

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Steve Bellantone, Member; Drew Fitch, Member; Russell White, Member;
6 Mark Alesse, Member; and Karen Kalmar, Vice Chair

7

8 Absent: Ronald Ledgett, Member; Dutch Dunkelberger, Chair

9

10 Staff: Jamie Steffen, Town Planner; Adam Causey, Director of Planning and
11 Development

12

13 Advisory: Earldean Wells, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **APPROVAL OF MINUTES – January 24, 2019**

18

19 Vice Chair Kalmar announced that the Board needed Mr. Ledgett present to consider of
20 approval of them. With his absence the approval of minutes was postponed.

21

22 **PUBLIC COMMENT**

23 Vice Chair Kalmar opened the public comment segment of the meeting. There
24 being no comments, Vice Chair Kalmar closed the public comment segment.

25

26 **PUBLIC HEARINGS**

27

28 **Item 1 - Land Use and Development Code (Title 16) Amendments –**
29 **ARTICLE XXV Accessory Dwelling Units**

30 The Kittery Planning Board will consider proposed amendments to Section 16.2
31 DEFINITIONS and Section 16.8.25 Accessory Dwelling Units to allow for greater
32 flexibility in the design and development of accessory dwelling units, including
33 eliminating the annual limit and owner occupancy requirement, increasing the
34 allowable ADU size, and restricting new ADUs to no less than 30-day rentals.
35 Public Hearing, Vote to Recommend. Take public comment. Review and
36 discuss proposed changes to ARTICLE XXV Accessory Dwelling Units. Vote to
37 recommend to the Town Council.

38

39 Vice Chair Kalmar opened the public hearing.

40

41 Lindsay Blis, 4 Captain's Way, discussed a short-term rental issue in her
42 development.

43
44 Tom Emerson, 10 Ox Point Drive, stated he was a member of the Housing
45 Committee that worked initial draft of the proposed ADU amendments. He also
46 disclosed that he has a short-term rental (STR) on his property. He stated that
47 the purpose of this hearing was to talk about ADUs not STRs. He stated he
48 was a strong proponent of ADUs. He further stated that he was not in favor of
49 the 30 day period.

50
51 Niles Pinkham, 25 Pinkham Lane, spoke about a STR that is causing problems
52 in his neighborhood.

53
54 Vice Chair Kalmar explained that the public hearing was input on the proposed
55 ADU ordinance amendments not STRs. That topic will be considered by the
56 Board at a later date.

57
58 Mara Lamstein, 35 Mill Pond Road, stated that she was a big supporter of
59 ADUs.

60
61 Donald Gagnon, 33 Pinkham Lane, discussed the gray area between ADUs and
62 STRs.

63
64 William Peirce, 53 Rogers Road, spoke in support of the ADU ordinance. He
65 stated he has a two-family and would like to be able to have an ADU as well. He
66 spoke to the vagueness of the definition of a ADU. He would like to see a
67 workable ADU law.

68
69 Pamela Blodgett, 60 Old Dennett Road, discussed how Airbnb's would benefit
70 Kittery.

71
72 Laurie Rowan, 115 Wilson Road, spoke in support of allowing Airbnb's.

73
74 Fred Kretchman, 46 Crockett Neck Road, spoke of support of ADUs but dislikes
75 the 30 day limit.

76
77 Erin Brochu, 90 Government Street, spoke about the positives of renting her
78 home on Airbnb. She stated that she and her husband would like to be able to
79 do a ADU but can't afford it. She expressed concern with the 30 day restriction.

80
81 Tim Brochu, 90 Government Street, stated he Maine licensed architect. He
82 spoke to specific points about STRs.

83
84 Cameron Wake, 19 Mendum Avenue, spoke to the ecological benefits of

85 allowing ADUs.

86

87 Vice Chair Kalmar closed the public hearing at 6:45 p.m.

88

89 Mr. White spoke to the ordinance being more flexible. His primary concerns are
90 enforcement issues and improper use. He discussed looking into imposing local
91 penalties on violations. Mr. Fitch spoke to his involvement as part of the
92 Housing Working Group in spearheading the effort. He discussed the mission of
93 creating affordable housing and that was why the proposed amendments were
94 trying to discourage STRs.

95

96 Vice Chair Kalmar discussed enforcement of the under 30 day's restriction and
97 asked staff for their input. Mr. Causey responded that the Department doesn't
98 have the manpower to enforce. He spoke further to the intent of the proposed
99 changes. He explained that the group was trying to come up with a compromise
100 of being more flexible with ADUs but at the same time not creating a situation
101 where it would lead to all STRs. He stressed the STRs would need to be
102 addressed separately.

103

104 Vice Chair Kalmar discussed the fairness issue for Kittery residents and making
105 sure that were not penalizing single family residential owners would the
106 proposed changes. She also raised a concern about property owners being
107 able to put ADUs in the Shoreland and Resource Protection Overlay zone
108 setback areas. Mr. Alesse noted that he has a STR in his barn so he would not
109 be voting on the item. He discussed his concern about wanting to protect the
110 Kittery homeowners that have existing STRs on their properties. Mr. White
111 expressed his concerns about the tie-in with STRs. He stated he would like to
112 see the 30 day language removed. He further stated that the Town will need to
113 tackle the STR issue – he recognizes that there are neighborhood issues but he
114 hears more positive than negative. The Board discussed the need to remove
115 the STR reference in the proposed amendment and addressed that a later date.

116

117 Kendra Amaral, Town Manager, spoke to STR reference and the 30 day
118 language. She stated she and staff would be willing to compromise on that
119 clause and remove it that was the desire of the Board. Her goal is to develop
120 regulations that the community can get behind and support. She advised the
121 Board on their options for moving the amendments forward.

122

123 **Mr. White moved to continue the item until the Board's second meeting in**
124 **April. Mr. Bellantone seconded the motion. It was acknowledged the staff**
125 **would review whether to remove the 30 day restriction.**

126

127 **The motion carried 5-0-0.**

128

129 **ITEM 2 - Land Use and Development Code (Title 16) Amendments – ARTICLE X**
130 **Signs**

131 The Kittery Planning Board will consider proposed amendments to **Section 16.2**
132 **DEFINITIONS; Section 16.3.2.15 Mixed-Use – Kittery Foreside MU-KF** and **Section**
133 **16.8.10.9 Signs allowed without sign permit** to allow temporary A-frame signs under
134 certain restrictions in all of the business, commercial, and mixed-use zones.
135 Public Hearing, Vote to Recommend. Take public comment. Review and discuss
136 proposed changes to ARTICLE X Signs. Vote to recommend to the Town Council.

137
138 Vice Chair Kalmar opened the public hearing. There was no public to speak on this
139 item. Vice Chair Kalmar closed the public hearing.

140
141 Planner Steffen read the changes that he and Director Causey made to the proposed
142 regulations. Mr. White asked if the Pepperrell Cove businesses were included in the
143 new regulations. It was confirmed that they would be as they are in a Business – Local
144 1 zone.

145
146 **Mr. White moved to recommend the Land Use and Development Code (Title16)**
147 **Amendments – Article X Signs to the Town council for adoption. Seconded by**
148 **Mr. Fitch.**

149
150 **The motion carried 5-0-0.**

151
152 **ITEM 3 – Zoning map amendments / re-adoption**

153
154 Mr. Causey noted that the Business – Park (B-PK) zone designation needed to be
155 changed to reflect the change in zoning to create the Mixed Use – Neighborhood (MU-
156 N) zone. He discussed the process and noted there may need to be some other
157 changes made to some of the Shoreland and Resource Protection Overlay boundaries
158 where certain projects have presented different locations zone boundaries. He also
159 noted that there have been no updates or changes that he and the Planner could find
160 since 2010 which is a long time. He is looking at having the Town readopt the map and
161 wanted to make sure that we weren't missing anything.

162 He stated that the zone change would require a public hearing by the Board and he
163 wanted to get that initiated.

164
165 **Mr. White moved to schedule a public hearing for the April 25th meeting on the**
166 **Zoning Map amendment to reflect the change from the Business – Park zone to**
167 **the Mixed Use – Neighborhood zone. Seconded by Mr. Alesse.**

168 **The motion carried 5-0-0.**

169

170 **ITEM 4 – Board Member Items/Discussion**

171 A. Planning Board Action Item List

172

173 Mr. Steffen informed the Board that he had updated and prioritized the list based upon
174 the input from the Board at the February 28th meeting. He noted that the Board wanted
175 to review and discuss the list at their meeting on April 25th. Vice Chair Kalmar
176 requested that staff provide the Board with the STR materials well in advance of the
177 meeting where they will be considered so the members could be adequately prepared
178 to discuss. Mr. Fitch commented that the Board should as a first step set out the goals
179 of what we want to accomplish with regulations. There was discussion about looking at
180 the Comp Plan recommendations on housing and Mr. Causey commented that staff will
181 look at what some of the other Maine communities are doing to address STRs.

182

183 **ITEM 5 - Town Planner / Director of Planning & Development Items**

184 A. None

185

186 **Mr. Alesse moved to adjourn the meeting.**

187 **Mr. Fitch seconded the motion.**

188

189 **The motion carried 5-0-0.**

190

191 The Kittery Planning Board meeting of March 28, 2019 adjourned at 7:14 p.m.

192

193 Submitted by Jamie Steffen, Town Planner, on May 8, 2019.

194

195 Disclaimer: The following minutes constitute the author's understanding of the meeting.
196 Whilst every effort has been made to ensure the accuracy of the information, the
197 minutes are not intended as a verbatim transcript of comments at the meeting, but a
198 summary of the discussion and actions that took place. For complete details, please
199 refer to the video of the meeting on the Town of Kittery website at
200 <http://www.townhallstreams.com/locations/kittery-maine>.