



**Agenda
Select Board Meeting
Town of Damariscotta, Maine
August 3, 2022
5:30 PM**

Join Zoom Meeting: <https://us02web.zoom.us/j/87878201039>
Meeting ID: 878 7820 1039 Passcode: Dama22

- I. Pledge of Allegiance**
- II. Public Hearing: Liquor License Application for King Eiders Pub**
- III. Call Select Board Meeting to Order**
- IV. Minutes**
 1. July 6, 2022 Select Board Minutes
 2. July 6, 2022 Board of Assessor's Minutes
 3. July 20, 2022 Select Board Minutes
- V. Financial Reports**
 1. Payroll Warrants # 4, 5, 6
 2. Accounts Payable Warrants #
- VI. Citizen Comments and General Correspondence**
- VII. Town Manager Items**
 1. Capital Project Updates
- VIII. Official Action Items**
 1. Liquor License – New Applicant (Owner) King Eider's Pub
 2. Application for Entertainment/Special Amusement Permit – King Eider's Pub
 3. FY 22 Carryforward Requests
- IX. Select Board's Discussion Items**
- X. Adjournment**



**Agenda
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Join Zoom Meeting: <https://us02web.zoom.us/j/87878201039>
Meeting ID: 878 7820 1039 Passcode: Dama22

I. Pledge of Allegiance

II. Public Hearing: Liquor License Application for King Eiders Pub

III. Call Select Board Meeting to Order

IV. Minutes

1. July 6, 2022 Select Board Minutes
MOTION to approve the minutes (as presented OR as amended) by _____.
Second by _____. Vote ____ / ____ / ____
2. July 6, 2022 Board of Assessor's Minutes
NO ACTION: Minutes need to be approved in a Board of Assessors meeting, not a
Select Board meeting.
3. July 20, 2022 Select Board Minutes
MOTION to approve the minutes (as presented OR as amended) by _____.
Second by _____. Vote ____ / ____ / ____

V. Financial Reports

1. Payroll Warrants # 4, 5, 6
MOTION to approve payroll warrants 4, 5, and 6 by _____. Second by _____.
Vote ____ / ____ / ____
2. Accounts Payable Warrants #
MOTION to approve AP warrant(s) _____ by _____. Second by _____.
Vote ____ / ____ / ____

VI. Citizen Comments and General Correspondence

1. MMA has provided a dividend check in the amount of \$2,631 to the town recognizing the good performance and loss prevention programs.
2. CMP Town Pole Permit – we received a permit to place a new pole along Back Meadow Rd. I have not been able to make contact with the individual on the form to learn more about this. I have attached a copy of the permit and hope to have answers before the meeting should the board need to take action.

VII. Town Manager Items

1. Capital Project Updates – see Town Manager's Report for updates.
2. Town Office HVAC system – A reminder that the current heating system is in need of repairs to eliminate any off-gas/exhaust to enter the ventilation system. We have received a quote from Midcoast Energy Systems for the rooftop replacement for \$22,043 as well as a quote for expanding the ducting system in the basement for

\$6,048. The option to install a heat pump system utilizing our existing duct work sounded possible, but it may also require new ducting. This option would require a fair amount more analysis and likely we should consider having someone spec the unit, solicit multiple quotes, and hope that we can have the unit installed before heating season.

While the rep from Midcoast Energy Systems was here, I asked if the new system would eliminate the unbalanced distribution of hot and cold air. Some staff have space heaters on in July and others supplement heat in the winter. We looked at the basement to see what was going on down there for HVAC. The furnace seems to be utilized to warm a portion of the basement and we discussed the benefit of providing heat to other areas that are below the office spaces. The thought is that the brick walls are not well insulated and draw the cool air to the floor and that perhaps providing the heat to those areas would help the cold office spaces.

In addition to that consideration, MES will test the CFM of the current ceiling vents to ensure adequate air flow into each space. We may opt to only do that with the new rooftop unit and hold on the basement ductwork as it would cost an additional \$6,000+.

Recommendation: Waive the bid policy and pursue the installation of the rooftop unit utilizing funds for the municipal building reserve.

MOTION to wave Article 5, Section 5.10, Bid Procedures, in the best interest of town and appropriate up to \$25,000 from the Municipal Building Fund to purchase and install a new HVAC system, as presented by Midcoast Energy Systems prior to this year's heating season, by _____. Second by _____. Vote ____ / ____ / _____

VIII. Official Action Items

1. Liquor License – New Applicant (Owner) King Eider’s Pub
MOTION to approve the Liquor License for King Eider’s Pub; by _____.
Second by _____ Vote ____ / ____ / _____
2. Application for Entertainment/Special Amusement Permit – King Eider’s Pub
MOTION to approve the Entertainment/Special Amusement Permit for King Eider’s Pub; by _____. Second by _____ Vote ____ / ____ / _____
3. FY 22 Carryforward Requests
I will likely provide a revised dollar amount for your consideration as I am still reviewing the requests.

IX. Select Board’s Discussion Items

X. Adjournment

**MINUTES
SELECT BOARD MEETING
DAMARISCOTTA TOWN HALL**

**July 6, 2022 5:30 p.m.
Live and Via Zoom**

Members: Daryl Fraser, Chairperson; Louis Abbotoni, Tom Anderson, Andrea Keushguerian, and Josh Pinkham

Members Absent: None

Staff Present: Andrew Dorr, Town Manager; Cheryl Pinkham, Town Treasurer; Lynda Letteney, recording secretary

Others Present: Chief Warlick, Damariscotta Police; Ted Pine and Susan Murphy, Cupacity; Geoff Keochakian, LCTV; and Evan Houk, Lincoln County News

- I. **Pledge of Allegiance:** Chairperson Fraser led the Pledge of Allegiance at 5:30 p.m.
- II. **Public Hearing – Extension of License Privileges for an On-premises Establishment for Cupacity located at 133 Maine Street, Damariscotta, Maine 04543**
Chairperson Fraser called the Public Hearing to order at 5:32 pm. Hearing no comments from the public, he closed the Public Hearing at 5:30 p.m.
On motion (Pinkham/Abbotoni) to approve the Extension of License for Cupacity **Vote: 5-0-0**
- III. **Call to Order**
The Select Board's meeting was called to order at 5:35 p.m. by Chairperson Fraser
- IV. **Election of Officers**
On motion (Anderson/Abbotoni) to elect Daryl Fraser as Chairperson **Vote 4-0-1**
(Fraser abstaining)
On motion (Anderson/Fraser) to elect Lou Abbotoni as first Vice-Chair **Vote: 5-0-0**
On motion (Anderson/Fraser) to elect Josh Pinkham as second Vice-Chair **Vote: 4-0-1**
(Pinkham abstaining)
- V. **Minutes**
On motion (Abbotoni/Anderson) to approve the minutes of 6/15/22 as presented. **Vote: 3-0-2**
(Pinkham and Keushguerian abstaining)
On motion (Pinkham/Abbotoni) to approve the minutes of special meeting 6/21/22 as presented. **Vote 4-0-1**
(Anderson abstaining)
- VI. **Financial Reports**
1. On motion (Pinkham/Abbotoni) to approve Payroll Warrant #72-73-74 **Vote: 5-0-0**
2. On motion (Abbotoni/Fraser) to approve Accounts Payable Warrant #75. **Vote: 3-0-2**
(Anderson and Pinkham abstaining)
3. On motion (Pinkham/Abbotoni) to approve Accounts Payable Warrant #1. **Vote: 4-0-1**
(Anderson abstaining)
- VII. **Presentations:** None

VIII. Citizens Comments and General Correspondence

Mr. Dorr said he had had a request for a demonstration march through Town for Sunday, July 24, 2022, a march for a cause. He viewed this as different from marches/parades such as those for Fourth of July/Pumpkinfest since police officer time is required. Town sanctioned events requiring traffic flow control are paid for by the Town. As a "private" cause-focused event, should we be charging for police, cone placement, etc.? We may have to bill for police services. **Josh Pinkham** asked if the Town should limit such activities to special Town days only. **Andy and the Chief** will work out something equitable and come back to the Board. **Daryl Fraser** suggested looking into protocols elsewhere. It comes down to "issues-based" activities and celebrations. **Andrea** felt protocols need to be established with guidelines to follow. **Tom** asked if there was a difference between standing on the side of the road and marching.

Andy also said he had received two letters of appeal regarding parking tickets. **Andy and the Chief** will work on Parking Ordinances especially as they relate to boaters.

IX. Town Manager's Items

1. Capital Projects

A. Miles Street – Proper permits have been received. We are a week or two out for specs with modifications. They have shortened asphalt surfaces so they are not as far into the parking lot. Width of road will include rip-wrap fanning out (okay with DEP) as an alternative to raised sidewalk. There will be a walkway but not raised. No pedestrian fence; asphalt thickness will be 2" base and 1.5" thick. Bids will include a flexible construction timeline that includes fall of 2022 and spring of 2023. **Josh** asked about the \$32,000 to pay for the permit. Wetlands remediation fee for working in water. He also asked about Schooner Street culvert using AARP monies separate from Miles Street. He also suggested a cut off by the second week of November for fall work.

B. Church Street: Sidewalk, Castner Brook Crossing Improvements

Survey and preliminary planning is complete for sidewalk portion. Currently, designs and permit applications are being prepared for Castner Brook Crossing. Anticipate submitting application this winter and will be requesting bids once permits are secured. Additionally, a small section of Church Street will be rebuilt and incorporated into this as a result of the geotechnical investigation recently completed. Bids will be delayed until Spring of 2023 with construction planned for summer of 2023. The request for more data (\$10K) is to look at alternatives (best return for investment). Use a carry forward from the development line. **Josh** suggested checking into ASK grants.

C. Hodgdon Street – Designs are currently being refined with the goal of having plans ready to solicit bids by the end of July. Recommending flexible construction dates- fall of 2022 thru spring of 2023. The CBDG grant is in.

D. Egypt Road and Belvedere Road – Plans can be ready to issue bid requests as early as next week. Timing will include the fall 2022/spring 2023 option. The 3 or 4 culverts need to be included. **Andy** thought there were 2 on Belvedere and 2 on Egypt – he will check with **Andrew and Dorsky & Gartley**. Need to have culverts this fall and paving in the spring for settling purposes.

E. Heater Road - **Amanda** needs to review the last deed for the property in question as it is not a Town road yet. Repairs are needed along the section of road between the Town garage and the Biscay Road.

F. Parking Lot – **Andy** has a meeting scheduled next week with **Phi, Wright Pierce, Andrew**, contractor sewer district and anyone else (third party arbitrators) to make sure everyone is on the same page as far as resolving the sagged sewer line.

2. Cameron Consent Agreement

Amanda Meader has been reviewing the matter and has some reservations at this time. She agrees with MMA's legal opinion that the Select Board does not have the authority to approve a violation continues. We heard at the last meeting that here actually was no violation as the court ordered sale of a property was an exemption in the subdivision law. If there is no violation as presented on the 21st of June, why is the Board's signature necessary on a consent agreement? The question as to whether it is a subdivision (it was at one point) or is it (not at this time)? **Tom Anderson** asked how much money and time would a subdivision review take? Review of plot plans would be needed. Technically no violation as Code Enforcement said it was okay. It would need to go back to the Planning Board. **Lou Abbotoni** felt the Board shouldn't do anything. If the Title Attorney has issues, s/he can refer to Planning Board. **Daryl Fraser** said currently it did not appear to be a subdivision.

3. Annual Goals

Andrew is requesting input as to whether this is a stand alone item or can it be part of a regular meeting, in August or September. Consensus was to make it part of a regular meeting in August or September. Review of past year's goals were attached for review.

4. CLC Ambulance

Tom Anderson reported out that the committee voted 5:1 to use state valuation as a means for their formula to assess service costs to the member towns. South Bristol voted in opposition. This includes a five year lock-in. Towns with increases (non-member) are Nobleboro, Jefferson, and Edgcomb. Long-term savings could be \$350K over 2 years. The Board expressed appreciation for Tom's work as a liaison helping to get consensus on this.

5. DEP PFAS Investigation

A letter from DEP was received informing the Town of an investigation into some previously permitted land applications of sludge. None of the sites are Town owned, but DEP wanted the Board to know about the investigation. These are primarily old sites on private property.

6. One Month Check-In

After a month on the job, **Andy** is feeling pretty good about the items he set out to accomplish. Meeting stakeholders and community members remains a top priority. He is appreciative of the help and support he has received

X. Official Action Items

1. Extension of License Privileges for On-Premises Establishment at 133 Maine St., Damariscotta, ME dba Cupacity, LLC. Action approved earlier in meeting

2. Renewal of Public Service License for Maine Boats, LLC

Maine Boats, LLC said that they forgot to renew their license. They have reapplied.

On motion (Anderson/Keushguerian) to approve the application for renewal of the Public Service License for Maine Boat, LLC

Vote: 5-0-0

3. Unanticipated Expenses/Emergency Spending Authorization

Cheryl Pinkham presented the over-expenditures to the Board with explanations. There were three areas with overages: Administration; Municipal Building; and Police Department. The breakdown is as follows:

Administration: \$5803.09. The bulk of which (\$3017.86) was payroll earned in FY21-22 but paid after 7/1/22 because of the two week pay period. Other expenditures included election workers and moderator (\$380) Supplies (\$379) advertising (\$1237.50) for two administrators and office personnel; cell phone (\$258.60); town reports (\$21); NE conference (\$119.00), gifts for Harbor Master retirement and others; and retirement buyout (\$380).

Municipal Building: \$6748.81. The bulk was the result of damaged solar panels in March, not reported until June, resulting in the Town having to purchase electricity from CMP since March. (\$4,644.85) The public restroom was budgeted at \$3000. Electric, including charging station, was \$3245. Cleaning and supplies were \$2028; water and sewer for the year being \$1800.

Police Department: \$6699.43. Payroll paid July first for monies earned June 13-June 26, 2022.

Total amount requested from emergency un-appropriated surplus (\$19,251.55) as allowable per Article 25 of FY22 Annual Town Meeting Warrant

Josh Pinkham asked about the charging station. He understands that it was part of the grant and it was provided free because the electricity was coming from the solar farm. Since the solar panels are temporarily down, should we be charging for the stations? Or are they part of the grant. Are we on the hook for electricity and/or repairs? Lou Abbotoni asked why they were so remiss in letting us know it was down. We were not notified when it started. Cheryl said it went down in March and we weren't told until June. She said it needs to be looked into and especially to see if there are any grant stipulations. As for the Police Department, the FY 21-22 payroll moved to FY 22-23, they will use surplus funds as there is no carry forward allowed.

On motion (Fraser/Abbotoni) to approve the unanticipated expenses/emergency spending authorization.

Vote: 5-0-0

4. Maine Municipal Association (MMA) Legislative Policy Committee

The MMA has presented a slate of members for the legislative committee for vote by member towns.

On motion (Pinkham/Abbotoni) to accept the proposed slate of members for the MMA Legislative Policy Committee.

Vote: 5-0-0

5. Appointment of Town Officials

Pursuant to Article IV, Section 4.02 of the Town of Damariscotta Charter, the following have been nominated by the Town Manager to fill the listed positions:

Animal Control Officer- Lincoln County Sheriff's Office

Civil Emergency Preparedness Director – Stephen O'Bryan

Code Enforcement Officer – Corey Fortin

Election (Ballot) Clerks – see attached sheet

Fence Viewer – Charlie Ault

General Assistance Manager – Cheryl Pinkham

Harbor Master – Eric Peters

Health Officer – Dr. Tim Gotz

Municipal Town Clerk – Rebecca Bartolotta
Plumbing Inspector – Corey Fortin
Registrar of Voters – Rebecca Bartolotta
Road Commissioner – Andrew Dorr
Sealer of Weights and Measures – vacant
Tax Collector – Andrew Dorr
Treasurer – Cheryl Pinkham

On motion (Fraser/Pinkham) to approve the appointments listed. Vote: 4-1-0
(Abbotoni in the negative)

Lou Abbotoni commented that he felt some work needed to be done to set standards for the various positions. What happened with one of the people not appointed was the Board's fault. Andrew said if we don't appoint anyone to Weights and Measures the State will. The tax collector position is open. The Town Planner position has been filled by Isobel Oeschlie.

6. Inland Fisheries and Wildlife
On motion (Fraser/Anderson) to appoint Rebecca Bartolotta as the IFW Officer Vote: 5-0-0

7. Cemetery Deeds
On motion (Pinkham/Abbotoni) to approve the Cemetery Deed and Perpetual Care Agreement for Susan Rose and Frederick Ebersoll Vote: 5-0-0

XI. Select Board's Discussion Items

Tom Anderson – The brush has been cut on Bristol Rd and School St., but the sign has not been moved. Probably a Maine DOT issue.

Lou Abbotoni thanked Tom Anderson again for his work with CLC and getting an agreement.

Andrea Keushguerian What happened to broadband? Response: It has stalled; no federal funding and over \$100k needed on very short notice. Essentially on hold.

Josh Pinkham said as far as brush and branches, we have a chipper and a crew. We need a pedestrian crosswalk sign on Main St. near Reny's. Also, we need to set the mil rate by August 1st. The assessor's agent should prepare this. Thirdly, update on waterfront progress? Are we waiting for waivers? Is it EDA or FEMA or both? Impression is EDA is ready to go to phase II; FEMA is stalling. We are moving along with storm drainage. Can we get an update from Wright-Pierce as to how far away we are from putting it out to bid? Daryl Fraser commented that Wright-Pierce could be at next meeting with update. He also felt we needed to be looking for a clerk of the works for us.

Daryl Fraser – nothing to add

XII. Adjournment

On motion (Pinkham/Anderson) to adjourn the Select Board's meeting at 7:00 p.m. Vote: 5-0-0

Respectfully submitted,

**Lynda L. Letteney
Recording Secretary**

We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Select Board meeting on July 6, 2022

Daryl Fraser, Chairperson

Louis Abbotoni

Tom Anderson

Andrea Keushguerian

Joshua Pinkham

Town of Damariscotta, Select Board meeting minutes, signed this date: _____

**MINUTES
SELECT BOARD MEETING
DAMARISCOTTA TOWN HALL**

**July 20, 2022 5:30 p.m.
Live and Via Zoom**

Members: Daryl Fraser, Chairperson; Louis Abbotoni, Tom Anderson, Andrea Keushguerian, and Josh Pinkham

Members Absent: None

Staff Present: Andrew Dorr, Town Manager; Isobelle Oeschlie, Town Planner (via Zoom); Lynda Letteney, recording secretary

Others Present: Geoff Keochakian, LCTV; and Evan Houk, Lincoln County News

I. Pledge of Allegiance: Chairperson Fraser led the Pledge of Allegiance at 5:30 p.m.

II. Call to Order

The Select Board's meeting was called to order at 5:32 p.m. by **Chairperson Fraser**

III. Set Meeting Dates

The Select Board will regularly meet the first and third Wednesdays of the month

IV. Minutes

On motion (Fraser/Pinkham) to table the minutes of July 6, 2022, until the next meeting.

Vote: 5-0-0

IV. Financial Reports

1. On motion (Pinkham/Anderson) to approve Payroll Warrant #2 **Vote: 5-0-0**

2. On motion (Pinkham/Abbotoni) to approve Accounts Payable Warrant #3 **Vote: 5-0-0**

3. On motion (Pinkham/Keushguerian) to approve Accounts Payable #76 (FY 2021-22) **Vote: 5-0-0**

V. Presentations: None

VI. Citizens Comments and General Correspondence - None

VII. Town Manager's Items

1. Request for March Sunday, July 24, 2022

There will be no cost to the Town as it will take place on the sidewalk- no need for police coverage or traffic control. It does raise the question about a policy regarding "issue marches" and Andy will look into this.

2. Castner Creek

Additional data has been requested. The issue is access to funding. Cost is about \$10K for additional analysis. Andy is looking for funding sources.

3. Sewer line

Parking lot sewer line was fixed last Thursday. The whole pitch was addressed as multiple companies were at fault. The sewer District needs to accept the resolution. Plan is to turn it over to the Sewer District next week.

4. Annual Goals

The annual goal review will be the second meeting in August. Workshop will be at the end of the regular meeting.

5. Taxes over 65

Andy has not seen any instructions or applications for the freezing of taxes on those over 65 yet. Applications are due by December 2022 for 2023. It doesn't take effect until FY2024. **Lou Abbotoni** asked if we should have an open meeting on this. **Andy** said he would schedule it for the next regular meeting.

6. Road Updates

Heater Road – The deed has been modified and new signatures obtained. It is up-to-date for future reference.

Egypt Road/Belvedere Road – milling depth

Josh Pinkham asked about Oyster Creek Road as he had a call from Wilder Hunt about it. Andy will call him to clarify. Also **Josh** asked about cutting and clearing for visibility. He also clarified that culvert work will be done first (?fall) and let it set until spring work.

VIII. Official Action Items

1. On motion (Pinkham/Anderson) to approve the proposed slate of officers/Executive Committee members for MMA's Annual election. Vote: 5-0-0

2. Municipal Office Building HVAC Replacement

Rooftop unit for the town office needs to be replaced. This appears to be the only solution presented by MidCoast Energy Systems that will allow heat in the building by heating season. Someone will be onsite tomorrow to take a look to help identify ways to solve the temperature control issues. **Andy** hopes to have a more thorough report and recommendation for the next meeting. The Board will have to decide if it wants to waive the bid policy in an effort to get the new unit installed before heating season. Currently, the AC is working but the heating portion is cracked which is allowing gasses to enter into the building. There are no parts to fix it. An exact replacement will take 40+ weeks to get. A catwalk is also needed. A similar unit of like size can be installed by September. It has zone portion. **Josh** said that in essence the Lennox system is coming out and the York system would go in.

3. Land Use Ordinance Revisions There need to be some updates to the ordinance. Some are minor grammatical changes others are items that Isobelle has picked up on. Suggested changes will need to go to the Planning Board before coming to the Select Board to call a hearing and special Town meeting. Map in question now is Clayton Giggey's property on Map 30 - lot 32-1 and 32-2 which need to be renumbered to be in compliance. **No motion at this time**

4. Liquor License Renewal – Damariscotta River Grill

The Poice Department looked into the calls for service at that location and they do not believe any of the calls were related to the service of alcohol.

On motion (Fraser/Anderson) to approve the liquor license renewal for Damariscotta River Grill.

Vote: 5-0-0

Miscellaneous: Special Town Meeting scheduled for September 21, 2022.

Andy introduced Isobelle Oeschlie, the new Town Planner, to the Board.

IX. Select Board's Discussion Items

Tom Anderson was concerned about the number of garbage cans on the street, citing the bookstore and parking lot areas particularly. Are there more?

Lou Abbotoni had nothing new

Andrea Keushguerian had nothing

Josh Pinkham said the “sandwich board” signs along Main Street are “creeping” into the handicap access areas.

Daryl Fraser had nothing new.

X. Adjournment

On motion (Abbotoni/Anderson) to adjourn the Select Board’s meeting at 6:05 p.m.

Respectfully submitted,

Lynda L. Letteney

Recording Secretary

We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Select Board meeting on July 20, 2022

Daryl Fraser, Chairperson

Louis Abbotoni

Tom Anderson

Andrea Keushguerian

Joshua Pinkham

Town of Damariscotta, Select Board meeting minutes, signed this date: _____

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

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

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

5. Business records are located at the following address:

192 Old Sheepscot Road Wiscasset Maine 04578

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

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

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

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

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

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

Yes No

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

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

Yes No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Scott McArdle	04/12/1982	Damariscotta Maine
Damon Waltz	01/09/1983	Damariscotta Maine

Residence address on all the above for previous 5 years	
Name	Address:
Scott McArdle	192 Old Sheepscot Road Wiscasset Maine 04578
Name	Address:
Damon Waltz	291 Hollywood Boulevard Whitefield Maine 04353
Name	Address:
Name	Address:

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

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

Canard LLC PO Box 16 Bristol Maine 04539

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

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

This is a two story restaurant with 5 tables and 8 bar seats downstairs and 10 tables and 2 bar seats
upstairs.

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

Name: Damariscotta Baptist Church

Distance: 1000 feet

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 7/19/2022



Signature of Duly Authorized Person

SCOTT MCARDLE

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

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

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

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

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

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

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

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

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

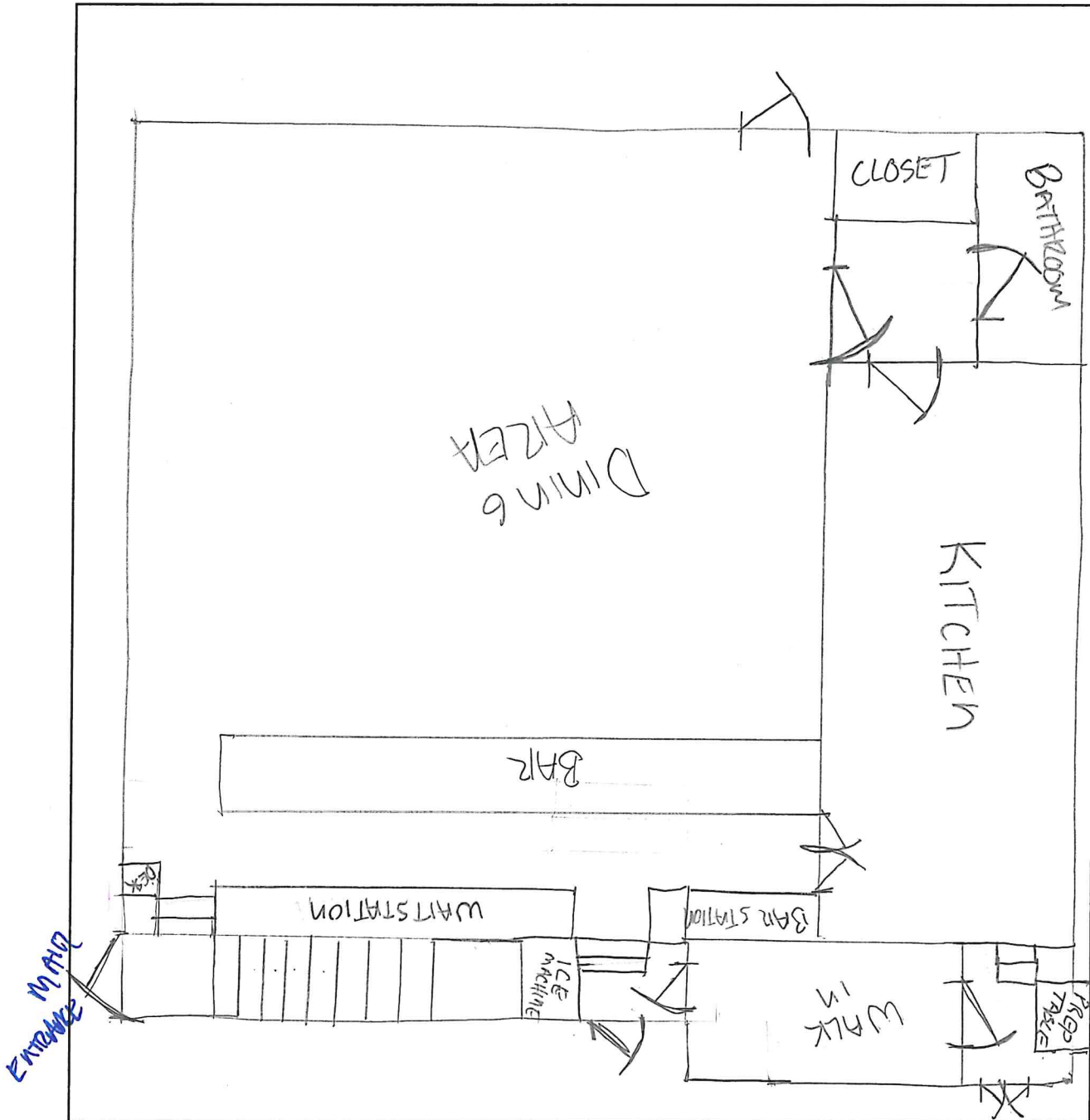
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VII Premises Floor Plan

FIRST FLOOR

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

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

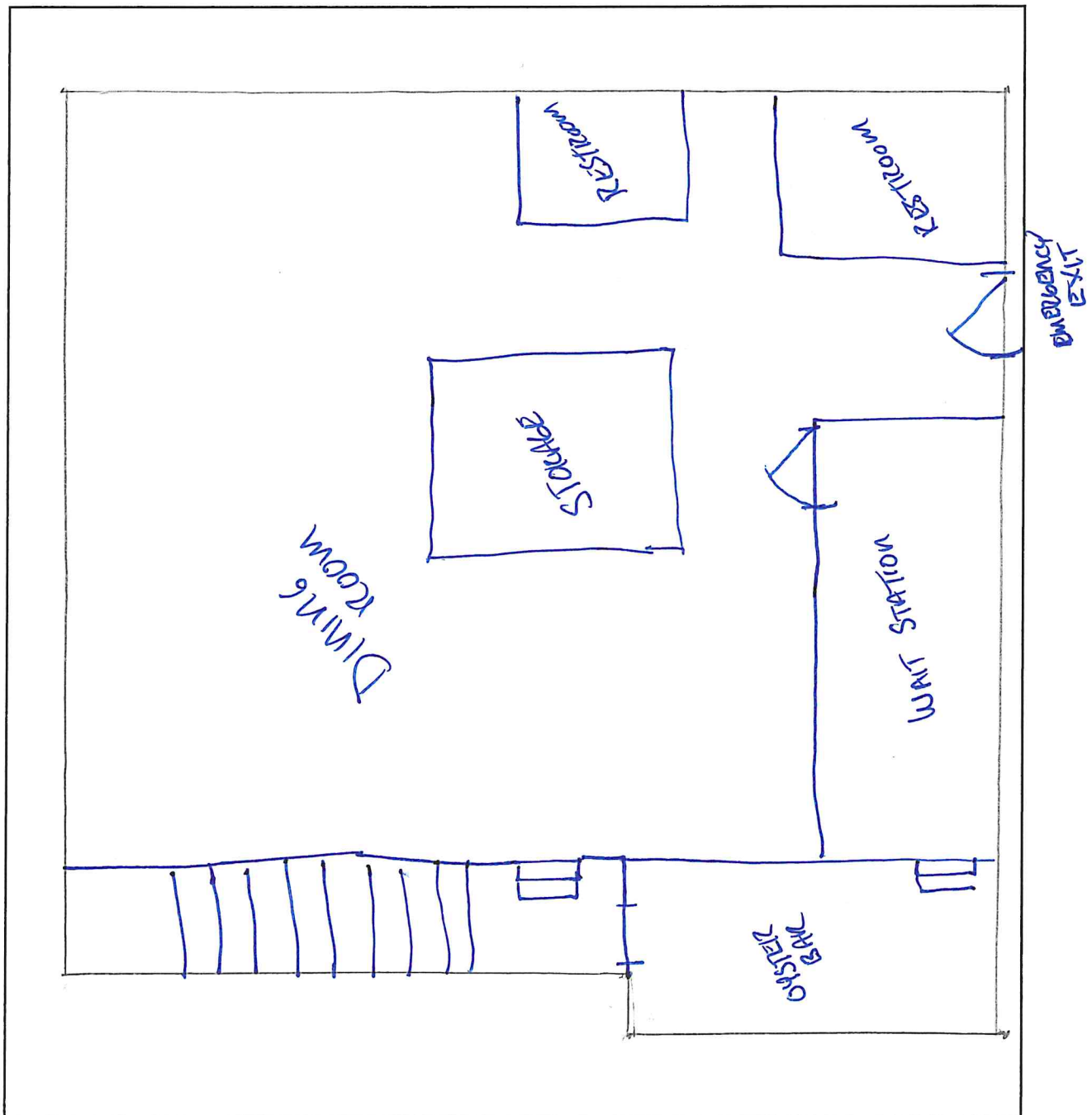


Section VI Premises Floor Plan

2ND FLOOR

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

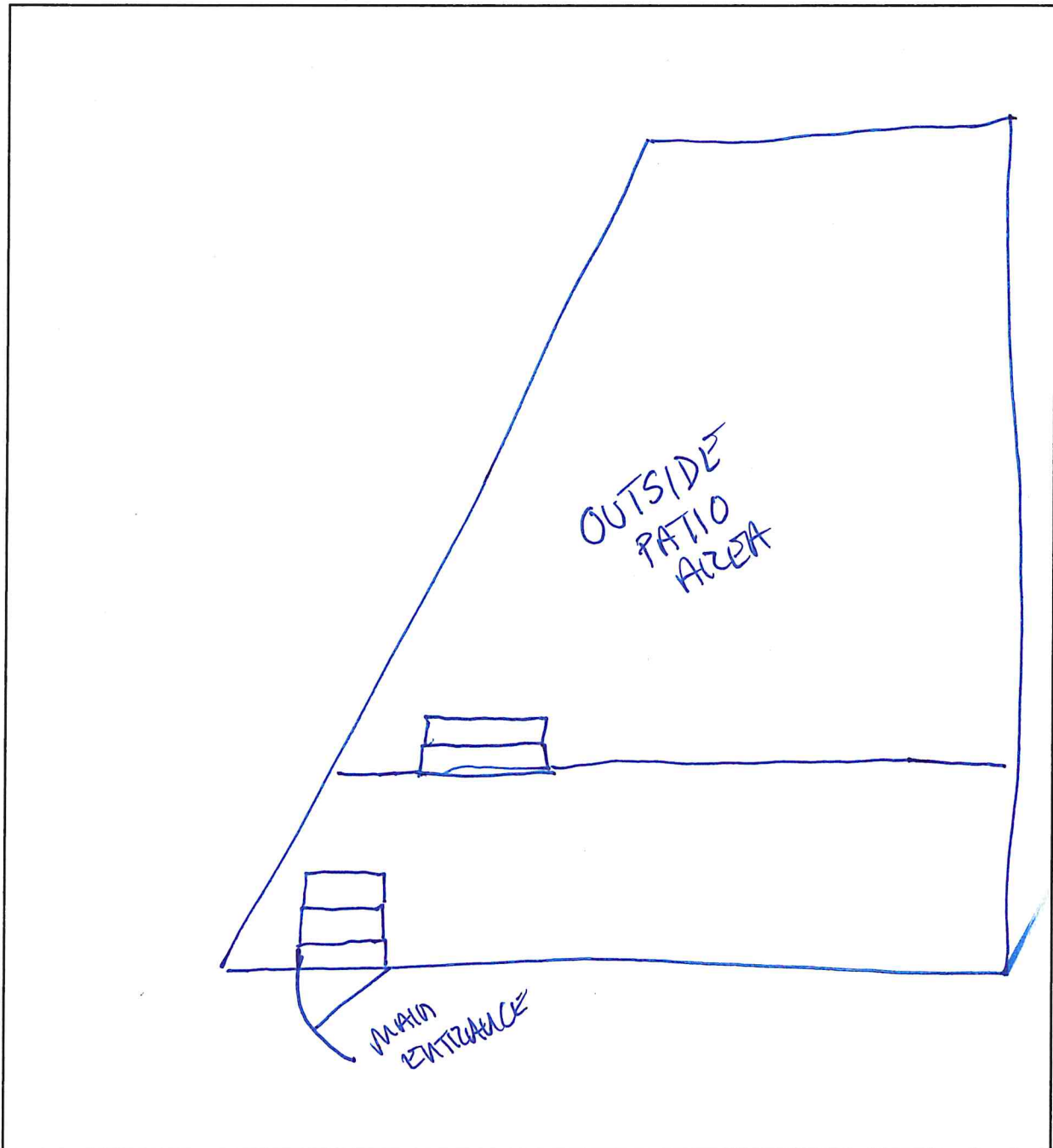
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Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: M&W Partners LLC
2. Doing Business As, if any: King Eider's Pub
3. Date of filing with Secretary of State: 6/22/2022 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Scott McArdle	192 Old Sheepscot Road	04/12/1982	Owner	50%
	Wiscasset Maine 04578			
Damon Waltz	291 Hollywood Boulevard			50%
	Whitefield Maine 04353	01/09/1983	Owner	

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

Office Use Only: ID#

Date Issued

Exp. Date

Ck #

Amount Rec.

STATE OF MAINE HEALTH INSPECTION PROGRAM LICENSE APPLICATION FOR EATING & LODGING

Applicant Information

Establishment Name: King Eider's Pub

Location of Business, E-911 Address: 12 Elm Street Town/City, Zip Code: Damariscotta, 04543

Mailing Address; Town/City, Zip Code: 192 Old Sheepscot Road, Wiscasset Maine, 04578

Business Telephone: 2075636008 Business E-mail: scott.m.mcardle@gmail.com

Contact Person's Name: Scott McArdle Contact Phone #: 2073801890

Contact FAX #: _____ Contact E-mail: scott.m.mcardle@gmail.com

THERE IS A 30 DAY REVIEW PERIOD AFTER RECEIPT OF A COMPLETED APPLICATION. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED AND WILL BE RETURNED FOR COMPLETION. IT'S ILEGAL TO OPERATE UNTIL AN INSPECTION IS PERFORMED AND A LICENSE IS ISSUED.

1. Licensing Information:

This business (check one):

is new and has never been licensed.

is presently was previously licensed by the Health Inspection Program (HIP). If so, provide HIP License EST ID# 7676

is presently was previously licensed by the Department of Agriculture, Conservation & Forestry (DACF). If so, provide Department of DACF ID# _____

2. Business Information:

Please check one: Corporation/LLC Individual Partnership Association Other

Corporation/LLC, Individual, Partnership, Association or Other Name: M&W Partners, LLC

Owner(s) Name: Scott McArdle, Damon Waltz

Owner(s) Mailing Address: 192 Old Sheepscot Road, Wiscasset Maine 04578

My business corporation is in good standing with the Secretary of State and all State Licensing Boards.

Yes No

Planned Opening Date: August, 2 2022 (Allow at least 30 days following your submission of a **completed** application before planning to open.)

3. Former Owner's Information, if applicable:

Former Owner's Name: Todd Maurer Former Business Name: Maurer & Partners Group, DBA King Eider's Pub

4. Business Proposal:

A. Check all boxes that apply: Are you proposing to remodel change ownership change use increase use or other? Specify: We are purchasing and existing business

B. Describe the business: King Eider's Pub is a restaurant

C. If applicable, indicate the proposed number of:

Seating: Indoor Dining Seats: 74 **Outdoor Dining Seats: _____ Vending Machines: _____

Lodging: Rooms: _____ Cottages: _____

Pools/Spas: If you have a public pool or spa included in your establishment, please complete the License Application for Public Pools and Spas; HHE-640.

****For Fees and Septic review purposes, outdoor seating is only counted in total number of seats if there is inside seating and there are 30 or more outdoor seats, or there is wait staff service to the outdoor seats regardless of number of seats.**

5. License Type & Fees: Check (✓) the appropriate box for your proposal:

EATING	CHECK HERE	FEES
Business Enterprise PR (Division of the Blind)		No Charge
Catering		\$270.00
Correctional Facility		\$270.00
Eating Place - Takeout		\$220.00
Eating Place, Tier 1: 1-29 seats		\$220.00
Eating Place, Tier 2: 30-75 seats	X	\$265.00
Eating Place, Tier 3: More Than 75 Seats		\$300.00
Eating Place - Limited Menu		\$205.00
Eating - School		\$100.00
Eating - School Catering		\$100.00
Eating - School Satellite		\$100.00
Eating Place - Commissary		\$300.00
Vending Company		\$105.00
Senior Citizen Meal Site		\$30.00
LODGING		
Bed and Breakfast – 5-Rooms or Less		\$135.00
Bed and Breakfast – 6-Rooms or More		\$205.00
Lodging Place, Tier 1: 4 -15 Rooms		\$205.00
Lodging Place, Tier 2: 16 -75 Rooms		\$240.00
Lodging Place, Tier 3: More Than 75 Rooms		\$270.00
COMBINATION		
Food Service At Youth Camps (Eating and Catering)		\$300.00
Eating and Catering		\$300.00
Eating and Lodging		\$300.00
CAMP		
Sporting/Recreational Camp		\$240.00

MISCELLANEOUS FEES	
Reprint License	\$25.00
Late Renewal within 30 days of license expiration date	\$25.00
Late Renewal more than 30 days after expiration date	\$100.00 for 1 st offense + \$25 for first 30 days
Additional Inspection	\$100.00
Insufficient Funds	\$25.00
Nonprofit – No license required if fewer than 12 events/year	\$0.00

A separate State issued Liquor License is required if you plan to sell or serve alcoholic beverages. You must be in compliance with Health Inspection Program License requirements to obtain and retain a Liquor License. For more information, go to Liquor Licensing and Compliance at www.maine.gov/dps/liqr/applying.html or at 207-624-7220. Additional licenses may also be required, including but not limited to a Municipal Victualer's License. Please contact your Town or City for more information.

6. Drinking Water:

- A. Does your water come from a city/town water supply? Yes No

If yes, provide the name of the city/town water supplier to which you pay your water bill
Great Salt Bay Sanitary District and **skip to Item 7, Wastewater Disposal**, on the following page.

If no, continue:

- B. Is or was your business regulated by the State Drinking Water Program as a public water system?
 Yes No Don't Know (***If your business uses city/town water you are not a regulated public water system.***)
- If yes, provide your Public Water System ID # _____, check the boxes that apply in section "C." below and **skip** to Item 7, Wastewater Disposal, on the following page.
 - If you checked **Don't know**, contact the Drinking Water Program at 207-287-2070 for assistance. If the Drinking Water Program provides you with PWSID #, enter it here: _____, check the boxes that apply in section "C." below and skip to Item 7, Wastewater Disposal, on the following page
 - If no, continue:
- C. Will your business serve tap water in any of the following forms? Check all which apply.

- Cups/glasses of water.
- Drinks made on site (soda, lemonade, slush drinks, iced tea, juices, etc.).
- Ice made onsite.
- Drinking water fountain.
- Cups in the restroom or near any sink available to the public.
- Water used as an ingredient for uncooked foods made onsite. For example, instant gelatin desserts.
- Other, specify: _____

- If you did not check any boxes above and your business was not a regulated public water system in the past, complete the water tests listed in E.1.a & b below and submit water test results with this application. **Skip** to Item 7, Wastewater Disposal, on the following page.
- If you did check any boxes above, continue.

- D. Indicate source, or potential source, of water **Drilled Well** **Dug Well** **Surface Water**.

If you checked "Dug Well" or "Surface Water" call the Drinking Water Program at 207-287-2070 and **skip** to Item 7, Wastewater Disposal, on the following page.

- E. Is the drinking water well an existing well (already drilled?) Yes No

If No, please STOP. Contact the Maine Drinking Water Program at 207-287-2070 for further instructions before drilling the well.

If Yes, please provide the following:

E.1 Water Test Results from a Certified Laboratory for the following tests:

- Total Coliform bacteria, nitrate, and nitrite: samples must be taken within three months before the date this application is received.
- Fluoride, chloride, hardness, antimony, iron, pH, manganese, uranium, arsenic: samples must be taken within one year before the date this application is received. **(Please ensure all tests are included on your water test report to ensure timely processing of your application.)**
- If there are underground fuel storage tanks within 1000 feet of the well, a volatile organics water test (VOC 524) must also be done.
- Additional sampling may be required if known contamination has occurred near the well.
For a list of Certified Laboratories, see www.medwp.com or call the Maine Drinking Water Program at 207-287-2070.

E.2 A site plan (more detailed map of the well site)

E.3. Drilled well construction information (if known):

Depth _____ ft. Length of casing _____ ft. Yield _____ gal/min.

E.4 A description of the major components in the water system:

Storage (type of tank and size): _____

Treatment (type, manufacturer): _____

Piping (type, above or below ground): _____

E.5 Distance from the well to the nearest point of all leachfields (septic systems) within 300 feet?
_____ (feet). ***If less than 300 feet, please stop and contact the Drinking Water Program at 207-287-2070 before submitting this application.***

E.6 Distance from the well to all underground storage tanks within 1000 feet? _____ (feet).
If less than 1000 feet, please stop and contact the Drinking Water Program at 207-287-2070 before submitting this application.

E.7 Distance from the well to the nearest property line? _____ (feet)

E.8 How much land is controlled and/or owned around the well? _____ (acres)

If you qualify as a public water system (PWS), you will be assessed a fee by the Maine Drinking Water Program on July 1st of each year.

7. Wastewater Disposal:

Is wastewater disposed to an on-site wastewater disposal system, either proposed or existing? Yes No

If yes, you must complete the attached "Onsite Wastewater Disposal System – Local Review and Verification Form" (Appendix C) and have your Local Plumbing Inspector verify compliance with the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR 241 (the Rules). The Local Plumbing Inspector must verify that either the existing subsurface wastewater disposal system has the capacity to accept the wastewater to be generated as required by the Rules or that an expanded system has been designed and approved that meets applicable design requirements found in the Rules. Municipal records for your property should include copies of wastewater disposal system designs completed to date. If the municipality cannot locate a copy of the design(s) please contact the Department at 207-287-7690 to request a search of the State database of disposal system records.

Demonstration of adequate wastewater disposal system capacity for the use proposed is required prior to licensure by the Health Inspection Program.

Please visit our website for more information regarding wastewater disposal systems at www.mainepublichealth.gov/septic-systems or call us at 207-287-5689 if you have any questions.

If no, please provide the name of the city, town or utility district to which you pay your sewer bill, or a copy of an overboard discharge license issued by the Maine Department of Environmental Protection.

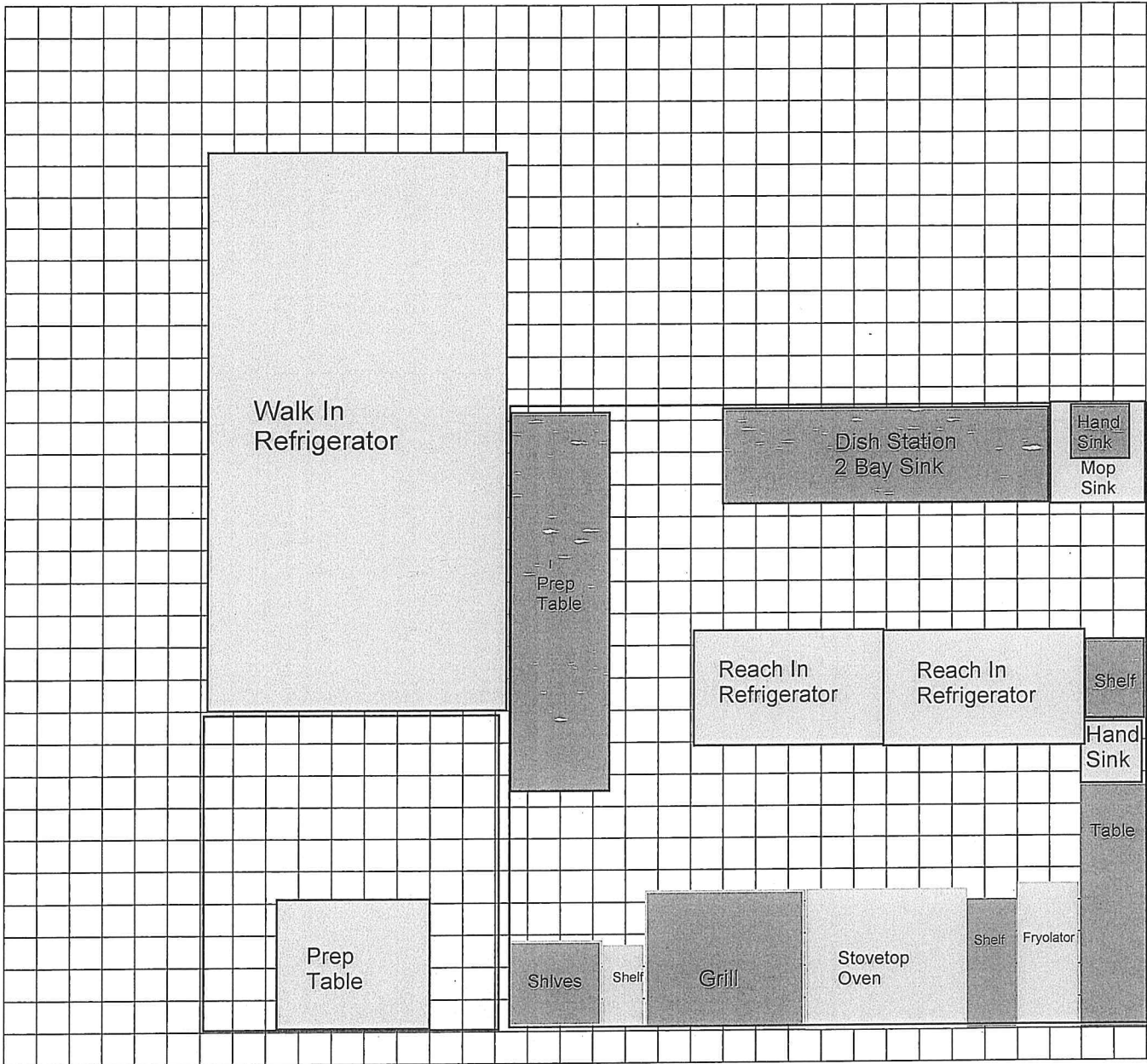
Public Sewer Entity: _____ Great Salt Bay Sanitary District

8. Menu:

Attach a copy of your menu, or a draft menu

9: Kitchen or Food Preparation Area Plan:

Use this grid or a separate sheet of graph paper to draw a floor plan, or provide a floor plan prepared by a knowledgeable party, for eating place food preparation area(s)/kitchen(s). If the plan is not drawn to scale, the dimensions must be clearly labeled.



The floor plan should include the following items.

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
1. Hand Washing	1. Toilets	1. Walk-in Coolers	1. Food Preparation Areas
2. Ware Washing	2. Sinks	2. Walk-in Freezers	2. Food Storage Areas
3. Utility	3. Urinals	3. Freestanding Coolers	3. Trash/Refuse/Redemption Areas
4. Food Prep	4. Other	4. Freestanding Freezers	4. Dining Areas
5. Dipper Wells		5. Ice Maker	5. Equipment/Counters/Seats/Tables
6. Other		6. Other	6. Dry Storage/All Other Storage

10. Eating Place Business Review:

Complete the table below by filling in the blanks, and placing a check mark or number where appropriate.

COLD STORAGE		PROPOSED OPERATING HOURS				SERVICE PROVIDED		
Walk-in Cooler	1	Sunday:	11:30	AM/PM	9:00	AM/PM	Take-out	X
Reach-in Refrigerator	3	Monday:	11:30	AM/PM	9:00	AM/PM	Buffet	
Closed Display Refrigerator		Tuesday:	11:30	AM/PM	9:00	AM/PM	Sit-Down	X
Open Display Refrigerator		Wednesday:	11:30	AM/PM	9:00	AM/PM	Delivery	
Refrigerated Buffet Unit		Thursday:	11:30	AM/PM	9:00	AM/PM	Window	
Beverage Cooler	2	Friday:	11:30	AM/PM	9:00	AM/PM	Catering	
Refrigerated Food Prep. Unit	2	Saturday:	11:30	AM/PM	9:00	AM/PM	Single Service Tableware	
Rapid Pull-down Refrigerator		KITCHEN EQUIPMENT & SINKS (Numbers)				TOILET FACILITIES		
Walk-in Freezer		Ice Machine(s)					Number of Fixtures:	9
Reach-in Freezer	1	Ware washing Sink(s) with 3 basins					Men's Bathroom	1
Closed Display Freezer		Ware washing Sink(s) with 2 basins					Toilets	1
Open Display Freezer		Hand washing Sink(s)					Urinals	
Freezer Buffet Unit		Utility Sink(s)					Sinks	1
Other		Food Prep Sink(s)					Women's Bathroom	1
		Ware washing Machine(s)					Toilets	1
Metal Shelves	X	Microwave(s)					Sinks	1
Wooden Shelves	X	Hot Holding					Employee Bathroom	1
Plastic Shelves		Oven(s)					Toilets	1
Cabinets	X	Other					Urinals	
Bins (food grade)		Meals being served: Please check all that apply					Sinks	1
Barrels (food grade)		<input type="checkbox"/> Breakfast	<input checked="" type="checkbox"/> Lunch	<input checked="" type="checkbox"/> Supper			Other (describe)	
Bulk								
Pallets								
Other								

CERTIFIED FOOD PROTECTION MANAGER(S) See below.

Name: **Damon Waltz** Certificate Date: **7/31/2019**

Name: Certificate Date:

Name: Certificate Date:

Name: Certificate Date:

IMPORTANT: In order to complete your application, you **MUST** submit a valid copy of your Certified Food Protection Manager with your application for new establishments, or change of ownership. Contact the Health Inspection Program at 207-287-5671 for more information. Go to www.maine.gov/healthinspection for a list of CFPM courses. Provide a copy of a CFPM certificate for each certified person.

11. Signature:

I, Scott McArdle, Owner/Operator of the business, hereby state that this

PLEASE PRINT NAME CLEARLY

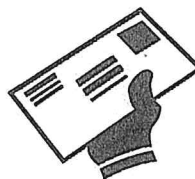
application is accurate to the best of my knowledge. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. Discovery of deliberate falsification of information on this application after a license is issued may subject the individual to penalties, fines and other sanctions authorized by licensing statutes and rules, as well as the imposition of any other penalties, fines and sanctions provided by law.

Applicant's Signature  Date of Signature 07/12/2022

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PLEASE MAIL TO:

**HEALTH INSPECTION PROGRAM
286 WATER STREET 3rd FLOOR
AUGUSTA ME 04333-0011**



Please refer to the License Type & Fees for specific fees for various licenses on page 2

**MAKE CHECK OR MONEY ORDER PAYABLE TO: TREASURER, STATE OF MAINE
WALK-INS: WE DO ACCEPT CASH, CASH MUST BE IN THE EXACT AMOUNT ONLY.
(Fees are non-refundable.)**

For more information, please refer to our rules <http://www.maine.gov/sos/cec/rules/10/chaps10.htm>
Ch. 200: Maine Food Code, Ch. 206: Rules Relating to Lodging Establishments

If you have questions, please call the Health Inspection Program at 207-287-5671.

We wish you remarkable success in your business!

Appendix C

Onsite Wastewater Disposal System - Local Review and Verification Form

This form is to be used by Health Inspection Program license applicants to demonstrate that their facility has adequate wastewater disposal system capacity for the use proposed. This form must be presented to the Local Plumbing Inspector of the municipality where the facility is located for review and approval of wastewater disposal system capacity.

Please include this completed form with your license application.

Health Inspection Program
Onsite Wastewater Disposal System Local Review and Approval Form HHE-602
Appendix C

To be completed by the Owner/Applicant

Date: _____

Facility Name: _____

Facility Physical Address: _____

Facility: [] Owner [] Operator: _____

Telephone: _____ E-Mail _____

Mailing Address if different from address above: _____

- 1. Check all boxes that apply: Are you proposing [] new construction [] remodeling [] ownership [] change [] change in use [] increased use or [] other? Specify: _____
2. Please describe the proposed use or proposed change in existing use for this property:
a. Prior use as licensed: _____ (for example, "a takeout with no seats", "a 40 site campground" or "not previously licensed");
b. Proposed use: _____ (List number of units for example, "40 seat restaurant", "a 30-unit motel" or "no change in use").
c. Are you a new owner of the establishment (please circle)? Yes No

Please have the Local Plumbing Inspector at your town office verify that he/she has reviewed your proposal and has determined that: A) the existing wastewater disposal system has the capacity required for your proposal; or, B) you have had a new or expanded wastewater disposal system designed that will meet the requirements for proper wastewater disposal. Uses that increase wastewater disposal system design flows by more than 25%, including prior unapproved increases, must be installed at the time of expansion or change of ownership as required in Section 9 of the Maine Subsurface Wastewater Disposal Rules.

To be completed by the Local Plumbing Inspector:

MANDATORY: LPI please write in number of indoor/outdoor seats, rooms, campers and/or sites

SEATS-IN SEATS-OUT ROOMS COTTAGES
CAMPGROUND SITES YOUTH CAMP CAMPERS YOUTH CAMP STAFF

(To request a record search for difficult to find permits please visit www.mainepublichealth.gov/septic-systems)

I, _____, the undersigned, have reviewed the proposal for the subject property and find that the property is either served by an existing wastewater disposal system that meets the design requirements for the proposed use or the applicant has submitted an application for an expanded system design (and installation if required by the Expansion section of the Rules) that meets the design requirements of the Rules and any relevant local ordinances for the proposed use.

LPI Signature _____ Date _____



Todd Maurer <todd@the1812farm.com>

(no subject)

1 message

Sarah Maurer <sarah@the1812farm.com>

To: todd@the1812farm.com

Tue, Jul 12, 2022 at 5:03 PM



ServSafe® CERTIFICATION

DAMON WALTZ

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI) Conference for Food Protection (CFP).

18203922

CERTIFICATE NUMBER

7/31/2019

DATE OF EXAMINATION
Local laws apply. Check with your local regulatory agency for recertification requirements.

5440

EXAM FORM NUMBER

7/31/2024

DATE OF EXPIRATION



#0655

Sherman Brown
Sherman Brown
Executive Vice President, National Restaurant Association Solutions

Complies with Metric Units Conversion 2006, Resolution ADMA 068-2013 (Regulation 3.2, Standard A3.2),
standards of the National Restaurant Association Educational Foundation (NRAEF). All rights reserved. ServSafe® and the ServSafe logo are trademarks of the NRAEF. National Restaurant Association® and the arc design
are trademarks of the National Restaurant Association.
Content cannot be reproduced or altered.

v.12/11

Content cannot

and the arc design



DAMARISCOTTA POLICE DEPARTMENT

July 20, 2022

Board of Selectman
Town of Damariscotta
21 School Street
Damariscotta, Maine 04543

Re: King Eider's Pub

To the Board of Selectman:

As requested, I had my staff research our records for any police complaints or contacts involving King Eider's Pub located at 12 Elm St.

In the time period of July 1, 2021 through July 19, 2022 this department has responded to that location as follows:

- 1 Assist citizen
- 3 Property checks
- 1 Community policing
- 1 Juvenile problem
- 5 Medical emergency
- 3 Motor vehicle accident
- 2 Motor vehicle stops
- 6 Found/lost property

To our knowledge, none of these calls involved the serving of alcohol at King Eider's Pub. Please do not hesitate to contact me if you have further concerns or questions regarding this information.

Sincerely,



Jason Warlick
Chief of Police



21 School St
Damariscotta, ME
04543

PHONE 207-563-1909
FAX 207-563-8986
EMAIL jwarlick@damariscottame.com
WEBSITE <http://www.damariscottame.com/police-department>

07/01/2021 to 07/20/2022 (0000 - 2359 only)
Site Analysis
Jurisdiction: Damariscotta (200)
Site (s) : 8

Reason	Calls	Unfounded	Incidents	Accidents	Arrests	Interviews	EMS	Fire
KING EIDER'S PUB	1	0	0	0	0	0	0	0
ASSIST CITIZEN	3	0	0	0	0	0	0	0
PROPERTY CHECK	1	0	0	0	0	0	0	0
COMMUNITY POLICING	1	0	0	0	0	0	0	0
JUVENILE PROBLEM	5	0	0	0	0	0	0	0
MEDICAL EMERGENCY	3	0	0	0	0	0	0	0
MOTOR VEHICLE ACCIDENT	2	2	0	0	0	0	0	0
MOTOR VEHICLE STOP	6	0	0	0	0	0	0	0
FOUND/LOST PROPERTY								
Sub Total >	22	2	0	0	0	0	0	0
Totals >	22	2	0	0	0	0	0	0

TOWN OF DAMARISCOTTA

INITIAL APPLICATION FOR ENTERTAINMENT/SPECIAL AMUSEMENT PERMIT

Under M.R.S.A. Title 28-A, § 1054. Without the permit described in subsection 2, no licensee for sale of liquor to be consumed on the premises may allow any: music, except radio or other mechanical device; dancing; or entertainment of any sort without having first obtained an entertainment (special amusement) permit. Before granting a new initial permit and after reasonable notice to the municipality and the applicant, the municipal officers shall hold a public hearing at which the municipal officers shall take testimony of the applicant and any interested members of the public.

A non-refundable fee, which is listed in the Town's fee schedule, is required to cover the cost of advertising in the Lincoln County News and for administrative processing.

Current License Expires: 08/02/2022

Name of Organization: King Eider's Pub

Organization Phone #: 2075636008

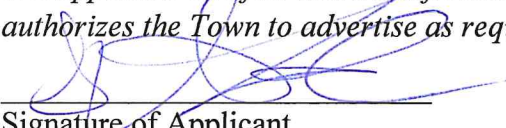
Location of Entertainment: 12 Elm Street

Planned Time/Hours: 11:30am-9pm 2-4 hours per event

Lighting & Noise Level: Lighting will be just normal business, noise will be moderate

Days of Occurrence: 1-2 days a week

The applicant certifies that the information provided herein is true to the best of the applicant's knowledge and authorizes the Town to advertise as required in the application process.


Signature of Applicant

Town Manager or Town Clerk

07/25/2022
Date

Date

Board of Selectmen:

Daryl Fraser

Tom Anderson

Louis Abbotoni

Andrea Keushguerian

Joshua Pinkham

Signed by the Board of Selectmen on this date _____

License Expires: _____

Fee Paid _____ Date _____ Clerks initials _____

Ad to run in _____ edition of the Lincoln County News

Hearing to be held on Wednesday, _____ at _____ at the Municipal Building at 21 School St.

Applicant notified of said hearing _____

Police Report obtained _____



Town of Damariscotta

21 School Street

Damariscotta, Maine 04543

Department	Beginning Balance	End of Year Balance	Carry Forward amount requested	Breakdown of Expenditure(s)
Fire Dept	\$148,473.00	\$7,894.42	\$7,894.42	Planned to Expend \$7,000 in FY22, because the LOSAP (Length of Service Award Program) program was not finalized at State level by end of FY21. This program, at the State level has still not been finalized and will need to carry forward then place in a newly created reserve account if approved by legislative body. \$894.24 will be utilized for turnout gear, personal protection gear/attire & payroll for 2 fire fighters that did not have paperwork submitted.
	\$148,473.00	\$7,894.42	\$7,894.42	
Insurance	\$15,770.00	\$2,185.65	\$1,700.00	Insurance bill for pump out station (in river) was mailed to mlutkus email address but no longer active email account. Received bill in July for outstanding June's expense.
	\$15,770.00	\$2,185.65	\$1,700.00	

Office Hours

Mon, Tues, Thurs 7:30 am – 5:00 pm

Wed. 1pm – 5:00 pm Fri. Closed

Telephone – 207-563-5168 Fax – 207-563-6862

Cemetery	\$42,785.00	\$4,173.39	\$3,937.59	\$300- flagholder tracking proj., unable to complete due to scheduling; \$706.29 loam, filling holes, PW staff unavailable; \$240.30 cushioned ledge for leveling veteran stones, PW staff unavailable; \$1500 crown reduction @ Hillside, contractor unavailable; \$1,191 for seasonal assistant, unable to hire in time, cemetery season does not coincide with fiscal year.
	\$42,785.00	\$4,173.39	\$3,937.59	
Total FY 22 Carry Forward to FY23			\$13,532.01	

Office Hours

Mon, Tues, Thurs 7:30 am – 5:00 pm

Wed. 1pm – 5:00 pm Fri. Closed

Telephone – 207-563-5168 Fax – 207-563-6862



Town of Damariscotta

*Administrative Offices
21 School Street
Damariscotta, Maine 04543
Telephone – 207-563-5168
Fax – 207-563-6862*

*Office Hours
Mon, Tues, Thurs
7:30 am – 5:00 pm
Wed. 1pm – 5:00 pm
Fri. Closed*

Town Manager's Report

July 29, 2022

Capital Project Updates

- ***Chruch St/Castner Creek Crossing***
Incorporate additional changes, like the Castner Creek Crossing and proposed sidewalk to Main/Biscay. Estimated to have these designs finalized in September. There are some grants that we should entertain, one is a NOAA Transformational Habitat Restoration and Coastal Resilience Grant that could be a good candidate. The deadline to apply is September 6th.
- ***Parking Lot Project***
 - a) We are still waiting to hear from FEMA about our reasoning for modified designs.
 - b) The engineers are working on cost estimates for meeting the FEMA requirements so we are aware and can consider a request to EDA for additional funding.
 - c) Inspection from the sewer line that was fixed has come in and will be reviewed.
- ***Miles St Causeway***
Estimated timeline:
 - 7-29 Revised Plans to Be Provided to MaineHealth Dir of Operations and Town Manager for review.
 - 8-5 Notify Selected Contractors that the Town is Accepting Bids & Provide Town with Notice to Place in Local Papers
 - 8-26 Bids Due Provide Tabulation to Town (And Miles)
 - 8-30 Contact Andy to Review Bid Results & Provide Recommendations
 - 9-7 Bid Results will be reviewed by the Select Board
- ***Belvedere/Egypt Rd Paving***
Need to add shoulder grading to the Egypt Rd specs, but is otherwise nearly complete and ready to be advertised. G&D will add a linear ft cost to grading the shoulders on Egypt Rd. We will take on the task of clearing the canopy/roadsides for this project in the fall. I anticipate the bids for this project being advertised the week following the Miles St project with bid results presented to the board for the September 7th meeting. If this schedule changes, I will let the board know.
- ***Hodgdon St***
CDBG application was submitted and we have signed the contract. We need to finalize the design and call a committee meeting, tentatively aiming for the 2nd or 3rd week of

September, to review the final designs. From there, the board will review the designs and feasibility of proceeding with bids.

Tax Stabilization

Program details and the application for property owners are now available on our website. Based on my understanding of the information provided, the law puts the program into effect on August 8th. Qualifying property owners have until December 1st to submit a complete application.

Carryforward Request

There are a few department requests to carryforward unexpended balances for certain purposes. You will find those enclosed in the packet; however, I will not have a final recommendation to the board until Wednesday. As a refresher, the following is present in our Town Charter regarding carryforward requests.

“... The Select Board, may, on advice of the Town Manager, by a majority vote, carry forward unexpended general fund appropriations as deemed appropriate to the same department for the next fiscal year.”



Mid-Coast Energy Systems, Inc.
33 Midcoast Rd., P.O. Box 1118
Damariscotta, ME 04543
207.563.5147
www.midcoastenergysystems.com

To: Town Of Damariscotta
21 School St
Damariscotta, ME 04543
207-563-5168

Quote # 215635
Location: Town Office Building
Email:
Date: 07/8/2022

We hereby submit specifications and estimates for:

ROOFTOP UNIT REPLACEMENT

REMOVAL & DISPOSAL: Three existing Lennox GCS16-036 rooftop unit will be taken out of service, removed from the roof and disposed of.

ROOFTOP UNIT: Provide and install one (1) York ZF036 L.P. gas fired, sealed combustion, rooftop unit. Installation includes hooking up to the existing supply & return plenums, filter racks, condensate pipe, fittings, codes switches, controls and safety devices.

FUEL SUPPLY PIPING: Hook-up to existing propane fuel line.

AIR CONDITIONING: Will be supplied from the new York ZF036 rooftop unit.

ELECTRICAL SUPPLY: Hook-up to existing electrical supply.

AIR DISTRIBUTION: New unit will be connected to the existing ductwork to deliver heating and cooling.

Fire & test for a fully operational system.

LABOR & MATERIALS \$22,043.00

Thank you for the opportunity to present this proposal. If you wish to proceed with this installation please sign one copy of this proposal form and return it to this office with a 35%(\$7,715) deposit. Upon receipt, your contract will be placed in process and deposit credit to your account.



Mid-Coast Energy Systems, Inc.
33 Midcoast Rd., P.O. Box 1118
Damariscotta, ME 04543
207.563.5147
www.midcoastenergysystems.com

To: Town Of Damariscotta
 21 School St
 Damariscotta, ME 04543
 207-563-5168

Quote # 215635
Location: Town Office Building
Email:
Date: 07/8/2022

_____ Approximate cost of Labor & Materials (+/-): \$
 X Fixed Price Contract: **\$22,043.00**

Payment to be made as follows:

35% DOWN - MONTHLY PROGRESS PAYMENTS. BALANCE DUE ON COMPLETION NET 30 DAYS
 1.5% INTEREST RATE WILL BE APPLIED MONTHLY FOR PAYMENTS PAST 30 DAYS

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by Workers' Compensation Insurance. Up to 25% restocking fee and shipping/handling charges will be charged for all special ordered materials should this agreement be breached by the customer after a deposit has been received.

1. **Warranties:** MCES warrants that the Work will be free from faulty materials, constructed according to the standards of the building code applicable for the location of the Work, constructed in a skillful manner, and fit for habitation and/or suitable for its intended purpose. The warranty rights and remedies set forth in the Maine Uniform Commercial Code apply to this contract.
2. **Resolution of Disputes:** (Optional) If a dispute arises over the interpretation of any term or condition of this Contract or the performance of either MCES or Customer, MCES or Customer may, but are not required to, agree to settle the dispute by one of the following methods:
 - A. Binding Arbitration as regulated by the Maine Uniform Arbitration Act, with MCES and Customer accept as final the arbitrator's decision
 Agreed _____
 - B. Non-binding Arbitration with MCES and Customer free to not accept the arbitrator's decision and to pursue the remedy by any other available means, including civil lawsuit.
 Agreed _____
 - C. Mediation, with MCES and Customer agreeing to enter into good faith negotiations through a neutral mediator in order to attempt to resolve their dispute.
 Agreed _____
 - D. None of the above, with MCES and Customer free to pursue any and all legal and equitable remedies against the other to address and resolve their dispute.
 Agreed _____
3. **Change Orders.** Any alteration or deviation from the above contractual specifications that involve extra cost shall be performed by MCES only upon execution by MCES and Customer of a written change order in a form to be provided by MCES for this purpose.
4. **Responsibility:** MCES shall not be responsible for damage to a persons or property occasioned by Customer or his agents, third parties, acts of God or other causes beyond the control of MCES. Customer shall hold MCES completely harmless from, and shall indemnify contractor for, all costs, damages, losses and expenses, including judgment and attorney's fees, resulting from claims arising from any cause or causes described in this Section 2.
5. **Customer Insurance:** At all times during and until completion of the Work and at the Customer's own cost and expense, Customer shall obtain, maintain and provide proof if upon request by MCES such as fire, tornado and other insurance as MCES, in its sole discretion, may require for performance of the Work.
6. **Entire Agreement: Amendments:** Except as expressly provided for in Sections 1 through 3 above, this Contract embodies the entire and complete understanding of MCES and Customer and may not be changed except by a separate written agreement, duly executed by both MCES and Customer.
7. **Breach of Contract:** Subject to Sections 2 (A) – (C) above, if applicable, MCES and Customer reserve any legal and equitable rights redress to a breach of any term or conditions of the Contract by the other.
8. **Choice of Law:** Interpretation of any term or condition of this Agreement shall be made in accordance with applicable Maine law.
9. **Contract Acceptance:**

Authorized Signature Katie Eugley Note: This proposal may be withdrawn by us if not accepted within 15 days.

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. This proposal is valid for 15 days.

Signature: _____ Date of Acceptance: _____



Mid-Coast Energy Systems, Inc.
33 Midcoast Rd., P.O. Box 1118
Damariscotta, ME 04543
207.563.5147
www.midcoastenergysystems.com

To: Town Of Damariscotta
21 School St
Damariscotta, ME 04543
207-563-5168

Quote # 217402
Location: Town Office Building
Email:
Date: 07/29/2022

We hereby submit specifications and estimates for:

DUCTWORK ADDITIONS

Provide and install a 16X10 heating duct run in the basement off of the existing furnace. This duct run will supply heat to the area under the police station side of the building. This price also includes moving existing basement thermostat to the load barring wall of the police station end of the basement.

This price also includes an attempt to balance the existing heating and cooling ductwork in the ceiling of the town office employee area.

LABOR & MATERIALS \$6,048.00

Thank you for the opportunity to present this proposal. If you wish to proceed with this installation please sign one copy of this proposal form and return it to this office with a 35% deposit. Upon receipt, your contract will be placed in process and deposit credit to your account.



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Damariscotta, ME 04543
207.563.5147
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To: Town Of Damariscotta
 21 School St
 Damariscotta, ME 04543
 207-563-5168

Quote # 217402
Location: Town Office Building
Email:
Date: 07/29/2022

_____ Approximate cost of Labor & Materials (+/-): \$
 X Fixed Price Contract: **\$6,048.00**

Payment to be made as follows:

35% DOWN - MONTHLY PROGRESS PAYMENTS. BALANCE DUE ON COMPLETION NET 30 DAYS
 1.5% INTEREST RATE WILL BE APPLIED MONTHLY FOR PAYMENTS PAST 30 DAYS

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by Workers' Compensation Insurance. Up to 25% restocking fee and shipping/handling charges will be charged for all special ordered materials should this agreement be breached by the customer after a deposit has been received.

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 - A. Binding Arbitration as regulated by the Maine Uniform Arbitration Act, with MCES and Customer accept as final the arbitrator's decision
 Agreed _____
 - B. Non-binding Arbitration with MCES and Customer free to not accept the arbitrator's decision and to pursue the remedy by any other available means, including civil lawsuit.
 Agreed _____
 - C. Mediation, with MCES and Customer agreeing to enter into good faith negotiations through a neutral mediator in order to attempt to resolve their dispute.
 Agreed _____
 - D. None of the above, with MCES and Customer free to pursue any and all legal and equitable remedies against the other to address and resolve their dispute.
 Agreed _____
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5. **Customer Insurance:** At all times during and until completion of the Work and at the Customer's own cost and expense, Customer shall obtain, maintain and provide proof if upon request by MCES such as fire, tornado and other insurance as MCES, in its sole discretion, may require for performance of the Work.
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9. **Contract Acceptance:**

Authorized Signature Katie Eugley Note: This proposal may be withdrawn by us if not accepted within 15 days.

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. This proposal is valid for 15 days.

Signature: _____ Date of Acceptance: _____



Town of Damariscotta
Planning Board Meeting Agenda
Monday, August 1, 2022 – 6:00PM
Hybrid Meeting: Town Office & via Zoom

Join Zoom Meeting: <https://us02web.zoom.us/j/88985249796>
Meeting ID: 889 8524 9796
Passcode: DamaPB

1. Call to Order
2. Pledge of Allegiance
3. Review of Minutes of Previous Meeting: July 11, 2022 ***Tabled until a subsequent meeting.***
4. New Business:
 - a. Piper Mill Road (Tax Map 1 Lot 50): Pre-Application/Sketch Plan Review
–Proposed 102 bed nursing care facility
 - Applicant: Clippership Landing Development, LLC
 - Zone: Rural
5. Other:
 - a. Questions from the Public
 - b. Planner's Report: Process Improvement Updates Presentation
 - c. Housekeeping: Scheduling of September Meeting
6. Adjournment

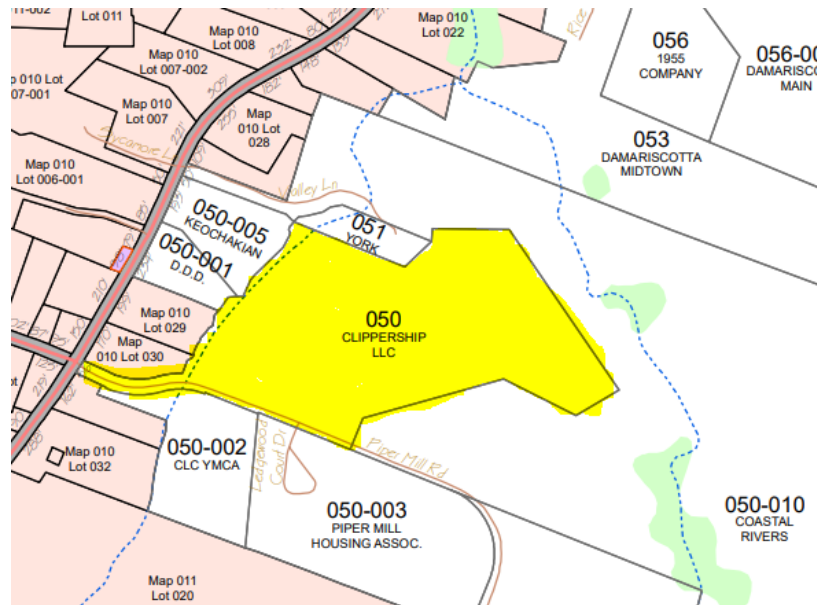


AGENDA ITEM #4A
Meeting of August 1, 2022

Sketch (Conceptual) Plan Review – Clippership Landing
2 Piper Mill Road – Clippership Landing Development, LLC
PID #2201

INTRODUCTION

Applicant Clippership Landing Development, LLC is requesting Sketch (Conceptual) Plan Review during the Board’s meeting on August 1, 2022. A Minor Subdivision and Site Plan Application will be required as part of this development in order to: amend the lot line of the previously approved 2019 subdivision plan of the property, and to construct a 102 bed nursing care facility and associated site improvements (including parking areas and two curb cuts, stormwater management facilities, and courtyard areas and path systems for the enjoyment of residents). The property is in the Rural zone and the Town's designated Village Expansion Growth Area, per the 2014 Comprehensive Plan. The property is further identified as Tax Map 1, Lot 50.



As this is a Sketch (Conceptual) Plan Review, mailed or advertised notices are not required. When the applicants return to the Planning Board for a decision on their Minor Subdivision and Site Plan Application, notices will be mailed to abutting property owners and will be published in the Lincoln County News in accordance with Ordinance requirements.

This submission is being reviewed pursuant to Chapter 102, Section 102.5B: Pre-Application Procedures, and for compliance with the Town’s adopted Comprehensive Plan.

PROJECT DATA

Zoning:	Rural	
Land Area:	19.98 acres (proposed to be subdivided further)	
Existing Land Use:	Vacant	
Proposed Land Use:	Nursing Care Facility	
	Allowed:	Proposed:
Max. Building Height:	35 feet	<35 feet (1 story)
Min. Front Yard:	20 feet	Approx. 40 feet at closest point
Min. Side Yard:	15 feet	Approx. 40 feet at closest point
Min. Rear Yard:	15 feet	Approx. 91 feet at closest point
Min. Water Setback:	100 feet from abutting stream	>100 feet
Min. Off-Street Parking*:	34 spaces (1 space for every 3 rooms)	119 spaces

*Pursuant to 102.6(H)(7)(i).

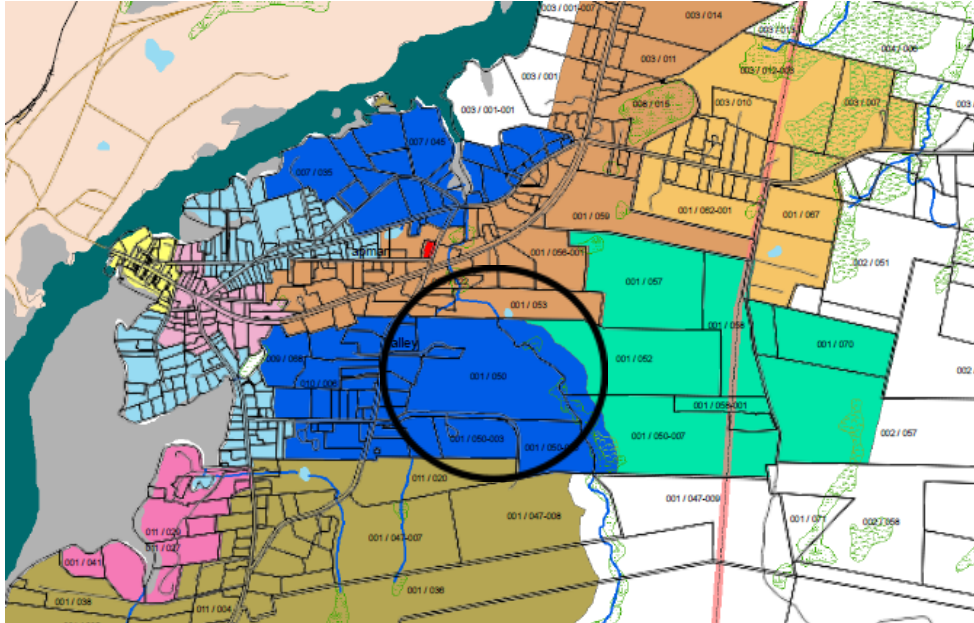
REVIEW PROCESS

The applicant's consultant recently met with the Planner, Code Enforcement Officer, and Fire Chief regarding the proposed project. Applicants were made aware that they need to demonstrate that they meet the standards for Large-Scale Development (Sec. 102.7H) during their subsequent application submission. Planner made the applicants aware of the consideration items discussed below.

Additionally, the Fire Chief provided comments related to emergency access to the rear of the building and asked that the applicants provide a turning template with their application submission for review.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The 2014 Comprehensive Plan (adopted June 2014 and subsequently revised in February 2015) notes that the subject property is within the Village Expansion Growth Area (per the Future Land Use Map, page 34 and below).



Growth Areas are the areas where the Town wants growth and development to occur. The anticipation is that most residential and non-residential development will occur in these areas. The Village Expansion Area anticipated that, “Within these neighborhoods, a range of residential uses should be allowed ... The development of senior housing and retirement and eldercare facilities should also be allowed.” In addition, the vision for this area was that it would evolve as an extension of the village with moderate density housing and a “village character.”

ANALYSIS OF PROJECT

Minor Subdivision review is subject to the standards outlined in Sec. 103.6: General Requirements, and Sec. 103.7: Design Standards. Site Plan review is subject to the standards outlined in Sec. 102.6: Performance Standards. As the project is proposing a floor area of greater than 20,000 s.f., the requirements of Sec. 102.7: Large-Scale Development will also apply.

Sketch (Conceptual) Plan Review provides the Planning Board an opportunity to ask questions regarding the proposed project and provide any initial feedback related to the above referenced standards for the applicant to consider. Some items for the Board to consider:

1. **Parking & Circulation:** Sec. 102.6H1 of the ordinance notes, “Parking areas shall provide safe, convenient and efficient access for vehicles and pedestrians. ... The object is to provide neither more nor less parking spaces than is needed and to maintain the village-scale street-scape by not setting larger retail buildings further back from the street than necessary.” The project is not a retail building and is likely sited as close to the front of the property as is

feasible. As noted above, more than 3 times the required amount of parking spaces are being proposed currently so staff has recommended that the applicants look to decrease the amount of parking (and thus, the amount of impervious areas) proposed to be more in line with the objective of this standard. Sec. 102.6H2 notes, “For properties over one-half acre, the minimum parking requirements may be reduced for good reason, *such as for reducing stormwater runoff*, by the Planning Board” [emphasis added]. Due to the site’s proximity to an existing stream, the Board should consider granting this waiver if asked during subsequent submittals.

2. Surface Parking Lot Placement: Sec. 102.6H3 notes that, “In no case shall parking lots be located between the front facade of principal buildings and the primary abutting streets, unless the ... parking area is screened from view from the frontage street based on clear and convincing evidence.” This standard also notes that parking areas must be screened by appropriate landscaping. Staff has recommended that, in reducing the parking areas, the parking area currently proposed between the front of the building and the street is eliminated. Otherwise, the applicant will need to show via a submitted landscaping plan that the parking areas are sufficiently screened from Piper Mill Road.
3. Stormwater Management: The applicant is currently proposing a variety of stormwater detention ponds scattered throughout the site. Staff has recommended that the applicant review low-impact development techniques in accordance with Sec. 102.6L. This section provides the following examples: vegetated wet swales, stormwater planets, dry wells, porous paving, rain gardens, and vegetated buffers. Sec. 102.6L7 further notes, “If retention or detention ponds are necessary because no other practical alternative exists, the pond or basin structure shall not be located within the required setback or buffer yard of the property.” Staff recommends that the Board ask for a peer-review of any stormwater management plans by either the Knox-Lincoln Soil & Water District or another qualified engineer, at the applicant’s expense (in accordance with Sec. 102.6L3).
4. Large-Scale Development Standards/Sidewalks: Sec. 102.7D requires sidewalks and pedestrian facilities internal to the development and along any public streets. There are currently no sidewalks in the vicinity of the proposed development (along either Piper Mill Road or School Street). However, the construction of sidewalks along School Street was identified as a priority in the 2015 Newcastle-Damariscotta Bicycle-Pedestrian Plan. The Planning Board should consider if interconnectivity to potential future sidewalks is a priority. Staff is unaware of any current funding available for the School Street sidewalk.

RECOMMENDATION

Based on the information submitted by the applicants thus far, staff recommends the following action:

Schedule a site visit with the applicants in accordance with the provisions of Sec. 102.5G.

Isabelle V Oechslic

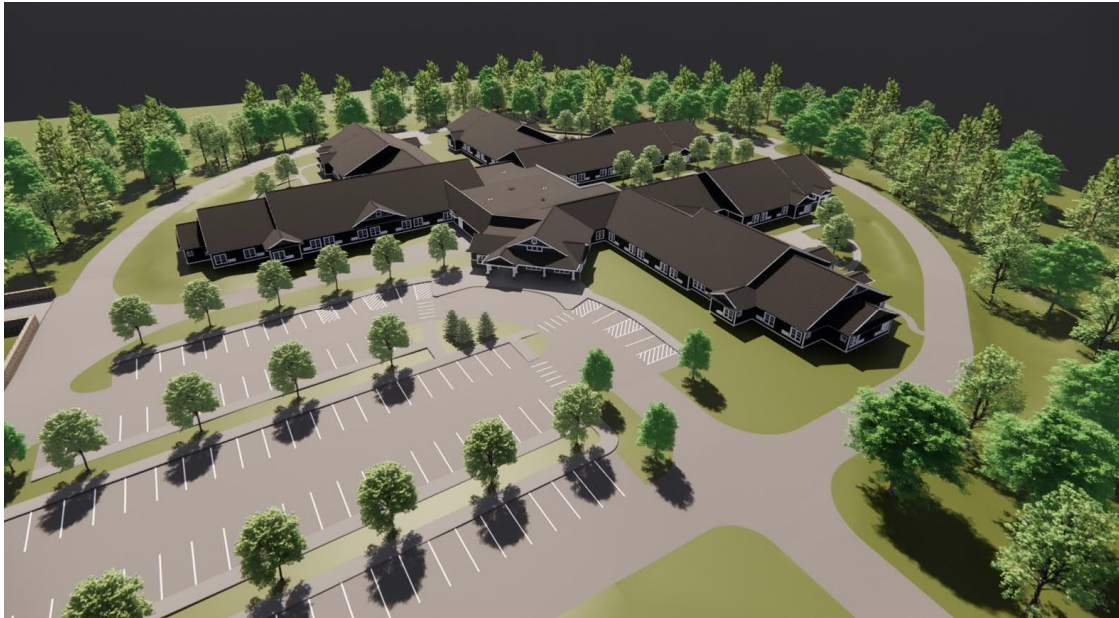
Isabelle V. Oechslic
Town Planner
August 1, 2022

ATTACHMENTS:

Attachment [1] Applicant's Submission Binder, dated July 18, 2022

CLIPPERSHIP LANDING

NURSING HOME
DAMARISCOTTA, MAINE



TOWN OF DAMARISCOTTA SITE PLAN REVIEW
PRE-APPLICATION SUBMISSION

PREPARED FOR:
CLIPPERSHIP LANDING DEVELOPMENT, LLC

PREPARED BY:
ATLANTIC RESOURCE CONSULTANTS, LLC
541 US ROUTE ONE
FREEPORT, MAINE 04032



JULY 2022

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ATTACHMENT B	CONCEPT SITE PLAN
ATTACHMENT C	PRELIMINARY BIRD'S EYE VIEW AND COURTYARD SKETCHES

ATTACHMENT A

COVER LETTER, APPLICATION FORM & CERTIFICATE OF
FORMATION



July 18, 2022

Mr. Jonathan Eaton, Chair
Planning Board
Town of Damariscotta
21 School Street
Damariscotta, ME 04543

Dear Mr. Eaton:

Clippership Landing Development, LLC sincerely appreciates the opportunity to submit this letter to the Town of Damariscotta Planning Board in connection with our sketch plan review application.

We are also pleased to introduce the name of our proposed development as Clippership Landing, which we feel is fitting for the Town considering its rich shipbuilding history. The new state-of-the-art licensed nursing care center will be located on Piper Mills Road. Clippership Landing will replace Cove's Edge, the existing nursing care center on the LincolnHealth campus. It will also replace the nursing care unit at St. Andrew Village in Boothbay Harbor

The development and ownership of Clippership Landing is a joint venture between the ownership of two successful Maine companies: Sandy River Company, headquartered in Portland, and North Country Associates, an operator and manager of over 25 senior care facilities throughout Maine and headquartered in Lewiston.

Nursing Homes and Quality of Life

The proposed development will be a place of residence for people who require 24-hour nursing care as well as assistance performing activities of daily living activities. It is anticipated that Clippership Landing will be licensed and home to approximately 102 residents.

The COVID-19 pandemic illustrated how most nursing homes in the United States are ill-designed for infection control, to say nothing about quality of life, primarily due to shared bedrooms. Clippership Landing will have all private bedrooms, only the second such nursing center with all private bedrooms in Maine. Sandy River Company currently has under construction the state's first all private bedroom nursing home in Rockland.

Real Estate Services for the Healthcare Industry

217 Commercial Street. PO Box 110 • Portland, Maine 04112 • TEL: 207-558-6053

www.sandyrivercompany.com

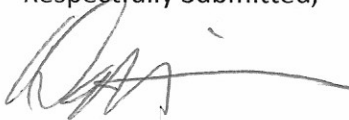
Sandy River Company has nearly 40 years of experience designing and developing senior care centers. This work has been centered around creating environments that replace the older style nursing homes. These were often "cookie-cutter" designs that were built across the country in the 1970s and often featured a very large central dining room and nurse's station, along with double, triple and even four-person rooms with one shared bathroom. From its beginnings in the early 1980s, Sandy River had a mission to change this design by creating "neighborhoods" with decentralized dining and living areas in home-like environments, while planning and building more private rooms. Working collaboratively on the design and development of Clippership Landing, North Country Associates will be responsible for the day-to-day operations of the new center.

Affordability

Again, the proposed facility, Clippership Landing, will be a licensed nursing home and a place of residence for people who require 24-hour nursing care. All 102 licensed beds will be eligible for both MaineCare and Medicare and will accept all major Medicare alternatives plans and commercial insurance products.

Lastly, we are immensely grateful to appear before the Town of Damariscotta Planning Board and we look forward to presenting our exciting concept development plans on August 1.

Respectfully Submitted,



Daniel J. Maguire
Managing Partner
Sandy River Company

EXHIBIT A
January 21, 2009 Ordinance

Preapplication Submission

Date: 7/18/22

Final Submission

Date: _____

**APPLICATION FORM
FOR SITE PLAN REVIEW**

Town of Damariscotta, Maine

A. Notes to Applicant:

1. Please refer to the Site Plan Review Ordinance, Town of Damariscotta for all detailed provisions, requirements and procedures for site plan review application and review for seeking approval. In addition, you are well advised to also review the Damariscotta Land Use Ordinance.
2. You are advised to meet informally with the Planning Board at a regular meeting prior to submitting an application to clarify submission requirements and acquaint the Board with the nature of the project.
3. After meeting the Planning Board you are advised to meet with the Town Planner to review the checklist and determine if you have a complete application. The Board cannot approve an incomplete application.

B. Information on the Applicant:

1. Name of Owner: CLEPPERSHIP LANDING DEVELOPMENT, LLC

Address of Site Plan property: PIPER MILL ROAD

2. Name of Applicant (if other than owner):

3. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine (yes or no) _____, and attach a copy of the Secretary of State's Registration.

ATTACHED IS
THE CERTIFICATE
OF FORMATION

4. Name of Applicant's authorized representative: DANIEL J. MAGUIRE

(signature of owner to authorize her/his representative: _____ Date: 07.18.2022)

5. Name, address and number of Registered Professional Engineer, Land surveyor or Planner (if applicable): ANDREW D. JOHNSTON, P.E., LEED AP/PE NO. 9994
ATLANTIC RESOURCES CONSULTANTS, 541 US-1, SUITE 21,
FREEPORT, ME 04032

6. Address to which all correspondence from the Planning Board should be sent:

ANDREW JOHNSTON, P.E., ATLANTIC RESOURCE CONSULTANTS,
541 US-1, SUITE 21, FREEPORT, ME 04032
ANDYJ@ARC-MAINE.COM

7. What interest does the Applicant have in the parcel to be developed (option, land purchase contract, record ownership, etc.)? Attach document of this interest.

PURCHASE & SALES AGREEMENT TO BE FORWARDED SEPARATELY

8. Location of property: Book 112 Page 61
(from Registry of Deeds)

9. Location of property: Map 1 Lot 50
(from Assessor's Office)

C. PREAPPLICATION MEETING

1. Please refer to the full Site Plan Review Ordinance, Section 10.B for detailed requirements.
2. This informal meeting should be scheduled at the next regular meeting of the Damariscotta Planning Board which meets on the first Monday of each month. Call the Damariscotta Town Office to be put on the agenda.
3. To this meeting bring at least the following: (You may wish to complete the remainder of the application to speed up the process – see Town Planner.)
 - a. Deed or other evidence of right, title or interest in the property.
 - b. A sketch plan showing the following:
 - The outline of the tract or parcel with estimated dimensions, road rights of ways and existing easements;
 - North arrow;
 - The proposed layout of the building(s), driveway(s) and parking area(s);
 - Identification of general areas of steep slopes, wetlands, streams and floodplains;
 - Other information pertinent to the proposed project;
 - c. Evidence of license to do business in Maine.

D. APPLICATION SUBMISSION REQUIREMENTS

1. The application consists of ten (10) copies of the following items that are explained in detail in Section 10.E. Obtain a checklist from the Town Office and schedule a meeting with the Town Planner. Depending on your proposal, you may not be required to submit all items listed.
 - a. Fully executed and signed Application Form.
 - b. Evidence of right, title or interest in the property.

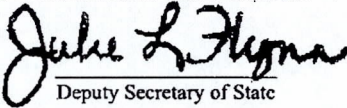
MAINE
LIMITED LIABILITY COMPANY

STATE OF MAINE

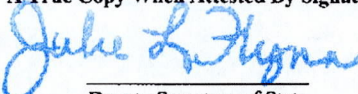
CERTIFICATE OF FORMATION

Filing Fee \$175.00

File No. 20233898DC Pages 2
Fee Paid \$ 175
DCN 2221591600041 DLLC
FILED
06/08/2022


Deputy Secretary of State

A True Copy When Attested By Signature


Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

FIRST: The name of the limited liability company is:

Clippership Landing Development LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c" - see 31 MRSA 1508.)

SECOND: Filing Date: (select one)

- Date of this filing; or
 Later effective date (specified here): _____

THIRD: Designation as a low profit LLC (Check only if applicable):

- This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:
- A. The company intends to qualify as a low-profit limited liability company;
 - B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
 - C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
 - D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

FOURTH: Designation as a professional LLC (Check only if applicable):

- This is a professional limited liability company* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

(Type of professional services)

FIFTH: The Registered Agent is a: (select **either** a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number: _____

(Name of commercial registered agent)

Noncommercial Registered Agent

Helen Sterling Coburn, Esq.

(Name of noncommercial registered agent)

Bernstein Shur, 100 Middle Street, West Tower, Portland, ME 04101

(physical location, not P.O. Box – street, city, state and zip code)

Bernstein Shur, P.O. Box 9729, Portland, ME 04104-5029

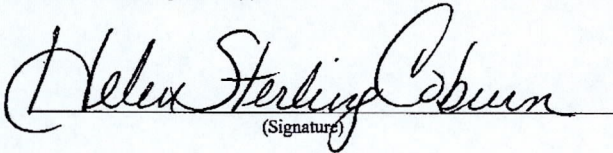
(mailing address if different from above)

SIXTH: Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

SEVENTH: Other matters the members determine to include are set forth in the attached Exhibit _____, and made a part hereof.

****Authorized person(s)**

Dated June 7, 2022


(Signature)

Helen Sterling Coburn, Esq., Organizer

(Type or print name and capacity)

(Signature)

(Type or print name and capacity)

***Examples** of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 MRSA §723.7)

****Pursuant to 31 MRSA §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person.**

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State

Division of Corporations, UCC and Commissions

101 State House Station

Augusta, ME 04333-0101

Telephone Inquiries: (207) 624-7752

Email Inquiries: CEC.Corporations@Maine.gov

ATTACHMENT B
CONCEPT SITE PLAN



NORTH

VALLEY LANE

RESIDENTIAL ZONE
C-2 ZONE

C-2 ZONE
RURAL ZONE

STREAM

100FT STREAM
SETBACK

RESIDENTIAL ZONE
RURAL ZONE

GARAGE

SERVICE AREA

NURSING
HOME BUILDING
FFE = 76.0'

DUMPSTER PAD

PARKING - 119 SPACES

OVERFLOW
PARKING

PIPER MILL ROAD

UTILITIES TO CONNECT AT
STREET - APPROXIMATE
LOCATIONS SHOWN

LINCOLN COUNTY
AMBULANCE

LEDGEWOOD COURT
APARTMENTS

FIRE LANE

NEW LOT LINE

STORMWATER
BMP (TYPICAL)

NEW SEWER TO GREAT SALT BAY
SANITARY DISTRICT PLANT

MONUMENT
SIGN

20FT FRONT
SETBACK

AREA RESERVED FOR
FUTURE DEVELOPMENT

STREAM - TYPICAL

WETLAND AREA - TYPICAL

PROPERTY LINE (TAKEN FROM PREVIOUS
DEVELOPMENT PLANS)

UTILITY LEGEND

- UGU UNDERGROUND POWER
- S SEWER
- W WATER
- SD STORM DRAIN

SCALE



SCALE in FEET
1" = 50'

CLIPPERSHIP LANDING
NURSING HOME
CONCEPT
SITE PLAN

CLIPPERSHIP LANDING
DEVELOPMENT, LLC
JULY 2022

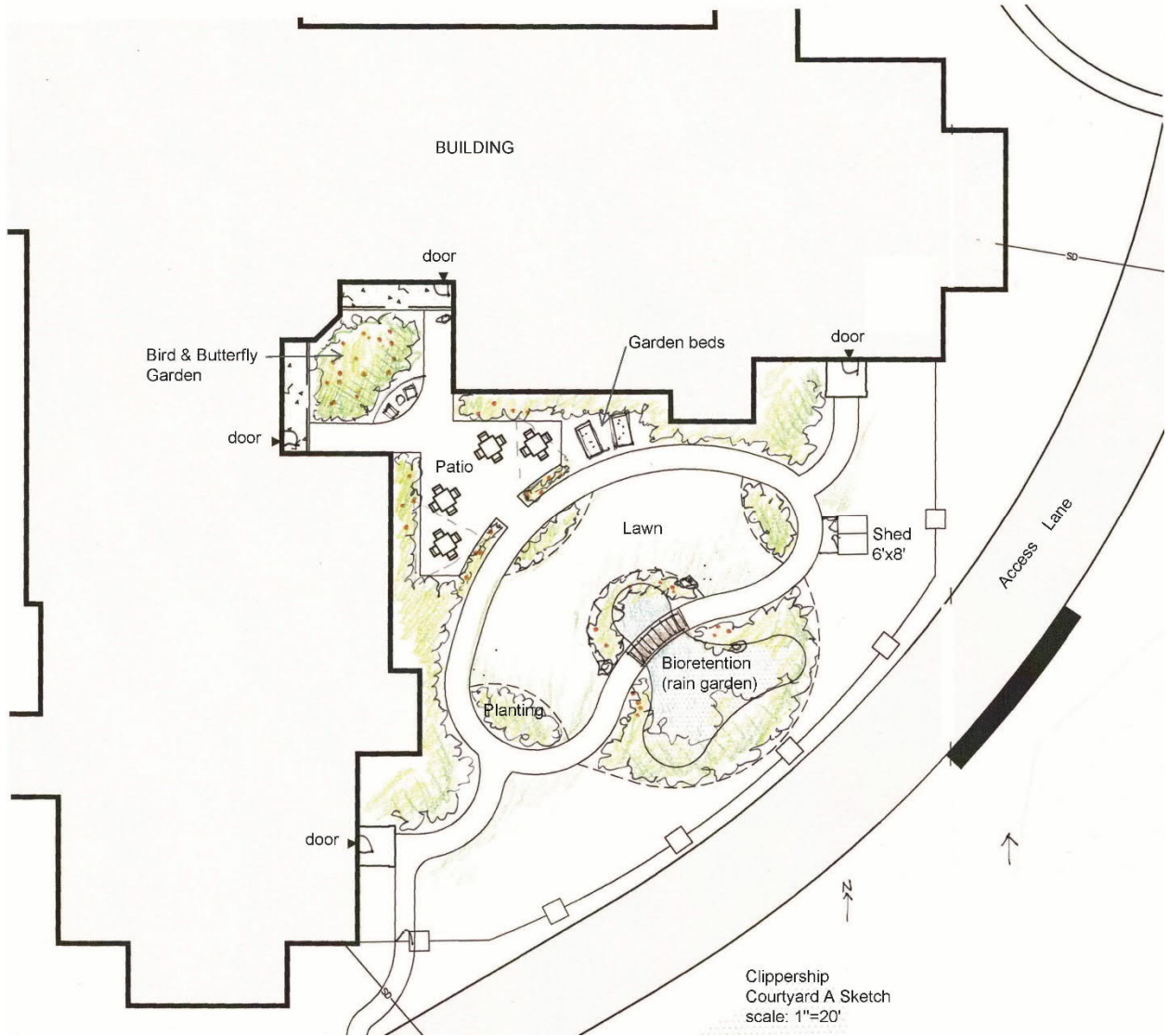
Atlantic Resource Consultants
541 US Route One
Freeport, ME 04032
Tel: 207.869.9050

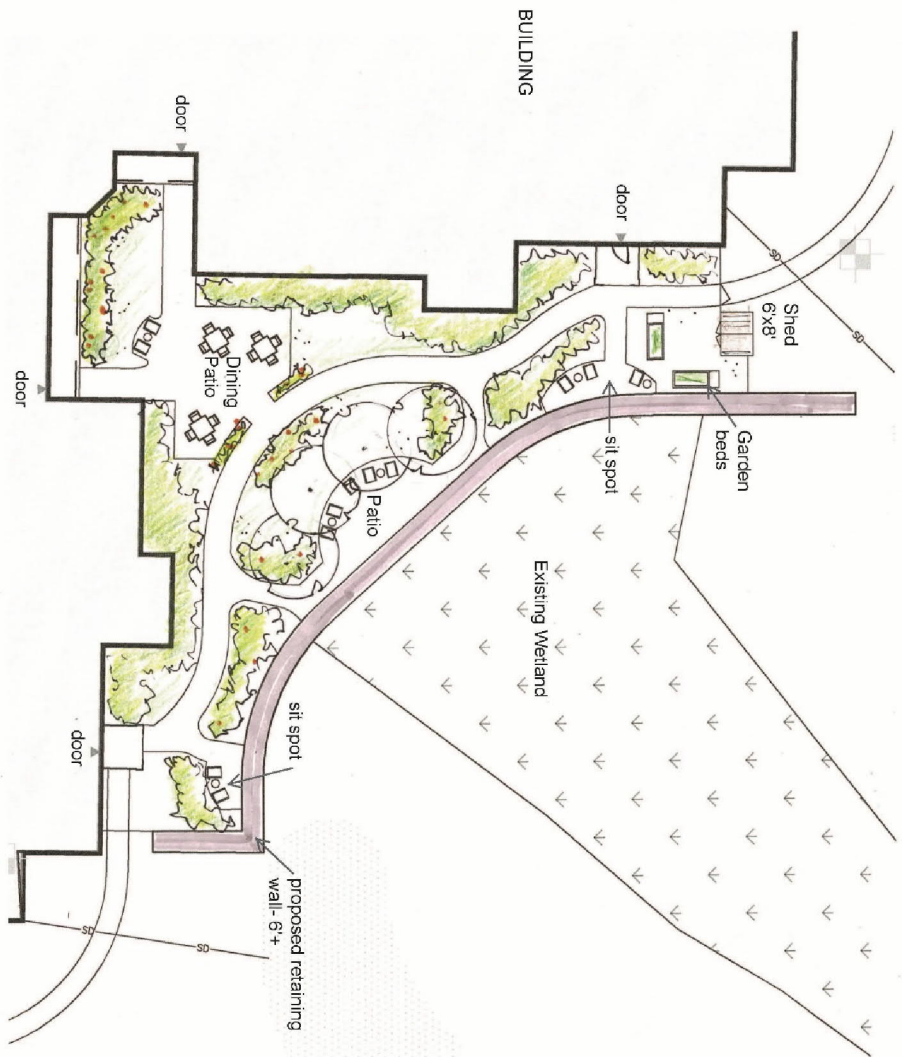
CORDJIA
CAPITAL PROJECTS GROUP

ATTACHMENT C

PRELIMINARY BIRD'S EYE VIEW AND COURTYARD SKETCHES

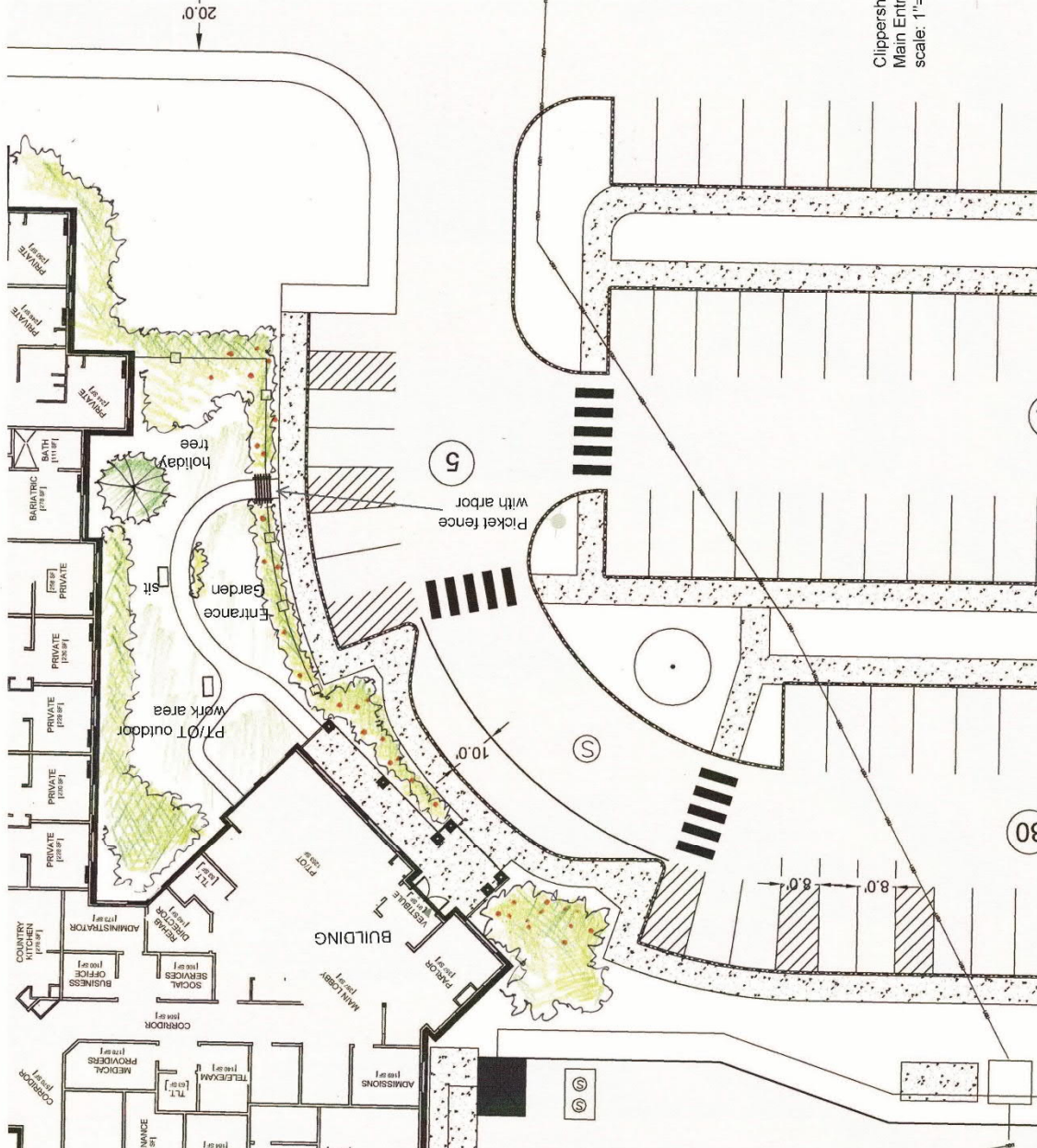






Clippership
 Courtyard B Sketch
 scale: 1"=20'





Clippership
Main Entrance Sketch
scale: 1"=20'

**AGREEMENT FOR PURCHASE AND SALE
OF
REAL ESTATE**

AGREEMENT (“Agreement”) made and entered into this 18th day of July 2022, by and between Clippership Landing Development, LLC, a Maine corporation (“Seller”), having a mailing address of c/o Sandy River Company, P.O. Box 110, Portland, Maine and John C. Orestis and Barbra M. Crowley, having a mailing address of P.O. Box 1408, Lewiston, Maine 04243-1408 or its assigns (“Buyer”).

RECITALS

This Agreement for the Purchase and Sale of Real Estate (“Property”) whereby Buyer intends to develop, build and operate a new nursing care facility (“Facility”) on said Property.

In consideration of the mutual covenants and agreements herein contained herein, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer hereby agree as follows:

1. PURCHASE AND SALE. Seller agrees to sell, and Buyer agrees to buy, on the terms and conditions hereinafter set forth certain real estate, and all appurtenances thereof, consisting of real estate shown in Exhibit A along with legal descriptions to be used in conveying the Property (collectively to be referred to as the “Property”).

2. PURCHASE PRICE AND DEPOSIT: As consideration for the conveyance of the Property, Buyer shall pay to Seller at Closing the sum of \$ _____. (Left Blank)

3. PERFORMANCE AT CLOSING: At Closing, Seller shall deliver to Buyer a deed, conveying the Property in fee simple with good and marketable title in accordance with standards of title adopted by the Maine Bar Association, and subject to the Permitted Encumbrances, and Buyer shall pay the Purchase Price as provided herein and execute all necessary papers for the completion of the purchase on or before July 1, 2023, unless extended by mutual agreement of the parties.
 - a. If Seller is unable to convey title to the Property in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 days from the time Seller receives written notice of the defect, unless otherwise agreed to by both parties, to remedy the title, after which time, if such defect is not corrected so that there is

marketable title, Buyer may within forty-five (45) days thereafter, at Buyer's option, withdraw said earnest money and neither party shall have any further obligation hereunder. Seller hereby agrees to make a good-faith effort to cure any title defect during such period, but shall not be obligated to expend more than \$5,000 to cure. If Closing of the real estate transaction is delayed on account of such defects, the parties shall bargain regarding whether and the terms under which the remainder of the closing contemplated under the Memorandum of Agreement may be consummated and this real estate transaction completed thereafter.

- b. Seller further agrees to execute and deliver to Buyer at Closing the following documents: (i) a Certificate of Non-Foreign Status (as required by Internal Revenue Service regulations); (ii) a title insurance "Seller's Affidavit" regarding mechanics liens and persons in possession; (iii) an affidavit regarding underground storage tanks (as required by Maine Law), and (iv) documents demonstrating Seller's authority to convey and good standing as evidenced by a copy of Seller's resolution authorizing the transaction contemplated herein and all other documents regarding authority or any other matter reasonably required from the Closing.
- c. To the extent that the conveyance of title to the Property to Buyer requires the subdivision of lots, Buyer shall bear the cost, or shall reimburse Seller, for the cost of any outside legal and surveyor expense reasonably necessary to secure such subdivision, including any necessary municipal or other approvals.

4. DEED: The Property shall be conveyed by a quitclaim with covenant deed and shall be free and clear of all encumbrances except for Permitted Encumbrances, and except for covenants, conditions, easements and restrictions of record and usual public utilities servicing the Property and shall be subject to applicable land use and building laws and regulations.

5. POSSESSION/OCCUPANCY: Possession/occupancy of Property shall be given to Buyer immediately at Closing unless otherwise agreed by both parties in writing.

6. RISK OF LOSS: Until transfer of title, the risk of loss or damage to said Property by fire or otherwise is assumed by Seller unless otherwise agreed in writing. Said Property shall at closing be in substantially the same condition as at present, excepting reasonable use and wear.

7. PRORATIONS: The following items shall be prorated as of the date of closing:

- a. Buyer and Seller shall each pay one-half of the transfer tax as required by the laws of the State of Maine.

- b. Buyer and Seller shall reasonably cooperate on the proration of any other needed item at Closing. The property is vacant land, and so no heating oil or water and sewer charges are expected.
 - c. Real Estate Taxes for any portions of the Property subject to such taxes, based on the municipality's current tax year.
8. INSPECTION. Buyer may enter into any part of the Property at all reasonable times in order to inspect the Property, conduct surveys, soil tests and engineering studies and to do such things as are reasonably necessary with respect to its acquisition and intended development of the Property. In the event that the Buyer does not terminate this Agreement, this inspection contingency to its obligation to close shall be conclusively deemed waived.
9. AGENCY DISCLOSURE: Buyer and Seller acknowledge that they have not engaged a real estate broker in their transaction.
10. PRIOR STATEMENTS: This Agreement and the referenced Memorandum of Agreement set forth the entire agreement between the parties relating to the conveyance of the property described in Exhibit A, and there are no other representations, agreements or understandings with respect to the subject matter of this Agreement.
11. ASSIGNS: This Agreement shall extend to and be obligatory upon successors, and assigns of the respective parties. This Agreement may be assigned only to persons or entities controlling, controlled by, or under common control of a party.
12. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts, including telefax copies, with the same binding effect as if all of the signatures were on one instrument.
13. BUYER'S NOMINEE: Buyer may transfer its rights under this Agreement to an entity or the nominee which it controls. Buyer shall, however, remain jointly and severally liable with such transferee for all of Buyer's obligations under this Agreement and under the Memorandum of Agreement, and such transferee shall be required to assume joint and several liability for all such obligations. Buyer shall give Seller prompt written notice of any such transfer at least seven (7) days before the scheduled Closing, which notice shall include sufficient information to identify the transferee entity or nominee and certified copies of its organizational documents. No assignment shall be valid unless Seller has approved the agreement pursuant to which the assignment is consummated. No other assignment of this Agreement by Buyer is permitted.
14. EFFECTIVE DATE: This Agreement is a binding contract when signed by both Seller and Buyer and when that fact has been communicated to all parties or to their agents. Time is of the essence of this Agreement to the extent set forth in the Master Agreement.

15. BEST EFFORTS: Each of the parties shall undertake to take all reasonable steps necessary to achieve the satisfaction of conditions leading to a Closing under this Agreement.

16. FACSIMILE COPIES: All parties to this Agreement agree to accept facsimile or photocopies of this document and any signatures thereto as originals.

17. REPRESENTATIONS OF SELLER: Seller represents to Buyer that the following are true as of the date of this Agreement and will be true as of the Closing:

- a. To the best of Seller's knowledge, there are no violations of any applicable law, ordinance or regulation at the Property.
- b. To the best of Seller's knowledge, there are no special wastes, underground storage tanks, asbestos containing materials, waste oil, petroleum and any other hazardous substances, materials or wastes contaminating the Property. The terms used in the foregoing sentence shall include, without limitation, all substances, materials, etc., designated by such terms under any laws, ordinances, or regulations, whether federal, state, or local. This presentation shall except such materials used in the regular course of business and disposed of in compliance with all applicable laws.
- c. Other than matters of record that constitute Permitted Encumbrances, there are no outstanding pending or threatened liens, claims, rights of first refusal, or encumbrances against the Property.

18. NOTICES. Any notice or communication given pursuant to this Agreement by either of the parties to the other shall be in writing and delivered as provided in the Master Agreement for notices.

19. GOVERNING LAW. This Agreement shall be construed according to the laws of the State of Maine.

20. TERMINATION OF AGREEMENT. This Agreement shall terminate if:

- a. A Certificate of Need application to be filed to the Maine Department of Health and Human Services is denied.
- b. Any local or state permits required to develop the Facility are denied.
- c. The Buyer is unable to secure financing to develop the Facility, to include the purchase of the Property, at terms and conditions acceptable to the Buyer.

Seller acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2-1/2% of the consideration unless Seller furnishes to Buyer a certificate by the Seller stating, under penalty of perjury, that Seller is a resident of Maine or the transfer is otherwise exempt from withholding.

Buyer: Clippership Landing Development LLC Tax I.D. #88-2936759



Signature

Daniel J Maguire, Member

Seller accepts Buyer's offer and agrees to deliver the Property at the price and upon the terms and conditions set forth above.

Signed this 18 day of July, 2022.

Seller: John C. Orestis

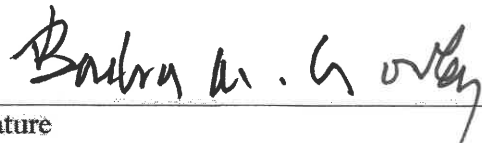


Signature

JOHN C. ORESTIS

Name/Title, there unto duly authorized

Seller: Barbra M. Crowley



Signature

BARBRA CROWLEY

Name/Title, there unto duly authorized

Exhibit A

A certain lot or parcel of land located on the easterly side of School Street in Damariscotta, Lincoln County, Maine, and described as follows:

Being all that parcel located on Piper Mill Road and School Street described as "Parcel to be Retained by Clippership, LLC" on a plan titled "Amended Lot Plan of the Clippership LLC parcel" dated February 17, 2016 and revised through January 29, 2019 by Mann Associates, Inc., recorded in the Lincoln County Registry of Deeds in Plan Book 112, Page 61 (referred to herein sometimes as the "Plan"), containing 19.98 acres, more or less. Reference is made to said Plan for a more particular metes and bounds description of the parcel of land conveyed hereby.

Together with and subject to such appurtenant rights, easements, restrictions, conditions and other matters as appear of record in said Registry, including, but not limited to, the following, to the extent that they pertain to the within granted premises:

Subject to the rights of others in that portion of Piper Mill Road which crosses the above described parcel.

Subject to easements, covenants and restrictions as set forth in a deed to Great Salt Bay Sanitary District dated November 19, 1985 and recorded in said Registry in Book 1276, Page 282, and together with the benefits of said covenants and restrictions as set forth therein.

Subject to an easement as set forth in a deed to Dean W. Knott dated June 29, 1991 recorded in said Registry in Book 1759, Page 109.

Subject to an easement as set forth in a deed to Central Lincoln County Ambulance Services, Inc. dated August 4, 1999 recorded in said Registry in Book 2485, Page 337.

Subject to easements, covenants and restrictions as set forth in a deed to Piper Mill Housing Associates, L.P. dated February 6, 2003 recorded in said Registry in Book 2996, Page 310, and together with the benefits of such covenants and restrictions as set forth therein.

Subject to an easement appurtenant to land now or formerly of Eleanor York and Richard F. York described in a deed recorded in said Registry in Book 1640, Page 260.



ECONOMIC DEVELOPMENT ADMINISTRATION QUARTERLY PROGRESS REPORT

EDA Project No. 01-79-14942 Report No. 09 Date 7/11/2022
Covering Period from April 1, 2022 Thru June 30, 2022
Recipient Town of Damariscotta
Co-Recipient _____
Authorized Representative Andrew Dorr, Town Manager

Name & Title

Recipient's Architect/Engineer Wright-Pierce, 207-725-8721
Name & Phone Number

CURRENT PROJECT STATUS:

- | | YES | NO | |
|------|-------------------------------------|-------------------------------------|--|
| I. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the Grantee's share of expected project costs on hand and immediately available? If no, explain in Section E. |
| II. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Have all land, rights-of-way, and easements necessary for the project been acquired? If no, explain in Section E. |
| III. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Are any problems expected in meeting any of the Special Award Conditions to the EDA grant award? If yes, explain in Section E. |
| IV. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Have any Primary Beneficiaries been lost, changed, or added to the project? If yes, explain in Section E. |

A. DESIGN: (Provide tentative dates if actual dates are not known)

Date Architect/Engineer Agreement Executed February 1, 2018

1. Has design started? YES Design start date February 1, 2018
 NO Expected start date _____
2. Is design complete? YES Completion date January 21, 2022
P & S approved by EDA? YES NO
 NO Expected completion date _____
Percent complete 95%
On schedule? YES NO (Section E)

B. AWARD: (Provide tentative dates if actual dates are not known)

3. First advertisement for bids date July 23, 2020
4. Bid opening date July 23, 2020
5. Contract Award date September 29, 2020
6. Notice to Proceed issued September 29, 2020
7. Preconstruction Conference date October 21, 2020

C. CONSTRUCTION: (Provide tentative dates if actual dates are not known)

8. Has construction started? YES Start date October 26, 2020
 NO Expected start date _____
9. Is construction complete? YES Completion date _____
 NO Expected completion date April 17, 2024
Percent complete 50%
On schedule? YES NO (Section E)

10. EDA's original/amended estimated construction start date is July 17, 2020

11. EDA's original/amended estimated construction completion date is April 17, 2024

D. NARRATIVE SECTION:

(Provide summary of reporting period activities - if more space is required, attach a separate sheet)

Bathroom, Sewer Lines, and EV Charging Station: All items previously listed are complete, thus concluding the first phase of the construction projects.


Waterfront: Wright-Pierce received a Shoreland Permit from the Damariscotta Planning Board for the parking lot designs.

E. PROBLEMS/DELAYS & CORRECTIVE MEASURES BEING TAKEN:

(Provide a summary of problems, delays, issues and corrective measures being taken - if more space is required, attach a separate sheet)

The Town submitted a written notice informing Kai Waechter and was granted an extension to complete the project by April 17, 2024. The Town has also a replacement in staff (Town Manager and Town Planner).

The Town was informed on May 9, 2022 that FEMA had listed issues that would prevent the project to receive CLOMR approval. Waivers have been requested so the parking lot construction can move forward but have not been accepted. The Town Manager, Wright-Pierce, and Kai Waechter have been working on methods to proceed.



Prepared By (Signature)

Maxwell Johnstone, Planning consultant to the Town of Damariscotta

Prepared By (Typed or Written Name & Title)

July 11, 2022

Date



Town of Damariscotta

*Administrative Offices
21 School Street
Damariscotta, Maine 04543
Telephone – 207-563-5168
Fax – 207-563-6862*

*Office Hours
Mon, Tues, Thurs
7:30 am – 5:00 pm
Wed. 1pm – 5:00 pm
Fri. Closed*

FOR SALE
(by sealed bid)
2013 Ford Taurus interceptor

Spent the last 2 years as the police chief's vehicle. Car runs and drives as it should. 146k miles, v6 automatic, AWD, recent tires, brakes, and very regimented oil changes and services. Has a low voltage warning that will start the vehicle if the battery gets too low. 2 key fobs and remote start.

This will be sold as is. Some work needed for a Maine state inspection, please see a picture of the shop receipt stating what the vehicle will need. The vehicle can be seen at 21 school Street Damariscotta and any questions can be directed to the Chief of Police at jwarlick@damariscottame.com or by calling 207-563-1909.

This vehicle is being sold through a sealed bid process with the Town of Damariscotta. There is a minimum \$2500 reserve bid. The bids must be in a sealed envelope with your name, contact information, date of bid and your bid amount **no later than August 15th at 6pm**. If we have two identical high bids, the bid that was submitted first will be awarded the vehicle. We will contact the winner and they must remit payment within 7 days of their notification call. In the event the highest bidder does not remove the vehicle in the specified time the next highest bidder will be contacted.

Mail or return sealed bids by **6pm August 15th** to:
Damariscotta Town Office
21 School Street
Damariscotta 04543











(207)563-7001

INVOICE

BILL TO
Town of Damariscotta
21 School St
Damariscotta, ME 04543

INVOICE # 39750
DATE 07/29/2

TERMS Due on

ACTIVITY	QTY	RATE
MSI Maine State Inspection 2013 Ford Taurus mileage 146039	1	12.50

Needs the folloing to pass MSI
Right front outer tie rod end
Rear bumper bar rusted
Both sides rocker panel need repair
Left front sway bar end link broken
Right front high and low beam bulb
Left plate light bulb

SUBTOTAL
TAX
TOTAL
BALANCE DUE