

Town of Kittery Planning Board Meeting March 24, 2022

ITEM 2—524 US Route 1—Major Site / Subdivision Sketch Plan Review

Application acceptance, continue to a subsequent meeting; vote on sketch plan application. Pursuant to Title 30-A M.R.S.A. §4401-4408 Municipal Subdivision Law, §16.7 Site Plan Review and §16.8, Subdivision Review of the Kittery Town Code, the Planning Board shall consider a sketch plan special exception application from owner C-Coast Properties and applicant York Harbor Builders, LLC with agent Civil Consultants, requesting sketch plan approval to construct 19 mixed-use single-family dwelling units, 8 age-restricted dwelling units and a 7,200-sf storage/office building with appurtenant infrastructure on real property with an address of 524 U.S. Route 1 (Tax Map 67, Lot 1) located in the Mixed-Use (MU) and Residential-Rural (R-RL) Zones and Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan	March 24, 2022	PENDING
YES	Site Visit	TBD	TBD
YES	Preliminary Plan Review Completeness/Acceptance	TBD	TBD
YES	Public Hearing	TBD	TBD
YES	Preliminary Plan Approval	TBD	TBD
YES	Final Plan Review 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 16.4.4.13 - 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

The property of 524 US Route One (“Development”) is located in the Mixed-Use (MU) and Residential-Rural (R-RL) zoning districts in addition to Resource Protection (OZ-RP) and Shoreland (OZ-SL-250’) Overlay Zones. The lot size is approximately 23.89 acres of which 20.2 acres are located within the MU zoning district. Frontage for the property can be found along US Route 1, which is approximately 357-ft. Existing structures within the lot includes a single-family dwelling unit and a barn which straddles the town line with York and an ancient cemetery. Existing natural features consist of large swaths of forested lands with two identified wetlands less than an acre in size and a significant vernal pool to the rear of the property. Abutting the lot are two mixed-use lots and vacant land (forested, wetlands and passive open space). 524 US Route 1 has a Planning Board approved development for a 20,000-sf. food manufacturing facility and right-of-way, however, the project was not recorded and has been abandoned as the applicant was unable to move forward with construction.

The proposed mixed-use development intends to construct 19 mixed-use dwelling units, 8 age-restricted dwelling units, a 7,200-sf storage/office building along with a right-of-way from US Route 1 and appurtenant infrastructure. It is unclear, but assumed, that sewer and water utilities will be extended to the development along with underground electrical lines.

The application currently before the Planning Board (“Board”) is the first step of the of the major site plan / subdivision approval process: sketch plan review. The purpose of this phase to for the applicant to introduce the project and for the Board to work with the applicant to agree on a concept layout for the development along with providing guidance and requesting more information where it is lacking.

Code Ref.	§16.4.23 Mixed-Use (MU)	
	Standard	Comment
§16.4.23.D(2)(a)	Minimum lot size: [1] Lots with frontage on Route 1: 200,000-sf. [2] Lots without frontage on Route 1: 80,000-sf.	This standard appears to be satisfied.
§16.4.23.D(2)(b)	Minimum street frontage: On Route 1: 250-ft. [1] Other Streets: 150-ft.	This standard appears to be satisfied.
§16.4.23.D(2)(c)	Minimum front setback: 30-ft.	This standard appears to be satisfied.
§16.4.23.D(2)(d)	Minimum rear and side setbacks: 30-ft.	This standard appears to be satisfied.
§16.4.23.D(2)(e)	Maximum building height: 40-ft.	It is unclear of the proposed building height for all structures.
§16.4.23.D(2)(f)	Maximum height above grade of building-mounted signs: 40-ft.	It is unclear of the proposed building height for all structures.
§16.4.23.D(2)(h)	Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.9, § 16.3.2.17 and Appendix A, Fee Schedules.	This standard appears to be satisfied.
§16.4.23.D(2)(i)	Buffer to neighboring lot with an existing residence within 100 feet of the lot line: 40-ft	It is unclear of the proposed buildings satisfy this condition, as it appears the dwelling units on Landmark Hill (Map 67 – Lot 2) are being encroach upon by the proposed mixed-use dwelling units.
16.4.23.D.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.	It is unclear if the proposed mixed-used dwelling units meet the intent of the code, as uncertainty lies around the interaction between the respective dwelling unit and the office space. To wit: is the intent to rent the office space of each dwelling unit or is it designated as personal office space? Also, the land area per dwelling unit calculation is incorrectly provided, as the current plan has a variable of 5,000-sf per dwelling unit where 10,000-sf or 7,500-sf are the standards depending on a building's characteristic. Further, the Board needs to determine if enough parking spaces are provided for the attached offices.
16.4.23.D.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.	It appears that the number of age-restricted dwelling units exceeds the permitted amount, as the calculus for the mixed-use dwelling units is incorrect.
§16.4.23.D(4)	Mixed-use requirement. The Mixed-Use Zone is intended for the creation of an area in the Town that has a mix of uses and in which no single type of use predominates. To this end, larger scale projects must incorporate a mix of principal uses into the development. Any new development that creates more than 20,000 square feet of gross floor area must include at least two principal uses as set forth in the list of permitted uses and special exceptions. To fulfill this requirement, the smaller use or combination of smaller uses must contain at least 10% of the gross floor area. The combination of retail uses that are permitted uses and one larger retail use allowed as a special exception does not fulfill this requirement. This provision does not apply to the development of a single lot of record as of April 1, 2004, that has a lot area of less than 200,000 square feet.	This standard appears to be satisfied, however, a revised calculation will need to be provided based on the comments concerning the land area per dwelling unit.

§16.4.23.D(5)	<p>All new parking areas must be located at the side of, and/or to the rear of, principal buildings. Where unique circumstances exist and it is demonstrated to the Planning Board that prohibition of parking in front of the principal building is not practicable, with the Board's approval, 10 or fewer parking spaces may be located closer to the front lot line than a principal building. All new or altered parking must be visually screened from U.S. Route 1, Lewis Road, Cutts Road, and Haley Road by extensive landscaping, earthen berms, and/or fencing (see Design Handbook for examples of acceptable screening).</p>	<p>It is unclear if this standard is met as the location of the parking spaces for the attached office buildings is indeterminate and the location of the front façade of the storage / office building is unknown.</p>
§16.4.23.D(6)	<p>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 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:</p> <p>(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.</p> <p>[1] 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.</p> <p>[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.</p> <p>[3] 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.</p>	<p>More information is required is to determine compliance with this standard. May occur during preliminary review.</p>
§16.4.23.D(6)(b)	<p>Roofs. Roofs must meet the following standards:</p> <p>[1] 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.</p> <p>[2] Color. Roof colors must be muted (see Design Handbook for examples).</p> <p>[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.</p> <p>[4] 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.</p>	<p>More information is required is to determine compliance with this standard. May occur during preliminary review.</p>
§16.4.23.D(7)(a)	<p>Landscape planter strip. A vegetated landscape planter strip 30 feet in depth (as measured from the edge of the property line) must be provided along the length of all developed portions of a parcel that are adjacent to a street right-of-way. The planter strip must include the following landscape elements:</p>	<p>More information is required is to determine compliance with this standard. May occur during preliminary review.</p>

§16.4.23.D(7)(a)[1]	Ground cover. The entire landscape planter strip must be vegetated except for approved driveways, walkways, bikeways, and screened utility equipment.	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(7)(a)[2]	Streetside trees. A minimum of one street tree must be planted for each 25 feet of street frontage. The trees may be spaced along the frontage or grouped or clustered to enhance the visual quality of the site (see Design Handbook for examples). The trees must be a minimum 2.5 inch caliper, and be at least 12 feet high at the time of planting. The species should be selected from the list of approved street trees in the Design Handbook. Existing large healthy trees must be preserved if practical and will count toward this requirement.	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(7)(a)[3]	Planter strip. Shrubs and flowering perennials must be planted at a minimum of 10 plants per 40 linear feet of street frontage unless existing woodlands are being retained or such planting is inconsistent with the retention of rural landscape features. The plant material should be selected from the list of approved materials in the Design Handbook. The plants must be placed within the planter strip to enhance the visual character of the site and augment natural features and vegetation (see Design Handbook for examples of appropriate treatments).	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(7)(a)[4]	[b] Depth of landscape planter strip. In instances where the required average depth of the landscape planter strip is legally utilized, in accordance with previous permits or approval, for parking, display, storage, building, or necessary vehicle circulation, the depth may be narrowed by the Planning Board to the minimum extent necessary to achieve the objective of the proposed project, provided that the required shrubs and perennials are planted along the street frontage to soften the appearance of the development from the public street. If providing the required landscape planter strip along with other required landscaping and required vegetated areas in and around wetlands would cause the project to exceed the required open space standards, the depth of the landscape planter strip and the front yard may be reduced by the Planning Board so that the open space standards are not exceeded, but in no case to less than 20 feet for this reason.	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(7)(b)	Buffer area. Where buffering is required, it must provide a year-round visual screen to minimize adverse impacts and screen new development (see Design Guidelines for examples of appropriate buffers for various situations), and may consist of fencing, evergreens, retention of existing vegetation, berms, rocks, boulders, mounds or combinations thereof. Within three growing seasons, the buffer must provide a year-round screen at least eight feet in height or such lower height as determined by the Planning Board to be appropriate for the situation. Buffer areas must be maintained and kept free of all outdoor storage, debris, and rubbish. The width of the buffer area may be reduced by the Planning Board if the function of the buffer is still fulfilled	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(7)(c)	Rural landscape features. Rural landscape features such as stonewalls, berms, and other agricultural structures, and tree lines or fields must be retained to the maximum extent practicable.	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(7)(d)	Lighting. Outdoor lighting must provide the minimum illumination needed for the safe use of the site while enhancing the nighttime visual character of the site. Lighting must conform to the standards for outdoor lighting in Chapter 16.7.11.H	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(7)(e)	Outdoor service and storage areas. Service and storage areas must be located to the side or rear of the building. 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).	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(8)	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.	The Board should discuss how the applicant plans on connecting to existing pedestrian facilities.

§16.4.23.D(9)	Open space standards. Open space must be provided as a percentage of the total area of the lot, including freshwater wetlands, water bodies, streams, and setbacks. Thirty-five percent of each lot must be designated as open space. Required open space must be shown on the plan with a note dedicating it as “open space.”	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(9)(a)	An objective of the open space standard is to encourage the integration of open space throughout the entire development and with the open space on adjoining properties in order to alter the pattern of commercial activity along Route 1. To this end, a minimum of 25% of the required open space must be located in the front 50% of the lot area closest to U.S. Route 1, or if not fronting Route 1, closest to the public street used to enter the lot. The Planning Board may modify this requirement when it is demonstrated to the Board's satisfaction that the objective is met to the greatest practicable extent.	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(9)(b)	The open space must be located to create an attractive environment on the site, minimize environmental impacts, protect significant natural features or resources on the site, and maintain wildlife habitat. Where possible, the open space must be located to allow the creation of continuous open space networks in conjunction with existing or potential open space on adjacent properties.	More information is required is to determine compliance with this standard. May occur during preliminary review.
§16.4.23.D(9)(c)	[1] Cases where integrating open space would require exceeding the open space standards. In cases where the topography, wetlands, and existing development on the lot dictates that more than 75% of the required open space be located outside the front portion of the lot, a percentage of the open space normally required in the front portion of the lot may be shifted to the rear portion of the lot in order to achieve the required amount of vegetated open space and not reduce the allowable developable area on the lot, provided minimum landscaping standards are satisfied.	More information is required is to determine compliance with this standard. May occur during preliminary review.
16.4.23.D(10)(h)	[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.	It appears that these criteria are not met, as the age-restricted housing is segregated from the rest of the development, and it is unclear how the age-restricted housing will be a central component of the development.
Code Ref.	§16.8 Subdivision	
	Standard	Comment
§16.8.9.B(3)(a)	The sketch plan must show in simple form on a topographic map the proposed site, subdivision, landscape architectural or architectural design concept, including streets, lots, structures and other features, in relation to existing conditions and municipal land use zone(s) regulations.	This standard appears to be satisfied.
§16.8.9.B(3)(b)	The sketch may be a freehand penciled sketch and must include the data listed below.	Applicant has provided engineered and land surveyed quality plat plans. This standard appears to be satisfied.
§16.8.9.B(4)(a)	General subdivision information must describe or outline the existing conditions of the site, including: [1]Covenants. [2]High-intensity Class "A" soil survey and soil interpretation sheets. [3]Available community facilities. [4]Utilities.	More information on the utilities are needed as well as a high-intensity class “A” soil survey and interpretation sheets

§16.8.9.B(4)(b)	Proposed development, such as: [1] Number of residential or business lots and/or dwelling units; [2] Typical lot width and depth; [3] Price range; [4] Business areas; [5] Playgrounds, park areas and other public areas; [6] Protective covenants; [7] Utilities; and [8] Street improvements.	It is unclear if sidewalks are proposed. Also absent from the application are the following: price range of new homes, utilities and information on proposed covenants, if any.
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Next Steps

There are a few major elements causing an impasse that need rectifying before the sketch plan can move forward, even from an acceptance standpoint. The Board should decide if the proposed mixed-use dwelling units meets the intent of the code. Moreover, the Board should direct the applicant to revise the land area per dwelling unit calculations as they appear to be incorrect. Also, clarification is needed on what “Storage” involves for the 7,200-sf building considering the use has the potential not to be a permitted use in the Mixed-Use zoning district. Further, it appears that the age-restricted dwelling units are not an integral part of the development, which is required. Staff recommends that the Board not accept the plan and have the applicant return to the Board with a revised plan that resolves the outstanding issues and complies with the applicable ordinances.

Recommended Motions

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

Motion to accept application as complete

Move to accept the major site / subdivision sketch plan application as complete from owner C-Coast Properties and applicant York Harbor Builders, LLC with agent Civil Consultants, requesting sketch plan approval to construct 19 mixed-use single-family dwelling units, 8 age-restricted dwelling units and a 7,200-sf storage/office building with appurtenant infrastructure on real property with an address of 524 U.S. Route 1 (Tax Map 67, Lot 1) located in the Mixed-Use (MU) and Residential-Rural (R-RL) Zones and Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zone

Motion to continue application

Move to continue the major site / subdivision sketch plan application as complete from owner C-Coast Properties and applicant York Harbor Builders, LLC with agent Civil Consultants, requesting sketch plan approval to construct 19 mixed-use single-family dwelling units, 8 age-restricted dwelling units and a 7,200-sf storage/office building with appurtenant infrastructure on real property with an address of 524 U.S. Route 1 (Tax Map 67, Lot 1) located in the Mixed-Use (MU) and Residential-Rural (R-RL) Zones and Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zone

Motion to approve sketch plan

Move to approve the major site / subdivision sketch plan application as complete from owner C-Coast Properties and applicant York Harbor Builders, LLC with agent Civil Consultants, requesting sketch plan approval to construct 19 mixed-use single-family dwelling units, 8 age-restricted dwelling units and a 7,200-sf storage/office building with appurtenant infrastructure on real property with an address of 524 U.S. Route 1 (Tax Map 67, Lot 1) located in the Mixed-Use (MU) and Residential-Rural (R-RL) Zones and Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zone

**Site or Subdivision Sketch Plan
Review**

SKPR-22-4

Submitted On: Mar 2, 2022

Applicant

👤 Geoffrey Aleva
☎ 2073842550
@ geoff@civcon.com

Location

524 US ROUTE 1
KITTERY, ME 03904

Property Description

Parcel Map Number

67

Base Zone

Mixed Use and Rural Residential

Total Land Area

23.89

Physical Address

524 US Route 1

Parcel Lot Number

1

Overlay Zones

Shoreland at rear of property

MS4

No

Property Owner's Information

Last Name

C-Coast Properties

Phone Number

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Fax Number

--

Mailing Address

PO Box 603, York Harbor, ME, 03911

First Name

--

Email Address

--

Applicant's Agent Information

First Name

Geoffrey

Phone Number

2073842550

Email Address

Geoff@civcon.com

Mailing Address

PO Box 100, South Berwick, ME, 03908

Last Name

Aleva

Name of Business

Civil Consultants

Fax Number

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Project Description

Existing Land Use(s):

Residential

Proposed Land Use(s) and Development:

Mixed use development. The project will create a new private roadway that will serve mixed use single family residential units with attached office space, age restricted housing and a commercial storage building.

Please describe and construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)

The project does not have any construction constraints. The proposed design does not impact wetlands, wetland buffers or shoreland areas. The site constraints are centered on a design that limits the roadway to 201 trips per day.

Certification and Acknowledgement

I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the Plan submitted without notifying the Town Planner and Development Department of any changes.

true

Applicant's Name

Geoffrey R Aleva

New Field

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WARRANTY DEED

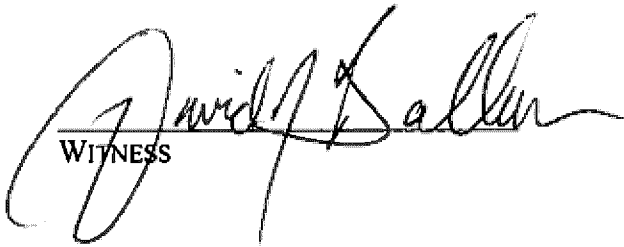
Know all by these presents that **TIDE RUN DEVELOPMENT, LLC**, a Maine limited liability company, with a business mailing address of 70 Cider Hill Road, York, Maine 03909, for consideration paid, grants to **C-COAST PROPERTIES LLC**, a Maine limited liability company, with a business mailing address of P.O. Box 603, York Harbor, Maine 03911, with Warranty Covenants, the real property, situated partially in the Town of York and partially in the Town of Kittery, County of York and State of Maine, described as follows:

SEE EXHIBIT A ATTACHED HERETO

No Transfer Tax

IN WITNESS WHEREOF, the said TIDE RUN DEVELOPMENT, LLC, has caused this instrument to be signed in its company name, under seal, by DEBORAH E. ERIKSON, its Manager, duly authorized, this 24th day of September 2018.

TIDE RUN DEVELOPMENT, LLC
By:


WITNESS


DEBORAH E. ERIKSON, MANAGER

STATE OF MAINE

York, ss. September 24, 2018

Then personally appeared the above named Deborah E. Erikson and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said limited liability company.

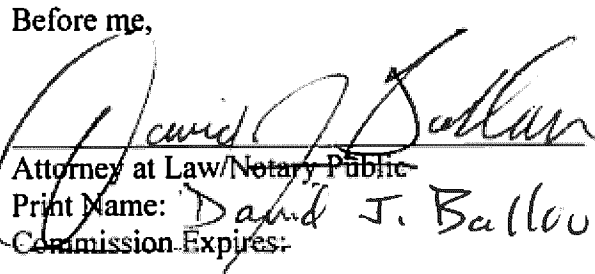
Before me,

Attorney at Law/Notary Public
Print Name: David J. Ballou
Commission Expires:

EXHIBIT A

PARCEL 1

A certain lot or parcel of land together with the buildings thereon situate in said Kittery and in part in the Town of York. Both in the County of York and State of Maine bounded and described as follows:

BEGINNING on U.S. Highway No. 1 at land of Leo H. and Barbara L. Cain;

THENCE running South 27° East by land of said Cains to a marked tree in line of a stone wall;

THENCE continuing on a southeasterly course on the line of land formerly conveyed to said Leo and Barbara Cain to a stone wall on line of land now or formerly owned by Leon W. Main;

THENCE turning and running southwesterly as the wall runs by other land now or formerly of said Main to a corner in the wall;

THENCE turning and running southeasterly as the wall runs to land now or formerly of one Fuller, being the southeasterly boundary of the farm herein conveyed;

THENCE southwesterly by said Fuller land to land of William Crawford;

THENCE northwesterly land of said Crawford to land of Sheldon Doody;

THENCE northeasterly, four hundred (400) feet, by land of said Doody;

THENCE northwesterly, five hundred forty-four (544) feet, by land of said Doody to said U.S. Highway No. 1;

THENCE northeasterly by said Highway, seven hundred (700) feet, more or less, to the PLACE OF BEGINNING.

Containing forty acres, more or less.

Subject to a pole easement granted to New England Tel. & Tel. Co. by Wallace A. Main, by instrument dated September 3, 1925 and recorded at York County Registry of Deeds in Book 755, Page 21. Title reference is made to a deed recorded at York County Registry of Deeds in Book 1826, Page 490.

PARCEL 2

A certain lot or parcel of land situate in the Town of York, County of York and State of Maine, being a woodlot lying adjacent to and north of the Kittery-York town line; being a portion of the

"Emerson Field", and delineated on Plan of Land of Kyra M. Kaplan by Moulton Engineering Co., dated 10/18/72, recorded in York County Registry of Deeds in Plan Book 59. Page 18, bounded and described as follows:

BEGINNING at a pipe in the ground beside an old set of bars at the southeasterly corner of said parcel, and running North eighty-five degrees forty-one minutes thirty seconds East (N 85° 41' 30" E) two hundred eighty-nine and thirty hundredths (289.30) feet to a pipe in the ground beside an old elm tree with spike in it;

THENCE running North twenty-two degrees thirty-eight minutes forty-five seconds West (N 22° 38' 45" W) six hundred ninety-nine and forty-six hundredths (699.46) feet to a pipe driven in a pile of stones;

THENCE running southwesterly by and along a stone wall four hundred forty-eight and forty-nine hundredths (448.49) feet to a pipe in the corner of said stone wall;

THENCE running southeasterly by and along another stone wall four hundred sixty-seven and sixty-seven hundredths (467.67) feet to the POINT OF BEGINNING.

Together with the right of way, leading from said woodlot through land of heirs of Wallace A. Main to the highway known as U.S. Route 1.

Meaning and intending and hereby conveying the second parcel only described and conveyed in deed of Jack A. Drobish et ux. to Frank G. Leighton, Jr. et al., dated May 27, 1972, recorded at said Registry in Book 1950, Page 88. Title reference is made to a deed recorded at York County Registry of Deeds in Book 2010, Page 193.

PARCEL 3

A certain lot or parcel of land situated in said York containing fifteen (15) acres, more or less, bounded and described as follows:

BEGINNING at the southerly corner of the parcel of land herein conveyed adjoining land of the heirs of Edmund Moulton at the junction of the stonewall;

THENCE running from said corner northeasterly by said heirs land and stonewall fifty-seven rods and three links to land now or formerly of Ida May Trefethen to the junction of the wall;

THENCE northwesterly by said Trefethen land and wall fifty-six rods and sixteen links to corner of wall;

THENCE southwesterly by said Trefethen land and land formerly of Wallace A. Main, thirty rods to point and pile of stones by the wall near a maple tree;

THENCE South about 20° East forty-one and eight tenths rods to a large elm tree, marked;

THENCE South about eighty-two degrees West about sixteen and three tenths rods to a point at the easterly end of a set of bars; thence southeasterly by land formerly of Alsbury J. Goodwin twenty-seven and eight tenths rods to the place of beginning. Being a portion of the Emerson Field so called.

Title reference is made to a deed recorded at York County Registry of Deeds in Book 1826, Page 492.

Excepting the land conveyed to Leo H. Cain, et ux. by deed dated June 20, 1955 and recorded in Book 1289, Page 77 at the York County Registry of Deeds.

Excepting the land conveyed to Leo H. Cain, et ux. by deed dated November 19, 1968 and recorded at Book 1969, Page 696 at the York County Registry of Deeds.

Being the same premises conveyed by Krya M. Berson and Eliot L. Berson, Co-Trustees of Heritage Realty Trust to Tide Run Development, LLC by deed dated October 18, 2016 and recorded at York County Registry of Deeds in Book 17345, Page 846.

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PURCHASE AND SALE AGREEMENT

("days" means business days unless otherwise noted, see paragraph 23)

December 2, 2021
Offer Date

12/2/2021, _____ Effective Date
Effective Date is defined in Paragraph 23 of this Agreement.

1. PARTIES: This Agreement is made between York Harbor Builders, LLC ("Buyer") and C-Coast Properties, LLC ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy all part of (if "part of" see para. 26 for explanation) the property situated in municipality of Kittery, County of York, State of Maine, located at 524 US Route One (Partial) and described in deed(s) recorded at said County's Registry of Deeds Book(s) 17807, Page(s) 929.

3. FIXTURES: The Buyer and Seller agree that all fixtures, including but not limited to existing storm windows, screens, shades and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood/pellet stoves, sump pump, electrical fixtures, hard-wired generators, landscaping, and n/a are included with the sale except for the following: no exceptions. Seller represents that all mechanical components of fixtures will be operational at the time of closing except: no exceptions.

4. PERSONAL PROPERTY: The following items of personal property as viewed on November 30, 2021 are included with the sale at no additional cost, in "as is" condition with no warranties: n/a.

5. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of _____. Buyer has delivered; or will deliver to the Agency within 5 days of the Effective Date, a deposit of earnest money in the amount \$ 10,000.00. Buyer agrees that an additional deposit of earnest money in the amount of \$ n/a will be delivered n/a. If Buyer fails to deliver the initial or additional deposit in compliance with the above terms Seller may terminate this Agreement. This right to terminate ends once Buyer has delivered said deposit(s). The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

6. ESCROW AGENT/ACCEPTANCE: Carey & Giampa Realtors, LLC ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until December 3, 2021 (date) 5:00 AM PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer.

7. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on March 31, 2022 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or may terminate this Agreement in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

8. DEED: The property shall be conveyed by a Quit Claim With Covenants deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

Page 1 of 5 - P&S

Buyer(s) Initials

GV

Seller(s) Initials

KE

Carey & Giampa, LLC, 55 Congress St Portsmouth NH 03801
Kevin Erikson

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

Phone: (603) 321-9569

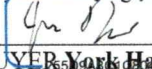
Fax: (603) 610-8550

524 US Route One

DocuSign Envelope ID: 4E5E9DA8-93A9-4B9A-ADF5-666502A9495F

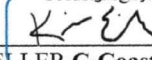
28. ELECTRONIC SIGNATURES: Pursuant to the Maine Uniform Electronic Transactions Act and Digital Signature Act, the parties authorize and agree to the use of electronic signatures as a method of signing/initialing this Agreement, including all addenda. The parties hereby agree that either party may sign electronically by utilizing an electronic signature service.

Buyer's Mailing address is 40 Godfrey Cove Rd, York, ME 03909

	12/3/2021		
BUYER	DATE	BUYER	DATE
BUYER	DATE	BUYER	DATE

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is PO Box 603, York Harbor, ME 03911

	12/2/2021		
SELLER	DATE	SELLER	DATE
SELLER	DATE	SELLER	DATE

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ AM PM.

SELLER	DATE	SELLER	DATE
SELLER	DATE	SELLER	DATE

The Buyer hereby accepts the counter offer set forth above.

BUYER	DATE	BUYER	DATE
BUYER	DATE	BUYER	DATE

EXTENSION

The closing date of this Agreement is extended until _____ DATE

SELLER	DATE	SELLER	DATE
SELLER	DATE	SELLER	DATE
BUYER	DATE	BUYER	DATE
BUYER	DATE	BUYER	DATE



geoff@civcon.com

From: James Paolini <yorkharborbuilders@gmail.com>
Sent: Wednesday, March 9, 2022 7:05 AM
To: Geoff Aleva
Subject: Fwd:

----- Forwarded message -----

From: Kevin Erikson <kevinwerikson@gmail.com>
Date: Tue, Mar 8, 2022 at 4:19 PM
Subject: Re:
To: James Paolini <yorkharborbuilders@gmail.com>

That is confirmed from C-Coast. You have permission to move forward with the application for Kittery.
Thanks,
Kevin

On Tue, Mar 8, 2022 at 4:16 PM James Paolini <yorkharborbuilders@gmail.com> wrote:

Hi Kevin,

Can you send me an email confirming that C-coast properties gives us the okay to move forward with the application for Kittery.

Thanks,
Jamie

--

For A Faster Response Please Text Or Call (603) 321-9569

Kevin Erikson
Realtor ME & NH
Carey & Giampa, Realtors
14 York Street
York, ME 03909
[207-363-4000](tel:207-363-4000) office
[603-321-9569](tel:603-321-9569) cell
www.careyandgiampa.com

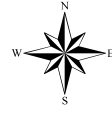
Click this link for a video "A Day On The Seacoast" [www.youtube.com/watch?v= dwKI3vWrig&sns=em](https://www.youtube.com/watch?v=dwKI3vWrig&sns=em)

WIRE FRAUD: During your representation by Carey & Giampa, you will NEVER be asked, via email, to wire or send funds to ANYONE, not even a title company. DO NOT COMPLY WITH EMAIL INSTRUCTIONS TO WIRE FUNDS!

geoff@civcon.com

From: James Paolini <yorkharborbuilders@gmail.com>
Sent: Wednesday, February 23, 2022 1:04 PM
To: Geoff Aleva

I give Civil Consultants permission to represent me for the Kittery planning board.
James Paolini



524 US RT 1 - SITE LOCATION

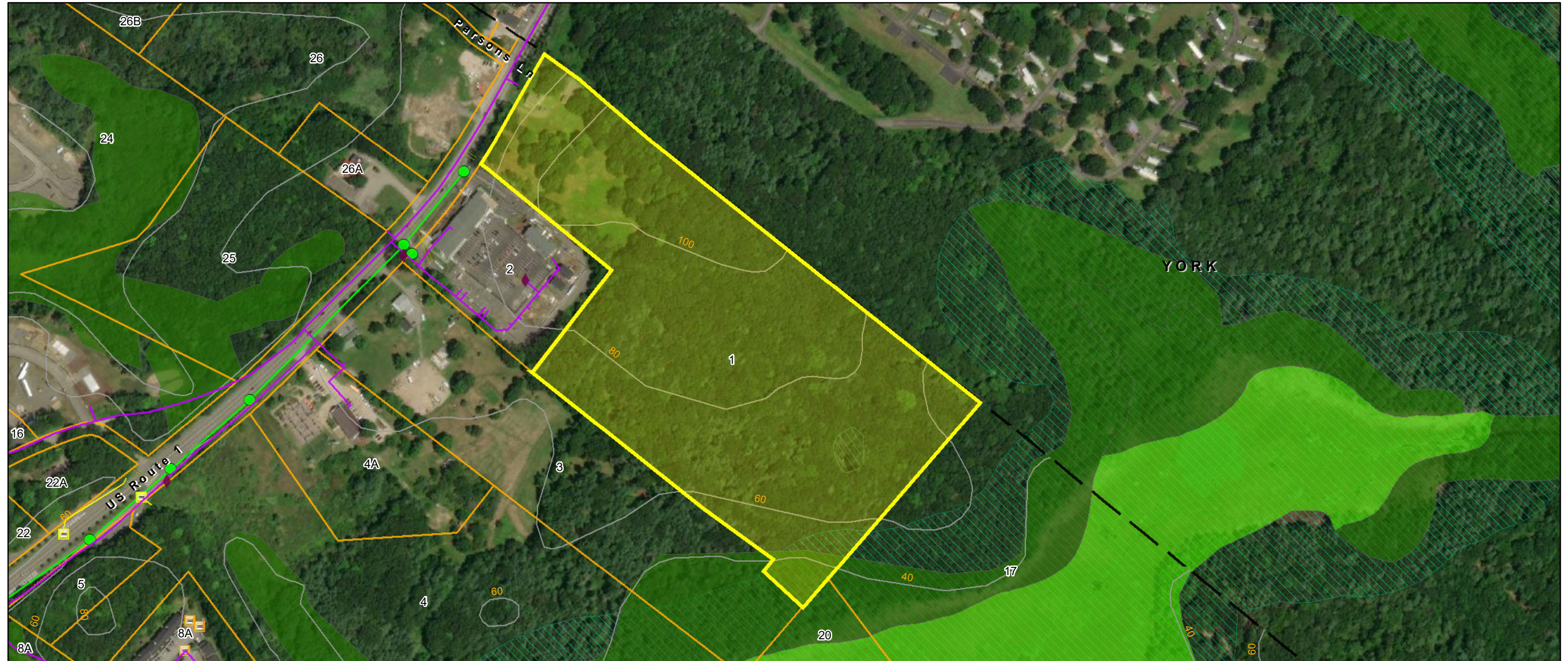
Kittery, ME



February 28, 2022

1 inch = 300 Feet

www.cai-tech.com



	Private Road		Freshwater Emergent Wetland
	Property Line		Freshwater Forested/Shrub Wetland
	Public Road		Freshwater Pond
	Right of Way		Inland water Fowl - Wading Bird Habitat - MEGIS
	Cemetery		
	20 Ft. Contours - MEGIS		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



524 US RT 1 - VICINITY MAP

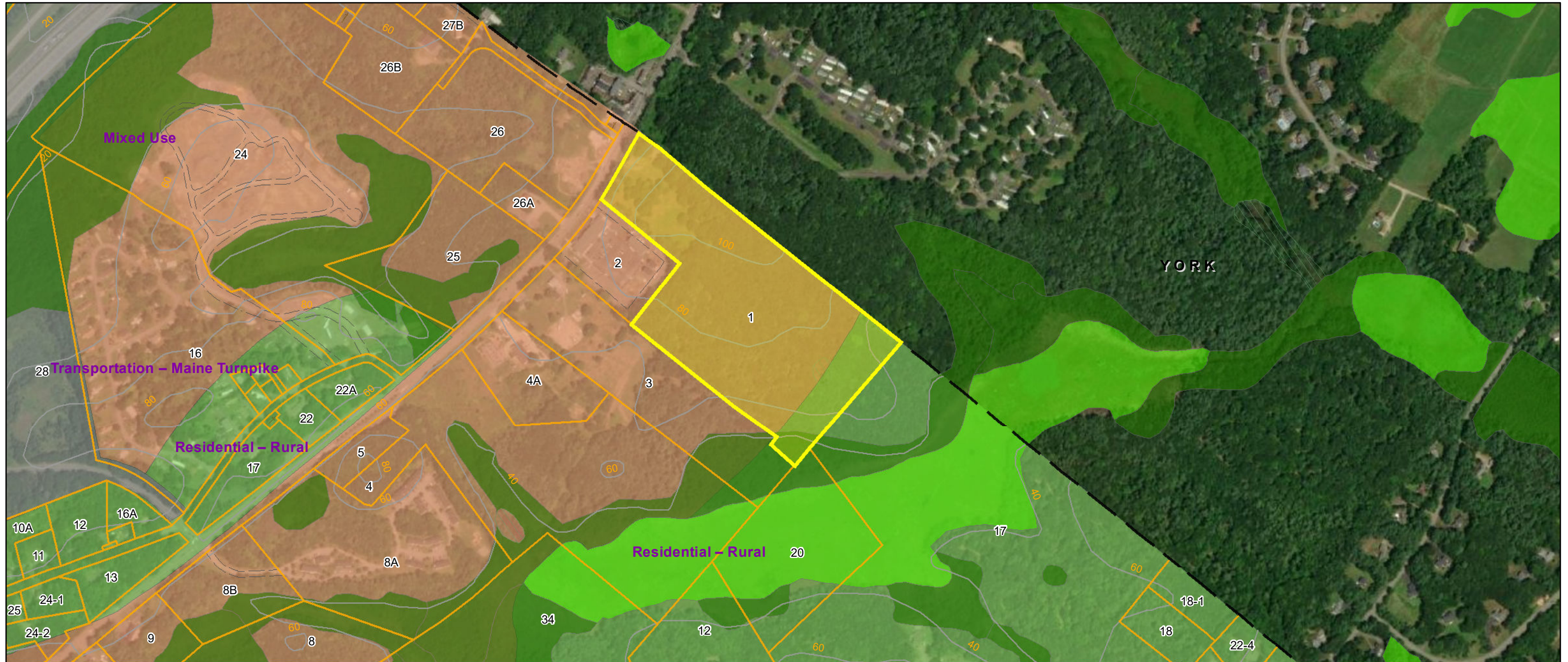
Kittery, ME



February 28, 2022

1 inch = 500 Feet

www.cai-tech.com



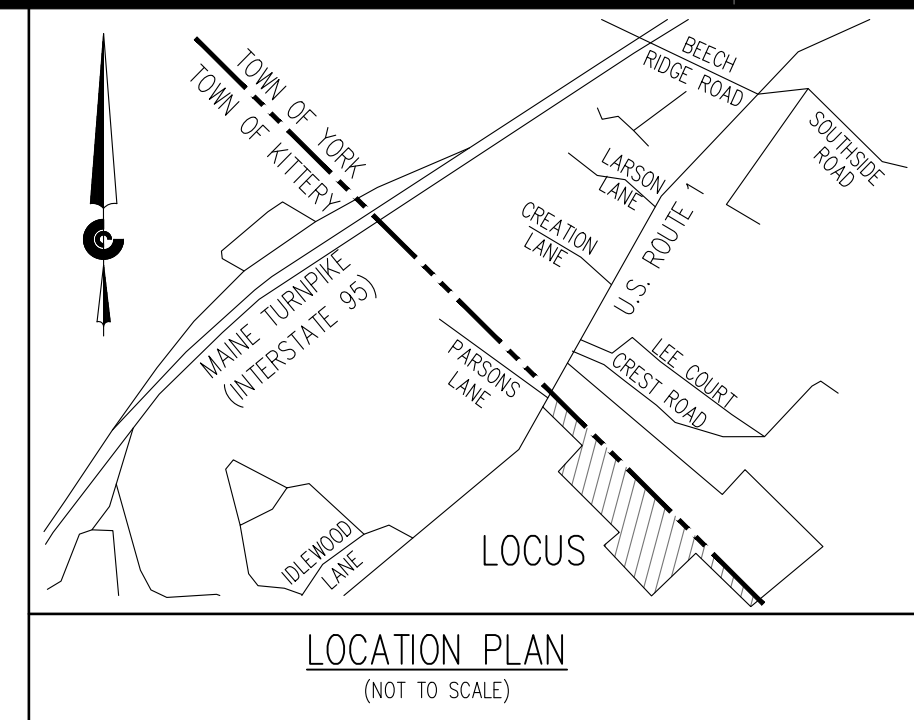
	Right of Way		Conservation
	Cemetery		Mixed Use
	20 Ft. Contours - MEGIS		Residential - Rural
	Freshwater Emergent Wetland		Transportation - Maine Turnpike
	Freshwater Forested/Shrub Wetland		
	Freshwater Pond		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

YORK
KITTERY

PROJECT SCOPE:

THIS PROJECT IS TO DEVELOP THE PROPERTY INTO A MIXED USE DEVELOPMENT WITH A MIXTURE OF RESIDENTIAL (SINGLE FAMILY AND AGE RESTRICTED) AND STORAGE AREAS.
THE SKETCH PLAN REVIEW IS TO DETERMINE THE EXTENT OF THE MIXED USE DEVELOPMENT, THE REQUIRED AMOUNT OF COMMERCIAL USES ASSOCIATED WITH THE RESIDENTIAL UNITS.
THE DEVELOPMENT DENSITY IS LIMITED BY VEHICLE TRIPS FROM THE SINGLE ENTRANCE DRIVEWAY TO 201 TRIPS PER DAY. CAN THIS BE WAIVED OR ALTERED DURING THE REVIEW.



**PREPARED FOR
SKETCH PLAN
REVIEW
3/17/2022**

© CIVIL CONSULTANTS
CIVIL CONSULTANTS
Engineers
Planners
Surveyors
P.O. Box 100
South Berwick
Maine
03908
207-384-2550
www.civcon.com

NO.	REVISIONS	INT.	DATE
1			

RECORD OWNER:
C-COAST PROPERTIES, LLC
OWNER ADDRESS:
PO BOX 603
YORK HARBOR, ME 03911

**PROPOSED DEVELOPMENT C-COAST PROPERTIES, LLC
KITTERY TAX MAP 67, LOT 1
524 U.S. ROUTE 1
KITTERY, YORK COUNTY, MAINE**
PREPARED FOR:
YORK HARBOR BUILDERS, LLC
40 GODFREY COVE RD, YORK, MAINE, 03909
CLIENT ADDRESS:

DATE: 3/17/22
DRAWN BY: JAA
CHECKED BY:
APPROVED BY:

**OVERALL
SITE
PLAN**

PROJECT NO: 21-337.00

L1

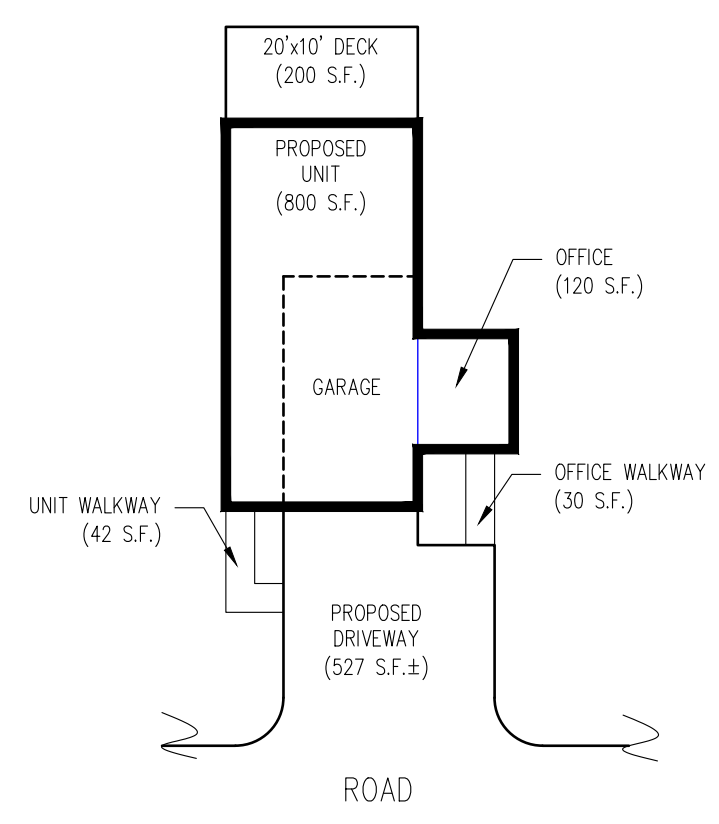
SHEET: 1 OF 1

NOTES:

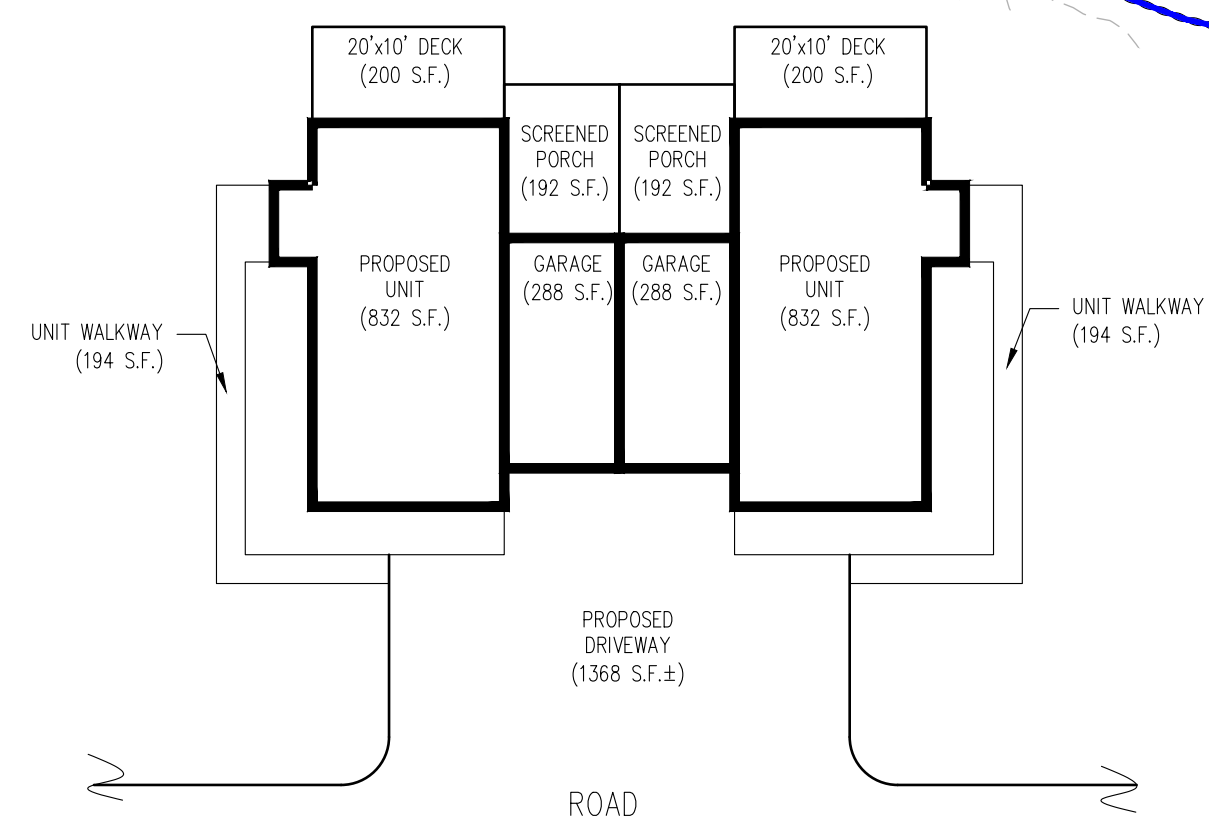
- ASSESSOR'S INFORMATION:
TOWN OF KITTERY ASSESSOR'S MAP 67 LOT 1
- RECORD OWNER:
C-COAST PROPERTIES LLC
P.O. BOX 603
YORK HARBOR, MAINE 03911
- DEED REFERENCE:
Y.C.R.D. 17807/929
- ZONING INFORMATION:
MIXED-USE (MU) ZONE
LOT SIZE: 200,000 S.F. (ROUTE 1)
MINIMUM FRONTAGE: 250'
SETBACKS:
FRONT YARD: 30'
SIDE YARD: 30'
REAR YARD: 30'
MAXIMUM BUILDING HEIGHT: 40'
MAXIMUM HEIGHT BUILDING-MOUNTED SIGN: 40'
- 16.7.8.4 (b) MIXED USE:
TOTAL LOT AREA= 1,040,714 S.F.
AREA WITHIN MIXED USE ZONE= 879,993 S.F.
LAND AREA SUBTRACTED:
A. HIGHEST ANNUAL TIDE LAND 0 S.F.
B. WETLANDS/VERNAL POOLS + (50% SETBACK) 101,200 S.F.
C. FILLED TIDAL LANDS 0 S.F.
D. RIGHT-OF-WAY /CEMETERY AREA 61,121 S.F.
162,371
TOTAL DEVELOPABLE AREA 717,622 S.F.
16.3.2.1.3 MIXED USE
MINIMUM LAND AREA REQUIRED:
2 OR MORE BEDROOM UNITS = 5,000 S.F./ UNIT
PROPOSED 27 UNITS x 5,000 S.F./UNIT 135,000 S.F. < 717,622 S.F.
PROPOSED UNITS:
19 (MIXED USE) x 960 S.F./UNIT 18,240 S.F.
8 (ELDERLY UNITS) x 1,325 S.F./UNIT 10,600 S.F.
TOTAL 28,840 S.F.
- THE PARCEL IS LOCATED IN FLOOD HAZARD ZONE C AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF KITTERY, COMMUNITY PANEL NO 230171 0001 C, EFFECTIVE DATE JULY 5, 1984.
- LOCUS PARCEL CONTAINS 23.89 ACRES (1,040,714 S.F.)
- UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL CONTACT DIGSAFE (1-888-344-7233) FOR LOCATION OF ALL EXISTING UTILITIES.

REFERENCE PLANS:

- "STANDARD BOUNDARY SURVEY FOR C-COAST PROPERTIES LLC, U.S. ROUTE 1, YORK, KITTERY, MAINE", BY ANDERSON LIVINGSTON ENGINEERS, INC., DATED OCTOBER 26, 2018, UNRECORDED, ALE FILE NO. 6745.000, ALE PLAN NO. 2569.181001.
- "OVERALL CONDOMINIUM PLAN (5TH REVISION) LANDMARK HILL CONDOMINIUM A MIXED RESIDENTIAL AND COMMERCIAL USE CONDOMINIUM, 518 U.S. ROUTE 1, TAX MAP 67, LOT 2, KITTERY, YORK COUNTY, MAINE", BY CIVIL CONSULTANTS, DATED FEBRUARY 4, 2020, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN CONDO AMEND 901 PAGE 12.
- "SITE/SUBDIVISION PLAN LANDMARK HILL SQUARE SUBDIVISION, ADDITIONS TO MULTI-USE BUILDINGS, 518 U.S. ROUTE 1, KITTERY, MAINE", BY CIVIL CONSULTANTS, DATED MAY 18, 2017, REVISION 2 DATED JULY 12, 2017, RECORDED AT YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 390 PAGE 21.
- "ROADWAY PLAN AND PROFILE - GOOD-TO-GO SPECIALTY FOOD FACILITY TAX MAP 67, LOT 1", BY ALTUS ENGINEERING, INC., DATED JULY 22, 2021, SHEET C4, UNRECORDED.



TYPICAL SINGLE (MIXED USE) UNIT LAYOUT
SCALE: 1"=20'



TYPICAL DUPLEX (ELDERLY) UNIT LAYOUT
SCALE: 1"=20'

PROPOSED BUILDING USE:
1 - OFFICE/STORAGE BUILDING (7,200 S.F.)
19 - MIXED USE RESIDENTIAL (960 S.F./ UNIT)
8 - ELDERLY 55 & OLDER (1,325 S.F./ UNIT)

