

**Town of Kittery
Planning Board Meeting
May 27, 2021**

524 U.S. Route 1—Sketch Plan Review

Action: Accept or deny plan as complete; continue application to a subsequent meeting; approve or deny plan; Pursuant to §16.10.4.2 *Sketch Plan Review Phase* of the Town of Kittery Land Use and Development Code, the Planning Board shall consider an application from applicant/owner C-Coast Properties and agent Altus Engineering, Inc. requesting approval for a site plan and right-of-way plan development proposing the constructing of 20,000-sf manufacturing 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.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan	Scheduled for May 27, 2021	PENDING
YES	Site Visit		
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		

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

This is a conceptual review for a proposed commercial manufacture (specialty food facility) development located at 524 US Route 1 in the Mixed-Use Zone. The applicant is proposing to construct a 20,000-sf. specialty food facility that will process and package dehydrated foods. To access and support the facility, the applicant intends to construct a new right-of-way off U.S. Route 1 to access the new facility and parking area, which will comprise 38 spaces, two of which are designated exclusively for ADA use, and a loading dock area. Currently, the lot appears to be located in both the Town of Kittery and Town of York. Likewise, sections of the existing portions of the dwelling unit straddle the town line. Moreover, the lot possess a few accessory structures to the dwelling unit, a cemetery in close proximity thereof, ancient walls; a logging road; and natural features such has wetlands, vernal pools and forested lands. The applicant proposes to split the lot to separate ownership of the existing dwelling unit from the proposed specialty food facility. The lot does have shoreland and resource protection overlay zones, but those zones reside towards the rear of the lot, nowhere near the proposed development. A few wetlands under an acre in size have been identified to be in close proximity to the proposed development, but they appear at this staged not to be impacted by any development activity.

In short, this is a sketch plan review for the construction and operation of a specialty food facility that proposes to split an existing lot to create a separate parcel in order to accommodate its use; and to construct a right-of-way and parking lot along with other appurtenant infrastructure to support the operations of the facility .

Analysis and Staff Commentary

As stated above, this proposed project is currently under sketch plan review. As of right now, it appears that this development application will not constitute a subdivision, as the lot is proposed to be split into two lots, which is exempt under state statute. The current plan proposes a right-of-way having its own lot;

however, after discussing with the applicant's agent, staff communicated that the right-of-way does not need its separate lot to exist; rather it will act as one segment of the new property line to be created between the new and original lot. Before moving forward with sketch plan approval, the Planning Board needs to confirm the status of the original lot. Does the lot occupy land in both York and Kittery, or is the town line the definitive property line? If the former and a lot split has taken place in the past five years, this application would be considered a minor subdivision and will have to go through the requisite regulatory processes appended thereto.

As regards the submitted site plan, pursuant to §16.10.4.2.B(4), there are certain elements that are directed to be on the site plan. The current plan leaves absent the irrelevant items, but leaves out a few that are applicable, such as:

1. high-intensity Class "A" soil survey;
2. utilities—existing and proposed; and
3. street improvements.

The Board may want to have the applicant discuss their absent from the plan, and make a determination if their incorporation therein are necessary at this juncture, or can be added to the plan during preliminary review.

In addition to §16.10.4.2.B.4, the applicant must provide information, pursuant to §16.3.2.13.D *Standards*. It appears that the base zone dimensional standards for both lots have been met with the exception of building height for the proposed specialty food facility, as it is unclear at the moment how tall it shall be. The mixed-use requirement of the lot, pursuant to §16.3.2.13.D(4), is not applicable in this application as the proposed specialty food facility will have a gross footprint of 20,000-sf. As it relates to the parking lot, the proposed location relative to the building does not appear to meet the standard, as the parking lot might be located in the front of the building. The applicant should confirm the location of the front of the building, as it is unclear where the front entrance is located. Nevertheless, the Planning Board does have the discretion under unique circumstances to allow 10 parking spaces to be located in the front of the building; however, in the case, the number of spaces proposed would still exceed the threshold as prescribed by the zoning standard. As for the amount of spaces required, it appears that the applicant has provided enough parking for employees, but it is unclear if enough space were provided for loading operations. In short, clarification is needed on both the location of the front of the building and the amount of space allocated to the loading area, and, thereafter, the appropriate adjustments made to accommodate these standards.

Along a similar vein regarding the building's design and orientation, architectural elevations were not submitted with the application. While not technically required during this phase of the development process, the Board should make the applicant aware that elevations are to be submitted during preliminary review phase in order to determine compliance with the design standards under §16.3.2.13.D(6) and §16.8 *Design and Performance Standards for Built Environment*.

Moreover, the applicant provided no details on the landscaping nor the locations, quantities and types of open space to be preserved on the lot. The Board should come to a consensus as to whether the applicant ought to provide a basic idea of their general location and constitution, or have that information provided in greater detail during the preliminary review phase.

As regards the right-of-way, it possess a modicum of detail, including whether or not sidewalks are to be installed. The Board should discuss with the applicant their intentions with how the road is to be constructed (i.e., are there any planned waivers from the road standards to be requested) and whether or not they intend to maintain the right-of-way as private or have the Town accept the road as a public way. Stormwater information was not provided as well, which will be furnished during preliminary review, as is typical.

Recommendations

If the Planning Board is comfortable with the concept design of the plan, and likewise, inclined to have the other outstanding items be provided and addressed during preliminary review, the Board ought to consider moving a vote to approve the sketch plan. If the Board wants to pause the review to allow the applicant more time to address any outstanding issues that the Board may have, a vote to continue should occur.

Recommended Motions

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

Motion to continue application

Move to continue the sketch plan application to the June 10, 2021 Planning Board meeting from applicant/owner C-Coast Properties and agent Altus Engineering, Inc. requesting approval for a site plan and right-of-way plan development proposing the constructing of 20,000-sf manufacturing 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.

Motion to approve

Move to approve the sketch plan application from applicant/owner C-Coast Properties and agent Altus Engineering, Inc. requesting approval for a site plan and right-of-way plan development proposing the constructing of 20,000-sf manufacturing 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.