

**TOWN OF KITTERY
PLANNING BOARD MEETING**

**APPROVED
September 25, 2008**

Council Chambers

Meeting called to order at 6:05 p.m.

Members Present: Russell White, Douglas Muir, Megan Kline, Ernest Evancic, Michael Luekens, D. Scott Mangiafico, Joseph Carleton

Staff: Sandra Mowery, Town Planner; Bruce Kerns, Town Assessor

Minutes: September 11, 2008

Ms. Kline moved to approve the minutes as amended

Mr. Mangiafico seconded

Motion carries unanimously

PUBLIC COMMENT – There was no public comment.

ITEM 1 - Amendment to Title 16 - Land Use and Development Code Zoning Ordinance – Workshop – Workforce Housing Ordinance - The Town administration, endeavoring to promote workforce housing in order to support moderate working class families who choose to live and work in Kittery and in accordance with the Comprehensive Plan, propose to amend Title 16 *Land Use and development Code* Section 16.08.020. – Definitions and Section 16.12.130 - Mixed use—MU.

Workshop began at 6:15 p.m.

Bruce Kerns provided the Board with sales and assessment summaries for Kittery properties up to \$240,000, and discussed the example of restrictive covenants and agreement for affordable housing provided by the Workforce Housing Coalition at prior workshops. The Assessor argued that there appears to be sufficient housing stock in Kittery in the workforce housing price range. The Board discussed whether workforce housing with covenants would reduce market values and sale prices for single family homes in comparison to similar properties without covenants that would run with the property, not the owner.

Town Planner asked what would keep a homeowner's association from establishing covenants and restrictions to keep values low and, therefore lower property taxes. **Mr. Carleton** responded that the homeowners would not set the value, but the value is set by a formula using comparable market values. However, an association could place restrictions that would force a lower assessed value. There was mixed discussion about non-profit corporations that could manage a workforce housing project and receive tax-exempt status. Further information regarding this issue needs to be addressed. **Town Planner** asked if the Board would consider a zoning amendment for the mixed-use area to allow single family homes rather than develop a workforce housing ordinance. Such an amendment would allow the developer to build \$200,000 homes in the MU zone for families other than fifty-five years and older. **Mr. Muir** stated that it seems difficult to counteract market forces with ordinances, even though the goal of the ordinance is laudable. **Board Members** agreed that the presentation from the Assessor and additional information should be shared with the Council to ascertain if they (*Council*) wish to continue reviewing this concept. **Mr. Mangiafico** stated he was still in support of workforce housing for larger developments, providing there would be a mix of housing; that is, a development solely for workforce housing is not practical.

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Mr. Carleton moved to table this item

Mr. White seconded

Ms. Kline requested to amend the motion to have the Board return to the Council to determine if the Council wished to proceed with another workshop on this item.

Mr. Carleton agreed and accepted the amendment.

Planner noted that Gary Beers was present and asked the Board if he could provide additional information.

The Board agreed to hear Mr. Beers and the **motion to table the item was withdrawn by Mr. Carleton.**

Gary Beers spoke regarding the restrictive covenant draft provided, noting that they (*The Hynes Group*) had not yet developed any covenants for their proposal. He went on to say the Hynes group is not necessarily pushing workforce housing. Under the existing ordinance, they can meet ordinance guidelines with an 80 unit cluster-type elderly housing development. The application will be submitted to the Board for review as an 80 unit cluster density as this is the only way the development is viable with the existing ordinance; without cluster development they could only place one residence on each of the two parcels. **Chairman White** asked if Mr. Beers could provide information that would supplement the views presented this evening regarding appreciation and limitations to the workforce housing concept. **Mr. Beers** stated that property would appreciate because thresholds are not restricted – that appreciation would be based on 60-120% of the labor market area median income. Values would not go backwards, but would go forward and the price of the housing would increase proportionately. The prices would not be capped and the wealthier the town becomes the higher the price, as it is based on the median income. Most municipal employees and eligible workforce housing individuals do not live in Kittery due to the price of housing and/or available housing. With the current national economic climate, the possibility of securing a mortgage and associated housing costs, most of these individuals will not be able to buy a house in Kittery. Workforce housing is envisioned as a starter home where a buyer could build some equity and appreciation, sell to the next newcomer and have enough capital gain to move into a larger house. **Chairman White** noted that having 80 small homes on the property would provide more tax to the Town than a single family home, notwithstanding the services provided by the town, such as fire, police, schools, etc. **Mr. Beers** noted that workforce housing data shows that there is less impact on municipal services than rural residential housing, and provided the example of Yankee Mobile Home Parks as having little impact on municipal services.

Chairman White asked if the Board wished to continue this discussion of workforce housing with Council to jointly consider both the pros and cons presented. The Board agreed to schedule a joint workshop with Council on November 13, 2008.

Workshop ended at 7:00 p.m.

ITEM 2 – Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Workshop - Fences and Retaining Walls - The Town administration, endeavoring to establish the size, Location and type of perimeter fences, freestanding walls, and retaining walls proposes to amend Title 16 *Land Use and Development Code*.

Workshop began at 7:05 p.m.

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Following discussion, the board agreed to include within definitions:

A freestanding masonry wall is a wall containing any combination of the following elements: poured concrete; block or other masonry with a poured foundation and, excluding dry laid stone walls up to 48" from grade, are subject to review by the Planning Board.

Additional amendments and corrections were made to the draft proposal, and the planner will schedule another workshop.

Workshop ended at 7:30 p.m.

ITEM 3 - Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Workshop - Wetlands Ordinance --Discussion of proposed revisions to Article XII – Conservation of Kittery Wetlands; Title 16.28.380 through 16.28.500 to incorporate certain State requirements and other amendments.

Workshop began at 7:35 p.m.

Earldean Wells noted that that the Old Harris Homestead was denied a septic permit. There was considerable discussion concerning ordinance language and authority to grant waivers and appeals to wetland and shoreland zone setback requirements. Following further discussion and grammatical changes to the amendment, Board members decided to take the ordinance to public hearing as the Council had already provided substantial review.

The Board requested that this amendment be scheduled for a Planning Board Public Hearing on October 23, 2008.

Workshop ended at 8:30 p.m.

PLANNER'S TIME

Regarding the Hill Creek Woods cluster development of 1994, Town Officials are currently withholding the final certificate of occupancy until all landscape and road work (including dedication of the road to the town) are completed according to the approved plan. If the Town does not accept the road, a maintenance agreement must be provided. The Board agreed that withholding the final certificate of occupancy is the appropriate course of action.

Earldean Wells requested that the Board review the proposed definition revision of "variance" (Section 16.08.020) to include the following:

As used in this title, a variance is not authorized for distance of structure from the upland edge of a wetland.

Wetland setback means the distance measured from the upland edge of a wetland to a structure.

Mr. Carleton noted that the definition of variance is specific under state law. **Planner** stated that the intent was to include this in the definition section of the new wetland ordinance.

Chairman White suggested to include the addition in the new ordinance but to also share it with the Town Attorney to determine if the definition can be changed in the general ordinance section and Board members concurred.

ADJOURNMENT:

Mr. Luekens moved to adjourn

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Chairman White seconded
Motion carries unanimously

Meeting adjourned at **8:55 pm**

Submitted by Jan Fisk, Recorder
September 30, 2008