

Town of Kittery Planning Board Meeting October 22, 2020

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

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

PR

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Acceptance/Approval	October 22, 2020	PENDING
NO	Site Visit	TBD	TBD
NO	Master Site Development Plan	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
<p>Applicant: Prior to the signing of the approved Plan any Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS. As per Section 16.4.4.L - Grading/construction final plan required. Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.</p>			

OBJECT TRACKING

Project Introduction

This is a conceptual review for a major modification to a mater site development plan for a mixed-use development located at 459 State Route 1 in the Mixed-Use Zone, previously approved in February 14, 2019 and last modified in February 27, 2020. The approved development comprised a 112 room hotel parallel to U.S. Route 1 and 44 dwelling units (32 age0restricted; 12 non-age-restricted) located in the lot's rear section along with shared accessways, utilities, open space, stormwater and pedestrian infrastructure. By dint of recent market volatilities, demand shifts and the cost of construction materials, the applicant is proposing to amend the master site development plan to reduce and eliminate the number of dwelling units and the non-age restricted respectively and reconfigure stormwater infrastructure and other site elements that accommodate the new design and use.

Staff Commentary and Analysis

The purpose of this exercise is to give the applicant comments and guidance on the proposed modification to an approved master site development plan and special exception site plan review application. The significant elements changing in this plan rendition is the constitution and quantity of the residential units. To wit, it appears the dwelling units are morphing from mixed-use buildings to elderly housing units with the total number of dwelling units reducing from 44 to 24, comprising 12 ground-level duplexes. Typically, this type of plan modification would proceed through a major plan modification, pursuant to 16.10.9.3.B *Modifications to approved plans*; however, the proposed use patently diverges from the approved use and is categorized as a special exception, pursuant to 16.3.2.13.C(6). Due to the nature of the use change (from 'permitted' to 'special exception'), the application must undergo a full review by the

Planning Board. Turning to the mixed-use component of the residential lot, considering the master site development plan binds the lots together and utilizes their dimensional elements to create the intended density, the mixed-use standards are treated in a similar fashion. Whereas if the lots were to exist outside the master site development plan realm, the lots respectively would have to harbor a mixed-use component and use exclusively their own dimensional features and density capacity. Overall, the density, use intensity and impervious area appears to have decreased with the proposed application and the net residential calculations appear also to be compliant; however, in order to ensure that the correct calculations have been met, the Board will need to determine that all the elements for 'elderly housing' are incorporated into the plan along with other general development elements required by Title 16.

Planning Board Procedural Steps and Considerations

There are two processes that will take place with this application: modification of the master site development plan and a new special exception site plan review application. As stated above, the change in use from 'permitted' to 'special exception' necessitate a full-plan review. In this phase of the application, the Board is providing preliminary comments and ensuring the general standards are met with the thought that a refine plan will be submitted for preliminary review if the sketch plan were to be accepted and approved.

After the applicant has presented the proposed amendments, the Planning Board should ask the applicant any questions they may have and should consider and have a discussion on the following items:

1. Shared common space and pedestrian infrastructure. Does the applicant include all the required elements that are necessary for elderly housing?¹ Will there be sidewalks along the road leading into and around the residential development? In addition, the Board needs to determine if the special exception standards under §16.3.2.13.D(10)(h)² are met:
2. Will there be lighting in the right-of-way of the cul-de-sac or in alternative locations?
3. What will the landscaping of the common areas consist of?
4. What other elements of the plan will change with the request that were not discussed or identified?

The Board should consider discussing the comments staff has provided with the applicant and determine what additional information, if any, they need before considering approval. If that is the case, a motion to continue to a subsequent meeting should be made. If the Board is comfortable moving forward, a motion should be made to accept/deny the sketch plan application, then, if the application is accepted, move to approve or deny the application. Then the another motion should be made to continue the master site development plan modification application as this will be necessary until a final master site development plan is presented to the Board. As regards a site visit, one is not required but the Board is within their statutory limit to conduct one if preferred.

¹ **§16.2.2 Definitions, Elderly Housing:** *A residential use occupied principally by residents who are at least 55 years of age (or in the case of a couple, at least one of whom is at least 55 years of age) in which the accommodations are all dwelling units with private bathrooms and cooking facilities. Occupants of this residential use may also include handicapped individuals of any age. This housing does not provide a regular program of services to all of its residents although individual residents may arrange for the provision of services within the facility. Elderly housing includes very limited shared community space and shared dining and kitchen facilities but may include limited facilities for allied health services, social services and personal services such as physical and occupational therapy, a beauty shop, recreational programs, elderly day care, and similar programs. The use of these facilities must be accessory to the primary residential use of the facility but may be open to nonresidents of the facility. Elderly housing does not include elder-care facilities that are typically referred to as independent living units, congregate care units, assisted living units, dementia or Alzheimer's units or hospice units, or a nursing care or convalescent care facility that provides nursing services*

² **Housing for the elderly** [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 designated to be integrated part of the overall development.*

Recommended Motions

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

Continuing the sketch plan and master site development plan applications

Move to continue the sketch plan special exception and master site development plan modification application to the November 12, 2020, Planning Board meeting from owner/applicant Middlesex Land Holdings, LLC requesting to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 24 (12 duplexes) age-restricted dwelling units on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone.

Vote to accept and approve sketch plan application

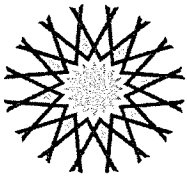
Move to accept and approve the sketch plan special exception application from owner/applicant Middlesex Land Holdings, LLC requesting to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 24 (12 duplexes) age-restricted dwelling units on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone

Vote to continue the master site development plan application

Move to continue the master site development plan modification application to the November 12, 2020 Planning Board meeting from owner/applicant Middlesex Land Holdings, LLC requesting to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 24 (12 duplexes) age-restricted dwelling units on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone

Vote to not accept and deny sketch plan and master site development plan application

Move to not accept and deny the sketch plan special exception application and master site development review modification application from owner/applicant Middlesex Land Holdings, LLC requesting to reduce the residential dwelling unit count from 44 (32 age-restricted; 12 non-age-restricted) to 24 (12 duplexes) age-restricted dwelling units on real property with an address of 459 U.S. Route 1, Tax Map 60, Lot 24, in the Mixed-Use (MU) Zone



ATTAR

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

Mr. Bart McDonough, Planner
Town of Kittery
P.O. Box 808
Kittery, Maine 03904

September 28th, 2020
Project No.: C091-20

**Re: 459 US Route 1 - Kittery
Sketch Plan Application**

Dear Mr. McDonough:

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

We respectfully request the Planning Board to consider an alternate plan for the prior approved property. Due to market conditions, the construction of 12 Duplex Buildings (24 Units total) is proposed. Elderly Housing would account for all 24 of these units. The hotel and all required infrastructure are to remain unchanged, as per the previously approved application.

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

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

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

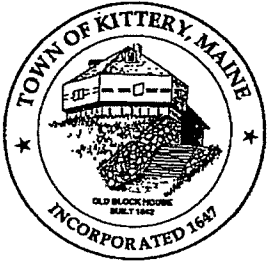
Please contact me for any additional information or clarifications required.

Sincerely,

Brian Nielsen, EIT
Staff Engineer

cc:
David Trahan
Jayesh Patel

2020-09-28 - The Homestead Amendment Sketch Plan



TOWN OF KITTERY MAINE

TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
 Phone: (207) 475-1323
 Fax: (207) 439-6806
www.kittery.org

APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

Application Fee:		<input checked="" type="checkbox"/> \$200.00	Amount Paid: \$ 200		Date: 9/28/2020	
PROPERTY DESCRIPTION	Parcel ID	Map	60	Zone(s)-Base:	MU; R-RL	Total Land Area
		Lot	24	Overlay:	SZ	MS4
	Physical Address: 459 U.S. Route 1					
PROPERTY OWNER'S INFORMATION	Name	Middlesex Land Holdings LLC			Mailing Address	1 Bridgeview Circle Tyngsboro, MA 01866
	Phone	978-815-3662				
	Fax					
	Email	davidtrahan@comcast.net				
APPLICANT'S AGENT INFORMATION	Name	Brian Nielsen			Name of Business	Attar Engineering, Inc.
	Phone	207-439-6023			Mailing Address	1284 State Road Eliot, ME 03903
	Fax					
	Email	brian@attarengineering.com				
PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>					
	Existing Land Use(s):					
	Vacant					
	Proposed Land Use(s) and Development:					
	Elderly residential					
	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)					
	Wetland of special significance at the Northeast Lot Line. See site plan.					
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 Planning and Development Department of any changes.						
Applicant's Signature:	<u>Brian Nielsen, Agent</u>			Owner's Signature:	<u>Brian Nielsen, agent</u>	
Date:	<u>9/28/2020</u>			Date:	<u>9/28/2020</u>	

MINIMUM PLAN SUBMITTAL REQUIREMENTS

- ☐ 15 Copies of this Application, Vicinity Map, and the Sketch Plan - 5 of which must be 24"X 36"

Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

- ☐ Under 10 acres: no greater than 1" = 30'
☐ 10 + acres: 1" = 50'

NOTE TO APPLICANT: PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

C) Title Block

- ☐ Applicant's name and address
☐ Name of preparer of plan with professional information
☐ Parcel's Kittery tax map identification (map – lot) in bottom right corner

Vicinity Map – map or aerial photo showing 1,000 feet around the site.

Sketch Plan must include the following existing and proposed information:

Existing:

- ☐ Land Use Zone and boundary
- ☐ Topographic map (optional)
- ☐ Wetlands and flood plains
- ☐ Water bodies and water courses
- ☐ Parcel area
- ☐ Lot dimensions
- ☐ Utilities (Sewer/septic, water, electric, phone)
- ☐ Streets, driveways and rights-of-way
- ☐ Structures

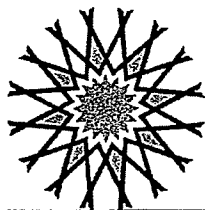
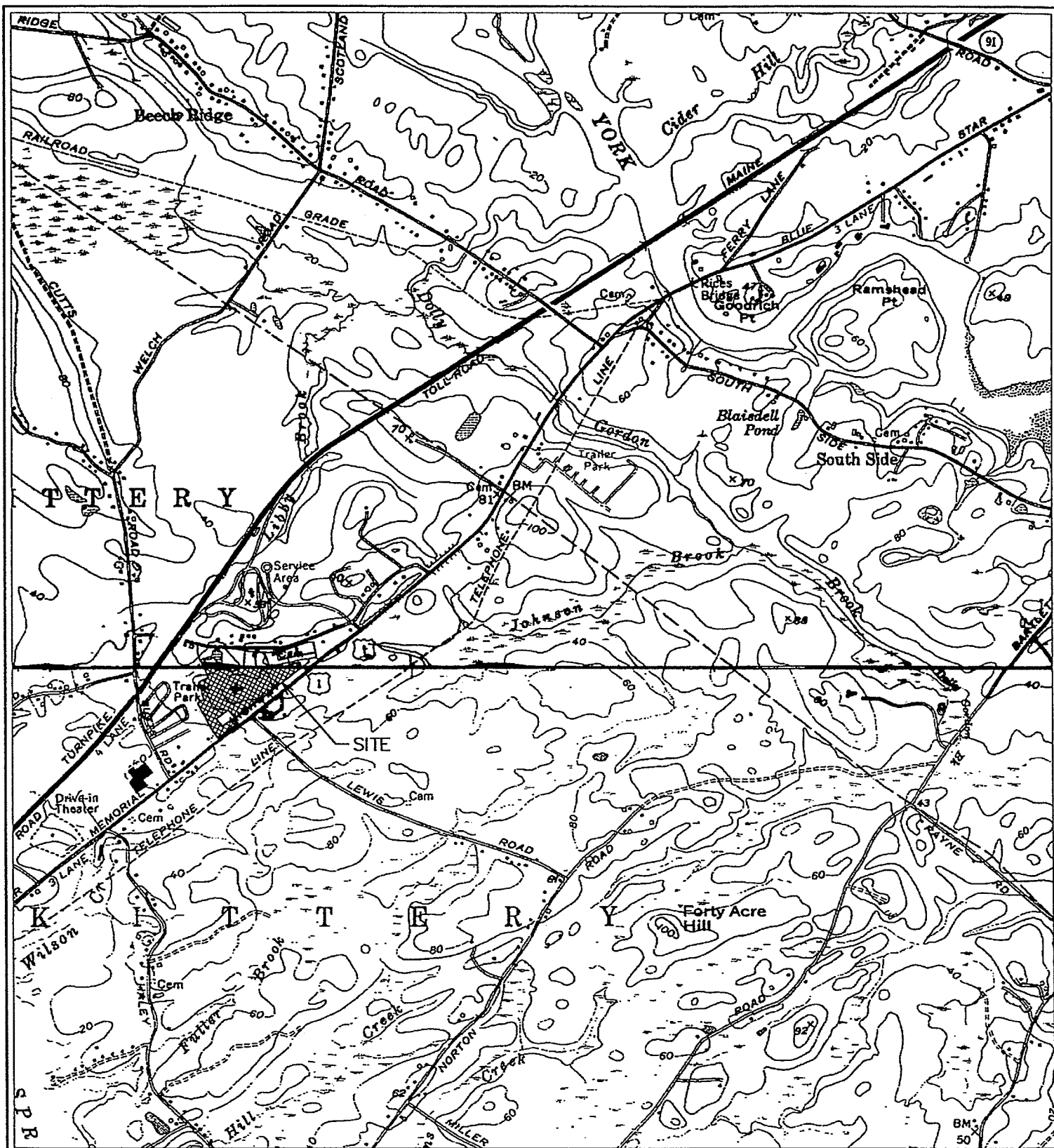
Proposed: (Plan must show the lightened existing topography under the proposed plan for comparison.)

- ☐ Recreation areas and open space
- ☐ Number of lots and lot areas
- ☐ Setback lines and building envelopes
- ☐ Lot dimensions
- ☐ Utilities (Sewer/septic, water, electric, phone)
- ☐ Streets, driveways and rights-of-way
- ☐ Structures

Distance to:

- ☐ Nearest driveways and intersections
- ☐ Nearest fire hydrant
- ☐ Nearest significant water body

AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

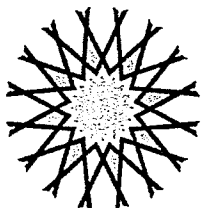


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LOCATION MAP

THE HOMESTEAD
USGS 7.5 MINUTE SERIES
YORK HARBOR AND KITTERY QUADRANGLE
SCALE: 1" = 2,000'

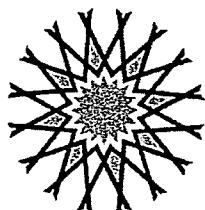
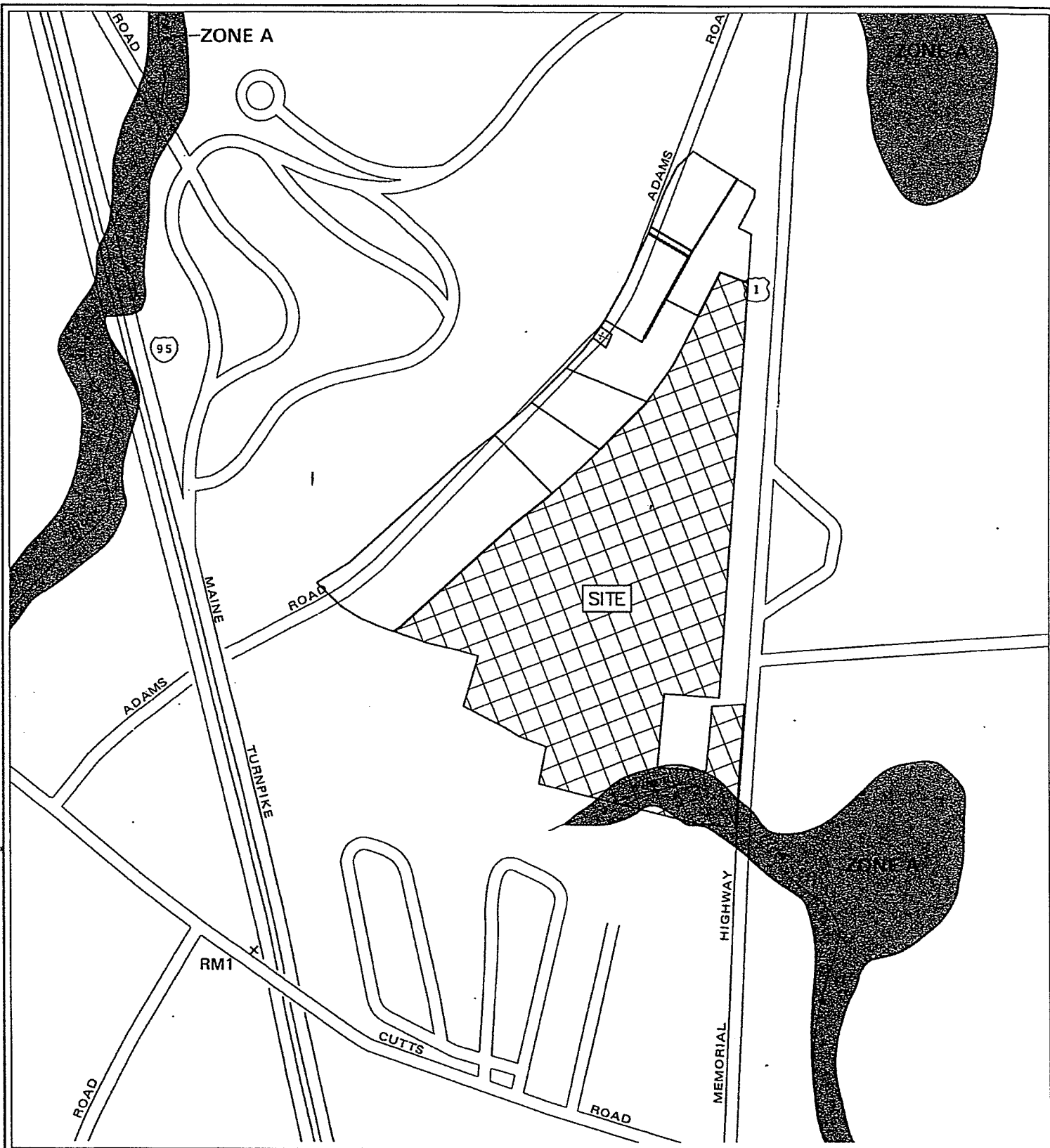


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LOCATION MAP

THE HOMESTEAD
TOWN OF KITTERY
AERIAL PHOTOGRAPH
SCALE: 1 = 500'



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LOCATION MAP

THE HOMESTEAD
FLOOD INSURANCE RATE MAP (FIRM)
TOWN OF KITTERY - COMMUNITY PANEL NO. 230171 0001 C
EFFECTIVE DATE JULY 5, 1984
SCALE: 1 = 400'

ADDITIONAL MAP NO. **P7**
PARCEL NUMBER **74**
SECTION/SECTION LOT NO.
STREET ADDRESS NO. **18**

REVISED TO APRIL 1, 2017
FOR ASSEMBLY PARTICIPANTS
STATION PRIVITY ENVIRONMENT

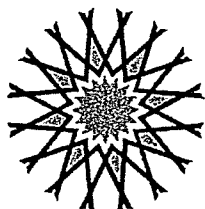
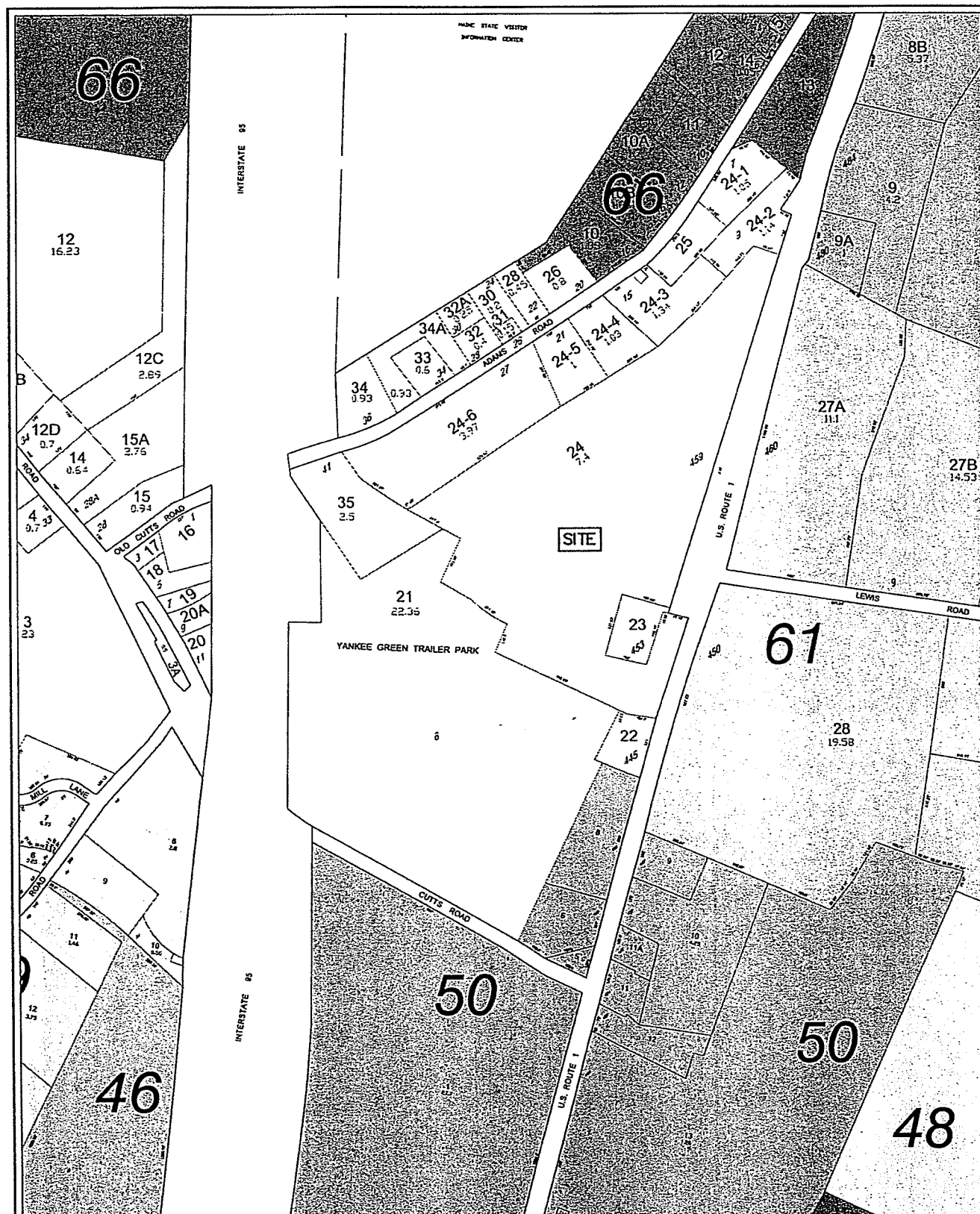
LOT 124.000000
 PROPERTY INDEX
 RIGHT OF WAY
 EASEMENT

SCALE IN FEET

0 200 400

John E. O'Donnell & Associates
632 Bald Hill Road
New Gloucester, Maine 04260
(207) 926-4044
www.jeodonnell.com

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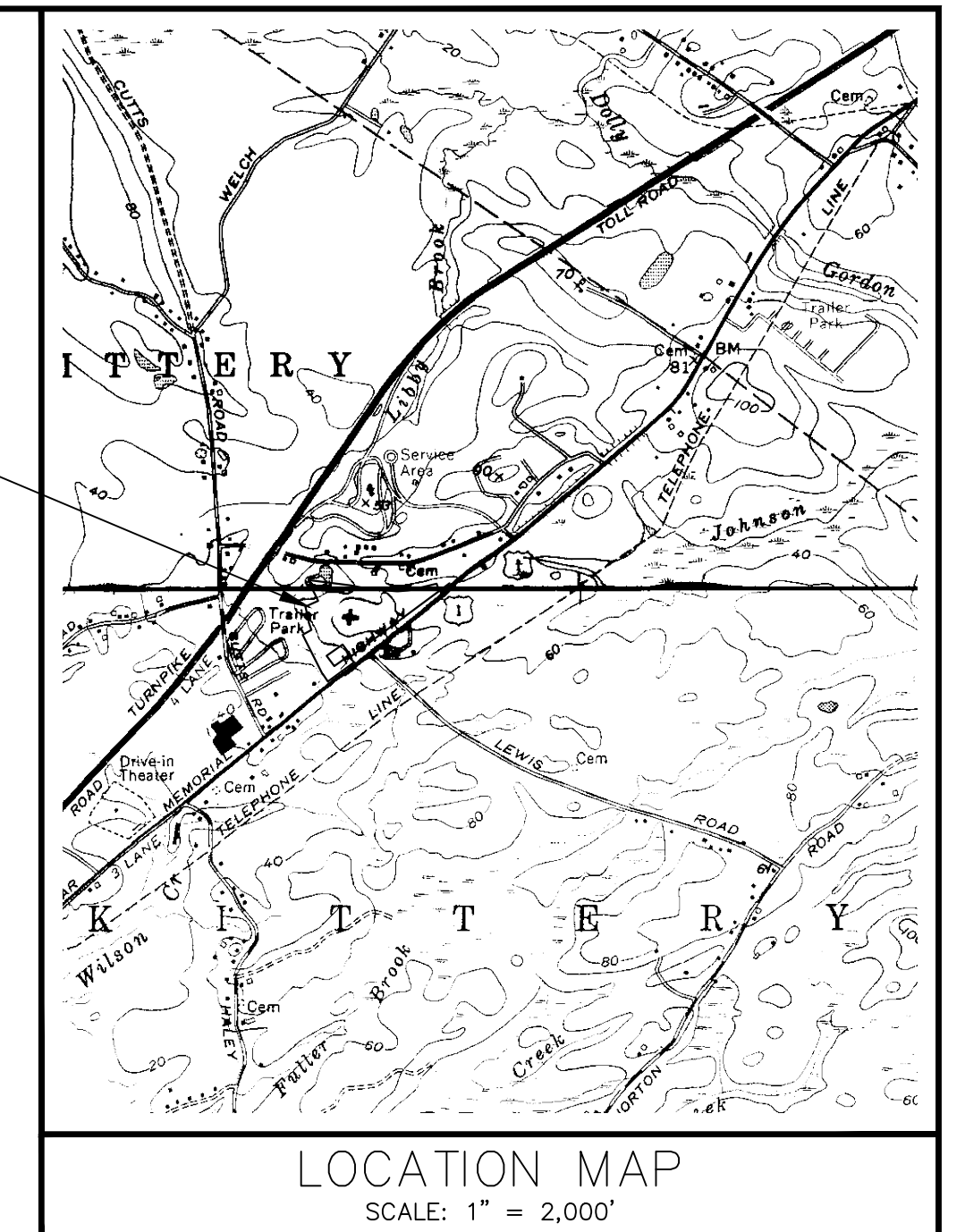
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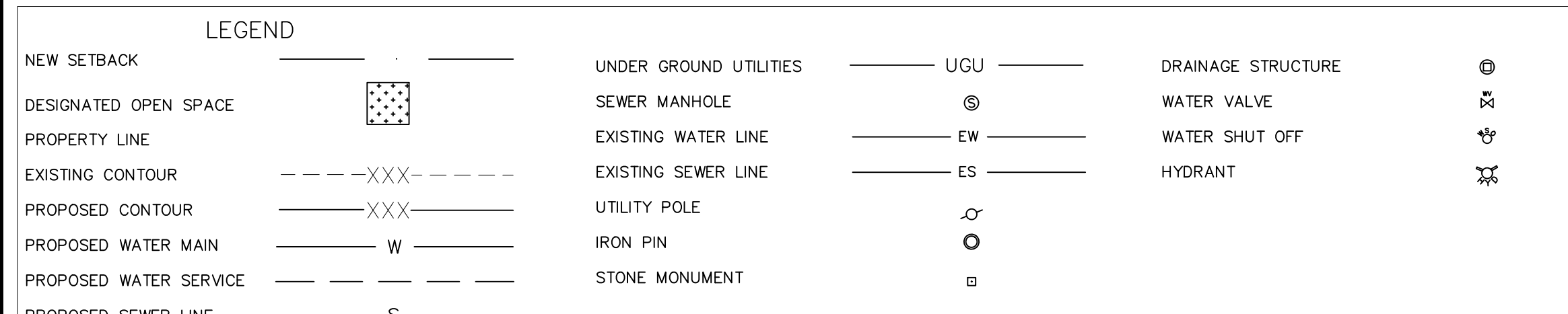
LOCATION MAP

THE HOMESTEAD
TOWN OF KITTEKY TAX MAP 60
NTS

U.S. ROUTE 1, KITTERY, MAINE



SHEET 1.0

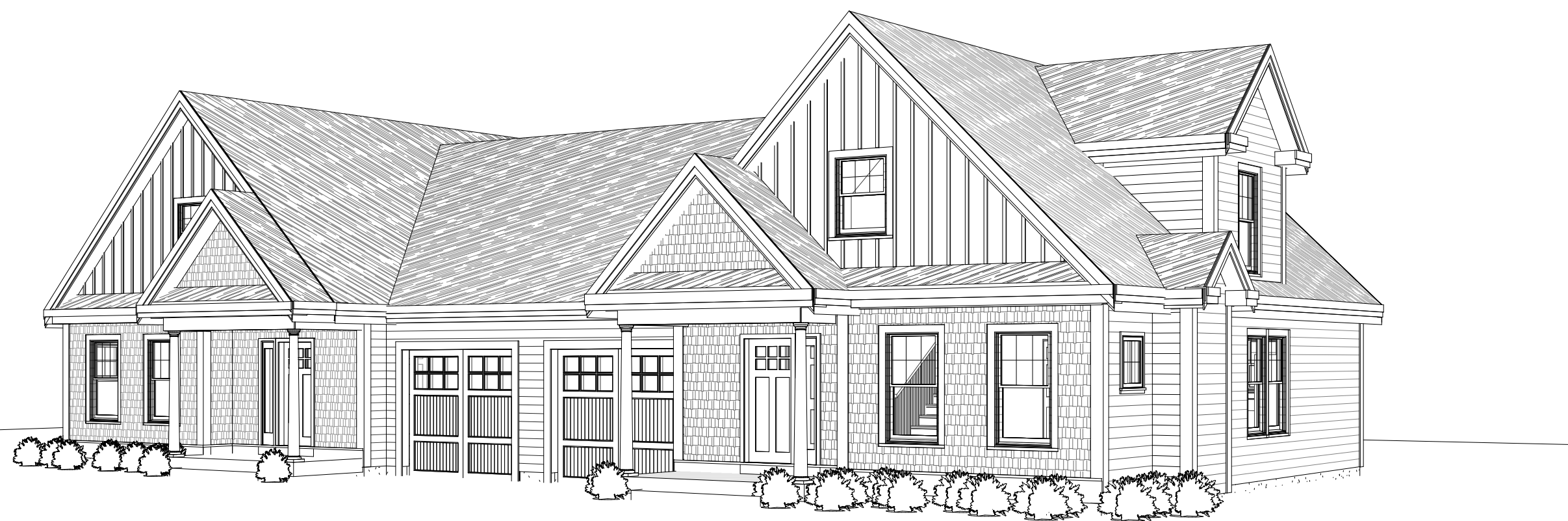




5 LEFT ELEVATION
1/8" = 1'-0"



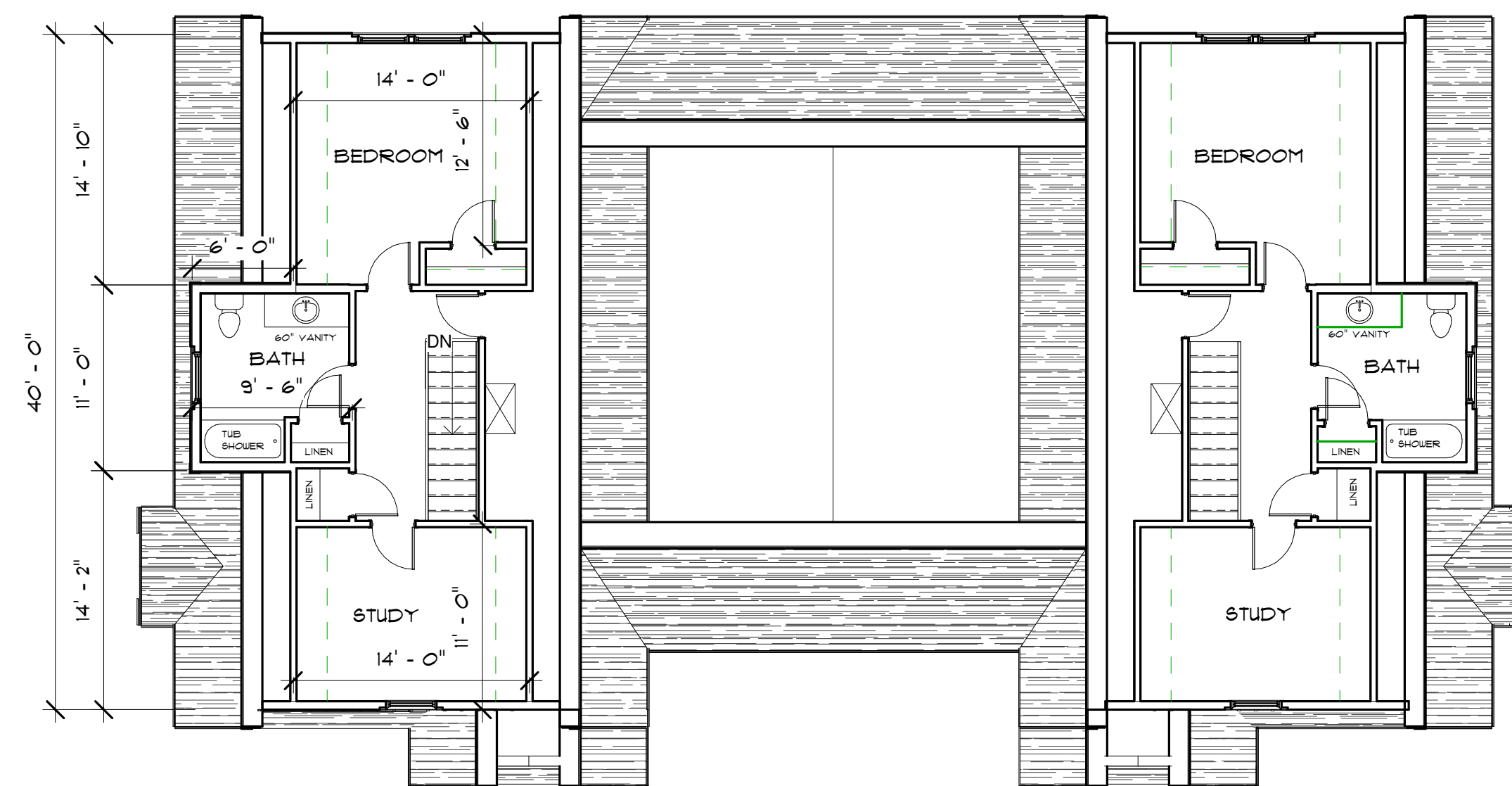
6 RIGHT ELEVATION
1/8" = 1'-0"



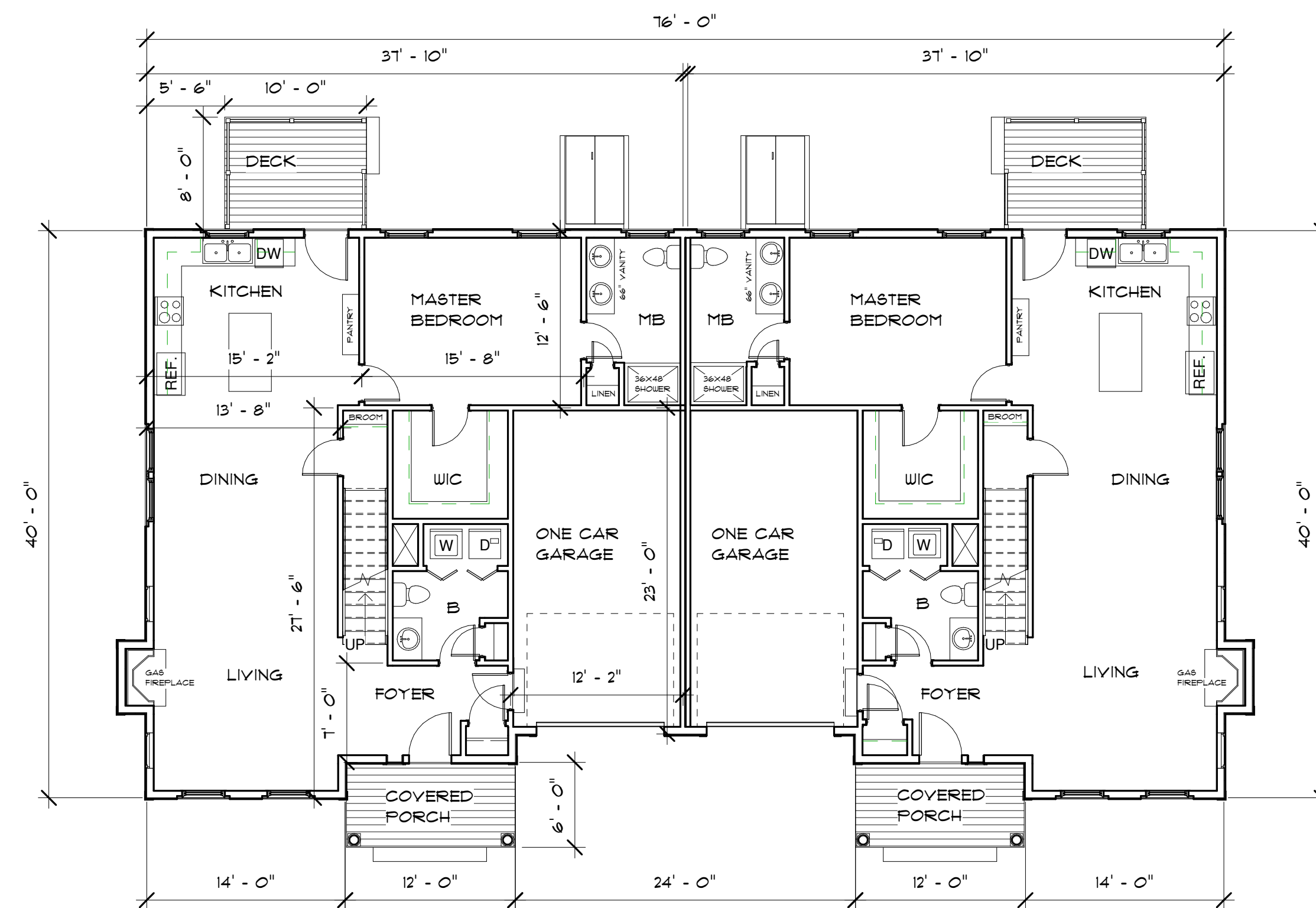
4 3D FRONT RIGHT



3 FRONT ELEVATION
1/8" = 1'-0"



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



1 FIRST FLOOR
1/8" = 1'-0"