

**TOWN COMMENTS**  
**TITLE 10 – 3 WAY STOP**

**From:** [MARCIA PEVERLY](#)  
**To:** [Town Comments](#)  
**Subject:** Title 10 Three Way Stop Dennett Ext/Martin Road  
**Date:** Tuesday, November 21, 2023 11:56:30 AM

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I am very concerned about a three way stop at Dennett Ext/Martin Road. I believe this will cause more accidents than reducing them as many people coming from Dennett Road will not stop and may plow in to the few that do. (People run the red light at the intersection of Martin Road and Route 236 all the time! If a red light doesn't stop people, a stop sign won't.) Part of the issue is that people don't slow down enough to be able to stay in their own lane and drift into the opposite lane.

There used to be signs that warned people about a dangerous curve (I don't remember the exact wording). Perhaps have one of those with the flashing LED lights around it that some of the stop signs now have. What is the possibility of having permanent signs (both directions) that flash a person's speed? What about reducing the speed for the corner to 10 mph rather than having a full stop?

I don't often encounter anyone coming from the opposite direction at this corner (I travel this route at different times of day and on different days of the week), but people do need to slow down.

Having a stop coming out of the short side street would be good.

Thank you for asking for our input.

Marcia Peverly  
48 Martin Road  
Kittery

**From:** [MARCIA PEVERLY](#)  
**To:** [Town Comments](#)  
**Subject:** Fwd: Title 10 Three Way Stop Dennett Ext/Martin Road  
**Date:** Tuesday, November 21, 2023 12:27:29 PM

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I should have checked before I sent my comments - the "Dangerous Curve" signs are still there from both directions, but need something to make them stand out - flashing lights of some kind.

Thank you again for soliciting comments.

Marcia Peverly

----- Original Message -----

**From:** MARCIA PEVERLY

**To:** "TownComments@kitteryme.org" <TownComments@kitteryme.org>

**Date:** 11/21/2023 11:56 AM EST

**Subject:** Title 10 Three Way Stop Dennett Ext/Martin Road

I am very concerned about a three way stop at Dennett Ext/Martin Road. I believe this will cause more accidents than reducing them as many people coming from Dennett Road will not stop and may plow in to the few that do. (People run the red light at the intersection of Martin Road and Route 236 all the time! If a red light doesn't stop people, a stop sign won't.) Part of the issue is that people don't slow down enough to be able to stay in their own lane and drift into the opposite lane.

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Thank you for asking for our input.

Marcia Peverly  
48 Martin Road  
Kittery

**From:** [Ted Marsters](#)  
**To:** [Town Comments](#)  
**Subject:** Title 10 – Three Way Stop Dennett Ext/Martin Road  
**Date:** Tuesday, November 21, 2023 1:23:30 PM  
**Attachments:** [AD02FCF0-F861-4394-A2A7-FF44B4DAFE76.heic](#)

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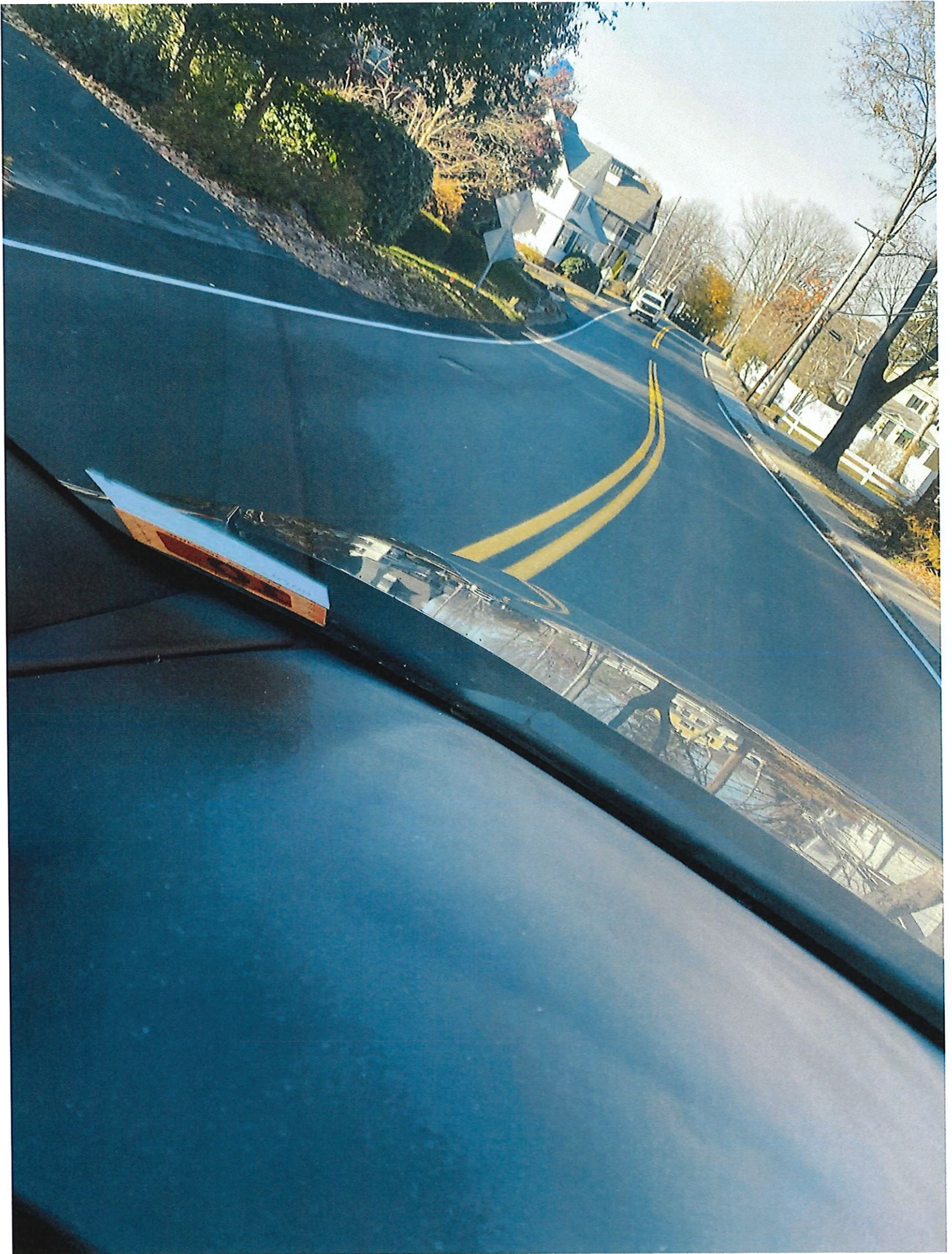
I have previously commented on this project and do not need to repeat myself here. It is my understanding from residents of Martin Rd and the Dennett Rd Extension that these signs are thought appropriate as part of an overall plan to help moderate the speeding of trucks and automobiles on these two roads.

The recent addition of yellow double lines on Martin Rd. will perhaps help reduce the constant speeding through the Martin Road neighborhood, as well. As part of the overall plan to make our neighborhood safer still, I would like Kittery leadership to consider the following additional steps.

1. Solid white lines painted on both sides of the two roads to mark the shoulders. This will further confine speeding cars and make cyclers, walkers, and runners safer as well. These roads have significant amounts of cyclers and pedestrians that are often concerned and put in danger by the speeding traffic. The lines and signage on Pepperell Rd (Rt 103) on Kittery Point would be an excellent model for the requirements for Martin Rd.
2. Speed tables and related signage/caution lights placed at strategic locations to physically slow the traffic on Martin Rd. Portsmouth and Greenland (NH) have recently installed speed tables to address speeding in some of their more populated neighborhoods. I believe these are warranted given the current speeding problems on Martin Rd and will be all the more needed once the 300+ residential units and associated commercial spaces come on line in 2024 with perhaps up to 400 more cars being added to our neighborhood. Marin Rd is one of only a few cross streets between Dennett Rd and Rt 236 and is constantly used by traffic needing to cross between two of the town's busiest streets.
3. If not already planned, there should be installed additional signage and cautionary lighting to announce the new Stop signs. For people who have travelled these two roads for decades with no Stop signs, the new signage may well be a complete surprise, creating the potential for frequent rear end accidents.

Thank you,  
Ted Marsters  
55 Martin Rd  
Kittery







**TOWN COMMENTS**

**TITLE 16 – LD2003**

**From:**  
**To:** [Town Comments](#)  
**Cc:** [Linehan Lisa; Jeff Clifford](#)  
**Subject:** Comment letter for LD2002 Amendment Public Hearing  
**Date:** Monday, November 27, 2023 10:36:47 AM  
**Attachments:** [2023.11.27.klt.PB.LD2003.fn.ltr.pdf](#)  
[2023.10.12.PB.LD2003.fn.ltr.pdf](#)

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Town Councilors

Good morning. Please see the enclosed letter dated 11/27 from the Kittery Land Trust, as well as the referenced 10/22 letter previously sent to the Planning Board.

Thank you for your consideration.

Jeff Clifford  
KLT Board Member and KLIC representative.



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



November 27, 2023

Kittery Town Council  
200 Rogers Road  
Kittery, Maine

Re: LD 20023 Zoning Amendments – Public Hearing

Dear Councilors,

The Kittery Land Trust (KLT) is writing to supplement our attached October 12<sup>th</sup> letter to the Planning Board regarding zoning amendments for the state’s LD2003 law. In addition to the state required amendments, staff proposed to “go further” with several optional amendments. Upon deliberation, these optional amendments were excluded from the Planning Board’s October 12<sup>th</sup> recommendation to Town Council. We have concerns about several of the optional amendments and agree with the Board’s recommendation to the Council.

The optional amendments added freshwater wetlands to boost the density calculation in the Targeted Growth Area. This was of particular concern in the public hearing comments and the Planning Board deliberations. Presently, freshwater wetlands are deducted from the minimum land area required, as is the practice in the vast majority of the communities in our region.<sup>1</sup> KLT feels this profound policy shift is both detrimental to Kittery’s wetlands and is a misdirected initiative. Increased density for workforce housing can be achieved in more appropriate ways, such as incentives at properties that are mostly uplands. As written, the wetlands for density change would not yield any density benefit to a parcel that is 100% upland. Paradoxically, a property with 80%+ wetlands would be credited a large density benefit.

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*. It is KLT’s understanding that the proposed use of freshwater wetlands for density was not discussed meeting until the issue was identified and scrutinized at the October 12, 2023 Planning Board meeting.

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<sup>1</sup> Partial list of communities that exclude freshwater wetlands from their density calculation: Kittery, Eliot, South Berwick, Berwick, North Berwick, Wells, Ogunquit, Kennebunk, Kennebunkport and Portsmouth

KLT recommends that prior to enactment of the optional amendments that the Planning Board further assess the following concerns and consider remedies for the following:

- density adjustments relating to wetlands
- remedy ambiguities now associated with the term “land area” in Chapter 16<sup>2</sup>
- remedy an apparent ambiguity in the recently revised paragraph, *§16.5.18.B Applicability* regarding standards in the non-sewered Targeted Growth Areas<sup>3</sup>

Thank you for consideration of our comments. 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.

Sincerely,

**KITTERY LAND TRUST**

**KITTERY LAND TRUST**



Lisa Linehan, KLT Executive Director



Jeff Clifford, KLT Board Member

w/enclosure: KLT Oct 12, 2023 letter to Kittery Planning Board

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<sup>2</sup> The proposed removal of “Minimum Land Area Per Dwelling Unit” from *§16.3.2 Definitions* creates ambiguity where terms like “minimum land area”, “buildable land area”, and “land area” remain in Chapter 16 and a calculation needs the definition of the “land area”.

<sup>3</sup> Paragraph, *§16.5.18.B Applicability* establishes that “Lot Area” will be used at Targeted Growth Areas served by public sewer and water, however Chapter 16 is now silent as to how density is calculated in the Targeted Growth Areas not served by sewer and water.

**From:**  
**To:** [Town Comments](#)  
**Subject:** FW: Title 16 - Housing to Comply with LD2003  
**Date:** Monday, November 20, 2023 1:10:31 PM  
**Attachments:** [LD 2003 Statement for 11.20.23 FINAL FINAL.pdf](#)

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Statement for submission from your town's Conservation Commission.

Best, MaryAlice Lapointe



# Town of Kittery, Maine

## *Conservation Commission*

200 Rogers Road, Kittery, Maine 03904

Date: 20 November 2023

To: Town Council, Planning Board and Housing Committee

Re: Title 16 LD 2003

The Conservation Commission fully supports Kittery's goal of increased affordable housing. We also understand that there is a limited timeline for implementing the provisions of LD 2003. However, we understand that the planning and development staff have a desire to go further than just the changes required by the state. The Conservation Committee does not support making additional, hurried changes that are not required by January 1<sup>st</sup>. Changes to Kittery's zoning should be fully considered and well-researched, particularly when it comes to sensitive environmental issues.

As we voice our concerns regarding the impact of going beyond LD 2003, we are repeatedly told that no changes are being proposed to the setbacks. That is understood. However, impact on wetlands is about more than just setbacks. Housing density creates an impact.

The changes being proposed are about including wetlands in the calculations to increase specific building lot density. Greater density will impact wetlands, even when there are setbacks in place. More development adjacent to wetlands equals more human impact runoff, chemicals, bigger roads, sprawling pavement, and increased traffic, all contributing to fewer options for native species, especially their life cycle changes.

We have several recommendations:

1. Focus on the ordinance changes/language that will meet the State requirements for LD2003.
2. Then, take the time to research the impact of additional changes to density calculations.
3. Look at the wetlands in Kittery's high-density building areas, to determine what the impact would be on each of those, on a case-by-case basis.
4. Include guardrails on any changes to town ordinances so that we don't have unforeseen consequences with long-term negative impacts. Let's imagine worst-case scenarios, such as deliberate purchases of wetland acreage to create higher density.

In summary, we recommended that Kittery take the time to consider a thoughtful, long-term approach that balances our immediate needs for sensible growth and our long-term desire for natural habitat conservation.



**From:** [Fair Tide Executive Director](#)  
**To:** [Town Comments](#)  
**Subject:** Title 16 Public Hearing Comments  
**Date:** Monday, November 27, 2023 11:42:25 AM

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Dear Kittery Town Councilors-

I am writing to urge you to adopt the changes to Title 16 that are before you this evening. The housing crisis here in Kittery is only getting more dire as we see the impact spread deeper and more broadly. These amendments offer a pragmatic step to addressing the issue and offer an opportunity to take real action on a topic that is often discussed.

Thank you for your thoughtful consideration.

Emily Flinkstrom, Executive Director of Fair Tide, member of the Kittery Housing Committee and resident of Kittery

**Emily Flinkstrom, MSW**  
Executive Director  
Fair Tide  
*A Long-Term Solution to Homelessness*  
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[www.fairtide.org](http://www.fairtide.org)