



KITTERY TOWN PLANNING BOARD MEETING

Council Chambers – Kittery Town Hall 200 Rogers Road, Kittery, Maine 03904

Phone: 207-475-1323 - Fax: 207-439-6806 - www.kittery.org

AGENDA for Thursday, September 10, 2015

6:00 P.M. to 10:00 P.M.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 8/20 & 8/27/15

PUBLIC COMMENTS - Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address and record it in writing at the podium.

PUBLIC HEARING/OLD BUSINESS

ITEM 1 – Rockwell Homes, 89 Route 236 – Preliminary Site Plan Review

Action: hold public hearing, approve or deny preliminary plan Owner/applicant Rockwell Homes, LLC request consideration of plans for a single, 2,520-square-foot building containing business offices and a showroom and a drive-through-only restaurant at 89 Route 236 (Tax Map 28, Lot 14-2) in the Commercial 2 (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, LLC.

ITEM 2 – Kolod Seawall Replacement–Shoreland Development Plan Review

Action: hold public hearing, approve or deny plan. Owner/applicant Jeffrey and Deborah Kolod requests consideration of plans for replacement of an existing seawall and the expansion of a waterfront shed. The 0.45-acre lot is located at 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Barney Baker, Baker Design Consultants.

ITEM 3 – Kittery Point Yacht Yard Renovations –Shoreland Development Plan Review

Action: hold public hearing, approve or deny plan. Owner and applicant MGX, LLC a.k.a Kittery Point Yacht Yard, Corp. requests consideration of plans for replacement of an existing marine railway with an at-grade boat ramp requiring fill within the intertidal zone. The 1.3-acre lot is located at 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is Barney Baker, Baker Design Consultants.

OLD BUSINESS

ITEM 4 – Yankee Commons Mobile Home Park Expansion – Subdivision Preliminary Plan Review

Action: approve or deny preliminary plan. Owner/applicant Stephen A. Hynes Real Property Trust Agreement requests consideration of plans for a 78-lot expansion of the Yankee Commons Mobile Home Park for the property located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones. Agent is Thomas Harmon, Civil Consultants.

ITEM 5 – Spruce Creek Ventures, II – Minor Subdivision Sketch Plan Review

Action: approve or deny sketch plan. Owner/applicant Spruce Creek Ventures II requests consideration of a three-lot subdivision of 3.02 acres located at 9 Cook Street and Old Post Road (Tax Map 3, Lot 77-A) in the Residential – Urban (R-U) Zone. Agent is Chris Wilber, Chris Wilber Consulting.

NEW BUSINESS

ITEM 6 – Weathervane-Badgers Is. Redevelopment — Subdivision/Shoreland Development – Sketch Plan Review

Action: approve or deny sketch plan. Owner Gagner Family Limited and applicant Stephen Kelm requests consideration of a 7-dwelling subdivision of 0.8 acres located at 31 Badgers Island West (Tax Map 1, Lot 31) in the Mixed Use – Badgers Island (MU-BI) Zone and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is Eric D. Weinrieb, P.E., Altus Engineering.

ITEM 7 – Board Member Items / Discussion A. TBD

ITEM 8 – Town Planner Items: A.TBD

ADJOURNMENT - (by 10:00 PM unless extended by motion and vote)

NOTE: ACTION LISTED IN ABOVE AGENDA ITEMS IS FOR REFERENCE ONLY AND THE BOARD MAY DETERMINE A DIFFERENT ACTION. DISCLAIMER: ALL AGENDAS ARE SUBJECT TO REVISION ONE WEEK PRIOR TO THE SCHEDULED TOWN PLANNING BOARD MEETING. TO REQUEST A REASONABLE ACCOMMODATION FOR THIS MEETING CONTACT STAFF AT (207) 475-1323.

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

1 **Council Chambers**

2
3 Meeting called to order: 6:01 p.m.
4 Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, Secretary Debbie
5 Driscoll-Davis and Mark Alesse.
6 Members absent: David Lincoln and Deborah Lynch
7 Staff present: Chris Di Matteo, Town Planner.
8

9 Pledge of Allegiance

10
11 **Minutes: July 23, 2015**

12 **Ms. Kalmar moved to approve the minutes of July 23, 2015 as written.**

13 **Ms. Driscoll-Davis seconded.**

14 **Motion carried: 5-0-0**

15
16 Public Comment: Ms. Grinnell provided an opportunity for public comment. Hearing none, Ms. Grinnell
17 closed public comment.
18
19

20 **ITEM 1 – Hampton Inn and Suites – Preliminary/Final Site Plan Review**

21 Action: hold a public hearing, approve or deny preliminary/final site plan. Owner Kittery Trading Post
22 Shops, LLC and applicant 275 US Route 1, LLC request consideration of a site plan for redevelopment of
23 4.12 acres, consisting of an 83-room hotel, located at 275 US Route 1 (Tax Map 30, Lot 41) in the
24 Commercial - 1 (C-1) and Resource Protection Overlay (OZ-RP) Zones. Agent is Ryan Plummer, Two
25 International Group.
26

27 Ms. Desirea Falt, an architect from BMA Architectural Group, gave a presentation to the Board which
28 included the following points:

- 29 • The project includes an 83 guest room hotel to be built on the 4.12 acre site on the existing Dansk
30 Square shopping center.
- 31 • The new construction, of the hotel only, will occur on half of the site. The rest will remain
32 undeveloped.
- 33 • The majority of the exterior of the building will now be clapboard siding with a brick base. Only
34 the parapets, which have gone down 3 feet in size, and the bump out areas will be EIFS (Exterior
35 Insulation Finishing System). The materials on the building have been transitioned with cornice
36 caps and returns. The building will have a height of 40 feet.
- 37 • A traffic analysis was done and it was determined that there would be a reduction in traffic when
38 the building is full with the exception that a.m. peak trips increase by 34 additional trips.
- 39 • It was determined by the DEP that the project would qualify for a storm water permit by rule.
- 40 • There will be 89 parking spaces, which meets requirements, and two paths into the building
41 leading off from Old Wilson Road. The landscaping will include a variety of trees, shrubs and
42 ground cover.

- 43 • The parking lot will be lit with two signs on the building, one on the front of the building facing
44 Route 1 and one on the back of the building facing I-95, both internally illuminated, and one free
45 standing sign.
- 46 • All utilities will be underground and they have letters for sewer and water that the capacity has
47 been met and the services can be provided.
- 48 • Every six to seven years the hotel has to be renovated, both interior and exterior, so the structure
49 will never become dilapidated. She added that it is also going to be built of all non-combustible
50 materials and there are fire sprinklers throughout the building.
- 51 • The sloped roof is not practicable in this case for four reasons:
- 52 ○ The mechanical space must be located on the roof and a high attic creates a fire safety
53 concern when trying to access the space and maintenance access to the roof creates less
54 of a safety hazard with a flat roof;
- 55 ○ Snowfall and snow removal create safety issues with a sloped roof. They would have to
56 add stops to the roof so the snow does not fall off and it would have to be unloaded
57 manually;
- 58 ○ A flat roof allows for parapets on the building which help to break up the horizontal
59 configuration and;
- 60 ○ A sloped roof increases the overall height to a point where it is above regulation height.
- 61 • They request that the Board deem the use of a sloped roof to be not practicable.
- 62 • Mr. Alesse asked what material would be used for the clapboards and Ms. Falt responded that it
63 would be hardy board so you do not have to worry about the painting issue of it.
- 64 • Durward Parkinson, legal counsel for the project, came to the podium to discuss the pitched roof
65 issue. He noted that the roof must be pitched at 4:12 unless it is deemed not practicable. He
66 defined the word practicable and noted that a pitched roof could not be done successfully in this
67 case and asked the Board to use their discretion to determine whether it is necessary or not. He
68 stated that this would not be setting a precedent and that there is no such thing as a precedent for
69 the Planning Board.
- 70 • Ms. Falt added that a flat roof would be safer in the case of a fire because there are no concealed
71 spaces and attic access would be easier as well.
- 72 • The project complies with all of the Town's ordinances.
- 73 • There is a demand in Kittery for a quality hotel with modern amenities. This hotel would service
74 mall guests and other visitors.

75

76 Ms. Grinnell opened the public hearing.

77 Suzanne Johnson, Cromwell Street resident

- 78 • Ms. Johnson welcomes the hotel's ideas but would like to stop the destruction of the native tall
79 pine trees. The native pine trees are abundant in that area and she does not want the hotel to cut
80 them down just for visibility purposes.
- 81 • Hampton Inn is known for its drab or nonexistent landscaping unlike other Hilton Hotels. She
82 added that the roots of the trees keep the soil intact and help to control water flow.
- 83 • Ms. Johnson asked that they should not be part of the global assault on the birds, poisoning the
84 birds so they do not destruct the structure. She commented that birds would enhance the beauty of
85 the hotel and they could set a precedent by establishing a bird sanctuary on the premises.

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

- 86 • She asked that the hotel share their profits with the Town by offering to help to pay for free trash
87 pick-up for those who cannot afford it.
88

89 George Dow, Bartlett Road resident and chair of the Economic Development Committee

- 90 • Mr. Dow thanked the Hotel for bringing their business to Kittery.
91 • He noted that the site offers an opportunity for business growth in the area and makes Kittery a
92 destination site and not a pass through.
93 • He added that the group has taken every effort to listen to the Planning Board.
94 • He asked that people keep in mind that the Hotel would need to offer competitive rates to remain
95 profitable.
96

97 Ann H. Peters, Ox Point Drive resident

- 98 • Ms. Peters is against the proposed development.
99 • The hotel is not in compliance with the code for height restriction or the sloped roof requirement
100 which she believes is because they want to use their own design.
101 • Ms. Peters is concerned with traffic safety in the area, especially traffic coming off the exit ramp
102 heading north. With already heavy traffic, a left turn into the hotel would be difficult.
103 • The trip survey is compared to when the site was a retail use which was a long time ago and
104 traffic in the area has increased since then.
105 • The site would have an impact on Chickering Creek which has heavy water flow at times.
106 Contaminants would be washed into the creek and the Spruce Creek water shed.
107 • She would like them to keep the existing trees and buffers.
108

109 Tom Emerson, Ox Point Drive resident

- 110 • Mr. Emerson agrees that traffic in that area is heavy but thinks that having a viable use on the
111 property will improve the chances of getting the traffic there controlled.
112 • Kittery has a history of hotels some of which on Kittery Point have been higher than this one.
113 • Contemporary hotels do not have sloped roofs and older hotels with sloped roofs have porches to
114 mitigate snowfall.
115 • Mr. Emerson agrees with the location of the hotel and likes that it is near Old Wilson Road.
116 • He added that the clapboards are a good effort to make the hotel look coastal within a fairly rigid
117 branding scheme.
118

119 Earldean Wells, Chair of the Conservation Committee

- 120 • Six years ago, Kittery was awarded a 319 grant, which is in its 4th phase now, to address the
121 health of Spruce Creek
122 • She asked that if the Board chooses a less strict storm water plan, they set a condition of approval
123 that any further construction would bring a more effective storm water plan into place.
124 • Mr. Wells requested that the phrase “manmade ditch” be removed as they are functioning as
125 wetlands.
126 • She noted that they are required to have a snow storage and removal note on the final plan.
127
128

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

129 Gay Lakin, Ox Point Drive resident

- 130 • Ms. Lakin agrees with the information that Rich Balano emailed to the Board.
131 • She would like to see a buffer on the plans and does not want any trees cut down. She noted that
132 cutting down trees increases noise levels.

133

134 Howard Patten, Spencers Way resident

- 135 • Mr. Patten thinks the project is a great idea and agrees with Mr. Dow on all of his points.

136

137 Ms. Grinnell closed public hearing.

138

139 Mr. DiMatteo read correspondence received from the following people or associations aloud:

- 140 • Timothy and Alison Wells, Kelsey Lane residents, who strongly support the new hotel.
141 • Mari O’Neil, of The Kittery Outlet Association, who is in support of the proposed hotel and the
142 increased business that the guests would bring.
143 • Gay Lakin, Ox Point Drive resident who has concerns about the design of the hotel and its
144 environmental impacts.
145 • Rich Balano, Ox Point Drive resident, who has concerns about the design of the project not
146 meeting Kittery code, specifically the sloped roof and building height.

147

148 Ms. Kalmar noted that the height of a flat roof building is measured from the ground to the roof beams
149 and anything that does not have floor space above that does not count towards the 40 feet. She then read

150 Mr. Lincoln’s comments aloud which included the following points:

- 151 • Roof design: the proposed “flat iron” roof design is in conflict or violation of Kittery code which
152 states that building design should reflect the characteristics of Kittery’s buildings and New
153 England primary architectural styles.
154 • Access to Route 1: the consultant which generated the July 6, 2015 Trip Generation Analysis was
155 not familiar with the site, using secondary data and incorrect guidelines of retail traffic activity to
156 generate the current traffic estimate. The proposed entrance and exit of the proposed hotel would
157 be a safety hazard.
158 • Street signage: does the proposed signage, on the building and on the street, meet the code?
159 • Future additions: maps and editorial by the developer reference “future” additions to the lot
160 including a restaurant and a coffee shop with the proposed location of each shown on various
161 plans.

162

163 Mr. Jacques Gagnon, Oak Point Associates, approached the podium to answer questions from the Board.

164

165 Ms. Grinnell asked if the application at hand was for just the hotel or for the other buildings as well and
166 Mr. Gagnon responded that it was for just the hotel at this time. Ms. Driscoll-Davis asked about the
167 heights listed in the proposal of 151ft, 147ft and 143ft and why they were so high. Mr. DiMatteo
168 responded that you would subtract 100 from the numbers since the grade is 100 and is considered to be a
169 constant.

170

171 Mr. Alesse expressed concern over the appearance of the building. He commented that the added
172 clapboards are appreciated but the building still does not have a New England look to it. He suggested

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

173 that the parapets be turned into gable end parapets and a cupola be added to the top. He does not want the
174 hotel to look like a cookie cutter Hampton Inn. He added that although the hotel would add more value to
175 the Town, the hotel needs Kittery more than Kittery needs the hotel so they should make an effort to be in
176 the Town.

177
178 Ms. Kalmar asked about the traffic concerns in the area and noted that she was confused as to where the
179 data had come from. Mr. Gagnon responded they did a trip generation analysis based on the existing use
180 that is there, which on the tax cards is listed as a shopping mall, and looked at the number of trips
181 generated and the time of day the trips were generated. He added that on weekdays there was a reduction
182 of 130 trips and a reduction of almost 500 trips on Saturday. He noted that during peak hour when the
183 stores are not open the trips would generate approximately 34 more trips but that they would not require a
184 traffic movement permit from the MaineDOT. Ms. Driscoll-Davis commented that the traffic study is
185 using old data and Ms. Kalmar responded that they are referring to a generic number of trips based on the
186 square footage of the zoned retail use. Ms. Driscoll-Davis noted that their summary leads people to
187 believe that the traffic will decrease. Ms. Kalmar responded that the original development was approved
188 to go on route one and it did generate more traffic. This project will generate more traffic than the current
189 use but not more than a fully functional retail building.

190
191 Ms. Grinnell asked if all of the signs are within Kittery's code and Ms. Falt responded that they are. Ms.
192 Grinnell noted that in the plan that there is no sidewalk that connects the front parking lot to the back and
193 added that she would like to connect the hotel to the malls so people would walk instead of drive. She
194 asked if they would consider connecting the parking lot on the south side around to the back of the
195 building and painting a crosswalk. Ms. Falt stated that they would do that.

196
197 Ms. Kalmar noted that she would like to see a higher standard of storm water management. She added
198 that the Town has spent an enormous amount of time and effort mitigating Spruce Creek. Ms. Grinnell
199 asked if the reserved buffer area would be on the plan if it is removed and if they are planning to cut down
200 any of the tall pine trees. Mr. Gagnon responded that mostly all of the buffer is on the state right of way
201 and that they would not be cutting down any trees on the site. Ms. Driscoll-Davis asked who would
202 replace the buffer if the state buffer is removed. Mr. Gagnon stated that they could make that a condition
203 of approval that the owner or applicant submit a plan for approval to replant the buffer.

204
205 Ms. Driscoll-Davis asked if they would remove the section about possible future development since it is
206 not being approved at this time. Mr. DiMatteo responded that leaving it in makes their future intentions
207 clear. Ms. Driscoll-Davis stated that it is important for the applicant to know that the Planning Board is
208 not currently 100% on board with the future plans of the site. Mr. Parkinson added that the Planning
209 Board could put that in their findings of fact. Ms. Kalmar noted that in the current draft of the findings of
210 fact it states that all future development requires Board approval.

211
212 Ms. Grinnell asked if they would consider removing the words "manmade ditch". Mr. Gagnon said that
213 they had no issues with that and that they just used the terminology to differentiate between a stream since
214 manmade wetlands are treated differently. He said that they will take out the words "manmade ditch" and
215 it will remain delineated as a wetland.

216

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

217 Ms. Driscoll-Davis asked if the hotel would consider adding a bike rack, to which they answered yes, and
218 if the pool could be open to residents, to which they responded no. Ms. Driscoll-Davis asked if they
219 would consider making the sewer pumping station look better. It was decided that the Board would
220 discuss that with the sewer department first. Mr. Alesse asked if they would consider changing the
221 parapets and if so, could he see a drawing of what they would look like. Ms. Falt requested a poll of the
222 Board's current stand on the project before they answer any more questions.

223

224 Ms. Kalmar stated that she believes that the design is compatible with the federal style of architecture and
225 that the Board is allowed to determine whether a flat roof is practicable, which is defined in the code
226 book, or not if there are concerns of danger or negative impacts. She added that a sloped roof increases
227 danger to guests of the hotel and that a flat roof is safer. Mr. Harris commented that there are other ways
228 to get around the proposed area during times of heavy traffic and that he is happy with the process and has
229 no building or traffic concerns. Ms. Driscoll-Davis commented that there are a lot of bicyclists that come
230 through Kittery and she would like the hotel to accommodate them. She added that she agrees with Karen
231 of an acceptable way to handle the roof situation and she appreciates the clapboards. Mr. Alesse would
232 like to see the false front changed to a pitched roof and noted that people in the Town have concerns with
233 aesthetics. He is all set with the other aspects of the application. Ms. Grinnell noted that she would like
234 the higher standards used for Spruce Creek.

235

236 Mr. Gagnon commented that he understands that Ms. Grinnell would like to see better storm water
237 treatment but that development is tight and they would like to know more about the extent of the process
238 and the standards. He added that they have already met DEP requirements and the project has been
239 deemed as a reduction in the pollution load. They also believe that it will help the water quality. He also
240 noted that they will replant the 100 foot grass buffer strip. Ms. Kalmar commented that having the best
241 practices in place is getting ahead of the curve.

242

243 Mr. Gagnon added that the next phase of development has a lot of treatment built into it. Mr. Parkinson
244 noted that they could make that a condition of approval. Ms. Driscoll-Davis asked if they had snow
245 storage and dumpsters and Mr. Gagnon responded that there is designated snow storage throughout the
246 site, marked as ovals on the plan, and they also have dumpster enclosures. Ms. Driscoll-Davis then
247 commented that she would like them to add a buffer and not just put one up if the State takes theirs down.
248 Mr. Parkinson noted that they could possibly get an easement from the State to add a buffer to State land
249 and that could also be a condition of approval. He added that if they could not get permission from the
250 State they could put the buffer in on reserved land right now and not wait until the next phase. Ms. Wells
251 remarked that she would like the ovals on the plan for the dumpsters to be clearly marked.

252

253 Ms. Grinnell asked if they would be adding the additional sidewalk and crosswalk and Ms. Falt responded
254 that they would like that to be a condition of approval. Mr. Alesse asked if they would answer his
255 questions about the design. Ms. Falt responded that according the design code, they cannot create fake
256 gables; the gables would have to be a part of the roof and with a federal flat roof style the cornices are
257 extended back.

258

259

260

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

261 Ms. Kalmar moved to waive the review of the York County Soil and Water Conservation District.
262 Ms. Driscoll-Davis Seconded.
263 Motion Carried: 5-0-0.
264

265 Ms. Kalmar moved to grant conditional preliminary and final approval for the site plan application
266 dated June 18, 2015 with subsequent revisions from owner Kittery Trading Post Shops, LLC, and
267 applicant Two International Group for redevelopment of 4.12 acres consisting of an 83-room hotel
268 located at 275 US Route 1, Tax Map 30, Lot 41 in the Commercial 1 (C-1) and Resource Protection
269 Overlay (OZ-RP) Zones.

270 Mr. Harris seconded.
271 Motion carried: 5-0-0.
272

273 FINDINGS OF FACT

274 Hampton Inn and Suites Site Plan

275

276 {As presented in the plan review notes dated 8/20/2015 and amended by the Board}

277

278 Note: This approval by the Planning Board constitutes an agreement between the Town and the
279 Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and
280 all waivers and/or conditions approved and required by the Planning Board.

281

282 **WHEREAS:** Owner Kittery Trading Post Shops, LLC and applicant 275 US Route 1, LLC requested
283 approval of a site plan for redevelopment of 4.12 acres, consisting of an 83-room hotel, located at 275 US
284 Route 1 (Tax Map 30, Lot 41) in the Commercial - 1 (C-1) and Resource Protection Overlay (OZ-RP)
285 Zones. Agent is Ryan Plummer, Two International Group.
286 Hereinafter the "Development,"

287

288 And pursuant to the Plan Review meetings conducted by the Planning Board as noted; {in the Plan
289 Review Notes prepared for 8/20/2015}

290

Preliminary Plan Application	Accepted	7/9/2015
Site Walk	Not Held	
Public Hearing	Held	8/20/2015
Preliminary / Final Plan Review	Held, approved with conditions	8/20/2015

291

292 And pursuant to the application, plans and other documents considered to be a part of the approval by the
293 Planning Board in this finding consist of the following; { as noted in the Plan Review Notes prepared for
294 8/20/2015} (hereinafter the "Plan"):

295

- 296 1. Sketch Plan and application
- 297 2. Preliminary Plan Application submittal book June 18, 2015
- 298 3. G-001 – Title, Map, Notes, List of Drawings, Rev. July 23, 2015
- 299 4. SV101 – Boundary and Existing Conditions, Rev. July 23, 2015
- 300 5. CD101 – Removals Plan Rev. July 23, 2015

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

- | | | |
|-----|---|--------------------|
| 301 | 6. CS101 – Site Plan / Layout Plan, | Rev. July 23, 2015 |
| 302 | 7. CU101 – Utility Plan, | Rev. July 23, 2015 |
| 303 | 8. CG101 – Grading Plan, | Rev. July 23, 2015 |
| 304 | 9. C-501 – Erosion Control Notes | Rev. July 23, 2015 |
| 305 | 10. C-502 – Erosion Control Notes | Rev. July 23, 2015 |
| 306 | 11. C-503 – Site Details | Rev. June 16, 2015 |
| 307 | 12. L-101 – Landscape Plan | Rev. July 23, 2015 |
| 308 | 13. L-501 – Landscape Details | Rev. July 23, 2015 |
| 309 | 14. A-101 thru 103 – Floor Plan | Rev. July 23, 2015 |
| 310 | 15. A-201 thru 202 – Exterior Elevations | Rev. July 23, 2015 |
| 311 | 16. Trip Generation Analysis, Maine Traffic Resources | |
| 312 | 17. Post Construction Stormwater Management Plan | |
| 313 | 18. Lighting Photometric Plan and fixture information | |
| 314 | 19. Color Site Plan rendering with future build-out | |

315 **NOW THEREFORE**, based on the entire record before the Planning Board as and pursuant to the
 316 applicable standards in the Land Use and Development Code, the Planning Board makes the following
 317 factual findings as required by section **16.10.8.3.4** and as recorded below:

FINDINGS OF FACT

Action by the Planning Board must be based upon findings of fact which certify or waive compliance with all the required standards of this Code, and which certify the development meets the following requirements:

A. Development Conforms to Local Ordinances.

The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

Findings: The proposed four story, 83 room hotel is a permitted use in the Commercial-1 (C-1) Zone and the Board found the sloped roof was not practicable as demonstrated by the applicant's agent as to the ability to adequately screen mechanical equipment; life/safety issues; and the increase to the overall mass and scale of the building. A total of 66.7% of the parcel is reserved in open space which meets the 25% requirement. Further the parking and other related features and amenities appear to conform to the Town Code.

Conclusions: The requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

B. Freshwater Wetlands Identified.

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Findings: Wetlands have been identified and shown on all applicable plans.

Conclusions: The requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

C. River, Stream or Brook Identified.

Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.

Findings: A stream has been identified and shown on all applicable plans.

Conclusions: The requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

D. Water Supply Sufficient.

The proposed development has sufficient water available for the reasonably foreseeable needs of the development.

{and}

E. Municipal Water Supply Available.

The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.

Findings: The site is serviced by public water. Kittery Water District has found there is sufficient capacity for the proposed development.

Conclusions: The requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

F. Sewage Disposal Adequate.

The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

Findings: The site is serviced by public sewer. Kittery Wastewater Treatment Department has found there is sufficient capacity for the proposed development.

Conclusions: The requirement appears to be met.

Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
G. Municipal Solid Waste Disposal Available.
<i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>
<u>Findings:</u> The site will contract for commercial solid waste pick up.
<u>Conclusions:</u> The requirement appears to be met.
Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
H. Water Body Quality and Shoreline Protected.
<i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>
<u>Findings:</u> The proposed development is outside required setbacks and does not adversely affect the adjacent wetlands and stream. An application for a permit by rule has been submitted to MDEP.
<u>Conclusions:</u> The requirement appears to be met.
Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
I. Groundwater Protected.
<i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
<u>Findings:</u> The proposed development adheres to MDEP BMPs for erosion control that pertain to stormwater management.
<u>Conclusions:</u> The requirement appears to be met.
Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
J. Flood Areas Identified and Development Conditioned.
<i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i>

Findings: A portion of the site is located within the 100 year flood plain, however, the proposed development is located at a considerable distance from the flood boundary and the basement floor elevations for the proposed buildings are 10 feet plus above the approximate flood elevation.

Conclusions: The requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

K. Stormwater Managed.

The proposed development will provide for adequate stormwater management.

Findings:

The Applicant has provided a stormwater management and erosion control report, which limits post-construction stormwater flows to levels below pre-construction levels. (The project will result in significantly less impervious area than now exists at the site.)

The stormwater management system appears to meet the nominal requirements in the LUDC, and reduce the runoff from existing conditions. Detailed review by MDEP will be limited to Permit by Rule, because the project will reduce impervious area and pollutant loading.

Conclusions: With condition #5 the requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

L. Erosion Controlled.

The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Findings: The site is stabilized both during and after construction using MDEP best management practices.

Conclusions: The requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

M. Traffic Managed.

The proposed development will:

- 1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and*
- 2. Provide adequate traffic circulation, both on-site and off-site.*

<p><u>Findings:</u> While the traffic analysis submitted by the applicant addressed the hotel only and the future further development of the site will likely require additional traffic analysis, the applicant has demonstrated a decrease in traffic, in comparison to the existing retail space.</p> <p><u>Conclusions:</u> The requirement appears to be met.</p>
<p>Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>N. Water and Air Pollution Minimized.</p>
<p><i>The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:</i></p> <ol style="list-style-type: none"> 1. <i>Elevation of the land above sea level and its relation to the floodplains;</i> 2. <i>Nature of soils and sub-soils and their ability to adequately support waste disposal;</i> 3. <i>Slope of the land and its effect on effluents;</i> 4. <i>Availability of streams for disposal of effluents;</i> 5. <i>Applicable state and local health and water resource rules and regulations; and</i> 6. <i>Safe transportation, disposal and storage of hazardous materials.</i>
<p><u>Findings:</u> The proposed development adheres to MDEP BMPs for erosion control that pertain to stormwater management. Hazardous materials do not pertain to the proposed development.</p> <p><u>Conclusions:</u> The requirement appears to be met.</p>
<p>Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>O. Aesthetic, Cultural and Natural Values Protected.</p>
<p><i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i></p>
<p><u>Findings:</u> The site has been developed since 1969 and there is no indication that there are aesthetic, cultural or natural resources that will be impacted by the development.</p> <p><u>Conclusions:</u> The requirement appears to be met.</p>
<p>Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>P. Developer Financially and Technically Capable.</p>
<p><i>Developer is financially and technically capable to meet the standards of this section.</i></p>
<p><u>Findings:</u> The developer has been involved with many large scale construction projects through completion.</p> <p><u>Conclusions:</u> The requirement appears to be met.</p>
<p>Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

319 **NOW THEREFORE** the Kittery Planning Board adopts each of the foregoing Findings of Fact and,
320 based on these Findings, determines that the proposed Development will have no significant detrimental
321 impact, and the Kittery Planning Board hereby grants Preliminary and Final Approval for the
322 Development at the above referenced property, including any waivers granted or conditions as noted.
323

324 Waivers:

- 325 1. 16.10.5.2.B.2 Plan Scale (s)
- 326 2. 16.10.5.2.C.6 Erosion and Sedimentation Control Plan Reviewed by York County Soil and Water
327 Conservation District or Town's Engineering Consultant

328

329 Conditions of Approval (to be included on the final plan):

- 330 1. No changes, erasures, modifications, or revisions may be made to any Planning Board-approved
331 final plan (Title 16.10.9.1.2).
- 332 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated
333 with site and building construction to ensure adequate erosion control and slope stabilization.
- 334 3. Prior to the commencement of grading and/or construction within a building envelope, as shown
335 on the Plan, the owner and/or developer must stake all corners of the envelope. These markers
336 must remain in place until the Code Enforcement Officer determines construction is completed
337 and there is no danger of damage to areas that are, per Planning Board approval, to remain
338 undisturbed.
- 339 4. All future development on the remaining lot requires Planning Board approval.
- 340 5. The stormwater management design will incorporate MDEP BMP's and LID's and a revised plan
341 reviewed by Staff and Peer-review Engineer prior to signing of Mylar.
- 342 6. All Notices to Applicant contained in the Findings of Fact (dated: August 20, 2015).
- 343 7. The existing vegetated area within the Route 1 right of way will be planted with additional trees if
344 MaineDOT provides permission. In the event the permission is not obtained the 30 foot wide
345 reserve buffer area must be planted prior to the proposed development's completion.

346 Conditions of Approval (NOT to be included on the final plan):

- 347 8. Revise plan to show connectivity to adjacent property and bicycle racks.
- 348 9. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or
349 Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

350

351 Notices to Applicant (NOT to be included on the final plan):

- 352 1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with
353 review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements
354 and abutter notification.
- 355 2. State law requires all subdivision and shoreland development plans, and any plans receiving
356 waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the
357 final approval.
- 358 3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any
359 and all related state/federal permits or legal documents that may be required, must be submitted to
360 the Town Planning Department. Date of Planning Board approval shall be included on the final
361 plan in the Signature Block.
- 362 4. The owner and/or developer, in an amount and form acceptable to the Town Manager, must file
363 with the municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way
364 improvements and site erosion and stormwater stabilization, including inspection fees for same.

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

365 5. This approval by the Town Planning Board constitutes an agreement between the Town and the
366 Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any
367 Conditions of Approval.
368

369 The Planning Board authorizes the Planning Board Chairperson to sign the Final Plan and the Findings of
370 Fact upon confirmation of compliance with any conditions of approval.

371

372 **Vote of 5 in favor 0 against 0 abstaining**

373 APPROVED BY THE KITTERY PLANNING BOARD ON August 20, 2015

374 Per Title 16.6.2.A – An aggrieved party with legal standing may appeal a final decision of the Planning
375 Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section
376 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

377

378

379 **ITEM 2 – Fernald Road Multi-Family Subdivision – Cluster Subdivision Final Plan Review**

380 Action: approve or deny plan. Owner and applicant Peter J. Paul, Trustee of AMP Realty Holdings, LLC,
381 requests consideration of plans to develop a multi-family residential cluster subdivision consisting of
382 three duplexes and a triplex. The approximately 18-acre parcel is located on Tax Map 28, Lot 14 with
383 frontage along Fernald Road in the Residential – Suburban (R-S) Zone with portions in the Commercial –
384 2 (C-2) and Resource Protection Overlay (OZ-RP) Zones. Agent is Tom Harmon, Civil Consultants.

385

386 Tom Harmon of Civil Consultants came to the podium to comment on the following points:

- 387
- They have turned in a final, or close to final, set of plans
 - They are in agreement with the draft findings of fact that Mr. DiMatteo has prepared
 - They still need to sit down with Mr. DiMatteo to figure out how they can put the setback
390 conditions on the plan

391

392 Ms. Driscoll-Davis asked if the applicant was okay with the staff review. Mr. DiMatteo noted that the
393 applicant had stated that they concurred with the staff review. Mr. DiMatteo commented that the
394 Homeowners Docs make it clear that there is no access to the land trust property from the development
395 but it is not in the conditions of approval. Ms. Kalmar commented that it must be in the conditions of
396 approval that that particular detail cannot be changed in the Homeowner Docs.

397

398 Earldean Wells asked who is responsible for the maintenance of leach fields which drain into the
399 wetlands. Mr. DiMatteo responded that according to the bylaws, certain funds are set aside for that
400 maintenance. Ms. Wells then asked about snow removal and snow storage plans. Mr. Harmon responded
401 that the snow will be put in the cul-de-sac, which is the only place that they can put it. Ms. Grinnell asked
402 if there were trees in the cul-de-sac and Mr. Harmon said there are very few trees and the cul-de-sac was
403 left as open place for recreation.

404

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

405 Ms. Kalmar Move to grant conditional approval for the Final Subdivision Plan application,
406 Morgan Court A Multifamily Residential Cluster Development, formerly known as Bartlett
407 Development Hill, located at Fernald Road in the vicinity of Route 236 (Tax Map 28 Lot 14) in the
408 Residential Suburban zone with portions of the site in the C-2 and Shoreland Overlay zones, for
409 owner/applicant AMP Realty Holdings, LLC.

410 Ms. Driscoll-Davis seconded.

411 Motion carried: 5-0-0.

412

413 FINDINGS OF FACT

414 For "Morgan Court" Cluster Residential Subdivision Review

415

416 *{As presented in the plan review notes dated 8/20/2015 and amended by the Board}*

417 Note: This approval by the Planning Board constitutes an agreement between the Town and the
418 Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and
419 all waivers and/or conditions approved and required by the Planning Board.

420

421 **WHEREAS:** AMP Realty Holdings, LLC, owner and applicant requested approval for a cluster
422 residential subdivision consisting of four lots with three duplexes and one triplex at Fernald Road and
423 Route 236 on 17.97 acres (Tax Map 28, Lot 14) in the Residential – Suburban (R-S), Commercial -2 (C-
424 2), and Resource Protection Overlay (OZ-RP) Zones,

425

426 Hereinafter the "Development,"

427

428 And pursuant to the Plan Review meetings conducted by the Planning Board as noted *;**in the Plan*
429 *Review Notes prepared for 8/20/2015}*

430

Sketch Plan Review	Approved	8/8/2013
Site Visit	Held	8/8/2013
Preliminary Plan Review	Held, Accepted	10/10/2013
Public Hearing	Held	11/14/2013
Preliminary Plan Review	Held, Continued...	11/14/2013

431 *Note: The original plan application was continued not to exceed 90 days from 11/14/2013. More than 90*
432 *days passed without further submissions or review; The plan was resubmitted and accepted by the Board*
433 *and preliminary review began again in 2015.*

Preliminary Plan Review	Held, Accepted	4/9/2015
Site Walk	Held	5/6/2015
Public Hearing	Held	5/14/2015
Preliminary Plan Review	Held, approved with conditions	5/14/2015
Final Plan Review	Held, approved with conditions	8/20/2015

434

435 And pursuant to the application, plans and other documents considered to be a part of the approval by the
436 Planning Board in this finding consist of the following *;**{ as noted in the Plan Review Notes prepared for*
437 *8/20/2015}* (hereinafter the "Plan"):

438

- 439 1. Cluster Development Plan Review Application, March 26, 2015
- 440 2. Stormwater Management Plan, June 2015
- 441 3. B1 – Boundary and Existing Conditions, April 8, 2013
- 442 4. S1 – Final Subdivision Plan Clustered Multifamily Development, September 12, 2013 rev
443 6/22/15

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

- 444 5. C1 – Existing Conditions Plan, September 12, 2013 rev 6/22/15
- 445 6. C2 – Overall Multifamily Site Plan, September 12, 2013 rev 6/22/15
- 446 7. C3 – Layout & Landscape Plan, September 12, 2013 rev 7/24/15
- 447 8. C4 – Erosion Control Plan, September 12, 2013 rev 6/22/15
- 448 9. C5 – Utility Plan, September 12, 2013 rev 6/22/15
- 449 10. C6 – Grading & Drainage Plan, September 12, 2013 rev 6/22/15
- 450 11. C7 – Sections, September 12, 2013 rev 6/22/15
- 451 12. R1 – Roadway Plan and Profile, September 12, 2013 rev 6/22/15
- 452 13. R2 – Construction Details, September 12, 2013 rev 6/22/15
- 453 14. R3 – Maintenance Notes, September 12, 2013 rev 6/22/15

454
455 **NOW THEREFORE**, based on the entire record before the Planning Board as and pursuant to the
456 applicable standards in the Land Use and Development Code, the Planning Board makes the following
457 factual findings as required by section **16.10.8.3.4** and as recorded below:
458

<p>FINDINGS OF FACT Action by the Planning Board must be based upon findings of fact which certify or waive compliance with all the required standards of this Code, and which certify the development meets the following requirements:</p>
<p>A. Development Conforms to Local Ordinances. <i>The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.</i></p>
<p><u>Findings:</u> The site consists of 17.97 acres, predominantly in the Residential – Suburban Zone with a small portion in the Commercial – 2 Zone. A cluster residential development is a permitted use in the Suburban Zone. The proposal is three duplexes and one triplex on four lots. These four lots total 35,210 square feet. A total of 709, 299 square feet (including both common reserved open space) is proposed. The state’s minimum lot size law (12 MRSA § 4807) requires a minimum 20,000 s.f. lot size per 300 gallons per day with a portion of the lot area allowed to be reserved in open space. A total of 90.6% of the parcel is reserved in open space which accommodates lot size requirements.</p> <p><u>Conclusions:</u> The proposed development conforms to local ordinances.</p>
<p>Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>B. Freshwater Wetlands Identified. <i>All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.</i></p>
<p><u>Findings:</u> Wetlands have been identified and shown all applicable plans. <u>Conclusions:</u> The requirement appears to be met</p>
<p>Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>C. River, Stream or Brook Identified. <i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i></p>
<p><u>Findings:</u> A stream has been identified and shown all applicable plans. <u>Conclusions:</u></p>

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

The requirement appears to be met	Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
D. Water Supply Sufficient.	
<i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>	
Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining	
E. Municipal Water Supply Available.	
<i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>	
<u>Findings:</u> The site will be serviced by public water via an easement across abutting commercial lots on Route 236. . Kittery Water District has found there is sufficient capacity for the proposed development.	
<u>Conclusions:</u> The requirement appears to be met	
Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining	
F. Sewage Disposal Adequate.	
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>	
<u>Findings:</u> The proposal is three duplexes and one triplex on four lots. These four lots total 35,210 square feet. A total of 709, 299 square feet (including both common reserved open space) is proposed. The state’s minimum lot size law (12 MRSA § 4807) requires a minimum 20,000 s.f. lot size per 300 gallons per day (gpd) with a portion of the lot area allowed to be reserved in open space. Multifamily units are calculated with 120 gpd per bedroom. 22 bedrooms proposed in submitted HHE-200 application requires 176,000 s.f. in lot size, and in this instance 140,790 s.f. must be reserved in open space.	
<u>Conclusions:</u> A total 709,299 s.f. is reserved in open space which accommodates the lot size requirement whereby the requirement appears to be met.	
Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining	
G. Municipal Solid Waste Disposal Available.	
<i>The proposed development will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste, if municipal services are to be used.</i>	
<u>Findings:</u> Applicant states the Homeowners Association will contract for solid waste pick-up.	
<u>Conclusions:</u> With the inclusion of condition #7, the requirement appears to be met.	
Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining	
H. Water Body Quality and Shoreline Protected.	
<i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>	
<u>Findings:</u> The proposed development is outside required setbacks and does not adversely affect the adjacent wetlands and stream	

<p><u>Conclusions:</u></p> <p>The requirement appears to be met</p>
<p style="text-align: right;">Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>I. Groundwater Protected.</p>
<p><i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i></p>
<p><u>Findings:</u></p> <p>The proposed development adheres to the state plumbing code and MDEP BMPs for erosion control that pertain to sewage disposal and stormwater management.</p>
<p><u>Conclusions:</u></p> <p>The requirement appears to be met</p>
<p style="text-align: right;">Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>J. Flood Areas Identified and Development Conditioned.</p>
<p><i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i></p>
<p><u>Findings:</u></p> <p>A portion of the site is located within the 100 year flood plain, however, the proposed development is located at a considerable distance from the flood boundary and the basement floor elevations for the proposed buildings are 10 feet plus above the approximate flood elevation.</p>
<p><u>Conclusions:</u></p> <p>The requirement appears to be met</p>
<p style="text-align: right;">Vote of <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>K. Stormwater Managed.</p>
<p><i>The proposed development will provide for adequate stormwater management.</i></p>

Findings:

The applicant has provided a stormwater management plan resulting in adequate stormwater management.

This consists of combining a closed drainage system comprised of catch basins and closed piping with roadside swales and level spreader outlets to restore sheet flow. The applicant is also submitting a Permit By Rule to Maine Department of Environmental Services.

Conclusions: The requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

L. Erosion Controlled.

The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Findings:

The site is stabilized both during and after construction using MDEP best management practices.

Conclusions: The requirement appears to be met.

Vote of 5 in favor 0 against 0 abstaining

M. Traffic Managed.

The proposed development will:

- 1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and*
- 2. Provide adequate traffic circulation, both on-site and off-site.*

Findings:

It is not anticipated the proposed development's increase in vehicle trips to Fernald Road/Rt. 236 will have an adverse impact and the site design allows for safe and adequate circulation with consideration of condition #7.

Conclusions:

The requirement appears to be met

Vote of 5 in favor 0 against 0 abstaining

N. Water and Air Pollution Minimized.

The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:

1. *Elevation of the land above sea level and its relation to the floodplains;*
2. *Nature of soils and sub-soils and their ability to adequately support waste disposal;*
3. *Slope of the land and its effect on effluents;*
4. *Availability of streams for disposal of effluents;*
5. *Applicable state and local health and water resource rules and regulations; and*
6. *Safe transportation, disposal and storage of hazardous materials.*

Findings:

The proposed development adheres to the state plumbing code and MDEP BMPs for erosion control that pertain to sewage disposal and stormwater management. Hazardous materials do not pertain to the proposed development.

Conclusions:

The requirement appears to be met

Vote of 5 in favor 0 against 0 abstaining

O. Aesthetic, Cultural and Natural Values Protected.

The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Findings:

Maine Historic Preservation Commission and the Maine Department of Inland Fish and Wildlife has no objection the proposed development nor is the site designated as a scenic resource. Potential impacts to the adjacent Remick Preserve are minimized and mitigated through, proposed signage, a no-cut/no-disturb buffer and on-street parking in condition #5

Conclusions:

The requirement appears to be met

Vote of 5 in favor 0 against 0 abstaining

P. Developer Financially and Technically Capable.

Developer is financially and technically capable to meet the standards of this section.

Findings:

Per 16.8.11.8 Pre-Development Requirements and 16.10.8.2.2 Performance Guaranty Conditions, the applicant is required to file with the Town a performance guaranty and inspection escrow for improvements that will be utilized in common use or by the general public.

Conclusions:

The requirement appears to be met

Vote of 5 in favor 0 against 0 abstaining

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NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and, based on these Findings, determines that the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants Preliminary and Final Approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers:

1. 16.10.5.2.B.2 Plan Scale (s)
3. 16.10.5.2.C.6 Erosion and Sedimentation Control Plan Reviewed by York County Soil and Water Conservation District or Town’s Engineering Consultant

Conditions of Approval (to be included on the final plan):

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

- 471 1. No changes, erasures, modifications, or revisions may be made to any Planning Board-approved
472 final plan (Title 16.10.9.1.2).
473 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated
474 with site and building construction to ensure adequate erosion control and slope stabilization.
475 3. Prior to the commencement of grading and/or construction within a building envelope, as shown
476 on the Plan, the owner and/or developer must stake all corners of the envelope. These markers
477 must remain in place until the Code Enforcement Officer determines construction is completed
478 and there is no danger of damage to areas that are, per Planning Board approval, to remain
479 undisturbed.
480 4. Per Title 16.8.8.2 Post Construction Stormwater Management and the MDEP General Permit for
481 Small MS-4 the applicant and/or the Homeowners Association is responsible for the
482 establishment and execution of: a) Maintenance Agreement for Stormwater Management
483 Facilities; and b) Annual Stormwater Management Facilities Certification.
484 5. The construction of three paved on-street parking spaces with associated drainage measures in the
485 vicinity of the Kittery Land Trust's easement on Fernald Road to the satisfaction of Staff and
486 Commissioner of Public Works.
487 6. There is to be no access from the development to the abutting land trust property located to the
488 southerly boundary of subdivision except along Fernald Road where an easement exists.
489 7. All Notices to Applicant contained in the Findings of Fact (dated: August 20, 2015).
490 Conditions of Approval (NOT to be included on the final plan):

- 491 8. Revise draft Homeowners Association by-laws and declarations as recommended by Staff and the
492 Town Attorney and as presented at the 8/20/15 meeting.
493 9. Prepare draft proposed easements and submit to staff prior to the issuance of a building permit.
494 Revise final plan to show an easement for the shared driveway proposed for lots 1 and 2.
495 10. Add a plan note on Sheet C-5 that reads: *All proposed lighting must conform to 16.8.24 and*
496 *conformance demonstrated with the submittal of lighting specifications prior to the issuance of a*
497 *building permit.*
498 11. Incorporate any plan revisions on the final plan as recommended by Planning Board, and outlined
499 in item 8 in the 8/20/15 Plan Review Notes, and submit for Staff review prior to presentation on
500 final Mylar.
501

502 Notices to Applicant (NOT to be included on the final plan):

- 503 1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with
504 review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements
505 and abutter notification.
506 2. State law requires all subdivision and shoreland development plans, and any plans receiving
507 waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the
508 final approval.
509 3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any
510 and all related state/federal permits or legal documents that may be required, must be submitted to
511 the Town Planning Department. Date of Planning Board approval shall be included on the final
512 plan in the Signature Block.
513 4. The owner and/or developer, in an amount and form acceptable to the Town Manager, must file
514 with the municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way
515 improvements and site erosion and stormwater stabilization, including inspection fees for same.

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

- 516 5. This approval by the Town Planning Board constitutes an agreement between the Town and the
517 Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any
518 Conditions of Approval.
519 6. Where required the applicant must provide to the Town a performance guaranty and an inspection
520 escrow to cover the construction of all improvements that will be utilized in common use or by
521 the general public.
522

523 The Planning Board authorizes the Planning Board Chairperson to sign the Final Plan and the Findings of
524 Fact upon confirmation of compliance with any conditions of approval.

525

526 **Vote of 5 in favor 0 against 0 abstaining**

527

528 **APPROVED BY THE KITTERY PLANNING BOARD ON August 20, 2015**

529 Per Title 16.6.2.A – An aggrieved party with legal standing may appeal a final decision of the Planning
530 Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section
531 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.
532

533

534 **ITEM 3 – Good To-Go, 484 US Route 1 – Shoreland Development Plan Review**

535 Action: accept or deny plan application; approve or deny plan. Owner/applicant Cape House
536 Management, LLC requests consideration of plans for a 1,400 square foot addition of production space
537 and associated parking to an existing, non-conforming mixed-use structure containing a commercial
538 kitchen. The 4.46-acre lot is located at 484 US Route 1 (Tax Map 67, Lot 9) in the Mixed Use (MU) and
539 Shoreland Overlay (OZ-SL-250') Zones. Agent is Ken Wood, Attar Engineering.

540

541 Nathan Amsden of Attar Engineering approached the podium with the applicants. Jennifer Scism, owner
542 of Good To-Go gave a brief presentation which included the following points:

- 543 • The building was purchased in 2011 for a catering facility and changed the use with a commercial
544 kitchen for food processing almost two years ago.
545 • The business cannot keep up with production demands in the 1800 sq. ft. space.

546 Mr. Amsden added the following points:

- 547 • The applicants did investigate other sites but could not find what they needed.
548 • They performed a survey to identify the wetlands and looked into the regulations and came up
549 with a plan for a building parallel to the highway.
550 • The applicant did not like the proposed building because it had to be two stories to accommodate
551 the slope of the land.
552 • Ms. Scism noted that they do not have the resources at this time to construct a two story building.
553 They would like to add a non-conforming building to the non-conforming structure that exists
554 now through a walkway.

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

- 555 • A portion of the new building has to fall within the setback line. The existing building is
556 completely within the setback. This plan reduces the fill and amount of cutting needed.
557 • The design is a best case scenario for a mixed use zone so that the applicants can remain in
558 Kittery.
559

560 Ms. Kalmar asked if the applicants had looked at and are in agreement with the staff's comments. Mr.
561 DiMatteo noted that they had been in concurrence with the revisions. Ms. Grinnell commented that she
562 did not feel it necessary to have a public hearing or a site walk and asked if the Board agreed. The Board
563 concurred.
564

565 **Mr. Alesse moved to accept the plan application and grant conditional approval for the Shoreland**
566 **Development Plan dated July 15 2015 for 484 Route One (Tax Map 67, Lot 9) in the Mixed Use and**
567 **Shoreland Overlay Zones, for owner and applicant Cape House Management LLC.**

568 **Ms. Driscoll-Davis seconded.**
569

570 Ms. Driscoll-Davis wished the applicants luck and commented on her approval of their business and
571 success.
572

573 **Motion carried: 5-0-0.**
574

575 **FINDINGS OF FACT**
576 **For 484 US Route 1, Good-To-Go**
577 **Shoreland Development Plan Review**

579 **WHEREAS:** Owner/applicant Cape House Management, LLC requested approval for a 1,400 square foot
580 addition of production space and associated parking to an existing, non-conforming mixed-use structure
581 containing a commercial kitchen. The 4.46-acre lot is located at 484 US Route 1 (Tax Map 67, Lot 9) in
582 the Mixed Use (MU) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Ken Wood, Attar Engineering.
583

584 hereinafter the "Development;" and
585

586 And pursuant to the Plan Review meetings conducted by the Planning Board as noted; *{in the Plan*
587 *Review Notes prepared for 8/20/2015}*
588

Shoreland Project Plan Review	August 20, 2015
Site Walk	Not required
Public Hearing	Not required
Approval	August 20, 2015

589 And pursuant to the application, plans and other documents considered to be a part of the approval by the
590 Planning Board in this finding consist of the following *{; as noted in the Plan Review Notes prepared for*
591 *8/20/2015}* (hereinafter the "Plan");
592

- 593 1. Shoreland Overlay Zone Project Plan Review Application, July 16, 2015.
594 2. Boundary and Topographic Survey, Amsden Field Survey., June 15 2015.
595 3. Shoreland Development Plan; Attar Engineering, Inc, June 15 2015.
596 4. Site Details; Attar Engineering, Inc, June 15 2015.
597

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NOW THEREFORE, based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17. D Shoreland Overlay Zone

1.d The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...

Findings: Existing conditions of devegetated area appear to be approximately 2,832 s.f. (1.45%) as measured using the Town's GIS website. With the proposed development the resulting devegetated area is approximately totals 21,566 square feet or 11% of the 194277.6-square-foot lot.

Conclusion: With condition # this standard appears to have been met.

Vote: 5 in favor 0 against 0 abstaining

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Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS

Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

A. Except as otherwise provided in this Article, a nonconforming condition must not be permitted to become more nonconforming.

Findings: This is an existing, conforming lot with an existing single family dwelling structure that is nonconforming to the front and side yard setbacks. A dwelling is a special exception use in the Kittery Point Village Shoreland Overlay Zone.

The proposed development does not increase nonconformity.

Conclusion: The requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

16.7.3.5 Types of Nonconformance

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

A. A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more nonconforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.

See 16.6.6.1 and its reference to 16.6.6.2 below.

Finding: The proposed changes are no more nonconforming than the existing condition.
Conclusion: The requirement appears to be met

Vote: 5 in favor 0 against 0 abstaining

16.6.6 Basis for Decision

16.6.6.1.B In hearing appeals/requests under this Section, the Board of Appeals [note: Planning Board is also subject to this section per 16.7.3.5.5 above] must use the following criteria as the basis of a decision:

1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;
2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;
3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and
4. Use will be in harmony with and promote the general purposes and intent of this Code.

The Board must also give consideration to the factors listed in 16.6.6.2.

Finding: The proposed development does not pose a concern.
Conclusion: The requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

609

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs [A through C] below.

A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

C. Whenever a new, enlarged or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.

Finding: The existing structure is nonconforming, but is located outside the required setback from the normal high water line. The proposal does not increase nonconformity.
Conclusion: Standards A-C are not applicable.

Vote: 5 in favor 0 against 0 abstaining

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Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

D. An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. *Maintain safe and healthful conditions;*

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

2. *Not result in water pollution, erosion or sedimentation to surface waters;*

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2, and #3, this requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

3. *Adequately provide for the disposal of all wastewater;*

Finding: The development is connected to town sewer.

Conclusion: This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

4. *Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

Vote: 5 in favor 0 against 0 abstaining

5. *Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;*

Finding: Shore cover is conserved in accordance with this Code. There are no points of access.

Conclusion: With the proposed conditions #7 and #8, this requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

6. *Protect archaeological and historic resources;*

Finding: There does not appear to be any resources impacted.

Conclusion: The proposed development does not appear to have an adverse impact. This requirement appears to be met.

Vote: 5 in favor 0 against 0 abstaining

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

<p>1. <i>Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;</i> <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
<p>2. <i>Avoid problems associated with floodplain development and use;</i> <u>Finding:</u> The proposed development is not within the floodplain. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
<p>3. <i>Is in conformance with the provisions of this Code;</i> <u>Finding:</u> The proposed development appears to be in conformance with the provisions of this Code. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
<p>4. <i>Be recorded with the York County Registry of Deeds.</i> <u>Conclusion:</u> As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.</p>
Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining

614
615 Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review
616 standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan
617 Application of Cape House Management, LLC, owner and applicant, to construct a 1,400 square foot
618 addition of production space and associated parking to an existing, non-conforming mixed-use structure
619 containing a commercial kitchen, located on a 4.46-acre lot at 484 US Route 1 (Tax Map 67, Lot 9) in the
620 Mixed Use (MU) and Shoreland Overlay (OZ-SL-250') Zones and subject to any conditions or waivers, as
621 follows:

622
623
624 **Waivers:** None

625 **Conditions of Approval** (to be included on final plan to be recorded):

- 626
627 1. No changes, erasures, modifications or revisions may be made to any Planning Board approved
628 final plan. (Title 16.10.9.1.2)
- 629 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated
630 with site and building construction to ensure adequate erosion control and slope stabilization.
- 631 3. Prior to the commencement of grading and/or construction within a building envelope, as shown
632 on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must
633 remain in place until the Code Enforcement Officer determines construction is completed and there
634 is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
- 635 4. All Notices to Applicant contained herein (Findings of Fact dated 8/20/15).

636
637 **Conditions of Approval** (not to be included on final plan):

- 638 5. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or
639 Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

640

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

641 The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings of Fact
642 upon confirmation of compliance with any conditions of approval.

643
644 **Vote of 5 in favor 0 against 0 abstaining**

645
646 APPROVED BY THE KITTERY PLANNING BOARD ON August 20, 2015

647
648 **Notices to Applicant:**

- 649
- 650 1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer
651 Review Engineer, and submit for Staff review prior to presentation of final mylar.
 - 652 2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the
653 permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements
654 and abutter notification.
 - 655 3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents
656 that may be required, must be submitted to the Town Planning Department for signing. Date of
657 Planning Board approval shall be included on the final plan in the Signature Block. After the signed
658 plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be
659 submitted to the Town Planning Department.
 - 660 4. This approval by the Town Planning Board constitutes an agreement between the Town and the
661 Developer, incorporating as elements the Development Plan and supporting documentation, the
662 Findings of Fact, and any Conditions of Approval.

663 Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning
664 Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section
665 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

666
667
668 **ITEM 4 – Rockwell Homes, 89 Route 236 – Preliminary Site Plan Completeness Review**
669 Action: accept or deny plan application; schedule a public hearing. Owner/applicant Rockwell Homes,
670 LLC request consideration of plans for a single, 2,520-square-foot building containing business offices
671 and a showroom and a drive-through-only restaurant at 89 Route 236 (Tax Map 28, Lot 14-2) in the
672 Commercial 2 (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, LLC.

673
674 Ryan McCarthy of Tidewater Engineering & Surveying, LLC approached the podium to present the
675 following points:

- 676 • The proposed application is for a multi-use building
- 677 • A portion of the building will be for an Aroma Joes drive through restaurant and the rest of the
678 building will be three office units, the largest of which will be for Rockwell Homes.
- 679 • The building will be New England style with a hip roof and a cupola.
- 680 • There will be a one way loop around the building, the left hand side of which is for the drive
681 through lane. There will be no external intercom system for the drive through, seven visitor
682 parking spaces and nine additional parking spaces for employees for a total of sixteen parking
683 spaces including one handicap space. Aroma Joes will have three parking spaces for their

- 684 employees and each of the other three units will get two parking spaces each, totaling sixteen
685 parking spaces altogether.
- 686 • There will be a common space in the form of a large foyer in the building and other shared
687 walkways and common areas. Instead of calculating the parking spaces on overall square footage
688 of the building, which would include the shared spaces, they are calculating parking spaces on the
689 square footage of the individual businesses.
 - 690 • There is a public water main on the opposite side of Route 236 and it will go under the road with
691 shared costs by nearby landowners. There will be no municipal sewer as they will have an onsite
692 septic system and they will also have natural gas. The electric and communication wires will go
693 underground as well.
 - 694 • They have included a storm water report in the application. They limited the runoff from the
695 proposed site to the predevelopment conditions when the site was fully wooded. They have added
696 a storm water basin with controlled overflow.
 - 697 • Public Works does not have jurisdiction because they are outside of the urban compact zone.
 - 698 • They have submitted a copy of the application to the police and fire departments.
 - 699 • There are a few remaining items to be submitted including: proposed sign details, landscape plan,
700 traffic report and lighting plan.
 - 701 • For the traffic report, they are expecting 130 peak trips and will require a traffic movement permit
702 from the MaineDOT.

703
704 Ms. Grinnell asked if the Board felt that the application was complete and, if so, recommended that they
705 schedule a site walk and public hearing. She added that she felt that the application was complete and she
706 was ready to move forward with the scheduling. Mr. Alesse asked if a site walk is required and the
707 response was that yes it is. Ms. Driscoll-Davis asked if there was a crosswalk going from the parking
708 spaces to the building and Mr. DiMatteo suggested they discuss that at the next meeting. Ms. Kalmar
709 noted that she felt that the application was complete as well and read a comment from Mr. Lincoln
710 regarding heavy traffic volume on Route 236, especially during shift changes at the Shipyard.

711
712 **Ms. Kalmar moved to accept the preliminary plan application dated July 21st, 2015 and schedule a**
713 **public hearing for 89 Route 236 (Tax Map 28 Lot 14-2) located in the Commercial 2 (C-2) Zone for**
714 **owner and application Rockwell Homes, LLC for September 10, 2015 and schedule a site walk for**
715 **Thursday, September 3, 2015 at 7:30 a.m.**

716 **Mr. Harris seconded.**

717 **Motion carried: 5-0-0.**

718
719
720 **ITEM 5– Kolad Seawall Replacement–Shoreland Development Plan Review**
721 Action: accept or deny plan application; approve or deny plan. Owner/applicant Jeffrey and Deborah
722 Kolad requests consideration of plans for replacement of an existing seawall and the expansion of a
723 waterfront shed. The 0.45-acre lot is located at 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-
724 Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Barney Baker, Baker Design
725 Consultants.

726

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

727 Barney Baker of Baker Design Consultants approached the podium to give a short presentation which
728 included the following points:

- 729 • The property is located in the back channel near the gate.
- 730 • The seawall is 130 feet long.
- 731 • There are two parts to the project: replacement of the seawall and expansion of the non-
732 conforming building on the shorefront.
- 733 • They plan to replace the rubble seawall with a granite block wall.
- 734 • There is an original marine way on a section of the property and large trees as well.
- 735 • They plan to use granite blocks because they are easier and quicker to install. They also plan on
736 removing the timbers from the marine railway.
- 737 • The lower wall extends on the same alignment as the Kolad wall.
- 738 • They want to create an opportunity for the owner to take his dinghies out of the water and launch
739 kayaks. They are planning to use the marine railway area to launch boats but instead of a normal
740 gradient it will have a step.
- 741 • The project is being reviewed by Army Corp. of Engineers and Maine DEP.
- 742 • Mr. Baker has spoken with Kelly Philbrook and suggested that this is a replacement in-kind and
743 the project will be presented to the KPA to give them an opportunity to waive a KPA application.
- 744 • The 84 sq. ft. shed is used to support the dock and holds safety and other equipment. They would
745 like to be able to hold more equipment in the shed so they would need to expand it 30%.
- 746 • They understand that the building cannot be made more nonconforming than it currently is. The
747 building will increase to 108 sq. ft.
- 748 • Mr. Baker noted that he has reviewed the staff comments and reviewed them briefly, adding some
749 of his comments. He noted that there is no change in the de-vegetated area with the exception for
750 a small accounting for a waterfront stair.
- 751 • The 100 ft. setback is not changing and the high tide line comes right up to the wall.
- 752 • They have not received their DEP permit yet but the project manager has commented that they
753 can remove the timber but they cannot change the gradient and they will comply with that. They
754 have also asked that they only put in the higher wall and not the lower wall, however the lower
755 wall is there to be a transition to the neighboring property and to match the gradient of the marine
756 railway that is there now. They still need to resolve that with DEP.
- 757 • Mr. Baker commented that the person at DEP misinterpreted their intention for the building,
758 thinking that they would remove the building and put in an entirely new one when, in fact, they
759 do not plan to improve it more than 50% of its current value.
- 760 • Ms. Grinnell asked if they were planning on increasing a building in a Shoreland zone that is
761 within a 100 ft. setback. Mr. Baker responded that they are not making it more nonconforming
762 than it currently is. Mr. DiMatteo commented that they are increasing it by what is allowed in the
763 ordinance which is 30%. He added that it their plans made it seem as though they were planning a
764 full reconstruction which would put it over the 50% market value where the Board would then
765 have to determine if the structure meets the 100 ft. setback.
- 766 • Ms. Grinnell asked how they were planning on renovating the structure and Mr. Baker responded
767 that they were going to have to pick the building up and set it aside while they replace the wall
768 and work on the remaining foundation then put it back and bump out the current structure.

769

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

770 Ms. Grinnell commented that she felt the need for a site walk, a public hearing and have the Port
771 Authority review the project. The Board debated a date and time when they could perform a site walk.
772

773 **Ms. Kalmar moved to accept the plan application and schedule a site walk for Thursday,**
774 **September 3, 2015 at 9:00 a.m. and a public hearing on Thursday, September 10, 2015 for the**
775 **Shoreland Development Plan dated July 23, 2015 for 92 Whipple Road (Tax Map 10, Lot 19) in the**
776 **Residential-Urban and Shoreland Overlay Zones for owner and applicant Jeffrey and Deborah**
777 **Kolad.**

778 **Ms. Driscoll-Davis seconded.**

779 **Motion carried: 5-0-0.**

780

781 **ITEM 6– Kittery Point Yacht Yard Renovations –Shoreland Development Plan Review**

782 Action: accept or deny plan application; approve or deny plan. Owner and applicant MGX, LLC a.k.a
783 Kittery Point Yacht Yard, Corp. requests consideration of plans for replacement of an existing marine
784 railway with an at-grade boat ramp requiring fill within the intertidal zone. The 1.3-acre lot is located at
785 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL)
786 and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is Barney Baker,
787 Baker Design Consultants.

788

789 Tom Allen, President and Owner of Kittery Point Yacht Yard/MGX, LLC approached the podium to
790 introduce himself to the Board and provide the following about his company:

- 791 • The company has one location in Kittery and one in Eliot. The location in Eliot does not have a
792 marina component but it is larger in terms of real estate.
- 793 • The property has been a boatyard since 1962. In its heyday, about 30 years ago, the location
794 supported about 40 employees.
- 795 • There are, on average, five employees in Kittery with an administrative staff.

796

797 Barney Baker of Baker Design Consultants approached the podium to give a short presentation which
798 included the following points:

- 799 • The project is in the entrance to the back channel.
- 800 • The projects exceeds the minimum requirements for impervious area for the zone.
- 801 • Boats are currently moored on a fixed pier.
- 802 • They have received a Boating Infrastructure Improvement Grant administered by the State.
- 803 • The grant would provide space for 15 additional transient boats.
- 804 • The existing marine railway served as a boatyard when it was a shipyard.
- 805 • There is not currently an efficient way to get boats out of the water; they have to piggyback the
806 trailer onto the railway which is an extensive operation. They want to replace the current structure
807 with a traditional boat ramp which would increase the tidal window.
- 808 • Boat ramps are steeper than marine railways; marine railways are designed for much heavier
809 boats and they do not slope as much. They have put in a boat ramp that slopes more quickly and,
810 as a result, have created additional upland area which is currently occupied by the marine railway.
811 This is important because you start at the same place in deep water but get out of the water
812 quicker so it creates more upland area.

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING

UNAPPROVED
AUGUST 20, 2015

- 813 • They are putting the Boat Infrastructure Grants improvements on the upriver side and are keeping
814 the yard operation areas on the downriver side.
- 815 • The project requires a permit from the Army Corp. (an application was sent for their signature
816 yesterday). They also require a submerged lands lease and a DEP permit (which is in progress).
- 817 • They would like to finish the project before the federal grant expires in December 2016 and
818 would like to get bids out for the work this fall.
- 819 • They are increasing their number of floats and increasing birthing spaces by 9.
- 820 • They would be impacting 3 moorings by expanding towards the property line and putting in pony
821 docks, where two boats occupy the same space.
- 822 • They are requesting to put in fewer parking spaces than what is required by ordinance because
823 they are required to have 58 spaces right now and would be required to have 67 spaces, if all
824 transient boaters have parking spaces, which is not feasible or necessary. Transient boaters do not
825 come with cars and should not require a parking space. The yard has bicycles that they allow
826 people to use for transportation.
- 827 • Mr. Allen commented that he has owned the yard for 11 years and he has never experienced a
828 parking issue on the property, even on peak nights.

829

830 Ms. Driscoll asked if the pony docks hold four boats or two boats. Mr. Baker responded that they are 28
831 ft. long and are designed to hold two boats.

832

833 Ms. Grinnell asked the Board if they want to schedule a site walk. They agreed to schedule a site walk
834 and a public hearing. Mr. Baker added that the upland improvements are minimal and the only upland
835 modification they are making on the site is that they are converting the winch house into showers and a
836 restroom for the transient boaters. They are not changing the footprint of the building. Ms. Grinnell
837 responded that they would still like to take a site walk and have a public hearing.

838

839 Ms. Driscoll-Davis asked if they would consider adding a pump out for boats since sewer is available in
840 the area. Mr. Allen responded that he has on his list to contact Pam Parker about the possibility of a pump
841 out facility since they are already recycling their water. He will look into potential grant money for that
842 and added that they are a registered clean marina.

843

844 **Ms. Driscoll-Davis moved to accept the plan application and schedule a site walk on September 3,**
845 **2015 at 10:00 a.m. and schedule a public hearing on September 10, 2015 for the Shoreland**
846 **Development Plan dated July 20, 2015 for 48 Bowen Road (Tax Ma 17, Lot 10) in the Residential-**
847 **Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-**
848 **CMFU) Overlay Zones for owner and applicant MGX, LLC a/k/a Kittery Point Yacht Yard, Corp.**
849 **Ms. Kalmar seconded.**

850 **Motion carried: 5-0-0.**

851

852

853 **ITEM 7– Board Member Items / Discussion**

854 A. Committee Updates – None.

855 B. Other – None.

856

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 20, 2015**

857 **Mr. Alesse moved to adjourn.**

858 **Ms. Driscoll-Davis seconded.**

859 **Motion carried: 5-0-0**

860

861 The Kittery Planning Board meeting of August 20, 2015 was adjourned at 9:43 p.m.

862

863 Submitted by Valerie Porrazzo, Minutes Recorder, August 28, 2015.

**Town of Kittery Maine
 Town Planning Board Meeting
 September 10, 2015**

Rockwell Homes, 89 Route 236 – Preliminary Site Plan Review

Action: Hold a public hearing, approve or deny preliminary plan; Owner/applicant Rockwell Homes, LLC request consideration of plans for a single, 2,520-square-foot building containing business offices and a showroom and a drive-through-only restaurant at 89 Route 236 (Tax Map 28, Lot 14-2) in the Commercial 2 (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, LLC.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review and Approval	Scheduled 6/11/2015	GRANTED
NO	Site Visit	Scheduled 9/3/2015	
YES	Determination of Completeness/Acceptance	8/20/2015	GRANTED
YES	Public Hearing	Scheduled 9/10/2015	
YES	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

BRING PACKET INFO FROM 8/20 MTG

Background

The Board first reviewed Rockwell Homes, LLC 's conceptual plans to develop a professional office and a drive-through-only restaurant (Aroma Joe's) through Sketch Plan review at the 6/11 meeting. (minutes are attached) The preliminary plan submitted has not changed to any large degree from the Sketch Plan.

The project is proposed as a major modification to an approved plan. The lot was originally subdivided in February 2014, one of the two commercial lots originally approved for retail/wholesale storage of firewood (carved out of the of parcel Map 28, Lot 14 which was before the Board as a cluster residential subdivision along Fernald Road).

That previous approval includes certain provisions for the possible subsequent and future development of the lots. Some of the forethought and conditions made during that division last year will have a bearing on this project, as well as on lot 14-1 next door. An easement along the property line between the two provides a shared access. The current proposal is on a lot of 1.4 acres, and includes a mixed use building and associated parking and other site improvements. The building is proposed to have three business office units and a drive-through-only restaurant.

The Board visited the site on Thursday, September 3 and discussed the extent of the clearing along the ROW and removal of vegetation within a small wetland.

Review

Generally the proposed site plan is in conformance with Town's land use code and the design appears to accommodate well the proposed uses. CMA has performed their first peer-review on the initial

submission, see 8/18/2015 letter attached. CMA has not completed their review of the subsequent submission that includes the lighting and landscape plans and traffic study.

Staff has the following additional comments:

1) Landscape Plan. The extent of the proposed clearing along the street frontage does not seem to be warranted. Though this is a commercial zone and it is important for the buildings to be visible from the street this objective can be achieved in a manner that might be less intense than removing all the trees and understory within a 180-foot swath.

When this lot was originally approved as part of a commercial subdivision the Board required the front yard setback to be preserved for two main reasons: 1) Title 16.3.2.11 references Kittery's Design Handbook for proper application of code standards. In Part I. Site Planning, page 2 of the Handbook, Site Analysis, and Preservation of Existing Features (e.g. mature trees) are site planning principles that should be used to apply the required standards; and 2) without a having a specific development proposed to review it was not clear to what extent clearing vegetation was appropriate.

With #2 in place a determination with regard to tree cutting is easier but should not be done without consideration of #1. The applicant has proposed to replace the clear vegetation with some new trees and ferns, however, from staff's perspective when considering the limited scale of the building and the examples provided in the Design Handbook, less cutting and more planting should be required. Additional planting that would screen the parking at the front of the building and drive-thru vehicles would also address C-2 Zone Standards concerning parking.

2) Parking Calculations: The applicant's proposed modifications to the required parking for the proposed development outlined in the project narrative seems reasonable. Additional information would be helpful however. Itemizing the square area for the entire Office Unit 3 and/or the gross area proposed not to be counted would be helpful in clarifying the details in the proposed parking calculations.

If the proposed parking calculations are amenable to the Board perhaps a plan note/conditional of approval for the final plan might include a stipulation that any changes to the intensity of use and/or it becomes evident that there is insufficient parking on site, available parking must be increased as determined by the planning board.

Recommendation/Action

Barring any significant issues with consideration of the site visit and testimony at the public hearing, staff recommends granting conditional preliminary approval.

Move to approve the preliminary plan dated July 21, 2015 for 89 Route 236 (Map 28, Lot 14-2) located in the Commercial-2 Zone. for owner and applicant Rockwell Homes, LLC.

Suggested conditions include:

- 1) Revise the plans to limit the extent of clearing, increase the clearing limits closest to Fernald Road by 50 feet.
- 2) Revise the Landscape Plan to accommodate more planting that will effectively screen the parking at the front of the building and drive-thru vehicles.
- 3) Address Planning Board, CMA and staff comments prior to submitting a final plan.

August 27, 2015



Mr. Chris Di Matteo
Kittery Town Planner
200 Rogers Road
Kittery, ME 03904

Re: Site Plan Amendment Application – Rockwell Homes LLC
Tax Map 28 Lot 14-2
Job No. 15-102

Dear Mr. Di Matteo:

On behalf of Rockwell Homes, Tidewater Engineering & Surveying LLC is pleased to provide the following additional submission requirements for the Site Plan Amendment Application for Tax Map 28 Lot 14-2.

1. Construction Detail Plan Sheets C7 & C8 (12 half size & 3 full size)
2. Landscape Plan Sheet L1 (12 half size & 3 full size)
3. Lighting Plan Sheet L2 (12 half size & 3 full size)
4. MDOT Traffic Movement Permit Application (3 copies)

Upon further review of the building design, the Applicant will be making minor modifications to the exterior window layout which will affect the building mounted sign locations. With this in consideration, it is anticipated that final approval would not be considered until the October 8, 2015 Planning Board Meeting. Submission of the sign details and updated building renderings will be forthcoming.

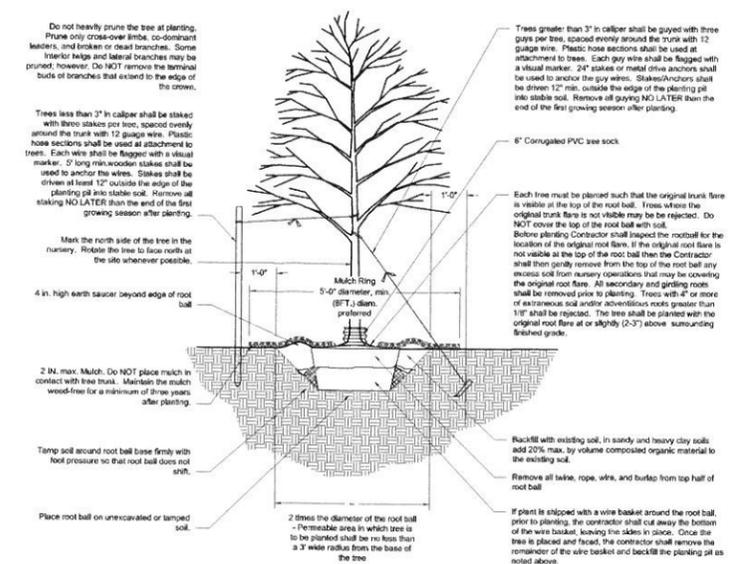
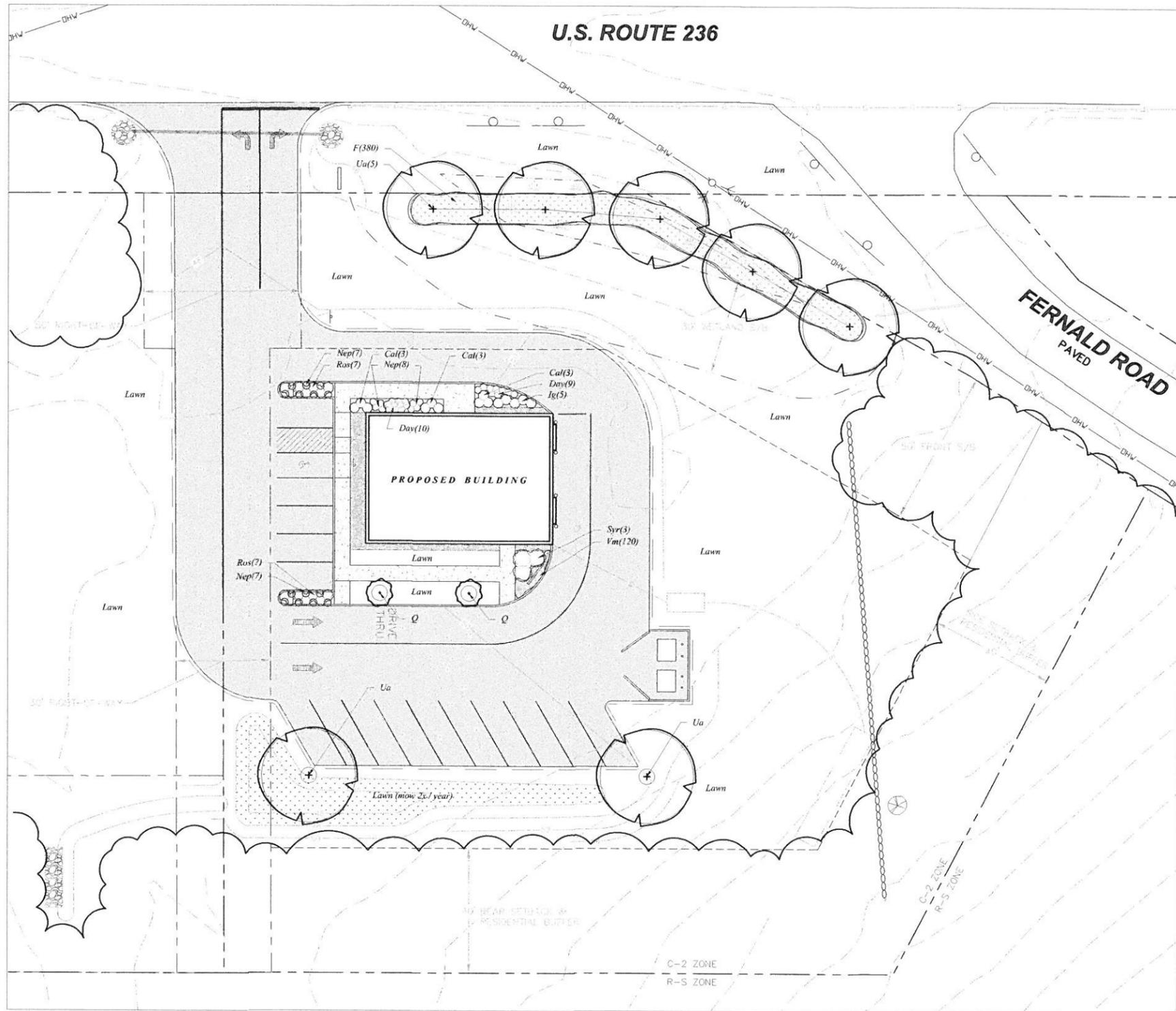
If you have any questions, please do not hesitate to contact me at (508) 887-5644 or ryan@tidewatercivil.com.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy", is written over a light blue circular stamp.

Ryan M. McCarthy, P.E., P.L.S.
Manager of the Company
Tidewater Engineering & Surveying LLC

Enclosures:



Tree Planting Detail, Typ.

Landscape Notes

- Design is based on drawings by Tidewater Engineering dated 8/20/2015 and may require adjustment due to actual field conditions.
- The contractor shall follow best management practices during construction and shall take all means necessary to stabilize and protect the site from erosion.
- Erosion Control shall be in place prior to construction.
- Erosion Control to consist of Hay Bales and Erosion Control Fabric shall be staked in place between the work and Water bodies, Wetlands and/or drainage ways prior to any construction.
- The Contractor shall verify layout and grades and inform the Landscape Architect or Client's Representative of any discrepancies or changes in layout and/or grade relationships prior to construction.
- It is the contractor's responsibility to verify drawings provided are to the correct scale prior to any bid, estimate or installation. A graphic scale bar has been provided on each sheet for this purpose. If it is determined that the scale of the drawing is incorrect, the landscape architect will provide a set of drawings at the correct scale, at the request of the contractor.
- Trees to remain within the construction zone shall be protected from damage for the duration of the project by snow fence or other suitable means of protection to be approved by Landscape Architect or Client's Representative. Snow fence shall be located at the drip line at a minimum and shall include any and all surface roots. Do not fill or mulch on the trunk flare. Do not disturb roots. In order to protect the integrity of the roots, branches, trunk and bark of the tree(s) no vehicles or construction equipment shall drive or park in or on the area within the drip line(s) of the tree(s). Do not store any refuse or construction materials or portalets within the tree protection area.
- Location, support, protection, and restoration of all existing utilities and appurtenances shall be the responsibility of the Contractor.
- The Contractor shall verify exact location and elevation of all utilities with the respective utility owners prior to construction. Call DIGSAFE at 1-888-344-7233.
- The Contractor shall procure any required permits prior to construction.
- Prior to any landscape construction activities Contractor shall test all existing loam and loam from off-site intended to be used for lawns and plant beds using a thorough sampling throughout the supply. Soil testing shall indicate levels of pH, nitrates, macro and micro nutrients, texture, soluble salts, and organic matter. Contractor shall provide Landscape Architect with test results and recommendations from the testing facility along with soil amendment plans as necessary for the proposed plantings to be used. All loam to be used on site shall be amended as approved by the Landscape Architect prior to placement.
- Contractor shall notify landscape architect or owner's representative immediately if at any point during demolition or construction a site condition is discovered which may negatively impact the completed project. This includes, but is not limited to, unforeseen drainage problems, unknown subsurface conditions, and discrepancies between the plan and the site. If a contractor is aware of a potential issue, and does not bring it to the attention of the landscape architect or owner's representative immediately, they may be responsible for the labor and materials associated with correcting the problem.
- The Contractor shall furnish and plant all plants shown on the drawings and listed thereon. All plants shall be nursery-grown under climatic conditions similar to those in the locality of the project. Plants shall conform to the botanical names and standards of size, culture, and quality for the highest grades and standards as adopted by the American Association of Nurserymen, Inc. in the American Standard of Nursery Stock, American Standards Institute, Inc. 230 Southern Building, Washington, D.C. 20005.
- A complete list of plants, including a schedule of sizes, quantities, and other requirements is shown on the drawings. In the event that quantity discrepancies or material omissions occur in the plant materials list, the planting plans shall govern.
- All plants shall be legibly tagged with proper botanical name.
- The Contractor shall guarantee all plants for not less than two years from time of acceptance.
- Owner or Owner's Representative will inspect plants upon delivery for conformity to Specification requirements. Such approval shall not affect the right of inspection and rejection during or after the progress of the work. The Owner reserves the right to inspect and/or select all trees at the place of growth and reserves the right to approve a representative sample of each type of shrub, herbaceous perennial, annual, and ground cover at the place of growth. Such sample will serve as a minimum standard for all plants of the same species used in this work.
- No substitutions of plants may be made without prior approval of the Owner or the Owner's Representative for any reason.
 - An underground sprinkling system
 - An automatic irrigation system is installed, all irrigation valve boxes shall be located within planting bed areas.
- All disturbed areas will be dressed with 6" of topsoil and planted as noted on the plans or seeded except plant beds. Plant beds shall be prepared to a depth of 12" with 75% loam and 25% compost.
- Trees, ground cover, and shrub beds shall be mulched to a depth of 2" with one-year-old, well-composted, shredded native bark not longer than 4" in length and 1/2" in width, free of woodchips and sawdust. Mulch for ferns and herbaceous perennials shall be no longer than 1" in length. Trees in lawn areas shall be mulched in a 5' diameter min. saucer. Color of mulch shall be black.
- Drip strip shall extend to 6" beyond roof overhang and shall be edged with 3/16" thick metal edger.
- In no case shall mulch touch the stem of a plant nor shall mulch ever be more than 3" thick total (including previously applied mulch) over the root ball of any plant.
- Secondary lateral branches of deciduous trees overhanging vehicular and pedestrian travel ways shall be pruned up to a height of 6' to allow clear and safe passage of vehicles and pedestrians under tree canopy.
- Snow shall be stored a minimum of 5' from shrubs and trunks of trees.
- Landscape Architect is not responsible for the means and methods of the contractor.

Plant List

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
TREES					
Q	<i>Quercus rubra</i> 'Kindred Spirit'	Red Oak	2	2.5-3" Cal	B&B
Ua	<i>Ulmus americana</i> 'Princeton'	Princeton American Elm	7	2.5-3" Cal	B&B
SHRUBS					
Ig	<i>Ilex glabra</i> 'Shamrock'	Shamrock Inkberry	5	5 gal	Full to ground
Ros	<i>Rosa</i> 'Knockout'	Knockout Rose	14	3 gal	
Syr	<i>Syringa meyeri</i> 'Palibin'	Dwarf Korean Lilac	3	5 gal	
PERENNIALS, GROUNDCOVERS, VINES and ANNUALS					
Cal	<i>Calamagrostis acutifolia</i> Karl Foerster	Feather Reed Grass	9	1 gal	
Day	<i>Hemerocallis</i> 'Big Time Happy'	Big Time Happy Daylily	9	1 gal	
F	<i>Demissaedtia punctiloba</i>	Hay-scented Fern	380	2 qt	
Nep	<i>Nepeta faassonii</i> x 'Walker's Low'	Walker's Low Catmint	22	1 gal	
Vm	<i>Vinca minor</i> 'Bowles'	Bowles Periwinkle	3	50/flat	

Seed Mix:
Lawn Tall fescue bluegrass mix, such as Pennington Smartseed Tall Fescue Bluegrass Mix - or Approved equal

Application Rate:
Lawn As recommended by seed provider

APPROVED BY THE TOWN OF KITTERY
PLANNING BOARD ON: _____
PLANNING BOARD CHAIR DATE

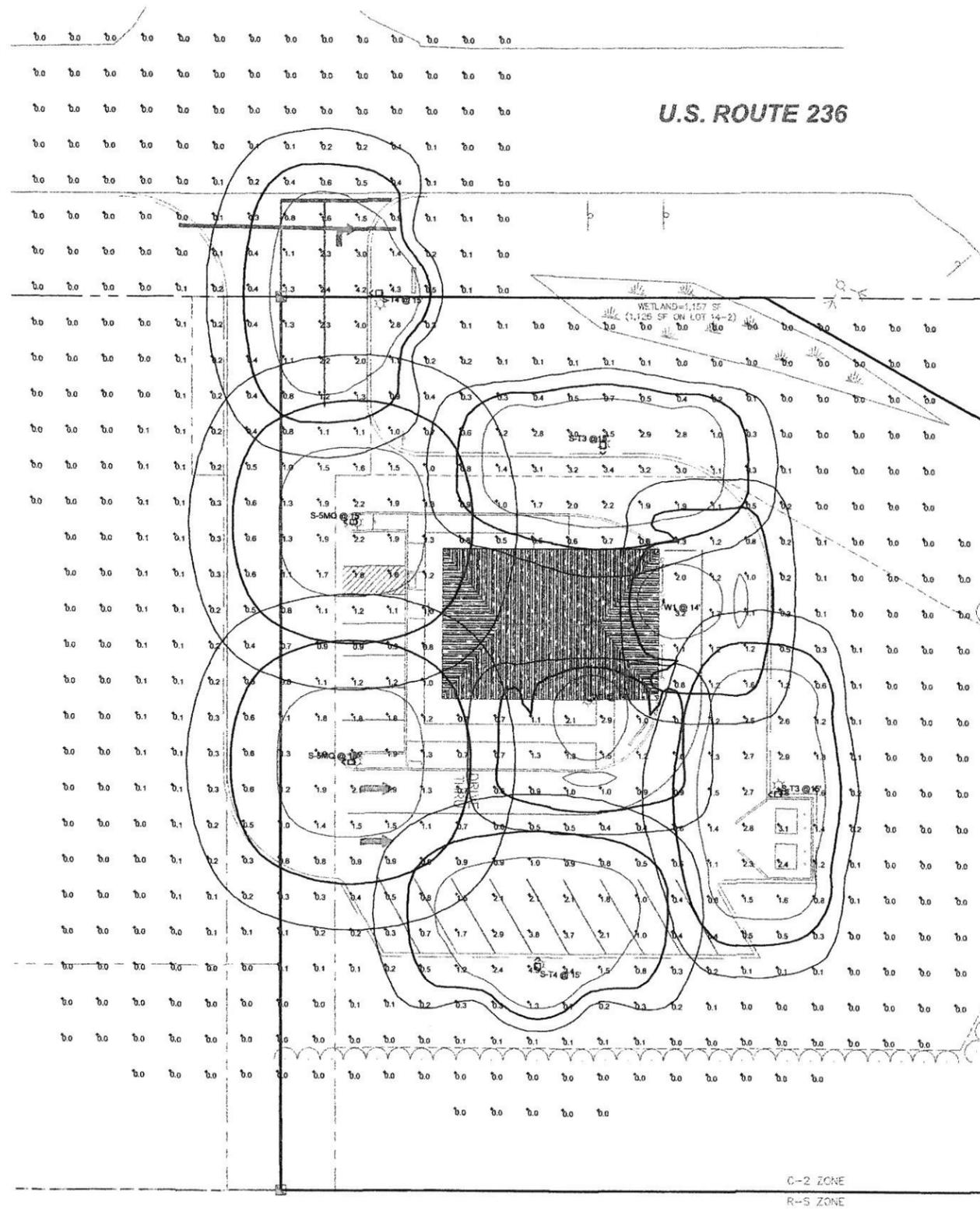


WOODBURN & COMPANY
Landscape Architecture, LLC
103 Kent Place
Newmarket, NH 03857
Tel 603.659.5949
Fax: 603.659.5939

Mixed-Use Building
Landscape Plan
89 Route 236 Kittery, Maine

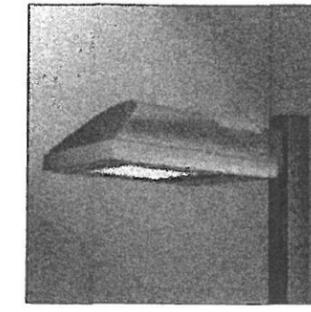
Drawn By: VM
Checked By: RW
Scale: 1" = 20' - 0"
Date: August 12, 2015
Revisions: August 27, 2015

L-1

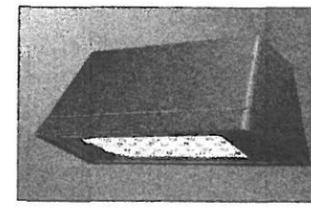


Schedule						
Symbol	Label	QTY	Catalog Number	Description	LLF	Wattage
□	S-T3 @ 15'	2	TLM-E02-LED-E1-T3	TALON MEDIUM LED SITE LUMINAIRE (2) LIGHTBARS WITH AccuLED OPTICS - TYPE 3	0.9	52.1
□	S-T4 @ 15'	2	TLM-E02-LED-E1-T4	TALON MEDIUM LED SITE LUMINAIRE (2) LIGHTBARS WITH AccuLED OPTICS - TYPE 4	0.9	52.1
□	S-5MQ @ 15'	2	TLM-E02-LED-E1-5WQ	TALON MEDIUM LED SITE LUMINAIRE (2) LIGHTBARS WITH AccuLED OPTICS - TYPE 5 SQUARE WIDE	0.9	52.1
—	W1 @ 14'	2	IST-E01-LED-E1-BL4	IMPACT ELITE LED LUMINAIRE (1) LIGHTBARS WITH AccuLED OPTICS - TYPE 4 W/ BACK LIGHT CONTROL	0.9	24.7

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
All Points	+	0.6 fc	4.5 fc	0.0 fc	N/A	N/A
Park and Drive	+	1.3 fc	4.2 fc	0.3 fc	14.0:1	4.3:1



Eaton's Cooper Lighting - TALON - TLM LED SITE FIXTURE



Eaton's Cooper Lighting - IMPACT ELITE - IST LED WALL PACK

APPROVED BY THE TOWN OF KITTERY
PLANNING BOARD ON: _____
PLANNING BOARD CHAIR DATE

MAP 28
LOT 14-2

DRAFT

NOT VALID UNLESS SIGNED AND STAMPED

NO.	DATE:	SUBMISSION/REVISION DESCRIPTION

TIDEWATER
ENGINEERING & SURVEYING LLC
317 Bowdoin St., Suite 201, Kittery, ME 03904
(508) 887-5644 | www.tidewaterinc.com

APPLICANT/OWNER: **ROCKWELL HOMES, LLC**
1021 GOODWIN ROAD
ELIOT, ME 03903

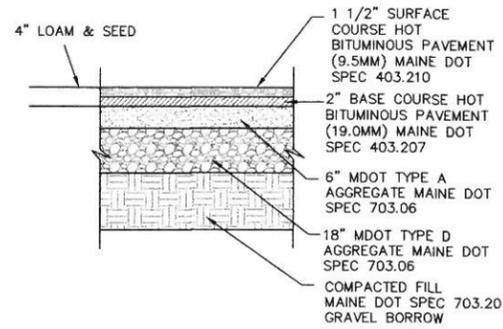
PROJECT: **SITE PLAN AMENDMENT: MIXED-USE BUILDING**
TAX MAP 28 LOT 14-2, KITTERY, ME

SHEET: **CONSTRUCTION DETAILS**

JOB #:	15-102
DATE:	JULY 2015
SCALE:	1" = 20'

DRAWING

C7

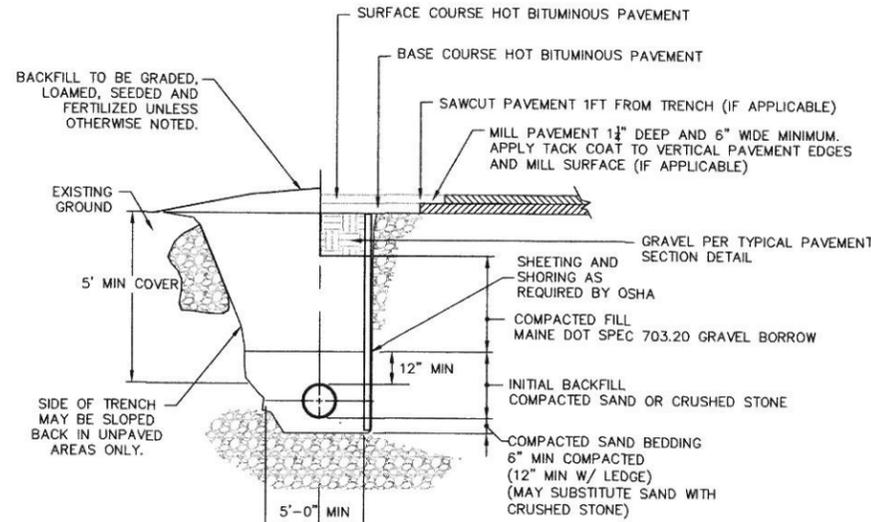


GENERAL MATERIAL NOTES -- APPLIED TO ALL DETAILS UNLESS OTHERWISE NOTED.

1. MATERIAL AND CONSTRUCTION METHODS SHALL CONFORM TO THE STATE OF MAINE STANDARD SPECIFICATIONS REVISION OF NOV. 2014.
2. ALL ORGANIC MATERIALS, ROCKS AND BOULDERS WITHIN TWO FEET BELOW THE SUBGRADE OF THE ROAD MUST BE REMOVED AND REPLACED WITH SUITABLE COMPACTED FILL MEETING MAINE DOT SPEC 703.20 GRAVEL BORROW.
3. FILL UNDER PAVEMENT OR CONCRETE AREAS SHALL BE INSTALLED AND COMPACTED IN ACCORDANCE WITH THE STATE OF MAINE STANDARD SPECIFICATIONS.

TYPICAL PAVEMENT SECTION

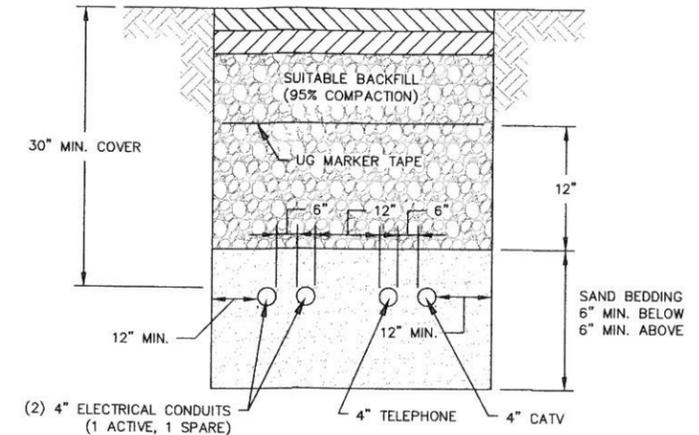
NOT TO SCALE



NOTES: 1. ALL EXCAVATION MUST MEET OSHA STANDARDS.

PIPE TRENCH DETAIL

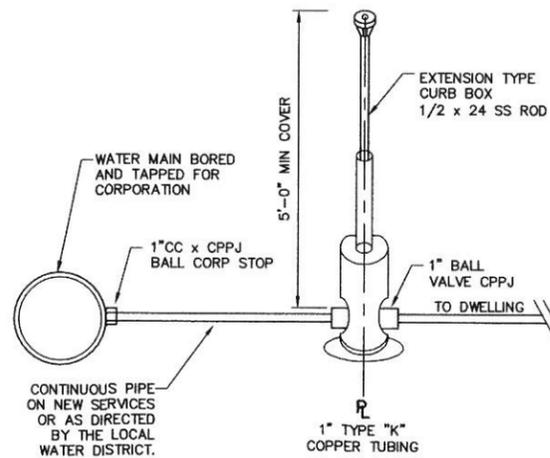
NOT TO SCALE



1. INSTALL CONDUIT PER THE REQUIREMENTS AND SPECIFICATION OF RESPECTIVE UTILITY COMPANY.
2. CONDUIT SHALL BE SCH. 80 PIPE UNLESS OTHERWISE SPECIFIED BY UTILITY COMPANY.
3. ADDITIONAL SPARE CONDUITS MAY BE INSTALLED PROVIDED A MINIMUM OF 6" OF CLEARANCE IS PROVIDED BETWEEN CONDUIT.
4. BACKFILL MATERIAL SHALL CONFORM TO TYPICAL PAVEMENT SECTION DETAIL IF LOCATED UNDER THE ROAD.
5. ALL UTILITIES AND CONDUIT SHALL BE REVIEWED AND APPROVED PRIOR TO INSTALLATION AND INSPECTED PRIOR TO BACKFILLING.
6. CONCRETE ENCASEMENT MAY BE REQUIRED IN REPLACE OF THE SAND BEDDING PER THE UTILITY COMPANY.

UNDERGROUND UTILITY TRENCH

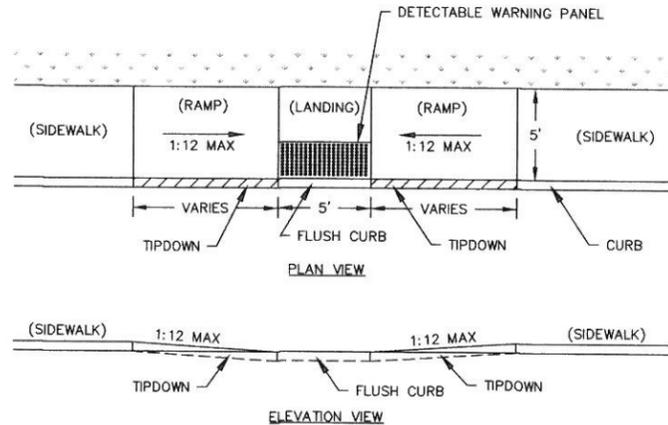
NOT TO SCALE



- NOTES:
1. ALL BRASS SHALL BE "NO-LEAD BRASS"
 2. MATERIAL & INSTALLATION SHALL COMPLY WITH THE REQUIREMENTS OF THE LOCAL WATER DISTRICT.

WATER SERVICE CONNECTION

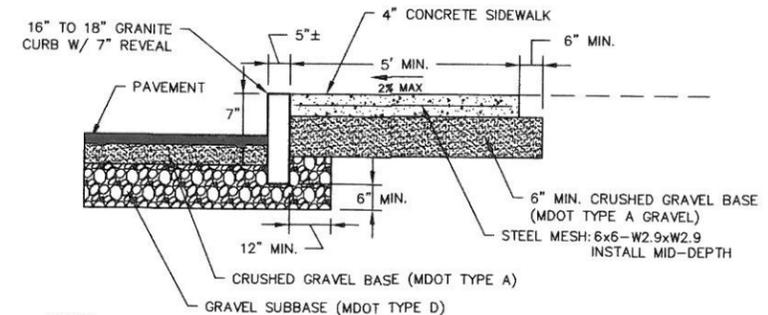
NOT TO SCALE



- NOTES:
1. SIDEWALK MUST COMPLY WITH THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.
 2. MAXIMUM RUNNING SLOPE OF RAMP SHALL BE 1:12 (8.33%)
 3. MAXIMUM CROSS SLOPE OF SIDEWALK & RAMP SHALL BE 1:48 (2%)
 4. INSTALL DETECTABLE WARNING PANEL WITH TRUNCATED DOMES IN ACCORDANCE WITH SECTION 705 OF THE 2010 ADA STANDARDS ADJACENT TO THE EDGE OF THE TRAVELED WAY. PANEL SHALL BE 24 INCHES WIDE AND EXTEND THE FULL LENGTH OF ALL PLATFORMS. PANEL COLOR SHALL CONTRAST VISUALLY WITH ADJACENT WALKING SURFACES.

PARALLEL CURB RAMP

NOT TO SCALE



- NOTES:
1. SEE TYPICAL PAVEMENT DETAIL FOR ROAD PAVEMENT AND SUBBASE REQUIREMENTS.
 2. SIDEWALK CONCRETE SHALL BE 4000 PSI (MAINE DOT CLASS A CONCRETE)
 3. FINISH SURFACE: FLOAT FINISH W/ FINE-GRADE BROOM FINISH
 4. PROTECTIVE COATING: AASHTO M233 50/50 DOUBLE BOILED LINSEED OIL & MINERAL SPIRITS
 5. MAXIMUM CROSS SLOPE SHALL BE 2% (1/4" PER FOOT)

CONCRETE SIDEWALK W/ GRANITE CURB

NOT TO SCALE

APPROVED BY THE TOWN OF KITTERY PLANNING BOARD ON: _____
PLANNING BOARD CHAIR DATE

MAP 28
LOT 14-2

DRAFT

NOT VALID UNLESS SIGNED AND STAMPED

NO. DATE: SUBMISSION/REVISION DESCRIPTION

TIDEWATER
ENGINEERING & SURVEYING LLC
37 Route 238, Suite 201, Kittery, ME 03904
(508) 867-5644 | www.tidewaterinc.com

APPLICANT/TOWNER: **ROCKWELL HOMES, LLC**
1021 GOODWIN ROAD
ELIOT, ME 03903

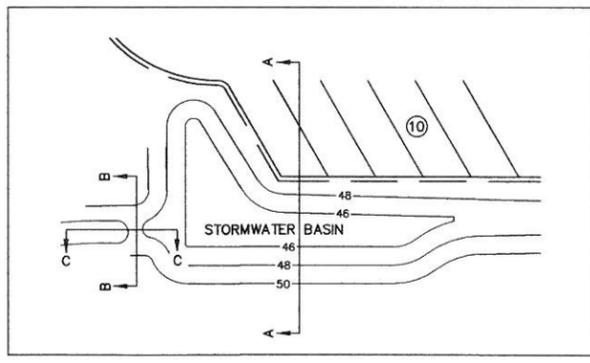
PROJECT: **SITE PLAN AMENDMENT: MIXED-USE BUILDING**
TAX MAP 28 LOT 14-2, KITTERY, ME

SHEET: **CONSTRUCTION DETAILS**

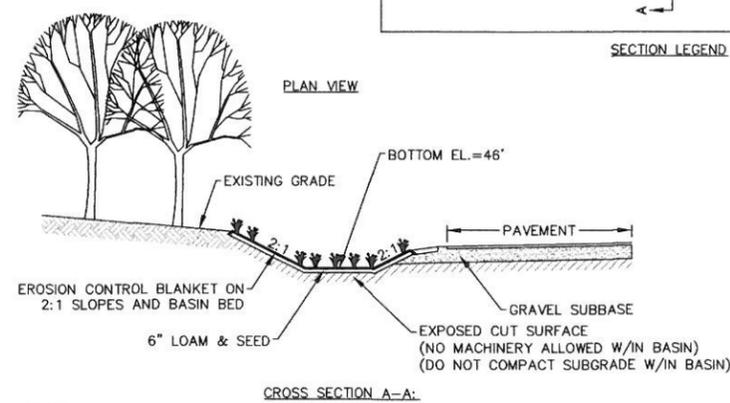
JOB #:	15-102
DATE:	JULY 2015
SCALE:	1" = 20'

DRAWING

C8



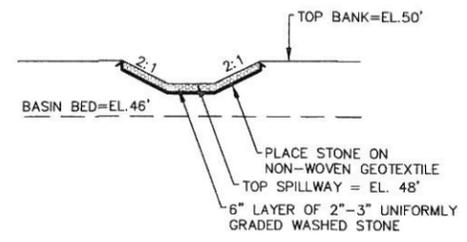
SECTION LEGEND



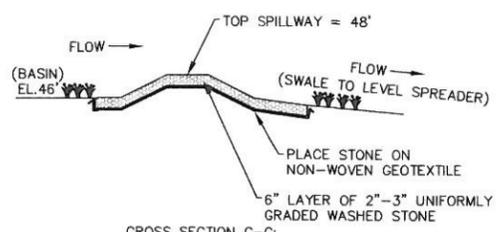
CROSS SECTION A-A:

- NOTES:
1. SEE LANDSCAPING PLAN FOR PLANT SPECIFICATIONS.
 2. NO MACHINERY ALLOWED WITHIN STORMWATER BASIN AREA AT ANY TIME DURING CONSTRUCTION TO PREVENT COMPACTION OF SUBBASE SOILS.
 3. INSTALL EROSION CONTROL BLANKET ON BOTTOM OF BASIN AND ALL SIDE SLOPES.
 4. REMOVE ANY ACCUMULATED SEDIMENT ANNUALLY.
 5. VEGETATION TO BE MOWED A MINIMUM OF TWICE PER YEAR TO PREVENT WOODY SAMPLINGS FROM BECOMING ESTABLISHED.

VEGETATED STORMWATER BASIN
NOT TO SCALE

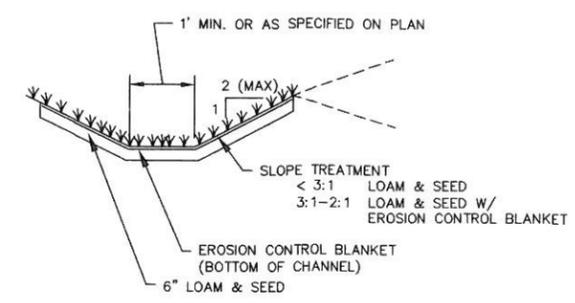


CROSS SECTION B-B:



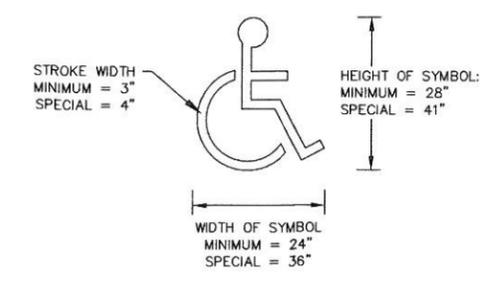
CROSS SECTION C-C:

STORMWATER BASIN SPILLWAY
NOT TO SCALE



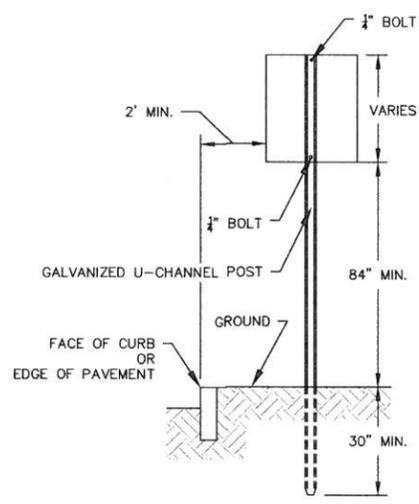
VEGETATED SWALE

NOT TO SCALE



PAVEMENT MARKING - ACCESSIBLE SPACE

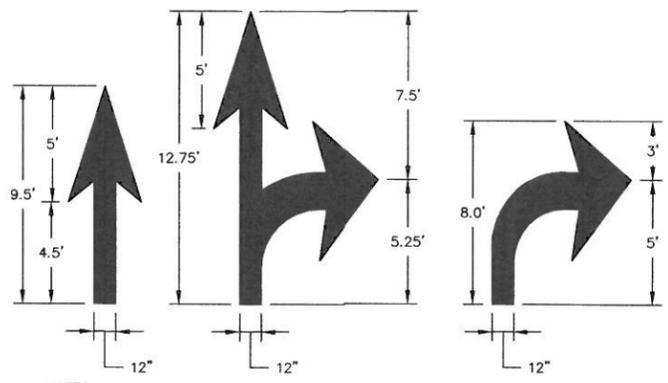
NOT TO SCALE



- NOTES:
1. POSTS SHALL BE PLUMB; ANY POST BENT OR OTHERWISE DAMAGED SHALL BE REMOVED AND PROPERLY REPLACED.
 2. POSTS MAY BE SET OR DRIVEN.
 3. WHEN POSTS ARE SET, HOLES SHALL BE DUG TO PROPER DEPTH. AFTER INSERTING POSTS, THE HOLES SHALL BE BACKFILLED WITH SUITABLE MATERIAL IN 6" LIFTS AND THOROUGHLY COMPACTED.
 4. WHEN POSTS ARE DRIVEN, A SUITABLE DRIVING CAP SHALL BE USED. POSTS SHALL NOT BE DRIVEN WHILE SIGN IS ATTACHED.
 5. SIGNS SHALL MEET THE REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD) AND INSTALLED IN ACCORDANCE WITH THE MANUAL.
 6. THE POST SHALL NOT EXTEND ABOVE THE TOP OF THE SIGN.
 7. POST SHALL BE GALVANIZED GRADE 60 STEEL (ASTM A-499) OR GRADE 1070-1080 (ASTM A-576).

SIGN POST

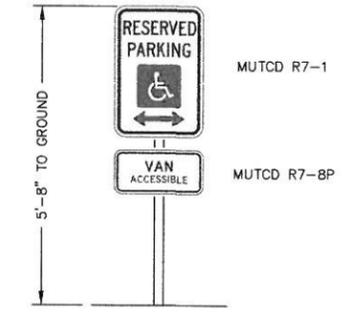
NOT TO SCALE



- NOTES:
1. ALL SYMBOLS SHALL BE RETROREFLECTIVE WHITE AND SHALL CONFORM TO THE LATEST VERSION OF THE MUTCD.
 2. TYPICAL SIZES FOR NORMAL INSTALLATION SHOWN; SIZES MAY BE REDUCED APPROXIMATELY ONE-THIRD FOR LOW-SPEED URBAN CONDITIONS; LARGER SIZES MAY BE NEEDED FOR FREEWAYS, ABOVE AVERAGE SPEEDS AND OTHER CRITICAL LOCATIONS.
 3. FOR PROPER PROPORTION, SEE THE PAVEMENT MARKINGS CHAPTER OF THE "STANDARD HIGHWAY SIGNS AND MARKINGS" BOOK (SEE SECTION 1A.11).

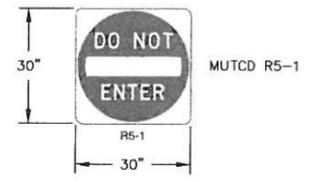
PAVEMENT MARKINGS - ARROWS

NOT TO SCALE



HANDICAP & VAN ACCESSIBLE SIGN

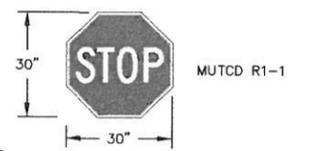
NOT TO SCALE



- NOTES:
1. WHITE LEGEND & BORDER ON RED BACKGROUND
 2. SIGN SHALL BE RETROREFLECTIVE
 3. SIGN SHALL COMPLY W/ MUTCD STANDARDS

DO NOT ENTER SIGN (R5-1)

NOT TO SCALE



- NOTES:
1. WHITE LEGEND & BORDER ON RED BACKGROUND
 2. SIGN SHALL BE RETROREFLECTIVE
 3. SIGN SHALL COMPLY W/ MUTCD STANDARDS

STOP SIGN (R1-1)

NOT TO SCALE

APPROVED BY THE TOWN OF KITTERY PLANNING BOARD ON: _____
PLANNING BOARD CHAIR DATE

MAP 28
LOT 14-2

Application for MDOT Permit
for the
Proposed Aroma Joe's
Kittery, Maine

Prepared for:

Tidewater Engineering, LLC

Prepared by:
Eaton Traffic Engineering
67 Winter Street Ste 1
Topsham, ME 04086
207/ 725-9805

Department of Transportation
Traffic Engineering Division
16 State House Station
Augusta, Maine 04333
Telephone: 207-287-3775

FOR MDOT USE 1/2000
ID #
Total Fees:
Date: Received

PERMIT APPLICATION - TRAFFIC
TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. § 704 - A

Please type or print:

This application is for:

Traffic 100-200 PCE's X

Traffic 200+ PCE's _____

Name of Applicant: Rockwell Homes LLC (contact: Aaron Wiswell)

Address: 1021 Goodwin Rd, Eliot, ME 03903 Telephone: (207) 457-1600

Name of local contact or agent: Tidewater Engineering & Surveying LLC (contact: Ryan McCarthy)

Address: 37 Route 236 Suite 201, Kittery, ME 03904 Telephone: (508) 887-5644

Name and type of development: Mixed Use: Office Space, Aroma Joes, Storage Units

Location of development including road, street, or nearest route number: 89 Route 236, Kittery, ME; SW side of Route 236 @ intersection w/ Fernald Rd.

City/Town/Plantation: Kittery, County: York, Tax Map # 28, Lot # 14-Z

Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)?

Yes _____ No X

Was this development started prior to obtaining a traffic permit? No

Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30 - A, chapter 187)?

Yes _____ No _____

Is this project located within a compact area of an urban compact municipality? Yes _____ No X

Is this development or any portion of the site currently subject to state or municipal enforcement action?

No

Existing DEP or MDOT permit number (if applicable):

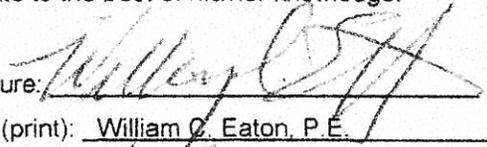
Driveway Permit # 12591

Name(s) of DOT staff person(s) contacted concerning this application:

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applications: _____

CERTIFICATION

The traffic engineer responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the application for traffic approval is complete and accurate to the best of his/her knowledge.

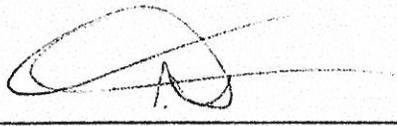
Signature: 
Name (print): William C. Eaton, P.E.
Date: 8/19/15

Re/Cert/Lic No.: 3715



If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."


Signature of applicant
Rockwell Homes, LLC

8/19/15
Date

NOTICE OF INTENT TO FILE

Please take notice that

Rockwell Homes, LLS

is intending to file a Traffic Movement Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. § 704 - A on or about **August 31, 2015**.

The application is for a **multi-use building housing 2,700 square feet of office space and an 840 square foot Aroma Joe's coffee kiosk**. Estimated peak hour trip generation over and above existing traffic is **134 vehicle trips during the AM peak hour**. The project, if approved, is expected to be complete in **2016**.at the following location:

Route 236 directly across from Fernald Road northerly intersection with Route 236

A request for a public hearing must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Transportation Division office in **Scarborough** during normal working hours. A copy of the application may also be seen at the municipal offices in

_____ **Kittery** _____, Maine.

Written public comments may be sent to the Department of Transportation, Traffic Engineering Division, 16 State House Station, Augusta, Maine 04333.

Section 1 **Site and Traffic Information**

1.0 Overview

Tidewater Engineering LLC and Eaton Traffic Engineering have been retained to prepare plans and permit applications for a proposed multi-use building housing office space (2,700 sf) and an Aroma Joe's drive-thru coffee shop (840 sf) to be located on the westerly side of Route 236, directly across from the northerly intersection of Fernald Road in Kittery, Maine. Direct access to the site will be via a two-way driveway located on Route 236 directly across from the northerly intersection of Route 236 @ Fernald Road.

1.1 Site Description

The project site is a generally level wooded lot located on the westerly side of Route 236 and is currently vacant.

1.2 Existing and Proposed Uses

The site is currently vacant and is to be occupied by a multi-use building containing office space and Aroma Joe's coffee kiosk. Ultimately (not part of this application) there will also be an 81,000 square foot high-end storage facility adjacent to this site using the same access.

1.3 Site and Vicinity Boundaries

Figure 1, following this page, shows the project location and the vicinity of the site.

1.4 Proposed Uses in Vicinity of the Proposed Development

The Applicant is not aware of any proposed development in the vicinity of the site.

1.5 Trip Generation

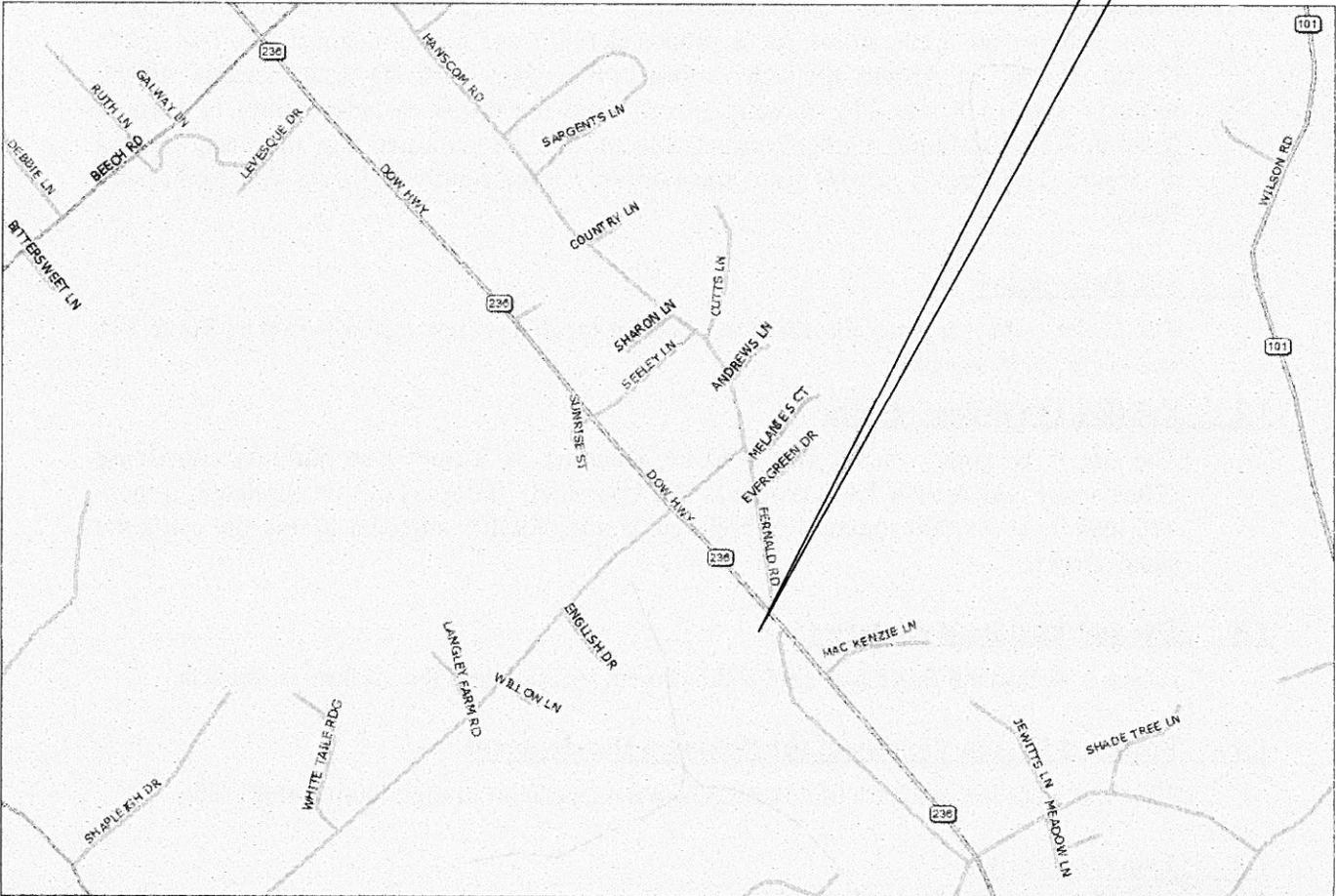
See Attachment by Eaton Traffic Engineering.

1.6 Trip Distribution and Assignment

See Attachment by Eaton Traffic Engineering.

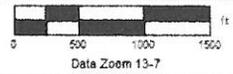


SITE



DELORME

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www.delorme.com



EATON
TRAFFIC
ENGINEERING

67 Winter Street Ste.1 - Topsham, Maine

Figure 1
SITE LOCATION

Proposed Aroma Joe's / Kittery, Maine

Aroma Joe's –Kittery -Trip Generation

In determining projected peak hour trip generation, it should be noted that there are no Institute of Transportation Engineers data on facilities like Aroma Joe's. Based upon the menu, the proposed Aroma Joe's is more like a Starbucks or similar "trendy" coffee bar. A 2006 trip generation survey done by Casey & Godfrey Engineers (Gardiner, Maine) for three Starbucks (Brunswick, Saco and Topsham, Maine) determined an AM peak hour trip rate of 61.14 trips per 1000 square feet of floor area. In addition, Eaton Traffic Engineering conducted a similar survey at the Topsham facility. The ETE survey counted 120 AM peak hour trips (compared to 118 in the Casey & Godfrey survey. Additionally, like Dunkin' Donut, it appears that this type of land use generates trips independent of its size – all appear to generate approximately the same number of trips and seem more related to the area type and general traffic volumes in the area. In this case the proposed Aroma Joe's will be located on Route 236, which has relatively high peak AM and PM volumes throughout the year. Trip generation for this proposed Aroma Joe's is estimated at 130 vehicle trips during the AM peak hour. A rate of 120 vehicle trips was used for recent studies in both Wells, Windham and Saco, Maine, but more recent information from surveys done at Aroma Joe's facilities in New Hampshire (Pernaw & Company, Concord, NH) indicates that 130 vehicle trips may be more appropriate, and provides a conservative estimate. Pass-by traffic for a primarily drive-thru facility during the AM peak period (i.e. trips drawn from traffic already passing the site) is estimated to be 85 percent. The table below summarizes trip generation for Aroma Joe's by trip type.

Land Use	Total Trips		Primary Trips		Pass-by Trips	
	Total	In/Out	Total	In/Out	Total	In/Out
Aroma Joe's	130	65/65	20	10/10	110	55/55

The 2,700 square feet of office floor area is expected to generate 4 vehicle trips in both the AM and PM peak hours (per ITE Trip Generation). These are primary trips, and for the AM peak hour, three trips will enter the site and one will exit. Accordingly, total trip generation associated

with the proposed project is 134 trips, with 68 entering and 66 exiting. 110 of the trips will be pass-by trips, and 24 will be primary.

For this location “pass-by” trips will be drawn from Route 236. Based upon the relative volumes on Route 236 during the AM peak hour, it is estimated that approximately 75 percent of the trips (74 trips) will be drawn from southbound Route 236, and the remaining 25 percent (24 trips) from northbound. Primary trips were assumed to be generally spread around and not necessarily related to peak hour directional volumes.

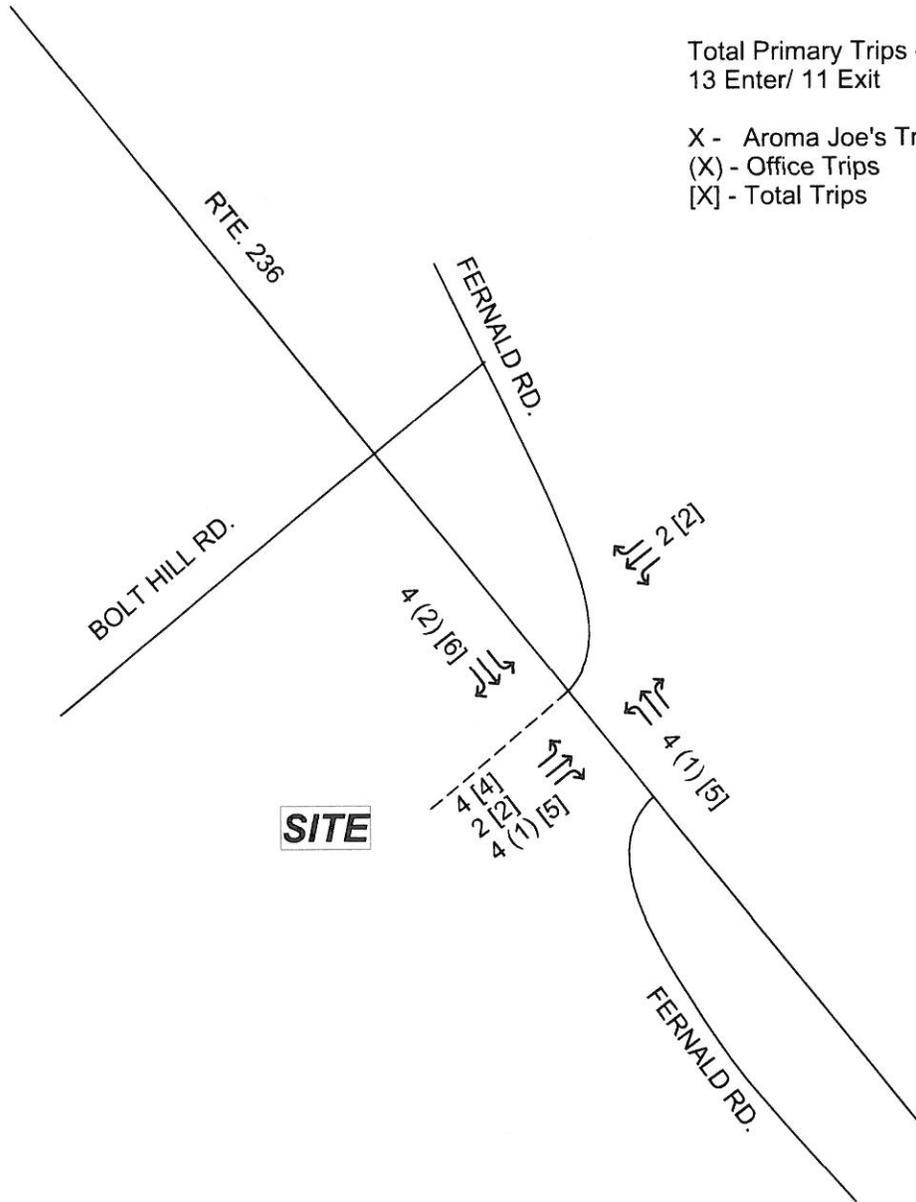
In addition to the proposed project (office and Aroma Joe’s), there will be another land use adjacent to the site utilizing the same access driveway. This will be an 81,000 square foot high end storage facility. This facility will have three floors and contain 750 storage units. Typically traffic generation would be estimated using data from the ITE publication Trip Generation, for land use code 151, “Mini-Warehouse”; however, this proposed facility does not fit the description of a typical storage unit facility, which is generally on a single floor with generally only a light for amenities. The proposed facility’s storage units will average only about 100 square feet, including corridors, and are primarily intended for high value items. Accordingly, the manager of a similar facility in Merrimac NH provided traffic data for that facility to help estimate trip generation. Generally the facility is expected to generate 1 trip daily for each 50 units (15 trips per day for the proposed facility) plus 1 trips per 250 units for miscellaneous inquires, deliveries, etc, (3 trips per day), yielding 18 daily trips total. It is assumed that the “trips” referred to here are the same as “visits”, i.e. each visit involves an entering trip and an exiting trip, and are essentially, in traffic engineering terms, 2 trips. Accordingly, the average daily one-way trip total would be 36 trips. During the AM peak hour these are likely to be very low – perhaps 5 percent of the daily total. For this study it will be assumed that there will be 2 AM peak hour trips, one entering and one exiting.

Assignment of primary, pass-by (both from the proposed project) and storage facility trips was based upon the assumptions noted above. Figures 2A – D present the assignment of primary, pass-by, storage facility and total trips respectively.



Total Primary Trips - 24
13 Enter/ 11 Exit

X - Aroma Joe's Trips
(X) - Office Trips
[X] - Total Trips



Not to Scale



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ENGINEERING

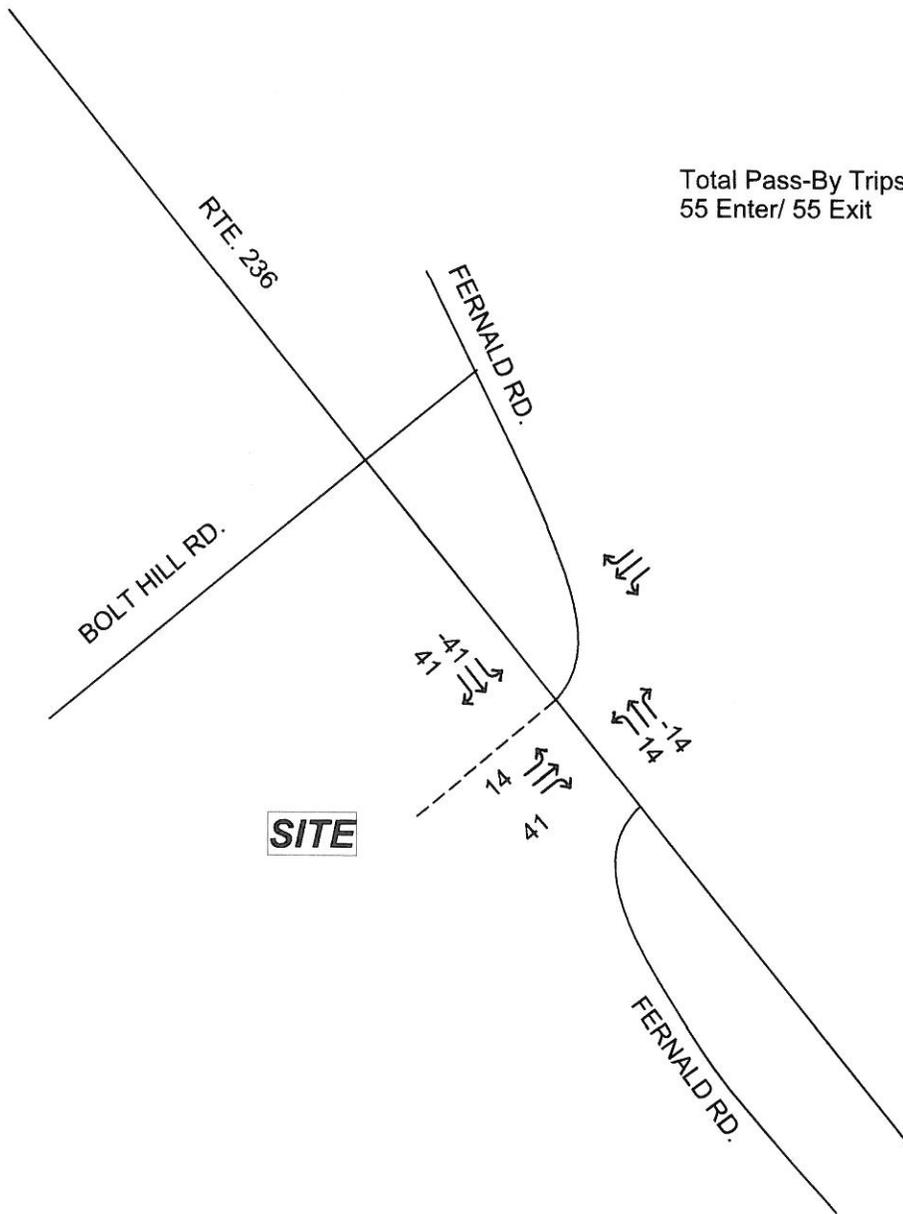
67 Winter Street Ste. 1 - Topsham, Maine

Figure 2A
Site Generated AM Peak Hour Primary Trips

Proposed Aroma Joe's / Kittery, Maine



Total Pass-By Trips - 110
55 Enter/ 55 Exit



Not to Scale



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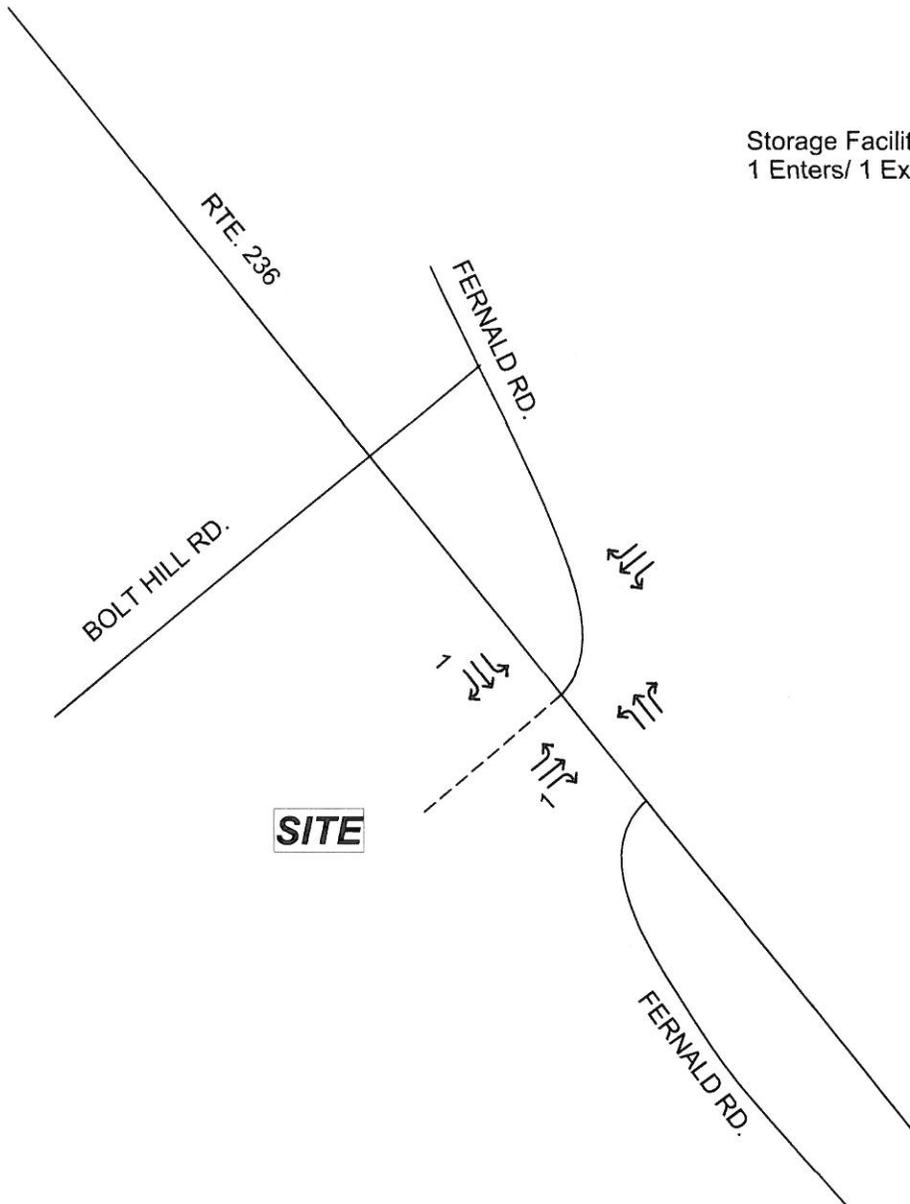
67 Winter Street Ste.1 - Topsham, Maine

Figure 2B
Site Generated AM Peak Hour Pass-By Trips

Proposed Aroma Joe's / Kittery, Maine



Storage Facility Trips - 2
1 Enters/ 1 Exits



Not to Scale

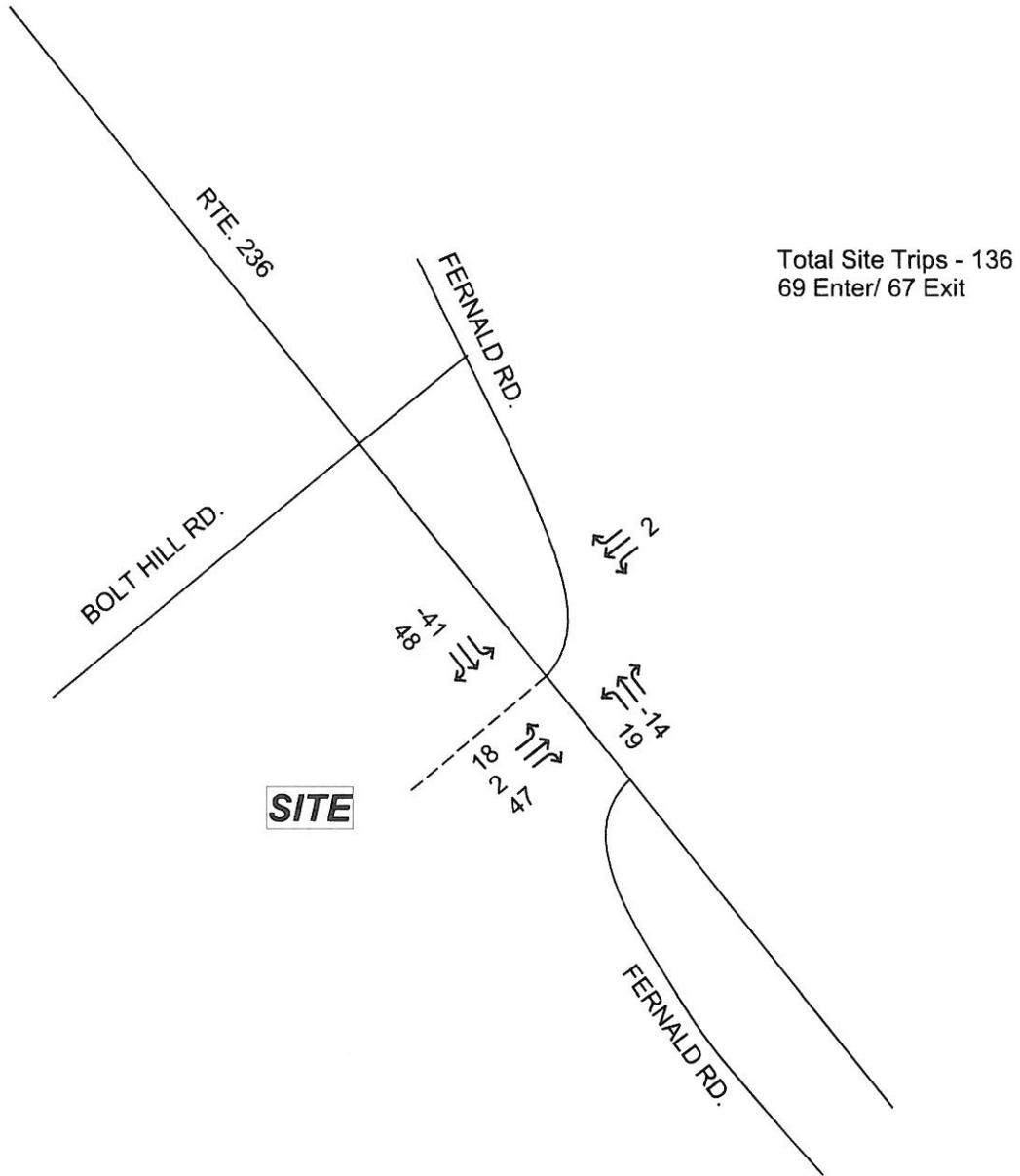


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67 Winter Street Ste. 1 - Topsham, Maine

Figure 2C
Site Generated AM Peak Hour Storage Facility Trips

Proposed Aroma Joe's / Kittery, Maine



Not to Scale



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ENGINEERING

67 Winter Street Ste. 1 - Topsham, Maine

Figure 2D
Total Site Generated AM Peak Hour Trips

Proposed Aroma Joe's / Kittery, Maine

Section 2
Traffic Accidents

2.1 Accident Analysis

See Attachment by Eaton Traffic Engineering.

Safety Assessment - Kittery Aroma Joe's

2012-14 Accident History in Site Vicinity

LOCATION	2012-14 ACCIDENTS	ANNUAL AVERAGE	CRITICAL RATE FACTOR ¹
Route 236 @ Bolt Hill Road (Eliot)	3	1.00	<1.00
Route 236/ Bolt Hill Road to Eliot/Kittery TL (Eliot)	1	0.33	<1.00
Route 236 @ Eliot/Kittery TL	0	0	0
Route 236/ Eliot/Kittery TL to Fernald Road North (Kittery)	0	0	0
Route 236 @ Fernald Road North (Kittery)	0	0	0
Route 236/ Fernald Road North to Fernald Road South	2	0.67	<1.00
Route 236 @ Fernald Road South	3	1.00	<1.00

MDOT guidelines for identification of a High Crash Location (HCL - indicating a potential safety deficiency) is that a location must experience both 8 or more accidents in a 3 year period and have a Critical Rate Factor of 1.00 or greater. None of the locations satisfy the criteria.

¹ The Critical Rate Factor is a statistical measure which compares the accident frequency at a location to similar locations throughout the State. A Critical Rate Factor of 1.00 or greater indicates that the location has a higher frequency of accidents than would be expected due to random occurrence, with a 99 percent level of confidence.

Section 3
Entrances and Exits

3.1 **Location of Driveways**

See Attached Site Plan and Survey

3.2 **Plan View**

See Attached Site Plan and Survey

Section 4
Title, Right or Interest

4.1 Title, Right or Interest

See Attached document(s)

Maine R E Transfer Tax Paid



BK 16989 PGS 210 - 212 03/26/2015 12:00:49 PM
INSTR # 2015010670 DEBRA ANDERSON
RECEIVED YORK SS REGISTER OF DEEDS

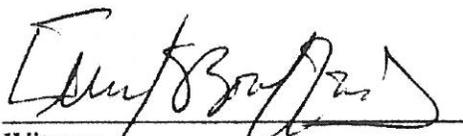
WARRANTY DEED

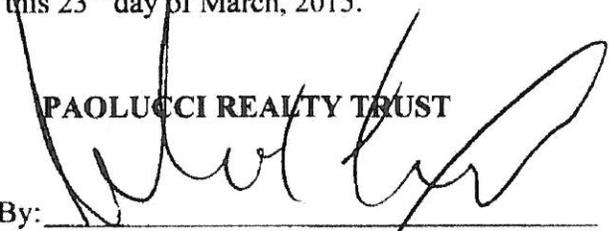
KNOW ALL PERSONS BY THESE PRESENTS, That **PETER J. PAUL, TRUSTEE OF PAOLUCCI REALTY TRUST**, a trust established under the laws of the State of Maine with a place of business at Eliot, County of York and State of Maine, for consideration paid, grants to **ROCKWELL HOMES, LLC**, a limited liability company duly organized and existing under the laws of the State of Maine, whose mailing address is Post Office Box 206, Lebanon, Maine 04027, with **WARRANTY COVENANTS**, a certain lot or parcel of land, together with any improvements located thereon, situated on Route 236, in the Town of Kittery, County of York and State of Maine, and being more specifically bounded and described as follows:

See attached EXHIBIT A for a more specific description of the premises herein conveyed, which description is hereby incorporated herein by this reference.

Meaning and intending to convey and hereby conveying a portion only of the premises conveyed to Peter J. Paul, Trustee of Paolucci Realty Trust, by quitclaim deed with covenants from AMP Realty Holdings, LLC dated February 22, 2013 and recorded in the York County Registry of Deeds at Book 16573, Page 762.

IN WITNESS WHEREOF, **Peter J. Paul, Trustee of Paolucci Realty Trust**, has caused this instrument to be executed this 23rd day of March, 2015.


Witness

PAOLUCCI REALTY TRUST

By: _____
Peter J. Paul, Trustee

**STATE OF MAINE
COUNTY OF YORK**

March 23, 2015

Personally appeared before me the above-named **Peter J. Paul, Trustee of Paolucci Realty Trust**, known to me or satisfactorily proven to be the person who executed the within document, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me,

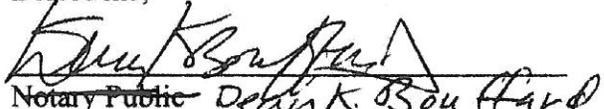

Notary Public *Deborah K. Souffard*
Attorney at Law

EXHIBIT A

A certain lot or parcel of land, together with any improvements located thereon, situated on the westerly side of Route 236 in the Town of Kittery, County of York and State of Maine and being shown as "LOT #2" on a certain plan entitled "SUBDIVISION OF LAND OF PETER J. PAUL, TRUSTEE OF THE PAOLUCCI REALTY TRUST U.S. ROUTE 236 KITTELY, MAINE PREPARED FOR PETER J. PAUL", dated 18 April 2013, and most recently revised 02/20/14, and approved by Kittery Planning Board on 20 February 2014, which plan is recorded in the York County Registry of Deeds at Plan Book 366, Page 28.

Said lot is conveyed subject to the Development Conditions and Planning Board Conditions of Approval as set forth on the aforementioned plan.

Said lot is also conveyed subject to the Declaration of Conditions, Covenants and Easements for Property of Paolucci Realty Trust – Route 236 Kittery, Maine dated July 1, 2014 and recorded at the York County Registry of Deeds at Book 16847, Page 653.

Said lot is also conveyed subject to and with the benefit of the Easement from Peter J. Paul, Trustee of the Paolucci Realty Trust, to AMP Realty Holdings, LLC dated March 5, 2014 and recorded in the York County Registry of Deeds at Book 16787, Page 185. Included as part of the foregoing easement is the right of the grantor, its successors and assigns to use the portion of the easement area described in the easement deed that is located on the property conveyed herein for access and utilities as described in the easement deed, and the right of the grantee herein to use the portion of the easement area described in the easement deed that is located on Lot #1 as shown on the above plan for access and utilities as described in the easement deed.

Instrument prepared by:
DEAN K. BOUFFARD, P.C.
74 State Road, Suite 205
Post Office Box 30
Kittery, Maine 03904-0030
(207) 439-6377

30 → Joseph Lenkowski, PO Box 1139 Sargent ME 04093

Section 5
Public or Private Rights of Way

5.1 Public/Private Rights of Way

No new private or public rights of way will be created as a result of this project.

Section 6
Schedule

6.1 Schedule

The project will be initiated as soon as all permits are received and expected to be completed and operational no later than 2016.

Section 7
Kittery Aroma Joe's
Pre- and Post-Development LOS Analysis

Pre-Development AM Peak Hour Traffic

Traffic impact analysis is typically performed for traffic conditions that occur during a weekday peak hour, as this is usually the time of heaviest traffic flow that occurs on a roadway. As part of the process of estimating weekday AM peak hour traffic volumes in the vicinity of the site, a manual turning movement count was conducted at the intersection of Route 236 @ Fernald Road North on Tuesday, August 4, 2015 (copy of raw count data attached). The counted volumes were adjusted using MDOT traffic count data to reflect peak seasonal flows. This adjustment amounted to an increase of 0 percent over the August 4th (already at seasonal peak) volumes, and an additional 1 percent to account for regional background growth from 2015 to 2016 (when the project is expected to be completed and operational). Figure 3 presents the projected pre-development AM peak hour volumes in the vicinity of the site.

Post-Development AM Peak Hour Traffic Volumes

Post-development weekday AM peak hour volumes are the combination of pre-development volumes presented in Figure 3, and site generated traffic presented in Figure 2D (Section 1). Figure 4 (attached) presents projected 2016 weekday AM peak hour post-development traffic volumes.

Operational Assessment Pre/ Post-Development Traffic Volumes

Capacity analysis was performed for the pre- and post-development AM peak hour traffic projections for the intersection of Route 236 @ Fernald Road North using the procedures outlined in the Highway Capacity Manual¹. Capacity analysis provides a quantitative assessment of the quality of traffic flow at an intersection, and "rates" this quality in terms of its Level of Service (LOS). LOS ratings range from A to F, and much like a school rank card, A indicates very good conditions, and F indicates extremely congested conditions with long delays.

LOS for unsignalized intersections such as the intersection of Route 236 @ Fernald Road North (and the site drive in the build projection) is based upon average control delay, which takes into account the delay involved in entering a vehicle queue, waiting in a vehicle queue and start-up delay. The relationship between LOS and average total delay is shown below:

Level of Service Measurement for Unsignalized Intersections

Level of Service	Average Total Delay Per Vehicle
A	≤ 10 Seconds
B	>10 - 15 Seconds
C	>15 - 25 Seconds
D	>25 - 35 Seconds
E	>35 - 50 Seconds
F	> 50 Seconds

¹, Highway Capacity Manual, HCM2010, Transportation Research Board, 2010

Capacity analysis was conducted using the computer program Synchro/SimTraffic, which replicates the procedures contained in the Highway Capacity Manual. Consistent with MDOT procedures, LOS is based upon the average total vehicle delay recorded on 5 iterations of the SimTraffic Model. The results of the analysis are as follows (output summaries of the SimTraffic results as well as HCM summaries attached):

Street - Movement	Pre-Development AM		Post-Development AM	
	Delay (sec)	LOS	Delay (sec)	LOS
Route 236 @ Fernald Road North/Site Access				
EBL (Site)	-	-	39.4	E
EBT	-	-	32.7	D
EBR	-	-	6.2	A
WBL (Fernald)	15.9	C	17.2	C
WBT	-	-	24.8	C
WBR	6.1	A	5.1	A
NBL (Rt. 236)	-	-	11.3	B
NBT	0.7	A	2.3	A
NBR	0.2	A	1.6	A
SBL (Rt. 236)	2.4	A	4.3	A
SBT	1.4	A	2.7	A
SBR	-	-	1.3	A
ALL	1.5	A	3.5	A

As can be seen in the tables above, the overall Level of Service is good, with all major (Route 236) movements operating with very low average delays during the AM peak hour. As would be expected, side street movements from Fernald Road and the Site Driveway (build projection only for the latter) operate with long delays and low levels of service. The high delays on the side street(s) involve fairly low volumes, so when total intersection delay for all vehicles passing through the intersection are averaged, overall average delays are not significant. The SimTraffic program is a microscopic model which models individual vehicles and records data for each vehicle (including delay) passing through the intersection for the one hour modeling period. Typical Highway Capacity Manual analyses procedures are more macroscopic in nature and evaluate the entire one hour of vehicle flow from an overall rather than individual vehicle basis. The Unsignalized Intersection analyses using the Highway Capacity Manual procedures (which

are generated by the Synchro software) indicate somewhat different levels of service for the Route 236 @ Fernald Road/Site Drive intersection, where both approaches operate at levels of service E and F overall. As noted above, MDOT procedures use the SimTraffic results; the HCM Unsignalized results are included for completeness.

While the impact of traffic associated with the proposed Aroma Joe's is expected to be minimal on Route 236, it is still necessary to determine whether auxiliary left or right turn lanes are needed to ensure good traffic flow on the street. To determine this, the warrants for right and left turn lanes contained in Chapter 8 of the MDOT Highway Design Guide were utilized for analysis. Based upon this analysis (worksheets attached) consideration of some type of lane treatment for either right or left turns appears to be a borderline condition. In light of the fact that Route 236 has a width of approximately 40 feet (12 foot lanes and 8 foot paved shoulders) and the Synchro/SimTraffic model Queuing and Blocking Report (attached) shows no measurable blocking problem on Route 236, it is suggested that providing a relatively generous radius on the proposed site driveway (30+ feet) should help alleviate any speed differential caused by right turns into the site drive on Route 236 that could result in a safety issue.

Appendix

Eaton Traffic Engineering
 67 Winter Street Suite 1, Topsham, ME

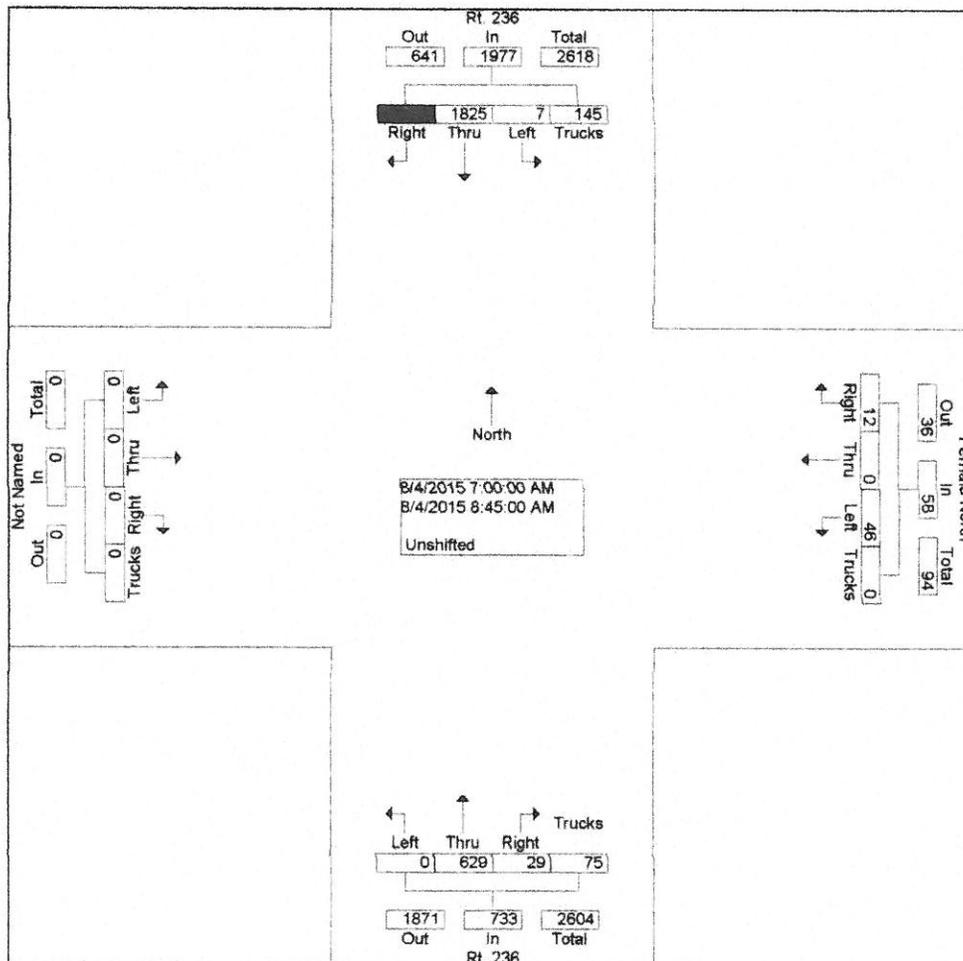
207/841-4200 bill.eaton@eatontraffic.com File Name : 15007_Rt236_Fernald_am

AM Peak Period
 Route 236 @ Fernald North
 Kittery Aroma Joe's - 15007
 Then Click the Comments Tab

Site Code : 01599999
 Start Date : 08/04/2015
 Page No : 1

Groups Printed- Unshifted

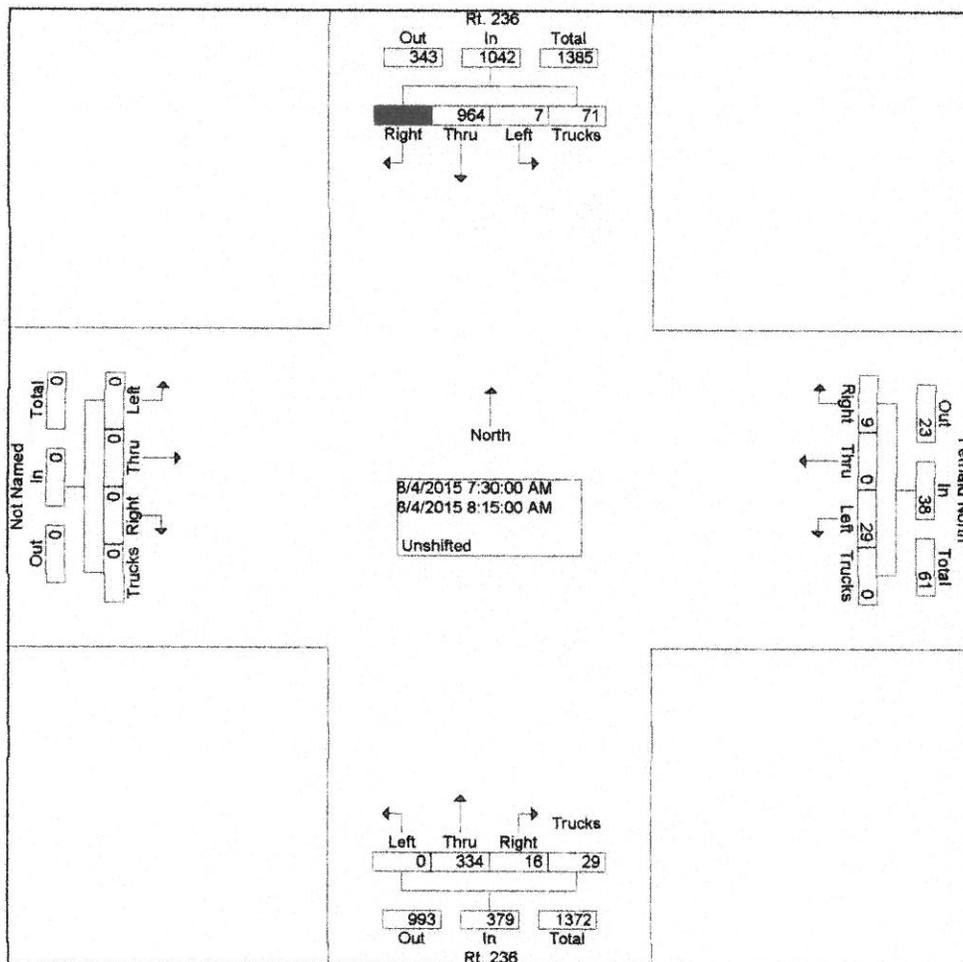
Start Time	Rt. 236 From North					Fernald North From East					Rt. 236 From South					From West					Int. Total
	Left	Thru	Right	Trucks	App. Total	Left	Thru	Right	Trucks	App. Total	Left	Thru	Right	Trucks	App. Total	Left	Thru	Right	Trucks	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	227	0	15	242	3	0	1	0	4	0	67	2	10	79	0	0	0	0	0	0
07:15 AM	0	230	0	19	249	5	0	2	0	7	0	73	5	14	92	0	0	0	0	0	0
07:30 AM	2	267	0	11	280	2	0	1	0	3	0	84	2	3	89	0	0	0	0	0	0
07:45 AM	3	226	0	22	251	15	0	6	0	21	0	65	10	4	79	0	0	0	0	0	0
Total	5	950	0	67	1022	25	0	10	0	35	0	289	19	31	339	0	0	0	0	0	0
08:00 AM	0	243	0	23	266	7	0	1	0	8	0	88	1	13	102	0	0	0	0	0	0
08:15 AM	2	228	0	15	245	5	0	1	0	6	0	97	3	9	109	0	0	0	0	0	0
08:30 AM	0	230	0	13	243	6	0	0	0	6	0	76	3	9	88	0	0	0	0	0	0
08:45 AM	0	174	0	27	201	3	0	0	0	3	0	79	3	13	95	0	0	0	0	0	0
Total	2	875	0	78	955	21	0	2	0	23	0	340	10	44	394	0	0	0	0	0	0
Grand Total	7	1825	0	145	1977	46	0	12	0	58	0	629	29	75	733	0	0	0	0	0	0
Apprch %	0.4	92.3	0.0	7.3		79.3	0.0	20.7	0.0		0.0	85.8	4.0	10.2		0.0	0.0	0.0	0.0		
Total %	0.3	65.9	0.0	5.2	71.4	1.7	0.0	0.4	0.0	2.1	0.0	22.7	1.0	2.7	26.5	0.0	0.0	0.0	0.0	0.0	

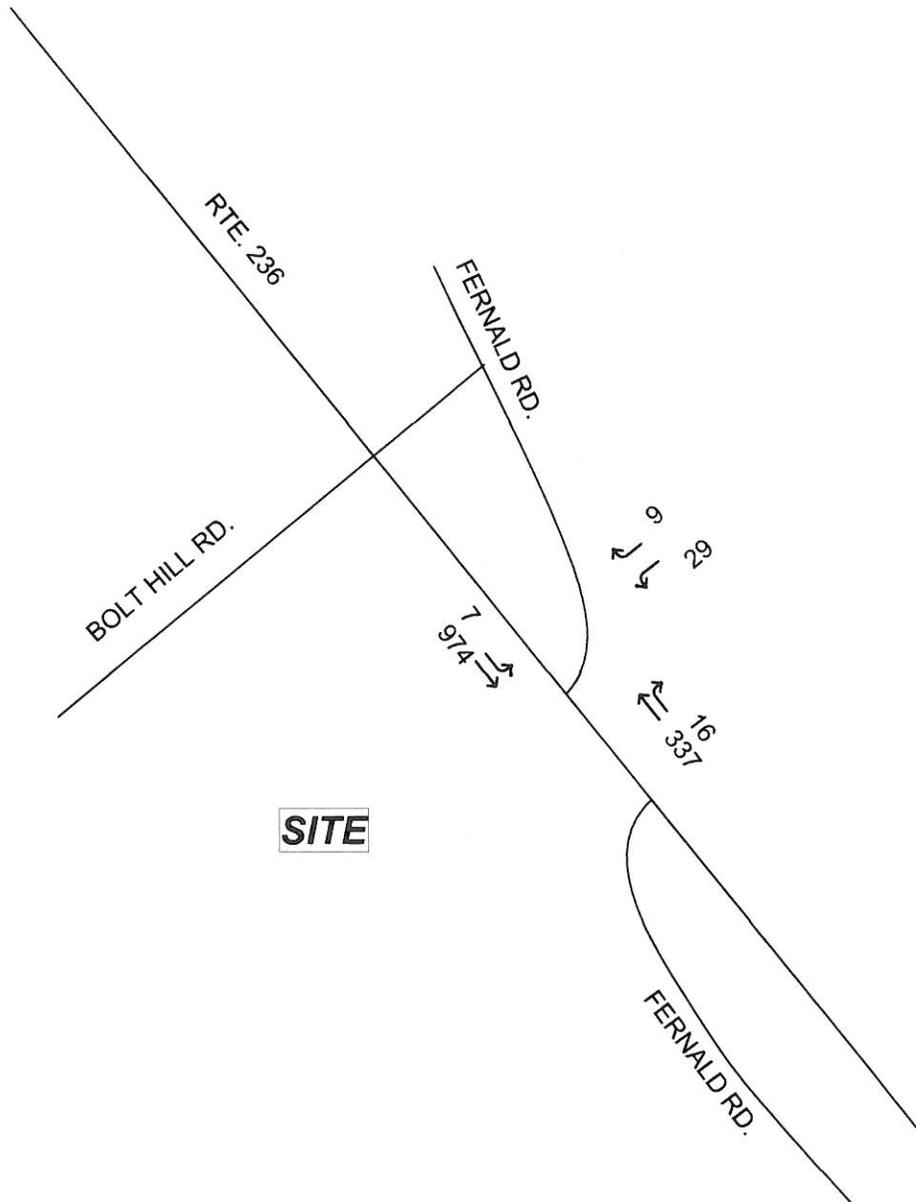


Eaton Traffic Engineering
67 Winter Street Suite 1, Topsham, ME
 207/841-4200 bill.eaton@eatontraffic.com

File Name : 15007_Rt236_Fernald_am
Site Code : 01599999
Start Date : 08/04/2015
Page No : 2

Start Time	Rt. 236 From North					Fernald North From East					Rt. 236 From South					From West					Int. Total
	Left	Thru	Right	Trucks	App. Total	Left	Thru	Right	Trucks	App. Total	Left	Thru	Right	Trucks	App. Total	Left	Thru	Right	Trucks	App. Total	
Peak Hour From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Intersection	07:30 AM																				
Volume	7	964	0	71	1042	29	0	9	0	38	0	334	16	29	379	0	0	0	0	0	1459
Percent	0.7	92.5	0.0	6.8		76.3	0.0	23.7	0.0		0.0	88.1	4.2	7.7		0.0	0.0	0.0	0.0		
08:00 Volume	0	243	0	23	266	7	0	1	0	8	0	88	1	13	102	0	0	0	0	0	376
Peak Factor	0.970																				
High Int. Volume	07:30 AM					07:45 AM					08:15 AM					6:45:00 AM					
Peak Factor	2	267	0	11	280	15	0	6	0	21	0	97	3	9	109						
					0.93					0.45					0.86						9





Not to Scale

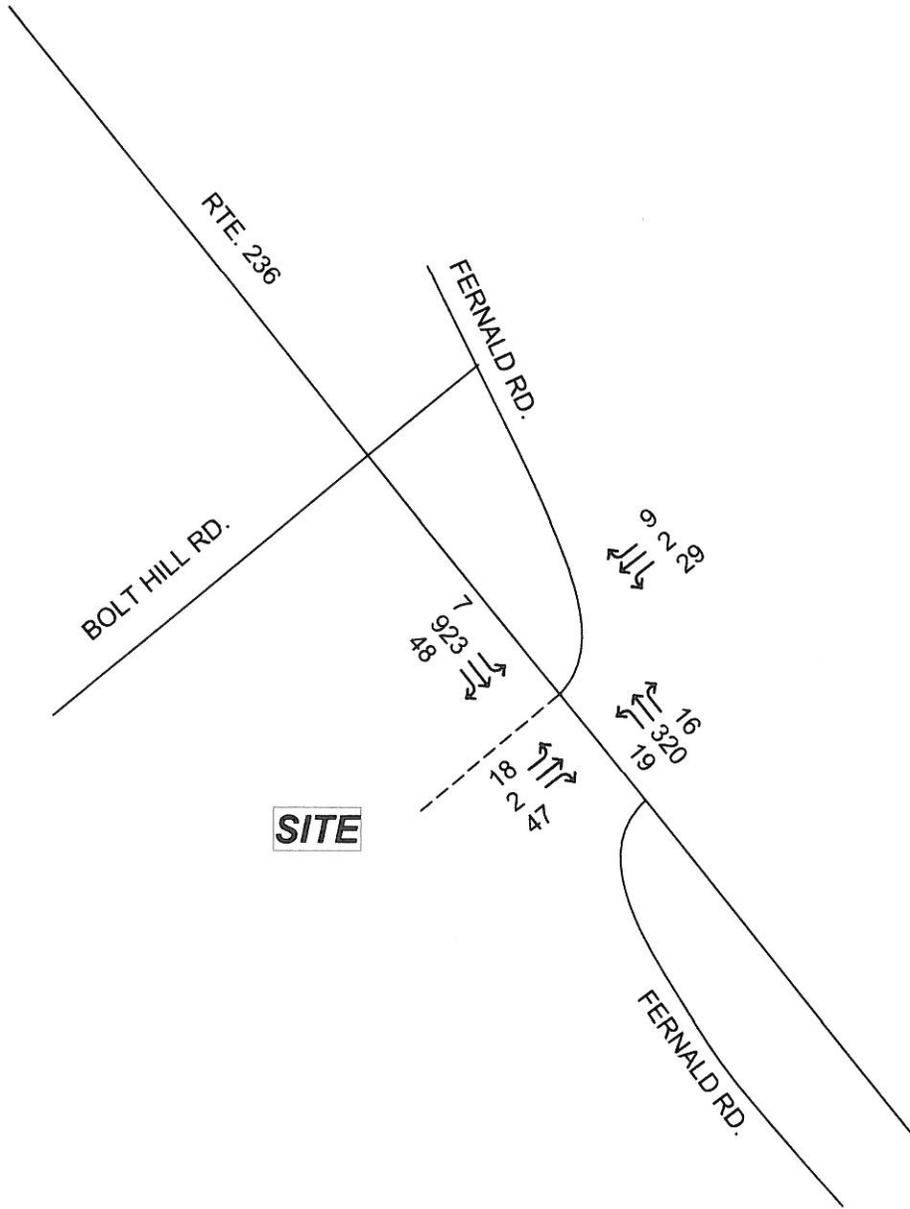


EATON
TRAFFIC
ENGINEERING

67 Winter Street Ste. 1 - Topsham, Maine

Figure 3
2016 AM Peak Hour Traffic - Pre-Development

Proposed Aroma Joe's / Kittery, Maine



Not to Scale



EATON
TRAFFIC
ENGINEERING

67 Winter Street Ste.1 - Topsham, Maine

Figure 4
2016 AM Peak Hour - Post-Development

Proposed Aroma Joe's / Kittery, Maine

Intersection

Int Delay, s/veh 2.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	29	9	337	16	7	974
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	50	50	86	86	93	93
Heavy Vehicles, %	0	0	8	8	7	7
Mvmt Flow	58	18	392	19	8	1047

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1463	401	0	0	410	0
Stage 1	401	-	-	-	-	-
Stage 2	1062	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.17	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.263	-
Pot Cap-1 Maneuver	143	653	-	-	1122	-
Stage 1	681	-	-	-	-	-
Stage 2	335	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	141	653	-	-	1122	-
Mov Cap-2 Maneuver	141	-	-	-	-	-
Stage 1	681	-	-	-	-	-
Stage 2	329	-	-	-	-	-

Approach	WB		NB		SB
HCM Control Delay, s	41.2		0		0.1
HCM LOS	E				

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	173	1122	-
HCM Lane V/C Ratio	-	-	0.439	0.007	-
HCM Control Delay (s)	-	-	41.2	8.2	0
HCM Lane LOS	-	-	E	A	A
HCM 95th %tile Q(veh)	-	-	2	0	-

1: Rt. 236 & Fernald Rd. Performance by movement

Movement	WBL	WBR	NBT	NBR	SBL	SBT	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.3	0.3
Denied Del/Veh (s)	0.1	0.1	0.3	0.4	1.0	1.0	0.8
Total Delay (hr)	0.1	0.0	0.1	0.0	0.0	0.4	0.6
Total Del/Veh (s)	15.9	6.1	0.7	0.2	2.4	1.4	1.5
Stop Delay (hr)	0.1	0.0	0.0	0.0	0.0	0.0	0.1
Stop Del/Veh (s)	14.5	5.6	0.0	0.0	1.0	0.0	0.3

Total Network Performance

Denied Delay (hr)	0.3
Denied Del/Veh (s)	0.8
Total Delay (hr)	1.0
Total Del/Veh (s)	2.5
Stop Delay (hr)	0.1
Stop Del/Veh (s)	0.4

Intersection: 1: Rt. 236 & Fernald Rd.

Movement	WB	SB
Directions Served	LR	LT
Maximum Queue (ft)	58	65
Average Queue (ft)	24	3
95th Queue (ft)	52	27
Link Distance (ft)	939	859
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection

Int Delay, s/veh 6.9

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Vol, veh/h	18	2	47	29	2	9	19	337	16	7	974	48
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	50	0	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	50	92	50	92	86	86	93	93	92
Heavy Vehicles, %	0	0	0	0	0	0	0	8	8	7	7	0
Mvmt Flow	20	2	51	58	2	18	21	392	19	8	1047	52

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1541	1540	1073	1532	1557	401	1099	0	0	410	0	0
Stage 1	1088	1088	-	442	442	-	-	-	-	-	-	-
Stage 2	453	452	-	1090	1115	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.17	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.263	-	-
Pot Cap-1 Maneuver	95	117	270	96	114	653	643	-	-	1122	-	-
Stage 1	264	294	-	598	580	-	-	-	-	-	-	-
Stage 2	590	574	-	263	286	-	-	-	-	-	-	-
Platoon blocked, %												
Mov Cap-1 Maneuver	87	110	270	73	107	653	643	-	-	1122	-	-
Mov Cap-2 Maneuver	87	110	-	73	107	-	-	-	-	-	-	-
Stage 1	253	288	-	573	556	-	-	-	-	-	-	-
Stage 2	547	550	-	208	281	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	32.4	113.9	0.5	0.1
HCM LOS	D	F		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	EBLn2	WBLn1	WBLn2	SBL	SBT	SBR
Capacity (veh/h)	643	-	-	89	270	73	421	1122	-	-
HCM Lane V/C Ratio	0.032	-	-	0.244	0.189	0.795	0.048	0.007	-	-
HCM Control Delay (s)	10.8	0	-	58.1	21.4	148.7	14	8.2	0	-
HCM Lane LOS	B	A	-	F	C	F	B	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.9	0.7	3.8	0.2	0	-	-

1: Rt. 236 & Site Drive/Fernald Rd. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0
Denied Del/Veh (s)	0.2	0.1	3.4	0.1	0.1	0.1	0.3	0.3	0.3	1.2	1.0	1.0
Total Delay (hr)	0.2	0.0	0.1	0.1	0.0	0.0	0.1	0.2	0.0	0.0	0.7	0.0
Total Del/Veh (s)	39.4	32.7	6.2	17.2	24.8	5.1	11.3	2.3	1.6	4.3	2.7	1.3
Stop Delay (hr)	0.2	0.0	0.1	0.1	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0
Stop Del/Veh (s)	37.8	29.8	5.7	15.6	23.0	4.8	9.9	0.7	0.8	1.6	0.0	0.0

1: Rt. 236 & Site Drive/Fernald Rd. Performance by movement

Movement	All
Denied Delay (hr)	0.4
Denied Del/Veh (s)	0.9
Total Delay (hr)	1.4
Total Del/Veh (s)	3.5
Stop Delay (hr)	0.5
Stop Del/Veh (s)	1.2

Total Network Performance

Denied Delay (hr)	0.4
Denied Del/Veh (s)	0.9
Total Delay (hr)	1.9
Total Del/Veh (s)	4.5
Stop Delay (hr)	0.5
Stop Del/Veh (s)	1.3

Intersection: 1: Rt. 236 & Site Drive/Fernald Rd.

Movement	EB	EB	WB	WB	NB	SB
Directions Served	LT	R	L	LTR	LTR	LTR
Maximum Queue (ft)	71	64	52	36	137	76
Average Queue (ft)	16	25	19	12	21	4
95th Queue (ft)	48	50	46	37	83	39
Link Distance (ft)	893		939	939	921	847
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)		50				
Storage Blk Time (%)	4	1				
Queuing Penalty (veh)	2	0				

Network Summary

Network wide Queuing Penalty: 2

JN 15887 - Kithery Aramajee's
Auxiliary lane analysis per CH 8 MDOT Highway
Design Guide.

Left-Turn

$$V_A = 354 \text{ veh/hr}$$

$$V_o = 976 \text{ veh/hr}$$

$$\% \text{ Left} = 5\%$$

Design Guide addresses V_o of up to 700 vph, extrapolation of graph indicates borderline condition for consideration of some left turn treatment

Right-turn

$$V_A = 976 \text{ veh/hr}$$

$$R_t = 46 \text{ veh/hr}$$

Design Guide addresses V_A of up to 700 vph, 40 right turns is applicable for V_A of 600 to 700 vph.

Left-turn: Borderline need for left-turn treatment to be considered. Synchro/SimTraffic Queue and Blocking report suggests no measurable blocking penalty. Existing road width is 12' lanes with 8' shoulders (paved). Suggest no treatment for left.

Right-turn: 46 vph right turn is exceeded (46 projected) but Synchro/SimTraffic output reports no blockage. Given wide paved shoulder and blockage, suggest generous radius (30(+)) for driveway to minimize speed differential on Rt. 256.

GENERAL NOTES:

- THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE IMPROVEMENTS ASSOCIATED WITH THE DEVELOPMENT OF A 42' X 60' WED USE BUILDING TO BE LOCATED ON TAX MAP 28 LOT 14-2 IN KITTEERY, MAINE.
PROPOSED USES: BUSINESS & PROFESSIONAL OFFICES
RESTAURANT W/ DRIVE-THRU ACCESS
- THE SUBJECT PARCEL IS LOCATED WITHIN THE COMMERCIAL (C-2) ZONE OF THE TOWN OF KITTEERY. THE FOLLOWING ZONING REGULATIONS ARE IN EFFECT AT THE TIME OF THIS APPLICATION:
MIN. LOT SIZE: 40,000 SF
MIN. FRONT YARD: 50 FT
MIN. REAR/SIDE YARD: 40 FT
MIN. SIDE YARD: 10 FT
MAX. BLDG COVERAGE: 40%
- ONE WETLAND BETWEEN 501 SF AND 1 ACRE IN AREA IS LOCATED ON THE SUBJECT PARCEL. THE FOLLOWING REGULATIONS ARE IN EFFECT AT THE TIME OF THIS APPLICATION WITH REGARD TO WETLANDS:
ROAD/DRIVEWAY SETBACK: 30 FT
PARKING AREAS (1-5 STALL): 30 FT
PARKING AREAS (6-20 STALL): 40 FT
PARKING AREAS (21-50 STALL): 50 FT
W/OUT STORMWATER BMPs: 75 FT
SUBSURFACE SEWAGE DISP: 50 FT
TOPOG. W/ EROSION PLAN: 25 FT
- SEE EXISTING CONDITION PLAN & NOTES FOR SOURCE OF DATA SHOWN ON THIS SITE PLAN AND LIST OF REFERENCE PLANS.
- PROPOSED SUBSURFACE WASTEWATER DISPOSAL SYSTEM DESIGNED BY KENNETH GARDNER OF ARK SOILS INC. (LICENSED CSS#10).
- ALL UTILITIES SHOWN ON THIS PLAN SHALL BE CONSIDERED APPROXIMATE AND ARE BASED UPON VARIOUS SOURCES. ACTUAL IN-FIELD LOCATIONS HAVE NOT BEEN VERIFIED. TIDEWATER ENGINEERING AND SURVEYING, LLC IS NOT RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OR ANY LIABILITY PRIOR TO ANY SOIL DISTURBING ACTIVITIES.
- PROPERTY IS SUBJECT TO A PUBLIC EASEMENT TO THE TOWN OF KITTEERY FOR THE CONSTRUCTION OF A PAVED SIDEWALK AND ASSOCIATED STREET TREES. THE OWNER SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PAVED SIDEWALK AND STREET TREES WITHIN THE PRORATA OF TAX MAP 28 LOT 14-1 AT THE TIME OF CONSTRUCTION BY THE TOWN OF KITTEERY AT A FUTURE DATE.
- PARKING SPACE ALLOCATION:
OFFICE SPACES: 2 SPACES X 3 OFFICE UNITS = 6 SPACES
1 SPAN 11' X 207' SF
UNIT 2 = 207' SF
UNIT 3 = 207' SF
TOTAL FLOOR AREA = 11,739 SF / 7,250 SF
RESTAURANT: SPACES FOR THE MAXIMUM NUMBER OF EMPLOYEES DURING ONE SHIFT. SINCE NO SEATING IS BEING PROVIDED, NO ADDITIONAL SPACES ARE REQUIRED.
TOTAL NUMBER OF SPACES REQUIRED = 3
MAXIMUM NUMBER OF EMPLOYEES = 3
TOTAL NUMBER OF SPACES PROVIDED = 18 SPACES
BUILDING COVERAGE CALCULATION:
BUILDING AREA: 60,404 SF
BUILDING COVERAGE = 4.2% < 40% (REQUIREMENT MET)
- PER SECTION 16.8.1.7 OF THE KITTEERY LAND USE & DEVELOPMENT CODE, THE SIDE AND REAR SETBACK ADJACENT TO TAX MAP 28 LOT 14 (RESIDENTIAL USE) SHALL BE MAINTAINED AS A BUFFER STRIP.
SEE SITE GRADING PLAN FOR PROPOSED CONTOURS AND SPOT GRADES.
SEE LANDSCAPING PLAN FOR PROPOSED PLANTINGS AND INSTALLATION NOTES.
SEE EROSION & SEDIMENT CONTROL PLAN FOR REQUIRED BEST MANAGEMENT PRACTICES.
PROPOSED WATER MAIN TO BE INSTALLED TO TAX MAP 28 LOT 14 SHALL BE PAID FOR BY THE OWNER OF TAX MAP 28 LOT 14-1 AND 14-2. THE OWNER OF TAX MAP 28 LOT 14-1 AND 14-2 SHALL BE ALLOWED TO CONNECT TO SAID WATER MAIN TO PROVIDE SERVICE TO THE DEVELOPMENT ON EACH LOT.
ESTIMATED DISTURBED AREA: 55,000 SF ± MAX.*
TOTAL INCLUDES AREA WITHIN RIGHTS-OF-WAY.

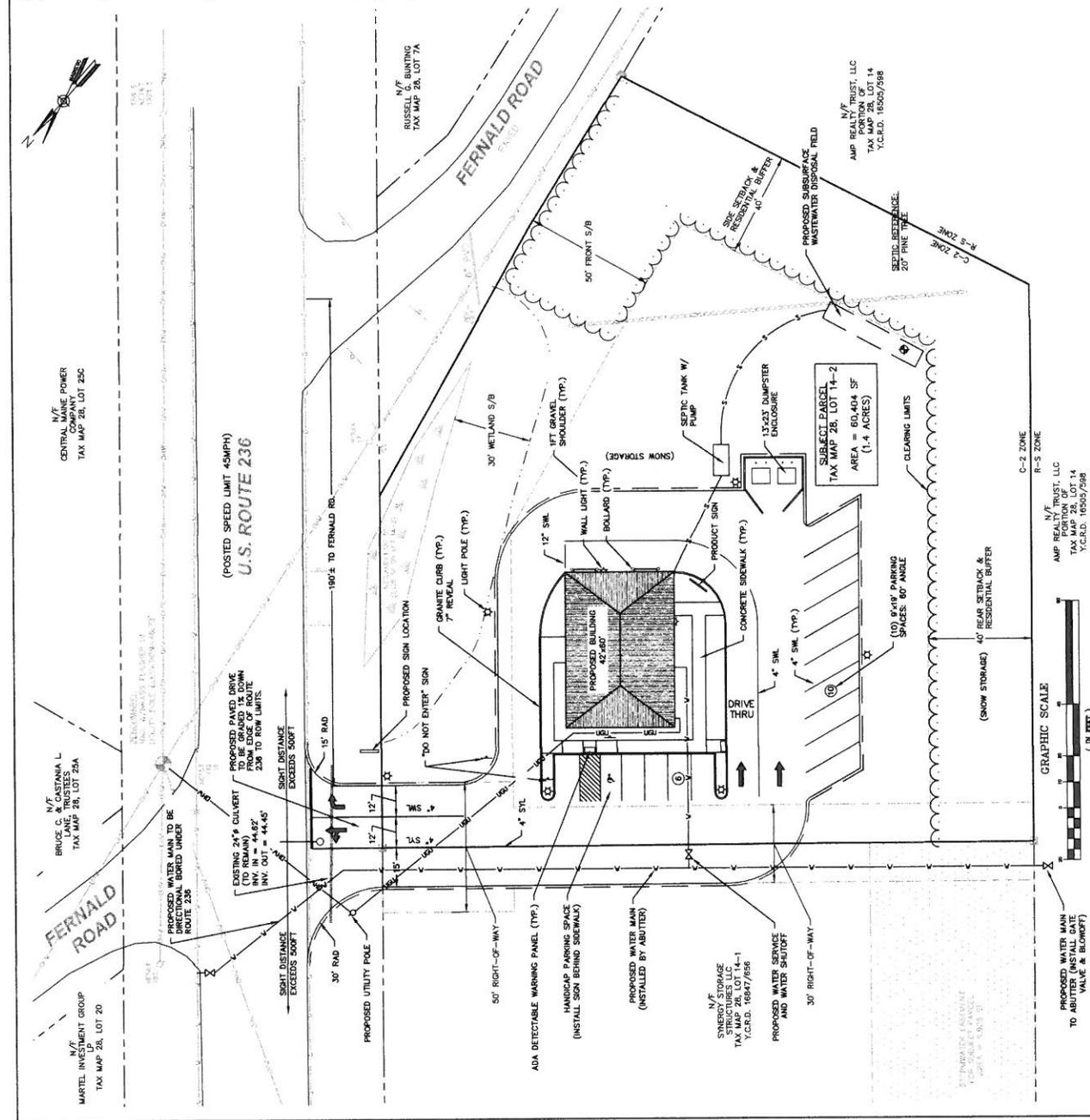
PROPOSED SITE PLAN

NO.	DATE	DESCRIPTION
1	8/27/23	SUBMITTED FOR MOOT TRAFFIC MOVEMENT PERMIT
2		
3		

TIDEWATER
ENGINEERING & SURVEYING, LLC
5051 ROUTE 208, SUITE 201, WILKESBARRE, PA 18702
TEL: 717-326-1111 | WWW.TIDEWATERENGINEERING.COM

ROCKWELL HOMES, LLC
APPLICATION OWNER
18107, ME 03903
5050 WINDY ROAD
KITTEERY, ME 03903
PROJECT: SITE PLAN AMENITY-MIXED-USE BUILDING
TAX MAP 28 LOT 14-2, KITTEERY, ME
SHEET: PROPOSED SITE PLAN

DATE: JULY 2023
SCALE: 1" = 20'
DRAWING: C4
MAP 28 LOT 14-2



BRIDGE C. & GASTANIA L.
TAX MAP 28, LOT 20A
N/E
MARTIN INVESTMENT GROUP
TAX MAP 28, LOT 20
N/E
CENTRAL MAKE POWER
COMPANY
TAX MAP 28, LOT 25C
N/E
RUSSELL PRINTING
TAX MAP 28, LOT 7A
N/E
AMP REALTY TRUST, LLC
TAX MAP 28, LOT 14
Y.C.R.D. 16505/598
N/E
AMP REALTY TRUST, LLC
TAX MAP 28, LOT 14
Y.C.R.D. 16505/598
N/E
AMP REALTY TRUST, LLC
TAX MAP 28, LOT 14
Y.C.R.D. 16505/598
N/E
AMP REALTY TRUST, LLC
TAX MAP 28, LOT 14
Y.C.R.D. 16505/598

**Town of Kittery Maine
 Town Planning Board Meeting
 September 10, 2015**

Kolod Seawall Replacement–Shoreland Development Plan Review

Action: hold public hearing, approve or deny plan. Owner/applicant Jeffrey and Deborah Kolod requests consideration of plans for replacement of an existing seawall and the expansion of a waterfront shed. The 0.45-acre lot is located at 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250’) Zones. Agent is Barney Baker, Baker Design Consultants.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Site Visit	Board’s discretion-9/3/15	HELD
YES	Determination of Completeness/Acceptance	Scheduled for 8/20/2015	GRANTED
NO	Public Hearing	Board’s discretion, Scheduled 9/10/15	
YES	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4” HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

BRING PACKET INFO FROM 8/20 MTG

Background

This is a conforming property (21,180 s.f. lot size) with non-conforming structures. The applicant received approval in 2013 for remodeling the existing non-conforming house and the removal and reconstruction of an existing nonconforming garage.

The 2013 approved development reduced the devegetated coverage on the lot from 7,125 sf to 4,830 sf, resulting in a total percent of the lot devegetated of 22.8%, a reduction from the existing impervious coverage of 33.6%. Title 16.3.2.18.D.1.d requires no more than 20%. The applicant is required not to exceed the current 22.8%.

The proposed development for this new application consists of:

- 1) Replacement of the existing seawall with a new granite wall in the same footprint extended to tie into a seawall and shorefront armor on respective neighboring properties.
- 2) Removal of an existing marine ways and reinstatement of intertidal beach;
- 3) Coastal slope stabilization and plantings to protect existing tree and to prevent erosion.
- 4) Expansion of existing waterfront shed (within 30% allowable expansion)
- 5) Replacement of existing timber embankment stair with a new granite stair access.

A more detailed analysis of the proposed activities and how they conform to zoning and standards is found on page 7 of the submitted narrative. **There has been no new information submitted.**

Staff Review

The proposed development consists primarily of replacing the seawall within the existing seawall footprint extended to a uniform height and connecting with abutting property seawall and slope armoring. As the applicant’s agent states in the narrative the construction adjacent to and within the 75-ft setback requires a permit from the Maine DEP and Army Corps of Engineers.

Staff has spoken to the Maine DEP regarding the state permit and staff there did not see “reinstatement of the intertidal beach” an allowed activity and reminded the town that if the expansion of the “waterfront shed” consists of construction that essentially replaces the shed then the Board is required to determine that the “setback requirement is met to the greatest possible extent.” The plans show more than an expansion and rather a replacement of the structure. It is unlikely that the Board would find the current location to meet the requirements of 16.7.3.5.6 *Nonconforming Structure Reconstruction*.

With regard to the actual expansion, it is evident from 16.7.3.6.1.C that a new foundation, like a reconstructed structure, requires to meet the setback to the greatest practical extent unless it “does not extend beyond the exterior dimensions of the structure.” It appears that the shed can maintain its location if its expansion meets the following requirements: 1) no more than 50% of the market value of the structure is replaced and 2) the allowed expansion in floor area and volume does not require a foundation larger than the current exterior dimensions and does not encroach further into the required setback.

Staff finds the application substantially complete, however, recommends the following changes to the plan:

1. Sheet C-1 title should read ‘Shoreland Development Plan’ rather than Site Plan along with the Map and Lot in the lower right corner of the plan.
2. A plan note that reflects the purpose of the plan, referencing the 2013 approval, plan and BK/PG information and that this plan is in addition to the 2013 recorded plan and does not replace it.
3. A plan note/table that reflects the three primary requirements for the Shoreland Overlay Zone, the existing and proposed area and the percent increase allowed and proposed for: a) total floor area of the waterfront shed; b) the total volume of the waterfront shed; and c) the total square feet of devegetated area.
4. The 100-foot setback from the HAT be located on the plan.

UPDATE: During the site visit held on 9/3 the agent discussed the details on the wall reconstruction and shed expansion. Concerning the former, it appears that the portion of the wall that is lower and associated with the “beach access” area is below the Highest Annual Tide (HAT) making it outside of the planning board’s jurisdiction. The Port Authority along with the Maine DEP and US Army Corps will determine if the wall conforms to local, state and federal regulations.

In addition, with review of the original 2013 approved shoreland development plan it appears there is a discrepancy between the HAT line with the current proposed plan. This along with a revised calculation for percent of devegetated area for the lot needs to be prepared and shown on a revised plan.

Recommendations/Action

Without revisions that coincide with what the Maine DEP is likely to approve and additional information that demonstrates how the proposed changes to the existing shed does not replace more than 50% of the structures’ market value, and demonstration that the devegetated area is not contribute to an overall increase, staff recommends the Board continue the plan. A motion might be...

Move to continue, not to exceed 90 days, the Shoreland Development Plan dated July 23, 2015 for 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) zones, for owner and applicant Jeffrey and Deborah Kolod.

**Town of Kittery Maine
Town Planning Board Meeting
September 10, 2015**

Kittery Point Yacht Yard Renovations –Shoreland Development Plan Review

Action: hold public hearing, approve or deny plan. Owner and applicant MGX, LLC a.k.a Kittery Point Yacht Yard, Corp. requests consideration of plans for replacement of an existing marine railway with an at-grade boat ramp requiring fill within the intertidal zone. The 1.3-acre lot is located at 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is Barney Baker, Baker Design Consultants.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Site Visit	Board's discretion, 9/3/2015	HELD
YES	Determination of Completeness/Acceptance	Scheduled for 8/20/2015	GRANTED
NO	Public Hearing	Board's discretion, scheduled for 9/10/2015	
YES	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

BRING PACKET INFO FROM 8/20 MTG

Background

The Kittery Point Yacht Yard currently uses the property as a full service boatyard and marina. Their development plan includes a reconfiguration and expansion of the marina float system. The applicant's agent describes in the narrative that upland changes to the site are limited to:

- 1) Replacement of an existing Marine Railway with an at-grade boat ramp adds fill to intertidal area, effectively moving high tide line seaward in boat ramp area.
- 2) ADA Walkway Approach (at-grade) to North Dock system.
- 3) A new accessible restroom and shower facilities to serve recreational boaters is planned in an existing building, replacing obsolete Marine Railway gear.

A more detailed analysis of the proposed activities and how they conform to zoning and standards is found on page 6 of the submitted narrative.

While the property is zoned for commercial marine use it is surrounded by residential properties. Two of the twelve abutting (within 150 feet) property owners have provided letters of support found in ATT. 2 of the application submittal. **No new information has been submitted.** Staff comments since 8/20 are included as **highlighted** text below.

Staff Review

The proposed development will incur an increase of slips, pony docks and boat haulers with a reduction of moorings resulting in a net increase of required parking, approximately 15%. Other than incurring parking it does not appear there are any other significant issues that would require the Board's determination with the exception of devegetated area.

It is evident from 16.3.2.18 that standards in the CMFU overlay zone are whatever the base and other overlay zones consist. Properties located in both the R-U zone and the Shoreland Overlay Zone that are

greater than 10,000 square feet in lot size are required to have no more than 20% of the lot devegetated. The property, understandably being part of a working waterfront for more than 100 years, is clearly over this threshold. The issue, however, may be with the increase in parking that would in-turn replace vegetation with an impervious surface.

It is not clear if the parking analysis actually identifies too many required spaces, 'Industry, Manufacturing, Business' requiring 1.1 spaces per employee is not typically applied in context of marinas. The applicant is also seeking the Board to consider that the actual parking demand is lower than what the town's parking standards anticipate. **UPDATE:** Code Enforcement Officer concurs with the applicant's applying the employee parking requirements for 'Industry, Manufacturing, Business' as outlined in 16.8.9.4.

Staff finds the application substantially complete, however, to provide clarity on some potential issues, suggest the following additional information:

1. Information from a traffic engineer that supports the applicant's suggestion that the facility does not need all the parking required by 16.8.9.4
2. Plan needs to be revised to determine the percent of devegetated area as required by 16.3.2.17.D.1.d. It is assumed that the lot is nonconforming in regard to being greater than 20% or 70%, the latter being the % allowed by the state in the CMFU zone and the actual coverage should be documented on the plan and demonstrated that there is no increase to the devegetated area.
3. A copy of a Boundary Survey stamped by a Maine Professional Land Surveyor.
4. Sheet C-1 title should read 'Shoreland Development Plan' rather than Site Plan along with the Map and Lot in the lower right corner of the plan.

UPDATE: The Board heard from the owner at the 8/20 meeting with regard to the actual parking demand. After seeing the site on 9/3 perhaps the Board is amenable to the reduced required parking as presented. Additional comments include:

5. Parking shown on C-3 in the vicinity of Old Ferry Lane should be removed. With considering Title 10.3 Stopping, Standing and Parking, the existing parking appears to be *on-street parking*.
6. HAT line needs to be located on the shoreland development plan.

Recommendations

With consideration of public testimony, feedback from the site visit and Port Authority, and agreement with the parking calculations, the Board could approve the plan with conditions or continue it for more information and revised plans. Barring any significant issues identified after the plan review notes were prepared and the reduced parking requirements are amenable, staff recommends plan approval conditioned on comments above, approval from the Port Authority, Maine DEP and US Army Corps of Engineers.

Board Action

If the Planning Board concurs with Staff's recommendation they can consider a motion to:

Move to approve with conditions the Shoreland Development Plan dated July 20 2015 for 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones., for owner and applicant MGX, LLC a.k.a Kittery Point Yacht Yard, Corp.

See draft Findings of Fact for suggested conditions

KITTERY PLANNING BOARD

FINDINGS OF FACT

UNAPPROVED

**For 484 US Route 1, Good-To-Go
Shoreland Development Plan Review**

WHEREAS: Owner and applicant MGX, LLC a.k.a Kittery Point Yacht Yard, Corp. requested approval of plans for replacement of an existing marine railway with an at-grade boat ramp requiring fill within the intertidal zone with an increase of slips and the addition of transient boating services . The 1.3-acre lot is located at 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is Barney Baker, Baker Design Consultants,

hereinafter the “Development;” and

And pursuant to the Plan Review meetings conducted by the Planning Board as noted ;{in the Plan Review Notes prepared for 9/10/2015}

Shoreland Project Plan Review	August 20, 2015
Site Walk	September 3, 2015
Public Hearing	September 10, 2015
Approval	TBD

And pursuant to the application, plans and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following ;{ as noted in the Plan Review Notes prepared for 9/10/2015} (hereinafter the “Plan”):

1. Development Plans C-1 through C-3 dated September 2015

NOW THEREFORE, based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17. D Shoreland Overlay Zone

1.d The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...

Findings: The property is nonconforming with regard to this standard, however, it does not appear the proposed development will increase the nonconformity and the plans are to be revised to demonstrate this.

Conclusion: With condition #5 this standard appears to have been met.

Vote: __ in favor __ against __ abstaining

**Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article 10 Shoreland Development Review**

16.10.10.2 Procedure for Administering Permits

D. An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. Maintain safe and healthful conditions;

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2, and #3, this requirement appears to be met.

Vote: __ in favor __ against __ abstaining

3. Adequately provide for the disposal of all wastewater;

Finding: The development has a tank that is pumped to town sewer.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

Vote: __ in favor __ against __ abstaining

5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

Finding: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

6. Protect archaeological and historic resources;

Finding: There does not appear to be any resources impacted.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

8. Avoid problems associated with floodplain development and use;

Finding: The proposed development is not within the floodplain.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining
9. Is in conformance with the provisions of this Code; <u>Finding:</u> The proposed development appears to be in conformance with the provisions of this Code with a reasonable reduction of required parking based on past actual parking demand incurred by the marine-related services provided by the yacht yard. In addition, the plan states and demonstrates compliance with the percent of lot area allowed to be devegetated. See condition #5 <u>Conclusion:</u> This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
10. Be recorded with the York County Registry of Deeds. <u>Conclusion:</u> As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: __ in favor __ against __ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application of MGX, LLC a.k.a Kittery Point Yacht Yard, Corp. located at 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Zones and subject to any conditions, waivers or modifications, as follows:

Modifications: 16.8.9.4 Off-Street Parking Standards

Conditions of Approval (to be included on final plan to be recorded):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained herein (Findings of Fact dated 8/20/15).

Conditions of Approval (not to be included on final plan):

5. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.
6. Approval by the Kittery Port Authority, Maine DEP and the US Army Corps of Engineers.

The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of __ in favor __ against __ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Ann Grinnell, Planning Board Chair

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

**Town of Kittery
 Town Planning Board Meeting
 September 10, 2015**

Yankee Commons Mobile Home Park Expansion – Subdivision Preliminary Plan Review

Action: grant or deny preliminary approval. Owner/applicant Stephen A. Hynes Real Property Trust Agreement requests consideration of plans for a 78-lot expansion of the Yankee Commons Mobile Home Park for the property located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones. Agent is Thomas Harmon, P.E., Civil Consultants.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan	2/23/12	Accepted
YES	Site Visit	9/4/12; 6/2/2015 (2 nd visit)	Held
YES	Completeness/Acceptance	8/23/12	Granted
YES	Public Hearing	9/13/12; 6/11/2015 (2 nd hearing scheduled)	Held
YES	Preliminary Plan Review and Approval	9/13/12 mtg continued for add'l info re: mineral extraction (90 days max) 12/13/12 & 3/14/13 granted 90-day continuance 5/9/13 tabled requested by Applicant 6/13/13 Reconsideration of 9/13/12 decision failed 7/11/13 Board continued for add'l info re: preparation of findings with Town Attorney 8/8/13 Board continued for CEO's recommendation on a special permit for Mineral/Earth Extraction 9/12/13 Board continued to 9/26/13 meeting due to time constraints and denied preliminary plan approval. 3/11/2015 Superior Court grants Rule 80B appeal to applicant 6/11/2015 Board continued not to exceed 90 days	Pending
YES	Final Plan Review/Approval		TBD
TBD	Wetland Alteration		TBD

Applicant: Prior to the signing of the approved Plan any Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. **PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS. As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.**

BRING PACKET INFO FROM 5/14 MEETING

Staff's Comments

BACKGROUND

The Applicant and Agent have provided a good summary of the project related to circumstances before and after the Board's denial for preliminary subdivision approval in 9/26/2013. The Superior Court, on 3/11/2015 granted the applicant a Rule 80B appeal and vacated the Board's 2013 decision and remanded back to the Board for further proceedings consistent with its decision.

The Board has held a second public hearing where they heard from the Town Attorney on the background of the 80B appeal, minutes are attached. The Applicant has responded to comments made at the 6/11 meeting in the attached 7/24/15 submission booklet.

STAFF REVIEW

The applicant has responded to comments by staff, Conservation Commission (KCC), Planning Board and the peer-review engineer CMA (in that order). Attachment 4 in the most recent submittal is a Hydrological Evaluation requested by the KCC finding no adverse impact. A traffic impact analysis, Attachment 2, has also been prepared finding no state traffic moving permit required and no significant adverse traffic impacts, suggesting some mitigation with timing (no rock and earth hauling during the summer) and flashing lights at crosswalks in the vicinity of the malls.

Staff has met with most pertinent Department Heads, with comments mostly concerning the intensity of the site preparation and recommend obtaining more details on the plan for the earth and rock extraction.

Staff has at this point in time the following comments (updates included on past comments are highlighted):

1) Density Calculations (Enclosure 1 of Précis, History and Overview):

UPDATE: *{withdrawn at the 6/11/15 meeting}*

2) Waivers requested (page 4 of 4 of Précis, History and Overview):

The Applicant is requesting four waivers which are dimensional in nature with the exception of one, sidewalks.

a) The requirement for sidewalks is found in 16.8.12.3.M and states:

The mobile home park must contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways are to be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the street width is increased accordingly. Walkways should be a minimum width of three feet.

In the Applicant's narrative on how the project conforms to 16.8.12.3 Mobile Home Parks the need is questioned based on the observing the existing mobile home park. It is stated that the 20-foot wide paved street section proposed with 2-foot wide shoulders is sufficient for pedestrians, especially with the speed limit planned for 15 MPH.

The request seems reasonable, however, when considering that there is sufficient space within the front yard to provide a 3-foot walkway and that the intent in 16.8.12.3.M is more definitive than 16.8.4.13 Sidewalks where it seems to be more discretionary, applying the waiver authorization in 16.7.4.1 is not clear. Title 16.7.4.1 states:

Where the Planning Board finds, due to special circumstances of a particular plan, certain required improvements do not promote the interest of public health, safety and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed development...

Can the Board find that the three foot walkway does not promote the interest of public health, safety and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed development? It is not evident to Staff how the request is supported by 16.7.4.1.

UPDATE: Perhaps rather than a waiver the applicant is required to provide for safe pedestrian access within the street as 16.8.12.3.M anticipates in allowing a portion of the road surface to be "reserved for

walkways". It appears the proposed street can be redesigned to accommodate a paved 3-foot wide area that would be dedicated and maintained for pedestrians. This would not require a waiver, which is not clear that the Board can provide. It is also not clear how providing for a sidewalk is invalidated by the state statute 30-A MRSA § 4358(3)(B) as stated by the applicant.

b) The Applicant requests a waiver for Title 16.8.12.3.C.1 requiring a minimum lot size of 6,000 square feet since 30-A MRSA § 4358(3)(A)(1)(b) mandates municipalities not to require more than *Six thousand five hundred square feet* or *The area of the smallest residential lot permitted in the municipality*. The latter appears to be 5,000 square feet in the Mixed-Use Kittery Foreside Zone. Since it is evident that the state statute regulating manufactured housing trumps the town's land use code it doesn't seem necessary for the Board to provide a waiver, for the same reason stated in item a) above regarding the Board making a positive finding and also because it is clear from 16.1.8 Severability that it is anticipated that portions of Title 16 may become invalid as declared by a *court of competent jurisdiction*. With this in mind, Staff suggests that the Board does not have to and shouldn't grant a 'waiver', but simply make a finding that 16.8.12.3.C.1 is invalidated by 30-A MRSA § 4358(3)(A)(1)(b). **UPDATE: Applicant concurs.**

c) The applicant requests a waiver for 16.8.12.3.D.1 requiring a side yard setback of 20 feet, stating that 30-A MRSA § 4358(3)(C) does not allow municipalities to require setbacks on mobile home lots that have the effect of requiring a larger lot. It is not clear how the required setbacks create such an effect. Considering the 'Typical Site Layout' found in the submittal book, it appears that some mobile home configurations, i.e. double-wide with a garage or a 60-foot long double-wide, cannot fit on a 5,000 square foot lot with 20-foot side setbacks. It is not clear, however, that the state, under 30-A MRSA § 4358(3)(C), means to keep a municipality from requiring lot area that cannot support any and all configurations of manufactured housing. That is what it appears the Applicant is suggesting.

Staff recommends that the Board does not grant the requested waiver for three reasons: 1) the great number of the proposed lots are in the range of 6,000 to 7,000 square feet in size, not nearly all the lots are 5,000 square feet in size; 2) the Town Code, under Title 16.8.12.3.D, allows for the Code Enforcement Officer to relax setbacks in a limited manner; and 3) it is not apparent that 16.7.4.1 allows for waiving setbacks, it seems only "required improvements".

6/11/15 UPDATE: After reviewing the 1989 *Maine's New Mobile Home Park Law, A Guidebook for Local Officials* and the Model Ordinance it includes, our local ordinance's (16.8.12.3.D) setback requirements are the same as in the model ordinance (attached). With this in mind and the publication was prepared by the state, the applicant's suggestion that 30-A MRSA § 4358(3)(C) is not being met may not be pertinent.

UPDATE: The applicant asserts that a 1,200 square foot building envelope that results from applying the setbacks in 16.8.12.3.D.1 equates to circumstances that the state statute 30-A MRSA § 4358(3)(C) is to protect against. It is staff's opinion that the state provision is to protect against having the municipality enforcing regulation that would result in no accommodation of a single mobile home or manufactured housing dwelling on the lot. It appears from 30-A MRSA § 4358.1.A. (1) minimum requirements for a mobile home unit and 10 MRSA § 9002.7 for manufactured housing a dwelling can fit within 1,200 s.f. If the applicant would like to have larger dwellings and/or garages they can increase the size of the lots.

d) The applicant is requesting the Board to waive the requirement for dumpsters in Title 16.8.12.3.U. The provision states:

Each mobile home lot must be provided with an area for refuse storage. Within a maximum one hundred fifty (150) feet from each mobile home lot, there must be a flytight, watertight and rodent-proof container capable of storing the amount of refuse that the mobile home park for which it was designed could generate within one week as well as any separation containers as required by the

Kittery recycling program. The park management is responsible for disposal of refuse from such containers at least once a week.

The applicant illustrates their issue in Enclosure 7 of the précis. Staff does not calculate the same number of dumpsters required, however, if containers are provided to the tenants that adequately addresses the health issues the provision is concerned with along with the proposed “curbside pick-up” for household waste and recyclables, the Board may consider granting a waiver. In this instance, unlike some of the other requests, the dumpster is considered “required improvement” and the required and more frequent managed trash pick-up in lieu of dumpsters with less frequent pick-up is in the better *interest of public health, safety and general welfare*.

UPDATE: After another look at Title 16.8.12.3.U it appears that a waiver is not necessary because the applicant is presumably providing each mobile home lot with a *flytight, watertight and rodent-proof container* and have stated they intend to provide “curb-side pick-up” that will likely be *at least once a week*. The provision is not specifically requiring dumpsters, just an appropriate container and routine disposal, which the applicant is planning to provide.

3) Title 16.8.12.3.O Open space calculations:

The current narrative, page 5 of 7 of *Updated Section 16.8.12.3 discussion*, needs to be updated/revised since it references 77 versus 78 lots and references 6,000 versus the actual area allotted to the total number of lots, in calculating for open space. It is not clear how all the requirements in 16.8.12.3.O are met. Details on where active recreation is afforded in the site design is not apparent.

UPDATE: The Open Space Plan that is included in the 7/24 submittal addresses this comment. Staff will look to the Final Plan review for continued review of the proposed open space.

4) Subdivision Plan. A subdivision plan, perhaps in lieu of the *Overall Site Plan C2*, needs to be prepared and be suitable for recording. It will include all zoning, waiver, and condition of approvals, and in this instance, the Title 16 provisions that are preempted by state statute.

UPDATE: The applicant requests the plan details be reviewed during the final plan review.

5) Findings of Fact 16.10.8.3.4. In the same manner that the applicant has made an effort to methodically address application requirements and the mobile home standards, it would be very helpful to have the same done with the standards the Board will ultimately have to make a positive finding on. These standards are based from the State’s subdivision law, 30-A MRSA § 4404, which is applicable in this instance.

UPDATE: The applicant requests the plan details be reviewed during the final plan review.

6) Traffic impact analysis. It appears the traffic information submitted (comments in the 8/1/2012 Review Checklist-p5 of 6) identifies a total number of trips/day not exceeding 385. This number is for only the new development and does not include the existing development. Since this is an expansion it seems appropriate to include this information when considering 16.8.12.3.K (500 trips/day) and 16.10.5.2.C.9 (400 trips/day). While our local standard is for 400 or 500 trips/day, the MDOT traffic moving permit’s threshold is 100 passenger car equivalents at peak hour. The applicant needs to address if state’s traffic requirements have been met for the development too.

Similarly, consideration should be made for performing a traffic impact analysis for the temporary traffic conditions that will result from the expected large scale earth moving operations.

UPDATE: The applicant has submitted a traffic impact analysis prepared by Gorrill Palmer, attachment 2 in the recent submittal. In addition, staff concurs with CMA’s 9/1/15 comments, attached, regarding the Gorill Palmer’s traffic report, where they have some additional follow-up questions regarding traffic associated with the rock removal.

7) **Vernal Pool.** It doesn't appear there was any consideration of the existing vernal pool with regard to U.S. Army Corps of Engineers' standards. These standards include that no more than 25% of the forested uplands and wetlands within 750' of the pool can be converted to unforested area. Staff has checked with USACE to determine applicability and they asked to advise the applicant the need for the applicant to contact the Corps to obtain a permit.

UPDATE: The applicant has addressed the comment regarding the vernal pool and, this pool, one that only includes fairy shrimp, does not incur the regulatory restrictions previously mentioned.

New comments

8) **Rock removal.** Along with what CMA covers in their 9/1/15 comments, it is evident that the preparation of the site will incur a great deal of activity that is affiliated with mineral and earth extraction. With this in mind staff recommends that the Board require a comprehensive plan of operation that outlines the specifics of what the process will be and how it will take place for review and approval prior to final plan approval. A logical first step to this would be to review the MDEP blasting permit.

The revised plans do not anticipate any repair or reconstruction of Idlewood Lane which will be impacted by the atypical construction for the site. The plans should be revised to make it clear that after the completion of development's site work the portion of Idlewood Lane impacted be reconstructed or rehabilitated to the satisfaction of the Commissioner of Public Works.

9) A minor **traffic** related comment that can be addressed on the final plan includes clarity that there will be no on-street parking allowed in the development and perhaps some signage may need to be installed to support this. The majority of the proposed drives cannot accommodate on-street parking and emergency fire and police access.

STAFF RECOMMENDATION

The applicant has responded to comments to date with the exception of some that CMA cites in their 9/1/15 report. There are some areas that the applicant and staff do not concur and the Board needs to determine how to proceed, however, the plan appears to be suitable for conditioned preliminary approval. The application has been continued once for 90 days since the public hearing, so the Board needs to act.

BOARD ACTION

Move to grant conditional approval for the preliminary plan review for a 78-lot expansion of the Yankee Commons Mobile Home Park located at US Route 1, for owner/applicant Real Property Trust Agreement, Tax Map 66, Lot 24 and 25, not to exceed 90 days.

Conditions might include:

1. Modification of the road layout to accommodate the sidewalk provisions (avoiding a waiver)
2. Development of comprehensive plan for earth/rock removal that complies with applicable provisions of 16.9.1.2, and the DEP regulations; and 16.9.1.9 (Noise).
3. Address limits to the daily trucking rate for rock removal.
4. Development of a mitigation plan for Idlewood Lane damage during , including financial assurance and concurrence of Kittery Commissioner of Public Works



CIVIL CONSULTANTS

Engineers

Planners

Surveyors

BY: _____
RECEIVED
JUL 28 2015

THE HYNES GROUP - YANKEE COMMONS EXPANSION PROJECT

RESPONSE TO PLANNING OFFICE & PUBLIC HEARING COMMENTS

prepared for
Kittery Planning Board

24 July 2015

RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

KITTERY PLANNING DEPARTMENT PLAN REVIEW NOTES, JUNE 11, 2015:

Item 1) Density Calculations:

RESPONSE:

We concur with Mr. DiMatteo's observation, as he discussed with Maine Municipal Attorneys, that mobile home park density calculations are solely as found in 30-A MRS §4358, 3. Regulation of mobile home parks, as also delineated in Title 16, Section 16.8.12.3.C.4.

We understand the Board interprets the requirements of Article VIII, Land Not Suitable for Development, 16.8.7.1 [3], to include wetlands and we have included those for calculating the net density to determine the maximum number of potential lots. The following chart also removes the Cemetery, accessways and Open Space from the Gross Land Area.

Gross Land Area	2,185,044	sq. ft.
Cemetery	-7,290	sq. ft.
Wetland/Floodplain	-1,128,513	sq. ft.
Street/Access (20%)	-209,848	sq. ft.
Open Space (10%)	-83,939	sq. ft.
Net Residential Acreage	755,454	sq. ft.
Possible Lots @ 5,000sf	151	each
Possible Lots @ 6,500sf	116	each
Proposed Lots	78	each

As is seen in the chart, the Net Residential Acreage is 755,454 sf, which would allow 151 lots at 5,000 sf. We are proposing 78 lots which would take up 390,000 sf (leaving 8.4 unused acres remaining). We suggest that the Board make a finding that 16.8.12.3.C.1 is not applicable and the proposed density complies with 30-A MRS §4358(3)(A)(1)(b).

Item 2) EXCEPTIONS:

2) Waivers requested (page 4 of 4 of Précis, History and Overview): The Applicant is requesting four waivers which are dimensional in nature with the exception of one, sidewalks.

(**Note:** Our use of the word "waiver" in the previously submitted summary was unintentionally misleading, where it should have stated, "exceptions to Title 16 as regulated by State statute" and apology for that is tendered).

2 a) SIDEWALKS

"Title 16, 16.8.12.3 Mobile Home Parks.

M. The mobile home park must contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways are to be adequately surfaced and lit. A portion of the road



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

surface may be reserved for walkways provided the street width is increased accordingly. Walkways should be a minimum width of three feet.”

RESPONSE:

Adding 4,200 feet of 36”-wide impervious surface pedestrian walkway in an isolated development does not appear to promote the interests of public health, safety and general welfare. With low internal traffic on private streets connecting to a secondary collector and a 10 mph speed limit, pedestrian safety is not an issue.

We also suggest that this Title 16 requirement does conflict with 30-A MRS §4358(3)(B). We suggest the Board make a finding that 16.8.12.3.M is invalidated by that provision, or formally approve a waiver of the requirement. How?

2 b) LOT SIZE

“With this in mind, Staff suggests that the Board does not have to and shouldn’t grant a ‘waiver’, but simply make a finding that 16.8.12.3.C.1 is invalidated by 30-A MRS § 4358(3)(A)(1)(b).”

RESPONSE:

We concur with this staff assessment and exception recommendation.

2 c) SIDE YARDS

RESPONSE:

We acknowledge the 1989 State model ordinance guidance for yards, but note the suggested yard dimensions are based on the model minimum state lot size of 6,500sf; and, that Kittery’s ordinance with the same criteria is based on 6,000sf lots. The available building footprint on those sized lots, and those setbacks, is 2,100sf and 1,800sf, respectively and that is the building area we created the lot plans to provide.

The majority of proposed lots are from 5,500 - 6,000sf. The few less than 6,000 would require a reduction of the buildable area below the 30’ X 60’ (1,800sf) footprint. As shown in the following drawing, 20-foot side yards would restrict the building footprint to 1,200 sf,. Lots with less than 100’ frontage would be further constrained. Additionally, there would be insufficient building space for homes to be “angled”.



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

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RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

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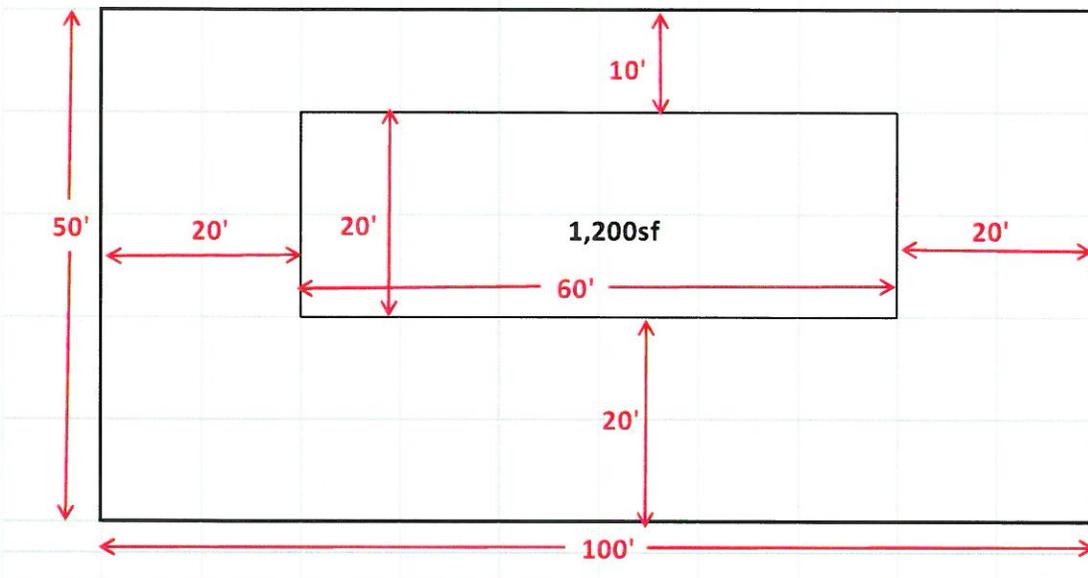


RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

5,000sf lot with Title 16 setbacks

1. Front and side setbacks are to be twenty (20) feet; rear setbacks, ten (10) feet.

24% Coverage



We propose 10 foot side yards, even though Section 16.8.12.3.D.1 of the ordinance normally requires 20 feet, based on 30-A M.R.S. §4358(3)(C), which provides that a town cannot require setbacks that have the effect of requiring larger lots than those permitted under §4358(3)(A), addressed above. Anything greater than 10-foot setbacks would require lots to be larger than 5,000 square feet, the local provision is preempted by the State Mobile Home Park Statute.

In addition, reduction in the side yard setback to 10 feet will still conform with 16.8.12.3 D 6 requiring a minimum separation between homes of 20 feet.

Be that as it may, we would have no objection to a Condition of Approval that no home/garage building footprint exceeds 1,800sf. (a nominal 30' x 60" footprint) respecting front and rear yard code dimensions in all cases, with no side yard to be less than 10 feet.

2 d) DUMPSTERS

"d) The applicant is requesting the Board to waive the requirement for dumpsters in Title 16.8.12.3.U.

..... In this instance, unlike some of the other requests, the dumpster is considered "required improvement" and the required and more frequent managed trash pick-up in lieu of dumpsters with less frequent pick-up is in the better interest of public health, safety and general welfare."

RESPONSE:

We suggest that this Title 16 requirement conflicts with 30-A MRS §4358(3)(B) as noted above. Curbside pick-up for refuse is the practice in place at the existing parks, thus we request an exception to the requirement in Section 16.8.12.3.U, to have a dumpster within 150 feet of every home. We suggest



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

the Board make a finding that that 16.8.12.3.U is invalidated by that provision, or we would concur with this staff recommendation of curbside pickup as a Condition of Approval.

Please note that any unit sold without a garage will have a 10' x 10' shed installed on the lot for refuse and other storage.

3) OPEN SPACE

“3) Title 16.8.12.3.O Open space calculations: The current narrative, page 5 of 7 of Updated Section 16.8.12.3 discussion, needs to be updated/revise since it references 77 versus 78 lots and references 6,000 versus the actual area allotted to the total number of lots, in calculating for open space. It is not clear how all the requirements in 16.8.12.3.O are met. Details on where active recreation is afforded in the site design is not apparent.”

RESPONSE:

Preliminary information was provided in the application submittals regarding the open space requirements. An Open Space Plan with relevant notes is provided with this submission (*Attachment 1*) which shows all of the proposed open spaces - open space areas that will be managed by Yankee Commons via a management plan, and the undisturbed open space area proposed for a conservation easement.

Further to that, we have initiated an effort to propose to the Town an offer of cession, conservation easement, and management plan, for all of the undeveloped land in accordance with the following Title 16 provisions (between 26 – 35 acres acting as a conservation buffer between Route One and the Turnpike). Kittery’s Open Space Advisory Committee is reviewing draft/model documentation to provide us their preferences for terms and conditions. A complete packet for presentation to Council has been prepared and is awaiting the Committee’s input.

Our expectation is the materials related to this proposal would be provided for Final Plan review.

“Title 16:

16.8.11.7 Open Space Dedication and Maintenance.

A. Prior to approval of the final plan by the Planning Board, documents for open space must be submitted to the Town for review by legal counsel. Subsequent to approval, there may be no further division of the open space; however, tracts or easements dedicated for public utilities, public access or structures accessory to noncommercial recreation, agriculture or conservation may be permitted within the open space.

16.9.2.3 Land Dedication.

Reserved land acceptable to the Planning Board and applicant may be gifted to the municipality as a condition of approval, only when Council has agreed to the gifting.

16.10.7.2 Final Plan Application Submittal Content.

N. Open Space Land Cession Offers. Written offers of cession to the municipality of all public open space shown on the plan, and copies of agreements, or other documents showing the manner in which space(s), Code to which is reserved by the subdivider, are to be maintained.



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

O. Open Space Land Cession Offers Acknowledgement by Town. Written evidence that the municipal officers are satisfied with the legal sufficiency of the documents referred to in Section 16.10.7.2 O. Such written evidence does not constitute an acceptance by the municipality of any public open space referred to in Section 16.10.7.2O.”

4) SUBDIVISION PLAN

“4) Subdivision Plan. A subdivision plan, perhaps in lieu of the Overall Site Plan C2, needs to be prepared and be suitable for recording. It will include all zoning, waiver, and condition of approvals, and in this instance, the Title 16 provisions that are preempted by state statute.”

RESPONSE:

The Subdivision Plan is normally filed as part of the Final Plan submittals after preliminary plan approval. We will certainly comply.

5) FINDINGS OF FACT 16.10.8.3.4.

“In the same manner that the applicant has made an effort to methodically address application requirements and the mobile home standards, it would be very helpful to have the same done with the standards the Board will ultimately have to make a positive finding on. These standards are based from the State’s subdivision law, 30-A MRS § 4404, which is applicable in this instance.”

RESPONSE:

NOTE: The current plan review status is “preliminary” for which Title 16 states:

“Title 16, Article VI. Preliminary Plan Review and Decision

16.10.6.1 Planning Board Review and Decision.

B. The Planning Board must approve, approve with conditions or deny the preliminary plan.

C. Approval of a preliminary plan does not constitute approval of a final plan, but rather it is be deemed an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the final plan.

D. Conditions of the Planning Board’s approval may include, but are not limited to, type of vegetation, increased setbacks and yard space, specifications for sewage and water supply facilities, buffers and screens, period of maintenance sureties, deed restrictions, locations of piers, docks, parking or signs, type or style of construction, and the amount of all guarantees which may be required.

E. Conditions required by the Planning Board at the preliminary plan review phase must have been met before the final plan may be given final approval unless specifically waived, upon written request by the applicant, by formal Planning Board action wherein the character and extent of such waivers which may have been requested are such that they may be waived without jeopardy to the public health, safety and general welfare.

F. The decision of the Planning Board plus any conditions imposed must be noted on three copies of the preliminary plan. One copy must be returned to the applicant, one retained by the Planning Board and one forwarded to the municipal officials.



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

We submit that the sum of all materials provided to date including this summary and enclosures, satisfy the requirements for preliminary plan approval. A document in the requested "Findings of Fact" format would be provided for the Final Plan review. (Also see "Reasonable Consideration discussion below).

6) TRAFFIC IMPACT ANALYSIS.

"It appears the traffic information submitted (comments in the 8/1/2012 Review Checklist-p5 of 6) identifies a total number of trips/day not exceeding 385. This number is for only the new development and does not include the existing development. Since this is an expansion it seems appropriate to include this information when considering 16.8.12.3.K (500 trips/day) and 16.10.5.2.C.9 (400 trips/day). While our local standard is for 400 or 500 trips/day, the MDOT traffic moving permit's threshold is 100 passenger car equivalents at peak hour. The applicant needs to address if state's traffic requirements have been met for the development too." (Please note that no Section 16.10.5.2D or D.1 is found in Title 16).

RESPONSE:

Gorrill-Palmer (GP), Gray, ME, an independent engineering firm and a regular MDoT professional services contractor, conducted a Traffic Impact Analysis (**Attachment 2**), in accordance with Title 16, Section 16.10.5.2.C.12c, and a response from the Maine Department of Transportation will be obtained, if necessary (levels do not reach MDoT Thresholds for construction or post-development).

"Following are the major findings of the study:

- a. The proposed additional 77 mobile homes are forecast to generate an additional 43 and 37 trip ends in the weekday AM and PM peak hours of the adjacent street traffic respectively. This level of trip generation does not require a traffic movement permit from the MaineDOT.*
- b. The applicant estimates that approximately 190,000 cy of material will need to be excavated to prepare the site for the mobile homes, which will yield approximately 300,000 cy of material to be hauled away once it is excavated. The applicant anticipates that it will take approximately a year to remove the material which will be hauled south to I-95. We recommend that this hauling be suspended during the core of the tourist season, between June 30th and Labor Day. We understand from the applicant that the trucks removing the material will have a capacity of approximately 22 cy which results in an average of 68 truckloads per day, or 9 truck trips entering and 9 truck trips exiting an hour.*
- c. Access to the site will be from two driveways off the easterly end of Idlewood Lane near Route 1. An interconnection to the existing mobile home park is also planned.*
- d. The capacity analysis shows that the proposed expansion will have minimal impacts to the adjacent roadway network, and that the network will operate at acceptable levels of service upon completion of the project.*
- e. The MaineDOT crash data showed there are no high crash locations in the vicinity of the site.*
- f. The available sight distances at the existing / proposed entrances exceed MaineDOT requirements as well as at the intersection of Idlewood Lane / Route 1.*
- g. There are currently two mid-block pedestrian crossings of Route 1 in the vicinity of the Kittery Malls. While this project should not increase the number of pedestrian crossings, and the truck*



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

traffic is anticipated to end after a year, we do recommend that rapid rectangular flashing beacons be installed at these two crossings.

Based on these findings, it is the opinion of GP that the site generated traffic can be accommodated on the existing roadway network.”

7) VERNAL POOL.

“It doesn’t appear there was any consideration of the existing vernal pool with regard to U.S. Army Corps of Engineers’ standards. These standards include that no more than 25% of the forested uplands and wetlands within 750’ of the pool can be converted to unforested area. Staff has checked with USACE to determine applicability and they asked to advise the applicant the need for the applicant to contact the Corps to obtain a permit.”

RESPONSE:

As shown in Stantec documentation as visited twice, in 2007 and 2008, the vernal pool in question only contains fairy shrimp. The Corps of Engineers acknowledged fairy shrimp do not migrate to the upland areas and no other migrants were present. They concluded that a 100 foot setback would be acceptable and *“If the roadway to your development cuts across at 75’ from the pool then so be it. It would be great if you could extend the buffer to the northerly property line but that would be your call”*. (e-mail copy, available). This information was not submitted because we removed the originally-proposed nearby MDoT-approved road entrance off Route 1 more than 700’ away at the Board’s request during the 2012 site walk.

MDEP’s follow-up in 2011 established the requirement for 250’ from the pool to be the setback area included under the Natural Resources Protection Act, 38 M.R.S.A §§480-A to 480-FF. and Significant Wildlife Habitat rules, 06-096 CMR 335.

The Maine Bureau of Water Quality map, (<http://www.maine.gov/dep/gis/datamaps/> (NRPA Vernal Pools (8/19/2014)) (aerial photos)(included as **Attachments 3a & 3b**), show that the state-designated protection area does not extend into the development parcel. Consequently, the pool area is not part of the revised development project and is not impacted by it.

The DEP Site Location of Development review of this project included a 250’ setback from the vernal pool within which only 25% of the area could be disturbed. The installation of stormwater filtration basins adjacent to Idlewood Lane will disturb 4.5% of the setback area on our site (less than the allowed 25% disturbance).

Please note that DEP’s Site Location of Development review and approval demonstrated compliance with all provisions of MDEP 06-096 Chapter 375, No Adverse Environmental Effect Standard of the Site Location Law; and, Chapter 335.9, Significant Wildlife Habitat, as agreed by the Maine Department of Inland Fisheries and Wildlife. (*ibid* Maine DEP 06-096 Department of Environmental Protection / General - Rule Chapters 371-378).

EVIDENCE OF US ARMY CORPS OF ENGINEERS APPROVAL:



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

OUR LETTER TO USACE:

*Mr. Rodney Howe
Maine Project Office
U.S. Army Corps of Engineers
New England District
675 Western Avenue #3
Manchester, ME 04351
Rodney.A.Howe@usace.army.mil*

*Re: Yankee Commons Expansion, Idlewood Lane, Kittery, Maine
Maine DEP Site Location Approval L1 9638-L2-B-N, L19638-TA-C-N*

Dear Mr. Howe:

I am writing to verify that we are following the correct permitting procedure regarding the referenced project. I believe I presented an incorrect understanding of the permitting process to the Kittery Planning Department which they subsequently have discussed with Jay Clement.

As reviewed with you and the MeDEP as early as 2011 , we are developing property adjacent to a vernal pool where only fairy shrimp are present bordering Route 1 in Kittery. Since those early discussions with you, access has been significantly revised to avoid a major wetland disturbance. The project still involves a minor disturbance of 900 square feet with reconfiguration of the access roadway to outside the setback of an emergent wetland. This revision also relocated our main entrance from within 75 feet of the vernal pool to approximately 700 feet from the pool.

We have calculated the overall disturbance on the property controlled by Yankee Commons between the standard 100 foot no disturbance area and 750 feet of the vernal pool to be 24.3%. We also understand that the 750 foot criteria may not apply in this instance since there are no migratory species in the pool.

It is our present understanding that due to the 900 square foot wetland disturbance, we have to file a Category 1 notification form two weeks before work begins as shown in the attached draft.

Could you please confirm that our understanding is correct? If you believe there are other steps we should be taking at this time to insure regulatory compliance, please contact me."

NEW THREATENED SPECIES ISSUE

As a result of the letter to USACE shown above, we were advised by them of a new threatened species consideration:

"On May 4, 2015 the Northern long eared bat was listed as a threatened species. All projects that will involve cutting trees over 3" DBH now have to go through the Section 7 consultation process for endangered species. With that said, You will need to consult the USFWS IPaC site for endangered species at : <http://ecos.fws.gov/ipac/>

Once you get to the site you need to request an official species list. It will come back with the Northern Long-eared bat as threatened. This is new and we are working our way through the Section



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

7 Consultation process. Save the consultation report IPaC sends back to you as the consultation report number will be used again in future consultations with USFWS. You will need to forward a copy to the Corps as well."

IPaC WEBSITE: "The Service has identified such areas as those counties within 150 miles of the boundaries of U.S. counties or Canadian districts where the fungus *Pseudogymnoascus destructans* or white-nose syndrome has been detected. We have chosen to use county boundaries to delineate the boundary because they are clearly recognizable and will minimize confusion. If any portion of a county falls within 150 miles of a county or district where WNS has been detected, the entire county will be considered affected.

For illustrative purposes, you may view the most recent map of such areas at the following website: <http://www.fws.gov/midwest/nleb/>. Contact your local U.S. Fish and Wildlife Service Ecological Services Field Office for assistance in determining if your activity falls within an area where there are northern long-eared bat WNS infections. Visit <http://www.fws.gov/offices/index.html> to find your local office."

Biodiversity Research Institute will conduct an independent acoustical analysis in accordance with the IPaC and USACE provisions to determine if the Expansion site shows any evidence of northern long-eared bat. The study will be conducted o/a August 1st with results provided to USACE and Kittery.

Description of Work:

The bat acoustical analysis task will be conducted the first week of August, 2015. This includes habitat description, 2 detectors for deployment, and a trained acoustic biologist analyzing the collected full spectrum bat calls and a final memo of findings. Two detectors will be placed for 2 nights at a site expansion of a mobile home park in Kittery, Maine. This is following the USFWS Indiana Bat protocol to determine presence absence of northern long-eared bats.

The Biodiversity Research Institute (BRI) is a Maine-based non-profit organization devoted to conducting research to assess anthropogenic impacts on wildlife species. Founded 1998, BRI has nearly 20 years of experience conducting environmental scientific inquiries for government and private sector clients. Located in Portland, Maine, BRI incorporates both traditional and innovative approaches toward understanding how ecological stressors, including heavy metals, petroleum pollution, deployment of alternative energy, and emerging wildlife diseases, impact living systems around the world. As an independent scientific research group, BRI is dedicated to accuracy, discipline, and integrity in all of its work. In an effort to ensure that the highest level of science is performed, BRI collaborates with other experts and agencies, and continues to do so as long as BRI maintains its independent scientific principles. BRI does not take advocacy positions, but instead assists governmental and other agencies/clients nationwide and globally, and provides comprehensive services in the following areas of expertise. BRI has used many different types bat detectors and Sonobat® and Kaleidoscope programs (with local reference bat calls) that identify bat species.

CONSERVATION COMMISSION QUERIES:

VERNAL POOL ISSUE

Addressed in Plan Review Notes Item 7, above.

IMPACT TO RECHARGE RATES



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

S. W. Cole Engineering, Inc., conducted an independent hydrogeological analysis (*Attachment 4*) in accordance with Title 16, Section 16.10.5.2.C.12.c.3 (*See report Findings*):

SUMMARY AND CONCLUSIONS

It is our interpretation that the quantity of runoff and infiltration will be substantially unchanged, as we understand that topsoil removed for construction (bedrock removal) will be utilized on site. The soil filters for runoff management and buffer soils to wetlands meet the requirements for water treatment prior to discharge to a wetland.

The key site water issues will be stormwater management during construction and the inspection and maintenance of stormwater management systems subsequent to construction.”

A condition of the MeDEP Site Location Approval is that a third party inspector be retained to review the construction of the stormwater management system.

PLANNING BOARD ISSUES:

ENVIRONMENTAL SUITABILITY

We concur with Mr. DiMatteo’s observation, from his discussion with Maine Municipal Association attorneys, that this phrase is properly viewed from a park owner’s perspective and is to be construed to mean that municipalities may not create zoning that only allow mobile home parks in unsuitable locations, such as on an abandoned dump site; at a bus depot; or on marginalized soils.

We submit that earth removal, to any extent, is not in and of itself environmentally detrimental, nor unsuitable, especially under circumstances where all regulatory features for environmental protection are met, as approved by all cognizant regulatory agencies. We also note that Yankee Commons has no other adjacent area to expand into.

REASONABLE CONSIDERATION:

We concur with Town Attorney McEachern and Mr. DiMatteo’s observations that reasonable consideration is met if the Board conducts a final plan review in accordance with Title 16’s Findings of Fact list as delineated in Section 16.10.8.3.4.

Note: Since it was mentioned in the Planner Notes Item 5 (and as we have acknowledged at public meetings), we will provide a detailed listing of our opinion as to how the requirements found in Section 16.10.8.3.4 of the Town Code have been met.

MDOT APPROVAL

Addressed in Plan Review Notes Item 6, Traffic Impact Analysis, above (*Attachment 2*).

NUMBER OF TRUCK LOADS / VOLUME OF MATERIAL (*Attachment 2*)

The MDoT requires a traffic movement permit only for projects generating 100 or more passenger car equivalents in a peak hour and a truck equates to two trip ends. Thus a round trip for a truck is equal to four trip ends. If there were 25 round trips by trucks in a peak hour then a permit would be needed.



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

Assuming 300,000 cy, a truck capacity of 20 cy, and an 8 hour day, the average number of passenger car equivalents (PCEs) would be 100 trip end per hour if it were all hauled in 75 days (300,000 cy/75 days = 4000 cy/day/20 cy/truck = 200 trucks per day/8 hours = 25 trucks/hr x 2 (trucks to PCE) x 2 (entry and exit) =100 trips/hour). We plan for a smaller operation with perhaps even fewer than 40 loads/day.

We do propose a consideration suggested by Gorrill-Palmer to install (before construction starts) Rectangular Rapid Flashing Beacons (like the ones on State Road crosswalk leading to Memorial Field), at the unsignalized crosswalks by Robert's Maine Grill and Supershoes to promote better pedestrian safety. The devices to remain after project completion. We would be pleased to accept that as a Condition of Approval.

AGE RESTRICTED DESIGNATION

Please note that the proposal is categorically not "Elderly Housing" in the Mixed Use Zone. The decision to reserve the housing as age restricted (55+) is a business decision for the target market, as well as to mitigate the municipal impact from school-age children.

While the development plans were decidedly made to be "consistent with" Title 16 standards for elderly housing, clustered residential, and mixed use, insofar as possible, the applicable standards remain Section 16.8.12.3, Mobile Home Parks with certain exceptions to Town code as permitted by state statute.

We would be pleased to accept a formal plan note designation for age-restriction as a Condition of Approval.

CMA COMMENT: "BLASTING, TRUCKING VEHICLES, AND HAULING"

There are no submittal requirements, nor review standards, found in Title 16 for traffic impact analysis or earth removal for the temporary period of construction. Title 16 standards address traffic features of the impact only of the completed project.

Blasting

The detailed information suggested by the peer reviewer (the word "blast" does not appear in Title 16), is a function of the selected contractor's obligations as established in a Request for Proposal, response and resulting contract award. Blasting procedures have been established by the DEP (no separate standards have been established by the town) and the contractor must comply with those procedures and complete required submissions to the State.

Construction Traffic

This item was also addressed in Plan Review Notes Item 6, Traffic Impact Analysis, above (*Attachment 2*)

For planning RFP purposes, we are committed to the detail provided to Gorrill-Palmer for the traffic study, Page 3, to be the essential basis of the contractor RFP:

The applicant estimates that there will be approximately 190,000 cy of in place material to be excavated to prepare the site for the mobile homes, which will yield approximately 300,000 cy of material to be hauled away once it is excavated. The applicant anticipates that it will take approximately a year to remove the material which will be hauled south to I-95. We recommend that



RESPONSE to PLANNING COMMENTS - YANKEE COMMONS EXPANSION PROJECT
Idlewood Lane, Kittery, Maine

this hauling be suspended during the core of the tourist season, between June 30th and Labor Day. Assuming this restriction, there will be approximately 200 days of the year that material can be hauled. We understand from the applicant that the trucks removing the material will have a capacity of approximately 22 cy which results in an average of 68 truckloads per day, or 9 truck trips entering and 9 truck trips exiting an hour.

Based upon the above, Peak Hour trips during construction would be 36 as no other traffic generation would be occurring concurrent with the excavation. 36 trips does not trigger any traffic study requirements at the state level and it is our understanding that temporary construction traffic is exempt from traffic analyses regardless.

We would like to point out that the Idlewood Lane access to US Route 1 is outside the Kittery-MDoT Urban Compact area; and, Idlewood Lane itself was originally a part of US Route 1 and built to major arterial standards.

Further, please note that the words “noise” and “vibration” found in Title 16 standards contained in Section 16.9.1.9, Noise abatement, subsection E, exempts construction activities between 7:00am and 9:00pm.

CMA COMMENT:

***Stormwater:** A portion of the stormwater treatment system is located within the right of way on Idlewood Lane. Are there easements proposed? Who is responsible for maintenance of the pond and piping?*

RESPONSE:

After the June 2nd site walk, the Idlewood Lane entrance area to the project was revisited and has been revised to modify the drainage system to eliminate the disturbance within the ROW (**Attachment 5**); thereby retaining the tree buffer between Idlewood and the Park buildings.

Attachments:

1. Open Space Plan
2. Gorrill-Palmer: TIA_07-22-2015_OPT
- 3a. Vernal Pool Kittery 012
- 3b. Vernal Pool 012 Close-up
4. SW Cole: 15-0640 G - Hydro Review Report
5. Revised Plan Sheet C3 showing modifications to grading adjacent to Idlewood Lane





**CIVIL
CONSULTANTS**

Engineers

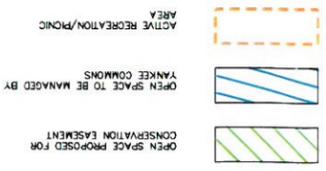
Planners

Surveyors

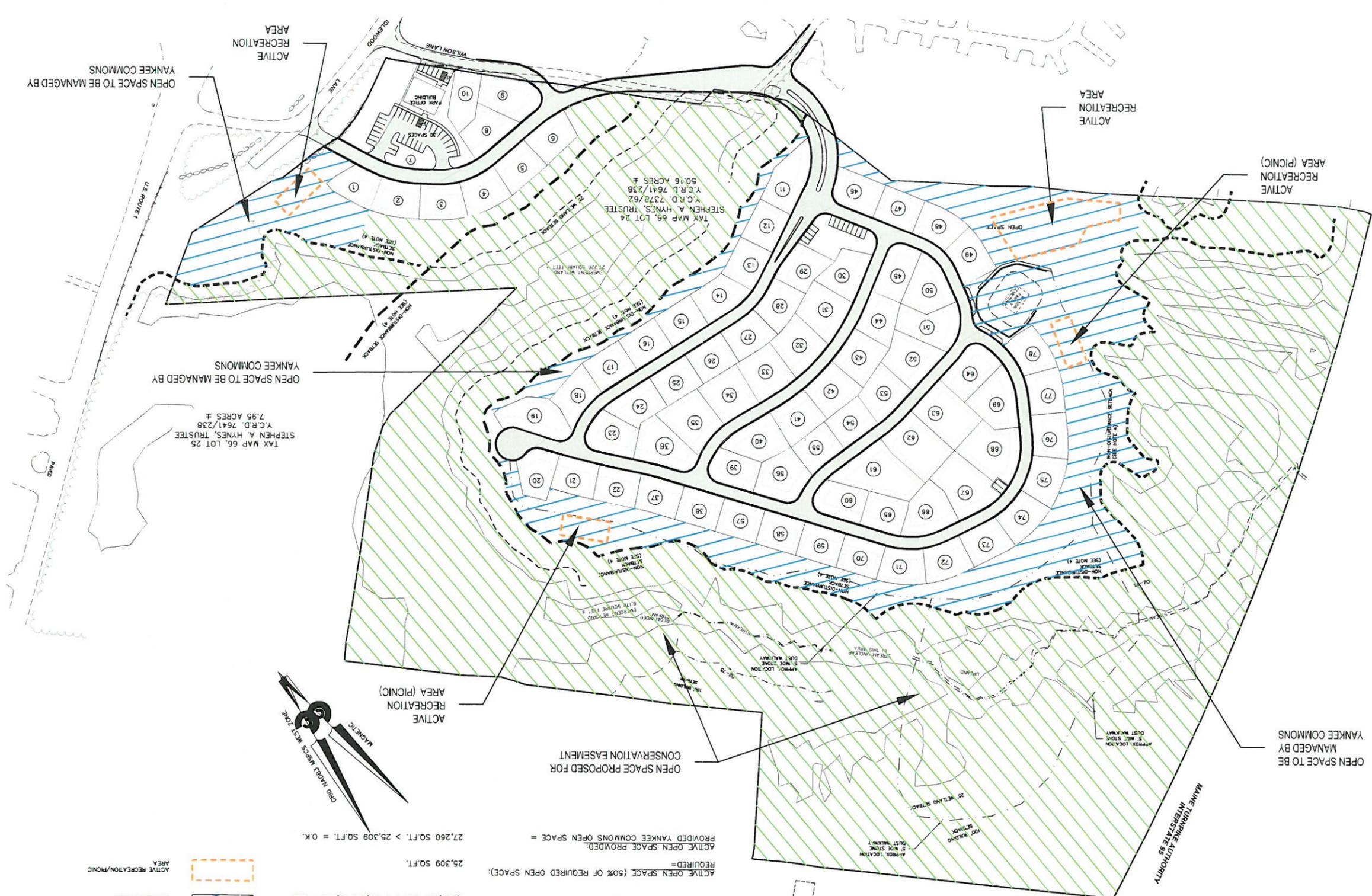
Attachment 1 - Open Space Plan

OPEN SPACE CALCULATION:

OPEN SPACE REQUIRED (10% OF ACTUAL LOT AREA) =
 TOTAL AREA OF LOTS (LOTS 1-78) =
 506,169 SQ.FT.
 CONSERVATION EASEMENT =
 YANKEE COMMONS =
 TOTAL OPEN SPACE =
 1,259,066 SQ.FT.
 283,411 SQ.FT.
 1,542,477 SQ.FT. > 506,177 SQ.FT. = O.K.
 ACTIVE OPEN SPACE PROVIDED:
 25,309 SQ.FT.
 PROVIDED YANKEE COMMONS OPEN SPACE =
 27,260 SQ.FT. > 25,309 SQ.FT. = O.K.



OPEN SPACE LEGEND:



CIVIL CONSULTANTS
 ENGINEERS
 PLANNERS
 SURVEYORS
 P.O. Box 100
 South Berwick
 Maine
 03908
 207-364-2550
 cccn@cccnc.com

YANKEE COMMONS
 MOBILE HOME PARK EXPANSION
 IDLEWOOD LANE/ U.S. ROUTE 1 KITTERY, MAINE
 PREPARED FOR:
 STEPHEN A. HYNES, TRUSTEE
 REAL PROPERTY TRUST AGREEMENT
 MAINE ADDRESS: 157 BELLEVUE AVE., SUITE 210 WEST YANCOOVER, B.C. V7Y1A4

CIVIL CONSULTANTS
 DRAWN: JAA
 CHECKED: JAA
 APPROVED: JAA
 SCALE: 1"=100'
 SHEET TITLE: • OPEN SPACE PLAN
 SHEET NUMBER: OSP
 SHEET 1 OF 1

DATE: 23 JULY 2015
 PROJECT # 06-684.02

DATE: 07/23/2015
 DWG NAME: 0668402E-EX-2C
 DIRECTORY: \\0668402\CARLSON\ENGINEERING\DRAWING



**CIVIL
CONSULTANTS**

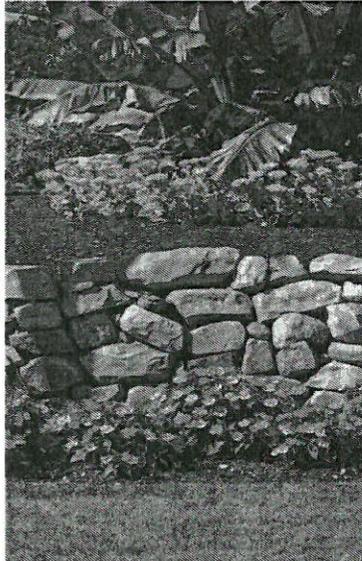
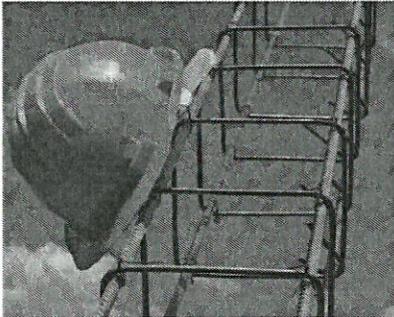
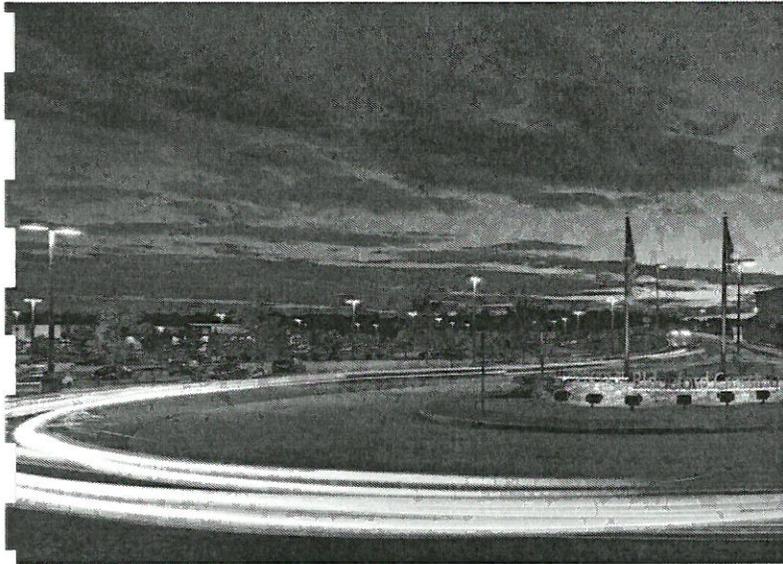
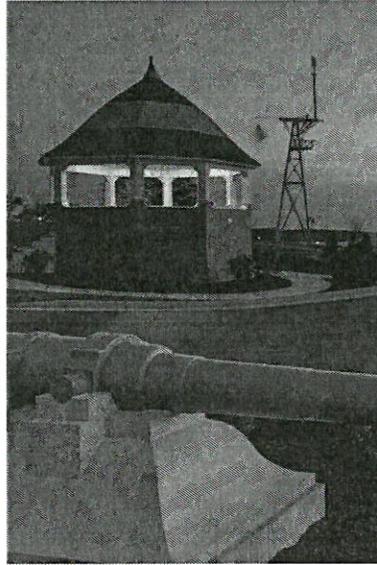
Engineers

Planners

Surveyors

Attachment 2 - Traffic Study

Relationships.
Responsiveness.
Results.



**Traffic Impact Analysis
Yankee Commons
Mobile Home Park
Expansion
Kittery, Maine**

PREPARED FOR:
GB Park Services
PO Box 642
54 Lewis Road
Kittery, ME 03904-0642

July 2015

SUBMITTED BY:
Gorrill Palmer
P.O. Box 1237
15 Shaker Road
Gray, ME 04039
207.657.6910

**Traffic Impact Analysis
Yankee Commons Mobile Home Park Expansion
Kittery, Maine**

Index

<i>Section</i>	<i>Description</i>	<i>Page</i>
	Executive Summary	1
I.	Existing and Proposed Site	2
II.	Background Traffic Conditions	2
III.	Trip Generation	3
IV.	Trip Distribution	4
V.	Trip Composition and Assignment	4
VI.	2020 Post Development Traffic	4
VII.	2016 Construction Traffic	4
VIII.	Study Area	4
IX.	Capacity Analyses	4
X.	Crash Data	6
XI.	Sight Line Analysis	6

Appendix A

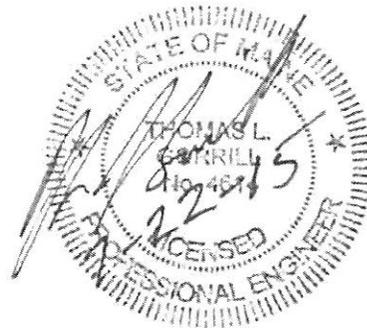
Site Location Map
Turning Movement Diagrams

Appendix B

Capacity and Queuing Analyses Results

Appendix C

MaineDOT Crash Data
Trip Generation Information



Executive Summary

The following Executive Summary is prepared for the reader's convenience, but is not intended to be a substitute for reading the full report. Gorrill Palmer (GP) was retained by Stephen A. Hynes Real Property Trust Agreement to examine the traffic impacts associated with the proposed expansion of the Yankee Commons mobile home park off Idlewood Lane in Kittery, Maine. The existing 77 unit park, consisting of 65 lots and 12 apartments will be expanded by 77 units and will be restricted to residents over the age of 55. The expansion is planned to be developed over five years. A site survey and proposed site plan are included in Appendix A.

In order for the trailer park expansion to occur, it is our understanding that approximately 190,000 cy of material will be excavated which will swell to 300,000 cy when removed and crushed. The purpose of this analysis is to assess the impact of the additional mobile home and construction truck traffic on the existing street system and to make recommendations as appropriate to mitigate the impact.

Following are the major findings of the study:

- a. The proposed additional 77 mobile homes are forecast to generate an additional 43 and 37 trip ends in the weekday AM and PM peak hours of the adjacent street traffic respectively. This level of trip generation does not require a traffic movement permit from the MaineDOT.
- b. The applicant estimates that approximately 190,000 cy of material will need to be excavated to prepare the site for the mobile homes, which will yield approximately 300,000 cy of material to be hauled away once it is excavated. The applicant anticipates that it will take approximately a year to remove the material which will be hauled south to I-95. We recommend that this hauling be suspended during the core of the tourist season, between June 30th and Labor Day. We understand from the applicant that the trucks removing the material will have a capacity of approximately 22 cy which results in an average of 68 truckloads per day, or 9 truck trips entering and 9 truck trips exiting an hour.
- c. Access to the site will be from two driveways off the easterly end of Idlewood Lane near Route I. An interconnection to the existing mobile home park is also planned.
- d. The capacity analysis shows that the proposed expansion will have minimal impacts to the adjacent roadway network, and that the network will operate at acceptable levels of service upon completion of the project.
- e. The MaineDOT crash data showed there are no high crash locations in the vicinity of the site.
- f. The available sight distances at the existing / proposed entrances exceed MaineDOT requirements as well as at the intersection of Idlewood Lane / Route I.
- g. There are currently two mid-block pedestrian crossings of Route I in the vicinity of the Kittery Malls. While this project should not increase the number of pedestrian crossings, and the truck traffic is anticipated to end after a year, we do recommend that rapid rectangular flashing beacons be installed at these two crossings.

Based on these findings, it is the opinion of GP that the site generated traffic can be accommodated on the existing roadway network.

I. Existing and Proposed Site

The site is located off Idlewood Lane on the northeasterly side of the existing 77 unit Yankee Commons Mobile Home Park. The proposed site includes 65 lots and 12 apartments. All the units, with the exception of one, were constructed more than ten years ago. The existing park is accessed from Idlewood Lane. The proposal is to expand the existing mobile home park by 77 additional units yielding a total of 154 units upon completion of the project. We understand the proposed units will be restricted to 55 years of age and older. Access will be from the easterly end of Idlewood Drive at two locations and will also have an internal driveway connecting to the existing park. A site survey and proposed site location map are included in Appendix A.

II. Background Traffic Conditions

GP based the study on the following information:

- A site plan prepared by Civil Consultants.
- Crash data for 2012-2014 provided by MaineDOT.
- Turning movement counts collected on Tuesday, June 30th, 2015 from 2:30 to 5:00 PM by GP.
- A posted speed of 45 mph on Route 1.
- Annual Average Daily Traffic Counts (AADT) are furnished by the MaineDOT at the following locations:
 - Route 1 southwest of the Rest Area Road- 2013 AADT=9,820
 - Route 1 northeast of Haley Road- 2013 AADT= 10,940
 - Route 1 at the Spruce Creek Bridge- 2013 AADT= 16,260
 - Route 1 southwest of Route 101-2013 AADT=16,930

Predevelopment Traffic Volumes

Seasonal Adjustment

The traffic counts were collected during the week of July 4th, which is one of the highest weeks of traffic for the year. Therefore a seasonal adjustment was not necessary. The PM peak hour was determined to be from 4:00 to 5:00 PM. The raw volumes collected during the PM peak hour are shown in Figure 2 of Appendix A.

Annual Growth

The mobile home park expansion is anticipated to be fully occupied by 2020. Based on recent MaineDOT traffic information, traffic volumes have generally been declining since 2010. However, to be conservative a 2% annual growth factor was applied to the counts collected to yield 2020 volumes.

Other Development

Approved projects that are not yet opened as well as projects for which applications have been filed are required to be included in the predevelopment volumes for this project. GP contacted Chris DiMatteo, the Planner for the Town of Kittery to determine if other projects should be included in our study. Mr. DiMatteo stated there are no recently approved projects; however, there is a pending project for a

Hampton Inn located at 275 US Route 1 on the west side of the Old Wilson Road. The hotel is anticipated by the applicant for that project to generate 50 PM peak hour trip ends. The large majority of these trips will likely be oriented to and from the south and should not have a significant effect on Route 1 north of their site.

2020 Predevelopment Volumes

The 2020 predevelopment volumes resulting from a 2% per year increase of the 2015 volumes are shown on Figure 3 of Appendix A.

III. Trip Generation

Mobile Home Traffic

The proposal is to expand the existing mobile home park by 77 additional units. The trip generation for the mobile home park was based on Land Use Code (LUC) 251, Senior Adult Housing, of the Institute of Transportation Engineers' publication *Trip Generation*, Ninth Edition. LUC 240, Mobile Home Park was not used because the database did not reflect age restricted units. The forecast trip generation is as follows with calculations provided in Appendix C:

Trip Generation Summary

Land Use	Weekday	AM peak hour Adjacent St.	PM peak hour Adjacent St.	Peak of Generator	PM peak hour of Generator
Senior Adult Housing Detached 77 Units	375	43	37	39	59

Based on this table the proposed project will generate less than 100 peak hour trip ends during its peak hour and therefore will not require a MaineDOT Traffic Movement Permit (TMP).

Construction Traffic

The applicant estimates that there will be approximately 190,000 cy of in place material to be excavated to prepare the site for the mobile homes, which will yield approximately 300,000 cy of material to be hauled away once it is excavated. The applicant anticipates that it will take approximately a year to remove the material which will be hauled south to I-95. We recommend that this hauling be suspended during the core of the tourist season, between June 30th and Labor Day. Assuming this restriction, there will be approximately 200 days of the year that material can be hauled. We understand from the applicant that the trucks removing the material will have a capacity of approximately 22 cy which results in an average of 68 truckloads per day, or 9 truck trips entering and 9 truck trips exiting an hour.

IV. Trip Distribution

GP has obtained the ratio of entering and exiting traffic from the Institute of Transportation Engineers publication *Trip Generation*, Ninth Edition for Land Use Code 251, Senior Adult Housing-Detached. The trip distribution is as follows:

AM peak hour:	35% entering, 65% exiting
PM peak hour:	60% entering, 40% exiting

V. Trip Composition and Assignment

GP has assumed all the traffic to and from the site is primary traffic. These trips are shown in Figure 4 of Appendix A to this report for the weekday PM peak hours. We have assigned the traffic to the roadway system based on the traffic counts completed at the northerly intersection of Route 1 and Idlewood Lane.

VI. 2020 Post-development Traffic

Our office combined the 2020 weekday predevelopment volumes shown in Figure 3 with the trip assignment volumes shown in Figure 4 to obtain the estimated 2020 weekday post-development volumes shown in Figure 5 in Appendix A.

VII. 2016 Construction Traffic

The 18 PM peak hour truck trip ends have been combined with the Route 1 traffic shown in Figure 6 of Appendix A. The Route 1 2015 pre-development volumes were increased by 2% to estimate the 2016 volumes.

VIII. Study Area

The primary area of impact for this project is the intersection of Route 1 and Idlewood Lane.

IX. Capacity Analyses

GP completed capacity analyses for the intersection of Idlewood Lane and Route 1. This intersection has single lanes on each approach with Idlewood Lane being stop controlled.

The analysis was completed with Synchro / SimTraffic analysis software. Levels of service rankings are similar to the academic ranking system where an 'A' is very good with little control delay and an 'F' represents very poor conditions. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if mitigation is warranted.

The following table summarizes the relationship between control delay and level of service at an unsignalized intersection:

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

Mobile Home Analysis

The results of the capacity analyses for the 2020 pre and post development conditions at the unsignalized intersection of Idlewood Lane / Route 1 are summarized as follows with the computer printouts attached.

Level of Service-2020 Mobile Home Park

Intersection / Approach	Time Period	
	PM Pre - LOS (Delay)	PM Post - LOS (Delay)
Idlewood Lane / Route 1		
Idlewood - EB	B (12)	B (16)
Route 1 - NB	A (2)	A (2)
Route 1 - SB	A (2)	A (2)

As can be seen from the above summary, the proposed housing is forecast to have minimal impact to the intersection, and all the approaches are forecast to operate at acceptable levels of service.

Construction Traffic Analysis

The results of the capacity analysis for the 2016 construction traffic is summarized below:

Level of Service-2016 Construction Traffic

Intersection / Approach	Time Period
	PM Post - LOS (Delay)
Idlewood Lane / Route 1	
Idlewood - EB	B (11)
Route 1 - NB	2 (A)
Route 1 - SB	2 (A)

As can be seen from the results, all the approaches are forecast to operate at acceptable levels of service during excavation.

As these trucks proceed south, they will be crossing two midblock pedestrian crossings. GP recommends that consideration be given to the installation of rectangular rapid flashing beacons (RRFB's) at these two locations.

X. *Crash Data*

GP obtained the crash data from MaineDOT for the period of 2012-2014, the most recent period available.

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define a High Crash Location (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual crash rate to the rate for similar intersections in the state. A CRF of less than 1.00 indicates a rate of less than average) **and:**
2. A minimum of 8 crashes over the same three-year period.

Based on the information provided by MaineDOT, there was one crash in the last three years with a critical rate factor of 0.30, therefore it is not a high crash location. The crash history is provided in Appendix C.

XI. *Sight Line Analysis*

The Town of Kittery and the MaineDOT have adopted requirements for sight distances at driveways. This section of Route 1 is classified by MaineDOT as a Retrograde Arterial, which has additional sight distance criteria they strive to meet. The sight distance standards for entrances are as follows:

Standards for Sight Distance

Speed Limit (mph)	Sight Distance (ft)		
	Town of Kittery	MaineDOT Standard	MaineDOT Retrograde
25	250	200	N/A
30	300	250	N/A
35	350	305	N/A
40	400	360	580
45	450	425	710
50	500	495	840
55	550	570	990

GP has evaluated the available sight lines at the proposed driveway in accordance with MaineDOT standards. The MaineDOT standards are as follows:

Driveway observation point:	10 feet off major street travelway
Height of eye at driveway:	3 ½ feet above ground
Height of approaching vehicle:	4 ¼ feet above road surface

The posted speed for Route 1 is 45 mph. The results of the sight line analysis for traffic exiting the site driveway is summarized in the following table:

Sight Line Evaluation for Exiting Idlewood onto Route 1

Direction	Kittery Required (ft)	MaineDOT Standard (ft)	MaineDOT Retrograde (ft)	Actual Sight Distance (ft)
Exiting Looking				
Left	450	425 (635)*	710	750
Right	450	425 (635)*	710	1,000+

*Sight distance required for trucks

As shown, the available sight distances exiting Idlewood looking left and right exceeds even the highest requirements of MaineDOT Retrogrades as well as the requirements for truck traffic. GP recommends that all plantings, which will be located within the right of way, not exceed two feet in height and be maintained at or below that height. Signage should not interfere with sight lines. In addition, we recommend that during construction, when heavy equipment is entering and exiting the site, that appropriate measures, such as signage and flag persons, be utilized in accordance with the Manual on Uniform Traffic Control Devices.

In addition to exiting onto Route 1, the sight distances exiting both the proposed driveway, as well as the existing Wilson Lane were evaluated. Idlewood Lane is posted at 25 mph. The available sight distances are summarized in the following table.

Sight Line Evaluation Exiting onto Idlewood Lane

Direction	Kittery Required (ft)	MaineDOT Standard (ft)	MaineDOT Retrograde (ft)	Actual Sight Distance (ft)
Exiting Wilson Lane Looking				
Left	250	200 (300)*	N/A	275
Right	250	200 (300)*	N/A	275+
Exiting Proposed Driveway Looking				
Left	250	200 (300)*	N/A	To Route 1
Right	250	200 (300)*	N/A	300+

*Sight distance required for trucks

As can be seen from the results, available sight distance for typical vehicles meets or exceeds requirements. GP recommends that while excavation is being completed and construction vehicles are active, appropriate signs be erected to inform drivers of the heavy vehicle usage.

Appendix A
Site Location Map
Turning Movement Diagrams

Location Map

Figure No.

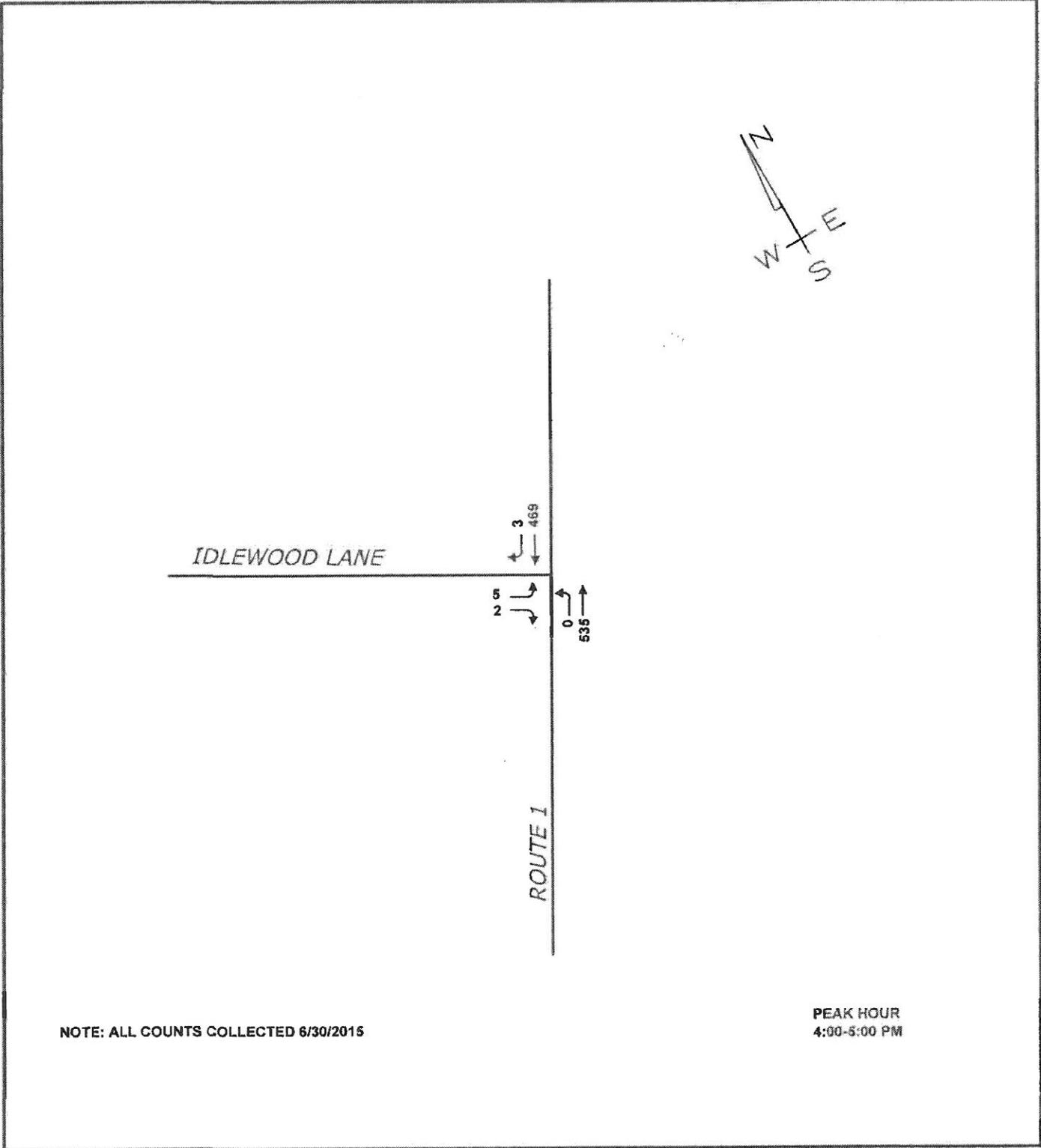
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YANKEE COMMONS EXPANSION KITTERY, MAINE

Design: ET Scale: NONE
Draft: LAN Date: JULY 2015
Checked: RED File Name: 3038-TRAFF.dwg

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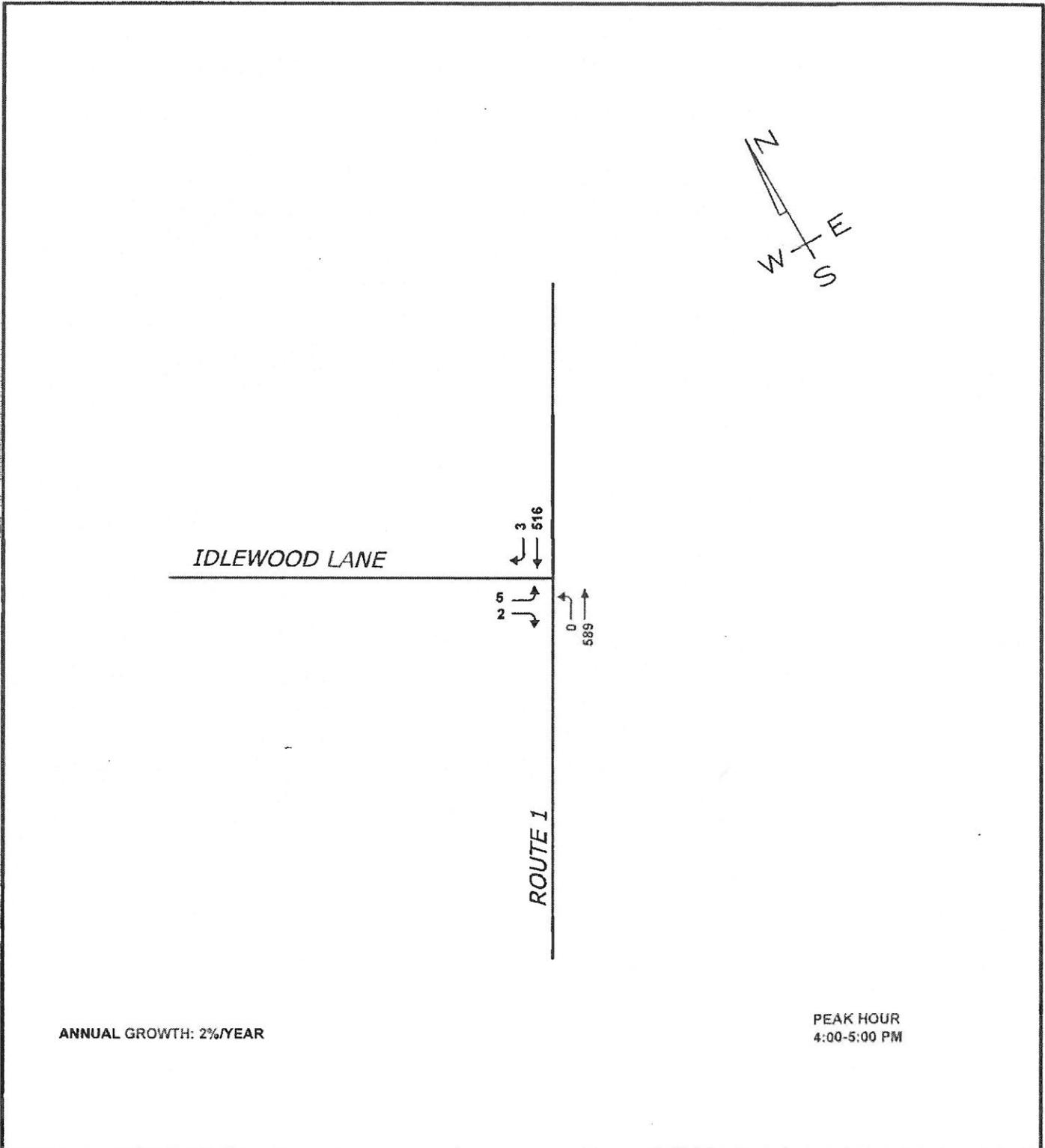


NOTE: ALL COUNTS COLLECTED 6/30/2015

PEAK HOUR
4:00-5:00 PM

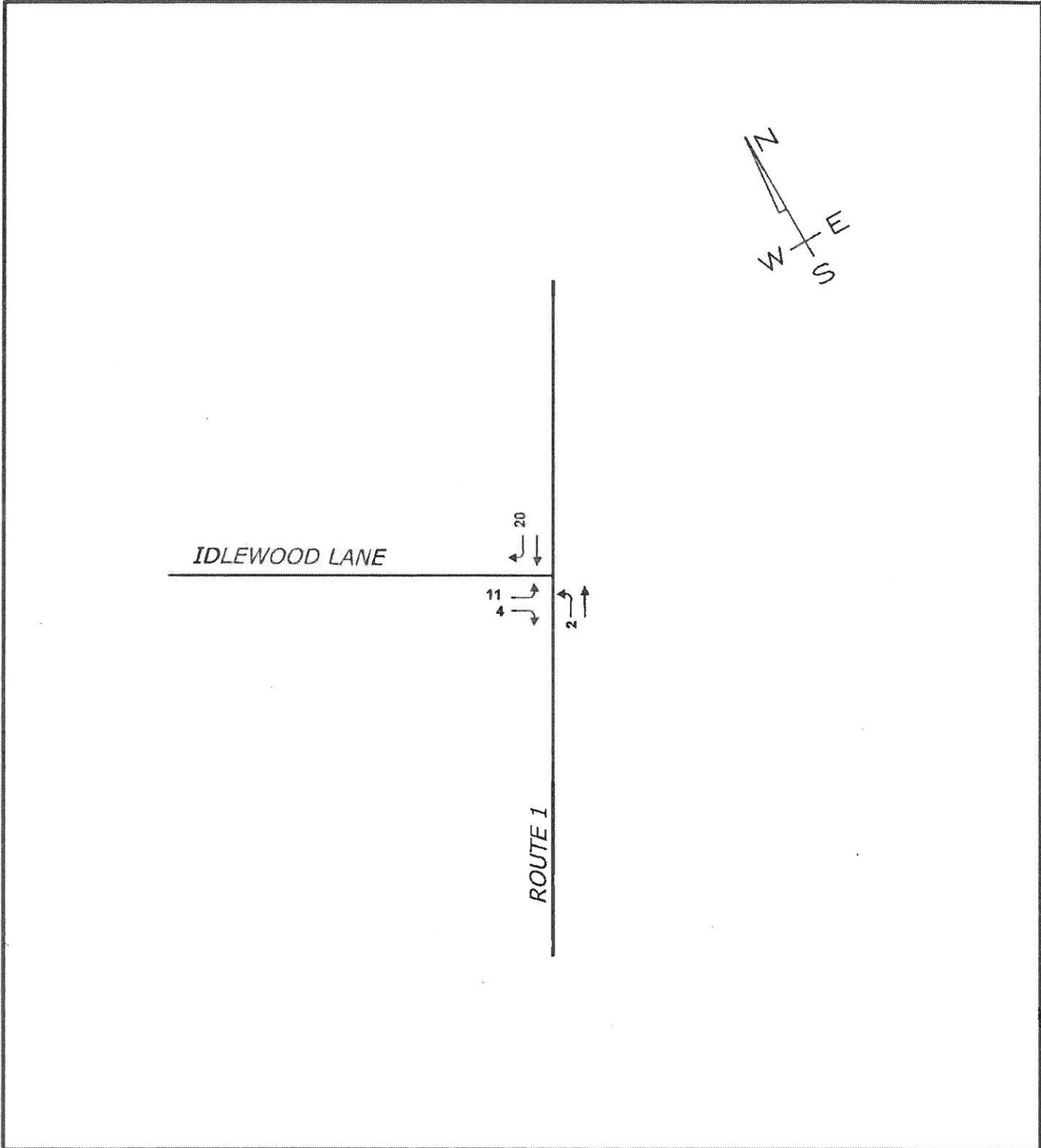
YANKEE COMMONS EXPANSION
KITTERY, MAINE

Design: ET Scale: NONE
Draft: LAN Date: JULY 2015
Checked: RED File Name: 3038-TRAFF.dwg



YANKEE COMMONS EXPANSION KITTERY, MAINE

Design: ET Scale: NONE
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Checked: RED File Name: 3038-TRAFF.dwg



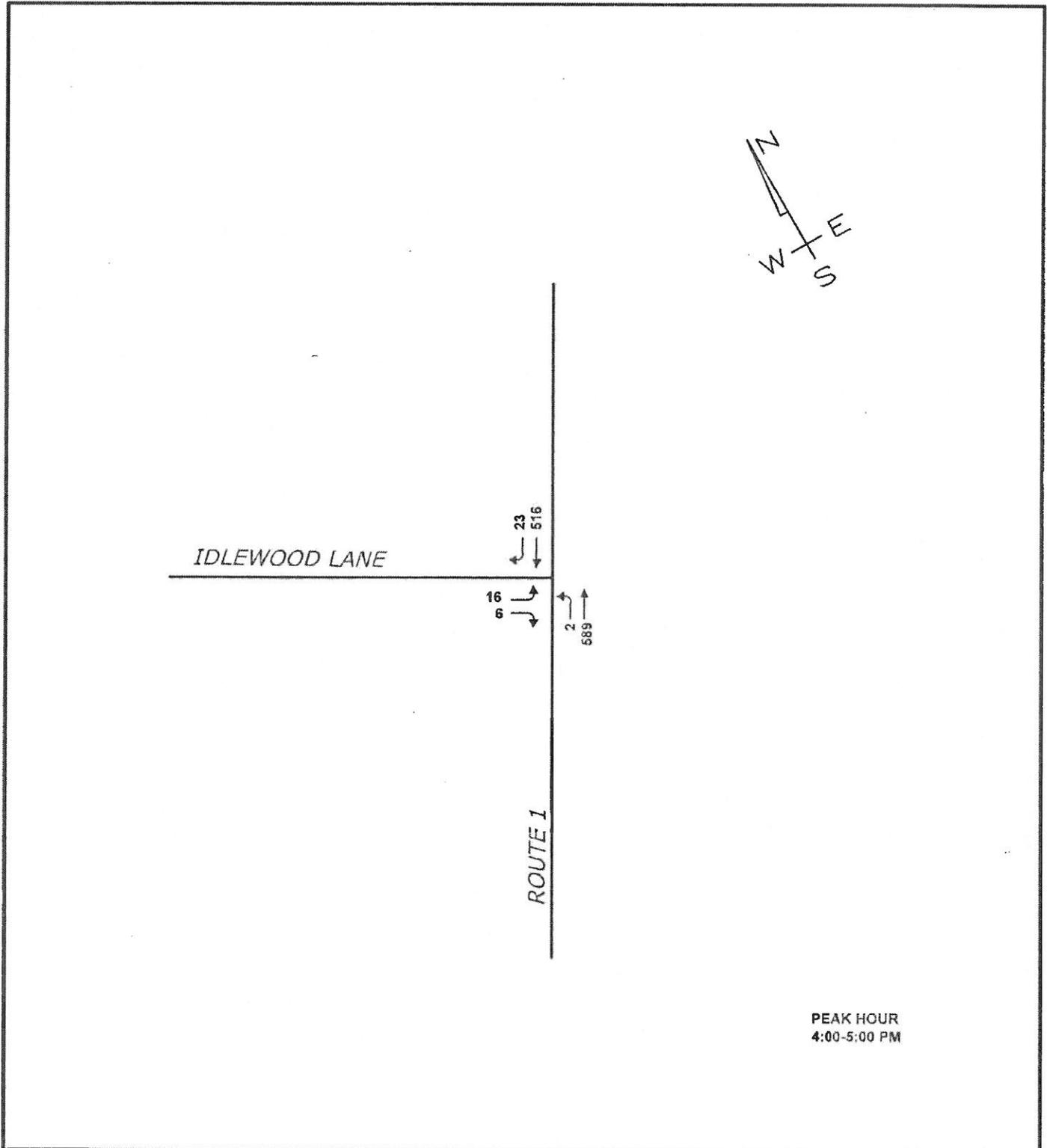
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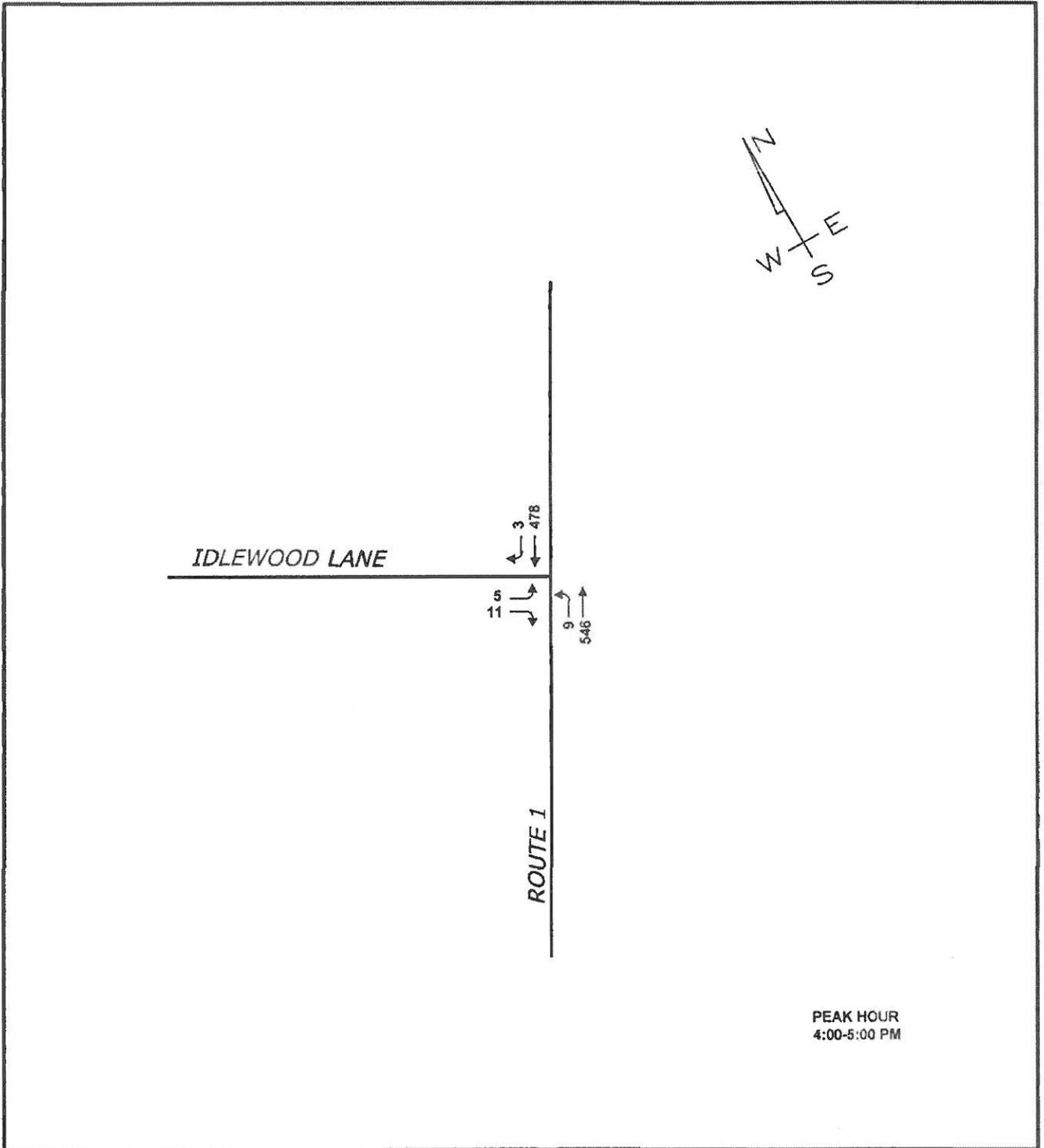
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PEAK HOUR
4:00-5:00 PM

YANKEE COMMONS EXPANSION
KITTERY, MAINE

Design: ET Scale: NONE
Draft: LAN Date: JULY 2015
Checked: RED File Name: 3038-TRAFF.dwg

Appendix B
Capacity and Queuing Analyses
Results

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1144	1171	1133	1080	1043	1114
Vehs Exited	1149	1170	1137	1090	1045	1118
Starting Vehs	11	5	8	10	7	8
Ending Vehs	6	6	4	0	5	5
Travel Distance (mi)	240	245	237	227	219	234
Travel Time (hr)	7.5	7.7	7.4	7.1	6.7	7.3
Total Delay (hr)	0.7	0.7	0.7	0.6	0.6	0.6
Total Stops	8	11	11	6	3	8
Fuel Used (gal)	6.0	6.2	5.9	5.6	5.4	5.8

Interval #0 Information Seeding

Start Time	6:57
End Time	7:00
Total Time (min)	3
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1144	1171	1133	1080	1043	1114
Vehs Exited	1149	1170	1137	1090	1045	1118
Starting Vehs	11	5	8	10	7	8
Ending Vehs	6	6	4	0	5	5
Travel Distance (mi)	240	245	237	227	219	234
Travel Time (hr)	7.5	7.7	7.4	7.1	6.7	7.3
Total Delay (hr)	0.7	0.7	0.7	0.6	0.6	0.6
Total Stops	8	11	11	6	3	8
Fuel Used (gal)	6.0	6.2	5.9	5.6	5.4	5.8

Baseline

4: Performance by approach

Approach	SE	NE	SW	All
Denied Del/Veh (s)	0.1	0.4	0.4	0.4
Total Del/Veh (s)	11.5	1.3	1.2	1.3

Total Network Performance

Denied Del/Veh (s)	0.4
Total Del/Veh (s)	1.6

Baseline

Intersection: 4:

Movement	SE	SW
Directions Served	LR	R
Maximum Queue (ft)	21	5
Average Queue (ft)	5	0
95th Queue (ft)	19	4
Link Distance (ft)	228	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		25
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Baseline

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1178	1206	1174	1118	1083	1152
Vehs Exited	1182	1205	1177	1127	1083	1155
Starting Vehs	11	5	9	10	7	8
Ending Vehs	7	6	6	1	7	4
Travel Distance (mi)	250	256	249	237	230	244
Travel Time (hr)	8.0	8.2	8.0	7.6	7.2	7.8
Total Delay (hr)	0.9	0.9	0.8	0.7	0.7	0.8
Total Stops	29	34	35	29	22	30
Fuel Used (gal)	6.6	6.7	6.4	6.1	5.9	6.3

Interval #0 Information Seeding

Start Time	6:57
End Time	7:00
Total Time (min)	3
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1178	1206	1174	1118	1083	1152
Vehs Exited	1182	1205	1177	1127	1083	1155
Starting Vehs	11	5	9	10	7	8
Ending Vehs	7	6	6	1	7	4
Travel Distance (mi)	250	256	249	237	230	244
Travel Time (hr)	8.0	8.2	8.0	7.6	7.2	7.8
Total Delay (hr)	0.9	0.9	0.8	0.7	0.7	0.8
Total Stops	29	34	35	29	22	30
Fuel Used (gal)	6.6	6.7	6.4	6.1	5.9	6.3

4: Performance by approach

Approach	SE	NE	SW	All
Denied Del/Veh (s)	0.1	0.5	0.6	0.5
Total Del/Veh (s)	15.7	1.4	1.4	1.7

Total Network Performance

Denied Del/Veh (s)	0.5
Total Del/Veh (s)	2.0

Baseline

Intersection: 4:

Movement	SE	NE	SW
Directions Served	LR	L	R
Maximum Queue (ft)	46	22	29
Average Queue (ft)	13	1	4
95th Queue (ft)	35	10	19
Link Distance (ft)	228		
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)		25	25
Storage Blk Time (%)		0	0
Queuing Penalty (veh)		1	0

Network Summary

Network wide Queuing Penalty: 1

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1077	1123	1051	1033	1007	1058
Vehs Exited	1080	1122	1055	1030	1008	1059
Starting Vehs	7	3	9	3	7	6
Ending Vehs	4	4	5	6	6	5
Travel Distance (mi)	230	239	225	220	215	226
Travel Time (hr)	7.2	7.6	7.0	6.9	6.7	7.1
Total Delay (hr)	0.7	0.7	0.6	0.6	0.6	0.7
Total Stops	24	18	17	23	15	19
Fuel Used (gal)	5.9	6.1	5.7	5.6	5.4	5.7

Interval #0 Information Seeding

Start Time 6:57
 End Time 7:00
 Total Time (min) 3
 Volumes adjusted by Growth Factors.
 No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
 End Time 8:00
 Total Time (min) 60
 Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	1077	1123	1051	1033	1007	1058
Vehs Exited	1080	1122	1055	1030	1008	1059
Starting Vehs	7	3	9	3	7	6
Ending Vehs	4	4	5	6	6	5
Travel Distance (mi)	230	239	225	220	215	226
Travel Time (hr)	7.2	7.6	7.0	6.9	6.7	7.1
Total Delay (hr)	0.7	0.7	0.6	0.6	0.6	0.7
Total Stops	24	18	17	23	15	19
Fuel Used (gal)	5.9	6.1	5.7	5.6	5.4	5.7

Baseline

4: Performance by approach

Approach	SE	NE	SW	All
Denied Del/Veh (s)	0.1	0.5	0.4	0.4
Total Del/Veh (s)	10.3	1.5	1.2	1.5

Total Network Performance

Denied Del/Veh (s)	0.4
Total Del/Veh (s)	1.8

Intersection: 4:

Movement	SE	NE	NE	SW
Directions Served	LR	L	T	R
Maximum Queue (ft)	74	64	12	6
Average Queue (ft)	15	8	0	0
95th Queue (ft)	51	39	9	5
Link Distance (ft)	228		552	
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)		25		25
Storage Blk Time (%)		1	0	0
Queuing Penalty (veh)		4	0	0

Network Summary

Network wide Queuing Penalty: 4

Appendix C
MDOT Crash Data
Trip Generation Information

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I Section Detail Crash Summary II 1320 Public 1320 Private 1320 Summary

REPORT DESCRIPTION

Rt 1 area

REPORT PARAMETERS

Year 2012, Start Month 1 through Year 2014 End Month: 12

Route: 0001X

Start Node: 56536
End Node: 56537

Start Offset: 0
End Offset: 0

Exclude First Node
 Exclude Last Node

Route: 3101603

Start Node: 56971
End Node: 56536

Start Offset: 0
End Offset: 0

Exclude First Node
 Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes						Percent Annual M Injury Ent-Veh	Crash Rate	Critical Rate	CRF
					K	A	B	C	PD	Injury				
56536	0001X - 4.07	Int of ACCESS RD, US 1	1	2	0	0	0	0	2	0.0	4.057	0.16	0.29	0.00
56971	0001X - 4.32	Int of IDLEWOOD LN US 1	1	1	0	0	0	0	1	0.0	3.674	0.09	0.30	0.00
56537	0001X - 4.66	TL - Kittery, York	2	0	0	0	0	0	0	0.0	1.788	0.00	0.46	0.00
51588	3101603 - 0.31	Int of ACCESS RD, ADAMS RD, IDLEWOOD LN	1	0	0	0	0	0	0	0.0	0.790	0.00	0.52	0.00
Study Years: 3.00				3	0	0	0	0	3	0.0	10.309	0.10	0.25	0.39

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary I

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	Sections							Annual HMVM	Crash Rate	Critical Rate	CRF
							K	A	B	C	PD	Injury	Percent Injury				
56536	56971	3129581 Int of ACCESS RD, US 1	0 - 0.25	0001X - 4.07 US 1	0.25	3	0	0	0	0	3	0.0	0.00919	108.85	284.40	0.00	
56537	56971	3114221 TL - Kittery, York	0 - 0.34	0001X - 4.32 US 1	0.34	1	0	0	0	1	0.0	0.01216	27.41	265.92	0.00		
51588	56971	233707 Int of ACCESS RD, ADAMS RD, IDLEWOOD LN	0 - 0.31	3101603 - 0 RD INV 31 01603	0.31	1	0	0	0	0	0.0	0.00030	0.00	967.43	0.00		
51588	56536	233706 Int of ACCESS RD, ADAMS RD, IDLEWOOD LN	0 - 0.04	3101603 - 0.31 RD INV 31 01603	0.04	1	0	0	0	0	0.0	0.00032	0.00	962.13	0.00		
Study Years: 3.00					Section Totals:	4	0	0	0	0	4	0.0	0.02197	60.70	237.15	0.26	
Grand Totals:					0.94	7	0	0	0	0	7	0.0	0.02197	106.22	278.17	0.38	

Crash Summary

Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	Injury Crashes				Crash Report	Crash Date	Crash Mile Point	Injury Degree	
						K	A	B	C					PD
56536	56971	3129581	0 - 0.25	0001X - 4.07	3	0	0	0	0	3	2012-52152	11/17/2012	4.11	PD
56537	56971	3114221	0 - 0.34	0001X - 4.32	1	0	0	0	0	1	2012-51935	02/03/2012	4.22	PD
51588	56971	233707	0 - 0.31	3101603 - 0	0	0	0	0	0	0	2012-52146	11/06/2012	4.25	PD
51588	56536	233706	0 - 0.04	3101603 - 0.31	0	0	0	0	0	0	2013-18030	07/19/2013	4.64	PD

Totals: 4 0 0 0 0 0 4

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Day and Hour

Day Of Week	Hour of Day												Un	Tot													
	AM						PM																				
	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11			
SUNDAY	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
MONDAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TUESDAY	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
WEDNESDAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
THURSDAY	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
FRIDAY	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2
SATURDAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Totals	1	0	0	0	0	1	1	1	0	1	0	0	0	0	0	2	0	7									

Vehicle Counts by Type

Unit Type	Total	Unit Type	Total
1-Passenger Car	6	23-Bicyclist	0
2-(Sport) Utility Vehicle	3	24-Witness	0
3-Passenger Van	1	25-Other	0
4-Cargo Van (10K lbs or Less)	0	Total	12
5-Pickup	2		
6-Motor Home	0		
7-School Bus	0		
8-Transit Bus	0		
9-Motor Coach	0		
10-Other Bus	0		
11-Motorcycle	0		
12-Moped	0		
13-Low Speed Vehicle	0		
14-Autocycle	0		
15-Experimental	0		
16-Other Light Trucks (10,000 lbs or Less)	0		
17-Medium/Heavy Trucks (More than 10,000 lbs)	0		
18-ATV - (4 wheel)	0		
20-ATV - (2 wheel)	0		
21-Snowmobile	0		
22-Pedestrian	0		

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Driver Action at Time of Crash

Driver Action at Time of Crash	Dr1	Dr2	Dr3	Dr4	Dr5	Other	Total
No Contributing Action	6	2	1	0	0	0	9
Ran Off Roadway	0	0	0	0	0	0	0
Failed to Yield Right-of-Way	1	1	0	0	0	0	2
Ran Red Light	0	0	0	0	0	0	0
Ran Stop Sign	0	0	0	0	0	0	0
Disregarded Other Traffic Sign	0	0	0	0	0	0	0
Disregarded Other Road Markings	0	0	0	0	0	0	0
Exceeded Posted Speed Limit	0	0	0	0	0	0	0
Drove Too Fast For Conditions	0	0	0	0	0	0	0
Improper Turn	0	0	0	0	0	0	0
Improper Backing	0	0	0	0	0	0	0
Improper Passing	0	0	0	0	0	0	0
Wrong Way	0	0	0	0	0	0	0
Followed Too Closely	0	0	1	0	0	0	1
Failed to Keep in Proper Lane	0	0	0	0	0	0	0
Operated Motor Vehicle in Erratic, Reckless, Careless, Negligent or Aggressive Manner	0	0	0	0	0	0	0
Swerved or Avoided Due to Wind, Slippery Surface, Motor Vehicle, Object, Non-Motorist in Roadway	0	0	0	0	0	0	0
Over-Correcting/Over-Steering	0	0	0	0	0	0	0
Other Contributing Action	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0
Total	7	3	2	0	0	0	12

Crashes by Apparent Physical Condition And Driver

Apparent Physical Condition	Dr1	Dr2	Dr3	Dr4	Dr5	Other	Total
Apparently Normal	7	3	2	0	0	0	12
Physically Impaired or Handicapped	0	0	0	0	0	0	0
Emotional(Depressed, Angry, Disturbed, etc.)	0	0	0	0	0	0	0
Ill (Sick)	0	0	0	0	0	0	0
Asleep or Fatigued	0	0	0	0	0	0	0
Under the Influence of Medications/Drugs/Alcohol	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Total	7	3	2	0	0	0	12

Driver Age by Unit Type

Age	Driver	Bicycle	Snowmobile	Pedestrian	ATV	Total
09-Under	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	0	0	0	0	0	0
20-24	2	0	0	0	0	2
25-29	1	0	0	0	0	1
30-39	2	0	0	0	0	2
40-49	1	0	0	0	0	1
50-59	3	0	0	0	0	3
60-69	2	0	0	0	0	2
70-79	0	0	0	0	0	0
80-Over	1	0	0	0	0	1
Unknown	0	0	0	0	0	0
Total	12	0	0	0	0	12

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Most Harmful Event		Injury Data	
Most Harmful Event	Total	Severity Code	Number Of Injuries
1-Overturn / Rollover	0		
2-Fire / Explosion	0		
3-Immersion	0		
4-Jackknife	0		
5-Cargo / Equipment Loss Or Shift	0		
6-Fell / Jumped from Motor Vehicle	0		
7-Thrown or Falling Object	0		
8-Other Non-Collision	0		
9-Pedestrian	0		
10-Pedalcycle	0		
11-Railway Vehicle - Train, Engine	0		
12-Animal	4		
13-Motor Vehicle in Transport	6		
14-Parked Motor Vehicle	0		
15-Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle	0		
16-Work Zone / Maintenance Equipment	0		
17-Other Non-Fixed Object	0		
18-Impact Attenuator / Crash Cushion	0		
19-Bridge Overhead Structure	0		
20-Bridge Pier or Support	0		
21-Bridge Rail	0		
22-Cable Barrier	0		
23-Culvert	0		
24-Curb	0		
25-Ditch	0		
26-Embankment	0		
27-Guardrail Face	0		
28-Guardrail End	0		
29-Concrete Traffic Barrier	0		
30-Other Traffic Barrier	0		
31-Tree (Standing)	0		
32-Utility Pole / Light Support	0		
33-Traffic Sign Support	0		
34-Traffic Signal Support	0		
35-Fence	0		
36-Mailbox	0		
37-Other Post Pole or Support	0		
Total	12	7	0

Most Harmful Event		Injury Data	
Most Harmful Event	Total	Severity Code	Number Of Injuries
38-Other Fixed Object (wall, building, tunnel, etc.)	0		
39-Unknown	2		
40-Gate or Cable	0		
41-Pressure Ridge	0		
Total	12	7	0

Road Character		Light Condition	
Road Grade	Total	Light Condition	Total
1-Level	7	1-Daylight	5
2-On Grade	0	2-Dawn	0
3-Top of Hill	0	3-Dusk	0
4-Bottom of Hill	0	4-Dark - Lighted	2
5-Other	0	5-Dark - Not Lighted	0
Total	7	6-Dark - Unknown Lighting	0
		7-Unknown	0
		Total	7

Traffic Control Devices		Total	
Traffic Control Device	Total	Traffic Control Device	Total
1-Traffic Signals (Stop & Go)	0	1-Traffic Signals (Stop & Go)	0
2-Traffic Signals (Flashing)	0	2-Traffic Signals (Flashing)	0
3-Advisory/Warning Sign	0	3-Advisory/Warning Sign	0
4-Stop Signs - All Approaches	0	4-Stop Signs - All Approaches	0
5-Stop Signs - Other	2	5-Stop Signs - Other	2
6-Yield Sign	0	6-Yield Sign	0
7-Curve Warning Sign	0	7-Curve Warning Sign	0
8-Officer, Flagman, School Patrol	0	8-Officer, Flagman, School Patrol	0
9-School Bus Stop Arm	0	9-School Bus Stop Arm	0
10-School Zone Sign	0	10-School Zone Sign	0
11-R.R. Crossing Device	0	11-R.R. Crossing Device	0
12-No Passing Zone	0	12-No Passing Zone	0
13-None	5	13-None	5
14-Other	0	14-Other	0
Total	7	Total	7

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Year and Month

Month	2012	2013	2014	Total
JANUARY	0	0	0	0
FEBRUARY	1	0	0	1
MARCH	0	0	0	0
APRIL	0	0	0	0
MAY	0	0	0	0
JUNE	0	0	0	0
JULY	0	1	0	1
AUGUST	0	0	0	0
SEPTEMBER	2	0	0	2
OCTOBER	0	0	0	0
NOVEMBER	2	1	0	3
DECEMBER	0	0	0	0
Total	5	2	0	7

Report is limited to the last 10 years of data.

Crash Summary II - Characteristics

Crashes by Crash Type and Type of Location

Crash Type	Straight Road	Curved Road	Three Leg Intersection	Four Leg Intersection	Five or More Leg Intersection	Driveways	Bridges	Interchanges	Other	Parking Lot	Private Way	Cross Over	Railroad Crossing	Total
Object in Road	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rear End / Sideswipe	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Head-on / Sideswipe	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intersection Movement	0	0	1	0	0	1	0	0	0	0	0	0	0	2
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Train	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Went Off Road	0	0	0	0	0	0	0	0	0	0	0	0	0	0
All Other Animal	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycle	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jackknife	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rollover	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Submersion	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thrown or Falling Object	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bear	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deer	3	0	1	0	0	0	0	0	0	0	0	0	0	4
Moose	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	3	0	2	0	0	2	0	0	0	0	0	0	0	7

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Blowing Sand, Soil, Dirt												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Blowing Snow												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Clear												
Dark - Lighted	1	0	0	0	0	0	0	0	0	0	0	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	3	0	0	0	0	0	0	0	0	0	0	3
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Cloudy												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	1	0	0	0	0	0	0	0	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

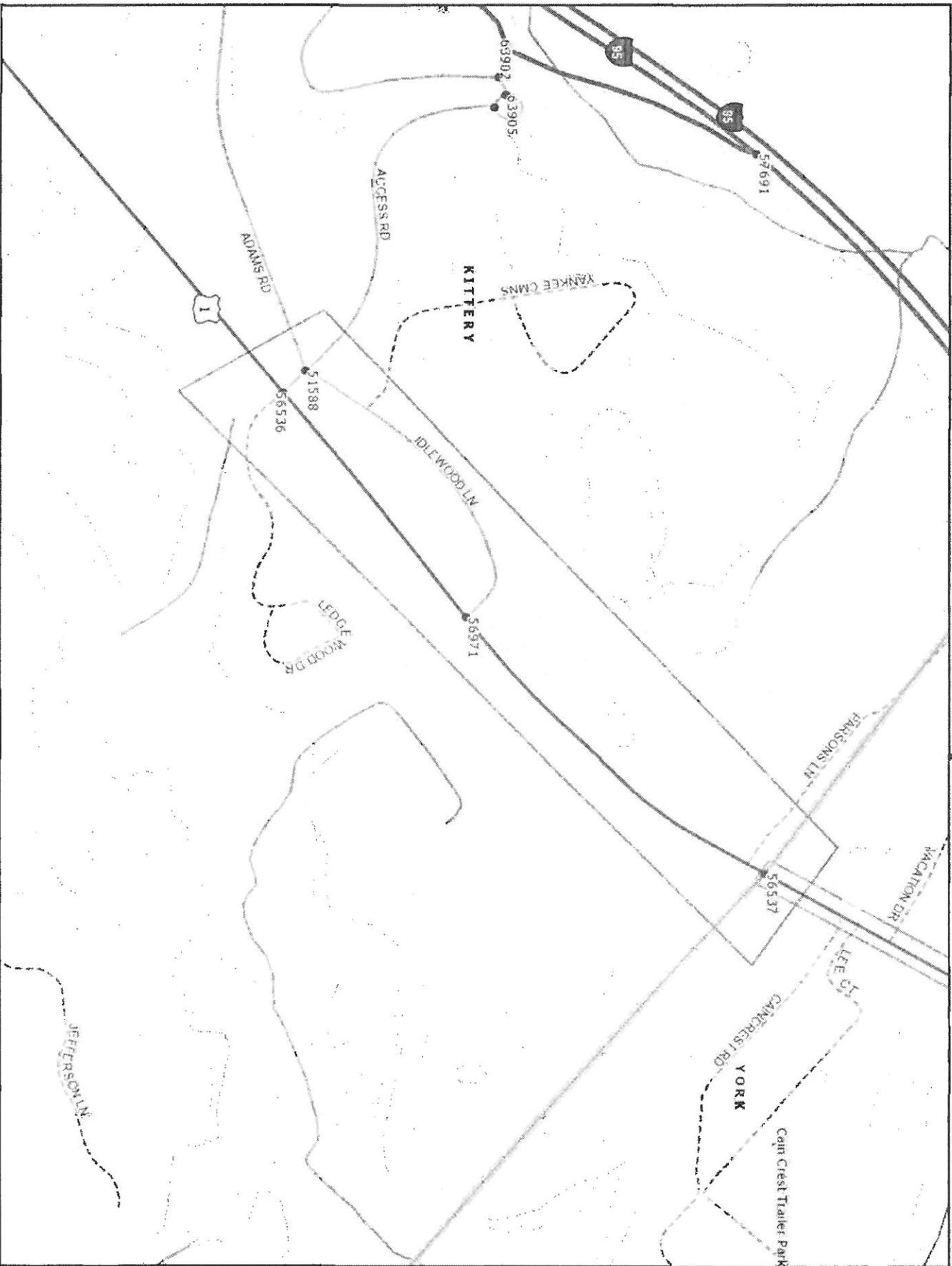
Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Fog, Smog, Smoke												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	1	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Other												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Rain												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	1	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Severe Crosswinds												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Sleet, Hail (Freezing Rain or Drizzle)												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Snow												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	5	0	0	0	0	0	0	0	0	0	0	7

Maine DOT Map



Map Generated on Tuesday, June 30, 2015 09:51:52 AM

The Maine Department of Transportation provides this publication for information only. Reliance upon this information is at user risk. It is subject to revision and may be incomplete depending upon changing conditions. The Department assumes no liability if injuries or damages result from this information. This map is not intended to support emergency dispatch. Road names used on this map may not match official road names.

Map Scale 1:7154

JN:
 Project Description:
 Project Location:
 Date:

3038
 Yankee Mobile Home Park
 Idlewood Lane, Kittery
 7-Jul-15

Gorrill-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

Senior Adult Housing - Detached
 Land Use Code (LUC) 251

Dwelling Units: 77

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution	
			IN	OUT	IN	OUT
Weekday	$T = 3.88 (X)$	283	50%	50%	142	141
Peak Hour of Adjacent Street Traffic 7-9 AM	$T = 0.22 (X)$	17	35%	65%	6	11
Peak Hour of Adjacent Street Traffic 4-6 PM	$T = 0.27 (X)$	21	60%	40%	13	8
AM Peak Hour of Generator	$T = 0.29 (X)$	22	45%	55%	10	12
PM Peak Hour of Generator	$T = 0.34 (X)$	28	55%	45%	14	12
Saturday	$T = 2.73 (X)$	210	50%	50%	105	105

* Percentages rounded to nearest 5%

Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution	
			IN	OUT	IN	OUT
Weekday	$\ln(T) = 0.89 \ln(X) + 2.08$	375	50%	50%	188	187
Peak Hour of Adjacent Street Traffic 7-9 AM	$(T) = 0.17 (X) + 29.95$	43	35%	65%	15	27.95
Peak Hour of Adjacent Street Traffic 4-6 PM	$\ln(T) = 0.75 \ln(X) + 0.35$	37	60%	40%	22	15
AM Peak Hour of Generator	$T = 0.25(X) + 19.67$	39	45%	55%	---	---
PM Peak Hour of Generator	$T = 0.25(X) + 40.26$	59	55%	45%	---	---
Saturday	---	---	50%	50%	---	---

* Percentages rounded to nearest 5%



**CIVIL
CONSULTANTS**

Engineers

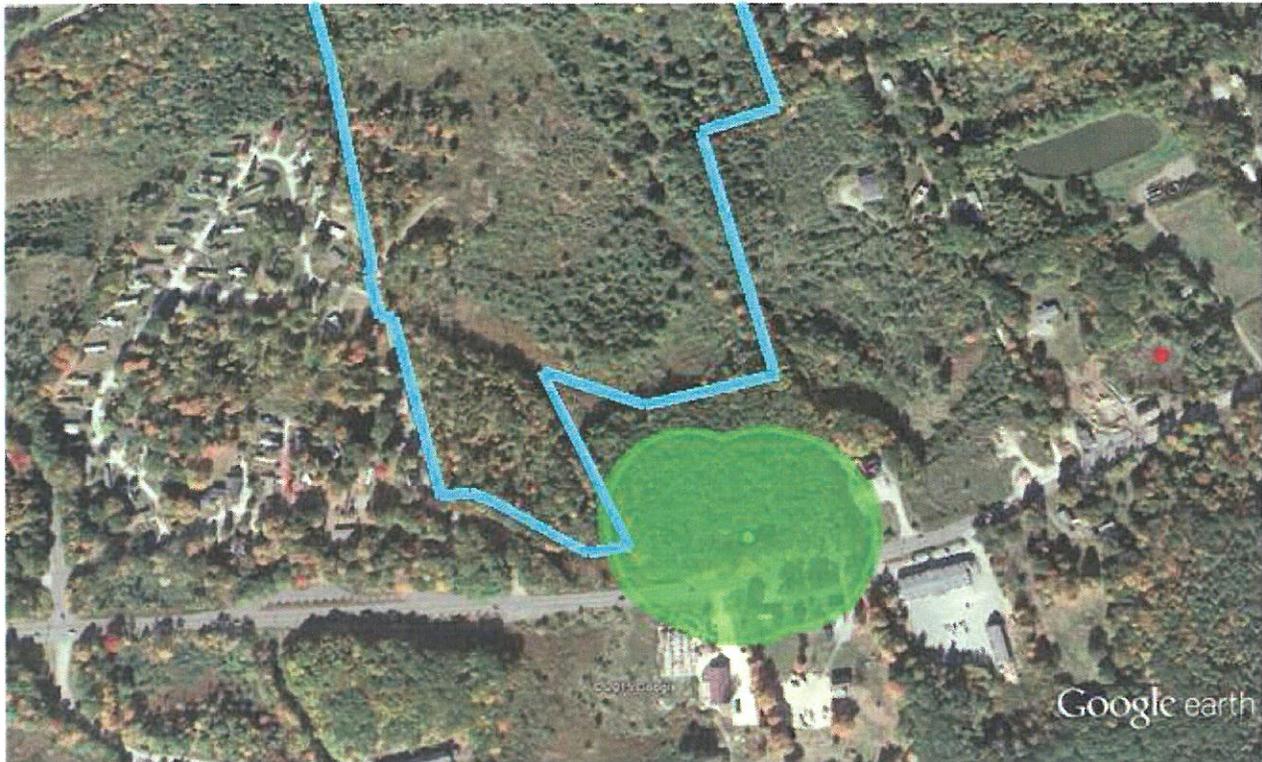
Planners

Surveyors

Attachment 3 - Vernal Pool Data

3a- Vernal Pool Kittery 012 (State Files)

3b- Vernal Pool 012 Close-up (State Files)



Kittery 012

PoolID	1602
ExportDate	4/9/2015
CenterLat	43.130524
CenterLong	-70.705087
CenterX	361314
CenterY	4776720
IFWPoolID	1602
SurveyDate	4/16/2009
ProjectID	85
Township	Kittery
SiteName	Kittery 012
ObsSiteName	VP-01
PoolMapMethod	Pool outline was delineated in the field with a GPS
GISSharing	Public
PubReview	Y
SVPStatus	SIGNIFICANT
Status_General	Significant
SHAPE	Point

Image modified 22 July 2015 to show approximate site boundaries

REPORT to THE KITTERY TOWN COUNCIL – OPEN SPACE – CONSERVATION EASEMENT
ATTACHMENT 1D, KITTERY SIGNIFICANT VERNAL POOL 012 – 06/14/15 - CLOSEUP



Image modified 22 July 2015 to show approximate site boundaries



**CIVIL
CONSULTANTS**

Engineers

Planners

Surveyors

P.O. Box 100

293 Main Street

South Berwick

Maine

03908

207-384-2550

July 28, 2015

Mr. Christopher DiMatteo, Town Planner
Town of Kittery
200 Rogers Road
Kittery ME 03904

Re: **Yankee Commons Expansion**
Response to Planning and Public Hearing Comments

Dear Mr. DiMatteo:

Enclosed please find a memo response to Planning Board comments regarding the referenced project. The memo along with the referenced attachments is transmitted in three copies for your use. Prior to your submittal deadline for planning board presentation we will provide additional copies with any suggested amendments from the planning staff.

We look forward to your further review.

Very truly yours,
CIVIL CONSULTANTS

Thomas W. Harmon, PE, PLS
Principal

Enclosures (3)

cc: Beers, Rayback, gray, file

J:\aaa\2006\0668402\Planning Board\20150724-Submittal\20150728transLtr.doc

RECEIVED
JUL 28 2015
BY: _____



**CIVIL
CONSULTANTS**

Engineers

Planners

Surveyors

Attachment 4 - Hydrogeologic Review Report

15-0640 G

July 20, 2015

Civil Consultants
Attention: Mr. Thomas W. Harmon, P.E.
293 Main Street
P.O. Box 100
South Berwick, ME 03908

Subject: Hydrogeological Evaluation
Stormwater and Groundwater Flow
Yankee Commons Mobile Home Park Expansion
Kittery, Maine

In accordance with our July 08, 2015 Agreement, S. W. Cole Engineering, Inc. (S.W.COLE) is providing this report of findings from our hydrogeological review of potential changes to stormwater and groundwater flow associated with the proposed expansion of the Yankee Commons Mobile Home Park.

The Stormwater Management Plan (Plan) describes the proposed expansion as including 77 mobile home park units on 18.5 acres of a 50.1 acre lot located on Idlewood Lane along U.S. Route 1 in Kittery, Maine. An additional 2.0 acres will be modified in association with stormwater treatment and road improvements, with a total of 7.0 acres being impervious. The stormwater runoff from the developed site is treated using 13 grassed filter basins and 1 bioretention basin. Mapped wetland areas total approximately 6.6 acres, 0.8 acres of which are designated as emergent wetlands. The remaining area is undeveloped wooded vegetation.

We understand that the site has been permitted by the Maine Department of Environmental Protection (MeDEP) and that Civil Consultants is requesting this review of the potential impacts to adjacent wetlands associated with changes to drainage patterns and the proposed blasting and bedrock removal associated with site preparation.

SCOPE OF SERVICES:

Civil Consultants has provided the high intensity soils survey and the grading and storm water management plans for the site. We have also reviewed published surficial geological, bedrock geological and soils (web soil survey) mapping of the site.

This review focused on:

- Potential changes to surface water drainage;
- Potential changes to infiltration;
- Siltation to wetlands associated with construction;
- Long term siltation associated with development; and
- Possible impacts to water quantity and quality in the adjacent wetlands. A Maine Certified Geologist provided the evaluation.

We did not perform a field investigation in association with this evaluation.

FINDINGS

Our review of the information resulted in the following findings:

1. Bedrock in the area is mapped as metasandstone and phyllite of the Kittery Formation.
2. Soil types mapped in the area are generally interpreted to be hydrological soil groups C and D, and are associated with shallow bedrock on pre-construction slopes generally less than 15%, while small areas are mapped as having slopes between 15 and 25% or greater than 25%.
3. The 20-year average precipitation¹ is approximately 47 inches, however the 2014 precipitation was 58.30.
4. The overall drainage patterns, with surficial flow to the wetlands to the north and the emergent wetland near the center of the proposed development are virtually unchanged.
5. The removal of bedrock as part of the site preparation is interpreted to result in slopes with lower gradients which may increase infiltration and evapo-

¹ NOAA 2014 annual precipitation for the Kennebunkport weather station.

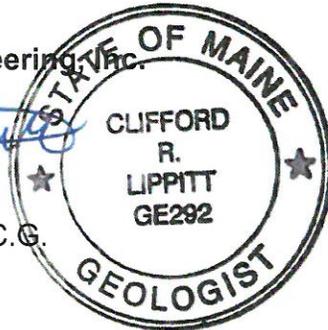
The key site water issues will be stormwater management during construction and the inspection and maintenance of stormwater management systems subsequent to construction.

Please contact us if you have any questions.

S. W. Cole Engineering, Inc.



Clifford R. Lippitt, C.G.
Senior Geologist



transpiration, thus reducing runoff. However, the increase in the amount of impermeable surface is interpreted to result in an increase in runoff, thus negating the impact of the lower slopes and increased evaporation.

6. The majority of the stormwater runoff will be directed to sand filters, designed per Best Management Practices (BMPs) guidelines, prior to draining to the wetlands. Several small areas from lots adjoining the wetlands drain directly to the wetlands.
7. The Stormwater Management Plan shows design water levels in association with 2 year, 10 year and 25 year stormwater events in the infiltration basins.
8. The Stormwater Management Plan includes provisions for inspection and maintenance at regular intervals and associated with major storms.

We understand that the site development process will require that approximately 190,000 cubic yards (in place volume) of bedrock will be removed to establish the final grades. Additional bedrock will be moved on the site for road construction. Topsoil will be stripped from the areas where bedrock will be removed, stockpiled, and subsequently reused on site.

We understand that water supply and domestic wastewater management will be at off-site facilities.

SUMMARY AND CONCLUSIONS

It is our interpretation that the quantity of runoff and infiltration will be substantially unchanged, as we understand that topsoil removed for construction (bedrock removal) will be utilized on site. The soil filters for runoff management and buffer soils to wetlands meet the requirements for water treatment prior to discharge to a wetland.



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CONSULTANTS**

Engineers

Planners

Surveyors

Attachment 5 - Revised Plan Sheet C3

DRAIN PIPE SCHEDULE

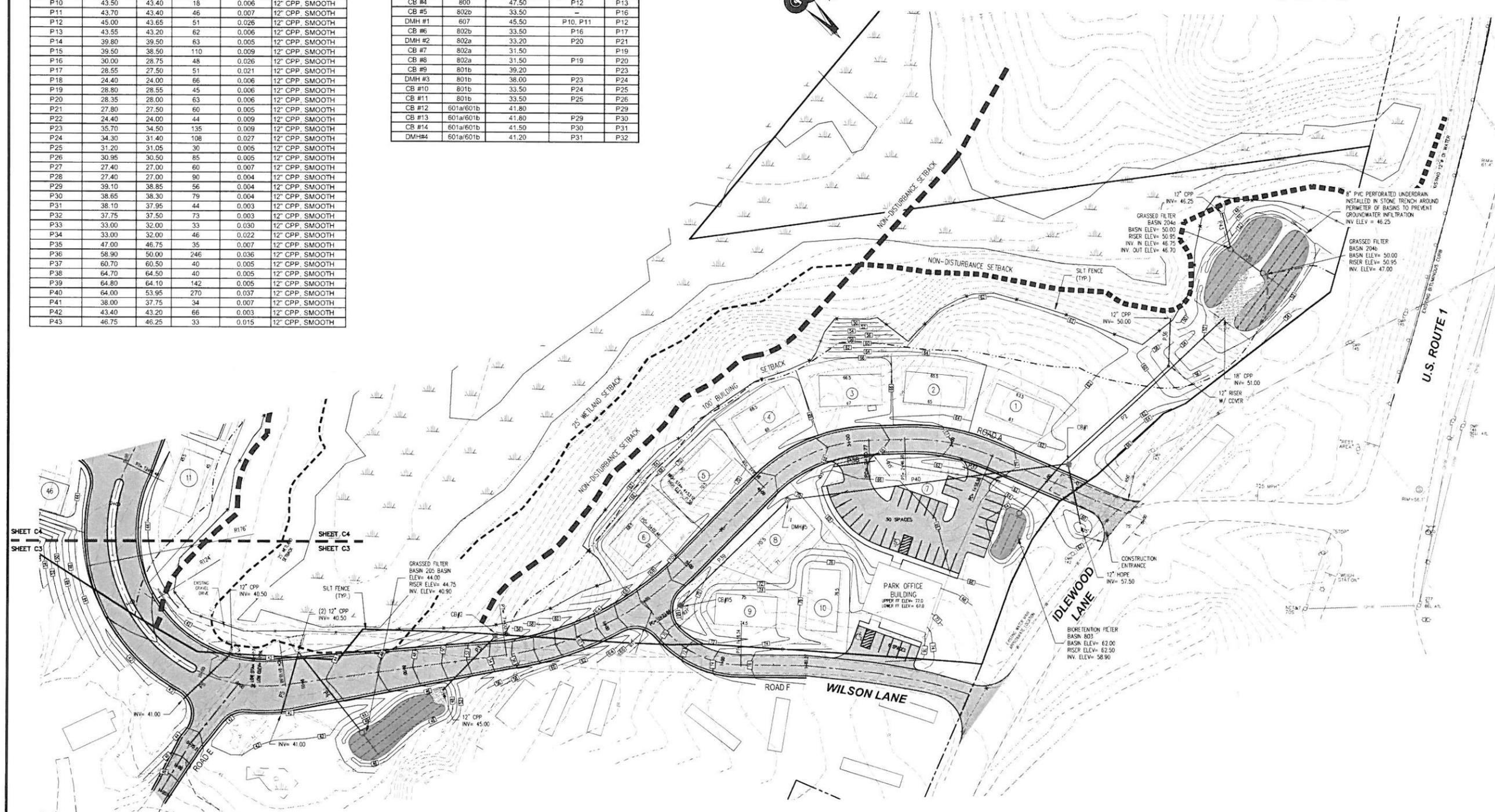
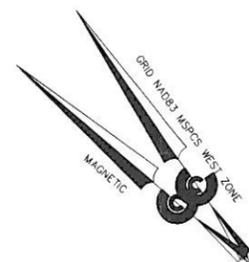
PIPE	INV. IN	INV. OUT	LENGTH (FT)	SLOPE (FT/FT)	MATERIAL
P1	57.50	53.95	57	0.062	12" CPP SMOOTH
P2	53.85	51.00	206	0.014	18" CPP SMOOTH
P3	48.00	45.00	71	0.042	12" CPP SMOOTH
P4	40.90	40.50	110	0.004	12" CPP SMOOTH
P5	41.00	40.50	59	0.008	12" CPP SMOOTH
P6	41.00	40.50	66	0.008	12" CPP SMOOTH
P7	41.50	41.00	93	0.005	12" CPP SMOOTH
P8	41.20	39.70	101	0.015	12" CPP SMOOTH
P9	36.45	35.75	348	0.002	12" CPP SMOOTH
P10	43.50	43.40	18	0.006	12" CPP SMOOTH
P11	43.70	43.40	46	0.007	12" CPP SMOOTH
P12	45.00	43.65	51	0.026	12" CPP SMOOTH
P13	43.55	43.20	62	0.006	12" CPP SMOOTH
P14	39.80	39.50	63	0.005	12" CPP SMOOTH
P15	39.50	38.50	110	0.009	12" CPP SMOOTH
P16	30.00	28.75	48	0.026	12" CPP SMOOTH
P17	28.55	27.50	51	0.021	12" CPP SMOOTH
P18	24.40	24.00	66	0.006	12" CPP SMOOTH
P19	28.80	28.55	45	0.006	12" CPP SMOOTH
P20	28.35	28.00	63	0.006	12" CPP SMOOTH
P21	27.80	27.50	60	0.005	12" CPP SMOOTH
P22	24.40	24.00	44	0.009	12" CPP SMOOTH
P23	35.70	34.50	135	0.009	12" CPP SMOOTH
P24	34.30	31.40	108	0.027	12" CPP SMOOTH
P25	31.20	31.05	30	0.005	12" CPP SMOOTH
P26	30.95	30.50	85	0.005	12" CPP SMOOTH
P27	27.40	27.00	60	0.007	12" CPP SMOOTH
P28	27.40	27.00	90	0.004	12" CPP SMOOTH
P29	39.10	38.85	56	0.004	12" CPP SMOOTH
P30	38.65	38.30	79	0.004	12" CPP SMOOTH
P31	38.10	37.95	44	0.003	12" CPP SMOOTH
P32	37.75	37.50	73	0.003	12" CPP SMOOTH
P33	33.00	32.00	33	0.030	12" CPP SMOOTH
P34	33.00	32.00	46	0.022	12" CPP SMOOTH
P35	47.00	46.75	35	0.007	12" CPP SMOOTH
P36	58.90	50.00	246	0.036	12" CPP SMOOTH
P37	60.70	60.50	40	0.005	12" CPP SMOOTH
P38	64.70	64.50	40	0.005	12" CPP SMOOTH
P39	64.80	64.10	142	0.005	12" CPP SMOOTH
P40	64.00	53.95	270	0.037	12" CPP SMOOTH
P41	38.00	37.75	34	0.007	12" CPP SMOOTH
P42	43.40	43.20	66	0.003	12" CPP SMOOTH
P43	46.75	46.25	33	0.015	12" CPP SMOOTH

CATCH BASIN SCHEDULE

STRUCTURE	Associated Filter/Pond	RIM ELEV	PIPE IN	PIPE OUT
CB #1	204b	61.20	P1, P40	P2
CB #15	204b	67.80		P39
DMH#5	204b	70.20	P39	P40
CB #2	205	53.00		P3
CB #3	604	45.00		P7
CB #4	800	47.50	P12	P13
CB #5	802b	33.50		P16
DMH #1	607	45.50	P10, P11	P12
CB #6	802b	33.50		P16
DMH #2	802a	33.20	P20	P21
CB #7	802a	31.50		P19
CB #8	802a	31.50	P19	P20
CB #9	801b	39.20		P23
DMH #3	801b	38.00	P23	P24
CB #10	801b	33.50	P24	P25
CB #11	801b	33.50	P25	P26
CB #12	801a/801b	41.80	P29	P29
CB #13	801a/801b	41.80	P29	P30
CB #14	801a/801b	41.50	P30	P31
DMH#4	801a/801b	41.20	P31	P32

LEGEND

- OMP CORRUGATED PLASTIC PIPE
- HDPE HIGH DENSITY POLYETHYLENE
- CB #1 SEE CATCH BASIN TABLE (SHEET C8)
- P1 SEE PIPE TABLE (SHEET C8)
- SILT FENCE
- RIPRAP APRON
- CONSTRUCTION ENTRANCE
- PROPOSED CONTOUR
- PROPOSED SPOT GRADE
- PROPOSED DRAIN LINE
- CATCH BASIN
- DRAIN MANHOLE



CIVIL CONSULTANTS
 Engineers
 Planners
 Surveyors
 P.O. Box 100
 South Berwick
 Maine
 03908
 207-364-2550
 civicon@civicon.com

NO.	REVISIONS	DATE
1	UPDATE DRAINAGE @ IDLEWOOD LANE	JAA 07/22/15
2	REVISE PER REVIEW COMMENTS	JAA 10/17/12
1	CORRECTED PARKING SPACE COUNT	JAA 08/23/12

YANKEE COMMONS
MOBILE HOME PARK EXPANSION
 IDLEWOOD LANE/ U.S. ROUTE 1 KITTERY, MAINE
 PREPARED FOR:
STEPHEN A. HYNES, TRUSTEE
REAL PROPERTY TRUST AGREEMENT
 MAILING ADDRESS: 1571 BELLEVUE AVE., SUITE 210 WEST VANCOUVER, B.C. V7V1A6

CIVIL CONSULTANTS

DRAWN GDC/JAA CALC.
 DATE 1 AUGUST 2012
 CHECKED
 APPROVED
 SCALE 1"=50'
 SHEET TITLE:
•GRADING & DRAINAGE PLAN
 SHEET NUMBER:
C3
 SHEET C3 OF C8
 PROJECT # **06-684.02**

**Town of Kittery
 Planning Board Meeting
 September 10, 2015**

Spruce Creek Ventures II - Minor Subdivision Sketch Plan Review

Action: approve or deny sketch plan. Owner/applicant Spruce Creek Ventures II requests consideration of a three-lot subdivision of 3.02 acres located at 9 Cook Street and Old Post Road (Tax Map 3, Lot 77-A) in the Residential – Urban (R-U) Zone. Agent is Chris Wilber, Chris Wilber Consulting.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan	7/9 review	TBD
NO	Site Visit	8/6/2015	
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Final Plan Review and Decision		

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Staff Review

There are a few issues to be resolved at this conceptual sketch plan review so that the applicants can move forward to a preliminary plan application.

- 1. Conventional vs. Cluster.** The proposed three-lot subdivision is presented as a conventional subdivision that meets all dimensional requirements and does not include any preservation of open space. Creating a conventional subdivision in the Urban Zone requires 15% retention of common open space and the Board must grant a special exception for the use. On the other hand, cluster residential development (cluster subdivision) is a permitted use in the Urban Zone. It requires the applicant to designate 50% of total area, including 30% of the net residential acreage, as open space. A cluster subdivision could also yield three or more lots. **The Board should determine whether the circumstances warrant a special exception for a conventional subdivision.** (See 16.6.4.4. In granting a special use exception, the Board must find the proposed development meets the criteria of Section 16.10.8.3.4 and 16.6.6.)
- 2. Shared Driveway.** A “driveway” by definition must serve only one or two lots. A shared access to three lots should meet the design and construction standards of a Class I Private Street, which may be more practical in a clustered development.
- 3. Existing Access?** A piece of the lot fronts on Bridge Street and appears to serve as a shared driveway for 10 and 12 Bridge Street. What is the status of this easement? Was it considered for an access to the proposed subdivision?
- 4. Sewer Service.** The development is located well within 1,000 feet of an existing sewer line and therefore must connect to it per 16.8.7.3.
- 5. Dimensional Standards.** The sketch plan is presented as if there are 40-foot front setbacks and 30-foot side and rear setbacks in the Urban Zone. In fact the front setback is 30 feet and the side and rear setbacks are 15 feet—the building envelopes would be larger than they appear.

UPDATE: The applicant has provided a revised sketch plan attached. Staff comments are updated and highlighted below. Meeting and Site Visit minutes are attached for your reference.

Recommendation

The sketch plan review is an opportunity to consider a concept and make specific suggestions to the applicant. There are challenges and benefits to either a cluster or conventional subdivision on this site. According to the code, residential development in the Urban Zone is expected to be clustered and served by public sewer.

Considering the topography of the lot, the impacts of a common access way (currently shown at 12.5% grade) on Old Post Road, and the impact of connecting three separate lots to public sewer, staff opinion is that a cluster subdivision, as intended by the code, is more appropriate and feasible in this location. The applicant might consider an alternative development, possibly a condominium form of ownership within a multifamily cluster development. Access via Bridge Street would be preferable.

UPDATE: The revised sketch plan does increase the density as staff suggested, however, the site design does not lend itself to many of the objectives of the cluster ordinance, 16.8.11.1. Staff received some feedback from town department heads and the primary concern is the steepness of the proposed drive accessing the site. Addressing this along with incorporating a multi-family development scheme that will decrease the development footprint greatly thereby more conforming to the cluster ordinance. Two 3-unit buildings with useable open space in-between for the residents would seem to be more appropriate than six single-family units. More of the hillside, especially towards the east and south portion of the parcel should be preserved to maintain the tree canopy that is important feature enter Kittery from the bridge and to the abutting neighbors.

Action

After discussing the revised plan, the Board may want to continue the sketch plan in order to allow the applicant to prepare a revised concept or provide specific direction to the applicant and grant conditional approval based on staff and Board's comments. To continue the sketch plan the Board would:

Move to continue the sketch plan application dated June 18, 2015 from owner/applicant Spruce Creek Ventures II for a three-lot subdivision of 3.02 acres located at 9 Cook Street and Old Post Road (Tax Map 3, Lot 77A) in the Residential – Urban (R-U) Zone not to exceed 90 days.

{minutes from the 7/9/2015 meeting}

Item 5 – Spruce Creek Ventures, II – Minor Subdivision Sketch Plan Review

Action: approve or deny sketch plan. Owner/applicant Spruce Creek Ventures II requests consideration of a three-lot subdivision of 3.02 acres located at 9 Cook Street and Old Post Road (Tax Map 3, Lot 77-A) in the Residential – Urban (R-U) Zone. Agent is Chris Wilber, Chris Wilber Consulting.

Chris Wilber, PLS represented the applicant and provided an overview of the proposal, including:

- A 15-unit condominium project was proposed several years ago but the plan was shelved
- The lot has “quite a bit of constraints” to development: steep slopes and a 25-foot-wide access used by two other lots
- Public water and sewer are available nearby
- All of the proposed lots are larger than the minimum lot size
- The plan is two develop two single-family homes and save the third lot, potentially for a duplex

Mr. Di Matteo noted that density is the goal for the Urban Zone, and the Board should discuss whether a conventional or cluster subdivision is preferable on this lot, as only cluster developments are expressly permitted. Discussion ensued regarding factors affecting the feasibility and desirability of either a cluster subdivision or conventional subdivision.

Mr. Alesse moved to approve the sketch plan application dated June 18, 2015 from owner/applicant Spruce Creek Ventures II for a three-lot subdivision of 3.02 acres located at 9 Cook Street and Old Post Road (Tax Map 3, Lot 77A) in the Residential – Urban (R-U) Zone.

Mr. Harris seconded.

Further discussion ensued regarding open space requirements and access constraints on Bridge Street. The Board came to a conclusion that they should see a sketch plan for a cluster subdivision as well as a conventional one and discussed holding a site walk.

Mr. Alesse withdrew the motion on the table.

Mr. Alesse moved to continue the sketch plan application dated June 18, 2015 from owner/applicant Spruce Creek Ventures II for a three-lot subdivision of 3.02 acres located at 9 Cook Street and Old Post Road (Tax Map 3, Lot 77A) in the Residential – Urban (R-U) and schedule a site walk for August 6 at 9:00 a.m.

Mr. Harris seconded.

Motion carried: 4-0-1 (Lincoln abstaining)

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING – SITE WALKS**

**APPROVED
AUGUST 6, 2015**

9:00 a.m. Spruce Creek Ventures, II – Minor Subdivision Sketch Plan Review

Owner/applicant Spruce Creek Ventures II requests consideration of a three-lot subdivision of 3.02 acres located at 9 Cook Street and Old Post Road (Tax Map 3, Lot 77-A) in the Residential – Urban (R-U) Zone. Agent is Chris Wilber, Chris Wilber Consulting.

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Secretary Deborah Driscoll Davis, Mark Alesse and Robert Harris. Deborah Lynch and David Lincoln were absent.

Staff present: Chris Di Matteo, Town Planner.

Other committee members present: None

Agents and Owner present: Chris Wilber, Chris Wilber Consulting and William Bischoff. Spruce Creek Ventures II

Abutters and members of the public: Steve Workman, 10 Bridge Street; Vick Cortella, 12 Bridge Street; Ed Goodman, 115 Whipple; and Thomas Berger, 30 US Rt.1 Bypass

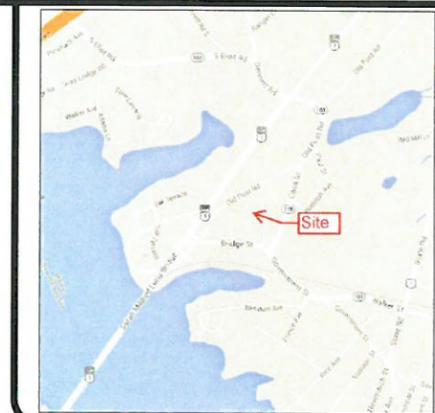
At 9:05 am Ms. Grinnell opened the meeting and read a statement regarding site walk procedure.

Beginning along Old Post Road agent Chris Wilber oriented the group to the existing conditions and the sketch plan proposal. The group was shown the location of the proposed access to the site off Old Post Road that is designed to cut into the side of the existing slope. The center line of the proposed access was flagged.

The group negotiated up the steep slope to the location of proposed lot 1 and from here continued towards the parcel's access to Bridge Street. The group discussed the viability of using this location to provide access to the site. The board members were inclined to agree with the applicant that logistically it was not ideal for access to the site.

Ms. Kalmar moved to adjourn. Ms. Davis seconded and the motion passed unanimously.

Adjournment: 9:33 a.m.



Location Map
Not to Scale



Extend of Residential Area/Open Space
Total Area 131,235 S.F.
Area of Residential Use 51,240±
Represents 39% of Total Area

Legend

- Iron Pipe Found ○
- Rebar Found ⊙
- Drill Hole Set ●
- Stone Bound Found ■
- Utility Pole ⊕
- Rebar Set ⊛
- Stone Wall ○○○○○

Sketch Plan
Cluster Residential Development
Land Of
SPRUCE CREEK VENTURES, II

Located on
Old Post Road and Bridge Street
Kittery, York County, Maine
August 10, 2015 Scale: 1" = 30'



Special Access Conditions

A variance shall be requested as a condition of this plan, allowing grades up to 14% for limited areas along driveway. All access and utilities shall be within the designated residential areas. Dedicated width for driveway is 40 feet.

Owners of Record

Tax Map 3 Lot 77A
Spruce Creek Ventures, II
2406 Lafayette Street
Portsmouth, NH 03801

Survey Notes

The boundary information shown on this plan is from Plan Ref. #1. It is not the result of a Standard Boundary Survey by this office. Plan by CBW

Plan References

1" STANDARD BOUNDARY SURVEY & LOT CONSOLIDATION PLAN"
Dated October 6, 2008 by Easterly Surveying, Inc.

Zoning Designation

Zone U-R Min Lot Size- 20,000 sq/ft
Min Road Frontage-100'
Set Backs: Front-40'
Side-30'
Rear-30'

MAP 3 LOT 79
GINELE-BERGER PROPERTIES LLC
US ROUTE 1 BY-PASS
KITTERY, ME 03904

MAP 3 LOT 80
GINELE-BERGER PROPERTIES LLC
US ROUTE 1 BY-PASS
KITTERY, ME 03904

MAP 3 LOT 81
KAREN PRICE
11 OLD POST ROAD
KITTERY, ME 03904

3 LOT 77
RIVER KNOLL FARM
CONDOMINIUM ASSOCIATION
3 COOK STREET
KITTERY, ME 03904

3 LOT 75
JOYCE M REED
JANET M WILLIAMS
2 BRIDGE STREET
KITTERY, ME 03904

3 LOT 76
SARAH M CAMP
1 COOK STREET
KITTERY, ME 03904

MAP 3 LOT 74
PATRICIA SHEPARD
8 BRIDGE STREET
KITTERY, ME 03904

MAP 3 LOT 73
STEVEN WORKMAN
DANIEL BLANCHETTE
13 BRIDGE STREET
KITTERY, ME 03904

MAP 3 LOT 72
WILL & BARBARA CONTELLA
11 WOODBINE AVENUE
ELOT, ME 02903

MAP 3 LOT 71
EDWARD & ANNE GOODWIN
15 WHIPPLE ROAD
KITTERY, ME 03904

MAP 3 LOT 68
MARGARET PALAU
13 BRIDGE STREET
KITTERY, ME 03904

MAP 3 LOT 67
REBECCA LAMBORN
45 GREENOUGH AVE
JAMAICA PLAIN, MA
02130

MAP 3 LOT 66
CHRISTEE ASB4
3 BRIDGE STREET
KITTERY, ME 03904

MAP 3 LOT 65
DAVID & BETTY MORRISON
7 BRIDGE STREET
KITTERY, ME 03904

MAP 3 LOT 63
19 BRIDGE STREET LLC
PO BOX 450
KITTERY, ME 03904

**Town of Kittery
 Planning Board Meeting
 September 10, 2015**

Weathervane-Badgers Is. Redevelopment — Subdivision/Shoreland Dev – Sketch Plan Review

Action: approve or deny sketch plan. Owner Gagner Family Limited and applicant Stephen Kelm requests consideration of a 7-dwelling subdivision of 0.8 acres located at 31 Badgers Island West (Tax Map 1, Lot 31) in the Mixed Use – Badgers Island (MU-BI) Zone and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is Eric D. Weinrieb, P.E., Altus Engineering.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan	9/10/2015 review	TBD
NO	Site Visit		
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Final Plan Review and Decision		

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

The applicant’s agent met with staff and discussed the proposed development prior to submitting a sketch plan. As the attached plans shows the proposal is to raze the existing building, former weathervane restaurant and seafood business and build a 7-unit residential condominium.

It was not clear to staff at the time of the meeting how the nonconforming building and prior use(s) within the Shoreland and the Commercial Fisheries Maritime Activities Overlay Zones would impact the redevelopment of the site. Staff suggested starting the process with a sketch plan and offered to contact Maine DEP to get more insight on the regulatory constraints.

Staff Review

The parcel is identified as being 34,848 square feet in size. The lot area should be verified that it does not include any area below the Highest Annual Tide (HAT). Assuming it doesn’t the 6.8 dwelling units that are calculated and noted on the plan does not equate to 7 dwelling units. The parcel area identified can only yield 6 units. Parking requirements, however, are 1.5 spaces per dwelling unit in the Mixed-Use Badgers Island zone. In addition there appears to be opportunities to connect to public pedestrian easements that burden the abutting lot Tax Map Lot 30, marina and condominiums.

Staff spoke with Mike Morse at Maine DEP and confirmed the following:

- 1) The existing building, though nonconforming as a former restaurant (not a water dependent use) can be redeveloped in place with an equally or less intense nonconforming use (residential) as determined by the Planning Board.
- 2) The same is true if the building is demolished and reconstructed, however, this would trigger the provision where if more than 50% of the market value of the structure is removed then the Planning Board must determine if the new structure meets the setback (75-feet from the HAT in this instance) *to the greatest practical extent.*

- 3) To determine this 16.7.3.5.4.B. describes the following:
...Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone.), must consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.
- 4) The area of the former conforming use, presumably the seafood business, cannot be replaced by a nonconforming use. This area should be identified and accounted for.

Lastly, the applicant should address how the proposal might meet the Appropriate Waterfront Activity Incentives described in 16.3.2.14.E.

Recommendation/ Action

After discussing the sketch plan, the Board may want to continue the plan in order to allow the applicant to prepare a revised concept and/or for the Board to visit the site. To continue the sketch plan and schedule a site visit the Board would:

Move to continue the sketch plan application dated August 20, 2015 from Owner Gagner Family Limited and applicant Stephen Kelm for 31 Badgers Island West (Tax Map 1, Lot 31) in the Mixed Use – Badgers Island (MU-BI) Zone and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones not to exceed 90 days and schedule a site walk for_____.



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

August 20, 2015

Christopher Di Matteo, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

**Re: Weathervane Restaurant Redevelopment
Badgers Island
Map 1, Lot 31
Kittery, Maine
P-4639**

Dear Mr. Di Matteo:

Altus Engineering, Inc. (Altus) is pleased to submit on behalf of the applicant, Stephen Kelm, an *Application: Site Sketch Plan Review* to the Kittery Planning Board for a proposed redevelopment of the Weathervane Property on Badgers Island West. This Sketch Plan submission includes the following materials:

- Application for Site – Site Sketch Plan Review (15 copies);
- Application: Waiver Requests (15 copies);
- “Bing Map” aerial photos of the site (15 copies);
- Sketch Review Plans – (5 full size and 10 half size sets);
- Application fee for the sum of \$300.00.

The applicant seeks to be placed on the September 10, 2015 Planning Board agenda. Please call if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric D. Weinrieb".

Eric D. Weinrieb, P.E.
President

Wde/4724..001.cvr ltr mc.doc

Enclosure

e-copy (w/encl.): Steve Kelm
Jennifer Ramsey, Somma Studios, LLC



TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
 Phone: (207) 475-1323
 Fax: (207) 439-6806
www.kittery.org

APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

Application Fee: <input type="checkbox"/> \$300.00		Amount Paid:\$ _____		Date: _____			
PROPERTY DESCRIPTION	Parcel ID	Map	1	Zone(s)-Base:	MU-BI	Total Land Area	34,848 SF +/-
		Lot	31	Overlay:	OZ-CFMU <i>105-SL</i>	MS4	___ YES <u>X</u> NO
	Physical Address	31 BADGERS ISLAND WEST					lot less than 1 ac.
PROPERTY OWNER'S INFORMATION	Name	Gagner Family Limited Partnership			Mailing Address	C/o Weathervane Restaurants 31 Badgers Island West Kittery, Maine 03904	
	Phone						
	Fax						
	Email	<i>Tgagner@aol.com</i>					
APPLICANT'S AGENT INFORMATION	Name	Steven Kelm			Mailing Address	<i>STEPHEN KELM 117 BON ST, SUITE 102 PORTSMOUTH, NH</i>	
	Phone	<i>603-502-0250</i>					
	Fax	<i>603-766-3761</i>					
	Email						
PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>						
	Existing Land Use(s): Office, Warehouse & Seasonal Restaurant						
	Proposed Land Use(s) and Development: Residential						
	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)						
	The site is 98% covered with building and pavement. The site pitches from a high point along the public right-of-way down to Piscataqua River. A portion of the existing building is positioned over the water. Based on the preliminary survey information, it appears that the finished floor of the existing building is below the 100-year flood elevation.						
	The proposed building will conform to the FEMA requirements but will remain located over the water. The development site impervious and provide treatment of stormwater where none exists to today.						
I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the Plan submitted without notifying the Town Planning and Development Department of any changes.							
Applicant's Signature:	<i>[Signature]</i>			Owner's Signature:	_____		
Date:	<i>8-19-17</i>			Date:	_____		

MINIMUM PLAN SUBMITTAL REQUIREMENTS

15 Copies of this Application, Vicinity Map, and the Sketch Plan - 5 of which must be 24" X 36"

Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

Under 10 acres: no greater than 1" = 30'

10 + acres: 1" = 50'

C) Title Block

Applicant's name and address

Name of preparer of plan with professional information

Parcel's Kittery tax map identification (map - lot) in bottom right corner

NOTE TO APPLICANT: PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

Vicinity Map - map or aerial photo showing 1,000 feet around the site.

Sketch Plan must include the following existing and proposed information:

Existing:

- Land Use Zone and boundary
- Topographic map (optional)
- Wetlands and flood plains
- Water bodies and water courses
- Parcel area
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

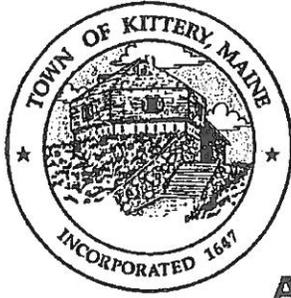
Proposed: (Plan must show the lightened existing topography under the proposed plan for comparison.)

- Recreation areas and open space
- NA Number of lots and lot areas
- Setback lines and building envelopes
- NA Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- NA Streets, driveways and rights-of-way
- Structures

Distance to:

- Nearest driveways and intersections
- Nearest fire hydrant
- Nearest significant water body

AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.



TOWN OF KITTERY MAINE

TOWN PLANNING DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

PHONE: (207) 475-1323

Fax: (207) 439-6806

www.kittery.org

APPLICATION: WAIVER REQUEST WAIVER

PROPERTY DESCRIPTION	Parcel ID	Map	1	Lot	31	Zone(s) Base: Overlay: MS4	<u>MU-BI</u> <u>OZ-CFMU / OS-SL</u> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Total Land Area	34,848 SF	
	Physical Address									
PROPERTY OWNER'S INFORMATION	Name	Gagner Family Limited Partnership				Mailing Address	C/o Weathervane Restaurants 31 Badgers Island West Kittery, Maine 03904			
	Phone									
	Fax									
	Email	TGABNEP@AOL.COM								
APPLICANT'S AGENT INFORMATION	Name	STEPHEN KELM				Mailing Address	STEPHEN KELM 117 BOW ST, SUITE 102 PORTSMOUTH, NH 03801			
	Phone	603-502-0250								
	Fax	603-766-3761								
	Email									
DESCRIPTION	Ordinance Section	Describe why this request is being made.								
	EXAMPLE 16.32.560 (B)- OFFSTREET PARKING.	***EXAMPLE*** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.								
	16.10.4.2.D.2 - High Intensity Class A Soil Survey	The parcel is serviced with municipal sewer and water. It is also has 98% impervious coverage with the lot coverage by building and pavement, a soil survey would not provide any useful information.								
I certify, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the Plan submitted without notifying the Town Planning Department of any changes.										
Applicant's Signature:					Owner's Signature:					
Date:	8-19-13				Date:					

TOWN OF KITTERY MUNICIPAL CODE – TITLE 16 LAND USE AND DEVELOPMENT CODE

Article IV Waivers

16.7.4.1 Objectives Met.

In granting modifications or waivers, the Planning Board must require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or modified.

ARTICLE VIII. PLANNING BOARD FINAL PLAN ACTION

16.10.8.1.1 Actions and Decisions

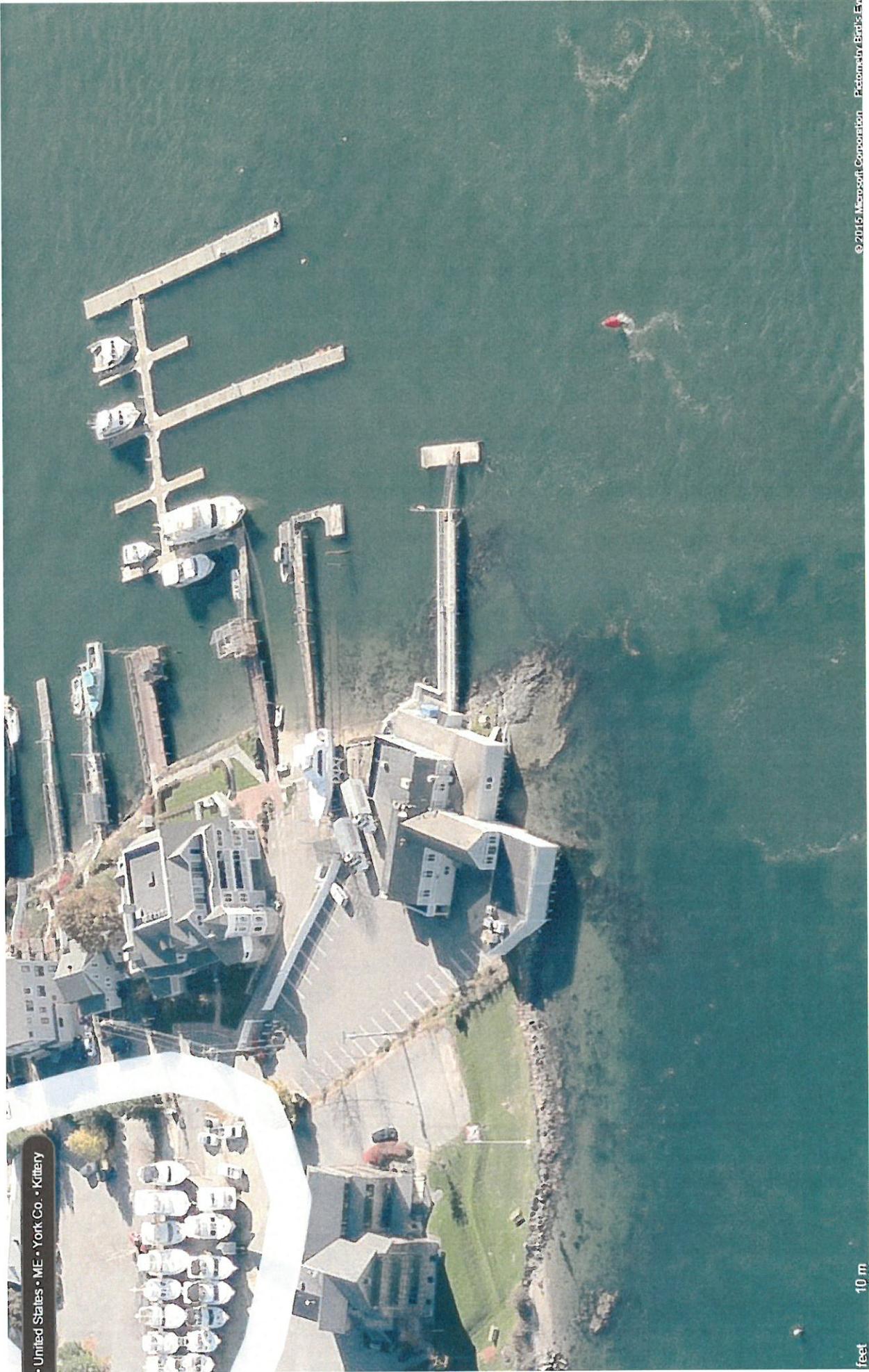
16.10.8.2.5 Conditions and Waivers

Conditions required by the Planning Board at the final plan review phase must have been met before the final plan may be given final approval unless so specified in the condition or specifically waived, upon written request by the applicant, by formal Planning Board action wherein the character and extent of such waivers which may have been requested are such that they may be waived without jeopardy to the public health, safety and general welfare.



Badgers Island





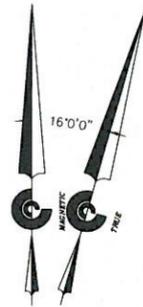
United States • ME • York Co. • Kittery

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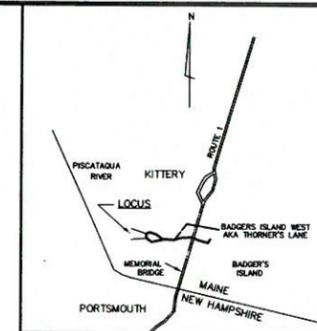
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REFERENCE PLAN

1. PLAN ENTITLED "SITE PLAN WEATHERVANE LOBSTER - SEAFOOD BADGERS ISLAND KITTERY, MAINE," BY CIVIL CONSULTANTS DATED: JUNE 3, 2004, APPROVED BY THE KITTERY PLANNING BOARD ON 5/27/04.
2. PLAN ENTITLED "LAND TITLE SURVEY WEATHERVANE LOBSTER - SEAFOODS THORNERS LANE BADGERS ISLAND KITTERY, MAINE," BY CIVIL CONSULTANTS.
3. EXISTING CADD FILES PROVIDED TO ALTUS ENGINEERING FOR SEAFOOD BADGERS ISLAND KITTERY, MAINE," BY CIVIL CONSULTANTS USED WITH PERMISSION.



TOWN OF KITTERY, PLANNING BOARD	
CHAIR	DATE
OWNER/APPLICANT	DATE



ALTUS ENGINEERING, INC.
 133 COURT STREET PORTSMOUTH, NH 03801
 (603) 433-2335 www.ALTUS-ENG.com

GENERAL NOTES

1. EXISTING FEATURES AS SHOWN FIELD LOCATED NOV., 1988 & JULY, 1996.
2. BEARINGS ARE BASED ON REFERENCE PLAN.
3. PARCEL IS SHOWN AS LOT 31 ON KITTERY TAX MAP 1.
4. THE LOCATION OF UNDERGROUND UTILITIES DEPICTED HEREON IS APPROXIMATE, AND SHOULD BE FIELD VERIFIED.
5. OWNER OF RECORD IS GAGNER FAMILY LIMITED PARTNERSHIP, BY YCRD BOOK 7975/PAGE 46
6. PARCEL AREA 0.8 ACRES± (34,848 SF±)
7. APPROXIMATE 100 YEAR FLOOD ZONE ELEVATION IS ELEVATION 9.0'
8. LOCUS PARCEL IS LOCATED IN THE MU-BI (MIXED USE-BADGERS ISLAND) ZONE AND OZ-CFMU OVERLAY DISTRICT AND OZ-SL (SHORELAND OVERLAY ZONE).
9. EXISTING USE - OFFICE, WAREHOUSE & SEASONAL RESTAURANT
10. CONTOURS SHOWN TAKEN FROM REFERENCE PLAN WHICH WERE SHOWN AS PROPOSED HAVE NOT BEEN FIELD VERIFIED.
11. PUBLIC ACCESS ALLOWED ONLY DURING HOURS OF RESTAURANT OPERATION.

ZONING SUMMARY

TAX MAP 1, LOT 31
 ZONING DISTRICT - MIXED USE -BADGER'S ISLAND (MU-BI)
 OVERLAY DISTRICTS: COMMERCIAL FISHERIES/MARITIME ACTIVITIES OVERLAY ZONE (OZ-CFMU)
 SHORELAND OVERLAY ZONE (OZ-SL)

DWELLINGS: PERMITTED
 MINIMUM LOT SIZE: 6,000 SF
 LOT SIZE PROVIDED: 34,848 SF

MINIMUM LAND AREA PER DWELLING UNIT: 3,000 SF (3,000 SF PER UNIT FOR THE 1ST TWO DWELLING UNITS & 6,000 SF FOR EVERY UNIT THEREAFTER)
 DWELLING UNITS ALLOWED: 34,848 SF - (2 X 3,000 SF) = 28,848 SF 2 - UNITS
 28,848 SF / 6,000 SF = 4.8 - UNITS

TOTAL UNITS ALLOWED 6.8 UNITS = 7 UNITS PROPOSED

MINIMUM STREET FRONTAGE: 50- FEET
 STREET FRONTAGE PROVIDED: 49.93- FEET

MINIMUM FRONT YARD: 5- FEET
 FRONT YARD PROVIDED: >5- FEET

MINIMUM SIDE YARD: 10- FEET
 SIDE YARD PROVIDED: 0- FEET (EXISTING)

MINIMUM REAR YARD: 10- FEET
 REAR YARD PROVIDED: 0- FEET (EXISTING BUILDING EXTENDS OVER WATER)

MAXIMUM BUILDING HEIGHT: 40- FEET
 BUILDING HEIGHT PROVIDED: <40- FEET (TO BE VERIFIED)

MINIMUM OPEN SPACE: 40%
 EXISTING OPEN SPACE : 3%+/-
 PROPOSED OPEN SPACE: 7,700 SF± (22% ±)

MINIMUM SETBACK FROM WATER BODY AND WETLAND WATER DEPENDENT USES 0- FEET
 ALL OTHER USES (INCLUDING BUILDINGS AND PARKING) 75- FEET*

*See section Zoning Ordinance Section E. Appropriate Waterfront Activity Incentives

PARKING STALL REQUIREMENTS

MINIMUM STALL SIZE: 9' X 19'
 STALL SIZE PROVIDED: 9' X 19'
 PARKING AISLE WIDTH 24- FEET FOR 90°

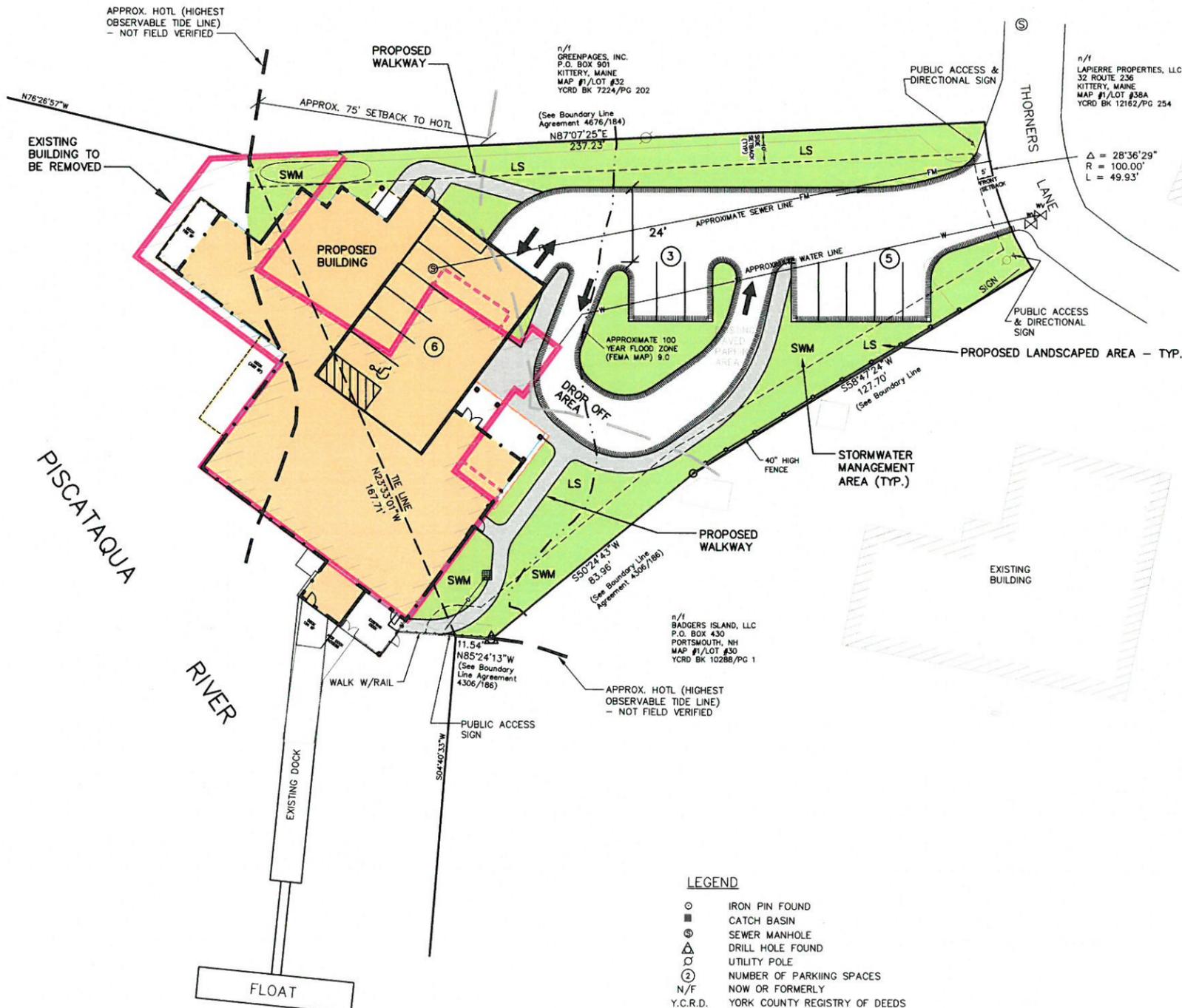
PARKING STALLS REQUIRED: 2 SPACES PER DWELLING UNIT
 PARKING STALLS PROVIDED: 14

1 HANDICAP ACCESSIBLE PARKING STALL REQUIRED

LANDSCAPE STREETSCAPE:
 1 TREE REQUIRED FOR EVERY 25- FEET OF FRONTAGE
 2 REQUIRED
 2 PROVIDED

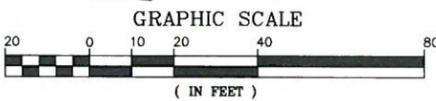
WAIVERS REQUESTED:

SECTION 16.10.4.2.2 D. 2. HIGH INTENSITY CLASS "A" SOIL SURVEY



LEGEND

○	IRON PIN FOUND
■	CATCH BASIN
⊙	SEWER MANHOLE
△	DRILL HOLE FOUND
⊕	UTILITY POLE
②	NUMBER OF PARKING SPACES
N/F	NOW OR FORMERLY
Y.C.R.D.	YORK COUNTY REGISTRY OF DEEDS



ISSUED FOR: SKETCH PLAN REVIEW
 ISSUE DATE: AUGUST 20, 2015

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	8/20/15

DRAWN BY: EDW/RLH
 APPROVED BY: EDW
 DRAWING FILE: 4724BASE.DWG

SCALE: 24"x36": 1" = 20'

OWNER:
GAGNER FAMILY LIMITED PARTNERSHIP
 C/O WEATHERVANE RESTAURANTS
 31 BADGERS ISLAND WEST
 KITTERY, MAINE 03904

PROJECT:
RESIDENTIAL REDEVELOPMENT MAP 1 LOT 31

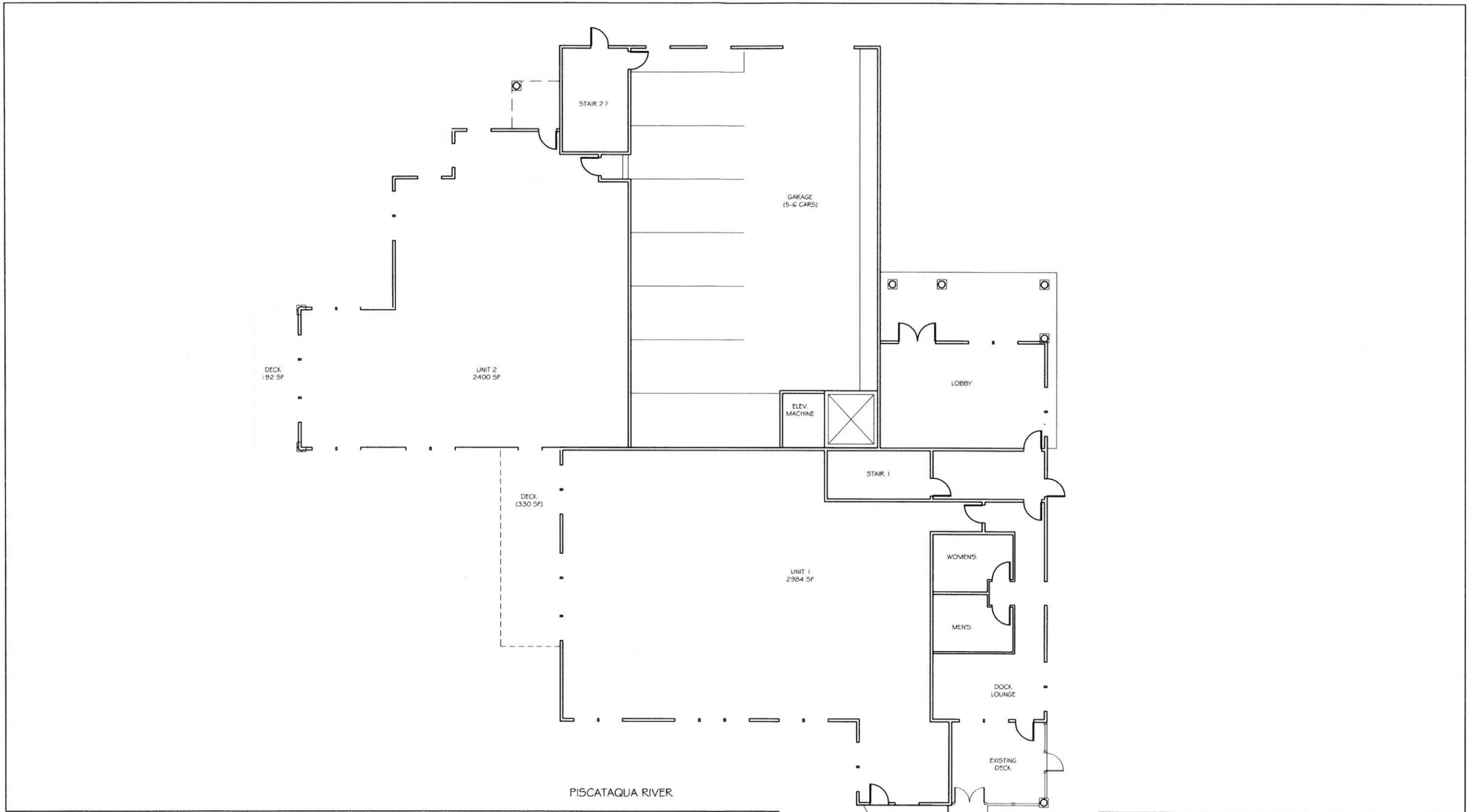
31 BADGERS ISLAND WEST
 KITTERY, MAINE 03904

TITLE:
PRELIMINARY SITE PLAN

SHEET NUMBER:
C - 2

THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

P4724



PROPOSED FIRST FLOOR PLAN

1/8" = 1'-0"

31 BADGER'S ISLAND WEST Kittery, Maine

SOMMA Studios 603/766.3760

SCALE: AS NOTED

9.10.205

SH. 1





PROPOSED SOUTH ELEVATION

$\frac{3}{32}'' = 1'-0''$

31 BADGER'S ISLAND WEST Kittery, Maine

SOMMA Studios 603/766.3760

SCALE: AS NOTED

9.10.205

SH. 2





PROPOSED EAST ELEVATION

$\frac{3}{32}'' = 1'-0''$

31 BADGER'S ISLAND WEST Kittery, Maine

SOMMA Studios 603/766.3760

SCALE: AS NOTED

9.10.205

SH. 3





PROPOSED NORTH ELEVATION

$\frac{3}{32}'' = 1'-0''$

31 BADGER'S ISLAND WEST Kittery, Maine

SOMMA Studios 603/766.3760

SCALE: AS NOTED

9.10.205

SH. 4





PROPOSED WEST ELEVATION

$\frac{3}{32}'' = 1'-0''$

31 BADGER'S ISLAND WEST Kittery, Maine

SOMMA Studios 603/766.3760

SCALE: AS NOTED

9.10.205

SH. 5

