

**Town of Kittery
 Planning Board Meeting
 December 8, 2016**

Estes Business Park – Sketch Plan Review

Action: Accept or deny application. Approve or deny sketch plan. Owner/applicant Michael Estes requests consideration of plans to develop a mixed use facility, consisting of business, storage and residential uses, located south of 506 US Route 1 (Tax Map 67 Lot 4) in the Mixed Use (MU), Residential – Rural (R-RL), Shoreland Overlay (SH-OZ-250’) and Resource Protection Overlay (OZ-RP) Zones. Agent is Ken Wood, Attar Engineering, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	10/13/2016 & 12/8/2016	PENDING
YES	Preliminary Plan Review Completeness/Acceptance		
NO	Site Visit	11/3/2016	HELD
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		
<p><u>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.</u></p>			

Background

This is the first, conceptual review of a plan to develop a multi-use business park located on the northern end of US Route 1, directly across from the intersection of Route 1 and Idlewood Lane. The parcel is a vacant lot, approximately 29 acres in size.

The sketch plan includes 17 construction service units, 56 warehouse/storage units with a manger’s office (apartment with business office).

12/8/2016: The Board reviewed the sketch plan on 10/13/2016 and voted to continue the plan, pending a revised sketch plan with updated wetland delineation and setbacks, as well as clarification on the proposed uses, including volume/intensity of use, and any information regarding the traffic impact caused by the proposed development. The applicant submitted a revised sketch plan on 11/3/2016, however, no additional information that addresses conformance to building design standards has been submitted.

The following review is from the 10/13/2016 Planning Board meeting, with updates in **yellow**.

Staff Review

1. Construction services and warehouse/storage are special exception uses in both the Mixed Use and Shoreland Overlay Zones. They are not permitted in the Resource Protection Overlay Zone. Business offices are a permitted use in the Mixed Use zone, and a special exception use in the Shoreland Overlay zone.

2. *“Construction Services” is a defined use within the zone, however it is unclear what is meant by a “construction service unit” that is proposed. For example, is the unit a storage facility for construction supplies, equipment or vehicles that will be supplied to building trade businesses? Alternatively, is the unit the location of the construction service business itself, requiring at least one business office per unit and be serviced by utilities?* **Update:** The applicant has detailed the use of “construction services” as businesses (primarily small construction, such as plumbing, electrical and building contractors) requiring an office and garage space. Staff spoke with the applicant who clarified each construction service unit will consist of a small space for storage and a small office. Therefore, each construction service unit must be connected to public utilities, including sewer and town water. This will also impact the parking requirements (see staff note #9)
3. Title 16 does not have a separate definition or classification for “manager’s apartment”. Therefore, for the purpose of review, the proposed “manager’s apartment” is considered a dwelling unit. In the Mixed Use and Shoreland Overlay Zones, single-family dwelling units (on lots of record as of 1/1/2004) and dwelling units on the upper floors of a mixed-use building that is served by public sewerage are permitted. It is not clear if the definition of mixed-use building supports this design. Per the definition in 16.2.2, a mixed-use building means a building occupied by two or more types or categories of principal uses. The applicant should demonstrate the apartment and office are two principle uses of the building.
4. *Shoreland Zoning boundaries are difficult to interpret on the plan. Any portion of the proposed development located within the Shoreland Overlay Zone must comply with the appropriate setbacks and standards of the overlay zone. It appears the Shoreland Zone extends 250’ from the upland edge of the wetland directly surrounding the development. The sketch plan depicts a 100-foot setback for most of that area, except for the northern portion of the development, along the construction service units, where the plan shows a “75-foot parking setback”. If the Shoreland Overlay Zone extends from the wetland to the north of the proposed development, all development, including parking and travel ways (per Title 16.8.9.4.F), must be outside of the 100-foot setback.* **Update:** The applicant has revised the wetland delineation. The sketch plan depicts a “30’ road setback” and a “75’ parking setback”. All development (Title 16.3.2.17.D.2), including parking and travel ways (Title 16.8.4.14), must be outside of the required 100-foot setback in the Shoreland Overlay Zone. If no other reasonable alternative exists, the Planning Board may reduce this setback requirement to no less than 50-feet, however a 30-foot road setback is not permitted in the Shoreland Overlay Zone.
5. *The sketch plan does not have a plan reference in regards to how the lot lines or wetland delineation were obtained. The wetland boundary and accompanying setbacks as depicted on the sketch plan do not correspond with the wetlands delineated by Michael Cuomo in 2013 (see attached site plan, Attar Engineering dated 11/7/2013), which depict larger wetlands, and therefore a smaller buildable area.* **Update:** This comment has been addressed
6. No development is permitted, nor appears to be, within the Resource Protection Overlay Zone
7. The sketch plan states “The maximum lot coverage allowed is 70% in the Shoreland Zone of the Mixed Use District” (General note #4, Shoreland Zone Standards, and #5) The maximum devegetated area within the Shoreland Overlay/Mixed Use Zone is 20%. There is not a standard for maximum building coverage in the Mixed Use Zone.

Building Design

8. The applicant did not submit sketches for any proposed building. All structures must comply with the building design standards as outlined in 16.3.2.13.D.5.

Parking

9. *The sketch plan includes 50 parking spaces located along the construction service units. Assuming the “construction service units” are intended as a storage facility, and per the parking standards outlined in 16.8.9.4, Off-street Parking Standards, the proposed development would require a minimum of 66 parking spaces (64 spaces for 31,600 square feet of warehouse and storage and 2 spaces for a dwelling unit). Additional spaces may be required depending on the business office use below the proposed dwelling unit, or depending on the storage vs business use of the construction service units. **Update:** The sketch plan depicts 51 parking spaces along the construction service units. The proposed development requires a minimum of 82 parking spaces, as outlined below:*

Construction Service Unit (17 total)	Warehouse and Storage	$17(40' \times 30') = 20,400/500 = 41 + 17$ (1 additional space per office required)	58 spaces
Storage Facilities (54 total)	Warehouse and Storage	$54(20' \times 10') = 10,800/500$	22 Spaces
“Manager’s Office/DU” (1 total)	Dwellings	2 spaces/dwelling unit	2 Spaces

10. All new parking must be visually screened from Route 1, and, with the exception of 10 or fewer parking spaces, must be located to the side or rear of principal buildings. The sketch plan appears to conform to the standard.
11. *The business park is accessed by a 1,360’ long, 20’ wide “street”. The Board may want to discuss whether this would be treated as a street, and be held to the standards outlined in Title 16.8.4, Table 1, or if this is a drive way providing access to the single dwelling unit and commercial units, or neither. If the access is not required to comply with the standards of a street, the access would require review from Police and Fire Chief.*
 - a. *To assist with this determination, the applicant include a vehicular traffic report to estimate the amount and type of traffic the proposed development will generate along with a preliminary plan application.*

UPDATE: The applicant has included an narrative estimating the proposed development will generate 25 peak hour trips per day. During the site walk held on 11/3/2016, the applicant referenced the “street” as a driveway, however it exceeds the 500-foot maximum length for a driveway. Given that 18 office units (17 construction units and 1 manager office) will utilize the “street”, it should probably be constructed to the standards outlined in Title 16.8.4, Table 1.

12. The proposed “street” crosses a wetland in order to access the identified buildable area of the lot. An approved wetland alteration application will be required, including the submission of a wetland mitigation plan, as outlined in Title 16.9.3, Conservation of Wetlands including Vernal Pools, and a wetland impact fee.

Landscaping

13. The sketch plan depicts a 50-foot wide “landscape island” on either side of the entryway to the development. One of the two “islands” is located on the easterly abutting property/ A Landscape planter strip, a minimum of 30-feet wide and maximum of 70-feet wide, must be provided adjacent to Route 1. The planter strip must conform to the standards outlined in 16.3.2.13.D.6. A

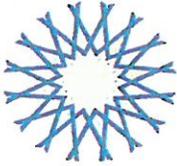
landscape design plan demonstrating conformance with this standard should be included with a preliminary plan application.

14. A minimum of 35% of the total lot must be designated as open space. The sketch plan does not designate open space, however there appears to be sufficient room on the lot to conform to this standard. Required open space must be identified on the plan prior to the submission of a preliminary plan application.

Recommendation

With consideration of Shoreland Overlay setbacks and required parking standards, the sketch plan does not appear to conform to the standards of Title 16. The Board may want to review a revised plan that addresses these issues prior to approving the sketch plan.

Move to continue the sketch plan application dated September 7, 2016 from owner /applicant Michael Estes for a mixed-use development located at Tax Map 67 Lot 4 in the Mixed Use, Shoreland Overlay and Resource Protection Overlay Zone no more than 90 days.



ATTAR
ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

Chris Di Matteo, Town Planner
Rebecca Spitko, Ass't Planner
Town of Kittery
P.O. Box 808
Kittery, Maine 03904

November 9, 2016
Project No.: C082-16

**Re: Estes Business Park
Sketch Plan Application**

Dear Ms. Spitko and Mr. Di Matteo:

On behalf of Michael Estes, President of Estes Oil & Propane Company, I have enclosed a Sketch Plan Application and associated documents for your review and consideration. The site is located on Route 1 in the Mixed Use District and is described by the Town of Kittery Assessor's Map 67 as Lot 4. The Sketch Plan has been revised to reflect the revisions noted in the Planner Review Memo.

The parcel will contain the following proposed uses; 17 Construction Services Units, 56 warehouse/storage units with a manager's office/upper floor apartment and a business office. The parcel is served by municipal water and sewer. All proposed uses are either "Permitted" or "Special Exception".

The facility will be accessed by a proposed 1,360' long, 20' wide road.

Please schedule this project for the next available Planning Board meeting. We look forward to discussing this project with the Board at their next available meeting.

Please contact me for any additional information or clarifications required.

Sincerely,

Kenneth A. Wood, P.E.
President

cc: Michael Estes

C082-16 Kittery Site App Cover & Summary.doc

Project Summary – Estes Business Park

The purpose of this project is to obtain permitting for the proposed Estes Business Park, a Mixed-Use Development, consisting of Construction Services and storage units, a business office building and a manager's apartment. Construction Services units, also often known as "incubator spaces", will be used primarily by small construction trade type businesses such as plumbing, electrical and building contractors and similar small businesses that require an office and garage space. A majority of their work will be accomplished off-site on a job site. Storage units are typical mini-storage units having an overhead garage door for access. The office will be utilized by Estes Oil & Propane and the Manager's Apartment will be used by the on-site manager to oversee

The proposed development will occur on Tax Map 67, Lot 4. This lot is approximately 28.8 acres in area. The applicant is Michael Estes, President of Estes Oil & Propane Company, and the property owner is M & T Realty.

Zoning is the Mixed-Use District (MU), Rural Residential District (RR), and the Shoreland Zone. The proposed development occurs within the Mixed-Use District and Shoreland Zone.

The Resource Protection (RP) Zone is shown on the Site Plan. The RP Zone includes a 250' buffer setback from the Significant Wildlife Habitat of Inland Waterfowl and Wading Birds, and the 100-year FEMA Flood Zone, based on the enclosed Letter of Map Amendment.

Traffic (P.M. Peak Hour) is estimated at 25 trips categorized as;

- 1) 20 trips construction services, ITE Code 110 – General Light Industry: .97 trips/1,000 SF.
- 2) 3 trips storage, ITE Code 151 – Mini-Warehouses, .26 trips/1,000 SF.
- 3) 1 trip office, ITE Code 710 - General Office.
- 4) 1 trip manager's apartment, ITE Code 220 - Apartment.

The proposed wetland crossing will create a wetland impact approximately 11,000 S.F. This crossing requires a Tier 1 Natural Resource Protection Act (NRPA) Permit for wetland impacts less than 15,000 S.F. and a Maine Department of Environmental Protection (MDEP) Permit by Rule (PBR) for the stream crossing. The applications for these permits have been submitted and obtained. Wetlands as originally mapped and revised in 2003 are shown on the plan.

Water service will be provided by the Kittery Water District through an existing water main within the U.S. Route 1 right-of-way. A letter requesting water availability for the site has been submitted to the Kittery Water District.

The project will require a Stormwater Permit by Rule from the Maine Department of Environmental Protection (MDEP) Permit (*Chapter 500 – Stormwater Management*). A Stormwater Management Study will be accomplished during the Preliminary Plan phase.

Sewer service is will be provided by the Kittery Sewer Department.

Underground utilities will be provided throughout the proposed development.

Letters of evaluation of the development by the Chief of Police, Fire Chief, and Commissioner of Public Works will also requested.

Sketch Plan Site Walk

Purpose: To inspect the property located at Tax Map 67 Lot 4
Thursday, November 3, 2016 – 4:30 pm, 519 Route 1

Attendees

Planning Board Members: Ann Grinnell, Mark Alesse, Karen Kalmar, Dutch Dunkelberger, Debbie Driscoll-Davis

Planning Board Members absent: Brett Costa, Bob Harris

Staff: Rebecca Spitko

Other Participants: Charlie William, Steve Hall, Nanci Lovett, Earldean Wells, Ann Formalarie, Ken Wood, Michael Este, Michael Crawford

Handouts

11x17 sketch plan

Weather Conditions

Overcast and lightly drizzling

Meeting

A. Grinnell called the meeting to order at 4:40pm. Ken Wood lead the site walk. The walk led into the parcel and followed the center line of the proposed road (staked) through the development to the end of the road. The agent then led the walk along the edge of the proposed construction units and noted the location of the manager's apartment. The walk then returned to Route 1 following the approximate same path. Highlights of the site walk are as follows:

1. Several wetlands and a stream were present on site. The agent noted the stream marked the far edge of the wetlands, with buildable area to the east of the stream.
2. All development is located to the right of the proposed road due to wetland setbacks.
3. The agent is unsure if the hill on site will need to be regraded during development, but noted it is possible the slope will change when entering the property.
4. The proposed "driveway" is approximately 2,200-feet in length.
5. It was unclear whether the area of the property directly abutting Route 1 was upland or fill. The agent stated he was not sure. He had no knowledge of wetland fill on site, however, he was unable to guarantee that it did not occur.

The meeting adjourned at 5:26 pm.