

**Town of Kittery  
Planning Board Meeting  
September 9, 2021**

**ITEM 2—524 U.S. Route 1—Preliminary Site Plan & Right-of-Way Plan Review**

Action: Accept plan as complete; continue application to a subsequent meeting; set public hearing and/or site walk; Pursuant to §16.3.2.13 *Mixed-Use*, §16.8 *Design and Performance Standards for Built Environment* and Article V *Preliminary Plan Application Review* of §16.10 *Development Plan Application* of the Town of Kittery Land Use and Development Code, the Planning Board shall consider an preliminary site plan application from applicant/owner C-Coast Properties and agent Altus Engineering, Inc. requesting preliminary approval to construct 20,000-sf manufacturing building with appurtenant infrastructure and landscaping 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	May 27, 2021	APPROVED
YES	Site Visit	August 31, 2021	HELD
YES	Preliminary Plan Review Completeness/Acceptance	August 12, 2021	HELD
YES	Public Hearing	September 9 ,2021	PENDING
YES	Preliminary Plan Approval	May occur on September 9, 2021	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/Submission Requirements**

This is a preliminary 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, however, the proposed plan intends to divide the lot in two with the proposed development totally within the Town of Kittery and the other lot to remain as currently constituted. The existing lot as currently configured possesses a few accessory structures to the dwelling unit, a cemetery in near proximity thereof, ancient walls; a logging road; and natural features such has wetlands, vernal pools, and forested lands. The division of the lot will place most of those features within the lot not proposed for development apart from the wetlands. The lot proposed for development 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 have been identified on the properties as well, but they appear not to be impacted by any of the proposed development activity. This is especially true concerning the vernal pool, for the site plans appear to depict no development activity occurring within the protective buffer space (250-ft) from the edge of the vernal pool. Supplementing the site plan application is a right-of-way plan that intends to create frontage for the proposed lot and development. The applicant has requested a few waivers concerning the construction and features therein. Further, the application incorporates a traffic impact analysis and stormwater report.

The purpose of this phase of the preliminary review is to determine if the application materials meet the criteria under §16.10.5.3 *Planning Board acceptance review*. Additionally, if the plan is accepted as complete, the Board is required to schedule a site walk and public hearing. As regards the plan materials

and content, it appears that the applicant has complied with most of the ordinance requirements under §16.10.5.3 and can move forward with a vote for acceptance. Staff recommends that the Board vote to accept and schedule a site walk and public hearing. Before moving forward with acceptance, the Board should inquire whether or not, pursuant to §16.10.5.2.F(1)(o), the applicant filed the traffic impact study within the appropriate administrative officer of the Town of York. If not, the applicant should demonstrate this prior to the preliminary review approval.

In the interim, staff will provide a more detailed analysis of the plan, solicit incorporate comments from the appropriate town departments in the plan analysis, and have CMA Engineers Inc. review the engineering and stormwater attributes of the plan. Given the statutory timelines, staff recommends setting the public hearing for the September 9, 2021 Planning Board meeting. Below are some recommended motions the Board may consider using.

### **Update: September 3, 2021**

At this stage of the approval process, the Board is to hold the public hearing, consider any comments or suggest made from the public, review the analysis and comments from staff and the Board's peer reviewer and provide feedback to the applicant before considering a move to a vote to approve the preliminary application.

Since the Planning Board last was presented the application on August 12, 2021, a site visit took place on August 31, 2021, CMA Engineer, Inc reviewed the proposed plan and the Technical Review Committee (TRC) convened. At the site visit, the applicant showed the Board and public participants the location of the new right-of-way, the proposed stormwater infrastructure, and the site of the proposed building and parking lot. No major issues arose during the site visit. Although there was concern over the existing farmer's wall that would abut the new parking lot and interest concerning the stormwater system and outflow, to which the applicant responded that the wall would be reconstructed in a similar fashion and that there would be no additional increase in stormwater flow than that currently exists.

As stated previously, CMA Engineers Inc. reviewed the plan and generally concluded, with some slight outstanding issues and points of clarification, that it is designed to comply with the relevant standards of the Land Use and Development Code. The outstanding issues listed within the review letter are as follows:

1. Purpose for not providing a cul-de-sac? If there is no plan for one, a waiver request should be submitted.
2. Stacking issues between the traffic on the new right-of-way and the proposed driveway for the existing dwelling unit.
3. Further design elements and their details for the intersection.
4. Jurisdiction for MDOT, will they need to comment?
5. Capacity of future development for the sewer lines? Are they appropriately sized?
6. Provide information of DEP approval process for this project.
7. Regarding stormwater discharge, should a level spreader be provided?
8. Who is responsible for the maintain of the stormwater infrastructure during the post-construction period?
9. Provide turning movement plans demonstrating that the trucks can pass/repass through the roadway infrastructure of the proposed development.
10. Provide utility easement details.
11. Maine Department of Wildlife and Inland Fisheries should be noticed of application.

During the TRC meeting between the various departments, the following comments were issued:

1. Recommended that the proposed right-of-way remain private in perpetuity.
2. While the absent of sidewalks along the proposed right-of-way appears to be appropriate considering the proposed use of the development, it is recommended that the applicant install sidewalks along the length of the frontage of US Route 1, which would be consistent with other development that were approved on the corridor.

3. If sidewalks are to be installed on US Route 1, a revised drainage / stormwater plan needs to be submitted to determine compliance
4. As currently designed, it is unclear how the stormwater drainage will flow along the entirety of US Route 1. Also, clarity of the flow rate from the detention basin along US Route 1 will affect the existing stormwater infrastructure receiving the new flow.
5. More information is needed to the projected flow rate for the proposed sewer.
6. The fire hydrant is to be repositioned on the norther corner of the curb-cut of the parking lot and new right-of-way.
7. Applicant should submit traffic analysis to MDOT for comment.
8. Curbing detail should be revised showing concern engulfing the vertical granite curbing.
9. Applicant should submit revised architectural plans illustrating the ultimate design of the building

At this juncture, the major issue afoot is whether or not the road will remain private in perpetuity, if a cul-de-sac is needed and if sidewalks are to be installed. After the Board has come to a consensus on those issues and has discussed decided on the other issues waivers requested, it is recommended the Board consider closing the public hearing and move to vote on the preliminary plan.

From staff perspective, the plan and application is designed in a manner that warrants preliminary approval with conditions.

### **Recommended Motions**

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

#### *Motion to continue application*

Move to continue a preliminary site plan to the September and right-of-way application from applicant/owner C-Coast Properties and agent Altus Engineering, Inc. requesting preliminary approval to construct 20,000-sf manufacturing building with appurtenant infrastructure and landscaping 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 preliminary plan*

Move to approve the a preliminary site plan and right-of-way application from applicant/owner C-Coast Properties and agent Altus Engineering, Inc. requesting approval to construct 20,000-sf manufacturing building with appurtenant infrastructure and landscaping 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 with the following conditions:

1. Applicant shall respond and resolve all comments and issues outlined in CMA Engineers Inc. review letter, dated September 2, 2021, prior to final plan approval.
2. Applicant shall respond and resolve all issues outlined in the Planner Review Notes, dated September 3, 2021 prior to final plan approval.