

**Town of Kittery
Planning Board Meeting
January 11, 2024**

ITEM 1—181 State Road—Marijuana Business Plan — Preliminary Review

Action: Hold public hearing. Approve plan or continue review.. Mike Sudak, on behalf of owner/applicant IDC5 LLC, is proposing to replace an existing restaurant and single-family dwelling with a 2,000 square foot marijuana retail store and associated parking on the properties of 181-185 State Road, Tax Map 22, Lots 4-1 and 4-2, a parcel split by the Business Local and Old Post Road Commercial (C-3) Zone.

PROCESS SUMMARY

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Acceptance/Approval	8/24/23	Continued
YES	Planning board determination of completeness	12/14/23	Accepted
NO	Site Visit	Scheduled for 1/8/24	Pending
YES	Public Hearing	Scheduled for 1/11/24	Pending
YES	Preliminary Plan Approval	Scheduled for 1/11/24	Pending
YES	Final Plan Review and Decision		TBD
<p style="color: red; text-align: center;">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. <u>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.</u></p>			

OTHER PERMITS AND REQUIREMENTS

- MDOT permitting and approval of proposed driveways.
- State Fire Marshal NFPA #13 fire protection system approval.
- Fire Chief approval for marijuana retail establishment.
- DEP construction permitting and site review.
- Coordination with Police Department to determine traffic management plan

PROJECT INTRODUCTION

This is the second preliminary review for a proposed marijuana retail business on the property of 181 State Road. The property is located along the northern frontage of the Kittery Traffic Circle and currently contains a single-family dwelling and La Casita restaurant, both of which are part of the same condo. The lot is split-zoned between the C-3 and B-L zones, with the majority of the parcel (and the entirety of the proposed building) located in the C-3 zone.

Both existing buildings would be demolished and replaced by a single-story, 2,000 sq ft. storefront intended for retail sale and storage of marijuana, not to be grown on-site. The new business would be sited in roughly the same location as the existing restaurant, and one curb-cut would be removed. The applicant proposes a one-way entrance off the traffic circle, and a one-way exit onto the spur road between the traffic circle and highway on-ramp. Parking is met in excess of the minimum requirements, and the applicant proposes sidewalks internally and along the frontage of the entire lot. The proposed development would connect to existing Town water, sewer, and electric utilities.

At a previous sketch review in 2022, the planning board denied the plan, arguing the store’s impacts to traffic would constitute a failure to promote public safety and general welfare. However, traffic impact studies are a requirement at the preliminary stage. Applicants are not required to provide a traffic impact study at the sketch review, nor are they expected to fully plan out traffic impact mitigation at this stage. The Town and applicant both obtained legal consultation, who agreed the decision “not to accept” the sketch plan was in violation of Town code procedures. The terms of a legal

38 settlement agreement between the Town and the applicant required the board to continue sketch review of the application
39 or accept it as complete, provided the required submission materials were provided by the applicant. The planning board
40 decided to continue the sketch plan application on 8/24/23, after providing feedback to the applicant regarding what they
41 would like to see in the preliminary site plan application. Sketch review is an optional step for site plan applications,
42 meaning acceptance was not required before moving forward to the preliminary stage.

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44 **The planning board accepted the preliminary site plan application as complete on 12/14/23, then scheduled a site walk for**
45 **1/8/24 and a public hearing to be held on 1/11/24. Third-party engineer review by CMA received on 12/18/23 confirmed**
46 **all identified issues were minor and did not require plan resubmission. The applicant has submitted a revised plan set and**
47 **response packet to the third-party engineer's comments.**

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49 **Staff suggest approval at this time.** Once the hearing has been completed, the planning board should advise the applicant
50 based on the feedback provided by the public and peer engineer.

51 **WAIVERS REQUESTED**

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54 1. The applicant is requesting a zone boundary line extension of more than 24 feet, which is within the jurisdiction of
55 the planning board per **§16.1.8.B.(5)**. The proposed development has been designed to conform to the C-3 base
56 zone standards save for the portion fronting the traffic circle, which has different screening requirements under the
57 B-L Zone. The criteria needed to be met to grant a boundary line extension are defined in the project analysis below.

58 **STAFF COMMENTS**

59 Listed below are additional comments provided by staff in addition to general review of standards:

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62 1. The traffic study accounted for peak “summer hours.” Weekday evening and Saturday midday peak flow projected
63 no negligible vehicle queuing. The traffic study accounts for anticipated trips for all 4 proposed hotels on the Route
64 1 bypass.
- 65 2. The traffic study found lines of site to and from project site driveway intersection exceed minimum site distance.
- 66 3. The Kittery Traffic Circle was identified as a high-crash area from 2019 to 2021. There is no data on high crash
67 areas post 2021, but the circle likely remains a high-crash area.
- 68 4. The traffic study suggested collaborating with the Police department to develop a traffic management plan for the
69 site. A draft traffic management plan has been submitted to the Town and received the Police Chief’s approval.
- 70 5. At the sketch review, the planning board requested the traffic study look at peak hours and incorporate commuting
71 traffic from the Portsmouth Naval Shipyard, a major source of traffic congestion along the Kittery Traffic Circle.
72 Peak shipyard hours are between 6-8 AM and 2-3PM. The traffic engineers are currently working to provide trip
73 generations between 2-3PM; the applicant is requesting the planning board allow these counts to be presented as
74 part of final review.
- 75 a. Staff suggest making these counts a condition of preliminary plan approval, to guarantee the board reviews
76 them.
- 77 6. The applicant is proposing a pole for lighting on the proposed entrance driveway. MDOT has expressed their
78 approval, and Public Works staff have no issue with a lighting pole, as long as it is clear that maintenance will not
79 be the responsibility of the Town.
- 80 7. The Flood Insurance Risk Management map shows the parcel is not in a flood hazard area.
- 81 8. Snow storage areas are notated on the site plan. Note #14 states excess snow shall be carried off-site.
- 82 9. Following feedback from the planning board, the landscaping plan has been updated to provide limited height
83 plantings within the front setback which do not impede the sight lines of the building from vehicles in the Kittery
84 Traffic Circle.
- 85 a. The landscaping plan in this plan set is not prepared by a landscape architect. A full landscape plan is not
86 required until final plan review stage.

b. Note #18 on the site plan indicates that trees will be replaced within 1 year in perpetuity on the entirety of the lot. This is typically a requirement of the B-L zone and not the C-3 Zone, but the applicant is providing this note to ensure the proposed boundary line extension does not lead to more lenient landscaping requirements.

10. Public Works staff would like the applicant to confirm DOT approval of the new exit driveway onto the spur before final approval can be granted.
11. The traffic study suggested ADA wheelchair ramps and bike parking areas. The applicant has provided a bike storage area on the concrete pad between the proposed building and ADA parking space.
12. Public Works staff will confirm whether the applicant needs to provide an 8-foot “shared pathway” along the frontage on the traffic Circle, rather than just a sidewalk.
13. The applicant is connecting to sewer lines using a gravity pipe. Staff suggest the applicant provide a force main along State Road leading towards the adjacent property of 182 State Road, as it could potentially significantly reduce the cost of the utility connection, and the scope of construction impacts.
14. Staff will require a narrative detailing efforts to mitigate impacts to traffic during installation of any public utility lines along the Kittery Traffic Circle. This will be provided before final approval.
15. During the first preliminary review, traffic engineer Jeff Dirk stated the applicants planned to share the cost of a traffic safety assessment of the KTC with the applicants of the 120 US Route 1 site plan. A note has been added to this site plan stating that the completion of said traffic study is required before occupancy can be issued.

PROJECT ANALYSIS

Staff reviewed the application and provided materials and have provided their determination on the requirements and standards below. All requirements that have not been met or require further discussion are highlighted. The standards for both the C-3 and B-L zone are listed. Because the majority of the parcel and development are in the C-3 zone, those standards are listed first, with the B-L zone standards listed after. Stricter standards typically apply on a split-zoned parcel, except when related to a proposed development or structure that is located entirely within one zone.

Code Ref.	§16.4 Land Use Zone Standards	
	Standard	Determination
§16.4.21.B/C. §16.4.17.B/C.	Permitted/Special Exception Uses	The proposed use is a special exception in the C-3 zone. The proposed use is not permitted in the B-L zone. The entire storefront is located outside of the portion zoned B-L.
§16.4.21.E.(2).(a). §16.4.17.D.(1).(g).	Lot size: 40,000 sq ft. minimum BL zone: no minimum	The property is a legally non-conforming parcel. The development does not increase nonconformance due to lot size. It appears the standard is satisfied.
§16.4.21.E.(2).(b). §16.4.17.D.(1).(h).	Street frontage: no requirements in C-3 Zone BL zone: no minimum	It appears the standard is satisfied.
§16.4.21.E.(2).(c). §16.4.17.D.(1).(i).	Front setback: 15 ft minimum BL zone: 20 ft maximum	It appears the standard is satisfied.

	NOTE: The Planning Board may, at its discretion, allow a greater setback when public amenities such as benches, pocket parks, outdoor dining or seating areas are proposed. Properties in the C-3 Zone with frontage on Old Post Road, including those lots which also have frontage on Route 1 Bypass, are required to have at least a fifteen-foot setback on Old Post Road.	
§16.4.21.E.(2).(d). §16.4.17.D.(1).(j).	Rear and side setbacks: 10 ft minimum. BL zone: 10 ft minimum NOTE: the minimum setback is 15 ft when abutting a residential property	Assessor records state the adjacent property on 187 State Road is an office, not a residential property. It appears the standard is satisfied.
§16.4.21.E.(2).(e). §16.4.17.D.(1).(k).	Building height: 40 ft maximum BL zone: 40 ft maximum	It appears the standard is satisfied.
§16.4.21.E.(2).(f).[3].[a]. §16.4.17.D.(1).(l/m).	Imperious surface: 70% maximum for currently developed lots, and stormwater must be managed on site using low-impact and utilize DEP best management practices BL zone: No maximum. All stormwater must use low-impact development utilize DEP best management practices	The impervious surface maximum standard is met. Third party engineer review has confirmed the proposed stormwater management report is sufficient, pending revisions to address minor issues identified.
§16.4.21.E.(2).(m).	Underground utilities are required	It appears the standard is satisfied
§16.4.21.E.(3). §16.4.17.D.(2).	C-3 parking standards: <ul style="list-style-type: none"> • parking areas must be visually screened when abutting residential properties. • Spaces must be 19' x 9' in dimension. BL zone: <ul style="list-style-type: none"> • parking must be located to the side or rear of the building. • Screening is required for new or revised parking when it abuts public streets. Such screening can utilize plantings or fencing and does not require a parking lot be completely obscured from view. 	The proposal does not abut any residential properties. It appears the standard is satisfied.
§16.4.21.E.(3). §16.4.17.D.(3).	The proposal must meet Kittery's building design standards. BL zone: a lighting plan must be submitted as part of the preliminary site plan application.	The proposed developments appear to meet the design handbook guidelines.

<p>§16.4.21.E.(3). §16.4.17.D.(4).</p>	<p>C-3 zone Landscaping improvements:</p> <ul style="list-style-type: none"> • minimum 15 ft vegetated landscape planter strips between the lot and adjacent all rights-of-way. • One street tree for every 50 feet of street frontage <p>BL zone landscaping improvements:</p> <ul style="list-style-type: none"> • Minimum 15 ft vegetated planter strip between the lot and adjacent rights-of-way. • One street tree for every 25 feet of street frontage. • Plantings must be replaced within one year, in perpetuity. 	<p>The applicant will show all standards are met in their landscaping plan before final approval.</p>
<p>§16.4.21.E.(3).(d). §16.4.17.D.(2).(d).</p>	<p>Traffic circulation standards: sidewalks are required within the site to internally connect the property to the abutting traffic circle.</p>	<p>The standard appears to be satisfied.</p>
<p>§16.4.21.E.(3).(e). §16.4.21.E.(2).(n).</p>	<p>Open Space standards: 20% minimum (reduced to 15% for lots of 40,000 sq ft. or less) BL zone: 15% minimum.</p>	<p>The plan meets the strictest minimum requirement of 15%. It appears the standard is satisfied.</p>
<p>Code Ref.</p>	<p>§16.5 Performance Standards</p>	
<p>§16.5.14.C</p>	<p>Standard</p> <p>Corner Lots</p>	<p>Determination</p> <p>The property is considered a corner lot between State Road and US Route 1. Frontage is considered to be along State Road, the ROW where access to the parcel is provided.</p>
<p>§16.5.10</p>	<p>Essential Services</p>	<p>Wastewater and Water District staff have both confirmed sufficient capacity for the entire proposed development.</p> <p>The applicant will provide a narrative detailing mitigation to traffic impacts along the Traffic Circle during utility installation before final approval.</p>
<p>§16.5.23</p>	<p>Signs</p>	<p>Any proposed sign has to submit for approval through Code Enforcement</p>
<p>§16.5.27</p>	<p>Street Standards: sidewalks are required along the entire ROW for the Route 1 Bypass and Wilson Road</p>	<p>The plan proposes sidewalks connecting the lot to the abutting intersection.</p>

§16.7.11.F.(e).	<p>Retail stores require 1 parking space for each 175 sq ft of gross floor area. For 2,000 sq ft, 11 spaces would be required</p> <p>Warehousing and storage uses require 1 space for each 500 sq ft. For 2,000 sq ft, 4 spaces would be required.</p> <p>Because the retail store use has the stricter minimum standard, 11 spaces are required</p>	<p>The plan exceeds parking minimums.</p> <p>The plan appears to meet ADA space requirements</p>
§16.5.32.	<p>Marijuana business standards:</p> <ul style="list-style-type: none"> • Must not be located within 1,000 feet of a public or private school or public recreation facility. • May not have any odor of marijuana detectable outside of business • Marijuana grown on-site must be located indoors. • Marijuana business must conform to design standards. • Marijuana business must have a building footprint within 400 sq ft and 2,000 sq ft • Proposed business must conform with all relevant parking requirements. • Marijuana business requires fire suppression measures and fire alarms to the satisfaction of the Fire Chief. • Marijuana business requires 24 hour video surveillance covering interior and exterior of facility. • Any proposed wastewater discharge must be signed off by wastewater department. • Exterior lighting is required and must conform with the Design handbook. Motion sensors may be added if required by the planning board. 	<p>All applicable standards to a retail business appear to be met.</p> <p>The Fire Chief has provided written confirmation of his “satisfaction” of the proposed fire management measures.</p>
§13.1.6.5/§13.1.6.6	Sewer impact fees and special sewer entrance fees	To be calculated by the Wastewater Department before final plan approval.
Code Ref.	§16.1.8.B.(5).(a). Criteria for proposed zone boundary line extension	
	Standard	Determination
§16.1.8.B.(5).(a).[1]	Must not prevent the orderly and reasonable use of properties in the adjacent zone	The standard appears to be met

§16.1.8.B.(5).(a).[2]	Must be in harmony with the character of the adjacent zone	<p>Staff believe the proposed retail business is considered “in harmony with” the adjacent Business-Local Zone.</p> <p>The standard appears to be met</p>
§16.1.8.B.(5).(a).[3]	Must not adversely affect property values of the adjacent zone’s immediate neighborhoods	<p>The only portion of the Business-Local Zone that abuts the property is the Kittery Traffic Circle and other MDOT property.</p> <p>The standard does not appear applicable.</p>
§16.1.8.B.(5).(a).[4]	Not create traffic hazards or undue traffic congestion on streets in the adjacent zone	<p>The landscaping requirements along the road frontage require more visual screening in the Business Local zone than the Commercial-3 zone. Granting this boundary line extension would reduce the risk of impacted visibility from more intense visual screening along the traffic circle.</p> <p>The standard appears to be met.</p>
§16.1.8.B.(5).(a).[5]	Not give off obnoxious gases, odors, smoke, or soot	<p>The proposed marijuana business is required to contain all odors and smoke within the building.</p> <p>The standard appears to be met.</p>
§16.1.8.B.(5).(a).[6]	Not cause disturbing emission of electrical discharges, dust, light, vibration, or noise	<p>Staff do not consider the proposed light pole on the driveway as disturbing, as the further illumination it would provide on the abutting Kittery traffic Circle would not be an adverse impact.</p> <p>The standard appears to be met.</p>
§16.1.8.B.(5).(a).[7]	Be adequately screened from the adjacent zone	<p>Staff believe the screening requirements of the Commercial-3 zone are adequate for the portion of the lot zoned Business-Local.</p> <p>The standard appears to be met.</p>
Code Ref.	§16.7.10 Preliminary Site Plan Requirements	
	Standard	Determination

§16.7.10.C.(4).(a-i).	<ul style="list-style-type: none"> • Paper plan sheets no smaller than 11” x 17” • Scale of drawing no greater than 1 inch = 30 feet • Code block in right-hand corner • Standard boundary survey of existing conditions • Compass with arrow pointing true north • Locus map of property • Vicinity map and aerial photograph • Surveyed acreage of parcel(s), rights-of-way, wetlands, and amount of street frontage • Names and addresses of owners of record abutting property 	Provided
§16.7.10.C.(4).(j).	Existing conditions survey including all identified structures, natural resources, rights-of-way, and utilities located on and within 100 feet of the property.	Provided
§16.7.10.C.(4).(k).	<ul style="list-style-type: none"> • Proposed development area including: • Location and detail of proposed structures and signs • Proposed utilities including power, water, and sewer. • Sewage facilities type and placement. • Domestic water source • Lot lines, rights-of-way, and street alignments • Road and other paved area plans • Existing and proposed setbacks • Storage areas for waste or hazardous materials • Topographic contours of existing contours and finished grade elevations • Locations and dimensions of artificial features such as pedestrian ways, sidewalks, curb cuts, driveways, fences, retaining walls, 	Provided
§16.7.10.C.(4).(l).	Natural features or site elements to be preserved.	Provided
§16.7.10.C.(4).(m).	Identified property encumbrances.	Provided
§16.7.10.C.(4).(n).	Kittery Water District approval letter.	Provided
§16.7.10.C.(4).(o).	Erosion and sedimentation control plan.	Provided
§16.7.10.C.(4).(p).	Stormwater management plan and drainage analysis.	Provided
§16.7.10.C.(4).(q).	Soil survey.	Provided
§16.7.10.C.(4).(r).	Vehicular traffic report.	Provided
§16.7.10.C.(4).(s).	Traffic impact analysis.	Provided
§16.7.10.C.(4).(t).	Test pit analysis.	Provided
§16.7.10.C.(4).(u).	Approval letter from Town sewage.	Provided
§16.7.10.C.(4).(v).	Evaluation of development by Technical Review Committee department heads.	Provided

§16.7.10.C.(4).(w).	Additional submissions as required: <ul style="list-style-type: none"> • All additional requirements of a marijuana business per §16.5.32 • A formal lot boundary adjustment request 	Provided
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DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS

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The purpose of a public hearing is to gather feedback from abutters, residents, and interested parties that may identify potential conflicts or suggestions to the proposed development. The applicant’s plan set and drainage analysis have been deemed ready for approval by third-party review. Additionally, the Fire Chief has signed off on the proposed suppression systems, and the Police Chief has signed off on the proposed Traffic Management Plan. As the applicant has provided all required materials for a preliminary site plan, staff believe the application is ready for preliminary approval, and suggest a condition requiring the 2-3PM shipyard traffic counts be provided as part of the final application.

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RECOMMENDED MOTIONS

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Below are recommended motions for the Board’s use and consideration:

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Motion to conditionally approve the application

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Move to approve (with conditions listed above) the preliminary site plan by Mike Sudak, on behalf of owner/applicant IDC 5 LLC.

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Motion to continue the application

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Move to continue review of the preliminary site plan by Mike Sudak, on behalf of owner/applicant IDC 5 LLC.



ATTAR

ENGINEERING, INC

CIVIL STRUCTURAL MARINE

Mr. Jason Garnham, Director of Planning and Development
Mr. Maxim Zakian, Town Planner
Town of Kittery, Maine
200 Rogers Road
Kittery, Maine 03904

December 28th, 2023
Project No. 23072

**RE: Preliminary Site Plan Review – Review Revisions
Indico Adult-Use Marijuana Retail
181 & 185 State Road, Kittery, Maine (Tax Map 28, Lot 14-2)**

Dear Mr. Zakian & Mr. Garnham:

On behalf of IDC5, LLC., I have enclosed for your review and consideration revised Plan Set sheets and associated attachments for the above-referenced project. Revisions have been made to address comments from the following sources:

- Town Staff Review Memo prepared for December 14th Planning Board meeting
- Planning Board member comments during December 14th Planning Board meeting
- Third-Party Review memo prepared by CMA Engineers, dated December 18th
- MDOT Correspondence received December 27th

Town Staff & Board Member Revisions:

- During the last Planning Board meeting it was requested that additional traffic counts take place to incorporate the specific evening commute volumes from the nearby Portsmouth Naval Shipyard. Project traffic engineers from Vanasse & Associates will be accommodating this request and shall study the 2:00pm – 3:00pm weekday window to provide an addendum to the Traffic Impact Study for this application. The expected timeframe for this additional work is 2-3 weeks, weather permitting. The Applicant humbly requests that this addendum be allowed to be provided with the Final Site Plan Review application.
- General Note #18 has been added to Sheet 1 to require that the preservation of landscape plantings – typically a requirement of the B-L zone but not the C-3 zone, where this development is proposed – shall be applied to this split-zone in its entirety.
- All relevant Plan Set sheets have been updated to include a bike parking area on the concrete pad east of the proposed building and adjacent to the main pedestrian entrance to the building.
- After discussion at the Planning Board meeting and the expressed comfort of the Planning Board, all relevant Plan Set sheets have been updated to display the proposed zoning boundary line adjustment requested with this development. This movement is for a maximum horizontal distance of 24' (up to 50' allowed), and would allow for the entire parcel to reside within the C-3 zone. The Existing Conditions Plan within this Plan Set still depicts the zoning boundary line in its current, unmodified location, for reference.

- General Note #3 on Sheet 1 has been revised to remove the minimum lot size typo. This same note has also been revised to remove certain landscaping requirements that no longer apply now that the entire parcel will reside within the C-3 zone.
- General Note #4 on Sheet 1 has been revised to include a calculation for tree planting requirements based on the different applicable ordinance sections, which have been summarized in General Note #12.
- Sheet 5 (Landscaping Plan) has been updated to reflect the visual screening discussion which took place at the Planning Board meeting. A maintained 4'-high hedge line is proposed abutting the new parking lot and sidewalk to shield the traffic circle from headlight glare. Proposed tree plantings have been depicted in clustered locations along the eastern portion of the parcel's frontage, and a planting schedule has been added to display the proposed species information. Additional callouts have been provided to declare that the remainder of the 15' frontyard setback shall be vegetated with a combination of lawn, ornamental stone landscape features, and mulch beds with perennials. As discussed at the Planning Board meeting, the intent of the remainder of the frontyard setback is to have limited-height plantings which do not impede the sight lines to the building from vehicles maneuvering through the Traffic Circle.
- Should Town Staff and/or Planning Board members seek to require the Landscaping Plan be prepared by a landscape architect instead of what has been prepared in this Plan Set, the Applicant requests that such a plan be prepared and included with the Final Site Plan Review application.
- The Planning Board requested that Fire Chief and Police Chief signoff be procured for the proposed fire suppression measures of this development and traffic management plan for the construction of this development, respectively. The Applicant has not yet received these signoffs but will keep the Town/Board posted as new information is received. These elements of this application are intended to be discussed at the January 2nd meeting of the Technical Review Committee, with updates to follow thereafter.
- Staff Review Memo for this application required the Applicant to work with the Code Enforcement Officer to determine what sewer impact and entrance fees would be required for this development. Conversations with Town C.E.O. have determined that the Sewer District is the appropriate entity for this determination. Correspondence with Mr. Tim Babkirk is attached, and additional information shall be provided to the Town as they become available.
- Town Staff have suggested that a condition be applied to this development to reflect the cost sharing with the 120 Route 1 Applicant for a regional traffic safety assessment. This condition requires that said assessment is completed prior to occupancy, and General Note #19 has been added to Sheet 1 to reflect the above.

Third-Party Review Revisions:

Correspondence between Mr. Maxim Zakian and Ms. Jodie Bray Strickland of CMA Engineers is attached. The Applicant agrees with the opinion of the Third-Party Review Engineer that the list of comments are minor enough to allow for a Preliminary Approval determination with the condition that all comments are satisfied with the Final Site Plan Review application. Having said that, the Applicant has completed the following revisions towards this overall list.

- Motion sensors for the project lighting are not proposed for this development. Lighting shall operate relative to hours of operation as with similar commercial businesses in the neighboring B-L zone.
- Sight Distance measurements have been added to Sheet 1 as requested. All measurements exceed the required minimum stopping sight distance of 200'.
- Snow Storage locations exist on Sheet 1 of the Plan Set to coincide with General Note #14, but have been added to Sheet 3 (Grading & Utilities Plan) as well.
- Typical parking space callout exists on Sheet 1, but dimensions have been added to demonstrate compliance. Similar dimensions and typical callout have also both been added to Sheet 3 (Grading & Utilities Plan).
- Sheet 4 (Photometric Plan) has been updated to include uniformity ratios for the proposed parking lot in compliance with §16.7.11.H.
- All relevant Plan Set sheets have been updated to include traffic flow arrows in their respective legends.
- All relevant Plan Set sheets have been updated to include proposed concrete hatch patterns in their respective legends.
- Stabilized Construction Entrance hatch patterns have been added to all relevant Plan Set sheets along with callouts to reference the appropriate detail.
- General Note #11 on Sheet 1 has been revised to appropriately reflect utility service information.
- Sheet 2 (Existing Conditions Plan) has been revised to have all callouts reflect the removal or retention of various elements including paved entrances, exits, parking areas, existing large trees, retaining walls, etc.
- Sheet 2 (Existing Conditions Plan) has been revised to have limited common element callouts appropriately reference the Plan References notes on Sheet 1. Additionally, a notes section has been added to Sheet 2 to define L.C.E. (Limited Common Element).
- Sheet 3 (Grading & Utilities Plan) has been revised to differentiate callouts for the proposed segmental block retaining wall to be constructed north of the travelway and parking lot. Callouts now reference the retaining wall detail included in Detail Sheet 7.
- Sheet 7 (Site Details) has been revised to include the Emergency Spillway detail referenced by callouts elsewhere within the Plan Set.

MDOT Correspondence Comments:

Correspondence with Mr. John Skelley, Region 1 Engineer for MDOT, is attached and serves as an update to the thread which was an attachment to the Preliminary Site Plan Review application. The following discussion items and conclusions are within:

- Discussion on the location of the proposed Project exit relative to the northerly abutting entrance/exit, and the potential for conflicts with left-turn exits from the Project and right-turn exits from the abutter. The conclusion was that both parcels provide adequate sight distance and generate minimal traffic to the point of no mitigation being warranted.
- MDOT has no Control of Access concerns over the ability of the Town to issue a driveway/entrance permit for the Project.

- Both Region 1 Traffic Engineers (Mr. John Skelley & Mr. Randy Illian) have confirmed that this project does not trigger a MDOT Traffic Movement Permit (TMP).
- MDOT has no issue with the Town governing the removal/installation of “Entrance Only” and/or “Exit Only” signage within the Traffic Circle right-of-way, provided such signage is compliant with MDOT specifications.
- MDOT has no issue with the proposed off-site pole-mounted light to be located within the Traffic Circle right-of-way now that it has been redesigned to be of breakaway construction. Fixture can be designed to be in harmony with the surrounding pole-mounted lights which illuminate the Traffic Circle travelway.
- MDOT is agreeable to the proposed stormwater discharge to the existing catch basin within the Traffic Circle now that it has been demonstrated that peak runoff reductions are achieved for the 50-year rain event. A Draft Drainage Agreement is attached, which the Applicant is requesting to have completed and filed with MDOT for the Final Site Plan Review application.

We look forward to discussing this project at the January 11th Planning Board meeting and Public Hearing. If any additional information is required, please contact me. Thank you for your assistance.

Sincerely,

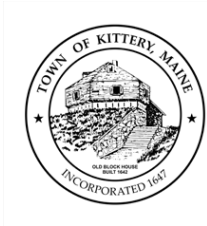
A handwritten signature in blue ink that reads "Michael J. Sudak". The signature is written in a cursive, flowing style.


Michael J. Sudak, E.I.
IDC5 Cover 28Dec2023.doc

From: [Timothy Babkirk](#)
To: [Sammie Goddard](#)
Cc: [Mike Sudak](#); [Maxim Zakian](#)
Subject: RE: 181 State Road, Kittery ME
Date: Thursday, December 28, 2023 10:58:20 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

I will find out and let you know.

Thank You.



Tim Babkirk
Superintendent
Kittery Sewer department
Phone: 207-439-4646
Email: tbabkirk@kitteryme.org
200 Rogers Road
Kittery, ME 03904
www.kitteryme.gov


From: Sammie Goddard <sammie@attarengineering.com>
Sent: Wednesday, December 27, 2023 11:36 AM
To: Timothy Babkirk <TBabkirk@kitteryme.org>
Cc: Mike Sudak <mike@attarengineering.com>; Maxim Zakian <mzakian@kitteryme.org>
Subject: 181 State Road, Kittery ME

Good Morning Tim,

We are working through the items on the Planning Board's review memo from 12/14/23's meeting for our project located at 181 State Road, and one of the items under §13.1.6.5/§13.1.6.6 is looking for sewer impact fees and special sewer entrance fees related to our project. Originally this was listed to be calculated by CEO but after discussing with Kearsten, we actually need your assistance to get this. Are you able to advise on the sewer impact fees and any special sewer entrance fees that would be

associated with this project?

Best Regards,

Sammye Goddard

Office Manager

1284 State Road



ATTAR

ENGINEERING, INC

CIVIL • STRUCTURAL • MARINE

Eliot, ME 03903

Tel. 207-439-6023

From: [Maxim Zakian](#)
To: [Mike Sudak](#)
Cc: [Sammie Goddard](#)
Subject: Fw: 181 & 185 State Road review #1
Date: Monday, December 18, 2023 4:52:10 PM
Attachments: [Outlook-blue logo-.png](#)
[Outlook-blue logo-.png](#)

As promised, I'm forwarding over the peer review for 181-185 State Road, along with an email from Jodie confirming she recommends conditional approval at this time. Mike, I would suggest a response letter and an old college try at cleaning up some of these issues as part of your next revision of the plan set.

Following her comment on DEP approval, please keep us in the loop regarding the stormwater management permit. If a permit is not required, we require written confirmation confirming this (a copy of an email from someone at DEP is fine; I just need some form of proof so I can sleep at night).

-Max

From: Jodie Bray Strickland <jstrickland@cmaengineers.com>
Sent: Monday, December 18, 2023 4:47 PM
To: Maxim Zakian <mzakian@kitteryme.org>
Cc: Jason Garnham <JGarnham@kitteryme.org>
Subject: Re: 181 & 185 State Road review #1

Max-

Most of it is housekeeping things. Conditional approval should be fine.

Best,
Jodie

Jodie Bray Strickland, P.E.
Senior Project Engineer



[CIVIL/ENVIRONMENTAL/STRUCTURAL](#)

35 Bow St.
Portsmouth, NH 03801
CELL: 603-817-4716

jstrickland@cmaengineers.com

From: Maxim Zakian <mzakian@kitteryme.org>
Sent: Monday, December 18, 2023 4:19 PM
To: Jodie Bray Strickland <jstrickland@cmaengineers.com>

Cc: Jason Garnham <JGarnham@kitteryme.org>

Subject: Re: 181 & 185 State Road review #1

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you, Jodie! I asked the applicant to keep me in the loop with DOT correspondence, but I did not ask about a DEP stormwater management, so I'm glad you brought that up. There's a pretty long list, but am I correct in assuming the issues identified are minor enough to allow conditional approval?

The applicant still doesn't want to request review of the traffic study unless the planning board specifically requires it. I'm saying this as a heads up because I think it's highly likely they'll ask for you to review it at some point.

Best,
Max

From: Jodie Bray Strickland <jstrickland@cmaengineers.com>

Sent: Monday, December 18, 2023 4:09 PM

To: Maxim Zakian <mzakian@kitteryme.org>

Cc: Jason Garnham <JGarnham@kitteryme.org>

Subject: 181 & 185 State Road review #1

Max-

Please find attached the review of 181 & 185 State Road.

Let me know if you have any questions.

Best,
Jodie

Jodie Bray Strickland, P.E.
Senior Project Engineer



CIVIL/ENVIRONMENTAL/STRUCTURAL

35 Bow St.

Portsmouth, NH 03801

CELL: 603-817-4716

jstrickland@cmaengineers.com



December 18, 2023

Maxim Zakian, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

**RE: Town of Kittery, Planning Board Services
Indico Adult-Use Marijuana Retail Review
181 & 185 State Road (Tax Map 28, Lot 14-2)
CMA #591.170**

Dear Max:

CMA Engineers has received the following information for Assignment #170 review of the proposed marijuana retail facility at 181 & 185 State Road (Tax Map 28, Lot 14-2).

- 1) Preliminary Site Plan Review Application and supporting documentation, Tax Map 28, Lot 14-2, 181 & 185 State Road, Kittery, ME by Attar Engineering, Inc. dated November 22, 2023.

The project consists of one lot (Map 28, Lot 14-2) with an area of approximately 0.87 acres. The lot is located in both the Commercial 3 (C-3) and Business Local (B-L) districts. There are no wetlands on site. The project includes demolition of two existing buildings and the construction of a single-story, 2000-square-foot marijuana retail building with associated parking and access drives.

The development will be served by public sewer and Kittery Water District water. Proposed drainage includes installation of closed drainage with catch basins that outlet to a detention pond and level spreader.

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code (LUDC) and general engineering practices and offer the comments below that correspond directly to the Town's Ordinances.

13.1 Sewer Service System

13.1.5 Private Sewage System

13.1.5.6 The plans show a septic vent. The septic tank should be located, emptied and filled with gravel or dirt if left in place.

16.5 General Performance Standards

16.5.32 Marijuana business

16.5.32.B.(7) The applicant mentions fire suppression, but no details are shown. These must be approved by the Fire Chief.

16.5.32.B.(11) Are motion sensors proposed for site lighting?

16.7 General Development Requirements

16.7.11 Performance Standards and Approval Criteria

16.7.11.A. Water supply

The applicant has provided capacity for the project from Kittery Water District. The applicant still needs approval of the water supply and fire suppression system, which has not yet been developed.

16.7.11.B. Sewage disposal

The Town of Kittery sewer department has stated there is capacity to serve the project. The applicant still needs approval of the sewer design, which has not yet been developed.

16.7.11.C. Stormwater and Surface Drainage

The proposed stormwater management system closed drainage with catch basins that outlet to a detention pond and level spreader that eventually discharge to existing drainage in State Road. Post-development flows are decreased for the 2, 10 and 25-year storm.

16.7.11.D.(4)(d) Please include a section in the Stormwater Management Operation & Maintenance Manual on maintenance of the catch basins (silt sacks during construction, cleaning them following construction and regular maintenance and cleaning when silt reaches a certain level), and parking lots (sweeping, salt and sand application, etc.).

We have the following comments on the drainage analysis:

1. The drainage analysis should be stamped by a licensed engineer.
2. Is a Maine DEP stormwater management permit required for this site? Please copy the Town on all correspondence.
3. In the post-construction condition, stormwater is modeled as if a swale has been installed (Reach 1R) but no reach is used in the predeveloped condition. This is not accurate.
4. The time of concentration for subcatchment 5S is zero in all of the modeled storms.

16.7.11.E. Vehicular traffic

The applicant has provided a traffic study. We note that we have not reviewed this information.

16.7.11.F. Parking and loading

16.7.11.F.(1)[1] The applicant should provide site distances at the entrance and exit.

16.7.11.F.(1)[4] The applicant has indicated that snow storage is on site; these areas should be shown.

16.7.11.F.(4)(c) The parking spaces should be dimensioned to assess conformance with Table 2.

16.7.11.H. Exterior lighting requirements

The applicant has proposed a lighting fixture in the right-of-way. Has this been approved and coordinated with Maine DOT?

16.7.11.H.(2)(a) The applicant should provide the uniformity ratios for the access drives and the parking lot.

We have the following comments on the plans:

1. The plans should contain a cover sheet.
2. The plans incorrectly reference Map 22, Lot 4 in the bottom right corner.
3. The traffic flow arrow is missing from the legend on Sheets 3 and 5.
4. The hatched area within the paved areas on Sheets 1, 3,4 and 5 resembles the concrete hatch and is not defined in the legend. This should be defined in the legend or removed.

5. The plans should include the location of the stabilized construction entrance, silt fence, erosion control mix berm and hay bale barrier.
6. Provide a traffic movement plan for a fire truck.

Sheet 1 – Overall Site Plan

1. General Notes 2 incorrectly references Map 22, Lot 4.
2. The parking spaces should be dimensioned (or one as a typical).
3. General Note 14 indicates snow storage is shown on the plans, but it is not.
4. Amend General Note 11. Kittery Water District is not Town water.

Sheet 2 – Existing Conditions Plan

1. The plan should indicate that both driveways are to be removed.
2. The plan should show the location of all existing water and sewer mains and services including sizes and materials.
3. The plan should indicate whether the spruce trees are to be removed or to remain.
4. The label “Ext. LCE Boundary Line See Plan Reference #_” is incomplete.
5. The plan should indicate whether the “Overpass Retaining Wall and Riprap Embankment” are to be removed or to remain.
6. The label “Sidetalk (sic) Crossing to Remain” should be corrected.
7. The plan should define “L.C.E.”.
8. There is an existing leach field and septic vent shown. Where is the septic tank located? Is it proposed to remain in place? If so, the plans should contain information about emptying the tank and filling it with gravel or dirt.

Sheet 3 – Grading and Utilities Plan

1. Is the “Prp. Segmental Block Landscape Feature” the same as the “Prp. Segmental Block Retaining Wall”? If so, the leader should reference the detail on Sheet 7. If not, please provide a detail.
2. Is work within the right-of-way approved?
3. The Ordinances call for fire suppression for marijuana retail, however only one water service is shown.
4. The size and material of the water service (and fire suppression service) should be indicated.
5. The rim elevation and inverts of the proposed sewer manhole should be shown. The size and material of the sewer service and/or main should be shown.
6. The 4’ wide asphalt sidewalks are not ADA compliant.
7. The accessible parking space should have a sign.
8. The one-way entrance, exit, loading bay, and access around the building should have signs restricting movement and/or parking.
9. The water service and sewer service both stop at the concrete sidewalk.
10. The plan should show the location of the curb stop and sewer clean out (if required).
11. The plan references an Emergency Spill detail on Sheet 7 but there is no detail.

Sheet 4 – Photometric Plan

1. The plan should show uniformity ratios in accordance with the Ordinances.

Sheet 5 – Landscape Plan

1. What is the significance of the red text and linetype?
2. What plantings are proposed within the 15’ landscaped areas?
3. There is no proposed landscaping within the parking lot as required.

Sheet 6 – Detail Sheet

1. Update all notes to be pertinent to this project.

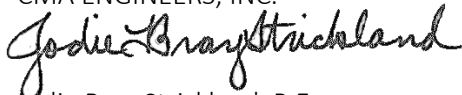
Sheet 7 – Detail Sheet

1. Update the Utility Trench Patch Detail to reflect Kittery DPW specifications. Add sawcut and tackifier.
2. The Retaining Wall Detail name should match that used on the plans (Segmental Block Retaining Wall and/or Segmental Block Landscape Feature).
3. The Sewer Pipe Trench detail should specify the gravel. Add warning tape.
4. The Water Service Detail shows a PVC distribution main and 1" copper service. Are these features correct?
5. The Typical Cath Basin detail should specify the frame and grate type.
6. The Typical Sanitary Manhole detail should reference the Standard Cover and Frame detail.
7. Include a sanitary manhole detail showing the brick channel.
8. Include an underground electric detail.
9. There is a leader on the Filter Pond Embankment and Berm Detail that is not legible.
10. Include an emergency spillway detail.
11. Include a walkway detail.
12. Include details for the ADA ramps and landings.

Should you have any questions, please do not hesitate to call.

Very truly yours,

CMA ENGINEERS, INC.



Jodie Bray Strickland, P.E.
Senior Project Engineer

cc: Lewis Chamberlain, P.E., Attar Engineering, Inc.

From: [Mike Sudak](#)
To: [Skelley, John](#); [Sammie Goddard](#)
Cc: [Lew Chamberlain](#); [Ken Wood](#); [Illian, Randy](#)
Subject: RE: 181 State Road, Kittery - Application Inquiries
Date: Thursday, December 28, 2023 9:09:00 AM
Attachments: [image002.png](#)
[image003.png](#)

Good Morning John,

Thank you for the response items and for the draft Drainage Agreement.

I forwarded your response to our project Traffic Engineer at Vanasse & Associates and have the following reply regarding the abutting driveway:

"The proximity of the driveways was evaluated and we agree that the left-turn movement exiting the Project driveway overlaps with the right-turn exiting the abutting driveway to the north. Given the low volume of the conflicting movements and with the condition that clear sight lines are provided for both exiting driveways, the potential for conflicts is reduced. This conclusion would need to be re-evaluated if a more intensive traffic generator were to be located within either property."

Aside from that it looks like all other discussion points have reached their conclusion for now. Thank you for following up with Randy and on the Control of Access item for the Traffic Circle. I'll be forwarding this thread to the Town to keep them informed ahead of our upcoming site walk and public hearing. I'll reach back out if any other issues arise, but otherwise I appreciate your attention to this application.

Best of luck with the newborn and I hope you have a happy New Year.

Take care,

-Mike

From: Skelley, John <John.Skelley@maine.gov>
Sent: Wednesday, December 27, 2023 12:13 PM
To: Sammie Goddard <sammie@attarengineering.com>
Cc: Lew Chamberlain <Lew@attarengineering.com>; Ken Wood <Ken@attarengineering.com>; Illian, Randy <Randy.Illian@maine.gov>; Mike Sudak <mike@attarengineering.com>
Subject: RE: 181 State Road, Kittery - Application Inquiries

Morning Sammie,

Hopefully your Holidays have been good as well. First Christmas with a 3-Month old on my end. Always something new!

Randy is out on vacation this week but he had the chance to look into some TMP items and I also checked with the Control of Access on the ROW. Randy mentioned a TMP is not warranted, and there is no COA restriction on the Circle. So you should be all set in those regards.

Response to other items below in the chain in Red underline.

Please let us know if you have any questions.

Thanks!

John Skelley, P.E.
MaineDOT

From: Sammie Goddard <sammie@attarengineering.com>
Sent: Wednesday, December 27, 2023 11:39 AM
To: Skelley, John <John.Skelley@maine.gov>
Cc: Lew Chamberlain <Lew@attarengineering.com>; Ken Wood <Ken@attarengineering.com>; Illian, Randy <Randy.Illian@maine.gov>; Mike Sudak <mike@attarengineering.com>
Subject: RE: 181 State Road, Kittery - Application Inquiries

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi John,

I hope you had a wonderful holiday! I just wanted to reach back out to see if you might have a chance to comment on this before tomorrow's meeting. We appreciate any assistance you can provide.

Hope you have a happy New Years!

Sammie

From: Sammie Goddard
Sent: Tuesday, December 19, 2023 1:43 PM
To: Skelley, John <John.Skelley@maine.gov>
Cc: Lew Chamberlain <Lew@attarengineering.com>; Ken Wood <Ken@attarengineering.com>; Illian, Randy <Randy.Illian@maine.gov>; Mike Sudak <mike@attarengineering.com>
Subject: RE: 181 State Road, Kittery - Application Inquiries

Good Afternoon John,

I just wanted to reach out to follow up on Mike's message below from last week to see if you might be able to comment for us ahead of our submittal back to the town on Thursday of next week. Let us know if you have any questions or need any additional information!

Best Regards,

Sammie Goddard
Office Manager



1284 State Road
Eliot, ME 03903
Tel. 207-439-6023

From: Mike Sudak <mike@attarengineering.com>
Sent: Tuesday, December 12, 2023 9:35 AM
To: Skelley, John <John.Skelley@maine.gov>
Cc: Lew Chamberlain <Lew@attarengineering.com>; Ken Wood <Ken@attarengineering.com>; Illian, Randy <Randy.Illian@maine.gov>; Sammie Goddard <sammie@attarengineering.com>
Subject: RE: 181 State Road, Kittery - Application Inquiries

Good Morning John,

Providing some responses for you. The project traffic engineer got back to me earlier this morning in reply to your first question. Providing a screenshot here:

Mike:

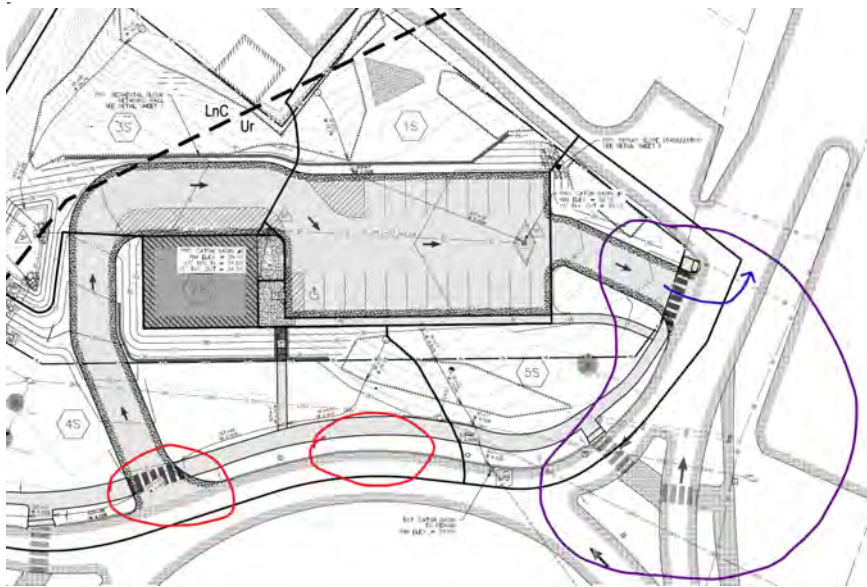
The driveway on State Road is located on a tangent section and not within the radius of the traffic circle, and is also located beyond the limits of the area where turning movements are restricted to right-turn only operation. John may be thinking that we are using the existing State Road driveway which is located within the radius and at the location where left-turn movements are prohibited. I would also add that our assessment specifically focused on the location of the State Road driveway as it relates to vehicle queueing on the approach to the rotary and lines of sight. In both cases, we concluded the following:

- o The predicted vehicle queue (one (1) vehicle or 25 feet) on the State Road approach to the traffic circle will not impact operating conditions at the Project site driveway which is located approximately 100 feet (ft) north of the Kittery Traffic Circle; and
- o The available lines of sight exceed the required minimum distance for safe operation of the driveway (clear sight lines are provided to/from the traffic circle).

Let us know if you or John have any additional questions.

Jeffrey S. Dirk P.E., PTOE, FITE
Managing Partner
Vanasse & Associates inc
main 978-474-8800 | direct 978-269-6830 | cell 508-414-7924
Professional Engineer in CT, MA, ME, NH, RI and VA

My question/concern dealt with the approach to the Circle near the existing business, not the driveway inside the Circle. I wasn't sure if the left turn to head north on State Road was evaluated because the entrance looks like it was shifted north near the property boundary to allow left turns heading north on State Road. If the lines of sight and queueing do not impact the southbound traffic and the northbound traffic coming out of the Circle onto State Road has a sight line to the driveway, I don't see an issue since no TMP or mitigation is warranted based on the 7 left turns on a weekend peak hour. The two existing entrance/exit are within the Circle (red circle), the new proposed exit is on the Southbound State Road approach (Purple). Wanted to make sure there wasn't a conflict since there is a new left turning movement in this location.



As for your red text comments, I offer the following responses (pulling them up here in order):

- Do you have any update on the Control of Access that would potentially inhibit the Town's ability to approve a driveway/entrance permit? [See above. No COA issue.](#)
- Has Mr. Illian provided any input on this project indeed being beneath the threshold of TMP consideration? [See above. No TMP is triggered given the traffic report and proposed use.](#)
- Thank you for your comments on the Highway Opening Permit – we will handle this matter at the Town level and will be sure to have any off-site revegetation match the surrounding roadside greenspaces. [Noted.](#)
- Regarding signage, both of the existing sidewalk crossing signs will be able to be preserved through the improvements this project proposes. The signage I was speaking of would be the removal of the existing "Exit Only" sign in service of the current restaurant, and the likely additions of a similar "Entrance Only" and "Exit Only" signs at the respective locations for the proposed development. These signs would be of breakaway design and can be permitted with MDOT as you feel is necessary. [We can cross that bridge if needed. This is Town Compact and every town does things a little differently. If Kittery has been issuing these within DOT spec, best to check with them first.](#)
- Thank you for your comments on the off-site pole-mounted light. I will forward your comments to the Town and see how they want to have this handled, so this one may come back across the State's plate if the Town defers. I'll also revisit this item with my lighting contractor to make sure that pole is of breakaway design. [Noted. It's also trying to match with what is existing in the ROW already and what jives with the Town's requirements. They may handle these like signs and other Compact items.](#)
- Lastly, the stormwater tie-in. I've attached an updated HydroCAD report that includes the 50-year storm. Rainfall totals may be slightly different than what you typically see –

Town of Kittery ordinance requires the usage of rainfall data for Portsmouth NH. These values are higher than typical York County ones so the results depicted should be prudent overall. Please do forward me the template for a drainage agreement at your convenience, just so I can have it on-hand for later steps of the approvals process. [No worries, if it's elevated it's conservative. Based on the 10/50-year events and the net reduction of flow from the BMPS to the system, shouldn't be painful to execute the agreement. Draft template attached.](#)

Thanks again for your attention to this project – it is greatly appreciated.
Take care,
-Mike

From: Mike Sudak
Sent: Monday, December 11, 2023 5:35 PM
To: Skelley, John <John.Skelley@maine.gov>
Cc: Lew Chamberlain <Lew@attarengineering.com>; Ken Wood <Ken@attarengineering.com>; Illian, Randy <Randy.Illian@maine.gov>; Sammie Goddard <sammie@attarengineering.com>
Subject: RE: 181 State Road, Kittery - Application Inquiries

Hello John,

Thank you for your responses. I will forward your first question to our project traffic engineer and reply with their answer. Otherwise I will be taking a look at your redline responses and get back to you tomorrow if I have any questions. I appreciate your attention to this project.

Take care,
-Mike

From: Skelley, John <John.Skelley@maine.gov>
Sent: Friday, December 8, 2023 4:03 PM
To: Sammie Goddard <sammie@attarengineering.com>; Mike Sudak <mike@attarengineering.com>
Cc: Lew Chamberlain <Lew@attarengineering.com>; Ken Wood <Ken@attarengineering.com>; Illian, Randy <Randy.Illian@maine.gov>
Subject: RE: 181 State Road, Kittery - Application Inquiries

Afternoon Sammie and Mike,

Thanks for the follow-up email, we have been looking at as it relates to the Circle and if there were any old restrictions pertaining to it and if there is an old Control of Access designation. Shot in the dark sometimes. We can provide some further comments relating to ROW in the near future.

As far as the placement of the one-way entry and the one-way exit, because this is a State Road please consider the mobility to/from the circle. The existing entrance and exit is within the radius of the roundabout so exiting traffic is into the roundabout. The proposed exit is on a leg with what appears to be no left turn prohibition directly next to an existing entrance. It's adding a left turn from a parcel that looks to never have had one going north. Has this been looked at in the traffic study other than the trip distribution?

Some answers in the meantime to your questions below.

Thanks,

John Skelley, P.E.
MaineDOT

From: Sammie Goddard <sammie@attarengineering.com>
Sent: Monday, December 4, 2023 9:48 AM
To: Mike Sudak <mike@attarengineering.com>; Skelley, John <John.Skelley@maine.gov>
Cc: Illian, Randy <Randy.Illian@maine.gov>; Lew Chamberlain <Lew@attarengineering.com>; Ken Wood <Ken@attarengineering.com>
Subject: RE: 181 State Road, Kittery - Application Inquiries

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning John,

I am just looking to follow up on the below request from 11/22/23, please let us know if you have any questions. We appreciate your attention to this matter!

Best Regards,

Sammie Goddard
Office Manager



1284 State Road
Elliot, ME 03903
Tel. 207-439-6023

From: Mike Sudak <mike@attarengineering.com>
Sent: Wednesday, November 22, 2023 11:45 AM
To: John.Skelley@maine.gov
Cc: Illian, Randy <Randy.Illian@maine.gov>; Sammie Goddard <sammie@attarengineering.com>; Lew Chamberlain <Lew@attarengineering.com>; Ken Wood <Ken@attarengineering.com>
Subject: 181 State Road, Kittery - Application Inquiries

Good Morning John,

I'm writing with the hope of setting up a discussion on a project that will be before the Town of Kittery Planning Board next month for Site Plan Review. A pre-application meeting for this project was held last week with the Town, during which time they encouraged the Applicant to reach out to MDOT to get them involved early-on in the approvals process. I've attached my Cover Letter, Plan Set, and Traffic Study – all of which were sent to the Town earlier this morning as part of the application package.

To summarize the background of this project:

- The existing parcel is a mixed-use lot which contains the La Casita restaurant as well as a residential condo unit. Sheet 2 of the attached Plan Set is the existing conditions plan, which shows the amount of off-site improvements (within the traffic circle R.O.W.) that are in support of these uses – mostly for the existing restaurant.
- The existing entrances on the parcel include; the paved driveway on the spur road between the traffic circle and Rogers Road in service of the residential condo, the one-way entrance along the eastern portion of this parcel's traffic circle frontage, and the one-way exit along the western portion of this parcel's traffic circle frontage
- My Client is proposing to construct a 2,000 sq. ft. single-story building to be located roughly in the same spot as the existing restaurant. Vehicular access is proposed as a one-way entrance along the parcel's traffic circle frontage (roughly in the same location as the existing one-way exit from the restaurant) and a one-way exit onto the spur road connecting to Rogers Road. Vehicle circulation will be around the back of the building and through the proposed on-site parking lot as shown on the remainder of the attached Plan Set.
- A Traffic Impact Study prepared by Vanasse & Associates for this project is attached which analyzes the proposed development and its relationship to the traffic circle intersection as a whole.

As for my specific questions that I'm hoping to have a discussion on:

- This parcel falls within the State's Urban Compact zone, so considerations for driveway/entrance permits would be accomplished at the municipal level. **This is correct, the Town would permit those but Control of Access sometimes gets in the way. Still looking to see if there is one.** Also, based on the findings from the attached Traffic Study it appears that the peak trip generation value would not rise to the threshold of consideration for a TMP with the State. Can you please verify that I am correct with both of these observations? **Based on the peak trips per hour on Saturday Afternoon at 58, this shouldn't trigger a TMP. Randy – can you confirm this?**
- This development will allow for the removal and revegetation of many site improvements that were in service of the current/former uses – specifically the large paved parking area for the restaurant. Is there a process by which the State reviews and approves such changes within their R.O.W.? **If the plan is to remove any parking and revegetate a portion of it, I do not believe there is process to gain permission to do that; that should fall within the Highway Opening Permit the Town should issue you. If you are revegetating, please keep in mind the clear zone and choose appropriate objects for slat tolerance, maintenance, and do not obstruct/grow large enough to cause sight issues or become a deadly fixed object.** This question would also extend to the proposed continuation of and connection to the existing sidewalk along the traffic circle, and any associated signage/tipdowns/striping/etc. **Signage should be of breakaway design and may need to be registered with MDOT as being in the ROW even though it's in Compact (I've run into this a few times).** What types of signage? **Since the sidewalk is in the ROW it would just need to meet ADA and DOT design standards, the Town looks to maintain this in the winter.**
- Sheet 4 of the attached Plan Set is the photometric plan prepared for the application, and it includes one proposed off-site pole-mounted light. This light is located to illuminate the entrance to the proposed development, but would require MDOT consideration and approval to be placed. The existing pole-mounted lights along the perimeter of the traffic circle were not modeled as part of this plan, nor should they be impacted by this requested pole. What is the process by which I have this request reviewed? **I can check on the process for review, but it looks to be far enough off the roundabout edge and outside the clear zone. May not be much of anything, most I can think of would be a waiver to be in the ROW. This is also in Town Compact so they may approve this like they would any of their downtown lighting. Breakaway pole would be best too.**
- Lastly, Sheets 3, 8, and 9 of the Plan Set depict the intended on-site stormwater management. There are two existing catch basins within the traffic circle that are downstream recipients of collected runoff on the site as it exists currently (Sheet 8). A combination of catch basins and a single detention pond are proposed to be constructed on-site to satisfy MDEP's peak runoff reductions. The majority of runoff leaving the site through this model would exit via level spreader, where it would sheet flow over the grassy area in the vicinity of the existing power poles and guy anchors, until eventually being received by the westerly existing catch basin.
 - To me it makes sense to have the proposed stormwater management structures tie directly into the existing closed system, at least to prevent the potential of ponding within the traffic circle R.O.W. in the area between the detention pond and the existing catch basin. I have been successful with similar requests for direct tie-in with other projects further south along Route 1, and have already approached the Town's MS4 coordinator on this matter. This time around she informed me that she has no jurisdiction on such a request and encouraged me to reach out to MDOT. What is the process by which I have this request reviewed? **You can discharge into existing basins for sure, but we would need to see the 10-year and 50-year events modeled and a net reduction from existing flow. If you use a level spreader upstream of it that would likely help with attenuation. As far as approvals, you would need to execute a drainage agreement to discharge into the basin; the Town is responsible for day to day non-capital maintenance just because it's in Urban Compact. I can send you an agreement template further along into the design.**

Hopefully all of that makes sense. Please let me know if you have any questions/concerns.

Thanks and take care.
-Mike

Michael J. Sudak, E.I.
Civil Engineer
Attar Engineering, Inc.
1284 State Road
Eliot, Maine 03903
Ph: (207) 439-6023
Fax: (207) 439-2128
Cell: (978) 317-3398

AGREEMENT
Between The
MAINE DEPARTMENT OF TRANSPORTATION
And
[PROPERTY OWNER]
Regarding A
STORMWATER DRAINAGE CONNECTION
Commerical

This **AGREEMENT** is entered into on this _____ day of _____ 20__, by and between the **State of Maine**, by and through its **Department of Transportation** (hereinafter referred to as **MaineDOT**) and **[PROPERTY OWNER]**, its successors and assigns (hereinafter referred to as the Land Owner).

I. Recitals

1. Land Owner owns a certain parcel of land and buildings and on **[PROPERTY ADDRESS]** (hereinafter referred to as the Premises) located on the _____ side of _____ in the **[CITY/TOWN]** County of _____, State of Maine; said Premises IS more particularly described in a deed to **[PROPERTY OWNER]** dated _____, recorded _____ in the _____ County Registry of Deeds in Book _____, Page _____.
2. MaineDOT controls and manages the Route _____ right of way adjacent to the Premises. Route _____ is depicted on a plan entitled “Maine Department of Transportation, Right of Way Map, **[CITY/TOWN]**, dated _____, Sheet _____, DOT File No. _____, WIN _____ (hereinafter referred to as the “Plan”).
3. Route _____ contains a drainage system (the “Highway Drainage System”) that includes an **[structure]** located adjacent to the Premises between approximate centerline Stations _____ and _____ **[left/right]** as shown on the Plan.
4. In the interest of public health and safety, MaineDOT has agreed to permit Land Owner to connect a private underground commercial storm drainage pipe (the “Commercial Storm Drain”) to the Highway Drainage System. The Commercial Storm Drain originates at the Premises and will be connected to the Highway Drainage System located alongside Route _____ according to specifications approved by MaineDOT and subject to the terms and conditions set forth in this Agreement.

II. DRAINAGE AGREEMENT

NOTE: PARAGRAPHS 1 AND 2 NEED TO BE ADJUSTED TO MEET THE SPECIFIC REQUIREMENTS OF THE COMMERICAL DRAINAGE CONNECTION. THEY ARE USUALLY MORE COMPLEX AND CONTAIN MORE DETAIL THAN RESIDENTIAL CELLAR HOOK UPS. THEY ARE ALSO USUALLY CONSTRUCTED AT THE LOWDOWNER’S EXPENSE, NOT MAINEDOT’S.

1. Location of Tie-in.

Land Owner shall connect the Commercial Storm Drain to the Highway Drainage System within the Route _____ right of way at a point located approximately _____ feet to the [right/left] of centerline Station _____ as shown on the Plan. The Commercial Storm Drain shall tie in to a “Type F” catch basin or similar device within MaineDOT’s right of way which will allow MaineDOT employees to inspect effluent entering the Highway Drainage System.

2. Plan showing Location of Tie-in.

The Land Owner shall ensure that a properly functioning backflow prevention device, is installed in the Commercial Storm Drain. The Land Owner shall ensure that the backflow prevention device will function to prevent effluent from flowing out of the Commercial Storm Drain and into the Premises.

A sketch or diagram shown the point of connection where the Commercial Storm Drain is tied into the Highway Drainage System shall be attached to this Drainage Agreement.

3. Cost.

The [Department/Land Owner] shall be responsible for all costs related to the initial connection of the Commercial Storm Drain to the Highway Drainage System. Thereafter, the Land Owner shall also be responsible for the cost of any modification, maintenance and/or repair of the Commercial Storm Drain.

4. Hazardous Substances and Pollutants Prohibited; Liability.

The Land Owner understands that the purpose of the Commercial Storm Drain is to facilitate the flow of naturally occurring excess storm water, ground water or surface water from on the Premises into the Roadside Drainage System. The Land Owner agrees to allow only naturally occurring excess storm water, ground water or surface water to pass through the Commercial Storm Drain. The Land Owner shall not allow any hazardous substances or pollutants to pass through the Commercial Storm Drain. Further, Land Owner shall not permit the following substances to enter the Commercial Storm Drain:

- a. groundwater impacted by leach field effluent or any other contaminants;
- b. gray water/black water discharge; and/or
- c. sediment-laden surface water

The Land Owner agrees to assume liability for damages that result in hazardous substances or pollutants in concentrations prohibited by the Clean Water Act and pass through Land Owner’s Commercial Storm Drain.

5. Release of Claims; Indemnification

Land Owner hereby releases, acquits, forever discharges and agrees to hold harmless MaineDOT, its employees, representatives, subcontractors and agents from any and all causes of action, including claims under the Maine Tort Claims Act, claims for contribution and indemnification, and any other claim whatsoever, whether now existing or arising in the future, that results from the entry of effluent from the Commercial Storm Drain into the Premises.

The Land Owner shall indemnify and hold harmless MaineDOT and its officers, agents and employees from any and all claims, suits or liabilities of every kind or nature arising out of any alleged breach of this contract, product liability claim, or negligent, intentional, malicious or criminal act, error or omission by the Land Owner related to the Commercial Storm Drain. Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability that may be available to MaineDOT, its officers, agents or employees, under the Maine Tort Claims Act or any other law.

6. Termination

This Agreement may be terminated by the Land Owner or by MaineDOT upon ten (10) days' written notice by the terminating party. Upon such termination, duly authorized officers, employees, or agents of MaineDOT shall have the right to disconnect the Commercial Storm Drain from the Highway Drainage System. Land Owner hereby releases MaineDOT from claims for damages resulting from the disconnection of the Commercial Storm Drain from the Highway Drainage System. Termination rights may be exercised for any reason.

7. Notice of Breach; Curative Action

The MaineDOT shall provide Land Owner with written notice of any breach of the terms of this Agreement and Land Owner shall have thirty days from the receipt of such notice to commence curative action of such breach. In the event Land Owner fails to commence curative action within 30 days or fails to carry out said curative action to completion satisfactory to MaineDOT, or in the event of any circumstances related to the Land Owner's maintenance of the Commercial Storm Drain that MaineDOT deems to be an emergency to which Land Owner is unwilling or unable to adequately respond, then the MaineDOT shall have the right to cure such breach or emergency without giving notice to Land Owner and Land Owner shall pay to MaineDOT all reasonable costs and expenses related to MaineDOT's curative action. In addition, in the event of such a breach of any of the terms of this Agreement, MaineDOT, in its sole discretion, shall have the option of terminating this Agreement and disconnecting the Commercial Storm Drain.

THIS AGREEMENT shall be binding upon MaineDOT and Land Owner, their respective heirs, successors and assigns.

THIS AGREEMENT is signed by the parties below and becomes effective on the day and date first written above.

[OWNER]

By: _____
Print Name: _____
Its: _____, duly authorized

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

By: _____
Print Name: _____
Region Engineer, duly authorized

STATE OF MAINE
County of _____, 20__

Personally appeared before me the above-named **[OWNER]** in his/her capacity as _____ of **[NAME OF BUSINESS]** and acknowledged the foregoing to be **[his/her]** free act and deed in **his/her** capacity and the free act and deed of said **[NAME OF BUSINESS]**.

Attorney at Law/Notary Public
Print Name:
My commission expires:

OR

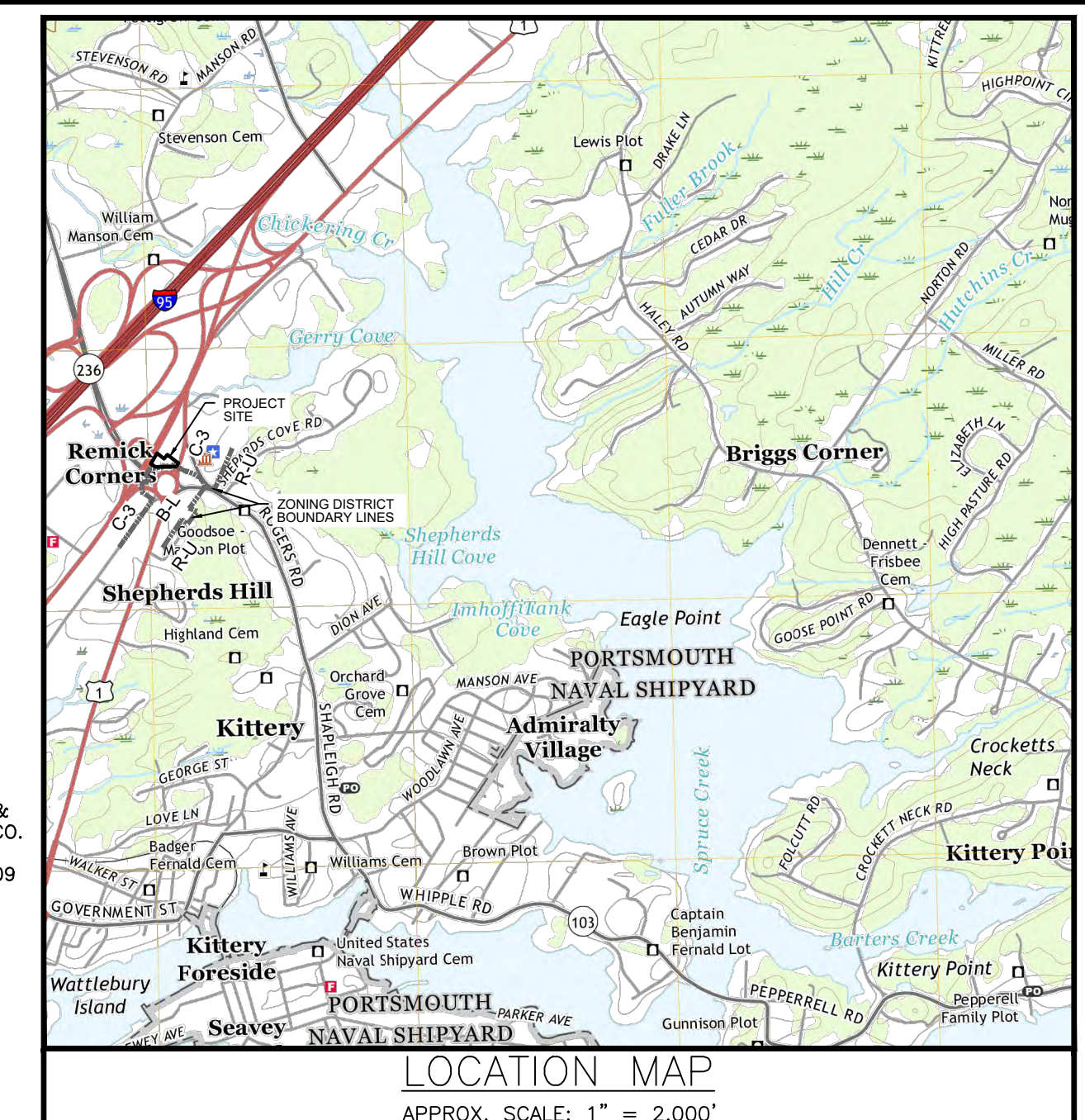
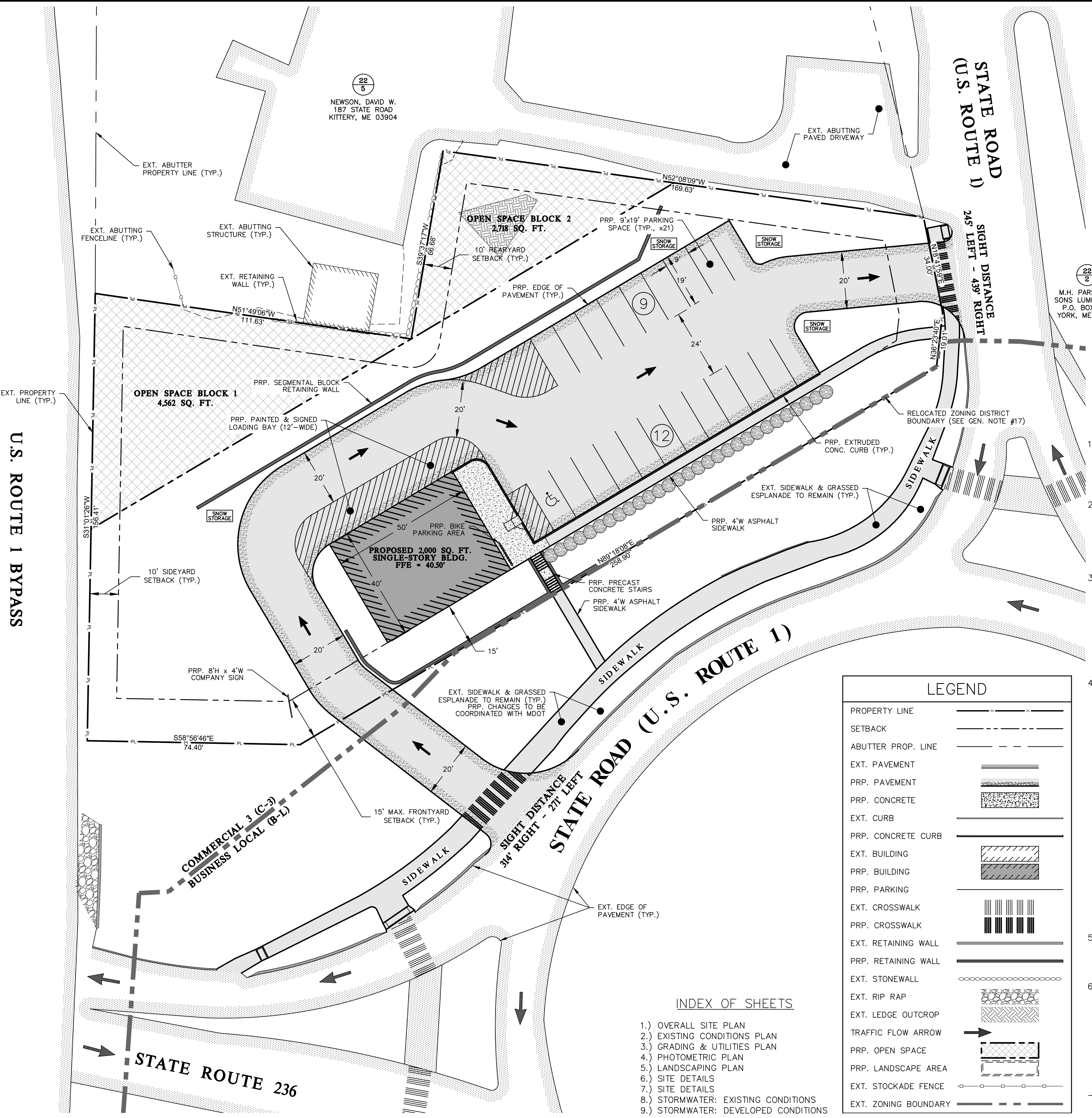
STATE OF MAINE
County of _____, 20__

Personally appeared before me the above-named **[Region Engineer]** in **his/her** capacity as Regional Engineer of the Maine Department of Transportation and acknowledged the foregoing to be **his/her** free act and deed in his said capacity and the free act and deed of the Maine Department of Transportation.

Attorney at Law/Notary Public
Print Name:
My commission expires:

GENERAL NOTES (CONT.)

- 7.) PARKING CALCULATION AS PER §16.7.11.F.(4):
 RETAIL STORES: 1 PARKING SPACE/175 SQ. FT. GROSS FLOOR AREA
 2,000 SQ. FT. GROSS FLOOR AREA PROPOSED
 $[2,000 / 175] = 11.43$ SPACES
 WAREHOUSE AND STORAGE: 1 PARKING SPACE/500 SQ. FT. GROSS FLOOR AREA
 TOTAL PARKING REQUIREMENT = 11.43 => 11 SPACES PER §16.7.11.F.(4)
 21 SPACES PROPOSED (1 ADA)
- 8.) IMPERVIOUS COVERAGE CALCULATION:
 TOTAL PARCEL AREA = 37,317 SQ. FT.
 EXT. & PRP. SIDEWALK AREA = 1,202 SQ. FT.
 PRP. PAVEMENT AREA = 12,314 SQ. FT.
 PRP. BUILDING FOOTPRINT = 2,000 SQ. FT.
 $[12,314 + 2,000 + 1,202] = 15,516$ SQ. FT. TOTAL IMPERVIOUS
 $[15,516 / 37,317] = 41.6\% < 70\% \text{ MAX} \Rightarrow \text{OK}$
- 9.) OPEN SPACE CALCULATION:
 TOTAL PARCEL AREA = 37,317 SQ. FT.
 OPEN SPACE BLOCK 1 = 4,562 SQ. FT.
 OPEN SPACE BLOCK 2 = 2,718 SQ. FT.
 $[4,562 + 2,718] = 7,280$ SQ. FT.
 $[7,280 / 37,317] = 19.5\% > 10\% \Rightarrow \text{OK}$
- 10.) THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITY DISTRICTS PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE-GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- 11.) THIS DEVELOPMENT IS CURRENTLY SERVICED BY AND PROPOSES TO CONTINUE TO BE SERVICED BY KITTERY WATER DISTRICT (KWD) AND KITTERY SEWER SERVICES (KSS). ALL UTILITY MATERIALS, SIZES, AND CONSTRUCTION PRACTICES SHALL BE IN ACCORDANCE WITH STANDARDS OF THE KITTERY WATER DISTRICT (KWD) AND KITTERY SEWER SERVICES (KSS).
- 12.) PARKING LANDSCAPING REQUIREMENTS PER §16.4.21.E.(3),(c) AND §16.7.11.F.(4),(g):
 A VEGETATED LANDSCAPE PLANTER STRIP MUST BE PROVIDED A MINIMUM OF 15' IN DEPTH ADJACENT TO THE RIGHT-OF-WAY OF ALL PUBLIC ROADS. THE ENTIRE LANDSCAPE PLANTER STRIP MUST BE VEGETATED EXCEPT FOR APPROVED DRIVEWAYS, WALKWAYS, BIKEWAYS, AND SCREENED UTILITY EQUIPMENT.
 STREET-SIDE TREES MAY BE SPACED ALONG THE FRONTAGE OR GROUPED/CLUSTERED TO ENHANCE THE VISUAL QUALITY OF THE SITE. THE TREES MUST BE A MINIMUM OF 2 1/2" CALIPER AND BE AT LEAST 12' HIGH AT THE TIME OF PLANTING. EXISTING LARGE HEALTHY TREES MUST BE PRESERVED IF PRACTICAL AND WILL COUNT TOWARDS THIS REQUIREMENT.
 PARKING LANDSCAPING IS REQUIRED FOR PARKING AREAS CONTAINING 10 OR MORE PARKING SPACES AND MUST HAVE AT LEAST 1 TREE/8 SPACES. SUCH TREES ARE TO BE LOCATED EITHER WITHIN THE LOT OR WITHIN 5' OF IT. SUCH TREES ARE TO BE AT LEAST 1 1/2" WITH NO LESS THAN 25 SQ. FT. OF UNPAVED SOIL OR PERMEABLE SURFACE AREA PER TREE.
- 13.) HOURS OF OPERATION:
 MONDAY THRU FRIDAY: 8:00A - 8:00P
 SATURDAY & SUNDAY: 8:00A - 8:00P
- 14.) SNOW STORAGE LOCATIONS ARE DEPICTED ON THE PLANS. IN INSTANCES WHERE THE DEVELOPED LOT REACHES ITS CAPACITY FOR SNOW STORAGE, ALL EXCESS SNOW SHALL BE CARRIED OFF-SITE.
- 15.) THE CLOSEST FIRE HYDRANT IS LOCATED APPROXIMATELY 200' FROM THE NORTHEASTERN CORNER OF THE PARCEL, AT THE INTERSECTION OF ROGERS ROAD AND STATE ROAD (U.S. ROUTE 1).
- 16.) MARIJUANA BUSINESS STANDARDS AS PER §16.5.32.B:
 (5) THE AREA OF ANY MARIJUANA BUSINESS ACCESSIBLE TO CUSTOMERS MUST BE NO LESS THAN 400 SQ. FT. AND NO MORE THAN 2,000 SQ. FT.
 (7) ANY BUILDING CONTAINING A MARIJUANA BUSINESS MUST BE PROTECTED BY FIRE SUPPRESSION MEASURES AND FIRE ALARMS TO THE SATISFACTION OF THE FIRE CHIEF AND IN ACCORDANCE WITH ALL APPLICABLE BUILDING CODES.
 (8) THE OWNER OF ANY MARIJUANA BUSINESS, AT THE TIME OF APPLICATION FOR A BUILDING PERMIT, MUST PROVIDE AN AFFIDAVIT FROM A MASTER ELECTRICIAN OR ELECTRICAL ENGINEER CERTIFYING THAT THE ELECTRICAL COMPONENTS CAN MEET THE ELECTRICAL LOAD DEMANDS OF THE USE.
 (9) SECURITY - THE LICENSED PREMISES MUST HAVE VIDEO SURVEILLANCE CAPABLE OF COVERING THE EXTERIOR AND INTERIOR OF THE FACILITY. THE VIDEO SURVEILLANCE SYSTEM MUST BE OPERATED WITH CONTINUOUS RECORDING 24 HOURS PER DAY, SEVEN DAYS PER WEEK AND VIDEO RETAINED FOR A MINIMUM DURATION OF 30 DAYS. SUCH RECORDS MUST BE MADE AVAILABLE TO LAW ENFORCEMENT AGENCIES WHEN INVESTIGATING A CRIMINAL COMPLAINT.
 (11) THE LICENSED PREMISES MUST HAVE EXTERIOR LIGHTING THAT CONFORMS WITH THIS TITLE AND THE TOWN OF KITTERY'S DESIGN HANDBOOK. THE PLANNING BOARD, AT ITS DISCRETION, MAY REQUIRE MOTION SENSORS COVERING THE FULL PERIMETER OF THE BUILDING(S).
- 17.) PER GENERAL DEVELOPMENT REQUIREMENTS §16.1.8.B.(5): THE PLANNING BOARD MAY GRANT A ZONE BOUNDARY LINE EXTENSION OF NOT MORE THAN 50 FEET FOR SPLIT-ZONED LOTS. THE APPLICANT IS REQUESTING AN EXTENSION OF THE C-3 ZONE INTO THE B-L ZONE A MAXIMUM DISTANCE OF 24' TO ALLOW FOR THE ENTIRE SUBJECT PARCEL TO BE SUBJECT TO THE REGULATIONS AND REQUIREMENTS SUMMARIZED IN GENERAL NOTE #4.
- 18.) PER §16.4.17.D.(2),(c).[2] REQUIRED PLANTINGS THAT DO NOT SURVIVE MUST BE REPLACED WITHIN ONE YEAR. THIS REQUIREMENT DOES NOT EXPIRE AND RUNS WITH THE LAND. THIS PROVISION IS TYPICALLY A REQUIREMENT OF THE B-L ZONING DISTRICT BUT NOT THE C-3 ZONE WHERE THIS DEVELOPMENT IS PROPOSED, BUT THIS REQUIREMENT SHALL APPLY TO THIS PARCEL IN ITS ENTIRETY.
- 19.) THIS APPLICATION IS SUBJECT TO A JOINT TRAFFIC SAFETY ASSESSMENT FOR THE ABUTTING KITTERY TRAFFIC CIRCLE, AND SHALL SHARE COSTS WITH THE APPLICATION PREPARED FOR 120 ROUTE 1. THIS DEVELOPMENT MAY NOT RECEIVE ITS CERTIFICATE OF OCCUPANCY UNTIL THE TRAFFIC SAFETY ASSESSMENT IS PREPARED AND PROVIDED TO THE TOWN OF KITTERY.



GENERAL NOTES

- 1.) THIS PLAN DEPICTS THE DEVELOPMENT OF THE SUBJECT PARCEL INTO AN ADULT-USE MARIJUANA RETAIL STORE SERVICED BY A PAVED TRAVELWAY AND ASSOCIATED PARKING LOT. THE PROPOSED TRAVELWAY AND PARKING HAVE BEEN DESIGNED IN ACCORDANCE WITH THE TOWN OF KITTERY §16.5.27: 'STREETS AND PEDESTRIANWAYS /SIDEWALKS SITE DESIGN STANDARDS' AND §16.7.11.F: 'PARKING AND LOADING'.
- 2.) THE SUBJECT PARCEL, LOCATED OFF OF STATE ROAD (U.S. ROUTE 1, KITTERY TRAFFIC CIRCLE), IS IDENTIFIED AS LOT 4 ON MAP 22, CONSISTS OF 0.87 ACRES IN AREA, AND IS LOCATED IN THE BUSINESS-LOCAL (B-L) AND COMMERCIAL 3 "BYPASS" (C-3) ZONING DISTRICTS. THERE ARE NO OVERLAY ZONES. "MARIJUANA BUSINESS" IS A SPECIAL EXCEPTION USE IN THE C-3 ZONE (THE ZONE IN WHICH THE PROPOSED BUILDING IS LOCATED) AS PER §16.4.21.C.(19).
- 3.) DIMENSIONAL REQUIREMENTS FOR THE B-L ZONING DISTRICT AS PER §16.4.17.D.(1):
 LOT SIZE: NO MINIMUM, PROVIDED §16.4.17.D.(1),(g) IS MET
 STREET FRONTAGE: NO MINIMUM, PROVIDED §16.4.17.D.(1),(h) IS MET
 SETBACKS: 20' FRONTYARD (MAXIMUM)
 10' SIDEYARD (MINIMUM)
 10' REARYARD (MINIMUM)
 BUILDING HEIGHT: 40' (MAXIMUM)
 IMPERVIOUS SURFACE: NO MAXIMUM, PROVIDED §16.4.17.D.(1),(i) IS MET
 OPEN SPACE: 15% LOT AREA (MINIMUM)**
- 4.) DIMENSIONAL REQUIREMENTS FOR THE C-3 ZONING DISTRICT AS PER §16.4.21.E.(2):
 LOT SIZE: 40,000 SQ. FT. (MINIMUM)
 STREET FRONTAGE: NO MINIMUM, PROVIDED §16.4.21.E.(2),(b) IS MET
 SETBACKS: 15' FRONTYARD (MAXIMUM)
 10' SIDEYARD (MINIMUM)
 10' REARYARD (MINIMUM)
 BUILDING HEIGHT: 40' (MAXIMUM)
 IMPERVIOUS SURFACE: 70% (MAXIMUM)**
 OPEN SPACE: 20% LOT AREA (MINIMUM)***
 STREET-SIDE TREES: 1 TREE PER 50' STREET FRONTAGE
 386.31 L.F. FRONTAGE = 8 TREES REQUIRED
- ** - PER §16.4.21.E.(2),(f).[3]: MAXIMUM IMPERVIOUS SURFACE IS 70% FOR LOTS WHICH ARE CURRENTLY DEVELOPED AND FOR WHICH REDEVELOPMENT IS PROPOSED WITH NEW NONRESIDENTIAL STRUCTURES. ADDITIONALLY, ALL STORMWATER MUST BE MANAGED ON-SITE UTILIZING LID AND BMP SYSTEMS BASED ON MAINE DEP STORMWATER BEST MANAGEMENT PRACTICES MANUAL, VOLUMES 1 THROUGH III.
- *** - PER §16.4.21.E.(3),(e).[1]: REQUIRED AMOUNT OF OPEN SPACE IS REDUCED TO 10% MINIMUM FOR LOTS LESS THAN 40,000 SQ. FT. IN SIZE (37,317 SQ. FT. EXISTING)
- 5.) SITE TOPOGRAPHY, EXISTING GROUND SURFACE CONDITIONS, AND BOUNDARY MONUMENTATION ARE DEPICTED BASED ON STATE OF MAINE ORTHOGMAGERY, STATE AND TOWN GIS IMAGERY, AND PLAN REFERENCES 1 AND 2. EXISTING CONDITIONS OF ABUTTING PROPERTIES ARE APPROXIMATE. VERTICAL DATUM IS NAVD88.
- 6.) PARKING STANDARDS SPECIFIC TO THE C-3 ZONING DISTRICT AS PER §16.4.21.E.(3),(a):
 EACH PARKING SPACE IS TO CONTAIN A RECTANGULAR AREA AT LEAST 19' LONG AND 9' WIDE. LINES DEMARCATING PARKING SPACES MAY BE DRAWN AT VARIOUS ANGLES IN RELATION TO CURBS OR AISLES, SO LONG AS THE PARKING SPACES SO CREATED CONTAIN WITHIN THEM THE RECTANGULAR AREA REQUIRED.
 ALL NEW OR REVISED PARKING MUST BE VISUALLY SCREENED THROUGH THE USE OF LANDSCAPING, EARTHEN BERMS AND/OR FENCING FROM ADJACENT PUBLIC STREETS OR RESIDENTIAL PROPERTIES.
 -- GENERAL NOTES CONTINUED ELSEWHERE ON SHEET 1 --

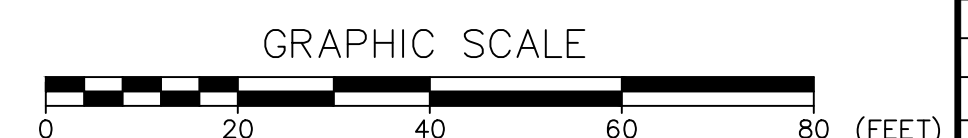
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SETBACK	----
ABUTTER PROP. LINE	---
EXT. PAVEMENT	=====
PRP. PAVEMENT	=====
PRP. CONCRETE	=====
EXT. CURB	=====
PRP. CONCRETE CURB	=====
EXT. BUILDING	=====
PRP. BUILDING	=====
PRP. PARKING	=====
EXT. CROSSWALK	=====
PRP. CROSSWALK	=====
EXT. RETAINING WALL	=====
PRP. RETAINING WALL	=====
EXT. STONEWALL	=====
EXT. RIP RAP	=====
EXT. LEDGE OUTCROP	=====
TRAFFIC FLOW ARROW	→
PRP. OPEN SPACE	=====
PRP. LANDSCAPE AREA	=====
EXT. STOCKADE FENCE	=====
EXT. ZONING BOUNDARY	-----

INDEX OF SHEETS

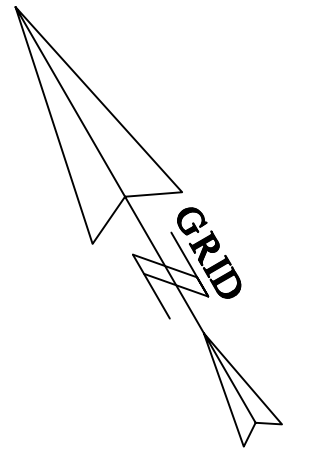
- 1.) OVERALL SITE PLAN
- 2.) EXISTING CONDITIONS PLAN
- 3.) GRADING & UTILITIES PLAN
- 4.) PHOTOMETRIC PLAN
- 5.) LANDSCAPING PLAN
- 6.) SITE DETAILS
- 7.) SITE DETAILS
- 8.) STORMWATER: EXISTING CONDITIONS
- 9.) STORMWATER: DEVELOPED CONDITIONS

PLAN REFERENCES

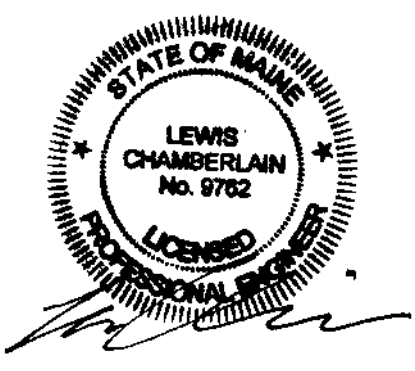
- 1.) "EXISTING CONDITIONS PLAN OF: INDICO KITTERY, 181 STATE ROAD, KITTERY, ME" PREPARED FOR INDICO, LLC, 120 STATE ROAD, KITTERY, ME. PREPARED BY JUSTIN S. BROWN, P.L.S. #2615 OF SEBAGO TECHNICS. PLAN DATED JULY 11, 2022 - UNRECORDED.
- 2.) "PENN CONDOMINIUM PLAN FOR PENN CONCESSIONS, LLC, ROUTE 236 - STATE ROAD (U.S. ROUTE 1), KITTERY, MAINE" PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC. PLAN DATED SEPTEMBER 15, 2004 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS ON JANUARY 26, 2005 IN CONDOMINIUM FILE 631, PAGE 1.



TOWN OF KITTERY PLANNING BOARD SITE PLAN APPROVED: XX/XX/2023		DATE



NO.	DESCRIPTION	DATE
A	PRELIMINARY REVIEW REVISIONS	12/28/23



OVERALL SITE PLAN
INDICO CANNABIS RETAIL
181 & 185 STATE ROAD, KITTERY MAINE

TAX MAP 22, LOT 4

FOR: IDC5, LLC
120 STATE ROAD
KITTERY, MAINE 03904

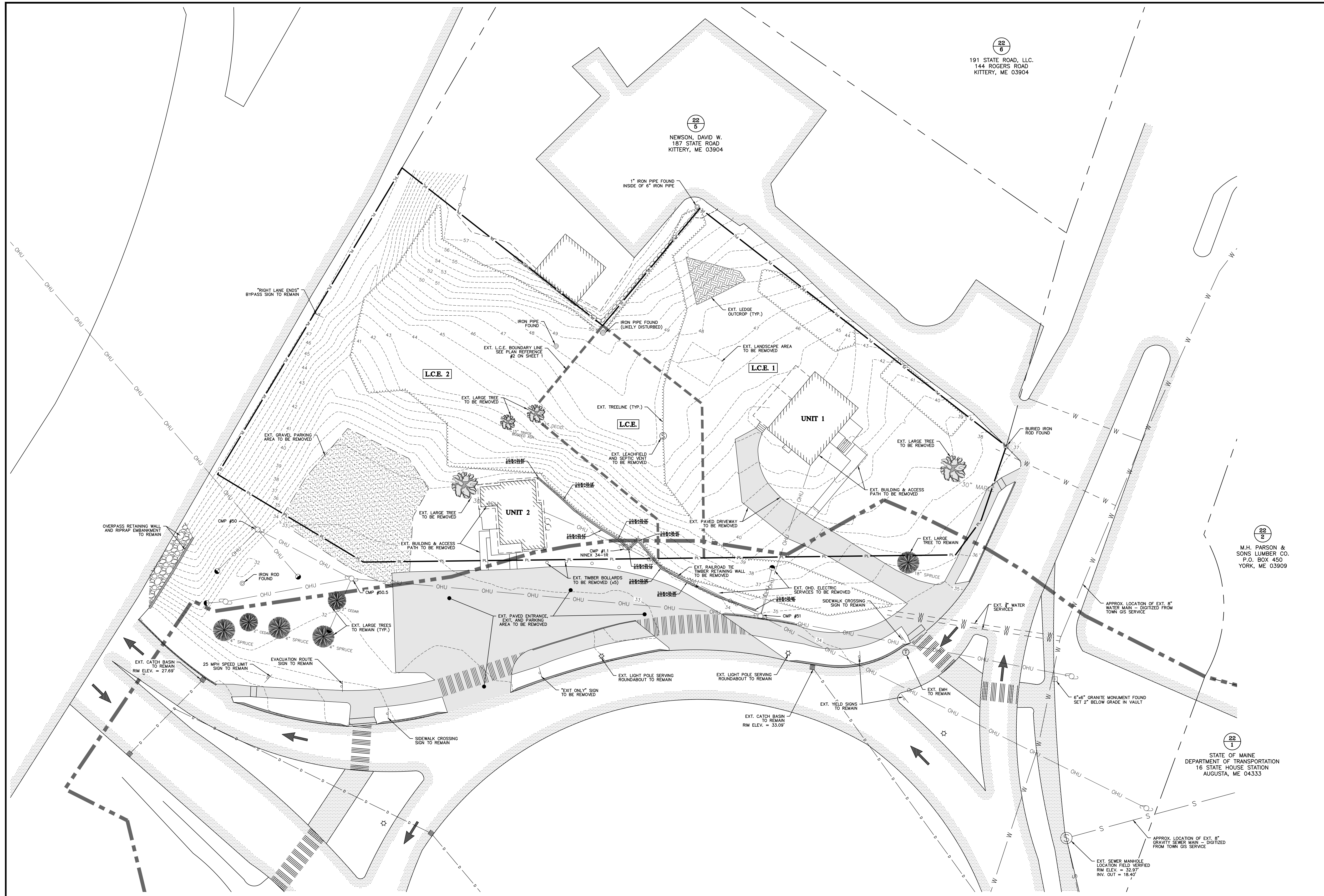
ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • MARINE • SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 20'
DATE: 11/22/23

APPROVED BY: _____
MJS

REVISION DATE: 11/22/23

JOB NO: 23072 FILE: 181 STATE RD BASE.DWG SHEET: 1



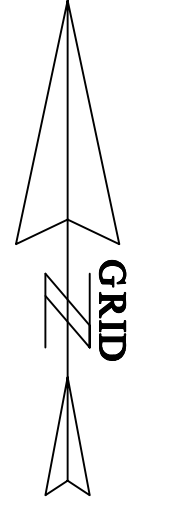
22
6
191 STATE ROAD, LLC.
144 ROGERS ROAD
KITTERY, ME 03904

22
5
NEWSON, DAVID W.
187 STATE ROAD
KITTERY, ME 03904

22
2
M.H. PARSON &
SONS LUMBER CO.
P.O. BOX 450
YORK, ME 03909

22
1
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, ME 04333

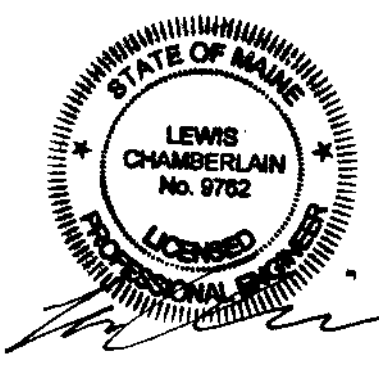
LEGEND	
PROPERTY LINE	---
ABUTTER PROP. LINE	- - - - -
EXT. L.C.E. CONDO LINE	- - - - -
EXT. PAVEMENT	=====
EXT. CURB	=====
EXT. BUILDING	
EXT. CROSSWALK	
EXT. RETAINING WALL	=====
EXT. STONEWALL	-----
EXT. RIP RAP	=====
EXT. LEDGE OUTCROP	=====
EXT. STOCKADE FENCE	=====
EXT. TREELINE	-----
EXT. LARGE TREE	⊙
EXT. MONUMENT FOUND	⊙
EXT. OVERHEAD ELEC	OHU
EXT. POWER POLE	⊙
EXT. LIGHT POLE	⊙
EXT. GUY ANCHOR	⊙
EXT. ELEC. MANHOLE	⊙
EXT. SEWER LINE	S
EXT. SEWER MANHOLE	⊙
EXT. WATER LINE	W
EXT. WATER SERVICE	- - - - -
EXT. STORM LINE	D
EXT. CATCH BASIN	⊙
EXT. SIGN	⊙
EXT. MAJOR CONTOUR	----- XXX
EXT. MINOR CONTOUR	----- XXX



SURVEYOR'S NOTE:
"L.C.E." = LIMITED COMMON ELEMENT. SEE PLAN REFERENCE #2 ON SHEET 1 FOR ADDITIONAL INFORMATION ON CONDOMINIUM PLAN.



NO.	DESCRIPTION	DATE
A	PRELIMINARY REVIEW REVISIONS	12/28/23
	REVISIONS	



EXISTING CONDITIONS PLAN
INDICO CANNABIS RETAIL
181 & 185 STATE ROAD, KITTERY MAINE

TAX MAP 22, LOT 4

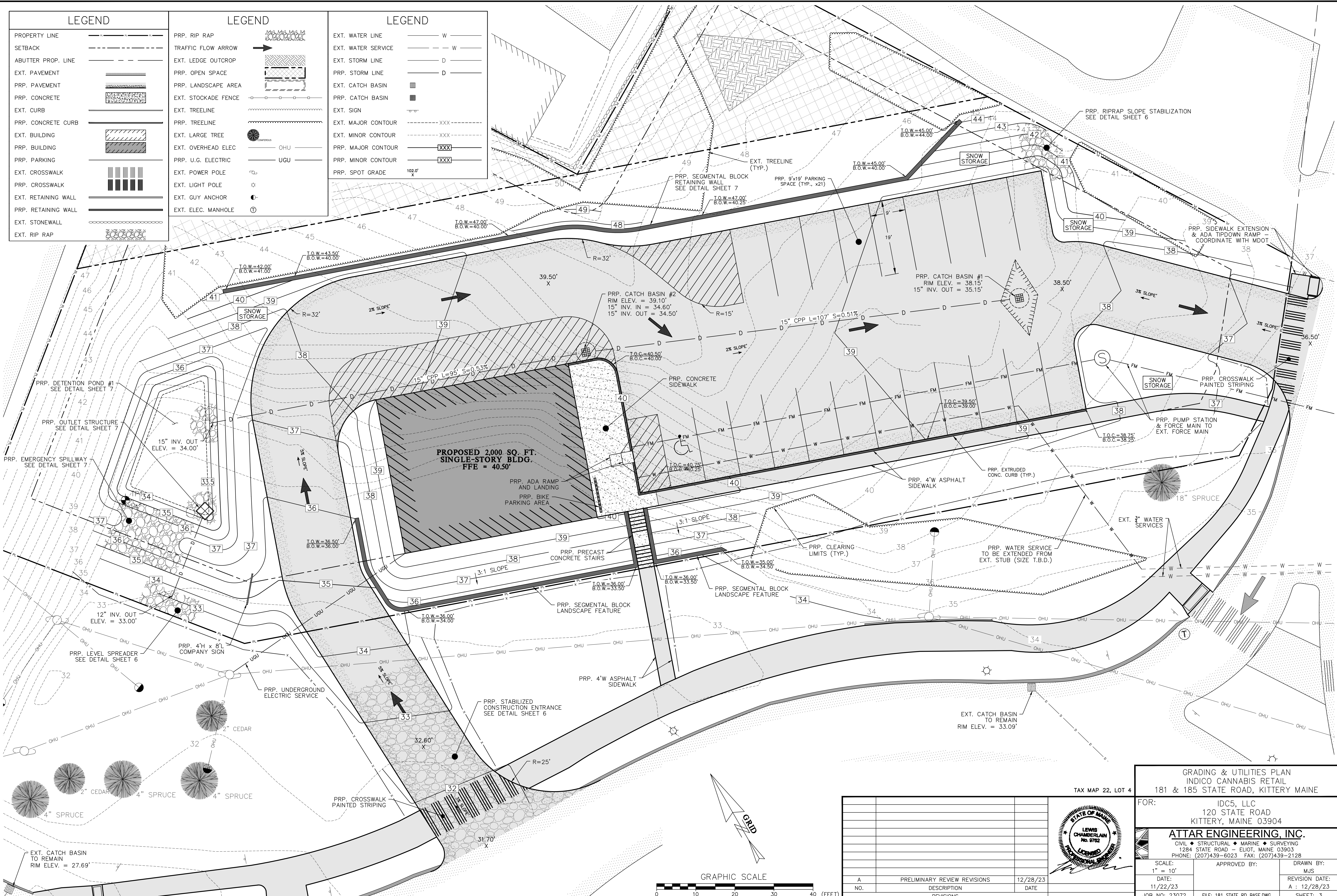
FOR:
IDC5, LLC
120 STATE ROAD
KITTERY, MAINE 03904

ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • MARINE • SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 20'
DATE: 11/22/23

APPROVED BY: [Signature]
DRAWN BY: MJS
REVISION DATE: A : 12/28/23

JOB NO: 23072 FILE: 181 STATE RD BASE.DWG SHEET: 2



LEGEND	LEGEND	LEGEND
PROPERTY LINE	PRP. RIP RAP	EXT. WATER LINE
SETBACK	TRAFFIC FLOW ARROW	EXT. WATER SERVICE
ABUTTER PROP. LINE	EXT. LEDGE OUTCROP	EXT. STORM LINE
EXT. PAVEMENT	PRP. OPEN SPACE	PRP. STORM LINE
PRP. PAVEMENT	PRP. LANDSCAPE AREA	EXT. CATCH BASIN
PRP. CONCRETE	EXT. STOCKADE FENCE	PRP. CATCH BASIN
EXT. CURB	EXT. TREELINE	EXT. SIGN
PRP. CONCRETE CURB	PRP. TREELINE	EXT. MAJOR CONTOUR
EXT. BUILDING	EXT. LARGE TREE	EXT. MINOR CONTOUR
PRP. BUILDING	EXT. OVERHEAD ELEC	PRP. MAJOR CONTOUR
PRP. PARKING	PRP. U.G. ELECTRIC	PRP. MINOR CONTOUR
EXT. CROSSWALK	EXT. POWER POLE	PRP. SPOT GRADE
PRP. CROSSWALK	PRP. LIGHT POLE	
EXT. RETAINING WALL	EXT. GUY ANCHOR	
PRP. RETAINING WALL	EXT. ELEC. MANHOLE	
EXT. STONEWALL		
EXT. RIP RAP		

TAX MAP 22, LOT 4

GRADING & UTILITIES PLAN
INDICO CANNABIS RETAIL
181 & 185 STATE ROAD, KITTERY MAINE

FOR:
IDC5, LLC
120 STATE ROAD
KITTERY, MAINE 03904

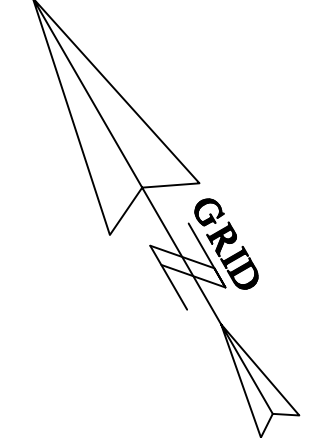
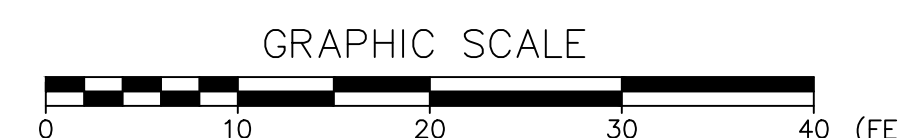
LEWIS CHAMBERLAIN
No. 9762
LICENSED PROFESSIONAL ENGINEER

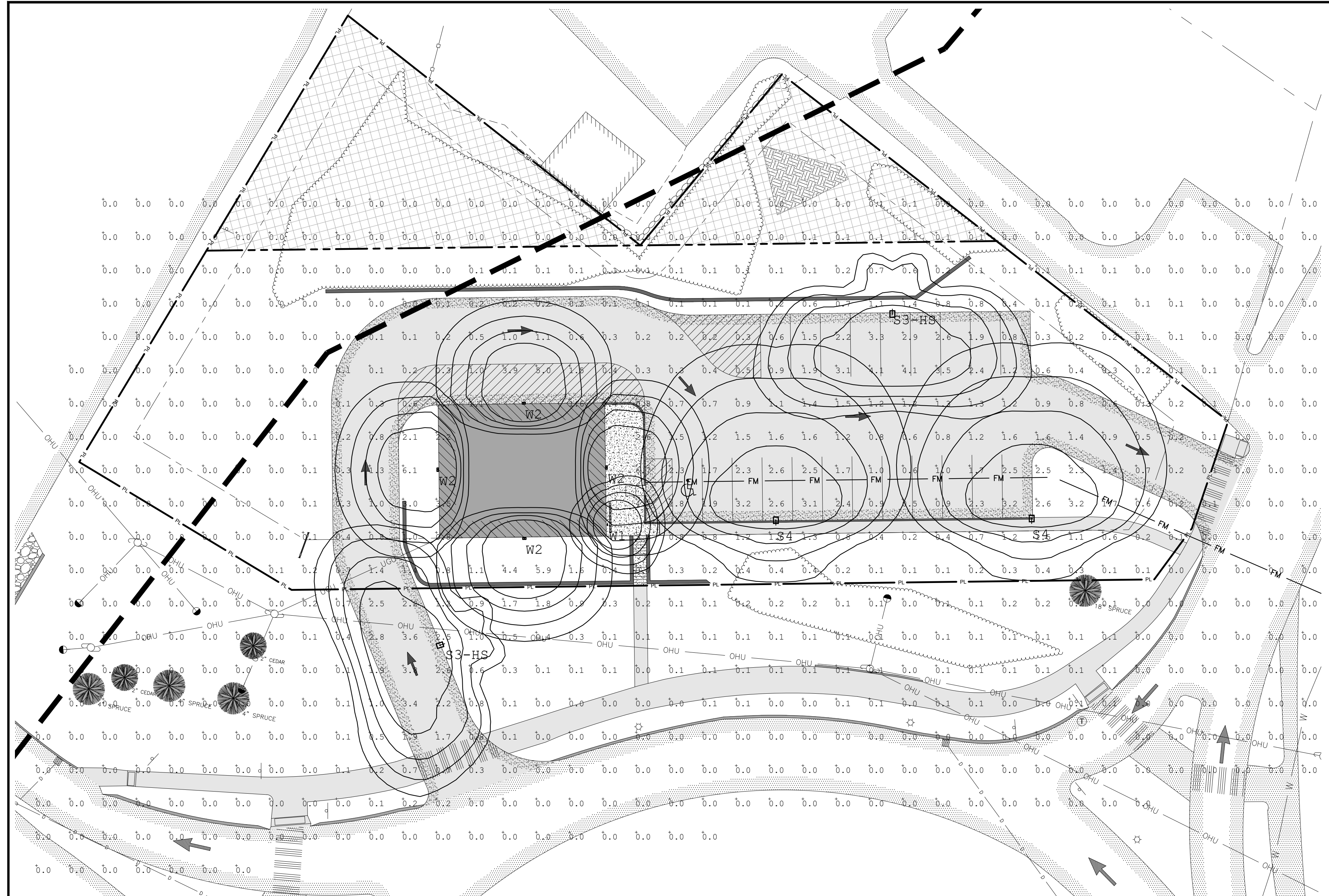
ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • MARINE • SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE:	APPROVED BY:	DRAWN BY:
1" = 10'	MJS	MJS
DATE:		REVISION DATE:
11/22/23		A : 12/28/23
JOB NO: 23072	FILE: 181 STATE RD BASE.DWG	SHEET: 3

MAP 22, LOT 4

NO.	DESCRIPTION	DATE
A	PRELIMINARY REVIEW REVISIONS	12/28/23
	REVISIONS	





Luminaire Schedule	Symbol	Qty	Label	Arrangement	Description	[MANUFAC]
	☐	2	S3-HS	Single	MRS-LED-06L-SIL-3-UNV-DIM-30-70CRI-1H-CXX / 4SQ B3 S11G15 S GA 4BC (15' AFG)	LSI INDUSTRIES, INC.
	☐	2	S4	Single	MRS-LED-06L-SIL-4-UNV-DIM-30-70CRI-CXX / 4SQ B3 S11G15 S GA 4BC (15' AFG)	LSI INDUSTRIES, INC.
	☐	1	W1	Single	WPSSL-01L-30-CXX / WALL MTD 8' AFG	LSI INDUSTRIES, INC.
	☐	4	W2	Single	XWS-LED-03L-FTW-UNV-DIM-30-80CRI-CXX / WALL MTD 10' AFG	LSI INDUSTRIES, INC.

PARKING LOT AREA

Illuminance (Fc)
 Average = 1.78
 Maximum = 4.1
 Minimum = 0.5
 Avg/Min Ratio = 3.56
 Max/Min Ratio = 8.20

Mirada Small Area Light (MRS)

[Have questions?](#) Call us at (800) 436-7800
[Back to Quick Links](#)

TYPICAL ORDER EXAMPLE:

Profile	Light Source	Lumen Package	Lens	Distribution	Orientation ¹	Voltage	Driver
MRS - Mirada Small Area Light	LED	4 - 4000 hrs 8 - 4000 hrs 24 - 10,000 hrs 24 - 10,000 hrs 24 - 20,000 hrs	SIL - Silicone	2 - Type 2 3 - Type 3 SW - Type 5 Wide FT - Forward Throw	Standard 2 - Type 2 3 - Type 3 K - Optics rotated right 90°	UNV - Universal Voltage (120-277V) HV - High Voltage (347-480 VAC)	DM - 0-20V Dimming (0-100%)

Color Temp	Color Rendering	Controls	Finish	Options
5000 CT	70CRI	(Blank) - None Wireless Control System ALC2 - AirLink Sensor Control System with 12-20 MHz Motion Sensor ALC3 - AirLink Sensor Control System with 20-40 MHz Motion Sensor ALC4 - AirLink Star Wireless Motion & Photo Sensor Controller (25-100 MHz) ALC5 - AirLink Star Wireless Motion & Photo Sensor Controller (25-40 MHz)	BLK - Black GRY - Gun Metal Grey GFF - Graphite WH - White WHT - White	IL - Integral Light Louver (Moderate Spill Light Control) IL - Integral Louver (Sharp Spill Light Control)

[Need more information?](#) Click here for our glossary
[Have additional questions?](#) Call us at (800) 436-7800

CONTROLS ACCESSORIES	SHIELDING OPTIONS	SHIELDING & MISCELLANEOUS ACCESSORIES																																																		
<table border="1"> <tr><th>Description</th><th>Order Number</th></tr> <tr><td>Steel Mesh Protection (20' x 10' w/ 6000)</td><td>68902A</td></tr> <tr><td>Steel Mesh Protection (20' x 20' w/ 6000)</td><td>68902B</td></tr> <tr><td>Steel Mesh Protection (20' x 30' w/ 6000)</td><td>68902C</td></tr> <tr><td>Steel Mesh Protection (30' x 30' w/ 6000)</td><td>68902D</td></tr> <tr><td>Steel Mesh Protection (40' x 40' w/ 6000)</td><td>68902E</td></tr> <tr><td>Steel Mesh Protection (60' x 60' w/ 6000)</td><td>68902F</td></tr> <tr><td>Steel Mesh Protection (80' x 80' w/ 6000)</td><td>68902G</td></tr> <tr><td>Steel Mesh Protection (100' x 100' w/ 6000)</td><td>68902H</td></tr> </table>	Description	Order Number	Steel Mesh Protection (20' x 10' w/ 6000)	68902A	Steel Mesh Protection (20' x 20' w/ 6000)	68902B	Steel Mesh Protection (20' x 30' w/ 6000)	68902C	Steel Mesh Protection (30' x 30' w/ 6000)	68902D	Steel Mesh Protection (40' x 40' w/ 6000)	68902E	Steel Mesh Protection (60' x 60' w/ 6000)	68902F	Steel Mesh Protection (80' x 80' w/ 6000)	68902G	Steel Mesh Protection (100' x 100' w/ 6000)	68902H	<table border="1"> <tr><th>Description</th><th>Order Number</th></tr> <tr><td>Mesh Hood</td><td>68904</td></tr> <tr><td>Mesh Hood - 12' x 12'</td><td>68905</td></tr> <tr><td>Mesh Hood - 12' x 24'</td><td>68906</td></tr> <tr><td>Mesh Hood - 24' x 24'</td><td>68907</td></tr> <tr><td>Mesh Hood - 24' x 36'</td><td>68908</td></tr> <tr><td>Mesh Hood - 36' x 36'</td><td>68909</td></tr> </table>	Description	Order Number	Mesh Hood	68904	Mesh Hood - 12' x 12'	68905	Mesh Hood - 12' x 24'	68906	Mesh Hood - 24' x 24'	68907	Mesh Hood - 24' x 36'	68908	Mesh Hood - 36' x 36'	68909	<table border="1"> <tr><th>Description</th><th>Order Number</th></tr> <tr><td>Steel Mesh Protection (20' x 10' w/ 6000)</td><td>68902A</td></tr> <tr><td>Steel Mesh Protection (20' x 20' w/ 6000)</td><td>68902B</td></tr> <tr><td>Steel Mesh Protection (20' x 30' w/ 6000)</td><td>68902C</td></tr> <tr><td>Steel Mesh Protection (30' x 30' w/ 6000)</td><td>68902D</td></tr> <tr><td>Steel Mesh Protection (40' x 40' w/ 6000)</td><td>68902E</td></tr> <tr><td>Steel Mesh Protection (60' x 60' w/ 6000)</td><td>68902F</td></tr> <tr><td>Steel Mesh Protection (80' x 80' w/ 6000)</td><td>68902G</td></tr> <tr><td>Steel Mesh Protection (100' x 100' w/ 6000)</td><td>68902H</td></tr> </table>	Description	Order Number	Steel Mesh Protection (20' x 10' w/ 6000)	68902A	Steel Mesh Protection (20' x 20' w/ 6000)	68902B	Steel Mesh Protection (20' x 30' w/ 6000)	68902C	Steel Mesh Protection (30' x 30' w/ 6000)	68902D	Steel Mesh Protection (40' x 40' w/ 6000)	68902E	Steel Mesh Protection (60' x 60' w/ 6000)	68902F	Steel Mesh Protection (80' x 80' w/ 6000)	68902G	Steel Mesh Protection (100' x 100' w/ 6000)	68902H
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NOTES:
 1. Catalog items and wattage packages available, consult factory. Values are within industry standard tolerances but not for field.
 2. Not available on "Top" type distribution.
 3. Catalog items are available on stock or on order. See Accessory Ordering Information.
 4. MFR is not responsible for the LSI app that can be downloaded from your smartphone or other app store.
 5. Accessories are ordered separately and not included.
 6. "10" means 10. See field notes.
 7. Field notes refer to hardware not included.
 8. See factory for details on all accessories.

LSI Industries Inc. 10000 Alliance Rd. Cincinnati, OH 45242 • www.lsicorp.com
 (513) 372-3200 • ©2022 LSI Industries Inc. All Rights Reserved. Specifications subject to change without notice.

Catalog #: _____ Project: _____
 Prepared By: _____ Date: _____

Slim Wall Pack (WPSL)
Small LED Slim Wall Pack



OVERVIEW	
Lumen Range	1500 - 4000
Wattage Range	12 - 40
Efficacy Range (LPW)	98 - 122
Weight (Pack)	3.8 (1.7)

QUICK LINKS
Ordering Guide Performance Dimensions Photometrics

FEATURES & SPECIFICATIONS

Construction
 • Rigid Precision Die cast-aluminum housing for durability and consistency
 • Vertical fin serve as a heat sink and resist accumulation of dust and debris.
 • The Patent Pending thermal stacking heat removal technology extracts heat from within the housing moving it away from LEDs and integral components.
 • Luminaire hinges open from the bottom to prevent leakage.
 • Luminaire is proudly manufactured and tested in the U.S.
 • Fixtures are finished with LSI's DuraGrip[®] polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling. Other standard LSI finishes available. Consult factory.
 • Shipping weight: 3.8 lbs in carton.
Optical System
 • High-performance Chip On Board (COB) LEDs behind clear tempered glass for maximum light output.
 • 3000K / 4000K / 5000K color temperatures.
 • Minimum CRI of 71.
 • Zero uplight.

Electrical
 • High-performance driver features over-voltage, under-voltage, short-circuit and over temperature protection.
 • 0-10V dimming (10% - 100%) standard.
 • Standard Universal Voltage (120-277 Vac) Input 50/60 Hz
 • L70 Calculated Life >100K Hours
 • Total harmonic distortion <20%
 • Power factor >.90
 • Input power stays constant over life.
 • Driver Off-State Power is 0 Watts.
 • Chip On Board (COB) LEDs with integrated circuit board mounted directly to the housing to maximize heat dissipation and promote long life.
 • Components are fully encased in potting material for moisture resistance. Driver complies with FCC standards. Driver and key electronic components can easily be accessed.
 • Minimum 2kV surge rating
 • Operating temperature: -40°C to +50°C (-40°F to +122°F)

Controls
 • Optional 120V electronic button Photocontrol.
 • Apertures for field or factory installed photo-control.
Installation
 • Surface mounts direct to J-box or wall.
 • Features a bubble level and removable hinge face frame for ease of installation.
Warranty
 • 1 Year warranty on optional Button Photocontrol.
Listings
 • Listed to UL 1598 and UL 8750.
 • CSA Listed
 • RoHS Compliant.
 • DesignLights Consortium[®] (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/GPL to confirm which versions are qualified.
 • American Recovery and Reinvestment Act Funding Compliant.
 • Suitable For Wet Locations.
 Specifications and dimensions subject to change without notice.

Catalog #: _____ Project: _____
 Prepared By: _____ Date: _____

Mirada Small Area (MRS)
Outdoor LED Area Light



OVERVIEW	
Lumen Package	6,000 - 24,000
Wattage Range	41 - 196
Efficacy Range (LPW)	112 - 156
Fixture Weight lbs (kg)	20 (9.1)

QUICK LINKS
Ordering Guide Performance Photometrics Dimensions

FEATURES & SPECIFICATIONS

Construction
 • Rugged die-cast aluminum housing contains factory prewired driver and optical unit. Cast aluminum wiring access door located underneath.
 • Fixtures are finished with LSI's DuraGrip[®] polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling. Other standard LSI finishes available. Consult factory.
 • Shipping weight: 27 lbs in carton.
Optical System
 • State-of-the-Art one-piece silicone optic sheet delivers industry leading optical control with an integrated gasket to provide IP66 rated seal.
 • Proprietary silicone refractor optics provide exceptional coverage and uniformity in distribution types 2, 3, SW, and FT.
 • Silicone optical material does not yellow or crack with age and provides a typical light transmittance of 93%.
 • Zero uplight.
 • Available in 5000K, 4000K, and 3000K color temperatures per ANSI C136.37.
 • Minimum CRI of 70.
 • Integral Louver (L) and Integral half louver (H) options available for enhanced backlight control.

Electrical
 • High-performance driver features over-voltage, under-voltage, short-circuit and over temperature protection.
 • 0-10V dimming (10% - 100%) standard.
 • Standard Universal Voltage (120-277 VAC) Input 50/60 Hz or optional High Voltage (347-480 VAC).
 • L70 Calculated Life >60K Hours
 • Total harmonic distortion <20%
 • Operating temperature: -40°C to +50°C (-40°F to +122°F).
 • Power factor >.90
 • Input power stays constant over life.
 • Field replaceable 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C82.41.2).
 • High-efficiency LEDs mounted to metal-core circuit board to maximize heat dissipation.
 • Driver is fully encased in potting material for moisture resistance and complies with FCC standards. Driver and key electronic components can easily be accessed.

Controls
 • Optional Integral passive infrared Bluetooth[™] motion and photocell sensor. Fixtures operate independently and can be commissioned via iOS or Android configuration app.
 • LSI's AirLink[™] wireless control system options reduce energy and maintenance costs while optimizing light quality 24/7.

Installation
 • Designed to mount to square or round poles.
 • A single fastener secures the hinged door, underneath the housing and provides quick & easy access to the electrical compartment.
 • Included terminal block accepts up to 12 ga. wires.
 • Utilizes LSI's traditional B3 drill pattern.
Warranty
 • LSI luminaires carry a 5-year limited warranty. Refer to <https://www.lsicorp.com/resources/terms-conditions-warranty/> for more information.
Listings
 • Listed to UL 1598 and UL 8750.
 • Meets Buy American Act requirements.
 • IDA compliant; with 3000K color temperature selection.
 • Title 24 Compliant; see local ordinance for qualification information.
 • Suitable for wet locations.
 • IP66 rated luminaire per IEC 60598-1
 • 3G rated for ANSI C136.31 high vibration applications are qualified.
 • IP68 rated luminaire per IEC 60529 mechanical impact code
 • DesignLights Consortium[®] Listings in progress.

Catalog #: _____ Project: _____
 Prepared By: _____ Date: _____ Type: _____

Mirada Small Wall Sconce (XWS)
Outdoor LED Wall Light



OVERVIEW	
Lumen Output Range	2,000 - 6,000
Wattage Range	15 - 52
Efficacy Range (LPW)	119 - 151
Luminaire Weight lbs (kg)	8 (3.6)

QUICK LINKS
Ordering Guide Performance Photometrics Dimensions

FEATURES & SPECIFICATIONS

Construction
 • Rugged die-cast aluminum housing.
 • Fixtures are finished with LSI's DuraGrip[®] polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling. Other standard LSI finishes available. Consult factory.
 • Extended housing available with 1/2" threaded ribs for surface conduit and rated wire.
 • Standard luminaire shipping weight: 10 lbs in carton.
 • Total harmonic distortion <20%
 • Operating temperature: -40°C to +50°C (-40°F to +122°F)
 • Power factor >.90
 • Input power stays constant over life.
 • Optional 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C82.41.2).
 • High-efficiency LEDs mounted to metal-core circuit board to maximize heat dissipation.
 • Driver is fully encased in potting material for moisture resistance. Driver complies with FCC standards. Accessible driver and electrical components.
 • Optional Dual Drivers/Circuit/Power Feeds.
 • Optional battery backup provides 90-minutes of constant power to the LED system, ensuring code compliance. A test switch/indicator button is installed on the housing for ease of maintenance. Standard battery rated for 0° to 50° with cold weather battery rated for 0° to 50°/120-277V Only. C78.377.
 • Minimum CRI of 80

Electrical
 • High-performance driver features over-voltage, under-voltage, short-circuit and over temperature protection.
 • 0-10V dimming (10% - 100%) standard.
 • Standard Universal Voltage (120-277 VAC) Input 50/60 Hz or optional High Voltage (347-480 VAC).
 • L70 Calculated Life >60K Hours
 • Total harmonic distortion <20%
 • Operating temperature: -40°C to +50°C (-40°F to +122°F)
 • Power factor >.90
 • Input power stays constant over life.
 • Optional 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C82.41.2).
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 • Optional Dual Drivers/Circuit/Power Feeds.
 • Optional battery backup provides 90-minutes of constant power to the LED system, ensuring code compliance. A test switch/indicator button is installed on the housing for ease of maintenance. Standard battery rated for 0° to 50° with cold weather battery rated for 0° to 50°/120-277V Only. C78.377.
 • Minimum CRI of 80

Controls
 • Optional Integral passive infrared Bluetooth[™] motion and photocell sensor. Fixtures operate independently and can be commissioned via iOS or Android configuration app.
 • LSI's AirLink[™] wireless control system options reduce energy and maintenance costs while optimizing light quality 24/7.

Installation
 • Universal wall mounting plate mounts directly to vertical surface or 4" junction box (Octagonal or square).
 • Luminaire hinges to the top of the mounting plate and is secured via two flush mount screws that help to conceal the hardware and prevent over tightening during installation.
Warranty
 • LSI luminaires carry a 5-year limited warranty. Refer to <https://www.lsicorp.com/resources/terms-conditions-warranty/> for more information.
Listings
 • Listed to UL 1598 and UL 8750.
 • Meets Buy American Act requirements.
 • IDA compliant; with 2700K or 3000K color temperature selection.
 • Title 24 Compliant; see local ordinance for qualification information.
 • Suitable for wet locations.
 • IP66 rated luminaire per IEC 60598-1
 • IK10 rated luminaire per IEC 60662 mechanical impact code with clear polycarbonate lens (OPT).
 • DesignLights Consortium[®] (DLC) qualified product. Not all versions of this product are DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/GPL to confirm which versions are qualified.

Catalog #: _____ Project: _____
 Prepared By: _____ Date: _____

Steel Poles
Square Straight



FEATURES & SPECIFICATIONS

Pole Shaft
 • Straight poles are 4", 5", or 6" square.
 • On-Tension Mount steel poles, tenon is 2.3/8" O.D. high-strength pipe. Tenon is 4.3/4" in length.
Hand-Hole
 • Standard hand-hole location is 12" above pole base.
 • Poles 22" and above have a 3" x 6" reinforced hand-hole. Shorter poles have a 2" x 4" non-reinforced hand-hole.
Base
 • Pole base is ASTM-A36 hot-rolled steel plate with a minimum yield strength of 36,000 psi.
 • Two-piece square base cover is optional.
Anchor Bolts
 • Poles are furnished with anchor bolts featuring zinc-plated double nuts and washers. Galvanized anchor bolts are optional.
 • Anchor Bolts conform to ASTM F 1554-07a Grade 55 with a minimum yield strength of 55,000 psi.
Ground Lug
 • Ground lug is standard.

Duplex Receptacle
 • Weatherproof duplex receptacle is optional.
Ground Fault Circuit Interrupter
 • Self-testing Ground Fault circuit interrupter is optional.
Finishes
 • Every pole is provided with the DuraGrip Protection System and a 5-year limited warranty.
 • When the top-of-the-line DuraGrip Plus Protection System is selected, in addition to the DuraGrip Protection System, a non-porous, automotive-grade corrosion coating is applied to the lower portion of the pole interior sealing and further protecting it from corrosion. This option extends the limited warranty to 7 years.
Determining the Luminaire/Pole Combination For Your Application:
 • Select luminaire from luminaire ordering information.
 • Select bracket configuration if required.
 • Determine EPA value from luminaire/bracket EPA chart
 • Select Pole Height
 • Select MPH to match wind speed in the application area (See windspeed maps).
 • Confirm pole EPA equal to or exceeding value of luminaire/bracket EPA.
 • Consult factory for special wind load requirements and banner brackets.

Pole Vibration Damper
 • A pole vibration damper is recommended in open terrain areas of the country where low steady state winds are common.
 • Non-tapered poles and lightly loaded poles are more susceptible to destructive vibration if a damper is not installed.
Listings
 • UL Listed
 • BAA/TAA Compliant

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TAX MAP 22, LOT 4

GRAPHIC SCALE
 0 20 40 60 80 (FEET)

PHOTOMETRIC PLAN
 INDICO CANNABIS RETAIL
 181 & 185 STATE ROAD, KITTERY MAINE

FOR:
 IDC5, LLC
 120 STATE ROAD
 KITTERY, MAINE 03904
ATTAR ENGINEERING, INC.
 CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
 1284 STATE ROAD - ELIOT, MAINE 03903
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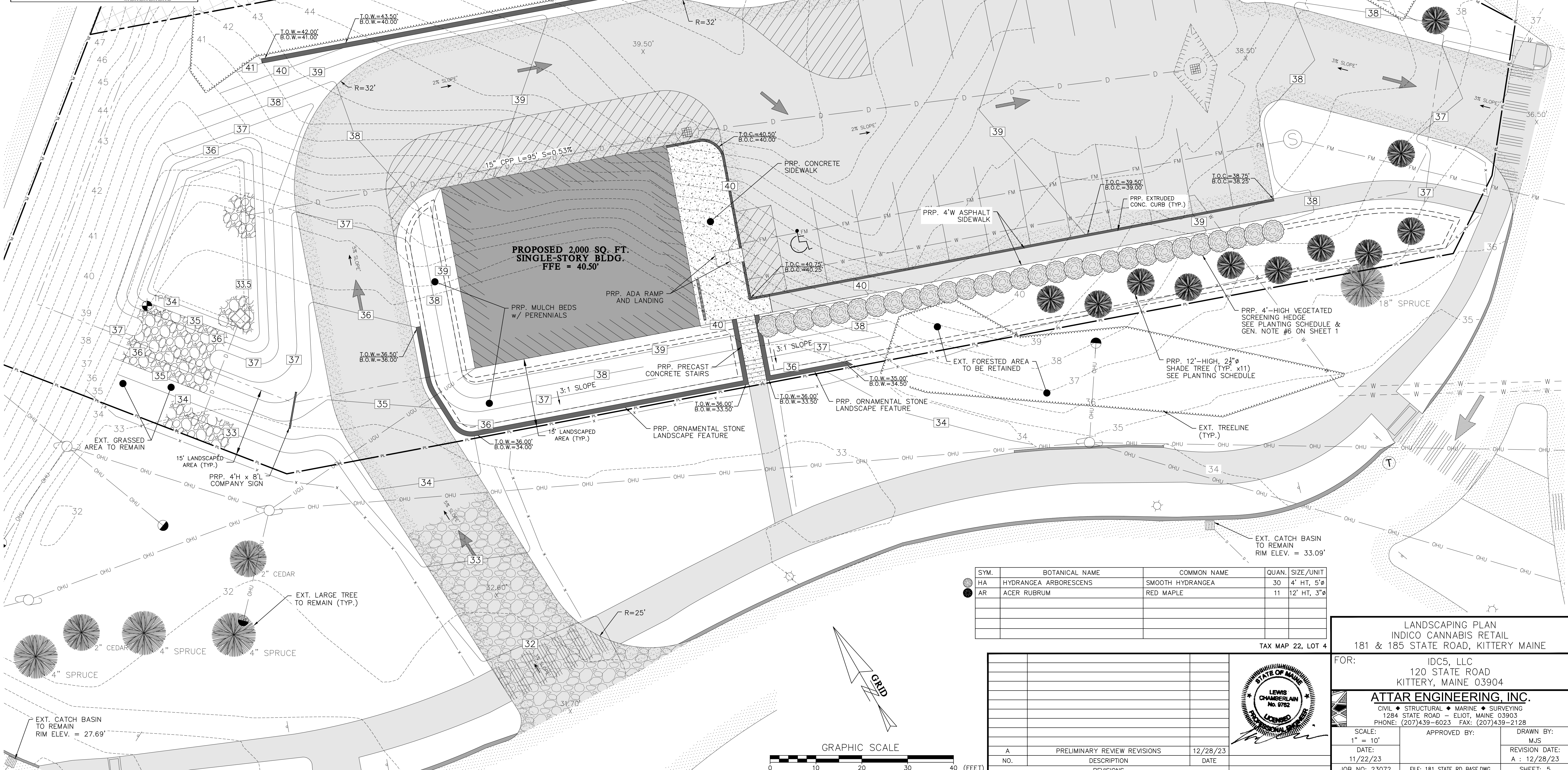
LEWIS CHAMBERLAIN No. 8762 LICENSED PROFESSIONAL ENGINEER

NO.	DESCRIPTION	DATE
A	PRELIMINARY REVIEW REVISIONS	12/28/23
	DESCRIPTION	DATE
	REVISIONS	

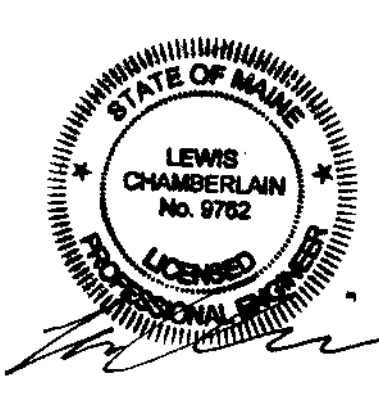
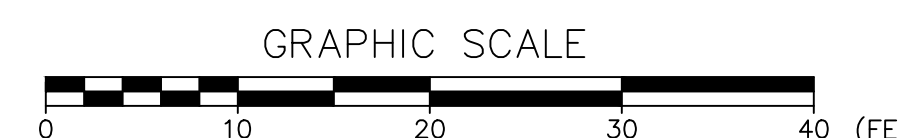
LEGEND	
PROPERTY LINE	---
SETBACK	- - - -
ABUTTER PROP. LINE	---
EXT. PAVEMENT	▬▬▬▬
PRP. PAVEMENT	▬▬▬▬
PRP. CONCRETE	▬▬▬▬
EXT. CURB	▬▬▬▬
PRP. CONCRETE CURB	▬▬▬▬
EXT. BUILDING	▬▬▬▬
PRP. BUILDING	▬▬▬▬
PRP. PARKING	▬▬▬▬
EXT. CROSSWALK	▬▬▬▬
PRP. CROSSWALK	▬▬▬▬
EXT. RETAINING WALL	▬▬▬▬
PRP. RETAINING WALL	▬▬▬▬
EXT. STONEWALL	▬▬▬▬
EXT. RIP RAP	▬▬▬▬

LEGEND	
PRP. RIP RAP	▬▬▬▬
TRAFFIC FLOW ARROW	→
EXT. LEDGE OUTCROP	▬▬▬▬
PRP. OPEN SPACE	▬▬▬▬
PRP. LANDSCAPE AREA	▬▬▬▬
EXT. STOCKADE FENCE	▬▬▬▬
EXT. TREELINE	▬▬▬▬
PRP. TREELINE	▬▬▬▬
EXT. LARGE TREE	●
EXT. OVERHEAD ELEC	OHU
PRP. U.G. ELECTRIC	UGU
EXT. POWER POLE	⊙
EXT. LIGHT POLE	⊙
EXT. GUY ANCHOR	⊙
EXT. ELEC. MANHOLE	⊙

LEGEND	
EXT. WATER LINE	W
EXT. WATER SERVICE	W
EXT. STORM LINE	D
PRP. STORM LINE	D
EXT. CATCH BASIN	■
PRP. CATCH BASIN	■
EXT. SIGN	⊙
EXT. MAJOR CONTOUR	XXX
EXT. MINOR CONTOUR	XXX
PRP. MAJOR CONTOUR	XXX
PRP. MINOR CONTOUR	XXX
PRP. SPOT GRADE	102.0' X



SYM.	BOTANICAL NAME	COMMON NAME	QUAN.	SIZE/UNIT
HA	HYDRANGEA ARBORESCENS	SMOOTH HYDRANGEA	30	4' HT, 5'Ø
AR	ACER RUBRUM	RED MAPLE	11	12' HT, 3'Ø



LANDSCAPING PLAN
INDICO CANNABIS RETAIL
181 & 185 STATE ROAD, KITTERY MAINE
TAX MAP 22, LOT 4

FOR:
IDC5, LLC
120 STATE ROAD
KITTERY, MAINE 03904

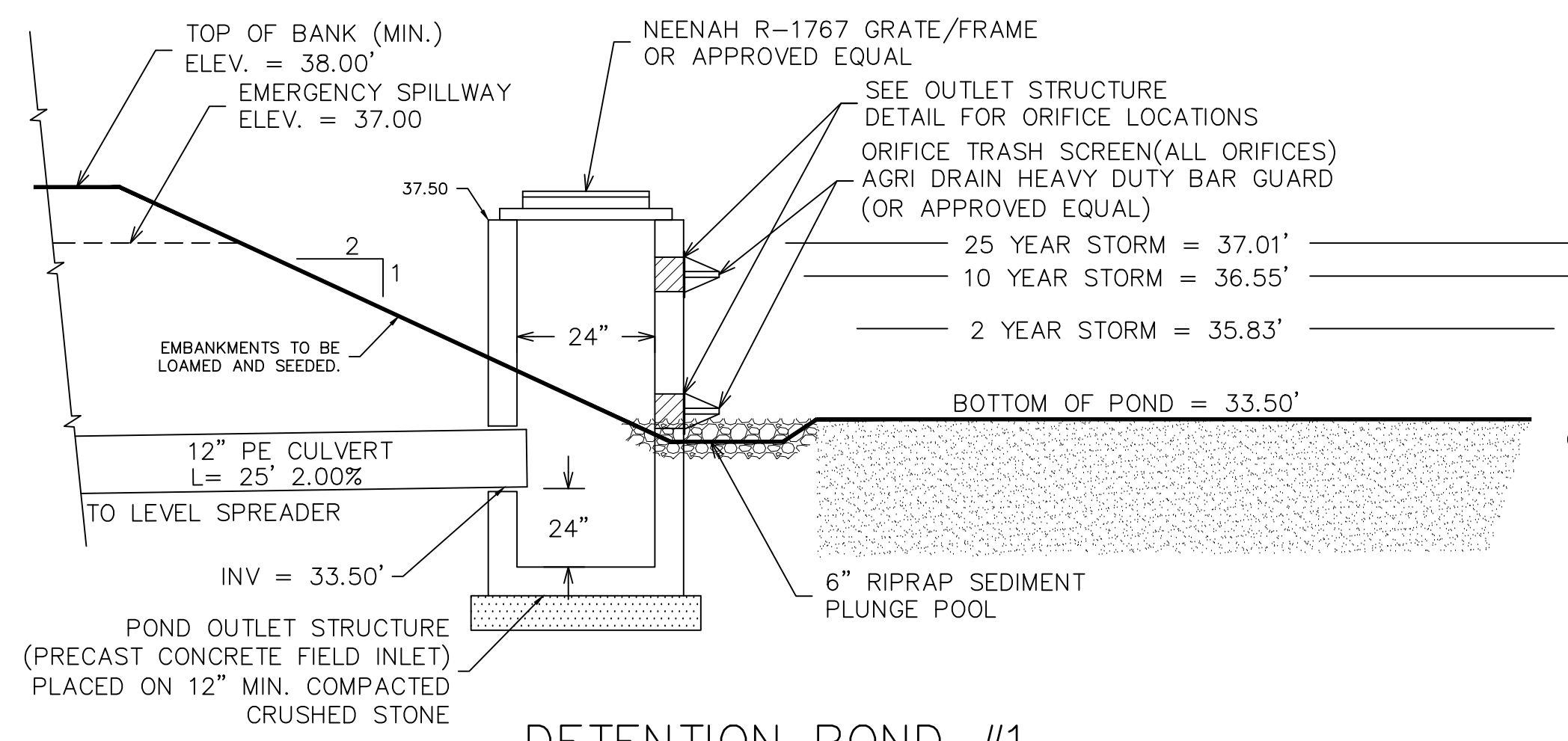
ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • MARINE • SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 10'
DATE: 11/22/23
JOB NO: 23072

APPROVED BY: _____
FILE: 181 STATE RD BASE.DWG

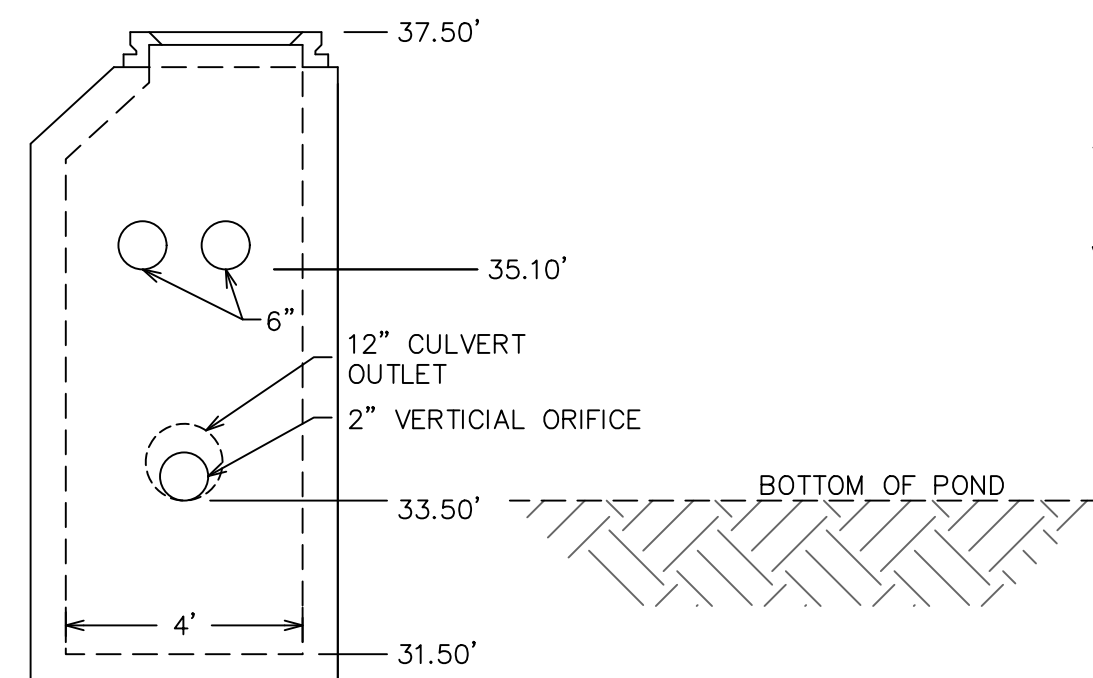
DRAWN BY: MJS
REVISION DATE: A : 12/28/23
SHEET: 5

NO.	DESCRIPTION	DATE
A	PRELIMINARY REVIEW REVISIONS	12/28/23
NO.	REVISIONS	



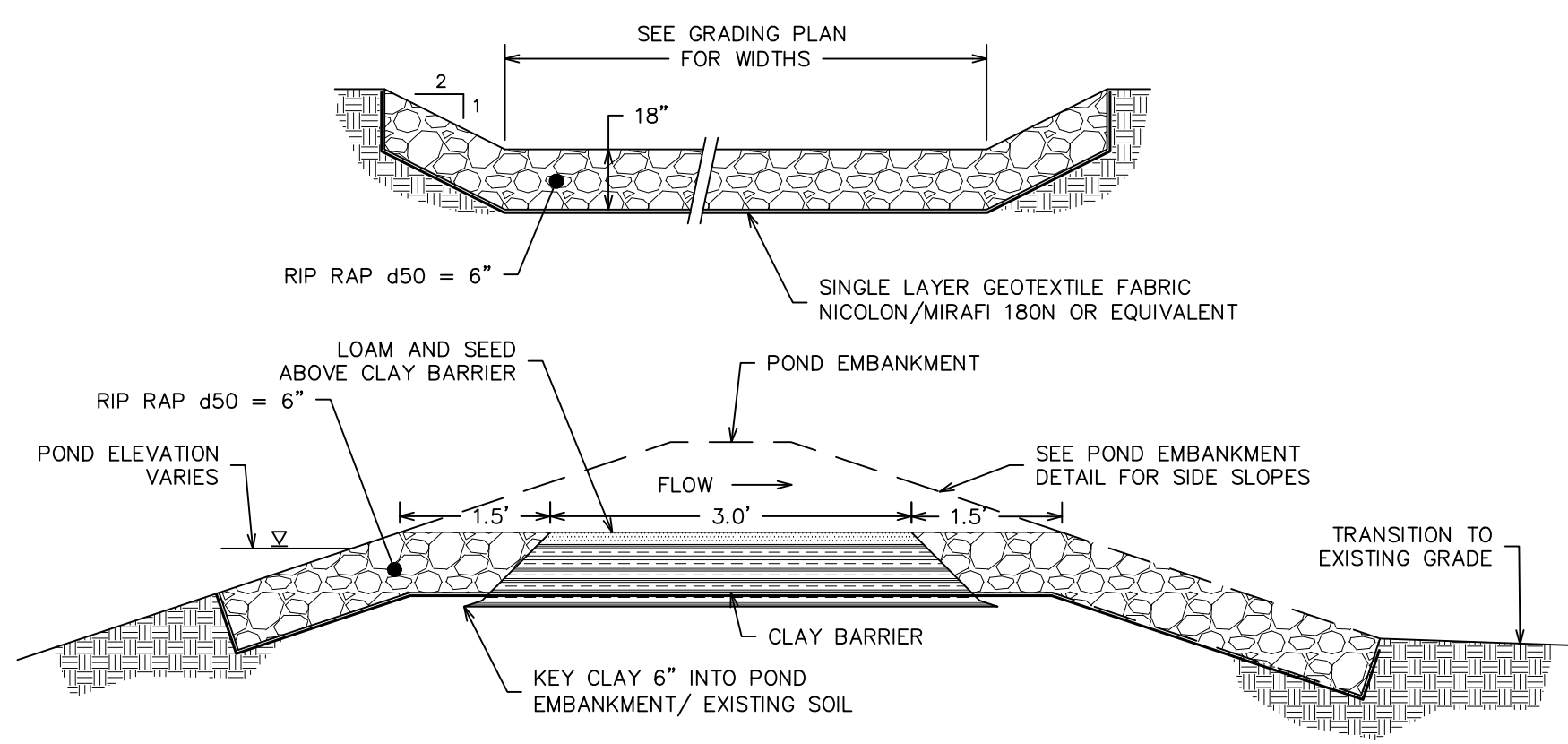
DETENTION POND #1
(NTS)

NOTES: PIPE JOINTS TO BE WATER TIGHT

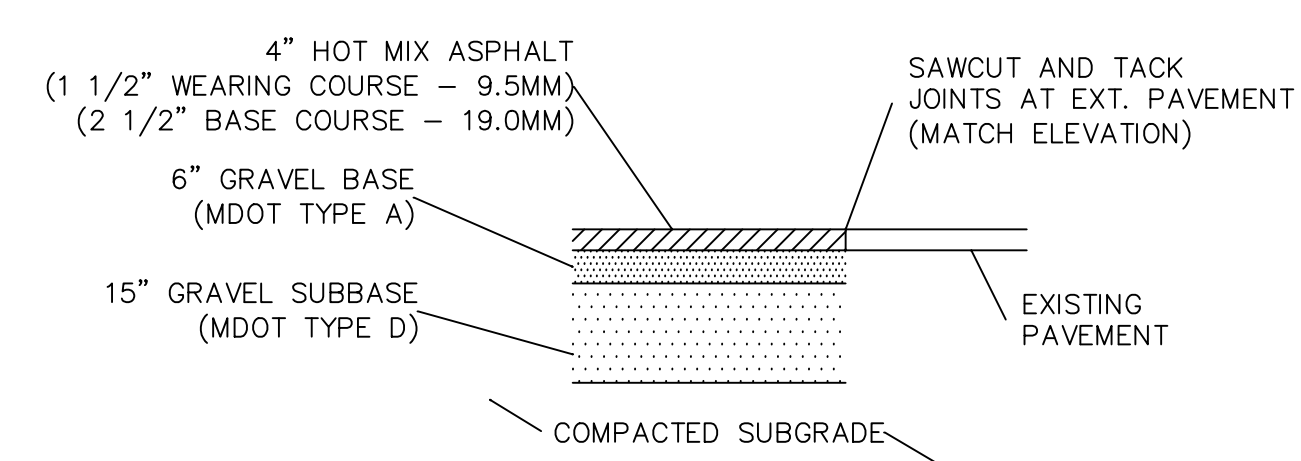


DETENTION POND #1 OUTLET STRUCTURE
(NTS)

ORIFICES TO BE PROTECTED WITH TRASH SCREENS (2" MAX. OPENINGS) FASTENED TO OUTLET STRUCTURES WITH SS PARTS.

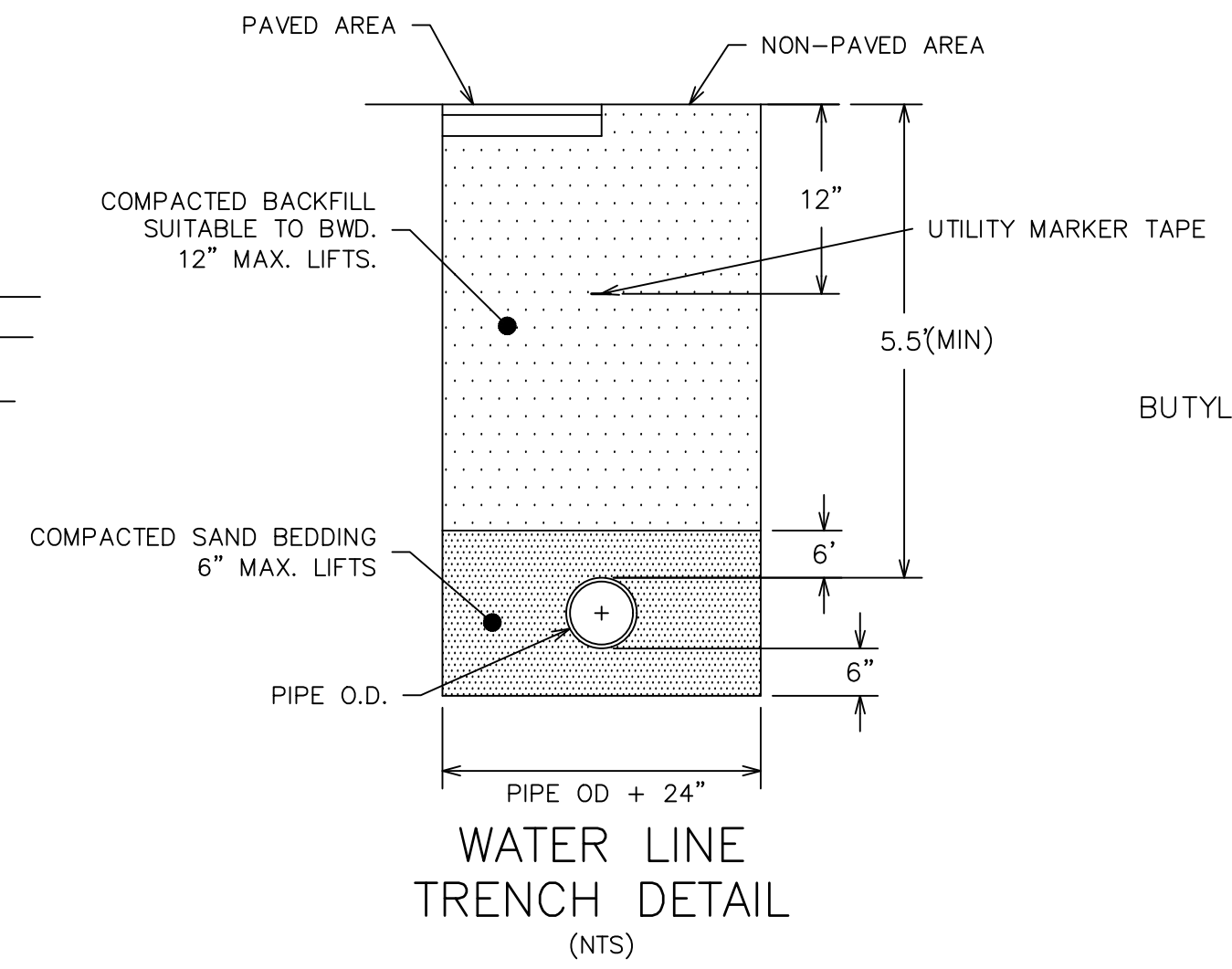
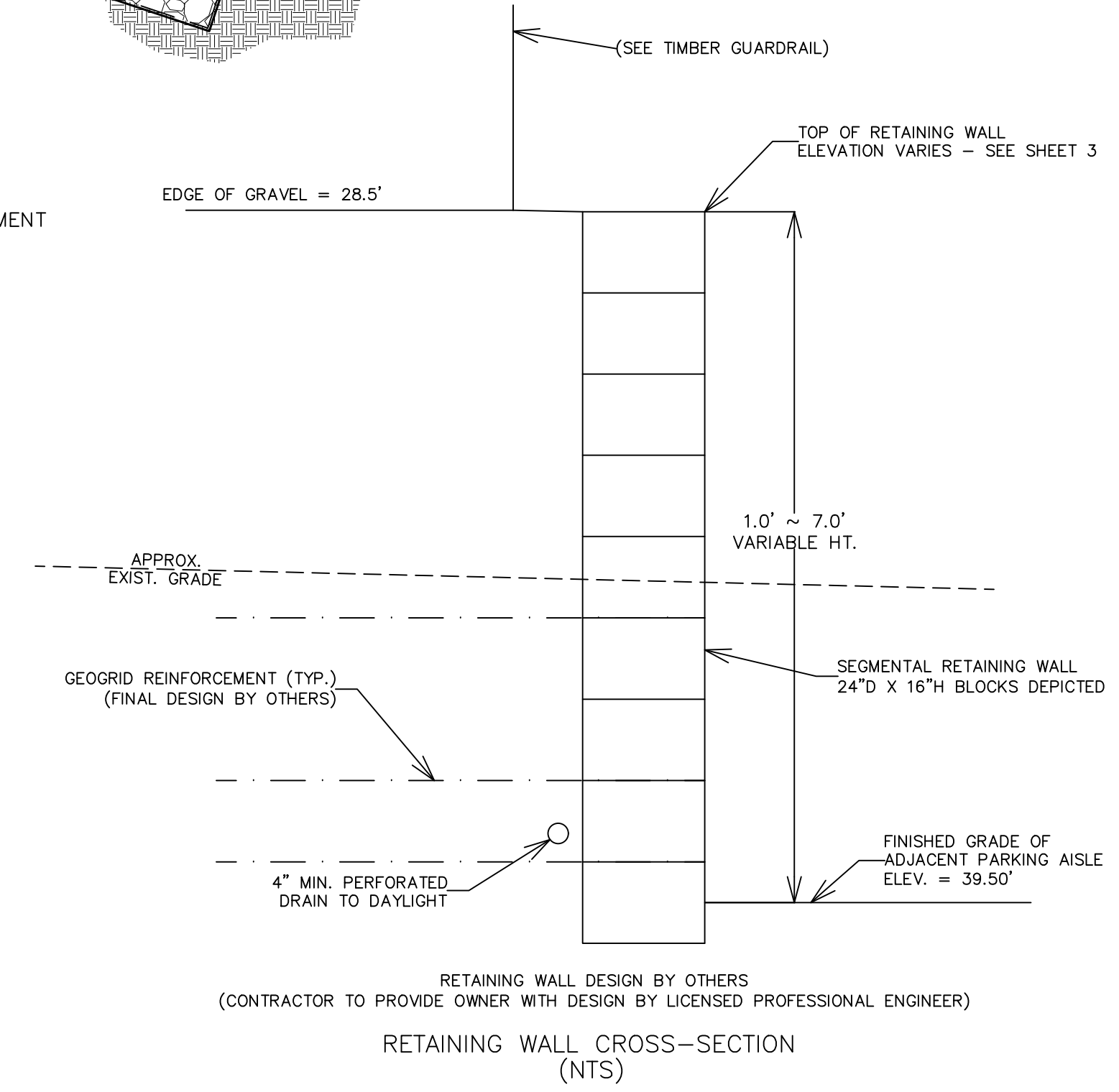


EMERGENCY SPILLWAY DETAIL
(NTS)

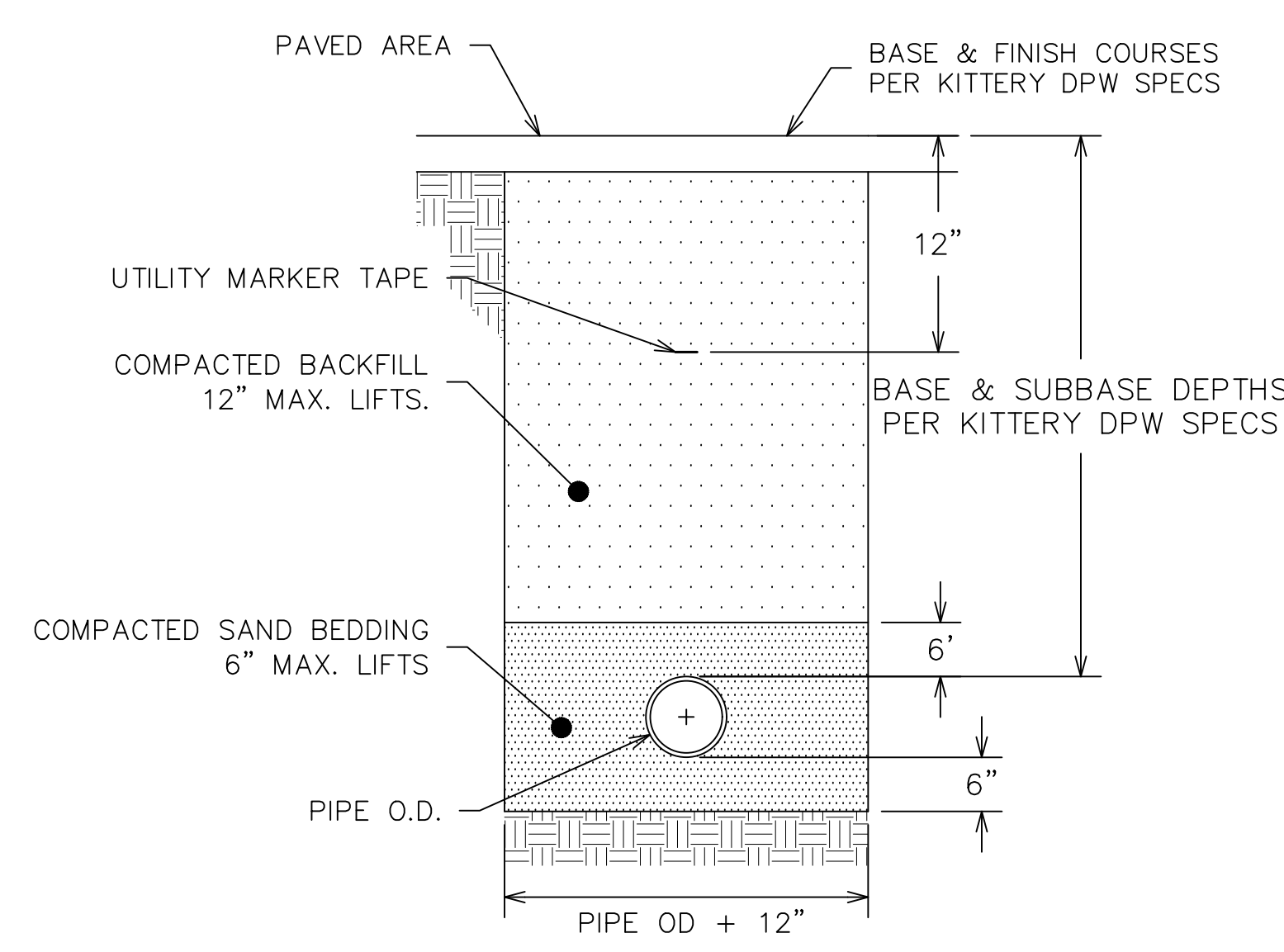


ASPHALT PARKING CROSS SECTION
(NTS)

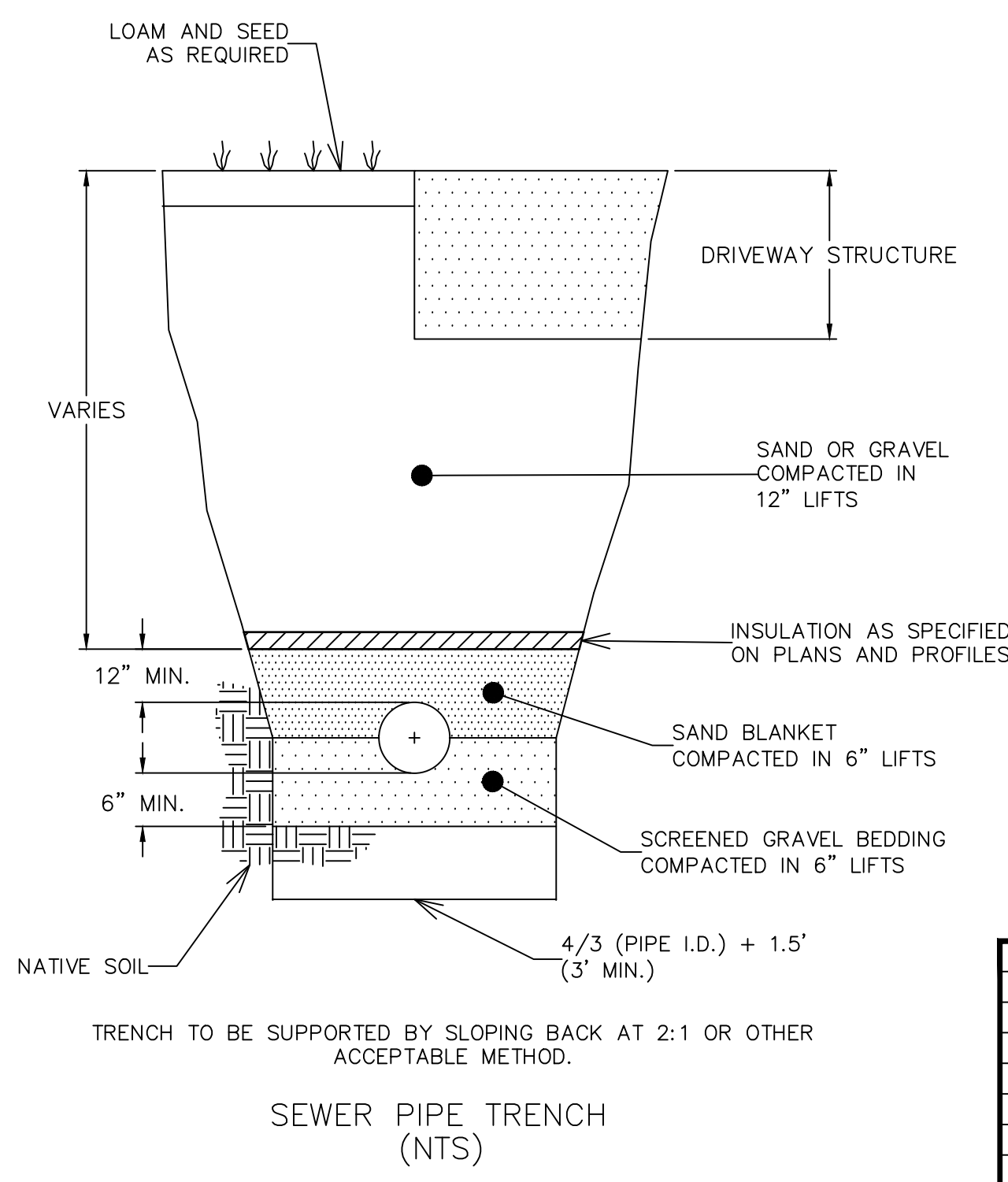
GRAVEL FILL TO BE COMPACTED TO 95% MODIFIED PROCTOR



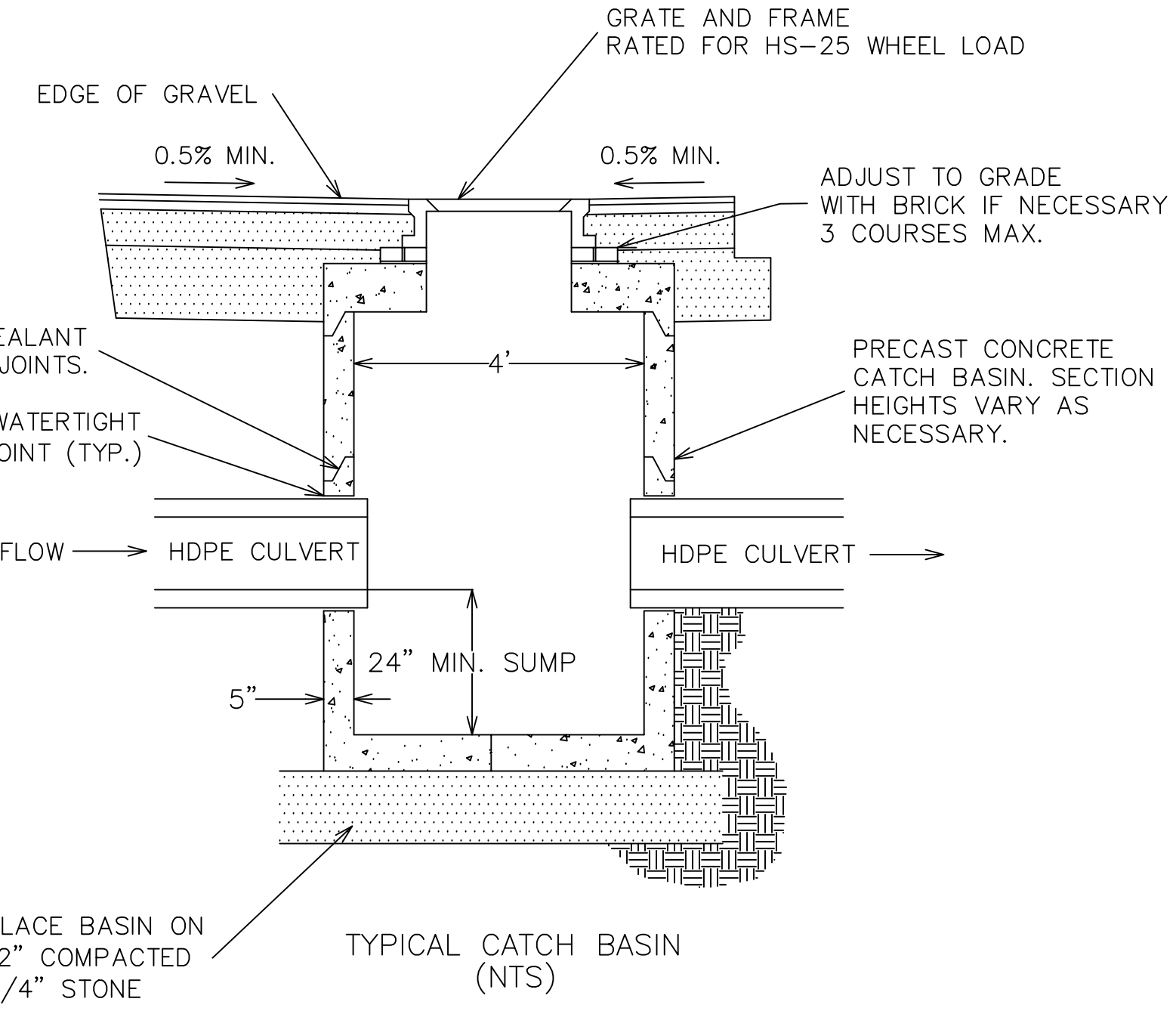
WATER LINE TRENCH DETAIL
(NTS)



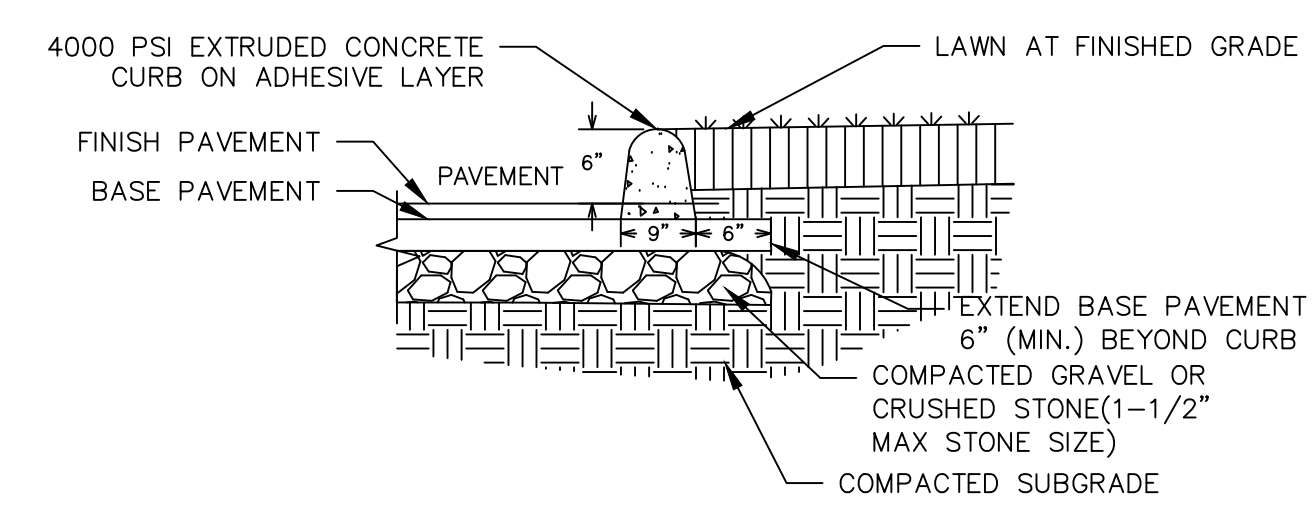
UTILITY TRENCH PATCH DETAIL
(NTS)



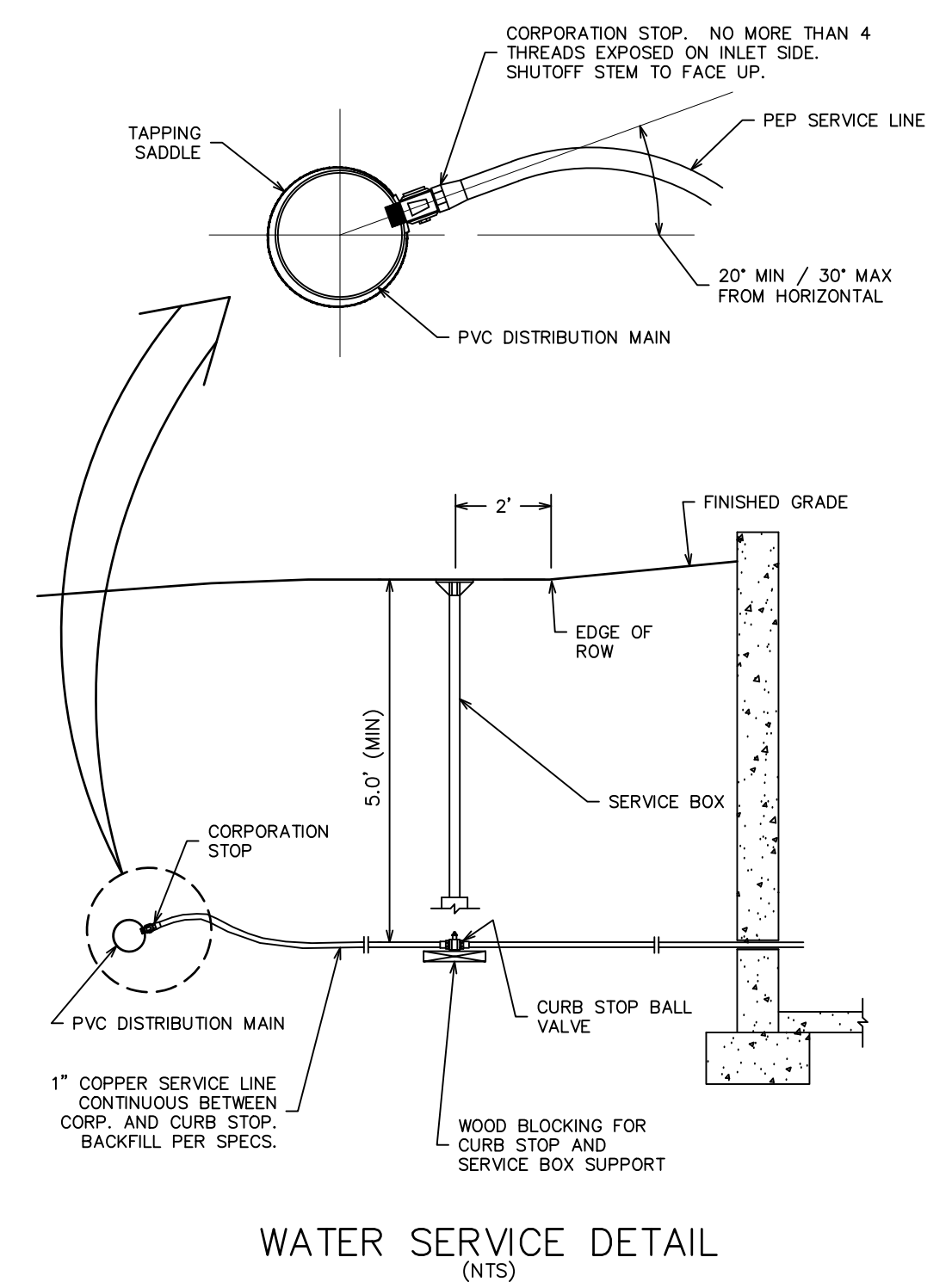
SEWER PIPE TRENCH
(NTS)



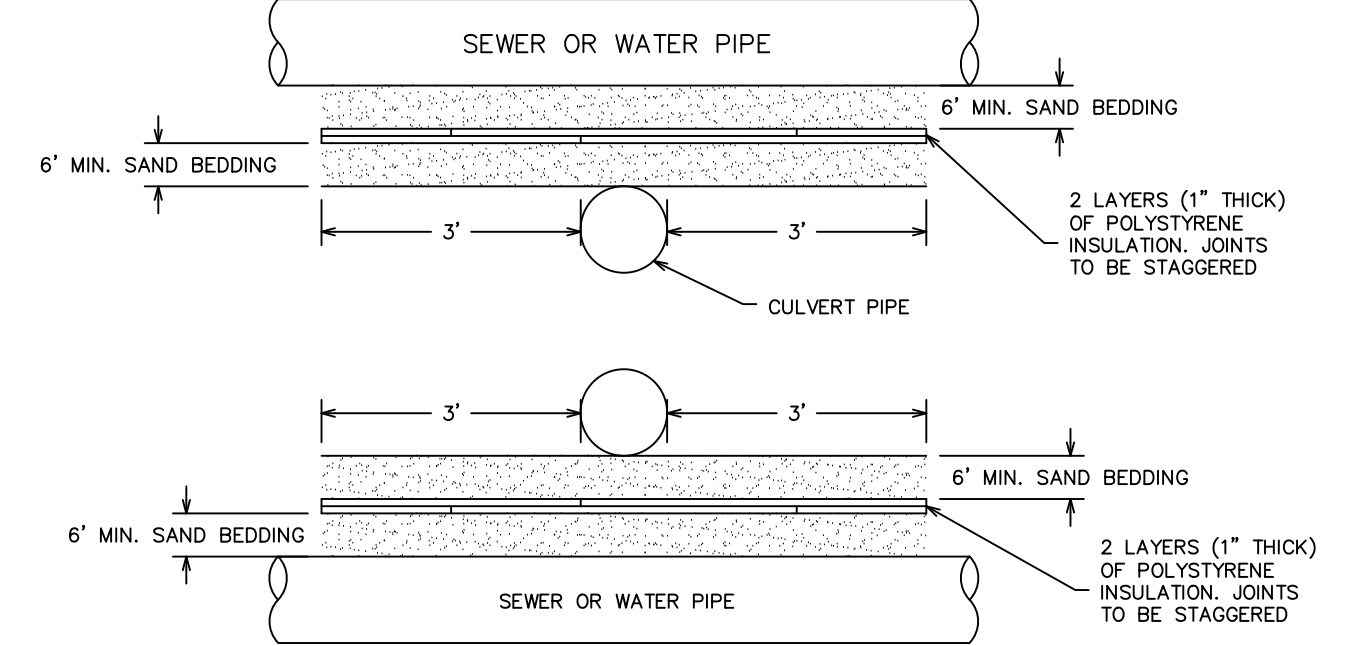
TYPICAL CATCH BASIN
(NTS)



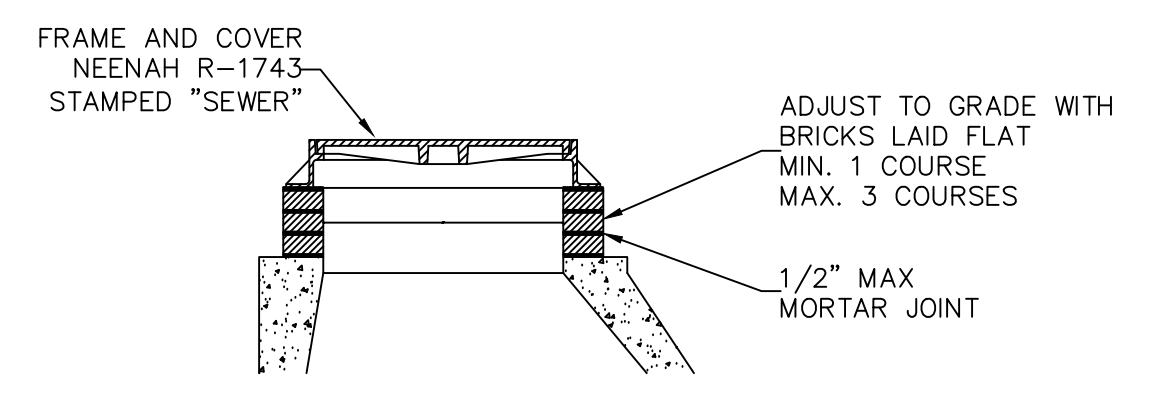
EXTRUDED CONCRETE CURB DETAIL
(NTS)



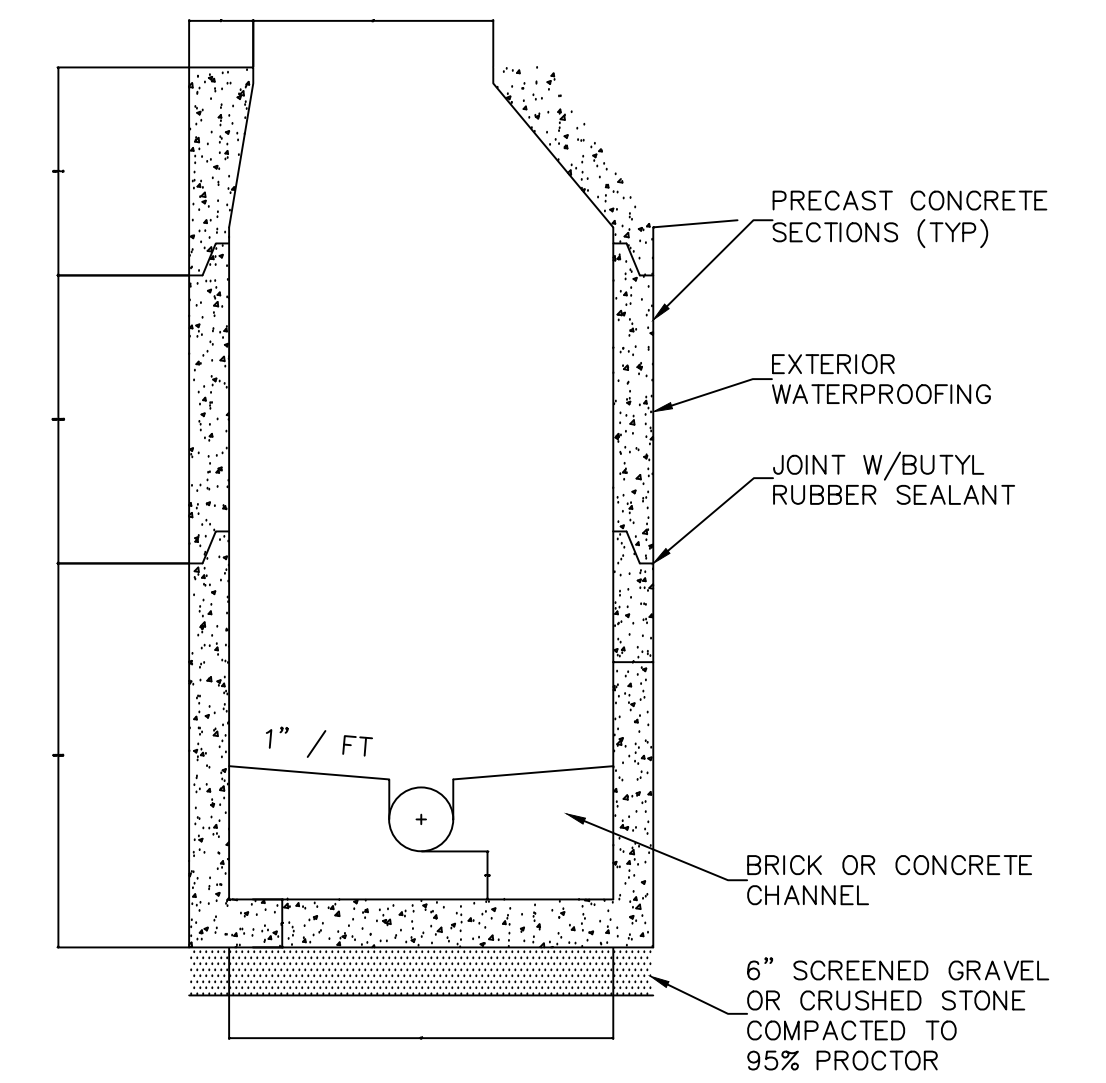
WATER SERVICE DETAIL
(NTS)



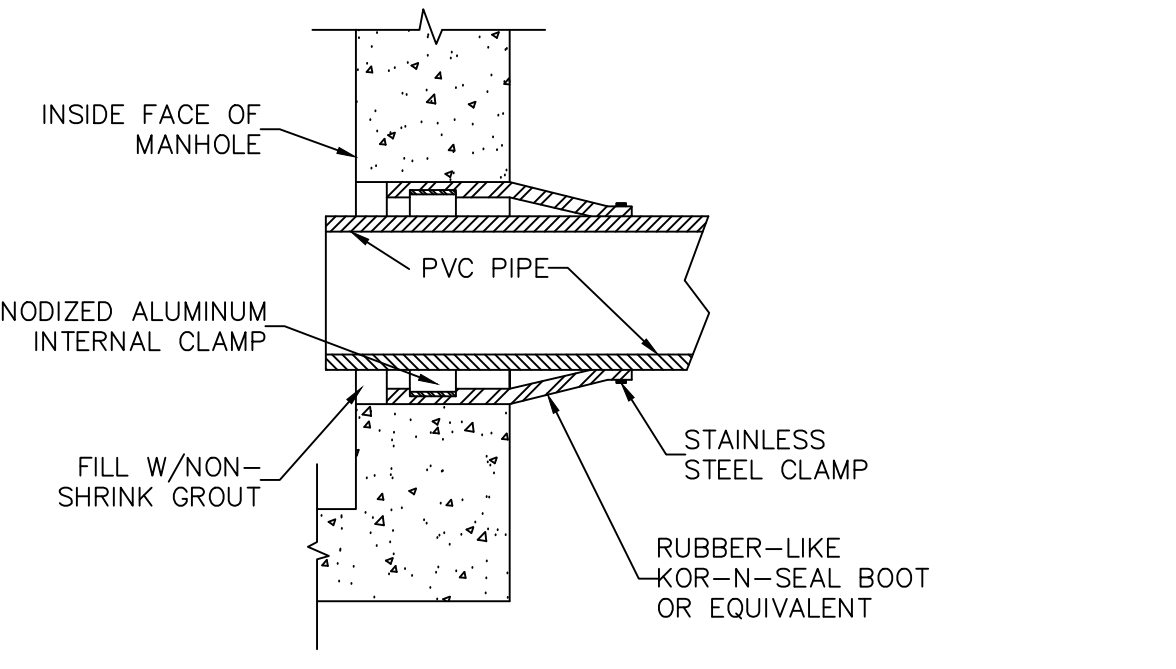
CULVERT CROSSING
(NTS)



STANDARD COVER AND FRAME
SCALE: NTS

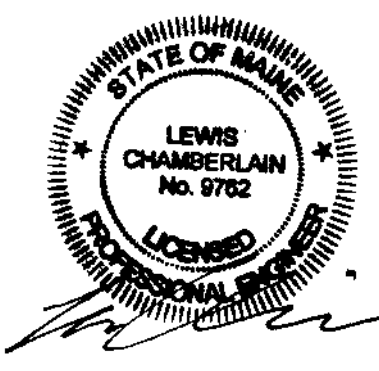


TYPICAL SANITARY MANHOLE
SCALE: NTS



TYPICAL BOOT GASKET
SCALE: NTS

NO.	DESCRIPTION	DATE
A	PRELIMINARY REVIEW REVISIONS	12/28/23
NO.	REVISIONS	



TAX MAP 22, LOT 4

SITE DETAILS
 INDICO CANNABIS RETAIL
 181 & 185 STATE ROAD, KITTERY, MAINE

FOR:
 IDC5, LLC
 120 STATE ROAD
 KITTERY, MAINE 03904

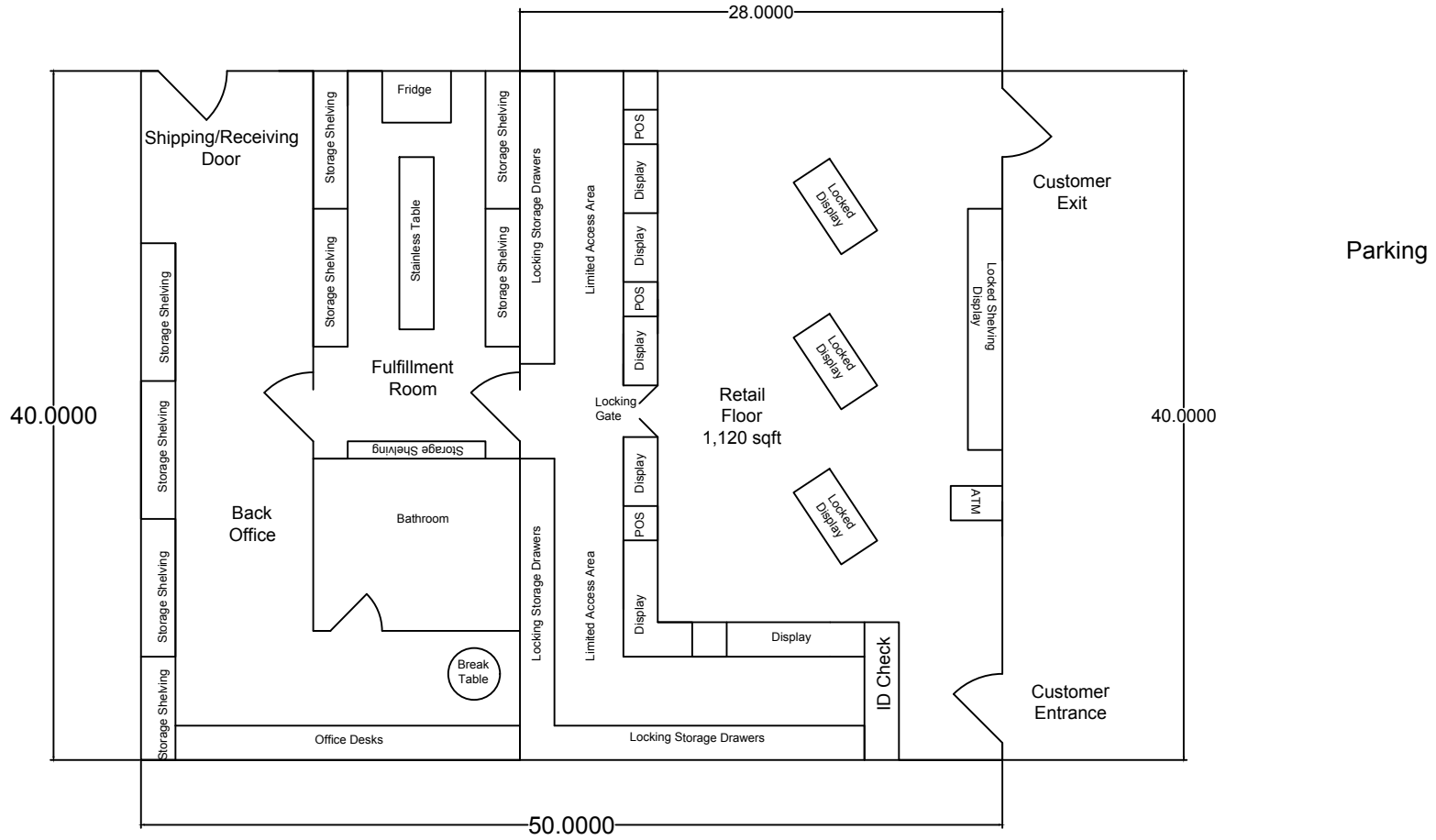
ATTAR ENGINEERING, INC.
 CIVIL • STRUCTURAL • MARINE • SURVEYING
 1284 STATE ROAD - ELIOT, MAINE 03903
 PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: AS NOTED
 DATE: 11/22/23
 JOB NO: 23072

APPROVED BY:
 MJS

DRAWN BY:
 MJS
 REVISION DATE:
 A : 12/28/23
 SHEET: 7

Travelway/Driveway
Entrance



Rotary



December 18, 2023

Maxim Zakian, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

**RE: Town of Kittery, Planning Board Services
Indico Adult-Use Marijuana Retail Review
181 & 185 State Road (Tax Map 28, Lot 14-2)
CMA #591.170**

Dear Max:

CMA Engineers has received the following information for Assignment #170 review of the proposed marijuana retail facility at 181 & 185 State Road (Tax Map 28, Lot 14-2).

- 1) Preliminary Site Plan Review Application and supporting documentation, Tax Map 28, Lot 14-2, 181 & 185 State Road, Kittery, ME by Attar Engineering, Inc. dated November 22, 2023.

The project consists of one lot (Map 28, Lot 14-2) with an area of approximately 0.87 acres. The lot is located in both the Commercial 3 (C-3) and Business Local (B-L) districts. There are no wetlands on site. The project includes demolition of two existing buildings and the construction of a single-story, 2000-square-foot marijuana retail building with associated parking and access drives.

The development will be served by public sewer and Kittery Water District water. Proposed drainage includes installation of closed drainage with catch basins that outlet to a detention pond and level spreader.

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code (LUDC) and general engineering practices and offer the comments below that correspond directly to the Town's Ordinances.

13.1 Sewer Service System

13.1.5 Private Sewage System

13.1.5.6 The plans show a septic vent. The septic tank should be located, emptied and filled with gravel or dirt if left in place.

16.5 General Performance Standards

16.5.32 Marijuana business

16.5.32.B.(7) The applicant mentions fire suppression, but no details are shown. These must be approved by the Fire Chief.

16.5.32.B.(11) Are motion sensors proposed for site lighting?

16.7 General Development Requirements

16.7.11 Performance Standards and Approval Criteria

16.7.11.A. Water supply

The applicant has provided capacity for the project from Kittery Water District. The applicant still needs approval of the water supply and fire suppression system, which has not yet been developed.

16.7.11.B. Sewage disposal

The Town of Kittery sewer department has stated there is capacity to serve the project. The applicant still needs approval of the sewer design, which has not yet been developed.

16.7.11.C. Stormwater and Surface Drainage

The proposed stormwater management system closed drainage with catch basins that outlet to a detention pond and level spreader that eventually discharge to existing drainage in State Road. Post-development flows are decreased for the 2, 10 and 25-year storm.

16.7.11.D.(4)(d) Please include a section in the Stormwater Management Operation & Maintenance Manual on maintenance of the catch basins (silt sacks during construction, cleaning them following construction and regular maintenance and cleaning when silt reaches a certain level), and parking lots (sweeping, salt and sand application, etc.).

We have the following comments on the drainage analysis:

1. The drainage analysis should be stamped by a licensed engineer.
2. Is a Maine DEP stormwater management permit required for this site? Please copy the Town on all correspondence.
3. In the post-construction condition, stormwater is modeled as if a swale has been installed (Reach 1R) but no reach is used in the predeveloped condition. This is not accurate.
4. The time of concentration for subcatchment 5S is zero in all of the modeled storms.

16.7.11.E. Vehicular traffic

The applicant has provided a traffic study. We note that we have not reviewed this information.

16.7.11.F. Parking and loading

16.7.11.F.(1)[1] The applicant should provide site distances at the entrance and exit.

16.7.11.F.(1)[4] The applicant has indicated that snow storage is on site; these areas should be shown.

16.7.11.F.(4)(c) The parking spaces should be dimensioned to assess conformance with Table 2.

16.7.11.H. Exterior lighting requirements

The applicant has proposed a lighting fixture in the right-of-way. Has this been approved and coordinated with Maine DOT?

16.7.11.H.(2)(a) The applicant should provide the uniformity ratios for the access drives and the parking lot.

We have the following comments on the plans:

1. The plans should contain a cover sheet.
2. The plans incorrectly reference Map 22, Lot 4 in the bottom right corner.
3. The traffic flow arrow is missing from the legend on Sheets 3 and 5.
4. The hatched area within the paved areas on Sheets 1, 3,4 and 5 resembles the concrete hatch and is not defined in the legend. This should be defined in the legend or removed.

5. The plans should include the location of the stabilized construction entrance, silt fence, erosion control mix berm and hay bale barrier.
6. Provide a traffic movement plan for a fire truck.

Sheet 1 – Overall Site Plan

1. General Notes 2 incorrectly references Map 22, Lot 4.
2. The parking spaces should be dimensioned (or one as a typical).
3. General Note 14 indicates snow storage is shown on the plans, but it is not.
4. Amend General Note 11. Kittery Water District is not Town water.

Sheet 2 – Existing Conditions Plan

1. The plan should indicate that both driveways are to be removed.
2. The plan should show the location of all existing water and sewer mains and services including sizes and materials.
3. The plan should indicate whether the spruce trees are to be removed or to remain.
4. The label “Ext. LCE Boundary Line See Plan Reference #_” is incomplete.
5. The plan should indicate whether the “Overpass Retaining Wall and Riprap Embankment” are to be removed or to remain.
6. The label “Sidetalk (sic) Crossing to Remain” should be corrected.
7. The plan should define “L.C.E.”.
8. There is an existing leach field and septic vent shown. Where is the septic tank located? Is it proposed to remain in place? If so, the plans should contain information about emptying the tank and filling it with gravel or dirt.

Sheet 3 – Grading and Utilities Plan

1. Is the “Prp. Segmental Block Landscape Feature” the same as the “Prp. Segmental Block Retaining Wall”? If so, the leader should reference the detail on Sheet 7. If not, please provide a detail.
2. Is work within the right-of-way approved?
3. The Ordinances call for fire suppression for marijuana retail, however only one water service is shown.
4. The size and material of the water service (and fire suppression service) should be indicated.
5. The rim elevation and inverts of the proposed sewer manhole should be shown. The size and material of the sewer service and/or main should be shown.
6. The 4’ wide asphalt sidewalks are not ADA compliant.
7. The accessible parking space should have a sign.
8. The one-way entrance, exit, loading bay, and access around the building should have signs restricting movement and/or parking.
9. The water service and sewer service both stop at the concrete sidewalk.
10. The plan should show the location of the curb stop and sewer clean out (if required).
11. The plan references an Emergency Spill detail on Sheet 7 but there is no detail.

Sheet 4 – Photometric Plan

1. The plan should show uniformity ratios in accordance with the Ordinances.

Sheet 5 – Landscape Plan

1. What is the significance of the red text and linetype?
2. What plantings are proposed within the 15’ landscaped areas?
3. There is no proposed landscaping within the parking lot as required.

Sheet 6 – Detail Sheet

1. Update all notes to be pertinent to this project.

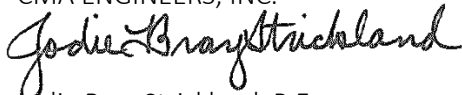
Sheet 7 – Detail Sheet

1. Update the Utility Trench Patch Detail to reflect Kittery DPW specifications. Add sawcut and tackifier.
2. The Retaining Wall Detail name should match that used on the plans (Segmental Block Retaining Wall and/or Segmental Block Landscape Feature).
3. The Sewer Pipe Trench detail should specify the gravel. Add warning tape.
4. The Water Service Detail shows a PVC distribution main and 1" copper service. Are these features correct?
5. The Typical Cath Basin detail should specify the frame and grate type.
6. The Typical Sanitary Manhole detail should reference the Standard Cover and Frame detail.
7. Include a sanitary manhole detail showing the brick channel.
8. Include an underground electric detail.
9. There is a leader on the Filter Pond Embankment and Berm Detail that is not legible.
10. Include an emergency spillway detail.
11. Include a walkway detail.
12. Include details for the ADA ramps and landings.

Should you have any questions, please do not hesitate to call.

Very truly yours,

CMA ENGINEERS, INC.



Jodie Bray Strickland, P.E.
Senior Project Engineer

cc: Lewis Chamberlain, P.E., Attar Engineering, Inc.

Traffic and Parking Management Plan
Marijuana Dispensary
181 & 185 State Road (Route 1)
Kittery, Maine

❖ **Purpose:**

This Traffic and Parking Management Plan has been developed to manage the traffic and parking demands associated with the initial opening period (defined as 30 days from issuance of a Certificate of Occupancy) and during peak tourist season conditions (July and August) when the number of customers arriving at the marijuana dispensary may exceed typical operating conditions. The intent of the management plan is to identify specific measures that will be undertaken to ensure that traffic flow and parking demands are managed so as to maintain the safety of all roadway users. These measures will be undertaken by the management of the marijuana dispensary with input from and approval by the Police Chief.

❖ **Traffic Management:**

The following traffic management strategies will be implemented to reduce traffic demands during the initial opening period and under peak season conditions:

- Police details will be secured to manage the flow of traffic at the entrance and at the exit driveways. The need for police details, their assignments and the time periods to be covered will be discussed with the Police Chief or their designee and subject to staffing at the time that the details are requested.
- An employee(s) and/or security personnel will be assigned to monitor traffic flow and parking within the site and vehicle queueing entering and exiting the driveways.
- During the initial opening period and under peak season conditions, traffic exiting the site will be restricted to right-turn only operation (toward the traffic circle) during the peak customer periods and when queueing is observed along the driveway that extends into the parking area. A temporary sign will be installed on the exit driveway at State Road to inform customers of this restriction when required.
- If vehicle queueing is observed entering the site that extends to the sidewalk along the perimeter of the site on a regular and sustained basis, the employee(s) assigned to traffic monitoring will notify the on-site manager and arriving customers will be given an appointment to return later in the day and directed to exit the site.
- Pre-ordering and/or appointments will be offered on the website to reduce traffic during the peak periods.

❖ **Parking Management:**

The following parking management strategies will be implemented to reduce traffic demands during the initial opening period and under peak season conditions:

- Employees will be encouraged to park off-site and carpool or use an alternative mode of transportation to a single-occupancy vehicle (SOV).
- An employee(s) and/or security personnel will monitor parking occupancy within the parking lot. When the parking lot reaches capacity, the employee will notify the on-site manager and



**Traffic and Parking Management Plan
Marijuana Dispensary
181 & 185 State Road (Route 1)
Kittery, Maine**

arriving customers will be given an appointment to return later in the day if a parking space is not available.

- At no time will parking be permitted within the site outside of the designated parking spaces.
- “No Parking” signs will be installed along the entrance and exit driveways, and compliance will be monitored by the employee(s) assigned to parking management.

❖ **Annual Review:**

The traffic and parking management plan will be reviewed with the Police Chief or their designee on an annual basis or at least 30 days prior to a special event where the number of customers arriving during any 15-minute period would exceed the number of parking spaces that are available (21 parking spaces). The purpose of the annual review is to discuss the effectiveness of the traffic and parking management plan and to refine specific elements of the plan to improve operations and to be responsive to any changes that may have occurred that impact traffic flow and travel patterns in the vicinity of the site. The continuation of the Traffic and Parking Management Plan beyond the 12-month period after the issuance of a Certificate of Occupancy for the dispensary shall be at the discretion of the Police Chief.

DRAFT



RE: 181 State Road - Traffic Management Plan

Robert Richter <rrichter@kitterypolice.com>

Thu 1/4/2024 9:41 AM

To: Maxim Zakian <mzakian@kitteryme.org>

Cc: Jason Garnham <JGarnham@kitteryme.org>

Max,

The P.D. is satisfied with this draft plan. Thank you.

Bob



Robert Richter
Chief of Police
Kittery Police Department
200 Rogers Rd.
Kittery, ME 03904
207-439-1638
www.KitteryPolice.com



F.B.I.N.A. 244

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From: Maxim Zakian <mzakian@kitteryme.org>

Sent: Thursday, January 4, 2024 8:50 AM

To: Robert Richter <rrichter@kitterypolice.com>

Cc: Jason Garnham <JGarnham@kitteryme.org>

Subject: Fw: 181 State Road - Traffic Management Plan

Hi, Chief,

The applicants for the marijuana retail store proposed on 181 State Road have submitted a draft traffic management plan. As discussed at the TRC meeting this week, they need your sign-off to receive preliminary approval. Can you please read it some time today and let me know in an email if you approve of their proposed plan? Please feel free to reach out if you have any questions.

Your main concern was that cars exiting the site should not be allowed to exit directly onto the traffic circle. The exit driveway is located on the spur road off of State Road, and the management plan states that employees will monitor the site to ensure nobody parks in undesignated areas. Are you satisfied with what is being proposed?

RE: 181 State Road marijuana retail business Fire Chief approval

David O'Brien <DO'Brien@kitteryme.org>

Wed 1/3/2024 4:25 PM

To: Maxim Zakian <mzakian@kitteryme.org>

As per stated in the TRC, the proposed structure is only 2000 sq-ft and in my opinion does not warrant the installation of fire suppression systems such as sprinklers.

Chief

From: Maxim Zakian <mzakian@kitteryme.org>

Sent: Wednesday, January 3, 2024 2:33 PM

To: David O'Brien <DO'Brien@kitteryme.org>

Cc: Craig Alfis <CEO@kitteryme.org>; Jason Garnham <JGarnham@kitteryme.org>

Subject: 181 State Road marijuana retail business Fire Chief approval

Good afternoon, Dave,

I wanted to reach out to you about the proposed marijuana business on 181 State Road. At our last TRC review of this project, you stated that you were satisfied without sprinklers in the building, as it was a single-story, 2000 sq ft retail establishment without any on-site growing.

Because **16.5.32**. explicitly states fire suppression/alarm systems must be "to the satisfaction" of the Fire Chief, I was hoping to get email confirmation of what you told me at TRC. Can you please respond to this email confirming that you are satisfied with the proposed fire management systems we reviewed at our December meeting? To confirm, the building does have fire alarm systems.

Best,
Max

Maxim Zakian

Town Planner

Town of Kittery

(207) 475-1323

mzakian@kitteryme.org