

Mr. Bart McDonough, Planner Town of Kittery P.O. Box 808 Kittery, Maine 03904 November 16th, 2020 Project No.: C091-20

Re: 459 US Route 1 - Kittery Sketch Plan Application

Dear Mr. McDonough:

On behalf of David Trahan, Middlesex Land Holdings LLC, I have enclosed a revised Sketch Plan and associated documents for The Homestead property for your review and consideration.

We respectfully request the Planning Board to consider an alternate plan for the prior approved property. Due to market conditions, the construction of (8) 4-Unit Buildings (32 Units total) is proposed. Elderly Housing would account for all 16 of these units. The hotel and all required infrastructure are to remain unchanged, as per the previously approved application.

The proposed use is Elderly Housing and Single-Family Residential. The layout of the buildings is the only other major change. These changes will result in less units and traffic compared to the currently approved plan.

As part of this application, the recorded Master Site Development Plan and all MDEP permits associated with this project would need to be updated.

Thank you for taking the time to review our application and we look forward to discussing the project with you at the next available Planning Board Meeting.

Please contact me for any additional information or clarifications required.

Sincerely,

Brian Nielsen, EIT Staff Engineer

Mils

cc:

David Trahan Jayesh Patel

2020-11-16 - The Homestead Amendment Sketch Plan Cover

Town of Kittery Planning Board Meeting December 10, 2020

459 U.S. Route 1— Sketch Plan Review / Master Site Development Plan Review

Action: Accept or deny plan as complete; continue application to a subsequent meeting; approve or deny plan; Pursuant to \$16.10.2.2 Master Site Plan Review Process, \$16.10.4.2 Sketch Plan Review Phase and \$16.6.4.D Special exception use request of the Town of Kittery Land Use Development Code, owner/applicant Middlesex Land Holdings, LLC requests the review and consideration of a sketch plan proposing a special exception application and a modification to approved master site development plan by reducing the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (eight 4-unit buildings, 16 age-restricted; 16 non-age-restricted) dwelling units on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

POJECT TRACKING

	TRICKING				
REQ'D	ACTION	ACTION COMMENTS			
YES	Sketch Plan Acceptance/Approval	October 22, 2020; December 10, 2020	PENDING		
NO	Site Visit	TBD	TBD		
YES	Preliminary Master Site Development Plan	TBD	TBD		
YES	Final Master Site Development Plan & Modification Plan Approval and Decision	TBD	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.

Project Introduction

This is a conceptual review for a major modification to a master site development plan for a mixed-use development located at 459 State Route 1 in the Mixed-Use (MU) zoning district, previously approved on February 14, 2019 and last modified in February 27, 2020. The approved development comprised a 112 room hotel parallel to U.S. Route 1 and 44 dwelling units (32 age-restricted; 12 non-age-restricted) located in the lot's rear section along with shared access ways, utilities, open space, stormwater and pedestrian infrastructure. Due to recent market volatilities, demand shifts and the cost of construction materials, the applicant is proposing to amend the master site development plan to reduce the number of dwelling units, expand the number of buildings, and reconfigure stormwater infrastructure and other site elements to accommodate the new design.

At the October 22, 2020 Planning Board ("Board") meeting, the Board was presented with a sketch plan proposing to reduce the total number of units from 44 to 32 and have the entirety of the units designated as age-restricted. In addition, the indoor common area for the residential units was eliminated and it was unclear how the residents would interact as a community. In general, the revised plan appeared to contravene the intent of several zoning provisions within the MU zoning district. The Board requested that the applicant return with a revise the plan that clearly demonstrate compliance the zoning provisions under §16.3.2.13 *Mixed-Use MU*

Analysis Staff Commentary

The application that is current in front of the Board has change since the last time the Board viewed it. The prior proposal sought to include 24 aged-restricted dwelling units in the form of 12 duplexes. The Board rejected the idea that all the units were permitted to be strictly elderly housing. Furthermore, the Board

found that the applicant fell short of satisfying the performance standards for elderly housing, and was of the opinion that not enough common space for the residents of the development to congregate and socialize was provided. After receiving feedback from the Board, the applicate revised the plan by resurrecting the mixed-use component by providing aged-restricted / non-aged-restricted mixed-use buildings similar to the originally approved plan; the difference being that the dwelling unit count decreased (from 44 to 32 units), but the number of buildings (from 3 to 8 building) increased. Ostensibly, the intensity of use has lessen, which is a positive aspect of the revision; however, it is unclear if the intent of the elderly housing standards have been met sufficiently.

Another reintroduction to the plan is placement of a modestly sized (448-sf), designated community center for residents to congregate and socialize. Originally, the approved plan had a small space in one of the buildings for residents to gather, whereas now a separate building is proposed located to the west of the first stop sign after one turns into the residential development's access way from Route 1. It is unclear what amenities will be offered within the center, but more clarification from the applicant on how the center is imagined to be used should be sought by the Board. The Board should also inquire if there is an alternative location for the community center, as its location is extremely close to a stormwater drainage pond (Number 4). If no reasonable alternative locations are available on the lot, the Board should require verification from the applicant that the pond will not be impaired and its stormwater designed functionality compromised. On the subject of community space and social interaction, the Board should revisit the criteria for elderly housing, pursuant to §16.3.2.13.D(10)(h) *Housing for the Elderly*¹, and decide whether or not this rendition of the plan is satisfactory. If not, the Board should give direction to applicant on how that can be achieved.

Moving to the question on density, it appears, based on the net residential calculation and density standards for the MU zoning district, pursuant to §16.7.8.2 *Net residential acreage calculation* and §16.3.2.13.D *Standards*, the lot provides enough suitable acreage to foster the number dwelling units as proposed. The proposed architectural elevations of the units appear to comply generally with the design standards, pursuant to §16.3.2.13.D(6) *Building Design Standards*², albeit the Board should confirm with the applicant that the proposed roof pitches complies with the standards under §16.3.2.13.D(6)(b) *Roofs*.

- a. Exterior building materials and details. Building materials and details strongly define a project's architectural style and overall character (see Design Handbook for examples of acceptable materials, building scale, and designs). "One-sided" schemes are prohibited; similar materials and details must be used on all sides of a building to achieve continuity and completeness of design.
 - Predominant exterior building materials. Predominant exterior building materials must be of good quality and characteristic of Kittery, such
 as horizontal wood board siding, vertical wood boards, wood shakes, brick, stone or simulated stone, glass and vinyl, or metal clapboard.
 Stucco, adobe, sheet metal, standard concrete block, tilt-up concrete panels, plywood or particle board are prohibited as the primary materials.
 - 2) Blank walls. A wall may not extend for a length of more than 50 linear feet without an architectural feature such as a dormer, pilaster, cornice, corner, window, porch, or visually compatible door to break up the large mass of a featureless wall (see Design Handbook for examples of the appropriate treatment of walls). As an exception, walls with a clapboard facade may extend for a length of up to 100 feet without such an architectural feature.
 - Light industrial and boatyard uses. Such uses must comply with the above standards only along the front face and extending back 100 feet along the side walls.
- b. Roofs must meet the following standards:
 - Form. A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated to the Planning Board's satisfaction that this is
 not practicable. Acceptable roof styles are gabled, gambrel, and hipped roofs. Flat roofs, shed roofs, and roof facades (such as "stuck on"
 mansards) are not acceptable as primary roof forms.
 - 2) Color. Roof colors must be muted (see Design Handbook for examples).
 - 3) Rooftop mechanical and electrical equipment. Rooftops must be free of clutter. The roof design must screen or camouflage rooftop protrusions to minimize the visual impact of air conditioning units, air handler units, exhaust vents, transformer boxes, and the like (see Design Handbook for examples of appropriate treatments). Interior-mounted equipment is encouraged. Whenever possible, utility equipment areas must be placed in an obscure location and screened from view.

^{1.} Location suitability. The location of the site must allow it to be developed so that the residents of the project will be able to function as part of the community and have pedestrian access to services and facilities within the area.

^{2.} Mixed use. If an elderly housing component is proposed as part of the project, it must be an essential element of the mixed-use project and be designed to be an integrated part of the overall development.

²Kittery's characteristic buildings reflect its historic seacoast past. The primary architectural styles are New England Colonial (such as Cape Cod and saltbox), Georgian, Federal, and Classical Revival. New buildings should be compatible with Kittery's characteristic styles in form, scale, material, and color. In general, buildings should be oriented to the street with the front of the building facing the street. The front or street facade must be designed as the front of the building. The front elevation must contain one or more of the following elements: (1) a front door although other provisions for access to the building may be provided, (2) windows, or (3) display cases (see Design Handbook for examples of acceptable materials and designs). Though strict imitation is not required, design techniques can be used to maintain compatibility with characteristic styles and still leave enough flexibility for architectural variety. To achieve this purpose, the following design standards apply to new and remodeled building projects:

Sketch Plan Review

In short, the composition of the current rendition of the master site development sketch plan has changed in such a way that has altered the procedural course of the application. In the prior rendition, the sketch plan proposed elderly housing outright, whereas the current plan before the Board reestablishes the mixed-use element on the lot and attempts to provide more community gathering space. The remaining specter over the application is the additional performance standards, pursuant to §16.3.2.13.D(10)(h) *Housing for the elderly*. The Board needs to determine if the application currently demonstrates compliance with the aforementioned ordinance provision by evaluating whether or not elderly housing is indeed an 'essential element' of the project and if the plan adequately incorporates enough elements that 'integrates' elderly housing into the overall development.

Planning Board Procedural Steps

Considering that the lot's intended uses are not changing as was approved by the Board at their February 14, 2019 meeting, the procedural path sticks with the master site development plan review process, pursuant to §16.10.2.2. *Master site development plan review process*, but now shifts to a plan modification application, pursuant to §16.10.9.3.B *Major Modifications* as the special exception request is now moot. The moment the master site development plan application reaches final approval phase the modification plan will be acted on in conjunction. In the instance that the application advances through the sketch plan phase, the Board will be reviewing only the master site development plan until the final plan review phase when the modification plan conflows with the master site development plan for final approval from the Board.

At this juncture, the Board should consider discussing the new information provided by the applicant, comments from staff, then determine the additional information that is needed, if any, before entertaining a vote. If that is the case, a motion to continue to a future meeting is recommended with clear direction to the applicant of the necessary elements to be included that will impel an affirmative vote at the next review. If the Board is comfortable moving forward, a motion should be made to accept and approve the master site development sketch plan application. As regards a site visit, one is not required but the Board is within their statutory authority to conduct one if preferred.

Recommended Motions

Below are recommended motions for the Board's consideration as they decide on how they proceed.

Continuing the sketch plan application

Move to continue the master site development sketch plan review to the January 14, 2020, Planning Board meeting from owner/applicant Middlesex Land Holdings, LLC, prepared by Attar Engineering Inc., dated 11/16/20, requesting the review and consideration of a modification to approved master site development plan by reducing the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (eight 4-unit buildings, 16 age-restricted; 16 non-age-restricted) dwelling units on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

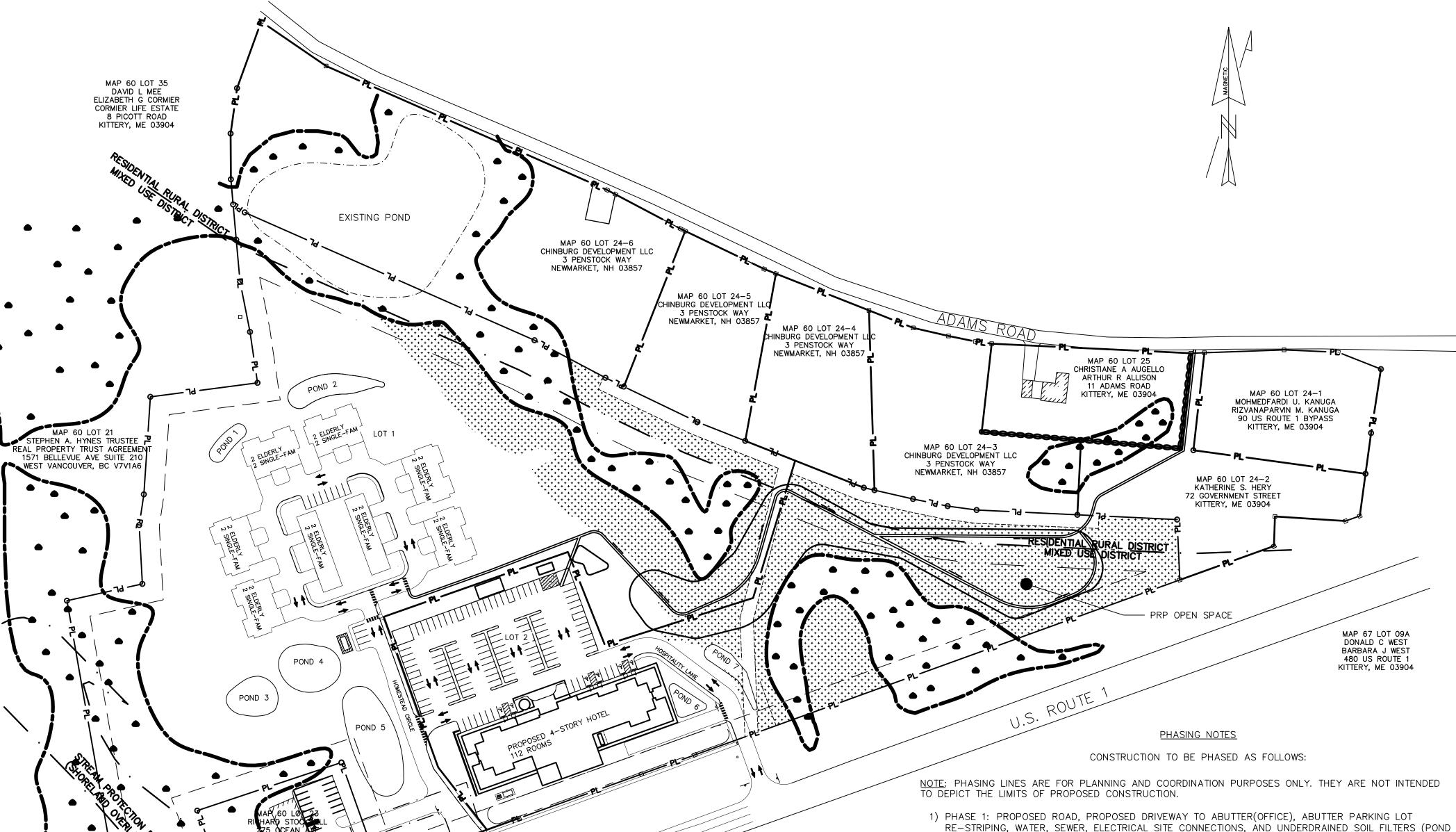
Vote to accept and approve sketch plan application

Move to accept and approve the master site development sketch plan from owner/applicant Middlesex Land Holdings, LLC, prepared by Attar Engineering Inc., dated 11/16/20, requesting the review and consideration of a modification to approved master site development plan by reducing the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (eight 4-unit buildings, 16 age-restricted; 16 non-age-restricted) dwelling units on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

Loading docks and overhead doors. Loading docks and overhead doors must be located on the side or rear of the building and be screened from view from public streets.

THE HOMESTEAD SUBDIVISION

U.S. ROUTE 1, KITTERY, MAINE



MAP 61 LOT 27A

PIG PEN PARTNERS

40 BRICKYARD COURT

YORK, ME 03909

REFERENCES

MAINE 03903" PREPARED BY ATTAR ENGINEERING, INC. DATED

11/8/2006, REVISION G (4/9/2008). YORK COUNTY REGISTRY OF

1) SITE AND SUBDIVISION PLAN, SOWERBY PARCEL KITTERY, MAINE"

DEEDS BOOK 332, PAGE 7.

- 2 AND POND 3) TO BE CONSTRUCTED. 2) PHASE 2A: HOTEL, UNDERDRAINED SOIL FILTER (POND 4), LANDSCAPED BUFFER AREA AND PASSIVE
- RECREATION AREA TO BE CONSTRUCTED 3) PHASE 2B: APARTMENT BUILDING FOUNDATIONS AND UNDERDRAINED SOIL FILTER (POND 1) TO BE
- 4) PHASE 3: INDIVIDUAL APARTMENT BUILDINGS TO BE CONSTRUCTED ON A SCHEDULE PROVIDED BY THE OWNER.

SUBDIVISION NOTES

FOR DSS LAND HOLDINGS LIMITED LIABILITY CO., PO BOX 242, YORK, 1) PARCEL TO BE SUBDIVIDED INTO TWO LOTS (LOT 1 AND LOT 2). LOT 1 WILL CONTAIN EIGHT APARTMENT BUILDINGS AND THE SOUTHERN ACCESS ROAD INTO THE SITE. LOT 2 WILL CONTAIN THE PROPOSED HOTEL AND THE NORTHERN ACCESS ROAD.

> 2) LOT 1 WILL GRANT AN ACCESS EASEMENT TO LOT 2 TO USE THE SOUTHERN ACCESS ROAD. 3) LOT 1 WILL GRANT A DRAINAGE EASEMENT TO LOT 2 TO USE THE UNDERDRAINED SOIL FILTERS

(PONDS 2 AND 3) AND ALL DRAINAGE UNDER THE ACCESS ROAD.

CONSTRUCTED. PHASE 2A AND 2B CAN OCCUR SIMULTANEOUSLY.

4) BOTH LOTS SHALL GRANT EASEMENTS TO CONSTRUCT, CONNECT AND MAINTAIN UTILITIES INCLUDING BUT NOT LIMITED TO ELECTRICAL, WATER, SEWER, CABLE AND TELEPHONE THAT SERVE THE DEVELOPMENT.

SCALE: 1" = 2,000'GENERAL NOTES

- 1) THIS PLAN PROVIDES DETAILS FOR A MIXED USE DEVELOPMENT AT 459 U.S. ROUTE 1 CONSISTING OF 16 SINGLE-FAMILY (ELDERLY) UNITS AND 16 SINGLE-FAMILY (NON-AGE RESTRICTED) UNITS IN 8 BUILDINGS AND A 112 ROOM HOTEL. THE PROPERTY IS TO BE SUBDIVIDED INTO TWO SEPARATE PROPERTIES (SEE PROPOSED PROPERTY LINE ON SITE PLANS). LOT 1 HAS 590,468 SF OF AREA AND 552' OF STREET FRONTAGE. LOT 2 HAS 285,904 SF OF AREA AND 1104' OF STREET FRONTAGE.
- 2) THE PARCEL, IDENTIFIED AS LOT 24 ON TAX MAP 60, CONTAINS APPROXIMATELY 20.12 ACRES; AND IS LOCATED WITHIN THE MIXED-USE (MU), RESIDENTIAL RURAL (R-RL) AND SHORELAND OVERLAY ZONING DISTRICTS. THE PARCEL IS SERVED BY MUNICIPAL WATER AND SEWER SYSTEMS.
- 3) SPACE AND BULK REQUIREMENTS FOR THE MIXED USE ZONING DISTRICT ARE AS FOLLOWS:

MIN. LOT AREA 200,000 SF MIN. STREET FRONTAGE 250' MIN. FRONT SETBACK MIN. SIDE SETBACK MIN. REAR SETBACK MAX BUILDING HEIGHT

4) BUILDABLE AREA/RESIDENTIAL DENSITY

= 876,427.2 S.F. = 20.12 AC. LESS 50% OF WETLANDS SETBACK = 137.495.6 S.F. = 3.16 AC. LESS UNSUITABLE SOILS* = 200,630 S.F. = 4.61 AC. LESS RIGHTS OF WAY/EASEMENTS**= 124,314 S.F. = 2.85 AC.

NET RESIDENTIAL AREA => 413,987.5 S.F. = 9.50 AC.

*INCLUDES WETLANDS, POORLY DRAINED AND VERY POORLY DRAINED SOILS **INCLUDING TRAVELED WAYS AND PARKING NET RESIDENTIAL DENSITY = 413,987.5 - (16 ELD. X 15,000 (PARKING EXTERNAL) - (16 APARTMENT. X 10,000 (PARKING EXTERNAL)) = 13,987.5 = > OK

5) MIXED-USE REQUIREMENT IS CALCULATED AS FOLLOWS: APARTMENTS(ELD.) = 2,188 S.F. X 16 = 35,008 S.F. (26.3%) APARTMENTS = 2,188 S.F. X 16 = 35,008 S.F. (26.3%) = 15,712 S.F. X 4 FLOORS = 62,848 S.F. (47.3%)

35,008/132,864 = 26.3% WHICH IS GREATER THAN 10% (REQUIRED). 6) TOTAL OPEN SPACE REQUIRED IS 35%; 25% OF OPEN SPACE MUST BE IN FRONT 50% OF THE PARCEL: 20.23 AC X 0.35 = 7.08 AC REQUIRED WITH 7.29 AC PROVIDED: 7.08 AC X 0.25 =1.77 AC REQUIRED

WITH 5.58 AC PROVIDED IN THE FRONT OF THE PARCEL. 7) ALL BUILDINGS WILL BE SPRINKLED FOR FIRE PROTECTION.

TOTAL AREA TO BE DISTURBED: 8.22 ACRES, TOTAL IMPERVIOUS AREA: 3.79 ACRES, TOTAL LOT STREET FRONTAGE 1655.7 FT.

- 8) EXPECTED ANNUAL AVERAGE DAILY TRAFFIC(AADT) = 24 X 3.48(ELDERLY, ITE 252) + 112 X 8.92(HOTEL, ITE 310/320) = 1,083 TRIPS/DAY. 84 TRIPS WILL BE GENERATED BY THE RESIDENTIAL AND ELDERLY UNITS ON HOMESTEAD CIRCLE.
- 9) WITH THE EXCEPTION OF THE PROPOSED CONSTRUCTION IN THIS PLAN THE 100 FT SETBACK FROM THE NORTHERN WETLAND WILL BECOME A NO CUT, NO DISTURB AREA AND MUST REMAIN UNDEVELOPED AND UNDISTURBED IN PERPETUITY, INCLUDING NO MOWING OR REMOVAL OF ANY VEGETATION WITHOUT A PERMIT FROM THE CODE ENFORCEMENT OFFICER.
- 10) IF ON-SITE SNOW STORAGE AREAS DO NOT HAVE ENOUGH CAPACITY ADDITIONAL SNOW SHALL BE REMOVED FROM THE SITE.
- 11) A ROAD ACCESS EASEMENT SHALL BE PROVIDED TO LOT 2(HOTEL) FOR THE USE OF HOMESTEAD CIRCLE IN ORDER TO ENTER AND EXIT THE HOTEL PARKING LOT.

STATE OF MAINE YORK COUNTY ss. REGISTRY OF DEEDS AT__h, __m, __M, AND RECORDED IN PLAN BOOK_____, PAGE_____ ATTEST_____REGISTER

MAP 60 LOT HARRISON E. LEMOI

MANAGE CO. INC.

435 U.S. ROUTE ONE

KITTERY, ME 0390

TOWN OF KITTERY PLANNING BOARD DATE

KITTERYDOM LLC

PO BOX 493 CAPE NEDDICK, ME 03902

> GRAPHIC SCALE 300 200

0	SKETCH PLAN RESUBMISSION	11/16/2020
N	HOTEL REVISION	06/29/2020
М	CURBING CHANGES	05/11/2020
Г	MAJOR MODIFICATION - GRADING REVISION	02/06/2020
K	HOTEL REVISION	11/21/2019
J	FINAL PLAN REVISION	03/27/2019
Ι	FINAL PLAN SUBMISSION	01/24/2019
I	MDEP SUBMISSION	01/23/2019
G	PRELIMINARY PLAN REVISION	11/08/2018
_	SEE EARLIER PLANS FOR PREVIOUS REVISIONS	_
NO.	DESCRIPTION	DATE
	REVISIONS	•

DSS LAND HOLDINGS LLC

PORTSMOUTH, NH 03801

PO BOX 242

APPLICANT: LANDMARK HILL, LLC

YORK, ME 03909

79 CONGRESS ST.

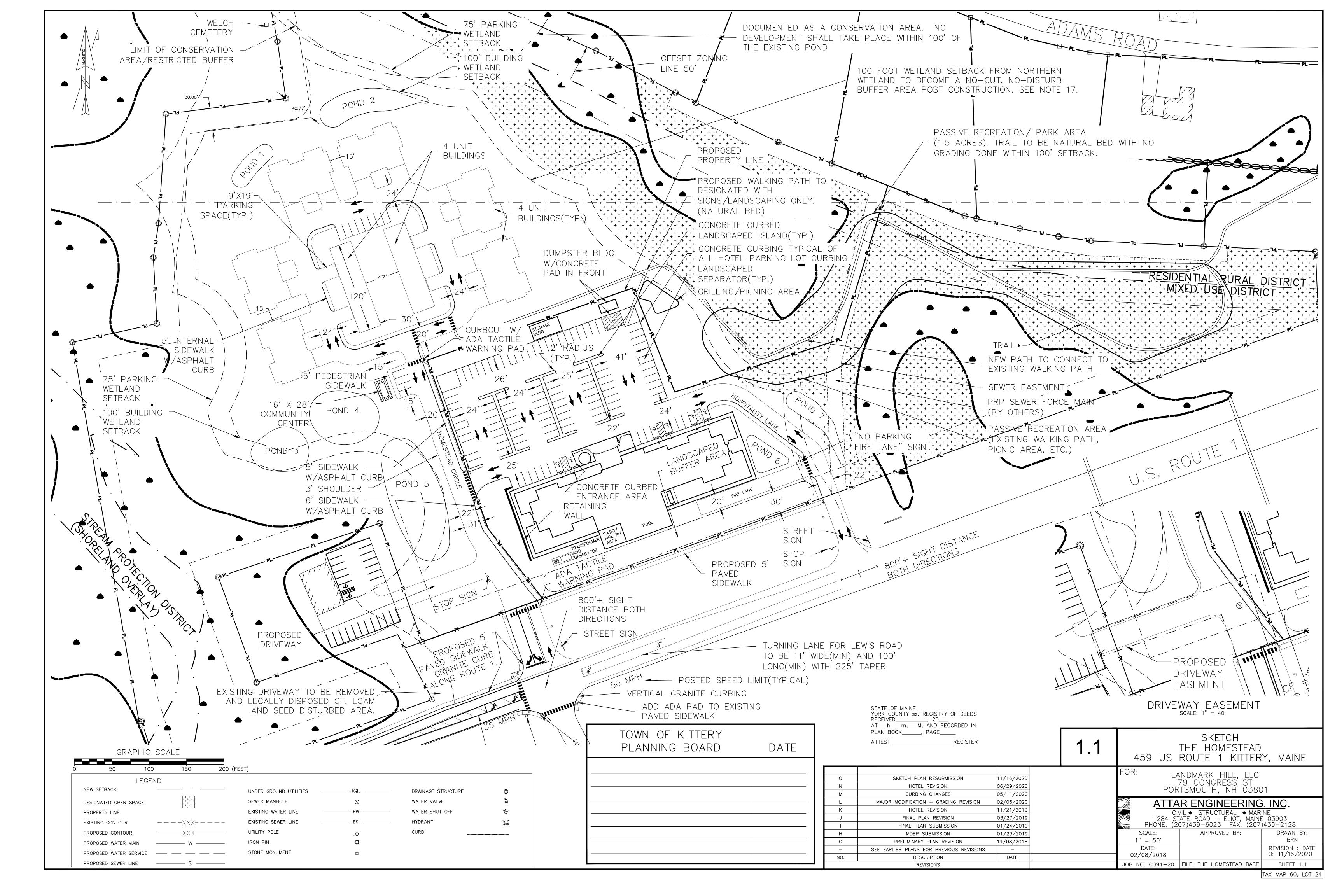
THE HOMESTEAD 459 US ROUTE 1 KITTERY, MAINE LANDMARK HILL, LLC 79 CONGRESS ST PORTSMOUTH, NH 03801 ATTAR ENGINEERING, INC.

CIVIL ◆ STRUCTURAL ◆ MARINE 1284 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128

SKETCH

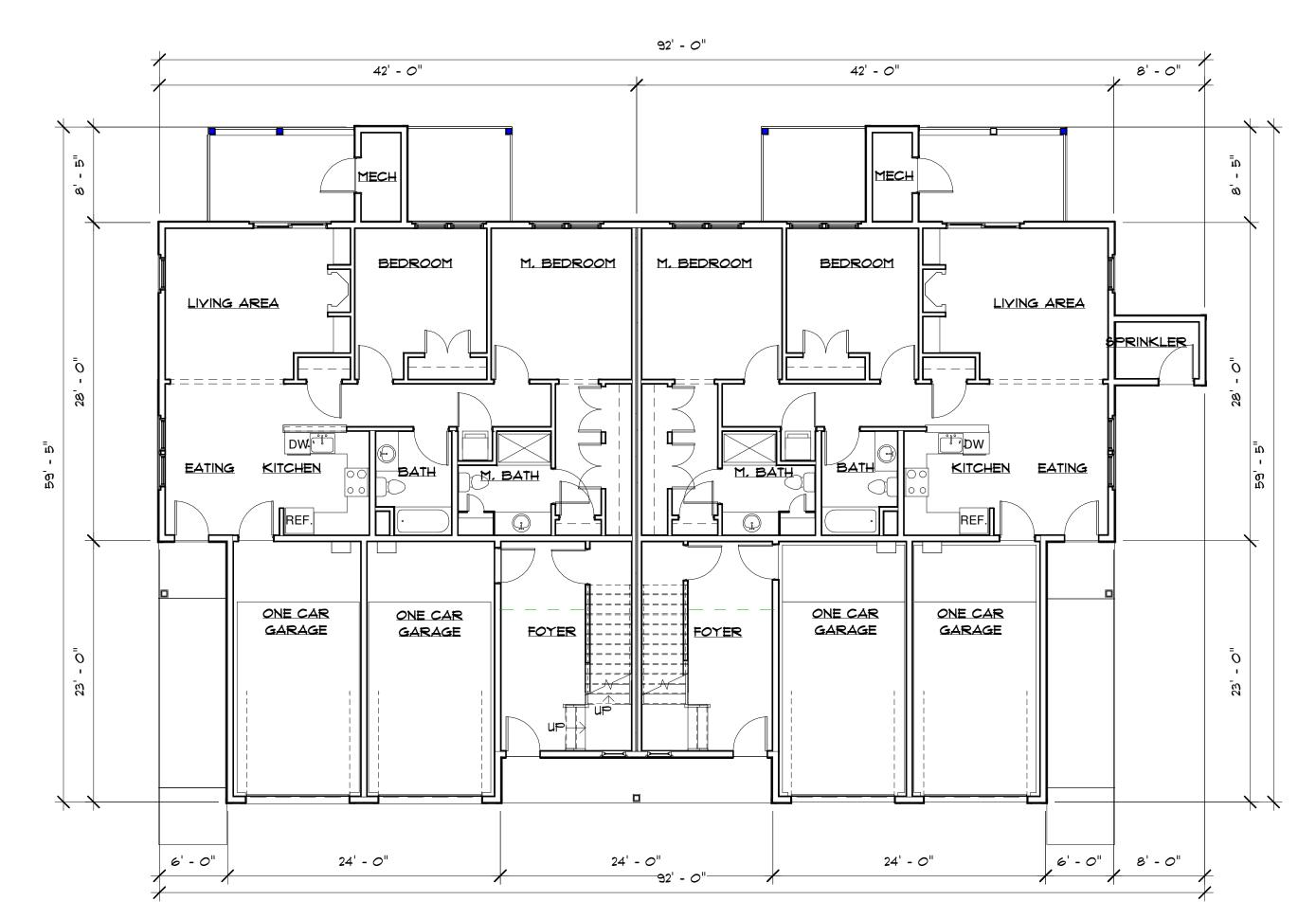
SCALE: APPROVED BY: DRAWN BY: 1" = 100'BRN DATE: **REVISION: DATE** 0: 11/16/2020 02/08/2018 JOB NO: C091-20 | FILE: THE HOMESTEAD BASE | SHEET 1.0

TAX MAP 60, LOT 24









4 FIRST FLOOR PLAN

1/8" = 1'-0"

PROPOSED 4 UNIT MULTI-FAMILY FOR:

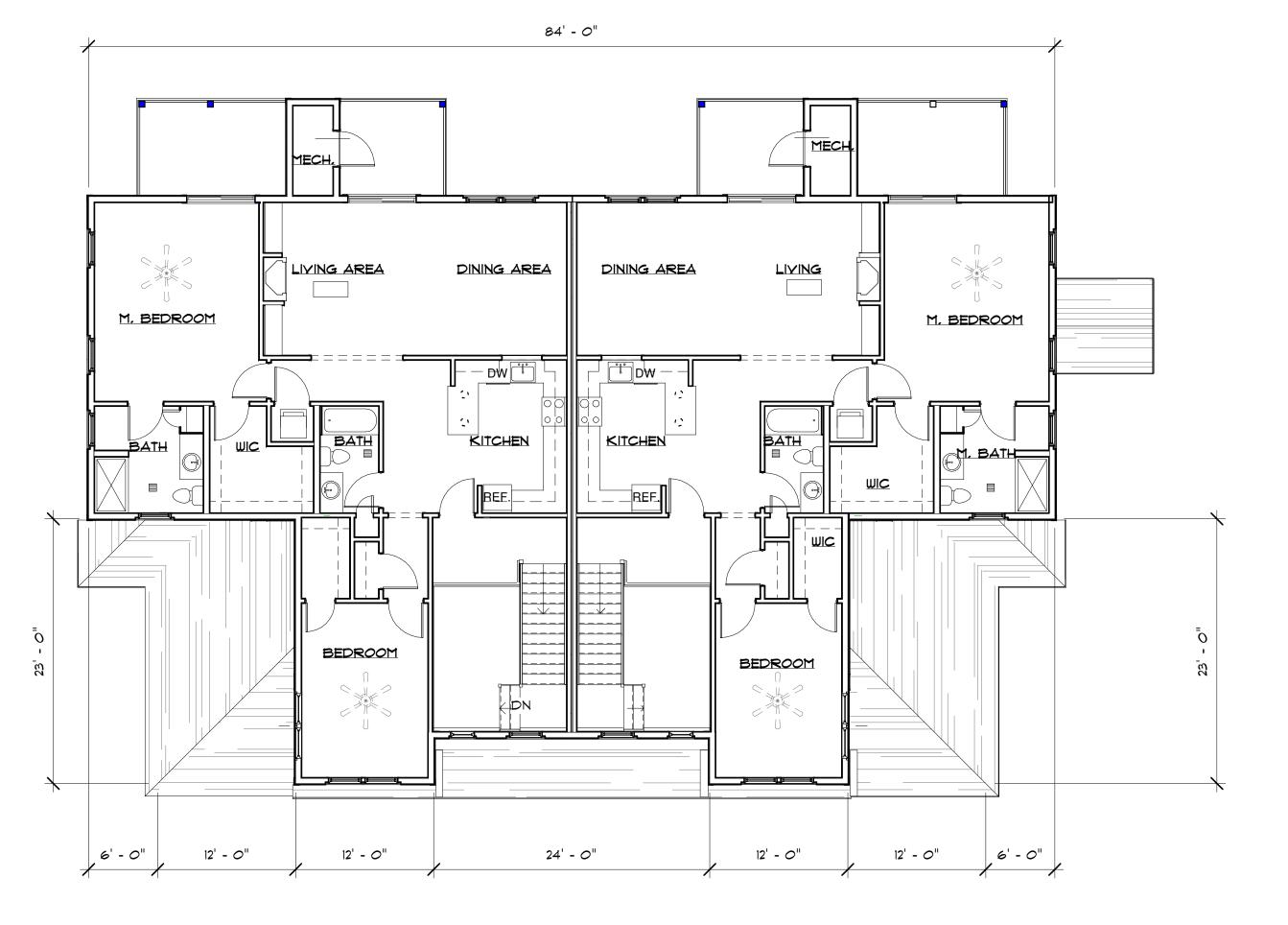
PAGE AND TRAHAN COMPANIES

ROUTE 1

KITTERY, ME 03854

DATE: NOVEMBER 10, 2020





2 SECOND FLOOR
1/8" = 1'-0"

DESIGNED BY:

GAVIN AND SULLIVAN ARCHITECTS, INC.

128 WARREN STREET LOWELL, MA 01852