

**TOWN OF KITTERY  
PLANNING BOARD MEETING  
Council Chambers**

**APPROVED**  
Thursday, May 28, 2009

Meeting called to order at 6:10 p.m.

Members Present: Russell White, Ernest Evancic, Douglas Muir, Michael Luekens, George Burke  
Members absent: Joseph Carleton, D. Scott Mangiafico  
Staff: Sandra Mowery, Town Planner

**Minutes: May 14, 2009**

**Mr. Evancic moved** to accept the minutes as amended

**Mr. Muir** seconded

**Motion carries unanimously**

**PUBLIC COMMENT** – There was no public comment.

**ITEM 1 - Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Post-Construction Stormwater Ordinance – *Workshop*** - The mandatory Post-Construction Stormwater Management Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Kittery, Maine through review of post-construction stormwater management plans and monitoring and enforcement of compliance with such plans as required by Federal and State law. This Ordinance establishes methods for post-construction stormwater management in order to comply with minimum control measures requirements of the Federal Clean Water Act and State law. The Town administration, endeavoring to incorporate State recommendations for the Post-Stormwater Ordinance proposes to amend Title 16.28.380 through 16.28.500.

Members reviewed Versions 3 and 4 of the stormwater ordinance to prepare the final draft for public hearing. Limitations on discharge to major water bodies were established and submission requirements added. Board members concurred that this amendment is ready to go to Public Hearing and will be included on the June 11, 2009 agenda.

**ITEM 2 – Amendment to Title 16 Land Use and Development Code Zoning Ordinance –*Shoreland Zoning – Workshop*** – The mandatory Shoreland Zoning Act (Act), 38 M.R.S.A. Section 435-449 and the guidelines for the Board of Environmental Protection require municipalities to adopt shoreland zoning ordinances consistent with, or no less stringent than, the minimum guidelines set forth in the Act and by the Board of Environmental Protection. The Town administration, endeavoring to incorporate State recommendations for the Shoreland Zoning ordinance proposes the following:

Amendment to Chapter 16.04 -General

Amendment to Section 16.08.20 – Definitions,

Amendment to Chapter 16.16 – Administration and Enforcement

Amendment to Chapter 16.24 – Special Exceptions and Variances

Amendment to Chapter 16.28 – General Development Requirements

Delete Section 16.32.490 –Shoreland Zoning, and

Add Chapter 16.34 – Shoreland Zoning.

The Town Planner reviewed changes made to the Shoreland zone document following review and edits by the Town attorney. Earle Wells offered new language from the DEP regarding expansions of nonconforming structures within shoreland areas. The Town Planner will review the alternative language with the Code Enforcement Officer to determine whether it would work within the Kittery ordinance and provide an opinion to the Board at the next workshop. Discussions followed regarding: mitigation of disturbed areas of vegetation; guidelines for the upgrade or replacement of septic systems in shoreland areas; changes to the design and construction standards for streets in shoreland areas. Mike Asciola presented maps outlining

parcels for consideration as General Development and Commercial Fisheries zones and those parcels that are in shoreland areas.

**ITEM 3 – Amendment to Article XXV of Title 16 Land Use and Development Code – Accessory Dwelling Units - Workshop** - This amendment proposes to expand the Temporary, Intra-Family Dwelling Unit ordinance to include an ordinance section on accessory dwelling units. Accessory dwelling units are an important form of housing that contributes to the character and diversity of housing opportunities. The intent is to provide workforce housing, housing for family members, students, elderly, in-home health care providers, the disabled and others, at below market rental rates within existing neighborhoods, to protect the character of the neighborhoods, and to respond to the Comprehensive Plan in regards to diversity in housing, as well as affordable housing.

The draft of the ADU ordinance was reviewed and many sections were removed. The Town Planner will review other communities' ADU ordinance language, state minimum requirements for dwelling unit sizes, and accessibility requirements, if any, prior to continued Board review.

**Mr. Luekens** motioned to adjourn

**Mr. Burke** seconded

Motion carries unanimously

The Planning Board meeting of May 28, 2009 adjourned at 9:30 p.m.

Submitted by Jan Fisk, Recorder, May 29, 2009