

KITTERY TOWN COUNCIL Approved Minutes

October 14, 2020

Remote Meeting

6:00 PM

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call

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

5. Agenda Amendment and Adoption

Chair Spiller moved to add to the agenda under New Business item b. The Kittery Council moves to appoint Judith Spiller along with the Chair of the Kittery Climate Adaptation Committee, Cameron Wake to interview Erin Kempster for an appointment for the Climate Adaptation Committee for a 3-year term to expire 12/31/2023.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

6. Town Manager's Report – The Town Manager reported on: The Election, Halloween, Foreside Outdoor Dining. Upcoming Dates: Absentee Ballots Available – Town Clerk, Voter Registration Night – October 28, 6PM – 8PM, Town Hall, Presidential/State/Local Election – November 3, 8AM to 8PM, Kittery Community Center.

7. Acceptance of Previous Minutes - None

8. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.

9. PUBLIC HEARINGS

Vice Chair Brock gave an overview of the development of the Affordable Housing project.

The Town Manager and Adam Causey the Director of Planning and Development gave an overview of Title 3 – Proceeds from the Sale of Tax-Foreclosed Properties, Title 4 – Kittery Housing Committee, Title 16 – Affordable Housing, and the establishment of an Affordable Housing Fund.

Emily Flinkstrom, Executive Director, Fair Tide, 15 State Road, Kittery, ME. Ms. Flinkstrom stated how proud she was of the Council, and read a letter from Fair Tide.

Bob Gray, 14 Manson Road, Kittery, ME. Mr. Gray has some questions about Title 16, and was wondering how many affordable housing units Kittery needs.

Ken and Kristin Fellows, 73 Chauncey Creek Road, Kittery Point, Mr. and Ms. Fellows sent an email in support of affordable housing.

Gayle Wells, 22 Seapoint Road, Kittery Point ME. Ms. Wells sent an email in support of affordable housing.

Joan Beskenis, 6 Barters Creek Rd, Kittery Point, ME Ms. Beskenis sent an email in support of affordable housing.

Faith Harrington, 3 Sea Oaks Lane, Kittery Point, ME. Ms. Harrington sent an email in support of affordable housing.

Mary Connors, 30 Cutts Island Lane, Kittery ME Ms. Connors sent an email in support of affordable housing.

William C. Peirce, Rogers Road, Kittery, ME. Mr. Peirce sent an email not in support of affordable housing.

Barb and David Durling, 29 Adams Dr., Kittery, ME Mr. Durling expressed his opposition on a couple things in Title 16 Affordable Housing.

Bill and Eileen McCarthy, 27 Adams Drive, Kittery, ME. Mr. McCarthy was upset because the Chairman of the Planning Board refused to read his comments at the September 24, 2020 meeting. He also had questions regarding the proposed changes to the code.

Chair Spiller responded to Mr. McCarthy and stated the Chair of the Planning Board did not read his comments because the Planning Board had a Public Hearing at the previous Planning Board meeting that would have allowed the comment.

a. (100120-1) The Kittery Town Council moves to hold a public hearing on Title 3 – Proceeds from the Sale of Tax-Foreclosed Properties.

Councilor Thomson moved in accordance with Titles 30-A MRS §3001 and Town Charter §2.14, the Kittery Town Council hereby ordains Amendment to Title 3 of the Town code as presented and publicly heard, seconded by Councilor Clark

Motion Carried 7-0-0

b. (100120-2) The Kittery Town Council moves to hold a public hearing on Title 4 – Kittery Housing Committee.

Councilor Thomson moved in accordance with Titles 30-A MRS §3001 and Town Charter §2.14, the Kittery Town Council hereby ordains Amendment to Title 4 of the Town code as presented publicly heard, seconded by Councilor Clark.

Motion Carried 7-0-0

c. (100120-3) The Kittery Town Council moves to hold a public hearing on Title 16 – Affordable Housing.

Councilor Thomson moved in accordance with Titles 30-A MRS §3001 and Town Charter §2.14, the Kittery Town Council hereby ordains Title 16 Land use and Development Code, Affordable Housing Amendments of the town code as presented publicly heard, seconded by Councilor Clark.

After the Council had a discussion on the concerns of Title 16, Councilor Thomson moved to postpone to the October 26, 2020 meeting, seconded by Councilor Denault.

Motion Carried 7-0-0

d. (100120-4) The Kittery Town Council moves to hold a public hearing on the establishment of an Affordable Housing Fund.

Councilor Thomson moved the Kittery Town Council to create a Kittery Housing Committee that will make recommendations to the Town Council for use of funds in the Housing Reserve Fund, in accordance with Title 4.18, seconded by Councilor Clark.

Motion Carried 7-0-0

The Town Manager addressed Mr. Gray's questions about Title 16 lines 174, 175. She also addressed goals for affordability, housing size, 25% density bonus, front yard setbacks, height of the units, fractional unit after the rounding. The Town Manager mentioned on lines 17 and 18 in Title 16 amendments should not have been changed to dwelling units.

Kathy Connor, Kittery Project Planner spoke about the setbacks on the C1 and C3 districts, height difference depending the side of the street.

Adam Causey, Director of Planning and Development spoke about the way the code was written zones C1 and C3 had changes and there were no changes in C2. He also addressed open space, zoning requirements.

Councilor Thomson moved to change lines 17 of Title 16 to read, all major subdivisions, including those planned in phases, in all zones that create 5 or more lots, seconded by Councilor Pelletier.

Motion Carried 7-0-0

Chair Spiller asked the Town Planners to address Mr. Durling's concerns about their standards for screening parking lots from the street, but there does not appear to be any requirements to screen parking lots on side yards.

Kathy Connor, Kittery Project Planner responded to Mr. Durling's concern and stated yes that is true, there is an amendment if the Town Council wishes.

e. (100120-5) The Kittery Town Council moves to hold a public hearing on Title 6 – Animal Control – Phase 1.

Tamara Corcoran, 141 Brave Boat Harbor Road, Kittery Point ME. – Ms. Corcoran had questions about Title 6 Animal Control- Phase 1.

Councilor Thomson moved in accordance with Titles 30-MRS §3001 and Town Charter R §2.14, the Town of Kittery hereby ordains Amendments to Title 6 of the Town code as presented publicly heard, seconded by Council Denault.

Motion Carried 7-0-0

Councilor Lemont had a question on line 32 of Title 6.

The Town Manager answered Councilor Lemont's question and stated since we have voice control, how does one measure if a dog is within 10 ft? So, the intent was to make it much clearer. Which is having contact with the person without their consent as opposed to be within a 10 ft. bubble which would be hard to determine if the person might be moving and the dog might be moving.

Councilor Denault asked the Town Manager if the extension of the leash is a part of the person.

The Town Manager stated there might have to be a legal review on that question.

Chair Spiller addressed Ms. Corcoran's concerns with Title 6 - Phase 1, and stated no dogs on public property, with the exception of the Town parks, she said there are State laws that the Town has to comply with. The Town Manager answered about the dog waste in Title 6 and stated that it was moved up 6.1.4 item C., and she addressed Ms. Corcoran's question on Voice control and said we define more what voice control is.

Councilor Denault moved to amend line 33 in Title 6, seconded by Councilor Clark.

Motion Carried 7-0-0

Councilor Thomson read a statement he wrote.

10. DISCUSSION

a. The public may submit public comments in writing or raise their hand in the webinar for the DISCUSSION agenda.

Tamara Corcoran, 141 Brave Boat Harbor Road, Kittery Point ME. – Ms. Corcoran had question about Title 6 Animal Control- Phase 1.

b. Chairperson will read written comments into the record.

Suzanne Johnson, 13 Cromwell Street, Kittery, ME – Ms. Johnson expressed concerns about Mary's Pond and Algae.

Julia O'Connell, 9 Busdick Drive, Kittery, ME – Ms. O'Connell had questions on property assessment and tax changes.

Judy Quinby, 16 Otis Avenue, Kittery ME - Ms. Quinby wanted more explanation of the redistribution of the tax burden.

c. Chairperson's response to public comments.

Chair Spiller responded to Ms. Corcoran and stated the Ordinance by enlarge are written by professional staff who do have expertise in these areas.

Chair Spiller responded to Ms. Johnson and stated the Town has a Grant pending to study Mary's Pond.

Chair Spiller responded to Ms. O'Connell and stated resident have the opportunity to the Town Assessor and staff to discuss on how the judgements were made, it's a standard formula. Public Hearing have begun for people who would like to challenge their assessments.

Chair Spiller responded to Ms. Quinby and stated the property value have gone up in the Foreside, the mil rate is the same for everyone.

11. UNFINISHED BUSINESS

12. NEW BUSINESS

a. Donations/gifts received for Council disposition

b. The Kittery Council moves to appoint Judith Spiller along with the Chair of the Kittery Climate Adaptation Committee, Cameron Wake to interview Erin Kempster for an appointment for the Climate Adaptation Committee for a 3-year term to expire 12/31/2023.

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 7-0-0

13. COUNCILOR ISSUES OR COMMENTS

Councilor Denault spoke about Leavers Law and the treatment of animals.

Councilor Clark talked about "wimps" and stated wimps aren't brave enough to have confrontation, wimps go on Social Media instead of having the confrontation, wimps key

your car instead of having the confrontation, and wimps throw dog poop on your yard instead of having the confrontation, Thank you.

Vice Chair Brock stated he took another read at the Kittery Housing Committee appointment and on section 4.18.3 Membership line 23 and it looks like there was some language editing Upon adoption of this ordinance, the Town Council will appoint the existing members of the Housing Working Group will become members of the Committee, with all terms to expire December 31, 2021. He thought the point of that is to maintain continuity on the Housing Committee for a period of time but it does look like by adopting the ordinance the Council deemed the Housing Working group to be the committee until December 31, 2021, or we need a vote on that.

Councilor Thomson moved that the existing Housing Committee continue in that capacity after this ordinance passes until December 31, 2021, seconded by Vice Chair Brock.

Motion Carried 7-0-0

Chair Spiller spoke about the Black Lives response letter. She also said she was approached by a resident asking if Council would endorse a petition for extended reducer responsibility for packaging.

EXECUTIVE SESSION –

a. (100120-6) The Kittery Town Council moves to go into Executive Session to complete the Town Manager's annual review.

Councilor Thomson moved to go into Executive session at 8:03 p.m., seconded by Councilor Lemont.

Motion Carried 7-0-0

Councilor Thomson moved to come out of Executive session at 8:39 p.m., seconded by Councilor Denault.

Motion Carried 7-0-0

14. ADJOURNMENT

Moved by Councilor Thomson to adjourn at 8:39 p.m., seconded by Councilor Denault.

Motion Carried 7-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a

summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website