



TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda  
March 10, 2022 @ 6:00 PM  
VIRTUAL MEETING VIA ZOOM**

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1. Call to Order.
2. Joint meeting with Budget Board for fiscal year 2022 municipal budget presentations.
3. Approve the February 24, 2022, selectmen meeting minutes.
4. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
5. Approve a liquor license application submitted by First Serve KPT Hospitality, Inc. d/b/a Mabel's Lobster Claw located at 124 Ocean Avenue.
6. Approve a liquor license application submitted by First Serve Edgewater, Inc. d/b/a Mabel's House located at 126 Ocean Avenue.
7. Approve a liquor license application submitted by Chez Rosa LLC d/b/a Chez Rosa Bistro located at Building D on Cross Street and Union Street.
8. Consider recommendations of the Goose Rocks Beach Advisory Committee.
9. Authorize pre-procurement for Wastewater centrifuges.
10. Update on Village Parcel engineering.
11. Review proposed ordinance revisions for June Town Meeting.
12. Approve contract extension with TZM Planning for Comprehensive Plan project.
13. Authorize a Release Deed for 4 Wood Road, owned by George H. Gifford, III and Joyce R. Gifford.

15. Other business.
16. Approve the March 10, 2022, Treasurer's Warrant.
17. Executive Session per (MRSA 1, §405 6E) concerning the legal rights and duties for pending or contemplated litigation.
18. Adjournment.

Town of Kennebunkport  
Board of Selectmen Meeting VIA Zoom  
February 24, 2022  
6:00 PM

## MINUTES

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

**Others attending via Zoom:** David Powell, Tracey O’Roak, John Everett, Denise Brown, Christopher Simeoni, Eric Labelle, Eli Rubin.

**1. Call to Order**

Selectman Matthews-Bull called the meeting to order at 6:00 PM. She took roll call of Selectmen present: Allen Daggett, Patrick Briggs, Michael Weston, Edward Hutchins, and Sheila Matthews-Bull. Selectman Matthews-Bull noted that there was 1 attendee in the audience.

**2. Approve the February 10, 2022, meeting minutes.**

**Motion** by Selectman Hutchins seconded by Selectman Daggett to approve the February 10, 2022, selectmen meeting minutes. **Roll Call Vote:** Briggs, Weston, Matthews-Bull, Hutchins, and Daggett. **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.)

There were no public comments.

**4. Consider renewal liquor license application for The Ramp Grill, LLC d/b/a Pier 77 Restaurant located at 77 Pier Road.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to approve the requested for a renewal liquor license for The Ramp Grill, LLC d/b/a Pier 77 Restaurant located at 77 Pier Road. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**5. Consider renewal liquor license application and Special Amusement application for The Colony Hotel located at 140 Ocean Avenue.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs to approve the requested for a renewal liquor license and Special Amusement application for The Colony Hotel located at 140 Ocean Avenue. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**6. Award bond for radio communication tower project.**

Denise Brown, Finance Director, reviewed the two bids received for the \$1M bond for the radio communications tower.

**Motion** by Selectman Daggett, seconded by Selectman Weston to award the bond to Androscoggin Bank with a rate of 2.57%. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**7. Review proposal to develop regional task force for fire services.**

John Everett, Fire Chief, explained the challenges that municipal fire departments are all facing, including increasing prices on equipment and the struggle to find call firefighters. He proposed the formation of a regional task force between Kennebunk and Kennebunkport to determine if there are any opportunities for the towns to collaborate to meet the challenges they both face. The task force would be made up of the Fire Chief, a Fire Officer, and a Firefighter from each town. A seventh member would be a person that could assist with meeting the goals. One example would be a Fire Chief from another municipality that already does these types of sharing.

**Motion** by Selectman Weston, seconded by Selectman Briggs to authorize a joint task force to examine regional partnerships and to report to the Board of Selectmen on a bi-annual basis with the first report in May 2022. **Roll Call Vote:** Briggs, Weston, Daggett, Matthews-Bull, and Hutchins. **Voted:** 5-0. **Motion passed.**

**8. Consider request to write-off Pier dues and mooring fees.**

Denise Brown, Finance Director, gave an overview of the requested write-offs.

**Motion** by Selectman Daggett, seconded by Selectman Hutchins to approve the write-off in the amount of \$1,332 in mooring and pier membership fees. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**9. Review proposed amendments to Land Use Ordinance regarding signs.**

Werner Gilliam, Director of Planning & Development, reviewed the request for two ordinance revisions regarding signs. The first is a housekeeping issue regarding municipalities ability to regular signs and content. Our current ordinance lacks direction on non-commercial signs which is not compliant with a supreme court decision several years ago. The revisions would bring the Town into compliance. The second issue involves a way to better communicate with residents in town. Our current sign ordinance does not allow electrotonic message boards on Town property. This revision would allow that to be an option in the future. Discussion ensued regarding electronic signs and how they would fit in with the aesthetic of Kennebunkport.

- 10. 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.**

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

- 11. Authorize Quitclaim Deed for Map 014, Block 002, Lot 024.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to authorize the quitclaim deed for Map 014, Block 002, Lot 024. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

- 12. Update on foreclosed property at 133 Main Street, previously owned by Lisa Gunther.**

Laurie Smith, Town Manager, advised that this property was foreclosed in January for non-payment of real estate taxes. The Town has not been able to make contact with the previous owner. There is hope someone will be able to provide some information about Lisa Gunther's whereabouts so the taxes can get paid and the property returned to her.

- 13. Discussion of public meeting protocols: in-person vs. remote.**

Laurie Smith, Town Manager, suggested sticking with the remote meetings through the budget process during the month of March and returning to in-person meetings in April, if the numbers continue to improve. Discussion ensued.

- 14. Accept a \$700 donation from Alisson's Restaurant to the general needs account.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to accept the \$700 donation from Alisson's Restaurant to the general needs account. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

- 15. Other business.**

Patrick Briggs was happy to report that the Kennebunkport Heritage Housing Trust will deliver the sixth and final home tomorrow morning.

Mike Weston asked everyone to keep staff member Yanina Nickless in their thoughts and prayers as her entire family is in her home country of Ukraine.

February 24, 2022, BOS Meeting Minutes

Laurie Smith, Town Manager, reminded everyone of the budget meetings that will take place every Thursday night in March.

**16. Approve the February 24, 2022, Treasurer's Warrant.**

**Motion** by Selectman Hutchins seconded by Selectman Daggett to approve the February 24, 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 adjourn at 6:50 PM.

Submitted by,  
Tracey O'Roak  
Administrative Assistant

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**INTEROFFICE MEMORANDUM**

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**TO:** LAURIE SMITH AND BOARD OF SELECTMAN

**FROM:** JAMIE L. MITCHELL, TOWN CLERK

**SUBJECT:** LIQUOR LICENSE APPROVALS

**DATE:** 03/03/22

The following establishments have applied for a liquor license renewal:

- Chez Rosa, LLC
- First Serve KPT Hospitality, Inc. d/b/a Mabel's Lobster Claw
- First Serve Edgewater, Inc. d/b/a Mabel's House

Staff has reviewed these applications and recommend approval by the Board.



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

**Application for an On-Premises License**

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

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

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

Legal Business Entity Applicant Name (corporation, LLC): First Serve KPT Hospitality Inc	Business Name (D/B/A): Mabel's Lobster Claw
Individual or Sole Proprietor Applicant Name(s): Shiva K. Natarajan	Physical Location: 124 Ocean Ave Kennebunkport, ME 04046
Individual or Sole Proprietor Applicant Name(s): n/a	Mailing address, if different: P.O. Box 630 Kittery, ME 03904
Mailing address, if different from DBA address: P.O. Box 630 Kittery, ME 03904	Email Address: shiva2nat@gmail.com
Telephone #      Fax #: 203-434-7205      207-439-4790	Business Telephone #      Fax #: 203-434-7205      207-439-4790
Federal Tax Identification Number: 83-2758399	Maine Seller Certificate # or Sales Tax #: 1196980
Retail Beverage Alcohol Dealers Permit: N/A	Website address: www.mableslobster.com

1. New license or renewal of existing license?       New      Expected Start date: \_\_\_\_\_  
     Renewal      Expiration Date: 07/09/2022

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
 Food: 1,291,810.<sup>80</sup>      Beer, Wine or Spirits: 251,664.<sup>52</sup>      Guest Rooms: N/A

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

Malt Liquor (beer)       Wine       Spirits



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



Application for an On-Premises License

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

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

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

Legal Business Entity Applicant Name (corporation, LLC): <u>First Serve Edgewater Inc</u>	Business Name (D/B/A): <u>Mabel's House</u>
Individual or Sole Proprietor Applicant Name(s): <u>NIA</u>	Physical Location: <u>Kennebunkport</u> <u>126 Ocean Ave ME 04046</u>
Individual or Sole Proprietor Applicant Name(s): <u>NIA</u>	Mailing address, if different: <u>PO Box 630 Kittery ME 03904</u>
Mailing address, if different from DBA address: <u>PO Box 630 Kittery ME 03904</u>	Email Address: <u>office@bobsclamhut.com</u>
Telephone #      Fax #: <u>207-967-3315      207-439-2447</u>	Business Telephone #      Fax #: <u>207-967-3315      207-439-2447</u>
Federal Tax Identification Number: <u>83-3157714</u>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit: <u>NIA</u>	Website address: <u>mabushouse.com</u>

1. New license or renewal of existing license?     New      Expected Start date: \_\_\_\_\_  
     Renewal      Expiration Date: 07/09/2020

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
 Food:    \$ 1178      Beer, Wine or Spirits: \$ 1350      Guest Rooms: \$335,532.70

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)  
 Malt Liquor (beer)     Wine     Spirits



**Memorandum**

To: Board of Selectmen

Fr: Laurie Smith, Town Manager

Re: Goose Rocks Beach Advisory Committee Recommendations

Dt: March 3, 2022

The GRB Committee recommends to the Board of Selectmen that the Town take the actions below to improve the traffic and safety at Goose Rocks Beach this coming summer. I have included staff feedback next to each point.

1. That landscaping, construction and maintenance vehicles must not park on the street (asking Town to enforce Kennebunkport ordinances).
  - *Police can enforce the "NO PARKING" but recommend a week of warnings. Warnings and enforcement will be town wide.*
  
2. That the Town deploy occasional use of speed monitor on the west end of Kings Highway and continue with sporadic speed monitor use on Dyke Road and New Biddeford Road (placement to be determined). Speed bumps to be used again on New Biddeford Road.
  - *Police can deploy the traffic sign in coordination with public works to various places in town. We only have one traffic sign and it is in high demand during the summer months. There are limited legal spaces to safely house the sign.*
  
3. That the Town stripe both edges of the road (one foot from the edge) on the west end of Kings Highway and on Community House Road. If this doesn't help in 2022, we could look at pedestrian/bike path in 2023.
  - *Public Works can stripe the edges of the road, but this should not be interpreted to mean that these are walking paths or bike lanes. A one foot width from the edge does not meet any recommendations for pedestrian areas. Because the street is a no parking zone, town practice would normally be to paint a yellow edge line instead of white. If the Selectmen wish to budget for pedestrian areas along these roads we should put it through the budget process and gather neighborhood input on the physical changes required within the town right of way.*

4. That the Town provides signage at the intersection of Dyke Road and Kings Highway, indicating parking to the left (sign to be approved by town, police, and signage committee). Also that the pictogram for "Towing" be added to signage where appropriate.
  - *Staff can order and erect signage stating, "parking to the left". An appropriate location would need to be considered. Staff does not agree with adding a towing pictograph as towing is not employed for simple parking violations.*
  
5. That existing crosswalks be repainted in bright white.
  - *Staff has no issue as this is our current practice.*



## KENNEBUNKPORT WASTEWATER DEPARTMENT

### MEMORANDUM

**Date:** March 4, 2022

**To:** Laurie Smith, Town Manager

**From:** Eric J. Labelle, P.E., Principal Project/Process Engineer

**Re:** Agenda item for March 10 Selectmen's meeting – Dewatering Equipment Selection Review and Recommendation

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Regulatory requirements have eliminated our ability to continue our practice of composting and land applying our biosolids(sludge). The change in regulation is forcing us to dispose of our biosolids by landfilling. Transporting and landfilling our biosolids also requires our biosolids to be dryer than our current equipment can produce.

Last summer we pilot tested multiple technologies to ensure we would be able to meet hauling and landfilling requirements. Findings from the piloting showed that centrifuge technology was preferred.

We have since contracted with Woodard Curran to assist us with the bidding and selection of a centrifuge technology vendor.

On February 17<sup>th</sup> bids were received from three equipment providers, including Alpha Laval, Centrysis, and GEA Westfalia.

The bids were evaluated based on monetary and non-monetary criteria for a 20-year life cycle. The criteria were established on a 100-point possible weighted sum of capital cost, net present value, system operability & reliability, warranty, technical support capabilities, and experience & qualifications.

Based on the overall bid evaluation GEA Westfalia received a total score of 92 points, Centrysis received a score of 80 points, and Alfa Laval received a score of 69 points.

We recommend proceeding with procuring two (2) GEA Westfalia centrifuges, polymer system, controls, startup services, and performances testing (\$468,800). We are also recommending purchasing the extended 3-year warrantee (\$12,000)

The complete cost of the purchase would be \$480,800.

Via Electronic Mail

March 2, 2022



Eric Labelle, PE  
Principal Project/Process Engineer  
Town of Kennebunkport Wastewater Department  
6 Elm Street  
Kennebunkport, ME 04046

Re: Dewatering Equipment Pre-Procurement Bid Review & Recommendation

Dear Eric:

Bids for the dewatering equipment pre-procurement were received on February 17, 2022. Bids were received from each of three equipment providers including Alfa Laval, Centrysis, and GEA Westfalia.

Woodard & Curran's evaluation of the bids considered both monetary and non-monetary criteria, as discussed with the Town and agreed upon during the procurement process, and prior to opening bids. In addition to the quantitative evaluation of up-front capital cost and net present value, we carefully considered the non-quantitative (non-cost) evaluation parameters such as system flexibility, historical reliability, technical support capabilities, and experience qualifications. This recommendation breaks down the bid evaluation process based on the six weighted evaluation criteria as shown in the table below, along with a recommendation to award. The methodology for scoring each Criteria was outlined in the Request for Proposals.

Number	Evaluation Criteria	Weight (Points)
1	Capital Cost	20
2	Net Present Value	40
3	System Operability & Reliability	10
4	Warranty	10
5	Technical Support Capabilities	10
6	Experience & Qualifications	10
	<b>Total Points</b>	<b>100</b>



### **Criteria #1 – Capital Cost**

The bid item costs for all bidders were tabulated as shown in the attached spreadsheet. GEA Westfalia had the lowest base bid cost, however it should be noted that costs were provided for an economy, mid-level, and high-end cost polymer system by GEA Westfalia; the economy and mid-level polymer system did not meet the project specifications thus were eliminated from consideration, and the high-end cost was used as GEA Westfalia's base bid. Alfa Laval had the second lowest base bid cost. It should be noted that Alfa Laval did not include a separate cost for Item C - Systems Integration & Controls Equipment, but a follow up with Alfa Laval confirmed that systems integration costs were included in Item A – Centrifuge Equipment. Centrysis had the highest base bid cost which included all required items.

A maximum of 20 points is available for the equipment with the lowest overall system cost. Scoring for this Criteria was awarded as follows:

1. GEA Westfalia: (\$468,800.00) 20 points
2. Alfa Laval: (\$587,542.00) 15 points
3. Centrysis: (\$796,900.00) 10 points

### **Criteria #2 – Net Present Value (NPV)**

The intent of this Criteria was to understand the complete cost impacts to the project including anticipated polymer use, operations and maintenance (replacement parts and power), and sludge cake disposal over the life of the equipment. For the purpose of this analysis, equipment life was assumed to be 20 years. Additionally, we provided an Excel spreadsheet to the bidders to assist in the NPV calculations. The following sections provide a summary of the comparison between the bidders for the items associated with the NPV analysis.

#### **Item A: Polymer Use**

The first component of the NPV calculation was the cost associated with polymer use in active pounds per dry ton. GEA Westfalia estimated the lowest polymer usage of 24 lb/dry ton, while Alfa Laval estimated a polymer usage of 26 lb/dry ton, and Centrysis included 30 lb/dry ton. The projected cost of GEA Westfalia's annual polymer cost was the lowest, with Alfa Laval's cost being the second lowest and Centrysis' the highest annual polymer cost. For this item, the evaluation assumed \$2 per dry ton for polymer.

#### **Item B: Replacement Parts**

The intent of this section was to capture the cost of any major components of the equipment that may need to be replaced during the 20-year planning period. All three bidders provided a list of these components and associated replacement cost and replacement interval in years. Centrysis had the lowest annual replacement parts cost, while GEA Westfalia had the second-lowest annual replacement parts cost, and Alfa Laval the highest.





### **Item C: Power**

The centrifuge proposed by Alfa Laval includes a 30-hp bowl and 7.5-hp scroll. The centrifuge proposed by GEA Westfalia includes a 20-hp bowl and a 5-hp scroll. The centrifuge proposed by Centrisys references expected power draw of 17.69-hp for the bowl and 0.46-hp for the scroll rather than actual motor horsepower; motor hp was not provided. This results in a higher power cost for operation of the Alfa Laval and GEA Westfalia centrifuges when compared to the Centrisys centrifuge, although it is assumed that power cost for Centrisys' model would increase if provided with actual motor horsepower. For this item, the evaluation assumed \$0.14 per kWh for power cost.

### **Item D: Sludge Cake Disposal**

Sludge cake disposal costs were calculated based on the bidder's guaranteed cake solids content. GEA Westfalia and Alfa Laval estimated 19% solids and Centrisys estimated the minimum 18% solids. Therefore, the drier cake produced by the GEA Westfalia and Alfa Laval centrifuges results in the lowest annual disposal costs. For this item, the evaluation assumed \$158.00 per pound per wet ton for disposal cost.

The NPV cost was calculated based on the costs associated with each of the items above computed over a 20-year life cycle, with an assumed discount rate of 0.025%.

A maximum of 40 points is available for the equipment with the lowest overall NPV cost. Scoring for this Criteria was awarded as follows:

1. GEA Westfalia: (\$468,157.30) 40 points
2. Centrisys: (\$487,747.69) 30 points
3. Alpha Laval: (\$524,655.12) 20 points

### **Criteria #3 – System Operability & Reliability**

Bids were evaluated based on the ease of system operation and availability of spare parts. Ease of system operation was defined in terms of system complexity with the least amount of control panels, switches, automated valves, and control system inputs/outputs. Availability of spare parts was defined by part location, lead time and cost to re-build the unit.

The Alfa Laval system includes two control panels (one per centrifuge unit), one motorized valve per centrifuge unit, one solenoid valve per centrifuge unit, and few system inputs and outputs. The Centrisys system includes two control panels (one per centrifuge unit), no motorized valves, five solenoid valves, and a larger quantity of system inputs and outputs. The GEA Westfalia system includes one control panel, no motorized valves, one solenoid valve, and similar system inputs and outputs to Centrisys. Based on these factors, we determined all three bidders' systems to have comparable levels of complexity.

A questionnaire was provided for the bidders to describe the location of manufacture, immediate availability, and lead time to order major replacement components such as the bowl and bearings:





- Alfa Laval bowls are manufactured in India, are available “off the shelf” in the US and would take 0-16 weeks to order.
- Centrisys bowls are manufactured in the US, are available “off the shelf” and would take 4-37 weeks to order.
- GEA Westfalia bowls are manufactured in Germany, are available “off the shelf”, and would take two weeks to order.

Availability of spare bearings is comparable between the three vendors. The cost and schedule to perform a complete unit re-build were provided by all three bidders and were similarly comparable.

A maximum of 10 points is available for the equipment with best overall operability, reliability, and parts availability. Because all three bidders have similar control system complexity, availability of spare parts, and overall are reliable industry manufacturers, all three bidders were awarded the maximum (10) points for this Criteria.

1. Alfa Laval: 10 points
2. Centrisys: 10 points
3. GEA Westfalia: 10 points

#### **Criteria #4 – Warranty**

Alfa Laval will provide a standard one-year warranty and a 3-year extended warranty at no additional cost, and a 10-year warranty for \$25,000 per centrifuge unit. Centrisys will provide a standard one-year warranty for the complete dewatering centrifuge system, a 5-year warranty covering latent defect failures of bowl and scroll castings, and a 20-year bowl warranty at no additional cost; they offer a 3-year extended warranty for \$3,960 and a 10-year warranty for \$27,720 for the centrifuge units only. GEA Westfalia will provide a standard one-year warranty at no additional cost and offer a 3-year extended warranty for \$12,000; they do not offer a 10-year extended warranty option but do provide service contracts upon request.

A maximum of 10 points is available for the equipment with the most inclusive warranty. Since Centrisys’ warranty offering was the most comprehensive coverage for the lowest cost, they were awarded the most points. Scoring for this Criteria was awarded as follows:

1. Centrisys: 10 points
2. Alfa Laval: 7 points
3. GEA Westfalia: 5 points

#### **Criteria #5 – Technical Support Capabilities**

Bids were evaluated based on the qualitative criteria of technical support capabilities including service support and availability; technical training; phone support; internet-based support; dial-in assistance; and optional service and support packages.



Alfa Laval offers 24/7 phone and internet support and offers on-line training videos and webinars for comprehensive operator training, common maintenance tasks, and controls training. They also offer field technician support services for any required on-site maintenance. Additional service agreement programs offered by Alfa Laval include remote support and monitoring, condition monitoring, extended mechanical warranty period, and predictive maintenance and process optimization support.

Centrisys offers phone support and on-site customer training and technician service for emergency repairs. They also offer additional service programs such as the ability to provide a loaner unit if the rotating assembly equipment needs to be shipped off-site during a re-build. Centrisys offers the ability to remotely access their control system to make adjustments as needed and service contracts for regular site inspections and process optimization support. Their online resources include a library of training videos covering common maintenance tasks.

GEA Westfalia offers 24/7 phone support and onsite field technician support for electrical, mechanical, process, engineering, repair, and replacement parts and services. They also offer on-site technical training, covering both classroom and daily operational and process optimization. GEA Westfalia also offers control panel support from their in-house engineering team. Their online resources include video webinars and instructional videos and animations, and remote controls and internet-based support is available. Optional service and support packages include service contracts for annual site visits to review operations and answer questions.

A maximum of 10 points is available for the treatment system with the highest overall technical support capabilities. Centrisys offers the most comprehensive support system and was awarded the most points, while Alfa Laval and GEA Westfalia offered nearly identical support systems and were both awarded second-place points. Scoring for this Criteria was awarded as follows:

1. Centrisys: 10 points
2. Alfa Laval: 7 points
3. GEA Westfalia: 7 points

#### **Criteria #6 – Experience & Qualifications**

Bids were evaluated based on previous experience and qualifications with consideration given to number of US and international installations, number of installations at least the size of the proposed unit(s) and number of years in service for their submitted references. All three bidders provided a list of at least 10 installations that are similar in size to the proposed project.

A maximum of 10 points is available for the equipment with the best experience and qualifications. All three bidders exceeded the experience and qualifications requirements, and for this reason were each awarded the maximum (10) points for this Criteria.

1. Alfa Laval: 10 points
2. Centrisys: 10 points
3. GEA Westfalia: 10 points



### Scoring Summary

The following table provides a listing of the bid evaluation criteria along with the total scoring summary for each of the three bidders:

Evaluation Criteria Number	Evaluation Criteria	Weight (Points)	GEA Westfalia	Centrisys	Alfa Laval
1	Capital Cost	20	20	10	15
2	Net Present Value	40	40	30	20
3	System Operability & Reliability	10	10	10	10
4	Warranty	10	5	10	7
5	Technical Support Capabilities	10	7	10	7
6	Experience & Qualifications	10	10	10	10
<b>TOTAL POINTS</b>			<b>92</b>	<b>80</b>	<b>69</b>

### Bid Exceptions and Deviations

Included in GEA Westfalia's bid was a list of suggested modifications to terms and conditions language, which are primarily related to language regarding insurance, warranty, and other contractual items. We have not evaluated the impact of these modifications and recommend these be reviewed by the Town's attorney prior to executing an agreement with GEA Westfalia. Alfa Laval noted several minor technical deviations including some materials of construction and shipping that were deemed de minimis and acceptable to Woodard & Curran. Centrisys outlined a list of technical design clarifications and exceptions mainly based around controls and other ancillary materials of construction. Centrisys also provided costs for several optional features that can be added to their control system, such as a power run-through option for the centrifuge and remote monitoring

### Recommendation

Based on the overall bid evaluation GEA Westfalia received a total score of 92 points, Centrisys received a score of 80 points, and Alfa Laval received a score of 69 points. Since GEA Westfalia received the highest overall score, we contacted four of their provided references; attached are summaries of the reference checks. Overall, feedback from GEA Westfalia's references was positive. The references noted that they had kept up with recommended routine maintenance and have not experienced any major issues. One reference did note a negative experience with GEA Westfalia centrifuge units, which appeared to be due to volatility of recent replacement parts market for lead times and high maintenance costs incurred in a short period of time.



Based on the evaluation of the three bids received for dewatering equipment pre-procurement, we recommend that the Town of Kennebunkport proceed with procuring equipment from GEA Westfalia; this recommendation is due to its lowest net present value and capital costs, proven historical track record in municipal wastewater treatment applications throughout the U.S., strong technical support capabilities and overall responsiveness. The GEA Westfalia equipment offers a proven, reliable, and robust system which we anticipate will best meet the Town's needs for the new dewatering equipment through ease of system operations and overall value.

Please contact me at 207-558-3785 or [mmcdevitt@woodardcurran.com](mailto:mmcdevitt@woodardcurran.com) if you have any questions.

Sincerely,

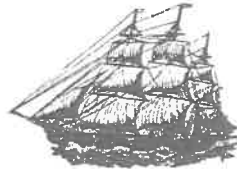
WOODARD & CURRAN INC.

A handwritten signature in blue ink, appearing to read "Megan McDevitt".

Megan McDevitt, P.E.  
Senior Project Manager

Enclosure(s)     Dewatering Equipment Procurement Bid Tab  
                         Bid Proposals  
                         GEA Westfalia Reference Check Summaries

cc:                     Christopher Simeoni, Kennebunkport Public Works  
                         Barry Sheff, P.E., Woodard & Curran  
                         Maureen Neville, P.E., Woodard & Curran



KENNEBUNKPORT WASTEWATER DEPARTMENT

**MEMORANDUM**

**Date:** March 4, 2022

**To:** Laurie Smith, Town Manager

**From:** Eric J. Labelle, P.E., Principal Project/Process Engineer

**Re:** Agenda item for March 10 Selectmen's meeting – Village Parcel Update

---

Acorn Engineering has provided us with 60 percent design plans which eliminates the need for a pump station.

The change in the sewer elevations will require sewer to be installed in North Street starting a Reid Lane. The changes will also require changes to the existing culvert in North Street.

We have contracted with Acorn Engineering to survey, design, develop technical specifications, contracts, and assist us through bid administration.

I have requested that design work be placed on hold for the time until we have clearer direction as to next steps.













REV.	BY	DATE	STATUS

**NORSE**  
 NORTHERN SURVEY ENGINEERING  
 207.643.3487  
 www.northern-survey-engineering.com

44 OGDEN ROAD, KENNEBEC JUNCTION, ME 04046  
 KENNEBEC JUNCTION, MAINE 04046  
 RECORD OWNERS:  
 TOWN OF KENNEBEC  
 BOOK 17821, PAGE 749

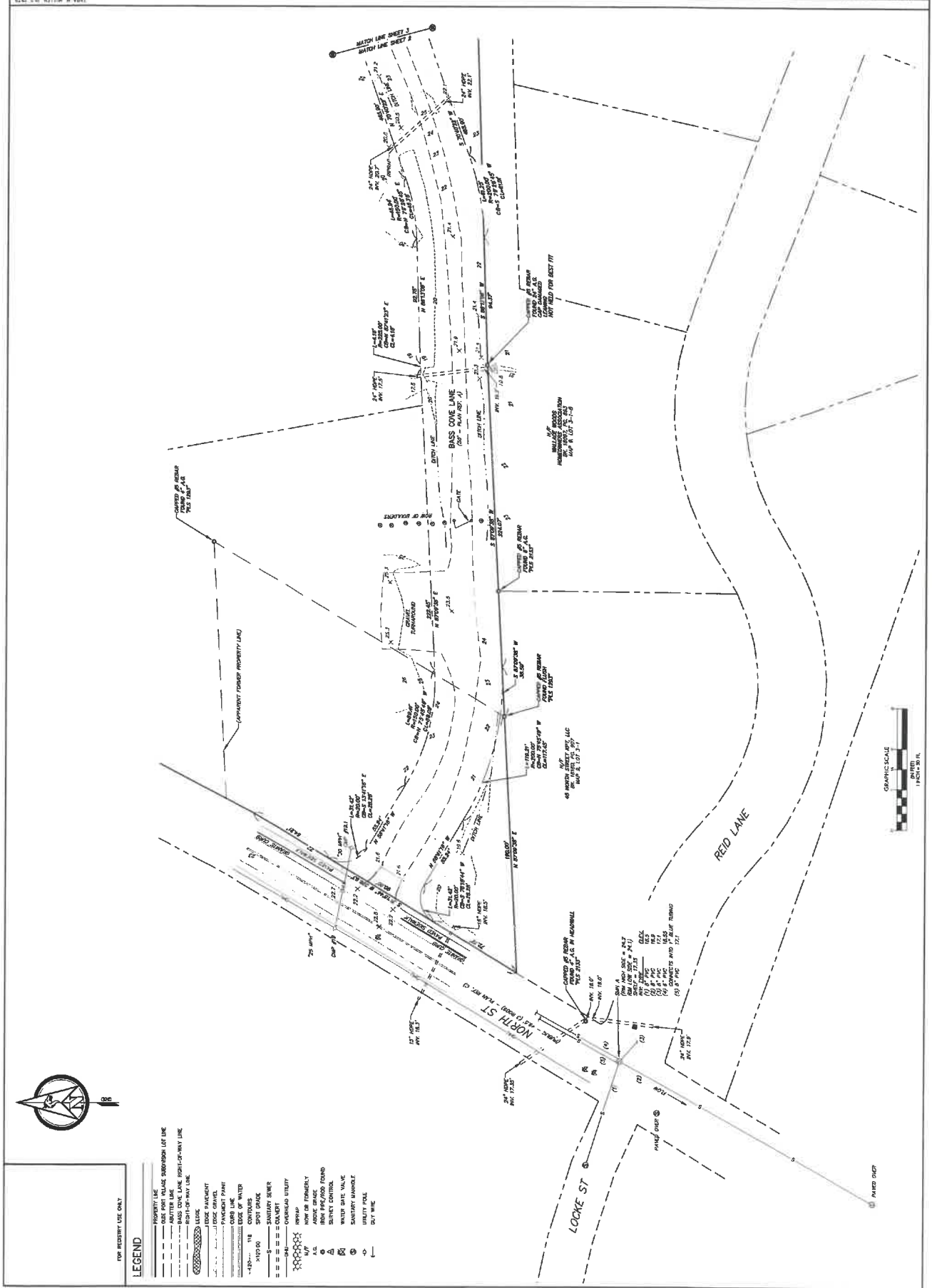
**TOPOGRAPHIC SURVEY**  
 BASS COVE LANE, OLDE PORT VILLAGE  
 ACORN ENGINEERING  
 KENNEBEC JUNCTION, MAINE 04046  
 PORTLAND, MAINE 04104

DRAWN	CHECKED

SHEET NO.	DATE
005451A	11/15/21

SHEET SIZE	SCALE
11 X 17	1" = 50'

SHEET 2 OF 4



**LEGEND**

	PROPERTY LINE
	ONE FOOT VARIANCE SUBDIVISION LOT LINE
	BASS COVE LANE RIGHT-OF-WAY LINE
	REID-LANE RIGHT-OF-WAY LINE
	LOCKE ST
	NORTH ST
	EDGE OF WATER
	SPOT GRADE
	SANITARY SEWER
	OVERHEAD UTILITY
	UNDERGROUND UTILITY
	IRON PIPE/POD FORM
	ASBESTOS
	AROSE GRADE
	SECRET CONTROL
	WATER DATE VALUE
	SANITARY MANHOLE
	WELL
	DOT MARK

TOW RESURVEY USE ONLY



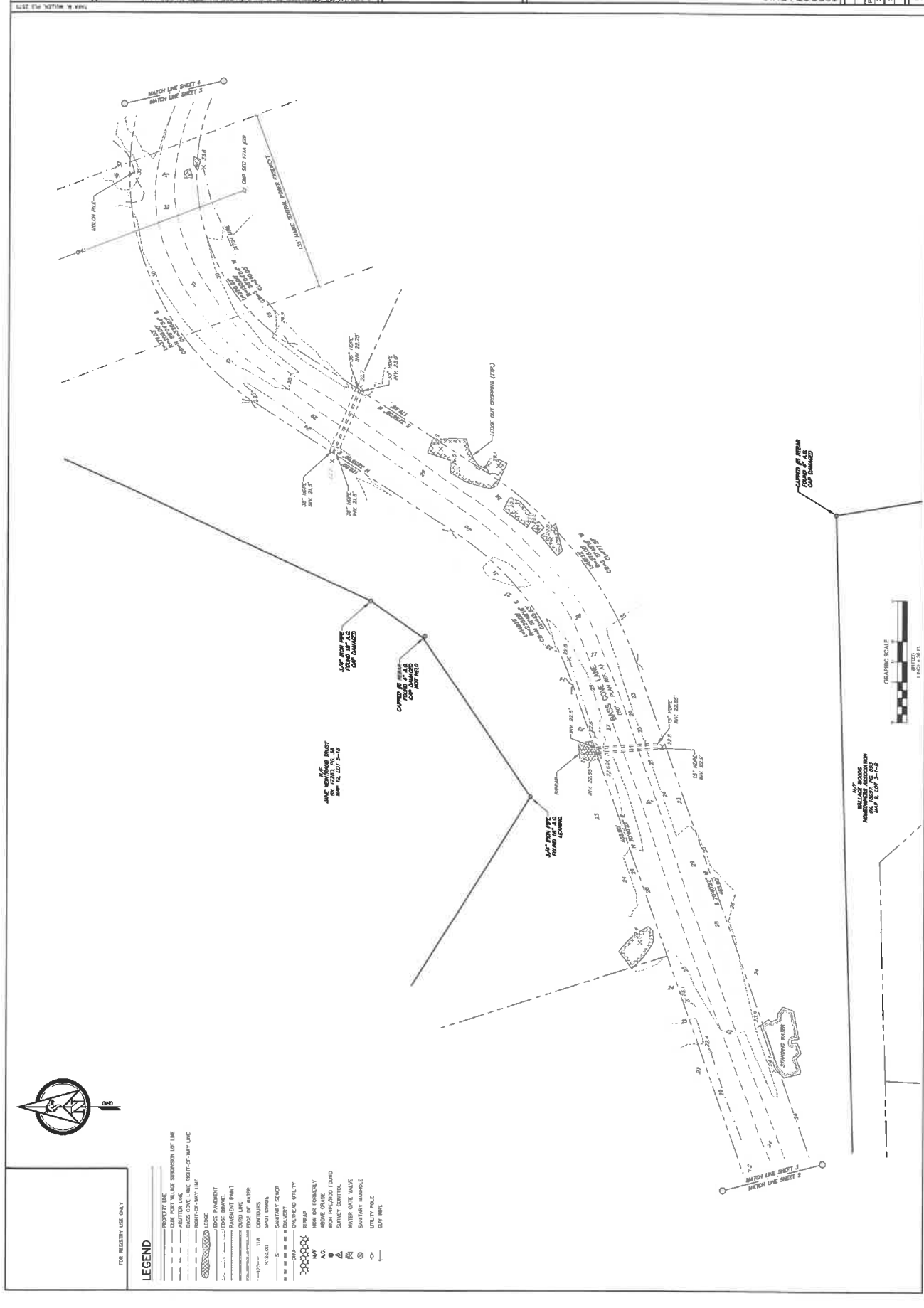
DATE: 11/22/21  
 DRAWN BY: [Redacted]  
 CHECKED BY: [Redacted]  
 PROJECT NO.: 21006451A  
 SHEET NO.: 3 OF 4

**NORSE**  
 NORTHERN SURVEY ENGINEERS  
 207.445.8777  
 41 CHURCH ROAD, BATHURST, MAINE 04511  
 www.northern-survey-engineers.com

**TOPOGRAPHIC SURVEY**  
 BASS COVE LANE, OLDE PORT VILLAGE  
 NORTH STREET  
 KENNEBUNKPORT, MAINE 04046  
 RECORD OWNER:  
 TOWN OF KENNEBUNKPORT  
 BOX 17201, PAGE 749  
 P.O. BOX 3528  
 KENNEBUNKPORT, MAINE 04046

DATE	DESCRIPTION
11/15/21	PROJECT NO. 21006451A
1" = 30'	SHEET SIZE
24" X 36"	SCALE

SHEET 3 OF 4



**FOR REVISION USE ONLY**

**LEGEND**

- PROPERTY LINE
- 1/4" CORNER VERTICAL SUBDIVISION LOT LINE
- 1/4" CORNER VERTICAL SUBDIVISION LOT LINE
- BASS COVE LANE RIGHT-OF-WAY LINE
- RIGHT-OF-WAY LINE
- EXISTING UTILITY
- PROPOSED UTILITY
- EXISTING ASPHALT DRIVE
- PROPOSED ASPHALT DRIVE
- EXISTING CONCRETE DRIVE
- PROPOSED CONCRETE DRIVE
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING WATER
- PROPOSED WATER
- EXISTING SANITARY
- PROPOSED SANITARY
- EXISTING UTILITY
- PROPOSED UTILITY
- EXISTING ASPHALT DRIVE
- PROPOSED ASPHALT DRIVE
- EXISTING CONCRETE DRIVE
- PROPOSED CONCRETE DRIVE
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING WATER
- PROPOSED WATER
- EXISTING SANITARY
- PROPOSED SANITARY
- EXISTING UTILITY
- PROPOSED UTILITY
- EXISTING ASPHALT DRIVE
- PROPOSED ASPHALT DRIVE
- EXISTING CONCRETE DRIVE
- PROPOSED CONCRETE DRIVE
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING WATER
- PROPOSED WATER
- EXISTING SANITARY
- PROPOSED SANITARY
- EXISTING UTILITY
- PROPOSED UTILITY



JOHN W. MILLER  
STATE OF MAINE  
LICENSE NO. 16543  
CIVIL ENGINEER

NO.	DATE	REVISIONS

**NORSE**  
NORTHERN SURVEY ENGINEERING  
207.444.4847  
www.northern-survey-engineering.com  
41 CHURCH ROAD, BANGOR, MAINE 04401  
1985 PLAN SHALL NOT BE LOCATED WITHOUT PERMISSION  
ANY ALTERATIONS, ADDITIONS OR CORRECTIONS SHALL BE AT THE USER'S SOLE RISK.

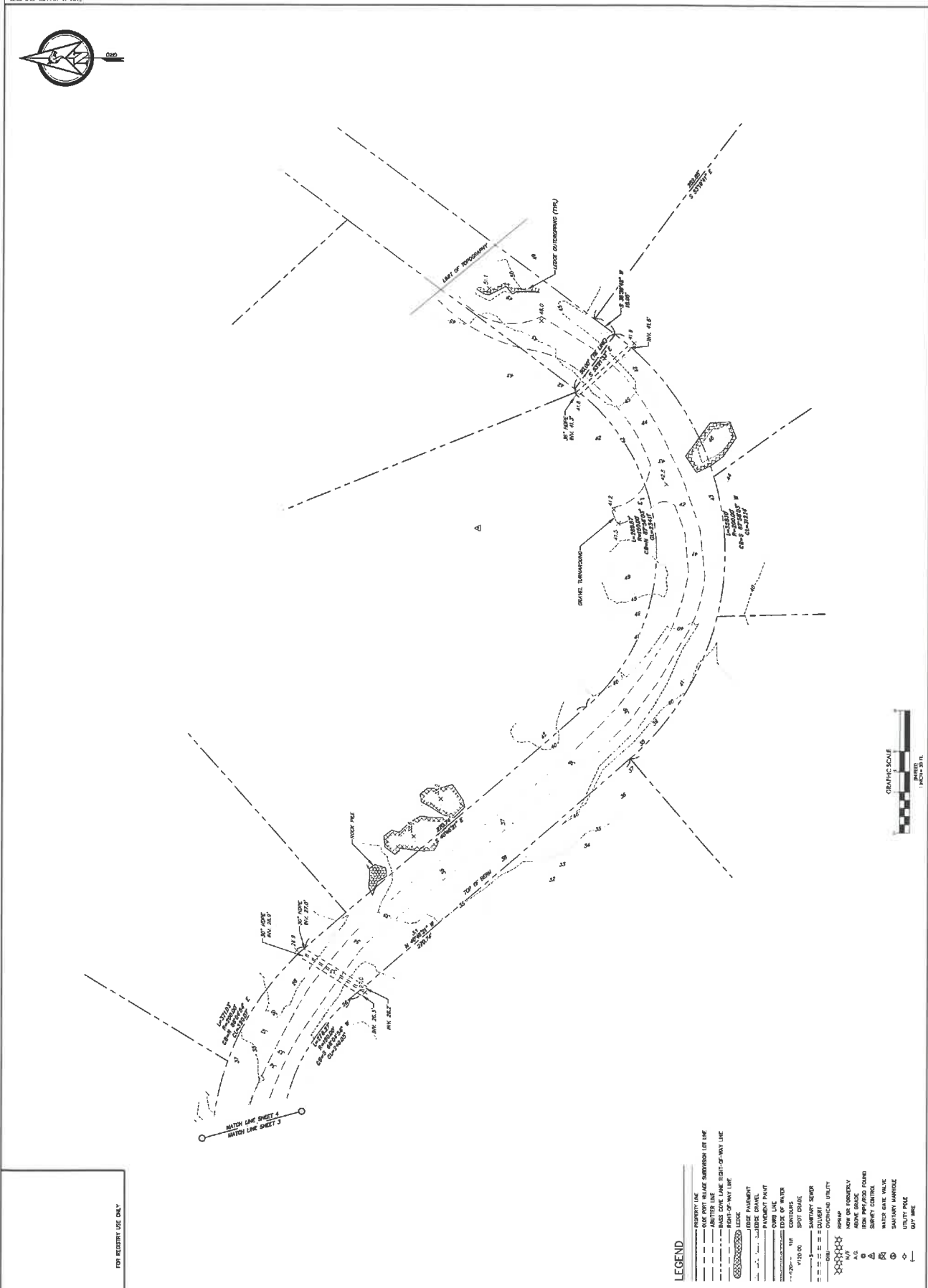
RECORD OWNERS:  
TOWN OF KENNEBUNKPORT  
BOOK 17821, PAGE 749  
F.O. BOX 848  
KENNEBUNKPORT, MAINE 04046

TOPOGRAPHIC SURVEY  
BASS COVE LANE, OLDE PORT VILLAGE  
FOR  
ACORN ENGINEERING  
P.O. BOX 2379  
PORTLAND, MAINE 04106

DATE	DRAWN	CHECKED
11/15/21		

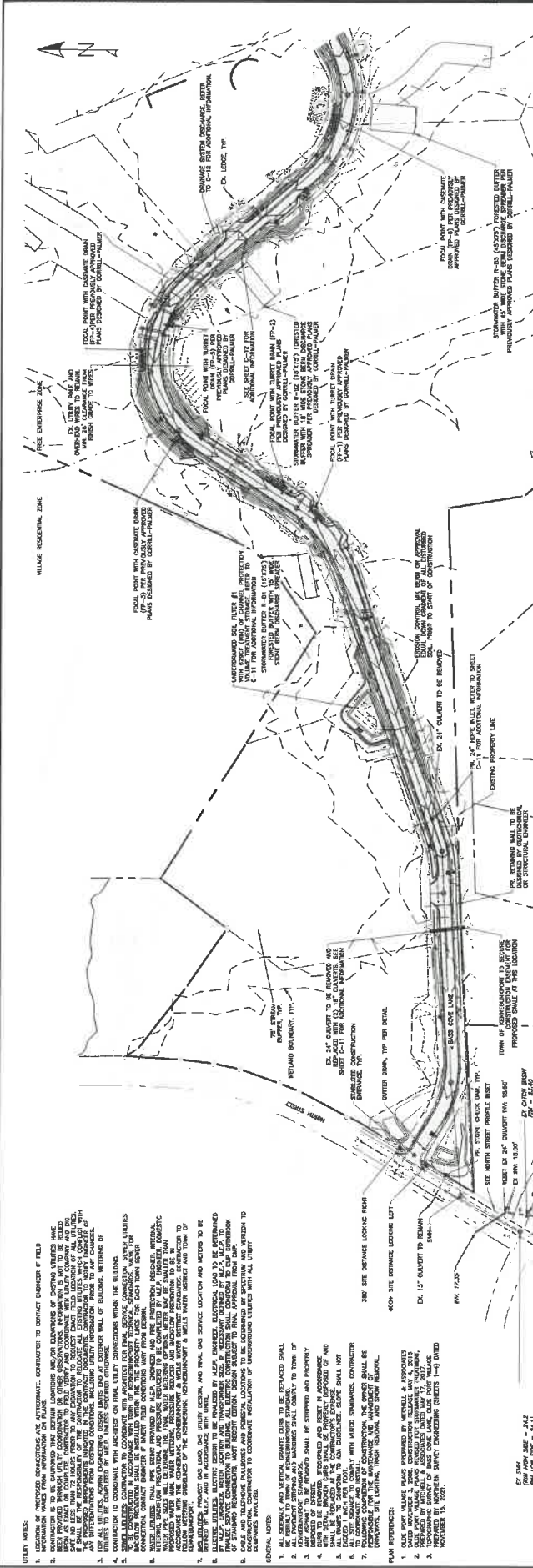
PROJECT NO.	DATE
11008414	11/15/21

SHEET 4 OF 4  
SCALE: 1" = 35'  
SHEET SIZE: 24" X 36"



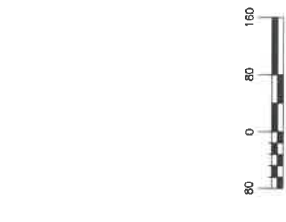
FOR RECEIPT USE ONLY

- LEGEND**
- UTILITY LINE
  - OAK POINT WALL SUBDIVISION LOT LINE
  - CENTER LINE
  - ADJUTER LINE
  - BASE CORNER LINE RIGHT-OF-WAY LINE
  - PROPERTY LINE
  - PAVEMENT
  - FRESH CHANNEL
  - OLD CHANNEL
  - CHANNEL
  - TOP OF BANK
  - SPOT GRADE
  - CONTOUR
  - ROCK PILE
  - CONCRETE UTILITY
  - CIRCULAR UTILITY
  - NEW OR EXISTING
  - IRON PIPE/PIPE FOUND
  - SURVEY CONTROL
  - WATER GATE VALVE
  - WATER MAIN
  - UTILITY POLE
  - CUT LINE

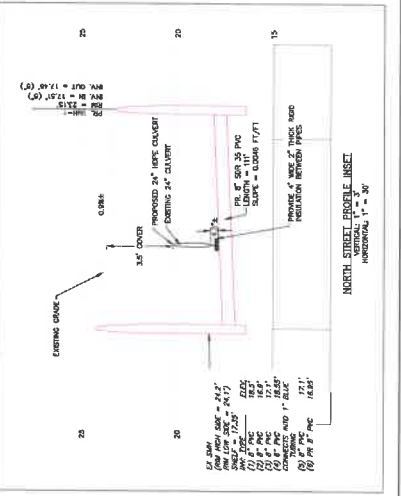


**Runoff & Treatment Schedule**

ID	Treatment Type	Basin Location	Start Station	End Station	Road Length	Runoff Segment Length (ft)	Runoff Volume (c.f.g.)	Treatment Volume (c.f.g.)	Buffer Parameters (ft)
R-1	Underdrain Soil Filter	Left	111+00	110+51.92	48.08	15	18750	1563	15
R-2	Buffer	Right	111+00	110+51.92	48.08	15	7548	629	15
R-3	PP-1	Right	111+00	110+51.92	48.08	15	5231.2	435	6.70%
R-4	PP-2	Right	111+00	110+51.92	48.08	15	3485	293	75
R-5	PP-3	Right	111+00	110+51.92	48.08	15	2290	188	
R-6	PP-4	Right	111+00	110+51.92	48.08	15	1535	123	
R-7	PP-5	Right	111+00	110+51.92	48.08	15	1023	81	
R-8	PP-6	Right	111+00	110+51.92	48.08	15	682	56	
R-9	PP-7	Right	111+00	110+51.92	48.08	15	455	37	
R-10	PP-8	Right	111+00	110+51.92	48.08	15	303	25	
R-11	PP-9	Right	111+00	110+51.92	48.08	15	202	17	
R-12	PP-10	Right	111+00	110+51.92	48.08	15	135	11	
R-13	PP-11	Right	111+00	110+51.92	48.08	15	90	7	
R-14	PP-12	Right	111+00	110+51.92	48.08	15	60	5	
R-15	PP-13	Right	111+00	110+51.92	48.08	15	40	3	
R-16	PP-14	Right	111+00	110+51.92	48.08	15	27	2	
R-17	PP-15	Right	111+00	110+51.92	48.08	15	18	1	
R-18	PP-16	Right	111+00	110+51.92	48.08	15	12	1	
R-19	PP-17	Right	111+00	110+51.92	48.08	15	8	0.7	
R-20	PP-18	Right	111+00	110+51.92	48.08	15	5	0.4	
R-21	PP-19	Right	111+00	110+51.92	48.08	15	3	0.3	
R-22	PP-20	Right	111+00	110+51.92	48.08	15	2	0.2	
R-23	PP-21	Right	111+00	110+51.92	48.08	15	1	0.1	
R-24	PP-22	Right	111+00	110+51.92	48.08	15	0.7	0.06	
R-25	PP-23	Right	111+00	110+51.92	48.08	15	0.5	0.04	
R-26	PP-24	Right	111+00	110+51.92	48.08	15	0.3	0.03	
R-27	PP-25	Right	111+00	110+51.92	48.08	15	0.2	0.02	
R-28	PP-26	Right	111+00	110+51.92	48.08	15	0.1	0.01	
R-29	PP-27	Right	111+00	110+51.92	48.08	15	0.1	0.01	
R-30	PP-28	Right	111+00	110+51.92	48.08	15	0.1	0.01	



PERMIT LEVEL NOT ISSUED FOR CONSTRUCTION



**PLAN REFERENCES:**

- DATE: 08/15/10
- PROJECT: TOWN OF KENNEBUNKPORT, VILLAGE PARCEL, BASS COVE LANE
- DESIGNER: [Firm Name]
- CLIENT: TOWN OF KENNEBUNKPORT
- PROJECT NO.: [Project Number]
- DATE: 08/15/10
- PROJECT: TOWN OF KENNEBUNKPORT, VILLAGE PARCEL, BASS COVE LANE
- DESIGNER: [Firm Name]
- CLIENT: TOWN OF KENNEBUNKPORT
- PROJECT NO.: [Project Number]
- DATE: 08/15/10





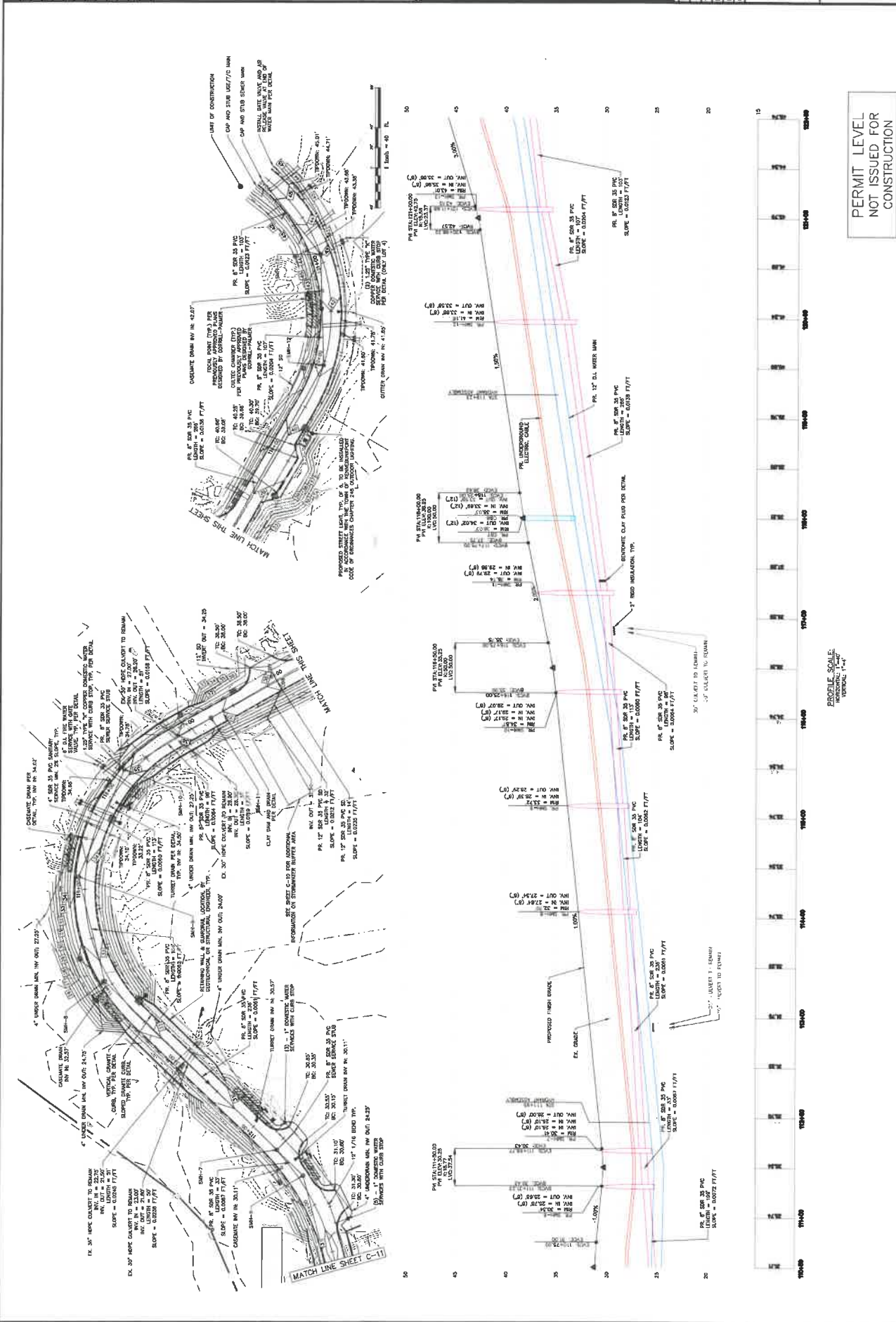
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BY	
DATE SET	

PLAN & PROFILE - 2  
 VILLAGE PARCEL  
 BASS COVE LANE, KENNEBUNKPORT, ME 04046  
 TOWN OF KENNEBUNKPORT  
 6 ELM STREET, KENNEBUNKPORT, ME 04046

ENGINEERING, INC.  
 1000 W. BROAD STREET, SUITE 200  
 PORTLAND, ME 04102  
 PHONE: 603-778-0000  
 FAX: 603-778-0001  
 LICENSE NO. 00771-D  
 SCALE: AS NOTED  
 DESIGNED BY: JES  
 DRAWN BY: JES  
 CHECKED BY: MSK



DRAWING NO.  
**C-12**



ISSUED FOR	DATE
BY	
DATE SET	

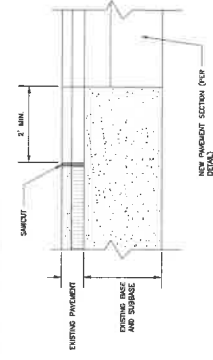
PLAN & PROFILE - 2  
 VILLAGE PARCEL  
 BASS COVE LANE, KENNEBUNKPORT, ME 04046  
 TOWN OF KENNEBUNKPORT  
 6 ELM STREET, KENNEBUNKPORT, ME 04046

ENGINEERING, INC.  
 1000 W. BROAD STREET, SUITE 200  
 PORTLAND, ME 04102  
 PHONE: 603-778-0000  
 FAX: 603-778-0001  
 LICENSE NO. 00771-D  
 SCALE: AS NOTED  
 DESIGNED BY: JES  
 DRAWN BY: JES  
 CHECKED BY: MSK

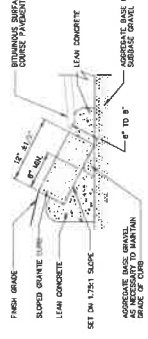


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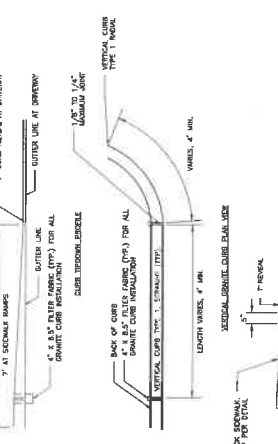
NOTES:  
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 2. THE NEW PAVEMENT SECTION SHALL MEET THE REQUIREMENTS OF SECTION 609 FOR THE MOST FAVORABLE PROVISIONS, LATEST REVISION, AND THE REQUIREMENTS OF THE TOWN OF KENNEBUNKPORT AND ADJACENT BASS COVE LANE.  
 3. THE NEW PAVEMENT SECTION SHALL MEET THE REQUIREMENTS OF SECTION 609 FOR THE MOST FAVORABLE PROVISIONS, LATEST REVISION, AND THE REQUIREMENTS OF THE TOWN OF KENNEBUNKPORT AND ADJACENT BASS COVE LANE.



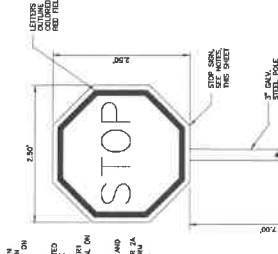
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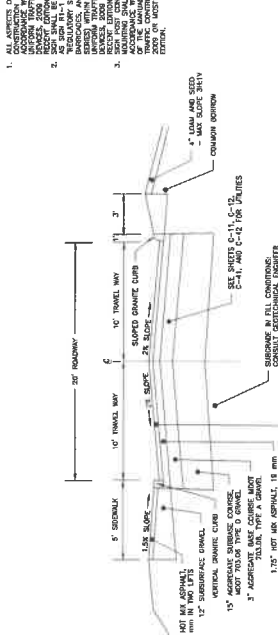
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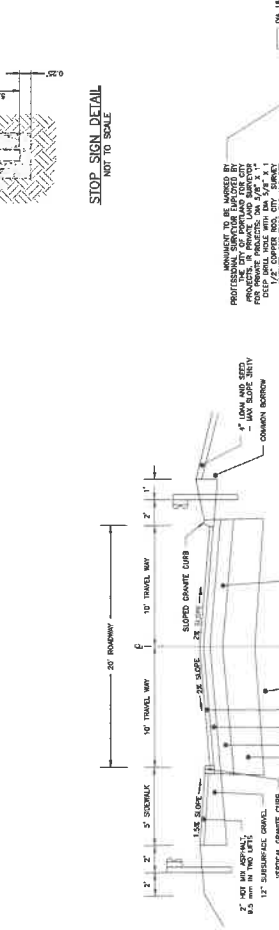
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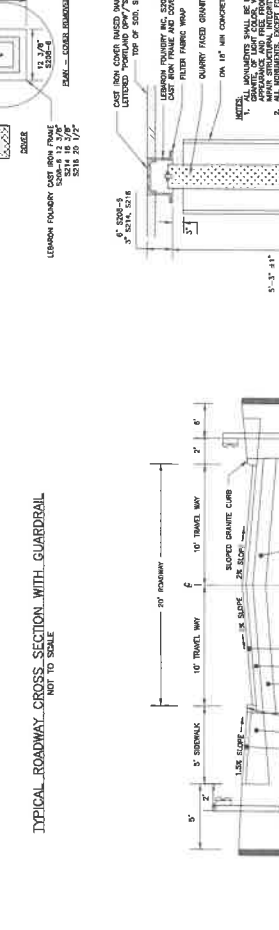
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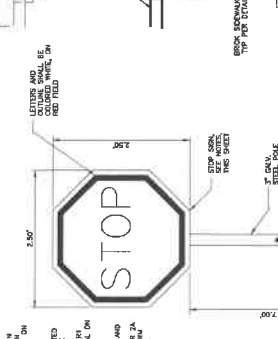
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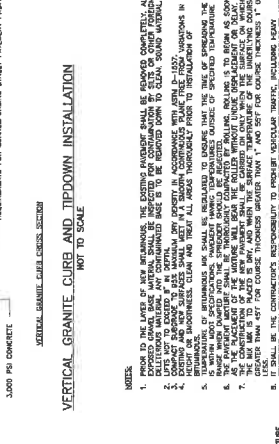
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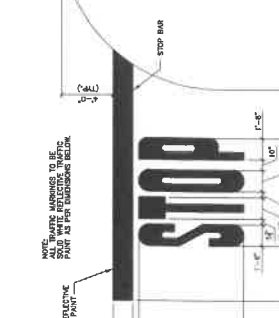
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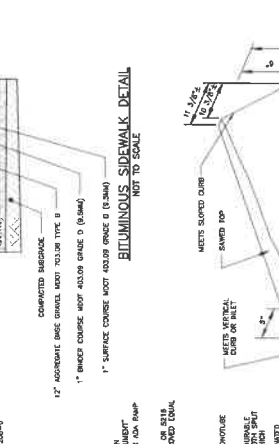
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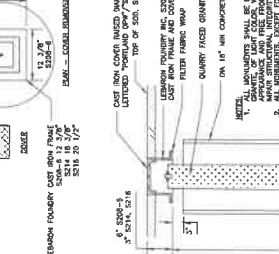
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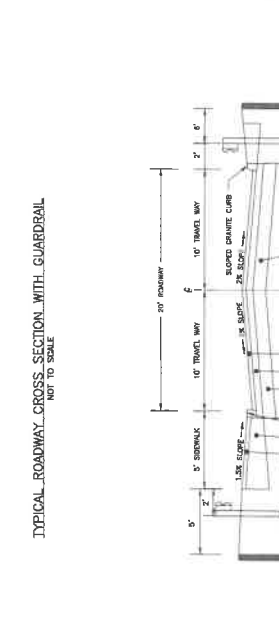
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BITUMINOUS SIDEWALK DETAIL  
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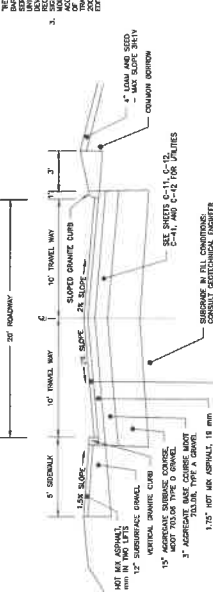


VERTICAL TO SLOPED CURB TRANSITION STONES  
 NOT TO SCALE



TYPICAL PAVEMENT MARKINGS  
 NOT TO SCALE

NOTES:  
 1. THE NEW PAVEMENT SECTION SHALL MEET THE REQUIREMENTS OF SECTION 609 FOR THE MOST FAVORABLE PROVISIONS, LATEST REVISION, AND THE REQUIREMENTS OF THE TOWN OF KENNEBUNKPORT AND ADJACENT BASS COVE LANE.  
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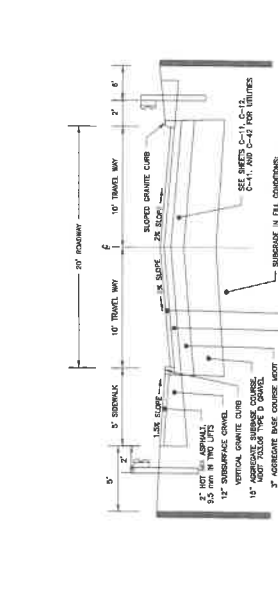
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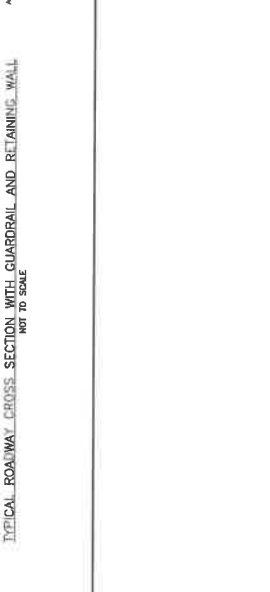
VERTICAL GRANITE CURB AND TYPEDOWN INSTALLATION  
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STOP SIGN DETAIL  
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TYPICAL ROADWAY CROSS SECTION  
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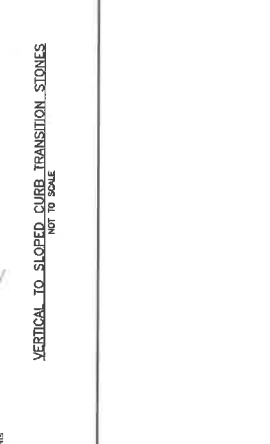
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TYPICAL ROADWAY CROSS SECTION WITH GRANITE CURB AND RETAINING WALL  
 NOT TO SCALE



SLOPED GRANITE CURB  
 NOT TO SCALE



BITUMINOUS SIDEWALK DETAIL  
 NOT TO SCALE



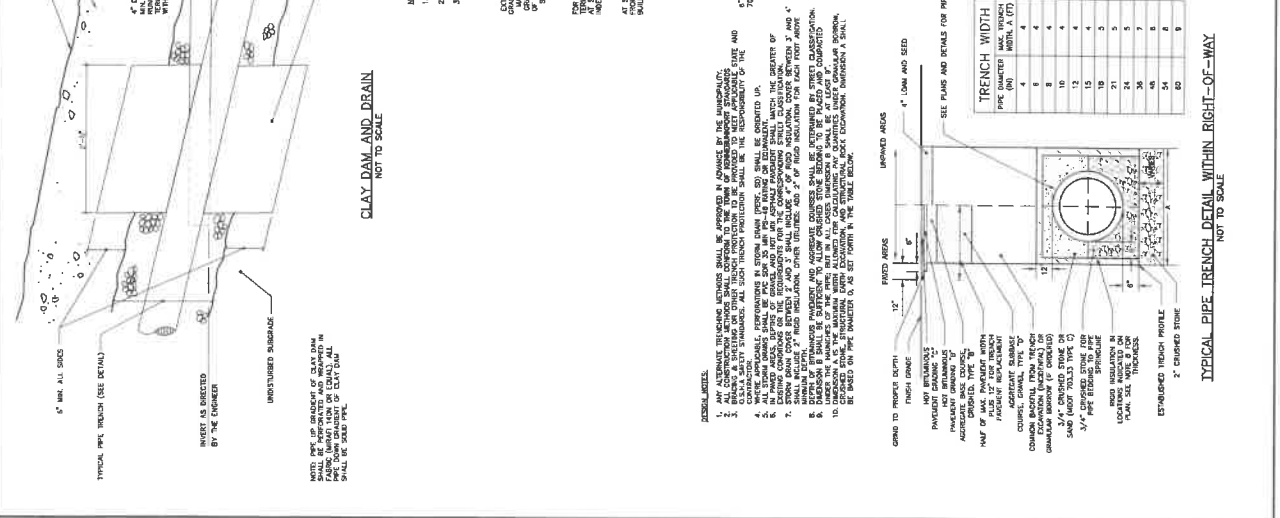
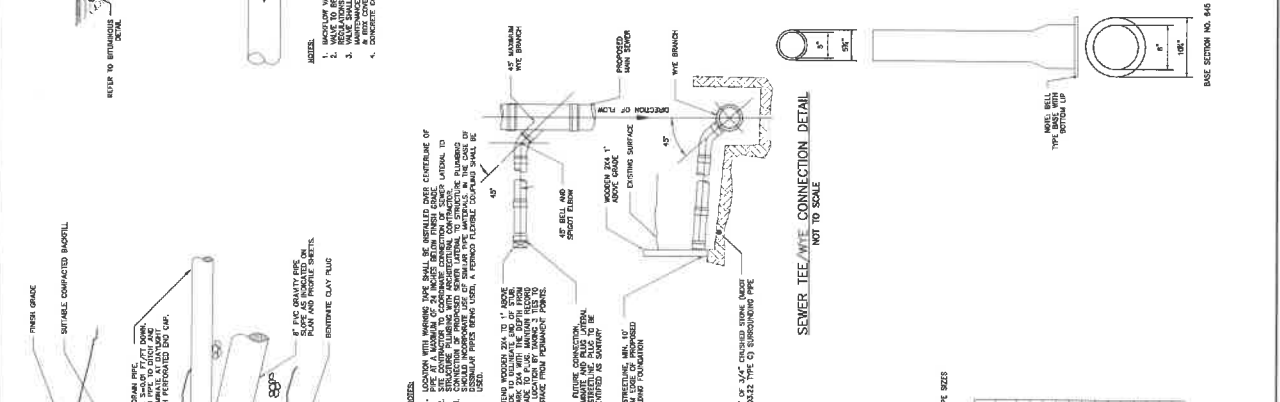
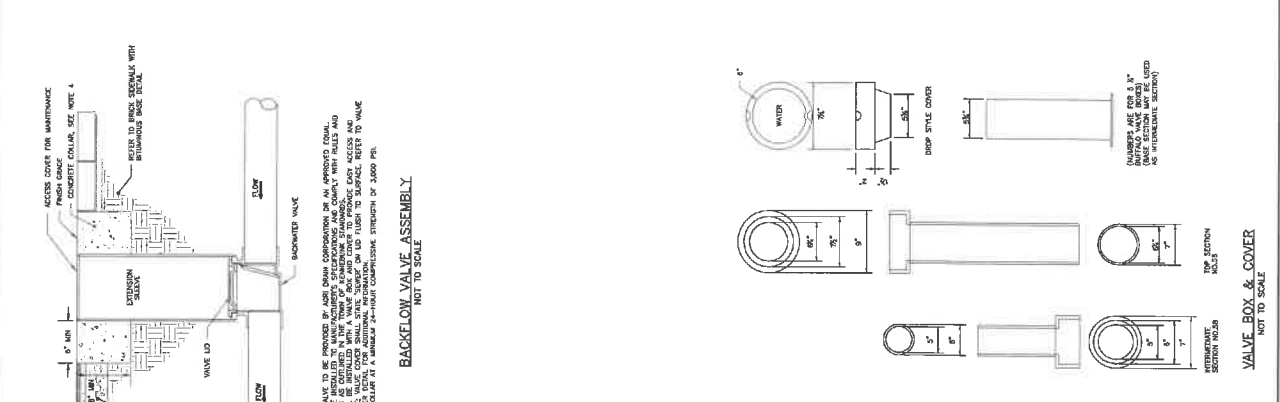
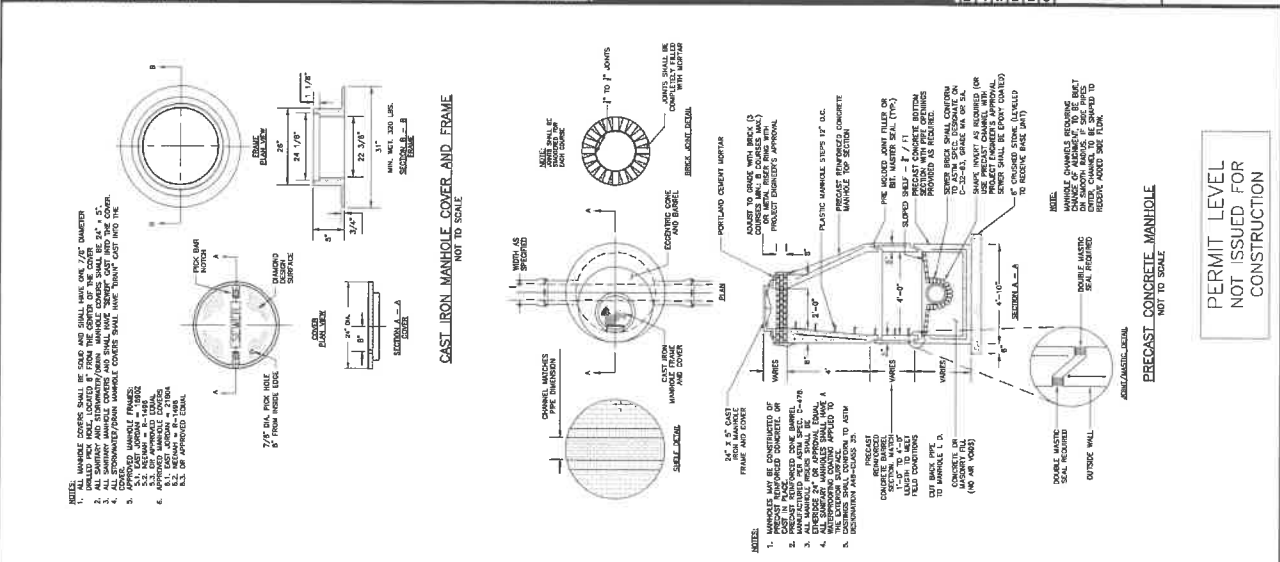
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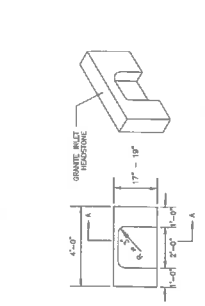
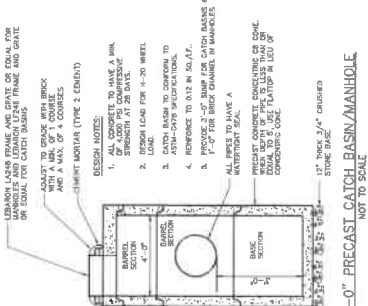
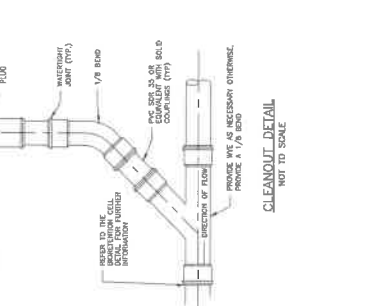
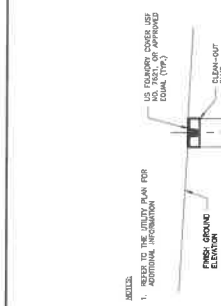


TYPICAL PAVEMENT MARKINGS  
 NOT TO SCALE

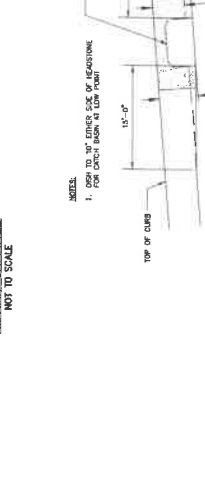
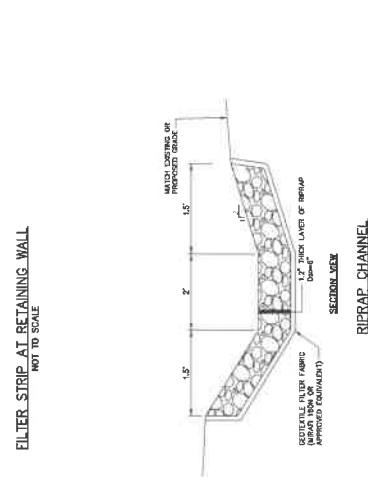
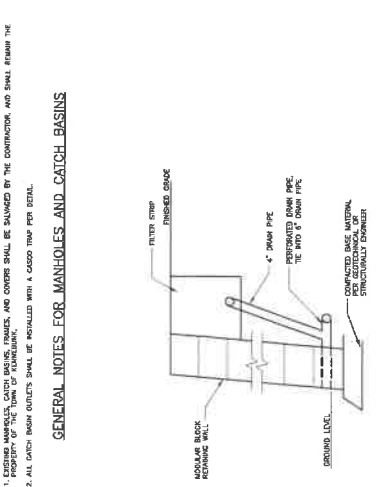
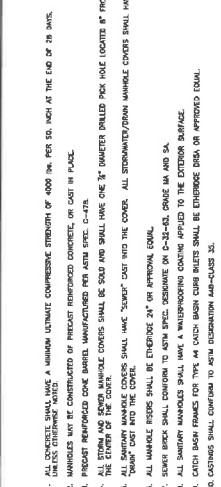
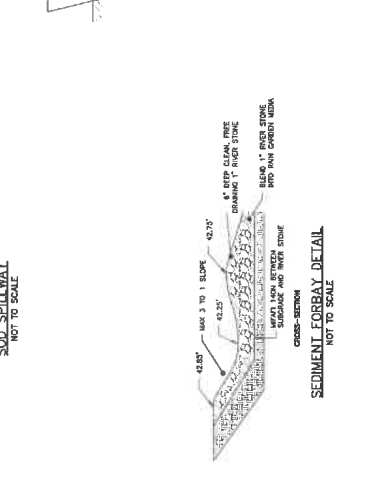
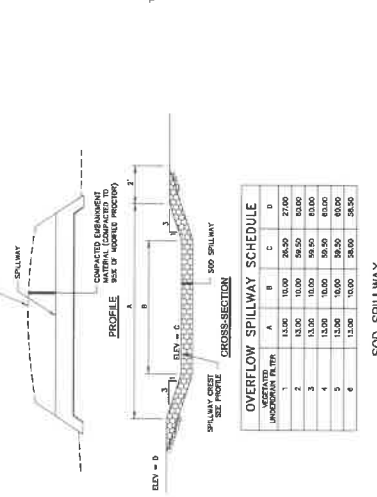
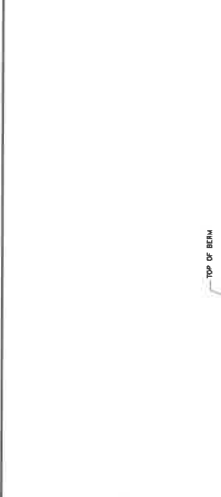
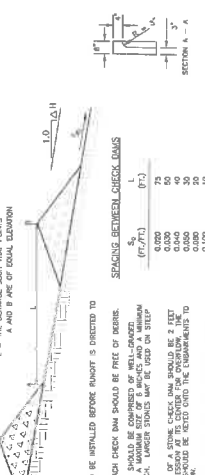
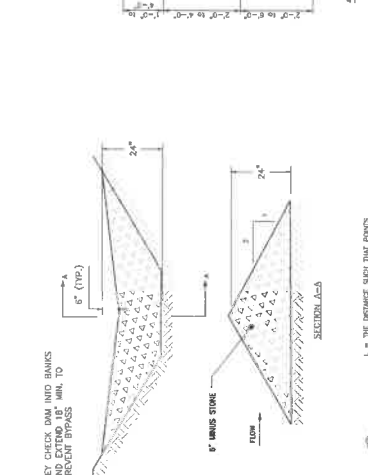
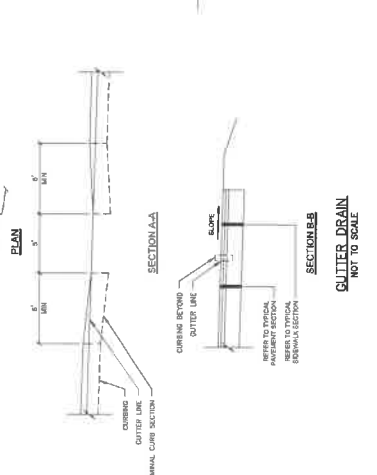
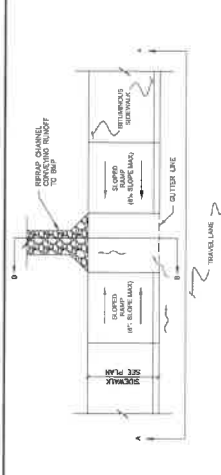


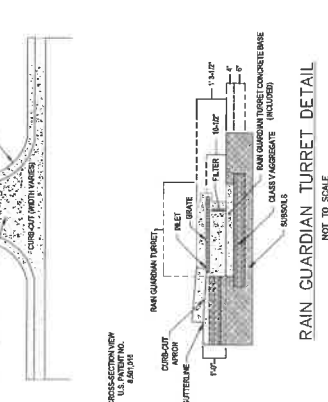
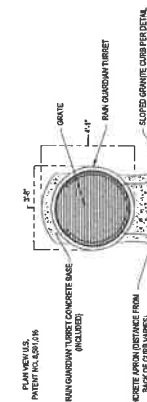






PERMIT LEVEL  
NOT ISSUED FOR  
CONSTRUCTION





**RAIN GUARDIAN TURRET DETAIL**  
 NOT TO SCALE

**TABLE 3 MDOOT SPECIFICATIONS FOR UNDERDRAIN TYPE C (MDOOT #703.22)**

SIZE	WEIGHT	PER WEIGHT
4"	90-100	8-10
6"	100-110	10-11
8"	110-120	11-12
10"	120-130	12-13
12"	130-140	13-14
14"	140-150	14-15
16"	150-160	15-16
18"	160-170	16-17
20"	170-180	17-18

**TABLE 2 MDOOT SPECIFICATIONS FOR UNDERDRAIN TYPE B (MDOOT #703.22)**

SIZE	WEIGHT	PER WEIGHT
4"	90-100	8-10
6"	100-110	10-11
8"	110-120	11-12
10"	120-130	12-13
12"	130-140	13-14
14"	140-150	14-15
16"	150-160	15-16
18"	160-170	16-17
20"	170-180	17-18

**TABLE 1 MDOOT SPECIFICATIONS FOR AGGREGATE (MDOOT #703.01)**

SIZE	WEIGHT	PER WEIGHT
4"	90-100	8-10
6"	100-110	10-11
8"	110-120	11-12
10"	120-130	12-13
12"	130-140	13-14
14"	140-150	14-15
16"	150-160	15-16
18"	160-170	16-17
20"	170-180	17-18

**FILTER UNDERDRAIN SOIL FILTER**

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2. THE SOIL FILTER MEDIA SHALL BE 20-50 (BY VOLUME) OF A ...

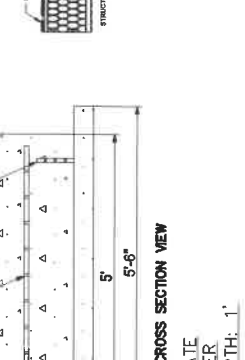
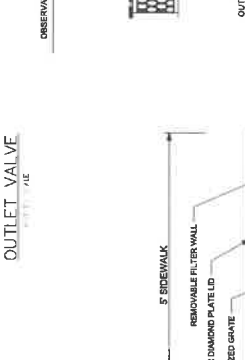
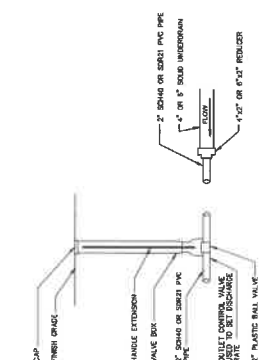
3. THE SOIL FILTER MEDIA SHALL BE 20-50 (BY VOLUME) OF A ...

4. THE SOIL FILTER MEDIA SHALL BE 20-50 (BY VOLUME) OF A ...

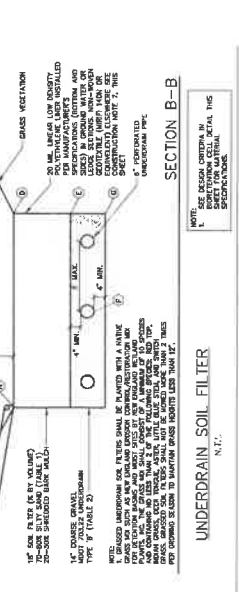
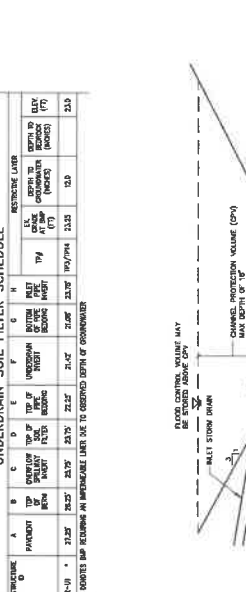
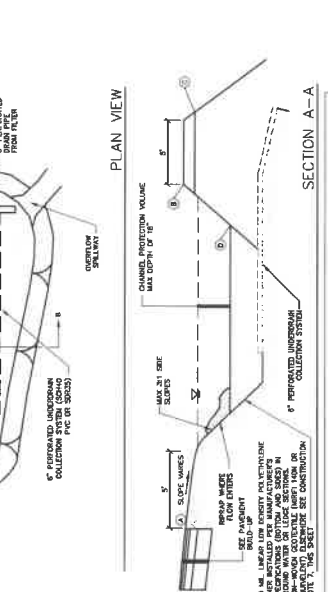
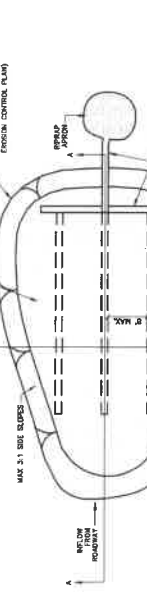
5. THE SOIL FILTER MEDIA SHALL BE 20-50 (BY VOLUME) OF A ...

6. THE SOIL FILTER MEDIA SHALL BE 20-50 (BY VOLUME) OF A ...

7. THE SOIL FILTER MEDIA SHALL BE 20-50 (BY VOLUME) OF A ...



PERMIT LEVEL  
 NOT ISSUED FOR  
 CONSTRUCTION



**BERM STONE SIZE**

STONE SIZE	WEIGHT	PER WEIGHT
12 IN	100	10
6 IN	84-100	10-11
3 IN	68-84	11-12
1.5 IN	52-68	12-13
0.75 IN	36-52	13-14
0.375 IN	20-36	14-15

PERMIT LEVEL  
 NOT ISSUED FOR  
 CONSTRUCTION

ISSUED FOR PERMIT  
6/26/2021

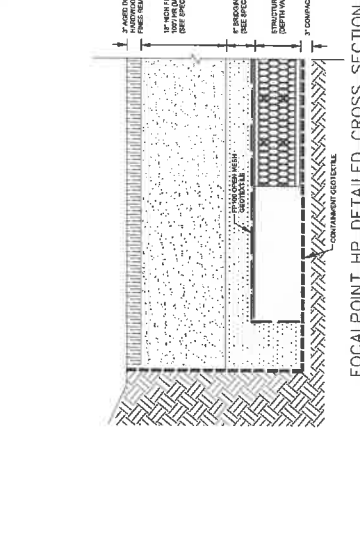
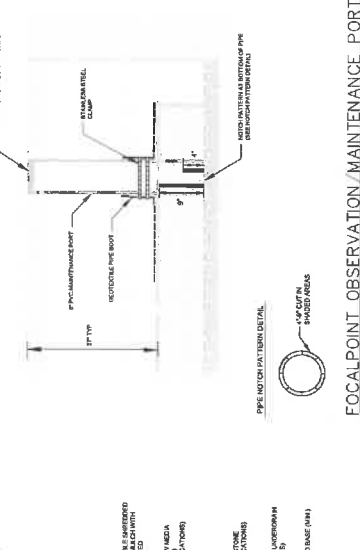
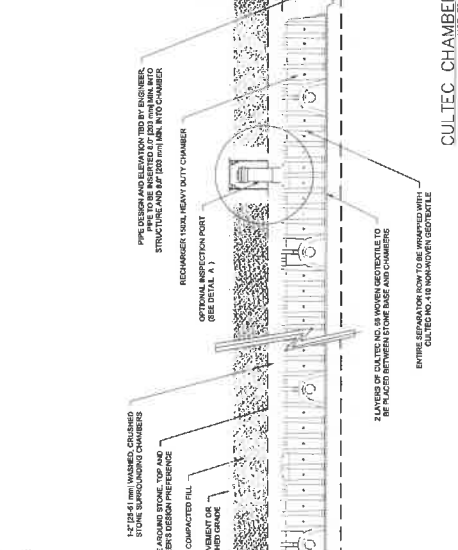
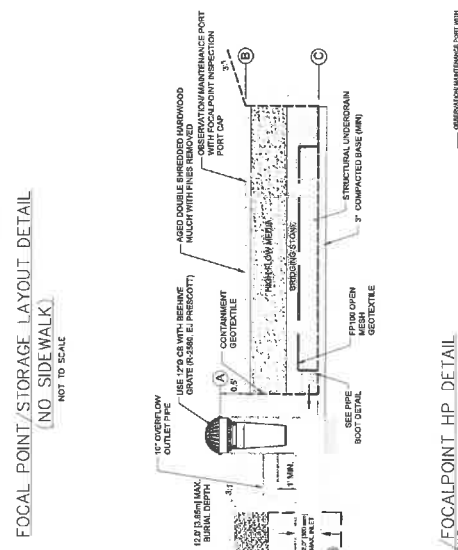
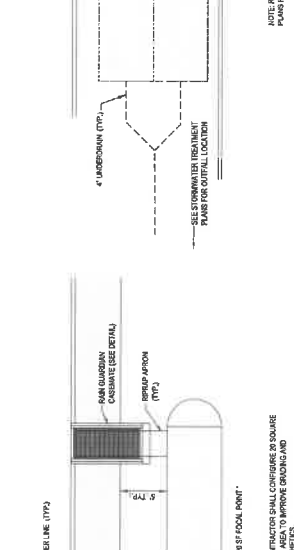
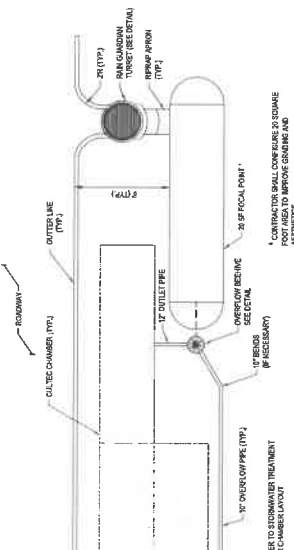
CONTRACTOR SHALL CONFIRM 30 SQUARE FOOT AREA TO IMPROVE CURBING AND ASPHALT.

ENGINEERING, INC.  
BASS COVE LANE, KENNEBUNKPORT, ME 04049  
TOWN OF KENNEBUNKPORT  
VILLAGE PARKER  
DRAINAGE DETAILS - 3

FILE NO. 10771.01.0241  
DATE: 05/11/2021  
SCALE: AS NOTED  
DESIGNED BY: PPS  
DRAWN BY: ZAK  
CHECKED BY: PPS



DRAWING NO.  
**C-45**



Structure ID	Focal Point Schedule			
	A Rim	B Top of Soil	C Focal Point Invert	D Storage Chamber Invert
FP-1	111-50 RT	28.635	25.135	24.845
FP-2	112-00 RT	29.045	25.545	25.255
FP-3	114-00 LT	31.145	27.645	27.355
FP-4	115-50 LT	32.545	29.045	28.755
FP-5	115-95 RT	33.045	29.545	29.255
FP-6	120-65 LT	40.165	36.665	36.375

PERMIT LEVEL  
NOT ISSUED FOR  
CONSTRUCTION



**PERMIT LEVEL**  
NOT ISSUED FOR  
CONSTRUCTION

**STABILIZED CONSTRUCTION ENTRANCE**  
NOT TO SCALE



NOTES:

- CONSTRUCTION SHALL USE STONE TO FORMWORK AS MUCH AS POSSIBLE TO ACCUMULATE.
- STONE SHALL BE 3" - 6" CURVE APPROXIMATE TO 50' WIDTH AND APPROXIMATE TO BE CONCRETE CURB.
- CONCRETE CURB SHALL BE 6" HIGH AND 6" WIDE. CURB SHALL BE FORMWORKED AND FINISHED.
- WHEN INTERIOR, ON-SITE VEHICLES SHALL HAVE THEIR WHEELS CLEANED PRIOR TO LEAVING.
- CONSTRUCTION ENTRANCE SHALL BE SLOPED IN A MANNER THAT PREVENTS TRACKING OF SEDIMENT ON PAVED SURFACE.



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NOTES:

- EROSION CONTROL MIX SHALL BE SET TO HOLD UP SILT.
- CONSTRUCTION SHALL BE CONDUCTED AT ALL TIMES WITH EROSION CONTROL MEASURES IN PLACE.
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NOTES:

- EROSION CONTROL MIX SHALL CONFORM TO THE FOLLOWING STANDARDS AND ACCORDANCE WITH THE STATE OF MEASUREMENTS SECTION 111-1-10.1.
- CONSTRUCTION SHALL USE STONE TO FORMWORK AS MUCH AS POSSIBLE TO ACCUMULATE.
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## Waterfront Ordinance

### MOORING

The means of securing a vessel to a particular location in Kennebunkport waters, other than temporarily by anchor for a period of no more than 72 hours. Dock, pier, wharf or float tie-ups are not moorings. There are three classes of moorings, commercial, recreational and transient, which are defined below:

#### A.

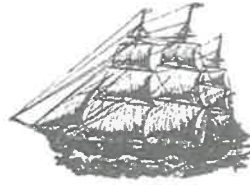
##### COMMERCIAL

A mooring issued to and utilized by a commercial fisheries business for the purpose of mooring a commercial fishing vessel. In Cape Porpoise; the mooring permit holder must either be a Cape Porpoise Pier member in good standing or a shorefront owner. This excludes moorings in Paddy Creek, Turbats Creek, Land's End, **Goose Rocks Beach** and Langsford Road, as noted by their mooring designation.

#### B.

##### RECREATIONAL

A mooring other than a commercial mooring that is permitted for the purpose of mooring a specific vessel. In Cape Porpoise, the mooring permit holder must either be a Cape Porpoise Pier member in good standing or a shorefront owner. This excludes moorings in Paddy Creek, Turbats Creek, Land's End, **Goose Rocks Beach** and Langsford Road, as noted by their mooring designation.



TOWN OF KENNEBUNKPORT, MAINE  
~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

## MEMORANDUM

Date: March 4, 2022  
To: Laurie Smith, Town Manager  
From: Werner Gilliam Director of Planning and Development  
CC: April Fortier, Eli Rubin  
Re: **Sign Ordinance Revisions**

---

We have discussed that provisions within the Land Use Ordinance dealing with signs have needed updating to ensure that they are consistent with the 2015 US Supreme Court decision known as “Reed vs Town of Gilbert” which clarified when towns could impose content-based restrictions within their sign ordinances. Based on positive feedback from the Board of Selectmen, I have been collaborating with Attorney Benjamin LaPlante of Drummond Woodsum to develop appropriate modifications. Please see included with this memo that first draft of proposed modifications that would bring us into compliance.

Included in this document are proposed language amendments that would permit the Town of Kennebunkport exclusively to have internally lit signage on municipal properties (See 240-6.12 G 5).

A final warrant proposal will have these two topics separated into two articles, however for discussion purposes I have included them here in one document.



**§ 240-6.12. Signs and billboards.**

- A. General. Permanent and temporary signage within the Town of Kennebunkport shall be subject to the standards set forth in this section.~~Except for business directional signs permitted under Subsection B, all signs shall relate to goods and services available on the premises on which the sign is located, or to the availability of the premises themselves for sale, rent or lease.~~<sup>[BJP1]</sup>
- B. ~~Off-premises directional signs and~~ official business directional signs as defined in 23 M.R.S.A. § 1903, off premises directional signs, and commercial signs advertising goods and services that are available on premises other than the premise upon which the sign is located shall not be permitted.<sup>[BJP2]</sup> Official business directional signs, and off premises directional signs~~except that directional signs~~ not larger than six inches in width and 24 inches in length are permitted on posts provided for that purpose by the Town without the necessity of a permit<sup>[BJP2]</sup>. Such directional signs shall be placed on the Town posts on a space-available basis.
- C. Performance Standards for Permanent Signs<sup>[BJP3]</sup> ~~Size, location and illumination.~~
- (1) No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or working, the sign or billboard may interfere with, obstruct the view of, or be confused with any authorized sign, signal or device, or otherwise constitute a hazard to pedestrian or vehicular traffic.
  - (2) Roof-mounted signs are prohibited.
  - (3) No sign or portion of a sign structure shall exceed 20 feet in height measured from the adjacent road surface.
  - (4) Illuminated signs shall be permitted, subject to the following restrictions and prohibitions:
    - (a) There shall be no intermittently illuminated, traveling light, animated, flashing light, or internally illuminated signs.
    - (b) All illuminated signs shall be shielded or hooded so the light source itself is not visible off of the premises.
  - (5) In all zones, allowable square footage of signage per building occupant shall be based on the gross square footage of unit floor space, and no sign shall exceed the area as permitted in Subsection H.<sup>[BJP4]</sup>
  - (6) All signs overhanging a sidewalk or public way shall be no less than 10 feet from the surface of the pavement.
  - (7) No signs shall be posted on trees which are under the jurisdiction of the Tree Warden of the Town.
  - (8) The area of a sign shall be calculated by measuring the area of the smallest rectangle capable of enclosing the sign in every plane. If a three-dimensional sign has a depth of more than one foot, the area of the sign shall be calculated by measuring the total surface area of the smallest box capable of enclosing the entire sign.

(9) Window lettering displaying information such as business name, hours of operation, website, etc., is permitted to occupy up to 35% of the glazed area per window. Lettering governed by this subsection shall not be considered signage for purposes of calculating the area of allowable square footage or number of signs. (See Subsection H.)

(10) Signs erected or installed in the interior of a structure which form an integral part of a bona fide window display which is related to merchandise or services available within the structure shall not be considered signs for purposes related to this section.

D. Number of signs.

(1) Except as expressly prohibited under this chapter, in all zones, ~~each business occupant or nonprofit organization may erect~~ [BJP5] sign(s) may be attached or affixed to the buildings. Freestanding signs shall be limited based on the specifications set forth in this chapter.

(2) No freestanding sign shall be located within five feet of the lot line adjacent to the street. However, a setback of less than five feet is permitted upon prior written approval by the Chief of Police after a determination that the sign does not create any sight distance or safety issues.

(3) In addition to the signs permitted under Subsection D(1), and except as expressly prohibited under this chapter, on-premises signs advertising the availability of the premises for sale, rent or lease shall be permitted.

E. Home occupations signs. One sign identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation shall be allowed, provided such sign does not exceed two square feet in area and is not illuminated.

F. Temporary signs [BJP6].

(1) Temporary Signs Placed Within Public Right-of-Way: Temporary signs placed within the public right-of-way shall conform to the provisions of 23 M.R.S. § 1913-A. [BJP7]

~~(1)(2)~~ Temporary Signs Placed Outside the Public Right-of-Way: Temporary signs placed outside of the public right-of-way shall The following temporary signs (in addition to those specified in Subsection H), not exceeding six square feet in area, may be posted in any zone, for no longer than 30 days; and are permitted without a permit from the Code Enforcement Officer. Temporary signs specified in this section shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

~~Temporary signs giving notice. Signs of a temporary nature such as political posters, advertisements of charitable functions, notices of meetings and other noncommercial signs of a similar nature~~ [BJP8] ~~are permitted for a period not to exceed 30 days~~ [BJP9] ~~and shall be removed by the person(s) who posted the signs. Temporary signs specified in this~~

~~section shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.~~

- ~~(a) Temporary development or construction sign. One temporary development or construction sign, attached to a building or freestanding, may be erected, provided such sign shall be limited to a general~~

§ 240-6.12

§ 240-6.12

~~identification of the project and shall be removed within 30 days after completion of the project.~~

- ~~(2) Once removed, no temporary sign shall be posted within 30 days of the removal date.~~

- (3) Street banners may exceed six square feet but be no larger than 50 square feet<sup>[BJP10]</sup>.

- (4) Temporary signs do not require a permit but must conform to all provisions of this chapter.

G. The above regulations shall not apply to the following:

- (1) Flags and insignia of any government<sup>[BJP11]</sup>, and flags placed with brackets mounted to permanent residential and commercial structures.
- (2) Traffic control signs, signs designating route numbers or other informational signs erected or required by governmental bodies.
- (3) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving or flashing lights.
- (4) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (4)(5) Internally lit signs that are owned and operated by the Town of Kennebunkport, and located on property owned by the Town of Kennebunkport, or a political subdivision thereof.

H. PermanentCommercial sign dimensions and number<sup>[BJP12]</sup>.

	<b>Commercial Unit Size</b>			
	<b>(gross square footage)</b>			
	<b>0 to 500</b>	<b>500 to 1,000</b>	<b>1,000 to 2,500</b>	<b>2,500+</b>
Window lettering (percentage of window covered)	35%	35%	35%	35%
Window display	Permitted	Permitted	Permitted	Permitted

Menu (square footage), restaurant/takeout only	15	15	20	20
Total square footage of signage (excluding window lettering, window displays and menus) for all zones	50	70	90	100
Maximum gross area per sign in all zones (square feet)	20	20	30	40

	<b>Commercial Unit Size</b>			
	<b>(gross square footage)</b>			
	<b>0 to 500</b>	<b>500 to 1,000</b>	<b>1,000 to 2,500</b>	<b>2,500+</b>
Number of attached signs	2	3	3	4
Number of freestanding signs	1	1	2	2
Temporary sale, special events, daily menu (10 square feet)	1	1	2	2

I. Nonconforming Signs. Any permanent sign in place prior to [FILL IN WITH DATE] and not in conformance with this section may remain in place. Nonconforming permanent signs may be replaced after approval and issuance of a permit from the Code Enforcement Officer pursuant to § 240-11.2(G). If a nonconforming permanent sign is removed, and is not replaced, for a period of six (6) months, then the Code Enforcement Officer may only approve, and issue a permit for, a new permanent sign that conforms to the provisions of this section.

Town of Kennebunkport, ME  
Wednesday, December 30, 2020

## Chapter 80. Kennebunk River

[HISTORY: Adopted by the Town of Kennebunkport 7-10-1971; as amended through 6-10-2014. Subsequent amendments noted where applicable.]

### ATTACHMENTS

#### Attachment 1 - Exhibit A

### § 80-1. Purpose.

The purpose of this chapter is to provide for the just and orderly operation of marine activities on the Kennebunk River.

### § 80-2. Authority.

This chapter is adopted pursuant to 38 M.R.S.A. § 1 et seq. and the Home Rule Provisions of the Maine Constitution.

### § 80-3. Conflict with other provisions.

Where there is conflict between this chapter and any other federal, state, or local law, statute, regulation, rule or ordinance, the more restrictive provisions shall apply.

### § 80-4. Amendments.

After public hearing by the Board of Selectmen, this chapter may be amended at an Annual or Special Town Meeting.

### § 80-5. River Committee.

- A. The River Committee established by the Interlocal Agreement among Kennebunkport and Kennebunk shall be responsible for all Kennebunk River harbor activities as set forth in the Agreement, this chapter and as otherwise required by law.
- B. The River Committee shall have the authority to establish and collect fees for moorings and harbor usage. Such fees must be reasonably related to the cost of maintaining and regulating the Kennebunk River Harbor and may include a charge to establish a capital reserve account for harbor dredging. However, before any such fees may be imposed, the River Committee shall hold a public hearing preceded by at least 10 days' notice in a newspaper of general circulation in Kennebunkport. The initial fees must also be approved by the Board of Selectmen before becoming effective; thereafter, the River Committee may adopt amendments pursuant to the same procedure, provided the Board of Selectmen may veto any changes within 14 days of adoption by the River Committee.
- C. The River Committee is only authorized to spend such monies as are appropriated by Town Meeting.

### § 80-6. Harbor Master.

- A. The Harbor Master for the Kennebunk River is appointed annually by the Boards of Selectmen of Kennebunk and Kennebunkport. Certain duties and responsibilities of the [Harbor Master's](#) office are prescribed by Title 38 M.R.S.A. ~~The Harbor Master's has the~~ [additional duties including](#) administering and enforcing the provisions of this chapter with the authority granted by law and through his appointment as Harbor Master. [The Boards of Selectmen of Kennebunk and Kennebunkport shall jointly determine which Town will employ the Harbor Master \("Employing Town"\).](#) For purposes of compensation and employment benefits, [The Harbor Master may be employed by either the Town of Kennebunk or the Town of Kennebunkport, but the Harbor Master shall not be a joint employee of both the Town of Kennebunk and the Town of Kennebunkport. Nothing herein shall preclude the Boards of](#)



Selectmen of Kennebunk and Kennebunkport from jointly re-designating the Harbor Master's employment status as an employee of either the Town of Kennebunk or the Town of Kennebunkport. The Employing Town shall be responsible for daily oversight, annual job performance review, and discipline of the Harbor Master. The Employing Town may charge a pro rata share for expenses relating to the Harbormaster's employment to the non-Employing Town. The Harbor Master shall provide reports to the River Committee regarding management of the portion of the Kennebunk River that falls within the Harbor Master's jurisdiction. ~~he shall be deemed an employee of the Town of Kennebunk, which may charge pro rata shares of such expenses to Kennebunkport. However, for all purposes of initial employment recommendation to the Board of Selectmen and subsequent oversight and annual job performance review, he shall report solely to the River Committee, which~~



~~may recommend discipline or discharge to the Kennebunk Town Manager, who may take such discipline only for just cause after notice and hearing.~~

- B. ~~H~~The Harbor Master may utilize the Town office and the Kennebunk River Committee for assistance in the administrative aspects of his responsibilities.

## § 80-7. River limits and channel.

- A. Kennebunk River. For the purposes hereof (and the area regulated hereby) the "Kennebunk River" is defined as all portions of said river within this municipality which extend and run generally southerly from the prolongation southerly of the Kennebunkport and Arundel town boundary at Goff Brook, including all waters to the high tide levels thereof, extending to a line drawn between the extreme offshore limits of the jetties at the mouth of said River.

- B. Kennebunk River Channel.

- (1) For the purposes of this chapter, the "federally designated portion" of the channel, so called, of the Kennebunk River is defined as follows:

The entrance of the Kennebunk River Channel is 100 feet wide and runs from the mouth of the river to a point beyond the Kennebunkport Marina, where it narrows to 75 feet in width. Thence it extends northerly, continuing at a width of 75 feet, terminating at a line, the end-point coordinates of which are N191412.53, E417265.28 and N191445.83, E417332.48 (NAO 1927, State Plane, Feet). All of said federally designated channel is as depicted on plans encaptioned "Kennebunk River, Maine-Maintenance Dredging," dated July 19, 1984, bearing drawing number 2226, consisting of two sheets, the same being incorporated herein by reference. The northerly limit of the federal channel was established by US Public Law 104-33, October 12, 1996, which amended the above-referenced plans of 1984.

- (2) The "locally designated channel," so called, of the Kennebunk River is defined as follows:

A fifty-foot-wide locally designated channel, beginning at the northerly limit of the federally designated channel and extending northward approximately 758 feet; thence a forty-foot-wide locally designated channel beginning at the end of the fifty-foot-wide locally designated channel and extending northerly approximately 312 feet to the Mathew J. Lanigan Bridge. All of said locally designated channel is as depicted on a plan encaptioned "Kennebunk River Locally Designated Channel," dated August 26, 2004, and prepared by the Southern Maine Regional Planning Commission, the same being incorporated herein by reference.

## § 80-8. Rules of river use.

- A. Prudent operation of vessels. Vessels shall be operated on the Kennebunk River in a reasonable manner so as not to endanger persons or property or to cause excessive wash. In no case shall speeds exceed five knots while operating on any portion of the Kennebunk River south of the aforementioned railroad bridge.

- B. Government Wharf.

- (1) The intended use of the floats and the facilities of Government Wharf is solely for the loading and unloading of vessels, for the dockage of skiffs used by owners of vessels, and for such other uses as are specifically authorized by the Board of Selectmen.
- (2) No vessel may be left unattended on the westerly face of the floats or at Government Wharf for a period of more than 1/4 hour, in no event shall any vessel not using said facilities for loading and unloading remain thereat when any other vessel requires the use of said facilities for such purposes, and in no event shall any vessel remain thereat in excess of four hours; in no event, excepting emergencies, shall the facilities at Government Wharf be utilized for any purpose other than loading and unloading without written permission from the Harbor Master. Boat owners wishing to leave a skiff at Government Wharf on a regular basis are required to notify the Harbor Master of this intention. If, in the opinion of the Harbor Master, skiff tie-off space becomes overcrowded, first priority for space will be accorded to commercial users.
- (3) Skiffs tied to Government Wharf must be properly maintained, be kept bailed and must be secured so as to keep Government Wharf clear for operations and not interfere with vessels landing and departing.
- (4) Users of Government Wharf are responsible for properly cleaning up any spillage or untidiness resulting from their operations.

- (5) Failure to observe these regulations may result in loss of permission to use the Government Wharf facility and floats and a penalty as set forth in § 80-9.
- C. Traps in the river. No operation of fixed traps of any kind will be allowed in the Kennebunk River southerly of the railroad bridge. Storage cages shall be permitted if attached to a vessel or to a vessel's mooring.
- D. Record of moorings.
- (1) The Harbor Master shall maintain a written record of the basic information on each mooring, including assigned location, identifying number, vessel description, owner, mooring specifications and details and any additional data deemed useful.
  - (2) The Harbor Master shall maintain the aforementioned plans of the channel and a chart of the harbor showing current mooring location assignments.
  - (3) Each mooring location will be assigned an identifying number which must be marked in a legible fashion on the marker buoy or log in at least three-inch numerals.
- E. Mooring authorizations.
- (1) No mooring shall be permitted, and no mooring shall be placed, utilized or allowed without written authorization from the Harbor Master for the mooring of a specific vessel therein. Each day that a mooring remains in place or is utilized in violation of this subsection shall be deemed a separate violation hereof.
  - (2) The Harbor Master shall have the authority to determine the total number of allowed moorings based on available mooring sites. The Harbor Master may consult with the Kennebunk River Committee and any other appropriate authority to determine mooring areas and their capacity. Commercial moorings shall comprise at least 50% of the total number of mooring sites within the Kennebunk River. If an existing commercial mooring becomes available within the Kennebunk River, it may not be assigned for use as a recreational or transient mooring if such assignment would cause the number of commercial moorings to constitute less than 50% of the total number of available mooring sites within the Kennebunk River.
  - (3) The Harbor Master may change the location of assigned mooring sites when the crowded condition of the river, the need to conform with 38 M.R.S.A. §§3 and 7-A, or other conditions render the change desirable.
  - (4) The Harbor Master shall have absolute authority over all moorings and mooring locations in accordance with the terms of this chapter and the laws of the State of Maine.
  - (5) Any mooring location which is not utilized by the holder of the mooring authorization therefor, or by an assignee approved by the Harbor Master, for a term of 30 consecutive days during the months of June, July and August of any year shall be declared vacant and shall thereupon be available for reassignment by the Harbor Master except where the holder of the mooring has sent advance written notice to the Harbor Master showing good cause.
  - (6) No vessel greater than 40 feet shall be assigned a mooring space, except that should there be space available outside of the federally designated channel a commercial vessel of up to 44 feet may be eligible for a mooring, provided that it does not conflict with any existing moorings and/or create any hazards or obstructions to navigation.
- F. Mooring precedence for mooring locations.
- (1) The rules contained in this subsection are intended to comply with the requirements of 38 M.R.S.A. §§ 3, 7-A, 8 and 11.
  - (2) The Harbor Master shall maintain a chronological list, according to the date and time, of all vessel owners requesting mooring location assignment or reassignment to a new location.
  - (3) Except as otherwise required by law, the Harbor Master shall assign spaces as they become available from the waiting list in accordance with the following priority guidelines:
    - (a) To shorefront owners who request for one mooring location immediately adjacent to frontage, and who have no other current shorefront moorings, so long as the assignment of such a mooring is practicable and so long as neither the mooring nor any vessel tied to the mooring encroaches upon the federal navigation channels or anchorages or upon the natural channels established by the Board of Selectmen. The assignment of a mooring site under this priority guideline shall not prevent the shorefront owner from receiving additional mooring assignments under the allocation system for other moorings set forth in this chapter. Under this provision, a "shorefront owner" is an owner of shore rights of at least 100 contiguous feet of frontage.

- (b) To resident commercial vessel owners, unless less than 10% of the moorings are currently assigned to nonresident commercial owners, in which case the next mooring available shall be assigned to the first nonresident commercial vessel owner on the list.
- (c) To resident pleasure vessel owners, unless less than 10% of the moorings are currently assigned to nonresident pleasure vessel owners, in which case the next mooring available shall be assigned to the first nonresident pleasure vessel owner on the list.
- (d) To nonresident commercial vessel owners.
- (e) To nonresident pleasure vessel owners.
- (f) A dedicated continuous run at the end of the Kennebunk River adjacent to Government Wharf running northerly shall be kept specifically for commercial fishing vessels only (Exhibit A).<sup>111</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

- (4) Future mooring assignments will be on an as-available basis in accordance with the chronological listing of requests and the foregoing priority guidelines. These priority guidelines shall not apply to the assignment of moorings located within the area dredged pursuant to the Kennebunk River Federal Navigation Project, as delineated by the US Army Corps of Engineers, also defined as the "Kennebunk River Channel."

G. Special rules for federal anchorage areas.

- (1) The following provisions are intended to comply with the requirements of the US Army Corps of Engineers for federal anchorages and thus shall apply only to the following portion of the Kennebunk River over which the Harbor Master has control: the area dredged pursuant to the Kennebunk River Federal Navigation project, as delineated by the US Army Corps of Engineers. Within the area described above (and only within this area) the following rules shall apply:
- (a) The priority guidelines under § 80-BF, Mooring precedence for mooring locations, in this chapter shall not apply and the Harbor Master shall assign mooring spaces as they become available, from a chronological waiting list, without regard to residency of the applicant.
  - (b) No priority shall be given to residents if skiff tie-off space becomes overcrowded.
- (2) Nothing in this subsection shall be construed to prohibit the Harbor Master from giving priority to commercial fishing vessel owners in mooring location and skiff tie-off space.

H. Channel to remain free of obstructions. The Harbor Master shall be empowered to ensure that the Kennebunk River Channel shall remain navigable and free of obstructions.

## § 80-9. Violations and penalties.

- A. Violation of any of the provisions of this chapter shall be deemed a civil violation. They are enforceable by the Harbor Master or any other law enforcement officer with jurisdiction in Kennebunkport or upon the waters of the Kennebunk River by an action in the form of a civil infraction in Maine District Court, District Ten, Division of Eastern York, Biddeford; upon determination by said Court on a violation that occurred, the violator shall be fined not more than \$250 for each violation; each day a continuing violation exists is a separate violation of the provisions hereof. All fines collected hereunder shall inure to the Harbor Committee budget.
- B. Penalties for violations of the laws of Maine with regard to speed restrictions, reckless operation of a vessel, operation of a vessel while under the influence of liquor or drugs and all other violations of state statute shall be as otherwise provided by law.
- C. If the Harbor Master incurs costs in the conduct of his duty as a direct result of the failure of a vessel owner or operator to comply with this chapter or the statutes of the State of Maine, the Harbor Master may recover those costs and reasonable remuneration for his time by filing a civil complaint against such owner or operator in the Maine District Court, District Ten, Division of Eastern York, Biddeford.

## § 80-10. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

### COMMERCIAL FISHING

Fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

**COMMERCIAL FISHING VESSEL**

A vessel from which the owner obtains in excess of 67% of his earned income from commercial fishing.

**COMMERCIAL VESSEL**

A vessel from which the owner obtains in excess of 67% of his earned income. The definition of commercial vessel includes commercial fishing vessel, unless otherwise indicated.

**VESSEL**

Includes boats of all sizes powered by sail, machinery or hand, scows, dredges, lobster, crab and shellfish cars, and craft of any kind.

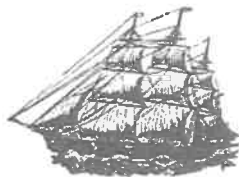
**§ 80-11. Severability.**

If any provision or clause of this chapter or application thereof to any person, persons or circumstances is held invalid, such invalidity shall not offset other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, provisions of this chapter are declared to be separable.

**§ 80-12. Maine law.**

Additional laws relating to boating are contained in M.R.S.A. Titles 12, 17 and 38 and the Department of Marine sources laws and regulations.

Select Language **1**



TOWN OF KENNEBUNKPORT, MAINE  
~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

## MEMORANDUM

Date: March 4<sup>th</sup>, 2022  
To: Laurie Smith, Town Manager  
From: Werner Gilliam Director of Planning and Development  
CC: April Fortier, Eli Rubin, Daniel Saunders  
Re: Contract Extension Re: Comprehensive Plan

---

The Growth Planning Committee began the extensive task of rewriting the Comprehensive Plan work in the second half of 2019 with the professional assistance of Tom Morgan AICP of TzM Planning and Elizabeth Durfee AICP of EF Design and Planning. In 2020 both the Town and the consultant team agreed to pause the project due to the uncertain times that came with the COVID-19 pandemic. Once it became clear that the town was not going to experience a significant negative fiscal impact due to the pandemic we resumed the project.

Due to the delays in the project, we have experienced a number of unforeseen issues, namely the presence of newer data now being available, and the additional time needed to bring the project to completion. With that in mind we requested our consultant team to prepare an additional estimate to update the data and provide additional time to bring this project to completion.

Overall, this has been a good project, with positive feedback both from the Growth Planning Committee and the public who have participated with us.

I am requesting authorization to continue the work on the Comprehensive Plan with TzM Planning and EF Planning as outlined in the attached estimate in the amount of \$10,600.

To: Werner Gilliam  
 From: Comprehensive Plan Consultants Liz Durfee and Tom Morgan  
 Date: February 25, 2022

**Subject: Comprehensive Plan Budget Estimate**

Werner, the budget below reflects a revised estimate following our discussion with you and Eli on January 27, 2022 and receipt of a tentative project schedule from Eli on February 24, 2022.

Recall that the contract for the Comprehensive Plan specified an 18-month project timeline, running from September 2019 to February 2021. Due to COVID, the Town suspended the project for 7 months. To date, the project duration has been 22 months.

The table below is an estimate for budgetary purposes only, and does not assume that all funds would be expended. For the contract extension, we propose to charge at our standard hourly rate of \$80/hour per planner based on hours worked, as opposed to charging a flat fee.

	Task	Hours	Fee
1	<p><b>Meetings</b>            Preparation of meeting materials and attendance at meetings. It is assumed that both consultants will engage in these activities concurrently. We would be available for the following meetings:</p> <p><b>May 12</b> and <b>May 26</b> - Finished draft to Select Board for comments and discussion.  <b>June 9</b> - BoS discuss and finalize draft plan.  <b>June 18</b> - Town Meeting  <b>July</b> - Final draft presented to Select Board.  <b>October</b> - Public hearing on the warrant.</p> <p>Prep for 6 meetings (2 consultants x 2 hours = 4 hrs/mtg.)            Attend 6 meetings (2 consultants x 2 hours = 4 hrs/mtg.)</p>	<p>24            24</p>	<p>\$3,840</p>
2	<p><b>Data Update</b>            Some of the data in Volume 2 is nearly 3 years old. Data proposed for updates is itemized in Attachment A, attached hereto.</p>	<p>74.5</p>	<p>\$5,960</p>
3	<p><b>Website</b>            Maintenance and updates</p>	<p>10</p>	<p>\$800</p>
	<b>TOTAL</b>	<p>132.5</p>	<p>\$10,600</p>

## Attachment A - Data Updates by Chapter

### Chapter 1 Introduction

n/a

### Chapter 2 Vision and Community Character

n/a

### Chapter 3 Historic Resources

n/a

### Chapter 4 Existing Land Use (total=13 hrs)

- Page 3 Update parcels data analysis, text, Figure 4-2 map, Figure 4-2 pie chart (3 hr)
- Page 4-5 Update KCT data, state data analysis, text, Figure 4-3 map (3 hrs)
- Page 6 Update ME valuation data analysis, text, Figure 4-4 (1 hr)
- Page 7-13 Zoning section – *please let us know if any pertinent amendments have been made*
- Page 15-16 Update Growth permits, Figure 4-7 chart and map, text, Figure 4-8 (3 hr)
- Page 17 Update Construction permits, Figure 4-9, text (0.5 hr)
- Page 18 Update Figure 4-10 – growth rate area is out of date (0.25hr)
- Page 19 Update Figure 4-11 – we received updated data since this figure was created, data analysis, text, and map update (0.5hr)
- Page 22-23 Update Figure 4-16 and text use state conservation land data not KCT (1.5hr)
- Repackage and upload chapter (0.25hr)

### Chapter 5 Demographics (total =13.75 hrs)

- Page 1 Population (2020 Decennial Census) already updated
- Page 2 Update assessing data permanent mailing address, Figure 5-2 (1.5 hr)
- Page 4 Update regional trends box population change (0.5hr)
- Page 4-6 Update age data analysis, text, Figure 5-3, Figure 5-4, Figure 5-5, Figure 5-6 (2 hrs)
- Page 7 Update school age and enrollment, Figure 5-8 (1.5 hr)
- Page 9 Update race data (0.25hr)
- Page 9 Update income and employment data analysis, text, inflation adjustment with CPI data, Figure 5-9 (1.5hr)



- Page 10 Update employment analysis, text (0.5hr), addition of COVID-19 impacts research and narrative (1 hr)
- Page 10 Update educational attainment, data analysis, text, Figure 5-10 (0.75 hr)
- Page 11 Update vulnerable Populations, poverty, disability, obesity (1.25hr)
- Page 12 Update veteran population (0.25hr)
- Page 16 Update future population data analysis, text, Figure 5-14 (1.5hr)
- Page 17 Update age data analysis, text, Figure 5-14 (0.5hr)
- Page 18 Update school age population analysis, text, Figure 5-15 (0.5hr)
- Repackage and upload chapter (0.25hr)

#### Chapter 6 Housing (total=9 hr)

- Page 1 Update growth in housing stock data analysis, text, Figure 6-1 (1 hr)
- Page 1 Update Figure 6-2 text, Figure 2-6 (0.25 hr)
- Page 2 Update housing growth text, Table 6-1, Figure 6-3 (1.25 hr)
- Page 3 Update occupancy Trend Figure 6-4, Figure 6-5 (0.5 hr)
- Page 4 Update housing types and sizes Table 6-2, Figure 6-6, text, data analysis (0.75hr)
- Page 5 Update age of buildings text, Figure 6-7, Figure 6-8 (0.75hr)
- Page 6 Update assessed Value text, Figure 6-9, Figure 6-10, Figure 6-11 (1 hr)
- Page 7-8 Update homeownership costs, burden text, Figure 6-12, Figure 6-13, Figure 6-14, Figure 6-15, Figure 6-16, Figure 6-17, Figure 6-18, page formatting (2 hr)
- Page 10 Update rental units text, Figure 6-19, Figure 6-20 (0.75hr)
- Page 11 Update Affordability Index text, Table 6-3, Figure 6-21 (1hr)
- Repackage and upload chapter (0.25hr)

#### Chapter 7 Natural Resources (total=2.25 hr)

- Page 9 Update tree growth current use participation (0.25hr)
- Page 9-10 Update timber harvest data, Table 7-2 (0.5hr)
- Page 25 Update conservation land text, data analysis, Table 7-5 (0.5hr)
- Page 26 Update Town Forest text, Figure 7-11 (0.75hr)
- Repackage and upload chapter (0.25hr)

#### Chapter 8 Water Resources (total=1.75hr)

- Page 10 Update Figure 8-7 KKWWD -obtain data, Figure 8-7 (0.25hr)
- Page 11 Update Table 8-3, Figure 8-8 Branch Brook data (0.5hr)
- Page 13-14 Update NFIP statistics, Table 8-5 (0.5hr)
- Page 17 Update stream monitor data, Figure 8-11 (0.25hr)
- Repackage and upload chapter (0.25hr)

#### Chapter 9 Marine Resources (total=1.75hr)

- Page 3 Update mooring table , Table 9-1 (0.5hr)
- Page 12 Update count of shellfish permits issued (0.25hr)
- Page 18 Update lobster landing data, Figure 9-8 (0.25hr)
- Page 19 Update lobster export and finfish data (0.5hr)
- Repackage and upload chapter (0.25hr)

#### Chapter 10 Energy (total=7hr)

- Pages 4-6 Update energy sources and consumption data, Figure 10-1 (2.25hr)
- Page 11 Table 8-3, Figure 8-8 Branch Brook data update (0.5hr)
- Page 7 Update energy mix data, Figures 10-6 & 10-7 (0.5hr)
- Page 9 Update emissions data, Figure 10-9 (0.5hr)
- Page 10 Update Maine policy initiatives (1hr)
- Pages 11-12 Update Biennial GHG Progress Report (1.5hr)
- Page 21 Update EV charger inventory (.5hr)
- Repackage and upload chapter (0.25hr)

#### Chapter 11 Transportation (total=6.5hr)

- Pages 8 Update parking stickers data, Figure 11-5 (0.5hr)
- Pages 8-9 Update parking revenues, Table 11-5 (0.5hr)
- Pages 21-22 Update roadwork program and capital budget, Table 11-8 & Figure 11-14 (1.5hr)
- Pages 27-28 Update traffic count data, Table 11-13 (1.5hr)
- Page 30 Update commuter trends (0.75hr)
- Pages 31-32 Update crash data (1.5hr)
- Repackage and upload chapter (0.25hr)

#### Chapter 12 Economy (total=3.75hr)

- Page 2 Workforce characteristics data, add COVID update, Figure 12-1 (0.75hr)
- Page 3 Update employment by industry data, Figure 12-2 (0.5hr)
- Page 4 Update major employers data, Table 12-1 (0.5hr)
- Page 5 Update unemployment rate data, text, Figure 12-3 (0.5hr)
- Page 6 Update wages data Figure 12-3 (0.25hr)
- Page 7-8 Update fisheries landing data Figure 12-5, narrative, Figure 12-6, Table 12-2 (1.25hr)

### Chapter 13 Public Facilities & Services (total=8.75)

- Page 3 Update calls for assistance data, Figure 13-2, text (0.5hr)
- Page 4 Update personnel data (0.25hr)
- Page 4 – fire facilities (Tom do you recall if they reduced the #stations?) Don't know. But they will.
- Page 5 Update equipment information, Kittredge Fund account balance, Table 13-1, Table 13-2, Table 13-3 (1hr)
- Page 7 Update calls for service (0.25hr)
- Page 8 Coordinate with police chief to determine if updates are needed for facilities, personnel sections and update text as needed (0.5hr)
- Page 9 Update police cruiser replacement schedule (0.25hr)
- Page 10 Update KEMS data (0.5hr)
- Page 11 Update Figure 13-3 (0.25hr)
- Page 11-12 Incorporate updated information about roadway projects, Figure 13-4 (0.5hr)
- Page 14 Update Cape Porpoise Pier reconstruction text (0.25hr)
- Page 18 Update Figure 13-5 and text, wastewater flow, capacity (0.5hr)
- Page 26 Review and update staff, replacements & upgrades, CIP information (1.5hr)
- Page 27 Update waste disposal, tipping fees, Figure 13-6 (0.5hr)
- Page 30 Update nursing home visits, calls (0.25hr)
- Page 31 Update emergency delivery data (0.25hr)
- Page 32-33 Update Figure 13-7 enrollment trends, graduation rate, education costs, population projections (0.75hr)
- Page 34 Update municipal budget statement from Town Manager, CIP information (0.25hr)
- Page 36 Update EIA data on outages (0.25hr)
- Page 38 Update # cemeteries (n/a) Done
- Repackage and upload chapter (0.25hr)

### Chapter 14 Fiscal Capacity (total=3.25 hr)

- Page 4 Update expenditure trends, Figure 14-2 (0.75 hr)
- Page 5 Update expenditures by category, Figure 14-4 (0.75 hr)
- Page 6 Update revenues and tax rate, Figure 14-5 (0.5 hr)
- Page 7 Update revenues by category, Table 14-1 & Figure 14-6 (0.5)
- Pages 8-9 Update tax rate & valuation, Figures 14-7 & 14-8 (0.5 hr)
- Repackage and upload chapter (0.25hr)

### Chapter 15 Recreational & Cultural Resources (total=1 hr)

- Page 7 Are we up to date on mapping KCT parcels?
- Pages 16 & 19 Update budget, Table 15-5 & 15-6 (0.75 hr)
- Repackage and upload chapter (0.25hr)

Chapter 16 Hazard Mitigation  
n/a

Chapter 17 Regional Coordination  
n/a

Chapter 18 Future Land Use (total=2.75 hr)

- Pages 2 & 14 Update permit data, Table 18-1 (1 hr)
- Page 11 Update school enrollment projections (0.5 hr)
- Page 15 Update # of dwellings (0.5)
- Page 22 Update # of new commercial construction permits (0.5 hr)
- Repackage and upload chapter (0.25hr)

Space above for recording information

**RELEASE DEED**

KNOW ALL PERSONS BY THESE PRESENTS **THE INHABITANTS OF THE TOWN OF KENNEBUNKPORT**, a body corporate and politic located in York County, State of Maine, for consideration paid, release to **GEORGE H. GIFFORD, III (a/k/a George H. Gifford) and JOYCE R. GIFFORD**, of Cumberland, Rhode Island, with a mailing address of 757 Nate Whipple Highway, Cumberland, Rhode Island 02864, all right, title and interest in and to an easement affecting land in said Kennebunkport, in the County of York and State of Maine, as conveyed in deed from Alice M. Child to the Inhabitants of the Town of Kennebunkport dated August 4, 1982 and recorded in the York County Registry of Deeds in Book 3176, Page 26. The purpose of this deed is to terminate the above easement as it pertains to property of the Grantees acquired by deed of Sara A. Child-Stevens, f/k/a Sara A. Child-Bushy f/k/a Sara C. Bushy f/k/a Sara Amanda Child to George H. Gifford and Joyce R. Gifford dated May 31, 2014 and recorded at the York County Registry of Deeds in Book 16798, Page 837.

WITNESS our hands this \_\_\_\_ day of March 2022

**INHABITANTS TOWN OF KENNEBUNKPORT**

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

\_\_\_\_\_  
D. Michael Weston

\_\_\_\_\_  
Witness

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



TOWN OF KENNEBUNKPORT, MAINE

Public Works Department

Wastewater Division

INCORPORATED 1653

7/1/19

Joyce & George Gifford  
757 Nate Whipple Hwy  
Cumberland, RI 02869

RE: 4 Wood Road (MBL 21-11-4)

Dear Mr. and Mrs. Gifford,

It came to our attention on Thursday June 20<sup>th</sup> that the grinder pump station originally installed at your property at 51 Langsford Road had been replaced with a new system. The system that existed on your property was changed to accommodate the new construction. Prior to the new construction taking place, Mark Welch contacted us regarding the original system. Welch & Sons Excavating was provided with the associated part numbers to replace the existing system to conform with what we currently have. The replacement system that was installed, despite proper notification on our part, is non-conforming to our current equipment. As a result, we cannot maintain your system as installed. **An employee from the Kennebunkport Wastewater Department will not respond for any operational issues associated with your current system.**

In a subsequent conversation with Aaron Welch, he indicated you were provided with options for replacement. One being a replacement for the original system that was installed (specified by us) and the other for what was ultimately installed. Aaron Welch told us that you were made aware that if you opted for the second choice (what was installed) the Town would no longer maintain it. This is acceptable should that be the case. If this is not the case and you wish the Town of Kennebunkport's Wastewater Department to still maintain your system, a conforming system meeting our specifications must be installed.

The purpose of this letter is to simply advise you that if you choose to retain the grinder pump system that was recently installed by Welch & Sons Excavation, the Town of Kennebunkport Wastewater Department is going to relinquish its responsibility to maintain your grinder pump, tank/chamber and lateral force main to the street. This will become your responsibility as a private property owner.

25 Recreation Way, P.O. Box 566, Kennebunkport, Maine 04046  
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