

Kittery Town Council
November 27, 2023

1. Call to Order

Chair Spiller called the meeting to order.

2. Land Acknowledgement & Introductory

3. Pledge of Allegiance

4. Roll Call

Councilor's present- Councilor Bragg, Councilor Mason, Councilor Clark, Councilor Hamm, Councilor Stevens, Vice Chair McGuire, Chair Spiller

5. Agenda Amendment and Adoption

Chair Spiller casts one vote in favor of adopting as amended.

6. Town Manager's Report

Town Manager reported on PFAS Water Line Project, Branding and Universal Design, Gorges Road Fire Station Ribbon Cutting, Route 236/Dennett Road Hydrological Study Final Presentation, Fiscal Year 2024 Quarter 1 Financial Report and Calendar Year 2023 Q3 Annual Goals and Comprehensive Plan Implementation Report.

Upcoming Dates:

Freebie Barn Closed – Month of December

Shellfish Day Licenses Available – Beginning December 1

Kittery Holiday Parade and Tree Lighting – December 2

Gorges Road Fire Station Ribbon Cutting – December 7

Economic Recovery Hub Application Deadline – December 7

Holly Jolly Trolley – December 8

Fill a Boot Fundraiser – December 9

Rte 236/Dennett Road Hydrological Study – December 14

7. Acceptance of Previous Minutes

- October 11, 2023 – Regular Meeting

- October 11, 2023 – Executive Session

All were in favor of accepting as presented.

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 offices.
10. PUBLIC HEARINGS

- a. (110223-01) The Kittery Town Council moves to hold a public hearing on Title 16 – Housing to Comply with LD2003.

Town Manager gave an overview of LD2003.

Mary Alice LaPoint, member of the Conservation Commission in Kittery, read a statement from the Commission. In the statement they asked to strike the word coastal before wetlands (amendment 16.3.2 line 15) which would result in excluding both coastal and upland/wetlands from lot area calculations and close the fresh water loophole. Ms. LaPoint asked Council to be sure about the language within the proposed changes before voting to be sure that it does not open any loopholes.

Clayton Smith, Kittery resident and a member of the Conservation Commission, stated that we are losing wetlands due to development and would like to see more time spent on this issue to be sure to it is done right.

Lisa Linehan, resident of Kittery, stated that she is there to represent the Kittery Land Trust. Ms. Linehan read a statement from the Kittery Land Trust in which they stated their concerns about density adjustments relating to wetlands, remedy ambiguities associated with the term in land area in chapter 16 as well as the remedy and apparent ambiguities in the recently revised paragraph 16.5.18.b.

Cliff Clifford, 27 Miller Rd, talked about some of the ambiguities in the Kittery Land Trust's letter.

Debbie Driscoll, resident of Kittery, stated the Public Hearing notice only states housing to comply with LD2003 and does not mention any other changes to zoning and feels as though that should be all they vote on tonight.

Melissa Paley, Kittery Point resident, asked that Council not to confuse the need for housing with the need to protect the areas that keep our community resilient against storms. She stated that wetlands are critical parts of our community.

John Succi, 46 Old Post Rd, discussed an example of wetland zoning changes of Willand Pond, Somersworth, NH and the effects it had there.

Chair Spiller read an email from Matt Brock, Chair of the Housing Committee, where he discussed the discretionary zoning changes stating that he supports them and feels they will still maintain important protections to the environment.

Chair Spiller read an email from Emily Flinkstrom, Executive Director of Fair Tide, where Mrs. Flinkstrom urged Council to please adopt changes to Title 16 before them. She declared that these changes will aid in the housing crisis here in Kittery.

Councilor Stevens moves that in accordance with Title 30A MRS § 3001 and Town Charter 2.4 the Town of Kittery ordain amendments to Town Code Title 16 Land Use and Development code as presented, seconded by Councilor Hamm.

Councilor Clark reminded everyone that the deadline for LD2003 is for the 31st and there will be no time to go back and adopt changes if they send this back to the Planning Board.

Vice Chair McGuire clarified that the Town is looking differently at limited growth areas vs. targeted growth areas and that we are adopting more restrictive approach in limited growth areas and expansion in the targeted growth areas. Town Manager confirmed this is correct.

Vice Chair McGuire asked for clarification on upland zones. Town Manager responded.

Chair Spiller confirmed that we are not changing setbacks.

Councilor Stevens discussed information she learned at the workshop on the changes proposed and asked for clarification on the impervious surface work. Town Manager and Chair Spiller responded.

Councilor Stevens then asked what the potential impact on the wetlands might be and if it is possible to take another look at the Towns setbacks rules and requirements.

Councilor Hamm stated that he believes the proposal made is an example of finding middle ground between the environment and development.

Vice Chair McGuire asked for clarification on the presentation given by the Planning Board and how the members voted. Town Manager responded.

Councilor Stevens asked about issues brought up by Mr. Clifford regarding the language dealing with the minimal land area vs. lot area.
Town Manager responded.

Councilor Stevens asked what the impact may be if we follow Mrs. LaPoint's suggestion of removing the word coastal from wetlands.
Director of Planning and Development, Jason Garnham responded.

Motion passes
7-0-0

b.(110223-02) The Kittery Town Council moves to hold a public hearing on
Title 10 – Three Way Stop Dennett Ext/Martin Road.

Town Manager gave an overview.

Lisa Linehan, 11 Ridgewood Drive, stated that she walks that way everyday and has had to jump into a yard of a home because of cars coming by too fast. She believes that it is a really dangerous corner and supports a 3 way stop.

Chair Spiller read an email from Marcia Peverly, who declared that she believes a 3-way stop will cause more accidents than reducing them. She suggested possibly having a sign with flashing LED lights around it, permanent signs that flash your speed or reducing the corner speed to 10 MPH.

Chair Spiller read an email from Ted Marsters, Martin Rd, declared that it is his belief that the neighborhood is in support of these signs. He would like Kittery leadership to consider the following to make the streets even more safe; solid white lines on both sides of the two roads to mark the shoulders, speed tables and related signage and caution lights placed at strategic locations and additional signage and cautionary lighting to announce the new stop signs.

Councilor Stevens moves that in accordance with Title 30A MRS § 3001 and town charter § 2.14 the Town of Kittery hereby ordains amendment to Title 10 of the Town code as presented, seconded by Councilor Hamm.

Councilor Clark asked if there would be flashing stop signs?
Town Manager responded.

Councilor Stevens stated that she agrees with Councilor Clark about the flashing stop signs being a good idea with a change like this.

Chair Spiller stated that when the stop signs were installed at Seapoint and Cutts Island Lane were installed people were quickly compliant with them.

Councilor Stevens asked if the committee was looking at white lines for pedestrians.
Town Manager responded.

Motion passes
7-0-0

c. (110223-03) The Kittery Town Council moves to hold a public hearing on Tree Tips 3, LLC 8 Dexter Lane Marijuana License (Change in ownership).

Nick Friedman, owner of Tree Tips 3, wanted to introduce himself and let Council know he would be happy to answer any questions they may have.

Vice Chair asked for clarification that the Town has more restrictive rules than the State does.

Town Manager responded.

Move to approve the change of ownership as presented by Vice Chair McGuire, seconded by Councilor Bragg.

Motion passes
6-0-1

Councilor Clark abstained from the vote.

d. (110223-04) The Kittery Town Council moves to hold a public hearing on a new Victualers License for Board, LLC 5 Shapleigh Road Unit 108, Kittery.
Upon necessary approval from Code Enforcement.

Move to issue the Victualers license for Board LLC contingent upon Code Enforcements approval by Vice Chair McGuire, seconded by Councilor Bragg.

Motion passes
7-0-0

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 - None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition.

b.(110223-05) The Kittery Town Council moves to approve Council rules for the ensuring year.

Motion passes

7-0-0

c. (110223-06) The Kittery Town Council moves to approve the appointments of Council members to standing and ad hoc committees.

Chair Spiller read through current committees and verified the current members from Council.

Councilor Bragg asked to be removed from the Diversity and Equity Committee. Chair Spiller volunteered to be added in place of Councilor Bragg.

Chair Spiller moved the appointments with the changes noted, seconded by Councilor Hamm.

Councilor Stevens asked if Councilor Mason would be on any.

Chair Spiller stated that he would like to have some time to get familiar with and catch up on each first before volunteering his commitments.

Motion passes

7-0-0

d.(110223-07) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Kittery Port Authority to interview Todd Endres for a five-year term on the Kittery Port Authority.

Move to appoint Councilor Mason to interview Todd Endres by Chair Spiller, seconded by Vice Chair McGuire.

Motion passes

7-0-0

e. (110223-08) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Educational Scholarship Committee to interview Sarah Nohmer for a 2-year term on the Education Scholarship Committee.

Move to appoint Councilor Hamm along with the chair of Educational Scholarship Committee to interview Sarah Nohmer by Chair Spiller, seconded by Councilor Clark.

Motion passes
7-0-0

f. (110223-09) The Kittery Town Council moves to accept the resignation from Chris Perkins from the Capital Improvement Plan Committee.

Vice Chair McGuire expressed his gratitude for Mr. Perkins expertise and help over the years.

Move to accept resignation with thanks by Vice Chair McGuire, seconded by Councilor Clark

Motion passes
7-0-0

g.(110223-10) The Kittery Town Council moves to schedule a public hearing on December 11, 2022 on Title 13 – Municipal Property Tax Assistance Maximum.

Town Manager gave an overview.

All were in favor.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Mason stated that we need to keep LD2003 and keeping the other setbacks top of mind.

Councilor Clark stated that we only have one postman in the Town of Kittery and thanked him for his extra hard work this season.

Councilor Hamm stated that there was a housing advocacy bootcamp that he attended and learned a lot from it. He mentioned that he had a conversation with a resident in town who thought that we should take care of our current residents before expanding housing within the town. Councilor Hamm believes that “we” are always trying to be better for the people here now and who will be here tomorrow. He closed with a book recommendation called Paved Paradise, which discusses how America is over parked.

Councilor Stevens had an opportunity to attend the Traip Academy musical and thought that it was very good. She stated that she felt it was really interesting to see how all the students, faculty and parents pulled it together.

Vice Chair McGuire also thanked our postman. He also stated that he was very disappointed the 8th Circuit has ruled and hollowed out a major section to the voting rights act. Lastly, he expressed his sadness to hear of the shooting in Vermont.

Chair Spiller stated that she hopes to see everyone at the parade this weekend.

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Move to adjourn by Councilor Bragg, seconded by Councilor Hamm.

All were in favor of adjournment.

Submitted by Jennifer Wheeler

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 refer to the video of the meeting on the Town of Kittery website.