

Town of Kittery Planning Board Meeting April 28, 2022

ITEM 6— 52 State Road—Shoreland Development and Preliminary Plan Review

Action: Accept or deny application as complete; or continue application to a subsequent meeting. Pursuant to §16.3 *Land Use Regulations*, Article III *Nonconformance* of §16.7 *General Development Requirements* and §16.10 *Development Plan Application* and review of the Town of Kittery Land Use and Development Code, owner/applicant Kevin Cambridge and agent Attar Engineering Inc. requests approval expand a legally nonconforming commercial structure and construct a 28-space parking lot with stormwater improvements on real property with an address of 52 State Road, (Tax Map 3, Lot 1) located in the Business-Local 1 (B-L1) Zone and the Shoreland Stream Protection Overlay Zone (OZ-SL-75).

PROJECT TRACKING

| REQ'D | ACTION | COMMENTS | STATUS |
|-------|--|-------------------|----------|
| No | Sketch Plan | June 24, 2021 | APPROVED |
| YES | Site Visit | November 30, 2021 | HELD |
| YES | Preliminary Plan Review Completeness/Acceptance | | ACCEPTED |
| YES | Public Hearing | November 18, 2021 | HELD |
| YES | Preliminary Plan Approval | December 9, 2021 | APPROVED |
| YES | Final Plan Review and Decision | TBD | PENDING |

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 16.4.4.13 - 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

52 State Road (“Project”) is located within the Business—Local-1 (B-L1) zone and overlaid by the Shoreland Stream Protection (SP-OZ-75) Overlay zone. The subject parcel is home to Terra Cotta and a single-family dwelling unit. Both structures are legally nonconforming due to front yard setback deficiencies and because the business resides within the stream protection overlay zone. Currently, there is minimal parking in the front of the business and limited parking to the rear of the building. The proposed development plans to expand the commercial structure by 1,760-sf. and expand the rear parking lot by adding 24 spaces for a total of 28 spaces. Moreover, a loading docking area will be added adjacent to the proposed expansion. Landscaping improvements and outdoor seating will be provided to the south facing side of the commercial building.

On June 9, 2021, Planning, Code Enforcement, Maine DEP and the applicant’s engineer met on site to review the findings of Michael Mariano and attempt to confirm the location of the existing stream and to determine whether any evidence of a stream was present within the designated area as depicted by the zoning map. After examining local vegetation and retracing the water body back towards State Road, it was ultimately determined that a stream no longer appeared to run in between Map 8 - Lot 43 and the subject lot. Instead, the stream ran through lot Map 8 - Lot 46 to a culvert abutting the rear property line of Map 8 - Lot 43, continuing to run underneath said lot, travelling through State Road and ultimately out falling into a wetland behind Map 3 - Lot 149 (Beach Pea). Subsequent email from Maine DEP (included in packet) declared that the piped stream does not meet the Stream Protection Overlay requirements and that the map should be changed. Where the stream may actually still exist as a stream is outside the 75-foot buffer that such a stream would require from the proposed development per the Code Enforcement Officer who attended the site visit with DEP.

On June 24, 2021, the Planning Board granted sketch plan review approval for the application. On November 18, 2021, the Board closed the public hearing and on December 9, 2021, voted to approve the preliminary plan. CMA, the Town's peer review engineering firm, completed a review of stormwater on March 22, 2022 (included in the packet). The applicant's engineer responded with the plans dated April 8, 2022 which were submitted for this meeting. CMA completed a review of those updated plans on April 21 and it is also included in your packet.

This application is being heard as a final plan. Typically, the final plan phase requires minor refinement of the plan rather than major changes to it. The Board has not had this application in front of them for over four months.

What is missing:

1. While the Board may have seen elevation drawings of the proposed addition last year, those elevation drawings as well as descriptions of the building materials were not included in this submission. As a final plan submission, they must be included. The elevation drawings should include dimensions for the addition and the existing building as well as height (meeting Title 16's definition of height of building) of each section of the building.
2. While it is possible to discern the size of the lot from the general notes on the overall site plan, the lot size should be on the plan itself where it can be easily found.
3. The width of the driveway and the dimensions of the patio/outdoor seating should be noted on the overall site plan.
4. The frontage distance for the lot should be indicated on the plan.
5. The open space requirement is missing from the general plan notes and the plans should demonstrate what areas are "open space" through shading or some other indication.
6. CMA's most recent review indicates there is missing information in regards to stormwater plans, plan details and the stormwater report. All CMA's comments must be addressed.
7. A landscaping plan was not submitted nor were plant/tree types noted on the plans. General plan note #9 declares the 15% requirement is met but there is too little information to verify it.
8. Hours of operation must be included on the final plan (in the general notes is fine) even if they haven't changed.
9. While a lighting plan was submitted, it is difficult to discern what lighting types are being used where. Two types of lighting specifications are shown on the plans but it appears there are five different types of lighting being proposed. The plan shows lighting in the parking lot – is it pole-mounted? Is the lighting cut-off/dark sky compliant as required by 16.7.G.(1)-(3)? Is the rest of the lighting also compliant?
10. An ADA-compliant parking space is required in the back parking lot for employees, visitors and customers. Will the building be accessible from the back parking lot for someone with disabilities?

Additional comments:

1. The application is showing that the original building will remain a store while the proposed addition is labeled as proposed industrial kitchen expansion. The plan notes for parking on the overall site plan (Note #4) list warehouse and storage as well as the industrial kitchen. The building addition on the plans should be labeled consistently with what is being proposed in Note #4. Will there also be an office upstairs? If so, that use should be listed along with the required parking. Elevation drawings could also help clarify.
2. The proposed parking is five spaces more than is required. The dwelling unit requires only 1.5 spaces per Title 16 for the B-L1 zone, while 2 spaces are being provided. Two spaces make sense since it is a single-family residence rather than an apartment. However, why would the applicant wish to construct an oversized parking area in the back, particularly since it directly impacts the scope and cost of the stormwater management system?

Final Plan Review

| Code Ref. | §16.4.18 B-L1 Zone Standards | |
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| | Standard | Comment |
| §16.4.18.(D).(1).(b) | Parking spaces per dwelling unit | Two spaces exist for the single-family dwelling which shares this lot. |
| §16.4.18.(D).(1).(c) | Minimum lot size: 20,000 square feet. | The lot is 30,959 sf. |
| §16.4.18.(D).(1).(d) | Minimum street frontage per building: 50 feet. | The lot has approximately double the requirement but frontage should be noted on the plan. |
| §16.4.18.(D).(1).(e) | Maximum front yard: 30 feet. (NOTE: This area must be designed to promote a pedestrian public space, which includes, but is not limited to, landscaping, sidewalks and sitting areas. Parking and outdoor storage are prohibited anywhere in the front yard of the structure, except for seasonal sales items.) | Both the commercial building and dwelling unit encroach into the front setback, making them legally nonconforming. |
| §16.4.18.(D).(1).(f) | Minimum rear and side yards: 10 feet. (NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential zone or use; in which case a minimum of 15 feet or 50% of the building height, whichever is greater, is required.) | The plans which show the side and rear setbacks which meet the standards. |
| §16.4.18.(D).(1).(g) | Maximum building height: 40 feet. | This information has not been provided and must be. |
| §16.4.18.(D).(1).(h) | Maximum building and outdoor stored material coverage: 50%. | It appears this standard is satisfied based on the plan notes but more information should be provided. |
| §16.4.18.(D).(1).(i) | Minimum area dedicated to landscaped area: 15%. | Plan notes indicate that the requirement is met but more information is needed. |
| §16.4.18.(D).(1).(j) | Hours of operation must be noted on the final plan etc. | There is a note indicating the hours will not change but that does not meet the standard. |
| §16.4.18.(D).(1).(l) | Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.9, § 16.3.2.17 and Appendix A, Fee Schedules. | DEP has recommended that the piped stream be removed from the Town's stream protection overlay which is part of the Town's shoreland zoning. The Board may do that per 16.4.28.C.(b) under Shoreland Overlay Zone-Stream Protection Area, allowing the project to be removed from a shoreland zoning project to just site plan review based on the information provided by staff and DEP. |
| §16.4.18.(D).(2).(a) | Parking must be on the side or back yard. | Existing parking remains in the front where it has been historically but the proposed parking is located in the back of the building. |
| §16.4.18.(D).(2).(b) | Shared access must be provided where feasible; and | It appears that this standard is satisfied, as it isn't feasible to connect existing access from adjoining lots given the limited available space and, location of buildings and topography. |

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| §16.4.18.(D).(2).(c) | New or revised parking must be visually screened through the use of landscaping, earthen berms and/or fencing from adjacent public streets or residential properties. (See the Design Handbook for appropriate examples.) | It appears some landscaping around the parking lot will be provided. More information is required in the form of a landscape plan. |
| §16.4.18.D.(3) | Building design standards. Kittery'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 must 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. Architectural design and structure location must reinforce the human scale and pedestrian nature of the neighborhood by using orientation and building massing, exterior building materials, and roofing as set forth below. 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.) Main entries should be clearly visible from the street and provide adequate cover from the weather. 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 modified existing building projects: | No architectural or elevation plans were submitted. Such plans are required. |
| §16.4.18..D(3).(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 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. | No information was provided. Such materials are required. |
| §16.4.18.D(3).(b) | Roofs. 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 prominent roof forms except as provided above. Roof colors must be muted. (See Design Handbook for examples.) 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.) | Again, no elevations were provided in the filing, so this standard is impossible to determine. |
| §16.4.18.D.(3).(c) | Loading docks and overhead doors. Loading docks and overhead doors must be located on the side or rear of the building and must be screened from view from adjacent properties in residential use | It appears that this standard is satisfied. |
| §16.4.18.D.(4) | Landscaping/site improvements. To achieve attractive and environmentally sound site design and appropriate screening of parking areas, in addition to the landscaping standards contained in Chapters 16.8 and 16.9, the following landscaping requirements apply to new and modified existing developments: | |
| §16.4.18.D.(4).(a) | Fifteen percent of site area must be landscaped; | It is unclear if the landscaping meets the requirement. More information is needed such as a landscape plan. |
| §16.4.18.D.(4).(b) | Outdoor spaces must be created to reinforce commercial activities and pedestrian-friendly access. Outdoor spaces are encouraged throughout the site with special attention along the sidewalk and street. Architectural features such as decorative pavers, planters and benches are encouraged in the creation of these spaces; | An outdoor patio and new access path are provided to the rear and side of the existing commercial building. Planning Board should determine if this is adequate. Is the access path ADA-compliant? |
| §16.4.18.D(4)(c) | The space between the roadway and any buildings must be attractively landscaped using trees, flowers, shrubs, fencing or stone walls to reinforce the site's unique character and building design; | The proposed development occurs in the rear and sides of the existing commercial building. The Planning Board should discuss if more landscaping is needed out front. |

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| §16.4.18.D(4)(d) | A buffer between commercial and residential zones must be established and be landscaped with a visually pleasing mixed planting type; | It appears that this standard is satisfied as only a small portion of the applicant's lot abuts a residential zone near the dumpster location. |
| §16.4.18.D(4)(e) | Solid fencing, berms and/or stone walls must be used to prevent headlights from shining on abutting residential property. Incorporating flowering vines and other plantings on fences and blank exterior walls is encouraged; | There are residential uses on the property itself and to the south. The plan does not appear to demonstrate adequate buffers to headlights for those residential uses. Again, a landscaping plan is needed. |
| §16.4.18.D(4)(g) | For additions to existing buildings and changes of residential structures to a nonresidential use, one street-side tree (see list of street trees in Design Handbook) is required to be planted for every 1,000 square feet of additional gross floor area added or converted to nonresidential use. In instances where parking, display area, storage, building or necessary vehicle circulation exists at the time of enactment of this section, the required trees may be clustered and/or relocated away from the road as is necessary to be practicable. The preservation of existing large trees is encouraged; therefore, the Planning Board may permit the preservation of existing healthy, large, mature trees within developed areas of the site to be substituted for the planting of new trees; | This standard is partially satisfied through the general plan notes. A landscape plan is needed for details such as tree type and required size. |
| §16.4.18.D(4)(h) | Service and storage areas must be located to the rear of the building and be shielded using plantings and/or fencing. Facilities for waste storage such as dumpsters must be located within an enclosure and be visually buffered by fencing, landscaping and/or other treatments (see Design Handbook for examples of appropriate buffering); | Dumpster enclosure detail was added to the plans. See Grading & Utility Plan. |
| §16.4.18.D(4)(i) | No storage may be in front of buildings except seasonal sales items; | It appears this standard is satisfied. |
| §16.4.18.D(4)(j) | Lighting and landscape plans must be provided and approved as a part of final plan; and; | Lighting plan was provided but needs clarification. No landscape plan has been submitted. |
| §16.4.18.D(4)(k) | Lighting along the street must be of a pedestrian scale using an architectural fixture appropriate to the neighborhood. | More information is needed – lighting plan is incomplete. |
| §16.4.18.D(5) | Traffic and circulation standards. Sidewalks and roadways must be provided within the site to internally join abutting properties that are determined by the Planning Board to be compatible. In addition, safe pedestrian route(s) must be provided to allow pedestrians to move within the site and between the principal customer entrance and the front lot line where a sidewalk exists or will be provided or where the Planning Board determines that such a route is needed for adequate pedestrian safety and movement. (See Design Handbook for appropriate examples.) | Safe passage through the site has been achieved. Internally joining this property with adjoining properties appears difficult because of adjacent stormwater-related structures, location of the buildings and topography. |
| §16.7.2.11.G(2) Underground utilities are required | | |
| | The Planning Board may allow an alternative, but it is incumbent upon the applicant to demonstrate why such a modification request should be granted. | This standard is not applicable. |
| | Where required, sidewalks must be installed to meet minimum requirements as specified in Table 1 of this chapter | This standard is not applicable. |
| Code Ref | §16.7.11 Site Plan Review – Performance Standards & Approval Criteria | |
| | Standard | Comment |
| §16.7.11.E(3)(g) | Accessways must be of a design and have sufficient capacity to avoid queuing of entering vehicles on any public street. | The ingress/egress to the back parking lot may be adequate but the plan does not indicate its width. |
| Code Ref | §16.7.11.A Water Supply | |
| §16.7.11.A(2) | If the project is to be served by a public water supply, the applicant shall secure and submit a written statement from the Kittery Water District that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of the distribution system and will be installed in a manner adequate to provide needed domestic and fire protection flows. | This standard is met. |
| Code Ref. | §16.7.11.B Sewage Disposal | |
| §16.8.7.2.C | Replacement of subsurface wastewater disposal systems (SWDS) for existing legal uses: | This standard is not applicable as the proposed commercial business is connected to the Kittery sewer system. |

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| | <p>(1) Where no expansion is proposed, the SWDS must comply with § 16.8.7.2 and Table 16.9 to the extent practicable and otherwise are allowed per the Maine Subsurface Wastewater Disposal Rules; or</p> <p>(2) Where expansion is proposed, the SWDS must comply with § 16.8.7.2 and Table 16.9 in addition to the Maine Subsurface Wastewater Disposal Rules.</p> <p>NOTE: For the purposes of this subsection, "expansion" is as defined in Section 9 of the Maine Subsurface Wastewater Disposal Rules.</p> | |
| Code Ref. | §16.7.11.C & D Stormwater and Surface Drainage and Post Construction Stormwater Mgmt | |
| §16.7.11.C & D | See section for all standards. | A post construction stormwater management plan was submitted for review by CMA. |
| Code Ref. | 16.8 Article IX Parking, Loading and Traffic | |
| 16.7.11.F.(1) | <p>All development, special exceptions and changes in use must comply with the performance standards herein and, where applicable, those contained in Article V of this chapter. The Planning Board may impose additional reasonable requirements, which may include off-site improvements, based on the following considerations:</p> <p>(1) Sight distances along public rights-of-way; (2) The existence and impact upon adjacent access points and intersections; (3) Turning movements of vehicles entering and leaving the public streets; (4) Snow removal; and (5) General condition and capacity of public streets serving the facility.</p> | The applicant has revised the plan notes to state that in the instance the lot reaches it capacity for snow storage, all excess snow will be carried off site. Snow storage on-site is noted on the Grading and Utility Plan. One location is adjacent to the stormwater detention pond. |
| 16.7.11.F.(1)(e) | All traffic flow in parking areas is to be clearly marked with signs and/or surface directions at all times. | The Planning Board may want the applicant to incorporate signage / pavement indications for traffic flow. |
| 16.7.11.F.(1)(f) | Off-street parking must be constructed in accordance with Table 2 of this chapter, set out at the end of 16.7.1.F, Parking Loading and Traffic. | This standard appears to be satisfied but some dimensional information on the plan as to parking space size and aisle width would be helpful. |
| 16.7.11.F.(4)(e) | A parking area must meet the wetland and water body setback requirements for structures for the district in which such areas are located, per Table 16.9, Minimum Setback from Wetlands and Water Bodies; except, in the Commercial Fisheries/Maritime Uses Overlay Zone, parking area must be set back at least 25 feet from the normal high-water line or the upland edge of a wetland. The setback requirement for a parking area serving public boat-launching facilities, in zones other than the Commercial, Business-Local, Residential-Urban Zones, and the Commercial Fisheries/Maritime Uses Overlay Zone, may be reduced to no less than 50 feet from the normal high-water line or upland edge of a wetland if the Planning Board finds no other reasonable alternative exists. | It appears that this standard will not be applicable if the Board is satisfied that there is no stream protection overlay requirements for this application. |
| 16.7.11.F.(4)(g) | Parking landscaping is required for parking areas containing 10 or more parking spaces and must have at least one tree per eight spaces. Such trees are to be located either within the lot or within five feet of it. Such trees are to be at least 1 1/2 inches in diameter, with no less than 25 square feet of unpaved soil or permeable surface area per tree. At least 10% of the interior of any parking area having 25 or more spaces is to be maintained with landscaping, including trees, in plots of at least five feet in width. | It appears that this standard is satisfied in terms of number of trees but a landscape plan is needed for further details. |
| 16.7.11.F.(4)(i).I | <p>If parking spaces are provided for employees, customers or visitors, then accessible parking spaces must be included in each such parking area in conformance with the following table: (see table)</p> <p>(1) Each accessible parking space must contain a rectangular area at least 19 feet long and eight feet wide with access to a designated and marked five-foot-wide aisle. All required accessible parking spaces are to be identified by a vertical sign displaying the international symbol of accessibility; pavement marking alone is not adequate to identify accessible parking spaces.</p> <p>(2) The total number of accessible parking spaces is to be distributed to serve the various accessible entrances as well as possible.</p> | The applicant needs to provide one accessible parking space in each parking area. The plan shows two in the front. It is unclear if there is safe access from the upper parking lot to the commercial business for people with disabilities. |

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| | <p>(3) At least one accessible route is to connect from each accessible parking space to the accessible building entrance.</p> | |
| <p>§16.8.9.4.K</p> | <p>Where off-street parking for more than six vehicles is required or provided, the following construction requirements apply:</p> <p>(1) Appropriate driveways from streets or alleys, as well as maneuvering areas, must be provided. Location and width of approaches over public sidewalk are to be approved by the Commissioner of Public Works. When access to parking areas is available from more than one street, the location of points of ingress and egress are to have the approval of the Planning Board.</p> <p>(2) The surface of driveways, maneuvering areas and parking areas must be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well-compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.</p> <p>(3) A system of surface drainage must be provided in such a way that the water runoff does not run over or across any public sidewalk or street or adjacent property. Where catch basins are required, oil traps are to be provided.</p> <p>(4) Where artificial lighting is provided, it must be shaded or screened so that no light source is visible from outside the area and its access driveways.</p> <p>(5) Where surface water drainage utilizes a municipal drainage system, the parking or driveway area may be required to have a bituminous asphalt surface or other approved equivalent.</p> | <p>This standard is partially met. Lighting plan details are lacking and the stormwater management plan requires improvement per CMA.</p> |

| §16.7.11.G Exterior Lighting | | |
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| Code Ref. | | |
| §16.7.11.G(a) | Lighting fixtures mounted on masts or poles must be cutoff fixtures except for period or historical fixtures meeting the provisions of Subsection G of this section. | As mentioned earlier, the lighting plan requires more details. |
| §16.7.11.G(b) | Floodlighting or other directional lighting may be used for supplemental illumination of sales or storage areas, provided that the floodlights are installed no higher than 12 feet above ground level, are aimed to avoid the source of the light being seen from adjacent streets or properties, and utilize lamps with an initial lumen rating not exceeding 39,000 lumens. The Town has the right to inspect the completed lighting installation and, if floodlights are used, to require that the floodlights be re-aimed or fitted with face louvers if necessary to control direct brightness or glare. | See above. |

| §16.7.10.D Final Plan Review | | |
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| Code Ref. | Standard | Comment |
| §16.7.10.D(3) | Entire section is pertinent. | It appears that the final plan is lacking some requirements such as a landscaping plan, the lighting plan lacks details and there are a number of other items that are needed on the plans as noted in this PRN. |

Next Steps

While the plans have addressed some items from the previous meeting in December and the stormwater management has changed, the final plan set still requires additional items and details added. The applicant will have the opportunity to refine the plans, correct oversights and get CMA's comments addressed before the next hearing of the application.

Recommended Motions

Below are recommended motions for the Board's use and consideration:

Motion to continue application

Move to continue a final plan site plan review from owner/applicant Kevin Cambridge and agent Attar Engineering Inc. which requests approval to expand a legally nonconforming commercial structure and construct a 28-space parking lot with stormwater improvements lot on real property with an address of 52 State Road, (Tax Map 3, Lot 1) located in the Business-Local 1 (B-L1) Zone and the Shoreland Stream Protection Overlay Zone (OZ-SL-75).



March 16, 2022

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

**RE: Town of Kittery, Planning Board Services
52 State Road Drainage Review
Tax Map 3, Lot 1
CMA #591.143**

Dear Bart:

CMA Engineers has received the following information for Assignment #143, review of the stormwater management plan for the building expansion of Terra Cotta Pasta at 52 State Road:

- 1) Site Plan Review Application - Review Memo Revisions, Terra Cotta Pasta Company (Tax Map 3, Lot 1), by Attar Engineering, Inc., dated December 2, 2021.
- 2) Terra Cotta Pasta Expansion, State Road (U.S. Route 1), Kittery, Maine, Stormwater Management Study, by Attar Engineering, Inc., dated February 16, 2022.
- 3) Preliminary Site Plan, Terra Cotta Expansion, State Road, Kittery, Maine, by Attar Engineering, Inc., dated 10/28/21 and last revised 2/10/22 (5 sheets).
- 4) Existing and Proposed Stormwater Plan, Terra Cotta Expansion, State Road, Kittery, Maine, by Attar Engineering, Inc., dated 2/16/22 (2 sheets).

The applicant proposes to construct a 1,760 square foot kitchen addition, a new patio/seating area, and an expanded parking lot.

We have reviewed the information submitted with a focus on stormwater management.

Stormwater Management

The applicant is proposing to manage stormwater, through the use of catch basins (existing and proposed) and piping, that discharge directly to the Town's drainage system on State Road. There is no proposed storage, reduction in peak flow, infiltration, or treatment of stormwater.

We have the following comments that relate directly to the Town Ordinance:

16.8.8.1.A. The Ordinance encourages the use of existing natural runoff control features to reduce runoff and encourage infiltration and otherwise manage stormwater through constructed features. Neither of these approaches has been proposed. There is no reduction in runoff at analysis point #1; there are increases in peak flow for all storm events (2,10 and 25-year) and no infiltration is proposed.

16.8.8.1.D.(1). Peak discharge must be limited to predevelopment levels for the 2 and 25-year storm unless stormwater is being discharged to a major water body. All stormwater is being directed to the Town's stormwater system, which is a closed piped system and is not a direct discharge to a water body. There are peak flow increases for the 2, 10, and 25-year storm at one of the analysis points. If the applicant is considering the Town's stormwater system a major water body, has an analysis of downstream capacity been conducted by the applicant?

16.8.8.1.D.(3). Has the applicant assessed downstream drainage facilities to determine capacity?

16.8.8.1.D.(3)(f). Who is responsible for on-site maintenance of drainage features that tie into the Town's stormwater system, which is an MS4 system? Are easements required?

There are a number of approaches that could be considered that could provide reductions in peak stormwater discharge, as well as treatment, that would meet the Ordinances. These might include porous pavement or other infiltrating features, various types of storage, stormwater treatment BMPs, etc. If the applicant does not wish to use these, then waivers of the code would be required with justification based on comprehensive analysis of the Town's downstream stormwater system on State Road.

We have the following general comments that relate to the stormwater management plan:

1. There are no BMPs proposed to detain water and dampen peak flows. The applicant should evaluate stormwater treatment options that detain stormwater and reduce peak flows to predevelopment levels.
2. There is no infiltration of stormwater proposed. The applicant should evaluate stormwater treatment options that infiltrate stormwater and reduce peak flows.

We have the following comments that relate to the plans:

Sheet 3:

- Include rim, invert elevations, pipe sizes and materials, of existing stormwater structures in Route 1, especially for the structures that are receiving the stormwater flows.

Sheet 4:

- The plans should include a detail for the catch basins. Are deep sump catch basins proposed?

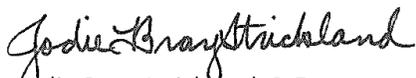
We have the following comment that relates to the Stormwater Management Study:

- The applicant should include relevant rainfall charts.
- The O&M manual should include post-construction tasks (cleaning catch basins, removing silt fence, parking lot sweeping, etc.).
- The O&M manual should include parking lot sweeping as a BMP.
- The stormwater management study should be stamped by a licensed P.E.

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

cc: Michael Sudak, EIT, Attar Engineering

JBS:rol



April 21, 2022

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

**RE: Town of Kittery, Planning Board Services
52 State Road Drainage Review #2
Tax Map 3, Lot 1
CMA #591.143**

Dear Adam:

CMA Engineers has received the following information for Assignment #143, review #2 of the stormwater management plan for the building expansion of Terra Cotta Pasta at 52 State Road:

- 1) Site Plan Review Application - Peer Revisions, Terra Cotta Pasta Company (Tax Map 3, Lot 1), by Attar Engineering, Inc., dated April 8, 2022.
- 2) Terra Cotta Pasta Expansion, State Road (U.S. Route 1), Kittery, Maine, Stormwater Management Study, by Attar Engineering, Inc., dated April 8, 2022.
- 3) Plan, Terra Cotta Expansion, State Road, Kittery, Maine, by Attar Engineering, Inc., dated 10/28/21 and last revised 4/8/22 (5 sheets).
- 4) Existing and Proposed Stormwater Plan, Terra Cotta Expansion, State Road, Kittery, Maine, by Attar Engineering, Inc., dated 2/16/22 and last revised 4/8/22 (2 sheets).

The applicant proposes to construct a 1,760 square foot kitchen addition, a new patio/seating area, and an expanded parking lot.

We have reviewed the information submitted with a focus on stormwater management.

Stormwater Management

Since our first review dated March 16, 2022, the applicant has made numerous revisions to the stormwater management plan. Stormwater from the new parking lot will now all flow to a stormwater basin, out to catch basins and piping that discharge to the Town's drainage system on State Road. The new drainage design will detain stormwater flow on site before discharge to State Road.

We have the following comments that relate directly to the Town Ordinance:

16.8.8.1.D.(3)(f). Who is responsible for on-site maintenance of drainage features that tie into the Town's stormwater system, which is an MS4 system? Are easements required?

We have the following comments that relate to the plans:

Sheet 3:

- Pipe lengths and slopes should be shown on the plan.
- The existing municipal catch basin will have to be cored to accommodate the 15" drainage pipe from CB #1. Has the applicant secured appropriate approvals for this work from the Town?

- The proposed 15" invert into the existing municipal catch basin should be shown on the plan as well as notes regarding coring the structure, the limit of sawcutting the pavement, etc. Relevant details for this work, including pavement patch, striping repair, etc. should be part of the plan set.
- There is a leader "Prp stormwater basin see detail sheet." There is no detail for the stormwater basin on the detail sheet.
- The inverts of the outlet structure should be shown on the plan.
- The invert of the pipe from catch basin #3 into the stormwater basin should be shown on the plan. Depending on the construction of the stormwater basin (rip rap or grass slopes), outlet protection may be needed.
- Include rim, invert elevations, pipe sizes and materials, of existing stormwater structures in Route 1, especially for the downstream structures that are receiving the stormwater flows.

Sheet 4:

- The plans should include details for the stormwater basin.
- The plans should include a detail for the outlet structure of the stormwater basin.

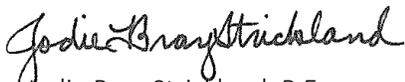
We have the following comment that relates to the Stormwater Management Study:

- If infiltration in the stormwater basin is assumed as indicated in the summary, what Ksat value was used? How was this value derived? Were test pits performed on site? In addition, the northwest corner of the stormwater basin (in the location of the outfall structure), may be located in an existing ledge outcrop area. Ledge should be removed to a sufficient depth below the stormwater basin to allow for infiltration. Please clarify.
- The calculations for Pond 5P (Ext MS4 Catch Basin) are not clear. Where is the square edged headwall outlet, 235' away with an invert of 19.20', located?
- We note that a table containing rainfall amounts was included but the applicant should include relevant rainfall charts from the source.
- The O&M manual references site wetlands but there are no wetlands on site. This reference should be removed.
- The O&M manual should include a site plan with the locations of BMPs.
- The stormwater management study should be stamped by a licensed P.E.

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

cc: Michael Sudak, EIT, Attar Engineering

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