

goose point

Kittery Point, ME.

March 22, 2019

Adam Causey, Jamie Steffan and Kittery Planning Board
Kittery, Maine

Dear all:

Currently across the street (on goose point) we have an illegal ADU ongoing and a nonresident owner short term renting his main home. We have been informed by town officials they are unable to enforce the current law re. owner residency. as a result the neighborhood has a new form of use (rentals) without presence of owner to communicate with and no ordinance recourse according to town. Now ..the town is proceeding with the opening up of the ADU permitting process while striking out the language of maintaining neighborhood character, at the same minimizing its importance (in letter by Adam Causey, Director of planning and development ADU amendment follow-up, Feb 21, 2019) by stating neighborhood character is “many things to many people”. In my opinion, the new amendment needs greater safeguards for those impacted by the new ADU standards. The “by right” should be tempered by “as long as it doesn’t impinge upon the domestic tranquility of all your neighbors” You will feel immediate pressure by those property

owners who will benefit by new ADU amendment owners to allow short term rentals. This must be resisted.

Although I think better a 3-4month minimum (a duration which could include short term workers in kittery) rather than current 30 days which feels more like summer rentals.

ADU permits should only be granted to kittery property owner/ residents for obvious reason that intent of amendment is to increase housing stock for kittery residents. If non kittery owners plug into the ADU code, changes could turn into a free for all with people demanding the right to STRs, nonkittery investors picking up properties to rent out— both main house and ADUs... Perhaps I overreact but my concern is that Kittery's character will start to be taken over by the new world order of STRs, internet instant rentals , and tourists who wish to "rusticate" in charming Kittery in such numbers as to chase charming away.

Sincerely,
steve bos/gail simonds

From: [Dutch Dunkelberger](#)
To: [Jamie Steffen](#)
Subject: Fwd: [Kittery ME] ADU meeting (Sent by katherine johnston, kathrinejohnston9@comcast.net)
Date: Thursday, March 28, 2019 6:36:01 PM

Wrong address. Sorry

Dutch
Sent from my iPhone

Begin forwarded message:

From: Dutch Dunkelberger <dutchdunkelberger@gmail.com>
Date: March 28, 2019 at 5:34:37 PM CDT
To: "Jaime" Steffan <jsteffen@kitteryme.gov>, Adam Causey <acausey@kitteryme.org>
Subject: Fwd: [Kittery ME] ADU meeting (Sent by katherine johnston, kathrinejohnston9@comcast.net)

Jaime, for the next time we address ADUs. Thanks.

Dutch
Sent from my iPhone

Begin forwarded message:

From: "Contact form at Kittery ME" <cmsmailer@civicplus.com>
Date: March 28, 2019 at 5:22:57 PM CDT
To: dutchdunkelberger@gmail.com
Subject: [Kittery ME] ADU meeting (Sent by katherine johnston, kathrinejohnston9@comcast.net)
Reply-To: kathrinejohnston9@comcast.net

Hello ddunkelberger,

katherine johnston (kathrinejohnston9@comcast.net) has sent you a message via your contact form (<https://www.kitteryme.gov/user/56/contact>) at Kittery ME.

If you don't want to receive such e-mails, you can change your settings at <https://www.kitteryme.gov/user/56/edit>.

Message:

Good evening Chairperson Dunkelberger,

I am unable to attend tonight's meeting on changes to ADU regulation. I have several concerns with regard to the revisions to the current ADU regulation. I understand the need for increasing affordable housing within Kittery; however, what is currently on the table may ultimately defeat the purpose of the proposed changes - to create more affordable housing units. The code that is being revised has basically been found to be unenforceable due to prior lack of procedure and current lack of manpower.

The revision, as it is currently proposed, falls short of addressing several important elements. The neighboring towns of Portsmouth and York have incorporated most of these items into their ADU regulations. These elements include: adequate parking, especially in areas where on-street parking is already limited, additional curb cuts (allowed or not), minimum lot size requirement for adding a detached ADU, adherence to existing setback requirement, minimum unit size, owner occupancy (required or not) and most importantly whether or not ownership can be divided (condominium).

The ability to purchase a property, add an ADU and convert units to condominium ownership would likely be in opposition to the purpose of the proposed changes as competition from investors would likely increase demand, especially in the more affordable price ranges, and could push values higher.

The current ADU regulations falls short; however the proposed changes seem to be lacking the details necessary for the regulation to be not only easily enforceable but also ultimately successful in its goal/purpose. I hope that you will request more detail before voting on a new ADU regulation.

Thank you for your service to the our community,

Kate Johnston
Bond Road

Kittery, ME

From: [Adam Causey](#)
To: [Drew Fitch](#); [Dutch Dunkelberger](#); [Karen Kalmar](#); [Mark Alessi](#); [Ron Ledgett](#); [Russel White](#); [Steve Bellantone](#)
Cc: [Jamie Steffen](#)
Subject: FW: [Kittery ME] Proposed ammendments to ADUs (Sent by Janice Farmer, janfarm@comcast.net)
Date: Tuesday, April 09, 2019 4:09:31 PM

Just forwarding the below emails from a resident on the ADU amendment. This isn't on the agenda until 4/25 but I didn't want to forget to send to you.

Thank you,

Adam Causey, AICP
Director of Planning & Development

Town of Kittery
200 Rogers Road
Kittery, ME 03904
Phone (207) 475-1307
acausey@kitteryme.org

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

From: Janice Farmer <janfarm@comcast.net>
Sent: Wednesday, April 3, 2019 4:50 PM
To: Adam Causey <ACausey@kitteryme.org>
Subject: RE: [Kittery ME] Proposed ammendments to ADUs (Sent by Janice Farmer, janfarm@comcast.net)

Mr. Causey,

Thank you for your reply to my questions. I do understand your point about subdivision regulations coming into play in my example and I might be concerned about something unlikely to happen. I became curious about such a situation while passing by the new home sites near me on Miller Road, and whether someone could build a house and an ADU on each of those lots and not live in any of them. Although it would increase the housing stock, I can see some unintended consequences that might run counter to the desire to preserve rural areas and neighborhoods.

I would say my major concern is that by using ADUs as a way to increase housing stock and not requiring an owner to live on the property changes the generally understood definition of an ADU as a method for home owners to keep family together or earn an income from a renter. And, in the process, create a loop hole that could be exploited in unintended ways. It would seem more sensible to concentrate on creating higher density zones for duplexes, apartment buildings, town houses, etc., where an absentee landlord is a given.

I do think the proposed rule changes would increase the applications for ADUs even if the owner occupancy requirement were left intact. And when the Town does wrestle with the short term rental question it might be a positive that an owner, and not a landlord or property management firm, was watching out for disruptive renters.

I would be happy to have my comments forwarded to the Planning Board.

Thank you for answering my email so promptly, Janice Farmer

> On April 2, 2019 at 6:14 PM Adam Causey <ACausey@kitteryme.org> wrote:

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> Ms. Farmer,

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> Thank you for your email. I know it's frustrating that the STR issue consumed much of the proceedings. We will continue to educate the public about ADUs and move on to STR discussions a little later this year.
>
> As to your questions, accessory dwelling units are currently allowed in the R-RL zone along Norton Road subject to current restrictions in the code. The proposed amendments would allow ADUs up to 1,000 square feet in size, either inside an existing home, attached to an existing home, or in a detached accessory building (subject to conditions).
>
> Removing the owner occupancy requirement was debated extensively during the Housing Working Group and Kittery Land Issues Committee meetings but, in the end, the groups decided that the restriction could limit the future use of either dwelling and cause property owners to not bother building ADUs. That would seem to match the currently reality as evidenced by the lack of ADU requests we see. The committees' charge was to increase housing stock via ADUs. I recall committee members questioning whether a property owner could obtain traditional financing to build an ADU with the owner occupancy restriction. That conclusion is certainly debatable and I can understand your perspective and concerns.
>
> However, I may be misreading your example of someone building several houses with ADUs. If you mean that one entity might try to build several houses all at once, each with its own ADU, then that could trigger a higher threshold of plan review via subdivision regulations. But, conceivably, yes: each owner of an R-RL lot could build one single-family home and then add an ADU, subject to land use restrictions in place at the time.
>
> Please let me know if you'd like me to forward your email to the Planning Board.
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>
>
> Thank you,
>
>
> Adam Causey, AICP
> Director of Planning & Development
>
> Town of Kittery
> 200 Rogers Road
> Kittery, ME 03904
> Phone (207) 475-1307
> acausey@kitteryme.org
>
> -----Original Message-----
> From: cmsmailer@civicplus.com <cmsmailer@civicplus.com>
> Sent: Tuesday, April 2, 2019 12:19 PM
> To: Adam Causey <ACausey@kitteryme.org>
> Subject: [Kittery ME] Proposed ammendments to ADUs (Sent by Janice Farmer, janfarm@comcast.net)
>
> Hello acausey,
>
> Janice Farmer (janfarm@comcast.net) has sent you a message via your contact form (<https://www.kitteryme.gov/user/1803/contact>) at Kittery ME.
>
> If you don't want to receive such e-mails, you can change your settings at <https://www.kitteryme.gov/user/1803/edit>.
>
> Message:
>
> Dear Mr. Causey,
>
> Although I was unable to attend the March 28 Planning Board meeting I did watch it online hoping a couple

questions I have concerning ADUs would be addressed, but most of the discussion focused on the STR language.

>

> My questions deal with the effect of the language changes in:

> (1) 16.2 DEFINITIONS: "...where the owner of the property occupies one

> of the units." DELETED

> (2) 16.8.25.2 Applicability: "C. within a new accessory structure

> constructed for this purpose on the property." ADDED

> (3) 16.8.25.3 Application for ADU: "E. ...must be occupied by the

> property owner..." DELETED

>

> From this language, I am uncertain if a situation could occur where, for instance, someone with several house lots along a RR Zone road could build a new "primary" home on each lot as well as a stand-alone ADU, creating essentially a "big" house and a "little" house on each lot. And then rent all the properties as the "homeowner" without living in any of them.

>

> I am hoping that scenario is not possible with the proposed language change as it doesn't seem to meet the purpose for rules "that provide opportunities of existing residents to remain in their homes, to provide new housing units compatible within existing neighborhoods, and to offer more affordable housing options."

>

> Thanks for your time,

> Janice Farmer

> 89 Norton Rd.

> Kittery

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