

**CALL TO ORDER**

**ROLL CALL**

**Present:** Drew Fitch, Member; Ronald Ledgett, Member; Dutch Dunkelberger, Member; Russel White, Member; Mark Alesse, Member; Karen Kalmar, Vice Chair; and Chairperson Grinnell

**Absent:** None

**Staff:** Jamie Steffen, Town Planner; Adam Causey, Director of Planning and Development;

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES - August 21, 2018**

Absent: Mark Alesse

Line 66: stories after (four)

**Motion to approve by Vice Chair Kalmar, seconded by Mr. Dunkelberger.**

**Motion carried.**

**7-0-0**

**APPROVAL OF MINUTES - August 23, 2018**

**Motion to approve by Vice Chair Kalmar, seconded by Mr. Dunkelberger.**

**Motion carried.**

**7-0-0**

**APPROVAL OF SITEWALK (Andrews Cluster Subdivision) MINUTES – Sept 11, 2018**

**Motion to approve by Vice Chair Kalmar, seconded by Mr. Dunkelberger.**

**Motion carried.**

**7-0-0**

**\*Not Discussing ITEM #2 – No NEW Language**

**\*Mr. Ledgett raised a question of wetlands being filled in on a parcel off of Route 236 which has caused property damage to abutters on Martin Road.**

**Karen Burbank of 122 Martin Road spoke about her concerns about the fill and flooding in the area. She noted she had information regarding that which she could share with the Board. Matter will be discussed with abutters in depth at a later date.**

**PUBLIC COMMENTS – None**

## **PUBLIC HEARING**

### **ITEM #1 – Land Use and Development Code (Title 16) Amendments – TITLE 16.8, ARTICLE X. Signs**

The proposed amendments clarify and update the sign regulations relative to message boards / internal & external lights and timers; number and sizes of free-standing signs allowed; temporary signs; sign location; character/appearance and sign permit application/administration procedures.

Public Hearing Vote to Recommend. Take public comment. Review and discuss proposed changes to ARTICLE X Signs. Vote to recommend to the Town Council.

Debbie Driscoll discussed the proposed amendments. She handed out a photograph of a truck sign to the Board. She discussed a situation in the past where a truck with sign attached advertising an off-premise business would park in front of her house. She suggested language should be added in line 35 to prevent that from occurring. She suggested language that would state that the vehicle must be registered to the business that it advertises. Mr. Alesse stated he believes the current language is acceptable but it may need to be tightened up. Mr. Steffen stated that the owner was contacted about the violation by Code Enforcement and matter was taken care of at the time. He explained that it is not permitted as it is sign that is located in the public right-of-way and is prohibited under lines 86 and 87 in the amendments that states any sign that is located in the public right away may be removed at any time without notice of the owner. Ms. Driscoll stated that she felt would fall under the off-premise advertising as well. Vice Chair Kalmar asked if staff had any objection to adding the word advertised before the word business. Mr. Steffen stated that staff would not be opposed.

Ms. Driscoll discussed A- frame type signs. She noted that she thought they were only authorized in the foreshore zones but could not find the language in the current code. Mr. White

asked if this pertained to temporary signs put out during the day to advertise specials. Ms. Driscoll stated if the Board was considering allowing A-frame type signs she would like the Board to consider allowing them in all business zones to be fair all businesses in town. Vice Chair Kalmar noted that the current ordinance doesn't call out A-frame signs. Mr. White noted that he felt it was acceptable to allow these types of signs across all of the business zones. There was further discussion by the Board about developing regulations for these types of signs. Mr. Dunkelberger stated he would like the Board to create a definition for A-frame signs advertising daily specials that would allow them on the side walk in all commercial zones provided that they didn't obstruct the flow of pedestrian traffic. Chair Grinnell summarized that the Board would not include anything in the current amendments but in the future develop wording that would include a definition, size limits and inclusion in all of the commercial zones. Mr. Alesse discussed adding it to the temporary signs section and noted the wording in subsection C is new. Mr. Steffen will follow up with proposed language.

Ms. Driscoll then discussed line 235 that mentions vehicular signs. She felt that the wording needed to be tweaked to prevent signage like the one shown in the photograph that she handed out. Mr. Steffen responded that truck sign that was concerned about doesn't meet that definition as the sign is not incidental to the regular transportation function of the vehicle.

It was noted that there need to be a correction to line 240 to add "square".

Ms. Driscoll discussed the wording in lines 257 & 258 regarding the 75 foot distance from the restaurant for food menu signs. She asked if it was possible to seek relief from that requirement from the Board of Appeals. Mr. Steffen responded that staff was not proposing any change to this requirement. There was discussion amongst the Board regarding this and Ms. Driscoll stated it wasn't necessary after all as a person could appeal the decision by the Code Enforcement Officer to the Board of Appeals as it now stands.

The Board discussed the proposed definition of a feather flag. Mr. Fitch mentioned seeing a feather flag affixed to a boat and questioned how would meet the proposed definition. The Board discussed the wording "affixed at one end". Adam Causey, Director of Planning and Development shared his insight on feather flags. Mr. Causey and the Board had several exchanges on how the use of feather flags would be tracked by the code enforcement department and the definition of a feather flag.

Mr. White discussed providing more notice if the Board was going to prohibit them and allowing interest groups and the business community to weigh in.

After question from Mr. Ledgett, there was a discussion about the time period allowed for displaying temporary signs. The intent was to allow for special / seasonal type sales.

Chair Grinnell polled the Board on supporting a ban on feathered flags.

Mr. Dunkelberger voiced his concerns about how this would limit businesses from advertising special sales or drawing attention to businesses like food trucks that are in the back of a business. There was a discussion about the Board legislating taste with this ban.

**Mr. Alesse moved to ban feather flags entirely. Seconded by Mr. Ledgett  
Motion carried 4-3-0.**

After question from Mr. Steffen, the Board stated it would keep the definition in the ordinance but prohibit them from being utilized.

**The recommendation is for the Town Council in consideration of adoption of the proposed sign ordinance amendments.**

Chair Grinnell summarized the proposed changes accepted by the Board:

Line 36: Add the word “advertised” before business.

Line 91: Add wording to state that feather flags are prohibited.

Line 240: add the word “square” in front of feet.

Line 258: Add a period at the end of the sentence.

There was more discussion by the Board about the definition of feather flag. Mr. Causey recommended that the definition stay the same.

After polled by the Chair Grinnell the Board voted 4-3-0 to keep the language that way was written. There was further discussion regarding amending the definition of feather flag. The Board voted 4-3-0 to leave the definition as it was written as recommended Mr. Causey.

**Mr. White made a motion to recommend the proposed amendments to Section 16.2 – Definitions – Feather Flag & Section 16.8.10 relative to message boards / internal & external lights and timers; number and sizes of free-standing signs allowed; temporary**

**signs; sign location; character/appearance and sign permit application/administration procedures. Seconded by Mr. Fitch.**

**Motion carried 7-0-0.**

**Mr. Dunkelberger asked the Chair if this would reflect the vote regarding the feather flags. It was noted that that it would be included in the transmittal to the Town Council.**

## **OLD BUISNESS**

**ITEM #2 – Town Zoning Map Amendment: Neighborhood Mixed – Use (MU-N) Zone-  
Postponed**

## **NEW BUISNESS**

### **ITEM #3 – Housing Working Group**

Discussion/Q&A: Adam Causey, Kittery's Planning & Development Director, will provide an update on the activities of the Kittery Housing Working Group.

Mr. Causey provided an update on the progress of the Kittery Housing Working Group. He noted that Mr. White and Mr. Fitch could share their experience as members of the working group. He discussed their work on crafting amendments to the existing Accessory Dwelling Unit (ADU) regulations for review and what is possible for inclusionary housing look in Kittery. He discussed the Workforce Housing Coalition's upcoming design workshop that will focus on developing a concept plan for affordable housing on a test site. He noted the majority of Kittery residents cannot afford to purchase a house at today's prices. He explained the purpose of the workshop would be to bring architects, planners and financiers together take input from the public and create some ideas and concepts for development of affordable housing in Kittery.

He discussed the test site former ambulance / fire station at 25 Walker Street. He discussed he that location was selected and stressed that this would just be a planned exercise. It is an opportunity to look at a piece of property to see what the professionals can do. He noted that the exercise will start with "Walk and Talk" on October 3<sup>rd</sup> from 4:30pm – 6:00pm to preview the site and brainstorm. A second tour will take place on Wednesday October 24<sup>th</sup> from 3:30pm - 4:30pm at 25 Walker Street. The team will then host a community listening session at 6pm at the Kittery Community Center to gather people's hopes, concerns and ideas. Then on Friday, October 26<sup>th</sup> the team will get creative back at the KCC and reveal the concept plans at 6pm and take follow up questions. He noted that the public is welcome to all of the events.

Mr. Dunkelberger suggested surveying the abutters on whether they would be in favor of that type of project next to them. He noted the challenge of the workshop educating the public to make any proposal acceptable. Mr. White stated that the abutters will be invited to all the events and explained that it is essentially a theoretical exercise that could potentially become a real project. He discussed that a real life project could involve potential changes in the zoning ordinance and discussed the benefits of doing a charrette. He felt the Foreside was a good location to bring the issues to the forefront.

Mr. Alesse shared his views on the project and stated that it needs to conform to everyone's self-interest. He discussed building small, high quality development that will go up in value over time.

#### **ITEM #4 – York River Watershed Stewardship Plan Presentation**

Discussion/Q&A: Judy Spiller, Kittery's representative on the York River Study Committee, will discuss the stewardship plan with the Board. The York River watershed includes portions of Kittery. See the following link for more information:

<http://www.yorkrivermaine.org/>

She stated that she was appointed by the Town Council to the study committee. She further stated that the committee was formed three years ago by an Act of Congress. The charge is to evaluate whether the York River is suitable for designation under the National Park Service (NPS) Partnership Wild and Scenic River Program. The program was started 20 years ago to manage rivers on federal lands. The NPS decided that it needed a program on private land as well. The four watershed communities include York and Eliot which are governed by select boards that will vote on designation, South Berwick and Kittery which have Town Councils to support the designation. Twenty-five percent (25%) of entire watershed is in/on conservation land, which affects endangered species and species of concern. Drinking water for Kittery, the water district, and economic uses are also included. The positives in having the York River designated is that could provide grant money and other various resources to the surrounding towns. She explained that monitoring the health of the river would cause no taking of land by the federal government and there is no required public access. She concluded by stating she would love to have a letter of support provided to the Town Council encouraging them to pass a resolution of support. She also noted that on October 4, 2018 at 6 pm at the York High School auditorium the committee would be sponsoring a talk by Jeff Bolster, a professor of history at the University of New Hampshire and a wonderful speaker that will be taking about the maritime history of the region.

Ms. Spiller closed by stating that she will draft the letter of support for the Board to bless.

**ITEM #5 – Board Member Items / Discussion**

Mr. White discussed the planning outreach for the Comprehensive Plan which will be on the ballot. The committee is trying to encourage the Town's people to vote in favor of the plan as it is a very important document for the Town. He noted the ways they are getting the word out to the voters. They will put it on the TV scroll, will have a press release, and the town email list.

Mr. Fitch discussed the proposed changes to the ADU regulations for the town. He noted that an expert on the subject will be giving a talk on October 2, 2018 at 7pm at the 3S Art Space building in Portsmouth, which is near the old Portsmouth Herald building.

He also discussed the proposed Neighborhood Mixed Use zone proposal and noted there was a lot of confusion and misinformation regarding it. He felt it was mainly due to the two-pronged approach of doing a zoning change and then adding zoning boundary expansion. He discussed whether it was possible to come up with one proposal. The Board discussed ways to get the information out to the residents and noted the public information meeting that was scheduled for the end of October.

Mr. Fitch noted it would be helpful to have a wetlands delineation of the site. The Board discussed getting clearer maps showing the extent of the wetlands, something that could be more visually informative. Staff will work on it.

Mr. Ledgett discussed the short-term rental handout that he provided for the Board. He noted that there has been a lot of discussion in neighboring communities about what to do with it. He discussed the contents of the guidebook and noted that it included a lot of good insights on how to deal with short term rental business activity and how to shape the way we will think about it.

The Board concluded by asking that staff follow-up on finding out where the Town Council stands on the issue.

**ITEM #6 – Town Planner/Director of Planning & Development Items**

None

**Adjournment**

**Motion to adjourn moved by Mr. Alesse, seconded by Mr. Dunkelberger.**

**Motion carried 7-0-0**

Meeting adjourned at 7:58 p.m.

Submitted by Jordan Williams, Minute Recorder, on October 18, 2018.

**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 at <http://www.townhallstreams.com/locations/kittery-maine>.