



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

October 22, 2018

Council Chambers

**Special Meeting Agenda  
Requested by Chairperson Lemont  
5:30 p.m.**

Kittery Town Council goes into executive session to discuss the Town Manager's Annual Evaluation.

**Kittery Town Council  
Regular Meeting  
6:00 p.m.**

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 – Regular Meeting 8/27/18; Regular Meeting 9/10/18
8. Interviews for the Board of Appeals and Planning Board – **None**
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS  

(100318-1) The Kittery Town Council moves to hold a public hearing and ordains Title 10.3- Stopping, Standing and Parking.
11. DISCUSSION
  - a. Discussion by members of the public (three minutes per person)
  - b. Response to public comment directed to a particular Councilor
  - c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

(100218-2) The Kittery Town Council moves to consider the Town Manager's compensation.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition.

(100318-3) The Kittery Town Council moves to accept a check in the amount of \$130.30 from the Kittery Maine Improvement Foundation to be deposited into the Thresher Memorial Fund: account # 5007.

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

c. (100318-4) The Kittery Town Council moves to accept the resignation of Herbert Kingsbury from the Kittery Conservation Commission.

d. (100318-5) The Kittery Town Council moves to accept the resignation of Dorothy Avery from the Kittery Community Center Board of Directors.

e. (100318-6) The Kittery Town Council moves to schedule an interview with the Chair of the Kittery Community Center Board of Directors to interview Brian Kilroy.

f. (100318-7) The Kittery Town Council moves to consider Cemetery Perpetual Care Funds.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Committee Reports

16. EXECUTIVE SESSION- **None**

17. ADJOURNMENT

Posted: October 18, 2018



# 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 October 22, 2018

1. **Energy/Sustainability Opportunities** – Over the past three months staff in conjunction with the Kittery Energy Advisory Committee and the KCC Board of Directors have been investigating energy efficiency/sustainability project opportunities. A request for proposals, developed by Chief O'Brien, was issued this summer to convert the town's street lights to LEDs. We received six proposals ranging in cost from \$237,839 to \$342,112 for the base project; with an anticipated Return on Investment (ROI) of 2.5 to 5 years from the electricity savings. We are beginning discussions with the firm that put in the most advantageous proposal to perform thorough due diligence on the proposal and discuss the long-term benefits and costs. If, at the conclusion of the due diligence phase, we are confident this project is beneficial for the town, I will seek funding for the project in FY2020 (next fiscal year).

Working with the KCC Board Chair, we have obtained a shade analysis and proforma for placing solar on municipal structures. As a comprehensive project (multiple buildings), the ROI value and duration vary from a 5-year ROI with a lifetime savings of \$270,000, to a 15-year ROI with a lifetime savings of \$656,000. We will be meeting with the company that provided the analysis to explore smaller/single building projects that may have a more advantageous return for the town.

2. **Spinney Creek Aquaculture Application** – Enclosed please find the letter sent to the Department of Marine Resources related to the Spinney Creek Experimental Aquaculture lease. As of this issuance of this report, a written response has not been received from DMR.
3. **Pocahontas Road Cats** – Councilor Denault requested we reach out to Kittery Animal Hospital and the organizations assisting with the feral and stray cats on Pocahontas. We are connecting with them to try and better support the tremendous effort and reduce the strain being placed on these resources as they work to trap, neuter, adopt out, and/or return the cats. Approximately 27 cats have been trapped and treated as of the week of October 15<sup>th</sup>.
4. **Title 16 Recodification** – Staff along with representatives from the Planning Board and Board of Appeals interviewed the proposing contractor for the Title 16 Recodification project. We will be launching this project in the coming weeks, starting with a kick-off meeting of staff and key stakeholders. This project was proposed in the FY2018 CIP and carried into the FY2019 project plan. It is expected to take up to 18 months to complete.

### Upcoming Dates:

- Absentee Ballots Applications Available – now until November 1, Town Hall
- Kittery Housing Workshop – October 24 and October 26 (details on Kittery website)
- Voter Registration Night – October 24, 6PM to 8PM, Town Hall
- Mixed Use Neighborhood Public Forum – October 29, 6PM, Town Hall
- Trick or Treat – October 30, 5PM to 8PM
- Election Day – November 6, 8AM to 8PM, Kittery Community Center

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'K. Amaral', with a long horizontal flourish extending to the right.

Kendra Amaral  
Town Manager



Kendra Amaral  
Town Manager

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**Office of the Town Manager**  
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**Telephone: 207-475-1329 Fax: 207-439-6806**  
[kamaral@kitteryme.org](mailto:kamaral@kitteryme.org)

October 12, 2018

Commissioner Patrick Keliher  
Maine Department of Marine Resources  
21 State House Station  
Augusta, ME 04333

RE: Lease Application #2018-03-E, Experimental Aquaculture Lease, Spinney Creek Shellfish

Dear Commissioner Keliher,

I am writing on behalf of the Kittery Town Council to respectfully request the Department of Marine Resources conduct a public scoping session in accordance with your Procedural Rules, Chapter 2.64, Section 4.B. I also respectfully request that you postpone issuance of a decision until it can be determined if the town has rights and authority relative to the Municipal Approval requirement per Chapter 2.64 Section 6.

The Town of Kittery, in accordance with its comprehensive plan, has a commitment to supporting responsible aquaculture, the preservation of our scenic areas, access to natural resources, and the town's overall character. The Spinney Creek experimental lease application brings into clear focus the competing aspects of each of these goals and the need for the town and state to work together to achieve a beneficial balance.

On March 19, 2018 I requested on behalf of the town that DMR hold a public hearing to provide Kittery residents the "opportunity for such questions and concerns to be aired and addressed" (see enclosed). At that time, it was not apparent that a public scoping session was a procedural option and more directly aligned with the intent and spirit of my request. DMR scheduled the public hearing as requested.

The residents of Spinney Creek have expressed significant concerns about the impact the proposed experimental lease will have on their scenic area, natural resources, and neighborhood character. Our residents were strongly encouraged to attend the DMR public hearing to express their concerns and ask their questions. In the end, the hearing's restrictive format and scope, and the late hour at which the public testimony phase began, left our residents feeling disenfranchised from the process.

I understand that the public scoping session typically comes before the public hearing phase. However, given the factors noted above, taking the time to conduct a public scoping session would be both fair and procedurally appropriate.

In reviewing the DMR Procedural Rules, I have also identified that Municipal Approval may be required

if the municipality has a Shellfish Conservation program (12 MRSA §6671). Per Town Code Title 12.6: Shellfish the town has an established shellfish conservation program in accordance with state law. Therefore, per DMR Procedural Rules the town may have the ability to withhold consent for the experimental lease. I respectfully seek your opinion as to the applicability of our Title 12.6 with DMR Procedural Rule 2.64 Section 6.

It is our hope that additional public vetting and dialogue between the applicant and the abutters of Spinney Creek will result in a reasonable outcome. We believe the time and effort spent will be worthwhile, responsive, and fair for every stakeholder involved.

I look forward to your opinion on the applicability of the Town's Title 12.6 with your procedures. If you have any questions or wish to discuss, please do not hesitate to contact me at 475-1329 or at [kamaral@kitteryme.org](mailto:kamaral@kitteryme.org). Thank you in advance for your consideration.

Sincerely,

Kendra Amaral  
Town Manager

cc: Kittery Town Council  
Kittery Port Authority  
Kittery Shellfish Commission  
Duncan McEachern, Town Attorney

Enclosures



Kendra Amaral  
Town Manager

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[kamaral@kitteryme.org](mailto:kamaral@kitteryme.org)

March 19, 2018

Ms. Cindy L. Burke  
Maine Department of Marine Resources  
21 State House Station  
Augusta, ME 04333

RE: Lease Application #2018-03-E, Experimental Aquaculture Lease, Spinney Creek Shellfish

Dear Ms. Burke,

Thank you for the opportunity to provide comment on the Experimental Aquaculture Lease application, #2018-03-E submitted by Spinney Creek Shellfish.

The application was reviewed by our Shoreland Resource Officer and our Harbormaster. We offer no comment on the lease application or the planned installation associated with the lease.

In the interest of ensuring a robust public vetting effort, I respectfully request that Marine Resources hold a public hearing on the application. I am aware of residents raising questions and voicing some concern regarding the impact of the lease on their properties and their access to Spinney Creek. A public hearing is the opportunity for such questions and concerns to be aired and addressed.

I am happy to offer the Town Hall as a site for the public hearing. Please advise if you wish to have the hearing here, and who we should coordinate with on date and time. I may be reached at 475-1329 or at [kamaral@kitteryme.org](mailto:kamaral@kitteryme.org)

Sincerely,

Kendra Amaral  
Town Manager

## **Chapter 12.6**

### **SHELLFISH**

#### **§ 12.6.1. Authority.**

The ordinance codified in this chapter is enacted in accordance with 12 M.R.S. § 6671.

#### **§ 12.6.2. Purpose.**

The purpose of this chapter is to establish a shellfish conservation program for the Town which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A. Licensing;
- B. Limiting the number of shellfish harvesters;
- C. Restricting the time and area where digging is permitted;
- D. Limiting the minimum size of clams taken; and
- E. Limiting the amount of clams taken daily by a harvester.

#### **§ 12.6.3. Definitions.**

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

LOT — The total number of soft-shell clams in any bulk pile. Where soft-shell clams are in a box, barrel or other container, the contents of each box, barrel or other container constitutes a separate lot.

NONRESIDENT — Anyone not qualified as a resident under this chapter.

POSSESS — Dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft-shell clam shellstock.

RESIDENT — A person who has been domiciled in this municipality for at least three months next prior to the time claim of such residence is made.

SHELLFISH, CLAMS AND INTERTIDAL SHELLFISH RESOURCES — Soft-shell clams (*Mya arenaria*).

#### **§ 12.6.4. Municipal shellfish digging license required.**

It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this chapter.

#### **§ 12.6.5. Designation, scope and qualifications.**

- A. Residential recreational shellfish license. The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of the holder and family.
- B. Nonresident recreational shellfish license. The license is available to any person not a resident of this municipality and entitles the holder to dig and take not more than one peck of shellfish in any one day for the use of the holder and family.
- C. License must be signed. The licensee must sign the license to make it valid.

#### **§ 12.6.6. Application procedure.**

Any person may apply to the Town Clerk for the licenses required by this chapter on forms provided by the municipality.

- A. Contents of application. The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever information the municipality may require.
- B. Misrepresentation. Any person who gives false information on a license application will cause said license to become invalid and void.

#### **§ 12.6.7. Fees.**

The fees for the licenses are as stated in Appendix A<sup>1</sup> and must accompany in full the application for the respective license. Fees received for shellfish licensing are to be used by the Town for shellfish management, conservation and enforcement.

#### **§ 12.6.8. Limitation of diggers.**

Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the Town. It is essential that the Town carefully husband its shellfish resources. Following the annual review of the Town's clam resources, its size distribution, abundance and report by the Warden, the Shellfish Conservation Committee in consultation with the DMR area biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.

- A. Prior to September 30, the Committee is to report its findings and document recommendations for the allocation of recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.

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1. Editor's Note: See § A-16.

- B. After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to December 31, the Shellfish Conservation Committee is to notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.
- C. Notice of the number of licenses to be issued and the procedure for application is to be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance, and posted in the municipal offices until the period concludes.
- D. Licenses may be returned to the Town voluntarily and reissued to another person at the current fee according to the priorities established in this section.

**§ 12.6.9. License expiration date.**

Each license issued under authority of this chapter expires at midnight on the 31st of December next following date of issue.

**§ 12.6.10. Reciprocal harvesting privileges.**

Licensees from any other municipality cooperating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of this license.

**§ 12.6.11. Suspension.**

Shellfish licensees having three convictions for a violation of this chapter are to have their shellfish license automatically suspended for a period of 30 days.

- A. A licensee whose shellfish license has been suspended pursuant to this chapter may reapply for a license only after the suspension period has expired.
- B. The suspension is to be effective from the date of mailing of a notice of suspension by the Town Clerk to the licensee.
- C. Any licensee whose shellfish license has automatically been suspended pursuant to this section is entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written request for hearing with the Town Clerk within 30 days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Town Council by filing a written request for appeal with the Town Clerk within seven days of the decision of the Shellfish Conservation Committee.

**§ 12.6.12. Opening and closing of flats.**

The municipal officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources area biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the municipal officers may call a public hearing and shall send a copy of the notice to the Department of Marine Resources. The decision of the municipal officers made after the hearing is to be based on findings of fact.

**§ 12.6.13. Minimum legal size of soft-shell clams.**

It is unlawful for any person to possess soft-shell clams within the Town which are less than two inches in the longest diameter, except as provided by § 12.6.14 below.

**§ 12.6.14. Tolerance.**

Any person may possess soft-shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance is determined by numerical count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.

**§ 12.6.15. Violations and penalties.**

Whoever violates this chapter may be punished as provided by 12 M.R.S. § 6681.

**Kittery Town Council  
Regular Meeting  
August 27, 2018 – 6:00 p.m.  
Council Chambers**

1. Call to order: Chairperson Lemont called the meeting to order at 6:00 p.m.

2. Introductory: Chairperson Lemont read the introductory.

3. Pledge of Allegiance: Councilor Thomson said, as they rise to say the Pledge of Allegiance, this weekend the country lost a very distinguished public servant, and he admitted he never voted for him, but he always respect his approach to public policy and civility in our country's government. He asked that everyone pause a moment in silence in memory of Senator John McCain.

Chairperson Lemont led those present in the Pledge of Allegiance.

4. Roll call: Answering the roll were: Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Matthew Brock, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Kenneth Lemont.

5. Agenda Amendment and Adoption: Chairperson Lemont asked if there were any amendments? Councilor Beers requested that "9a" be included under #13 New Business, item 13c, and then change the lettering thereafter so people can comment on this if they wish to do so.

Chairperson Lemont cast one vote for the agenda as amended.

6. Town Manager's Report: Town Manager Amaral began by addressing the S.A.F.E. program van crash that happened a couple of weeks ago. She said the Town Council has been receiving regular updates from her. She said this accident has touched so many lives in a profound way and their focus is trying to understand what were the circumstances, beyond the internal investigation by the NH State Police.

Town Manager Amaral wanted to pause and thank all those who stopped to help when help was needed, bystanders, Councilors, the NH Police Dept. and the Greenland Fire Dept. and the KCC staff who filled in while she and Jeremy Paul were trying to figure out what to do next, what steps needed to be taken and manage this emergency. She said the staff was flooded with calls while visitors were still coming into the building and everyone did a fantastic job.

Town Manager Amaral said the internal investigation is still underway and Kittery's interim Police Chief O'Halloran will be able to conduct the investigation to insure it is at arm's length since he has no connections to the town and doesn't know anyone. She hopes to put out more information as soon as possible but there is really not a whole lot more she can say about the accident.

Town Manager Amaral said the FEMA permit 90-day appeal period began August 1<sup>st</sup> for the FEMA maps. She said Ransom is doing the 2<sup>nd</sup> phase and they have done the first phase and are modeling new flood hazards based on wave impacts. She said FEMA overestimated the flood maps by 6 ft. and they are moving forward with the appeal.

Town Manager Amaral said the Shipyard has submitted their own appeal during this period. She said technically a municipality can submit appeals but we agreed and FEMA agreed to allow them to submit

52 their own appeal because we see it as Federal land, not municipal land. She said they did put a cover  
53 letter in with the Shipyard's appeal saying they are aware of the appeal and we support it.

54  
55 Town Manager Amaral said that DOT did a punch list inspection of the Memorial Circle. She said the  
56 beech grass plantings were designed to slow down vehicles approaching the circle. She said the  
57 beach grass is low-maintenance and does not need mowing; however, there are two areas where this  
58 is not working as intended. She said because of that, Public Works has had to cut the grass more  
59 frequently.

60  
61 Town Manager Amaral said they are looking at how to improve those areas but they cannot implement  
62 anything until DOT closes out the project, which should be in the Fall. She said they are looking to  
63 address this for the long term.

64  
65 Town Manager Amaral highlighted the Quarter 2 goals for the Town Council and for herself and items  
66 they have worked on, which was included in Council's packets.

67  
68 Town Manager Amaral said they are looking at changes to Title II (Recreation Dept.) and they are  
69 working on Title IV, Boards and Commissions. She said Title V was withdrawn at the last meeting.  
70 She said the Town Council has the zoning amendment before them for the Business Park and they will  
71 be having a public hearing on that.

72  
73 Town Manager Amaral said they have a Land Use Transportation Study to develop a plan for parking  
74 the Foreside.

75  
76 Town Manager Amaral said they are developing a policy to manage tax liens in a timely manner. She  
77 said they currently have 39 applicants for the program. She said they are working through the process  
78 and hope to have some proposals later on this year regarding tax foreclosure.

79  
80 Town Manager Amaral said, in regard to the Sewer Enterprise Fund, they addressed concerns and  
81 following two workshops, adjusted the rates in effect July 1<sup>st</sup>. She said they are still showing negative  
82 for sewer fund based on prior fiscal years.

83  
84 Town Manager Amaral reported that the three committees are actively working on the Library becoming  
85 a town department as well as the design and assets.

86  
87 Town Manager Amaral said they are looking to broadcast programs to increase the capability of events  
88 that are going on there and have purchased a mobile broadcasting unit that will allow video recording  
89 and programming to be done anywhere now that they have the technology to do this.

90  
91 Town Manager Amaral said that CEO Bob Marchi is retiring at the end of August who has been with the  
92 town for three years. She said they will have an open house from 3-5 in the Council Chambers on  
93 Thursday, August 30<sup>th</sup>.

94  
95 Town Manager Amaral asked everyone to join her in congratulating William Walsh on his promotion to  
96 Police Sergeant. She said he has been a patrolman with the town for 11 years and has over 20 years'  
97 experience in law enforcement in the State of Maine.

98  
99 Upcoming dates: Town Manager Amaral said that nomination papers are due by 6 p.m. and they have  
100 five candidates for three Town Council seats, one for two available seats for the School Committee.  
101 She said they have been in discussion for other candidates for the open seat. She said Candidates'  
102 Night is October 10<sup>th</sup> at 6:00 p.m. in the Council Chambers.

Chairperson Lemont thanked the Town Manager and asked if Councilors had any questions or comments.

Councilor Thomson said that in the time he has served on the Council they have had several Code Enforcement Officers and Mr. Marchi personally has not received one compliment. He said he appreciates his service and thanked him for the professionalism he brought to the position.

7. Acceptance of Previous Minutes:

June 25, 2018 Special Meeting:

Chairperson Lemont asked if there were any corrections and a few were noted. He cast one vote to place on file the minutes from the June 25<sup>th</sup> Special Meeting as amended.

June 25, 2018, Regular Meeting:

Chairperson Lemont asked if there were any corrections and a few were noted. He cast one vote to place on file the minutes from the June 25<sup>th</sup>, 2018 Regular Meeting as amended.

July 23, 2018 Regular Meeting:

Chairperson Lemont asked if there were any corrections and a few were noted. He cast one vote to place on file the minutes from the July 23, 2018 Regular Meeting as amended.

8. Interviews for the Board of Appeals and Planning Board – none

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – moved to “New Business – ‘c’”

10. PUBLIC HEARINGS:

a. (080118-2) The Kittery Town Council moves to hold a public hearing to approve an application from Eric Amsden, for a Victualer’s License for Red Rover, LLC at 76 Wallingford Square, Kittery, Maine.

Chairperson Lemont said the applicant would appreciate if this could be postponed indefinitely and asked if someone would like to make a motion or would the Town Manager if she would like to share any information on this?

Town Manager Amaral said that through the process, the CEO required a letter from the landlord or the property owner agreeing to what would be happening but the applicant and the land owner agreed to part ways and he is not moving forward with the project.

Vice-Chairperson Denault moved to postpone the application from Eric Amsden indefinitely as requested.

Councilor Dennett suggested it would passed or someone would have to make a motion to postpone it but if it is passed it goes away.

Councilor Beers said point of order - the motion for postponement cannot be made until the application is approved. He said he agreed with Councilor Dennett’s suggestion to say it is passed.

152 b. (080118-3) The Kittery Town Council moves to hold a public hearing to approve an  
153 application from James McSharry for a Victualer's License for Water Street Inn, LLC at 6 Water Street,  
154 Kittery, Maine.

155  
156 Chairperson Lemont asked if anyone wishing to speak to, for or against the application may do so and  
157 opened the public hearing at 6:26 p.m. Seeing none, he closed the public hearing.

158  
159 Chairperson Lemont asked what is the pleasure of the Council?

160  
161 Councilor Thomson wanted to know if there is someone here tonight representing the applicant?

162  
163 David Bargus and Michelle Ray introduced themselves and came up to the podium.

164  
165 Councilor Thomson said he noticed that the establishment has been open a few days and asked if they  
166 what activity has been going on or have they served food or beverages?

167  
168 Ms. Ray replied no, they have just taken reservations and they have a few guests staying

169  
170 Councilor Thomson wanted to know if breakfast would be part of that?

171  
172 Ms. Ray answered no, breakfast will not be served.

173  
174 Councilor Dennett said he did not get that.

175  
176 Ms. Ray responded there will not be any proper foods, there is no breakfast part.

177  
178 Councilor Thomson asked is it just a bed part.

179  
180 Ms. Ray replied yes.

181  
182 Councilor Dennett asked why are they applying for a Victualers license?

183  
184 Mr. Bargus answered they are applying for a lodging license, just in case.

185  
186 Councilor Dennett said okay.

187  
188 **COUNCILOR THOMSON MOVED TO APPROVE AN APPLICATION FROM JAMES MCSHARRY**  
189 **FOR A VICTUALER'S LICENSE FOR WATER STREET INN, LLC AT 6 WATER STREET, KITTERY,**  
190 **MAINE, SECONDED BY VICE-CHAIRPERSON DENAULT. ROLL CALL VOTE WAS TAKEN WITH**  
191 **ALL IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

192  
193  
194 c. (080118-4) The Kittery Town Council moves to hold a public hearing and ordains an  
195 amendment to Title 2 – Recreation Department.

196  
197 Chairperson Lemont asked if anyone wishing to speak to, for or against this may do so at this time and  
198 opened the public hearing at 6:28 pm. Seeing none, he closed the public hearing.

199  
200 Chairperson Lemont asked what is the pleasure of the Council?

**COUNCILOR BEERS MOVED, IN ACCORDANCE WITH M.R.S. 30-a, §3001; AND SEC. 2.07(3) OF THE KITTELY TOWN CHARTER, THE KITTELY TOWN COUNCIL HEREBY ORDAINS AN AMENDMENT TO TITLE 2, RECREATION DEPT. OF THE TOWN CODE AS PRESENTED. COUNCILOR THOMSON SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

d. (080118-5) The Kittery Town Council moves to hold a public hearing to approve a multi-year agreement for a Public Safety Answering Point service with the Town of York, Maine.

Chairperson Lemont asked if anyone wishing to speak, to or against this may do so at this time and opened the public hearing at 6:29 p.m. Seeing none, he closed the public hearing.

**COUNCILOR THOMSON MOVED THAT, PURSUANT TO M.R.S. TITLE 30-A, §3001 AND SECTION 2.07.3 OF THE TOWN CHARTER, THE KITTELY TOWN COUNCIL HEREBY APPROVES THE MULTI-YEAR AGREEMENT AS PRESENTED FOR SAID SERVICES, SECONDED BY COUNCILOR BEERS.**

Chairperson Lemont acknowledged Councilor Dennett.

Councilor Dennett said he discussed this at some length with the Town Manager, and in his opinion, the wording is pretty bad. He said he presumed the Town of York is not willing to change the wording.

Town Manager Amaral said she never sent the changes to them, but she can if the Town Council wishes. She thought this is an agreement that they send to multiple communities and it would not change the intent of the contract.

Councilor Dennett said no, but if she was willing, and it wasn't a big deal, he would appreciate her doing that (his changes would be sent). He questioned on page 1 of the agreement, where it says it was adopted 1-22-18 but the agreement was made 6-21-18 and asked how can it be adopted in January if it was agreed to in June?

Town Manager Amaral replied that was one of the questions she had but this was adopted by the York legislative body in January. She said she can update the date it was made but not the date it was adopted.

Councilor Dennett said it should be adopted on that date by the Town of York Board of Selectmen.

Chairperson Lemont asked if Councilor Dennett was comfortable in proceeding with a vote.

Councilor Dennett replied no, but he will.

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

e. (080118-6) The Kittery Town Council moves to hold a public hearing to approve the ballot language for the Comprehensive Plan referendum to be placed on the ballot for the November 6<sup>th</sup>, 2018 municipal election.

Chairperson Lemont asked if anyone wishing to speak to, for or against this item they may do so at this time and opened the public hearing at 6:32 p.m.

Russell White, Chair of the Comprehensive Plan Update Committee, said he thought the Council should pass this right away.

Chairperson Lemont thanked Mr. White and closed the public hearing.

**COUNCILOR THOMSON MOVED THAT THE PROPOSED LANGUAGE FOR THE COMPREHENSIVE PLAN REFERENDUM AS PRESENTED AND PUBLICLY HEARD BE PLACED ON THE BALLOT FOR THE NOVEMBER 6, 2018 MUNICIPAL ELECTION. SECONDED BY VICE-CHAIR DENAULT.**

Chairperson Lemont asked for discussion.

Councilor Dennett said as always this is a problem. He read "shall the town vote to adopt?" and said the town ain't going to do anything. He said the wording varies all over the place. He said in some cases the State says "do you want to create" and another place it says "do you favor approving" but guess it all means the same thing.

Chairperson Lemont thanked the Chair and members of the Comprehensive Plan Update Committee on behalf of the Town Council, they appreciate their hard work and many hours.

**ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

f. (080118-7) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 6.09 (4) of the Kittery Town Charter to transfer appropriations and carry forward requests between accounts.

Chairperson Lemont asked if anyone wishing to speak to, for or against this may do so at this time. He opened the public hearing at 6:35 p.m.

Seeing none, he closed the public hearing and asked what is the pleasure of the Council.

Councilor Thomson said he is prepared to read each and every one of these accounts, but will try something else and hopefully it will be okay.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE, IN ACCORDANCE WITH SEC. 6.09(4) OF THE TOWN CHARTER, IN THE AMOUNT OF \$160,680 GENERAL FUND TRANSFERS OF FY'18 APPROPRIATED FUNDS FROM THEIR ORIGINAL ACCOUNTS TO THE ACCOUNTS AS DESIGNATED BY THE TOWN MANAGER AND FINANCIAL STAFF; OTHER FUND TRANSFERS IN THE AMOUNT OF \$74,557 - ALL APPROPRIATED FUNDS FROM THEIR ACCOUNTS AS APPROPRIATED TO OTHER ACCOUNTS AS LISTED BY THE TOWN MANAGER AND FINANCIAL STAFF; TO CARRY FORWARD \$10,000 FROM THE ADMINISTRATION ACCOUNT FOR THE PURPOSE OF A COMPENSATION/CLASS STUDY WITH NO OTHER ADDITIONAL APPROPRIATIONS, THAT THEY ARE SIMPLY MOVING FUNDS BETWEEN DEPARTMENTS AND ACCOUNTS SO WE END THE YEAR AS WE SHOULD. COUNCILOR BEERS SECONDED THE MOTION.**

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

Chairperson Lemont acknowledged Councilor Dennett as Council Dennett had indicated that he wished to be recognized.

Councilor Dennett said he thinks this is the proper way to do it, but in the future, it might be easier if it is stated on the top of the sheet "Requested by the Town Manager, Fiscal Year 2000 whatever" and a date to refer to for identification purposes.

Chairperson Lemont thanked Councilor Dennett.

g. (080118-8) The Kittery Town Council moves to hold a public hearing on an application from Delta Amusement Inc. for a Special Activity/Amusement Permit for the Navy Yard Bar + Billiard, 182 State Road.

Chairperson Lemont said the Code Enforcement Officer has conducted an inspection on the establishment and found it in compliance with the Kittery Town Code.

Chairperson Lemont asked if anyone wishing to speak to, for or against this application may do so at this time and opened the public hearing at 6:37 p.m. Seeing none, he closed the public hearing.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM DELTA AMUSEMENT INC. FOR A SPECIAL ACTIVITY/AMUSEMENT PERMIT FOR THE NAVY YARD BAR + BILLIARD, 182 STATE ROAD AND VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.**

Chairperson Lemont said he wanted to point out to his fellow Councilors and the public that they are in arrears with their property taxes. He said we cannot link that to this application, but at some point, down the road, we should have a discussion.

Councilor Dennett said he has a major problem with it and discussed this with the Town Manager who said that she had referred another case to MMA and was told to "lay off." He said there is no reason not to look at this again, but it will be tough. He said they will get stuck when a smaller business comes into town for a few years, but they do not own the building.

Chairperson Lemont said he brought this up because the public and the Town Council ought to be aware of this and asked the Town Manager to reach out again to MMA to see if there is something that can be done in the future.

Councilor Dennett said they would have more knowledge with case law and with the 400 other communities in the State of Maine as to what can be done.

**ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, ONE OPPOSED (VICE-CHAIRPERSON DENAULT), MOTION CARRIES.**

h. (080118-9) The Kittery Town Council moves to hold a public hearing to approve an application from Tributary Brewing Co., LLC for a Special Activity/Amusement Permit for Tributary Brewing Co., 10 Shapleigh Road.

Chairperson Lemont said that the Code Enforcement Officer has conducted a review of the establishment and has found it in compliance with the Kittery Town Code.

Chairperson Lemont said anyone wishing to speak to, for or against this application may do so at this time and opened the public hearing at 6:40 p.m.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM THE TRIBUTARY BREWING CO., LLC, FOR A SPECIAL ACTIVITY/ AMUSEMENT PERMIT FOR TRIBUTARY BREWING CO., 10 SHAPLEIGH ROAD. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.**

Councilor Thomson said the application talks about the amusement permit and the type of performers they will have but it does not mention the dog tricks that he sees there from time to time.

Chairperson Lemont asked if there was anyone representing the applicant here this evening.

There was no one.

Chairperson Lemont said that the question will go unanswered.

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

11. DISCUSSION:

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

Chairperson Lemont opened the public discussion and asked that everyone respect the three-minute timeframe.

Karen Saltus, 13 Pocahontas Road, wanted to know if everyone got the packet regarding the feral cat problem on Pocahontas Road? She said there are a dozen of these cats, and Sue Estes, who lives on Pocahontas Road, says they are not hers, but she has heard from the neighbors that she feeds them. She said they have contacted the Animal Control Officer, and a few local agencies including S.A.F.E.R. She said many kittens have been found dead and someone is now putting out rat poison.

Ms. Saltus said she has lived there since 2013 and she called her neighbor and asked Sue Estes if the cats were fixed and she said yes, which was an apparent lie. She said now, five years' later, the problem is out of control. She said she has personally trapped about 10 cats and has gotten them fixed at her own expense and has adopted one of the stray cats. She said some of the other neighbors have also adopted cats.

Ms. Saltus said something needs to be done to force Ms. Estes to allow the volunteers to go on her property to trap these animals and get them fixed. She said they are concerned about the exploding population and fear more will be around before winter. She said Ms. Estes is causing a lot of work, time and expense for everyone and some of that is being borne by the town of Kittery.

Kathleen Morrow, 23 Pocahontas Road, said one of the cats showed up starving and she brought the cat to the Kittery Animal Hospital. She said that the vet tech identified the cat as Trish and she belongs to the owner (Ms. Estes) who is difficult but they did take the kittens. She said she found a few of the kittens were frozen in her yard. She said her neighbor has four cats and does not know if they have had their shots. She said she goes to Fort Foster every day and sees dead cats in the road at least once a week.

Karen Maher said she works with S.A.F.E.R. which is a trap and return organization in New Hampshire, and has been involved with the Animal Welfare Society in West Kennebunk for quite a while with this problem. She said they have offered to come in and help with this situation and are willing to take the cats, but the problem is they offer to come in but were told they cannot do it. She said that Ms. Estes claims she is not the owner. She said they are trying to stop the population growth of the cats.

Ms. Maher said to think about the number of violations that the neighbor has by not having the rabies shots for any of the cats. She said she wants to work with the Animal Control Officer but he has not called her back. She said that is why she is coming to the Town Council to ask for help.

Chairperson Lemont said that Ms. Maher mentioned the ACO not returning her phone call and asked if she works with other towns?

Ms. Maher responded yes, she works with other Animal Control Officers and they reach out to her all the time.

Chairperson Lemont asked approximately how many cats are there?

Ms. Maher replied anywhere between 12 and 15 not including the kittens. She said there is a team of us willing to help and they are willing to do this all for free.

Vice-Chairperson Denault asked if Ms. Maher could give her contact information to the Town Manager for him.

Ms. Maher said she would.

Vice-Chairperson Denault said he would like information from Ms. Saltus too because he loves animals. He said maybe they could set up a "go fund" page to help out.

Ms. Saltus thanked him but said they need help with getting on Ms. Estes' property.

Ms. Maher said they worked with that abandoned house where 12 cats lived in the house and their organization (S.A.F.E.R.) got in trouble with the Animal Control Officer because they took the cats out of state and removed the evidence, but the NHSPCA helped the cats out in the end.

Councilor Brock said he appreciated her coming forward and presenting the problem to the Council. He said he did not realize it was this bad out there and they need to respond. He said there are public health issues and animal abuse issues out there, and the owner playing "I'm the owner" "No I'm not" depending on what is convenient for her is not helpful in moving forward. He said he wanted to know what is Council's authority in this matter? He asked Chairperson Lemont and said it would be helpful to understand what they can do.

Jerry Burns of 6 Wallingford Square said he is here tonight to speak about the marijuana referendum question under "New Business." He said change is never easy and urged the Council to put this request on the ballot to follow the democratic process and see what the townspeople say. He thanked the Town Manager and thought the question, "Should the Town of Kittery allow a limited number of adult-use marijuana retail stores in the town's commercial zones?" is a fine question.

Mr. Burns said the list of follow-up questions refers to those non-facing public facilities such as product manufacturing, cultivation, processing and testing that the public would not necessarily know the facility was doing. He thought that it would simplify the matter if there was also a second question relating to

the non-facing public facilities. He said that social clubs should not be mentioned because they are public establishments that have negative connotations.

Anthony Ruggerio, 3 Zikala Lane, said he is a community cultivator and would like to volunteer his services as a consultant and his expertise because he has worked with many dispensaries in Massachusetts and caregiving facilities in Maine and would be happy to answer questions. He said there is a lot of misinformation out there and he would be able to effectively answer their concerns.

Steven Kosack said he is not a resident, but is a taxpayer and owner of Auto Works, who has served on the Economic Development Commission and the Kittery Energy Advisory Committee as well as inclusionary housing. He said he has spoken to Council before in less fortunate times and it is a relief to speak with them under more pleasant circumstances. He said he was pleased that Affinity Lighting submitted a competitive RFP for energy efficient LED street lights and that John Brannigan was the decision-maker to enable the town citizens to see significant savings.

Mr. Kosack said he would also like to compliment the new Harbor Master, John Brosnihan. He has found him on watch patrolling Pepperell Cove many evenings, when the office used to be closed. He said he is always professional and courteous.

Mr. Kosack said please accept their annual payment for the auxiliary lighting for the Memorial Bridge which enhances the beauty of Main Street that connects our two vibrant communities.

Mr. Kosack said he wanted to thank Councilor Beers for nominating Kendra Amaral as the Maine Rising Star and presented her with two daylily plants.

Councilor Beers asked if he could comment while they were waiting for the woman to approach the podium. He said he instigated what was submitted, which was unanimously voted on by Council but the proof in the pudding is Ms. Amaral was selected for that award by a Committee of her peers of the MTCMA and acknowledgement by your peers is a special achievement.

Jennifer Thayer, Martin Road, asked what sort of a notice will be put out on the proposed expansion of the Business Park?

Chairperson Lemont replied he would answer her question after everyone speaks.

Ms. Thayer said they should use snail mail and that would be preferred and the best way to communicate with the residents. She wanted to know, due to the scope of the expansion, does this stay within the town's decision or does it go to the State due to filling in the wetlands? She thanked the Town Council.

Louie Goodson of 15 Martin Road said he wanted to touch on the same subject Jen Thayer was discussing. He wanted to know, before the Board makes any decisions to change the zoning, is everything going to be taken into consideration before they change the zoning to appease a large company that wants to come in. He asked Council whether it is the best benefit for Kittery or the best benefit for the company coming in to do construction? He also wanted to know what is the impact on everything, the Police Dept. and the School Dept., before they make a decision and go down a slope we will not come out of.

Chairperson Lemont asked if anyone else wished to speak, and hearing none, he closed the public comment portion of the meeting. He said he would respond to the speakers in order of last to first.

Chairperson Lemont responded to Ms. Thayer and Mr. Goodson, the zoning before the Planning Board proposes a change from Business to Mixed Use. He said there has been a full vetting before the Planning Board and they had a public hearing. He said the Town Council will be scheduling a public hearing and he would appreciate them coming back and sharing their thoughts and comments on the change in zoning. He addressed Mr. Goodson and said he raised a few points on the impact of this zoning change and said between now and the public hearing we will get data on this.

Chairperson Lemont thanked Mr. Kosack for the gift of the daylilies to the Town Manager and are aware of the award she received. He said the Town Council hopes she is here for a long time.

Chairperson Lemont said that Mr. Kosack talked about the LED lights and he thanked him for his thoughts on that. He said he is sure this will go to the vendor who will give the town the best deal.

Chairperson Lemont also thanked Mr. Kosack for recognizing Harbor Master John Brosnihan. He said as a local lobsterman, he totally agrees with his perception of him.

Chairperson Lemont thanked Mr. Burns for his input on the marijuana non-binding referendum question and for working with the Town Manager on it.

Chairperson Lemont spoke to the gentleman who is in the cultivating business and told him to give his contact information to the Town Manager and maybe someday they may be in need of his services.

Chairperson Lemont thanked everyone who came out to speak about the issue of the cats. He heard that it is a problem and understands there is a great deal of frustration with the Animal Control Officer. He asked the Town Manager if she would do some research and come up with a solution that will help everyone. He said it is sad, and very tough thing to hear and thanked them all for speaking tonight.

Councilor Dennett asked the Chair if he could make a comment?

Chairperson Lemont responded yes, since it is his birthday.

Councilor Dennett said it is not his birthday.

Chairperson Lemont said it is the anniversary of his birth day.

Councilor Dennett said he agrees with the people who have the problem with the cats and he does not mean to be derogatory, but asked everyone to be careful. He said they spoke about feral cats, but under Maine State law, a feral cat is a cat without an owner identification of any kind that exhibits extreme fear with people. He said these cats may be stray cats that are domesticated cats who have lived in the environment for an indeterminate amount of time.

Councilor Dennett said he heard about rabies shots and cautioned that they have to be super careful about rabies shots. He said Maine law requires the owner or keeper of a cat over three months of age have a rabies vaccination, but if there is no owner or keeper, it is hard to enforce the law on a rabies vaccination. He said he would echo what Councilor Brock said and wanted to know what are our duties and responsibilities and what can the town do about it? He said he does not know, but perhaps the Chair can ask the Town Manager to do some research and we all want to help. He said by doing some research, they will all know where they are at. He said we all want to assist you but we can't do something that will get us sued.

Vice-Chairperson Denault said that Councilor Dennett made a few good points and wanted to let everyone know that he is paying attention to it. He said where there is a will, there is a way and they will figure something out.

12. UNFINISHED BUSINESS: none

13. NEW BUSINESS:

a. Donations/gifts received for Council disposition. - none

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

Chairperson Lemont asked Councilor Beers if the Town and Sewer Payables were in due form and he responded that they are.

Chairperson Lemont asked Councilor Pelletier if the School Payables were in due form and he replied that they are.

Chairperson Lemont read the following: for the Town: \$426,307.15 and \$78.00; Sewer: \$51,376.88 and School Dept.: \$87,540.15; \$24,180.89; \$90,804.63 and \$446,321.27 for a total of \$1,126,608.97.

**COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS READ, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.**

c. (080118-1) The Kittery Town Council moves to discuss and place a non-binding referendum question on the November 6, 2018 ballot to consider Marijuana operations in the Town of Kittery.

Chairperson Lemont asked for any discussion.

Councilor Beers said he instigated this question in November 2016 and it was voted nearly 2-1 in favor of recreational marijuana in the State of Maine. He said for the past two years, the Government entity has deliberated extensively and produced a body of law albeit without any remunerations to control and prohibit these things.

Councilor Beers suggested the 2016 vote was indicative of the message be considered. He said for the past two years, the Town Council took no action of any kind to enable or prohibit and the existing code does not permit such enterprises. He thought they should listen to the will of the community and be responsive to what the 2016 vote was. He recommended a non-binding referendum question be placed on the November 2018 ballot to clarify.

Councilor Beers said, personally, he appreciates what the Town Manager has done and listened carefully to what Mr. Burns had to say about non-facing public facilities. He said this is the crux, "shall the town allow adult-use marijuana retail stores in the commercial zones" and nothing more needs to be place before the voters then that.

Councilor Brock said he appreciates Mr. Burns' comments and agrees with Councilor Beers there should be a question to further clarify what this community wants, recreational marijuana. He said the State of Maine decided that marijuana is legal.

605 Councilor Brock said you can grow it at home, smoke it at home and get medical marijuana and nothing  
606 is going to change that on the ballot. He said the State had some talk about revenue-sharing, that the  
607 town would get back some of the sales tax, but the town is not going to get sales tax revenue out of this  
608 and will not get excise tax. He said there will be a small licensing fee. He said to be clear, the majority  
609 of the citizens did vote they wanted legalization.

610  
611 Councilor Brock asked should we have retail stores in the town or not? He said in the event the town  
612 says "yes" then what the other questions Mr. Burns spoke about will be part of the process. He did not  
613 think that Council should legislate on the ballot and would support a simple question such as "should  
614 the town allow adult-use retail marijuana stores?"

615  
616 Councilor Dennett said he is out of order.

617  
618 Councilor Brock apologized.

619  
620 Chairperson Lemont said it is on the agenda for discussion and maybe we can draft something.

621  
622 Councilor Brock said he appreciated his indulgence.

623  
624 Chairperson Lemont asked if they could discuss this first.

625  
626 Councilor Beers said that is his intention.

627  
628 Vice-Chairperson Denault said the only thing he can agree with, he has been on both sides of this, he  
629 was a Police Officer, his Mom died, but was prescribed medical marijuana and was bothered by it until  
630 he heard Councilor Brock speak, that we would be better off to have all the questions asked. He said  
631 Councilor Brock brought up a good point and we start with one question and move forward.

632  
633 Councilor Dennett said the agenda says "move to discuss".

634  
635 Chairperson Lemont said they are doing the discussion part before the "and".

636  
637 Councilor Dennett said he will not question the ruling of the Chair.

638  
639 Councilor Thomson said he would like to enter into the discussion and agreed with the previous  
640 speakers. He said only ask one main question or the voters will start suffering from question fatigue.  
641 He thought they ought to limit these types of non-binding questions.

642  
643 Chairperson Lemont said he would be receptive to a second question on cultivation, production and  
644 testing part of this as it could generate revenue and is not in a store front. He did not think it would be  
645 too much of a fatigue for the voters and would give the voters a chance to weigh in on both questions.

646  
647 Chairperson Lemont said he has a real problem with the non-medical marijuana as we will end up with  
648 home rule and zero revenue. He said the original question the State of Maine barely passed had  
649 revenue in it and would share with the community some of the sales and excise tax. He said he would  
650 like to see the question drafted in somewhat to indicate there is no revenue to the Town of Kittery. He  
651 said every other local business generates sales tax for the State.

652  
653 Councilor Dennett said not all businesses are subject to a sales tax.

654  
655 Vice-Chairperson Denault asked Chairperson Lemont if he had the wording for the second question.

Chairperson Lemont replied no, he does not, but the memo from the Town Manager has proposed questions and he would be interested in what they can add to that.

Vice-Chairperson Denault said he would not be opposed to that.

Town Manager Amaral said, under background, lines 3-6 notes that “as with other retail operations, all sales tax generated by adult-use retail operations go directly to the State and will not be distributed to the host municipalities” and “the new excise tax on adult-use retail marijuana operations will also go directly to the State and will not be distributed to the host municipalities.”

Chairperson Lemont said the license fee would cover the administrative costs and there are very strict guidelines regarding licenses.

Vice-Chairperson Denault asked Councilor Brock did he truncate that all in the question.

Councilor Brock said he had some question on the first question “Should the Town of Kittery allow adult-use retail marijuana stores?” but with respect to the other questions, he agrees that they are of interest, but he is not clear about the manufacturing, processing and testing and wanted to know was is that? He said if they get a “yes” on question one, then they would have time to develop an ordinance if there is noise or where to put them in the community. He said it would open the process if they get direction from the town that is what they want.

Chairperson Lemont asked if Councilor Brock would be comfortable without the voters’ opinion on manufacturing, cultivation and testing procedures?

Councilor Brock replied yes, at this point. He said then they can see where they want these subsidiary activities to be and would allow more people to be involved and get more information on what these activities would entail and what the impacts would be.

Councilor Beers thanked Councilor Brock and said he had articulated what he would like to say. He said question one would get the expression of the will of the community on the issue, which would be more than enough for this part at this point of time. He said as Councilor Brock pointed out, if they vote largely in favor, they would have to establish a process. He said there are a number of considerations related to zoning. He said he is not sure if the existing zoning prevents manufacturing or light industrial but he is in favor of Councilor Brock’s question and explanation.

Councilor Pelletier said he appreciated the discussion and Councilor Brock’s language. He said he liked the primary question better, as written in our notes. He said it outlines the limited number of licenses that would be available in the commercial zone and provides relative details for the voters because they could think that it would be possible to be in other zones. He said the question written this way adds an extra context, a limited number of licenses in commercial zones.

Vice-Chairperson Denault said that Councilor Pelletier brought up a good point, but he was leaning toward Councilor Brock’s. He wanted to know if they could have the question with circumstances above it instead of including it all in the question.

Councilor Beers said it is a valid formatting issue and, as he recalled, the explanation was first.

**COUNCILOR BEERS MOVED THAT THE KITTERY TOWN COUNCIL PLACE A NON-BINDING REFERENDUM QUESTION ON THE NOVEMBER 6, 2018 BALLOT AS FOLLOWS: “SHOULD THE**

**TOWN OF KITTERY ALLOW A LIMITED NUMBER OF ADULT-USE MARIJUANA RETAIL STORES IN THE TOWN'S COMMERCIAL ZONES?" COUNCILOR PELLETIER SECONDED THE MOTION.**

Chairperson Lemont asked if Councilor Beers could clarify if he means medical or non-medical marijuana.

Councilor Beers replied the State's technical term is non-medical adult-use marijuana and he agreed to that.

Chairperson Lemont said okay.

Councilor Pelletier said he was okay with it.

Councilor Dennett said it means nothing and, as a point of illustration the local businesses zones are commercial zones but he would like to see the addition of C1, C-2 and C-3 after "commercial zones." He said it allows for leverage and gives the town a little leeway.

Councilor Beers agreed to the addition.

Councilor Pelletier said he would not oppose Councilor Dennett on the anniversary of his birthday.

Councilor Brock said he is not wed to his language and wanted to know if the limited number is in all commercial zones in town and what does that mean? He said he did not know and it is not clear as to the context.

Councilor Beers addressed Councilor Brock and said as he understands it the key consideration is that (a) it is non-binding and (b) we will get a sense of the community and a sense of the issues will be answered as part of the process if it were favored.

Councilor Thomson said please ask the recorder to read back the motion that Councilor Beers made.

While the recorder was reviewing her notes, Town Manager Amaral said she wrote it down and read: "Should the Town of Kittery allow a limited number of non-medical, adult-use marijuana retail stores in the town's commercial zones, C-1, C-2 and C-3?"

Councilor Thomson said okay, that will be on the ballot and above that will be the explanation that Vice-Chair Denault asked about and secondly, that it would be non-binding.

Councilor Beers said Councilor Thomson missed the front part of his motion, to place a non-binding referendum question on the ballot to read.

**COUNCILOR BEERS MOVED TO AMEND HIS MOTION THAT THE KITTERY TOWN COUNCIL PLACE A NON-BINDING REFERENDUM QUESTION ON THE NOVEMBER 6, 2018 BALLOT TO READ AS FOLLOWS: "SHOULD THE TOWN OF KITTERY ALLOW A LIMITED NUMBER OF NON-MEDICAL, ADULT-USE MARIJUANA RETAIL STORES IN THE TOWN'S COMMERCIAL ZONES, C-1, C-2 AND C-3?" SECONDED BY COUNCILOR PELLETIER.**

Councilor Brock said he was confused as to what is the background information and wanted to know if they were taking what is written here in the notes?

Councilor Thomson said the background before us could be condensed to allow for fewer words but would appreciate those two statements relating to the sales tax and excise tax be in all caps and bold as written.

Councilor Brock agreed.

**ROLL CALL VOTE WAS TAKEN, WITH ALL VOTING IN FAVOR, NONE OPPOSED MOTION CARRIES.**

d. (080118-10) The Kittery Town Council moves to put in a request to Maine Dept. of Transportation to reduce the speed limit on State Road from 35 mph to 25 mph.

**VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN MANAGER WOULD WORK WITH MDOT TO REDUCE THE SPEED LIMIT ON STATE ROAD FROM 35 MPH TO 25 MPH, SECONDED BY COUNCILOR THOMSON.**

Councilor Thomson asked if the maker of the motion would agree to a little bit of a change, that the Town Manager should place a formal request initially and then work with DOT.

Vice-Chairperson Denault said he is satisfied with that and amended his motion.

**VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN MANAGER PLACE A FORMAL REQUEST INITIALLY AND THEN WORK WITH MDOT TO REDUCE THE SPEED LIMIT ON STATE ROAD FROM 35 TO 25 MPH, SECONDED BY COUNCILOR THOMSON.**

He said the person who helped put the petition through is here tonight in case any Town Councilor has questions. He said currently the road is posted at 35 mph, from Newmarch Street to Walker, and 25 mph from Navy Yard Bar & Billiard to the part of the rotary coming down into the circle by the old Police Dept. is 25 mph. He said the road is a major hub to Maine and there are a lot of pedestrians now.

Vice-Chairperson Denault said the road is heavily travelled with a lot of traffic. He said there are sidewalks up and down that road, and changing the speed limit provides added safety for bicyclists and motorists as well as pedestrians. He said by contrast, the U.S. Route 1 Bypass has four lanes and is posted at 35 mph. He said he appreciates the time it took to have the residents and business owners sign this petition to make it happen.

Councilor Thomson said to follow-up on Vice Chair Denault's fine efforts in putting this together, State Road, Route 1 is very different today from when he and Chairperson Lemont were giving the car hops at the A & W a hard time.

Councilor Thomson said Ox Point Drive to Haley Road, the distance is .9 miles and the speed limit is 25 mph. He said there are 49 road cuts on Route 1 in that distance of .9 miles. He said conversely, beginning on State Road, up the hill to the intersection with Walker and TD Bank, the distance is .9 miles where the speed limit is 35 mph, there are 60 road cuts on that .9 miles distance. He said he is not a traffic engineer, and did not play one on TV but it seems odd that the higher speed limit would be where there are more ways to enter the roadway. He said there will be five retail condos eventually at the intersection of Love Lane.

Councilor Thomson said he supports the work done by Councilor Denault and the decision by the business owners and residents on that stretch of road to want this speed limit lowered. He said our

Governor is big into local control, and through the Chair asked the Town Manager what would happen if the town changed the speed limit signs?

Town Manager Amaral replied what is happening on Haley Road now, the posted sign says one thing, but the enforceable speed limit is different. She said they are trying to fix those issues, not create more.

**A VOICE VOTE WAS TAKEN, ALL IN FAVOR, AYE 7-0, NONE OPPOSED, MOTION CARRIES.**

e. (080118-11) The Kittery Town Council moves to approve a request from Fuel & More to hang a banner across Rogers Road from October 1<sup>st</sup> through October 22<sup>nd</sup> 2018 to advertise the Foreside for Fuel.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE THE REQUEST FROM FUEL & MORE TO HANG A BANNER ACROSS ROGERS ROAD FROM OCTOBER 1ST TO OCTOBER 22<sup>ND</sup> 2018 TO ADVERTISE THE "FORESIDE FOR FUEL" SECONDED BY VICE-CHAIR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, MOTION CARRIES.**

f. (080118-12) The Kittery Town Council moves to approve a request from Keller Williams Realty to host an event to benefit "End 68 Hours of Hunger" at the Tributary Brewing Company on Sunday, October 14, 2018 from 8:00 a.m. until 5:00 p.m.

**COUNCILOR THOMSON MOVED TO APPROVE THE REQUEST FROM KELLER WILLIAMS REALTY TO HOST AN EVENT TO BENEFIT "END 68 HOURS OF HUNGER" AT THE TRIBUTARY BREWING COMPANY ON SUNDAY, OCTOBER 14<sup>TH</sup> FROM 8:00 A.M. UNTIL 5:00 P.M. SECONDED BY VICE-CHAIRPERSON DENAULT.**

Chairperson Lemont asked if there was any discussion.

Councilor Dennett wanted to know why the Town Council has to approve this request?

Chairperson Lemont replied because there is a limited number of people participating. He said there will be a one K walk at noon.

Tara Dickey said she is representing Keller Williams.

Councilor Dennett asked why do they have to do anything?

Chairperson Lemont responded he thought Council would feel more comfortable if they endorsed it.

**A VOICE VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, AYE, NONE OPPOSED, MOTION CARRIES.**

g. (080118-13) The Kittery Town Council moves to approve a request from the Kittery K-8 PTA for their eighth annual PTA Seaside 4 Miler, September 23, 2018 at Fort Foster.

**COUNCILOR THOMSON MOVED THE TOWN COUNCIL APPROVE A REQUEST FROM THE KITTERY K-8 PTA FOR THEIR EIGHTH ANNUAL PTA SEASIDE 4-MILER ON SEPTEMBER 23<sup>RD</sup> AT FORT FOSTER. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, NONE OPPOSED, MOTION CARRIES.**

h. (080118-14) The Kittery Town Council moves to approve a request from Tributary Brewing Company to hold a special event for their Fourth Anniversary on Saturday, September 8, 2018 from 12:00 until 8:00 p.m.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE A REQUEST FROM TRIBUTARY BREWING COMPANY TO HOLD A SPECIAL EVENT FOR THEIR FOURTH ANNIVERSARY ON SATURDAY, SEPT. 8<sup>TH</sup> FROM 12 NOON UNTIL 8:00 P.M. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, MOTION CARRIES.**

i. (080118-15) The Kittery Town Council moves to approve a request from Tributary Brewing Company to hold a special event for the release of Mott the Lesser on Saturday, October 13, 2018 from 12:00 noon until 8:00 p.m.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE A REQUEST FROM TRIBUTARY BREWING COMPANY TO HOLD A SPECIAL EVENT FOR THE RELEASE OF MOTT THE LESSER ON SATURDAY, OCTOBER 13, 2018 FROM 12 NOON UNTIL 8:00 P.M. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, NONE OPPOSED, MOTION CARRIES.**

j. (080118-16) The Kittery Town Council moves to re-appoint the following members to the Kittery Port Authority:

- Steve Lawrence until 12/31/2023
- Charles Patten until 12/31/2023

Chairperson Lemont said the interviews were done and the Chair of the Port Authority recommends reappointment.

**COUNCILOR BEERS MOVED THAT THE TOWN COUNCIL RE-APPOINT STEVE LAWRENCE AND CHARLES PATTEN TO THE KITTERY PORT AUTHORITY UNTIL DECEMBER 31<sup>ST</sup>, 2023. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, MOTION CARRIES.**

k. (080118-17) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Board of Assessment Review to interview William Pierce for appointment to that board as an alternate member.

**CHAIRPERSON LEMONT MOVED TO APPOINT COUNCILOR THOMSON AS COUNCIL REPRESENTATIVE TO MEET WITH THE CHAIR OF THE BOARD OF ASSESSMENT REVIEW TO INTERVIEW WILLIAM PEIRCE FOR APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER. COUNCILOR BEERS SECONDED THE MOTION AND CORRECTED THE SPELLING OF MR. PEIRCE'S LAST NAME. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**

l. (080118-18) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Board of Assessment Review to interview Bradford Connelly for appointment to that board as an alternate member.

**CHAIRPERSON LEMONT MOVED TO APPOINT COUNCILOR BEERS AS COUNCIL REPRESENTATIVE TO MEET WITH THE CHAIR OF BOARD OF ASSESSMENT REVIEW TO INTERVIEW BRADFORD CONNELLY FOR APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER.**

Councilor Dennett objected to the order and said that Councilor Pelletier has not had any successive interviews; therefore, he is not eligible on William Peirce, but it is logical that he is next available Councilor after Councilor Thomson. He said that they cannot skip Councilor Pelletier and go to Councilor Beers. He said they should be directing Councilor Pelletier to do the interview with Bradford Connelly as he is not doing successive interviews.

Councilor Beers said he liked the way Councilor Dennett said that.

Councilor Dennett said they should appoint Councilor Pelletier.

Town Manager Amaral said she discussed this with the Town Council based on Councilor Dennett's successive issue and the reason she asked to put down Councilor Beers' name is how do you know which interview will be scheduled first?

Councilor Pelletier said he may do the interview before Councilor Beers.

Chairperson Lemont asked Councilor Dennett he would like to see do the interview?

Councilor Dennett responded he would like Councilor Pelletier.

**COUNCILOR DENNETT MOVED TO APPOINT COUNCILOR PELLETIER AS COUNCIL REPRESENTATIVE TO MEET WITH THE CHAIR OF THE BOARD OF ASSESSMENT REVIEW TO INTERVIEW BRADFORD CONNELLY FOR APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, MOTION CARRIES.**

m. (080118-19) The Kittery Town Council moves to schedule a public hearing on September 10, 2018 on Title 16 – Land Use and Development to add a new mixed-use neighborhood.

**COUNCILOR THOMSON MOVED THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 24<sup>TH</sup> 2018 TO AMEND TITLE 16 – LAND USE AND DEVELOPMENT TO ADD A NEW MIXED-USE NEIGHBORHOOD. COUNCILOR BEERS SECONDED THE MOTION.**

Councilor Thomson wanted to know why the date was changed and is there an explanation, through the Chair.

Town Manager Amaral said she would like to give the Director of Planning and the Planning Board longer time to massage this issue here this evening and for appropriate notification of abutters regarding the change in zoning so they have time to send in their comments, especially with the Labor Day holiday. She said she is taking time off in September and would be more comfortable with Sept. 24<sup>th</sup>. She said the zoning change does not require abutters to be notified, it is a standard public hearing, not a process.

Councilor Thomson asked if that information could be conveyed to Ms. Thayer?

**A VOICE VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

n. (080118-20) The Kittery Town Council moves to schedule a public hearing on September 10, 2018 to amend Title 8 – Public Health and Safety.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING ON SEPTEMBER 10, 2018 TO AMEND TITLE 8 – PUBLIC HEALTH AND SAFETY, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**

o. (080118-21) The Kittery Town Council moves to approve a renewal application from Delta Amusement Inc., 182 State Road, Kittery, ME for a Malt, Vinous and Spirituous Liquor License for Navy Yard Bar + Billiard, 182 State Road.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM DELTA AMUSEMENT INC., 182 STATE ROAD, KITTERY, ME FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR NAVY YARD BAR + BILLIARD, 182 STATE ROAD. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, ONE OPPOSITION (VICE-CHAIR DENAULT) 6-1-0, MOTION CARRIES.**

p. (080118-22) The Kittery Town Council moves to approve a renewal application from The Black Birch Inc. 2 Government St., Kittery, ME for a Malt, Vinous and Spirituous Liquor License for The Black Birch, 2 Government Street.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE A RENEWAL APPLICATION FROM THE BLACK BIRCH INC., 2 GOVERNMENT ST., KITTERY, ME FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE BLACK BIRCH, 2 GOVERNMENT STREET. COUNCILOR BROCK SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, MOTION CARRIES.**

q. (080118-23) The Kittery Town Council moves to discuss adopting a policy/ordinance to the Kittery Town Code for the naming of public places/spaces in the town of Kittery.

**VICE-CHAIRPERSON DENAULT MOVED TO DISCUSS ADOPTING A POLICY/ORDINANCE TO THE TOWN CODE FOR NAMING OF PUBLIC PLACES AND SPACES IN THE TOWN OF KITTERY.**

Chairperson Lemont said they don't need a motion to discuss this.

Vice-Chairperson Denault said he will make it quick. He noted that there are no criteria or a policy regarding the naming of places. He said there should be an ordinance which allows for arbitrary naming and something gets named after someone knows the procedure to remove and report will not take full credit. He said he researched other towns and that is his recommendation.

Town Manager Amaral said she spoke with the Council to establish a procedure where an individual or an entity which has made a significant contribution to the town could be chosen. She said they should establish a procedure for fair and equal application of the ordinance. She said it is important that something be in writing before things get out of hand and should be a policy in place.

Councilor Dennett said he is not particularly in favor of this. He has enough trouble with signs for driveways and does not see any reason for this policy.

Vice-Chairperson Denault said with 9-1-1 there could be a tragedy if EMT's were not going to be able to get to a place. He said, for instance, tomorrow a business in town names something and there are no policies or procedures in place. He said the Town Manager should have something in place to bring to the Town Council for review. He said this would prevent and protect duplication if they did have some guidance.

Councilor Beers said generally speaking he agrees with Councilor Dennett. He said he does not see a place in the Town Code for an ordinance on this. He said it could be an administrative policy for consideration if someone wants to put something forward they can have at it.

Councilor Brock said he agrees with that, and, assuming it is a policy, he wanted to know if they should have the opportunity for public comment on that?

Chairperson Lemont said that should take place

Vice-Chairperson Denault asked for Council consensus on guidance.

Councilor Thomson asked if this they had a second?

**COUNCILOR THOMSON MOVED THAT ACTION ON THIS ITEM BE POSTPONED UNTIL SUCH TIME THE TOWN MANAGER WORKING WITH VICE-CHAIR DENAULT AND OTHERS OF THEIR CHOOSING COME BACK TO COUNCIL WITH A PROPOSED POLICY OR PROCEDURE ON THIS MATTER, SECONDED BY VICE-CHAIRPERSON DENAULT.**

Councilor Dennett said they cannot postpone it until it has been moved and seconded on the floor. He said he agrees with Councilor Thomson, to put it off until the Manager and others come back to Council.

Vice-Chairperson Denault said that since Councilor Dennett brought that up, he does not mind if it is passed.

Councilor Thomson said whatever moves this in the direction it needs to go is his intent.

Chairperson Lemont said he disagrees with Councilor Dennett. He said this community has a long history of naming buildings and things after their ancestors who contributed so much to this town.

#### 14. COUNCILOR ISSUES OR COMMENTS:

Councilor Brock said the Kittery Inclusionary Housing Committee is moving forward on two fronts. He said he is drafting ordinance language to go for an initial vetting to the Open Space Committee and move on to the Planning Board where we are working with Seacoast Workforce Housing Coalition in Portsmouth and will have a workshop in October.

Councilor Thomson wanted to thank the Town Manager for her efforts in working with the appropriate entities enabling the new sidewalks and crosswalks on Badgers Island to be completed.

Councilor Thomson wanted to submit photographs of Legion Pond, one is a photo of the pond and what it once looked like not very long ago when there were swans and signets swimming in the pond, and pointed out that there is a turtle on a log. He said there were kayakers and canoers on the pond but now this body of water is dead, it smells and looks like the top of Councilor Beers' binder, green. He said something needs to be done to resurrect it.

Councilor Thomson said he is always mystified by NHDOT and how they do projects. He said they have beautiful signs that say "Welcome to Kittery" and money was spent on plantings but you cannot see them anymore because the weeds are so tall.

Councilor Thomson said he was contacted that Seapoint parking was totally filled by non-residents, some parking illegally.

Councilor Thomson said that there are building maintenance issues with absentee landlords not taking care of the properties, one is the former Kittery Family Practice building, owned by York Historical Society and Johnson's Printing, which he believes is owned by Pickwicks in Portsmouth. He said they have a Property Maintenance ordinance and he does not know how it can be addressed.

Vice-Chairperson Denault said he was contacted that rescue dogs are getting loose as they are transferred to new homeowners. He said the way they do it needs to be addressed. He said if it wasn't for Jim White and his organization, Maine Lost Dog Recovery, they would not have been able to capture the last dog, Bella. He said the organization is asking for donations and people can find them on their website. He said the work they do is awesome – they set food to trap the dogs.

Vice-Chairperson Denault said Councilor Thomson brought up Legion Pond, but that Jennifer Thayer and residents of Martin Road said the Fish & Game are draining the pond. He said he will get the name of the person who is getting rid of the algae on that Pond and maybe they can get someone in town, who is an expert and can help get rid of the algae in Legion Pond.

Vice-Chairperson Denault said he would like to acknowledge the following people who have passed away: Ella Frapier, Susan Connelly, Dick Johnson, Fred Meagher, whose son served on the Kittery Police Dept., Glen Adams and Linwood Daggett of the Kittery Police Dept. He said their thoughts and prayers are with their families.

Vice-Chairperson Denault wanted to talk about the flag at the rotary circle not lowered to half mast. He said it is the most despicable thing he has heard that someone came into the Town Office to talk with the Town Manager and referred to her in a derogatory term. He said this person alluded to the Town Manager as being a "Nazi sympathizer." He said the Governor dictated today at 4:30 p.m. to lower the flags in honor of Senator John McCain. He said he will direct this to the person watching tonight – you owe an apology to the Town Manager and read the statement from Governor Lepage. He said the Town Manager does not have the authority to drop the flag, only the President and Governor does.

Chairperson Lemont said it gives him great pleasure to recognize Councilor Dennett on his birthday and also to whomever made the cake possible.

15. COMMITTEE AND OTHER REPORTS: none

16. EXECUTIVE SESSION:

(080118-24) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) (E) regarding pending or contemplated litigation.

**COUNCILOR THOMSON MOVED TO GO INTO EXECUTIVE SESSION, WITH THE TOWN MANAGER, AT 8:14 P.M., IN ACCORDANCE WITH 1 M.R.S. §405 (6) (E) REGARDING PENDING OR CONTEMPLATED LITIGATION. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

**COUNCILOR BEERS MOVED TO EXIT EXECUTIVE SESSION AT 8:29 P.M., SECONDED BY VICE-CHAIRPERSON DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

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17. ADJOURNMENT:

**COUNCILOR BEERS MOVED TO ADJOURN THE MEETING AT 8:30 P.M., SECONDED BY  
COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.**

Respectfully submitted,

Barbara Boggiano  
Recording Secretary

**Kittery Town Council  
Regular Meeting  
September 10, 2018 – 6:00 p.m.  
Council Chambers**

1. Call to order: Chairperson Lemont called the meeting to order at 6:00 p.m.

2. Introductory: Chairperson Lemont read the introductory.

3. Pledge of Allegiance: Chairperson Lemont led those present in the Pledge of Allegiance.

4. Roll call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Gary Beers, Matthew Brock, Vice-Chair Charles Denault and Chairperson Kenneth Lemont.

5. Agenda Amendment and Adoption: There were no adjustments. Chairperson Lemont cast one vote to accept the agenda as presented.

6. Town Manager's Report:

Town Manager Amaral provided an update on the stray/feral cat issue on Pocahontas Road. She said there were a number of questions raised, but the Police Dept. was able to gain permission from the property owners and have started to trap the cats. She said they are working with an organization that can trap, spay or neuter the cats and get veterinary care so they can be adopted. She said some have been adopted, but some of the cats will be returned to the site. She said the cats will be spayed or neutered, and this will help prevent growth of the population. She said that Chief O'Hallorhan has reached out to this organization as back-up support so that is the organization they are working with.

Town Manager Amaral said as part of the Capital Improvement Plan for FY'20, the Fire Pumper is scheduled for replacement. She said it is estimated at \$601,000 and takes approximately a one-year turnover. She said in order to make sure we get in line for it to be built and delivered early, and because of the cost going up with the price increase in tariffs, if we waited until Sept. to go out to bid, Chief O'Brien went out for bid this summer. She said the winning bid came in at \$557,964, saving the town money. She said she brought this up to prove that the CIP works, which was set up a number of years ago. She said she signed the notice to proceed, taking advantage of the pre-payment opportunity and will be paying a portion in this fiscal year and the remainder in the next.

Town Manager Amaral said that Councilor Thomson asked for information about Legion Pond. She said she reported last year that there were cyan bacteria on the pond and testing was not good. She said the water was tested and they found that higher levels of fecal chloroform bacteria is causing the discoloration.

Town Manager Amaral said that Jessa Kellogg identified the issue is related to geese in the pond, and what they leave behind, pet waste, and how people treat their lawns, allowing the algae to have an opportunity to bloom. She said this past Spring, they did some training programs to help people find other ways to maintain their lawns in a more user-friendly way. She said they looked at pest control and they are working with a company who will spray the water which is safe, other than for the bacteria. She said in order to bring it back to life, they are going to need to aerate the pond, but that will be costly to install. She said they are going to try this initial step first.

49 Town Manager Amaral said that at the last meeting she reported there was only one candidate for two  
50 seats on the School Committee. She said that two declared write-in candidates have come in since the  
51 deadline so there will be three candidates for two seats going forward with the election.

52  
53 Town Manager Amaral updated Council that she met with the Kittery Port Authority last Thursday to  
54 discuss the bids for the replacement of the Government Street Wharf, \$450,000 was set aside based  
55 on the June referendum voter approval. She said \$520,000 was the lowest bid and the price went up  
56 from there. She said she met with the Port Authority to talk about options and what they should do  
57 next.

58  
59 Town Manager Amaral said it was agreed that Bruce Crawford, who did most of the engineering work  
60 on the bid proposal, will speak to the lowest bidder for potential value engineering and try to reach an  
61 agreement on that. She said they will also be reaching out to the State to see if there is any funding  
62 that will help to offset the cost as well. She said delaying the project will only increase the cost, so they  
63 are trying to balance the cost with what they have to work with.

64  
65 Town Manager Amaral said upcoming dates: Kittery Port Authority Workshop is the 17<sup>th</sup> and Councilor  
66 Beers and Councilor Dennett did some review with them; Candidate Night is October 9<sup>th</sup>, changed from  
67 the 10<sup>th</sup> because the Town Council meeting was scheduled on Monday, the Columbus Day Holiday.

68  
69 Chairperson Lemont asked if there was any discussion.

70  
71 Councilor Thomson addressed the Town Manager, through the Chair that with Legion Pond, he is  
72 having a tough time accepting this argument. He said no lawns are being treated that are even  
73 remotely coming close to abutting this body of water. He said he agreed with the Town Manager geese  
74 are #1 issue, and pet waste, and so forth. He said this changed drastically about five years' ago they  
75 treated Memorial Field and there is a clear path to some wetlands at the end of the field, but you have  
76 the road and overgrown brush around that body of water. He said again, he is having a difficult time  
77 with that as the primary cause.

78  
79 Councilor Thomson said, with the Foreside pier, he has a little hesitation spending \$500,000 of the  
80 people's money for a commercial, single use. He said there has to be some civilian pleasure use, some  
81 pleasure of the public needs to be part of the design.

82  
83 Councilor Brock said he has a question for the Manager through the Chair regarding the feral cat issue.  
84 He said he appreciates the fact that Officer Hackett has gotten permission from the property owner and  
85 is working with the organization or whichever organization that is trapping the cats and having them  
86 spayed or neutered. He said it is his understanding that the owner was denying ownership of the cats.

87  
88 Councilor Brock said that the cats being returned to the wild on Pocahontas Road does not seem to be  
89 the correct remedy. He said it does not seem like a solution to him. He said the NHSPCA is a no-kill  
90 shelter as is Animal Welfare Society in Kennebunk and they should be looking for places for the cats to  
91 go to other than in the woods.

92  
93 Councilor Brock said that he saw three kittens in the road the other day and when he came back by two  
94 days later, one of the kittens was dead. He said this is a real problem and the people said it was and  
95 he thinks the town needs to go further to find a remedy for this issue.

96  
97 Vice-Chairperson Denault said, through the Chair, it was brought up there is a pond on Martin Road  
98 that has a similar problem and he was hoping that would be addressed. He said he did not see  
99 anything in the Town Manager's report regarding an article that was in the Portsmouth Herald that West

Nile Virus was found in the area of Memorial Field - whether or not you want to believe it. He said that pond is a great place for mosquitoes to breed.

Vice-Chairperson Denault said this has gone beyond general Council concerns and is becoming a health issue.

Chairperson Lemont asked if there was any more discussion from Councilors.

7. Acceptance of Previous Minutes: none

8. Interview for the Board of Appeals and Planning Board: none

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials. – none

10. PUBLIC HEARINGS:

a. (090118-1) The Kittery Town Council moves to hold a public hearing and ordains amendments to Title 8 – Public Health and Safety.

Chairperson Lemont said if anyone wishing to speak to, for or against, may do so at this time and opened the public hearing at 6:15 p.m.

Councilor Thomson said before they get to the public comment, asked if the Chairperson or the Town Manager could give a two-minute explanation of what we are trying to do here. He said it may be helpful for the public.

Chairperson Lemont asked Town Manager Amaral for her comments.

Town Manager Amaral said they need to make some minor adjustments to Title 8, which covers how they manage permits to the Resource Recovery Facility, affectionately called the dump to streamline the process. She said there is a paper process with a lot of paper storage required that is not necessary. She said also what is required for the decal is not clear.

Town Manager Amaral said some property owners' vehicles are owned by their companies and someone should have access to the dump with a decal, so in order to make sure the sticker is easier to read, they are changing the layout of the design. She said the ordinance is specific as to what is on the sticker, so they can determine if someone is in there on an expired sticker.

Town Manager Amaral said they are also addressing temporary passes, if a neighbor needs someone to help out to get her trash, as a one-time need, and they are taking a look at that. She said temporary passes are allowed in the code. She said the Dept. of Public Works and the Town Clerk are trying to clarify that language. She said it falls in line with the Town Council Goals to be more effective in our services.

Chairperson Lemont asked who gets credit for drafting this?

Town Manager Amaral responded the Town Clerk.

Norm Lemoine, One Saltwater Creek, residents since 2010. He said along with himself, other residents have grave concerns with plans for an Eliot-based Shellfish company.

Chairperson Lemont said this hearing is specific to Title 8.

Mr. Lamoine said he will be back.

Chairperson Lemont closed the public hearing at 6:20 pm.

**COUNCILOR BEERS MOVED, IN ACCORDANCE WITH TITLE 30-A, §3001, AND SEC. 2.07(3) OF THE TOWN CHARTER THAT THE TOWN COUNCIL HEREBY ORDAINS AMENDMENTS TO TITLE 8 – PUBLIC HEALTH AND SAFETY AS PRESENTED, SECONDED BY COUNCILOR THOMSON. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

# 11. DISCUSSION

## a) Discussion by members of the public

Chairperson Lemont said anyone wishing to speak may do so at this time and asked if they would please respect the three-minute timeframe.

Norm Lemoine, One Saltwater Creek Way, said the Shellfish Co. is over-commercializing the Spinney Creek operation. He said a proposal was submitted to the Dept. of Marine Resources for an experimental lease and, on the Kittery side, there will be 800 floating metal cages and over 1600 floatation devices occupying an area the size of three football fields. He said that three years from now this company will be eligible to apply for a standard commercial lease which will occupy 100 acres.

Mr. Lemoine said this will impact on the navigation recreation and safety on, which, essentially is a land-locked saltwater pond; (2) have an overwhelmingly effect on the community, including noise, odor and more power boat activity; (3) transformation of a serene, picturesque environment to a commercial body of water; (4) Destruction of scenic vistas; (5) devaluation of our homes and (6) and what is the long-term and short-term impact on the eco-system.

Mr. Lemoine wanted to know who empowered this private company to be in charge of Spinney Creek? He asked who is overseeing this project? He said this company controls the opening and closing of the tidal gate on Spinney Creek.

Mr. Lemoine said this Shellfish Company seeds the creek bed, rakes and harvests the bed and farmed the surface of the creek bed with 180 cages. He said they purchase and process shellfish from other companies. He said this will affect 50 residents of Kittery. He said that a public hearing will be held next week on the 16<sup>th</sup> at the Rice Library with the Dept. of Marine Resources.

Mr. Lemoine said he is asking Council for their representation and vocal support or any advice they can offer between now and then. He said save Spinney Creek!

Kathy Lemoine, One Saltwater Creek Way, handed photographs of what they are talking about to Chairperson Lemont, who thanked her.

Mrs. Lemoine said she would read her position, in the interest of time and asked who are the stewards of Spinney Creek? She said when they were notified that the hearing will be in Kittery, they were surprised because it is an Eliot-based company. She said they were told by the Dept. of Marine Resources that the apparatus would be installed in Kittery. She said during their search for Kittery

officials to speak with someone on the Board or Committee who would oversee the creek, they came up empty-handed. She said they have spoken to devoted and well-meaning town representatives in both Kittery and Eliot only to learn that Spinney Creek was not under their jurisdiction.

Mrs. Lemoine said they spoke with the Clam Warden, Harbor Master, the Water Dept., Great Bay Water Keeper and the Kittery Port Authority and apparently there is no town agency or board that can affect anything that goes on in Spinney Creek. She said there are two government agencies, Maine Dept. of Marine Resources and the Federal Army Corps. Of Engineers.

Mrs. Lemoine wanted to know who are the caretakers, and where is the system of checks and balances for this special body of water? She said in order for them to prepare a response to the dispute, they were given strict State statutes and regulations, i.e. how does this affect navigation, but the regulations do not consider the uniqueness of approximately 120 acres of this land-locked saltwater pond. She said there is no way in or out of Spinney Creek.

Mrs. Lemoine said there are no local, Federal or State officials who can get access to the creek to peruse the pond, the ecology of the pond or even rescue someone and adding over 2000 obstacles into the water will only increase the chances of an unthinkable accident. She wanted to know who is responsible and who is liable to allow a commercial business to intentionally or unintentionally result in harming the creek as well as the humans who live near and recreate in or on this body of water. She asked for recommendations from the Town Council on how to affect this quagmire?

Mrs. Lemoine thanked the Council for their consideration.

Judy Spiller, Rosellen Drive, said she is here in her capacity as your representative to the York River Study Committee and wanted to give an update and sort of an outline on the next steps of what they are considering. She said first, she would start with clarification. She said she was surprised to read in the Portsmouth Herald editorial of Aug. 28<sup>th</sup> or 29<sup>th</sup> that said Kittery voters were going to weigh in on the York River designation this November. She said we are not.

Ms. Spiller said there was some confusion at the August 27<sup>th</sup> Council meeting, when the Town Council moved to place the Comprehensive Plan on the ballot. She said buried in the Comp. Plan there is a section which refers to designating the York River as a wild and scenic river.

Ms. Spiller said she was at a previous Council meeting but there was a lengthy public comment and she had to be at the Select Board meeting in York so she had to leave. She said someone in the public comment mentioned the Comprehensive Plan supported the York River designation. She said one of the comments was an action item by the Town Council to place the Comp. Plan on the ballot which is different from saying the town endorsed the designation.

Ms. Spiller said following the public comment, some of the Select Board members seemed confused about the Comprehensive Plan's status. She said some public members disrupted the deliberative session. She said she read in the Portsmouth Herald they asked for clarification. She said that they would be happy to come back and attend a workshop with the Town Council in October. She said they had a public comment on the Stewardship Plan and have the final plan on their website:

[www.yorkrivermaine.org](http://www.yorkrivermaine.org)

Ms. Spiller said they agreed a year ago to designate the York River as a watershed and not just a river. She said they cannot protect the river without controlling what goes on it. She said that 10% of the river is a watershed in Kittery or 34 square miles and they have found endangered species of fish in Liddy Brook and Cutts Ridge Creek as well as artifacts from 3,000 years B.P. and the Revolutionary War.

Ms. Spiller said the river is relatively healthy and they got funding to do research on the water quality and an archeological study.

Ms. Spiller said the Board of Selectmen from the Towns of Eliot and York will be voting on the designation in the stewardship plan and, if they approve the plan and the designation, they will come back to the Kittery Town Council and the South Berwick Town Council to consider a resolution of support. She said she will ask you, as the legislative body, to issue a resolution for support. She said if they are interested to contact her and that this is a partnership to designate York River as a wild and scenic river under the U.S. National Parks Service.

Ms. Spiller said the designation requires no Federal taking of land or change in the existing land use. She said what it does is to create a four-community Stewardship Committee, two members from Kittery, four from York, two from Eliot and one from South Berwick. She said if there is any sort of change, the Stewardship Committee comes up with protection or use if necessary and it would have to go to each town's governing body for approval.

Chairperson Lemont asked Ms. Spiller if the vote is successful in November, do the other towns, Kittery and South Berwick, also have to do this?

Ms. Spiller replied that, because they are the Town Council, they should consider a resolution of support. She said when the Lamprey River was designated, the Town of Epping Board of Selectmen initially voted against it, but subsequently they voted for it.

Chairperson Lemont asked if any other members of the public wished to speak?

Paul Sickamore, 40 Meadow Lane, Eliot, said he has concerns about the aquaculture lease. He thought this project, the scope and plan of it, is really out of place with such a small body of water. He said this project is really unique and typically they do projects in larger bodies of water. He said he understands that Spinney Creek's water turnover is every month, but any mistakes will be detrimental. He said he is concerned about how out of place and larger this plan is than what folks would think.

Mike Dahwing, 44 Meadow Lane, Eliot said he has concerns about the water quality and navigating the creek. He said over Labor Day weekend, it was crowded and the applicants are placing 3 football-size fields moorings in the shallow part of the creek. He said since you can't go within 150 ft. of a mooring, it basically restricts the entire creek and navigation is massive. He said in the winter, they want to sink the cages. He said he has a major concern about safety since people ice skate on the creek and if they fall through the ice and get entangled with the cages, they will not have a way out.

Mr. Dahwing said he does not know the ecological affects which cannot be measured. He said the applicants have the ability to make it more of a tidal body but because of the gate, which they open every 4-6 weeks, they have had testing done and found high levels of E-coli and chloroform. He asked for Council's support

Robert Mercilier, 20 Bayview Lane, opposes the aquaculture lease. He said they were out there over Labor Day water skiing. He said if the applicants get the permit, it will cut the lake in half. He said they bought their home four years' ago and in the last three years the Howells have added more cages and now they want to increase the number to 800, which is way out of scale for the size of this body of water. He said he will be there on the 19<sup>th</sup> and he is asking for the Council's help or oversee what can be done.

D. Allen Kerr, 4 Colonial Road, said this is a different topic. He said he understands and appreciates the spot the town is in regarding the bus crash investigation and the confidentiality of the employee in question. He said he is not really satisfied with the findings so far. He said he does not think there is much question throughout the town, at the very least, that the employee's medical history was known at the Kittery Community Center. He said his question is, if this winds up getting to lawsuits, where the legal fees are expended by the town, would we be made aware of the amounts being spent to resolve these suits?

Mr. Kerr said since this a Navy town, he wanted to let everyone know that Saturday is Navy History Day at Albacore Park from 10:00 a.m. until 3:00 pm.

Chairperson Lemont asked if anyone else wished to speak, and seeing none, closed the public discussion segment at 6:45 p.m. He said he would address the speakers, last to first.

c) Chairperson's response to public comments:

Chairperson Lemont thanked Mr. Kerr and told him that the residents will know the amounts of the lawsuits, if it winds up that way.

Chairperson Lemont thanked Judy Spiller for her information and said they will schedule a workshop with the Town Council.

Chairperson Lemont said he heard five people speak about the Spinney Creek Shellfish expansion. He said he was contacted by a couple of the abutters in August, neither of whom are here tonight, when he was unaware of what was going on. He said he reached out to the owner of the Shellfish Company and she was more than receptive to have a public hearing in the community.

Chairperson Lemont said he was informed by one of the people that the public hearing will be on Sept. 19<sup>th</sup>. He said the DMR will be conducting a public hearing at the Rice Public Library at 6:00 p.m. and it is very important that they hear your concerns. He said they are the licensing body and are only ones who can make changes or approve this lease permit.

Chairperson Lemont said they are concerned about the taxpayers in the town. He said that the Kittery Port Authority has oversight on navigation and he will reach out to the Chair and hopefully there will be a representative at the public hearing from the Port Authority.

Councilor Brock said he appreciated hearing the range of comments made this evening, but, as the Chair indicated, they are not the decision-making body. Having said that, he heard about the regulations and Statutory factors that the Dept. of Marine Resources will be considering.

Councilor Brock said he heard navigable waters and the testing and water quality of the creek, and those factors will be looked at. He advised the residents they should take the time to match up their concerns and comments to the DMR regulations and speak to their language.

Vice-Chairperson Denault held up a photograph that Mr. Lemoine had given him and asked if this is what the creek could look like?

Mr. Lemoine replied that is a picture of Prince Edward Island and the types of cages used, which represents 80. He said and there will be ten times that and twice as many floatation devices.

Vice-Chairperson Denault said he would like to keep one and handed the other photographs back to Mr. Lemoine.

Mrs. Lemoine showed Chairperson Lemont photos on her phone and said there are 180 cages there now.

Chairperson Lemont thanked everyone for coming and sharing their concerns.

12. UNFINISHED BUSINESS: NONE

13. NEW BUSINESS:

a. Donations/gifts received for Council disposition

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

Chairperson Lemont asked Councilor Beers if the town and sewer payables were in due form and he replied yes, they were.

Chairperson Lemont asked Councilor Pelletier if the School payable was in due form and he replied yes, it is.

Chairperson Lemont read the warrants as follows: Town = \$358,027.38; Sewer - \$89,051.88; School = \$124,160.59 and \$479,507.35, for a total of \$1,050,747.20.

**COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS PRESENTED, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, NONE OPPOSED, MOTION CARRIES.**

c. (090118-02) The Kittery Town Council moves to establish an overlay amount of \$\_\_\_\_\_ resulting in a mil rate of \_\_\_\_ mils, and to charge an interest rate of 7% per annum on past due accounts and an interest rate of 3% on overpayment of property taxes, and confirms the dates of October 31, 2018, February 15, 2019 and May 31, 2019, as the due dates for property and personal property taxes. Chairperson Lemont asked the Town Manager if she would like to speak?

Town Manager Amaral replied she would give a quick overview, heading into FY '19 budget they were trying to keep the projected tax rate below the anticipated \$17.00 mill rate, and they were hovering about \$16.99. She said based on the growth, the actual projected mil rate is \$16.80 which is 19 cents less than what they were projecting for the fiscal year budget.

Paul McKenney said he is the Town Assessor, and informed Council that the local real estate value increased by 24 million dollars, up 1.47% from last year. He said the amount of property values changed to a change in the BETE laws which decreased that amount for taxability. He said the Homestead Exemption reimbursement was reduced to 85% this year, which is the Market Value to Assessed Value ratio. He said there was also an increase in the amount from 50 to 62-1/2 % that the State reimburses the town. He said the \$16.80 mil rate is 30 cents or 1.91% increase over last year.

Chairperson Lemont asked Mr. McKenney about the overlay amount and he started to reply, but then he addressed the Town Manager and asked her to comment.

Town Manager Amaral replied that they projected the overlay to be \$113,564 up from \$75,000 in order to manage a change in value issues, people seeking abatements and also to serve as an additional relief valve for the operating budget.

Town Manager Amaral said that Councilor Dennett had requested verification whether or not, with the proposed overlay, we would be below LD1. She said they are \$75,000 below our LD1 maximum.

**COUNCILOR BEERS MOVED THAT THE TOWN COUNCIL ESTABLISH AN OVERLAY AMOUNT OF \$113,564, RESULTING IN A MIL RATE OF .01680 MILS AND TO CHARGE AN INTEREST RATE OF 7% PER ANNUM ON PAST DUE ACCOUNTS AND AN INTEREST RATE OF 3% ON OVER-PAYMENT OF PROPERTY TAXES AND CONFIRMS THE DATES OF OCTOBER 31<sup>ST</sup>, 2018, FEBRUARY 15<sup>TH</sup>, 2019 AND MAY 31<sup>ST</sup>, 2019 AS THE DUE DATES FOR PROPERTY AND PERSONAL TAXES. COUNCILOR THOMSON SECONDED THE MOTION.**

Councilor Thomson said every year call budget increase comes in relatively in keeping with the CPI over the 12-month period and this is the case before us. He said they live in a bedroom community and he is comfortable with adopting this mill rate.

**ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

d. (090118-3) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden for the November 6, 2018 Municipal and State Election.

**COUNCILOR THOMSON MOVED THE APPOINTMENTS AS PRESENTED, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**

e. (090118-4) The Kittery Town Council moves to approve a request from the Traip Athletic Boosters to hang a banner in front of the Kittery Community Center from October 26<sup>th</sup> to November 11<sup>th</sup> to promote the Traip Athletic Booster Craft Fair.

**VICE-CHAIRPERSON DENAULT MOVED THE TOWN COUNCIL APPROVE A REQUEST FROM THE TRAIPT ATHLETIC BOOSTERS TO HANG A BANNER IN FRONT OF THE KITTEY COMMUNITY CENTER FROM OCTOBER 26<sup>TH</sup> TO NOVEMBER 11<sup>TH</sup> TO PROMOTE THE TRAIPT ATHLETIC BOOSTER CRAFT FAIR. COUNCILOR THOMSON SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**

#### 14. COUNCILOR ISSUES OR COMMENTS:

Vice-Chairperson Denault said he spoke with Clay McKenney whose name was mentioned as one involved with the cat issue and is quite offended by the accusation circulating around people that he captures cats. He said that Mr. McKenney brought three down to Creature Comforts and owns four cats. He said Mr. McKenney has concerns they will capture his cats. He said he wants to be very transparent that Mr. McKenney assisted in this process.

Vice-Chairperson Denault said he has been getting complaints that buses are coming back to Dineen's. He said we all know what happens since 1984 and he thought they need to start addressing this before it becomes three more months.

Councilor Brock said the Kittery Inclusionary Housing Committee is meeting with the Seacoast Workforce Housing Coalition this week and he will get more information for the next Council meeting.

Councilor Beers offered kudos to Chief David O'Brien, who drafted the original in October 2008, regarding the Purchase Order for the Fire Dept. Pumper truck. He said Chief O'Brien has been particularly diligent in his attention to details in setting aside funds in dedicated accounts that allowed the town to write a check for the pre-payment with no increase in taxes.

Councilor Thomson said it has been only two weeks and with the holiday, but wanted to know if any communication has begun from DOT regarding concerns raised by Vice-Chair Denault about the speed limit on State Road?

Town Manager Amaral responded she submitted the request to MDOT and she received a response that they are about 6-8 months out to do this speed study.

Councilor Thomson wanted to know if the Dennett Road Overpass project, which was done in Spring, is completed?

Town Manager Amaral replied she believed it is in terms of MTA repairs. She said there will be additional work that MTA will be doing as part of the High-Level bridge project.

Councilor Thomson said there is a steel beam that says Bancroft on it, which came through since 1972 and wanted to know if is going to be repainted as part of this project?

Town Manager Amaral said she didn't know but would ask DOT.

Councilor Thomson said they received correspondence from a resident on Badger's Island regarding parking issues. He said there is nothing going on at Prescott Park now, yet, he was on the road this morning and later on this afternoon and there are a lot of cars parking there. He said he is sure that the Town Manager will set up the appropriate process to move forward.

Councilor Dennett wanted to know if he heard the Chair mention during the public comments on Spinney Creek that the Kittery Port Authority has jurisdiction?

Chairperson Lemont replied yes, over navigable waters.

Councilor Dennett said someone better check it out. He said the Kittery Port Authority has authority in the Town of Kittery, but under the Federal Code, it is not navigable water. He said they it is not navigable water because it is not reachable from the ocean by continued passage. He said he wanted to make sure that if the Chair wants to get the Port Authority involved, he is on firm, legal ground.

Chairperson Lemont thanked Councilor Dennett and said he will speak with the Chair of the Kittery Port Authority.

Councilor Brock said he agreed and is not clear on what is navigable water. He asked for inclusion of the Port Authority and get their opinion on that.

Chairperson Lemont said he and Vice-Chair Denault met with the Executive Director of Fair Tide and discussed what she is trying to do with affordable workforce housing.

Chairperson Lemont said he would love to see the flagpole painted and that is one of his priorities.

503 Chairperson Lemont said that they have homework before them this evening as they will be doing the  
504 performance evaluation for the Town Manager. He asked Councilors to put some thought into  
505 completing the form.

506  
507 Councilor Dennett asked if he could respond to the Chair with his comments on affordable housing?  
508 He said the biggest problem they have is the State of Maine and ourselves. He said several years ago,  
509 the State passed M.U.B.E.C., the Maine Uniform Building & Energy Code and that has added quite a  
510 lot of money for construction. He said he read in the Portland paper Town of Gorham passed an  
511 ordinance making a sprinkler system mandatory in all new 1-2 story dwellings at an estimated cost of  
512 \$8-10,000 per house. He said when you get requirements like that, it gets more difficult to get money  
513 for affordable housing.

514  
515 Councilor Thomson wanted to know if anyone has any idea on the approximate amount of paint needed  
516 for the flagpole?

517  
518 Chairperson Lemont asked the Town Manager if she could find out.

519  
520 Councilor Beers wanted to know what flagpole are the Councilors talking about?

521  
522 Chairperson Lemont responded the one at John Paul Jones Park.

523  
524 Councilor Thomson asked, in a true bipartisan manner, how about you and I pony up for the paint and  
525 maybe the Dept. of Public Works could use the Fire Dept. equipment to get up there.

526  
527 Town Manager Amaral responded she just got a text with the information. She said the State is  
528 working on getting a vendor to paint the pole. She said she was not particularly comfortable with  
529 putting Dept. of Public Works employees on a ladder where they have not been trained. She said she  
530 cannot agree with that.

531  
532 Vice-Chairperson Denault asked if the John Paul Jones Park still under the State's jurisdiction.

533  
534 Chairperson Lemont replied exactly but try to move them. He said he likes Councilor Thomson's idea.

535  
536 15. COMMITTEE AND OTHER REPORTS: None

537  
538 16. EXECUTIVE SESSION: None

539  
540 17. ADJOURNMENT:

541  
542 **COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:10 P.M., SECONDED BY**  
543 **VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**

544  
545 Respectfully submitted,

546  
547 Barbara Boggiano  
548 Recording Secretary



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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: October 22, 2018 (Updated)  
From: Kendra Amaral, Town Manager  
Subject: Title 10 - Foreside Parking Amendments  
Council Sponsor: Chairperson Kenneth Lemont

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**EXECUTIVE SUMMARY**

The purpose of the proposed ordinance amendments is to create more variable parking options that support customer parking, Foreside employee parking, and resident parking. The proposal also identified three areas where existing parking restrictions are not reflected correctly in the ordinance. These amendments (Dame Street, Traip Avenue, and Main Street) do not change current conditions.

**BACKGROUND**

We have been meeting with the Foreside Business Group on a regular basis to identify opportunities to advance the work of the Foreside Forums and the Foreside Land Use, Parking, and Transportation Study.

An issue identified by the Business Group was the parking challenge the employees of the businesses have. The predominately 2-hour parking regulations in the Foreside require employees to move their cars multiple times per day; creating an impact on the business services and the employees.

In reviewing the parking regulations with the group, we identified a potential solution that takes a “concentric circle” approach to parking time limits for Government, Walker, and Wentworth. In general, this approach puts the shortest-term parking closest to Wallingford Square (for customers) and pushes longer term parking, 4-hours, to the outer areas of the Foreside. We are also proposing to designate one space in Wallingford Square as a 15-minute parking spot for shorter transaction needs.

The proposed changes are focused on Government, Walker, and Wentworth. We are not proposing changes to the parking on the predominately residential streets in the Foreside such as Otis, Jones, and Main, with the exception of addressing inconsistencies between existing conditions and the ordinance language.

**UPDATE**

Edits to the proposed zoning amendment have been made in response to Council feedback. The edits are highlighted in yellow and correct and/or clarify language, or address identified issues not related to the intent of this amendment proposal.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve as presented.

## **ATTACHMENTS**

- Title 10 Proposed Amendments
- Title 10 Enactment
- Map Depicting proposed parking restrictions

**KITTERY TOWN CODE TITLE 10, PROPOSED AMENDMENT –  
FORESIDE PARKING RESTRICTIONS**

**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, 36 MRS §6232 and §6271, 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 provide parking options that reflect the needs of the residents and businesses of the Foreside neighborhood; and

**WHEREAS**, the proposed amendments are designed to concentrate short-term parking at the center of the Foreside neighborhood, while allowing longer-term parking at the outer areas of the neighborhood;

**NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001, 36 MRS §6232 and §6271, 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

# Chapter 10

## 10.2 One-Way Streets; Stop Intersections and Yield Intersections Designated

- 1
- § 10.2.2.1 On public ways.
- 2
- The following intersections are designated as stop intersections and stop signs are to be so erected:

Stop Sign on	At Intersection of
Central <del>Street</del> Avenue	Wentworth Street
Dame Street	Central <del>Street</del> Avenue
Pine Street	Central <del>Street</del> Avenue

## 10.3 Stopping, Standing and Parking

- 3
- § 10.3.1 General parking regulations.
- 4
- § 10.3.1.1 Prohibited at all times.
- 5
- Parking is prohibited at all hours in the following locations, ~~except as may be permitted in § 10.3.1.4:~~

- Within 10 feet of any hydrant
- Within 10 feet of any corner
- Within 10 feet of pavement on Route 1, both sides, from Spruce Creek to the Kittery-York Town line
- Adams Drive, no parking on westerly side from the intersection of Route 1 in a southerly direction to its end and on the easterly side from the intersection with Route 1 to the driveway of 7 Adams Drive
- Bellamy Lane, both sides, from Pepperrell Road in a southerly direction for 160 feet
- Bowen Road, northwest side from Route 103 to its intersection with Old Ferry Lane

Bowen Road, southeast side, from its intersection with Old Ferry Lane to its southern terminus

Bridge Street, northerly side, excepting that the first 300 feet from Old Post Road — the first 150 feet, no time limit; the second 150 feet, one-hour time limit

Bridge Street, southerly side

Chauncey Creek Road on the north side, beginning 433 feet from the intersection of Gerrish Island Lane and continuing in a westerly direction for a distance of 812 feet

Chauncey Creek Road on the north side, beginning at the intersection of Tenney Hill Road, and continuing in an easterly direction 362 feet

Chauncey Creek Road on the south side, beginning at the intersection of Pepperrell Road and Tenney Hill Road, and continuing in an easterly direction for 1,920 feet excepting any parking off the public way

Commercial Street, on the west side, beginning at the intersection of Government Street and continuing southerly to the intersection of Water Street

[Dame Street, east side, from its intersection with Walker Street to its intersection with Central Avenue](#)

The cul-de-sac at the end of Dion Avenue

Fernald Road, north and south side, beginning at the intersection of Route 236 in a westerly direction for 690 feet

Fort Foster, paved road, both sides, from gate house to pier, a distance of 2,500 feet

Government Street, south side, from State Road to Commercial Street

Hunter Avenue beginning at Water Street and continuing northerly to the intersection of Government Street

Jones Avenue, both sides, from Government Street to Walker Street

Love Lane, east side, beginning at its point of intersection with Government Street, north 150 feet

Love Lane, east side, between its point of intersection with Government Street to the end of the property of the Wentworth-Dennett School

[Main Street, east side, from its intersection with Government Street to its intersection with Walker Street](#)

Manson Road, from the intersection with Stevenson Road in a northerly direction 500 feet, and in a southerly direction for 300 feet

Old Post Road, on the northerly side, from Bridge Street to Cook Street

Old Post Road, on the southerly side, from Bridge Street to Cook Street, with the exception of 200 feet from Bridge Street, which is to be one-hour automobile only parking

Old Post Road on both sides, from Dennett Road to Paul Street

Oxpoint Drive, both sides, from the intersection of Adams Drive in an easterly direction to the driveway of 2 Oxpoint Drive

Pleasant Street, on the west side, beginning at the intersection of Water Street and continuing northerly to the intersection of Government Street

Ranger Drive, the west and east side in a northerly direction from the intersection at Gorges Road to the end of Ranger Drive, including the cul-de-sac

Rogers Road on both sides, beginning at its point of intersection with Shapleigh Road (Route 236) to the point where Rogers Road intersects with Wentworth Street (Route 103)

Seapoint Road, north side, from the New England Telephone pole number 4 in a westerly direction for 2,298 feet

Seapoint Road, south side, from the New England Telephone pole number 4 in a westerly direction for 250 feet

Seapoint Road, western end of the designated parking area along Seapoint Road, a distance of 220 feet in a westerly direction

Stevenson Road, from the intersection of Manson Road on the southerly side in a westerly direction for a distance of 1,155 feet

Stevenson Road, from the intersection of Manson Road in a westerly direction for a distance of 1,275 feet

Stevenson Road, from the intersection with Manson Road on the northerly side in a westerly direction for a distance of 106 feet

Stevenson Road, from the main (middle) entrance driveway on the northerly side in a westerly direction for a distance of 147 feet to the westerly entrance driveway

Stevenson Road at a point where the Town of Kittery property, Map 29, Lot 24, intersects with Map 29, Lot 23, westerly direction for a distance of one-tenth of a mile

Stoddard Street to the Naval Shipyard

Tilton Avenue, northwest side, from Whipple Road, a distance of 35 feet

Tilton Avenue, southeast side

Traip Avenue, ~~north and westerly side~~ both sides, ~~a distance of 420 feet from its~~ from its southerly intersection with Wentworth Street to its northerly intersection with Wentworth Street

Walker Street, south side, from U.S. Highway No. 1 easterly 314 feet, and north side, from U.S. Highway No. 1 easterly 460 feet ~~from U.S. Highway No. 1~~

Walker Street, north side, west of Wentworth Street, from the northeast corner of Wentworth/Walker Street intersection to a point 55 feet westerly

Walker Street, south side, west of Wentworth Street, from the southwest corner of the Wentworth/Walker Street intersection to a point 57 feet westerly

Water Street, on the south side from the intersection of Commercial Street easterly for a distance of 185 feet

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

Wentworth Street, north side, east of Walker Street, from the northeast corner of the Wentworth/Walker Street intersection to a point 90 feet east

Whipple Road, north side, beginning at its point of intersection with Rogers Road, easterly to its point of intersection with Shapleigh Road

Whipple Road, north side, from Keene Circle to Philbrick Road

Williams Avenue, both sides, starting at the exit of Traip Academy's parking lot and continuing in an ~~easterly~~ southerly direction, ending at the beginning of 24 Williams Avenue

- 6 § 10.3.1.2 **Prohibited from 7:00 a.m. to 4:00 p.m., Monday through Friday.**  
7 Parking is prohibited from 7:00 a.m. to 4:00 p.m. on the ~~south-west~~ side of Williams Avenue  
8 commencing at starting at the exit of Traip Academy's parking lot, and continuing in a northerly direction,  
9 ending at its intersection with Whipple Road. ~~property known as R.W. Traip Academy.~~
- 10 10.3.1.3 Fifteen (15) minute parking from 7:00 a.m. to 6:00 p.m.
- 11 One parking space, identified by a Town of Kittery parking sign, in front of 7 Wallingford Square ~~on the~~  
12 north side will be designated for fifteen- (15) minute parking from 7:00 a.m. to 6:00 p.m. (unrestricted  
13 parking is permitted on Sunday sand holidays).
- 14 § 10.3.1.3-4 **One-hour parking from 7:00 a.m. to 6:00 p.m.**  
15 One-hour parking is permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted on Sundays  
16 and holidays), in the following locations except as may be prohibited in 10.3.1.1:

Central ~~Street~~ Avenue

Cross Street

Friend Street

Jones Avenue

Love Lane

Main Street

Newmarch Street

Otis Avenue

Pine Street

Prince Avenue

Rice Avenue

Stimson Street

Trefethen Avenue

Williams Avenue

Woodlawn Avenue

Manson Avenue from Rogers Road to Boush Street

Old Post Road, both sides, for a distance of 450 feet northeasterly towards Memorial Field from its intersection with Dennett Road

Philbrick Road from Whipple Road to Cross Street

Rogers Road from the junction of Rogers Road and Whipple Road to Orchard Grove Cemetery

~~Traip Avenue, both sides, for its entire length~~

~~Wentworth Street, west side, from Walker Street to parcel 9-38, and east side from south end of Traip Avenue to parcel 9-25~~

~~Whipple Road from the junction of Woodlawn Avenue and Whipple Road to Tilton Avenue (is this correct?)~~

17 § 10.3.1.4-5 **Four-hour maximum parking.**

18 A. Four- (4-) hour parking is permitted from 7:00 a.m. to 6:00 p.m. (unrestricted parking is permitted  
19 Sundays and holidays) in the following locations except as may be prohibited in 10.3.1.1:

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

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

24 B. Allowed between signs in the following locations during school hours and public events:

Stevenson Road at a point 100 feet from the intersection with Manson Road on the southerly side in a westerly direction for a distance of 550 feet

Stevenson Road, from a point 106 feet from the intersection with Manson Road on the northerly side in a westerly direction for a distance of 122 feet to the main (middle) school entrance

Stevenson Road, from the westerly school entrance driveway on the northerly side in a westerly direction for a distance of 250 feet

25 § 10.3.1.5-6 **Time period restrictions.**

26 A. It is unlawful to leave a motor vehicle parked, standing, or unattended on any public way in the  
27 Town:

28 (1) November 1 to April 15, inclusive:

29 (a) Between the hours of 12:00 midnight and 6:00 a.m.;

30 (b) More than four hours between 6:00 a.m. and 12:00 midnight.

31 (2) April 16 to October 31, inclusive:

32 (a) More than four hours between 6:00 a.m. and 6:00 p.m., Monday through Friday.

33 B. The Town Manager is authorized to declare a total parking ban on any or all public ways in the  
34 Town for the purpose of snowplowing or snow removal operations.

35 C. Parking is prohibited from 5:00 a.m. to 7:00 a.m. and from 5:00 p.m. to 7:00 p.m. on the north side  
36 of Pepperrell Road starting at Smith Lane and running east for 60 feet.

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

39 (1) Government Street, south side, from Hunter Avenue to Wallingford Square and north side across  
40 from Knight Avenue to Wallingford Square;

41 (2) Wallingford Square, both sides, including the town wharf and its approaches;

42 (3) Walker Street, south side, beginning 57 feet west of Wentworth Street, in a westerly direction ~~for a~~

~~distance of 1,440 feet~~ to its intersection with Otis Avenue;

(4) Walker Street, north side, beginning 55 feet west of Wentworth Street, in a westerly direction ~~for a distance of 1,310 feet~~ to its intersection with Otis Avenue.

(5) Wentworth Street, west side, from its intersection with Walker Street to its intersection with Central Avenue

E. The Town's parking lot located on the east side of Moore Street is restricted to permit holders and their guests only. Permit holders are limited to residents of Moore Street who do not have off-street parking available. Parking permits may be obtained from the police department. The owner or operator of any vehicle found in violation of this section will be summonsed and the vehicle will be towed at the owner's expense as provided in this chapter.

F. Parking in the Municipal Parking Lot located in Wallingford Square at the corner of Walker Street is restricted to a maximum of two consecutive hours from 7:00 a.m. to 6:00 p.m. and three consecutive hours from 6:00 p.m. to 7:00 a.m. Parking is not permitted between the hours of midnight and 6:00 a.m. from November 1 through April 15, inclusive.

G. Seapoint and Crescent Beach: South side of Seapoint Road starting 250 feet from New England Telephone pole number 4 in a westerly direction for 825 feet, parking is restricted to vehicles displaying a valid solid waste sticker or quest permit only. One parking space will be designated as a handicap space. The Municipal Office issues solid waste stickers for town residents and nonresident property taxpayers and active military personnel stationed at the Portsmouth Naval Shipyard and residing in military housing. There is no cost for the initial sticker.

(1) From New England Telephone pole number 81 in a westerly direction for 135 feet. Parking must be off the paved road surface.

(2) Parking must be off the paved road surface.

(3) The beach parking lot and parking areas on the south side of Seapoint Road are closed each day from 11:00 p.m. to 3:00 a.m.

#### § 10.3.2 **Parking within lines.**

Failure to park within prescribed lines as laid out on any street is a violation of the parking rules.

#### § 10.3.3 **Parking on sidewalks.**

Parking vehicles of any kind on sidewalks anywhere in Town is prohibited.

#### § 10.3.4 **Blocking driveways.**

It is unlawful for any person to park, leave standing or unattended any vehicle on the public ways of the Town, in such manner so as to block any driveway, public or private, as to prevent egress or entrance to such driveway.

#### § 10.3.5 **Handicapped Reservation at 33 Government Street.**

The two marked parking spaces in front of No. 33 Government Street on the south side are designated handicapped parking spaces on Sunday from 8:00 a.m. to 12:00 noon.

#### § 10.3.6 **Parking in handicapped spaces.**

Parking in a marked handicapped space is prohibited unless the vehicle is displaying a handicapped

81 sticker or handicapped license plate(s). The owner or operator of any vehicle found in violation of this  
82 section may be summonsed and the vehicle towed at the owner's expense.

83 **§ 10.3.7 Parking in fire lanes.**

84 Parking is prohibited at all times in designated fire lanes. The owner or operator of any unauthorized  
85 vehicle found parked in a fire lane will be summonsed and the vehicle towed at the owner's expense.

86 **§ 10.3.8 General penalties.**

87 A. Penalties for violations of any of the following parking regulations are as follows:

88 (1) Overtime parking: \$35.

89 (2) Parked on crosswalk: \$50.

90 (3) Parked less than 10 feet from corner: \$50.

91 (4) Parked on sidewalk: \$50.

92 (5) Parked within 10 feet of hydrant: \$50.

93 (6) Blocking driveway: \$35.

94 (7) Violation of parking ban: \$35.

95 (8) Other Title 10 violations: \$35.

96 (9) Parking in a fire lane: \$100.

97 (10) Handicapped parking violation: \$250.

98 (11) Failure to display dump sticker or permit at Seapoint Beach: \$50.

99 B. For any violations, penalty fees must be paid within 30 days. After 30 days unpaid violation penalty  
100 fees doubles. Any violator who does not pay the required penalty fee within 45 days may be issued a  
101 summons to appear and answer in the York District Court for failure to pay such penalty.

102 **§ 10.3.9 Parking on Bellamy Lane; violations and penalties.**

103 **§ 10.3.9.1 Prohibition.**

104 It is unlawful for any person having custody or control of any vehicle to park such vehicle upon Bellamy  
105 Lane between April 1 to October 15, provided, however, that this section does not pertain to vehicles  
106 while engaged in the loading or unloading of freight.

107 **§ 10.3.9.2 Penalty.**

108 Any person found in violation of this section will be fined not more than \$20 for each offense.

109 **§ 10.3.10 Parking on Frisbee's Wharf; violations and penalties.**

110 **§ 10.3.10.1 Prohibition.**

111 Except as otherwise provided in § 10.3.10.4, it is unlawful for any person having custody or control of  
112 any vehicle who is not a resident or real estate taxpayer of the Town to park any such vehicle upon the  
113 Town wharf or pier known as Frisbee's Wharf or Pier in Kittery Point in any parking space not so  
114 designated for one-hour nonresident parking. Such nonresident parking spaces are to be clearly marked

115 and located along the southwesterly portion of such wharf. Parking by nonresidents in such spaces is  
116 limited at any one time to one-hour parking.

117 § 10.3.10.2 **Parking reservation.**

118 Parking for residents or real estate taxpayers of the Town on so-called Frisbee's Wharf or Pier is in those  
119 spaces specifically designated for residents parking along the northwesterly sideline of the wharf and  
120 along the northeasterly portion thereof and only for those vehicles displaying a current Town transfer  
121 sticker issued by the Town hall and affixed to the vehicle in a manner prescribed by the Town Manager.  
122 Residents or real estate property taxpayers of the Town may also park their vehicles in the area designated  
123 in § 10.3.10.1 of this section, subject to the one-hour limitation.

124 § 10.3.10.3 **Time period restriction.**

125 It is unlawful for any person having custody or control of any vehicle to park any such vehicle upon the  
126 Town wharf known as Frisbee's Wharf in Kittery Point between the hours of 2:00 a.m. and 4:00 a.m.

127 § 10.3.10.4 **Open parking spaces.**

128 Parking spaces as so designated along the westerly side of the Town wharf or pier known as Frisbee's  
129 Wharf or Pier in Kittery Point presently comprising approximately 12 parking spaces are available for  
130 parking to Kittery residents and nonresidents alike.

131 § 10.3.10.5 **Penalty.**

132 Any person found in violation of this section will be fined not more than \$20 for each offense. In  
133 addition, any vehicle or motor vehicles in violation of this section is to be towed away at the expense of  
134 the owner as provided in Subsection B of § 10.3.8.

135 § 10.3.11 **Towing.**

136 § 10.3.11.1 **Authority.**

137 Any vehicle or motor vehicle in violation of §§ 9.1.1, 10.3.1, 10.3.2, 10.3.3, 10.3.5, and 29 M.R.S.  
138 § 1111, and any person who is arrested and has a vehicle on a public way at the time of arrest, or any  
139 vehicle that is subject to impoundment by the Police Department, may be towed by the Police Department  
140 at the expense of the owner as provided herein.

141 § 10.3.11.2 **Tower requirements.**

142 Owners of towing vehicles used by the Town for the purpose of removing illegally parked cars under the  
143 terms of this section must show proof of liability insurance, have storage capability, and be approved by  
144 the Chief of Police.

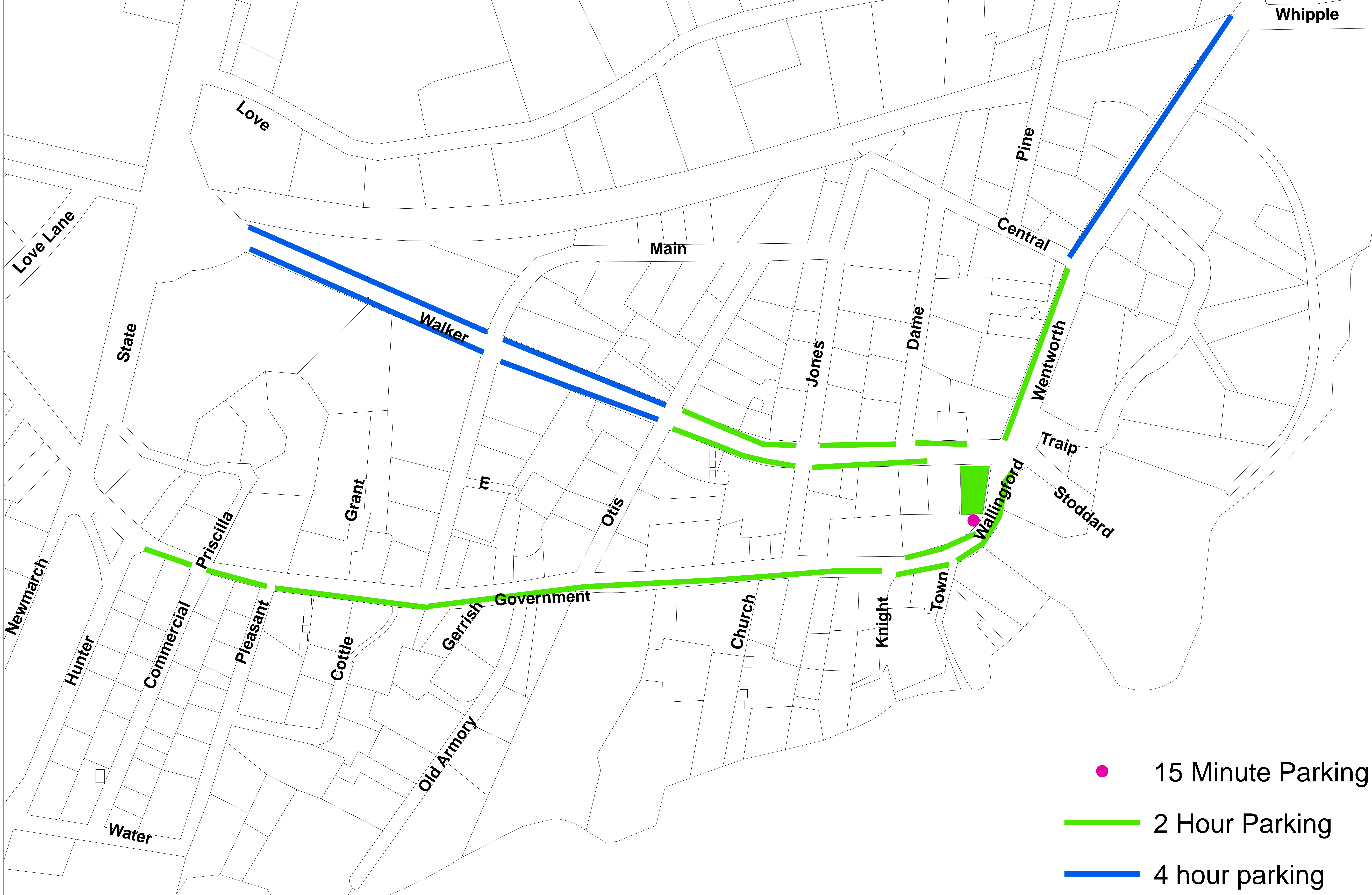
145 § 10.3.11.3 **Tow charges.**

146 Any owner of towing vehicles approved for the removal of vehicles illegally parked under the terms of  
147 this section is subject to the following towing rates:

- 148 A. A flat rate as set out in Appendix A for any towing between the hours of 7:00 a.m. and 5:00 p.m.,  
149 Monday through Friday;
- 150 B. A flat rate as set out in Appendix A at all other times;
- 151 C. An additional charge as set out in Appendix A if a dolly has to be used;
- 152 D. A maximum charge as set out in Appendix A for any dry run where a vehicle is not towed;
- 153 E. Motorcycle: extra charge as set out in Appendix A;

- 154 F. No fee may be charged to the owner of the vehicle for the first 24 hours of storage unless the vehicle  
155 has been towed due to snow removal;
- 156 G. An additional charge as set out in Appendix A for any unusual circumstances.

# Foreside On-Street Parking



HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

# OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



10411412-5

RE: KITTERY MAINE IMPROVEMENT FOUN

DATE: 10/16/2018

52-0133  
112

PAY TO THE  
ORDER OF \*\*Town Of Kittery\*\*  
One Hundred Thirty AND 30/100

\$130.30



DRAWER: TD BANK, N.A.

*[Handwritten Signature]*  
AUTHORIZED SIGNATURE



100 Shepard's Cove Rd.  
H 102  
Kittery, ME 03904  
October 10, 2018

Ms. Kendra Amaral,  
Town Manager  
Town of Kittery, Maine  
200 Rogers Rd.  
Kittery, ME, 03904

Dear Ms. Amaral:

This is to tender my resignation from the Kittery Conservation Commission as of November 15, 2018.

I am leaving Kittery after twenty five years as a resident and more than twenty years serving on either the Conservation Commission or the Board of Appeals. I feel very grateful for having had the opportunity to serve with so many fine friends and associates over the years.

Sincerely,

A handwritten signature in black ink, appearing to read "Herbert Kingsbury", written in a cursive style.

Herbert Kingsbury

Copy to:  
Earldean Wells, Chair  
Kittery Conservation Commission

## Nicole Maurice

---

**From:** Kendra Amaral  
**Sent:** Tuesday, October 16, 2018 6:17 PM  
**To:** Nicole Maurice  
**Subject:** FW:

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

---

**From:** DOT DYER <dotdyr@yahoo.com>  
**Sent:** Monday, October 1, 2018 2:07 PM  
**To:** Jeremy Paul <jpaul@kitteryrecreation.com>; Kendra Amaral <KAmaral@kitteryme.org>; Kristi Mathieson <kristimathieson@gmail.com>; David & Jean Lincoln <dlincoln307@comcast.net>; Mike Downs <downs003@comcast.net>; Eric Lemont <elemont@comcast.net>; Mark Schremmer <mschrem@comcast.net>; Maureen Convery <maureenconvery1@yahoo.com>; Steven Workman <workmanconsult@comcast.net>; Barbara MacLeod <barbmacleod@comcast.net>; Kent Stephens <kpprojex@bitstream.net>; Jeffrey Pelletier-Personal <braveboat@comcast.net>  
**Subject:**

Hello everyone,

I apologize for my lack of participation these last few months. Between my kids getting older / busier and my new job that occupies most of my evenings, I am finding it hard to make time for volunteering. At this time I don't think it is fair to the Board or to my family for me to continue serving on the board. I will try to help recruit someone to replace me. I am still very much committed to the success of the KCC and will continue to support it anyway that I can. Please do not hesitate to ask if you ever need volunteers. If I can I will!

Thanks you all,  
Dot



# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED  
OCT 19 2018  
BY: ME 9:12

### APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: BRIAN KILROY (B. JOSEPH KILROY)  
RESIDENCE: 100 SHEPARD'S COVE RD. H204  
MAILING (if different) KITTERY ME 03904  
E-MAIL ADDRESS: theregemcat@gmail.com PHONE #: (Home) 207 210 0786 (Work) \_\_\_\_\_

#### **Please check your choices:**

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Appeals                          | <input type="checkbox"/> Board of Assessment Review                            |
| <input type="checkbox"/> Conservation Commission                   | <input type="checkbox"/> Mary Safford Wildes Trust                             |
| <input type="checkbox"/> Comprehensive Plan Update Committee       | <input type="checkbox"/> Shellfish Conservation Committee                      |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input type="checkbox"/> Economic Development Committee                        |
| <input type="checkbox"/> Parks Commission                          | <input type="checkbox"/> Open Space Committee                                  |
| <input type="checkbox"/> Port Authority                            | <input type="checkbox"/> Planning Board  |
| <input type="checkbox"/> Personnel Board                           | <input checked="" type="checkbox"/> Other <u>Kittery Community Center BOD.</u> |

EDUCATION/TRAINING: KITTERY COMMUNITY CENTER  
RELATED EXPERIENCE (Including other Boards and Commissions) \_\_\_\_\_

HOLY MARTYRS CHURCH PARISH COUNCIL (FAIRMOUNT, ME)  
HAMPDEN COMMUNITY POOL BOARD OF TRUSTEES (HAMPDEN, ME)

PRESENT EMPLOYMENT: RETIRED  
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST: NONE

REASON FOR APPLICATION TO THIS BOARD: \_\_\_\_\_  
I HAVE ☐ HAVE NOT ☒ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

B. Joseph Kilroy  
SIGNATURE OF APPLICANT

10/6/18  
DATE

MAINE CHILDRENS TRUST FUND BOARD OF TRUSTEE (STATE OF MAINE)  
PRIVATE INDUSTRY COUNCIL (TRAINING & DEVELOPMENT CORP.)  
FOR PENOBSCOT, PISCATAQUIS, HANCOCK COUNTIES (MAINE)  
RETIRED DIRECTOR OF COLLECTIVE BARGAINING & RESEARCH  
FOR MAINE EDUCATION ASSOCIATION

## 2<sup>nd</sup> REPORT to the KITTERY TOWN COUNCIL – CEMETERIES – PERPETUAL CARE

1   **Responsible Individual:** Beers

**Date:** Oct 22, 2018

2   **Subject:** Kittery Cemetery Status & Care Obligations

### 3   **Executive Summary:**

4   Dr. John E. Frost produced his book in 1957 (updated in 1978) identifying 136 Kittery burial sites. The  
5   Historical & Naval Museum produced a pamphlet and map listing the plot identification (principle family  
6   name) in 1994. From their original sources the information has been updated/compiled.

- 7       • An additional four sites were discovered during this search and the 140 sites are displayed in a  
8       composite listing, "Cemetery Plots", (*encl 1*)
- 9       • The parcel at 30 Badgers Island West (Map 1-34) is shown in the Town's Vision tax assessment  
10      database as owned by the Inhabitants of Kittery. A few others are located in places (e.g. ROW)  
11      that are held by the Town.
- 12      • The "Master Grave Site List" (*available, not included with this report*) contains all the individual  
13      detail found for every identified burial found for all 140 sites.

14   Town hand-written accounting records reflect **Perpetual Care Funds** established for 196 sites (most are  
15   individuals; some are multiple; most private plots connected have multiple graves).

16   Of those, 92 are located in the graveyard adjacent to First Baptist (now Bethany) Church; 18 in that  
17   adjacent to First Christian (aka Chapel); 4 in the First Congregational Old Burying Yard; 20 in Highland  
18   (Lewin-Griffin Trust); 41 in Orchard Grove; and, 21 are private plots.

19   Kittery Public Works has seen to the maintenance of 22 cemeteries (*encl 2-1*) (including 12 sites without  
20   Perpetual Care Funds); and, not for 10 which do have such (*December 2010 map - encl 2-2*). Sites 23, 24  
21   & 25 on the that map (First Christian, Orchard Grove & 1<sup>st</sup> Congregational), are not supported.

22   The Other Fund Perpetual Care Accounts Special Revenue 615 and Permanent Fund 521 were combined  
23   in 2011 and expenses for Perpetual Care since then charged to that vs the DPW operating budget,  
24   exhausting the funds. Orchard Grove, Highland & 1<sup>st</sup> Cong have funds held with no apparent  
25   contributions/care by the Town since at least the late 90s.

26   Municipal responsibilities are found in MRS Title 13, Corporations, §1101. Maintenance and  
27   repairs; municipality:

- 28       • Ancient burying grounds. In any ancient burying ground, as referenced in Title 30-A, section  
29       5723, **the municipality in which that burying ground is located shall keep in good condition all**  
30       **graves, headstones, monuments and markers and, to the best of its ability** given the location  
31       and accessibility of the ancient burying ground, shall keep the grass, weeds and brush suitably  
32       cut and trimmed on those graves from May 1st to September 30th of each year. A municipality  
33       may designate a caretaker to whom it delegates for a specified period of time the municipality's  
34       responsibilities regarding an ancient burying ground.

35   Municipalities may "abandon" cemeteries as shown in 30-A MRS, Municipalities and Counties:  
36   §3107. Abandoned cemeteries

- Abandoned cemetery. For purposes of this section, "abandoned cemetery" means a cemetery in which no burial has been made in the previous 40 years and the lots or grave sites of which have not been maintained within the previous 10 years, except for maintenance rendered by the municipality in which the cemetery is located.

I had originally thought to offer recommendations to Council to establish disposition/reconciliation as to how the Town should fulfill its responsibilities, however the magnitude and complexities (perpetual care legal obligations; impact to budget; graves on private property; etc.) seem to warrant a more thorough examination.

**RECOMMENDATION:** Agenda item for Council to discuss and provide consensus direction to Town Manager to bring forth a complete study and recommendations.

I do suggest consideration be given to creating an "Adopt A Cemetery" program in the same manner as that for roads.

**Enclosures**

## 2<sup>nd</sup> REPORT to the KITTERY TOWN COUNCIL – CEMETERIES – PERPETUAL CARE

51 **Facts Bearing on the Equation:** *(available, not included with this report)*

52 See RTC: Kittery Cemetery Status & Care Obligations, March 20, 2018

53 **Record Sources:**

54 John E. Frost, Kittery Records, 1957 (2nd Edition, 1978)

55 Kittery Record Inscriptions – Maine Old Cemetery Association (MOCA) (Dr. Hilda E. Fife, 1968)

56 Kittery Cemeteries, Historical & Naval Museum (H&NM), First Edition, 1994, Glenn B. Skillin

57 Town of Kittery - Handwritten Fund Accounting Records – beginning on 05/27/68

58 Other Data – Letters & Notes found in Town Files

59 **Internet:**

60 Find A Grave – Online – 95 Kittery Cemeteries:

61 • [https://www.findagrave.com/cemetery/search?locationId=city\\_69341&page=3#cem-90338](https://www.findagrave.com/cemetery/search?locationId=city_69341&page=3#cem-90338)

62 Dana Rae Pelletier website – Kittery Point Cemeteries:

63 • <http://danaraepelletier.tripod.com/KitteryKitterypointcemeteri.html>

64 Digital Maine Repository – Archives:

65 • [http://digitalmaine.com/arc\\_img/](http://digitalmaine.com/arc_img/)

66 Maine Resource Guide, Kittery - Online:

67 • [http://www.maineancestry.net/individual\\_place\\_record.asp?place=kittery](http://www.maineancestry.net/individual_place_record.asp?place=kittery)

68 LDSA FamilySearch.org:

69 • <https://www.familysearch.org/search>

70 Maine Vital Records:

71 • <https://www.maine.gov/sos/arc/research/vitalrec.html>

72 Family Search Historical Records Nathan Hale Cemetery Collection

73 • [https://www.familysearch.org/wiki/en/Maine,\\_Nathan\\_Hale\\_Cemetery\\_Collection](https://www.familysearch.org/wiki/en/Maine,_Nathan_Hale_Cemetery_Collection)

74 ME Sons of the American Revolution:

75 • <https://www.messar.org/ancestors.html>

76 Spanish American War Veterans Buried in Maine:

77 • <http://www.spanamwar.com/Mainegraves.html>

78 Historical & Naval Museum (H&NM) – Veteran Monument Listings:

79 • <http://www.kitterymuseum.com/m-town/index.htm>

80 **Stakeholders:**

81 Orchard Grove - Ken Lemont - 752-1933 – [klemont@comcast.net](mailto:klemont@comcast.net)

82 Highland - Lewin-Griffin Trust - 479 Richards Ave, Portsmouth 03801

83 1st Congregational - Melvin Stobbs - 439-0650 - [melvinstob@aol.com](mailto:melvinstob@aol.com)

84 1st Christian/1st Baptist - Clarkson - Moore Cemetery Association - Henry Martin - 439-1761 -

85 [hmartin439@gmail.com](mailto:hmartin439@gmail.com) / (Bethany – Deb Myers – 508-345-4417 - [dmyers@bethanychurch.com](mailto:dmyers@bethanychurch.com))

86 VFW –Alan Carter - 363-3215 - [kty9394vfw@hotmail.com](mailto:kty9394vfw@hotmail.com)

87 H&NM - Bob Gray - 439-3080 - 337-4689 – [docbob1@comcast.net](mailto:docbob1@comcast.net)

**Background 1 - Historical Data:**

Dr. John E. Frost produced his book in 1957 (updated in 1978) identifying 136 Kittery burial sites. The Historical & Naval Museum produced a pamphlet and map listing the plot identification (principle family name).

*Note: The list has 23 sites not shown on the map and the map has some unnumbered site spots.*

*Some of the location information references residents then occupying the property / near property.*

- An additional four sites were discovered during this search and the 140 sites are displayed in a composite listing, "Cemetery Plots".
- The numbers correspond to the H&NM Map
- From their original sources (Frost/H&NM/MOCA) the information has been updated/compiled from a number of sources to more precisely identify the location, names, and some additional related information.
- Where it was able to be identified in Kittery's Woodard-Curran GIS, the map and block number is shown. If not gravesite specific (e.g. 18-CEM) the surrounding or nearest proximity property is listed.
- That Kittery owns no cemeteries is found to be incorrect. The parcel at 30 Badgers Island West (Map 1-34) is shown in the Town's Vision tax assessment database as owned by the Inhabitants of Kittery. A few others are located in places (e.g. ROW) that are held by the Town.
- The "Master Grave Site List" (*available, not included with this report*) contains all the individual detail found for every identified burial found for all 140 sites.

So much of Maine Revised Statutes (MRS) Title 13, Corporations:

**ARTICLE 2: DUTIES OF TOWN OR COUNTY**

**§1101. Maintenance and repairs; municipality**

1. Ancient burying grounds. In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located shall keep in good condition all graves, headstones, monuments and markers and, to the best of its ability given the location and accessibility of the ancient burying ground, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground.

**§1101-A. Definition**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings: 1. Ancient burying ground. "Ancient burying ground" means a private cemetery established before 1880.

**§1101-C. Notice of responsibility**

When a municipality fails without good reason to maintain the good condition and repair of a grave, headstone, monument or marker or fails to keep the grass suitably cut and trimmed on any such grave pursuant to section 1101 and at least one of the municipal officers has had 14 days' actual notice or knowledge of the neglected condition, a penalty of not more than \$100 may be assessed on the municipality.

## 2<sup>nd</sup> REPORT to the KITTELY TOWN COUNCIL – CEMETERIES – PERPETUAL CARE

### 129 Background 2 – Perpetual Care:

130 Town hand-written accounting records reflect Perpetual Care Funds established for 196 sites (most are  
131 individuals; some are multiple; most private plots connected have multiple graves). Total funds  
132 established amount to \$57,842.94 (approximately \$420,000 in today's dollars).

133 *Note: The record book appears to have been wholly updated as of May 27, 1968, with noted*  
134 *information showing that such funds may have been in place as far back as 1913.*

135 The Other Fund Perpetual Care Accounts Special Revenue 615 and Permanent Fund 521 were combined  
136 in 2011 and expenses for Perpetual Care since then charged to that vs the DPW operating budget,  
137 exhausting the funds. Orchard Grove, Highland & 1<sup>st</sup> Cong have funds held with no apparent  
138 contributions/care by the Town since at least the late 90s.

139 Of those, 92 are located in the graveyard adjacent to First Baptist (now Bethany) Church; 19 in that  
140 adjacent to First Christian (aka Chapel); 4 in the First Congregational Old Burying Yard; 20 in Highland  
141 (Lewin-Griffin Trust); 41 in Orchard Grove; and, 22 are private plots.

142 Kittery Public Works has seen to the maintenance of 22 sites (including 12 sites without Perpetual Care  
143 Funds); and, not for 10 which do have such. Sites 23, 24 & 25 on the that map (First Christian, Orchard  
144 Grove & 1<sup>st</sup> Congregational), are not supported.

145 So much of Maine Revised Statutes (MRS) Title 13, Corporations:

#### 146 **§1306. Cemetery perpetual care fund**

147 A person, corporation or any other private entity that controls a cemetery shall establish a  
148 cemetery perpetual care fund. ....

149 The income from the cemetery perpetual care fund must be devoted to maintenance of the  
150 cemetery. This cemetery perpetual care fund must be created by depositing in the fund at least  
151 30% of the proceeds received, in full and in installments, from the sale of lots and plots in the  
152 cemetery. This section does not apply to a family burying ground as described in section 1142.  
153 .....

#### 154 **§1222. Acceptance; exemption from liability; trust funds for repairs**

155 .....

156 Such city, town, corporation, company or trustee may accept and forever hold any donation or  
157 legacy for insuring proper care and attention to any burial lot or ground and the avenues  
158 thereof and the monuments thereon. Having accepted such donation or legacy, said trustee  
159 becomes bound to perform the duties appertaining to the trust as specified in the writing  
160 creating the same or, in default of such specification, as required by law, and as in cases of  
161 public charity.

162 .....

163 Any such city, town, cemetery corporation, trust company, or trustee failing to furnish proper  
164 care and attention to any burial lot, the perpetual care whereof has been provided for as above,  
165 shall be punished by a fine of not less than \$50 nor more than \$100, to be recovered by  
166 complaint or indictment.

167 .....

Nothing herein contained shall be construed to compel any such city, town, cemetery corporation, trust company or trustee to expend in any one year upon any such lot more than the income from any such fund.

So much of 30-A MRS, Municipalities and Counties:

**§3107. Abandoned cemeteries**

1. Abandoned cemetery. For purposes of this section, "abandoned cemetery" means a cemetery in which no burial has been made in the previous 40 years and the lots or grave sites of which have not been maintained within the previous 10 years, except for maintenance rendered by the municipality in which the cemetery is located.

2. Acquisition by municipality. A municipality may acquire an abandoned cemetery, including ownership of any unoccupied lots or grave sites in the cemetery. The municipality shall use due diligence in identifying any owners of the abandoned cemetery or any of the cemetery's unoccupied lots or grave sites and provide notice to the owners of the municipality's intention to acquire the abandoned cemetery. If a municipality cannot locate an owner pursuant to this subsection, the municipality shall publish notice of its intention to acquire the abandoned cemetery for 3 successive weeks in a newspaper having general circulation in the county in which the municipality is located.

**Background 3 – Veteran Graves:**

Aside from the grave lot care requirements of 13 MRS §1101. Maintenance and repairs; municipality, 1. Grave sites of veterans in ancient burying grounds (page 2), municipalities are also obligated in 30-A MRS, Chapter 131: History and Observances, §2901. Decoration of veterans' graves on Memorial Day

***1. Decoration of veterans' graves. Each municipality, as directed by its municipal officers, annually shall decorate on the day Memorial Day is observed the graves of veterans of the Armed Forces of the United States of America with an American flag and appropriate flag holders.***

There are 231 public cemetery graves identified as Veterans and 31 on private plots. There are also 140 listed for the Shipyard (outside Town purview). All that data was provided to VFW Post 9394.

Map #	1994 Museum Map Plot #	All Source Composite Listing Location	MAP-BLOCK NUMBER
1	FIRST BAPTIST CHURCH CEMETERY	Cemetery located on Haley Road junction, just off Pepperrell Road, Kittery Point, to rear of church. Clarkson-Moore Cemetery Association.	36-3 - First Baptist (Clarkson-Moore Trust)
2	FIRST CHRISTIAN CHURCH CEMETERY	Cemetery located at 528 Haley Road at junction with Crockett's Neck Road, to north of church. Formerly called the Chapel Cemetery. Clarkson- Moore Association.	35-14-1 - First Christian (Clarkson-Moore Trust)
3	FIRST CONGREGATIONAL CHURCHYARD	Intersection of Pepperrell Road and Gerrish Lane, opposite the 1st Congregational Church. Includes a Thaxter inscription which is a poem by Robert Browning, the memorial to casualties in the wreck of the ship Hattie Eaton in 1876, and the grave of the Church's first minister (relocated here early in this century), Rev. John Newmarch.	18-CEM - First Congregational Church - Old Burying Yard on Church proper?
4	LAIGHTON-THAXTER	Appledore Island, Isles of Shoals.	6.5 Miles Southeast of Crescent Beach in the Gulf of Maine
4a	HALEY (Island) - Spanish Shipwreck Sailors	Smuttynose (Smuttys Nose) Island, Isles of Shoals.	6.5 Miles Southeast of Crescent Beach in the Gulf of Maine
5	EASTWICKE-FERNALD	Near former U.S. Naval Prison, Portsmouth Naval Shipyard. Several fieldstone markers, traditionally for Fernald graves, and only one inscription, the oldest Kittery dated stone (1714). Bronze Plaque: "Family cemetery of Thomas Fernald, shipwright 1635-1699 [1633-1697] and his wife Temperance [Hunking, unk-1706] Washington of Virginia. Sir Ferdinand Gorges in 1645 gave Fernald perpetual lease to this island for 2 shillings and 6 pence a year, practically a gift to the 12 year old boy. The Fernald house stood 100 yards west of the cemetery. The marked grave is that of their youngest daughter." Eastwicke, Elizabeth, wife of Stephen Eastwicke, d. 16 April 1714, aged 31 yrs. 2 mos. 20 das. [The stone is quite worn, but readable. A bronze plaque has been attached to the oak saying exactly what the inscription says:]	SEAVEY ISLAND CEMETERY, Portsmouth Naval Shipyard, Kittery, Maine. Location: At the southern end of the island, surrounded by storage buildings. Small chained-off cemetery. Not accessible to the general public. - Near Intersection of 135 Road & Prior Street
6	CHAUNCEY-CUTTS	At the end of Seapoint Road - Old Cart Path Road, beyond former Rosamond Thaxter residence. Contains the traditional Champowne burial cairn, marked in 1959 with inscription by the Kittery Historical Society.	64-CEM Thaxter Lane - 64-18 - Sullivan - 22 Thaxter Lane
7	GERRISH-GOODWIN	Located on Gerrish Island, between Goodwin Road and the sea, one hundred yards beyond Goodwin family residence, built in 1882.	58-CEM - Atkins- 58-62 - 86 Goodwin Road
8	SEAWARD	Gerrish Island, past 53 Pocohontas Road at the road's end, in yard of former Warren Delano residence.	51-11 Gerrish Island Conservation LLC - Pocohontas Road end [approximate]
9	FRISBEE	South side of Captain's Way, Gerrish Island, at right of driveway to No. 9, near the residence of Storer Decatur. Headstones are down, but footstones remain visible within granite-posted enclosure.	71-1-30 - Farrah - 9 Captain's Way
10	SAFFORD-MITCHELL-SEAWARD	On right, at end of Hoyt's Island Lane.	36-Cem - 36-75 - Knowles - 10 Hoyt's Island Lane
11	BADGER	On right at end of Thorne's Lane (now Badger's Island West), west end of Badgers Island, outside walled Willey graveyard (See Willey Plot 12 entry). BADGER (tomb). This monument is erected over the grave of William BADGER, shipwright, distinguished for habits of industry and for the activity of his mind. Kind and benevolent he was beloved, persevering, upright, and faithful in his engagements he was respected by all with whom he was connected. He built in the course of a long and useful life nearly one hundred vessels. He died on the 22d February Anno Domini MDCCXXX aged 78.	1-CEM - 1-34 - Inhabitants of Kittery - 30 Badger's Island West
12	WILLEY	On right at end of Thorne's Lane (now Badger's Island West), west end of Badgers Island, inside walled graveyard. Adjacent to Badger Plot 11.	1-CEM - 1-34 - Inhabitants of Kittery - 30 Badger's Island West
13	ADAMS-HALEY	South side of Adams Road.	60-CEM04 - 60-24-3 - DSS Land Holdings
14	LEWIS	Behind house on southeast side of Idlewood Lane, eastward from the Johnson Plot 15 graveyard.	66-CEM03 - 66-17 - Yankee Parks - 4 Idlewood Lane - USGS poorly sited
15	JOHNSON	South side of Idlewood Lane, next to Durgin Park (now Yankee Parks).	66-CEM03 - 66-17 - Yankee Parks - 4 Idlewood Lane
16	WEEKS	South side of Bartlett Road.	Not Mapped. Site not located

Map #	1994 Museum Map Plot #	All Source Composite Listing Location	MAP-BLOCK NUMBER
17	WEEKS	North side of Bartlett Road two hundred yards beyond the junction with Miller Road.	56-CEM at 44 Bartlett - Charles Hill
18	PAYNE	North side of Bartlett Road, in woods opposite the <b>Fremont Washburn residence (No. 77)</b> .	62-CEM - 62-26 - Washburn - 77 Bartlett Road
19	STIMSON	Between 15 & 37 Boush Street, Admiralty Village, in woods behind houses, but near street.	15-UNK - Between 15-16 & 15-17 - 35 and 37 Boush Street
20	MITCHELL	Southeast side of Brave Boal Harbor Road, near York/Kittery line, opposite Cape Cod house, opposite former <b>Raymond Philbrook residence</b> (Gavin), thirty yards from traffic.	69-10 - Gavin - 204 Brave Boat Harbor Road (Philbrook Tr)
21	GRANT-GUNNISON-MITCHELL	Northwest side of Brave Boat Harbor Road, east side of driveway to <b>Mitchell Garrison site</b> , near York/Kittery line on east side of a wood road. From the latter, follow stone wall to the eastward. Wood road has a metal bar-type gate set back about twenty feet from right-of-way. Fieldstone markers as well as inscribed stones.	69-01 - Mackie - 163 Brave Boat Harbor Road [approximate]
22	HILL	About 100 hundred yards north of Charles Hill Road - East side.	63-31 - Goodrich - 54 Charles Hill Road
23	HUTCHINS	About one hundred yards north of West side of Charles Hill Road. Adjacent to Bellamy Plot 24.	62-CEM - Kramer - 31 Charles Hill Road
24	BELLAMY-WILSON	About one hundred yards north of West side of Charles Hill Road. Adjacent to Hutchins Plot 23.	62-CEM - Kramer - 31 Charles Hill Road
25	WILSON-FERNALD-HUTCHINGS	Crockett's Neck Road, near the <b>Small residence</b> , east of junction with Bond Road.	26-43 - Williams Tr - 28-32-34 Crockett's Neck Road
26	CUTTS	West side of Cutts Road, on former Rogers Farm (now Andrews) at junction with Betty Welch Road, next to tennis court.	60-10A - Andrews Tr - 61 Cutts Road
27	FERNALD	<b>East side, Cutts Road.</b>	Not Mapped. Site not located
28	DIXON-ROGERS	<b>Near Dennett Road.</b>	Not Mapped. Site not located
29	EVELETH	West side, Dennett Road, in woods, near Kittery/Eliot line, about 300 ft. to rear of south/west corner <b>Marshall's paddock</b> . Southwest junction of Leach and Dennett Roads about one hundred yards.	5-09 - Fitch - 153 Dennett Road [approximate]
30	FERNALD-MARTIN-MESERVE	Southeast cor. of inter. of Dennett/Martin Road, about 200 ft. to rear of <b>Hooke residence</b> .	11-40 - Navarro - 148 Dennett Road Extension [approximate]
31	FERNALD-STERLING	Between Dennett Road and Old Dennett Road Extension near junction with Martin Road.	11-CEM - 11-05B - Mallon - 146 Dennett Road
32	DENNETT-LANGTON-PAUL	East side of Old Dennett Road (upper section) opposite present family plot, near Dennett Garrison.	6-CEM - 6-14 - Vining - 80 Old Dennett Road (North of)
33	PAUL-FERNALD	East side of Dennett Road, north of <b>Dennett Garrison</b> [100 Dennett Road], at rear of No. 126.	11-48 - Burtch - 126 Dennett Road [approximate]
34	FERNALD-CHADBOURN-CUSHING	East side, Fernald Road.	28-CEM-08 - Roberts - 14 Fernald Road
35	WILSON	East side, Fernald Road, at end of a long driveway.	28-02 - Cuttle - 1 White Birch Lane [approximate]
36	WENTWORTH-PARKER-GRAVES	West side of Wentworth Street on alley next to store across from Rice Library. Front and side next to store were destroyed in 1963 by previous owner, in spite of protests. Formerly called Dame Cemetery. Includes family tomb or Civil War <b>Bvt. Brig. Gen. Mark F. Wentworth</b> .	4-CEM - 4-92 - The Omega Kittery - 12 Dame St (abuts 4-90 - Wentworth)
37	DENNETT-FRISBEE	West side, Haley Road, at Southern junction of Haley to Goose Point <b>residence of Rear Adm. John H. Brown, Jr, USN, Ret.</b>	34-CEM - 34-03-02 - Wilkins - 398 Haley Road
38	PARKER	East side of Haley Road, about three hundred yards, back of <b>Howard Hanson residence, No. 187</b> .	62-CEM - 39-18-1 - Rust - 193 Haley Road
39	LEWIS	East side, Haley Road, opposite <b>residence of Lewis Talpey (106 Haley)</b> .	48-CEM - 48-08B - Grover - 117 Haley Road
40	WRIGHT-WILSON	West side, Haley Road, near former <b>residence of G. L. Maggison</b> .	47-CEM - 47-13 - Alley - 86 Haley Road

Map #	1994 Museum Map Plot #	All Source Composite Listing Location	MAP-BLOCK NUMBER
41	HALEY	West side of Haley Road, on point of land on Spruce Creek owned by Joseph Moulton.	33-CEM on 8 Moulton Way - 33-07; 33-CEM behind 4-6 Moulton Way - 40-05 / 276 Haley - 40-07
42	WILSON	West side, Haley Road, adjacent to Haley Plot 41.	33-CEM on 8 Moulton Way - 33-07; 33-CEM behind 4-6 Moulton Way - 40-05 / 276 Haley - 40-07
43	PARKER	East side of Haley Road, about three hundred yards, back of Howard Hanson residence No. 187.	62-CEM - Rust - 193 Haley Road [approximate]
44	HALEY	East side of Haley Road, about half a mile south of Route #1. Follow stone wall to the north from where it parallels. Plot is on South side of pathway to upper reach of Town Poor Farm from parking area on Haley Road. Path makes a sharp left turn, then a sharp right turn. Site is in the corner of the right turn on the right.	48-07 - Inhabitants of Kittery [Town Poor Farm]
45	HALEY-WILSON-PAUL	Between Routes #1 and #95, approach through Yankee Parks Wilson Lane off Idlewood Lane, on what was old cart road (now Settlement Loop). Burials are atop knoll.	66-24 - Hynes Trust - Idlewood Lane
46	LEWIS-RILEY	Northeast side of Lewis Road, about a half mile from Route #1, in hayfield. 115 yards East across field from right side of parking area on Jefferson Lane at entry from Lewis Road.	61-26 - Lewis Conservancy
47	FERNALD	North side, Maine Turnpike, about 1/4 to 1/2 mile North of Kittery Exit.	Not Mapped. Site not located
48	STEVENSON-LAMBERT	North side of Manson Road, just west of junction with Stevenson Road.	30-15 - Young - 32 Manson Road
49	unknown *	Within stone wall behind end of southern wing of Bradstreet Apartments building on south side of Norton Road beyond Miller Road on right. No inscriptions, or fieldstones visible. Entry to stone-walled enclosure is on side opposite from building; stone wall is unstable.	62-CEM - 62-09-07 - Ashen Woods [approximate]
50	SANBORN-MANSON-LIBBY	North side of Manson Road. Adjacent to Plot No. 48, back several yards behind hedge.	30-15 - Young - 32 Manson Road
51	MANSON [William]	South side, Manson Road. Northwest side Patten Place behind Wiggan / Blackett residence, No. 5.	30-CEM - 30-31 - Blackett - 5 Patten Place
52	BLANEY	North/West side of Manson Road, behind former Muchmore farm, in front yard of Sanborn property at 44 Manson Road.	30-12A - Sanborn - 44 Manson Road - No # Site 48-50
53	BLANEY	North side of Manson Road, near Blaney Plot 52.	30-12A - Sanborn - 44 Manson Road - No # Site 48-50
54	LAMBERT	South side of Manson Road, behind No. 25 (Ladclair residence). See Stevenson Plot 48.	30-CEM-09 - Ladclair - 25 Manson Road
55	SHAPLEIGH	South side, Manson Road. Three hundred yards back of 11 Wilson Road, beyond former horse ring.	37-01 - Brown - 11 Wilson Road
56	PETTIGREW	West side of Wilson Road, at back of field adjacent to former Trinity (now) Church at Spruce Creek driveway from which there is access. Adjacent to Pettigrew Plot 57.	54-4 - Church at Spruce Creek - 5 Pettigrew Road
57	PETTIGREW	West side of Wilson Road, at back of field adjacent to former Trinity (now) Church at Spruce Creek driveway from which there is access. Adjacent to Pettigrew Plot 56.	54-4 - Church at Spruce Creek - 5 Pettigrew Road
58	COLE	North side of Martin Road, at junction with Old Dennett Road Extension. East side, Route 103, near residence of Spinney. Adjacent to Spinney Plot 59.	62-CEM - 11-06 - Cavanaugh - 7 Martin Road
59	SPINNEY-STAPLES	North side of Martin Road, at junction with Old Dennett Road Extension. East side, Route 103, near residence of Spinney. Adjacent to Cole Plot 58.	62-CEM - 11-06 - Cavanaugh - 7 Martin Road
60	NORTON-MUGRIDGE-DAVIDSON-PARKER	On woods path, at left of driveway, about thirty yards south of Norton Road near its terminus at No. 150 (1/4 mi. before eastern end).	62-01 - Waitt - 150 Norton Road
61	KEEN-SPINNEY-JOHNSON-HODGE	On the Piscataqua River bank on east end of Oak Terrace, just off southbound Route #1 By-Pass. Adjacent to Spinney Plot 62.	3-CEM - 3-102 - Grover - 37 Oak Terrace

Map #	1994 Museum Map Plot #	All Source Composite Listing Location	MAP-BLOCK NUMBER
62	SPINNEY	On the Piscataqua River bank on east end of Oak Terrace, just off southbound Route #1 By-Pass. Adjacent to Keen Plot 61.	3-CEM - 3-102 - Grover - 37 Oak Terrace
63	BADGER-BARTLETT-FERNALD	East side of Otis Avenue, at rear of No. 16.	4-CEM - 4-126 - Folmar - 16 Otis Avenue
64	GUNNISON	In south yard (garden) of Lady Pepperrell House. Only a single inscribed stone where were once several burials (See Frost, p. iii).	18-37 - St Peter - 24 Pepperrell Road
65	PEPPERRELL-FROST	North side, Pepperrell Road. Tomb with surrounding stones, on drive leading from Pepperrell Road and Smith Lane (now Pepperrell Terrace) with Sir William Pepperrell's coat-of-arms, and surrounding grave markers, including Kittery's second oldest (1720).	27-02 - Frisbee - 5 Pepperrell Terrace
66	CHAUNCEY	At foot of Tenney's Hill, near junction of Pepperrell Road and Chauncey Creek Road. One inscribed stone and several fieldstone markers.	36-CEM - 36-63 - Seaward - 2 Chauncey Creek Road
67	MANSON-PARROTT	North side of Picott Road, to rear of <b>old Picott House</b> .	Not Mapped. Site not located
68	PIERCE	North side of Picott Road, about a mile north (west side) along discontinued road leading from rear of <b>Gooch residence</b> .	Not Mapped. Site not located
69	HALEY-MANSON	Northeast side of Litchfield Road, about one hundred yards into hayfield on right side. South side, Picott Road, next to Leach-Litchfield Plot, on driveway leading to Haley farm. M/B: 46-6 - Haley - 21 Litchfield Road	46-6 - Haley - 21 Litchfield Road
70	LEACH-LICHFIELD	Northeast side of Litchfield Road, about one hundred yards into hayfield. South side, Picott Road. Adjacent to Haley-Manson Plot 69.	46-6 - Haley - 21 Litchfield Road
71	MITCHELL-PICOTT	South side of Picott Road, about three, hundred yards from junction with Cutts Road.	49-CEM05 - 49-10 - CMP & MTA ROW
72	PICOTT-CHICK	On northwest side of Southbound lane of Route #95, about one hundred yards beyond Cutts Road overpass past a small marsh, about fifty yards back from traffic.	49-CEM-05 - 46-06B - CMP ROW
73	WELCH	North side of Route #1, at rear of Homestead Convalescent Home.	60-24 - DSS Land Holdings - 459 US Route 1 - ???
74	HUTCHINGS-WILSON-VARNEY	East side of Route # 1, north of restaurant on northeast corner of Haley Road. The Wilson Family Cemetery is located on Rte. 1 in Kittery at the edge of the Wilson Farm. As the sign asks that in respect to the family people stay out of the cemetery, the photos were taken outside the fence with a zoom lens. Most of the information about these people came from The Early History of the Wilson family of Kittery, Maine.	50-CEM-07 - 50-13 - Wilson - 410 US Route 1
75	HALEY-JOHNSON-HOOPER	West side of Route #1 at York/Kittery line, next to restaurant.	66-CEM-02 - North Side of Parsons Lane
76	GORDON-CLARK	East side of Route # 1, in stone-walled enclosure about one hundred yards from traffic, opposite the Haley Plot 75.	67-01 - Berson Tr - 524 US Route 1
77	MAIN	East side of Route # 1, in stone-walled enclosure about one hundred yards from traffic, opposite <b>Gordon</b> Plot 76.	67-01 - Berson Tr - 524 US Route 1
78	LYDSTON-JENKINS-WILLEY	West side of Route #1, south of Kittery Memorial Circle, opposite Sterling Road.	14-CEM - 14-30 - A Caring Community - 139 State Road
79	PARSONS	About thirty yards southwest of end of west-running Parsons Lane (adjacent to Haley plot 75), North of Rte. 1, next to York line, near <b>residence of Rutherford</b> .	66-CEM-01 - 66-27 - Farr - 14 Parsons Lane
80	MANSON	Between the last two houses on the left on Ox Point Drive. Only one inscribed stone, with several fieldstone markers. On Spruce Creek, south side, Route 1, to rear of Chesley Cabins (Service Station).	31-22 - Burnham - 7 Adams Drive
81	RICE-BADGER-CHASE-RICHARDSON	South side of Prince Avenue, near <b>Government Street</b> , near the intersection with Rice Ave.	Site not located.
82	CUTTS	West side of Remick's Lane, on Castle Hill.	65-12-1 - Tantillo - 25 Remicks Lane [approximate]
83	MANSON-GOODSOE	East side, Rogers Road, halfway between Rogers Lane and Shepard's Cove Road, near <b>residence of Daniel Albert Goodwin</b> . Opposite 167 Rogers Road.	22-CEM - 22-23 - Adjacent Birse - 164 Rogers Road

Map #	1994 Museum Map Plot #	All Source Composite Listing Location	MAP-BLOCK NUMBER
84	KEEN	Inside northbound cloverleaf to Route #1 By-Pass, from Kittery Memorial Circle. Gravesite damaged as of late 1992.	Not parceled in Town databases
85	KEEN	West side of Route #1 By-Pass, southbound lane, on knoll beyond turnout for Route #236. Northeast of Keen Plot 84. This is a replacement stone.	Not parceled in Town databases
86	GODSOE-SHEPHERD	Northeast of Rogers Road in <i>Grant's Pasture</i> . Two inscribed (though not contemporary) stones are stored at Kittery Historical and Naval Museum; all others are fieldstones.	22-26 - McCrillis - 3 Rogers Lane [approximate]
87	MANSON-LOCKE-PETTIGREW	Adjacent to north side of on ramp to Route #95 south from Route 236.	30-01 - Kagiery - 66 Manson Road
88	SPINNEY	North side of Spinney Way halfway between Dennett and Old Dennett Roads (upper section of latter).	7-09 - Hodgkins - 52 Old Dennett Road
89	ADAMS	At Adams Oaks, west side of Route #103, near junction of Dennett Road.	Not Mapped. Site not located.
90	REMICK	Between Nos. 5 and 7 Bridge Street, on shore/railroad side of street, on Piscataqua River bank.	3-63 - Inhabitants of Kittery - Behind-between 5&7 Bridge Street
91	FERNALD-FROST	North side of Stevenson Road. Called the Fernald-Tuttle Plot. Family Cemetery now on land (or surrounded by land) owned by Kittery Transfer Station (Kittery Dump). Fieldstone markers as well as inscribed stones.	54-CEM-06 - 29-17 - Inhabitants of Kittery - 1 McKenzie Lane
92	NOWELL-SPINNEY	At termination of Remick's Lane, on Castle Hill, near old <i>Nowell house</i> on left. Stones reported knocked down as of late 1993.	65-18A - Alessi - 65 Remicks Lane
93	FERNALD-TUTTLE-PARKER	West side of Tilton Avenue on lawn to rear of <i>Paradis</i> residence.	10-CEM - 10-110 - Schenker - 29 Tilton Avenue
94	REMICK	Adjacent to No. 7 Philbrick Road, with right-of-way from Whipple Road. North side, Whipple Road, near <i>residence of Burnham</i> .	10-74 - Kouki - 7 Philbrick Road
95	PHILBRICK	To rear of <i>Whipple Garrison (birthplace)</i> at 88 Whipple Road, facing the harbor.	10-20 - Blake - 88 Whipple Road
96	TREFETHEN-BAILEY-WEEKS	At right, near top of driveway at 153 Whipple Road.	16-CEM - 16-200 - Leach - 153 Whipple Road
97	FERNALD	Southside of Whipple Road, about halfway between Old Ferry Lane and Bowen Road, adjacent to driveway with stone gateposts on <i>former Cole property</i> .	17-UNK - 17-45-3 - Thoma - 228 Whipple Road
98	FERNALD-PINKUM	South side, Western corner of Whipple Road and Bowen Road near Kittery Point Bridge. Latitude: 43.08492, Longitude: -70.72148	17-01 - Driscoll - 1 Bowen Road [approximate]
99	WILLIAMS	On Williams Avenue, beyond R. W. Traip Academy.	10-CEM - 10-34 - Clark - 56 Williams Avenue
100	HARRILL	West side of Wilson Road, midway between Manson Road and the Eliot town line.	54-12 - Tedesco - 67 Wilson Road [approximate]
101	BROOKS-WILSON	West side of Wilson Road, next to driveway leading to the Harrill Plot 100.	54-12 - Tedesco - 67 Wilson Road [approximate]
102	PARKER-PIERCE-TREFETHEN	West side of Wilson Road in old <i>Pickernell house</i> front yard.	54-19-1 - Johnson - 71 Wilson Road
103	HURD-DENNETT-COX	Northeast side of Wilson Road, on knoll in field near Eliot line.	59-21 - Johnson - 110 Wilson Road
104	BILLINGS-CATE	Northeast side of Wilson Road, at the Eliot town line.	59-21 - Johnson - 110 Wilson Road
105	BROWN	Northeast side and rear of 16 Wyman Avenue, rear of <i>Bowen residence on Rogers property</i> . One inscription, several burials, some marked with fieldstones. A descendant visited in recent times who possessed a plan identifying and locating burials. Fragments of other inscribed stones are reported as present in the 1980's.	10-CEM - 10-99 - Hickey - 16 Wyman Avenue
106	PEIRCE	South side of Picott Road, on east side of driveway to No. 14.	37-12 - Foster - 14 Picott Road
107	ORCHARD GROVE	Junction of Rogers and Shapleigh Roads. Kittery's largest, with Civil War Memorial atop its knoll, and the unusual Burnham vault visible from Rogers Road Plot map (1945) available at Kittery Historical and Naval Museum.	15-CEM - Trustees - Rogers Road in front of 15-87A
107a	Highland [Lewin-Griffin Cemetery]	Through Orchard Grove to Northwest Corner	15-87A - Griffin Trust

Map #	1994 Museum Map Plot #	All Source Composite Listing Location	MAP-BLOCK NUMBER
108	SHIPYARD	Adjacent to Portsmouth Naval Shipyard Gate # 2 on Yard side of the bridge. Grave names in Master Grave Site list. This cemetery is located within the boundaries of the Portsmouth Naval Shipyard in Kittery, Maine, which is an active military base. Visitors badges may be obtained at the Main Gate. The first recorded burial was in 1820. Only 149 of the 214 grave sites currently in use have known occupants. Included are Navy and Marine service men and women, dependents of active military personnel and British and Danish seamen and fliers who lost their lives during WWII.	10-22 - USA - 80 Whipple Road - Gate 2 - Right side at Yard end of the bridge. On Wyman Avenue off end of Sicard Street.
109	MANSON [Lorenzo D.]	East side of Fernald Road.	28-CEM-08 - Roberts - 14 Fernald Road
110	BRAGDON	From Route #95 northbound, take Route #236 spur off Exit #3; after 180 degrees into ramp, on high bank at right.	No GIS map-block #
111	BLAKE	Twenty yards off east side of Brave Boat Harbor Road, at Bedell's Crossing.	69-21A - USA - Brave Boat Harbor Road
112	GODSOE	Adjacent to property line of 110 Wilson Road, about two hundred yards back from the road. One inscribed stone and several fieldstone markers.	59-21 - Johnson - 110 Wilson Road
113	WALDRON-WEEKS	About two hundred yards north of Charles Hill Road. South side of Bartlett Road.	56-CEM - Denholm - 44 Bartlett Road
114	WOOD ISLAND PESTHOUSE*	Site of Kittery/Portsmouth pesthouse during 18th & 19th century epidemics. No inscription or markers. Wood Island Life Saving Station renovation activity revealed no burial sites	Kittery Harbor - 300 Yards Southwest of Fort Foster Pier
115	MENDUM-OTIS-DELANO	Tomb at rear of 6 Cook Street, with one inscribed stone and one footstone with differing initials. Two-thirds of those interred here identified at Kittery Historical and Naval Museum.	3-136 - Durgin - 6 Cook Street
116	PICKERNELL*	Adjacent to entry of Parker Plot 102. Fieldstone markers only, one of which marks grave of <i>Revolutionary War Veteran Nelson Pickernell</i> .	54-19-1 - Johnson - 71 Wilson Road
117	REMICK	Between 12 and 14 Mendum Avenue. Grave of Lt. Rufus Remick, War of 1812	3-58 & 3-59 - Unnumbered Map-Block
118	SEAWARD*	South side of Chauncey Creek Road, about one hundred yards short of Gerrish Island Lane. Flag marks <i>Revolutionary War veteran Richard Seaward's</i> burial site. The Seaward family lot in the first Baptist Church yard includes his inscription.	44-60 - Seaward - 40 Chauncey Creek Road
119	KEEN-SHAW-PHILLIPS	On woods path four hundred yards southwest of 163 and 165 Rogers Road.	14-53 & 14-53-1 - 163-165 Rogers Road
120	DEARING*	Unmarked graves in back yard (ocean side) of Bray House, Pepperrell Road, Kittery Point (See Frost, p. iii).	27-45 - King - 100 Pepperrell Road
121	MOORE/MORE*	On right, at end of Moore's Island Lane. Unmarked graves located only by non-current property map in Registry of Deeds, York County, Alfred.	27-35 - Sobel - 12 Moores Island Lane
122	BALL*	In <i>Grant's Pasture</i> , north side of Rogers Road. No inscriptions. On <i>Shepherd's Cove Site?</i> Gary Blair and Roy Yarnell.	22-26 - McCrillis - 3 Rogers Lane [approximate]
123	GUNNISON*	In grove of trees in trailer park, at corner of Cutts Road and Route # 1. Reported to a Gunnison descendant by Frank Neal. No trace of markers as of 1993.	60-21 - Hynes - 6 Cutts Road - Yankee Green Lot 115 [approximate]
124	DENNETT*	East side, Old Dennett Rd. (upper section) near Dennett Garrison. Opposite the present family plot on Dennett Road; not located by Frost in 1973 (p. iii).	Opposite 6-CEM - 6-14 - Vining - 80 Old Dennett Road (North of). 6-05A - Curry - 79 Old Dennett Road [approximate]
125	unknown*	Appears on an 1858 property map of Badger Island, in Registry of Probate, York County, at Alfred, file No. 20460 (reproduction at Kittery Historical and Naval Museum).	1-04 - Nooney - 9 Island Avenue [approximate]
126	TOWN FARM*	Kittery's potters' field, where paupers used to be buried, on wood road about a quarter mile east of Haley Road. Plot is South of pathway to Town Poor Farm from parking area on Haley Road. Path makes a sharp left turn, then a sharp right turn. Site is in the corner of the right turn on right.	48-07 - Inhabitants of Kittery - 77 Haley Road - Also 61-25B [Entrance off Lewis Road]

Map #	1994 Museum Map Plot #	All Source Composite Listing Location	MAP-BLOCK NUMBER
127	COLE PLOT [PETTIGREW].	Inside Southbound Route #95 cloverleaf from Dennett Road to Route #95, at its northern end.	No GIS map-block #
128	unknown*	In yard of 55 Tenney Hill Road. May be a Riley burial, since one Riley built the house, according to Herman Conley, neighbor.	45-03 - Hauray - 55 Tenney Hill Road
129	ENDLE/ENDALL*	Recorded by Stackpole as being on Briant's (now Goose) Point (pp. 62-63 & 371). No inscriptions; precise location not apparent today.	34-09 - McCoy - 24 Goose Point [approximate]
130	unknown*	East side of Newson Avenue.	17-CEM - 17-29 - Rigor Da Eva - 18 Newson Avenue
131	SHIPYARD-SPANISH PRISONERS*	On east shore of Seavey's Island, Portsmouth Naval Shipyard. Those buried there were disinterred and returned to Spain in 1916.	Seavey's Island - In area of ballfields off 135 Road
132	BLODGETT	Near stone wall, behind 485 [123] Fernald Road; fieldstone, with inscription (Veteran, War of 1898).	Not Mapped. Site not located
133	Shipyard-unknown*	Seavey's Island, Portsmouth Naval Shipyard. Area of Meade and Sloat Avenues.	Area of Meade and Sloat Avenues.
134	Shipyard-unknown*	Seavey's Island, Portsmouth Naval Shipyard. Area of Meade and Sloat Avenues.	Area of Meade and Sloat Avenues.
135	Shipyard-unknown*	Seavey's Island, Portsmouth Naval Shipyard. Off Meade Avenue, South of pond.	Off Meade Avenue, South of pond.
136	unknown*	Near end of Seapoint Road, before Chauncey-Cutts Plot #6.	64-8 - Hamilton - 9-11 Old Cart Path Road
137	Shipyard-Animal Cemetery	Seavey's Island, Portsmouth Naval Shipyard.	Unknown
138	Unknown Cemetery	Right rear of 53 Cutts Island Lane	45-CEM - Colbert Puff - 53 Cutts Island Lane

Also see Find A Grave at: [https://www.findagrave.com/cemetery/search?locationId=city\\_69341&page=3#cem-2631808](https://www.findagrave.com/cemetery/search?locationId=city_69341&page=3#cem-2631808)

Perpetual Care Lots Funds  
PRIVATE PLOTS

as of: 09/24/18

Site	Date	Deposit	Plot Name(s)	H&NM MAP #	DPW MAP #	Other Details
<b>FUNDED - NOT MAINTAINED</b>						
Pvt	28-May-68	\$100.00	Rev. Moses Safford	10	None	Lot on Hoyt's Island
Pvt	9-May-06	\$1,000.00	Albion W. Johnson	15	None	Conchita Geyer - Rossiter Letter - 05/09/06
Pvt	29-May-68	\$200.00	Augustus Stephenson	48	None	Manson Road Family Cemetery
Pvt	29-May-68	\$175.00	William & Mary Stevenson	48	None	Manson Road Family Cemetery
Pvt	27-May-68	\$150.00	John Lambert	54	None	Private burial ground on former homestead
Pvt	28-May-68	\$200.00	Erwin I. Wilson	74	None	Private burial ground on homestead
Pvt	11-Sep-87	\$1,000.00	Capt Benjamin Remick & Samuel Remick	90	None	Bridge Street Lot / Oliver Remick Trust - Affidavit 02/23/87 (03/17/1913)
Pvt	27-May-68	\$200.00	Richard Williams	99	None	lot in cemetery on Williams Ave.
Pvt	28-May-68	\$200.00	Joseph E. Cox	103	None	Family burial ground near Harry Cook's home / Wilson Road - Johnson Farm in a field
Pvt	11-Sep-87	\$1,000.00	Lt. Rufus Remick	117	None	Between 12 and 14 Mendum Avenue / Oliver Remick Trust - Affidavit 02/23/87 (03/17/1913)
<b>FUNDED - MAINTAINED</b>						
Pvt	3-Feb-75	\$3,020.64	Henrietta J. Littlefield & Zebulon Willey	12	3	Badgers Island family burial ground
Pvt	2-Oct-68	\$300.00	Roland B. Adams	13	4	Lot on Adams Road family burial ground
Pvt	27-May-68	\$1,275.00	Albion W. Johnson	15	5	Cemetery on #1 Highway at Durgin Park / Conchita Geyer 10/12/74 - Letter ## -
Pvt	28-May-68	\$320.00	Alexander Dennett	32	7	Dennett Road Family burying ground / Langton, Jospeh & Julia Ann, Mark & Edward
Pvt	??	??	General Wentworth Cemetery	36	8	Adjacent to THOP
Pvt	2-Oct-68	\$700.00	John Dennett & John Dennett Jr. & Ralph E. Dennett	37	9	Dennett Road Family burying ground
Pvt	11-Aug-86	\$1,500.00	Ralph E. Dennett	37	9	Dennett Road Family burying ground
Pvt	27-May-68	\$200.00	Elmer C. Lewis	39	10	Lot at homestead on Haley Road
Pvt	2-Oct-68	\$200.00	Thomas D. Seaward	39	10	Lot in Lewis Cemetery - Haley Road
Pvt	27-May-68	\$100.00	Carrie H. Haley	69	16	Private burial ground - Ralph Haleys - Litchfield Road off Picott
Pvt	27-May-68	\$100.00	William H. & Isaunah T. Mitchell	71	18	Picott family burial lot on Picott Road
Pvt	2-Oct-68	\$200.00	Annie A. Taylor	99	21	lot in cemetery on Williams Ave.
<b>NOT FUNDED - MAINTAINED</b>						
Pvt		None	Chauncey-Cutts	6	1	64-8 - Hamilton - 9-11 Old Cart Path Road
Pvt		None	Badger - Adjacent to Willey Plot #12 - DPW #3	11	2	1-CEM - 1-34 - Inhabitants of Kittery - 30 Badger's Island West
Pvt		None	Fernald-Sterling	31	6	11-CEM - 1105B - Mallon - 146 Dennett Road
Pvt		None	Pettigrew	56	11	54-4 - Church at Spruce Creek - 5 Pettigrew Road
Pvt		None	Pettigrew	57	11	54-4 - Church at Spruce Creek - 5 Pettigrew Road
Pvt		None	Cole	58	12	62-CEM - 11-06 - Cavanaugh - 7 Martin Road
Pvt		None	Spinney-Staples	59	13	62-CEM - 11-06 - Cavanaugh - 7 Martin Road
Pvt		None	Badger-Bartlett-Fernald	63	14	4-CEM - 4-126 - Folmar - 16 Otis Avenue
Pvt		None	Chauncey	66	15	36-CEM - 36-63 - Seaward - 2 Chauncey Creek Road
Pvt		None	Leach-Litchfield	70	17	46-6 - Haley - 21 Litchfield Road
Pvt		None	Rice-Badger-Chase-Richardson	81	19	3-38 - Sayer - 1 Prince [approximate]
Pvt		None	Manson-Goodsoe	83	20	22-CEM - 22-23 - Adjacent Birse - 164 Rogers Road

