

Kittery Town Council Approved Minutes

October 28, 2019

Regular Meeting

Town Hall – Council Chambers

1. Call to Order

2. Introductory

3. Pledge of Allegiance

4. Roll Call

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

5. Agenda Amendment and Adoption

Chair Spiller cast one vote to accept the agenda.

6. Town Manager's Report

The Town Manager Reported on: Badgers Island parking and traffic, regional climate adaptation effort, customer service center closed Nov 5 for election, sidewalks master plan, Whipple Road sidewalks, 88 Pepperrell Cove project, and safe routes to schools/Stevenson sidewalks project.

Upcoming Dates: Pepperrell Cove float out – October 28, voter registration night – October 30, 6PM – 8PM, Town Clerk's Office, trick or treat – October 30, 5PM – 8PM, tax bills due – October 31, absentee ballot request deadline – October 31, and election and bond referendum – November 5, 8AM to 8AM, Kittery community center.

The Town Manager asked the Council if they supported going forward with speed limit reduction for Badgers Island, regional climate adaptation effort, sidewalks master plan.

The Council stated they were in support.

7. Acceptance of Previous Minutes – None

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. - None

10. PUBLIC HEARINGS

a. (100219-1) The Kittery Town Council moves to hold a public hearing on Title 16 - ADU's.

Vice Chair Brock and the Town Manager gave an overview on the Title 16 – ADU.

Tim Brochu, 90 Government Street, Kittery – Mr. Brochu stated his support for Title 16 - ADU's, but expressed his concern about the 30-day requirement.

Tom Emerson, Ox Point Drive, Kittery – Mr. Emerson spoke in support of Title 16 - ADU's.

William Pierce, Rogers Road, Kittery – Mr. Pierce spoke in support of Title 16 – ADU's.

Chair Spiller read a letter from Emily Flinkstrom, Executive Director at Fair Tide about affordable rental housing.

Councilor Thomson moved for Title 16 – ADU to be effective 6 months from the date of enactment, April 28, 2020, seconded by Vice Chair Brock.

Councilor Thomson moved to amend line 114, “rented no less than 30 days” to “rented no less than 90 days” to avoid short term rentals, seconded by Councilor Lemont.

Councilor Denault, Councilor Pelletier, Councilor Lemont, Councilor Clark, Vice Chair Brock, and Chair Spiller voted no to extending the rental from no less than 30 days to no less than 90 days.

Councilor Thomson voted yes.

Motion Failed, 1 in favor and 6 opposed.

Councilor Thomson moved to amend line 114, use standards are meant to read as follows: accessory dwelling unit may not be rented for less than a 30-day period to the same party or person, seconded by Vice Chair Brock.

Councilor Thomson, Councilor Lemont, Councilor Denault, Vice Chair Brock voted yes.

Councilor Pelletier, Councilor Clark, Chair Spiller voted no.

Amendment approved 4 in favor, and 3 opposed.

Councilor Thomson moves to amend line 121, A violation of the Use Standard 16.8.25.4.C will lose the certificate of occupancy for the unit for no less than 30 days, and be assessed a penalty of \$200, amend to a \$500 penalty, seconded by Councilor Denault.

Councilor Thomson, Councilor Denault, Councilor Lemont, Vice Chair Brock voted yes.

Councilor Pelletier, Councilor Clark, Chair Spiller voted no.

Amendment approved 4 in favor, and 3 opposed.

Council voted on the main motion as amended.

Councilor Denault, Councilor Thomson, Councilor Lemont, Vice Chair Brock, Chair Spiller voted yes.

Councilor Pelletier, Councilor Clark voted no.

Motion Carried as amended, 5 were in favor, and 2 opposed.

(100219-2) The Kittery Town Council moves to hold a public hearing on Title 16 – Shoreland Overlay Amendments.

The Town Manager gave an overview of Title 16- Shoreland Overlay Amendments.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

c. (100219-3) The Kittery Town Council moves to hold a public hearing on Title 10 – Jake Brakes.

Councilor Denault gave an overview of Title 10 – Jake Brakes.

Sharon Clark, Manson Avenue, Kittery - Ms. Clark spoke about the loud noise of the Jake Brakes.

Moved by Councilor Denault, seconded by Councilor Clark.

Chair Spiller and Vice Chair Brock expressed concerns on how to enforce.

Motion Carried 7-0-0

d. (100219-4) The Kittery Town Council moves to hold a public hearing for a new Victualer's License application for the 518 Noodle Bar located at 518 US Route 1 Unit 2, Kittery.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

e. (100219-5) The Kittery Town Council moves to hold a public hearing for a new Liquor License application for the 518 Noodle Bar located at 518 US Route 1 Unit 2, Kittery.

Moved by Councilor Thomson for discussion, seconded by Councilor Pelletier.

Councilor Thomson questioned the date of the application. The Town Clerk explained the date on the application.

Motion Carried 7-0-0

11. DISCUSSION

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

Ted Marsters, Martin Road, Kittery – Mr. Marsters spoke about his concerns about cars speeding on Martin Road, and the Town Council not having minutes.

Mike Driver, Meadow Lane, Kittery – Mr. Driver thanked the Council for the conversation about sidewalks.

Elaine Plante, 2 Greenfield Drive, Kittery – Ms. Plante wanted to thank the Town Manager and Councilor Denault for listening to her concerns about the incomplete sidewalks on Stevenson Road.

A Kittery resident expressed concerns about the sidewalks and the cars speeding on Stevenson Road.

Suzanne Johnson, 13 Cromwell Street, Kittery – Ms. Johnson spoke about opposing the Library renovations.

Leona Johnson, Greenfield Drive, Kittery – Ms. Johnson expressed concerns about the sidewalks and the cars speeding on Stevenson Road.

b. Response to public comment directed to a particular Councilor

c. Chairperson's response to public comments

Chair Spiller responded to the concerns on sidewalks, Town Councilor minutes, speeding cars on Martin Road and Stevenson Road, and the Library Renovations.

12. UNFINISHED BUSINESS -None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition.

(100219-6) The Kittery Town Council moves to accept a check in the amount of \$2,010.00 from the Portsmouth Naval Shipyard Naval Civilian Managers Association. To be deposited into the Thresher Memorial account.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

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

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

c. (100219-7) The Kittery Town Council moves to approve a request from Traip Academy Project Graduation to fund raise at the Resource Recovery Center on November 30th 2019 from 9:00am to 4:00pm.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

d. (100219-8) The Kittery Town Council moves to schedule a Public Hearing for November 13, 2019 on Title 4 – Board of Library Trustees.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

e. (100219-9) The Kittery Town Council moves to accept the resignation of Mark Alesse of the Planning Board.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

f. (100219-10) The Kittery Town Council moves to approve the Project Certification for Emery Field Phase 2 Grant.

The Town Manager gave an overview on the Project Certification for Emery Field Phase 2 Grant.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

g. (100219-11) The Kittery Town Council moves to approve a request from the Traip Academy Robotics Team to fund raise at the Resource Recovery Center November 2nd, 2019 from 9:00am to 4:00pm.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Lemont wanted to thank the Town Manager for allowing the fishermen to retrieve their traps at Fort Foster.

Councilor Denault addressed Mr. Marsters concerns about speeding cars, painting the speed limits on the road, the crosswalk light on Rt. 1, and Government / Walker Street, and hiring more police officers. Finally, he spoke about getting more information about the TIF program.

Councilor Thomson spoke about the vote that would be taking place on the Library.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson - None

b. Committee Reports - None

16. EXECUTIVE SESSION - None

17. ADJOURNMENT

Moved by Councilor Thomson, 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.