

TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda  
June 9, 2022 @ 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/84374467309>

or go to **ZOOM** and enter the **webinar ID: 843 7446 7309**

**By phone (US): (929) 205 6099 or (301) 715 8592**

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1. Call to Order.
2. Approve the May 26, 2022, 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. Presentation of the Town Report.
5. Consider a renewal Liquor and Special Amusement Application submitted by the Seaside Hotel Associates LTD Partnership d/b/a Nonantum Resort.
6. Consider a renewal Liquor License Application and new request for extension of license privileges submitted by the Nunan's Lobster Hut, Inc.
7. Status update by Stephen Bourque of Vision Government Solutions regarding the sales market analysis.
8. Consider an amendment to Chapter 240 – 7.14 of the Land Use Ordinance regarding Residential Rental Accommodations or "Roomers" permit.
9. Approval of the Comprehensive Plan for submission to State Review office. (The document can be found at <https://kennebunkportcp.info/>)
10. Request for an extension on the existing Street Opening Permit for Colony Avenue by Brex Corporation.
11. Accept donations dedicated to the nurse's general account:
  - a. \$30.00 from Diane Temple in memory of Carol Chamberlain
  - b. \$250.00 from Marilyn Harris in memory of Carol Chamberlain
12. Other Business.
13. Approve the June 9, 2022, Treasurer's Warrant.
14. Adjournment.

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# **AGENDA ITEM DIVIDER**

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Town of Kennebunkport  
Board of Selectmen Meeting VIA Zoom  
May 26, 2022  
6:00 PM

**MINUTES**

**Selectmen attending via Zoom:** Patrick Briggs, Allen Daggett, Edward Hutchins, Sheila Matthews-Bull, and D. Michael Weston.

**Others attending via Zoom:** Yanina Nickless, Werner Gilliam, Tracey O’Roak, Denise Brown, Eli Rubin, and John Everett. (6 attendees)

**1. Call to Order**

Selectman Matthews-Bull called the meeting to order at 6:00 PM. She took a roll call of Selectmen present: Allen Daggett, Patrick Briggs, Michael Weston, Edward Hutchins, and Sheila Matthews-Bull.

**2. Approve the May 12, 2022, meeting minutes.**

**Motion** by Selectman Briggs seconded by Selectman Daggett to approve the May 12, 2022, selectmen meeting minutes. **Roll Call Vote:** Daggett, Briggs, Weston, Hutchins, Matthews-Bull. **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.)

Mike Weston talked about enforcing the Parking Ordinance for landscapers and construction workers. He drove around the town and noticed that a few workers adhered to the ordinance, while the majority parked on the streets. He wanted to make the construction and landscaping workers aware of the Paring Ordinance which says that they have to park either in the clients’ driveways or in places where they do not obstruct parking. Selectman Weston recommended posting 30-days notices with an ordinance reminder, so the workers will have 30 days to find new spaces and comply with the rule. After 30 days, the warning and fines will take place. This is not a new ordinance, but rather an existing one, so Selectmen Weston recommended reinforcing it.

Selectmen Matthews-Bull expressed that she would like to hear from the landscapers and why there is an issue with adhering to the ordinance. She emphasized that this ordinance might influence many small businesses in the town.

David Jason, a member of the audience, emphasized that the landscapers will be able to adapt to the ordinance and find solutions.

**Motion** by Selectman Weston, seconded by Selectman Hutchins to send public notices on enforcing the Parking Ordinance and proceed with stricter actions further. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, Matthews-Bull. **Voted:** 3-2. Motion passed.

Tracey O’Roak gave updates on elections: absentee ballots are now available for the June 14<sup>th</sup> election. More information can be found on the website.

Tara Rubin, a member of the audience, thanked the Planning and Development Department as well as Laurie Smith, Town Manager, for work on the short-term rental ordinance.

**4. Public Hearing to consider applications for victualer’s licenses for the period from June 1, 2022, through May 31, 2023.**

Selectmen Matthews-Bull opened the Public Hearing. There were no hands raised. Selectmen Matthews-Bull closed the Public Hearing.

**Motion** by Selectman Hutchins, seconded by Selectman Briggs to consider applications for the victualer’s licenses for the period from June 1, 2022, through May 31, 2023. **Roll Call Vote:** Briggs, Weston, Hutchins. **Voted:** 3-0-2. Selectmen Matthews-Bull and Daggett abstained since their properties were on the list. **Motion passed.**

**5. Public Hearing on a proposed amendment to Chapter 160-11 Parking Control Regulations, Langsford Road.**

Laurie Smith, Town Manager, reminded everyone that this was based on the last meeting request to have a Public Hearing to change the Parking ordinance under Chapter 160-11: The Parking Control Regulations, in particular to Langsford Road.

Selectmen Matthews-Bull opened a Public Hearing.

Tara Rubin, a member of the ordinance, said she lived on Langsford Road and expressed her support for this change. She has two children and this would make it easier for the school bus to pick them up.

No other hands were up. Selectmen Matthews-Bull closed the Public Hearing.

**Motion** by Selectman Daggett, seconded by Selectman Hutchins to amend Chapter 160-11 Parking Control Regulations, Langford Road. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**6. Adoption of Government Wharf Budget.**

Laurie Smith, Town Manager, gave an update on the Government Wharf Budget. It is one of the enterprise funds and the proposal would be paid by the user fees as well as the use of the fund balance. The fees for the lobsterman would be set at \$600.00, and the commercial dues would be set at \$275.00.

**Motion** by Selectman Hutchins, seconded by Selectman Briggs to adopt Government Wharf Budget. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**7. Adoption of Dock Square Budget.**

Laurie Smith, Town Manager, gave an update on the Dock Square Budget. It is the last enterprise fund, and it includes the operations of Dock Square as well as maintenance and capital items related to downtown and tourism areas. The one change in the budget is salaries and wage increases for the parking lot attendants.

**Motion** by Selectman Daggett, seconded by Selectman Hutchins to adopt Government Wharf Budget. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**8. Climate Action Plan Taskforce.**

Eli Rubin, Community Planner, introduced the idea that the Planning and Development Department is looking to establish an ad-hoc task force for about 16 months, comprising from 5 to 7 community members and staff. The proposed plan is to have 1-2 Selectboard members; 1-2 staff members; and the rest of is community members. The work of the Task Force will begin in July if approved by the Board.

**Motion** by Selectman Hutchins, seconded by Selectman Weston to approve the release of the applications for the Climate Action Plan Task Force to the community. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**9. Comprehensive Plan Update.**

Eli Rubin, Community Planner, updated everyone that the Comprehensive Plan is almost done. He encouraged the Board to ask any questions or raise any concerns regarding the Plan.

Selectmen Weston thanked the Committee and staff for their work on the Plan.

Robin Phillips, a member of the audience, raised questions about LD 2003 influence on the Town and no building caps in the designated growth area.

No action was required, and no action was taken.

**10. Update on Fire Dept. Task Force.**

John Everett, Fire Chief, gave quarterly updates on the Fire Department Task Force. The Force came up with a list of different areas where towns can help each other; looked through the software; discussed sharing trucks, stations, and officer training programs; and strategies for the grant writing.

No action was required, and no action was taken.

**11. Street Opening Permit for North Street.**

Dave James, a member of the audience, asked where the opening was since he lived on North Street. Chris Simeoni, Public Works Director, replied that this was a new private way off North Street, called Dolly Lane.

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to approve a street opening permit for North Street. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**12. Street Opening Permit for Old Cape Road.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to approve a street opening permit for 105 Old Cape Road. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**13. Accept donations dedicated to the nurse's general account:**

- a. \$50.00 from Jean Perkins in memory of Carol Chamberlain
- b. \$50.00 from Glen and Sharon Bates in memory of Carol Chamberlain
- c. \$100.00 from Jeffrey Harris in memory of Carol Chamberlain
- d. \$100.00 from William and Marion Duclos in memory of Carol Chamberlain
- e. \$500.00 from Frances Lamontagne

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to accept donations dedicated to the nurse's general account. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**14. Accept a \$1,000.00 donation from Goose Rocks Beach Fire Company to the general needs account.**

**Motion** by Selectman Daggett seconded by Selectman Hutchins to accept a \$1,000 donation from Goose Rocks Beach Fire Company to the general needs

account. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**15. Other Business.**

Selectmen Hutchins reminded everyone that softball starts on June 1.

Laurie Smith, Town Manager, brought up an increased concern about speeding in town. She discussed the issue with Chris Simeoni, Director of Public Works, and Craig Sanford, Police Chief, and three of them tried to come up with a solution. One way to approach this would be to get speeding readers and move them around town. Chief Sanford contacted the company and found out that the radars are solar-powered and 6-weeks out for delivery if we would decide to purchase them.

**Motion** by Selectman Weston seconded by Selectman Daggett to proceed on purchasing the speed radars for the town with the cap on the full purchase of \$20,000. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

Laurie Smith, Town Manager, asked the Board to nominate her for the Legislative Policy Committee. The Committee meets to discuss legislative bills that are before the State especially in regard the municipal measures. Laurie has previously served on the Committee for a number of years.

**Motion** by Selectman Hutchins seconded by Selectman Daggett to nominate Laurie Smith to serve on the Legislative Policy Committee. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**16. Approve the May 26, 2022, Treasurer's Warrant.**

**Motion** by Selectman Hutchins seconded by Selectman Daggett to approve the May 12, 2022, Treasurer's Warrant. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**17. Adjournment.**

**Motion** by Selectman Hutchins seconded by Selectman Daggett to adjourn. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.** Meeting adjourned at 7:26 PM.

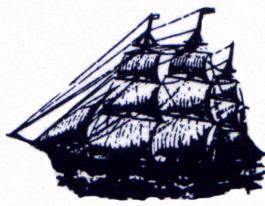
Submitted by,  
Yanina Nickless,  
Assistant to the Town Manager

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# **AGENDA ITEM DIVIDER**

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KENNEBUNKPORT TOWN CLERK

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

**From:** Tracey O’Roak, Town Clerk

**Date:** June 2, 2022

**Re:** Liquor License Renewal Applications

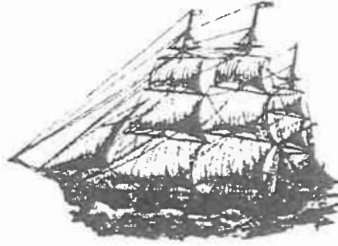
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We have received the following applications for renewal of liquor licenses.

- **Seaside Hotel Associates LTD Partnership d/b/a Nonantum Resort – *Renewal Liquor and Special Amusement Application.*** Staff reviewed the application and provided approval for this license.
- **Nunan’s Lobster Hut, Inc. – *Renewal Liquor License and new request for extension of license privileges.*** Staff reviewed the applications and provided conditional approval based upon receiving final approval for an outdoor dining area. Nunan’s received initial approval for outdoor dining at the June 1<sup>st</sup> Planning Board meeting, contingent upon installation of traffic barriers.

I recommend approval of the license for Nonantum and conditional approval of the license for Nunan’s based upon the final approval of outdoor dining.



TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

APPLICATION  
SPECIAL AMUSEMENT PERMIT FOR  
DANCING AND ENTERTAINMENT

Name of Applicant TINA HEWITT GORDON

Residence Address 11 TIDEWATER COURT - KENNEBUNK, ME 04041

Home Telephone Number 207 590-0922

Name of Business SEASIDE HOTEL ASSOC DBA NONANTUM RESORT

Business Address 95 OCEAN AVENUE

Type of Business RESORT HOTEL

Business Telephone Number 207 967 4050

Nature of Special Amusement LIVE MUSIC

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

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

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

1. Permit Fee: \$ 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.

Tina Hewitt-Gordon  
Signature of Applicant  
Printed name: TINA HEWITT-GORDON



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
TWA HEWETT-GORDON (PALMIOTTO)	10-01-1969	NISKAYUNA, NY
MARK WOZNY	1-29-1958	LITTLETON, NH
MEAGAN BIELAGUS (KAARTO)	2-18-1981	PETERBOROUGH, NH
ANGELA RUSSELL (HAMEL)	6-5-1991	BIDDEFORD, ME

Residence address on all the above for previous 5 years

Name	Address:
TWA HEWETT GORDON	11 TIDEWATER CT KENNEBUNK, ME
MARK WOZNY	BEETHWOOD AVE KENNEBUNKPORT, ME
MEAGAN BIELAGUS	RICHARDS AVE PONTSMOUTH, NH
ANGELA RUSSELL	SUNNER STREET KENNEBUNK, ME

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 109

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)

SEE ATTACHED

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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: ST. ANN'S EPISCOPAL

Distance: 6 MILE

**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: 6/1/22

[Signature]  
Signature of Duly Authorized Person

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

Jean Ginn Marvin  
Printed Name Duly Authorized Person

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

Kennebunk River

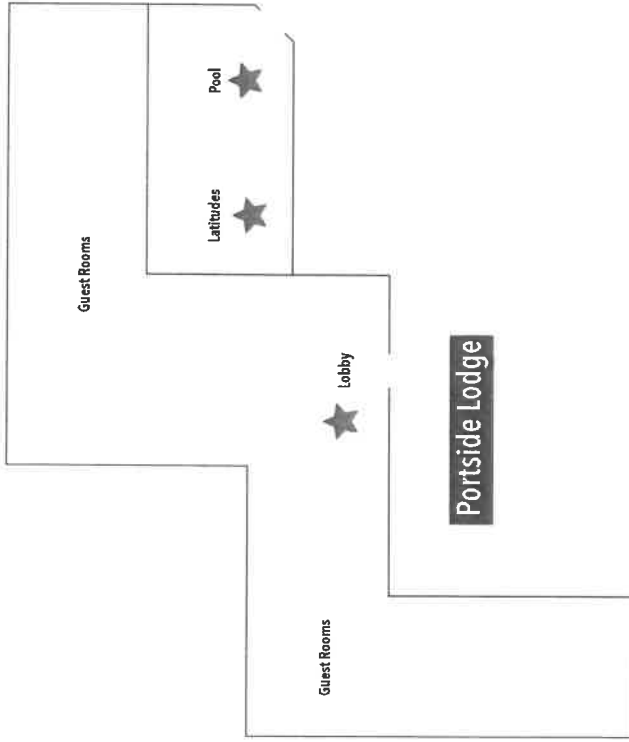


Lighthouse

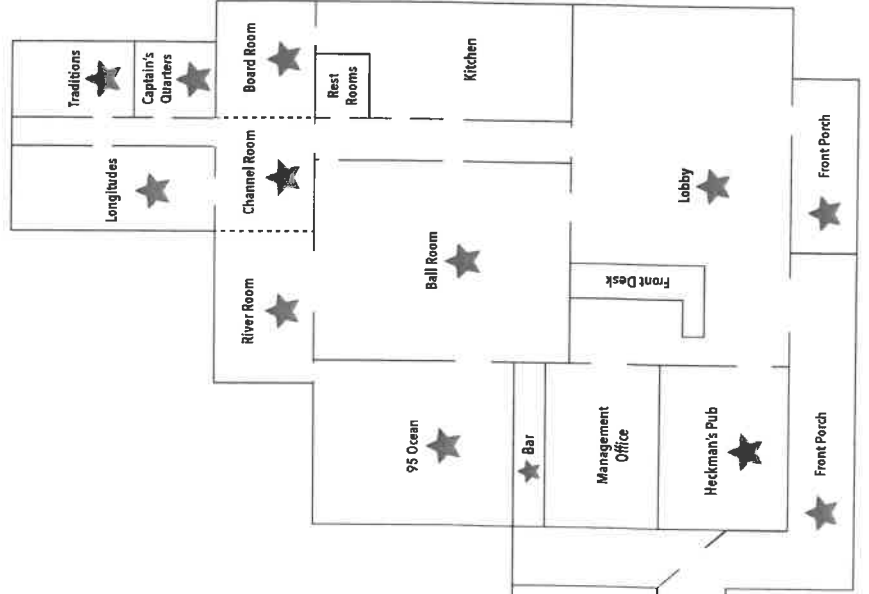
★ Back Lawn

★ Back Lawn

★ Back Lawn



★ Back Lawn



★ Front Porch

★ Front Porch

**Carriage House**



DESIGNATED AREAS OF ALCOHOL SERVICE  
2022

All Public Areas Including:

Carriage Inn Front Lobby  
Heckman's Pub  
River Room  
Board Room  
Longitudes  
Traditions  
95 Ocean  
Captains Quarters  
Pool Area/Latitudes  
Carriage Inn Front Porch  
Portside Lodge Lobby  
Back Lawn

95 Ocean Avenue, PO Box 2626 \* Kennebunkport, Maine 04046  
Phone 207 967 4050 \* 800 552 5651  
[www.nonantumresort.com](http://www.nonantumresort.com)

**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: The Nonantum Hotel Company
2. Doing Business As, if any: Nonantum Resort
3. Date of filing with Secretary of State: 5-1-28 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
Herbert E. Ginn Irrevocable Trust Dated 12/31/05	c/o Ginn RE 220 Maine Mall Rd South Portland, ME 04106			100%
Jean Ginn Marvin, President	81 Nonantum Way Scarborough, ME 04074	7-30-59	President	
Ellen E. Fontaine, Treasurer	6 Wildwood Ln Scarborough, ME 04074	7-1-59	Treasurer	

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







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

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

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

5. Business records are located at the following address:

11 Mills Rd Kennebunkport, ME 04046

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

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

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

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

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

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

Yes  No

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

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

Yes  No

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

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Richard Nunan	04/08/1960	SACO, ME
Keith Nunan	08/07/1965	SACO, ME
Residence address on all the above for previous 5 years		
Name	Address:	
Richard Nunan	11 Mills Rd Kennebunkport, ME 04046	
Name	Address:	
Keith Nunan	50 Mills Rd Kennebunkport, ME 04046	
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:

\_\_\_\_\_

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

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

Family inside and outside Restaurant. Take out also available

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: Church


Distance: 800 ft.

**Section II: Signature of Applicant(s)**

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

*Please sign and date in blue ink.*

Dated: May 24, 2022

  
Signature of Duly Authorized Person

  
Signature of Duly Authorized Person

Richard Numan  
Printed Name Duly Authorized Person

Keith Numan  
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 VII: Required Additional Information for 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.

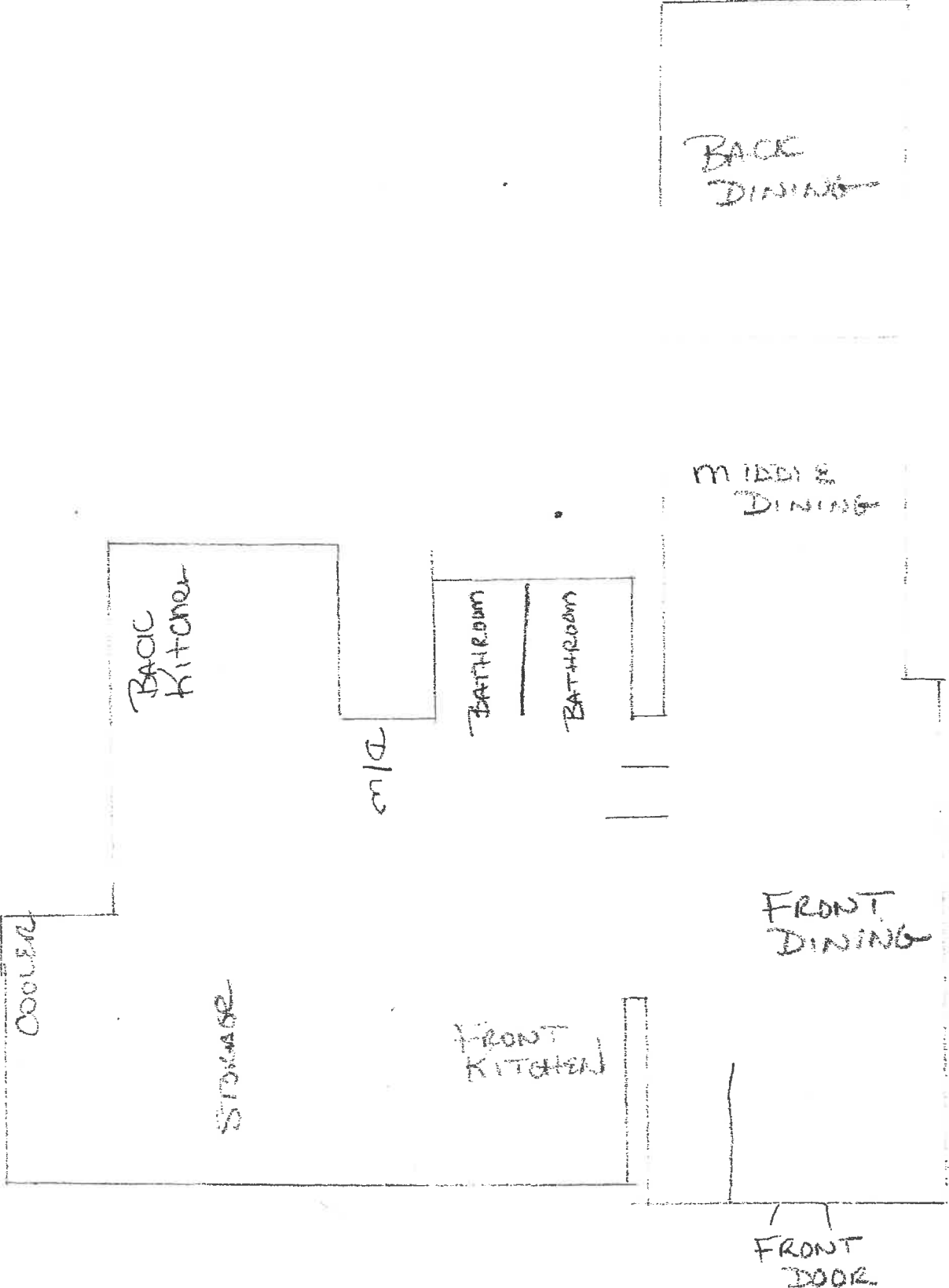
1. Exact legal name: Nunan's Lobster Hut, Inc.
2. Doing Business As, if any: \_\_\_\_\_
3. Date of filing with Secretary of State: April 3, 2003 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
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
Richard Nunan	11 Mills Rd K'port ME 04046	04/08/1960	owner	50%
Keith Nunan	50 Mills Rd K'port, ME 04046	08/07/1965	owner	50%

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



**PREMISE DIAGRAM**





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

**Request for Extension of License Privileges for an On-Premises Establishment**

**Section I: Licensee Information:**

Legal Business Entity Licensee Name (corporation, LLC): <i>Nunan's Lobster Hut, Inc.</i>	Business Name (D/B/A):
Individual or Sole Proprietor Licensee Name(s): <i>Richard Nunan Keith Nunan</i>	Physical Location: <i>9 Mills Rd</i>
License Number: <i>RES-1997-5008</i>	Mailing address, if different: <i>Kennebunkport, ME 04046</i>
Mailing address, if different from DBA address: <i>11 Mills Rd Kennebunkport, ME 50 Mills Rd 04046</i>	Email Address: <i>terrilnunan@gmail.com</i>
Telephone #      Fax #: <i>207-967-4206 207-967-0958</i>	Business Telephone #      Fax #: <i>207-967-4362</i>

**Section II: Extension of Privileges Information:**

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: *Richard Nunan Keith Nunan*

Complete mailing address: *11 Mills Rd Kennebunkport, ME 04046  
50 Mills Rd Kennebunkport, ME 04046*

Telephone/Mobile Number: *207-967-4206 207-967-0958*

Email Address: *terrilnunan@gmail.com nunan2@roadrunner.com*

2. Type of Extension of Privileges: (check only one)

- a. Temporary        Inside     Outside
- b. Permanent        Inside     Outside

continue to next page

3. Start Date: May 1, 2022 End Date (if applicable): \_\_\_\_\_

4. Will dancing be permitted in this area? Yes  No

a. If yes, does the establishment have a dance license? Yes  No

b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

5. Will there be live entertainment in this area? Yes  No

6. Reason for this request: Due to the Covid-19 pandemic

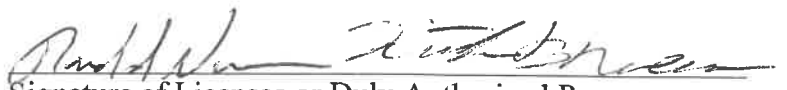
We were allowed to offer outdoor dining. This was a great success and highly received by our patrons. Therefore we would like to be able to continue to offer it and appreciate your consideration to extend our license.

**Section III: Signature of Licensee**

By signing this application, the licensee 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: May 24, 2022

  
Signature of Licensee or Duly Authorized Person

Richard Nunan Keith Nunan  
Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008

Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,  
Augusta, ME 04330

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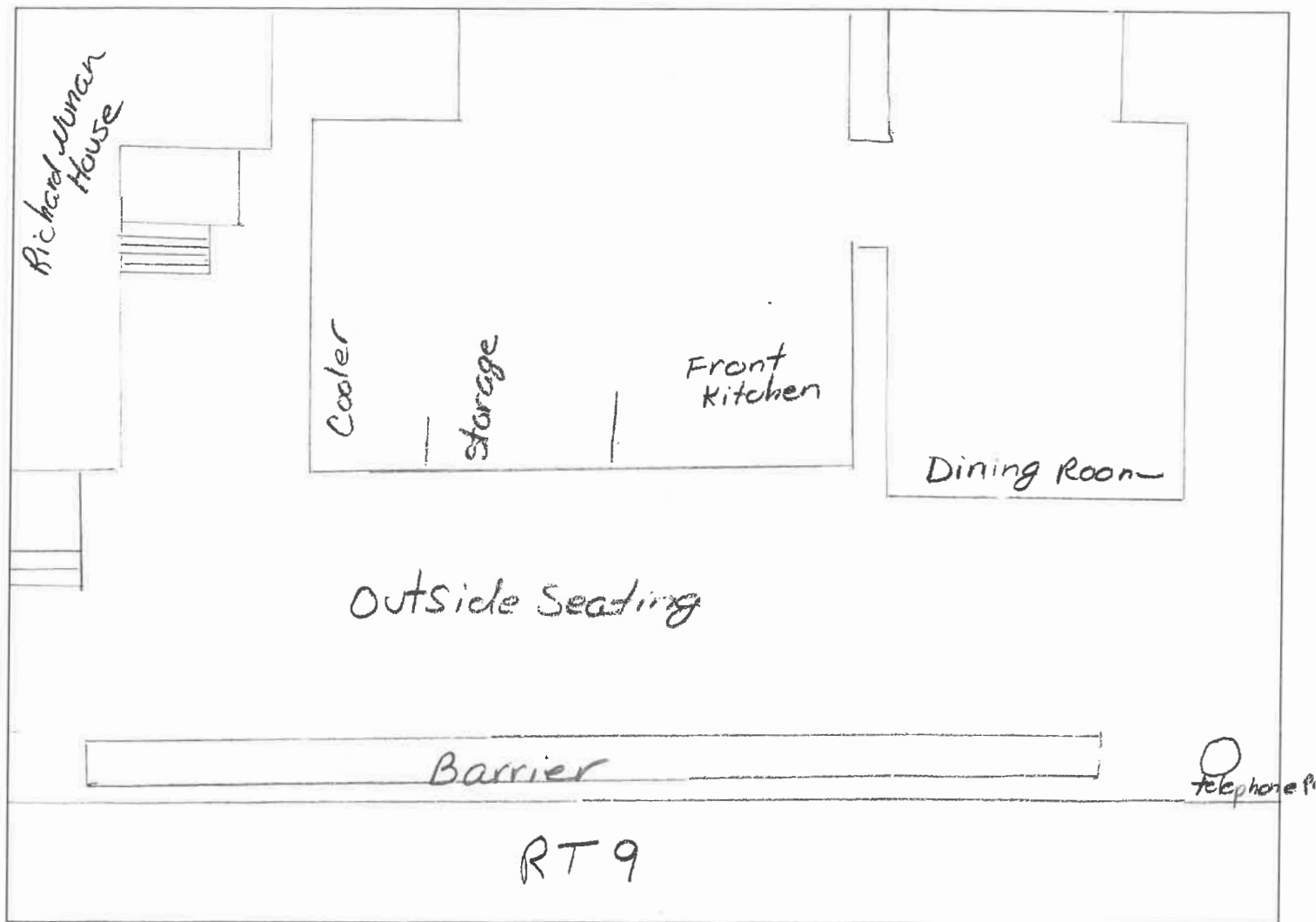


## Diagram for Extension of Privileges Area

### The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).



### For Office Use Only:

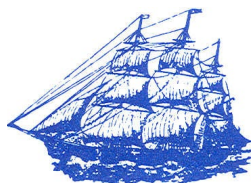
Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_ Issued By: \_\_\_\_\_

Approved  Not Approved

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# **AGENDA ITEM DIVIDER**

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## TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

### MEMORANDUM

**Date:** 05/27/2022

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

**From:** Werner Gilliam, CFM Director of Planning and Development

**RE:** Proposed amendment to Chapter 240 – 7.14 of the Land Use Ordinance regarding Residential Rental Accommodations or “Roomers” permit.

Based upon a recommendation from the Zoning Board of Appeals I am requesting for the Board’s consideration an amendment to the Land Use Ordinance regarding how we review and approve or deny applications for Residential Rental Accommodations.

Currently, the process for a “Roomers” approval involves an application to the Board of Appeals as well as a review by the Code Enforcement Officer.

This proposed amendment will streamline the review process by assigning it to the Code Enforcement Officer and removing the Board of Appeals from the initial review process.

All other performance and appeal standards and processes will remain unchanged.

May 6, 2002

To Select Board Members

Pursuant to Chapter 240 – 7.14 of the Land Use Ordinance, jurisdiction for approval of an application for a Residential Rental Accommodation Permit is with the Zoning Board of Appeals. There are, typically, a handful of these applications annually, each requiring notice to abutters and a public hearing.


The Short Term Rental license approval process is, technically, governed by the Town Clerk's office, but in consultation with and significant input from the Code Enforcement Office. No hearing for this approval is required and there is no notice to each applicant's abutters. There were over 400 Short Term Rental licenses granted for 2022.

A requirement for Residential Rental Accommodation is that the owner of the residence be present during each rental, and that presence acts as a monitor or regulator of the impact of the rental on neighbors. There is no such requirement for a Short Term Rental.

Accordingly, a Residential Rental Accommodation approval involves more process for the applicant than the Short Term Rental process, and appears to have less of an impact on the Town and its neighborhoods.

For these reasons, and after due consideration, the Zoning Board of Appeals recommends that jurisdiction for the approval of Residential Rental Accommodation application be transferred to the Code Enforcement Officer. Jurisdiction for an appeal of a decision or determination regarding such application by the Code Enforcement Office will remain with the Zoning Board of Appeals per Chapter 240 – 9.2.A.(1) and 7.14.

Thank you



Paul W. Cadigan, Chair  
Zoning Board of Appeals



§ 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	Accessory apartment*	Animal husbandry
Agriculture	Cemetery	Home occupation
Essential services	Church	<del>Residential rental accommodation</del>
Farm stand	Community building	
Single-family dwelling	Community use	
Storage and repair of fishing equipment	Elder-care facility	
<p>Parking of motor vehicles limited to Golf courses in existence any publicly owned lot in excess of since January 1, 2008 2 acres in size, with frontage on and access from a state-controlled highway. The maximum number of parking spaces for this use may not exceed 150, and there shall be no bus or large recreational vehicle parking on the lot. Further, with the exception of road frontage, dense vegetative buffering, a minimum of 6 feet in height, is required beginning at the property line and extending inward for a distance of 10 feet.</p>		
Parking, temporary overflow public	Library	
Timber harvesting	Multiplex	
Timber management	Museum	
Two-family dwelling	Park	
<u>Residential rental accommodation</u>	School	*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	Accessory apartment*	Animal husbandry
Agriculture	Cemetery	Home occupation
Essential services	Church	<del>Residential rental accommodation</del>
Farm stand	Community building	
Single-family dwelling	Community use	
Storage and repair of fishing equipment	Elder-care facility	
Timber harvesting	Hotel and motel expansion	
Timber management	Library	
Two-family dwelling	Multiplex	
<u>Residential rental accommodation</u>	Museum	
	Park	
	School	*See § 240-7.1J

§ 240-4.5 Dock Square Zone.  
[Amended 6-8-2021]

Permitted Uses	Conditional Uses Subject to Site Plan Review*	Conditional Uses Subject to Zoning Board of Appeals Review
Accessory apartment	Accessory apartment**	Child-care center
Essential services	Bed-and-breakfast	Handcrafts
Single-family dwelling	Boatyard	Home occupation
Storage and repair of fishing equipment	Club	<del>Residential rental accommodation</del>
Two-family dwelling	Commercial center	
<u>Residential rental accommodation</u>	Financial institution	
	Hotel	
	Inn	
	Marina	
	Motel	
	Multiplex	
	Park	
	Parking, commercial	
	Professional and business offices	
	Public hospitality facility	
	Residential mixed use	
	Restaurant	
	Retail business	
	Ship chandlery	
	Theater	

NOTES:

\* 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	Accessory apartment*	Child-care center
Agriculture	Bed-and-breakfast	Handcrafts
Essential services	Boatyard	Home occupation
Farm stand	Club	<del>Residential rental accommodation</del>
Single-family dwelling	Commercial center	
Storage and repair of fishing equipment	Community building	
Two-family dwelling	Community use	
<u>Residential rental accommodation</u>		
	Financial institution	
	Fish processing	
	Hotel	
	Inn	
	Library	
	Marina	
	Marine transport services	
	Motel	
	Multiplex	
	Museum	
	Park	
	Professional and business offices	
	Residential mixed use	
	Restaurant	
	Retail business	
	School	
	Ship chandlery	
	Theater	

\*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	Accessory apartment*	Home occupation
Agriculture	Cemetery	<del>Residential rental accommodations</del>
Essential services	Church	
Farm stand	Museum	
Library	Commercial center	
Park	Community building	
Single-family dwelling		
Storage and repair of fishing equipment		
Timber harvesting		
Timber management		
Two-family dwelling		*See § 240-7.1J
<u>Residential rental accommodations</u>		

§ 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	Accessory apartment*	Child-care center
Agriculture	Cemetery	Home occupation
Essential services	Club	<del>Residential rental accommodations</del>
Farm stand	Community building	
Public hospitality facility, temporary	Community use	
Single-family dwelling	Library	
Storage and repair of fishing equipment	Museum	
Timber harvesting	Park	
Timber management		
Two-family dwelling		*See § 240-7.1J
<u>Residential rental accommodations</u>		

§ 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	Accessory apartment*	Home occupation
Agriculture	Boatyard	<del>Residential rental accommodations</del>
Essential services	Commercial marina	
Farm stand	Community use	
Single-family dwelling	Elder-care facility	
Storage and repair of fishing equipment	Fish processing	
Timber harvesting	Library	
Timber management	Museum	
Two-family dwelling	Park	
<u>Residential rental accommodations</u>	Residential mixed use	
	Ship chandlery	*See § 240-7.1J

§ 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	Accessory apartment*	Child-care center
Agriculture	Automobile repair shop	Handcrafts
Essential services	Automobile service station	Home occupation
Farm stand	Bed-and-breakfast	<del>Residential rental accommodation</del>
Single-family dwelling	Boatyard	
Storage and repair of fishing equipment	Church	
Two-family dwelling	Club	
<u>Residential rental accommodation</u>		
	Commercial center	
	Commercial marina	
	Community building	
	Community use	
	Financial institution	
	Fish processing	
	Inn	
	Library	
	Multiplex	
	Museum	
	Park	
	Professional and business offices	
	Residential mixed use	
	Restaurant	
	Retail business	
	School	
	Ship chandlery	
	Theater	

\*See § 240-7.1J



§ 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	Accessory apartment*	Child-care center
Agriculture	Automobile-oriented business	Handcrafts
Animal husbandry	Automobile repair shop	Home occupation
Essential services	Automobile service station	<del>Residential rental accommodation</del>
Farm stand	Bed-and-breakfast	
Manufactured housing	Boatyard	
Single-family dwelling	Campground	
Storage and repair of fishing equipment	Cemetery	
Timber harvesting	Club	
Timber management	Commercial center	
Two-family dwelling	Commercial complex	
Parking, temporary overflow public	Commercial recreation, indoor	
<u>Residential rental accommodation</u>	Commercial recreation, outdoor	
	Community building	
	Community use	
	Elder-care facility	
	Extractive Industry	
	Financial institution	
	Fish processing	
	Funeral home	
	Golf course	
	Health institution	
	Hotel	
	Inn	

**Permitted Uses**

**Conditional Uses Subject to Site Plan Review**

**Conditional Uses Subject to Zoning Board of Appeals Review**

Kennel

Library

Manufacturing

Marina

Mobile home park

Motel

Museum

Nursing home

Park

Parking, commercial

Professional and business offices

Public utilities

Residential mixed use

Restaurant

Retail business

School

Ship chandlery

Theater

Veterinary clinic

Warehouse

Wireless telecommunications facilities

Wholesaling

**\*See § 240-7.1J**

§ 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	Accessory apartment*	Child-care center
Agriculture	Bed-and-breakfast	Handcrafts
Animal husbandry	Boatyard	Home occupation
Essential services	Campground	<del>Residential rental accommodation</del>
Farm stand	Cemetery	
Manufactured housing	Club	
Single-family dwelling	Commercial Recreation, outdoor	
Storage and repair of fishing equipment	Community building	
Timber harvesting	Community use	
Timber management	Extractive industry	
Two-family dwelling	Fish processing	
<u>Residential rental accommodation</u>		
	Funeral home	
	Golf course	
	Health institution	
	Hotel	
	Inn	
	Kennel	
	Library	
	Manufacturing	
	Mobile home park	
	Motel	
	Museum	
	Nursing Home	
	Park	
	Professional and business offices	

**Permitted Uses**

**Conditional Uses Subject to Site Plan Review**

**Conditional Uses Subject to Zoning Board of Appeals Review**

Public utilities

Restaurant

Retail business

Theater

Veterinary clinic

Warehouse

Wholesaling

**\*See § 240-7.1J**

§ 240-7.14 **Residential rental accommodations.**

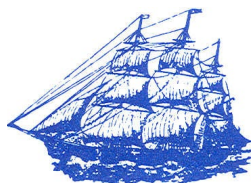
C. Approval; permit; appeal.

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

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# **AGENDA ITEM DIVIDER**

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## TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

### **MEMORANDUM**

**Date:** 6/02/2022

**To:** Laurie Smith, Town Manager

**From:** Eli Rubin, Community Planner

**CC:** Werner Gilliam

**RE:** Comprehensive Plan Update

#### **Background**

The Kennebunkport 2030 Comprehensive Plan is now complete. The final product is two volumes that have been combined into one bound copy for submission to the Municipal Planning Assistance Program which will review the plan over the next 3 months. The complete plan has been printed and attached to your packets and can also be found online here:

[https://kennebunkportcp.info/wp-content/uploads/2022/06/KPTCompPlan\\_ConsolidatedVol12\\_6.2.22\\_reduced.pdf](https://kennebunkportcp.info/wp-content/uploads/2022/06/KPTCompPlan_ConsolidatedVol12_6.2.22_reduced.pdf)

#### **Remaining Timeline**

- June 9: Selectboard final review and approval of complete Comprehensive Plan.
  - Chair of Selectboard and Growth Planning Committee signatures required for the submission form.
- June 13: Submit Plan to the state office for review of consistency with state law.
- July 11: 30-day notice for Public Hearing.
- Aug 11: After receiving approval from the state, hold Public Hearing and vote on warrant language.
- Sept 22: Selectboard signs warrant.
- Oct 13: Public Hearing
- Nov 8: Election Day

**COMPREHENSIVE PLAN SUBMITTAL FORM**

**Municipal Planning Assistance Program  
Department of Agriculture, Conservation & Forestry**

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**I. Municipality:** **Town of Kennebunkport**  
**Contact Person:** **Eli Rubin**  
**Title:** **Community Planner**  
**Address:** **6 Elm Street, PO BOX 566**  
**Kennebunkport, ME, 04046**

**Phone:** **207-967-1614**  
**Email:** **erubin@kennebunkportme.gov**

Place where comprehensive plan will be available for public inspection:

L.T. Graves Memorial Public Library  
Address: 18 Maine St  
Kennebunkport, ME, 04046  
Hours: 9:30 am - 5 pm M-F & 9:30 am - 12:30 pm Sat

**II. Certification**

I (we) certify that this comprehensive plan was prepared with the intent of complying with the Growth Management Act (30-A M.R.S.A. § 4312 - 4350.), that it includes all of the applicable required elements of the Maine Comprehensive Plan Review Criteria Rule (07-105 CMR 208), and that it is true and accurate.

A paper or electronic copy of the plan has been sent to the following regional planning organization for review and comment: Municipal Planning Assistance Program

**Required Signatures:**

\_\_\_\_\_  
**Chief Elected Official**

Daniel J. Saunders  
**Chairperson, Comprehensive Planning Committee**

\_\_\_\_\_  
Printed/Typed Name

Daniel J. Saunders  
Printed/Typed Name

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

Date: 06/02/2022



**Please be sure that your submission includes:**

- The completed and signed Comprehensive Plan Submittal Form
- One paper copy of entire Comprehensive Plan, complete with all maps
- One digital copy of entire Comprehensive Plan, complete with all maps.

[The digital copy, preferably in the form of a single Adobe Acrobat (.pdf) or Microsoft Word (doc/.docx) file, may be submitted via CD, web link or email attachment.]

**Please contact us if a digital copy of the Plan cannot be provided.**

**To be accepted for review, the submitted comprehensive plan must include:**

- A vision statement
- A summary of public participation demonstrating compliance with [30-A MRSA §4324](#)
- A regional coordination program
- A future land use plan with associated map(s)
- An implementation section

Please submit materials to:

**Department of Agriculture, Conservation & Forestry  
Municipal Planning Assistance Program  
18 Elkins Lane  
22 State House Station  
Augusta, Maine 04333-0022**

**Email:  
tom.miragliuolo@maine.gov**

APPROVED  
MARCH 29, 2022  
BY GOVERNOR

CHAPTER  
517  
PUBLIC LAW

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
H.P. 1045 - L.D. 1429

**An Act To Achieve Carbon Neutrality in Maine by the Year 2045**

**Be it enacted by the People of the State of Maine as follows:**

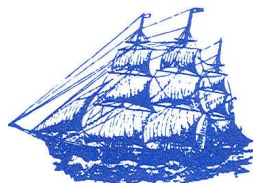
**Sec. 1. 38 MRSA §576-A, sub-§2-A is enacted to read:**

**2-A. Carbon neutrality. Beginning January 1, 2045, net annual greenhouse gas emissions may not exceed zero metric tons.**

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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT WASTEWATER DEPARTMENT

**MEMORANDUM**

**Date:** June 3rd, 2022

**To:** Laurie Smith

**From:** Chris Simeoni, Director of Public Works

**Re:** Agenda item for June 9th Selectmen's meeting- Request for extension on existing Street Opening Permit by Brex Corporation for Colony Avenue

On June 3rd, the Public Works Department received a request from Nicholas Buonanno at Brex Corp. for an extension on the existing street opening permit for Colony Avenue for the current Colony Hotel project. Brex Corp. is currently contracted to complete the related site work and road reconstruction.

BREX Corp. is requesting an extension to the road opening permit for Colony Ave that was issued in February. They expressed that due to circumstances out of their control, they were unable to complete the entirety of the project this Spring. Their schedule to complete the project was reliant on Kennebunk Kennebunkport & Wells Water District (KKWWD) completing their work ahead of Brex Corp. KKWWD ran into problems securing the pipe for their project and encountered more ledge than expected. These two events had a significant impact on KKWWD's project schedule for replacing their water main up Colony Ave. This, in turn, pushed Brex Corp.'s schedule for reconstructing Colony Ave into July.

For this reason, the project team, Wright-Ryan Construction, Inc. and Boughton Hotel Corp., want to defer all work on Colony Ave to the fall. Brex Corp would be providing a stabilized road surface with a temporary sidewalk for the summer season. Recycled asphalt would be used for all temporary patches due to its tendency to harden and be less prone to dust or potholes. Weekly inspections would be conducted, and maintenance performed as required. BREX Corp. will resume work on the road this fall, after the water main work is complete, finishing it prior to winter.

We are seeking direction from the board as to how they would like to proceed.



258 Maguire Road  
Kennebunk, Maine 04043  
**Phone:** (207) 985 – 4447 ext. 204  
**Fax:** (207) 985 – 7305  
**Email:** [nickb@brexcorp.com](mailto:nickb@brexcorp.com)

June 3, 2022

Christopher Simeoni,  
Director of Public Works  
Town of Kennebunkport  
6 Elm Street  
Kennebunkport, ME 04046

RE: Colony Avenue Road Opening Permit

Chris,

BREX Corp. is requesting an extension to the road opening permit for Colony Ave that was issued in February. Due to circumstances out of our control we were unable to complete the entirety of the project this Spring. Our schedule to complete the project was reliant on Kennebunk Kennebunkport & Wells Water District (KKWWD) completing their work in a timely manner ahead of us. KKWWD ran into problems securing the pipe for their project and encountered more ledge than expected. These two events had a significant impact on KKWWD's project schedule for replacing their water main up Colony Ave. This in turn pushed our schedule for reconstructing Colony Ave into July. For this reason, the project team, Wright-Ryan Construction, Inc. and Boughton Hotel Corp., deferred all work on Colony Ave to the fall. We will be providing a stabilized road surface with a temporary sidewalk for the summer season. Recycled asphalt will be used for all temporary patches due to its tendency to harden like paved asphalt and is not prone to dust or potholes. Weekly inspections will be conducted and maintenance performed as required.

BREX Corp. will resume work on the road this fall, after the water main work is complete, finishing it prior to winter.

If you have any additional questions or concerns, please contact me at 207-985-4447 (ext. 204) or email ([nickb@brexcorp.com](mailto:nickb@brexcorp.com))

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Buonanno", with a long horizontal flourish extending to the right.

Nick Buonanno  
Project Engineer

**TOWN OF KENNEBUNKPORT**  
**Street Opening Permit**

**PROPERTY INFORMATION**

Name of Homeowner: Boughton Hotel Corporation Date: 2/2/2022

Address: 140 Ocean Ave Kennebunkport, ME

Telephone: 207-337-1159 Map, Block, Lot: 8,8 Lots 14,15,16

Street to be excavated: Colony Ave

Size of excavation (length and width): 650 FT x 20 FT

Reason for excavation: Duct bank install, and road reconstruction

**Permit Conditions: If there is, any intrusion into the black top, road should be paved from curb to curb.**

**CONTRACTOR INFORMATION**

Date of excavation: 2/14/22 to 5/27/22

Name of Contractor: BREX Corp

Address: 258 Maguire Road

Telephone: 207-985-4447 Fax: 207-985-7305

**BOND & INSURANCE INFORMATION**


Performance Bond:  Cash  Check  Money Order  Surety Bond  Other

Bond Amount: \$12,600.00

Company that issued the bond (if applicable): Skillings Shaw & Associates

Person or entity providing the bond to the Town (contractor, property owner, other): Contractor

Insurance Company: Patriot Insurance

Signature of person completing the application:  Date: 2/3/2022

**APPROVED**

Highway Superintendent: 

Selectmen: 

Selectmen: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Selectmen: 

Selectmen: 

Selectmen: \_\_\_\_\_

**Application Fee: \$25.00**

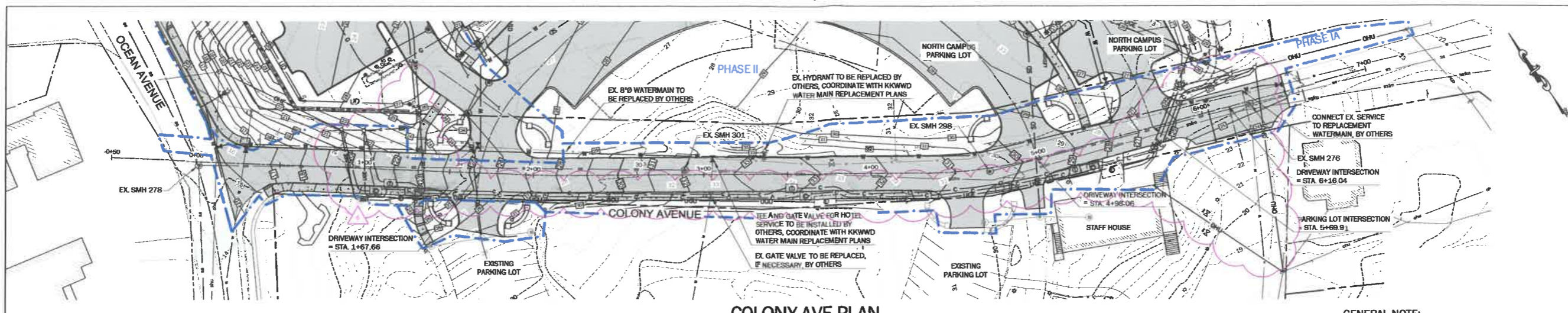
Date Paid: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

Cash  Check  Money Order

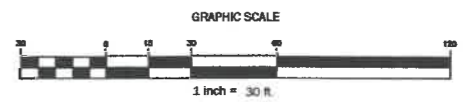
**\*Please attach map or sketch showing the location and size of any cuts to be made; a bond; and proof of insurance.**





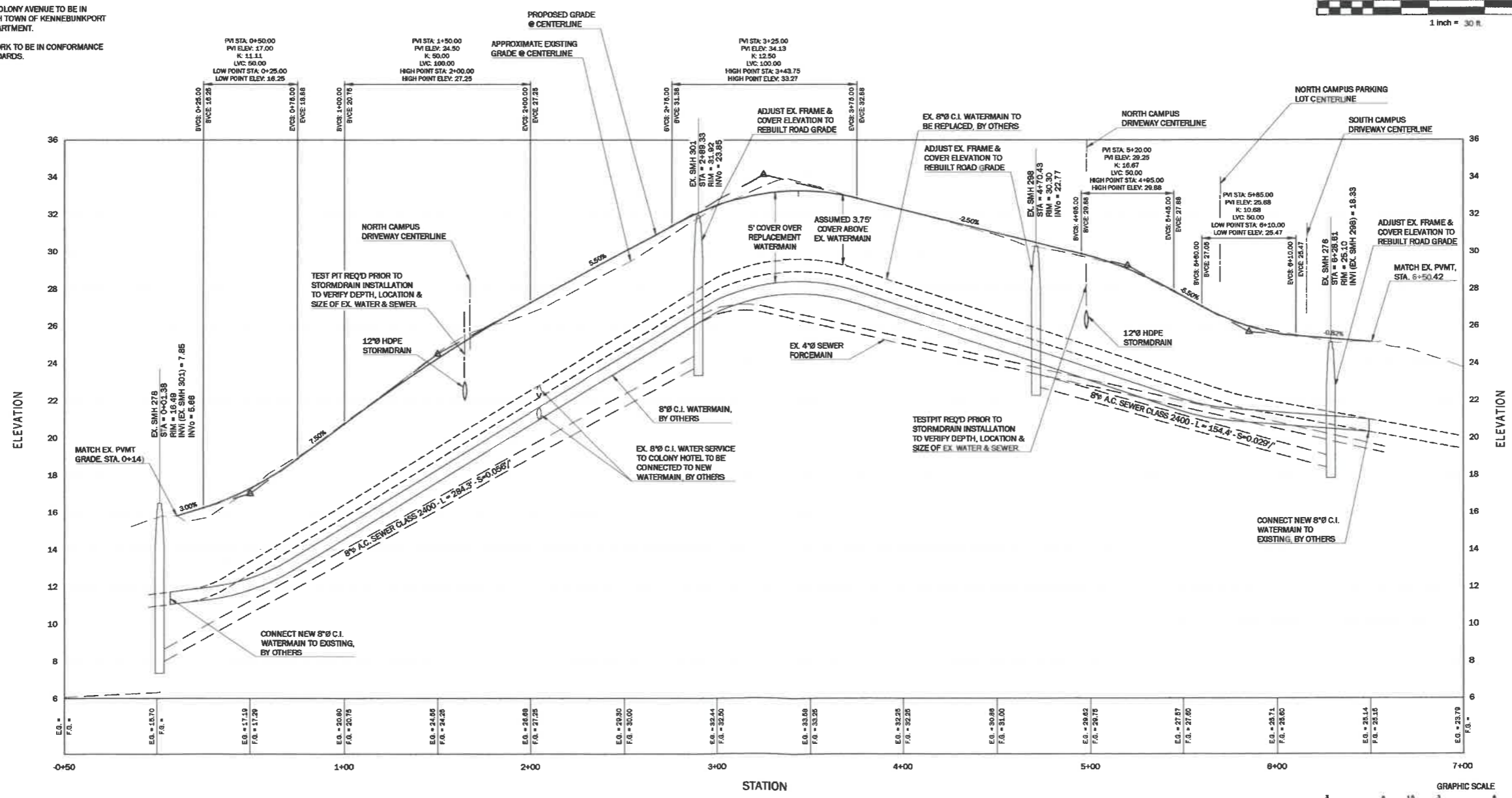
**COLONY AVE PLAN**

**GENERAL NOTE:**  
1. SEE SHEET C1.0 FOR GENERAL NOTES AND LEGEND.

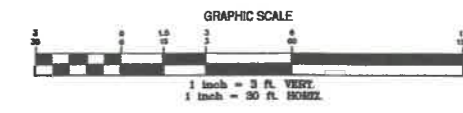


**GENERAL NOTES:**

1. ALL WORK WITHIN COLONY AVENUE TO BE IN CONFORMANCE WITH TOWN OF KENNEBUNKPORT PUBLIC WORKS DEPARTMENT.
2. ALL WATER MAIN WORK TO BE IN CONFORMANCE WITH KKWWD STANDARDS.



**COLONY AVE PROFILE**



**WALSH**  
ENGINEERING ASSOCIATES, INC.  
One Karen Cr., Suite 2A | Westbrook, Maine 04092  
ph: 207.253.0000 | www.walsh-eng.com  
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STATE OF MAINE  
WILIAM R. WALSH, II  
No. 8204  
LICENSED PROFESSIONAL ENGINEER  
12/14/2021

**COLONY HOTEL - NORTH CAMPUS**  
140 OCEAN AVENUE  
KENNEBUNKPORT, MAINE

**BOUGHTON HOTEL CORP.**  
140 OCEAN AVENUE  
KENNEBUNKPORT, MAINE

**WRIGHT-RYAN CONSTRUCTION**  
CONSTRUCTION MANAGER  
10 DANFORTH STREET  
PORTLAND, MAINE  
207-775-9885

Rev.	Date	Description	Drawn	Check
1	08/20/21	Permit Construction Team updates	JDC	WRW
2	08/20/21	Final Secondary Sewer	CAR	WRW
3	08/20/21	Final Construction Team updates	CAR	WRW
4	08/20/21	Final Planning, Wall Design & Site Electrical Layout	JDC	WRW
5	08/20/21	Remove Wall Stud, Add Back Railing & Hand-Cover	JDC	WRW
6	08/20/21	Final Location of Electric & Communication Materials	JDC	WRW

Sheet Title:  
**COLONY AVENUE PLAN & PROFILE**

Job No.: 640.1 Sheet No.:  
Date: SEPT. 10, 2021  
Scale: AS SHOWN  
Drawn: JDC/CAR  
Checked: WRW

**C4.1**



**BERKLEY  
INSURANCE COMPANY**

**License & Permit Bond**

**BOND NUMBER #0243096**

**know all men by these presents**

That BREX CORP., as PRINCIPAL and BERKLEY INSURANCE COMPANY, as SURETY are holden and stand firmly bound and obliged unto the TOWN OF KENNEBUNKPORT, MAINE, in full and just sum of \*\*\*\*\*TWELVE THOUSAND SIX HUNDRED AND 00/100 DOLLARS\*\*\*(\$12,600.00), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors an assigns, jointly, severally, and firmly by these presents.

**THE CONDITION OF THIS OBLIGATION IS**, that, whereas, a STREET OPENING PERMIT IN CONNECTION WITH THE COLONY HOTEL PROJECT, is issued to said principal by TOWN OF KENNEBUNKPORT, MAINE. Now therefore, if the said obligor shall faithfully observe and keep each and all the conditions and specifications contained in the Permit or License issued by said TOWN OF KENNEBUNKPORT, MAINE on the application of said principal; then this obligation shall become null and void, otherwise shall remain in full force and effect. This bond is effective FEBRUARY 4, 2022 and shall expire MAY 4, 2024. It may be canceled by the Surety providing in writing, thirty (30) days notice to the municipality.

IN WITNESS WHEREOF, we hereunto set our hands and seals, this 4TH day of FEBRUARY, 2022.

WITNESS:

BERX CORP

By: \_\_\_\_\_

By:  \_\_\_\_\_

*MARK D. BROWN* (Seal)

WITNESS:

BERKLEY INSURANCE COMPANY

By: Melanie A. Bouvette

By:  \_\_\_\_\_

JOLINE L. BINETTE, ATTORNEY-IN-FACT (Seal)



Vendor	KP	Town of Kennebunkport		Check 17344	02/08/22
Trx No	Invoice No	Inv Date	Job/Description	Discount	Check Amount
27257	020222-Permi	02/02/22			25.00
				0.00	25.00

Town of KENNEBUNKPORT  
 ----- Receipt -----

Thank You for Your Payment

02/08/22 8:44 AM ID:ACF #8384-1  
 TYPE----- REF--- AMOUNT  
 Administration

Miscellaneous 25.00

Total: 25.00\*

Paid By: Street Opening Permit 140 Ocean  
 COPY

Balance reflects all related accounts

Check : 25.00

17344 - 25.00

---

# **AGENDA ITEM DIVIDER**

---

**Kennebunkport Public Health**

May 26, 2022

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

Please accept this generous gift of \$30.00 from Diane Temple in memory of Carole Chamberlain to the Nurses account (08-01-39). This money was granted to Kennebunkport Public Health dept to assist us with supplies, equipment, training, or any needs we see fit.

Thank you!

Alison Kenneway RN, BSN

Kennebunkport Public Health

5/18/22

Dear K.P.H.N.S,

Please accept

this check in memory  
of Charles Channell.

These funds are  
for Nursing Services.

Thank you,

*[Signature]*  
*[Signature]*

**DIANE P TEMPLE**  
86 MAIN STREET  
PO BOX 1489  
PEPPERELL, MA 01463

179  
53-7075/2113  
19

5/18/22  
Date

CHECK NUMBER

Pay to the order of *Keenebutport Public Health Nursing Services* \$ 30.00

*Thirty and no/100*

1011A1915  
Photo to  
Some  
Check  
Digital  
Optical

**Main Street**  
BANK  
MARLBOROUGH, MA 01752  
867MainStreet.com

For *Nursing Services*

*Diane P. Temple*

179

COLONIAL CLASSIC

## **Kennebunkport Public Health**

May 23, 2022

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

Please accept this generous gift of \$250.00 from Marilyn Harris in memory of Carole Chamberlain to the Nurses account (08-01-39). This money was granted to Kennebunkport Public Health dept to assist us with supplies, equipment, training, or any needs we see fit.

Thank you!

Alison Kenneway RN, BSN

Kennebunkport Public Health

MARILYN M HARRIS  
P O Box 728  
Toccoa, GA 30577

9050

64-137/611

May 16, 2022

DATE

PAY TO THE  
ORDER OF

Kennebunkport Public Health

Nursing Service

\$ 250.00

Two Hundred Fifty and no/100

DOLLARS



Photo  
Safe  
Deposit®  
Details on back

REGIONS

FOR

Nursing Services

Marilyn M. Harris

MP

50

Please accept this check in  
memory of my beloved cousin  
Carole Chamberlain of Kennebunk-  
port for the nursing services  
provided to her.  
Thank you so much.

Marilyn Harris