

MEMORANDUM

TO: Adam Causey, AICP, Director of Planning & Development

CC: Jaimie Steffen, Town Planner
Open Space Advisory Committee (OSAC)

From: Ben Smith, AICP, North Star Planning 

RE: Comprehensive Plan Analysis relative to Title 16

Date: January 2, 2019

Kittery has recently completed a robust comprehensive planning process that goes beyond what is required for the state and provides focused, realistic guide for the coming years. The resulting Comprehensive Plan was adopted by town-wide referendum in November 2018. North Star Planning had originally proposed to review the Comprehensive Plan to identify:

- 1) overlapping recommendations from this new plan with the previous version adopted in 2000 and
- 2) new, high-priority items from the Plan.

Because much of this work has already been done and presented in the 5-year Action Plan, we have shifted our general review of the Plan to a more focused review on the Plan's implications for Title 16 changes. This will provide guidance for the work this group is now undertaking to make update the Land Use and Development Code to support the priorities and goals of this Plan.

There are land use implications for all three of the Underlying Themes of the Plan:

- 1) Preserve the town's character
- 2) Increase and improve multi-modal transportation
- 3) Promote a multi-generational Kittery.

Please note that there are many ways to address the following goals that go beyond changes to Title 16 alone. Other policies and programs working in concert with updated ordinances will be more effective than ordinance changes alone. For example, preserving views and important open spaces can be achieved in part through cluster zoning standards and access management, but it can also be

addressed through the targeted acquisition of property or development rights. Additionally, the Plan calls for more detailed studies and community conversations in several specific areas. Many of these go beyond the scope of the current ordinance project. The ordinances can be change to take important steps the direction of the desired policy or goal even if future changes are required as a result of further study or planning work. The current ordinance project can also identify appropriate places to include future standards where desired.

The focus of our work was to use the Action Plan as a starting point, identify Objectives with likely Title 16 connections, and find more detail within the relevant Plan sections.

Primary Objectives

Natural Resources Goal - Establish mechanisms to protect visual assets such as creating a photographic documentation of scenic vistas and establishing an historic preservation committee to create a comprehensive inventory of historic resources. These are the first steps in helping to protect and promote those visual assets that contribute to Kittery's uniqueness. (2.1)

Title 16 implications:

- J Scenic/visual assets (properties and landscapes) should be treated separately from historic resources (individual buildings or well defined districts).
- J Scenic assets, once identified through the survey work suggested in the plan could receive additional protection during site plan or subdivision review:
 - o Including corridor standards related to clearing limits or access management for scenic roadways
 - o Site plan standards for minimizing disturbances to identified scenic views/landscapes from roadways or other public areas. These would need to be identified through the survey work suggested in the Plan.
 - o Require cluster zoning layouts to prioritize minimizing project's visual impacts. This should include the view of the project from existing roads as well as limiting the changes to distant views of landscapes and water views.
- J Historic buildings and areas need to be identified through the survey work suggested in the Plan.
 - o Adding more permitted uses or flexibility in the types of uses in areas with historic buildings can make it more feasible to reuse existing buildings
 - o Think about how changes parking requirements could reduce barriers or incentivize building reuse.

- Changes to historic resources could be subject to additional review or requirements through an historic district overlay zone. Typical focus of these overlays is on minimizing alteration to building exteriors, but could also be used for perpetuating a desirable pattern of development or building styles.

Economic Development Goal – Engage in targeted outreach to business and industry sectors marketing Kittery’s economic development areas. (3.5)

Title 16 implications:

-)] The level of engagement suggested in the Plan goes well beyond changes to Title 16 (business promotion, marketing, workforce issues, etc.) but these might be conversations to have when convening business and industry groups as part code review focus group work.
-)] Allow/incentivize mixed use development for Route 1 corridor and Business Park area.

Housing Goal – Undertake to complete a Comprehensive town-wide Housing Plan that will document existing supply and identify needs and ways of meeting these, including methods for encouraging the development of affordable housing (e.g., creation of new types of housing, including workforce housing, and housing for seniors wishing to downsize, etc.). (4.1)

Title 16 implications:

-)] Explore inclusionary housing ordinance, which would require a percentage of new homes in subdivision to meet affordable definitions.
-)] Reduce minimum lot size/net residential density requirements for multifamily buildings.
-)] Add senior housing standards or overlay zone to allow higher density age restricted living options in proximity to services and amenities.
-)] Review opportunities to allow accessory apartments/dwelling units.

Transportation Goal – Evaluate Town-wide current parking conditions and policies and revise to meet development goals by improving management of existing spaces and exploring shared parking and other strategies. (5-4)

Title 16 Implications:

-)] Incentivize or require shared parking arrangements.
-)] Reduce or eliminate parking requirements where higher levels of pedestrian activity is anticipated or desired.
-)] Require bicycle and pedestrian accommodations
 - bike racks on all new site plans in target areas
 - sidewalk connections (within or adjacent to right-of-way) and off-street trails/connections.

Municipal Service Goal –Educate residents about town planning roles and processes and ensure that planning and town management processes are open, transparent, informative, inclusive, respectful and welcoming. (7-1)

Title 16 Implications:

-) This is one of the key reasons for this project - simplification and clarification of the ordinance so that it is easier to communicate.
 - o Use plain language, clear definitions, add tables for quick reference, and organize and label sections clearly.

Municipal Service Goal, and Land Use Goal – Guide development to areas already served by public utilities, resulting in a more efficient and cost-effective use of these public services. (7.3) (8.1)

Title 16 Implications:

-) Discuss applicability of cluster provisions to the Business Park
-) Compare Future Land Use Plan with existing zoning districts.
 - o If generally well aligned, minor adjustments to existing district boundaries might be incorporated into this project.
 - o Consider consolidation of similar districts into broader categories. There are currently 6 residential zones, 3 business zones, 3 commercial zones and one industrial zone, and 3 mixed use zones. Combining regulations for similar areas of town would simplify the ordinance.
-) Look for ways to streamline the permitting process for projects in Growth areas.
 - o Staff review for projects within given thresholds or
 - o Reduced submission requirements or higher thresholds/larger project sizes before requirements are triggered.

Land Use Goal – Review, update and incorporate where appropriate, the recommendations from the Foreside Forums. Residents have expressed much enthusiasm for recent improvements in the Foreside and support for future infill development that is appropriate in scale and activity. (8.3)

Title 16 Implications:

-) The Foreside Forums are indicative of this area's unique built environment, as well as the level of care and organization of residents. This high level of engagement could indicate the appropriateness of district or neighborhood overlays or higher standards for:
 - o Historic preservation
 - o Parking/transportation reform
 - o Higher level design requirements or form-based code

Secondary Objectives

Natural Resources and Land Use Goal – Protect existing open lands, including farmlands and wetlands from over-development by implementing effective strategies such as larger minimum lot sizes in the rural residential zone. As one way of preserving Kittery’s rural character, review and revise the cluster zoning ordinance and provide incentives for developers to use the ordinance. (2.1) (8.1) (8.2)

Title 16 Implications:

-) Examine provisions for setbacks/buffers from wetlands or significant wildlife habitat.
-) In addition to cluster changes described above, require cluster subdivision in Rural areas of Kittery.
-) Prioritize farmland soils in cluster subdivision open space preservation.
-) Allow agricultural uses on cluster subdivision land.
-) Consider ordinance standards for pesticide use.

Natural Resource, Transportation, Marine Resource and Municipal Service Goal – Continue to support healthy lifestyle choices and wellness by increasing recreational opportunities for all ages, evaluating the Athletic Fields Mast Plan, improving walking and biking infrastructure so that it is safe and pleasant, ensuring appropriate recreational access to the waterfront, and increasing awareness of existing resources. (2.2)(5.2)(6.1)(7.2)

Title 16 Implications:

-) Add requirement for bike and pedestrian accommodations (sidewalks and trails) as noted above.
-) Review ordinance for requirements both commercial and recreational access to waterfront when new development is proposed.
-) Consider what uses that are compatible with traditional or commercial waterfront uses and those that are not and revise ordinances accordingly in areas where continued commercial use is desired.

Land Use Goal – Consider an Adaptive Reuse Ordinance to guide redevelopment of existing buildings. By promoting the reuse of existing structures more efficient development can occur in areas already serviced by public utilities and protecting open land from development. (8.1)

Title 16 Implications:

-) These kinds of strategies or demolition delay ordinance provisions could be added as portions of Title 16, in lieu of a standalone ordinance section.