



**Agenda  
Public Hearings and  
Board of Selectmen's Meeting  
Town of Damariscotta, Maine  
March 3, 2021; 5:30 PM  
Meeting to be held remotely via Zoom  
Join Zoom Meeting**

**<https://us02web.zoom.us/j/89608220403>**

**Meeting ID: 896 0822 0403  
Passcode: BOS**

- I. Pledge of Allegiance**
- II. Public Hearings**
  - 1. Best Thai Liquor License Relocation Application
  - 2. Capacity Liquor License Amendment
  - 3. Ann's Book Bistro - New Liquor License Application
- III. Call to Order**
- IV. Action on Public Hearing Items**
  - 1. Best Thai Liquor License Relocation Application
  - 2. Capacity Liquor License Amendment
  - 3. Ann's Book Bistro - New Liquor License Application
- V. Minutes**
  - 1. February 17 Meeting
  - 2. February 26 Special Board Meeting
- VI. Financial Reports**
  - 1. Payroll Warrant
  - 2. Accounts Payable Warrants
  - 3. Presentation on FY2020 Financial Audit -RHR Smith
- VII. Presentations**
- VIII. Citizen Comments and General Correspondence**

**IX. Town Manager Items**

**X. Official Action Items**

1. Easement for Heater Road – Billings and Cole/Negena
2. Memorandum of Agreement with Maine Department of Transportation
3. Justice Assistance Grant

**XI. Selectmen's Discussion Items**

**XII. Adjournment**

# Town Manager Notes for March 3, 2021 Board of Selectmen's Meeting

## Public Hearings/Board Action on Public Hearing Items

1. **Best Thai Relocation Application -Liquor License Relocation**  
**Recommended Action, Following the public hearing, the Board is asked to take action on the Relocation Application submitted by Best Thai, LLC**
2. **Cupacity Liquor License – Amendment**  
**Recommended Action, Following the public hearing, the Board is asked to take action on the Liquor License Amendment Application submitted by Damariscotta Good Coffee, LLC dba, Cupacity.**
3. **Ann's Book Bistro - New Liquor License**  
**Recommended Action, Following the public hearing, the Board is asked to take action on the Liquor License Application submitted by Ann's Book Bistro.**

## Financial Reports

RHR Smith is scheduled to review the FY 2020 Financial Audit with the Board. As soon as staff receives an updated copy of the earlier draft, I will forward it to you.

## Town Manager Items (verbal updates)

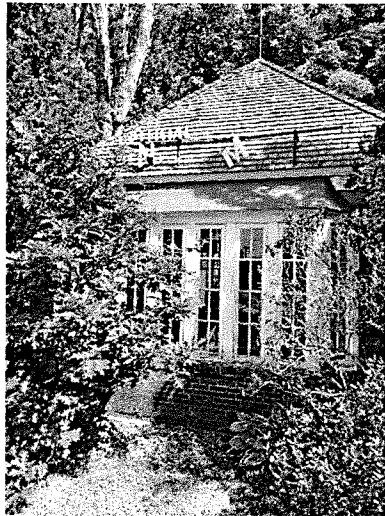
## Official Action Items

1. **Easement for Heater Road – Billings and Cole-** As time allows, Hugh Priebe and I are moving forward on obtaining the quitclaim deeds needed to make Heater Road a Town Way. Raymond Cole who owns two properties on either side of Heater Road at the intersection with Biscay, would like to have assurance that he will be able to take heavy equipment across the road between his two properties a couple of times per year, after providing the Town with notice. The attached easement will allow him to do this. The easement that we have negotiated with Mr. Cole is attached.  
**Recommended Action: Grant an easement to the owner of Billings and Cole and Negenia, LLC that will allow him to cross Heater Road with heavy equipment once the road becomes a Town Way.**
2. **Memorandum of Agreement with Maine Department of Transportation-** The Town has been working with the Maine Department of Transportation (MDOT) to acquire the land on which the Information Bureau Building is located. If we are able to acquire the parcel, the plan would be to lease it to the Damariscotta Chamber of Commerce who would then start the fundraising needed to restore and expand the existing structure. One of the steps in this process is to have a memorandum of agreement approved by both MDOT and the Town. MDOT will

# Town Manager Notes for March 3, 2021 Board of Selectmen's Meeting

then have the property appraised and the negotiations on the purchase price will begin. Attorney Jenny Villeneuve reviewed the draft agreement and suggested a number of changes that we were able to have incorporated into the attached final version.

**Recommended Action: Authorize the Town Manager to execute a Memorandum of Agreement with the Maine Department of Transportation so that the process for acquiring the property on which the Information Bureau Building is located can continue.**



# Town Manager Notes for March 3, 2021 Board of Selectmen's Meeting

3. **Justice Assistance Grant-** Chief Warlick provided the following narrative on a grant that the Department recently received.

*"I just received this years BYRNE JAG grant request. The Damariscotta Police Department received \$1141 in allocated funds. I would like to request from you, and the board, that we accept this money and use it to purchase a refurbished laptop computer for our newest SUV. The current unit is failing and will likely not make it much longer. A new computer is in excess of \$5000 where as a reconditioned one is \$1055. We would purchase the computer through Fred at EES and he would set it up as he has in years past. We would use the remaining grant amount to help offset the costs of the set-up. "*

**Recommended Action: Accept a \$1,141 Justice Assistance Grant award for the Police Department and authorize the Department to use the funds to offset the cost of the purchase and set-up of a laptop computer.**





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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Damariscotta Good Coffee LLC	Business Name (D/B/A): Capacity
Individual or Sole Proprietor Applicant Name(s): Susan Murphy	Physical Location: 133 Main Street Damariscotta
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: 109 Lewis Hill Rd Newcastle, ME <i>Home address</i>	Email Address: Susan@capacitycoffee.com
Telephone #      Fax #: 207 701 1738	Business Telephone #      Fax #: 207 563 6127
Federal Tax Identification Number: 83-2898072	Maine Seller Certificate # or Sales Tax #: 1199549
Retail Beverage Alcohol Dealers Permit:	Website address: capacitycoffee.com

1. New license or renewal of existing license?  New | Expected Start date: 5/9/21  
~~renewal of wine/beer and~~  
~~add~~ \* Already have wine/beer  Renewal | Expiration Date:   
 licence.

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
 Food: 78,000      Beer, Wine or Spirits: 12,000      Guest Rooms: \_\_\_\_\_

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

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

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

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

5. Business records are located at the following address:

109 Lewis Hill Rd Newcastle, ME 04553

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
Susan Murphy	4/7/69	New York, New York

Residence address on all the above for previous 5 years	
Name Susan Murphy	Address: 109 Lewis Hill Rd Newcastle, ME <sup>3yrs</sup>
Name Susan Murphy	Address: 128 Mosquito Head Rd St George, ME <sup>5yrs</sup>
Name	Address:
Name	Address:

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

Yes  No

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

\_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_

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

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

To the right of entrance menu board / retail display. left 4 window  
seats. Middle section seating for 8, back room seating for 8  
Bar deck seating for 6.

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: \_\_\_\_\_

Distance: \_\_\_\_\_

\*in both Newcastle  
and Damariscotta  
less than 2 miles on  
either side of main st.  
Both Church and High  
School -

**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: ~~2/18/21~~ 2/18/21

~~Susan Murphy~~  
Signature of Duly Authorized Person

Susan Murphy  
Signature of Duly Authorized Person

~~Susan Murphy~~  
Printed Name Duly Authorized Person

Susan Murphy  
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.

<b>Signature of Officials</b>	<b>Printed Name and Title</b>

**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

## 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.

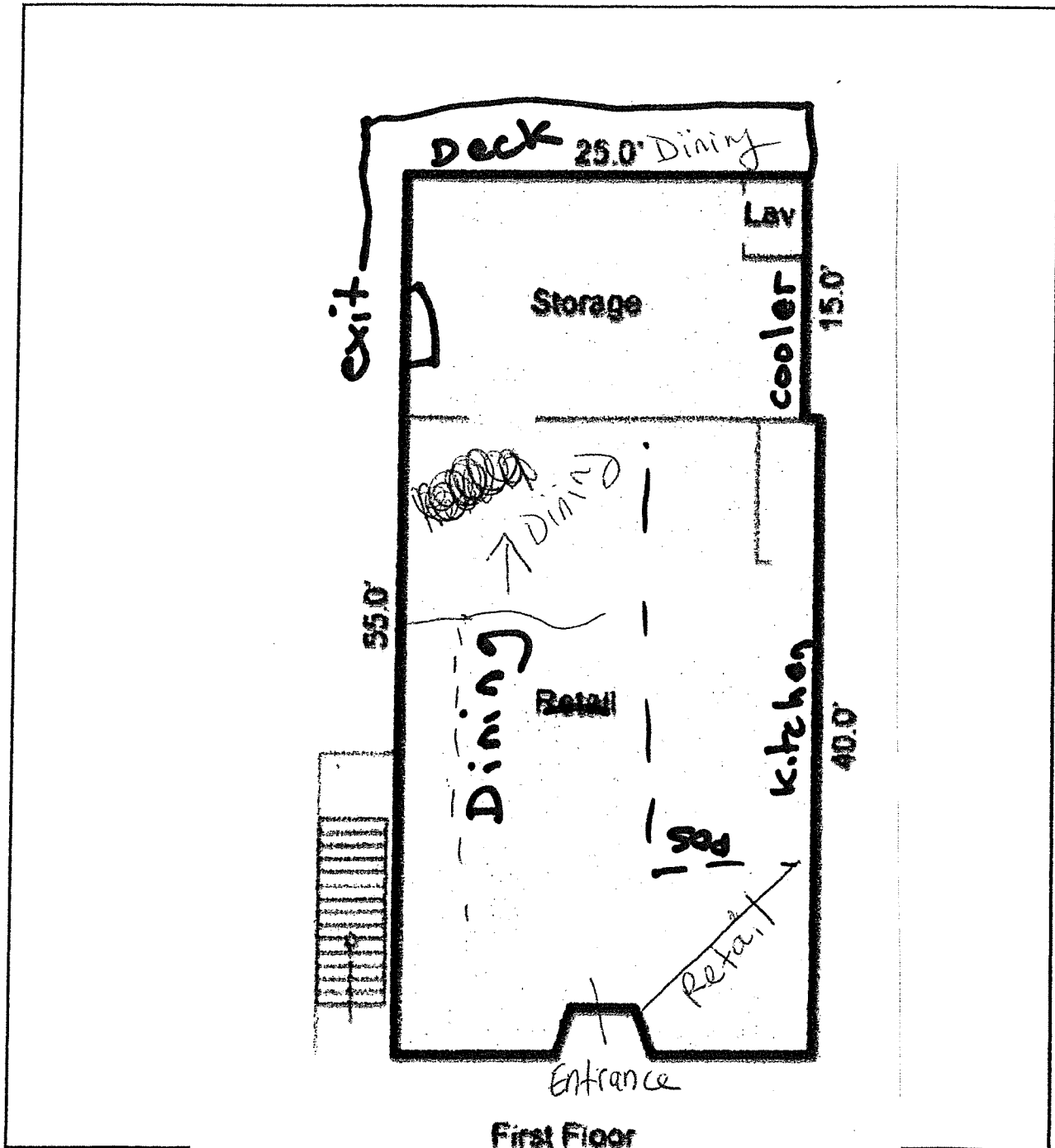
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

## Section VI Premises Floor Plan

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

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









BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS  
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)  
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)  
 TEL: (207) 624-7220 FAX: (207) 287-3434  
 EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

**ON PREMISE RELOCATION APPLICATION**

Permanent License #: RES-2011-5215 Expiration Date: 06/06/2021

Legal Name: Best Thai LLC Doing Business as: Best Thai

From: 74 Main St, Damariscotta, ME 04543  
Current Physical Address

To: 88 Main St, Damariscotta, ME 04543  
New Physical Address

Has the premises for which the transfer is requested been licensed by the Department of Human Services? Yes  No

Requested Transfer Date: 02/11/2021

Contact Person: Thanyalak Rojpanichkul Telephone Number: 207-563-1440

Email address: bestthai74@hotmail.com (Please Print)

Dated at: Damariscotta, Maine On 02/11, 2021  
City/Town, State Date

Thanyalak Rojpanichkul  
Signature of Owner or Corporate Officer

Thanyalak Rojpanichkul  
Printed name(s)

**TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:**

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

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

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

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
Signature of Official(s)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
Printed name of Official(s)



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

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

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

5. Business records are located at the following address:

17 Back Meadow Rd., Damariscotta, ME 04543

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
Abigail White	6/20/67	Portland, ME

Residence address on all the above for previous 5 years

Name	Address:
Abigail White	443 W. 52nd St. Apt 3-C NY NY 10019
Name	Address:
Name	Address:
Name	Address:

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

Yes  No

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

\_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_

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

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

Barn Dining Room and outdoor patio dining area (front);  
outdoor dining area (back).

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: Modomac School

Distance: 1 mile

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

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

Please sign and date in blue ink.

Dated: 2/15/21

Abigail White  
Signature of Duly Authorized Person

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

Abigail White  
Printed Name 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 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.

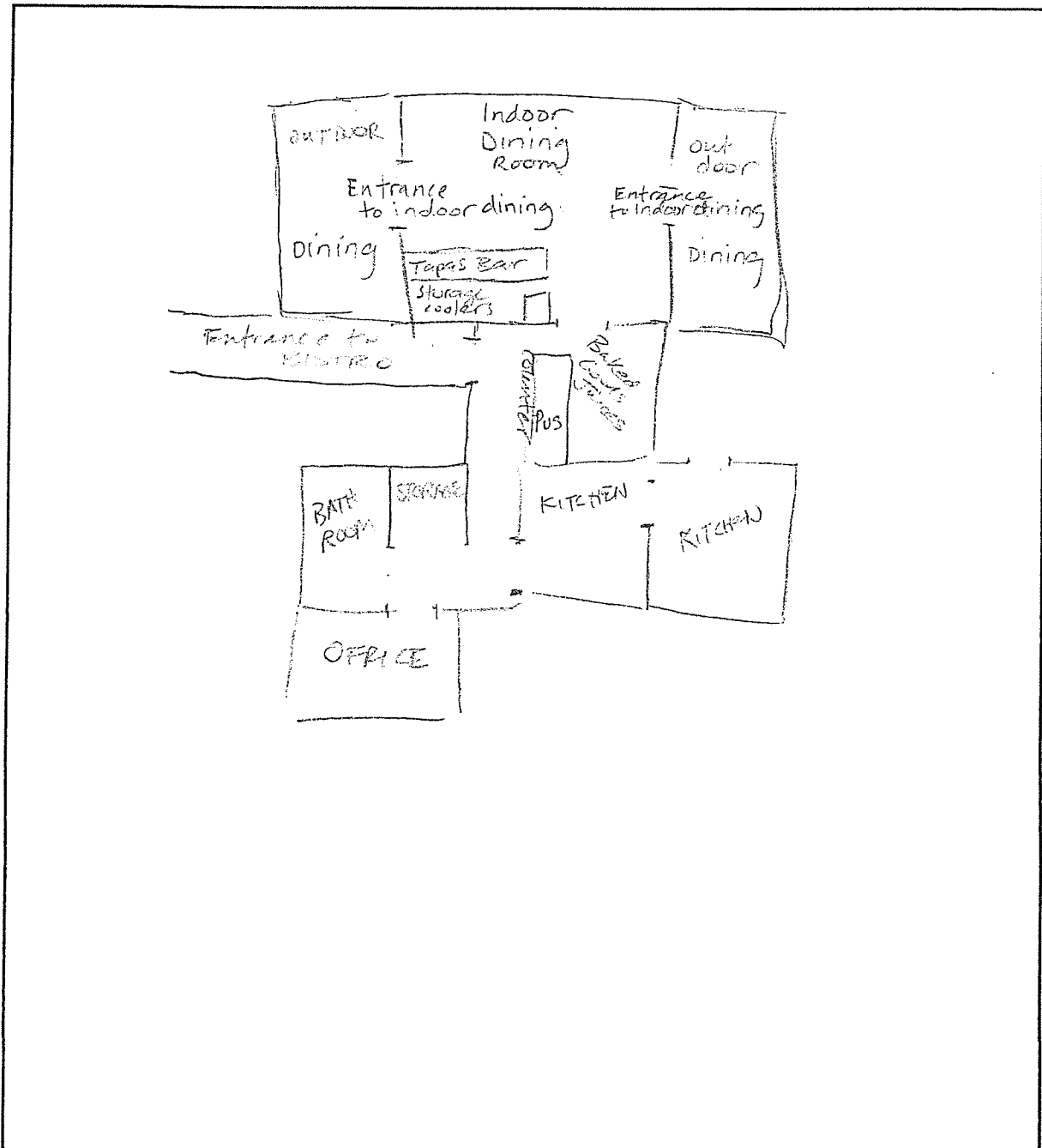
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

<b>Class of License</b>	<b>Type of liquor/Establishments included</b>	<b>Fee</b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> 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
<b>Class I-A</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only hotels that do not serve three meals a day.	\$1,100.00
<b>Class II</b>	<b>For the Sale of Spirits Only</b> 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
<b>Class III</b>	<b>For the Sale of Wine Only</b> 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
<b>Class IV</b>	<b>For the Sale of Malt Liquor Only</b> 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
<b>Class III and IV</b>	<b>For the Sale of Malt Liquor and Wine Only</b> 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
<b>Class V</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Club without catering privileges.	\$ 495.00
<b>Class X</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Class A Lounge	\$2,200.00
<b>Class XI</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Restaurant Lounge	\$1,500.00

## Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Ann's Book Bistro LLC
2. Doing Business As, if any: Ann's Book Bistro
3. Date of filing with Secretary of State: 1/1/21 State in which you are formed: ME
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
same as ps 3	see page 3	see page three (3)		

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



---

## DAMARISCOTTA POLICE DEPARTMENT

February 19, 2021

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

Re: Best Thai Restaurant

To the Board of Selectman:

As requested, I had my staff research our records for any police complaints or contacts involving Best Thai Restaurant located at 74 Main St. as well as the address of 88 Main St.

In the time period of February 1, 2020 through February 18, 2021 this department has responded to that location as follows:

- 1 Motor Vehicle Stop
- 1 Police Information

To our knowledge, none of these calls involved the serving of alcohol at Best Thai Restaurant.

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](mailto:jwarlick@damariscottame.com)  
WEBSITE <http://www.damariscottame.com/police-department>

---

Lincoln County Sheriff's Office

Site Analysis

02/01/2020 to 02/19/2021 (0000 - 2359 only)

Jurisdiction: Damariscotta (200)

Site(s) : 297

Printed: 02/19/2021

BEST THAI RESTAURANT

Reason	<u>Calls</u>	<u>Unfounded</u>	<u>Incidents</u>	<u>Accidents</u>	<u>Arrests</u>	<u>Interviews</u>	<u>EMS</u>	<u>Fire</u>
MOTOR VEHICLE STOP	1	1	0	0	1	0	0	0
POLICE INFORMATION	1	0	0	0	0	0	0	0
Sub Total >	2	1	0	0	1	0	0	0
Totals >	<u>Calls</u> 2	<u>Unfounded</u> 1	<u>Incidents</u> 0	<u>Accidents</u> 0	<u>Arrests</u> 1	<u>Interviews</u> 0	<u>EMS</u> 0	<u>Fire</u> 0

Apt #	Year MM DD Time	Reason	Action	Call #	Site #	Vicinity
	2019 12 20 0530	COMMUNITY POLICING	Services Rendered	19-49302	5	N
	2018 07 24 2114	PROPERTY CHECK	Building/Area Checked/Secured	18-31572	5	N
	2018 06 19 0916	FIRE ALARM	Investigated	18-25042	5	N
	2018 04 28 2124	THEFT / FORGERY / FRAUD	Services Rendered	18-17128	5	N
	2018 04 12 1051	PARKING PROBLEM	Citation/Warning Issued	18-14841	5	N
	2017 10 21 1516	MOTOR VEHICLE ACCIDENT	Investigated	17-45908	5	N
	2017 10 06 2210	SUSPICIOUS ACTIVITY	Investigated	17-43883	5	Y
	2017 05 23 0948	THEFT / FORGERY / FRAUD	Investigated	17-21560	5	N
	2017 03 25 2157	PROPERTY CHECK	Building/Area Checked/Secured	17-12750	5	N
	2016 10 21 0824	MOTOR VEHICLE ACCIDENT	Investigated	16-42490	5	N
	2016 07 27 0859	FOUND/LOST PROPERTY	No Action Required	16-27768	5	N
	2016 06 14 1318	CIVIL COMPLAINT	Services Rendered	16-20943	5	N
	2016 04 16 0847	MEDICAL EMERGENCY	Transported to Hospital	16-13338	5	N
	2015 12 30 1723	FOUND/LOST PROPERTY	Services Rendered	15-46820	5	N
	2015 09 30 1248	POLICE INFORMATION	Investigated	15-36100	5	N
	2015 09 23 1614	ANIMAL COMPLAINT	Services Rendered	15-35206	5	N
	2015 09 09 2209	PROPERTY CHECK	Building/Area Checked/Secured	15-33085	5	N
	2015 09 09 1743	POLICE INFORMATION	Services Rendered	15-33060	5	N
	2015 08 20 1820	FOUND/LOST PROPERTY	No Action Required	15-29817	5	N
	2015 08 13 1043	MOTOR VEHICLE ACCIDENT	Investigated	15-28534	5	Y
	2015 08 11 1307	TRAFFIC HAZARD	Services Rendered	15-28249	5	N
	2015 07 29 0923	MEDICAL EMERGENCY	Transported to Hospital	15-25702	5	N
	2015 05 10 1739	MEDICAL EMERGENCY	Services Rendered	15-13747	5	N
	2015 02 14 1446	DISABLED MV	Investigated	15-4276	5	Y
	2014 12 21 1828	MOTOR VEHICLE STOP	Vehicle Towed	14-42048	5	Y
	2014 10 22 2245	MOTOR VEHICLE STOP	Citation/Warning Issued	14-35354	5	Y
	2014 09 27 1901	MEDICAL EMERGENCY	Transported to Hospital	14-32411	5	N
	2014 08 18 2041	MOTOR VEHICLE STOP	Citation/Warning Issued	14-27278	5	Y
	2014 07 27 1645	PEDESTRIAN CHECK	Investigated	14-24242	5	Y
	2014 07 04 1136	ANIMAL COMPLAINT	Services Rendered	14-21106	5	Y
	2014 03 09 0917	MOTOR VEHICLE STOP	Citation/Warning Issued	14-6880	5	Y
	2014 01 28 1317	MOTOR VEHICLE ACCIDENT	Peace Restored	14-2922	5	Y
	2013 11 15 2008	MEDICAL EMERGENCY	Transported to Hospital	13-37519	5	N
	2013 08 06 1941	MEDICAL EMERGENCY	Investigated	13-25955	5	Y
	2013 07 18 1355	MOTOR VEHICLE ACCIDENT	Investigated	13-23137	5	N
	2013 07 05 1747	MOTOR VEHICLE ACCIDENT	Investigated	13-21557	5	N
	2013 06 27 1903	MEDICAL EMERGENCY	Services Rendered	13-20562	5	N
	2012 11 19 1229	MEDICAL EMERGENCY	Transported to Hospital	12-35311	5	N
	2012 10 26 2126	MOTOR VEHICLE STOP	Citation/Warning Issued	12-33001	5	Y
	2012 10 06 1454	MEDICAL EMERGENCY	Transported to Hospital	12-31001	5	Y



Apt #	Year MM DD Time	Reason	Action	Call #	Site #	Vicinity
	2012 07 14 0051	CRIMINAL MISCHIEF	Investigated	12-21020	5	Y
	2012 06 01 2236	MOTOR VEHICLE STOP	Arrest(s) Made	12-15632	5	N
	2012 01 20 1022	MOTOR VEHICLE ACCIDENT	Investigated	12-1849	5	N
	2011 09 20 1917	MEDICAL EMERGENCY	Services Rendered	11-24985	5	N
	2011 08 31 1805	MEDICAL EMERGENCY	Transported to Hospital	11-22780	5	N
	2011 05 03 1508	FOUND/LOST PROPERTY	Investigated	11-9916	5	N
	2011 04 20 1247	HARASSMENT	Investigated	11-8755	5	N
	2011 03 12 1650	PARKING PROBLEM	Vehicle Towed	11-5546	5	N
	2010 11 14 1200	POLICE INFORMATION	Investigated	10-29450	5	N
	2010 08 31 2038	MOTOR VEHICLE ACCIDENT	Investigated	10-22466	5	Y
	2010 07 24 0958	MEDICAL EMERGENCY	Transported to Hospital	10-18119	5	N
	2010 07 17 0946	ASSIST CITIZEN	Investigated	10-17292	5	N
	2010 05 25 0727	WARRANT ARREST	Could Not Locate	10-11359	5	N
	2010 05 14 1331	THEFT / FORGERY / FRAUD	Investigated	10-10435	5	N
	2010 05 13 2034	THEFT / FORGERY / FRAUD	Investigated	10-10383	5	N
	2009 07 06 2022	MOTOR VEHICLE ACCIDENT	Investigated	09-17736	5	N
	2009 02 24 1440	ASSIST CITIZEN	Services Rendered	09-4501	5	N
	2008 05 29 1709	FIRE , BRUSH	Extinguished	08-12998	5	N
	2008 05 08 1442	SERVICE	Served Paperwork	08-10784	5	N
	2007 10 19 1512	PARKING PROBLEM	Investigated	07-27581	5	N
	2007 09 29 1508	JUVENILE PROBLEM	Citation/Warning Issued	07-25959	5	N
	2007 08 11 0042	ASSIST CITIZEN	Investigated	07-20744	5	N
	2007 08 04 2328	PEDESTRIAN CHECK	Unfounded	07-20033	5	N
	2007 05 22 0410	THEFT / FORGERY / FRAUD	Investigated	07-11749	5	N
	2007 01 26 2112	ASSIST CITIZEN	Services Rendered	07-1960	5	N
	2007 01 25 1216	ASSIST CITIZEN	Services Rendered	07-1833	5	N
	2007 01 17 2230	POLICE INFORMATION	Investigated	07-1338	5	N
	2006 10 31 2313	ASSIST CITIZEN	Services Rendered	06-26349	5	N

*Damariscotta Police Department*  
*Chief Jason Warlick*



*21 School Street*  
*Damariscotta, Maine 04543*  
*(207)563-1909 (207) 563-3200 fax (207) 563-8986*  
*email: jwarlick@damariscottame.com*

---

*TOGETHER WE MAKE A DIFFERENCE*

---

February 19, 2021

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

Re: Cupacity

To the Board of Selectman:

As requested, I had my staff research our records for any police complaints or contacts involving Cupacity located at 133 Main Street. In a period of one year this department has responded to that location as follows (See Attached Information):

We have had one call of suspicious activity at that location that was called in by the owner.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Warlick", written over a horizontal line.

Chief Jason Warlick  
Damariscotta Police Department

Apt #	Year MM DD Time	Reason	Action	Call #	Site #	Vicinity
	2020 08 13 1228	SUSPICIOUS ACTIVITY	Investigated	20-30785	366	N
	2019 09 17 1258	THEFT / FORGERY / FRAUD	Investigated	19-38094		N
	2019 04 25 1911	FIRE, STRUCTURE	Investigated	19-16204		N
	2019 02 15 1128	ANIMAL COMPLAINT	Services Rendered	19-6279		N
	2018 07 17 1720	MOTOR VEHICLE ACCIDENT	Services Rendered	18-30112	366	N
	2018 05 31 1433	MEDICAL EMERGENCY	Transported to Hospital	18-22082	366	N
	2018 05 02 0308	PROPERTY CHECK	Building/Area Checked/Secured	18-17669	366	N
	2018 03 12 1832	ASSIST CITIZEN	Services Rendered	18-10961	366	N
	2018 02 06 0257	PROPERTY CHECK	Building/Area Checked/Secured	18-5727	366	N
	2017 02 13 1351	MOTOR VEHICLE ACCIDENT	Investigated	17-6884	366	Y
	2015 12 28 1205	PARKING PROBLEM	Services Rendered	15-46604	326	N
	2015 08 31 1131	SUSPICIOUS ACTIVITY	Services Rendered	15-31558	326	N
	2015 07 04 1517	ANIMAL COMPLAINT	Investigated	15-21656	326	N
	2014 08 20 1007	ANIMAL COMPLAINT	Could Not Locate	14-27504	326	Y
	2014 06 26 1224	PARKING PROBLEM	Investigated	14-20037	326	N
	2014 06 09 1654	SUSPICIOUS ACTIVITY	Investigated	14-17915	326	N
	2014 05 12 1354	ANIMAL COMPLAINT	Services Rendered	14-14547	326	N
	2013 09 01 1145	MOTOR VEHICLE STOP	Citation/Warning Issued	13-29389	23	N
	2012 05 09 0423	PROPERTY CHECK	Building/Area Checked/Secured	12-12724	23	N
	2012 05 08 0348	PROPERTY CHECK	Building/Area Checked/Secured	12-12609	23	N
	2012 05 03 0123	PROPERTY CHECK	Building/Area Checked/Secured	12-12077	23	N
	2012 05 01 0142	PROPERTY CHECK	Building/Area Checked/Secured	12-11880	23	N
	2012 04 22 0054	PROPERTY CHECK	Building/Area Checked/Secured	12-11048	23	N
	2012 04 21 0117	PROPERTY CHECK	Building/Area Checked/Secured	12-10963	23	N
	2012 04 20 0209	PROPERTY CHECK	Building/Area Checked/Secured	12-10881	23	N
	2012 04 16 0423	PROPERTY CHECK	Building/Area Checked/Secured	12-10463	23	N
	2012 04 15 0124	PROPERTY CHECK	Building/Area Checked/Secured	12-10354	23	N
	2012 04 14 2024	PROPERTY CHECK	Building/Area Checked/Secured	12-10327	23	N
	2010 07 17 1138	ANIMAL COMPLAINT	Investigated	10-17304	23	N
	2009 12 09 1019	ASSAULT	Investigated	09-33283	23	N

---

## DAMARISCOTTA POLICE DEPARTMENT

February 25, 2021

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

Re: Ann's Book Bistro

To the Board of Selectman:

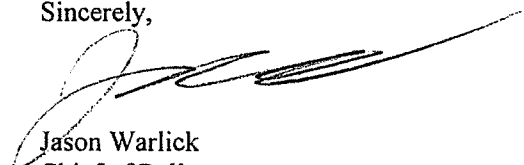
As requested, I had my staff research our records for any police complaints or contacts involving Ann's Book Bistro located at 17 Back Meadow Rd.

Please see attached documentation for response to that address.

To our knowledge, none of these calls involved the serving of alcohol at Ann's Book Bistro.

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](mailto:jwarlick@damariscottame.com)  
WEBSITE <http://www.damariscottame.com/police-department>

---

<b>Apt #</b>	<b>Year MM DD Time</b>	<b>Reason</b>	<b>Action</b>	<b>Call #</b>	<b>Site #</b>	<b>Vicinity</b>
	2021 02 08 1638	COMMUNITY POLICING	Services Rendered	21-5118		N
	2013 10 13 1001	PROPERTY CHECK	Building/Area Checked/Secured	13-34089	191	N
	2011 10 26 0159	PROPERTY CHECK	Building/Area Checked/Secured	11-28826	191	N
	2010 05 19 0748	CRIMINAL MISCHIEF	Investigated	10-10795	191	N
	2010 02 26 1055	FIRE, OTHER	Services Rendered	10-4362	191	N
	2007 12 28 1034	JUVENILE PROBLEM	Investigated	07-33289	191	N

**EASEMENT  
HEATER ROAD, DAMARISCOTTA, MAINE**

The **INHABITANTS OF THE TOWN OF DAMARISCOTTA**, a municipal corporation with a mailing address of 21 School Street, Damariscotta, Maine (“Grantor”) for good and valuable consideration, hereby grant to **BILLINGS & COLE, INC.** and **NEGENA, LLC**, both being Maine corporations with a principal place of business in Damariscotta, Maine, (collectively, “Grantee”), an easement, limited as set forth below (the “Easement”) for purposes of occasional heavy equipment passage on and over a strip of land (the “Easement Area”) crossing the Heater Road in the Town of Damariscotta, County of Lincoln, State of Maine, being more particularly described as follows:

That portion of the Heater Road that abuts Grantee’s properties as shown on a survey plan entitled “*TOWN OF DAMARISCOTTA HEATER ROAD RIGHT OF WAY SURVEY*”, by Gartley & Dorsky Engineering & Surveying, Inc., dated October 7, 2020, to be recorded at the Lincoln County Registry of Deeds (LCRD), said properties being identified as Billings & Cole, Inc., Book 1852, Page 315 and Book 2012, Page 239, Tax Map 1, Lot 66-1, and Negenia, LLC., Book 3070, Page 64, Tax Map 1, Lot 67.

Grantee shall only be entitled to move heavy equipment across that portion of Heater Road that abuts Grantee’s above-referenced properties. Under no circumstances shall Grantee be permitted to drive or move or in any way traverse the length of Heater Road with heavy equipment, or on any portion of Heater Road outside of the Easement Area. Grantee shall not be responsible for any damage caused while using the Easement Area. The Grantee shall provide the Town’s Road Commissioner with at least 24 hours’ notice prior to the use of the Easement Area and the Road Commissioner shall endeavor to minimize the amount of roadway traveled by the public during Grantee’s use. It shall be the responsibility of the Road Commissioner to place any material or support structure on the roadway to minimize any damage caused by Grantee’s use of the Easement Area. Grantee shall not be liable for damage to the Easement Area.

This Easement is intended to benefit and be appurtenant to Grantee’s properties identified as follows: Billings & Cole, Inc., Book 1852, Page 315 and Book 2012, Page 239, Tax Map 1, Lot 66-1, and Negenia, LLC., Book 3070, Page 64, Tax Map 1, Lot 67, and is not intended to benefit or extend to any other land. This Easement is intended to be in common with Grantors, their successors and assigns.

IN WITNESS WHEREOF, the above-said INHABITANTS OF THE TOWN OF DAMARISCOTTA have hereunto set their hand this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and through their duly elected Selectmen.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Robin Mayer

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Mark Hagar

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Louis Abbotoni

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Joshua Pinkham

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Daryl Fraser

**ACKNOWLEDGMENT**

STATE OF MAINE  
County of Lincoln, s.s.

Date: \_\_\_\_\_, 2020

Personally appeared the above-named Selectmen for the Town of Damariscotta, on behalf of the Inhabitants of the Town of Damariscotta, and acknowledged the foregoing instrument to be their free act and deed in their said capacity.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law  
Print Name:

## MEMORANDUM OF AGREEMENT

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between the State of Maine, through its Department of Transportation (“MaineDOT”), and the Town of Damariscotta (the “Town”), a municipal corporation organized and existing under the laws of the State of Maine.

### **I. RECITALS**

1. MaineDOT owns property comprised of approximately 0.10 acres as shown on Tax Map 6, Lot 117 (the “Premises”), situated on the northerly side of U.S. Route 1B in the Town of Damariscotta, Maine, shown on a right of way map entitled “State Highway ‘160’ (U.S. Route 1B-Main St.), Damariscotta, Lincoln County, Federal Aid Project No. STP-1021(200)X,” and filed in D.O.T. File No. 8-158, Sheet 5 of 7 (the “Plan”). The Premises is a *portion* of the property described in a Warranty deed from Marian A. Parsons dated June 28, 1932 and recorded at the Lincoln County Registry of Deeds in Book 399, Page 162.
2. MaineDOT and the Town of Damariscotta agree that the State of Maine does not have ownership of the building located on the Premises.
3. MaineDOT has been engaged in discussions with the Town concerning the Town’s desire to acquire the Premises in order to: a) upgrade the building currently being used as an Information Bureau; and b) to construct an addition to the current building to house the local Chamber of Commerce.
4. MaineDOT and the Town have agreed to enter into a separate License agreement for the use of the remaining property located at the intersection of Main Street and Vine Street, adjacent to the Premises.
5. In consideration of the above, the parties agree to the following:

### **II. AGREEMENT**

#### **1. Premises to be Conveyed.**

1-1. Subject to the terms and conditions contained in this Agreement, MaineDOT shall convey the Premises to the Town to be used as an Information Bureau with a proposed building to be used by the Chamber of Commerce (the “Facility”) or other public purposes.



## 2. Conveyance; Closing

2-1. MaineDOT will convey all of the State's right, title and interest in and to the Premises by Governor's Deed, "as is, where is" without warranties or covenants of title, subject to the rights of any and all public utilities located on the Premise, and without representations about the condition or suitability of the Premises for a particular purpose.

2-2. The Governor's Deed shall be delivered at the Closing of this transaction (the "Closing"), which shall take place within ninety (90) days after approval of the conveyance contemplated by this Agreement by the Town of Damariscotta.

### 2-3. Fees, Costs and Transfer Taxes.

- a. The Town agrees to pay a price to be negotiated "as is, where is" for the Premises. Said price to be negotiated at a later date.
- b. The Town agrees to pay all Registry of Deeds recording fees.
- c. MaineDOT and the Town are exempt from transfer tax.

## 3. Conditions.

3-1. The Governor's Deed shall contain the following conditions:

a. The conveyance is subject to all above-ground and underground utility easements and installations, if any, located on the Premises, including but not limited to those shown on the above-referenced Plan and to those rights which any utility enjoys over the Premises for maintenance, location or relocation of poles or other installations.

b. The conveyance is subject to MaineDOT's right to enter upon the Premises to maintain any highway slopes and drainage facilities or installations that may exist.

c. As a condition of the Closing, the Limited Use License shall be executed by the Town of Damariscotta.

3-2. All vehicular access to the Premises will be ingress from U. S. Route 1B and egress onto Vine Street. The Premises will be marked as such and enforced by the Town.

3-3. Any landscaping done by the Town will require a prior approval of Maine DOT.

3-4. The Town will not connect to the Department's underdrain drainage system along U. S. Route 1B from the Premises.

3-5. The limitations and obligations set out in this Section 3 shall survive delivery and acceptance of the Governor's Deed and this Agreement shall be filed with the records of the Maine Department of Transportation.

#### **4. Due Diligence.**

4-1. From the date of this Agreement, the Town shall have sixty days (60) (the "Due Diligence Period") to conduct and complete tests and other due diligence, including, without limitation, a site assessment, title examination, survey, environmental site assessment and geotechnical testing, and any other reasonable tests and examinations of the Premises to confirm that the Premises is suitable to satisfy the requirements hereunder and for the contemplated use by the Town.

4-2. Between the date of this Agreement and the Closing, the Town and/or its representatives shall have the right to enter the Premises to perform the examinations listed in Section 4-1; provided, however, that (i) those persons performing such activities enter onto the Premises at their own risk of loss and harm; and (ii) the Town shall restore the Premises to its previous condition in the event of any significant disturbance as a result of such activities.

4-3. If the Town is not satisfied with the results of any of its investigations performed pursuant to this Section 4, then the Town shall have the right to terminate this Agreement at any time prior to the expiration of the Due Diligence Period, with no recourse of either party against the other. In the event the Town terminates this Agreement in accordance with this Section 4, the Town shall provide to MaineDOT (within five (5) business days of such termination) copies of all studies, reports, surveys, examinations and investigations ("Town's Due Diligence Material"). The delivery of the Town's Due Diligence Material shall be made without any representation or warranty of any kind.

#### **5. Condition of the Premises.**

5-1. MaineDOT shall convey the Premises "as is, where is" with no warranties or representations about the condition or suitability of the Premises for a particular purpose or as to the marketability of title.

#### **6. Town Approval.**

6-1. The Town represents that the obligations of the Town set forth in this Agreement, including without limitation the indemnification provisions set forth in Section 8, have been approved by the governing body of the Town of Damariscotta and that it is a valid and fully binding obligation upon the Town.

**7. Representations.**

7-1. The Town acknowledges that it has not been induced to enter into this Agreement, and the transaction contemplated herein, in reliance upon any warranties or representations of any party not set forth herein. Except as otherwise provided in this Agreement, the Town hereby expressly waives any claims against MaineDOT for any matters of public record or matters which a physical inspection of the Premises would reveal. This Section shall survive the delivery and acceptance of the Governor's Deed.

7-2. MaineDOT represents that there are no underground storage facilities on the Premises.

**8. Environmental.**

8-1. MaineDOT makes no representations or warranties about the environmental condition of the Premises, including but not limited to the presence of hazardous waste, toxic materials, or any other condition or substance that may support a claim under the common law or under any federal, state or local environmental statute, regulation, ordinance or other environmental regulatory requirement.

**9. Other Conditions.**

9-1. The transaction contemplated by this Agreement shall be subject to approval by the Commissioner of the Department of Transportation and the Governor of the State of Maine.

**10. Risk of Loss.**

10-1. Until delivery of the Governor's Deed from MaineDOT to the Town, risk of loss or damage to the Premises shall be on MaineDOT. Loss or risk of damage to the building shall be on the Town.

**11. Default.**

11-1. In the event that either the Town or MaineDOT is unable to perform their respective obligations, then the obligations of the parties shall cease, this Agreement shall be void and neither party shall have further recourse against the other.

**12. Disclosure of Brokers.**

12-1. MaineDOT and the Town represent that no brokers, agents or consultants have been employed with respect to the transaction that is the subject of this Agreement.

13. **Waiver.**

13-1. No provision of this Agreement may be waived, changed, or modified orally, but only by an agreement in writing signed by the party against whom the enforcement of any waiver, change, or modification is sought.

14. **Notices.**

14-1. Any communications, requests, or notices required or appropriate to be given under this Agreement shall be in writing and delivered by hand or sent either (a) by registered or certified mail (return receipt requested with the United States Postal Service); or (b) sent via a recognized commercial carrier, such as but not limited to Federal Express, which requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

To MaineDOT:        Maine Department of Transportation  
                             State House Station 16  
                             24 Child St.  
                             Augusta, ME 04333-0016  
                             Attention: Property Manager

To the Town:         Town of Damariscotta  
                             21 School Street  
                             Damariscotta, ME 04543  
                             Attention: Town Manager

15. **Capacity.**

15-1. Each party represents to the other that: Such party has full power and authority to perform its obligations hereunder and that any person or entity executing this Agreement by or on behalf of the representing party has the authority to act on behalf of and bind the representing party, that each such party has obtained all necessary consents and approvals to lawfully perform its obligations under this Agreement and that any person or entity executing any closing documents by or on behalf of the representing party has been and will be duly authorized to act on behalf of the representing party, and that the performance of this Agreement will not be in violation of the representing party's charter or any law, ordinance, rule, regulation or order of any governmental body having jurisdiction, or the provisions of any agreements to which the representing party is a party or by the terms of which it is bound and, at the Closing, each party shall furnish to the other party and to The Town's title insurance company, if any, reasonably satisfactory evidence of such authority and approval.

16. **Recitals.**

16-1. The statements contained in the Recitals section of this Agreement are true and correct and are incorporated herein by reference.

17. **Governing Law.**

17-1. This Agreement is made pursuant to and shall be governed by and construed in accordance with the laws of the State of Maine.

18. **Expenses.**

18-1. Regardless of whether the transactions contemplated pursuant to this Agreement are consummated, each party hereto, unless this Agreement expressly provides otherwise, shall pay all costs and expenses incurred by it and incident to the preparation and performance of this Agreement, and matters relating thereto, and such costs and expenses shall not be reimbursable by the other party hereto.

19. **Successors and Assigns.**

19-1. This Agreement shall be binding upon and inure to the benefit of the legal representatives, successors and assigns of the parties hereto.

20. **Entire Agreement and Survival.**

20-1. All understandings and agreements heretofore had between the parties hereto are merged into this Agreement. The covenants, agreements and representations made by the parties and contained in this Agreement shall survive the Closing.

21. **Counterparts.**

21-1. This Agreement may be executed in several counterparts, each of which shall be deemed an original, all of which together shall constitute one and the same Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals on the day and year first above written.

**STATE OF MAINE  
Department of Transportation**

**By:** \_\_\_\_\_  
Heath Cowan  
Property Office Director, duly authorized

**TOWN OF DAMARISCOTTA**

**By:** \_\_\_\_\_  
Matthew Lutkus  
Town Manager, duly authorized

