

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

**Town of Kittery
Planning Board Meeting
June 8, 2023**

ITEM 3 – 85 Route 1 Bypass – Hotel Site Plan – Sketch Plan Review

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

Proposal: Demolish the site of a previously existing hotel and redevelop the parcel with a new 107 room, 4-story hotel.

Location: 85 Route 1 Bypass, Map 7 Lot 26

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

Owner(s): Kamlesh Patel

Agent(s): Ian MacKinnon

PROCESS SUMMARY

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Acceptance/Approval	Scheduled for June 8, 2023 Meeting	Pending
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Site Visit		
YES	Public Hearing	Required for Preliminary Site Plan or Subdivision Approval	
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		
<p>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 REQUIRED

- Wetland delineation study.
- DOT Traffic movement pattern.
- State Fire Marshal NFPA #13 fire protection system approval
- DEP construction permitting and site review.

PROJECT INTRODUCTION

This is a conceptual review for a new 107-room hotel on the property of 85 Route 1, to be built within the former building footprint of a previously existing hotel. The property is between the US Route 1 bypass and Ranger Drive, near the Maine Turnpike, and is located squarely in the C3 zone. Although there are no identified shoreland overlay zones, wetlands have been identified on most of the parcel, and adjacent properties to the west of the proposed development site have been zoned for Conservation. The wetlands abut the current development to the north and east and are of a large enough size to trigger setbacks per

28 **§16.5.30.** The current parking lot’s proximity to abutting wetlands makes the property legally non-
 29 conforming.

30 A pre-existing outdoor swimming pool would be removed, and a parking lot containing 110 spaces would
 31 be provided. The proposed development would move paved parking further from the resource and plant a
 32 20’ vegetative buffer to create a dense thicket between the parking lot and the resource. The applicant
 33 provided the required conceptual plan and narrative information, with development review notes listed
 34 below.

35 **APPLICATION & PLAN REVIEW**

36
 37 Staff reviewed the submitted application and plan and have the following comments:

38 **16.4.21 C-3 ZONING DISTRICT REGULATIONS**

- 39 1. The proposal complies with dimensional standards. Building footprint on the sketch plan is not
 40 completely accurate, as it does not count the sq ft. of the covered parking structure at the entrance of
 41 the proposed hotel. Staff advised the developer to re-calculate this before the preliminary application,
 42 but the error does not put the property at risk of exceeding the 70% impervious surface maximum.
- 43 2. The plan proposes parking spaces of 18’ in length, which is below the 19’ requirement set in
 44 **§16.4.21.E.3.(a).**

45 **16.5.10 ESSENTIAL SERVICES**

- 46 1. Public water and sewer utilities are available to serve the proposed project. The applicant was advised
 47 to confirm current capacity with the Kittery Water District and Town wastewater department, as local
 48 water and wastewater facilities may require upgrades to enable the new development.
- 49 2. The sketch of the existing development notates a “possible sewer station” on the northeastern edge of
 50 the parking lot, which does not appear on the proposed plan. Staff suggest inquiring as to whether this
 51 possible station was built and why it was included in the existing plans.

52 **16.5.25 SPRINKLER SYSTEMS**

- 53 1. Automatic sprinkler systems are required in all areas of new hotel buildings. Staff advised the applicant
 54 this would be required under a covered parking structure at the entrance as well. Approval will be
 55 determined by the state fire marshal and require the NFPA #13 standard of design.

56 **16.5.27 STREETS**

- 57 1. Access to the site would be provided through the existing right of way on US Route 1 bypass. Staff
 58 advised the applicant to contact DOT regarding whether a traffic movement pattern would be required
 59 along the right of way.
- 60 2. The applicant is currently in talks with DOT to determine curb cut requirements. Staff advised the
 61 applicant to keep the town public works department informed of any updates.

62 **16.5.30 WETLAND SETBACKS**

- 63 1. The proposed building is outside of the 100-foot setback requirement for structures adjacent to
 64 significantly sized wetlands. By maintaining existing wetlands, the property will also meet open space
 65 requirements.
- 66 2. The existing paved parking lot is within the 75-foot setback requirement for parking surfaces. The
 67 proposed new parking lot would reduce non-conformity by moving the pavement away from the
 68 resource.
- 69 3. The applicant is in the process of a wetland delineation study and was advised to determine if the
 70 wetlands contain any ecosystems of special significance or potential vernal pool sites.

71 4. The plan notates an existing area of approximately 5.06 acres. Town assessor data shows the total is
72 closer to approximately 7 acres.

73 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**
74

75 After review, staff suggest moving to continue to allow the Board to consider the sketch plan. The sketch
76 plan appears to conform with the Town code, and the applicant is in the process of providing reports to
77 ensure protection of identified natural resources. The information currently provided appears sufficient to
78 allow the project to move forward.

79 **RECOMMENDED MOTIONS**

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

82 ***Motion to continue the application***

83 Move to continue review of the sketch plan by Ian McKinnon, for owner Kamlesh Patel, who proposes to
84 develop a new 107 room, 4-story hotel on a pre-existing site on the property located at the address of 85
85 Route 1 Bypass, Tax Map 7, Lot 26, in the Commercial-3 (C-3) zone.

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

87 Move to accept the sketch plan by Ian McKinnon, for owner Kamlesh Patel, who proposes to develop a
88 new 107 room, 4-story hotel on a pre-existing site on the property located at the address of 85 Route 1
89 Bypass, Tax Map 7, Lot 26, in the Commercial-3 (C-3) zone.

JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

May 4, 2023

Kittery Planning Board
Attn. Dutch Dunkleberger, Chairman
200 Rogers Road
Kittery, ME 03094

**RE: Site Sketch Plan Review Application
85 Route 1 Bypass, Kittery, Maine
Tax Map 7, Lot 26
JBE Project No. 19118.1**

Dear Mr. Dunkleberger,

Jones & Beach Engineers, Inc., on behalf of the applicant, Kamlesh Patel, respectfully submits a Site Sketch Plan Review Application for the parcel referenced above. The intent of this project is to show a proposed redevelopment of Kittery Tax Map 7, Lot 26. The existing hotel will be demolished and replaced with a new 107 room, 4-story hotel.

Fifteen (15) Copies of following is provided in support of this application:

1. Completed Site Sketch Plan Review Application.
2. Application Fee.
3. Letter of Authorization.
4. Current Deed.
5. Five (5) Full-Size Plan (24" x 36").
6. Ten (10) Half-Size Plan (11" x 17").

If you have any questions, please feel free to contact our office. Thank you for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.



Ian MacKinmon, P.E.
Associate / Project Manager

cc: Kamlesh Patel (application package & plan set via email)



TOWN OF KITTERY MAINE

TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1323

Fax: (207) 439-6806

www.kittery.org

APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

Application Fee:		<input checked="" type="checkbox"/> \$200.00		Amount Paid:\$		Date:		
PROPERTY DESCRIPTION	Parcel ID	Map	7	Zone(s)-Base:	Commercial-3		Total Land Area	9.5 acres
		Lot	26	Overlay:	Shoreland (unsure)		MS4	___ YES ___ NO
	Physical Address	85 Route 1 Bypass						
PROPERTY OWNER'S INFORMATION	Name	Kittery Motor Inn			Mailing Address	85 US ROUTE 1 BY-PASS KITTERY, ME 03904		
	Phone	207-807-1127						
	Fax							
	Email	kopatel@me.com						
APPLICANT'S AGENT INFORMATION	Name	Ian MacKinnon, P.E.			Name of Business	Jones & Beach Engineers, Inc.		
	Phone	603-772-4746			Mailing Address	PO Box 219 Stratham, NH 03885		
	Fax							
	Email	imackinnon@jonesandbeach.com						
PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>							
	Existing Land Use(s):							
	Hotel							
	Proposed Land Use(s) and Development:							
	The intent of this project is to show a proposed redevelopment of Kittery Tax Map 7, Lot 26. The existing hotel will be demolished and replaced with a new 107 room, 4-story hotel.							
	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)							
	Approximately half of the parcel is covered by a wetland that receives runoff from Route 1 and surrounding lots & roadways. Runoff from Route 1 reaches the wetland via an intermittent stream channel. The existing hotel site impacts both the 100' wetland building setback and the 75' wetland parking setback. The proposed redevelopment would still impact those setbacks but propose additional buffer vegetation and stormwater treatment.							
I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the Plan submitted without notifying the Town Planning and Development Department of any changes.								
Applicant's Signature:				Owner's Signature:				
Date:	5/4/23			Date:	5/4/23			

w/ Authorization

w/ Authorization

MINIMUM PLAN SUBMITTAL REQUIREMENTS

- 15 Copies of this Application, Vicinity Map, and the Sketch Plan - 5 of which must be 24"X 36"**

Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

- Under 10 acres: no greater than 1" = 30'
 10 + acres: 1" = 50'

C) Title Block

- Applicant's name and address
 Name of preparer of plan with professional information
 Parcel's Kittery tax map identification (map – lot) in bottom right corner

NOTE TO APPLICANT: PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

Vicinity Map – map or aerial photo showing 1,000 feet around the site.

Sketch Plan must include the following existing and proposed information:

Existing:

- Land Use Zone and boundary
- Topographic map (optional)
- Wetlands and flood plains
- Water bodies and water courses
- Parcel area
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

Proposed: (Plan must show the lightened existing topography under the proposed plan for comparison.)

- Recreation areas and open space
- Number of lots and lot areas
- Setback lines and building envelopes
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

Distance to:

- Nearest driveways and intersections
- Nearest fire hydrant
- Nearest significant water body

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

Letter of Authorization

I, Kamlesh Patel, 2 Georges Road, Kittery, ME 03904, owner/developer of property located in Kittery, ME, known as Tax Map 7, Lot 26, do hereby authorize Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH, to act on my behalf concerning the previously-mentioned property. The parcel is located on 85 US Route 1 in Kittery, ME.

I hereby appoint Jones & Beach Engineers, Inc., as my agent to act on my behalf in the review process, to include any required signatures.

 _____	<i>Rohit Patel</i> _____	<u>5/3/2023</u>
Witness	Kamlesh Patel	Date



Gryzmish Kittery Corporation, a duly organized Maine corporation with a place of business at Route #1 Bypass, Kittery, Maine 03904, and whose mailing address is 7529 Gibraltar Street, Carlsbad, CA 92008, for consideration paid, grant S to

Kittery Motor Inn, Inc. of U.S. Route 1 By-Pass, Kittery, Maine 03904 with Warranty Covenants the land in Kittery, York County, State of Maine.

Certain real property with the buildings thereon, commonly known as the Kittery Motor Inn and located on U.S. Route 1 By-Pass - South in Kittery, Maine and also known as Map 7, Lot 26 on the Town of Kittery property map, said real property being more particularly described as follows:

See attached Schedule A

MAINE REAL ESTATE TRANSFER TAX PAID

Witness my hand and seal this 17th day of May 19 94

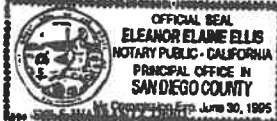
GRYZMISH KITTERY CORP

by: Benjamin Schulman, President

The State of California ss. May 17, 1994

Then personally appeared the above named Benjamin Schulman, in his capacity as President of the grantor

and acknowledged the foregoing instrument to be his free act and deed,



Before me, Eleanor Elaine Ellis, Justice of the Peace - Attorney at Law - Notary Public

SCHEDULE A

Beginning on the northwesterly side of the Maine-New Hampshire Interstate Bridge Authority Highway, so-called at a point now or formerly marked by a concrete post, which point was a corner of the Gotham Farm, so-called, and which point was the most easterly corner on said highway of the premises conveyed to Valle's Steak House, Kittery, Maine, by deed of Donald D. Valle, dated February 7, 1955, and recorded in the York County Registry of Deeds in Book 1285, Page 68; thence N 40° W by the line of the old Gotham Farm, so-called, 200 feet, more or less, to a stake; thence N 56° 15' E 103.5 feet to a pile of stones; thence N 34° 15' feet west by the land now or formerly of Langton 471.27 feet to an angle in a stone wall; thence S 84° 45' west 170 feet to a stone marker; thence S 53° 15' W by Langton land 458.2 feet to a corner of a stone wall; thence S 38° E 270.3 feet to a corner of a stone wall; thence continuing on approximately the same course as the last course described in a southeasterly direction on a straight line along the northeasterly edge of the paved parking area which formerly served the restaurants known as Valle's Steak House and Villa Artista to a point on the northwesterly sideline of said highway which is 490 feet, more or less measured southwesterly thereon from the point of beginning; thence by said northwesterly side of said highway 490 feet, more or less to the point of beginning.

Together with a right of way from Route 103, so-called, to the premises herein conveyed, said right of way to extend along the abandoned railroad right of way as described in the deed recorded in the York County Registry of Deeds in Book 1280, Page 210; thence over a strip of land 40 feet wide which is the most northwesterly portion of the present paved area serving the restaurants referenced above on the premises adjacent to the premises herein conveyed to a point which is 120 feet, more or less, from the premises herein conveyed; thence in a general northerly direction to the premises herein conveyed; provided, however, that all future costs of repair, maintenance and replacement of said right of way shall be equally borne by DDV Realty Company (the owner of the former Valle's Steak House) and the grantee, their respective successors and assigns, except that portion within 120 feet of the premises herein conveyed which shall be maintained solely by the grantee, its successors and assigns.

Meaning and intending to convey the same premises conveyed to Reuben B. Gryzmish by deed of DDV Realty Co. dated August 30, 1957 and recorded in the York County Registry of Deeds at Book 1355, Page 555.

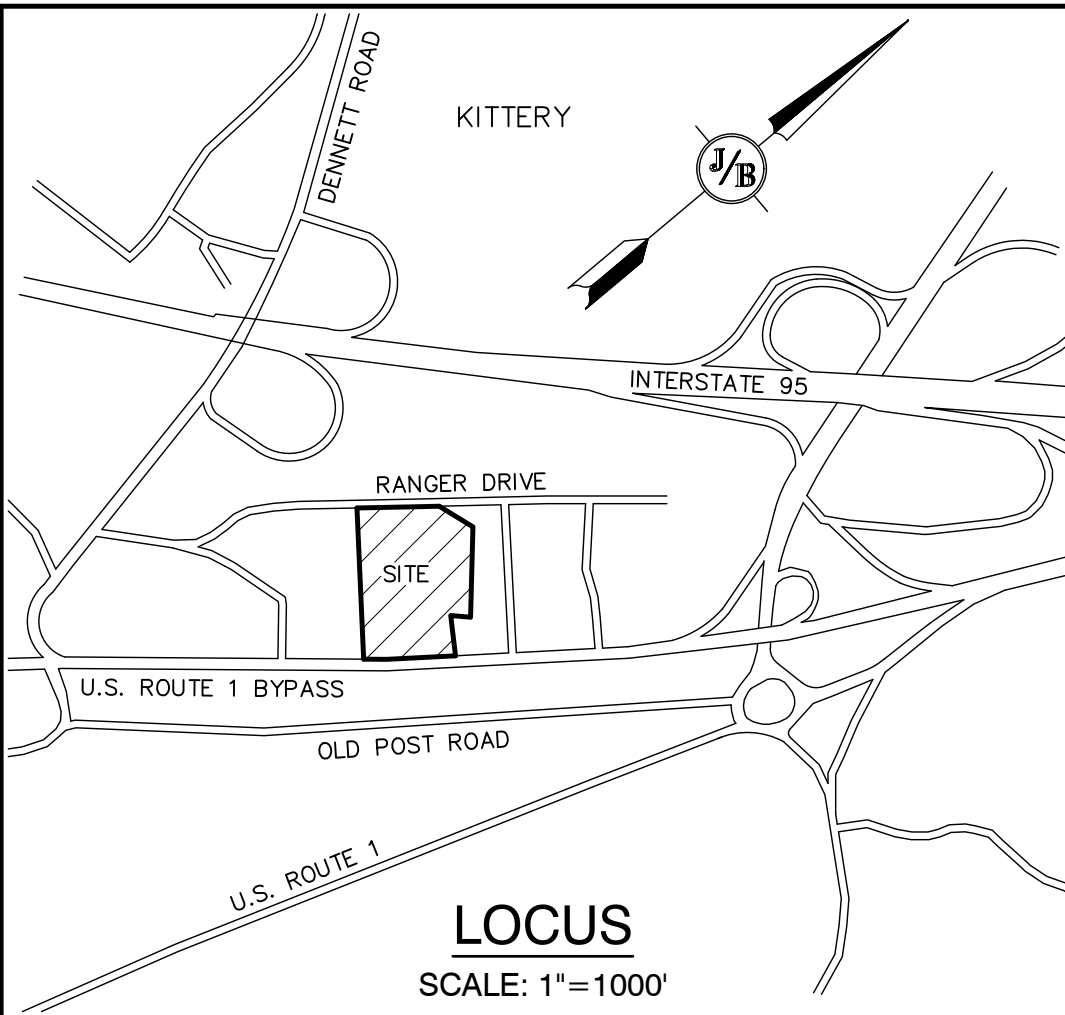
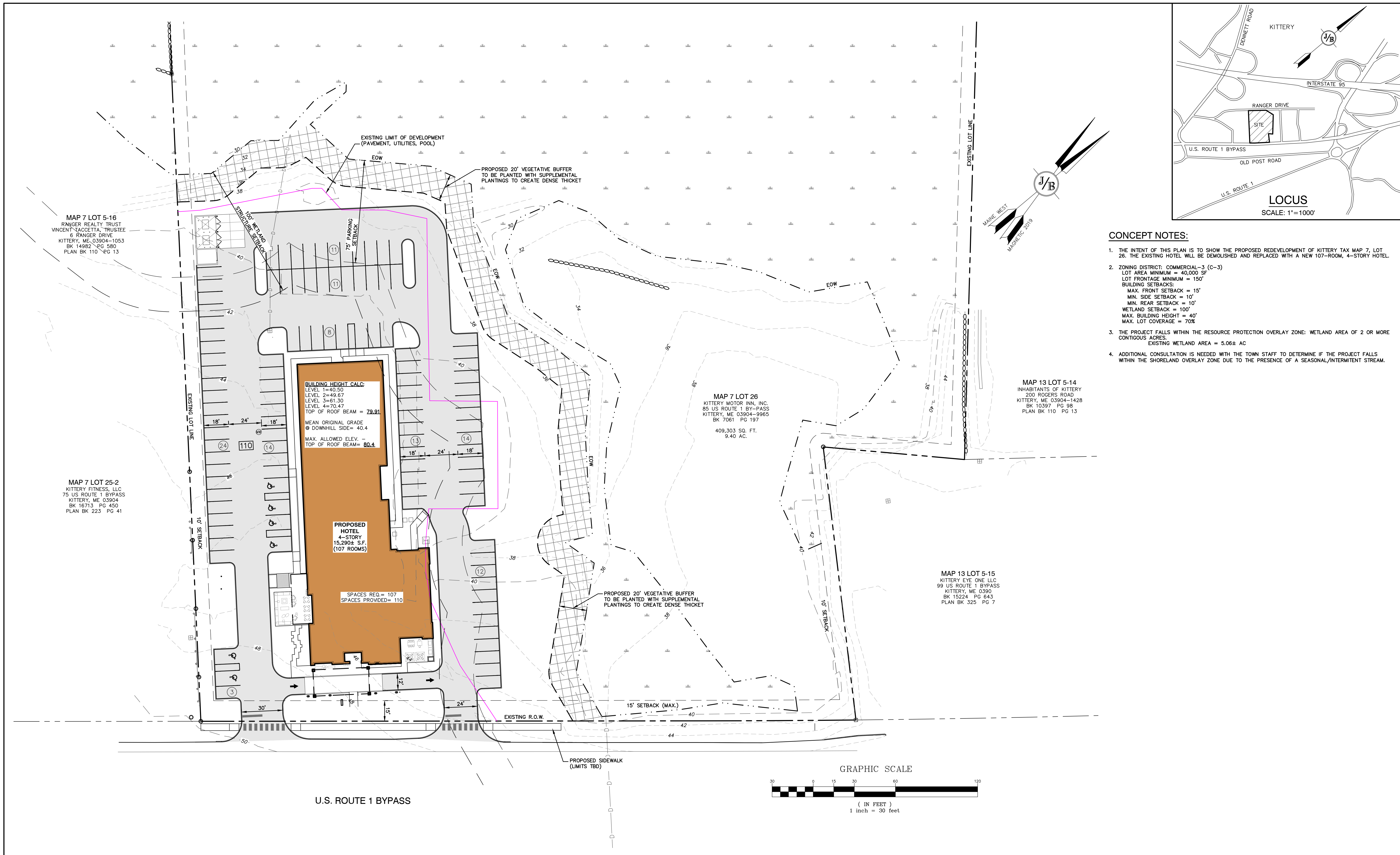
Together with a right of way in common with DDV Realty Company, its successors and assigns, over and across the premises of said DDV Realty Company situated in Kittery in the County of York and State of Maine and lying between the east side of the Maine-New Hampshire Interstate Bridge Authority Highway and the Old Post Road, so-called, said premises being described in the deed recorded in the York County Registry of Deeds in Book 1262, Page 542; said right of way to be suitable for vehicular traffic and to be in its present location or at an equivalent location to permit vehicular traffic to reach the premises of the grantee on the west side of said highway by using said right of way, said Old Post Road, Route 103, so-called, and a certain other private right of way herein also conveyed by the grantor to the grantee; meaning and intending hereby to grant a right of way which was formerly used by patrons of the restaurants referenced above on the adjacent property. Also a right in common with the DDV Realty Company, its successors and assigns, to use the two exiting signs on its premises which designate the right of way thereon above referred to or any replacement signs in the same approximate locations; all future costs of repair, maintenance or replacement of said signs shall be borne equally by the DDV Realty Company and the grantee, their respective successors and assigns. Being the same rights conveyed by deed of DDV Realty Co. to Reuben Gryzmish dated August 30, 1957 and recorded in the York County Registry of Deeds at Book 1352, Page 333.

See also the deed of Reuben B. Gryzmish to Gryzmish Kittery Corp. dated September 4, 1958 and recorded on September 23, 1964 at Book 1609, Page 031.

RECEIVED YORK S.S.

94 MAY 27 PH 1:09

ATTEST: *Anne M. Stone*
REGISTER OF DEEDS



- CONCEPT NOTES:**
1. THE INTENT OF THIS PLAN IS TO SHOW THE PROPOSED REDEVELOPMENT OF KITTERY TAX MAP 7, LOT 26. THE EXISTING HOTEL WILL BE DEMOLISHED AND REPLACED WITH A NEW 107-ROOM, 4-STORY HOTEL.
 2. ZONING DISTRICT: COMMERCIAL-3 (C-3)
 LOT AREA MINIMUM = 40,000 SF
 LOT FRONTAGE MINIMUM = 150'
 BUILDING SETBACKS:
 MAX. FRONT SETBACK = 15'
 MIN. SIDE SETBACK = 10'
 MIN. REAR SETBACK = 10'
 WETLAND SETBACK = 100'
 MAX. BUILDING HEIGHT = 40'
 MAX. LOT COVERAGE = 70%
 3. THE PROJECT FALLS WITHIN THE RESOURCE PROTECTION OVERLAY ZONE: WETLAND AREA OF 2 OR MORE CONTIGUOUS ACRES.
 EXISTING WETLAND AREA = 5.06± AC
 4. ADDITIONAL CONSULTATION IS NEEDED WITH THE TOWN STAFF TO DETERMINE IF THE PROJECT FALLS WITHIN THE SHORELAND OVERLAY ZONE DUE TO THE PRESENCE OF A SEASONAL/INTERMITTENT STREAM.

Design: ISM	Draft: GDR	Date: 4/4/23
Checked: WGM	Scale: AS NOTED	Project No.: 19118.1
Drawing Name: 19118.1-CONCEPT 10.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
0	4/5/23	ISSUED FOR REVIEW	ISM

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.
Civil Engineering Services

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

603-772-4746
 FAX: 603-772-0227
 E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	CONCEPTUAL SITE PLAN
Project:	HOTEL REDEVELOPMENT 85 ROUTE 1 BYPASS, KITTERY, MAINE
Owner of Record:	KITTERY MOTOR INN, INC. 85 ROUTE 1 BYPASS, KITTERY, MAINE

DRAWING No.	CP10
SHEET 1 OF 1 JBE PROJECT NO. 19118.1	