

Town of Kittery Planning Board Meeting April 22, 2021

459 U.S. Route 1—Major Modification Review to a Master Site Development Plan and Subdivision / Site Plan

Action: Accept or deny plan as complete; continue to a subsequent meeting; approve or deny plan; Pursuant to §16.10.9.3 *Modifications to approved plan* of the Town of Kittery Land and Use Development Code, owner/applicant Middlesex Land Holdings, LLC requests the review and consideration of a major modification to both an approved Master Site Development and Subdivision plan proposing to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (16 age-restricted; 16 non-age-restricted) dwelling units within 8 buildings and make associated improvements on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Final Plan Review and Decision	February 14, 2019	APPROVED
YES	Minor Modification and Hotel Design Review (condition of approval)	December 19, 2019	APPROVED
NO	Major Modification	Set for February 27, 2020	APPROVED
NO	Sketch Plan Acceptance/Approval	October 22, 2020; December 10, 2020	APPROVED
NO	Major Modification	April, 8 2021 (cont.) set for April 22, 2021	PENDING
<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>			

April 8, 2021 PRN

Project Introduction

Before the Planning Board (“Board”) is a major modification application to the master site development and subdivision/site plan stemming from a sketch review approval from the Planning Board at their December 10, 2020 meeting prior thereto, the Planning Board approved a modified plan on February 27, 2020. The original approval 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. Given recent market changes, demand shifts and the cost of construction materials, the applicant developing the residential lot is proposing to amend the approved plans to reduce the number of dwelling units and reconfigure stormwater infrastructure and other site elements that accommodate the new design and use. Moreover, considering the number of buildings are expanding from four (4) to eight (8), the applicant has submitted new architectural plans for the Board to review. The current modification plan appears to make slight changes within the lot containing the hotel as described herein.

Staff Commentary and Analysis

The significant elements changing in this current plan rendition are the quantity and design of the residential units and buildings as well as some minor stormwater, vehicular and communal infrastructure. It appears the dwelling unit count will reduce from 44 to 32 dwelling units, yet still maintaining its mixed-use residential characteristics by remaining both elderly and non-age-restricted housing. While the total unit count is reducing, the non-age-restricted dwelling units is increase by four (4) units. The density

calculations appear to comply with §16.3.2.13 D. Note 2 & 3 *Standards*¹. Other improvements incorporated into the plan are a 448-sf community center along the entrance way into the residential development and a community garden next to the grilling pick nick area abutting the hotel parking lot. As for the utilities and road infrastructure, they have change slightly in configuration to accommodate the new type of buildings being proposed. There appears to be no issues with their current arrangement or architectural elements, but concerning the site's water infrastructure, the Board should inquire whether the unit owners on the northern side of the middle buildings will have access to their water meters as it appears the water pipes enter into the southernmost units only.

As stated previously, the architecture of the buildings is changing. It is unclear who will have access to the ground floor space of the perimeter buildings. The Board should have the applicant explain the layout of the new buildings to understand more precisely the areas of ownership. As for traffic volume, it appears the reduction of units corresponds with a decrease in vehicular volume, totaling 162 trips (dwelling units only) per day. This is a 28 trip reduction from the originally approved plan. A major element that appears to be missing from the plan are areas dedicated for snow storage, albeit Note 10 on sheet one states that all snow that cannot be stored in their designated locations will be trucked off site. The Board should have the applicant demonstrate their intended locations to determine adequacy of storage space.

As for community amenities, it appears that the volleyball/badminton court and pavilion abutting the hotel parking lot were deleted from the proposed plan and replaced with an expanded grill space and a new community garden. The Board should inquire the reasons for their removal and in what way the proposed layout will achieve better community interaction and placemaking than from what was previously approved. There appears to be an addition of a storage unit off the hotel parking lot as well. The Board should inquire why it was added, who will benefit from it use, and determine if it's appropriate for that location and the site in general. Moreover, it appears a patio was added to the pool area of the hotel.

As regards landscaping, the residential area of the plan has change. It appears the landscaping satisfies the requirements of the ordinance, but the Board should inquire into the intended species designated as "small flowering trees" and determine if the proposed trees will be appropriate for the site. As for stormwater, it appears to satisfy the local and state requirements. That being said, the Board is still waiting on CMA's report to confirm this.

The Technical Review Committee reviewed this project and had no major issues with the proposed amendments. The one issue that did arise during the review was the timing on the infrastructure installation. The Town recently has been made aware that MaineDOT will be paving US Route 1 starting in 2022. Given the situation, it is imperative that all utility and infrastructure work be installed prior to the repaving of US Route 1 as a 5-year no disturbance moratorium will be placed onto US Route 1. Given the situation, the Technical Review Committee has recommended that all infrastructure that will affect US Route 1 shall be installed prior to the issuance of a Certificate of Occupancy of any of the dwelling units.

Another issue that has emerged is the current permit's status. The Board should inquire when the applicants intend on finishing all the site work, as there is a two-year time requirement to finish all work after the

¹ **NOTE 2:** For dwelling units that are part of a mixed-use building and are connected to the public sewerage system, one dwelling unit is allowed for each 10,000 square feet of buildable land area. Within the Resource Protection and Shoreland Overlay Zones, one dwelling unit is allowed for each 40,000 square feet of land area within these zones. If the parking for the residential units is encompassed within the building, the minimum required buildable land area per dwelling unit is reduced to 7,500 square feet, except in the Resource Protection and Shoreland Overlay Zones where the area per dwelling unit remains 40,000 square feet.

NOTE 3: For elderly housing dwelling units that are connected to the public sewerage system, one dwelling unit is allowed for each 15,000 square feet of buildable land area. Within the Resource Protection and Shoreland Overlay Zones, one dwelling unit is allowed for each 40,000 square feet of land within these zones. If the parking for the elderly units is encompassed within the building, the minimum required buildable land area per dwelling unit is reduced to 10,000 square feet, except in the Resource Protection and Shoreland Overlay Zones where the area per dwelling unit remains 40,000 square feet.

demolishing activity has commenced. The Board should consider extending the permit so that the applicant does not have to come back for an extension request.

Overall, the density and use intensity appears to have decreased with the proposed application and the net residential calculations appear to be in compliance. After the Board receives clarification and satisfactory answers on the above-mentioned issues, or any other issues that may arise during the course of this review, the Board should consider motion to vote on the application.

April 15, 2021 Update:

On April 15, 2021, the Planning Department around 5:00 pm received an updated plan set from the applicant. Typically, this would not meet the Board's submission deadline, however, given that the Board continued the application to this meeting, the application needed to be on the agenda. Included in the Board's packets are an updated plan set and CMA's review letter of the initial plan set.

On April 7, 2021, CMA Engineer Inc. submitted their review on the proposed amendments, commenting that the proposed amendments by in large appeared to be acceptable and compliant with the Land Use and Development Code. The areas of most concern in their analysis were relative to the stormwater amendments and the adequacy of the roadway. While, generally, the proposed amendments to the stormwater infrastructure appeared to be acceptable, some attributes and calculations for certain sized storm events were absent from the updated analysis. As regards the roadway, it appears its design is acceptable to accommodate the proposed amount traffic, albeit there is some concern about its design from CMA due to incomplete information. The Board should have the applicant provide the missing stormwater information for further review by CMA in order to determine compliance and suitability and decide if more information on the roadway is needed.

Planning Board Procedural Steps and Considerations

At this juncture, if the Board does not have any other concerns with the proposed amendments with an understanding there are minor outstanding stormwater infrastructure issues, the Board could move forward with a vote or to continue the application to the May 13, 2021 meeting if more time is needed to distill the information recently provided.

Recommended Motions

Below are recommended motions based on how the Board would like to proceed.

Continuing the modification plan application

Move to continue the Modification Plan application for a Master Site Development and Subdivision plan to the May 13, 2021 meeting that proposes from owner/applicant Middlesex Land Holdings, LLC to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (16 age-restricted; 16 non-age-restricted) dwelling units within 8 buildings and make associated improvements 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 approve modification plans

Move to approve the Modification Plan application for a Master Site Development and Subdivision plan from owner/applicant Middlesex Land Holdings, LLC proposing to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 32 (16 age-restricted; 16 non-age-restricted) dwelling units within 8 buildings and make associated improvements on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

1. *Applicant shall submit a revised master site development plan plat and subdivision plan set that incorporates all of the revisions requested by the Planning Board at their April 22, 2021 meeting and satisfies all comments and issues raised by CMA Engineers Inc. in their most recent review letter, dated April 7, 2021.*
2. *Prior to the issuance of any certification of occupancies for any of the proposed buildings, all infrastructure that affects US Route 1 must be installed.*

FINDINGS OF FACT

UNAPPROVED

For 459 Route 1

Subdivision / Site Plan Review Major Modification

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: Owner/applicant Middlesex Land Holdings, LLC proposes a plan amendment to an approved Master Site Development and Subdivision plan by reducing the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) dwelling units to 32 (16 age-restricted; 16 non-age-restricted) dwelling units within 8 buildings and make associated improvements on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

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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.

Hereinafter the "Development,"

And pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 4/22/2021;

And pursuant to the application, plans and other documents considered to be a part of the plan approval by the Planning Board in this finding consist of the following { as noted in the Plan Review Notes prepared for 4/22/2021} (hereinafter the "Plan"):

1. Major Plan Modification Application with Municipal Impact Statement, Attar Engineering, Inc., dated March 12, 2021
2. Overall Site Plan and associated plan set, Sheets 1.1 – 1.5; Sheets 2.1, 3.1 & 3.2, 4.1; Attar Engineering, dated 1/18/2018; revised 02/21/2021
3. Site Details, Sheets 5.1 – 5.3; Attar Engineering, dated 1/18/2018; revised 02/21/2021; Sheets 6.1, Subdivision Plan, Anderson Livingston Engineers, Inc., dated September 14, 2007 & 6.2 Landscaping Plan, Attar Engineering, dated 02/08/2018; revised 02/21/2021; 8.1 Photometric Plan, Attar Engineering, dated 4/11/2018; revised 01/24/2019
4. Stormwater Management Study and Plans, Sheets 7.1 Stormwater: Existing Conditions & Sheet 7.2 Stormwater: Proposed Conditions, Attar Engineering, Inc., study dated January 24, 2019, plans dated 02/08/2018; last revised 3/16/2021

5. Building Design and Floor Plans – 12 Unit Multi-Family Residential Building, Gavin and Sullivan Architects, Inc., dated March 16, 2021
6. Master Site Development Plat, Attar Engineering, Inc., dated 2/21/2021
7. CMA Engineers Inc. Review Letter, dated 4/7/2021

NOW THEREFORE, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by section **16.10.8.3.4** and as recorded below:

FINDINGS OF FACT	
Action by the Planning Board must be based upon findings of fact which certify or waive compliance with all the required standards of this Code, and which certify the development meets the following requirements:	
A. Development Conforms to Local Ordinances.	
<i>The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.</i>	
Finding: The proposed development conforms to the primary objective of the comprehensive plan for economic development as it seeks to redevelop an abandoned commercial property with mixed use. The site plan and subdivision plans comply with the provisions of Title 16.	
Conclusion: This standard appears to be met.	
Vote of __ in favor __ against __ abstaining	
B. Freshwater Wetlands Identified.	
<i>All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.</i>	
Finding: Wetlands have been delineated and are depicted on the overall site plan.	
Conclusion: This standard appears to be met.	
Vote of __ in favor __ against __ abstaining	
C. River, Stream or Brook Identified.	
<i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i>	
Finding: A small portion of Stream Protection District (Shoreland Overlay) is identified and depicted on the overall site plan.	
Conclusion: This standard appears to be met.	
Vote of __ in favor __ against __ abstaining	
D. Water Supply Sufficient.	
<i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>	
E. Municipal Water Supply Available.	

<i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
Finding: The Kittery Water District has the capacity to supply municipal water service for both domestic and fire protection purposes to the proposed development.
Conclusion: This standard appears to be met.
Vote of __ in favor __ against __ abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
Finding: By letter from the Town's Superintendent of Wastewater Services, the Town sanitary sewer service is available for the proposed development and the sewer system will have the capacity and ability to handle the discharge flow estimates.
Conclusion: This standard appears to be met.
Vote of __ in favor __ against __ abstaining
G. Municipal Solid Waste Disposal Available.
<i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>
Finding: Solid waste disposal will either be by contracted curb-side pick-up or residents may elect to utilize the Town Resource Recovery Facility. The proposed development will not burden the facility.
Conclusion: This standard appears to be met.
Vote of __ in favor __ against __ abstaining
H. Water Body Quality and Shoreline Protected.
<i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>
Finding: A 100' setback from the northern wetland will become a no cut, no disturb area and will remain undeveloped and undisturbed in perpetuity, including no mowing or removal of any vegetation without a permit from the Code Enforcement Officer.
Conclusion: This standard appears to be met.
Vote of __ in favor __ against __ abstaining
I. Groundwater Protected.
<i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
Finding: The proposed development will be serviced by Town sewer. The runoff from developed areas on site will receive treatment in USF ponds prior to being discharged into on-site wetlands.
Conclusion: This standard appears to be met.
Vote of __ in favor __ against __ abstaining
J. Flood Areas Identified and Development Conditioned.

All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.

Finding: There is no proposed development located within a flood prone area.

Conclusion: This standard appears to be met.

Vote of __ in favor __ against __ abstaining

K. Stormwater Managed.

The proposed development will provide for adequate stormwater management.

Finding: The use of Underdrained Soil Filter (USF) ponds to attenuate peak flows will result in no increases in peak runoff quantity from the proposed development. No adverse effects are anticipated on any downstream properties or drainage structures for the analyzed storm events. Runoff quality is addressed by use of USF ponds.

Conclusion: This standard appears to be met.

Vote of __ in favor __ against __ abstaining

L. Erosion Controlled.

The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Finding: Best management practices will be employed as required by the Erosion & Sedimentation Control Plan.

Conclusion: This standard appears to be met.

Vote of __ in favor __ against __ abstaining

M. Traffic Managed.

The proposed development will:

- 1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and*
- 2. Provide adequate traffic circulation, both on-site and off-site.*

Finding: The applicant has provided a traffic analysis.

1. A traffic movement permit was previously issued by Maine Department of Transportation (MDOT) for 1,190 peak hour trips. The proposed amendment to the mixed-use development will reduce the traffic count further than was originally approved to 1,161
2. The project roadways and drives are designed to accommodate the projected traffic numbers and provide adequate traffic circulation.

Conclusion: This standard appears to be met.

Vote of __ in favor __ against __ abstaining

N. Water and Air Pollution Minimized.

The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:

1. *Elevation of the land above sea level and its relation to the floodplains;*
2. *Nature of soils and sub-soils and their ability to adequately support waste disposal;*
3. *Slope of the land and its effect on effluents;*
4. *Availability of streams for disposal of effluents;*
5. *Applicable state and local health and water resource rules and regulations; and*
6. *Safe transportation, disposal and storage of hazardous materials.*

Finding:

1. The proposed development is located outside of a floodplain.
- 2-4. The proposed development will be serviced by Town sewer.
5. The proposed development will adhere to all applicable State regulations.
6. Not applicable to the proposed development.

Conclusion: This standard appears to be met.

Vote of in favor against abstaining

O. Aesthetic, Cultural and Natural Values Protected.

The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Finding: The property does not include any significant aesthetic, cultural or natural values that require protection.

Conclusion: The requirement appears to be met.

Vote of in favor against abstaining

P. Developer Financially and Technically Capable.

Developer is financially and technically capable to meet the standards of this section.

Finding: The developer has been involved with large-scale construction projects through completion. The developer will provide an inspection escrow in an amount suitable to cover the costs of on-site inspection by the Peer Review Engineer to ensure the proposed development is constructed according to the approved plan.

Conclusion: This standard appears to be met.

Vote of in favor against abstaining

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and, based on these findings, determines that the proposed development will have no significant detrimental impact. The Kittery Planning Board hereby grants final approval, including approval for a special exception use request for the development at the above referenced property, including any waivers granted or conditions as noted.

Waivers:

1. None.

Conditions of Approval (to be added onto the final plan):

1. *Prior to the issuance of any certification of occupancies for any of the proposed buildings, all infrastructure that affects US Route 1 must be installed.*

Conditions of Approval (NOT to be depicted on the final plan):

1. Applicant shall submit a revised master site development plan plat and subdivision plan set that incorporates all of the revisions requested by the Planning Board at their April 22, 2021 meeting and satisfies all comments and issues raised by CMA Engineers Inc. in their most recent review letter, dated April 7, 2021.
1. All Notices to Applicant contained in the Findings of Fact (dated: April 22, 2021).
2. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to presentation of final plan. The amended subdivision plan must be submitted to Staff for review prior to recording with the York County Registry of Deeds within 90-days of approval.
3. Three (3) paper copy of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.
5. All other prior approvals and conditions unless otherwise amended herein remain in effect.

The Planning Board authorizes the Planning Board Chairperson, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of in favor against abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON April 22, 2021

Dutch Dunkelberger, Planning Board Chair

Per Title 16.6.2.A – An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.



April 7, 2021

P: 603|431|6196

www.cmaengineers.com

Bart McDonough, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

**RE: Town of Kittery, Planning Board Services
Site Plan Amendment Review Application
The Homestead 459 U.S. Route 1 (Tax Map 60, Lot 24)
CMA #591.121**

Dear Mr. McDonough:

CMA Engineers received the following information for Assignment #121, review of the site plan amendment application for property at 459 U.S. Route 1:

- 1) "The Homestead, 459 US Route 1 Kittery, Maine", prepared for Middlesex Land Holdings, LLC, 1 Bridgeview Circle, Tyngsboro, MA 01879 by Attar Engineering, Inc., 1284 State Road, Eliot, ME 03903 last revised as a Site Plan Amendment February 12, 2021.
- 2) "459 US Route 1-Kittery, Major Modification" by Attar Engineering, Inc., 1284 State Road, Eliot, ME 03903 dated March 16, 2021.

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code Zoning Ordinance and general engineering practices and offer the comments below that correspond directly to the Town's Ordinances. The project is in the Mixed Use, Residential-Rural and Shoreland Overlay Zone districts.

From the application: "The owner of the portion of the property with apartments has revised the layout and design of the apartments on lot 1 to 16 single family units (elderly) and 16 single family units (non-age restricted) in 8 buildings. The location and design of ponds 1 and 2 have also been modified to provide a flatter grade for a yard behind the adjacent apartments."

General: The design engineer should review the previously submitted Phasing Plan dated July 2020 to see if the proposed design changes have any effect on phasing.

We have only commented on the proposed changes since the previous plan set. We assume all previous waivers and the zone boundary extension have been resolved.

16.3 Land Use Zoning Regulations

16.3.2.1 Residential-Rural (R-RL)

No development is proposed in this portion of the site.

16.3.2.13 Mixed Use (MU)

D.2. In note 4 on Sheet 1.2, the applicant should list the provided setbacks, frontage, and lot size in addition to the required zoning information. *(We note that this comment was included in our previous review from November 2018 and addressed in February 2020 but was not addressed in this submission).*

We note that the applicant has requested a 50' Mixed Use zone boundary extension under 16.7.2.5. It appears that the applicant's justification is approvable if the board desires. We are unsure why the zone boundary extension is requested. *(We note that this comment was included in our previous review from November 2018 and was not addressed).*

The applicant has met all minimum dimensional standards.

16.3.2.17 Shoreland Overlay Zone (OZ-SL)

There is no proposed development within the overlay.

16.7 General Development Requirements

Article II. Conformity

16.7.2.5 The applicant has requested a 50' Mixed Use zone boundary extension. It appears that this request is supportable. We are not sure of the reason or motivation is for the extension. *(We note that this comment was included in our previous review from November 2018 and was not addressed).*

16.8 Design and Performance Standards-Built Environment

Article IV. Streets and Pedestrian Ways/Sidewalks Site Design Standards

The applicant has previously provided a traffic analysis. A traffic movement permit was previously issued by the Maine Department of Transportation (MaineDOT) for 619 peak hour trips. The proposed development will have less residential units (32 instead of 44) and, it is assumed, less trips. Does the Planning Board require an updated traffic analysis?

16.8.4.2.F. There are two proposed entrances within 1000' of each other. The applicant has applied for a waiver. Has the waiver been granted?

16.8.4.3.F. The roadway appears to have been designed to minor street standards. Without an estimated average daily trip (ADT) specified, it is not possible to determine if this is correct, however we note that the proposed roadway design is likely fine for this development. *(We note that this comment was included in our previous review from November 2018 and was not addressed).*

Table 1 Chapter 16.8:

Street Width Design:

- a. **Right-of-way:** The roadway appears to have been designed to minor street standards. Is a right-of-way required for this roadway?

Article VIII. Surface Drainage

The previously proposed stormwater management system appears to limit post development flows to levels lower than pre-development flows for the 2, 10 and 25-year storms. The minor changes to the stormwater management system appear to still accommodate post design flows, however we have the following comments:

- There is no summary of the stormwater analysis-no discussion of existing and proposed conditions, no comparison of pre- and post-stormwater flows, etc. The applicant should provide a full stormwater analysis with a summary and discussion for review.
- The Stormwater Management Study only shows a full analysis for the 25-year storm in the post-development calculations and only a summary of the 2-year and 10-year storms. Full calculations should be provided for the 2-year storm as well.
- The applicant should either show a 25% surplus for future flows or demonstrate that there is no additional developable land upstream of the project. *(We note that this comment was included in our previous review from November 2018 and was not addressed).*
- In the drainage structure table, the invert out of CB 23 (57.0') and invert in of CB 21 (57.0') are the same, likewise with the invert out of CB 4 (58.0') and invert in of CB 22 (58.0'). Are these pipes not sloped?
- Catch basins, 21, 22 and 23 do not appear to be included in the stormwater modelling.

Article IX: Parking, Loading and Traffic

16.8.9.4.B. Parking space dimensions should be indicated on the plans. *(We note that this comment was included in our previous review from November 2018 and was not addressed).*

16.8.9.4.D.I.1 The applicant should show dimensions of the accessible parking spaces on the plans. *(We note that this comment was included in our previous review from November 2018 and was not addressed).*

Article X. Signs

The Applicant should submit details of proposed signs for CEO approval. *(We note that this comment was included in our previous review from November 2018 and was not addressed).*

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

Very truly yours,

CMA ENGINEERS, INC.



Jodie Bray Strickland, P.E.

Senior Project Engineer

JBS/ams