

**Town of Kittery
Planning Board Meeting
September 14, 2023**

ITEM 5 – 9 Village Green Drive –Site Plan– Sketch Review

Action: Accept concept design or continue review: Erik Saari, on behalf of owner/applicant MWC Holdings LLC, is proposing to develop a 5-unit housing complex, 4 of which will be mixed-use, on the property of 9 Village Green Drive, Map 8 Lot 41 A-1, in the Business Local (B-L) Zone.

PROCESS SUMMARY

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Acceptance/Approval	Scheduled for 9/14/23 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 style="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. 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.</p>			

OTHER PERMITS AND REQUIREMENTS

- Delineation of wetland and protected stream.
- DEP construction permitting and site review.
- State Fire Marshal NFPA #13 fire protection system approval.
- Civil agreement with owners of private road

PROJECT INTRODUCTION

This is a conceptual review for a series of mixed-use developments on the property of 9 Village Green, a 1.64-acre corner lot in the Business-Local Zone intersecting Village Green Road and State Road. An MDEP protected stream and contiguous wetland cross the northern portion of the lot. Currently one fully approved single-family residential unit and driveway are being constructed on the property.

The plan proposes a new private street, separate from the driveway of the existing building, servicing four new mixed-use buildings. Each unit would share the same dimensions and square footage, with commercial space for offices or professional service businesses on the first floor, and one residential dwelling on the above floors.

28 The applicant provided the required conceptual plan and narrative information and is requesting a
29 modification (discussed below) on the maximum allowable longitudinal street gradient. Staff advise
30 discussing prospective phasing during this meeting.

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32 **APPLICATION & PLAN REVIEW**

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34 Staff reviewed the submitted application and plan and have the following comments:

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36 **16.4.17 B-L ZONING DISTRICT REGULATIONS**

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1. The plan does not list proposed building heights or number of stories.
2. Open space designation is missing from the sketch plan, but it appears to meet open space requirements.
3. Per the definition in §16.3, 9 Village Green Road is a corner lot. Because access is provided through Village Green Road, the property is deemed to front Village Green Road and have a side yard to State Road. The plan should notate a side yard setback along State Road (which the proposal meets).
4. The applicant is proposing to drain stormwater into the wetland on the property. §16.4.17.C.(1).(m), requires all stormwater in the Business-Local zone be managed and retained on-site. Any drainage into existing wetlands must also follow DEP best management practices.
5. Subdivisions are not permitted in the B-L zone. Per the classification of projects in §16.7.5.A.(2).(c), this is considered a major site plan, because the proposed developments are mixed-use..

48 **16.5.10 ESSENTIAL SERVICES**

1. The existing conditions plan shows the lot currently has access to water, sewer, and electric utilities.

51 **16.5.18 NET RESIDENTIAL ACREAGE**

1. Because the property is considered a corner lot, net residential acreage calculations on the plan are incorrect. Per §16.4.17.D.(1).(a).[2].[a], because the property does not have frontage to State Road, the minimum land area per dwelling unit is 3,000 sq ft. rather than 2,500 sq. ft. When accounting for this, the property appears to have enough square footage for 9 dwellings, meaning the standard still appears to be met.
 - a. The applicant was made aware that net residential acreage calculations would have to be revised again once the soil survey is completed to account for any poorly drained soils. A soil survey is not a requirement for a site plan at the sketch level.

61 **16.5.25 SPRINKLER SYSTEMS**

1. The proposed buildings do not appear to meet requirements for a fully automated sprinkler system. If the applicant does not add sprinklers, the building design must meet a minimum of a 2-hour fire rating. Approval will be determined by the state fire marshal and require the NFPA 13 standard of design.

66 **16.5.27 STREETS**

1. The proposed right-of-way appears to meet the requirements of a Class I private street except for longitudinal street gradient. The maximum gradient allowed is 10%. Due to the steep slope of the lot, the applicant is requesting a modification to allow a gradient of approximately 20%. To compensate, the applicant is proposing an underground radiant heat system to melt snow and ice during inclement weather. A substation to power these heating systems would be installed on the property.
 - a. When asked, Fire staff said they would look for connection to emergency power services, and for an independent contractor to perform annual inspection on the maintenance of the substation.

- 75 b. Any gradient of 15% and above is considered steep slope for a road. If this modification is
76 granted, staff believe drainage of the ROW would pose a challenge to the planned development.
77 2. Fire staff have requested the plan make sure the T on the proposed right of way have enough room for
78 emergency vehicles to turn in.
79 a. The snow storage plan indicates snow will be stored at the edges of paved areas. Staff request
80 the plan specify snow will not be stored in the hammerhead area, to ensure emergency vehicles
81 have access in the winter.
82 3. Per the street design standards table in §16.8, a 5-foot sidewalk is required on any Class I or Class II
83 private street. Staff suggest a sidewalk would better serve residents if it were along the frontage of the
84 lot bordering Village Green and connecting to Route 1, rather than along the private ROW.
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86 **16.5.30 WETLAND SETBACKS**

- 87 1. All proposed buildings appear to be out of the 100-foot wetland setback. Staff suggest moving unit 4
88 closer to the proposed right-of-way, as it directly abuts the setback edge; any rear yard for unit 4 would
89 be within the wetland buffer.
90 2. A full delineation will be required at the preliminary site plan stage. Because it is greater than 1 acre
91 and contains an MDEP protected stream, this delineation must notate whether the wetland is considered
92 one of special or state significance.
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94 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

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96 The sketch plan review is an opportunity to consider a concept, ask and answer questions, and **make**
97 **specific suggestions** to the applicant. Staff suggest the planning board advise the applicant whether they
98 would be willing to entertain the requested street gradient modification and determine whether the
99 information currently provided is sufficient for sketch plan acceptance.

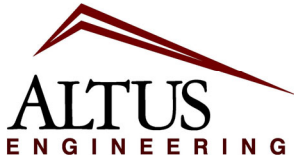
100
101 **RECOMMENDED MOTIONS**

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

104 Move to accept the sketch plan by Erik Saari, on behalf of owner/applicant MWC Holdings LLC, proposing
105 to develop a 5-unit housing complex, 4 of which will be mixed-use, on the property of 9 Village Green
106 Drive, Map 8 Lot 41 A-1, in the Business Local (B-L) Zone.

107
108 ***Motion to continue the application***

109 Move to continue review of the sketch plan by Erik Saari, on behalf of owner/applicant MWC Holdings
110 LLC, proposing to develop a 5-unit housing complex, 4 of which will be mixed-use, on the property of 9
111 Village Green Drive, Map 8 Lot 41 A-1, in the Business Local (B-L) Zone.



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

August 10, 2023

Kittery Planning Board
200 Rogers Road
Kittery, Maine 03904

**Re: Sketch Plan Consultation
Village Green Estates
Assessor's Map 8, Lot 41A-1
9 Village Green Drive
Kittery, Maine
Altus Project No. 5463**

Dear Members of the Board,

On behalf of the Applicant, MWC Property Holdings, LLC, Altus Engineering respectfully submits a request for a sketch plan consultation with the Planning Board on the above referenced project. Located at the corner of Village Green Drive and State Road, the 1.64-acre site is zoned B-L and is host to a residential building currently under construction. The remainder of the site is characterized by woodland with an area of wetland associated with a stream on the property's northern edge. The plan contemplates a total of four new mixed-use residential/office buildings for a total of five housing units, four of which will be accessed by a new private right of way off Village Green Drive. The property is presently served by Town water and sewer and no new public infrastructure will be required. We anticipate that the project will require a waiver of Section 16.8, Attachment 1, Table 1 to allow the private way to have a slope in excess of the maximum permitted. In order to ensure safe year-round access, the Applicant is considering a radiant heat system in the steeper sections of the way. Preliminary discussions with the Fire Department indicate that this will likely be acceptable to them with this mitigation measure.

We hope to entertain the Board's input on the project at the next available hearing. Please reach out to me if you have any questions or need additional information.

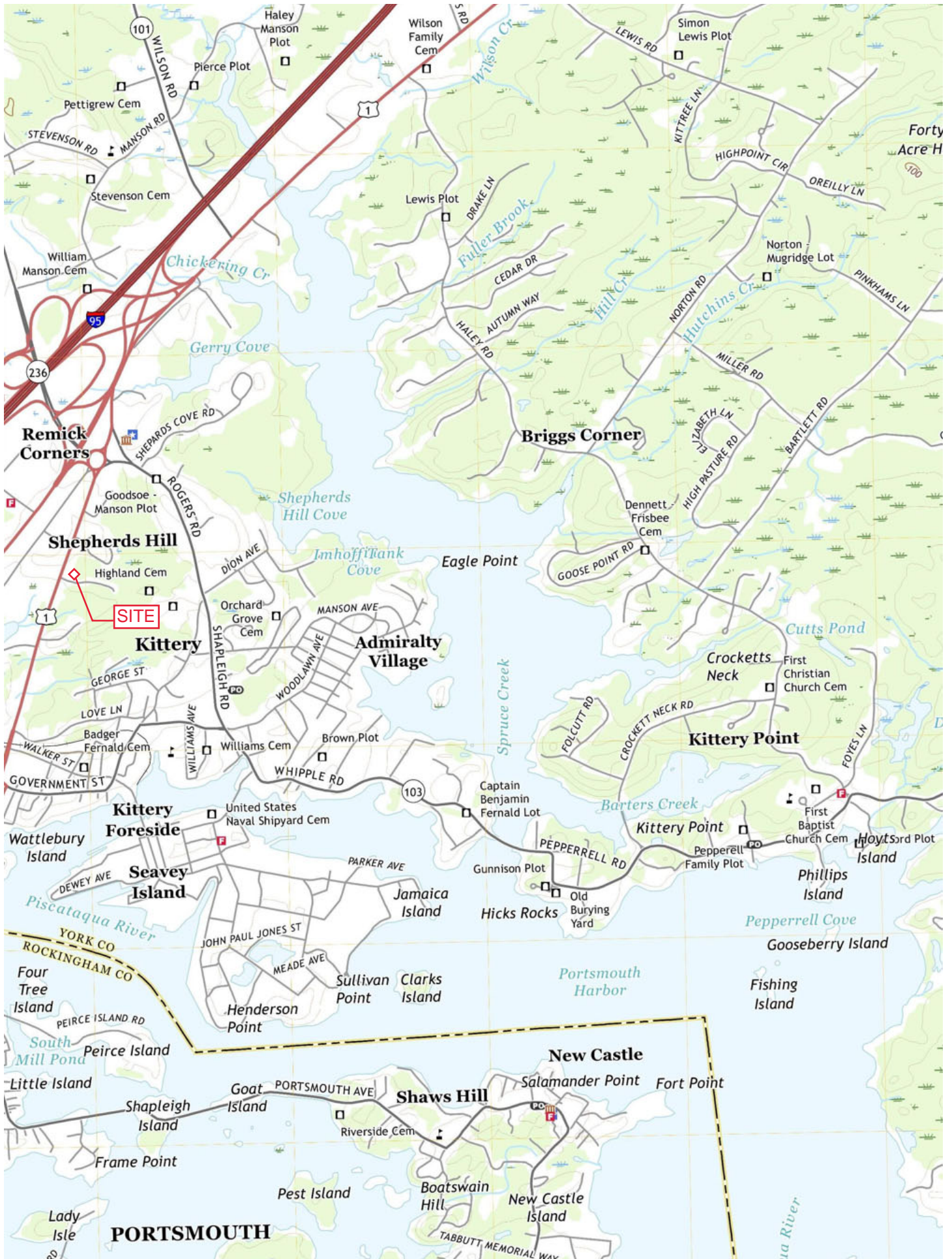
Sincerely,
ALTUS ENGINEERING

A handwritten signature in red ink, appearing to read "Erik B. Saari", is written over a faint, dashed rectangular box.

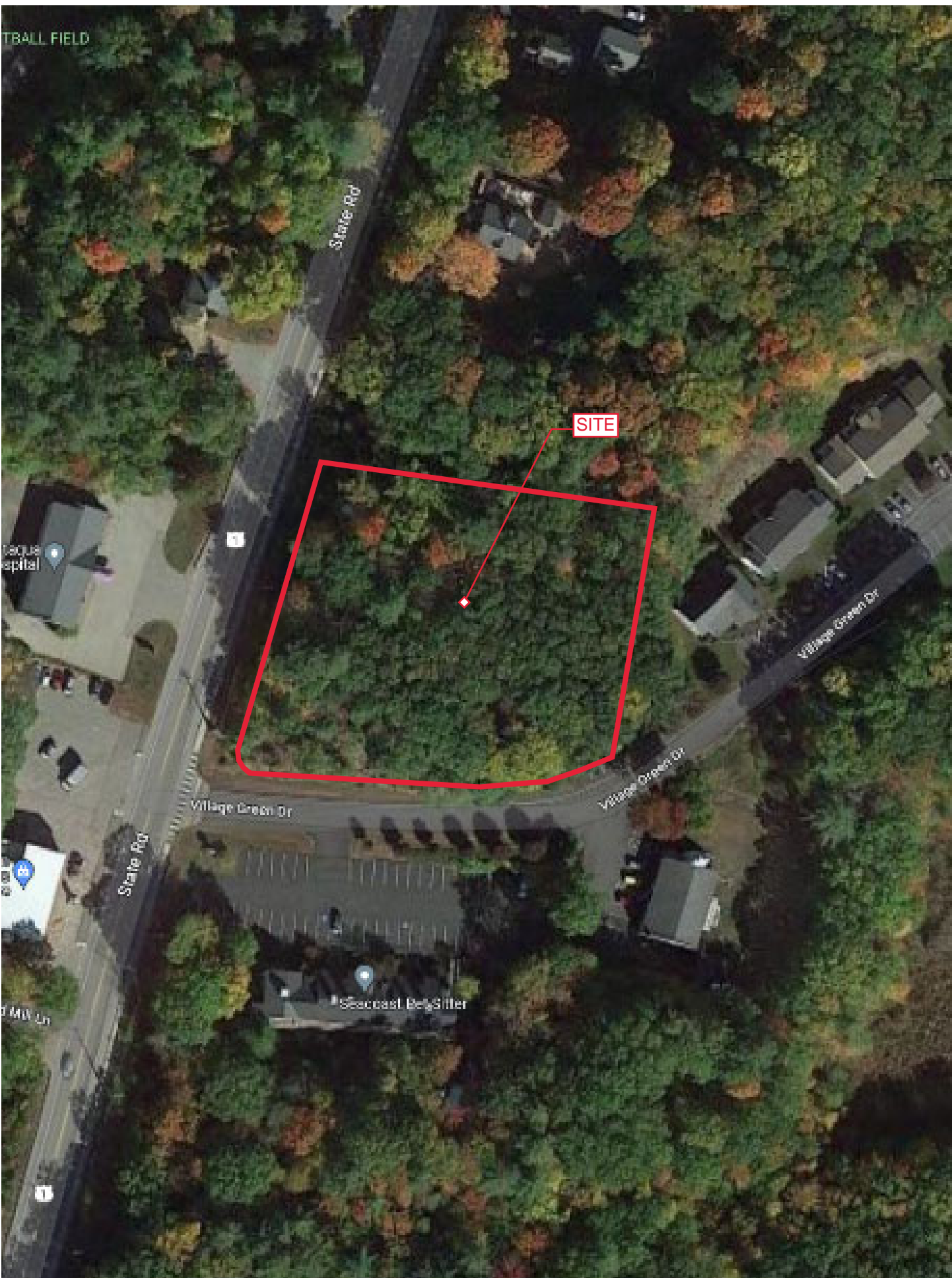
Erik B. Saari
Vice President

ebs/5463.01-APP-Sketch-CovLtr-081023

Enclosures



SOFTBALL FIELD



SITE

Seaside Hospital

State Rd

Village Green Dr

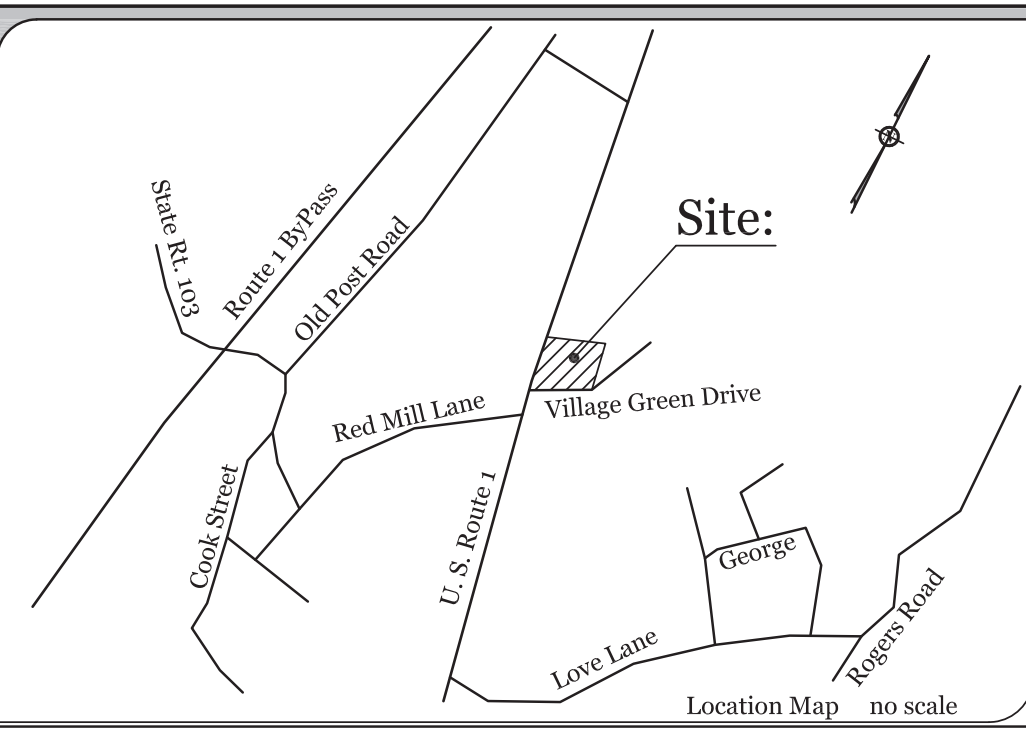
Village Green Dr

Village Green Dr

State Rd

Seacoast Big Box Store

State Rd

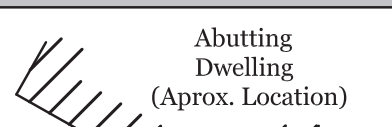


Site:

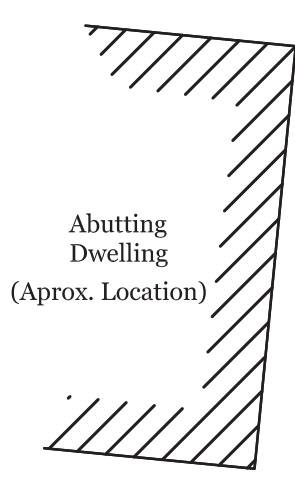
Location Map no scale

Magnetic North 1972
Per Plan References

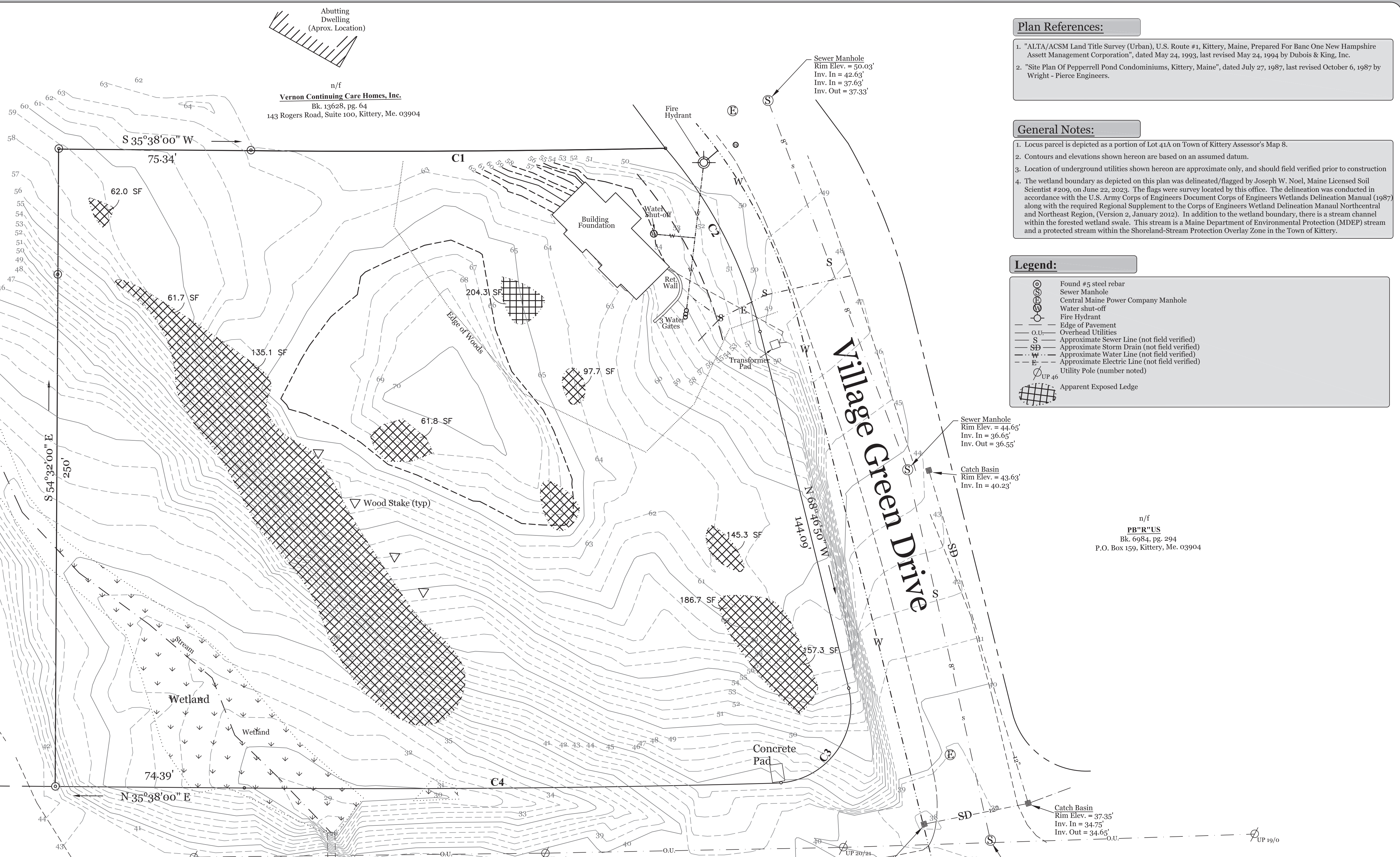
n/f
Kurt T. May & Jane E. Sprague
Bk. 14841, pg. 622
110 State Road, Kittery, Me. 03904



n/f
Vernon Continuing Care Homes, Inc.
Bk. 13628, pg. 64
143 Rogers Road, Suite 100, Kittery, Me. 03904



(Approx. Location)
Driveway



- Plan References:**
- "ALTA/ACSM Land Title Survey (Urban), U.S. Route #1, Kittery, Maine, Prepared For Bane One New Hampshire Asset Management Corporation", dated May 24, 1993, last revised May 24, 1994 by Dubois & King, Inc.
 - "Site Plan Of Pepperrell Pond Condominiums, Kittery, Maine", dated July 27, 1987, last revised October 6, 1987 by Wright - Pierce Engineers.

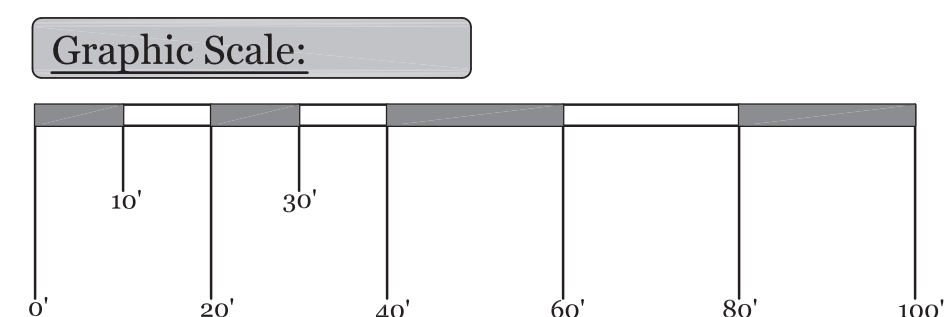
- General Notes:**
- Locus parcel is depicted as a portion of Lot 41A on Town of Kittery Assessor's Map 8.
 - Contours and elevations shown hereon are based on an assumed datum.
 - Location of underground utilities shown hereon are approximate only, and should field verified prior to construction
 - The wetland boundary as depicted on this plan was delineated/flagged by Joseph W. Noel, Maine Licensed Soil Scientist #209, on June 22, 2023. The flags were survey located by this office. The delineation was conducted in accordance with the U.S. Army Corps of Engineers Document Corps of Engineers Wetlands Delineation Manual (1987) along with the required Regional Supplement to the Corps of Engineers Wetland Delineation Manual Northcentral and Northeast Region, (Version 2, January 2012). In addition to the wetland boundary, there is a stream channel within the forested wetland swale. This stream is a Maine Department of Environmental Protection (MDEP) stream and a protected stream within the Shoreland-Stream Protection Overlay Zone in the Town of Kittery.

- Legend:**
- Found #5 steel rebar
 - Sewer Manhole
 - Central Maine Power Company Manhole
 - Water shut-off
 - Fire Hydrant
 - Edge of Pavement
 - O.U. - Overhead Utilities
 - S - Approximate Sewer Line (not field verified)
 - SD - Approximate Storm Drain (not field verified)
 - W - Approximate Water Line (not field verified)
 - E - Approximate Electric Line (not field verified)
 - Utility Pole (number noted)
 - UP 46
 - Apparent Exposed Ledge

n/f
PB'R'US
Bk. 6984, pg. 294
P.O. Box 159, Kittery, Me. 03904

Curve Table:

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5429.65'	162.6'	162.59'	S 34°49'30" W	1°42'57"
C2	175'	81.73'	80.99'	S 82°09'35" E	26°45'32"
C3	30'	53.6'	46.75'	S 17°36'00" E	102°22'07"
C4	5679.65'	208.49'	208.48'	S 34°38'00" W	2°06'12"



n/f
Pasta Pelli, LLC
Bk. 5456, pg. 55
51 Tilton Avenue, Kittery, Me. 03904

n/f
Michael T. Schafer & Frank T. Marchell
Bk. 7020, pg. 250
103 State Road, Kittery, Me. 03904

n/f
Andrew S. Chick
Bk. 15340, pg. 99
318 River Road, Eliot, Me 03903

SHEET 1 	No. REVISION 1 Added abutting buildings scanned from aerial photography 12/16/2016 2 Added location map, and abutting owners and addresses. 5/8/2017 3 Added exposed ledge 6/13/2017 4 Changed title block 7/17/2017 5 Removed "preliminary" 1/3/2018 6 Added sq.ft. of apparent exposed edge areas, outside of >20% slope 5/22/2018	PREPARED FOR: CHRISTOPHER BAUDO 4 U.S. ROUTE 1 YORK, MAINE 03909	PREPARED BY: MIDDLE BRANCH, LLC PROFESSIONAL LAND SURVEYORS 1A DEPOT STREET, P.O. BOX 618 ALFRED, MAINE 04002-0618 TEL (207)324-8712 FAX (207)324-6100	EXISTING CONDITIONS PLAN TAX MAP 8-41A
	Job No. 2161647 Dwg. No. 2161647R6	Drawn By: BRL Book No.: 425-7	Survey Date: 9/15/2016 Plan Date: 9/23/2016	Job No. 2161647 Dwg. No. 2161647R6



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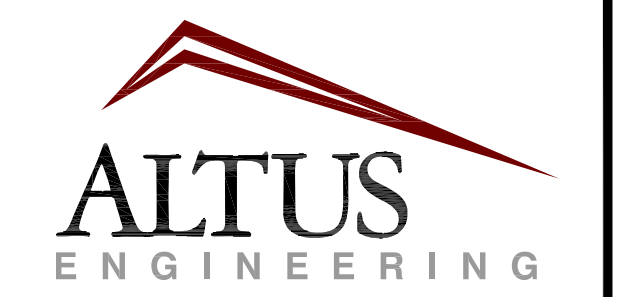
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SITE NOTES

- DESIGN INTENT – THIS PLAN SET IS INTENDED TO DEPICT THE DEVELOPMENT SINGLE-FAMILY RESIDENTIAL USES.
- LOT AREA: 71,408 S.F. (±1.64 AC.)
- ZONE: BUSINESS LOCAL (B-L)
- DIMENSIONAL REQUIREMENTS:
 MIN. LOT SIZE: N/R (NO REQUIREMENT)
 MIN. DENSITY: 2,500 S.F./UNIT IF 5 OR MORE UNITS w/SEWER
 MIN. STREET FRONTAGE: N/R
 MAX. FRONT SETBACK: 20' (15' FOR >3 UNIT BUILDING)
 SIDE SETBACK: 10'
 REAR SETBACK: 10'
 MAX. BUILDING HEIGHT: 40'
 MAX. LOT COVERAGE: N/R
 MIN. OPEN SPACE: 15%
 WETLAND SETBACK: 100' (>1 ACRE)
 STREAM PROTECTION: 75'
- DENSITY/NET RESIDENTIAL ACREAGE CALCULATIONS –
 TOTAL LOT AREA: 71,408 S.F.
 PROPOSED RIGHT OF WAY: -6,225 S.F.
 WETLAND AREA: -3,662 S.F.
 ISOLATED LAND: -2,639 S.F.
 SLOPES >20%: -28,844 S.F.
 EXPOSED BEDROCK: -1,259 S.F.
 NET RESIDENTIAL AREA = 28,779 S.F.
 DENSITY: 28,779 S.F. / 2,500 S.F. PER UNIT = 11 UNITS MAXIMUM
 5 UNITS SHOWN (1 EXISTING, 4 PROPOSED)
- PLAN REFERENCE: THE BASE PLAN USED HERE IS DERIVED FROM A PLAN ENTITLED "EXISTING CONDITIONS PLAN" PREPARED BY MIDDLE BRANCH, LLC, DATED SEPTEMBER 23, 2016 AS REVISED THROUGH JULY 5, 2023.
- WETLANDS WERE DELINEATED BY JOSEPH NOEL ON JUNE 22, 2023.
- SNOW SHALL BE STORED AT THE EDGE OF PAVEMENT, IN AREAS SHOWN HEREON, AND/OR TRUCKED OFF SITE AS APPROPRIATE.
- PAVEMENT MARKINGS SHALL BE CONSTRUCTED USING WHITE, YELLOW OR BLUE TRAFFIC PAINT (WHERE SPECIFIED) MEETING THE REQUIREMENTS OF AASHTO M248, TYPE F OR EQUAL. PAINTED ISLANDS AND LOADING ZONES SHALL BE 4"-WIDE DIAGONAL WHITE LINES 3'-0" O.C. BORDERED BY 4"-WIDE WHITE LINES. PARKING STALLS SHALL BE SEPARATED BY 4"-WIDE WHITE LINES. SEE DETAILS FOR HANDICAP SYMBOLS, SIGNS AND SIGN DETAILS.
- PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC DEVICES," "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS" AND THE AMERICANS WITH DISABILITIES ACT (ADA), LATEST EDITIONS.
- ALL CONSTRUCTION SHALL MEET THE MINIMUM STANDARDS OF THE TOWN OF KITTERY & NHDOT'S STANDARD SPECIFICATION FOR ROAD & BRIDGE CONSTRUCTION, LATEST EDITIONS. THE MORE STRINGENT SPECIFICATION SHALL GOVERN.
- CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINES WITH RS-1 IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
- ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.
- THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
- UNLESS OTHERWISE NOTED, ALL NEW CURBING SHALL BE VERTICAL OR SLOPED GRANITE WITH A MINIMUM RADIUS OF 4'.
- THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PRIOR TO CONSTRUCTION. ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT AND ENGINEER FOR RESOLUTION.
- BUILDING AREA SHOWN IS BASED ON FOOTPRINT MEASURED TO THE EDGE OF FOUNDATIONS AND/OR SLABS. ACTUAL INTERIOR SPACE WILL DIFFER.



133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR: SKETCH

ISSUE DATE: AUGUST 8, 2023

REVISIONS
NO. DESCRIPTION BY DATE
0 SKETCH EBS 08/08/23

DRAWN BY: _____ EBS
APPROVED BY: _____ EBS
DRAWING FILE: 5463-C03.dwg

SCALE:
22" x 34" - 1" = 20'
11" x 17" - 1" = 40'

OWNER:
MWC PROPERTY HOLDINGS, LLC
c/o CHRIS BAUDO
9 VILLAGE GREEN DRIVE
KITTERY, MAINE 03904

APPLICANT:
MWC PROPERTY HOLDINGS, LLC
c/o CHRIS BAUDO
9 VILLAGE GREEN DRIVE
KITTERY, MAINE 03904

PROJECT:
VILLAGE GREEN ESTATES
TAX MAP 8 LOT 41A-1
9 VILLAGE GREEN DRIVE
KITTERY, MAINE

TITLE:
CONCEPTUAL SITE PLAN

SHEET NUMBER:
CO-1

