

1 **Town of Kittery**
2 **Planning Board Meeting**
3 **June 8, 2023**

4 **ITEM 2 – 120 Route 1 Bypass – Hotel Site Plan– Sketch Plan Review**

5 Action: Accept or deny application. Approve or deny concept plan.

6 **Proposal:** Re-develop the site of a former gas station into a hotel with 102 rooms and associated parking
7 and utilities.

8 **Location:** 112 & 120 US Route 1 Bypass, 139 Old Post Road, Map 14 Lots 10,12, & 12A

9 **Zoning District:** C-3, Bypass/Old Post Road Commercial Zone

10 **Owner(s):** Kittery Circle, LLC

11 **Agent(s):** Nicole Duquette

12 **PROCESS SUMMARY**

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Acceptance/Approval	Scheduled for June 8th, 2023 Meeting	Pending
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Site Visit		
YES	Public Hearing	Required for Preliminary Site Plan or Subdivision Approval	
YES	Preliminary Plan Approval		
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.L - 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.**

13 **OTHER PERMITS REQUIRED**

- 14
- 15 • Wetland delineation study.
 - 16 • DOT Traffic movement pattern.
 - 17 • State Fire Marshal NFPA #13 fire protection system approval.
 - 18 • DEP construction permitting and site review.
- 19

20 **PROJECT INTRODUCTION**

21

22 This is a conceptual review for a new 102-room hotel on the property of 3 adjacent parcels on US Route 1,
23 as a redevelopment of a pre-existing gas station. The now demolished gas station, and the majority of the
24 land proposed for development, is within the property of 120 US Route 1, abutting an exit from the Maine
25 Turnpike onto the Kittery Traffic Circle. The other two properties within the proposal are located directly
26 southwest of 120 Us Route 1, abutting two single family residential dwellings and containing 2 small,
27 isolated wetland pockets.

28

29 The applicant proposes developing the three lots for a hotel with 102 rooms and associated parking and
30 utilities. Access will be provided through a proposed right of way on Old Post Road. Existing water and
31 wastewater services are available for access, and the applicant possesses a sewer easement to address any
32 necessary capacity buildout issues. A 6' high stockade fence will be built around the abutting residential
33 properties southwest of the development. The application is proposing a sidewalk to connect to an existing
34 sidewalk at the traffic circle.

35
36 The applicant provided the required conceptual plan and narrative information and is requesting the
37 following modifications (listed in development review notes below) regarding requirements to landscaping
38 and parking requirements. Staff advise discussing prospective phasing during this meeting.

39
40 **APPLICATION & PLAN REVIEW**
41

42 Staff reviewed the submitted application and plan and have the following comments:

43
44 **16.4.21 C-3 ZONING DISTRICT REGULATIONS**

- 45 1. There is no direct building footprint on the plan, but lot area coverage dimensions are available to show
46 the plan meets impervious surface requirements.
- 47 2. The applicant is requesting a reduction in depth of the landscape strip from the 15' requirement in 3
48 separate locations along the DOT right of way, citing §16.4.21.E.(3).(c).(3).(b).
- 49 a. After review, staff found the northeast portion of the lot, abutting the exit from US route 1 onto
50 the traffic circle, would not require a landscape strip. The exit does not qualify as a public street
51 so the property itself is not a corner lot per the definition of corner lot within §16.3.2.
- 52 3. The applicant is requesting a reduction in the length of 41 standard parking spaces from 19' to 18' to
53 ensure impervious surface coverage remains below 70%. Per §16.7.11 F-4 (k), the planning board may
54 reduce requirements if it is clearly demonstrated that such reduction will not detract from neighborhood
55 values, inconvenience public or increase congestion in streets.
- 56 a. The plan proposes 24 spaces for compact cars. Compact cars are allowed for residential use,
57 but the town code currently has no provisions regarding compact car parking in commercial
58 uses.
- 59 4. The applicant originally requested a reduction in internal landscaping from 10% of impervious surface
60 to 2.8%. Staff review found the 2.8% calculation did not account for planting of vegetation and trees
61 among landscape strips since the lot has frontage on two sides. Once informed of this, the applicant
62 said they would likely be able to meet the 10% requirement if they counted landscape strip vegetation
63 and have since provided a revised sketch plan showing the areas intended to be vegetated.
- 64 5. On the southwest side of the parcel, the proposed property abuts two single residential dwellings. The
65 original plan proposed a 10' setback from the parking structure and a 6' high stockade fence. Per
66 §16.4.21.E.(2).(d.), the setback requirement is 15' for all commercial uses within the C-3 zone. The
67 applicant was made aware of this restriction and provided a revised sketch plan honoring the 15'
68 setback, which is the copy provided to the planning board.

69
70 **16.5.10 ESSENTIAL SERVICES**

- 71 1. The applicant has a sewer easement to provide needed wastewater capacity and is currently
72 communicating with staff from the town wastewater department.

73
74 **16.5.25 SPRINKLER SYSTEMS**

- 75 1. Automatic sprinkler systems are required in all areas of new hotel buildings. Approval will be
76 determined by the state fire marshal and require the NFPA 13 standard of design.

77

78 **16.5.27 STREETS**

- 79 1. The plan proposes building sidewalks on one side of Old Post Road. Public works staff have requested
80 the developers provide a crosswalk and sidewalks on both sides of the road, as they anticipate hotel
81 residents will likely cross the street to eat at nearby restaurants.
82 2. The application provides a fire truck access plan to show the lot has adequate space for emergency
83 service vehicles. The plan was revised to account for the new 15' setback noted above.

84

85 **16.5.30 WETLAND SETBACKS**

- 86 1. Staff are waiting for the size of the isolated wetland pockets to be verified by a wetland scientist. The
87 pockets do not show up in town assessor data, and the applicant is working to confirm whether or not
88 the pocket triggers the minimum 501 sq ft. size threshold for a setback. The stockade fence is still
89 allowable through the wetland.

90

91 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

92

93 After review, staff suggest moving to continue to allow the board to consider the sketch plan. The plan has
94 made significant efforts to provide dimensional requirements and safe access for emergency vehicles within
95 the confines of the lot. The modifications requested by the applicant are within the jurisdiction of the
96 planning board to grant, and the information currently provided is sufficient to allow the project to move
97 forward.

98

99 **RECOMMENDED MOTIONS**

100 The sketch plan review is an opportunity to consider a concept, ask questions, and **make specific**
101 **suggestions** to the applicant.

102

103 ***Motion to accept the application as complete***

104 Move to accept the sketch plan by Nicole Duquette, for owner Kittery Circle LLC, who proposes to develop
105 a new 102 room over a former gas station site on the property located at the addresses of 112 Route 1
106 Bypass, 120 Route 1 Bypass, and 139 Old Post Road, Tax Map 14, Lots 10,12, & 12A, in the Commercial-
107 3 (C-3) zone.

108

109 ***Motion to continue the application***

110 Move to continue review of the sketch plan by Nicole Duquette, for owner Kittery Circle LLC, who
111 proposes to develop a new 102 room over a former gas station site on the property located at the addresses
112 of 112 Route 1 Bypass, 120 Route 1 Bypass, and 139 Old Post Road, Tax Map 14, Lots 10,12, & 12A, in
113 the Commercial-3 (C-3) zone.



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"/> \$200.00		Amount Paid:\$		Date:	
PROPERTY DESCRIPTION	Parcel ID	Map	14	Zone(s)-Base:	C-3	Total Land Area	85,563 square feet
		Lot	10,12, & 12A	Overlay:	N/A	MS4	___ YES ___ NO
	Physical Address	112 & 120 US Route 1 By-Pass, 139 Old Post Road					
PROPERTY OWNER'S INFORMATION	Name	Kittery Circle, LLC		Mailing Address	321 Lafayette Road, Unit D Hampton, NH 03842		
	Phone	603-475-5777					
	Fax						
	Email	jmitchellsme@gmail.com					
APPLICANT'S AGENT INFORMATION	Name	Nicole Duquette, PE		Name of Business	Greenman-Pedersen, Inc.		
	Phone	603-374-7906					
	Fax			Mailing Address	44 Stiles Road, Suite One Salem, NH 03079		
	Email	nduquette@gpinet.com					

PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>						
	Existing Land Use(s):						
	Former Gas Station						
	Proposed Land Use(s) and Development:						
	The applicant proposes to re-develop the former gas station site for a Hotel with 102 rooms and associated parking and utilities.						
	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)						
	There are two small isolated wetland pockets on site. The project site has street frontage along three sides of the lot, which increases the non-buildable area within the lot. The applicant will be requesting modifications to the regulations for a reduction to the landscape strip, parking space length, and internal landscaping.						

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:	 5/3/23	Owner's Signature:	 5/3/23 (see LOA)
Date:		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
N/A 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
 Number of lots and lot areas
 Setback lines and building envelopes
 Lot dimensions
 Utilities (Sewer/septic, water, electric, phone)
 Streets, driveways and rights-of-way
 Structures

Distance to:

- Nearest driveways and intersections *100' from res. drive*
 Nearest fire hydrant *134' from prop. bldg.*
N/A Nearest significant water body

AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

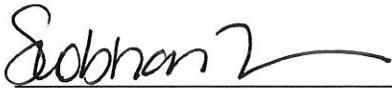
LETTER OF AUTHORIZATION

May 2, 2023

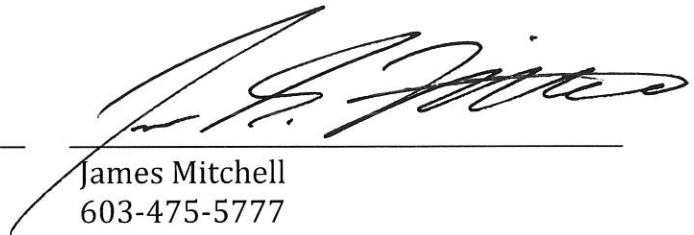
I, James Mitchell grant permission to Greenman-Pedersen, Inc. to sign all applications and represent our property (parcels) for permits and approvals related to our property as noted below in the Town of Kittery, Maine.

- 120 US Route 1 By-Pass (Parcel# 14-12)
- 139 Old Post Road (Parcel# 14-12A)
- 112 US Route 1 By-Pass (Parcel# 14-10)

Thank you for your time, Kittery Circle, LLC



Witness



James Mitchell
603-475-5777



Sanitary Sewer Map

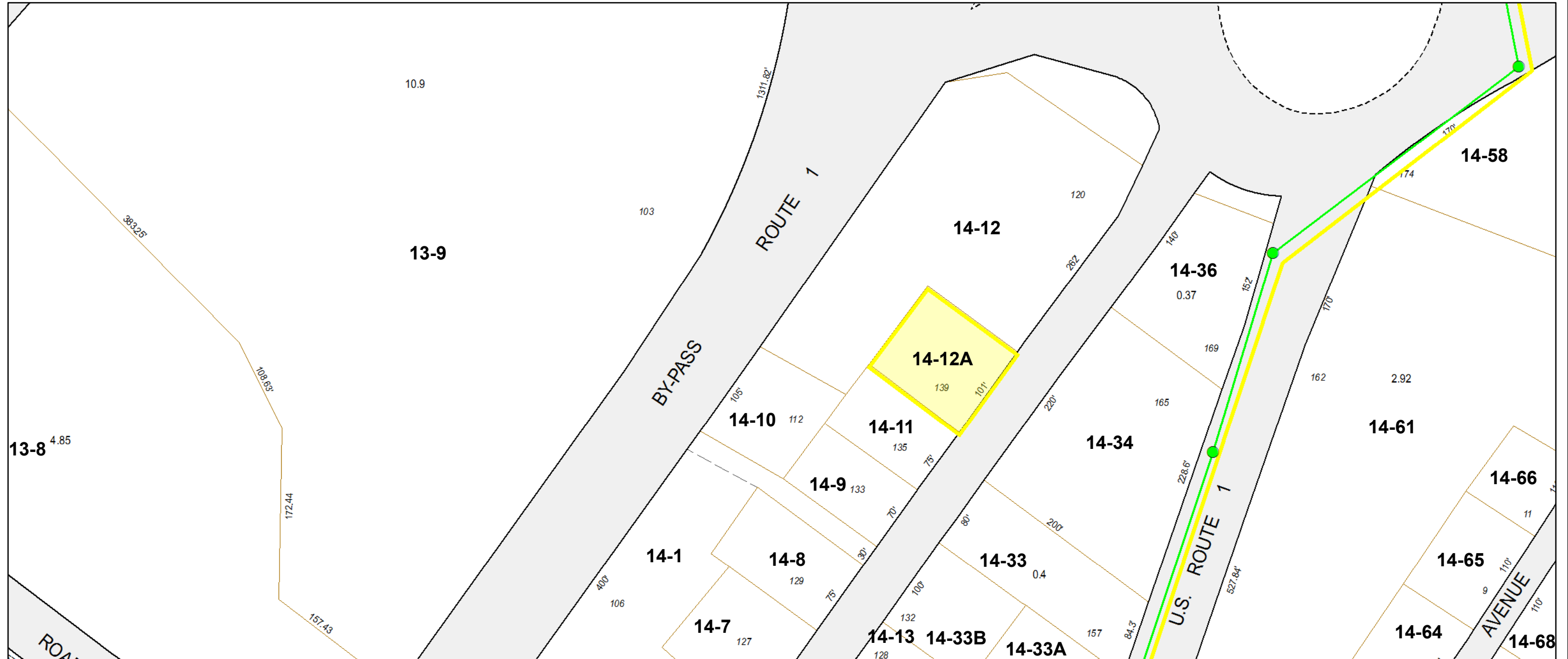
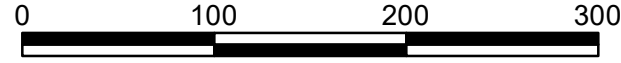
Kittery, ME



November 2, 2022

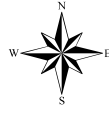
1 inch = 100 Feet

www.cai-tech.com



	Manhole		Right of Way
	Forced Main		Map - Lot Labels
	Gravity Main		Right of Ways
	Dashed Road		
	Property Line		
	Public Road		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Water System Map

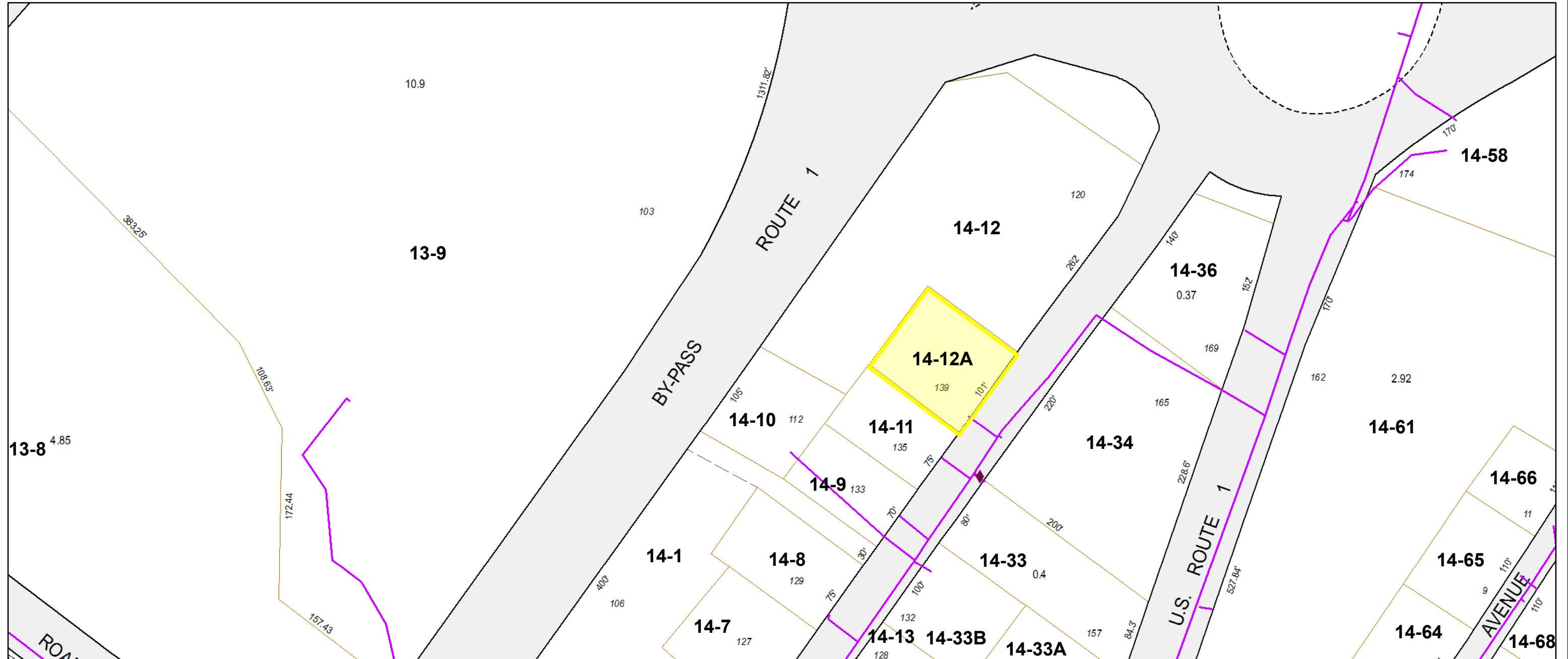
Kittery, ME



November 2, 2022

1 inch = 100 Feet

www.cai-tech.com



	Hydrant		Map - Lot Labels
	Water Main Pipe		Right of Ways
	Dashed Road		
	Property Line		
	Public Road		
	Right of Way		

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39853

EASEMENT DEED

I, LEON BENTON, of Kittery, York County, Maine, for consideration paid, grant to PATRICK L.J. VEILLEUX and DORIS H. VEILLEUX, both of Sarasota County, Florida, their heirs or assigns, by quit claim and release the following land in Kittery, York County, State of Maine.

A right, privilege and easement of laying and maintaining a sewer line in and under a twenty (20) foot wide strip of land running between U. S. Route 1 and Old Post Road in the Town of Kittery, Maine, being more particularly described as follows:

Bounded on the Northeasterly side for approximately one hundred thirty six (136) feet by land now owned by Kittery Circle Realty Trust, formerly owned by Newson; bounded on the Southwest by land of the Grantor; bounded for twenty (20) feet on the Northwesterly side by Old Post Road and bounded on the Southeasterly side for twenty (20) feet by U. S. Route 1, also known as State Highway.

Said sewer line running to property of Veilleux is to have a sewer manhold.

Grantor's title deed is from Adelbert M. and Helen F. Webber, recorded in Book 2705, Page 187.

I, LEON BENTON, also known as LEON G. BENTON, as Grantor release all rights by descent and all other rights.

WITNESS my hand this 13th day of August, 1987.

B. William D. Patten
WITNESS

Leon G. Benton
LEON BENTON, A/K/A
LEON G. BENTON

THE STATE OF MAINE

YORK, SS.

August 13th, 1987

Then personally appeared the above named LEON BENTON, and acknowledged the foregoing instrument to be his free act and deed,

RECEIVED YORK, SS Before me,

1987 AUG 14 PM 1:56

RECORDED REGISTRY OF DEEDS

ATTEST: Ann M. Ponzetti
REGISTER

B. William D. Patten
B. WILLIAM D. PATTEN
MY COMM. EXPIRES FEB 25 1994

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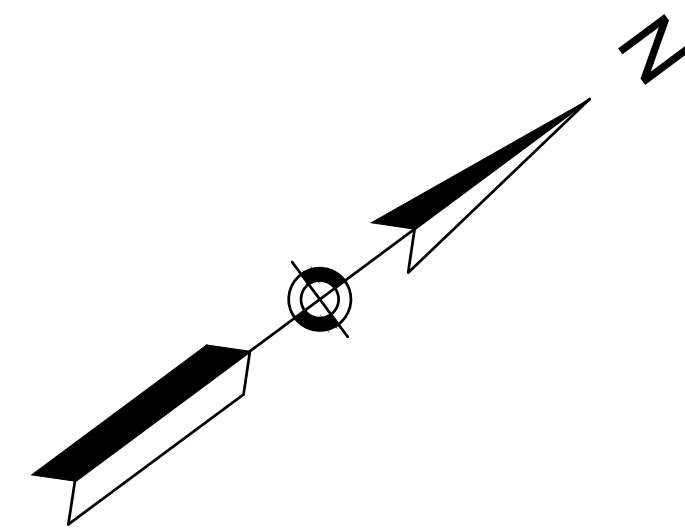
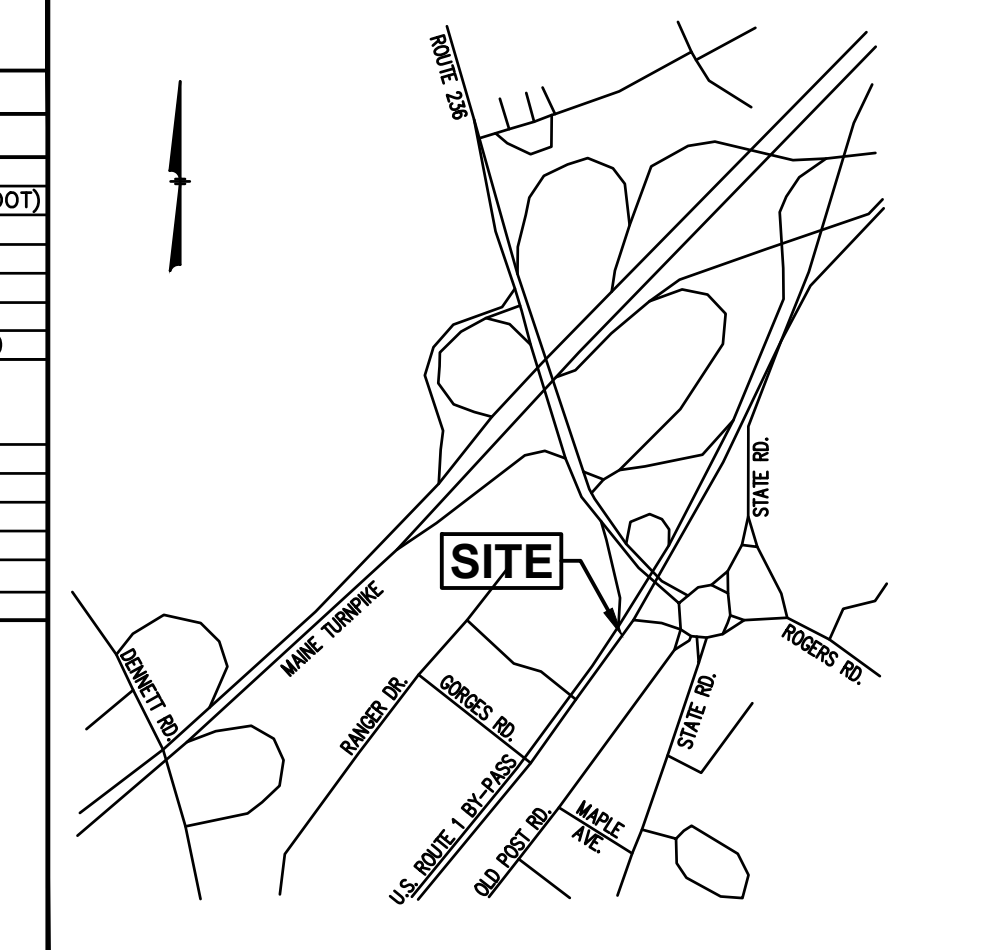


TABLE OF ZONING REGULATIONS - KITTERY, MAINE		
ZONE: COMMERCIAL 3, BYPASS/OLD POST ROAD COMMERCIAL (C-3)		
DESCRIPTION	REQUIRED	PROVIDED
MINIMUM LOT AREA - Sq. Ft.	40,000 SF	85,563 SF
MINIMUM LOT FRONTAGE	N/A	341'± (OLD POST RD.), 640'± (DOT)
MINIMUM FRONT YARD BUILDING SETBACK	30' (OLD POST ROAD), 15' (DOT R.O.W.)	30' (OLD POST RD.)
MINIMUM SIDE YARD BUILDING SETBACK	10' (15' ADJACENT TO RESIDENTIAL)	15'
MINIMUM REAR YARD BUILDING SETBACK	10'	N/A
MINIMUM FRONT LANDSCAPE STRIP	15'	7'
PARKING SPACE DIMENSIONS	9'x19', 8'x18' (COMPACT)	9'x19', 9'x18', 8'x18' (COMPACT)
MINIMUM NUMBER PARKING SPACES	HOTEL: 1 SPACE PER RENTAL UNIT = 102 SPACES	104 SPACES
MAXIMUM BUILDING HEIGHT	40'	< 40'
MINIMUM OPEN SPACE	20%	26,057 SF/85,563 SF = 30.5%
MAXIMUM IMPERVIOUS COVERAGE	70%	59,506 SF/85,563 SF = 69.5%
MINIMUM INTERNAL LANDSCAPING	10%	8,305 SF/43,486 SF = 19%
FREESTANDING SIGN HEIGHT+SETBACK	20' HIGH, 20' FROM TRAVEL WAY (DOT)	TBD
TOTAL AGGREGATE SIGN AREA	300 SF	TBD

* MODIFICATION TO THE REGULATIONS REQUESTED

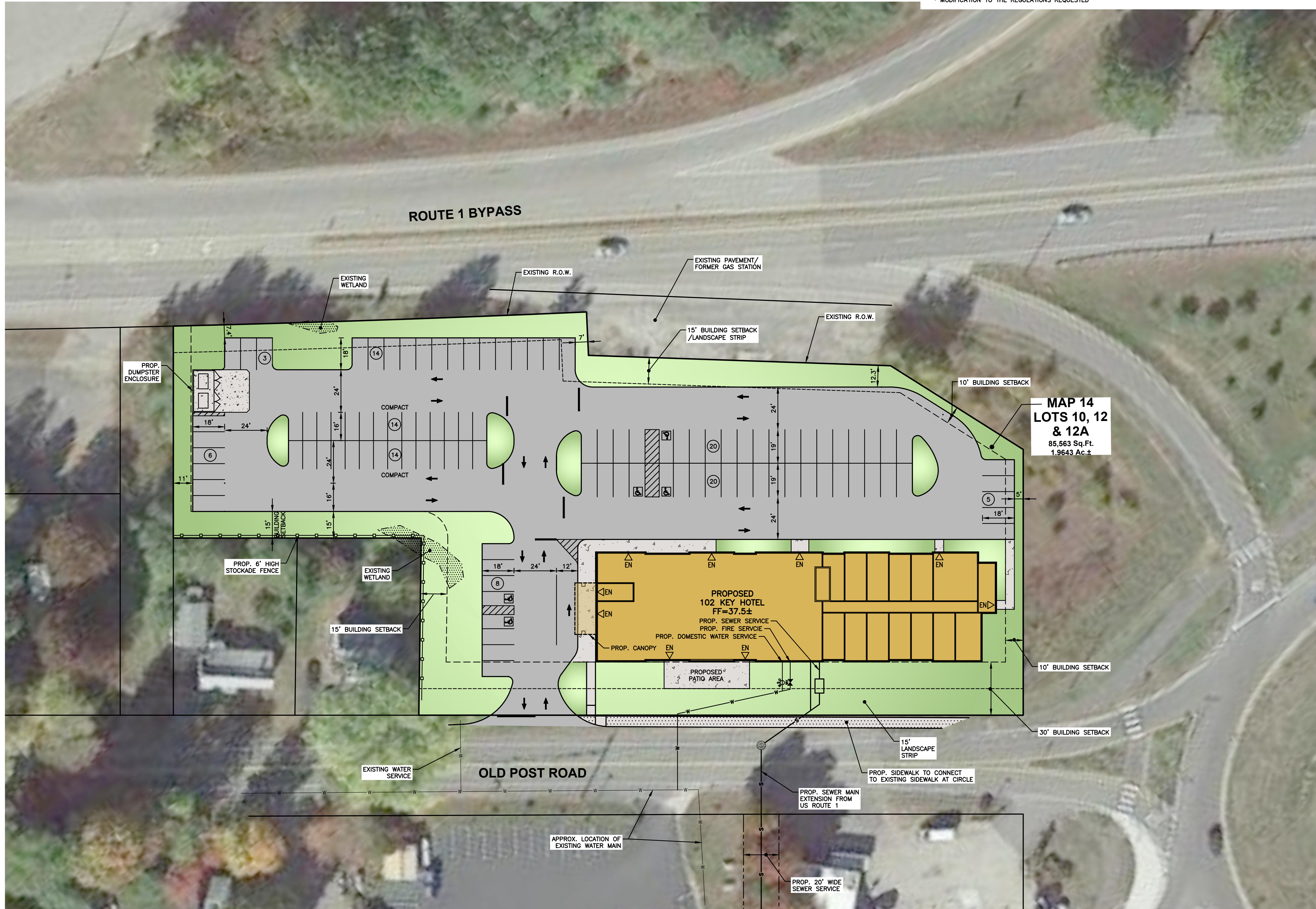


LOCATION MAP
(NOT TO SCALE)

GPI Engineering
Design
Planning
Construction Management
603.893.0720
GPI.NET.COM
Greenman-Pedersen, Inc.
44 Siles Road, Suite One
Salem, NH 03079

PREPARED FOR
TROPIC STAR DEVELOPMENT, LLC
321D LAFAYETTE ROAD
HAMPTON, NH 03842

ASSESSORS MAP 14 LOTS 10, 12 & 12A
OLD POST ROAD
KITTERY, MAINE



NOTES:

- EXISTING BOUNDARY AND PLANIMETRIC INFORMATION AS SHOWN WAS TAKEN FROM PLAN REFERENCE #1 AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY THIS OFFICE.
- TAX MAP 14 LOTS 10, 12 & 12A
- ZONING DISTRICT: COMMERCIAL 3, BYPASS/OLD POST ROAD COMMERCIAL ZONE (C-3)
- LOT AREA = 85,563 Sq.Ft.
= 1.9643 Ac.±
- EXISTING USE: FORMER GAS STATION
PROPOSED USE: 102 ROOM EXTENDED STAY HOTEL
- THE FOLLOWING MODIFICATIONS FROM THE PLANNING BOARD WILL BE REQUIRED:
 - TO ALLOW A REDUCTION IN THE LANDSCAPE STRIP FROM 15' TO 7' ALONG THE DOT RIGHT OF WAY.
 - TO ALLOW A REDUCTION IN THE LENGTH OF A STANDARD SPACE FROM 19' TO 18' TO REDUCE IMPERVIOUS AREA.
- PER SECTION 16.4.21.E.(3)(c)(3)(b), IN INSTANCES WHERE THE REQUIRED MINIMUM DEPTH OF THE LANDSCAPE PLANTER STRIP IS LEGALLY UTILIZED, IN ACCORDANCE WITH PREVIOUS PERMITS OR APPROVALS, FOR PARKING, DISPLAY, STORAGE, BUILDING OR NECESSARY VEHICLE CIRCULATION, THE DEPTH MAY BE NARROWED BY THE PLANNING BOARD TO ACHIEVE THE OBJECTIVE OF THE PROPOSED PROJECT, PROVIDED THAT THE REQUIRED SHRUBS AND PERENNIALS ARE PLANTED ALONG THE STREET FRONTAGE TO SOFTEN THE APPEARANCE OF THE DEVELOPMENT FROM THE PUBLIC STREET.

PLAN REFERENCES:

- BOUNDARY/EXISTING CONDITIONS SURVEY, LAND OF FIRST KITTERY PLACE, LLC ET AL, PREPARED FOR TROPIC STAR DEVELOPMENT, PREPARED BY CIVIL CONSULTANTS, DATE: SEPTEMBER 16, 2022, SCALE: 1"=40', SHEET EC1.

REVISIONS

NO.	REVISION	DATE
1	REV. PER STAFF COMMENTS	6/1/23

MAY 4, 2023

DRAWN/DESIGN BY CCC/NID	CHECKED BY FCM
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SITE SKETCH PLAN

SCALE: 1"=30'

PROJECT NO.
NEX-2200380

