



October 12, 2023

Kittery Planning Board
200 Rogers Road
Kittery, Maine

Re: LD 20023 Zoning Amendments – Public Hearing

Dear Planning Board Members

The Kittery Land Trust (KLT) is writing to address the proposed zoning amendments currently being considered by the Planning Board in regards to LD 2003 which was signed into law by the Governor in April of 2022. KLT feels that LD 2003 will have a profound impact in Kittery and will help address the low inventory of available housing.

We understand that the amendment includes required revisions to the Kittery's Land Use and Development Code (LUDC) to be compliant with LD 2003. The amendment also includes provisions proposed by staff to "go further" toward encouraging development of housing in the designated Targeted Growth Areas of Kittery (generally areas of Kittery with public water and sewer). The memorandum provided by the Director of Planning and Development for the October 12, 2023 Public Hearing states that many types of zoning requirements can encourage housing development, but that most of these are not being considered at this time because, if proposed, they should be tested via an extensive public process. However, the staff is recommending some optional changes for the amendment that are not mandated by the LD 2003 law. Unfortunately, there is no meaningful numerical or environmental analysis addressing the benefits and impacts of these optional changes. Having such an analysis would better inform the public on this impactful amendment.

KLT is particularly concerned that the optional changes to the calculation of residential density for development are proposing to now use freshwater wetlands for density in the Targeted Growth Area. Presently, freshwater wetlands are deducted from the minimum land area required for development in Kittery (as well as Eliot, Ogunquit and Wells). Freshwater wetland often include vernal pools and wetlands of special significance as defined by the state. From an environmental standpoint, it seems counter intuitive to permit a parcel with a large percentage of freshwater wetlands, (some of which may be wetlands of special significance), to support the same number of housing units as a parcel of the same size with no wetlands. This approach contradicts the goals outlined in the Kittery Comprehensive Plan, which strives to "encourage development in identified growth areas while ensuring that new development occurs in a manner compatible with existing settlement patterns, **respects natural resource values**, and enhances the desired pattern." Intensifying high-density development on properties with high-value natural resources does not represent a balanced approach to appropriate development.

We have noted some potential inconsistencies in the amendment concerning the elimination of the term "Minimum Land Area per dwelling unit" from Title 16. The terms "minimum land area" and "land area" remain in certain sections of Title 16, but would appear to have no definition or meaning when the term "Minimum Land Area per dwelling unit" is eliminated by the amendment. Another inconsistency is that, unlike other zones in the Targeted Growth Area, the Standards for the reinstated Business-Park (§16.4.26) have not been changed in the amendment. Therefore, it appears that §16.4.26.E(2)(a) will continue to contain the term "Minimum Land Area per dwelling unit" resulting in a confusing situation for the Business Park zone.

KLT respectfully requests your consideration of our comments on the proposed zoning amendments. We believe that the zoning amendments hold significant implications for Kittery's housing inventory, its residents, and its natural resources. As you deliberate, we emphasize the importance of ensuring alignment with Kittery's Comprehensive Plan and Kittery's long-standing respect and appreciation of the natural environment.

Thank you for consideration of our comments.

Sincerely,

KITTERY LAND TRUST



Lisa Linehan, KLT Executive Director



Jeff Clifford, KLT Board Member