



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

KITTERY TOWN COUNCIL

July 13, 2020

6:00PM

The public may submit public comments for the DISCUSSION agenda item via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to TownComments@kitteryme.org.

The public may also participate in the meeting via Zoom webinar. **Register in advance for the webinar at:** https://us02web.zoom.us/webinar/register/WN_2qARbjBwRIC-jmv1PuqyBw
After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during a public hearing.

Comments received by noon on the day of the meeting will be read into the record by the Council Chair.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - October 7, 2019
 - October 28, 2019

Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.

8. All items involving the town attorney, town engineers, town employees, or other town consultants or requested offices.
 - a. (070120-1) The Kittery Town Council moves to receive a presentation from Jessa Kellogg, Public Works Inspector to update Council on the Town's MS4 program.
9. PUBLIC HEARINGS
 - a. (070120-2) The Kittery Town Council moves to hold a public hearing to receive comments on the Town Meeting Articles 2 through 9 for the July 14, 2020 Town Meeting Election.
10. DISCUSSION
 - a. The public may submit public comments in writing via the Q&A feature of the webinar for the DISCUSSION agenda.
 - b. Chairperson will read written comments into the record.
 - c. Chairperson's response to public comment.
11. NEW BUSINESS
 - a. Donations/gifts received for Council disposition - None
 - b. (070120-3) The Kittery Town Council moves to consider a report from Councilor Denault on Hazard Pay.
 - c. (070120-4) The Kittery Town Council moves to hold a public hearing on July 27, 2020 on Title 10 – Walker/Wentworth Street parking.
 - d. (070120-5) The Kittery Town Council moves to hold a public hearing on July 27, 2020 to rename Manson Avenue Extension to Buckley Way in honor of Retired Naval Chief Petty Officer Bishop L. Buckley Sr.
 - e. (070120-6) The Kittery Town Council moves to reschedule the Title 6 – Animal Control Public Hearing from July 27, 2020 to August 24, 2020.
12. Council Issues or Comments

Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.

13. Executive Session –

- a. (070120-7) The Kittery Town Council moves to go into Executive Session with the Town Manager, Director of Planning and Development, and Town Attorney in accordance with M.R.S. Title 1§405 (6) (E) to discuss a legal matter where premature general public knowledge would clearly place the municipality at a substantial disadvantage.

14. ADJOURNMENT

Posted: July 9, 2020

Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

kamaral@kitteryme.org

Town Manager's Report to the Town Council

July 13, 2020

1. **COVID-19 Update** – The State of Maine awarded the Town with a Keep Maine Healthy grant for approximately \$249,000 for equipment, supplies, staff costs, and technology to help the Town and local businesses implement the COVID-19 guidelines and keep the community safe. There is no match requirement for the grant.

The grant will be used to purchase barriers, sign boards, technology for additional contact-free services, semi-permanent and temporary signage, tools for enforcement, and additional Code Enforcement resources. The grant will also allow the Town to partner with the Town of York and the York Region Chamber of Commerce to support local businesses with information, signage, and resources to open and operate safely during the pandemic.

2. **COVID-19 Business Assistance** - When the Town launched its Kittery Together survey, seeking volunteers to help those in need during the pandemic, we asked respondents to indicate whether they would be interested in supporting local businesses. The response was very positive.

We have since been working on options to advance the idea. Specifically, the Planning Department and Economic Development Committee (EDC) have developed a grant program for local businesses to assist them with rent, supplies, and other costs associated with reopening and operating safely during the pandemic. Grant applications will be reviewed and approved by the EDC and grant awards will be for approved expenses only.

I am seeking Council consensus to establish the reserve fund needed for the program. The reserve fund will be accounted for separately from Town funds. Donations will be tax-deductible. All funds donated will go to grant recipients; no funds will be used for town operations or expenses.

3. **Joint Land Use Study Implementation Phase** – The Town, in partnership with the PNSY and SMPDC, has been awarded the JLUS Implementation grant from the Office of Economic Adjustment. The grant award was for \$252,000. The grant has a 10% match requirement, which will be accomplished through in-kind contribution of staff time.

The Joint Land Use Study was completed in February of 2020 after over a year of work with the PNSY, residents, businesses, neighboring communities, and regional planning and transportation agencies. The full report is available on the Town's website.

The implementation grant will focus on the catalytic strategies and priorities identified in the JLUS to address traffic congestion and parking issues caused by single occupancy vehicles, and improve communication between the PNSY, Kittery and regional partners.

The Council will be conducting a workshop at its next meeting to discuss the implementation strategies and provide input on priorities.

- 4. Town Hall Service Center Closed Election Day** – We will be closing the Service Counter at Town Hall on July 14, so we can adequately staff the election. Customers may access services online including registering vehicles, paying tax and sewer bills, applying for a Fort Foster pass, KRRF sticker, and other services. We will reopen for normal business hours on July 15. We apologize for the inconvenience in advance.
- 5. Emery Field Phase 2 Playground** – We will be launching an online survey in the coming days seeking input from residents on the playground design for the Emery Field Phase 2 project. There are three different concept designs being considered. Each option provides a concept of different types of play equipment. The options represent concepts; and are not intended to be the specific equipment or color selections.

Emery Field Phase 2 is funded in part by the CIP and in part by a \$300,000 grant from the LWCF. The project includes improvements to the parking lot, a new half-court for basketball, and pickleball courts. The project will also complete the perimeter walking path begun in Phase 1.

- 6. Natural Resources Conservation Program Applications** – Jessa Kellogg, our DPW Inspector, has submitted two letters of intent to the Natural Resources Conservation Program for grants totaling \$761,986. Attached are the letters.

The first is for the Legion Pond/Cook Preserve Habitat Management Project. This would be a joint effort with the Kittery Land Trust and focus on improving the water quality and habitat of the watershed around Legion Pond and the surrounding area. Funding request \$370,579 with an \$18,000 match.

The second is for the Fort Foster Habitat Management Project. Among other benefits, this project will support implementation of the invasive management plan developed by the Town last year and is critical to preserving the habitat in the park. Funding request \$391,407 with an \$24,000 match.

If the letters of intent are accepted, the Town will be invited to submit full grant applications. Notification of invitations is expected by the end of July. The match will be primarily met through in-kind contributions of staff time.

Upcoming Dates:

- State Primary Election and Town Meeting Ballot – July 14, 8AM to 8PM, KCC
- Nomination Papers for Council and School Committee Available Now - Town Clerk's Office

Respectfully Submitted,



Kendra Amaral
Town Manager



[Home](#) [Apply](#) [Past Projects](#) [About](#) [Contact](#) [Login](#)

Submission #114

[View](#)[Edit](#)[Delete](#)

Project Details

List the name of the project, the individual coordinating the project, and the sponsoring organization responsible for completing the proposed project.

Project Title

Legion Pond/Cook Preserve Habitat Management Project

Project Location

Provide the town, region and street address of the property. If Map and Lot number are also available, please provide.

Project Town Name Town of Kittery

Street Address 1 52 Old Post Road Kittery ME 03904 (project location)

Street Address 2 200 Rogers Road Kittery ME 03904 (mailing address)

Project Lot # for Project Location (if available) Adjacent to Map 8 Lot 19

MNRCP Regions

Southern Maine

Project Contact Information

Please list all relevant contact information. This may be different than the actual location of your project site.

Sponsoring Organization

Town of Kittery

Contact's First Name Jessa

Contact's Last Name Kellogg

Project Contact Address Line 1 200 Rogers Road

Project Contact Address Line 2

Project Contact City Kittery

Project Contact State

ME

Project Contact Zip Code 3904**Project Contact Phone #** 2074751321**Personal phone extension, if appropriate** x**Project Contact Email Address** jkellogg@kitteryme.org**Estimated Project Cost**

Please be sure to include all projected costs for **land acquisition, project design, construction, management, short-term monitoring and long-term stewardship.**

Total Project Costs \$ 388,579.00**MNRCPP Fund Request** \$ 370,579.00**Other Funding: \$ Amount** \$ 18,000**Other Funding: Sources**

\$13,000 (Town of Kittery Project Manager for project administration) and \$5,000 (Kittery Land Trust and volunteer services for buffer planting, goose fence installation, etc.)

Project Details**Total Project Acres** 9**Project Type - please select all that apply**

- Restoration
- Enhancement

Primary Conservation Method

Restoration/Enhancement

Project Description

The Legion Pond and Cook Preserve Management Project will be administered by the Town of Kittery in partnership with the Kittery Land Trust. The project will focus on the restoration and enhancement of a 4-acre freshwater pond and adjacent 5-acre wetland complex that has been degraded by invasive plants and nutrient overloading, primarily from avian nutrients and decomposition of a submerged invasive plant. The pond is occupied by a large resident Canada Goose population that feed on an endless supply of Curly-leaved Pondweed (*Potamogeton crispus*), European naiad (*Najas minor*) and Duckweed species (*Lemna* spp. and *Wolffia*). The pondweed was first observed by Maine DEP biologists in 2009 and was the first occurrence of this plant in Maine. Pondweed now dominates the bottom of the pond and releases nutrients into the water column through decomposition. Duckweed populations commonly choke the entire pond surface from June through October as a result of the nutrient overload. The perimeter of the pond has upland invasive plants, both woody and herbaceous, and the Cook Wetland has Pondweed as well as other invasive plants. The project will focus on restoration and enhancement of the pond and wetland. While it is unrealistic to eliminate invasives completely, the project goals include plans to develop a long term management plan for

upland and aquatic habitats using Integrated Vegetation Management practices; manage invasive populations and restore basic functions; maintain native aquatic and buffer plants to increase biodiversity; provide flood control, fish nurseries, wildlife habitat for migratory birds and nutrient cycling; restore functioning, resilient and sustainable wetland habitat; restore native vegetation to the perimeter buffer zone to replace invasives, provide habitat for wildlife and filter sediment from upland runoff; maintain healthy, functioning wetlands to increase resiliency and sustainability from storm events and environmental disturbances; assess potential scenic enhancements and educational opportunities; maintain hydrological flow by clearing inflow and outflow culvert opening and the dam of debris and sediment; construct various conservation measures including bird houses; construct and maintain goose barriers, including fencing and tall vegetation between wetland and athletic fields; develop and implement a pre and post (six year) monitoring plan; monitor pre and post larval mosquito populations; monitor water quality of pond and wetlands; and work with MDIFW on re-establishing native fish populations once invasives are managed.

Description of Conservation Values on the Site

Legion Pond is a 4-acre freshwater pond with marginal emergent vegetation (cattails) and unconsolidated bottom with a perimeter of 0.4 miles. The pond overflows through a small dam to the Cook Preserve wetland owned by the Kittery Land Trust, and is approximately 5 acres in size with emergent cattail marsh and pockets of open freshwater. The Cook Preserve wetland drains through an outflow culvert through commercially owned property that eventually reaches the tidal Piscataqua River. The perimeter of the Cook Preserve is approximately 0.9 miles. The Legion Pond and Cook Wetland system provides valuable habitat, high priority resting areas and food for migrating birds.

Resources

Please limit responses to names of resources or plans. Additional descriptions may be entered above in the Description of Conservation Values on the site” or the “Project Description” as appropriate.

If your project is within or adjacent to a Beginning with Habitat Focus Area, please list the focus area name Plant and Animal Habitat, Water Resources and Riparian Habitat, Conserved Land and Undeveloped Habitat

If your project is located within or adjacent to existing public or private conservation land, please list the name and owner Legion Pond (publicly owned by Inhabitants of Kittery), Cook Preserve wetland (Kittery Land Trust conservation land)

If your project within or adjacent to other natural resource priority areas (e.g., identified in regional or municipal plan, land trust strategic conservation plan, etc.), please list the priority area name and the name of the planning document with date Town of Kittery Comprehensive Plan 2015-2025

Please list any natural resources of significant value or rarity found on the project site Inland Waterfowl/Wading Bird habitat

Proposed Conservation

In the fields below, please choose your resource and then, in the text fields that will display after your choice is made, provide the acreage of each resource type that you propose to restore, enhance and/or preserve.

Does your project contain a Freshwater Resource? Yes

Does your project contain Freshwater wetland, emergent (PEM)? Yes

Restored Acreage (PEM) 4

Enhanced Acreage (PEM) 5

Preserved Acreage (PEM)

Additional Comments (PEM)

Restoration of Legion Pond (4 acres) and Enhancement of Cook Preserve wetland complex (5 acres)

Does your project contain Freshwater wetland, forested (PFO)? No

Does your project contain Freshwater wetland, shrub-scrub (PSS)? No

Does your project contain a Freshwater River, Stream or Brook? No

Does your project contain a significant wildlife habitat, vernal pool? No

Does your project contain a significant wildlife habitat, vernal pool critical terrestrial habitat? No

Does your project contain a significant wildlife habitat, inland waterfowl and wading bird habitat?
Yes

Restored Acreage (significant wildlife habitat, inland waterfowl and wading bird habitat)

Enhanced Acreage (significant wildlife habitat, inland waterfowl and wading bird habitat) 5

Preserved Acreage (significant wildlife habitat, inland waterfowl and wading bird habitat)

Additional Comments (significant wildlife habitat, inland waterfowl and wading bird habitat)

Enhancement of Cook Preserve wetland complex (5 acres)

Does your project contain a Coastal Resource? No

Other Habitat

Upland Buffer

Restored Acreage (upland buffer) .06

Enhanced Acreage (upland buffer) .09

Preserved Acreage (upland buffer)

Additional Comments (upland buffer)

Map Upload

PLEASE NOTE: A map is required and your application will not submit without one.

Please attach a USBD Topographic map, or equivalent, showing the entire boundary of the proposed project, legal access, and adjacency of other public and private conservation lands.

Project Map [Legion Pond Cook Preserve.JPG](#)

Submission #124

[View](#)[Edit](#)[Delete](#)

Project Details

List the name of the project, the individual coordinating the project, and the sponsoring organization responsible for completing the proposed project.

Project Title

Fort Foster Habitat Management Project

Project Location

Provide the town, region and street address of the property. If Map and Lot number are also available, please provide.

Project Town Name Town of Kittery

Street Address 1 76 Pocahontas Road, Kittery Point ME 03905 (Project Location)

Street Address 2 200 Rogers Road, Kittery ME 03904 (Mailing Address)

Project Lot # for Project Location (if available) Map 51 Lot 09

MNRCP Regions

Southern Maine

Project Contact Information

Please list all relevant contact information. This may be different than the actual location of your project site.

Sponsoring Organization

Town of Kittery

Contact's First Name Jessa

Contact's Last Name Kellogg

Project Contact Address Line 1 200 Rogers Road

Project Contact Address Line 2

Project Contact City Kittery

Project Contact State

ME

Project Contact Zip Code 3904

Project Contact Phone # 2074751321

Personal phone extension, if appropriate x

Project Contact Email Address jkellogg@kitteryme.org

Estimated Project Cost

Please be sure to include all projected costs for **land acquisition, project design, construction, management, short-term monitoring and long-term stewardship.**

Total Project Costs \$ 415,407.50

MNRCP Fund Request \$ 391,407.50

Other Funding: \$ Amount \$ 24,000

Other Funding: Sources

\$13,500 (Town of Kittery Project Manager for project administration) and \$10,500 (volunteer services for assisting with buffer planting and invasive removal)

Project Details

Total Project Acres 64

Project Type - please select all that apply

- Preservation
- Restoration

Primary Conservation Method

Invasives removal and revegetation, habitat creation

Project Description

The Fort Foster Habitat Management Project will focus on the restoration and enhancement of coastal and freshwater wetlands and buffer zones within the municipally owned and managed 88.90-acre park. Priority Resource Areas in the park include Marine Intertidal, Freshwater Wetland Emergent, Freshwater Wetland Scrub-Shrub and Freshwater Unconsolidated Bottom. The coastal and freshwater wetlands provide valuable habitat, high priority resting areas and food for migrating birds. All habitats in the project area have been degraded by poor hydrology, water quality and invasive plants, including submerged, floating and emergent aquatic plants as well as numerous species of upland plants. Adjacent upland areas will be enhanced to protect, buffer and support identified aquatic resource functions. Project goals include plans to maintain native aquatic and buffer plants to increase biodiversity; provide flood control, fish nurseries, wildlife habitat for migratory birds and nutrient cycling; restore functioning, resilient and sustainable wetland habitats; restore native vegetation habitat to wetlands and adjacent upland plants; maintain healthy, functioning wetlands to increase resiliency and sustainability from large waves, storm events and environmental disturbances; assess potential scenic enhancements and educational opportunities; and develop and implement a pre and post six year monitoring plan.

Project Tasks:

1. Implement the 2020 Fort Foster Invasive Species Management Plan using integrated Vegetation Management practices for invasive plants. This multi-year commitment includes minimizing impacts to non-target species through a series of techniques that allow native plant communities to increase while suppressing invasive plant species. Techniques include hand cutting, hand pulling, weed wrenching, hydraulic mowing and herbicide treatments by a certified applicator.
2. State, federal and local permitting
3. Planting of native plants to replace invasive plants and to provide habitat for wildlife
4. Endangered species habitat creation for the cottontail rabbit
5. Restore freshwater hydrological flow
6. Monitor water quality of wetlands
7. Monitor pre and post larval mosquito populations. Stagnant, degraded, invasive dominated wetland habitats provide ideal habitat for vector species associated with human disease, i.e. West Nile Virus, Eastern equine Encephalitis and Zika. Restored, functioning wetlands keep mosquito breeding in check by providing habitat for predatory fish and invertebrates
8. Remove large and small debris from intertidal zone

Description of Conservation Values on the Site

Fort Foster Park encompasses 88.90 acres on the southwest tip of Gerrish Island in Kittery. The park is a popular destination for hiking, dog-walking, birdwatching, and beach recreation. The park is bound by the Atlantic Ocean along the southeastern border, the Piscataqua River on the southwestern border and private property for the remaining perimeter. Fort Foster is comprised of wetland, upland, and shoreline ecosystems. Within the park there are three prominent coastal and freshwater wetlands that provide important functions including flood control, wildlife habitat, nurseries for fish and native aquatic plants, and nutrient cycling. Non-native, invasive plants (invasives) dominate entire sections of Fort Foster which infringe on native plant populations and lead to a loss of biodiversity that ultimately is harmful to native plant and animal communities. Fort Foster is home to New England Cottontail (endangered species) and Eastern Ribbon Snake (species of special concern), along with Tidal Waterfowl/Wading Bird habitat and Inland Waterfowl/Wading Bird habitat. Conservation priorities include targeting invasive species that have not fully established where the potential exists to completely eradicate them; contain, suppress, and exclude invasives; and to prevent invasion in areas that are not currently dominated by invasives.

Resources

Please limit responses to names of resources or plans. Additional descriptions may be entered above in the Description of Conservation Values on the site” or the “Project Description” as appropriate.

If your project is within or adjacent to a Beginning with Habitat Focus Area, please list the focus area name Plant and Animal Habitat, Water Resources and Riparian Habitat, Conserved Land and Undeveloped Habitat

If your project is located within or adjacent to existing public or private conservation land, please list the name and owner Fort Foster Park (public land owned by Inhabitants of Kittery)

If your project within or adjacent to other natural resource priority areas (e.g., identified in regional or municipal plan, land trust strategic conservation plan, etc.), please list the priority area name and the name of the planning document with date Fort Foster Park Invasive Species Management Plan (February 2020), Town of Kittery Comprehensive Plan 2015-2025

Please list any natural resources of significant value or rarity found on the project site New England Cottontail, Eastern Ribbon Snake, Tidal Waterfowl/Wading Bird, Inland Waterfowl/Wading Bird

Proposed Conservation

In the fields below, please choose your resource and then, in the text fields that will display after your choice is made, provide the acreage of each resource type that you propose to restore, enhance and/or preserve.

Does your project contain a Freshwater Resource? Yes

Does your project contain Freshwater wetland, emergent (PEM)? Yes

Restored Acreage (PEM) 10

Enhanced Acreage (PEM)

Preserved Acreage (PEM)

Additional Comments (PEM)

Does your project contain Freshwater wetland, forested (PFO)? Yes

Restored Acreage (PFO) 8

Enhanced Acreage (PFO)

Preserved Acreage (PFO)

Additional Comments (PFO)

Does your project contain Freshwater wetland, shrub-scrub (PSS)? Yes

Restored Acreage (PSS) 3

Enhanced Acreage (PSS)

Preserved Acreage (PSS)

Additional Comments (PSS)

Does your project contain a Freshwater River, Stream or Brook? No

Does your project contain a significant wildlife habitat, vernal pool? No

Does your project contain a significant wildlife habitat, vernal pool critical terrestrial habitat?

Does your project contain a significant wildlife habitat, inland waterfowl and wading bird habitat? Yes

Restored Acreage (significant wildlife habitat, inland waterfowl and wading bird habitat) 18

Enhanced Acreage (significant wildlife habitat, inland waterfowl and wading bird habitat)

Preserved Acreage (significant wildlife habitat, inland waterfowl and wading bird habitat)

Additional Comments (significant wildlife habitat, inland waterfowl and wading bird habitat)

Does your project contain a Coastal Resource? Yes

Is your resource a coastal wetland, marine subtidal (M1)? No

Does your project contain a coastal wetland, marine intertidal (M2)? Yes

Restored Acreage (coastal wetland, marine intertidal (M2))

Enhanced Acreage (coastal wetland, marine intertidal (M2))

Preserved Acreage (coastal wetland, marine intertidal (M2))

Additional Comments (coastal wetland, marine intertidal (M2))

Does your project contain a coastal wetland, estuarine subtidal (E1)? No

Does your project contain a coastal wetland, estuarine intertidal (E2)? No

Does your project contain a significant wildlife habitat, tidal waterfowl and wading bird habitat? Yes

Restored Acreage (significant wildlife habitat, tidal waterfowl and wading bird habitat)

Enhanced Acreage (significant wildlife habitat, tidal waterfowl and wading bird habitat)

Preserved Acreage (significant wildlife habitat, tidal waterfowl and wading bird habitat)

Additional Comments (significant wildlife habitat, tidal waterfowl and wading bird habitat)

Does your project contain a significant wildlife habitat, shorebird feeding & staging areas? Yes

Restored Acreage (significant wildlife habitat, shorebird feeding & staging areas)

Enhanced Acreage (significant wildlife habitat, shorebird feeding & staging areas)

Preserved Acreage (significant wildlife habitat, shorebird feeding & staging areas)

Additional Comments (significant wildlife habitat, shorebird feeding & staging areas)

Other Habitat

Upland Buffer

Restored Acreage (upland buffer) 25

Enhanced Acreage (upland buffer)

Preserved Acreage (upland buffer)

Additional Comments (upland buffer)

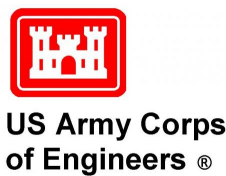
Map Upload

PLEASE NOTE: A map is required and your application will not submit without one.

Please attach a USBD Topographic map, or equivalent, showing the entire boundary of the proposed project, legal access, and adjacency of other public and private conservation lands.

Project Map [Fort Foster Map.JPG](#)

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Kittery Town Council UNAPPROVED Minutes

October 7, 2019

Regular Meeting

Town Hall– Council Chambers

- 1 1. Call to Order
- 2 2. Introductory
- 3 3. Pledge of Allegiance
- 4 4. Roll Call
- 5 Councilors present: Charles Denault, Jeffrey Pelletier, Kenneth Lemont, Cyrus Clark
- 6 Vice Chair Matt Brock, Chair Judith Spiller. Absent Councilors: Jeffery Thomson.
- 7 5. Agenda Amendment and Adoption
- 8 Chair Spiller cast one vote to accept the agenda.
- 9 6. Town Manager's Report
- 10 The Town Manager Reported on: Emery Field Phase 2, FEMA firm map appeal,
- 11 handicap parking at Seapoint Beach, and the Kittery Celebration Committee.
- 12 Upcoming Dates: Absentee Ballots Available – October 7, Town Clerk's Office, and Rice
- 13 Library Renovation/Expansion Informational Meeting – October 9, 6PM, Council
- 14 Chambers.
- 15 7. Acceptance of Previous Minutes - None
- 16 8. Interviews for the Board of Appeals and Planning Board - None
- 17 9. All items involving the town attorney, town engineers, town employees or other town
- 18 consultants or requested offices. - None
- 19 10. PUBLIC HEARINGS
- 20 a. (100119-1) The Kittery Town Council moves to hold a public hearing on a New
- 21 Victualer's License application for Kenzie's Restaurant and Pub, 57 State Road, Kittery.
- 22 Moved by Councilor Pelletier, seconded by Councilor Clark
- 23 Motion Carried 6-0-0
- 24 b. (100119-2) The Kittery Town Council moves to hold a public hearing for a New Liquor
- 25 License application for Kenzie's Restaurant and Pub, 57 State Road, Kittery.
- 26 Moved by Councilor Pelletier, seconded by Councilor Denault
- 27 Motion Carried 6-0-0

28 c. (100119-3) The Kittery Town Council moves to hold a public hearing on the Ballot
29 Referendum for the Library Bond.

30 Dianne Fallon, 27 Miller Road, Kittery – Ms. Fallon stated she was in favor of the Rice
31 Public Library, and stated that the residents of Kittery were aware of the Referendum
32 vote.

33 Linda Cheatham, 144 Pepperrell Road, Kittery Point – Ms. Cheatham stated her support
34 of the Rice Library Bond.

35 Suzanne Johnson, 13 Cromwell Street, Kittery – Ms. Johnson stated she was opposed
36 and had concerns with the Rice Public Library Bond.

37 The Town Manager addressed Suzanne Johnson’s concerns.

38 11. DISCUSSION

39 a. Discussion by members of the public (three minutes per person) - None

40 b. Response to public comment directed to a particular Councilor - None

41 c. Chairperson’s response to public comments – None

42 12. UNFINISHED BUSINESS – None

43 13. NEW BUSINESS

44 Donations/gifts received for Council disposition.

45 a. (100119-4) The Kittery Town Council moves to accept a donation from York
46 Hospital in the amount of \$10,000.00 to be deposited in the York Hospital Account.

47 Moved by Councilor Pelletier, seconded by Councilor Clark.

48 Motion Carried 6-0-0

49 b. (100119-5) The Kittery Town Council moves to approve the disbursement warrants.

50 Moved by Councilor Pelletier, seconded by Councilor Denault.

51 Motion Carried 6-0-0

52 c. (100119-6) The Kittery Town Council moves to discuss the Town Manager’s
53 annual merit compensation.

54 Moved by Councilor Pelletier, seconded by Vice Chair Brock.

55 Motion Carried 6-0-0

56 d. (100119-7) The Kittery Town Council moves to appoint a representative to meet
57 with the Chair of the Kittery Community Center Board of Directors and Robert Guay to
58 interview him for that board.

59 Chair Spiller was selected.

60 Moved by Councilor Pelletier, seconded by Councilor Denault.

61 Motion Carried 6-0-0

62 e. (100119-8) The Kittery Town Council moves to schedule a public hearing on
63 October 28, 2019 for Title 16 – Shoreland Overlay Amendments.

64 Moved by Councilor Pelletier, seconded by Councilor Clark.

65 Motion Carried 6-0-0

66 f. (100119-9) The Kittery Town Council moves to schedule a public hearing on
67 October 28, 2019 for Title 10 – Jake Brakes.

68 Moved by Councilor Denault, seconded by Councilor Clark.

69 Motion Carried 6-0-0

70 g. (100119-10) The Kittery Town Council moves to approve a renewal Liquor
71 License application for Anneke Jans, 60 Wallingford Square.

72 Moved by Councilor Pelletier, seconded by Councilor Denault.

73 Motion Carried 6-0-0

74 14 COUNCILOR ISSUES OR COMMENTS

75 Councilor Denault spoke on a Port Authority interview, paving on Old Love Lane, cars
76 without dump stickers, sidewalks program and parking lot curbs on Pepperrell Road in
77 Kittery Point.

78 Councilor Lemont spoke about the complaints he's received about replacing the grass at
79 the entrance and exits on the Memorial Circle.

80 15 COMMITTEE AND OTHER REPORTS

81 a. Communications from the Chairperson

82 Chair Spiller stated she had received postcards from residents about speeding cars on
83 Martin Road.

84 b. Committee Reports - None

85 16. EXECUTIVE SESSION - None

86 17. ADJOURNMENT

87 Moved by Councilor Pelletier, seconded by Councilor Denault.

88 Motion Carried 6-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

Kittery Town Council Unapproved Minutes

October 28, 2019

Regular Meeting

Town Hall – Council Chambers

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

5 Councilors present: Charles Denault, Jeffrey Pelletier, Jeffery Thomson, Kenneth
6 Lemont, Cyrus Clark, Vice Chair Matt Brock, Chair Judith Spiller.

7 5. Agenda Amendment and Adoption

8 Chair Spiller cast one vote to accept the agenda.

9 6. Town Manager's Report

10 The Town Manager Reported on: Badgers Island parking and traffic, regional climate
11 adaptation effort, customer service center closed Nov 5 for election, sidewalks master
12 plan, Whipple Road sidewalks, 88 Pepperrell Cove project, and safe routes to
13 schools/Stevenson sidewalks project.

14 Upcoming Dates: Pepperrell Cove float out – October 28, voter registration night –
15 October 30, 6PM – 8PM, Town Clerk's Office, trick or treat – October 30, 5PM – 8PM,
16 tax bills due – October 31, absentee ballot request deadline – October 31, and election
17 and bond referendum – November 5, 8AM to 8AM, Kittery community center.

18 The Town Manager asked the Council if they supported going forward with speed limit
19 reduction for Badgers Island, regional climate adaptation effort, sidewalks master plan.

20 The Council stated they were in support.

21 7. Acceptance of Previous Minutes – None

22 8. Interviews for the Board of Appeals and Planning Board – None

23 9. All items involving the town attorney, town engineers, town employees or other town
24 consultants or requested offices. - None

25 10. PUBLIC HEARINGS

26 a. (100219-1) The Kittery Town Council moves to hold a public hearing on Title 16 -
27 ADU's.

28 Vice Chair Brock and the Town Manager gave an overview on the Title 16 – ADU.

29 Tim Brochu, 90 Government Street, Kittery – Mr. Brochu stated his support for Title 16 -
30 ADU's, but expressed his concern about the 30-day requirement.

31 Tom Emerson, Ox Point Drive, Kittery – Mr. Emerson spoke in support of Title 16 -
32 ADU's.

33 William Pierce, Rogers Road, Kittery – Mr. Pierce spoke in support of Title 16 – ADU's.

34 Chair Spiller read a letter from Emily Flinkstrom, Executive Director at Fair Tide about
35 affordable rental housing.

36 Councilor Thomson moved for Title 16 – ADU to be effective 6 months from the date of
37 enactment, April 28, 2020, seconded by Vice Chair Brock.

38 Councilor Thomson moved to amend line 114, “rented no less than 30 days” to “rented
39 no less than 90 days” to avoid short term rentals, seconded by Councilor Lemont.

40 Councilor Denault, Councilor Pelletier, Councilor Lemont, Councilor Clark, Vice Chair
41 Brock, and Chair Spiller voted no to extending the rental from no less than 30 days to
42 no less than 90 days.

43 Councilor Thomson voted yes.

44 Motion Failed, 1 in favor and 6 opposed.

45 Councilor Thomson moved to amend line 114, use standards are meant to read as
46 follows: accessory dwelling unit may not be rented for less than a 30-day period to the
47 same party or person, seconded by Vice Chair Brock.

48 Councilor Thomson, Councilor Lemont, Councilor Denault, Vice Chair Brock voted yes.

49 Councilor Pelletier, Councilor Clark, Chair Spiller voted no.

50 Amendment approved 4 in favor, and 3 opposed.

51 Councilor Thomson moves to amend line 121, A violation of the Use Standard
52 16.8.25.4.C will lose the certificate of occupancy for the unit for no less than 30 days,
53 and be assessed a penalty of \$200, amend to a \$500 penalty, seconded by Councilor
54 Denault.

55 Councilor Thomson, Councilor Denault, Councilor Lemont, Vice Chair Brock voted yes.

56 Councilor Pelletier, Councilor Clark, Chair Spiller voted no.

57 Amendment approved 4 in favor, and 3 opposed.

58 Council voted on the main motion as amended.

59 Councilor Denault, Councilor Thomson, Councilor Lemont, Vice Chair Brock, Chair
60 Spiller voted yes.

61 Councilor Pelletier, Councilor Clark voted no.

62 Motion Carried as amended, 5 were in favor, and 2 opposed.

63 (100219-2) The Kittery Town Council moves to hold a public hearing on Title 16 –
64 Shoreland Overlay Amendments.

65 The Town Manager gave an overview of Title 16- Shoreland Overlay Amendments.

66 Moved by Councilor Thomson, seconded by Councilor Pelletier.

67 Motion Carried 7-0-0

68 c. (100219-3) The Kittery Town Council moves to hold a public hearing on Title 10 –

69 Jake Brakes.

70 Councilor Denault gave an overview of Title 10 – Jake Brakes.

71 Sharon Clark, Manson Avenue, Kittery - Ms. Clark spoke about the loud noise of the

72 Jake Brakes.

73 Moved by Councilor Denault, seconded by Councilor Clark.

74 Chair Spiller and Vice Chair Brock expressed concerns on how to enforce.

75 Motion Carried 7-0-0

76 d. (100219-4) The Kittery Town Council moves to hold a public hearing for a new

77 Victualer's License application for the 518 Noodle Bar located at 518 US Route 1

78 Unit 2, Kittery.

79 Moved by Councilor Thomson, seconded by Councilor Pelletier.

80 Motion Carried 7-0-0

81 e. (100219-5) The Kittery Town Council moves to hold a public hearing for a new

82 Liquor License application for the 518 Noodle Bar located at 518 US Route 1 Unit

83 2, Kittery.

84 Moved by Councilor Thomson for discussion, seconded by Councilor Pelletier.

85 Councilor Thomson questioned the date of the application. The Town Clerk explained

86 the date on the application.

87 Motion Carried 7-0-0

88 11. DISCUSSION

89 a. Discussion by members of the public (three minutes per person)

90 Ted Marsters, Martin Road, Kittery – Mr. Marsters spoke about his concerns about cars

91 speeding on Martin Road, and the Town Council not having minutes.

92 Mike Driver, Meadow Lane, Kittery – Mr. Driver thanked the Council for the conversation

93 about sidewalks.

94 Elaine Plante, 2 Greenfield Drive, Kittery – Ms. Plante wanted to thank the Town

95 Manager and Councilor Denault for listening to her concerns about the incomplete

96 sidewalks on Stevenson Road.

97 A Kittery resident expressed concerns about the sidewalks and the cars speeding on

98 Stevenson Road.

99 Suzanne Johnson, 13 Cromwell Street, Kittery – Ms. Johnson spoke about opposing the

100 Library renovations.

101 Leona Johnson, Greenfield Drive, Kittery – Ms. Johnson expressed concerns about the
 102 sidewalks and the cars speeding on Stevenson Road.

103 b. Response to public comment directed to a particular Councilor

104 c. Chairperson's response to public comments

105 Chair Spiller responded to the concerns on sidewalks, Town Councilor minutes,
 106 speeding cars on Martin Road and Stevenson Road, and the Library Renovations.

107 12. UNFINISHED BUSINESS -None

108 13. NEW BUSINESS

109 a. Donations/gifts received for Council disposition.

110 (100219-6) The Kittery Town Council moves to accept a check in the amount of
 111 \$2,010.00 from the Portsmouth Naval Shipyard Naval Civilian Managers Association.
 112 To be deposited into the Thresher Memorial account.

113 Moved by Councilor Thomson, seconded by Councilor Pelletier.

114 Motion Carried 7-0-0

115 b. The Kittery Town Council moves to approve the disbursement warrants.

116 Moved by Councilor Thomson, seconded by Councilor Pelletier.

117 Motion Carried 7-0-0

118 c. (100219-7) The Kittery Town Council moves to approve a request from Traip
 119 Academy Project Graduation to fund raise at the Resource Recovery Center on
 120 November 30th 2019 from 9:00am to 4:00pm.

121 Moved by Councilor Thomson, seconded by Councilor Pelletier.

122 Motion Carried 7-0-0

123 d. (100219-8) The Kittery Town Council moves to schedule a Public Hearing for
 124 November 13, 2019 on Title 4 – Board of Library Trustees.

125 Moved by Councilor Thomson, seconded by Councilor Pelletier.

126 Motion Carried 7-0-0

127 e. (100219-9) The Kittery Town Council moves to accept the resignation of Mark
 128 Alesse of the Planning Board.

129 Moved by Councilor Thomson, seconded by Councilor Pelletier.

130 Motion Carried 7-0-0

131 f. (100219-10) The Kittery Town Council moves to approve the Project Certification for
 132 Emery Field Phase 2 Grant.

133 The Town Manager gave an overview on the Project Certification for Emery Field Phase
 134 2 Grant.

135 Moved by Councilor Thomson, seconded by Councilor Pelletier.

136 Motion Carried 7-0-0

137 g. (100219-11) The Kittery Town Council moves to approve a request from the Traip
138 Academy Robotics Team to fund raise at the Resource Recovery Center November 2nd,
139 2019 from 9:00am to 4:00pm.

140 Moved by Councilor Thomson, seconded by Councilor Pelletier.

141 Motion Carried 7-0-0

142 14. COUNCILOR ISSUES OR COMMENTS

143 Councilor Lemont wanted to thank the Town Manager for allowing the fishermen to
144 retrieve their traps at Fort Foster.

145 Councilor Denault addressed Mr. Marsters concerns about speeding cars, painting the
146 speed limits on the road, the crosswalk light on Rt. 1, and Government / Walker Street,
147 and hiring more police officers. Finally, he spoke about getting more information about
148 the TIF program.

149 Councilor Thomson spoke about the vote that would be taking place on the Library.

150 15. COMMITTEE AND OTHER REPORTS

151 a. Communications from the Chairperson - None

152 b. Committee Reports - None

153 16. EXECUTIVE SESSION - None

154 17. ADJOURNMENT

155 Moved by Councilor Thomson, seconded by Councilor Denault.

156 Motion Carried 7-0-0

157

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting.

Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: July 13, 2020
From: Jessa Kellogg, Public Works Inspector
Subject: MS4 General Permit for Stormwater Discharges

EXECUTIVE SUMMARY

The Town of Kittery is subject to the 2013-2018 General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4 General Permit), a federally mandated program under the Clean Water Act administered by the Maine Department of Environmental Protection. One of the permit requirements specifies that certain municipal staff and elected officials be made aware of the MS4 General Permit and its requirements on an annual basis.

BACKGROUND

In 2003 the Town of Kittery became subject to the MS4 General Permit. The 2013-2018 General Permit has been administratively continued and currently we are in Permit Year 8. The Town of Kittery, in partnership with the other statewide regulated municipalities and entities have been working with Maine DEP on a new General Permit that meets current EPA requirements. The MS4 General Permit applies to the "Urbanized Area" of the Town and is designed to reduce the discharge of pollutants from the Town's regulated, separated storm drain system, to protect water quality, and satisfy appropriate requirements of the Clean Water Act.

33 U.S.C 1251 Section 402(p) of the Clean Water Act
40 CFR 122.26 Stormwater discharges (applicable to State NPDES programs)
38 M.R.S.A §413 Maine Water Pollution Control Law

CURRENT SITUATION

1. The new MS4 General Permit (Permit) is in the final draft form and we have been advised by Maine DEP that it will be finalized soon and will very likely go into effect on 7/1/2021. There will be requirements to update ordinances for a few areas, and on 6/23/2020, the DEP included new requirements to correct water quality impairments.
2. The Town has to create a 5-year Plan showing how we will address the new Permit Requirements by 12/1/2020. Kittery teams with 4 other Towns to address the permit requirements, and we have begun drafting the elements of the 5-year Plan that we

anticipate will not change in the Final Permit. The Town Manager will need to sign this 5-year Plan, and it will need to be submitted to the Maine DEP for review. We anticipate the Plan will be ready for the Town Manager's Review in October 2020. We anticipate providing the Council with an overview of the Plan at that time.

The attached figure shows the Urbanized Area for the Town of Kittery based on US Census data for population density and proximity to population density. The attached brochure provides information on what stormwater and stormwater infrastructure is, what common stormwater pollutants are, outlines the different permit requirements, and details how Kittery is meeting these requirements.

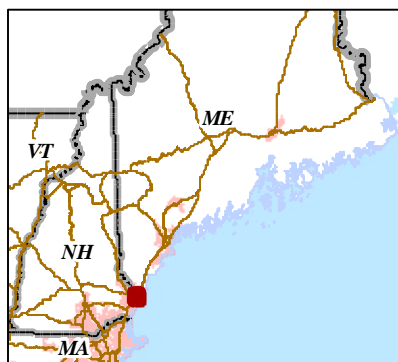
The MS4 Permit requires that Town staff complete many different tasks. The following is a listing of a few of them, which are detailed in the draft 5-year Plan:

- Annually provide information about stormwater and the MS4 General Permit to members of the Town Council, Planning Board, Conservation Commission, Shellfish Committee and certain municipal staff.
- Educate the public about stormwater issues to raise their awareness. The Town teams with four other communities in York County, in a group called the Southern Maine Stormwater Working Group, and with other communities in the state (using the www.thinkblumaine.org website) to implement many of the public education programs more cost effectively than if the Town had to implement them alone.
- Encourage the public to change their behaviors so that they are more protective of stormwater.
- Involve the public in stormwater protection efforts by conducting programs such as stream clean-ups, storm drain stenciling, or attendance at workshops.
- Prepare and maintain a map of the storm drain system and use it to conduct inspections of catch basins, outfalls and ditches to evaluate them for signs of illicit discharges (i.e. sewage, litter, lawn clippings, pet waste, oil). The inspections are also used to identify needed maintenance issues. The storm drain system map can be accessed from the Town website homepage by clicking on the GIS Maps link.
- Conduct inspections at construction sites for sediment and erosion control issues.
- Perform street sweeping, catch basin cleaning and maintenance of the storm drain system.
- Implement good housekeeping practices at all municipal operations where stormwater can become polluted.
- Prepare annual reports documenting this information and provide it to the Maine DEP annually.
- The next Permit will require some ordinance changes, which we reviewed with the Planning Board on 6/25/2020.

- One set of ordinance changes will be to standardize Sediment and Erosion Control requirements so they match the standards in an Appendix to the Permit.
- Another set of ordinance changes is needed to ensure the Town's Post Construction Stormwater Discharge ordinance references that if someone's stormwater infrastructure needs maintenance or repairs, they either conduct the maintenance or repairs within 60 days, or they work with the Public Works Inspector to develop an "expeditious schedule to correct the deficiency and provide a record of the corrective actions taken". This ordinance already requires that stormwater infrastructure be inspected and repaired if needed, but it does not provide any time frame for conducting the repairs.
- There is a possibility that there will be some new Low Impact Development requirements in the MS4 General Permit. We have not seen any draft language yet, but we know the EPA asked for this when they reviewed the Maine DEP draft of the permit recently. We are unsure if there will be any changes to this set of requirements.
- Southern Maine Planning and Development Commission applied for and received a Maine Coastal Program Grant that will allow the Town (and the other 4 Southern Maine Towns) to team with the Portland area regulated MS4s to review and develop some additional BMPs to improve Coastal Resiliency. The Grant money should be available in August. The Town's stormwater consultant is working with Abbie Sherwin from SMPDC on this. The Planning Board will hear more about the recommendations when we get working on that, and they will have some additional BMPs to consider for adoption, including the possibility of a standalone ordinance for Sediment and Erosion control.
- The impaired waters requirements that the DEP has proposed would require the Town take additional measures to try to correct bacteria issues in shellfishing areas. There is not enough detail in the draft Permit right now to say exactly what the cost or time effort would be for these new impaired waters requirements.


The following people are primarily responsible for implementing the MS4 General Permit and can be contacted for more information:

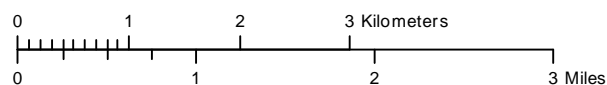
Jessa Kellogg – Public Works Inspector
David Rich – Commissioner of Public Works
Kendra Amaral – Town Manager



NPDES Phase II Stormwater Program Automatically Designated MS4 Areas

Kittery ME

 Regulated Area (2000 + 2010 Urbanized Area)



Town Population: 9945
Regulated Population: 7034
(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2010 Microsoft Corporation
and its data suppliers

How is Kittery meeting these Clean Water Act requirements?

The Town of Kittery is working hard to comply with stormwater permit requirements. Responsibilities of departments within Kittery are summarized below.

Public Works

Primary Point of Contact: [Jessa Kellogg, Stormwater Coordinator](#)

- Oversees inspection and maintenance of municipal stormwater infrastructure.
- Oversees creation and updating of stormwater infrastructure maps.
- Coordinates implementation of Kittery’s Stormwater Management Plan through coordination with all municipal departments and serves as the stormwater program point of contact (POC) with DEP.
- Identifies possible pollution sources within the community and works to eliminate these sources.
- Ensures staff are trained in proper procedures for minimizing pollution, including but not limited to: chemical storage, spill prevention and clean up, and use of erosion control measures.
- Works with Planning and Third-Party reviewers to ensure site plan proposals contain appropriate erosion and sediment control plans, stormwater designs that appropriately collect and treat stormwater, and post construction monitoring plans.
- Requires that a Third-Party inspector review construction activities for compliance with the plans that were submitted and approved.
- Through technical review and permitting follow-up, ensures stormwater systems are maintained and functioning after construction is complete.
- Enforces the non-stormwater discharge ordinance when necessary.
- Conducts opportunistic and regularly scheduled inspections of outfalls and ditches to assess for illicit discharges and maintenance needs.

Public Works Staff

- Follow pollution prevention measures at the in-town parks, public works garage and transfer station to ensure that municipal operations at these facilities do not pollute nearby water resources.
- Use proper erosion and sedimentation control measures during construction and maintenance.
- Conduct opportunistic and regularly scheduled inspections of catch basins to assess for illicit discharges and maintenance needs.

Planning

Primary Point of Contact: [Bart McDonough, Town Planner](#)

- Ensures site plans contain all proper submittals including erosion and sedimentation control plans and stormwater management plans where required.
- Informs developers or applicants of construction and post-construction requirements when applicable.
- Informs developers of the benefits of using Low Impact Development, which minimizes environmental impact from development.

Code Enforcement

Primary Point of Contact: [Craig Alfis, Code Enforcement Officer](#)

- Inspects small-scale (e.g. single family homes) construction projects (on both public and private property) to ensure proper erosion and sedimentation control practices are being used and pollutants are not entering the Town’s MS4.
- Identifies possible pollution sources within the community and notifies the Stormwater Coordinator.
- Informs developers or applicants of construction and post-construction requirements when applicable.

Public Safety

Primary Points of Contact: [Robert Richter, Police Chief](#) and [David O’Brien, Fire Chief](#)

- Follows operation and maintenance plans for their facilities to ensure activities do not pollute water resources.
- Identifies possible pollution sources within the community and notifies the Stormwater Coordinator.
- Ensures staff are trained for minimizing pollution, including: chemical storage and spill prevention and clean-up.

The Southern Maine Stormwater Working Group (SMSWG) is comprised of five MS4 communities in York County, including: Kittery, York, Eliot, South Berwick and Berwick. SMSWG is coordinated by Integrated Environmental Engineering and works cooperatively to meet the MS4 General Permit requirements.



What is stormwater runoff?



Stormwater runoff is precipitation (rain or melted snow) that flows over land.



Storm drains collect runoff and convey it without treatment directly into water-bodies. Polluted runoff affects drinking water, human health, wildlife, and property values.

Why are stormwater drainage systems important?



This infrastructure provides drainage that protects roads and the built environment from failure and flooding.



Adequately sized drainage systems are a critical utility for new development and urban expansion.

Why is our work important?



Drainage systems require periodic rehabilitation, repair, and maintenance to continue to function effectively. In the face of changing frequency and higher intensity storms, drainage systems will be even more critical to our future economy and growth by alleviating flood risks which cause erosion and property damage. Municipalities have an important responsibility in managing and reducing the pollution in stormwater drainage systems.

What are common stormwater pollutants?



- Soil, sand, and sediments** cloud the water and smother wildlife habitat.
- Chemicals** (fertilizer, weed & bug killers, vehicle fluids, coal tar pavement sealers, etc.), are carried with runoff and can be toxic to wildlife.
- Pet waste** contains bacteria that can wash into swimming areas and create health hazards, and may contribute to beach closures.
- Salt**, which is spread on roads, sidewalks, and parking lots to melt snow and ice, dissolves in water or snowmelt. Once salt gets into our water it cannot be removed. Salt in our waterways can be toxic to wildlife.
- Debris**, like cigarette butts, household trash, lawn clippings, yard waste, and other forms of litter, is unsightly and can harm wildlife.

What is an MS4?

MUNICIPAL SEPARATE STORM SEWER SYSTEM, or MS4, means a stormwater conveyance that is separated from sanitary sewer systems. The storm sewer system includes roads, curbs and gutters, ditches, catch basins, storm drains, outfalls, and pipes connecting these features.

Kittery is subject to a **CLEAN WATER ACT PERMIT**, administered by the Maine Department of Environmental Protection (DEP), that allows the Town to discharge runoff into waterbodies if measures are taken to minimize pollution from the storm sewer system and municipal facilities and operations. This permit is referred to as the MS4 General Permit.

*Under the Federal **CLEAN WATER ACT**, some municipalities must have a permit that allows them to direct stormwater to waterbodies in their communities, provided that specific steps are taken to minimize pollution.*

IMPLEMENTATION OF THESE STEPS IS MANDATORY FOR KITTERY
A municipality-wide effort is needed to meet permit requirements.



Who is regulated, and what does it mean for Kittery?

Municipalities, transportation agencies, public universities, prisons, military bases, and other state and federal facilities are subject to MS4 General Permit regulation.

Regulated municipalities are determined by population density and proximity to population density, based on US Census Bureau data. The regulated municipalities in the State of Maine are shown on the map to the right.

As a regulated municipality, Kittery is subject to:

- Full compliance with permit requirements, including six minimum steps outlined in the permit (see opposite page). Permit requirements are subject to change and may increase with each permit cycle.
- Higher costs (operational, permitting, capital improvements, etc.) than non-regulated municipalities.
- Heightened scrutiny from Maine DEP, US EPA, and environmental or citizen action groups.
- Identification and improvement of the municipality's priority waterbody. Kittery's priority waterbody is Spruce Creek.

-
- Auburn
 - Bangor
 - Berwick
 - Biddeford
 - Brewer
 - Cape Elizabeth
 - Cumberland
 - Eliot
 - Falmouth
 - Freeport
 - Gorham
 - Hampden
 - Kittery
 - Lewiston
 - Lisbon
 - Milford
 - Old Orchard Beach
 - Old Town
 - Orono
 - Portland
 - Saco
 - Sabattus
 - Scarborough
 - South Berwick
 - South Portland
 - Veazie
 - Westbrook
 - Windham

What are the minimum steps required in the MS4 General Permit?

- 1 Implement public education programs to help the community and municipal officials understand their roles in keeping stormwater clean.
- 2 Provide opportunities for the public to participate in program development and implementation.
- 3 Identify and eliminate illegal sewer connections, illicit dumping into stormdrains, and other sources of pollution. Carry out long-term maintenance and mapping of all stormwater infrastructure.
- 4 Ensure that construction on both public and private property do not pollute runoff with sediments and debris.
- 5 Ensure that new development and redevelopment control and treat runoff before it leaves private property.
- 6 Engage in municipal roadway best practices such as cleaning drainage systems, sweeping streets, and ensuring municipal activities do not contribute to stormwater pollution.

In addition to these minimum steps, Kittery is also required to protect and restore polluted waterbodies within the town.



Spruce Creek

Consequences for failure to comply with the MS4 General Permit

Enforcement Action

- Notice of Violation, fines or other penalties
- Consent Order
- Prosecution

Permit Termination or Revocation

- Permit modification
- Stricter permit limits
- Denial of permit renewal

...and most importantly—jeopardized Public Health & Safety

To meet these requirements, Kittery must adopt increased stormwater standards applicable to:

- New development, redevelopment, and construction;
- Long-term maintenance and inspection of stormwater infrastructure;
- Preventing pollution from all municipal operations and facilities;
- Improving polluted waterbodies within the municipality, with priority given to Spruce Creek; and
- Raising awareness of stormwater, specifically the appropriate practices that should be used, inspected, and maintained on a regular basis to reduce polluted runoff.

SPRUCE CREEK MANAGEMENT PLAN

The Spruce Creek Association and the Towns of Kittery and Eliot developed a watershed based management plan for Spruce Creek in 2008, and updated the plan in 2014. This plan serves as a blueprint for restoring and protecting the estuary with established goals, objectives and actions for resolving the most pressing problems identified and includes strategies for monitoring progress and financing implementation.



Trafton Stream

TOWN OF KITTERY
TOWN MEETING WARRANT
JULY 14, 2020

Article 2. Shall the town vote to authorize the Town Council to transfer up to \$125,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$125,000 when necessary to maintain a positive fund balance in the Compensated Absences account and to pay for accrued vacation and/or sick leave to settle any unpaid benefits owed to retired or terminated employees in the fiscal year?

Town Council Recommends – Vote: Yes 7 No 0

Explanation:

The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) to pay for accrued benefits owed when a municipal employee retires or leaves. The reserve account balance is currently \$38,922. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 3. Shall the town vote to authorize the Town Council to transfer up to \$25,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$25,000 when necessary for the purpose of paying the town's cost on accepted insurance claims against the town?

Town Council Recommends – Vote: Yes 7 No 0

Explanation:

The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) to pay the deductible and other associated costs on insurance claims that may be made in the fiscal year. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 4. Shall the town vote to authorize the Town Council to transfer up to \$500,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$500,000 when necessary for the purpose of providing the town's match to federal, state, and non-profit grants?

Town Council Recommends – Vote: Yes 7 No 0

Explanation:

Grant applications are filed by different town departments to assist with the operations and capital purchases. These grants, if successful, often require a local match to be raised. Legislation is being considered to make additional grants available for infrastructure, economic development, and other projects to offset the impacts of COVID-19. The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) when and if necessary, for the purpose of meeting grant match requirements. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 5. Shall the town vote to authorize the Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of covering shortfalls in the town departments' fuel accounts due to the unpredictable fuel pricing markets?

Town Council Recommends – Vote: Yes 7 No 0

Explanation:

The purpose of this article is to provide departments, who have exhausted their allocated fuel budgets in the fiscal year, access to funds for fuel needs. The Town Council favored keeping the fiscal year fuel and utility accounts as low as possible, with this article making available surplus funds as a safety net in case of an unstable market for fuel. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 6. Shall the town vote to authorize the Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of providing for the town's General Assistance Program as required by town, state, and federal laws in the fiscal year?

Town Council Recommends – Vote: Yes 7 No 0

Explanation:

The General Assistance Program is budgeted from the town's operational budget each year. The program assists town citizens with welfare type services by following very strict state and federal guidelines for income eligibility within the General Assistance Ordinance. The purpose of this article is to create a method for the Town Council to supplement the General Assistance budget if needed. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 7. Shall the town vote to authorize the Town Council to transfer up to \$50,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$50,000 when necessary for the purpose of paying for emergency repairs and energy efficiency improvements to town-owned facilities that are not contemplated in the regular fiscal year operating budget?

Town Council Recommends – Vote: Yes 7 No 0

Explanation:

Occasionally, repairs to town facilities are needed that have not been budgeted. In addition, energy efficiency projects are being identified to further save the town funds. The purpose of this article is to allow the Town Council to make unplanned emergency facility repairs and undertake energy efficiency projects that may arise in the fiscal year. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 8. Shall the town vote to authorize the Town Council to transfer up to \$ 50,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$50,000 for a Municipal Property Tax Assistance program to credit property taxes owed by certain residents that meet the program requirements?

Town Council Recommends – Vote: Yes 7 No 0

Explanation:

The Senior Tax Credit program allows for taxpayers that qualify to receive a credit on their property taxes each year. The program assists seniors with their property tax obligations. The unassigned fund balance (unencumbered surplus) is currently \$6,313,900.

Article 9. Shall the town vote to authorize the Town Council to transfer up to \$1,000,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$1,000,000 to balance the Fiscal Year 2020 budget and fund municipal operations in Fiscal Year 2021?

Town Council Recommends – Vote: Yes 6 No 0 _

Explanation:

The purpose of the unassigned fund is to properly support the Town's operations during emergencies and unanticipated events. COVID-19 is such an emergency. This article will allow the Town to utilize its unassigned funds to make up for revenue lost as a result of the economic impact of COVID-19.

REPORT to the KITTEERY TOWN COUNCIL
Act to provide Public Safety Hazard Pay

Responsible Individuals: Councilors Denault and Lemont

Date: 06-03-2020

Subject: Act to provide Hazard Pay to First Responders.

Background:

Public Safety officers have been expected to provide a service to the public no matter the dangers. It was an accepted risk and still is today. However, with the onset of the COVID-19 virus, public safety officers, Firefighters, Police, and EMTs, found themselves meeting this global pandemic threat face-on.

Police Officers, Firefighters, and EMT staff, have been placed into a situation that is hazardous by its own definition. While appreciation of their service is profound and we admire their commitment, it must be said that some - just by nature of their very jobs - are more on the front lines than others. Some carry a heavier burden of COVID-19 risk for themselves and their families.

We've heard the distorted view that they knew of that risk when they signed up. The fact of the matter, their spouses, children, and immediate family. knew of the inherent risks, but they did not sign up for the unexpected onslaught of the highly contagious threat of COVID-19.

Our public safety personnel have to, by oath and affirmation, do their job. They may have to expose themselves to risks of death every day. The COVID-19 plague was not known and has affected so many throughout the world. They had to help and could not refuse to sit out while one of our loved ones needed help, either because of actual, or unconfirmed virus, or the likelihood that they could be exposed.

Safety equipment has been proven to be not as effective in some cases. Maine's Governor and CDC have refused to provide site location information so that they can observe greater caution if called to an event where it is known to be present. They've responded to calls for service, bringing the potentially life-threatening disease to themselves, and then to their loved ones. They do know the threat and it can be argued that they face death every day.

Hazard Pay has been a staple in private and government sectors for many years. Hazard Pay means additional pay for performing hazardous duty or work involving physical hardship and abnormal exposure to health risks. Employers may choose to give Hazard Pay to workers whose jobs involve extreme physical discomfort or distress - especially if protective devices won't entirely mitigate the danger or hardship involved.

Hazard Pay recognizes that some job situations expose workers to **a greater** risk of injury or death. For examples, refinery workers called in to stop a leak of deadly chemicals might be paid at a higher rate than they would during normal operations. Employers might also give Hazard Pay to those whose jobs involve great discomfort, such as working in temperature extremes, particularly if protective measures don't completely eliminate the risk or hardship.

Hazard Pay can be any form of compensation given to an employee for duty that could result in serious injury or death. This additional compensation, whether it be paid time off, or a cash payment, is addition to regular wages.

Currently there is no law requiring employers to pay Hazard Pay. The amount of the pay, conditions and agreements under which it is paid or additional benefits are given are determined by the employer.

REPORT to the KITTELY TOWN COUNCIL
Act to provide Public Safety Hazard Pay

The Federal Government, and many States, Cities, and Towns, recognize this pandemic as an unprecedented situation. As Congress considers more financial aid for coronavirus, the \$3 trillion stimulus package known as the HEROES Act, has one provision to provide Hazard Pay to workers whose occupations have put them on the front lines of what has killed more than 100,000 Americans. The projected price tag of the COVID-19 Hazard Pay is \$200 billion.

Current Situation:

Many States, including Maine and our closest neighbors, have already approved measures for Hazard Pay:

MAINE

Statewide — Maine Gov. Janet Mills' administration agreed to implement between \$3 to \$5 per hour in Hazard Pay for 800 employees represented by the American Federation of State, County and Municipal Employees (AFSCME) Council 93, which includes corrections officers and mental health workers.

MASSACHUSETTS

Statewide — More than 6,000 state healthcare workers represented by AFSCME Council 93 in Massachusetts will receive Hazard Pay of up to \$10 per hour after an agreement between union and state officials.

NEW HAMPSHIRE

Statewide — New Hampshire Gov. Chris Sununu announced that police officers, firefighters, EMS providers, corrections officers and other first responders will be eligible to receive weekly stipends during the COVID-19 pandemic. Full-time first responders will be eligible for \$300 weekly and part-time personnel as well as volunteer firefighters and EMTs will be eligible for \$150 per week. The program will be funded through CARES Act funds received by the state.

It is believed that municipal expense for Hazard Pay would be reimbursed by the State from the Health and Economic Recovery Omnibus Emergency Solutions Act - or "Heroes" Act funds.

Hazard Pay is not simply additional compensation for facing danger. It serves as a formal acknowledgement to those who serve under excessive risks, that their service is valued above and beyond; and, that they are more than ordinarily appreciated for assuring public safety.

Proposed Solution:

- Direct the Town Manager to develop a Hazard Pay plan to compensate extraordinarily exposed Public Safety Personnel, considering a fairness plan to include:
 - Limited to those who had to put themselves in harm's way.
 - Compensation for calls that were responded to within the threat time frame.
 - Based on actual calls or interactions
 - Using ideas from other municipalities.
 - Compensation of cash such as a bonus, percentage, per call increase, paid time off.
- Request Hazard Pay reimbursement from the State or Federal Government.
- Prepare a resolution of thanks to all those who served during the pandemic to be read into the record during a Council meeting in July.

Rationale for the Proposed Solution:

A worthy compensation and proclamation to the public safety personnel who actually put themselves in the direct line of the COVID-9 virus responding to calls.



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: July 13, 2020
From: Kendra Amaral, Town Manager
Subject: Title 10 – Walker and Wentworth Street Parking
Council Sponsor: Councilor Jeff Thomson

PROPOSED TITLE 10 REVISION

The Council requested further amendments to Title 10 to make all parking on Walker and Wentworth 2-hour parking; thereby eliminating four-hour parking on these streets.

PROPOSED SOLUTION/RECOMMENDATION

ATTACHMENTS

- Proposed Title 10 – Walker Wentworth Parking
- Map of Impacted Area
- Draft Title 10 Walker Wentworth Parking Enactment

**TITLE 10
WALKER/WENTWORTH PARKING**

AMEND Title 10 to make 2-hour parking only on the west side of Wentworth Street as follows:

§ 10.3.1.1 Prohibited at all times.

~~Wentworth Street, east side, between its two points of intersection with Traip Avenue~~

Wentworth Street, east side, from ~~the north corner of the Sugrue Block to the south entrance of Traip Avenue~~ its intersection with Walker Street to its intersection with Whipple Road.

§ 10.3.1.5 **Four-hour maximum parking.**

A. Four-hour parking is permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted Sundays and holidays) in the following locations except as may be prohibited in § 10.3.1.1:

~~Wentworth Street, west side from its intersection with Central Avenue to its intersection with Whipple Road~~

§ 10.3.1.6 **Time period restrictions.**

D. Two-hour parking will be permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted on Sundays and holidays), in the following locations except as may be prohibited in § 10.3.1.1:

(5) Wentworth Street, west side, ~~from~~ beginning 90 feet north of its intersection with Walker Street to its intersection with ~~Central Avenue~~ Love Lane.

AMEND 10.3 to make 2-hour parking only on Walker Street as follows:

§ 10.3.1.5 **Four-hour maximum parking.**

A. Four-hour parking is permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted Sundays and holidays) in the following locations except as may be prohibited in § 10.3.1.1:

~~Walker Street, south side 314 feet east of its intersection with U.S. Highway No. 1, and 460 feet east of its intersection with U.S. Highway No. 1, to its intersection with Otis Avenue.~~

§ 10.3.1.6 **Time period restrictions.**

D. Two-hour parking will be permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted on Sundays and holidays), in the following locations except as may be prohibited in § 10.3.1.1:

(3) Walker Street, south side, beginning 57 feet west of Wentworth Street, in a westerly direction to 314 feet east of its intersection with ~~Main Street~~ U.S. Highway No. 1.

4) Walker Street, north side, beginning 55 feet west of Wentworth Street, in a westerly direction to 460 feet east of its intersection with ~~Main Street~~ U.S. Highway No. 1.

KITTERY TOWN CODE
TITLE 10
WALKER STREET AND WENTWORTH STREET

AN ORDINANCE relating to the municipality's authority for Town governance to give due and proper attention to its many demands pursuant to the Town Charter, Federal law, and Maine Revised Statutes, and more particularly where set forth in Maine Revised Statutes Title 30-A, Municipalities and Counties.

WHEREAS, the Kittery Town Council is authorized to enact this Ordinance, as specified in Sections 1.01 and 2.07(3) of the Town Charter; 30-A MRS §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, welfare, morals, and safety, and does not intend for this Ordinance to conflict with any existing state or federal laws; and

WHEREAS, the Town seeks to improve traffic safety and customer access to businesses and public spaces in the Foreside through parking regulations;

NOW THEREFORE, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 10 OF THE TOWN CODE, AS PRESENTED.

INTRODUCED and read in a public session of the Town Council on the ____ day of _____, 20____, by: _____ {NAME} Motion to approve by Councilor _____ {NAME}, as seconded by Councilor _____ {NAME} and passed by a vote of _____.

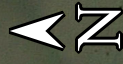
THIS ORDINANCE IS DULY AND PROPERLY ORDAINED by the Town Council of Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

Attest: {NAME}, _____ Town Clerk

Wentworth Parking

Change from 4-hour parking to 2-hour parking.

Legend



400 ft

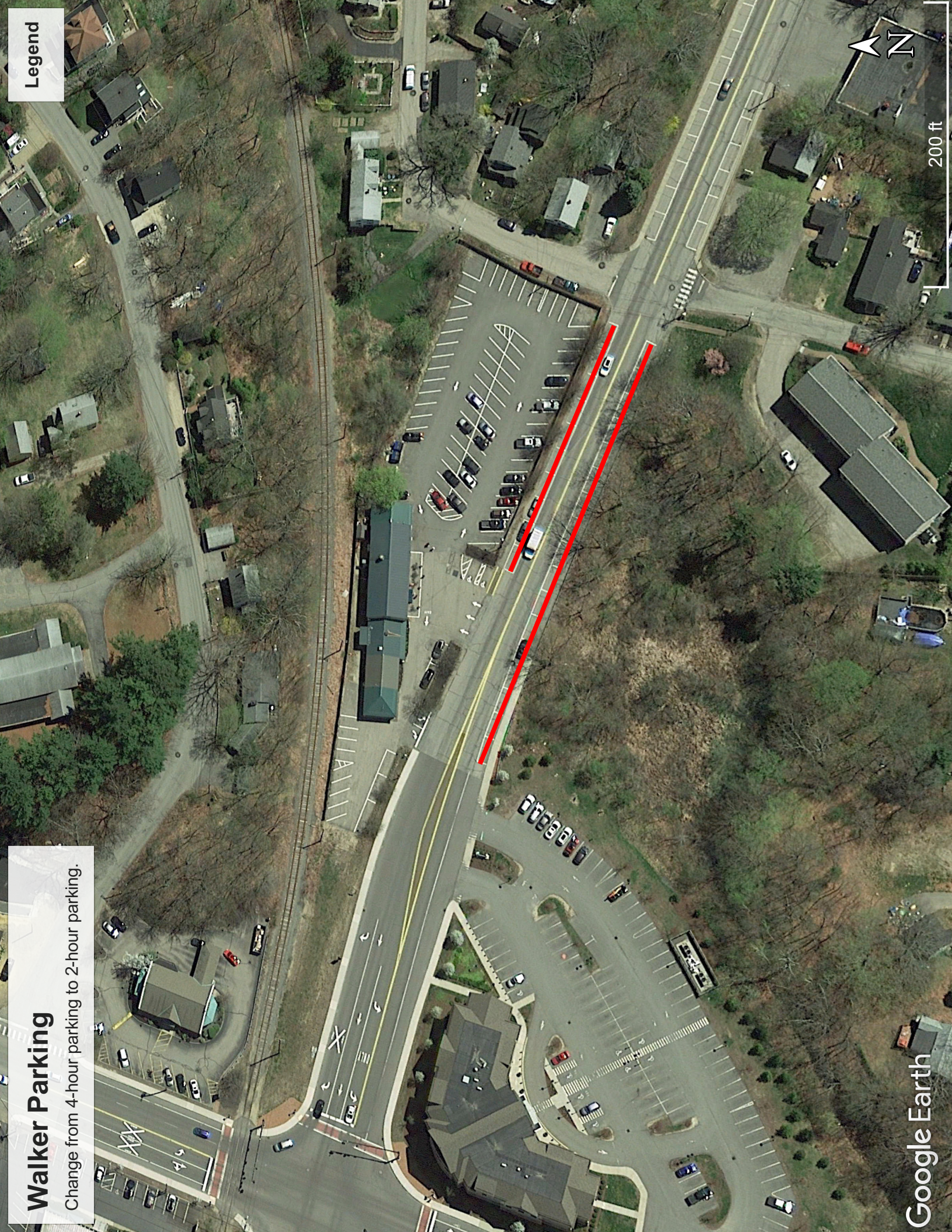
Google Earth



Walker Parking

Change from 4-hour parking to 2-hour parking.

Legend



REPORT to the KITTERY TOWN COUNCIL
Act to rename Manson Ave. Extension

Responsible Individuals: Councilors Denault and Lemont

Date: 06-30-2020

Subject: Act to rename Manson Ave. Extension.

Background:

Maine State Law and Town Code specifically state the following:

A. No two roads shall be given the same name (ex. Pine Road and Pine Lane).

B. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).

The primary reason for this is that first responders are able to respond to a road without confusing the location depleting valuable time from their response. Callers who are in a heightened sense of urgency may be panicking and may state their location or a dispatcher who has misinterpreted the location and it may not be road they intended to report. The law was changed well after Kittery named, Philbrick Rd, Philbrick lane, Philbrick Ave, Adams Rd, Adams Lane, Love lane, Love Lane Extension, Dennett Road, Dennett Road Extension, Old Dennett Road, Manson Ave, Manson Rd, Manson Rd Extension and Manson Ave Extension and Rogers Ln, Rogers Road and Rogers Road Extension. There are many more examples.

Current Situation:

Manson Ave and Manson Ave Extension is a road the runs between Rogers Rd and Dismukes St. It was originally a single road and it was intersected or cut thru with Rte 236 or otherwise known as Shapleigh Road. In this RTC the attached citizen request is for the public safety of all the local residents, children and citizens who live on Manson Ave. Extension and the like sounding roads such as, Manson Ave. and Manson Rd. and Manson Rd Extension in Kittery Maine. There are 4 roads that sound alike and this is clearly what was addressed and prohibited under the State of Maine Law and the Town Code.

Proposed Solution:

- A. Conduct a public hearing to Authorize the Town to Rename Manson Ave Extension.
 - o By renaming this road will provide better addressing and safety for E911 and it will begin the necessary steps to bring Kittery into compliance with Maine State law and its own Town Code.
- B. Change the name of Manson Ave. Extension to Buckley Way.

Rationale for the Proposed Solution:

Changing the name from a like sounding name to a name that is unique is Maine law and a Town Ordinance as well as honoring a resident who served in the U.S. Armed Forces, lead an exemplary life and was a resident and property owner of Manson Ave. Extension and his family are still property owners and live in homes located on Manson Ave. Extension.

Attachments. Petition for name change by residents and/or property owners of Manson Ave. Extension.

REPORT to the KITTERY TOWN COUNCIL
Act to rename Manson Ave. Extension

43 **References.**

44 [https://www.maine.gov/maine911/sites/maine.gov.maine911/files/inline-files/AOManualMaster-](https://www.maine.gov/maine911/sites/maine.gov.maine911/files/inline-files/AOManualMaster-NOV2015_2.pdf)
45 [NOV2015_2.pdf](https://www.maine.gov/maine911/sites/maine.gov.maine911/files/inline-files/AOManualMaster-NOV2015_2.pdf)

46 **Do communities have the authority to create physical addresses?**

47 Yes. Every Maine community has the legal authority to create physical addresses under
48 Municipal Home Rule Powers, Article VIII, Part 2, §1 of the Constitution of the State of
49 Maine and Title 30-A M.R.S.A §3001. In the unorganized territories, the County has the
50 authority to create addresses.

51 **Authority**

52 Pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII,
53 Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section

54

55 **Why can the Town issue, or change my, 9-1-1 physical street address?**

56 Every Maine municipality is granted legal authority to assign E9-1-1 physical street addresses by
57 Municipal Home Rule Powers, as outlined in the State of Maine Constitution Article VIII, Part 2,
58 Section 1 and MRS Title 30-A §3001.

59 As outlined in 25 MRS §2926, the Emergency Services Communications Bureau (ESCB) has
60 adopted standards for managing E9-1-1 system. Included in the management of E9-1-1 the ESCB
61 requires each municipality to designate an Addressing Officer that will inform ESCB/PUC about E9-
62 1-1 physical street addresses. The ESCB/PUC has published a set of guidelines for Addressing
63 Officers. Addressing Officers have many responsibilities including:

64 ☐ Assigning E9-1-1 physical addresses and communicating physical addresses to the property
65 owners

66 ☐ Providing updates to the Master Street Address Guide (MSAG)/ E9-1-1 GIS which contains the
67 official, statewide list of street names, street numbers, and street number ranges, etc.

68 ☐ Resolving errors or discrepancies in E9-1-1 databases

69

KITTERY RESIDENT PETITION TO RENAME MANSON AVE. EXTENSION TO BUCKLEY AVE.

June 19th, 2020

To the Kittery Town Council

Chairperson Councilor Judy Spiller
 Vice Chair Councilor Matthew Brock
 Councilor Kenneth Lemont (Sponsor)
 Councilor Charles Denault (Sponsor)
 Councilor Jeffery Thomson
 Councilor Jeffery Pelletier
 Councilor Gary Beers
 Councilor Cyrus Clark

We the undersigned Kittery Maine residents of **Manson Ave. Extension** respectfully request that the Town of Kittery rename **Manson Ave. Extension to Buckley Way**. Please accept and act on this petition.

Reasoning: The primary reason for this request is for the public safety of all the local residents, children and citizens who live on Manson Ave. Extension and the like sounding roads such as, Manson Ave. and Manson Rd. and Manson Rd Extension in Kittery Maine. Renaming this road will provide better addressing and safety for E911. State Law and Town Code specifically state the following:

- A. No two roads shall be given the same name (ex. Pine Road and Pine Lane).
- B. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).

Manson Ave. Extension is similar to Manson Ave. and Manson Rd and Manson Rd. Extension.

Resolution: If approved, we the undersigned believe that it would be fitting and by our signatures formally request that Manson Ave Extension be renamed Buckley Way. The name of **BUCKLEY WAY**. origination is in Honor of the late Naval Chief Petty Officer Bishop L. Buckley Sr. Mr. Buckley is a former resident of Manson Ave extension and a Kittery Resident. His family still resides on Manson Ave Ext.

We also understand that it will be our responsibility to update our addresses with respect to mail deliveries and billings and this is an expectation with any road name changes. Thank you for your consideration of this request and for looking out for the safety of Kittery residents and honoring Bishop Buckley Sr.

THANK YOU FOR YOUR CONSIDERATION

Printed Name	Address	Ext.	Signature	Email or Phone
Chester L. Buckley	5 Manson Ave.		Chester L. Buckley	1-207-439-2086
Lillian Buckley	3 Manson Ave Ext		Lillian Buckley	207-475-6360
Mandy White	2 Manson Ave Ext.		Mandy White	207-289-3288
Joseph White	2 Manson Ave. Ext.		Joe P White	207-289-5233
Kasey Kelley	8 Manson Ave. Ext		Kasey Kelley	719-440-5479
IAN BROWNE	8 MANSON AVE. EXT		Ian Browne	207.752.1271
Jay Wilgus	12 Manson Ave. Ext.		Jay Wilgus	801-573-7768
Emily Flinkstrom	12 Manson Ave Ext		Emily Flinkstrom	801-652-6077

KITTERY, Maine — Retired Naval Chief Petty Officer Bishop L. Buckley Sr. of Kittery died Friday, June 19, 2009.

KITTERY, Maine — Retired Naval Chief Petty Officer Bishop L. Buckley Sr. of Kittery died Friday, June 19, 2009.

The youngest of nine children, Chief Buckley was born July 31, 1918, to Luke Buckley and Laura Powell Buckley in Charleston, Miss.

He was married to Jewel Lanier Buckley for 66 years.

In addition to his wife, he is survived by four children, Bishop L. Buckley Jr., Timothy L. Buckley, Chester L. Buckley and Lillian J. Buckley, as well as seven grandchildren and six great-grandchildren. He was predeceased by seven of his nine siblings.

Chief Buckley loved and supported his family and was happiest when he worked. He loved to “pittle” in the yard and in the kitchen. A devout Christian, he will be missed by those who truly knew him.

Interment will be in the Orchard Grove Cemetery, Kittery.





Town of Kittery, Maine
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1304 Fax: (207) 439-6806
Department of the Assessor

**DO YOU KNOW THE DIFFERENCE BETWEEN YOUR MAILING ADDRESS and
YOUR 9-1-1 PHYSICAL STREET ADDRESS?**

What is my mailing address?

Your mailing address is the address at which you receive mail carried by the United States Postal Service (USPS). You can use your 911 physical street address as your mailing address OR you can use a Post Office box.

How do I change my mailing address?

Please contact the Post Office at 439-2018 (Kittery) and 439-4353 (Kittery Point) for a free change of address packet. You can also change your mailing address online at USPS.com.

I have changed my mailing address with USPS, why can't FedEx or UPS find my new address?

Fed Ex, UPS, and other shipping companies are not part of the USPS and do not use USPS address data. Instead, shipping companies use a variety of data sources to locate your address. The data they are using may not have your new address listed. Visit gps.gov for information about how to add your address to data sources that Fed Ex and UPS might use.

How can my new address be added to Google Maps or other data sources?

Visit gps.gov and follow the guidelines listed to update Google Maps, MapQuest, Garmin and other websites.

How do I know where to put my mailbox?

Please contact the Post Office at 439-2018 (Kittery) and 439-4353 (Kittery Point) to discuss the location of your mailbox.

My mailbox is it at the end of my road with a group of mailboxes. Does this impact the ability to be found during a 9-1-1 emergency?

No, placing your street number on your house will help emergency responders find you during an emergency. Make sure your street numbers are at least 3 inches in height and of a contrasting color to the background on which they are attached. Please refer to the Kittery Land Use Code, Title 16.5.7, for the ordinance on street number display.

Will the Town of Kittery change my mailing address?

No. The Town of Kittery will notify USPS of the existence only of your new physical address. You must do a change of mailing address form with USPS. You must decide if you want to use a PO BOX or your new physical address for your mailing address.



Town of Kittery, Maine
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1304 Fax: (207) 439-6806
Department of the Assessor

What is my 9-1-1 physical street address?

A 9-1-1 physical address is a permanent, unique address that clearly identifies where a property is physically located. Your 9-1-1 street address is the property address used by emergency responders to locate you during a 9-1-1 emergency.

Why can the Town issue, or change my, 9-1-1 physical street address?

Every Maine municipality is granted legal authority to assign E9-1-1 physical street addresses by Municipal Home Rule Powers, as outlined in the State of Maine Constitution Article VIII, Part 2, Section 1 and MRS Title 30-A §3001.

As outlined in 25 MRS §2926, the Emergency Services Communications Bureau (ESCB) has adopted standards for managing E9-1-1 system. Included in the management of E9-1-1 the ESCB requires each municipality to designate an Addressing Officer that will inform ESCB/PUC about E9-1-1 physical street addresses. The ESCB/PUC has published a set of guidelines for Addressing Officers. Addressing Officers have many responsibilities including:

- Assigning E9-1-1 physical addresses and communicating physical addresses to the property owners
- Providing updates to the Master Street Address Guide (MSAG)/ E9-1-1 GIS which contains the official, statewide list of street names, street numbers, and street number ranges, etc.
- Resolving errors or discrepancies in E9-1-1 databases

To learn more please visit www.maine911.com/forms_publications.htm or inquire with the Assessing Department.

Why can't the Post Office give me my address?

Post Masters are not legally authorized by municipalities to assign addresses, and are therefore not Addressing Officers.

Who is the ESCB?

The Emergency Services Communications Bureau (ESCB), established within the Public Utilities Commission, implements and manages Enhanced 9-1-1 including the use of E9-1-1 services. E9-1-1 connects 9-1-1 callers to public safety answering points, known as PSAP facilities (25 MRS §2926). PSAP facilities direct 9-1-1 phone calls to appropriate dispatch or emergency response services.

Please refer to www.maine911.com for more information about E9-1-1.

*Town of Kittery, ME
Tuesday, June 30, 2020*

Chapter 8.5. Street Addressing

[HISTORY: Adopted 5-29-2019 by Ord. No. 19-06. Amendments noted where applicable.]

§ 8.5-1. Purpose.

The purpose of this chapter to conform to enhanced 9-1-1 standards, as established by the Maine Public Utilities Commission, and enhance the rapid location of properties in an emergency or call for law enforcement, fire, rescue, and emergency medical services in Kittery.

§ 8.5-2. Authority.

- A. The addressing officer, as designated by the Town Manager, is authorized to assign road names and street numbers to all properties, both on existing and proposed roads in accordance with this chapter. The Town Manager may designate more than one addressing officer as needed.
- B. The addressing officer is responsible for and authorized to provide all required addressing information to the state agency responsible for the implementation of enhanced 9-1-1 service.

§ 8.5-3. Definitions.

For the purpose of this chapter only, the following definitions apply:

BUILDING

A residential, commercial or industrial building that will be occupied by one or more persons. This excludes sheds and accessory structures that do not contain dwellings or businesses and are not places where the general public gather.

ROAD

Any highway, road, street, avenue, lane, fire lane, private way, a Planning Board-approved right-of-way or similar paved, gravel, or dirt ways.

STREET NUMBERS

Addresses assigned for the purpose of physical location and enhanced 9-1-1.

§ 8.5-4. Naming system.

All roads that serve two or more principal buildings will be named regardless of whether the ownership of the road is public or private. Assignment of a road name does not constitute or imply acceptance of the road as a public way. The following criteria will govern the naming system:

- A. No two roads will be given the same or similar name (ex. Pine Road and Pine Lane).
- B. No two roads will have similar sounding names (ex. Beech Lane and Peach Lane, Beech Lane and Beach Lane).
- C. Each road will have the same name throughout its entire length.
- D. Special characters such as hyphens, apostrophes, periods or decimals will not be allowed.
- E. Single-family dwellings and single-lot access driveways will not be named unless road naming is required as part of a Planning Board condition of approval (if required), or if the addressing officer deems it necessary for emergency response purposes.
- F. No road name may duplicate or be similar sounding to road names in the Town of Eliot.

§ 8.5-5. Road name signs.

Road name signs must be in compliance with the following:

- A. Road name signs are to be furnished and installed by the developer of a new public or private road, and by the private road owner(s) for existing private roads.
- B. The material, size, and location of road name signs are to be approved by the Commissioner of Public Works.
- C. Road name signs for private roads will include "private" or an abbreviation thereof on the sign.
- D. Road name signs must be posted at intersections.
- E. Private road owners must maintain the surrounding vegetation to allow for proper visibility of the signs from all directions.
- F. Road name signs must have a name that is approved by the addressing officer.

§ 8.5-6. Numbering system.

- A. Street number system. The following criteria will govern the street numbering system:
 - (1) Odd numbers will appear on the left side of the road, in ascending order. Even numbers will appear on the right side of the road, in ascending order.
 - (2) All numbers will radiate from the center of town, beginning from the intersection of Walker Street, Wentworth Street, and Wallingford Square. Numbering will begin at the intersection nearest to the point of origin.

- (3) For dead-end roads, numbering will originate at the intersection of the adjacent road and terminate at the dead end.
- (4) For all new subdivisions and developments, where possible, street numbers will be assigned every 50 feet along, both sides of the road. In more densely developed areas a twenty-five-foot, or smaller, numbering interval may be used as appropriate.
- (5) Street numbers may not be based on zoning or lot road frontage.
- (6) In cases where using a numbering interval is not possible, the addressing officer will assign the building the most appropriate street number relative to its location and the street numbers of neighboring buildings.
- (7) The number assigned to each building will be that of the numbering interval falling closest to the center of the driveway or to the location of the front door.
- (8) Street numbers for buildings that have a front door facing one road and the driveway accessing another will be determined based on the ease of location for emergency responders.
- (9) Every building with more than one principal use or occupancy, except an accessory dwelling unit, will have a separate number for each use or occupancy. Duplexes will have two separate numbers. Apartment buildings will have one street number with apartment numbers (ex. 235 Maple Road, Apartment 2).
- (10) Fractional numbers (ex. 37 1/2) are prohibited.
- (11) Alpha-numeric (ex. 4A) is not allowed. If new numbers are required on a road that does not conform to 9-1-1 standards, the road will be renumbered subject to approval of the Police Chief.

B. Numbering in special developments.

- (1) Culs-de-sac will be dissected from the middle of the road. Buildings on the left of the cul-de-sac will be numbered with odd numbers. Buildings on the right will be numbered with even numbers. Numbers must not wrap around the cul-de-sac in case of future road extension (ex. all even numbers around the cul-de-sac are prohibited).
- (2) Single-family homes with an approved attached or detached accessory dwelling unit will be required to use the primary residence address and a "Unit A" designation following (ex. 76 Somewhere Road, Unit A).
- (3) A detached secondary dwelling that is not an accessory dwelling unit but located on a shared lot of record must be issued a separate street number. If there are no available numbers on the road, the dwelling will be numbered with a unit number secondary to the primary residence. In such cases an approved sign or post bearing both numbers will be installed and maintained out of the right-of-way, at the intersection of the driveway entrance and at the road servicing the property.
- (4) Apartment buildings will be numbered with one street number followed by apartment numbers. The apartment building number must be clearly displayed on the building exterior. For multiunit buildings with more than one entrance and/or

common area, a sign must be provided at each entrance and must indicate what units are served by the entrance.

- (5) Commercial buildings or offices located in one primary building will be numbered with one number followed by suite or unit numbers.
- C. Street number display. All owners of buildings will display and maintain in a conspicuous place on said building, or near the paved road, the assigned street numbers in the following manner:
- (1) All buildings must bear a distinctive street number in accordance with and as designated upon the street-numbering map on file with the Town's assessing department.
 - (2) No person may affix, or allow to be affixed, a different street number from the one designated on the street-numbering map.
 - (3) The number must be plainly visible from the road.
 - (4) The number must be displayed on the front of the residence or building in the vicinity of the front door or entry and/or the side facing the road.
 - (5) Numbers must be of a color that contrasts with the background color and must be a minimum of four inches in height. Numbers must be visible at all times of the year, night or day, and in all weather conditions.
 - (6) Where the building is over 100 feet from the edge of the road, the assigned number must be displayed:
 - (a) On a post, fence, wall, mailbox, or on some structure at the property line adjacent to the walk or access drive to the building. The post/sign is not considered a structure which must conform to zoning ordinance setbacks.
 - (b) In a visible location outside of the Town's right-of-way unless for unique visibility reasons the sign may be located within the outer right-of-way limits with the written permission of the Commissioner of Public Works prior to installation.
 - (c) Such that vegetation surrounding the sign is maintained to allow for visibility of the sign from all directions.
 - (7) Street number and unit number must be displayed on detached secondary dwelling units that are not an accessory dwelling unit and are located on the same lot as the primary dwelling unit.
 - (8) For multiunit buildings the building number must be displayed on the exterior of the building. If more than one entrance and/or common area exists, a sign must be provided at each entrance and must indicate what units are served by each entrance.

§ 8.5-7. New construction and subdivisions.

A.

A road naming application must be submitted to the addressing officer with the proposed road name prior to a subdivision approval being granted. The applicant will show the approved road name on the subdivision final plan. The applicant will mark on the plan every 50 feet, using lines or dots, in the center of the roadway to aid the assignment of street numbers to buildings subsequently constructed.

- B. Whenever any building is constructed or developed it will be the duty of the property owner to obtain a street number from the addressing officer as soon as the driveway is constructed and construction of the building starts.
- C. A number will be displayed on a temporary post outside of the right-of-way but visible from the road within 30 days of receiving the street number.
- D. Final numbers must be installed prior to issuance of a certificate of occupancy.
- E. If new construction on an unnamed road creates two or more principle buildings on the road, the roadway must be named in accordance with § 8.5.4, and a road naming application must be filed to the addressing officer.

§ 8.5-8. Unnamed existing private roads.

- A. The addressing officer may require private unnamed roads to be named for emergency response purposes. The addressing officer will notify road owner(s). Upon notification the road owner(s) will have 30 days to apply for a road name. If the owner(s) fail to file a road naming application the addressing officer will assign a name to the road in accordance with the provisions of this chapter.
- B. The owner(s) of a private, unnamed road may voluntarily apply to the addressing officer to name the road.

§ 8.5-9. Road name change.

The owner(s) of a private road may apply to change a road name. The property owner(s) must notify all property owners with frontage on the private road of the application.

§ 8.5-10. Effective date of street address.

- A. The addressing officer will notify in writing each affected property owner and the United States Postal Service, emergency services, and Town departments of a new or changed road name or street number.
- B. The road owner(s) and/or property owner(s) assigned a new road name or street number address must post or display the new road name and/or street numbers, within 60 days of issuance of the notification.

§ 8.5-11. Enforcement.

Any person who, after being notified by the addressing officer, any law enforcement officer of the Town, or the Code Enforcement Officer fails to comply with any of the provisions of this chapter will be subject to a fine of \$150 per violation, per day.