

Present: Ronald Ledgett, Member, John Perry, Member, Drew Fitch, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

Absent: Russell White, Member, Stephen Bellantone, Member

Staff: Kendra Amaral, Town Manager, Kathy Connor, Project Planner, Craig Alfis, Code Enforcement Officer

Advisory: Earledean Wells, Conservation Commission

## **NEW BUSINESS**

### **ITEM 1 – Planning Board Action Items/Priority List Review**

PURPOSE: The Planning Board will review and discuss what projects, topics, ordinance revisions, or other ideas they wish to prioritize for study or action in 2020.

A list of fifteen items was presented to those present, to include:

1. Cluster Development Ordinance
2. Workshops with CEO and Port Authority
3. Zones: too many and too confusing
4. Rising Sea Levels
5. Design Handbook
6. Non-Conforming uses and expansion
7. Dimension Standards
8. Density Issues
9. Allowable uses
10. Lot Coverage
11. Development Processes/Requirements
12. Overlay zone location, interpretation
13. Created wetlands
14. Mixed Use Zone
15. Housing

Chair Dunkelberger asked if there were any other hot-button issues not posted on the board.

Vice Chair Kalmar proposed that after the attendees of this workshop review their recodification materials, they could alert staff if any revised items are of concern to them. Site plan review procedures were mentioned as an example of a proposed revision.

Town Manager Amaral clarified there are no policy changes in the recodification. Mr. Ledgett confirmed that there would be a briefing from the Planning Department Director to the board about the recodification.

Ms. Wells brought up the topic of timber harvesting. Currently the State gives out the harvesting permits. Ms. Wells suggested that residents bring their State permits to the town and receive a town permit as well so that we can ensure the harvesting is done correctly.

Mr. Alfis reported that the Code Enforcement office does receive notification of all harvesting permits from the State. The Code Officers do go out and perform compliance checks at the sites. Mr. Alfis offered to notify the Conservation Commission of the State permits.

Town Manager Amaral suggested that the permits be uploaded electronically into Viewpoint.

Vice Chair Kalmar suggested that “permits by rule” could also be uploaded into Viewpoint.

Chair Dunkelberger asked those present what item numbers to tackle tonight, and Ms. Connor asked if each item could be reviewed prior to deciding.

Vice Chair Kalmar reviewed the first item and clarified that the current language in the ordinance could be clearer. Only four dimension modifications can be made in a cluster development, and this is not clearly noted. Ms. Kalmar would like to see applicants submit two sketch plans: one for a traditional subdivision and another for a cluster. She suggested the adoption of the language of the Biddeford ordinance, and Mr. Ledgett agreed.

Mr. Ledgett reviewed the second item. He suggested that more solid discussions between the Planning Board and the CEO, and the Port Authority would be helpful and would keep the departments on the same page. He mentioned the Port Authority having issues with residents requesting to live on their boats in the winter.

Town Manager Amaral agreed that a workshop with Planning Board and Port Authority would be useful. The Port Authority has sole authority for decision-making regarding the posed issue of residents living on their boats and the Planning Board would not be involved. Applications that require both Planning Board and Port Authority approval could benefit from joint discussions, especially if one board is likely to deny the application. This would save the Town and the applicant time.

Chair Dunkelberger recognized that in the last ordinance change a lot of the permitting responsibility was reassigned to the Code Enforcement Office instead of the Planning Board. He asked if there are other issues along the same lines that they could address?

Chair Dunkelberger reviewed the third item regarding zones. He would like to tackle this in a building block, with dimensional standards, density issues, and lot coverage to come up with a basic zone that encompasses most of Kittery. Then come up with the exceptions such as overlay zones. He asked if we could simplify the zones to make it easier for everybody. This would be a bigger, long-term project.

Mr. Ledgett suggested looking at other communities for ideas.

Chair Dunkelberger said we should not look to other towns but to reality and have the zones reflect reality.

Discussion continued on simplifying zones and current characteristics of the zoning.

Mr. Ledgett reported that a two-session workshop is scheduled for item four on rising sea levels. Communities have put a delta on the how far to build above the highest tidemark to accommodate rising sea levels.

Mr. Ledgett also explained item five, the design handbook. In particular pitched roof design. Portions of the design handbook could be required by zone. There is urgency for design standards on the waterfront.

Vice Chair Kalmar asked if aesthetics were the main factor behind the waterfront urgency.

Mr. Ledgett clarified the architecture shouldn't stand out or conflict with the design handbook.

Chair Dunkelberger cautioned against tackling this item due to personal taste.

Town Manager Amaral suggested looking at the design handbook to see if it expresses what the Town wants and updating it.

Vice Chair Kalmar agreed that it is a big discussion that involves people's tastes and first amendment rights.

Mr. Ledgett disagreed and refocused back on the comprehensive plan, stating the design emphasized a more historical design standard.

Ms. Wells reviewed item thirteen and the process around created wetlands: applicant can go to the DEP and say this is a man made wetland and get a permit to fill it. No question is given to if the created wetland is now a functioning wetland. The Commission asks protection be given to wetlands that have the hydric soil, vegetation and functioning as wetlands. She stated the Town is losing a number of wetlands.

Staff requested items, seven through twelve, were mentioned next. Ms. Connor requested that Mixed-Use Zone be added to the list.

Chair Dunkelberger identified Items 1, 2 and 4 as priorities for when time and opportunity allows.

Town Manager Amaral requested clarification on the Mixed Use Zone item. Ms. Connor gave a brief summary of the zone and stated it makes development hard. She suggested some standards should be relaxed to encourage the residential development needed in the zone.

Mr. Ledgett stated the Mixed-Use Zone and the Cluster Development Ordinance could be developed by staff as straightforward policy changes. The second priority item is a scheduling issue to set up workshops between boards and departments. The third identified priority of sea levels will be a specific recommendation out of the workshops.

Town Manager Amaral reviewed the process of amending Title 16, explaining the Land Issues Committee reviews any proposed changes prior to the board receiving the draft.

Discussion continued on what is needed to initiate the priorities, including staff shortage.

Mr. Fitch gave input on his priorities to include lot coverage, dimensional standards, and density issues. He thought this would be ideal to address during recodification.

Town Manager Amaral clarified that the recodification is not addressing technical policy issues, but that a running list is created with policy issues.

Ms. Connor asked for housing to be added to the list as item fifteen.

Mr. Perry was asked if he had any comments, but he did not.

Ms. Connor reported that the dimensional standards were important to the Director of Planning, as well as Cluster Development. Mixed Use could be discussed after the Cluster Development Ordinance.

Mr. Ledgett asked if the recodification would include a matrix table to include dimensional standards and zoning.

Mr. Fitch brought up reducing the parking standards for developments. Vice Chair Kalmar agrees and does not think parking lots are best in all areas.

Town Manager Amaral reminded the members that the Town Council is still working on objectives from prior years, including short-term rental ordinance, recodification, and the five-year comprehensive plan.

Ms. Wells reported that her priority list included the created wetlands, overlay zone, and the rising sea levels.

Mr. Alfis agreed with Ms. Connor and reported that dimensional standards drive a lot of structures into non-conformance. It creates a lot of board approval for projects.

The Kittery Planning Board workshop of January 23, 2020 was adjourned by the Chair at 5:54 p.m.

Submitted by Carrie Bacon, Development Staff Clerk on June 6, 2020.

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>.