

KITTERY TOWN COUNCIL Approved Minutes

April 11, 2022, 6:00PM

COUNCIL CHAMBERS

1. Call to Order

Chair Spiller called the meeting to order at 6:00 p.m.

2. Introductory

3. Pledge of Allegiance

4. Roll Call

Councilors present: Chair Judith Spiller, Vice Chair George Dow, Councilor Cyrus Clark, Councilor Cameron Hamm, Councilor Colin McGuire, and Councilor Mary Stevens.
Councilors present on ZOOM: Councilor Jeffrey Pelletier.

5. Agenda Amendment and Adoption

Under Public Hearings, item d. (040122-6) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from The Sandwich Monstahh – Mobile Food Unit, located at 3 Ann Avenue, Salem, NH., was removed.

Chair Spiller cast one vote to approve the agenda as amended.

6. Town Manager's Report

The Town Manager reported on: Attorney General's Response to the Marijuana license process, PFAS update, Foreside outdoor dining, Freebie Barn next steps.

Upcoming Dates: Absentee Ballot applications available now at the Town Clerk's office, or at www.kitteryme.gov/elections, Kittery Yard Scaping Workshop is on April 14, 2022, 7PM, at www.kitteryme.gov/yardscaping, Education Scholarship applications are due April 14, 2022 apply at www.kitteryme.gov/scholarship, Mooring renewals are due April 15, 2022 at the Harbormaster's office, or online at www.kitteryme.gov/onlinemooring, the Kittery Easter Egg Hunt has been rescheduled to April 16, 2022, at the Kittery Community Center, the Town Hall will be closed for Patriots Day Holiday on April 18, 2022, KEEP property tax payment plan applications are due June 1, 2022, at the Town Hall, Voter registration night is June 8, 2022, from 6PM - 7PM, at the Town Hall, Town Meeting/School Budget Validation Referendum/State Primary Election is on June 14, 2022, from 8AM - 8PM, at the Kittery Community Center, and the Senior tax credit application is due July 1, 2022, at the Town Hall, the application is available at www.kitteryme.gov/taxpaymentassistance.

7. Acceptance of Previous Minutes

March 28, 2022 Regular Meeting

The called to order time was adjusted from 6:31p.m. to 6:00 p.m.

Chair Spiller moved to approved the March 28, 2022 Council minutes as amended.

All were in favor.

8. Interviews for the Board of Appeals and Planning Board

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

a. (040122-1) The Kittery Town Council moves to receive the FY'23 School Budget Presentation and to take a preliminary vote on the FY'23 School Budget for the June 14, 2022 Town Meeting.

School Superintendent, Eric Waddell conducted the FY'23 School Budget presentation, and answered any questions the Town Council might have had.

b. (040122-2) The Kittery Town Council moves to receive a presentation from Save the Kittery Waters group.

Amy Sauber, 45 Crockett Neck Road, Kittery, and Patty Lynch, 61 Crockett Neck Road, Kittery, volunteers for Save Kittery Waters conducted the presentation on behalf of Save Kittery Waters group, and answered any questions or concerns the Council might have had.

10. PUBLIC HEARINGS

a. (040122-3) The Kittery Town Council moves to hold a public hearing to Authorize the Lease of Fire Apparatus.

The Town Manager gave an overview of the Lease of Fire Apparatus.

Moved by Vice Chair Dow, seconded by Councilor Clark.

Motion Carried 7-0-0

b. (040122-4) The Kittery Town Council moves to hold a public hearing on Title 16 - Solar Energy Systems Amendments.

The Town Manager gave an overview on Title 16 - Solar Energy Systems Amendments.

Moved by Councilor Hamm, seconded by Councilor Clark.

Motion Carried 7-0-0

c. (040122-5) The Kittery Town Council moves to hold a public hearing on Title 16 – Affordable Housing BL and BL1 Amendments.

The Director of Planning and Development, Adam Causey, gave an overview of Title 16 – Affordable Housing BL and BL1 Amendments.

Chair Spiller read a letter from Matt Brock, Chairperson of the Housing Committee, 50 Goodwin Road, Kittery Point supporting Title 16 – Affordable Housing BL and BL1 Amendments.

Dana Kimball, 6 Bridgeview Terrace, Kittery, expressed his concerns about the effects Affordable Housing would cause such as traffic, denser population, requiring more police and fire staff. Mr. Kimball also wanted to know the definition of affordable housing by the town's standards.

The Director of Planning and Development, Adam Causey, addressed Mr. Kimball's concerns.

Tom Emerson, 10 Ox Point Drive, Kittery, also a member of the Housing committee, Land Issues committee, and Economic Development committee stated affordable housing is defined by HUD.

Ali Goodwin, the Board Chair of Fair Tide wrote in support of Title 16 – Affordable Housing BL and BL1 Amendments.

Diane L. Harvey, 190 Brave Boat Harbor Road, Kittery Point wrote in support of the amendments to the BL/BL1 zones.

Debbie Driscoll, 9 Pepperrell Terrace, Kittery wrote as a property owner in the BL-1 zone, she would like to ask the Town Council to consider having a visioning build out session, to see just how many housing units could be built on State Road and Shapleigh Road, before enacting the proposed zoning amendments for BL and BL-1 zones.

The Town Council were all in favor to keep the public hearing on Title 16 – Affordable Housing BL and BL1 Amendments open until they could have a workshop with the Planning board and resume the public hearing at the May 9, 2022 Town Council meeting.

d. (040122-6) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from The Sandwich Monstahh – Mobile Food Unit, located at 3 Ann Avenue, Salem, NH.

(Removed from the agenda)

11. DISCUSSION

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

Lainey McCartney, 30 Heron Point, Kittery wrote about her concerns and stated drainage for the 412 Development runs in front of her home. It was mostly a dry bed with occasional run-off post storms. In the last 2-3 years it has flowed non-stop due to increased drainage. She also stated it is currently choked-up with the green algae that is devastating Spruce Creek.

Filomena Knowles, 2 Estuary Drive, Kittery, spoke at the last Town Council meeting on Mar 28, 2022, she requested the Town Council speak to the Planning Board about its duty to the town. Ms. Knowles did not expect the Council to intervene in a specific application under consideration by the Planning Board, just merely requested the Council remind the Planning Board members that they need not approve a project that has a negative effect on the town just because all zoning ordinances are met. And that the duty of the Planning Board, as stated on the town website, is to “ensure proposed development does not adversely impact the health, safety of Kittery, assuring the protection of the town’s character.”

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

c. Chairperson’s response to public comments.

Chair Spiller responded to Ms. McCartney and stated that the Town would be working together with Save Kittery Waters on projects including the bodies of water that are draining into Spruce Creek.

Chair Spiller responded to Ms. Knowles and stated the Council would not be speaking with the Planning Board about this specific matter.

12. UNFINISHED BUSINESS - None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

(040122-7) The Kittery Town Council moves to accept a donation in the amount of \$2,500.00 from Friends of the Rice Public Library for the Summer Reading Program.

Moved by Councilor Hamm, seconded by Councilor McGuire.

Motion Carried 7-0-0

b. (040122-8) The Kittery Town Council moves to schedule a Public Hearing on May 2, 2022 to vote on the school Budget, (11 Cost Centers) and School Ordinances.

Moved by Vice Chair Dow, seconded by Councilor Stevens.

Motion Carried 7-0-0

c. (040122-9) The Kittery Town Council moves to approve the Town Meeting Warrant Articles.

Chair Spiller moved to adopt the Town Meeting articles as presented, seconded by Councilor Stevens.

Motion Carried 7-0-0

d. (040122-10) The Kittery Town Council moves to approve a request from Tributary Brewing Company located at 10 Shapleigh Road, Kittery, to hold a special event for the release of Mott the Lessor on Saturday April 23, 2022, from 12pm to 7pm.

Moved by Councilor McGuire, seconded by Councilor Hamm.

Motion Carried 7-0-0

e. (040122-11) The Kittery Town Council moves to approve a renewal Liquor License application from Anju Noodle Bar located at 7 Wallingford Square Unit 102, Kittery.

Moved by Councilor Stevens, seconded by Councilor McGuire.

Motion Carried 7-0-0

f. (040122-12) The Kittery Town Council moves to appoint Robert McDonough to the Parks Commission for a term to expire 12/31/2022.

Moved by Councilor Pelletier, seconded by Councilor Clark.

Motion Carried 7-0-0

g. (040122-13) The Kittery Town Council moves to appoint John Corgan to the Economic Development Committee for a term to expire 12/31/2025.

Moved by Councilor Stevens, seconded by Vice Chair Dow.

Motion Carried 7-0-0

h. (040122-14) The Kittery Town Council moves to appoint H. Scott Mason to the Economic Development Committee for a term to expire 12/31/2025.

Moved by Councilor Hamm, seconded by Vice Chair Dow.

Motion Carried 7-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Stevens stated she fully supported the purpose and the intent of the zoning ordinance the Council will consider at the May, 2022 Council meeting. She also wanted to recognize the town staff for all their hard work. Councilor Stevens stated she was impressed with all the members of the boards, committees, and commissions.

Councilor Hamm wanted to thank the leadership for the March for Meals.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Committee Reports

Chair Spiller gave an update on the Climate Adaptation Committee.

16. EXECUTIVE SESSION - None

17. ADJOURNMENT

Councilor Hamm moved to adjourn at 8:51 p.m., seconded by Councilor Stevens.

All were in favor.

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.