

**Town of Kittery  
Planning Board Meeting  
September 28, 2023**

**ITEM 3—27 & 29 Wentworth—Site Plan — Preliminary Review**

Action: Hold public hearing. Continue review. Eric Weinreb, on behalf of applicant Madbury Real Estate Ventures, is proposing to convert an existing bed and breakfast into two independent inns with a total of 12 rental units each and a single innkeeper’s suite. The proposed development is located on the properties of 27 & 29 Wentworth Street, Map 9 Lots 37, 38, in the Kittery Foreside (MU-KF) Zone.

**PROCESS SUMMARY**

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Acceptance/Approval	7/27/23	Accepted
YES	Planning board determination of completeness	9/14/23	Accepted
NO	Site Visit	9/19/23	Held
YES	Public Hearing	Scheduled for 9/28/23	TBD
YES	Preliminary Plan Approval		TBD
YES	Final Plan Review and Decision		TBD

**Applicant: Prior to the signing of the approved Plan any Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS. As per Section 16.4.4.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.**

**OTHER PERMITS AND REQUIREMENTS**

- Coordination with MDOT street project on Wentworth Street.
- State Fire Marshal NFPA #13 fire protection system approval.
- DEP construction permitting and site review.

**PROJECT INTRODUCTION**

This is the second review for the redevelopment of the existing Enchanted Nights bed and breakfast into two inns on adjacent lots. The properties are located on Wentworth Street leading into the Kittery Foreside, directly abutting residential dwellings and a railroad running adjacent to 29 Wentworth to the northeast. Per assessor data, Enchanted Nights is an 8-bedroom bed and breakfast on 29 Wentworth Street, utilizing an additional 3-bedroom house on the adjacent property of 27 Wentworth. The plan proposes constructing a 12-unit inn on each property, with a 13<sup>th</sup> innkeeper’s suite in the inn built on 29 Wentworth. Both inns would share a 22-space parking lot and a driveway located on 29 Wentworth.

The property on 27 Wentworth would be demolished, with the new building moved closer to the street while maintaining the minimum 10’ front yard setback. The property on 29 Wentworth would be partially demolished during renovation, with the intention of maintaining the majority of the original 1800’s era structure. Each inn will be a 4-story building. The upper floor of 27 Wentworth will have two larger guest suites with recessed balconies. 29 Wentworth will have one ADA accessible unit on the ground floor and one innkeeper’s suite in the existing walk-in basement. Following guidance from the planning board, the applicant has drafted an easement to ensure shared parking access for both properties, and a restrictive covenant requiring both properties have an innkeeper’s suite if ownership of one of the properties was ever to change hands.

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35 The planning board first reviewed this application on September 14<sup>th</sup>, where they accepted the application as complete,  
36 scheduled a site walk for September 19<sup>th</sup>, and scheduled a public hearing during the September 28<sup>th</sup> meeting. The planning  
37 board requested a legal consult to clarify whether they have the authority to allow the development to move forward with  
38 one innkeeper's suite for two buildings. This is still pending, as is a third-party review by CMA engineers of the site plan  
39 and drainage analysis. Once the hearing has been closed, staff suggest the planning board advise the applicant based on the  
40 feedback provided by the public and peer review.

## 42 WAIVERS REQUESTED

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44 1. Open space modification: the applicant is requesting to reduce the open space minimum from 40% to 30.6% on 27  
45 Wentworth and 27.4% on 29 Wentworth, to provide amenities to guests.  
46 2. Drainpipe size waiver: the applicant is requesting to reduce the requirements from a 12" drainpipe to 6", as they are  
47 only proposing roof leaders and underdrain pipes.  
48 3. Innkeeper requirement: the applicant is requesting a modification to require one innkeeper unit to service both inns.  
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## 51 STAFF COMMENTS

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52 Listed below are comments provided by staff in addition to general review of standards:  
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- 54 1. The applicant has submitted a draft restrictive covenant stating that the inn on 27 Wentworth must convert a  
55 guestroom into an innkeeper's suite if the property were ever to change ownership. Upon receiving feedback from  
56 the board, the applicant will add a note in the site plan stating this.  
57 a. Fire and Code Enforcement staff are still concerned regarding the use of a shared innkeeper and would like  
58 assurances that employees of the inn will be able to maintain adequate presence in both buildings.  
59 b. Planning staff suggest the property descriptions in the covenant contain the map/lot property identifiers.  
60 2. The applicant has submitted a draft parking access easement to provide shared parking of both properties, even if  
61 ownership should change. Upon receiving feedback from the board, the applicant will add a note in the site plan  
62 stating this.  
63 a. Planning staff suggest the property descriptions in the easement contain the map/lot property identifiers.  
64 3. The stormwater management plan appears to show drainage off the property into the adjacent railroad area. When  
65 asked, the applicant stated they were planning to mimic existing conditions, but public works staff would like to  
66 see the proposal eliminate off-site drainage entirely.  
67 4. A snow storage plan is indicated on the site plan (sheet 4, Note 11). The landscape plan also indicates snow shall  
68 be stored 5' from any shrubs and trees.  
69 5. The architecture plans indicate a total of 12 rooms for 29 Wentworth, but this does not include the innkeeper's suite  
70 in the basement, which is in the proposed architectural plan.  
71 6. On the landscape plan, the trees with solid circles in the center are proposed to remain, while the trees with pluses  
72 will be removed during construction and replaced by new vegetation.  
73 a. Staff suggest removing Japanese Tree Lilac from the plant list, as they are considered non-native to Maine.  
74 7. MDOT is planning a sidewalk development project along Wentworth Street. Included in this packet is an email  
75 from project manager Brian Keezer confirming the applicant and property owners have been in contact with DOT  
76 staff. MDOT plans to send the project out to bid in November and is assuming construction will begin Spring 2024  
77 (if a suitable contractor is chosen within that timeframe).  
78 a. MDOT is requesting the applicant install utilities for the proposed inns before the project begins. If that is  
79 not possible, the applicant will need to coordinate with the to-be-determined contractor regarding  
80 construction plans.

- b. Because the applicant is proposing to close the existing driveway entrance onto 27 Wentworth, MDOT is requesting the applicant coordinate with them to plan when to pour that area to create sidewalk.

**PROJECT ANALYSIS**

Staff reviewed the application and provided materials and have provided their determination on the requirements and standards below:

Code Ref.	§16.4 Land Use Zone Standards	
	Standard	Determination
§16.4.25.B/C.	Permitted/Special Exception Uses	The proposed use is permitted
§16.4.25.D.(1).	Design standards	It appears the standard is satisfied.
§16.4.25.D.(2).(a).	Minimum land area per dwelling unit: 5,000 sq ft.	Not applicable
§16.4.25.D.(2).(b).	Lot size: 5,000 sq ft. minimum	It appears the standard is satisfied.
§16.4.25.D.(2).(c).	Street frontage: no minimum	It appears the standard is satisfied.
§16.4.25.D.(2).(d).	Front setback: 10 ft minimum if not along Government Street or Wallingford Square	It appears the standard is satisfied.
§16.4.25.D.(2).(e).	Rear and side setbacks: 10 ft minimum.	It appears the standard is satisfied.
§16.4.25.D.(2).(f).	Separation distance between buildings on the same lot: 10 ft minimum	Inns are on separate lots: not applicable.
§16.4.25.D.(2).(g).	Building height: 40 ft maximum	It appears the standard is satisfied.
§16.4.25.D.(2).(h).	Shoreland zone: setback from all other uses, including buildings and parking: 75 ft unless modified	Not applicable
§16.4.25.D.(2).(i).	Building coverage: 60% maximum	It appears the standard is satisfied
§16.4.25.D.(2).(j).	Open space: 40% minimum	The applicant is requesting a modification to the open space minimum, described above.
§16.4.25.D.(3).	Building footprint maximum: 1,500 square feet.  NOTE: if development is replacing a building existing on the lot as of April 1, 2005, the development can match the existing footprint. Width of the new building as measured parallel to the front lot line may not be greater than the width of the pre-existing building.	It appears the standard is satisfied

§16.4.25.D.(4).	Special design standards	Design standards appear to be met.
§16.4.25.D.(5).	Signage: display of signboard and/or products of sale	This standard does not appear to apply to the proposed wooden signpost. See §16.5.23. below.
§16.4.25.D.(7).	Off-street parking standards: one parking space per guest room:  NOTE: the proposed development is exempt for up to 6 required off-street parking spaces	22 spaces are provided, 3 of which are ADA. The applicant has submitted a parking access easement to ensure access of the shared parking lot for both properties. The standard appears to be satisfied
Code Ref.	§16.5 Performance Standards	
	Standard	Determination
§16.5.10	Essential Services	All utilities in plan are proposed to be underground. The standard appears to be satisfied.  Utility installation will be in coordination with MDOT sidewalk project.
§16.5.23	Freestanding sign standards: <ul style="list-style-type: none"> <li>• Must be 33 ft from the center line of any US or state numbered highway less than 66 feet in width.</li> <li>• One sign allowed only.</li> <li>• 20 ft height maximum.</li> </ul>	Wentworth Street is a part of Maine State Route 103. The signpost notated on the Site preparation plan (sheet C-1) must notate and be placed outside of 33 ft setback from center line of ROW.
§16.5.25	Sprinkler Systems are required in all buildings of 3 stories or more and must meet NFPA standards	Kittery Water District has sufficient capacity for sprinkler systems. Approval will have to be determined by State Fire Marshal.
§16.5.27	Street Standards	MDOT is currently in process of installing sidewalks along Wentworth St. The proposed development will coordinate with MDOT to ensure utility installation does not impair state project.
Code Ref.	§16.7.10 Preliminary Site Plan Requirements	
	Standard	Determination

§16.7.10.C.(4).(a-i).	<ul style="list-style-type: none"> <li>• Paper plan sheets no smaller than 11” x 17”</li> <li>• Scale of drawing no greater than 1 inch = 30 feet</li> <li>• Code block in right-hand corner</li> <li>• Standard boundary survey of existing conditions</li> <li>• Compass with arrow pointing true north</li> <li>• Locus map of property</li> <li>• Vicinity map and aerial photograph</li> <li>• Surveyed acreage of parcel(s), rights-of-way, wetlands, and amount of street frontage</li> <li>• Names and addresses of owners of record abutting property</li> </ul>	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"> <li>• Proposed development area including:</li> <li>• Location and detail of proposed structures and signs</li> <li>• Proposed utilities including power, water, and sewer.</li> <li>• Sewage facilities type and placement.</li> <li>• Domestic water source</li> <li>• Lot lines, rights-of-way, and street alignments</li> <li>• Road and other paved area plans</li> <li>• Existing and proposed setbacks</li> <li>• Storage areas for waste or hazardous materials</li> <li>• Topographic contours of existing contours and finished grade elevations</li> <li>• Locations and dimensions of artificial features such as pedestrian ways, sidewalks, curb cuts, driveways, fences, retaining walls,</li> </ul>	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.	Estimated trips do not trigger a traffic impact analysis.
§16.7.10.C.(4).(t).	Test pit analysis.	Not applicable
§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"><li>• Restrictive covenant for innkeeper's suite</li><li>• Shared parking access easement</li></ul>	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. As the peer review has not been completed or reviewed by staff, the planning board cannot vote to approve the application at this meeting. After holding the hearing, staff suggest the planning board discuss the feedback gathered by the public and peer review and advise the applicant on next steps.

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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 continue the application***

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Move to continue review of the preliminary site plan by Eric Weinreb, on behalf of applicant Madbury Real Estate Ventures, proposing to convert an existing bed and breakfast into two independent inns with a total of 12 rental units each and a single innkeeper's suite. The proposed development is located on the properties of 27 & 29 Wentworth Street, Map 9 Lots 37, 38, in the Kittery Foreside (MU-KF) Zone.

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September 22, 2023

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

**RE: Town of Kittery, Planning Board Services  
Site Plan Review  
The Foreside Inn at 27 & 29 Wentworth Street (Tax Map 9, Lots 37 & 38)  
CMA #591.163**

Dear Max:

CMA Engineers has received the following information for Assignment #163 for the site plan review for the proposed The Foreside Inn at 27 and 29 Wentworth Street in Kittery (Tax Map 9, Lots 37 & 38).

- 1) Preliminary Site Plan Review Application and supporting material including test pit logs, a traffic generator summary, and a lighting plan.
- 2) The Foreside Inn, 27 & 29 Wentworth Street, Kittery, Maine, Assessor's Parcel 9, Lots 37 & 38, Plan Issue Date August 24, 2023 by Altus Engineering.
- 3) Drainage Analysis, The Foreside Inn, Tax Map 49, Lots 37 & 38, 27 & 29 Wentworth Street, Kittery, Maine dated August 24, 2023, prepared for Madbury Real Estate Ventures by Altus Engineering
- 4) Architectural plans 27-29 Wentworth Street by Winter Holben dated 8/22/2023 (not reviewed).

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.

### **General**

The proposed project includes construction of two 12-unit inns (one on each lot) and an innkeeper's suite (a 13<sup>th</sup> unit at 29 Wentworth Street). The existing structure at 27 Wentworth Street will be demolished and a new structure built closer to the street. The structure at 29 Wentworth Street will be partially demolished with the intention of maintaining the original 1800s structure. Both inns will share an 18-space parking lot and access drive on 29 Wentworth Street. There are no wetlands on the site.

### **16.4 Land Use Zone Regulations**

16.4.25 Mixed Use – Kittery Foreside (MU-KF) Zone

16.4.25.B. 12. Inn is listed as an allowed use in the MU-KF zone.

The applicant has requested a waiver from 16.4.25.i. requiring a minimum of 40% open space. The 40% minimum is not met on either lot. It is not clear why the applicant has not met the minimum and is applying for a waiver.



## 16.7 Design and Performance Standards-Built Environment

### A. Water supply

The applicant is proposing to connect the inns to the Kittery Water District water supply for domestic and fire services. These are proposed via a single service/tap at the main per building that splits. KWD should review components of the design.

### B. Sewage disposal

The applicant is proposing to connect the inns to public sewer through separate services. The service for Lot 37 is located within the stormwater treatment device footprint. Alternative configurations should be analyzed. Kittery sewer services should review components of the design.

### C. Stormwater and surface drainage

The applicant has presented a Drainage Analysis for the project. Stormwater management and treatment are accomplished through the use of closed porous pavement, a raingarden, stone drip edges and an underground stormwater management gallery.

16.7.11.C.3.a. The applicant has requested a waiver of the minimum pipe size of 12". The only onsite drainage piping proposed is for roof leaders and underdrain pipes, not for stormwater conveyance pipes. We believe this waiver request is appropriate.

We have the following comment on the drainage analysis:

1. Were the assumed infiltration rates of 4"/hr under the rain garden, the stormwater management gallery, and the porous pavement confirmed in the field?
2. The analysis states that the model was based on extreme precipitation values for Kittery, but the table indicates it is for NH. We note that Portsmouth rainfall data is required to be used by 16.7.11.C.4.a.
3. Please provide the cited UNH Stormwater Center studies regarding the prorated Tc value.
4. The Tc path for Subcatchment 11 should be shown on the Post-Development Drainage Area Plan.
5. Ponds should be labeled on the Post-Development Drainage Area Plan.
6. Why are the analysis points modelled as reaches (2' x 0.25' deep parabolic channels) post construction?

### Stormwater Inspection and Maintenance Manual

1. Under porous pavement, major storms should be defined (1").
2. The frequency of porous pavement maintenance is specified (2-4 per year) but could be specifically listed (e.g. one per season, quarterly, etc.)
3. Stormwater is misspelled in "stormwater management galleries".
4. There should be a section on rain garden maintenance.
5. The Permit Coverage and Plans contains items that are not shown on the plans and there are items on the plans that are not in the table.

### E. Vehicular traffic

The applicant has provided a traffic generator summary for a business hotel but has not drawn any conclusions.

The site distances at the entrance should be provided.

#### H. Exterior lighting general requirements

The lighting plan appears to indicate glare beyond the property line on Wentworth Street from the inn on Lot 37. Alternative lighting should be considered to meet the ordinances.

We have the following comments on the plans:

##### Cover Sheet

1. Applicant is misspelled.
2. In the Sheet Index, landscape is misspelled.

##### Existing Conditions Plan

1. Note 1 has one of the addresses incorrectly listed as 28 Wentworth Street.

##### Site Preparation Plan

1. The dashed red line should be defined in the legend.
2. Are the steps and walk on Lot 37 to be removed? Please call this out on the plan.
3. The leader buried electric to be abandoned has a misspelling.
4. What are the details of abandoning the buried electric lines? Are they in conduit? Should this be cut and capped?
5. Verify that Kittery Water District wants the two old services cut and capped 2' beyond the property line and not at the property line or at the main.
6. Where are the existing sewer services located? What abandonment or demolition is planned for them?

##### Site Plan

1. The colored/shaded/hatched areas and linetypes should be defined.
2. There are several symbols on the plan that are not defined.
3. Note 7 should be amended to remove information not pertinent to the plan.
4. Lot 10 should be amended to read "Kittery Water District water".
5. We note that part of the new building on Lot 38 is located in the sewer easement and that the sewer department has allowed it.

##### Stormwater Management Plan

1. Amend Note 9 to remove the wetland reference.
2. Should the minimum length of the construction entrance be 50'?
3. What are the gray rectangles adjacent to the parking lot on the western side of the property? This should be called out.
4. The locations of the underdrain pipes in the porous pavement should be shown on the plans.
5. What are the inverts of the roof leaders and piping to the yard drain?
6. The elevations in the permeable paver table do not add up.
7. The rain garden should be called out on the plan.

##### Utility Plan

1. Amend "X" fire and "X" domestic" leader for service sizes.
2. Should there be two water main taps for each inn rather than the domestic service branching off of the fire service lines?
3. The sewer service for the inn on Lot 37 runs through the stormwater treatment gallery. This is not preferred. Is there an alternate location? Can the service come from Wentworth Street?

4. The sewer services should have cleanouts.

L-1:

1. There are trees and other plantings in the rain garden footprint. Does this area require special or limited plantings?

Detail Sheet C-8

1. What is the ground treatment above the stormwater management gallery? Loam and seed? This information should be shown on the detail.
2. Where is the 3" I.D. Low Profile CB/DMH located?
3. There should be details on the rain garden construction.
4. There should be a detail for the porous pavement maintenance sign.

Detail Sheet C-10

1. The Concrete Sidewalk detail references NHDOT specifications.
2. Details should be provided for the signs.

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

Very truly yours,  
CMA ENGINEERS, INC.

Jodie Bray Strickland, P.E.  
Project Manager

cc: Erice Weinrieb, Altus Engineering

SITE WALK MINUTES

27-29 Wentworth Street

9/19/23, 4:30 pm.

**PB members present:** Dutch Dunkelberger, Russell White, Earldean Wells, Bob Doyle, Ethan Bensley, Karen Kalmar, Steve Bellantone.

**Other attendees:** Altus engineering staff, Kittery planning dept staff, Winter Holben staff, and property owner.

Engineer Eric Weinreb gave a tour of the site and answered questions regarding elevation on the property, open space minimums, and landscaping plans.

Site walk adjourned at 4:56 pm.