

ITEM 4

**Town of Kittery
Planning Board Meeting
December 8, 2022**

ITEM 4 – 22 Shapleigh Road– Site Plan - Sketch Plan Review

Action: Accept or deny application. Approve or deny sketch plan. Owner/applicant Fair Tide and acting agent Geoffrey R Aleva, PE of Civil Consultants requests consideration of a sketch plan to redevelop an existing commercial building with proposed additions creating a footprint of 5,669sf, and to add a 6-unit residential building consisting of a 2,058sf building footprint, at real property located at 22 Shapleigh Road (Tax Map 15, Lot 64) in the Business-Local (B-LI) and Residential-Urban (R-U) Zones respectively.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review	Sketch Plan Review	12/08/22
NO	Site Visit	Cannot Schedule Until Preliminary Plan Review	
YES	Determination of Completeness/Acceptance		
YES	Preliminary Plan Review		
YES	Public Hearing		
YES	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.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.

Background

The project is located at the intersection of Shapleigh Road and Manson Avenue, the total lot area is 84,831sf (1.95-acres), and the property is divided into two zones the Business-Local (B-L1) Zone and the Residential Urban (R-U) Zone. The parcel is split horizontally by a wetland that is approximately 24,000sf (or less than 1 acre) and was delineated in 2021 and determined to be a forested wetland related to stormwater directed to the location from several culverts in the vicinity. An important note is that this property utilizes the recently approved (10/2022) revision in the (B-L1) zone for affordable housing. The project is proposing to utilize the 50ft zone extension provision indicated in **§16.1.8.B.5**. The proposed extension would place all building footprint area in the (B-L1) zone.

The proposed use of the renovated existing building to the north has the allowed uses of retail sales, a neighborhood grocery store as well as business and professional offices. This will be comprised of a collective of social service agencies known as "Mainspring"; which will be home to Fair Tide's thrift store and administrative offices, Footprints Food Pantry, York Community Action and other programs that service the community.

The southern portion of the property is the location of the proposed new 6-unit residential building owned by Fair Tide and managed by York Housing. The required land area for each available unit will be

ITEM 4

35 1500sf per unit, the available lot can easily support the density of the 6 multifamily units based on the
36 land area (6 x 1500sf (9,00sf) < 54,000sf).

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38 Staff Review

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40 **The Residential Building:** The project has an innovative approach to the new/updated **§16.4.17 D (1) (a)**
41 **[2] [c]** When five or more dwelling units are proposed with, at minimum, one nonresidential use must
42 be located on the first floor facing State Road or Shapleigh Road such that the use will be visible from
43 the street: 2,000 square feet. Such a nonresidential use or uses need not occupy the entire first floor but
44 must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a
45 work/live unit.

46 **[d]** When 25% or more of the dwelling units will be affordable housing units as defined by this code, the
47 minimum land area per dwelling unit is: 1,500 square feet.

48 *-Staff feels the project accomplishes this endeavor and there is no language to prevent the buildings*
49 *from being separate structures, additionally there is already a constructed sidewalk (as noted in the*
50 *project narrative) that connects the two structures.*

51

52 **§16.4.17 D (4)**

53 (4) Landscaping and site design standards. A landscape plan prepared by a Registered Landscape
54 Architect is a submission requirement. However, a landscape plan done by other design professionals
55 may be allowed at the Planning Board's discretion.

56

57 **Landscaping Component:** The applicant is asking for permission from the Planning Board that a
58 Landscape Architect not be required to prepare plans and details indicating proposed vegetation as
59 there has been commitment from many local businesses, one such business is a tree removal and
60 landscaping company. *-While staff understands the extra cost of a Landscape Architect, we would*
61 *respectfully ask the applicant to provide all required information i.e. A full planting plan, a maintenance*
62 *plan, a professional to supervise plant selection and install, as well replacement on any plantings that*
63 *fail.*

64

65 **The Wetland:** Applicant worked with Staff and CEO to confirm that the existing pavement edge in
66 proximity to the wetland is permissible as it is not becoming more nonconforming and in some cases is
67 being moved further back from the edge. The wetland area is approximately 24,000sf, (less than 1 acre).
68 Portions of the existing building and pavement are located with the 50ft setback from the wetland
69 **A waiver is being requested** (bottom of page 3 of 4 in the narrative) to maintain the existing building
70 and pavement with the wetland setback.

71 *-After review with planning staff and code enforcement that waiver was deemed unnecessary as long as*
72 *the applicant does not go past the edge of the existing pavement. There is one location at the southeast*
73 *side of the existing building by the last parking space at elevation mark 49.2' where the pavement*
74 *encroaches toward the wetland. The applicant would need to request a variance if they are not willing to*
75 *change that particular part of the plan.*

76

77 **The Commercial Building:** There are two building additions, the northwest addition is 896sf and the
78 northeast addition is 704sf. The original building has an area of 4,069sf.

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ITEM 4

80 **The Stormwater Component:** The design intent is to provide stormwater BMP's to address the
81 stormwater flow. The redevelopment of the property will reduce the existing impervious surface values by
82 11%. The maximum for impervious surface is 70% of the total lot. The proposed project is addressing
83 stormwater quality by utilizing deep sumps in catch basins to capture sediment and installing a rip-rap
84 edge along the edge of the pavement to capture sediment along the paved edges.

85 *-Town staff would also like the applicant to show and explain the reduction in impervious surface values*
86 *that are claimed. The applicant states that redevelopment is also investigating the use of vegetated green*
87 *roof systems and states that use of these roofs are dependent on project costs. The applicant should*
88 *provide clear amounts of stormwater capacity for each variation they propose in the Preliminary Plan*
89 *Review, ideally the applicant can commit to one plan at that time.*

90
91 **Site Specifics:** Reviewing the plan, town staff finds that setbacks to the wetland, parking, yard and
92 boundary setbacks are sufficient and acceptable (*except the previously mentioned paving encroachment*).
93 The traffic circulation with an entrance on Shapleigh Road as well as an entrance on Manson Avenue is
94 acceptable - *However at the Preliminary Plan Review the applicant will want to have a clearer picture on*
95 *desired signage/wayfinding for the site as well entrances and exits.* The open space appears sufficient for
96 the site, - *The applicant should have a clear depiction of what areas are accessible open space for both the*
97 *residential building as well as the commercial building. The code states that there must be an area*
98 *designed to promote a pedestrian public space which includes but is not limited to, landscaping, sidewalks*
99 *and sitting areas.*

100

101 **Recommendation**

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103 This is the Board's opportunity to provide guidance and specific suggestions to the applicant.

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105 The sketch plan application is substantially complete. Staff finds the concept plan to be in general
106 conformance with the Code, with the noted exception of the encroachment of the pavement noted in the
107 Staff Review under (The Wetland) and the request for permission of using a "other design professional"

108

109 The project appears to be of good general standing and an asset to the community.

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111 **Recommended Motions**

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113 ***Move to accept sketch plan site plan application as complete***

114

115 *Owner/applicant Fair Tide and acting agent Geoffrey R Aleva, PE of Civil Consultants requests*
116 *consideration of a sketch plan to redevelop an existing commercial building with proposed additions*
117 *creating a footprint of 5,669sf, and to add a 6-unit residential building consisting of a 2,058sf building*
118 *footprint, at real property located at 22 Shapleigh Road (Tax Map 15, Lot 64) in the Business-Local (B-LI)*
119 *and Residential-Urban (R-U) Zones respectively.*

120

121 ***Move to continue the sketch plan site plan application***

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123 *Owner/applicant Fair Tide and acting agent Geoffrey R Aleva, PE of Civil Consultants requests*
124 *consideration of a sketch plan to redevelop an existing commercial building with proposed additions*
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ITEM 4

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Move to deny the sketch plan site plan application

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