

**Town of Kittery  
Planning Board Meeting  
April 28, 2016**

**Town Code Amendment – 16.3.2.15 - Mixed Use – Kittery Foreside**

Action: Review Amendment, Schedule a Public Hearing. The proposed amendment removes Design Review regulations from the Mixed Use – Kittery Foreside zone.

**PROJECT TRACKING**

| REQ'D | ACTION   | COMMENTS                  | STATUS |
|-------|--|---------------------------|--------|
| YES   | Initial Planning Board Meeting                     | Scheduled for 4/28/2016   | HELD   |
| NO    | Secondary Planning Board Meeting                   | At the Board's discretion |        |
| YES   | Public Hearing                                     |                           |        |
| YES   | Review/Approval/<br>Recommendation to Town Council |                           |        |

**Background**

The Planning Board held several discussions November 2015 – March 2016 regarding a revival of the Kittery Foreside Committee, formally the Foreside Design Review Committee. The Board determined the Kittery Foreside Committee, as it currently exists within the code, was created to address needs related to the impending growth in the Foreside neighborhood and does not reflect current needs of the neighborhood. The Board voted not to revive the Kittery Foreside Committee on March 24, 2016.

**Review**

The proposed amendment removes language referencing the inactive Kittery Foreside and Foreside Design Review Committee from Title 16.

**Recommendation**

After considering staff edits and additions to the amendment, and additional thoughts from Board members, the Board may direct staff with any additional changes and...

**...move to schedule a public hearing for the proposed Town Code Amendment – 16.3.2.15 - Mixed Use – Kittery Foreside to the May 26, 2016 Planning Board meeting.**

2 **16.3.2.15 Mixed Use - Kittery Foreside MU-KF.**

3  
4 **A. Purpose.**

5 To provide business, service, and community functions within the Mixed Use - Kittery Foreside zone and  
6 to provide a mix of housing opportunities in the historic urbanized center of the community and to allow  
7 for use patterns which recognize the densely built-up character of the zone and the limitations for  
8 providing off-street parking. ~~Design review is used to facilitate the revitalization of downtown Kittery  
9 Foreside as a neighborhood center, while promoting economic development of service businesses and  
10 walk-in shopping as well as respecting the zone's historic and residential character.~~

11  
12 **[NOTE: The existing section 16.3.2.15.B and 16.3.2.15.C are not being amended]**

13  
14 **D. Standards.**

15 1. The design and performance standards of Chapters 16.8 and 16.9 must be met except where  
16 specifically altered in this subsection.

17  
18 2. Dimensional Standards. The following space standards apply:

|    |  |                           |
|----|--|---------------------------|
| 19 |  |                           |
| 20 | Minimum land area per dwelling unit                          | 5,000 square feet         |
| 21 | Minimum lot size   | 5,000 square feet         |
| 22 | Minimum street frontage                                      | 0 feet                    |
| 23 | Minimum front yard along:                                    |                           |
| 24 | Government Street east of Jones Avenue including             |                           |
| 25 | Lot 107 at the corner of Government and Walker Streets       | 0 feet                    |
| 26 | other streets  | 10 feet                   |
| 27 | Wallingford Square   | 0 feet                    |
| 28 | (Ordained 9/24/12; effective 10/25/12)                       |                           |
| 29 |  |                           |
| 30 | Minimum rear and side yards                                  | 10 feet                   |
| 31 | Minimum separation distance between principal                |                           |
| 32 | buildings on the same lot                                    | 10 feet                   |
| 33 |  |                           |
| 34 | Maximum building height                                      | 40 feet*                  |
| 35 | *Except that for buildings located on lots that abut tidal   |                           |
| 36 | waters, the highest point on the primary structure of the    |                           |
| 37 | building including the roof, but excluding chimneys, towers, |                           |
| 38 | cupolas, and similar appurtenances that have no floor area,  |                           |
| 39 | may be not more than thirty-five (35) feet above the         |                           |
| 40 | average grade between the highest and lowest elevations      |                           |
| 41 | of the original ground level adjacent to the building.       |                           |
| 42 | Minimum setback from:  |                           |
| 43 | water body and wetland water dependent uses                  | 0 feet                    |
| 44 | all other uses (including buildings and parking)             | 75 feet                   |
| 45 |  | unless modified,          |
| 46 |  | according to the terms    |
| 47 |  | of subsection (E) of this |
| 48 |  | Section.                  |

|    |   |                   |
|----|---|-------------------|
| 49 |   |                   |
| 50 | Maximum building coverage                           | 60 percent        |
| 51 | Minimum open space on the site                      | 40 percent        |
| 52 |   |                   |
| 53 | Minimum land area per unit for eldercare facilities |                   |
| 54 | that are connected to the public sewerage system:   |                   |
| 55 | dwelling unit with two or more bedrooms             | 3,000 square feet |
| 56 | dwelling unit with less than two bedrooms           | 2,500 square feet |
| 57 | residential care unit                               | 2,000 square feet |
| 58 |   |                   |
| 59 | Minimum land area per bed for nursing care and      |                   |
| 60 | convalescent care facilities that are connected to  |                   |
| 61 | the public sewerage system                          | 1,500 square feet |
| 62 |   |                   |

63 3. Maximum Building Footprint.

64 The maximum area of the building footprint of any new building is one thousand five hundred (1,500)  
65 square feet unless the building is replacing a larger building that existed on the lot as of April 1, 2005.

66  
67 A. If the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square  
68 feet, the maximum size of the footprint of the pre-existing building was larger than one thousand five  
69 hundred (1,500) square feet, the maximum size of the footprint of the new building may be no larger than  
70 the footprint of the pre-existing building.

71 B. If the footprint of the new building is larger than one thousand five hundred (1,500) square feet, the  
72 width of the new building as measured parallel to the front lot line may not be greater than the width of the  
73 pre-existing building.

74  
75 4. Design Standards.

76 Any new building, or additions or modifications to an existing building that:

77  
78 (1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after  
79 April 1, 2005, or

80  
81 (2) is subject to shoreland overlay zoning as set forth in Section 16.7.3.5.1 must conform to the following  
82 standards.

83  
84 **NOTE:** This requirement does not apply to the replacement of a building destroyed by accidental or  
85 natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not  
86 increase the pre-existing building volume by more than thirty percent (30%).

87  
88 a. Placement and Orientation of Buildings Within a Lot.

89  
90 i. The placement of buildings on the lot must acknowledge the uniqueness of the site, the neighboring  
91 buildings, and the natural setting. Existing views and vistas must be preserved in the design of the site  
92 and buildings, and buildings must be placed to frame, rather than block, vistas.

93  
94 ii. Buildings and the front elevation must be oriented facing the street on which the building is located.  
95 The siting of buildings on corner lots must consider the placement of buildings on both streets.

96

97 b. Overall Massing of Buildings.

98  
99 The overall massing objective is to simulate a concentrated use of space in the Foreside zone while  
100 avoiding the use of large, multi-unit buildings. In the interest of this objective, building footprints must  
101 meet the maximums set forth above. Larger parcels may be developed but will require the use of multiple  
102 buildings with smaller footprints. The smaller scale of the buildings will allow new projects to fit in with the  
103 existing architectural styles of the Foreside zone.

104  
105 c. Grouping of Smaller Buildings.

106 When smaller buildings that are part of one project are placed adjacent to one another on the same lot or  
107 adjacent lots, each building must have its own structure and elevation treatment that is different from its  
108 neighbor. Small decorative wings may be attached to larger structures if well integrated into the overall  
109 arrangement of shapes.

110  
111 d. Building Details.

112 Buildings must include architectural details that reflect the historic style of the Foreside zone. Molding and  
113 trim must be used to decorate or finish the surface of buildings and doors. Eaves and overhangs should  
114 be incorporated into the design.

115  
116 e. Roof Slopes and Shapes.

117  
118 i. Allowable roof shapes include a simple gable, gambrel, saltbox, and hip. The minimum roof pitch  
119 must be 8:12 (rise over run) except in the case of a hip roof where a lesser pitch is acceptable.

120  
121 ii. The roof pitch of elements that link buildings or portions of buildings must be the same or greater than  
122 the pitch of the roofs on the buildings that are being linked.

123  
124 iii. Flat or nearly flat shed roofs are not allowed except for porches, dormers, or attachments distinct  
125 from the primary structure or where systems are concealed by standard roof forms.

126  
127 iv. The roof pitch of additions or wings must be similar to the pitch of the primary roof. Clusters of  
128 buildings must apply the same roof plan principles to pitch and link roofs.

129  
130 f. Fencing and Walls.

131  
132 i. Fencing may be used to separate public and private spaces, mark property lines, and protect  
133 plantings.

134  
135 ii. Fences must harmonize with nearby structures and not unduly interfere with existing scenic views or  
136 vistas.

137  
138 iii. Picket and other medium height fences and low stone walls are permitted.

139  
140 iv. Modern concrete walls and similar structures are prohibited.

141  
142 v. Chain-link and stockade fences are not appropriate in front yards and may be used in side and rear  
143 yards only if compatible with the overall design of the site.

144

145 vi. Waste receptacles, dumpsters, exterior systems, service entrances and similar areas must be  
146 screened with board fences, board and lattice fences, and/or landscaping.

147  
148 g. Utilities.

149 All utilities serving a new building including electricity, telephone, cable, Internet, and alarm systems must  
150 be placed underground from the access pole.

151  
152 h. Preservation of Trees.  
153 Existing large, healthy trees must be preserved if practical.

154  
155 5. Signage

156 Display of signboard and/or products for sale may be placed on a Town sidewalk only if:

157  
158 a. Products for sale displayed outside the building are limited to an area extending no greater than two  
159 feet from the front facade of the building;

160  
161 ~~b. Signboards are permitted in accordance with a design detailing style and size submitted by Kittery  
162 Foreside Committee and approved by the Planning Board and on file in the planning office;~~

163  
164 ~~e.b.~~ Signboards and/or products for sale must be removed from the sidewalk at the close of each  
165 business day;

166  
167 ~~d.c.~~ An annual permit must be obtained from the Code Enforcement Officer. Permits are issued for a  
168 calendar year or portion thereof, to expire December 31st of each year. Sign permit application fee,  
169 reference Appendix A.

170  
171 **[NOTE: The existing section 16.3.2.15.E is not being amended]**

172  
173 **F. ~~Design Review.~~**

174 ~~KFC advisory design review is required for any project involving the construction of a new building, or the  
175 enlargement or modification of an existing building that:~~

176  
177 ~~(1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after  
178 April 1, 2005, or~~

179  
180 ~~(2) is subject to the shoreland overlay zone requirements as set forth in Section 16.43.2.17, is subject to  
181 an advisory design review by the Kittery Foreside Committee (KFC).~~

182  
183 **NOTE:** ~~This requirement does not apply to the replacement of a building destroyed by accidental or  
184 natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not  
185 increase the pre-existing building volume by more than thirty percent (30%). This review is limited to  
186 consideration of the project's conformance with the design standards set forth in subsection (E)(4) of this  
187 Section. Upon receipt of an application for a project in the district that is subject to this requirement, Town  
188 staff shall forward the application to the chair of the KFC. The application must contain adequate  
189 information to allow the committee to evaluate the project's conformance with the design standards of  
190 subsection (E)(4) of this Section.~~

191

192 ~~The KFC has a maximum of forty-five (45) days to complete its review of the project. The KFC is to~~  
193 ~~provide a written report documenting its findings relative to conformance with the design standards and~~  
194 ~~any recommendations for changes to the project needed to conform to the standards. The design review~~  
195 ~~must be completed prior to approval of a development plan under Chapter 16.10, or the issuance of a~~  
196 ~~building permit if development review is not required, unless the KFC fails to complete its review within~~  
197 ~~forty-five (45) days in which case the application must be processed without the KFC review. The findings~~  
198 ~~of the design review must be provided to the Planning Board and/or CEO for consideration in their actions~~  
199 ~~relative to the project.~~