



Kittery won't pursue Admiralty Village site for affordable housing

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KITTERY, Maine -- The town's Housing Working Group has chosen not to recommend actively pursuing an Admiralty Village site for a future workforce housing project, after the discovery that current deed restrictions pose a significant barrier for realistic development.

More than 40 pages of research and legal opinion on the old recreation center site at Cole Street are included in Monday's Town Council meeting packet, where councilors will receive a formal report from the Housing Working Group.

Going forward, the group will instead focus on developing zoning amendment proposals to incentivize affordable housing along the Kittery Outlets stretch and Route 1 Bypass, in order to promote properties for redevelopment in both corridors.

A municipal-driven affordable and workforce housing conversation has geared up in Kittery over the last two years, with the formation of a housing group -- comprised of town officials and community members -- and a two-day design charrette that examined development possibilities at a particular Foreside property.

The exploration of the Admiralty Village site came after some town officials expressed concern over a chosen Foreside location after the October 2018 housing charrette put on by the Workforce Housing Coalition of the Greater Seacoast. Though the charrette was not prescriptive, and rather meant to generate a conversation and flow of ideas, a January workshop between the Town Council and Planning Board to review the charrette's final report had some officials asking, "Why not Admiralty Village?"

The Town Council ultimately approved a resolution to authorize an exploration by Town Manager Kendra Amaral and the Housing Working Group, chaired by council Vice Chair Matt Brock, into the possibility of a workforce/affordable housing project at the .45-acre Cole Street site.

Though a historically-dense neighborhood, "developed specifically to provide affordable housing options for veterans, service members and shipyard workers," Amaral said, ultimately, a combination of the property's deed restriction and zoning barriers proved the site was unsuitable for the town's desired uses.

According to Amaral's report to the council for its Nov. 25 meeting, town attorney Duncan McEachern was asked to give opinion on the property's deed and associated restrictions, and law firm Drummond and Woodsum was sought to opine on whether a project could be pursued within the confines of the deed restriction. The town also utilized the expertise of Community Housing of Maine to assess the viability for a project on the site.

The deed, given by the Public Housing Administration to the town in March 1949, contains a restriction requiring the land be used for "public use and for no other use or purpose whatsoever." Amaral stated it is often found that affordable housing is a "public benefit," so additional analysis was done to determine if "public use" and "public benefit" were synonymous. It was ultimately determined for an investor or lender financing a project, that answer is no.

"The deed restriction effectively prohibits the use of the site for an affordable housing developed and operated by a private or nonprofit entity, because it is not for public use," Amaral wrote.

The town could work with the U.S. Department of Housing and Urban Development and the legislative delegation to seek relief from the restriction, but the outcome of that effort would likely be uncertain and time-consuming.

Community Housing of Maine determined the site could allow for up to 36 units in two-story structures -- primarily studios and one-bedrooms. The analysis was based on a 100% affordable project, meaning all units would be affordable based on certain income limitations. The organization also noted there isn't sufficient space to meet a parking ratio of two spaces per unit.

Current zoning requirements for the residential village district were also determined not conducive to a viable affordable housing project.

In April, the Housing Working Group mailed letters to Route 1 and bypass property owners inviting them to join the conversation around affordable and workforce housing, and alerting them of the upcoming exploration of potential zoning changes to encourage such development in those areas, ripe with large land lots.

Nonprofit Fair Tide Housing, headquartered on State Road, continues to explore ways to bring a 45-unit mixed-income development to the Kittery area -- as part of its five-year strategic plan -- with around 15 units set aside for households moving out of homelessness, with the remainder rented as workforce and market-rate housing.

