

**Town of Kittery  
 Planning Board Meeting  
 May 26, 2022**

**ITEM 4— 52 State Road—Final Site Plan Review**

Action: Approve or deny application. Pursuant to Title 16, review of the Town of Kittery’s Land Use and Development Code, owner/applicant Kevin Cambridge and agent Attar Engineering Inc. requests approval to expand a legally nonconforming commercial structure and construct a 22-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.

**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	April 28 <sup>th</sup> , 2022 (continued), May 26, 2022	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. There was a site visit that included Planning and Code staff as well as DEP which ultimately determined the property is not within the Stream Protection 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. 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 22 spaces for a total of 26 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 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 and April 21 in response to plans submitted by the applicant’s engineer. The applicant’s engineer has responded with full plan sets dated April 22 and May 2, 2022, and one change on the details sheet that is dated 5/6/22. The latter two were submitted for this meeting. CMA completed a review of those updated plans on May 9th and it is included in your packet (a small typo-related change that was relayed via email).

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 reviewed this final plan for the first time on April 28<sup>th</sup>. There were missing items and the Board voted to continue the site plan review to a later date.

34 **Review of Application**

35 Staff had previously noted missing items – responses from staff on the most recent submission follow in yellow:  
36

- 37 1. While the Board may have seen elevation drawings of the proposed addition last year, those elevation drawings  
38 as well as descriptions of the building materials were not included in this submission. As a final plan submission,  
39 they must be included. The elevation drawings should include dimensions for the addition and the existing  
40 building as well as height (meeting Title 16’s definition of height of building) of each section of the building.  
41 *An elevation drawing as seen from the street has been submitted with height and materials. Plan sheets show*  
42 *dimensions.*
- 43 2. While it is possible to discern the size of the lot from the general notes on the overall site plan, the lot size  
44 should be on the plan itself where it can be easily found. *The lot size (30,959 sf) is shown on the plan.*
- 45 3. The width of the driveway and the dimensions of the patio/outdoor seating should be noted on the overall site  
46 plan. *The width of the driveway (16 feet) and the dimensions of the patio (15 x 20 sf) are shown on the plan.*
- 47 4. The frontage distance for the lot should be indicated on the plan. *Plan Note #3 added street frontage (175.01*  
48 *ft)*
- 49 5. The landscape requirement is missing from the general plan notes and the plans should demonstrate what areas  
50 are “landscaped” through shading or some other indication. *Plan Sheet 1’s Note #9 shows the landscaping area*  
51 *calculations while Sheet 3 shows both the landscaping area calculations and the totality of the landscaped area*  
52 *in gray shading.*
- 53 6. CMA’s most recent review indicates there is missing information in regards to stormwater plans, plan details  
54 and the stormwater report. All CMA’s comments must be addressed. *All of CMA’s comments have been*  
55 *addressed. The typo in the detail sheet has been corrected..*
- 56 7. A landscaping plan was not submitted nor were plant/tree types noted on the plans. General plan note #9  
57 declares the 15% requirement is met but there is too little information to verify it. *Sheet 3 shows the landscaping*  
58 *area calculations, the totality of the landscaped area in gray shading along with a key to the plant and tree*  
59 *types shown.*
- 60 8. Hours of operation must be included on the final plan (in the general notes is fine) even if they haven’t changed.  
61 *Hours of operation have been added on Sheet 1’s Note #10.*
- 62 9. While a lighting plan was submitted, it is difficult to discern what lighting types are being used where. Two  
63 types of lighting specifications are shown on the plans but it appears there are five different types of lighting  
64 being proposed. The plan shows lighting in the parking lot – is it pole-mounted? Is the lighting cut-off/dark sky  
65 compliant as required by 16.7.G.(1)-(3)? Is the rest of the lighting also compliant? *Lighting plan has been*  
66 *clarified and cut sheets for each type of lighting proposed have been added.*
- 67 10. An ADA-compliant parking space is required in the back parking lot for employees, visitors and customers.  
68 Will the building be accessible from the back parking lot for someone with disabilities? *One ADA-compliant*  
69 *parking space has been added to the proposed expanded parking area and one ADA-compliant parking area*  
70 *remains in front of the building. In addition, there is an ADA-compliant path and ramp including a switchback*  
71 *proposed to allow access from the rear parking lot to the front of the building.*

72  
73 Additional comments:

- 74 1. The application is showing that the original building will remain a store while the proposed addition is labeled  
75 as proposed industrial kitchen expansion. The plan notes for parking on the overall site plan (Note #4) list  
76 warehouse and storage as well as the industrial kitchen. The building addition on the plans should be labeled  
77 consistently with what is being proposed in Note #4. Will there also be an office upstairs? If so, that use should  
78 be listed along with the required parking. Elevation drawings could also help clarify. *The plans have been*  
79 *updated with correct labeling and Sheet 1’s Note #4 on parking reflects the uses that are shown on the plan.*  
80 *No office or use other than storage is proposed for the second floor at this time.*  
81  
82

83 2. The proposed parking is five spaces more than is required. The dwelling unit requires only 1.5 spaces per Title  
84 16 for the B-L1 zone, while 2 spaces are being provided. Two spaces make sense since it is a single-family  
85 residence rather than an apartment. However, why would the applicant wish to construct an oversized parking  
86 area in the back, particularly since it directly impacts the scope and cost of the stormwater management system?  
87 *The ADA requirement for the rear parking has reduced parking in back by one and there is a proposed*  
88 *landscaped area in the front (reviewed and approved by DPW since it does protrude into the ROW) that has*  
89 *taken the place of another parking space. The applicant is proposing three more parking spaces than required*  
90 *but has explained about the park once, shop multiple stores behavior that can occur during the summer in that*  
91 *area of town.*  
92

Code Ref.	§16.4.18 B-L1 Zone Standards	
	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 three times the requirement as stated in Note #3 on Sheet 1.
§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 show the side and rear setbacks which meet the standards.
§16.4.18.(D).(1).(g)	Maximum building height: 40 feet.	This information has been provided – the building will be 25 feet high.
§16.4.18.(D).(1).(h)	Maximum building and outdoor stored material coverage: 50%.	It appears this standard is satisfied based on Sheet 1's Note #8.
§16.4.18.(D).(1).(i)	Minimum area dedicated to landscaped area: 15%.	See earlier comments on page 2, landscaping area + calculations are shown on Sheet 3.
§16.4.18.(D).(1).(j)	Hours of operation must be noted on the final plan etc.	There is a now a revised note indicating the hours of the business on Sheet 1's Note #10.
§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 has done 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.	Two parking spaces for the store remain 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.
§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.)	Landscaping around the parking lot is shown as well as more landscaping proposed in the front where a parking space used to be. The new landscaping at the front delineates the parking for the store from the parking for the residence.

§16.4.18.D.(3)	<p>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:</p>	<p>A front elevation (as seen from Route 1) was submitted with height and materials. Dimensions can be found on Sheet 1. The building addition will be 1,760 square feet, or 40 x 44 sf.</p>
§16.4.18..D.(3).(a)	<p>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.</p>	<p>See comment above.</p>
§16.4.18.D(3).(b)	<p>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.)</p>	<p>The roof proposed for the addition appears to meet the standard. The portion that will be visible from the road is gabled.</p>
§16.4.18.D.(3).(c)	<p>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</p>	<p>It appears that this standard is satisfied.</p>
§16.4.18.D.(4)	<p>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:</p>	
§16.4.18.D.(4).(a)	<p>Fifteen percent of site area must be landscaped;</p>	<p>This standard appears to be met. See Sheet 3 for landscaping area and calculations.</p>
§16.4.18.D.(4).(b)	<p>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;</p>	<p>An outdoor patio and new access path are provided to/from the rear, front and side of the existing commercial building. There is an ADA-compliant access path as well.</p>
§16.4.18.D(4)(c)	<p>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;</p>	<p>The proposed development occurs in the rear and sides of the existing commercial building. There is additional landscaping proposed out front to replace a parking space. This landscaping separates the store parking from the residence parking.</p>
§16.4.18.D(4)(d)	<p>A buffer between commercial and residential zones must be established and be landscaped with a visually pleasing mixed planting type;</p>	<p>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.</p>

§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;	With the new ADA ramp linking the front and back of the property, the immediate impact of light trespass is somewhat lessened. A larch tree which is a native but deciduous is proposed but true headlight trespass mitigation would involve the planting of more evergreens. The residence is on Terra Cotta's own property so the Board may accept the plans as-is.
§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 satisfied through the general plan notes on Sheet 1 as well as Sheet 3 which shows trees and tree types.
§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 is on the plans. See Grading & Utility Plan.
§16.4.18.D(4)(i)	No storage may be in front of buildings except seasonal sales items;	This standard is satisfied with no permanent store proposed.
§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 with additional clarity and cut sheet details provided along with the cover letter.
§16.4.18.D(4)(k)	Lighting along the street must be of a pedestrian scale using an architectural fixture appropriate to the neighborhood.	Parking area lighting will be pole-mounted with the fixtures not likely to be completely visible from the street. The rest of the lighting is wall-mounted.
§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, now with the addition of the walkway and ramp, it is also ADA-compliant. Internally joining this property with adjoining properties appears difficult because of adjacent stormwater-related structures, location of the buildings and topography.
<b>§16.7.2.11.G(2) Underground utilities are required</b>		
	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.

## Final Plan Review

	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	<b>§16.7.11 Site Plan Review – Performance Standards &amp; Approval Criteria</b>	
	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 is now labeled as 16 feet wide where it currently exists and then expanding to 18 feet wide in the proposed expansion. Since the parking area is oversupplied with spaces, no queuing is likely to occur.
Code Ref	<b>§16.7.11.A Water Supply</b>	
§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	This standard is met.

	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.	
<b>Code Ref.</b>	<b>§16.7.11.B Sewage Disposal</b>	
§16.8.7.2.C	<p>Replacement of subsurface wastewater disposal systems (SWDS) for existing legal uses:</p> <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>	This standard is not applicable as the proposed commercial business is currently connected to the Kittery sewer system.
<b>Code Ref.</b>	<b>§16.7.11.C &amp; D Stormwater and Surface Drainage and Post Construction Stormwater Mgmt</b>	
§16.7.11.C & D	See section for all standards.	A post construction stormwater management plan was submitted for review by CMA and there were no additional comments by CMA concerning it.
<b>Code Ref.</b>	<b>16.7.F Parking and Loading</b>	
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;</p> <p>(2) The existence and impact upon adjacent access points and intersections;</p> <p>(3) Turning movements of vehicles entering and leaving the public streets;</p> <p>(4) Snow removal; and</p> <p>(5) General condition and capacity of public streets serving the facility.</p>	<p>The applicant has revised the plan notes to state that in the instance the lot reaches 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.</p> <p>Other standards do not apply since this is a modification.</p>
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 pavement indications for traffic flow. The ADA parking will need appropriate markings which are shown on the plan.
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 with the additional dimensional information on the plan, Sheet 1 as to parking space size (9x16 feet) and aisle width (24 feet).
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.	This standard is not applicable since the Board accepted DEP's recommendation.
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	This standard is satisfied in terms of number of trees and planting area for them (there are more than required)

	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.	and the planting area and details are shown on Sheet 3.
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> <p>(3) At least one accessible route is to connect from each accessible parking space to the accessible building entrance.</p>	The applicant is required to provide one accessible parking space in each parking area. This plan shows one ADA space in front and one in back per the requirement. In addition, access from front to back will be provided via a paved walkway along with an ADA-compliant ramp to get from back to front and vice versa. CMA has confirmed that the grade indicated in Sheet 1's Note #12, meets the ADA requirements for grade.
§16.8.9.4.K	<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>	This standard is met. Lighting plan details were provided and meet requirements. CMA has declared their comments have been addressed.
<b>Code Ref.</b>	<b>§16.7.11.G Exterior Lighting</b>	
§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 has been clarified and the cut sheet details show that pole-mounted fixtures are cutoff.
§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.

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Code Ref.	§16.7.10.D Final Plan Review	
	Standard	Comment
§16.7.10.D(3)	Entire section is pertinent.	The final plan set appears to meet the standards. The plans reflect the information required.

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98 **Next Steps**

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99 The plans have addressed all the items from the previous meeting in April. Stormwater management has been reviewed with  
100 CMA satisfied that their comments have been addressed. Staff is not aware of outstanding issues that would prevent the  
101 Board from approving this plan.

102 **Recommended Motions**

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103 Below are the recommended motions for the Board's use and consideration, one to approve and one with a motion to  
104 approve with any conditions the Board may wish to include:

105

106 *Motion to approve the application:*

107 Move to approve a final plan site plan review from owner/applicant Kevin Cambridge and agent Attar Engineering Inc.  
108 which requests approval to expand a legally nonconforming commercial structure and construct a 22-space parking lot with  
109 stormwater improvements lot on real property with an address of 52 State Road, (Tax Map 3, Lot 1) located in the Business-  
110 Local 1 (B-L1) Zone with the condition that the detention pond detail on Sheet 4 be corrected per CMA's comment prior to  
111 submission for signature.

112

113 *Motion to approve the application with conditions:*

114 Move to approve a final plan site plan review from owner/applicant Kevin Cambridge and agent Attar Engineering  
115 Inc. which requests approval to expand a legally nonconforming commercial structure and construct a 22-space  
116 parking lot with stormwater improvements lot on real property with an address of 52 State Road, (Tax Map 3,  
117 Lot 1) located in the Business-Local 1 (B-L1) Zone with the condition that [insert conditions here] prior to  
118 submission for signature

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**From:** [Kathy Connor](#)  
**To:** ["Jodie Bray Strickland"](#)  
**Cc:** ["William Straub"](#)  
**Subject:** RE: 52 State Road stormwater plans  
**Date:** Tuesday, May 17, 2022 11:45:00 AM  
**Attachments:** [TCPC Plan Sheet 4 Rev 11May2022.pdf](#)

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Hi Jodie,

Here's the revised detail sheet which corrects the typo you noted. Is this more in line with what you expected to see?

Thanks,  
Kathy

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**From:** Kathy Connor  
**Sent:** Wednesday, May 11, 2022 11:25 AM  
**To:** 'Jodie Bray Strickland' <[jstrickland@cmaengineers.com](mailto:jstrickland@cmaengineers.com)>  
**Cc:** William Straub <[wstraub@cmaengineers.com](mailto:wstraub@cmaengineers.com)>  
**Subject:** RE: 52 State Road stormwater plans

Thanks, Jodie!

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**From:** Jodie Bray Strickland <[jstrickland@cmaengineers.com](mailto:jstrickland@cmaengineers.com)>  
**Sent:** Wednesday, May 11, 2022 11:24 AM  
**To:** Kathy Connor <[KConnor@kitteryyme.org](mailto:KConnor@kitteryyme.org)>  
**Cc:** William Straub <[wstraub@cmaengineers.com](mailto:wstraub@cmaengineers.com)>  
**Subject:** Re: 52 State Road stormwater plans

Kathy-

The maximum slope to be ADA compliant is 1:12 (8.33%), so as long as they stay below this they will be ok.

Jodie

Sent from my iPhone

On May 11, 2022, at 10:42 AM, Kathy Connor <[KConnor@kitteryyme.org](mailto:KConnor@kitteryyme.org)> wrote:

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Thanks, Jodie. Just a quick question – the newest May 2<sup>nd</sup> plans show an ADA-compliant path with ramp linking the front of the building to the parking lot in the rear. The last plan note on Sheet 1 says the slopes will not be more than 1:12. Is that

acceptable? Just trying to picture a person in a wheelchair getting up the ramp... either with or without assistance.

Thanks for any advice you can provide,  
Kathy

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**From:** Jodie Bray Strickland <[jstrickland@cmaengineers.com](mailto:jstrickland@cmaengineers.com)>

**Sent:** Wednesday, May 11, 2022 7:29 AM

**To:** Kathy Connor <[KConnor@kitteryme.org](mailto:KConnor@kitteryme.org)>; William Straub  
<[wstraub@cmaengineers.com](mailto:wstraub@cmaengineers.com)>

**Subject:** RE: 52 State Road stormwater plans

Kathy-

All of our previous comments have been addressed. We have one minor comment remaining:

There is an elevation 39.00 for the top of the outlet structure on the Detention Pond #1 detail on Sheet 4 that appears to be a typo (see below).

<image001.png>

Please forward this to the applicant and let me know if you have any questions.

Best,  
Jodie

Jodie Bray Strickland, P.E.  
Senior Project Engineer

<image002.png>

**CIVIL/ENVIRONMENTAL/STRUCTURAL**

35 Bow St.

Portsmouth, NH 03801

CELL: 603-817-4716

[jstrickland@cmaengineers.com](mailto:jstrickland@cmaengineers.com)

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**From:** Kathy Connor <[KConnor@kitteryme.org](mailto:KConnor@kitteryme.org)>

**Sent:** Tuesday, May 10, 2022 4:29 PM

**To:** William Straub <[wstraub@cmaengineers.com](mailto:wstraub@cmaengineers.com)>; Jodie Bray Strickland  
<[jstrickland@cmaengineers.com](mailto:jstrickland@cmaengineers.com)>

**Subject:** 52 State Road stormwater plans

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Hi Bill & Jodie,

Just checking on the status of the Terra Cotta (52 State Road) addition + parking lot expansion plans. I've attached the most recent plans + attachments submitted that were revised per staff and PB comments back in April – stormwater calculations did not change so still should be the April 22<sup>nd</sup> version.

Thanks,  
Kathy

Kathy Connor  
Project Planner  
Town of Kittery  
(207) 439-0452 x319  
[kconnor@kitteryme.org](mailto:kconnor@kitteryme.org)