

CALL TO ORDER

ROLL CALL

Present: Steve Bellantone, Member; Drew Fitch, Member; Russell White, Member; Mark Alesse, Member; and Karen Kalmar, Vice Chair

Absent: Ronald Ledgett, Member; Dutch Dunkelberger, Chair

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

Advisory: Earledean Wells, Conservation Commission

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – January 24, 2019

Vice Chair Kalmar announced that the Board needed Mr. Ledgett present to consider of approval of them. With his absence the approval of minutes was postponed.

PUBLIC COMMENT

Vice Chair Kalmar opened the public comment segment of the meeting. There being no comments, Vice Chair Kalmar closed the public comment segment.

PUBLIC HEARINGS

**Item 1 - Land Use and Development Code (Title 16) Amendments –
ARTICLE XXV Accessory Dwelling Units**

The Kittery Planning Board will consider proposed amendments to Section 16.2 DEFINITIONS and Section 16.8.25 Accessory Dwelling Units to allow for greater flexibility in the design and development of accessory dwelling units, including eliminating the annual limit and owner occupancy requirement, increasing the allowable ADU size, and restricting new ADUs to no less than 30-day rentals. Public Hearing, Vote to Recommend. Take public comment. Review and discuss proposed changes to ARTICLE XXV Accessory Dwelling Units. Vote to recommend to the Town Council.

Vice Chair Kalmar opened the public hearing.

Lindsay Blis, 4 Captain's Way, discussed a short-term rental issue in her development.

Tom Emerson, 10 Ox Point Drive, stated he was a member of the Housing Committee that worked initial draft of the proposed ADU amendments. He also disclosed that he has a short-term rental (STR) on his property. He stated that the purpose of this hearing was to talk about ADUs not STRs. He stated he was a strong proponent of ADUs. He further stated that he was not in favor of the 30 day period.

Niles Pinkham, 25 Pinkham Lane, spoke about a STR that is causing problems in his neighborhood.

Vice Chair Kalmar explained that the public hearing was input on the proposed ADU ordinance amendments not STRs. That topic will be considered by the Board at a later date.

Mara Lamstein, 35 Mill Pond Road, stated that she was a big supporter of ADUs.

Donald Gagnon, 33 Pinkham Lane, discussed the gray area between ADUs and STRs.

William Peirce, 53 Rogers Road, spoke in support of the ADU ordinance. He stated he has a two-family and would like to be able to have an ADU as well. He spoke to the vagueness of the definition of a ADU. He would like to see a workable ADU law.

Pamela Blodgett, 60 Old Dennett Road, discussed how Airbnb's would benefit Kittery.

Laurie Rowan, 115 Wilson Road, spoke in support of allowing Airbnb's.

Fred Kretchman, 46 Crockett Neck Road, spoke of support of ADUs but dislikes the 30 day limit.

Erin Brochu, 90 Government Street, spoke about the positives of renting her home on Airbnb. She stated that she and her husband would like to be able to do a ADU but can't afford it. She expressed concern with the 30 day restriction.

Tim Brochu, 90 Government Street, stated he Maine licensed architect. He spoke to specific points about STRs.

Cameron Wake, 19 Mendum Avenue, spoke to the ecological benefits of

allowing ADUs.

Vice Chair Kalmar closed the public hearing at 6:45 p.m.

Mr. White spoke to the ordinance being more flexible. His primary concerns are enforcement issues and improper use. He discussed looking into imposing local penalties on violations. Mr. Fitch spoke to his involvement as part of the Housing Working Group in spearheading the effort. He discussed the mission of creating affordable housing and that was why the proposed amendments were trying to discourage STRs.

Vice Chair Kalmar discussed enforcement of the under 30 day's restriction and asked staff for their input. Mr. Causey responded that the Department doesn't have the manpower to enforce. He spoke further to the intent of the proposed changes. He explained that the group was trying to come up with a compromise of being more flexible with ADUs but at the same time not creating a situation where it would lead to all STRs. He stressed the STRs would need to be addressed separately.

Vice Chair Kalmar questioned the fairness of denying current ADU owners the option to rent their units for fewer than 30 days since this rental restriction does not currently apply to any other type of dwelling. She also requested that the ordinance be amended to prohibit ADUs from being created within existing accessory structures that are in the Shoreland Overlay or Resource Protection Overlay zones' setbacks.

Mr. Alesse noted that he has a STR in his barn so he would not be voting on the item. He discussed his concern about wanting to protect the Kittery homeowners that have existing STRs on their properties. Mr. White expressed his concerns about the tie-in with STRs. He stated he would like to see the 30 day language removed. He further stated that the Town will need to tackle the STR issue – he recognizes that there are neighborhood issues but he hears more positive than negative. The Board discussed the need to remove the STR reference in the proposed amendment and addressed that a later date.

Kendra Amaral, Town Manager, spoke to STR reference and the 30 day language. She stated she and staff would be willing to compromise on that clause and remove it that was the desire of the Board. Her goal is to develop regulations that the community can get behind and support. She advised the Board on their options for moving the amendments forward.

Mr. White moved to continue the item until the Board's second meeting in April. Mr. Bellantone seconded the motion. It was acknowledged the staff would review whether to remove the 30 day restriction.

The motion carried 5-0-0.

ITEM 2 - Land Use and Development Code (Title 16) Amendments – ARTICLE X Signs

The Kittery Planning Board will consider proposed amendments to **Section 16.2 DEFINITIONS; Section 16.3.2.15 Mixed-Use – Kittery Foreside MU-KF** and **Section 16.8.10.9 Signs allowed without sign permit** to allow temporary A-frame signs under certain restrictions in all of the business, commercial, and mixed-use zones.

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

Vice Chair Kalmar opened the public hearing. There was no public to speak on this item. Vice Chair Kalmar closed the public hearing.

Planner Steffen read the changes that he and Director Causey made to the proposed regulations. Mr. White asked if the Pepperrell Cove businesses were included in the new regulations. It was confirmed that they would be as they are in a Business – Local 1 zone.

Mr. White moved to recommend the Land Use and Development Code (Title 16) Amendments – Article X Signs to the Town council for adoption. Seconded by Mr. Fitch.

The motion carried 5-0-0.

ITEM 3 – Zoning map amendments / re-adoption

Mr. Causey noted that the Business – Park (B-PK) zone designation needed to be changed to reflect the change in zoning to create the Mixed Use – Neighborhood (MU-N) zone. He discussed the process and noted there may need to be some other changes made to some of the Shoreland and Resource Protection Overlay boundaries where certain projects have presented different locations zone boundaries. He also noted that there have been no updates or changes that he and the Planner could find since 2010 which is a long time. He is looking at having the Town readopt the map and wanted to make sure that we weren't missing anything.

He stated that the zone change would require a public hearing by the Board and he wanted to get that initiated.

**Mr. White moved to schedule a public hearing for the April 25th meeting on the Zoning Map amendment to reflect the change from the Business – Park zone to the Mixed Use – Neighborhood zone. Seconded by Mr. Alesse.
The motion carried 5-0-0.**

ITEM 4 – Board Member Items/Discussion

A. Planning Board Action Item List

Mr. Steffen informed the Board that he had updated and prioritized the list based upon the input from the Board at the February 28th meeting. He noted that the Board wanted to review and discuss the list at their meeting on April 25th. Vice Chair Kalmar requested that staff provide the Board with the STR materials well in advance of the meeting where they will be considered so the members could be adequately prepared to discuss. Mr. Fitch commented that the Board should as a first step set out the goals of what we want to accomplish with regulations. There was discussion about looking at the Comp Plan recommendations on housing and Mr. Causey commented that staff will look at what some of the other Maine communities are doing to address STRs.

ITEM 5 - Town Planner / Director of Planning & Development Items

A. None

**Mr. Alesse moved to adjourn the meeting.
Mr. Fitch seconded the motion.**

The motion carried 5-0-0.

The Kittery Planning Board meeting of March 28, 2019 adjourned at 7:14 p.m.

Submitted by Jamie Steffen, Town Planner, on May 8, 2019.

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>.