

CMA ENGINEERS, INC. CIVIL | ENVIRONMENTAL | STRUCTURAL

35 Bow Street Portsmouth, New Hampshire 03801-3819

> P: 603|431|6196 www.cmaengineers.com

April 19, 2022

Adam Causey, AICP, Director of Planning and Development Town of Kittery 200 Rogers Road Kittery, Maine 03904

RE: Town of Kittery, Planning Board Services

523 US Route 1, Aroma Joe's Site Plan Review Application

Tax Map 66, Lot 26; Mixed Use (MU) Zone

CMA #591.139

Dear Adam:

CMA Engineers has received the following information for Assignment #139, review #3 of the Aroma Joe's Site Plan review comment responses, located at 523 US Route 1, Map 66 Lot 26 in the Mixed-Use Zone. Our previous comment letters were dated October 29, 2021, and April 5, 2022. Our April 5th letter was prepared in response to the applicant's March 9th letter. On April 15, 2022, we were forwarded the response letter below dated December 1, 2021, in apparent response to our previous two letters. (*We note that we had not previously received this information.*)

1) Site Plan Peer Review Comments response letter and associated documentation, prepared by Haley Ward, Inc. of Bangor, ME, dated December 1, 2021.

We have reviewed all response letters and supporting information submitted thus far 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. It is hoped that all remaining issues are summarized in this correspondence.

The proposed development includes a drive thru coffee shop, associated infrastructure including drainage, and associated driveway and parking. The facility would be served by the Kittery Sewer Department and the Kittery Water District. The most recent information submitted includes responses to CMA Engineers' comments from November 8, 2021, Kittery TRC comments, Maine Historic Preservation Commission comments, State of Maine Department of Inland Fisheries & Wildlife comments, State of Maine Department of Agriculture, Conservation and Forestry comments, site renderings, Town of Kittery Waiver Request and Proposed Site Plan revised 2021/12/01.

We have the following remaining comments:

Full plan set: The applicant has stated that several plan sheets (cover sheet, existing conditions) are not required for submission. Further, the applicant references a detail sheet that we have not received. We reiterate that a complete plan set should be submitted in accordance with 16.10.7.2. Separate existing conditions, utilities, and landscaping plans are generally provided for clarity in discerning necessary details. Several of our comments below relate to missing plan sheets.

16.8 Design and Performance Standards-Built Environment

Article IV Streets and Pedestrian ways/Sidewalks Site Design

16.8.4.13 Sidewalks

Discussion of sidewalk installation was part of the MDOT scoping meeting and consequently, the applicant has added a proposed sidewalk on site. Details of the sidewalk should be provided.

Article VI Water Supply

The plans should provide details for the water service (size, material, bedding, curb stop, etc.)

Article VII Sewage Disposal

We note that some of our previous comments may have been addressed, but the text is located under some landscaping features and cannot be read.

The applicant should indicate the size and material of the service.

The plans should provide details for the sewer service (size, material, bedding, etc.)

Article VIII. Surface Drainage

16.8.8.2 Post-Construction Stormwater Management

The O&M plan should be reviewed and clarified specifically meet address the compliance requirements of the Post-Construction Stormwater Management section, including submitting a certification of inspection to the Town Code Enforcement Officer by July 31^{st} . Please clarify.

The applicant states that a post-construction stormwater management plan is not required. If the applicant wishes to not provide an O&M plan, a waiver request would be necessary. We would likely not support the waiver request. There are stormwater management features on site, including a catch basin, piping and rip rap swale. The applicant should provide maintenance activities and a maintenance schedule for these features in accordance with the Ordinances.

Article XXIV. Exterior Lighting

An exterior lighting plan has been prepared for the proposed site plan and building. It appears that the maximum footcandles standard of 8 is exceeded in the drive thru (however the applicant lists the maximum footcandles as 2.9).

The applicant has stated that the drive-thru window needs additional illumination. This is a valid explanation, and the applicant should apply for a waiver.

Article III. Conservation of Wetlands Including Vernal Pools

16.9.3.1. The plan identifies wetlands. Site development and disturbance appears to avoid the setbacks associated with the wetlands however, the proper setbacks should be indicated on the plan.



The size of the wetland is not indicated but based on the setbacks shown it is assumed that it is larger than 1 acre in size. The applicant has shown the provided setbacks for the building (100' from a wetland > 1 acre) and the driveway (30' from a wetland > 1 acre) however, there are no parking area setbacks shown on the plans. The setback from a wetland greater than 1 acre for a 6-10 stall parking area without BMPs is 100', it appears that the southern-most parking area may be within the 100' setback. Please clarify.

Geotechnical Report Comments

The applicant engaged S.W. Cole to complete a geotechnical site assessment per comments from the Planning Board at the December 9th meeting. S.W. Cole completed seven borings on site. Two borings are representative of the building area while five borings are representative of the pavement/parking areas. The borings indicate areas of extensive unconsolidated fill materials of unknown origin, increasing in thickness from U.S. Route 1 towards the back of the site.

S.W. Cole has the following recommendations:

- Removing all fill from the area of the building so that foundations are placed on structural material.
- Fill beneath the pavement/parking areas could be removed to provide a stable base, or the owner
 would need to acknowledge and plan on the likely probability of periodic maintenance of
 pavement/parking areas.
- The existing steep slope on the southwest corner of the site be flattened to a maximum of 2:1.
- Utility trenches in fills should be constructed with mitigation of the fill materials.
- Pavement specifications are recommended in part to reflect fill materials.

The applicant should indicate how the project is proposed to be constructed in accordance with these recommendations. If the possibility of increased pavement maintenance remains, that should be noted on the plan and may be a condition of approval. If the existing steep slope is not flattened, the applicant should describe how it will be maintained.

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

Very truly yours,

CMA ENGINEERS, INC.

Jodie Bray Strickland, P.E.

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Senior Project Engineer

cc: Sean Thies, P.E., Haley Ward, Inc.





April 27, 2022

Town of Kittery
Attn: Adam Causey, Director of Planning and Development
200 Rogers Road
Kittery, Maine 03904
acausey@kitteryme.org

Re: Kittery Aroma Joes | Site Plan Peer Review Comments

Dear Mr. Causey:

Haley Ward, Inc. (Haley Ward) has prepared the following response to the review comments on the 523 US Route 1 Aroma Joes development, provided by Jodie Strickland (CMA Engineers) on April 19, 2022. The comments have been provided in bold italics, followed by our response.

1. Full plan set: The applicant has stated that several plan sheets (cover sheet, existing conditions) are not required for submission. Further, the applicant references a detail sheet that we have not received. We reiterate that a complete plan set should be submitted in accordance with 16.10.7.2. Separate existing conditions, utilities, and landscaping plans are generally provided for clarity in discerning necessary details. Several of our comments below relate to missing plan sheets.

The plan set has been updated per this request.

 Discussion of sidewalk installation was part of the MDOT scoping meeting and consequently, the applicant has added a proposed sidewalk on site. Details of the sidewalk should be provided.

A detail of the proposed sidewalk has been provided on the Detail Sheet.

3. The plans should provide details for the water service (size, material, bedding, curb stop, etc.)

A detail of the proposed service has been provided on the Detail Sheet.

Town of Kittery | 04.27.2022 | 13522.001 | Page 1





4. We note that some of our previous comments on wastewater disposal may have been addressed, but the text is located under some landscaping features and cannot be read.

The labels have been adjusted for clarity.

5. The applicant should indicate the size and material of the sewer service.

A detail of the proposed service has been provided on the Detail Sheet.

6. The plans should provide details for the sewer service (size, material, bedding, etc.)

A detail of the proposed service has been provided on the Detail Sheet.

7. The O&M plan should be reviewed and clarified specifically meet address the compliance requirements of the Post-Construction Stormwater Management section, including submitting a certification of inspection to the Town Code Enforcement Officer by July 31st. Please clarify.

This project does not propose to disturb 1 acre or greater, therefore, it is not required to have a Post Construction Stormwater Plan. Notes have been added to the site plan indicating what inspection and maintenance measures the owner will need to do following construction, but formal reporting is not required for a project of this size by the Ordinance.

8. The applicant states that a post-construction stormwater management plan is not required. If the applicant wishes to not provide an O&M plan, a waiver request would be necessary. We would likely not support the waiver request. There are stormwater management features on site, including a catch basin, piping, and rip rap swale. The applicant should provide maintenance activities and a maintenance schedule for these features in accordance with the Ordinances.

This project does not propose to disturb 1 acre or greater, therefore, it is not required to have a Post Construction Stormwater Plan. Since this is not required by the Ordinance, a waiver would not be required. We understand that this is a recommendation by the Peer Reviewer and as such, general maintenance activities to be performed after construction by the Contractor and on a regular basis by the Owner have been added as notes on the drawings. These maintenance activities are what would typically be included in an O&M plan.



9. An exterior lighting plan has been prepared for the proposed site plan and building. It appears that the maximum footcandles standard of 8 is exceeded in the drive thru (however the applicant lists the maximum footcandles as 2.9). The applicant has stated that the drive-thru window needs additional illumination. This is a valid explanation, and the applicant should apply for a waiver.

A waiver request form has been provided that includes this item.

10. The plan identifies wetlands. Site development and disturbance appears to avoid the setbacks associated with the wetlands however, the proper setbacks should be indicated on the plan.

These setbacks have been added to the plans.

11. The size of the wetland is not indicated but based on the setbacks shown it is assumed that it is larger than 1 acre in size. The applicant has shown the provided setbacks for the building (100' from a wetland > 1 acre) and the driveway (30' from a wetland > 1 acre) however, there are no parking area setbacks shown on the plans. The setback from a wetland greater than 1 acre for a 6-10 stall parking area without BMPs is 100', it appears that the southern-most parking area may be within the 100' setback. Please clarify.

The parking area on the south side of the building is approximately 120' away from the wetland; this setback has been added to the plan.

- 12. The applicant engaged S.W. Cole to complete a geotechnical site assessment per comments from the Planning Board at the December 9th meeting. S.W. Cole completed seven borings on site. Two borings are representative of the building area while five borings are representative of the pavement/parking areas. The borings indicate areas of extensive unconsolidated fill materials of unknown origin, increasing in thickness from U.S. Route 1 towards the back of the site. Cole has the following recommendations:
 - a. Removing all fill from the area of the building so that foundations are placed on structural material:
 - b. Fill beneath the pavement/parking areas could be removed to provide a stable base, or the owner would need to acknowledge and plan on the likely probability of periodic maintenance of pavement/parking areas;
 - c. The existing steep slope on the southwest corner of the site be flattened to a maximum of 2:1;
 - d. Utility trenches in fills should be constructed with mitigation of the fill materials; Pavement specifications are recommended in part to reflect fill materials.

The applicant should indicate how the project is proposed to be constructed in accordance with these recommendations. If the possibility of increased pavement maintenance remains, that should be noted on the plan and may be a condition

Town of Kittery | 04.27.22 | 13522.001 | Page 3



of approval. If the existing steep slope is not flattened, the applicant should describe how it will be maintained.

Existing fill will be removed and replaced in the locations of the proposed building and pavement and will be re-compacted to the necessary standards. Utility trenches will be backfilled with similar materials and compaction as adjacent materials to prevent differential settling and frost heaving. This information has been included as a note on the drawings.

The existing slope at the southwest corner of the site has been flattened as much as possible while avoiding encroachment on the adjacent wetland. This slope will also be stabilized with erosion control matting as shown on the drawings.

If you have any questions, please do not hesitate to contact the undersigned at (207) 989-4824 or sthies@haleyward.com.

Sincerely,

Haley Ward, Inc.

Sean Thies, PE

Senior Project Manager

SMT/cmg

WAIVER REQUESTS

Title 16.7.4.1:		In granting modifications or waivers, the Planning Board must require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or modified.		
	Ordinance Section	Describe why this request is being made.		
_	***EXAMPLE*** 16.32.560 (B)- OFFSTREET PARKING.	***EXAMPLE*** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.		
	16.8.4.5 - ACCESS CONTROL AND TRAFFIC IMPACTS	Requesting a waiver of this ordinance because the proposed site will be accessed from US Route 1 instead of Parsons Lane. Reasons for this design choice include: proximity of Parsons Lane to the adjacent business to the north which has a wide open curb cut with parking directly off of Route 1 would create an unsafe situation; the proposed entrance is directly across from another entrance on the opposite side of US Route 1, and; Parsons Lane is much lower than the site and would require too steep of an entrance. MaineDOT has approved the Traffic Movement Permit with the entrance as designed. We also understand that Parson's Lane is a school bus stop to pick up kids that live on that private drive. The addition of Aroma Joe's traffic onto Parson's Lane with school age pedestrian traffic would create safety concerns.		
	16.10.7.2 (H.1) - LIGHTING PLAN	Requesting a waiver of this ordinance because the proposed site will not meet the required illumination levels for roadway/ parking area. The standard is not met in the the drive-thru window area. It is necessary for these areas to have additional lighting in order for the customer to have the ability to collect their purchase and provide payment. The drive-thru lights are full cutoff to prevent any glare on adjacent properties, as demonstrated on the provided renderings. All other roadway/parking areas in the development are within the Kittery Lighting ordinance requirements.		
	KITTERY DESIGN HANDBOOK - FLAT ROOF	Requesting a waiver of this standard for the following reasons: - There is Mechanical equipment shielded from view on the flat roof section - The flat roof section is on the back side of the building - This is a specific "model" Aroma Joe's building that is used on most sites. Changes to the roof would require redesign and the need for space on the Site to locate Mechanical equipment.		

☐ ABUTTER NOTIFICATION

16.10.5.1.1. Preliminary Plan Application Filing and Completeness Review. The application must be accompanied by a Plan and the required fee together with a certification the applicant has notified abutters by mail of the filing of the Plan application for approval.

<u>Submitted Applications must include a list of the names and addresses of the abutters and date notification mailed.</u>

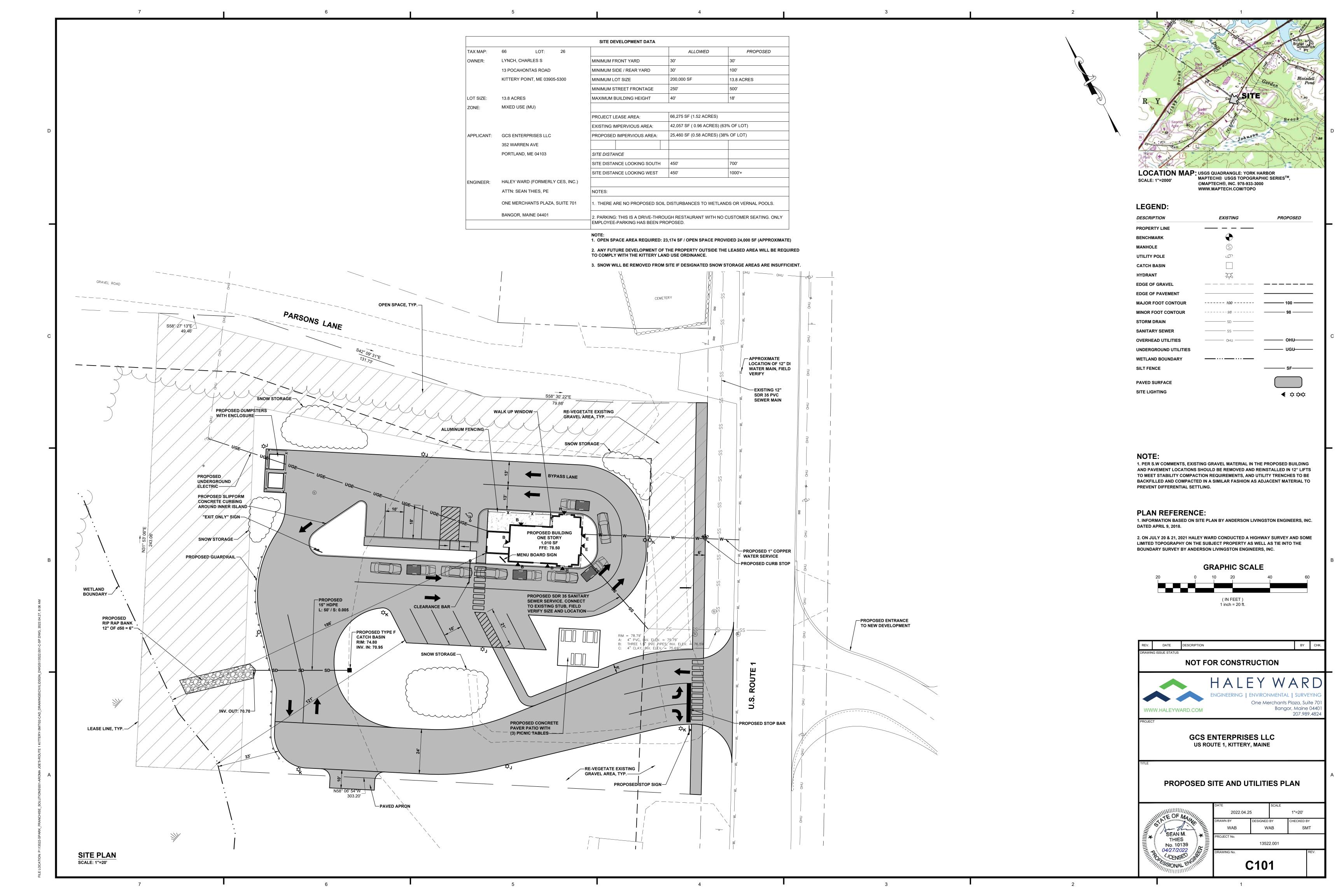
The abutter Notice of Filing must include the owner/applicant name, address and description of the proposed project.

Applications will not be accepted without submittal of all plan requirements as specified herein, and without a complete, signed application page (page 5).

Prior to the issuance of building permits, Applicants shall secure performance assurances and escrow agreements. Forms for Cost Estimates (escrow) are available on line (Excel format) or at the Kittery Planning office.

Updated: April 2013 Page 2 of 5

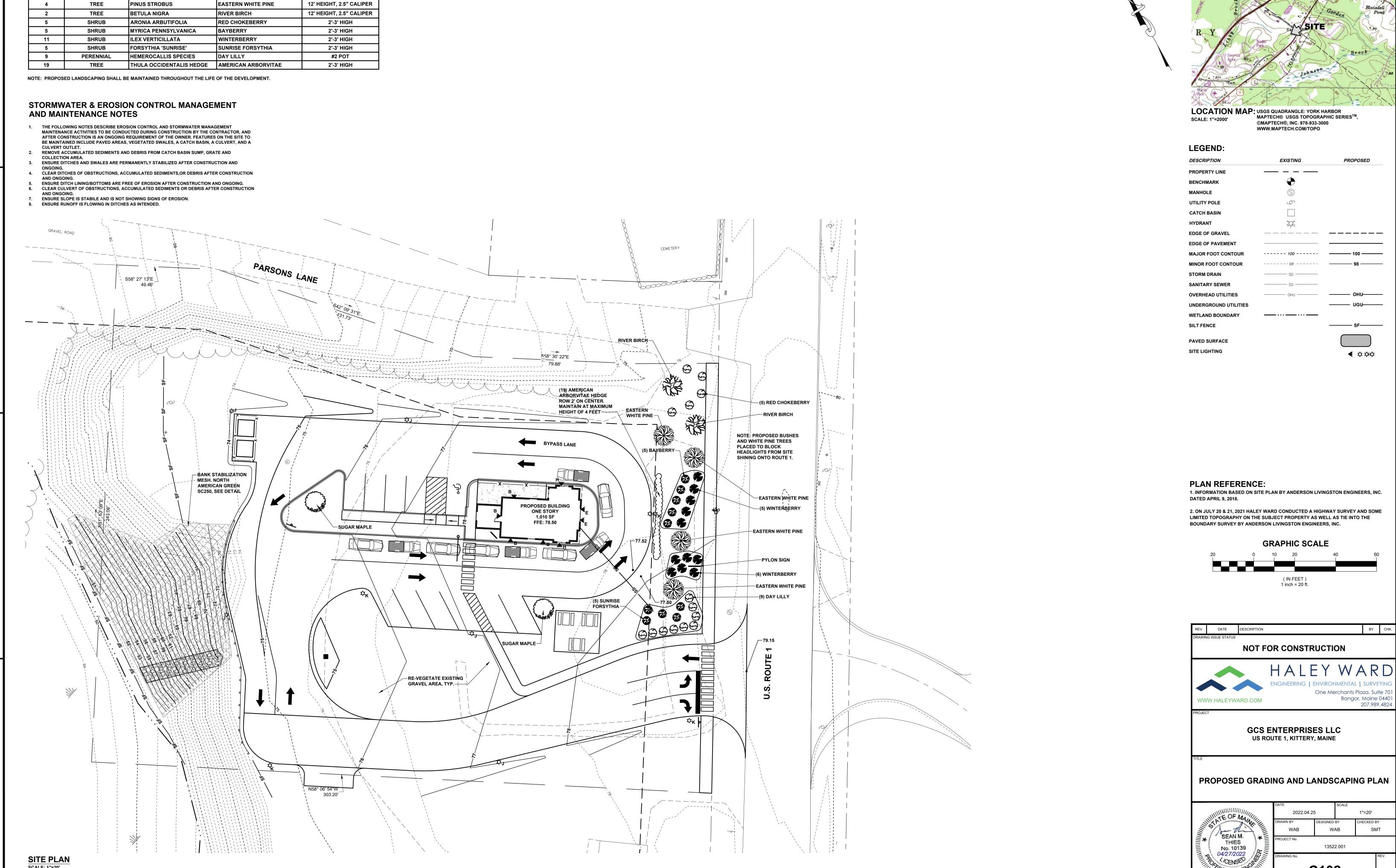




LANDSCAPING SCHEDULE

SITE PLAN SCALE: 1"=20'

QUANTITY	TYPE	SPECIES	COMMON NAME	SIZE
2	TREE	ACER SACCHARUM	SUGAR MAPLE	12' HEIGHT, 2.5" CALIPER
4	TREE	PINUS STROBUS	EASTERN WHITE PINE	12' HEIGHT, 2.5" CALIPER
2	TREE	BETULA NIGRA	RIVER BIRCH	12' HEIGHT, 2.5" CALIPER
5	SHRUB	ARONIA ARBUTIFOLIA	RED CHOKEBERRY	2'-3' HIGH
5	SHRUB	MYRICA PENNSYLVANICA	BAYBERRY	2'-3' HIGH
11	SHRUB	ILEX VERTICILLATA	WINTERBERRY	2'-3' HIGH
5	SHRUB	FORSYTHIA 'SUNRISE'	SUNRISE FORSYTHIA	2'-3' HIGH
9	PERENNIAL	HEMEROCALLIS SPECIES	DAY LILLY	#2 POT
19	TREE	THULA OCCIDENTALIS HEDGE	AMERICAN ARBORVITAE	2'-3' HIGH



BY CHK.

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