

KITTERY TOWN COUNCIL Approved Minutes
June 28, 2021 Council Chambers
6:00PM

1. Call to Order

Chair Thomson called the meeting to order at 5:57 p.m.

2. Introductory

In recognition of the new Juneteenth federal holiday, Chair Thomson read excerpts of the emancipation proclamation.

3. Pledge of Allegiance

4. Roll Call

Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, George Dow, Vice Chair Judith Spiller, Cyrus Clark, Cameron Hamm, and Mary Gibbons Stevens.

5. Agenda Amendment and Adoption

Chair Thomson cast one vote for the agenda as presented.

6. Town Manager's Report

The Town Manager reported: MS4 update, Short Term Rental Licenses, Speed Study on State Road, Whipple Road sidewalk update, signage at Fort Foster and Seapoint Beach.

Upcoming Dates: Senior Tax Credit applications due – July 1, 2021 Town Hall and online, Town Hall will be closed in observance of the holiday – July 5, 2021, Beaches Working Group applications deadline – July 6, 2021 at the Town Clerk's office, Concerts on Frisbee Commons – Tuesdays, beginning July 13, 2021 6:30PM, at the Kittery Community Center, Wednesday Night Movies – Wednesdays, beginning July 14, 2021 9PM, at the Kittery Community Center, and Friday Funnies Comic Series – Fridays, beginning July 16, 2021 6:30PM, at the Kittery Community Center.

7. Acceptance of Previous Minutes

June 14, 2021 – Regular Meeting

Under 4. Oath of Office to Newly Elected Officials, adding the existing Councilors renewed their oaths as well. Chair Thomson cast one for the acceptance of the June 14, 2021 minutes as amended.

8. Interviews for the Board of Appeals and Planning Board.

9. a. (060321-1) The Kittery Town Council moves to interview the following candidates for two (2) vacancies on the Board of Appeals for terms to expire 12/31/2024. The applicants are as follows:

- Robert Gray
- Robert Kaszynski
- Colin McGuire

Chair Thomson asked Robert Gray, Robert Kaszynski, and Colin McGuire four interview questions. Councilor Dow moved to appoint Robert Kaszynski and Robert Gray to the Board of Appeals, seconded by Councilor Clark.

Motion Carried 7-0-0

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

11. PUBLIC HEARINGS

12. a. (060321-2) The Kittery Town Council moves to hold a public hearing on Title 5 and Title 16 – Marijuana.

Councilor Clark recused himself from the public hearing on Title 5 and Title 16 – Marijuana.

Wendy Turner, 621 Haley Road, Kittery Point, Maine, is a medical caregiver and stated the Town officials are over stepping with this ordinance and feels the ordinance is in violation of the state statues. Chair Thomson asked the Town Manager to respond to Ms. Turner's concerns about the ordinance violating the state statues.

Ed Wilson, 6 Page Street, Kittery, Maine, voiced his concerns about the traffic, parking, and the clientele that retail marijuana may bring into the town.

Jim VanKennen, 19 Short Farm Road, Kittery, Maine, expressed his concerns for the safety of the caregivers if their names and addresses become public record.

Brian Early, 123 Rogers Road, Kittery, Maine, stated his concerns about Title 5 and Title 16 – Marijuana.

Deborah Driscoll, 10 Pepperrell Terrace, Kittery Point, Maine, stated she felt the ordinance was little heavy handed on the local caregivers and said local businesses are more important than allowing corporate retail to come into Kittery.

Allen Shepard an attorney in Kennebunk, Maine, spoke on behalf of his client and asked about the application process.

Ryan Bailey, 16 Charles Hill Road, Kittery Point, Maine, stated he had concerns with where the marijuana retail spaces would be located.

Julie Cutting owner of Green Blossom, LLC asked to consider the following changes to the ordinance, only allow one license per applicant and amending the five-store retail cap to separate out adult use retail and caregiver retail.

Karen Kalmar, 191 Brave Boat Harbor Road, Kittery Point, Maine, expressed her concerns and stated that staff's current recommendation to remove the 1,500ft buffer between retail marijuana stores could prove to be a mistake.

Lainey McCarty, 30 Heron Point Lane, Kittery Point, Maine asked that the Council not include the Medical Marijuana Home Establishments with all the regulations being discussed for the retail establishments.

Council Pelletier moved to discuss Title 5 and Title 16 – Marijuana, seconded by Councilor Dow.

Motion Carried 6-0-1

Chair Thomson, Vice Chair Spiller, Councilor Dow, Councilor Hamm, Councilor Pelletier, and Councilor Stevens for in favor. Councilor Clark abstained.

The Town Council had a discussion with the Town Manager about Title 5 and Title 16 – Marijuana.

Adam Causey the Planning and Development Director gave an overview on the retail buffer distance.

Councilor Stevens moved to hold a workshop on July 19, 2021, to further discuss Title 5 and Title 16 – Marijuana with the Town staff, the Town Manager and the Planning Board, seconded by Councilor Hamm.

Motion Carried 6-0-1

Chair Thomson, Vice Chair Spiller, Councilor Dow, Councilor Hamm, Councilor Pelletier, and Councilor Stevens for in favor. Councilor Clark abstained.

13. DISCUSSION

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

Brian Early, 123 Rogers Road, Kittery, Maine, commented he appreciated the having the Council minutes being posted for viewing.

b. Chairperson may read written comments into the record.

Chair Thomson displayed pictures from a resident showing furniture being burned at Seapoint Beach.

Todd Thayer, 8 Thaxter Lane, Kittery Point, Maine, sent a picture of a branch torn from a bush to be used as firewood and stated he was bringing this to the Council's attention because the Town and the State consider the wetlands behind our homes to be a "wetland of significance" and it is protected by a long list of environmental regulations.

Anne MacPherson and Simon Green, 2 Paul Street, Kittery, Maine, inquiring why dogs are no longer allowed in John Paul Jones Park.

Christine Kelly, 73 Government Street #5, Kittery, Maine, wrote regarding concern over the recent signs posted at John Paul Jones Park that prohibit dogs.

c. Chairperson's response to public comments.

Chair Thomson addressed the issues at Seapoint Beach and said the Beach working group is being formulated and hopefully there will be some positive action taken in the very near future.

Chair Thomson gave Christine Kelly, Anne MacPherson and Simon Green, other options for greenspaces in the Town where dogs are allowed and he stated that no dogs at John Paul Jones Park was a part of the changes made in Title 6 enacted last October.

14. UNFINISHED BUSINESS - None

15. NEW BUSINESS

a. Donations/gifts received for Council disposition

a. (060321-3) The Kittery Town Council moves to accept a donation in the amount of \$50,000 to be deposited into account #4060-43602.

Moved by Vice Chair Spiller, seconded by Councilor Pelletier.

Motion Carried 7-0-0

b. (060321-4) The Kittery Town Council moves to schedule a public hearing on July 12, 2021 to authorize the Town Manager to enter into a Net Energy Billing Credit Agreement.

The Town Manager gave an overview of the Net Energy Billing Credit Agreement.

Moved by Vice Chair Spiller, seconded by Councilor Pelletier.

Motion carried 7-0-0

c. (060321-5) The Kittery Town Council moves to approve the repair of headstones and gravesites at Orchard Grove Cemetery as proposed by the Orchard Grove Sexton, in accordance with 13 MRS §1371.

Moved by Councilor Dow, seconded by Vice Chair Spiller.

Motion Carried 7-0-0

d. (060321-6) The Kittery Town Council moves to appoint Patricia Moore, Assistant Town Manager as Acting Town Manager from July 12, 2021 through July 16, 2021, while Town Manager is on vacation.

Moved by Councilor Dow, seconded by Vice Chair Spiller.

Motion Carried 7-0-0

16. COUNCILOR ISSUES OR COMMENTS

Councilor Pelletier – None

Councilor Stevens wanted to thank Chair Thomson for recognizing Juneteenth.

Councilor Hamm – None

Councilor Clark stated fires at Seapoint Beach should continue with only firewood, he also thanked Kennebunk Savings Bank for their \$50,000 donation and finally Councilor Clark gave information on how Marijuana businesses and/or caregivers can legally get a bank account.

Councilor Dow – None

Vice Chair Spiller mentioned residents had contacted her about cars speeding on Bartlett Road and requested police present, also she received pictures of the algae at Spruce Creek and asked if the Town could look into it. Vice Chair Spiller stated the last time she had gone to John Paul Jones Park she had stepped into some dog waste.

Chair Thomson stated he had received some correspondences regarding a possible marker to recognize Rock Rest and Councilor Stevens volunteered to be the Council liaison. Chair Thomson also spoke about the Shipyard traffic not yielding for pedestrians in the crosswalk and also being on their cell phones.

17. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson - None

b. Committee Reports - None

18. EXECUTIVE SESSION - None

19. ADJOURNMENT

Councilor Dow moved to adjourn at 8:07 p.m., seconded by Councilor Pelletier.

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.