup>, 2023

The staff has been working on several Ordinance proposals for consideration for the June 2023 warrant. In addition to the draft language that has been provided, below, you will find a description of those changes.

1. Land Use Ordinance/Terminology (regarding Accessory Apartments): In response to the recent state statute modifications surrounding housing (Known as LD2003), revisions to Kennebunkport's accessory dwelling unit regulations have been drafted. Key elements include language confirming that: ADUs cannot be sold, are recognized as permitted uses, are intended as primary residences, are not eligible for STR Licenses, meet certain minimum square footage requirements, and are generally exempt from being required to have any additional parking as required in LD 2003.
2. Land Use Ordinance/Town-wide Regulations (private road construction): Private roads that are subject to a Planning Board Site Plan review require input from the fire department regarding access. Future road designs will need to be able to accommodate future fire apparatus that the town has contracted for. The proposed ordinance revisions now have a table to better clarify the dimensional requirements as well as exhibits for 16' wide fire apparatus turn around options. We will also be adding a 20' travel way option that our engineering consultants are currently working on.
3. Land Use Ordinance/Establishment of Zones: Kennebunkport's Shoreland Zoning treats many coastal floodplain areas as Resource Protection. With the inclusion of a significant number of developed properties into the coastal floodplain by virtue of the new DFIRM maps, the description of the Resource Protection Zone (Intended to regulate undeveloped areas such as salt marshes) will need to be adjusted to reflect their developed status. Specific proposed language has been drafted that has been sent to DEP for their review and feedback.





TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

4. Floodplain: In order to remain in good standing with FEMA and to remain a participant in the National Flood Insurance Program, Kennebunkport will need to update its Floodplain Management Ordinance. This ordinance is a standalone ordinance that is heavily based on the model floodplain management ordinance that is authored by the Maine Floodplain Management Program. It is important for communities to use this model ordinance primarily because it has been vetted and approved by FEMA. At this time, the state is working on an updated version that contains the proper references to our proposed DFIRM (Digital Flood Insurance Rate Maps). Due to the number of changes that FEMA requires and for ease of adoption, we will be proposing a complete ordinance replacement vs. a line-by-line strikeout underline version once that is made available to us.

Part I – General Ordinances  
Chapter 5 – Administrative Code  
Article IV. Boards and Committees

§ 5-30 **Cape Porpoise Pier Committee.**

A. ~~A.~~ Composition. The Cape Porpoise Pier Committee shall be composed of five or more members, one of whom shall be a member of the Board of Selectmen. Nonresidents may be appointed to this Committee, provided they are commercial fishermen from the Cape Porpoise Pier and at least 75% of the membership are ~~registered voters of Kennebunkport~~ Commercial Fishermen.

B. Definition of Commercial Fisherman. An individual or business entity deriving greater than 50% of their annual income from activities directly concerned with the commercial harvest of wild or aquacultured marine organisms.

BC. Appointment. The Board of Selectmen shall appoint the members of the Cape Porpoise Pier Committee.

CD. Terms. The members of the Cape Porpoise Pier Committee shall serve for terms of one year.

DE. Organization. The members of the Cape Porpoise Pier Committee shall elect annually from its membership a Chair, a Vice Chair and a Secretary.

EF. Duties. The Cape Porpoise Pier Committee shall advise the Board of Selectmen on all matters addressed in the Cape Porpoise Pier Ordinance.

Part I – General Ordinances  
Chapter 5 – Administrative Code  
Article V. Annual and Special Town Meetings

§ 5-42 **Schedule; fiscal year.**

- A. The Annual Town Meeting shall convene on the second Tuesday of each June for the purpose of electing Town officials and for voting on referendum articles and other secret ballot articles and shall adjourn to ~~the Saturday~~ Wednesday evening immediately following the second Tuesday of June for the purpose of considering and adopting the budget and acting upon remaining business. ~~The terms of those elected Town officials whose terms would have expired in March on the date of the Annual Town Meeting shall be automatically extended to the date of the next corresponding Annual Town Meeting in June.~~ All Annual and Special Town Meetings shall be called in accordance with the provisions of the statutes of the State of Maine.
- B. The Town's fiscal year shall be July 1 through the following June 30, commencing July 1, 2002, with a six-month interim fiscal and budget year running from January 1, 2002, through June 30, 2002, to provide for the change in the fiscal year. In addition, property taxes will be billed on or about February 1, 2002, to fund the six-month interim budget and thereafter twice a year with half of the taxes to be billed on or about August 1 and the second half to be billed on or about February 1.

Part II – Zoning Ordinances  
Chapter 240 – Land Use  
Article 2. Terminology (regarding Accessory Apartments)

**§ 240-2.2 Definitions**

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

**ACCESSORY USE OR STRUCTURE**

A subordinate use or structure customarily incidental to and located on the same lot as the principal use or structure, such as a detached garage, workshop, or the like. Accessory uses, in the aggregate, shall not subordinate the principal use or structure on a lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof, or a common wall is considered part of the principal structure and may not be independently conveyed.

**APARTMENT, ACCESSORY**

A separate dwelling unit which may be located within a single-family dwelling, or a detached accessory structure as permitted under § 240-7.1 of this chapter. An accessory apartment is an extension of use which may not be independently conveyed.

**DWELLING**

Any building or structure or portion thereof containing one or more dwelling units, but not including a motel, hotel, inn or similar use.

**A. SINGLE-FAMILY DWELLING**

A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one dwelling unit, or one dwelling unit with an accessory apartment as permitted under § 240-7.1, including a modular home unit.

**B. TWO-FAMILY DWELLING**

A building designed or remodeled to be used exclusively for residential occupancy to two families living independently of one another and containing two dwelling units. Each unit shall have not less than 650 square feet.

**C. MULTIPLEX DWELLING**

A building for residential occupancy by three or more families living

independently of one another and containing three or more dwelling units, including apartment buildings and condominiums, but excluding single-family dwellings with accessory apartments.

#### **DWELLING UNIT**

One or more habitable rooms arranged, designed or intended to be used, or used as a complete housekeeping unit for one or more individuals living together as a family with independent living, cooking, sleeping, bathing and sanitary facilities. Recreational vehicles are not residential dwelling units. Within any Shoreland Zone, the term "dwelling unit" shall include seasonal rental units which meet the above definition, regardless of the time period rented.

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### § 240-4.3 Village Residential Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Animal husbandry

~~\*See § 240-7.1J~~

### § 240-4.4 Village Residential East Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Animal husbandry

~~\*See § 240-7.1J~~

### § 240-4.5 Dock Square Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment**</del>	Child-care center

~~\*Exceptions to the requirement for Planning Board Site Plan Review Approval are set forth in § 490-10.2B(3).~~

~~\*\*See § 490-7.1J.~~

#### § 240-4.6 Riverfront Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Child-care center

~~\*See § 240-7.1J.~~

#### § 240-4.7 Cape Arundel Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Home occupation

~~\*See § 490-7.1J.~~

#### § 240-4.8 Goose Rocks Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Child-care center

~~\*See § 490-7.1J.~~

#### § 240-4.9 Cape Porpoise East and Cape Porpoise West Zones

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Home occupation

~~\*See § 490-7.1J.~~

#### § 240-4.10 Cape Porpoise Square Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Child-care center

~~\*See § 490-7.1J.~~

#### § 240-4.11 Free Enterprise Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Child-care center

~~\*See § 490-7.1J.~~

#### § 240-4.12 Farm and Forest Zone

Permitted Uses	Conditional Uses Subject to Site Plan Review	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	<del>Accessory apartment*</del>	Child-care center

~~\*See § 490-7.1~~

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## § 240-7.1 Accessory apartments

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

- A. A request for an accessory apartment requires submittal of a site plan that shall include the property owner with deed reference, lot boundaries and dimensions to scale and the location and setbacks of all buildings and parking areas.
- B. A request for an accessory apartment shall include a plan of the entire building showing a separate floor layout of all finished levels identifying the use of all rooms and the location of all entrances/exits.
- C. The dwelling shall have only one front entrance and all other entrances shall be either on the side or in the rear of the dwelling. An entrance leading to a foyer with interior entrances leading from the foyer to the two dwelling units is permitted.

~~The living area of the dwelling must be at least 1,625 square feet, including basement and attic spaces that have a ceiling height greater than seven feet. The living area of an accessory apartment shall be a minimum of 600 square feet, and a maximum of 40% of the living area of the dwelling or 800 square feet, whichever square footage is less. 190 square feet, and a maximum of 800 square feet.~~ An accessory apartment may not have any living space on a third story unless it meets the minimum life safety requirements as defined in the Building Code.

- D. Accessory apartments are not permitted in the Shoreland Zone unless the lot on which it will be located has at least double the lot size for that zone, double the minimum lot size, and double the shore frontage for that zone.
- E. Only one accessory apartment shall be permitted per ~~lot~~ single-family dwelling.
- F. ~~Either the primary residence or converted accessory apartment shall be occupied by the owner of the property as the owner's primary residence. An accessory apartment shall be occupied as a primary residence ("primary residence" shall be defined as more than six months per year). Both the primary residence and accessory apartment shall be occupied as primary residences. When requesting an accessory apartment, the property owner must provide proof of primary residency, to include possession of a State of~~

~~Maine driver's license, current registration of a motor vehicle in Maine, and current registration to vote in Maine. If the property owner does not have a valid motor vehicle license in Maine or any other political jurisdiction, or does not have a motor vehicle currently registered in Maine or any other political jurisdiction, alternative evidence of primary residency may be accepted subject to the discretion of the Zoning Board of Appeals or the Code Enforcement Officer. An accessory apartment is not eligible to operate as a short-term rental.~~

~~G. In the Free Enterprise and Farm and Forest Zones only, a home occupation is allowed in either the primary dwelling or the accessory apartment, but not in both. Such home occupation shall be subject to approval as a conditional use. [Amended 11-3-2020]~~

~~H. No permit for an accessory apartment shall be legal until the owner files the following notice with the Code Enforcement Officer and in the Registry of Deeds: "A permit for an accessory apartment has been issued to the owner of this property. This permit does not run with the land, and is automatically invalidated by the sale, grant, devise, conveyance or transfer of this property."~~

**I. G.** Accessory apartments located on properties connected to the Town's wastewater collection system must be approved by the Sewer Department. Properties utilizing subsurface waste system and private wells must meet the standards required in the Maine Subsurface Wastewater Disposal Rules. In addition:

- (1) Existing septic systems must be evaluated for condition and capacity by a licensed site evaluator. A reserve area is required for existing and new systems in the event that replacement is necessary. Biannual pump-outs of septic systems servicing the property are required and documentation must be provided to the Town upon request.
- (2) Properties serviced by private wells must provide to the Code Enforcement Office a water quality test to ensure adequate water quality prior to issuance of a certificate of occupancy.

~~J. An accessory apartment located in a detached accessory structure that conforms to property setback requirements is allowed as a permitted use subject to all requirements below. An accessory apartment constructed within or detached of an existing structure that is legally nonconforming due to setbacks~~

is subject to ~~Planning Board review per Article 10. The following requirements must be met, in addition to the requirements of Subsections A through I above:~~

- ~~(1) Calculation of floor area for the detached accessory apartment's living space is based on 40% of the living space of the primary structure to include the basement and attic spaces that have a ceiling height greater than seven feet.~~
- ~~(2) If the primary dwelling is located on a nonconforming lot, at least 50% of the floor area of the detached accessory structure must be devoted to uses other than living space which are accessory to the principal structure, such as storage or parking, and must be available for use by the occupants of the principal structure.~~

#### **§ 240-6.10 Accessory apartments**

- A. Each single-family dwelling shall be provided with two off-street parking spaces. ~~Accessory apartments shall be provided with parking in accordance with Subsection B(2) below~~ Accessory apartments are not required to have additional off-street parking.
- 

#### **§ 240-6.19 Dwellings**

- A. Single-family dwellings. A single-family dwelling and any accessory apartment located therein shall be constructed on one continuous foundation and under one continuous roof; no part of the dwelling unit shall be located in a detached building or structure. Detached accessory apartment units shall be exempt from this requirement.
- 

#### **§ 240-8.7 Nonconforming lots**

- A. A nonconforming lot of record, not adjoined by any other lot in common ownership, may be built upon, as a matter of right for a single-family dwelling, and permitted accessory uses, and without the need for a variance, subject to all the requirements of this chapter for the zone where located, except for those area and frontage requirements which made the lot nonconforming, provided that the owner can demonstrate that there is reasonable access to the site by emergency vehicles.
-

## **§ 240-11.12 Growth management permit required**

**C. Exemptions.** The following are exempt from the provisions of this section:

- 1.** The repair, replacement, reconstruction or alteration of any existing building or structure not resulting in additional dwelling units;
- 2.** Housing for the elderly which is constructed, operated, subsidized or funded, in whole or in part, by an agency of the state or federal government;
- 3.** The construction or alteration of a nonresidential building or structure; and
- 4.** The construction or alteration of a new accessory apartment.

Part II – Zoning Ordinances  
Chapter 240 – Land Use  
Article 6. Town-wide Regulations (private road construction)

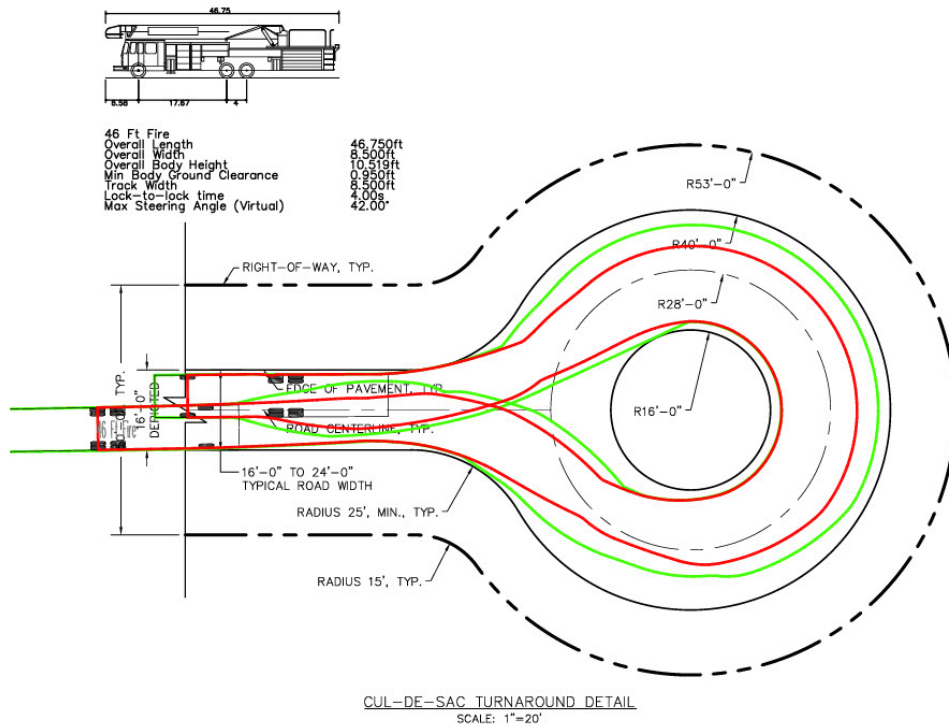
240-6.14 Road Construction, filling and grading.

- A. On lots greater than five acres in area, the construction of a road, or grading or filling of the land may not commence prior to site plan review under Article 10, unless the planned land use is to serve no more than two residential units, or a use accessory to an existing single-family home. On lots of five acres or less, and on any lot when the planned use is to serve no more than two residential units, or a use accessory to an existing single-family home, such construction, grading or filling requires a permit from the Code Enforcement Officer.
- B. A driveway/private road over 50 feet long for a single-family or two-family dwelling that the Code Enforcement Officer may permit, shall not be less than 12 feet wide, with a minimum five-foot setback from the lot line.
- C. A driveway/private road for a three-unit multiplex, or for three detached dwellings, must be approved by the Planning Board, and the right-of-way shall not be less than two rods (which is 33 feet) in width. The traveled way shall not be less than 16 feet in width of gravel, of hard, durable particles free from vegetative matter, 16 inches thick after compaction. Drainage swales must have slopes no steeper than 3:1. The center line of the roadway shall not be more than three feet off the center line of the right-of-way.
- D. A driveway/private road for four or more detached dwellings must be approved by the Planning Board, and the right-of-way shall not be less than 50 feet in width. The traveled way shall not be less than 20 feet in width of gravel, of hard, durable particles free from vegetative matter, 16 inches thick after compaction. Drainage swales must have slopes no steeper than 3:1. The center line of the roadway shall not be more than three feet off the center line of the right-of-way. See Table F and exhibits for dimensions and hammerhead /cul-de-sac design standards.
- E. The Planning Board may reduce or modify the driveway/private road standards where strict adherence to the limitations cannot be met when considering a preexisting right-of-way, or cannot be met due to environmental concerns. In addition, during the course of their review Planning Board may consult with the Code Enforcement Officer and the Fire Chief regarding emergency equipment access requirements for new and expanded existing private roads. If such a

modification(s) is approved, the Planning Board shall include the modification(s) in the site plan review's written findings of fact, and the applicant shall record the findings of fact with the York County Registry of Deeds before commencing any work or before receiving a building or land use activity permit from the Code Enforcement Officer.

## F.

Table of Dimensional Standards			
Residential Use	Minimum ROW	Minimum Travelled Width	Permitting Authority
Up to: (2) Single family Dwellings or (1) Two Family Dwelling	22'	12'	CEO
(3) Detached Dwellings, or 1(3) Unit Multiplex	33'	16'	PB
(4 or more) Detached Dwellings or residential dwelling units	50'	20'	PB





Part II – Zoning Ordinances  
Chapter 240 – Land Use  
Article 3. Establishment of Zones

240-3.3 Description of zone boundaries.

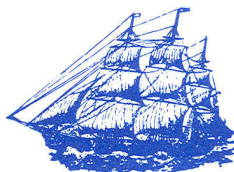
- M. Resource Protection Zone: The Resource Protection Zone shall include the following areas:
- (6) Outside of the Dock Square and Riverfront Zones, and excluding all parcels which contain upland areas that contain a principal structure/use and are considered developed as of July 1 2023 the one-hundred-year floodplains adjacent to tidal waters and along rivers, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils



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# **AGENDA ITEM DIVIDER**

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## TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

### Memorandum

To: Board of Selectmen and Laurie Smith  
 Fr: Yanina Nickless, Special Projects Manager/HR Administrator  
 Re: Correction in the Personnel Policy  
 Dt: February 16, 2023

In the new Personnel Policy, we amended the vacation accrual language in order to clarify the Town's practice. Originally employees used to accrue vacation time on an annual basis after a year of service. Several years ago, the Town changed this policy and vacation accruals occurred on a weekly basis with payroll. In order to clarify the vacation accruals, we added the years of service column in the new Personnel Policy. Upon closer examination, we realized it did not align with the Town's practice or the union contract. Thus, the proposed language is

"Exempt, salaried employees are entitled to accrue paid vacation time in accordance with the following schedule:

YEARS OF SERVICE	HOURS PER PAY PERIOD	DAYS PER YEAR
0- <del>1</del> <u>2</u> YEAR	1.84 h	12 working days
<del>1</del> <u>2</u> - <del>2</del> <u>5</u> YEARS	2.30 h	15 working days
<del>2</del> <u>5</u> - <del>5</del> <u>10</u> YEARS	2.77 h	18 working days
<del>5</del> <u>10</u> - <del>10</del> <u>15</u> YEARS	3.07 h	20 working days
<del>10</del> <u>15</u> - <del>15</del> <u>20</u> YEARS	3.38 h	22 working days
<del>15</del> <u>20</u> - <del>20</del> <u>20</u> + YEARS	3.69 h	24 working days

The Town Manager may, upon the appointment of an exempt, salaried employee, provide for an accrual of vacation time greater than otherwise provided herein, if that employee, in the opinion of the Town Manager, has the equivalent work experience and qualifications equal to ten years in the job being appointed to.

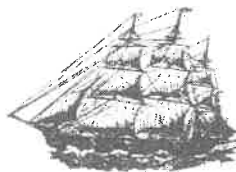
Non-exempt, hourly employees are entitled to accrue paid vacation time in accordance with the following schedule:

YEARS OF SERVICE	HOURS PER PAY PERIOD	DAYS PER YEAR
0- <del>1</del> <u>2</u> YEAR	1.38 h	9 working days
<del>1</del> <u>2</u> - <del>2</del> <u>5</u> YEARS	2.00 h	13 working days
<del>2</del> <u>5</u> - <del>5</del> <u>10</u> YEARS	2.30 h	15 working days
<del>5</del> <u>10</u> - <del>10</del> <u>15</u> YEARS	2.77 h	18 working days
<del>10</del> <u>15</u> - <del>15</del> <u>20</u> YEARS	3.07 h	20 working days
<del>15</del> <u>20</u> - <del>20</del> <u>25</u> YEARS	3.38 h	22 working days
<del>20</del> <u>25</u> - <del>25</del> <u>25</u> + YEARS	3.69 h	24 working days

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# **AGENDA ITEM DIVIDER**

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## Kennebunkport Public Health

— INCORPORATED 1653 —

### **Kennebunkport Public Health**

February 16, 2023

ATTN: Kennebunkport Board of Selectman, Laurie Smith- Kennebunkport Town Manager

Please accept this donation of \$75.00 from Robert and Cathy Gordon. This gift is dedicated towards the emergency fuel fund.

Thank you!

Alison Kenneway RN, BSN

ROBERT A GORDON  
CATHY M GORDON  
8 COTTAGE AVE  
KENNEBUNKPORT, ME 04046

05-15

1356

53-7054/2113  
74

2/14/2023

Date

Pay to the  
Order of

Town of Kennebunkport

\$ 75.00

Seventy Five 00/100

Dollars



Photo  
Safe  
Deposit  
Details on back



Bank

America's Most Convenient Bank®

Town Fuel  
For Assistance Fund

R Gordon

MP

1356

TD Bank N.A.