

**Town of Kittery Maine
Town Planning Board Meeting
June 25, 2020**

ITEM 1 –Route 236 – Preliminary Site Plan Review

Action: Accept or deny application. Schedule Public Hearing; site wk. Owner/applicant Robert T. Brennan, Jr. requests consideration of a preliminary site plan for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 289, Lot 25D) in the Commercial (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review	None.	
NO	Site Visit	At the discretion of the Planning Board	
YES	Determination of Completeness/Acceptance	Scheduled for 6/25/2020 Meeting	PENDING
YES	Public Hearing	To be determined	
YES	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. 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 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.

Background

This is now at the preliminary plan acceptance review stage. The proposed development is a 1,672 sf 24-hour two-bay car wash on an existing vacant lot located in the Commercial C-2 zone. The proposal includes four vacuum bays, one parking space for an employee who will service the business periodically and queuing space for 8-12 cars.

Staff Review

The proposed car wash will be located in the southeastern corner of the lot. Access will be from MacKenzie Lane. This portion of the lot has been cleared and is fairly level. Most of the rest of the lot is wooded and will remain so. The Applicant noted that Kittery’s GIS system shows an eastern cottontail rabbit sighting on the lot. Due to this, the Applicant has reached out to Inland Fisheries & Wildlife (IFW) for guidance but as of application submission, the Applicant has not yet heard back. There is a drainage ditch along the MacKenzie Lane side of the property which widens into wetlands delineated by the Applicant’s soil scientist.

Staff Review

Submissions

The preliminary plan submission includes the information required under 16.10.5.2. *Planner Review and confirmation of submittal content for preliminary plan* that would apply to a commercially zoned lot on which a car wash is proposed with the following exceptions:

- Abutters information (name, map, lot etc.) across Route 236 must be shown on the plans.

Project Description

The Applicant's agent has provided a detailed summary of the improvements (see Project Narrative, Page 3) along with the rest of the submission. The site plan details the carwash building location, the parking space for the lone employee, the four vacuum bays, the queue capacity, propane tank and dumpster locations, the retention tank and water re-use system, natural features and utilities.

The application includes the soil scientist's report and architectural drawings. A stormwater management plan was also submitted for review by CMA.

Waivers

The applicant is requesting the Board to waive the sidewalk standard pursuant to *Table 1. Design and Construction Standards for Streets and Pedestrian Ways*. The Board will need to deliberate whether or not the waiver is warranted.

Section 16.3.2.1 Commercial (C-1, C-2, C-3)

General requirements

1. The use proposed is *service establishment*, a permitted use, which while not included in 16.2 Definitions, was corroborated by Code Enforcement prior to application submission.
2. The lot conforms as it is greater than 40,000 sf.
3. The proposed building meets the 50 feet setback required for front, and side yard on streets (corner lot requirement), and 30 foot setback for rear and side yard setbacks.
4. Street frontage requirements, 150 feet, are met.
5. The building coverage does not exceed 40% of the lot.
6. According to 16.6 Table 1 Minimum Setbacks for Wetland and Water Bodies, a car wash is required to be 150 feet from a wetland, unless the Applicant demonstrates to the satisfaction of the Town's peer review engineer that BMPs are being incorporated to minimize pollutants. The Applicant is using the 100-foot setback allowable while proposing a BMP-employed stormwater system. Once the Board accepts the site plan, CMA will weigh in on whether or not it meets the criteria for a BMP.
7. A letter from the Water District stating that capacity and pressure exist for the car wash is included.
8. Open space requirements are met – 25% of the lot must be open space and the Applicant is proposing to develop less than one acre of the site which is over seven acres (without ROW) in size.

Building and site design

1. The proposed driveway is located off MacKenzie Lane, which is the least traveled of the two streets this lot has frontage on. The existing driveway into the property will be discontinued and revegetated.
2. The proposed driveway is located approximately 135 feet from the intersection of Route 236 and MacKenzie Lane. The transfer station is often quite busy on Saturdays which can also be a busy day for car washes. The proposed car wash entrance/exit location will allow about 6 vehicles to queue for turning onto Route 236 before blocking it.
3. The building is oriented towards MacKenzie Lane from which it derives its access as much as its function will permit. Upon entering the site, cars move around the building to the bays and then exit from the wash bays towards MacKenzie Lane.

4. The site (see C-3, Note 12 for amount of disturbance and impervious surface) allows between 8-12 cars to queue before entering a wash bay. This appears adequate.
5. The single employee parking space is located in the southeastern corner of the lot. The parking space is required to be screened from the road per 16.3.2.11.D.(3).(a) with landscaping, berms or fencing. The site plan shows one existing tree near the parking space. The Board may wish to require further screening.
6. The building is proposed to have asphalt roof shingles and vinyl siding with garage doors to close when the wash bay is not in service.
7. The building has a gabled roof with dormers over each bay which meet the minimum of 4:12 pitch requirement (by being 5:12).
8. The car wash's retention tank and water re-use system are shown on sheet C3 as well as the propane tank.
9. No sidewalk is proposed. A waiver should be requested.

Traffic, Utilities and Stormwater

1. The Applicant has provided a vehicular traffic report as required.
2. Utilities are shown on Sheet C3 and a letter from the Water District is included. No restrooms are proposed for the site.
3. A stormwater management report and the accompanying calculations have been submitted.
4. Stormwater ponds are located on the eastern and northern sides of the proposed development envelope. The distance from the northern pond and the wetlands should be shown on the plans. The Applicant has provided a wetland scientist's opinion that the drainage ditch along MacKenzie Lane does not transition into a wetland until above the proposed driveway. The distance from the wetland edge and the driveway should be noted on the plans.

Site Improvements, Landscaping and Signs

1. The C-2 zone requires a minimum 20-foot vegetated buffer along public streets. The plan shows a 20-foot buffer on both Route 236 and MacKenzie Lane with an additional 15 feet beyond it, which is proposed to be grass with existing trees located within it. Street trees are required every 50 feet of frontage – 16.3.2.11.D.(4).(c) states that *“The trees may be spaced along the frontage or grouped or clustered to enhance the visual quality of the site.”* It goes on to say *“The trees must be 2.5 inches in caliper and 12-feet tall at time of planting. The species should be selected from the list of recommended street trees in the Design Handbook. Existing large healthy trees must be preserved if practical and will count towards this requirement.”* The Board may want to ensure that the existing trees are healthy and of what species and to consider if the trees are sufficient in number for the street tree requirements.
2. The dumpster is proposed for the northeastern side of the development and will be screened by an enclosure. A detail drawing of the enclosure should be provided on the plans.
3. Sign locations are notes on Sheet C3 and the sign and menu designs were submitted. There is no information on how (or if) the signs will be lit. The Planning Board has to ability to decide whether or not the
4. No photometric plan is included but the application, on Page 6, describes recessed lighting proposed under the eaves around the building. The vacuum bay hoses are mounted on booms which will be lit along the inside to focus light on the area being serviced. No pole mounted lights are proposed. The building lighting should be shown on the architectural plans.

Technical Review Committee

The Technical Review Committee, which comprised staff from DPW, Fire, Police and Planning and Code Enforcement, reviewed the proposed plan and had the following comments that needed addressing during the review of the project:

1. The applicant should conduct a more compressive traffic study to determine the traffic impact of the improved site. There was significant concern from DPW and Fire of the impact that the site would have on Rt. 236 as well as McKenzie Lane, especially on Saturdays when the transfer station has high volumes of traffic.
2. Access to the site was a primary concern as well. The TRC determine either incorporating a turning lane by widening McKenzie Lane, or provide an access and egress point (one on Rt. 236 and one on McKenzie Lane).
3. Since there will be one employee from time to time, a restroom will be required. Alternative disposal systems exist that do not require a septic system.
4. The commercial propane tank is too close to the wetland and must be set back at least 150-ft from the wetland. Clarification on what will be deposited in the dumpster is needed as well to determine if the dumpster meets the setback requirements, e.g., will hazardous materials be deposited therein.

CMA Review

1. Once the Board accepts the preliminary plan, the plan set and application will be sent to CMA for review. The Board will have their report before the public hearing for its review and consideration.

Recommendation

This preliminary plan application is the formal submission of plans for a proposed car wash. Details have been provided and the Board has the opportunity to consider how the plans meet the requirements of Title 16.

The preliminary plan application is substantially complete. Staff finds the plan to be in general conformance with Title 16 based on the information provided with the exception of the single submission omissions noted earlier (abutters across Rt 236)– which can be addressed for the Board’s review at a future meeting.

The waiver request should not be acted on until the public hearing.

The Board may wish to accept the preliminary plan dated March 5, 2020 and revised on May 5, 2020 as complete, with or without conditions. The motion is below.

Move to accept the preliminary plan application dated March 5, 2020 and revised on May 6, 2020 from owner/applicant Robert T. Brennan, Jr., for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 289, Lot 25D) in the Commercial (C-2) Zone [with the following conditions:

1. ***The missing abutter information is addressed in the next plan submission.***

2. *A detailed traffic analysis report shall be submitted for review in the next plan submission unless the applicant decides to widen McKenzie Lane or provide a two means of access and egress onto the site. Said road widening shall be depicted on the next plan submission.*
3. *Applicant shall provide a detail in the next plan submission showing the location of the bathroom and provide a detail thereof.*
4. *Applicant shall in the next plan submission depict a alternative location of the propane tank that meets the setback requirements.*

If the Board accepts the preliminary plan with or without conditions, the Board will want to set a public hearing date. The motion to set the public hearing date is below:

Move to hold a public hearing on July 23, 2020 on a preliminary plan application dated March 5, 2020 and revised on May 6, 2020 from owner/applicant Robert T. Brennan, Jr., for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 289, Lot 25D) in the Commercial (C-2) Zone.

May 6, 2020

Mr. Bart McDonough
Town Planner
Kittery Planning & Development
200 Rogers Road
Kittery, ME 03904



Re: Revised Site Plan Application – Kittery Car Wash
Tax Map 28 Lot 25D, Route 236
Job No. 19-134

Dear Mr. McDonough:

Tidewater Engineering & Surveying, Inc. is providing supplemental documents associated with the Kittery Car Wash site plan application to address review comments received from Kathy Connor and to provide additional documents/plans prepared since the original March 5th submittal.

It is requested that the following documents be added to the application for review.

1. Email correspondence between Tidewater Engineering and Kathy Connor;
2. Updated Architectural Plan dated 3/4/2020;
3. Lighting Photometric Plan and Product Sheet;
4. Updated Stormwater Report dated May 6, 2020;
5. Updated Site Plan Set – Revision 1 dated May 6, 2020;
 - a. Sheets C1-C5 Minor Updates
 - b. Added Sheet C6 Construction Details
 - c. Added Sheet C7 Proposed Landscaping Plan

Also, as discussed earlier this week, the applicant would like to request a waiver for the requirement to install a sidewalk along MacKenzie Lane pursuant to Table 1 Design and Construction Standards for Streets and Pedestrianways. Since there are no sidewalks along Route 236 and MacKenzie Lane provides access to only the Town's Resource Recovery Facility, the need for a sidewalk is minimal.

We look forward to continuing the review process of this application. If you have any questions, please do not hesitate to contact me at (207) 439-2222 or ryan@tidewatercivil.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy".

Ryan M. McCarthy, P.E., P.L.S.

President
Tidewater Engineering & Surveying, Inc.
(207) 439-2222
ryan@tidewatercivil.com
Enclosures

Ryan McCarthy

From: Ryan McCarthy
Sent: Friday, May 1, 2020 2:56 PM
To: 'Kathy Connor'
Cc: 'Bart McDonough'
Subject: RE: Car wash on 236

Hi Kathy –

Thank you for your patience. We are back working on this assignment and can respond to your questions. See below in red.

Before we submit the package to CMA for review, I'll be issuing a new set of plans that includes the lighting, landscaping and detail sheets. Do you want these electronically only or should I also mail/drop off hard copies? I'll also let the owner know he'll need to submit the escrow check for CMA to start their review.

Look forward to getting this back on track!

Ryan M. McCarthy, P.E., P.L.S. | *President*
ryan@tidewatercivil.com | www.tidewatercivil.com
Tidewater Engineering & Surveying, Inc. | (207) 439-2222
89 Route 236 Suite 3 | Kittery, ME 03904

From: Kathy Connor <KConnor@kitteryme.org>
Sent: Tuesday, March 17, 2020 3:23 PM
To: Ryan McCarthy <ryan@tidewatercivil.com>
Subject: RE: Car wash on 236

Hi Ryan,

Reviewed the plans and they look good. Just a few comments/questions – small things.

- 1) The Planning Board will likely want to know the species and caliper/height of the existing trees shown on the plans. They may do a site visit but not being tree experts, they'd still want to know. Because the trees are dormant, it will be difficult to ascertain if they are healthy or not. Are there any photos of the site with the trees leafed out? **The caliper of the trees was noted when we did the survey. I will add the labels to the site plan. The trees are still dormant right now but are on the verge of popping. Once this happens, we can evaluate their condition and species. I don't have any good photos unfortunately as we started this after the leaves had fallen.**
- 2) How will the grassed strips be maintained? Mowed? The Planning Board and the Technical Review Committee (department heads and public safety officials) are sensitive to grass strips that become "weed strips". **All areas on the site not wooded will be grass and maintained (mowed) professionally.**
- 3) How much street frontage on Route 236 is there? Does the number of trees meet the 1 per 50 feet requirement? There is a rather large gap in the existing trees along Rt 236. Would the Applicant be willing to plant more trees? **The frontage from MacKenzie to the woodline is approximately 240 feet. This means 5 trees would be required assuming 1 tree per 50 feet. I'm counting 9 existing mature trees along the frontage of Route 236 so we exceed the minimum required by almost double. The client would prefer not to plant additional trees.**

The designer has provided an updated architectural that has more detail and labels the roof pitch. See attached. Do you mind simply swapping out this one for the outdated one? I can drop off 15 copies outside your office door if you want me to provide the prints.

Let me know what works best for you.

Thanks.

Ryan M. McCarthy, P.E., P.L.S. | *President*
ryan@tidewatercivil.com | www.tidewatercivil.com
Tidewater Engineering & Surveying, Inc. | (207) 439-2222
89 Route 236 Suite 3 | Kittery, ME 03904

From: Ryan McCarthy <ryan@tidewatercivil.com>
Sent: Monday, March 16, 2020 5:35 PM
To: 'Kathy Connor' <KConnor@kitteryme.org>
Subject: RE: Car wash on 236

Hi Kathy –

I'm calculating the roof pitch on the primary gable end to be 5:12 and the smaller reverse gables as 12:12 but I'm double checking with the building designer. That should have been labeled on his plan so I'll make sure it is added to future submissions.

Talk soon.

Ryan M. McCarthy, P.E., P.L.S. | *President*
ryan@tidewatercivil.com | www.tidewatercivil.com
Tidewater Engineering & Surveying, Inc. | (207) 439-2222
89 Route 236 Suite 3 | Kittery, ME 03904

From: Kathy Connor <KConnor@kitteryme.org>
Sent: Monday, March 16, 2020 4:06 PM
To: Ryan McCarthy <ryan@tidewatercivil.com>
Subject: RE: Car wash on 236

Ryan, does the roof pitch meet the 4:12 requirement? It looks like it probably does but there isn't anything on the architectural drawing saying so.

I am going through the plans and application now and will send any additional comments tomorrow.

Best,
Kathy

From: Ryan McCarthy <ryan@tidewatercivil.com>
Sent: Monday, March 16, 2020 8:40 AM
To: Kathy Connor <KConnor@kitteryme.org>
Subject: RE: Car wash on 236

Great. Please keep me posted if the Town cancels the planning board meeting. Also, if you have any questions about the submission, please feel free to reach out.

- 4) How does the water re-use system work and is there any waste water to be discharged at all? The Board may want to know how many gallons/wash etc. **The reclaim system uses a series of chambers that act as grit and oil/water separators. As the water passes through the chambers, oils are trapped at the surface and particles settle to the bottom. The water then is pumped to a series of cyclonic separators that removes much smaller particulates. Ozone is then added to the water to eliminate odors. It's a continuous cycle. Dirty water passes to a 10,000 gallon underground tank where it is stored. Once the storage tank is full, it is pumped out and disposed of properly off-site. No wastewater is discharged to the ground or on site.**
- 5) How will the signs (both street signs and menu signs) be lit? **The street sign will be internally lit. The menu signs will be lit by the recessed lights mounted under the building eaves. No separate lighting is needed for the menu signs.**
- 6) What kind of enclosure is proposed for the dumpster? A detail of it should be provided on future plan submissions. **The enclosure will be have solid white vinyl sides and back. The front gate needs to be sturdier and therefore is chain link with white privacy slats. A detail will be provided.**
- 7) The Board may ask for lighting details – such as design sheets – for the recessed lights. The lighting should be shown on the architectural plans. **I am currently working with a lighting designer to obtain specs and a photometric plan. Typically I show the light locations to the site plan instead of the architectural plans if that is ok.**
- 8) You will likely want to ask for a waiver from the sidewalk requirements along Route 236. **Thanks for pointing this out. I must have missed where in the Code the sidewalks are required. Can you reference the section for me so I can ask for the waiver accordingly?**

One final thing, there is an online (the ViewPoint permitting system for building permits, available from the home page of the Kittery website under Online Services) form for street naming/addressing. Either you or the owner should submit it to get an address for the car wash – more for E-911 purposes than postal. Still no word on the Planning Board meeting but as I said, I'll let you know when I know. **Do we need to do this before the Planning Board approval? I'll coordinate with the owner.**

Best,
Kathy

From: Kathy Connor
Sent: Tuesday, March 17, 2020 9:05 AM
To: 'Ryan McCarthy' <ryan@tidewatercivil.com>
Subject: RE: Car wash on 236

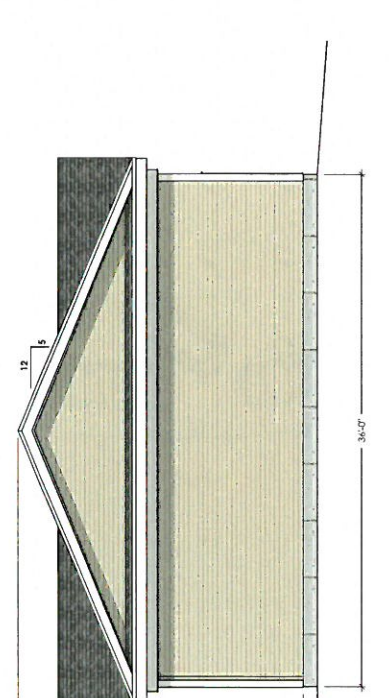
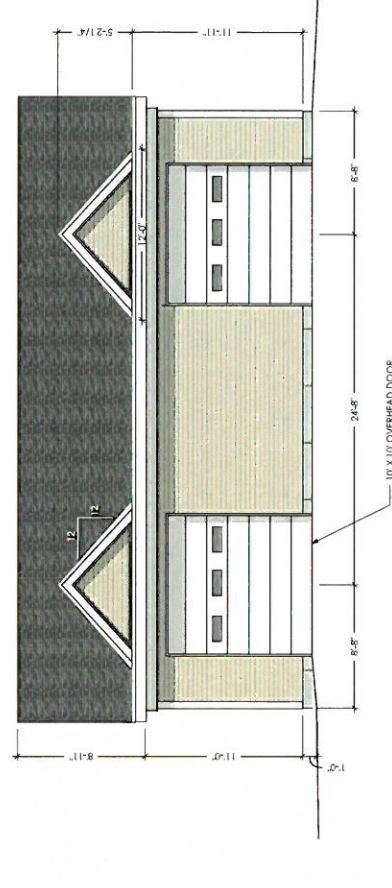
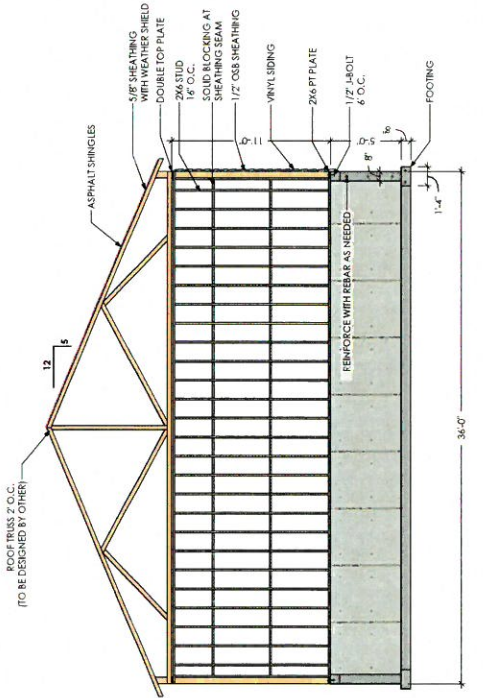
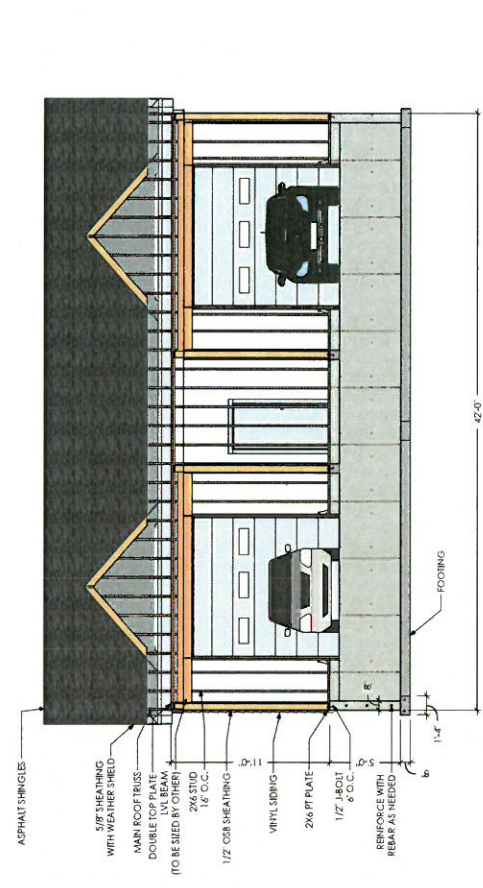
Hi Ryan –

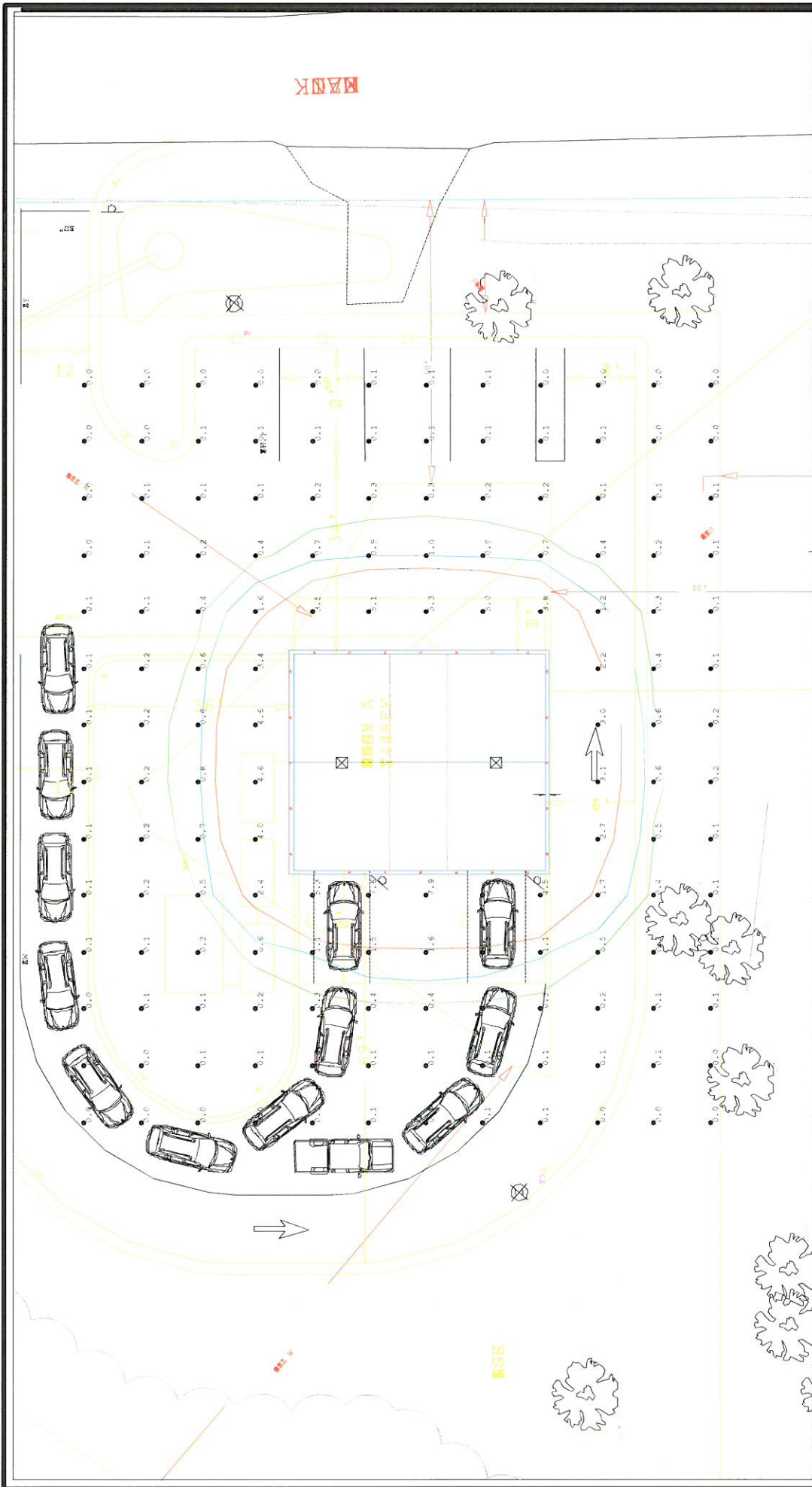
Thank you. We can print these – Town Hall is closed to the public – I believe a decision about next week's Planning Board meeting will get made today. I will let you know.

Best,
Kathy

From: Ryan McCarthy <ryan@tidewatercivil.com>
Sent: Tuesday, March 17, 2020 8:57 AM
To: Kathy Connor <KConnor@kitteryme.org>
Subject: RE: Car wash on 236

Hi Kathy –





Not to Scale

Prepared For: **HOLBROOK ASSOCIATED**

Job Name: **X**

Scale: as noted

Date: 5/1/2020

Inside Rep:

Outside Rep:

Filename: Kitty Car Wash - Revised.AGI

Drawn By: J.Holbrook

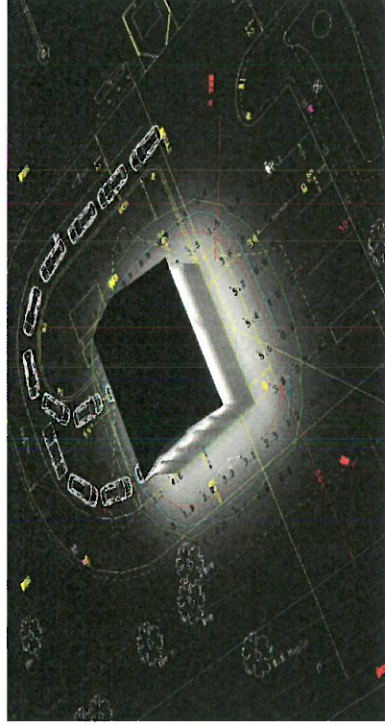
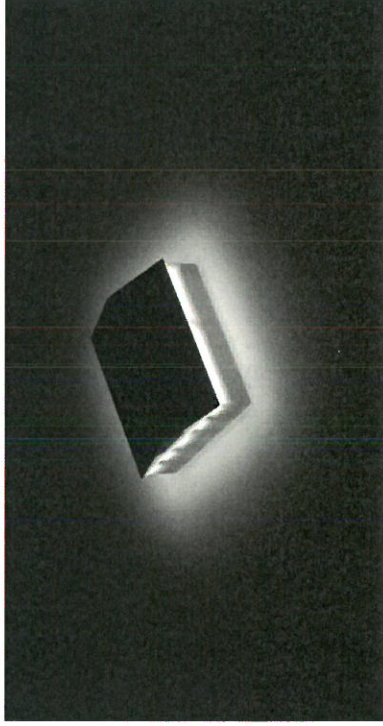
File Name: C:\Users\jholbrook\Documents\AGI25 - Design\2020 Design\KITTY Car Wash\KITTY Car Wash - Revised.AGI

The Lighting Analysis, actual Energy Analysis (using Simulation 3D Lighting Design) provided by Holbrook Associates represents an anticipated prediction of lighting system performance based upon design parameters and information supplied by others. These design parameters and information were provided to Holbrook Associates for their use in the design process. Holbrook Associates does not warrant the accuracy of the information provided to it, nor does it warrant the accuracy of the information provided to it. The Lighting Analysis, actual Energy Analysis (using Simulation 3D Lighting Design) provided by Holbrook Associates is intended for informational purposes and is not intended for construction or as being part of a project's construction documentation package.

Calculation Summary						
Label	Calc>Type	Units	Avg	Max	Min	Avg/Min
Ground	Illuminance	Fc	0.81	7.9	0.0	N.A.

All quotes/orders generated from this layout must be forwarded to the Local Rep Agency						
Symbol	Qty	Label	Arrangement	LLF	Description	BUG Rating
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Expanded Luminaire Location Summary						
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C6R12940UNVW	1755182.468	2178130.498	11.6	0		
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C6R12940UNVW	1755182.468	2178175.444	11.6	0		
Total Quantity: 24						



NOTE:
 *The beam factor (L/F) is a product of many variables, with beam diameter (L/D) being the most significant. The L/D is the most significant variable in determining the beam factor. The beam factor is not a constant and varies with the distance from the luminaire to the work surface. The beam factor is not a constant and varies with the distance from the luminaire to the work surface. The beam factor is not a constant and varies with the distance from the luminaire to the work surface.

HOLBROOK ASSOCIATED

Prepared For:
 Tidewater Engineering & Surveying
 Ryan McCarthy
 88 Route 236, Suite 3
 Kittery, ME 03904

Job Name:
 Kittery Car Wash
 Lighting Layout
 Exterior

Scale: as noted
 Date: 5/1/2020
 Filename: Kittery Car Wash - Revised.AGI
 Drawn By: J.Holbrook

Inside Rep: C.Robbins
 Outside Rep:

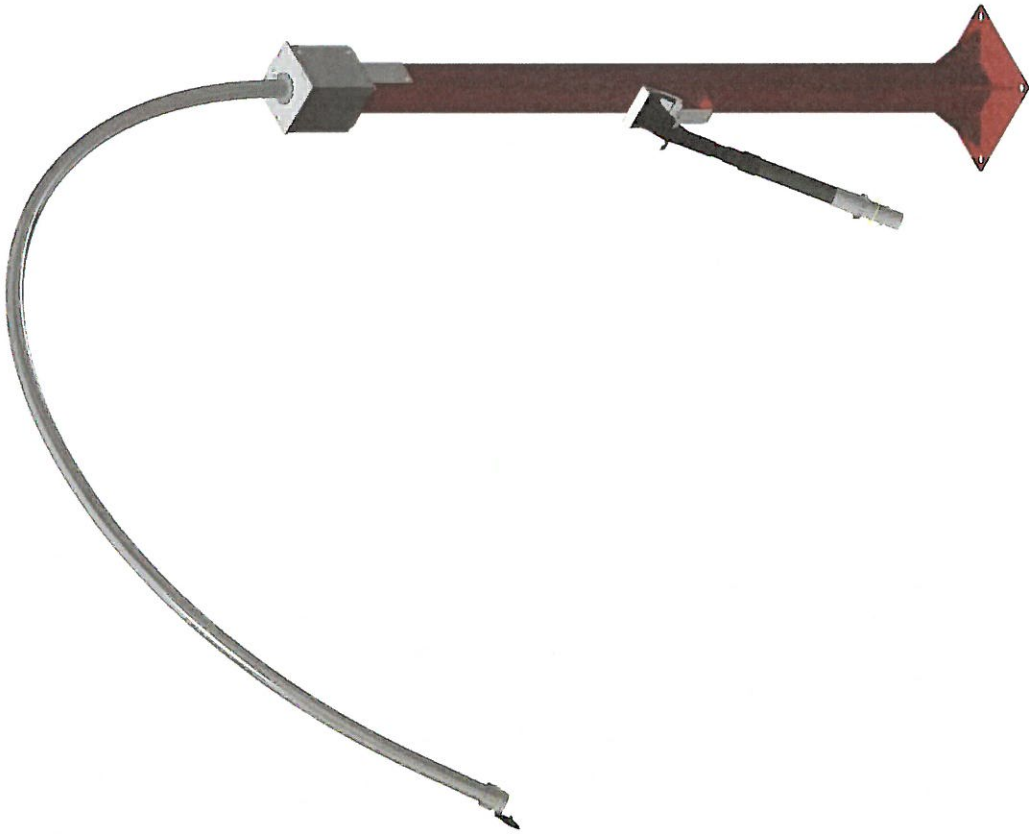
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The lighting fixture is a product of many variables, with beam diameter (L/D) being the most significant. The L/D is the most significant variable in determining the beam factor. The beam factor is not a constant and varies with the distance from the luminaire to the work surface. The beam factor is not a constant and varies with the distance from the luminaire to the work surface. The beam factor is not a constant and varies with the distance from the luminaire to the work surface.



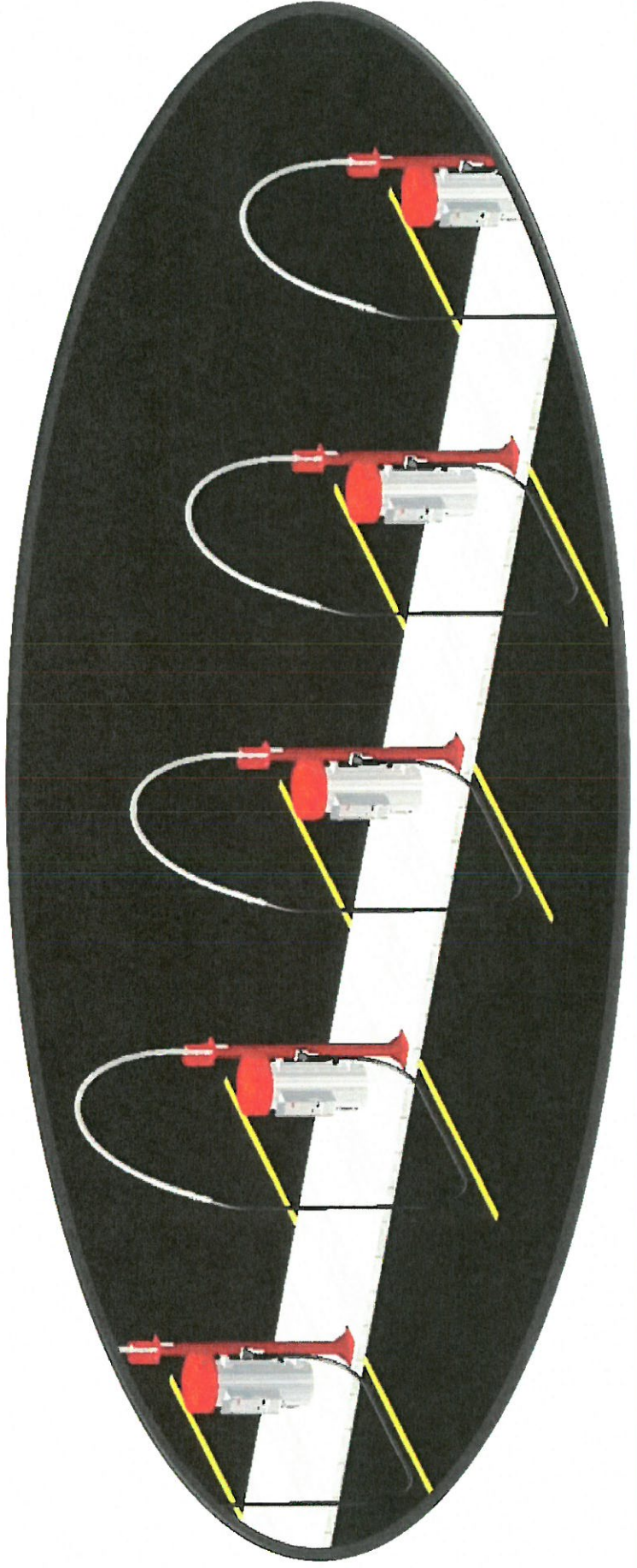
Model – 75000-SWL*

Product Information	Page 2
Important Safety Information	Page 3
Specifications	Page 3
Dimensions	Page 4
Location & Preparation	Page 5-6
Installation	Page 7-23
- Vacuum ground or post mount	Page 8-10
- Spring Centering Option	Page 19-21
Trash Can Lock, Mat Rack Option	Page 24-25
Maintenance	Page 26
Parts List	Page 27-29



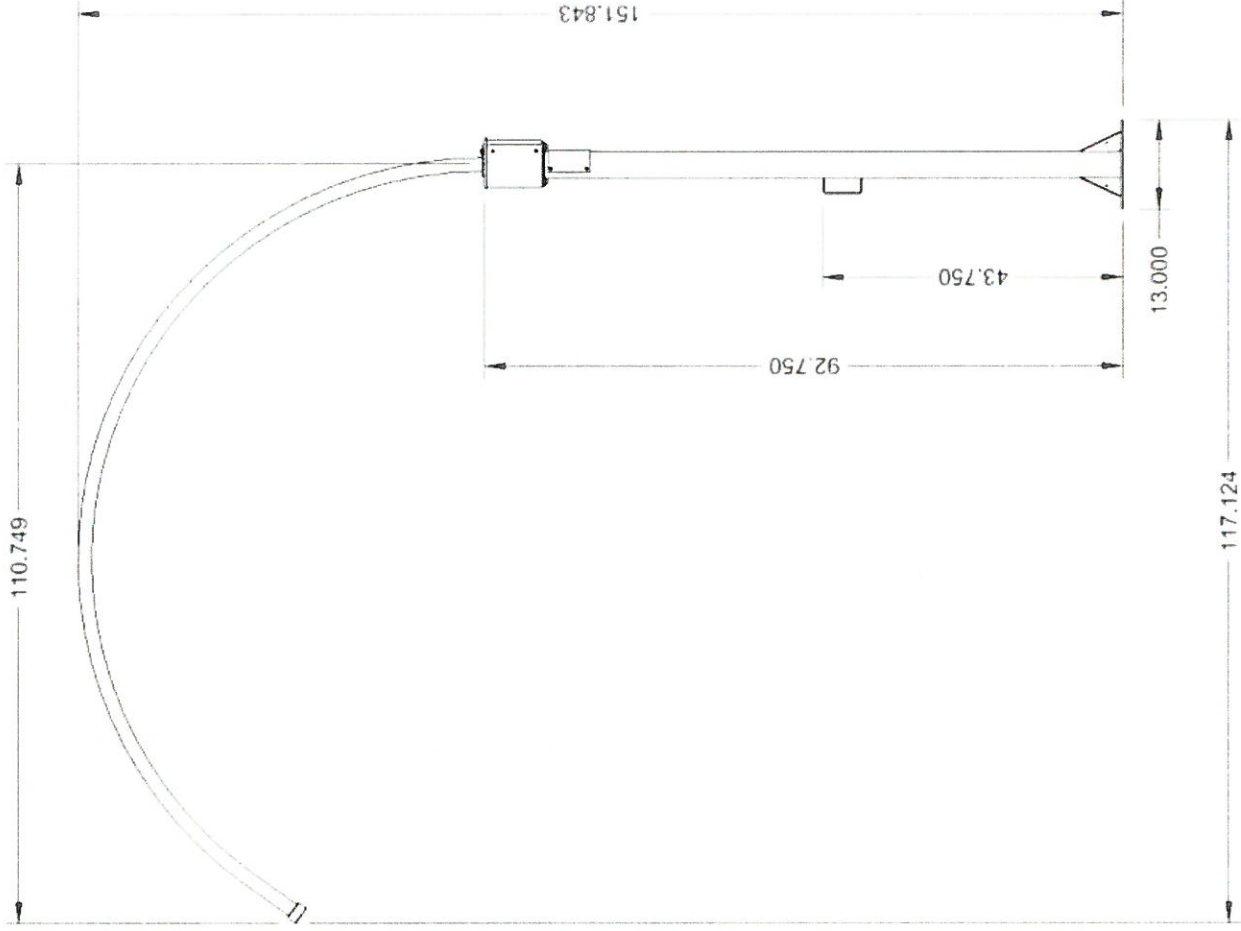
Location and Preparation:

- Choose a location that is level for the post to be installed.
- Make sure the location chosen will not have any aerial disruption of boom or interfere with any overhead power lines, trees, etc.
- The area should have enough room for the vacuum to be mounted next to boom or mounted to the post and be sure there is enough clearance for cleanout doors to open.
- Below is a typical example of how the vacuum booms could be laid out. The arrangement of the booms is up to the end user and should be determined prior to construction.
- Please read the Installation Section of this manual to understand the boom and vacuum configurations. Please take this into consideration when laying out a site.
- Examine the location for the boom (s) to be mounted. Make sure that the surface to be used is adequate to mount the booms. If new construction please be sure to consult your contractor for footing adequate to handle the mounting of the booms. See next page for footing specifications.
- For existing location see next page for footing information.



DIMENSIONS:

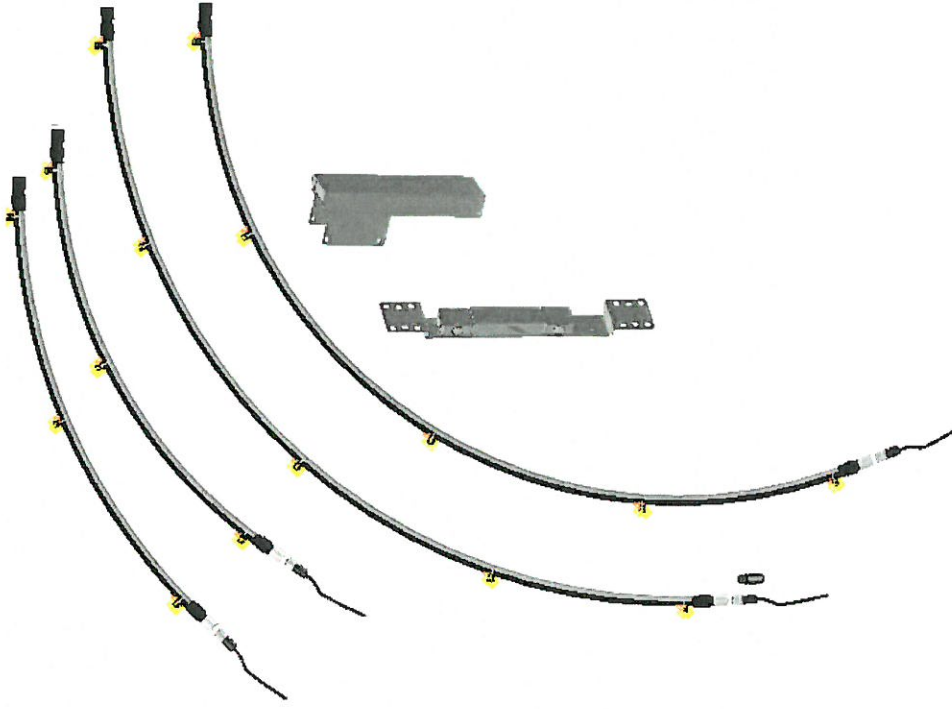
All swivel booms have the same dimensions for the pole and arch. See picture for dimensions and use dimensions when planning a location to mount.





Models - 35000/75000 LED Light Tube Installation

Page 2	Product Information
Page 3	Specifications
Page 4	Important Safety Instructions
Page 5-6	Product Dimensions
Page 7	LED Light Tube to Arch Installation
Page 8	Wiring of Power Supply
Page 9	Swivel Arch Light Install Details
Page 10	Round Pole Power Supply Install
Page 11	Maintenance



Specifications

48" LED Light Tube

Unit specifications:

Voltage:

35000-58-4A , 35000-58-4AS, 35000-58-4AF

Input (power supply): 110-277vac, 60hz (80 Watt Power Supply.)

Output (power supply): 48Vdc (LED input power)

29 Watts / 4000 Lumens (color temp, 5000K)

Wattage/ Lumens:

92" LED Light Tube

Unit specifications:

Voltage:

35000-58-8A , 35000-58-8AS, 35000-58-8AF

Input (power supply): 110-277vac, 60hz (80 Watt Power Supply.)

Output (power supply): 48Vdc (LED)

59 Watts / 8000 Lumens (color temp, 5000K)

Wattage/ Lumens:

80 watt Power Supply

Assembly specifications:

35000-59-80A or 35000-59-80AS (assemblies)

Unit specifications:

Voltage:

Input: 110-277vac, 60hz (80 Watt Power Supply.)

Output: 48Vdc (LED)

Amperage: (1 LED Light) 1.5amps, (1- 80 watt Power Supply) .85 amps @115Vac, .43 amps @ 230Vac

240 watt Power Supply

Assembly specifications:

35000-59-240A (assembly)

Unit specifications:

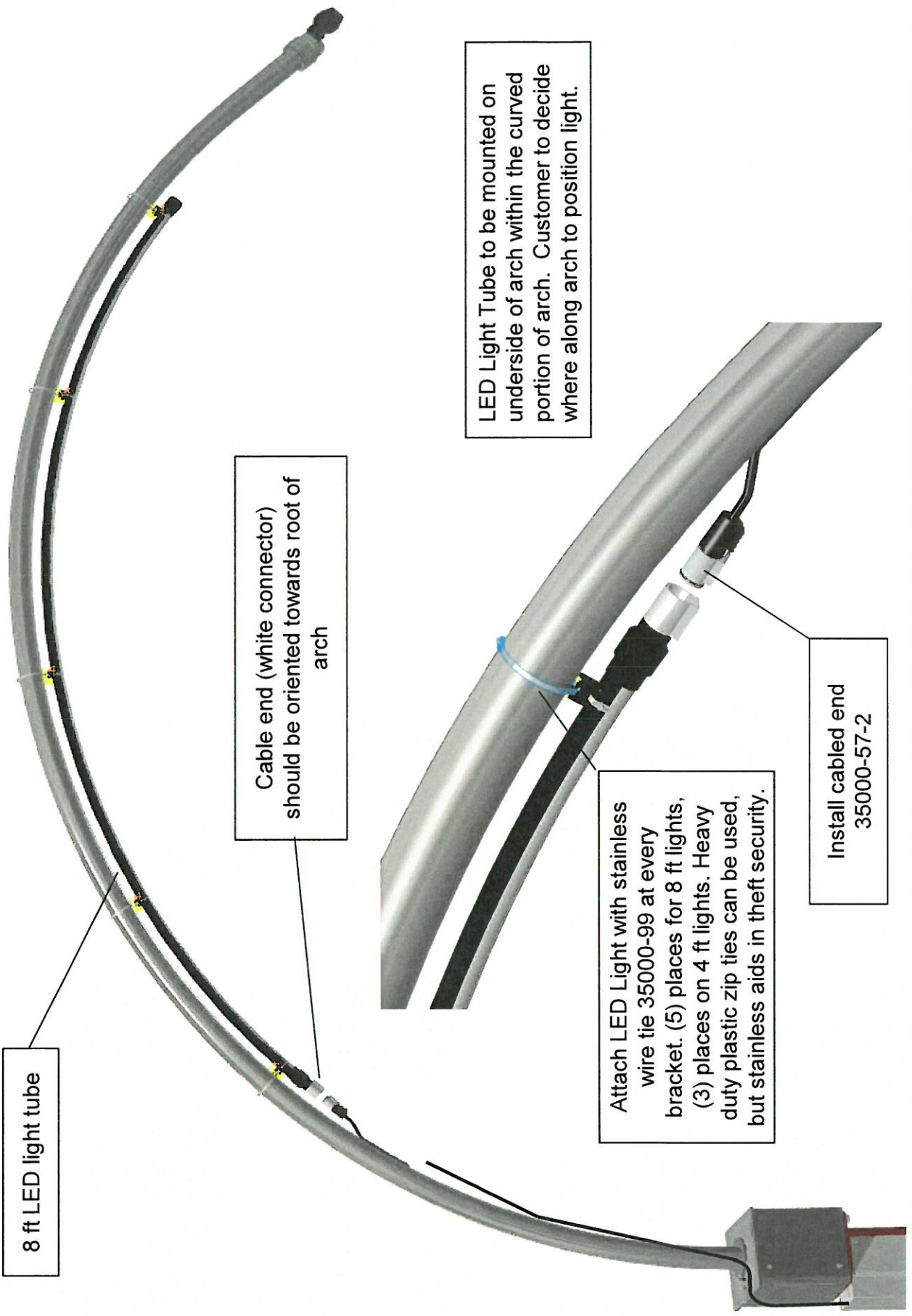
Voltage:

Input: 110-277vac, 60hz (240 Watt Power Supply.)

Output: 48Vdc (LED)

Amperage: (1 LED Light) 1.5amps, (1- 240 watt Power Supply) 4.0 amps @115Vac, 2 amps @ 230Vac

Installation of LED Light Tube to All Arches



Bart McDonough

From: Bart McDonough
Sent: Thursday, May 21, 2020 5:58 PM
To: 'Ryan McCarthy'
Cc: Kathy Connor; Craig Alfis; Dave Evans
Subject: RE: 19-134 Kittery Car Wash - Revised Submission

Good afternoon Ryan,

Below are comments that originate from the Technical Review Committee (TRC). I have not submitted the plans to CMA given that the plans may significantly change based on the comments below, and I didn't want the applicant unnecessarily paying for the superfluous reviews.

1. The traffic report provided in the application was deemed unsatisfactory given the amount of traffic the proposed use of the site will potentially generate, compounded with interactions with traffic off McKenzie Lane and Route 236. There was significant concerns over how the site's traffic will interact with the traffic traveling to and fro the transfer station, especially on Saturdays when there is a higher than normal volume. The report filed for preliminary review had informational gaps that will be needed to determine the impact of the increased rate of vehicular traffic. Please provide a comprehensive traffic analysis for the Planning Board and CMA to review.
2. Building off the traffic impact of the proposed car wash, the TRC was concern about the site's access and egress. Specifically, the group found that the site would cause significant hardship on the traffic flow on McKenzie Lane and Route 236 as the entrance/egress currently is designed. A few suggestions were generated as a possible solution to this issue:
 - a. Widen McKenzie Road to incorporate a turning lane if the access and egress is to remain in its current configuration; or
 - b. Have the entrance into the lot coming from McKenzie Lane and the traffic exiting the site (potentially right-turn only) outflowing onto Route 236.

If the former option is selected, we have a legal opinion stating that the applicant will be responsible for paying for the widening and ancillary improvements of McKenzie Lane.

3. Given there will be an employee now-and-then on site performing work related upkeep/tasks, at least one bathroom will need to be provided on site along with an appropriate disposal system meeting all of Title 16's requirements.
4. The proposed propane tank was identified as a commercial accessory use; therefore, it must be placed outside the 150-ft wetland setback, pursuant to Table 16.9—*Storage of hazardous chemicals or special wastes other than amounts normally associated with individual household/farms*. Furthermore, the commercial dumpster was identified to fall under this category as well, considering it will be used to store waste from the car wash, which may include hazardous by-products not reasonably associated with everyday household use. Please provide more information on the type of waste anticipated to be stored in the dumpster so that it can be determined if the dumpster qualifies as a receptacle for the storing of hazardous chemicals or special wastes.

Those were the primary comments from the Technical Review Committee. As regards Planning Board meetings, there are gradually returning to normalcy and anticipate holding meetings via zoom. Given the current timeline, I think we can get this on the second meeting of June (6/25) or the first meeting in July (7/9). Obviously, given the pandemic, this may be subject to change.

Please let me know if you have any questions.

Respectfully,

Bart McDonough
Town Planner

Town of Kittery
200 Rogers Road
Kittery, ME 03904
Phone: 207.475.1323
Email: bmcdonough@kitteryme.org

From: Ryan McCarthy [mailto:ryan@tidewatercivil.com]
Sent: Wednesday, May 06, 2020 10:47 AM
To: Bart McDonough <BMcDonough@kitteryme.org>
Cc: Kathy Connor <KConnor@kitteryme.org>
Subject: 19-134 Kittery Car Wash - Revised Submission

Bart –

Attached is the revised submission for the Kittery Car Wash site plan application. We hope that you find this application complete and can proceed with staff and third party review. You should find everything required for both a preliminary and final submission. If you need any additional information or have questions, please don't hesitate to reach out.

Please confirm receipt of this email and all three attachments.

Thank you.

Ryan

Ryan M. McCarthy, P.E., P.L.S.
President



89 Route 236 Suite 3 | Kittery, ME 03904
www.tidewatercivil.com | (207) 439-2222

March 5, 2020

Ms. Kathy Conner
Kittery Planning & Development
200 Rogers Road
Kittery, ME 03904



Re: Preliminary Site Plan Application – Kittery Car Wash
Tax Map 28 Lot 25D, Route 236
Job No. 19-134

Dear Ms. Conner:

On behalf of Robert T. Brennan Jr., Tidewater Engineering & Surveying, Inc. is pleased to submit the enclosed preliminary site plan application associated with a proposed car wash at Tax Map 28 Lot 25D for your review.

The project site is located at the intersection of Route 236 and Mackenzie Lane. The property currently consists of a gravel drive, a field with stockpiled materials, woods and wetlands. The proposed development will consist of a two-bay automatic car wash, four vacuum spaces and associated paved areas. The development will be limited to the open field area and will not result in any impacts to the on-site wetlands.

The following documents are enclosed in accordance with the preliminary application submission requirements.

1. Application and supporting documents (15 copies)
2. Site Plan Set (3 full size and 12 half size sets)
3. Stormwater Report (3 copies)
4. PDF of Site Plan w/ Coordinates (to be submitted via email)

We look forward to the opportunity to present this application for completeness at the March 26, 2020 Planning Board meeting. If you have any questions, please do not hesitate to contact me at (207) 439-2222 or ryan@tidewatercivil.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan M. McCarthy".

Ryan M. McCarthy, P.E., P.L.S.

President
Tidewater Engineering & Surveying, Inc.
(207) 439-2222
ryan@tidewatercivil.com

Enclosures

SITE PLAN APPLICATION

“KITTERY CAR WASH”

Tax Map 28 Lot 25-D

Route 236

Kittery, Maine 03904

Submitted: March 5, 2020

Prepared for:

Robert T. Brennan, Jr.

1911 SE 20th Street

Cape Coral, FL 33990

Prepared by:



89 Route 236 Suite 3

Kittery, Maine 03904

Project No. 19-134

TABLE OF CONTENTS

SUPPLEMENTAL DOCUMENT LIST (15 COPIES)

1.	Application _____	pg. 1
2.	Project Narrative _____	pg. 3
3.	Vicinity Map _____	pg. 9
4.	Deed _____	pg. 10
5.	York County Soil Survey _____	pg. 13
6.	Letter from Soil Scientist _____	pg. 17
7.	Kittery Water District Capacity Letter _____	pg. 21
8.	Proposed Sign Design _____	pg. 22
9.	Building Elevation Plan _____	pg. 24

STORMWATER REPORT (3 COPIES)

PRELIMINARY PLAN SET (3 FULL SIZE & 12 HALF SIZE)

- C1: Cover Sheet
- C2: Boundary & Existing Conditions Plan
- C3: Proposed Site & Utility Plan
- C4: Proposed Grading & Stormwater Plan
- C5: Erosion & Sediment Control Plan
- C6: Construction Details (Not Included. To be part of Final Submission)



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 PLAN REVIEW

FEE FOR SITE PLAN REVIEW:	<input type="checkbox"/> \$300.00 PLUS THE GREATER OF:	<input type="checkbox"/> \$50/USE OF UNIT: OR	<input type="checkbox"/> \$5.00/100 SQ FT OF GROSS FLOOR AREA	Application Fee Paid: \$ _____ Date: _____					
		<input type="checkbox"/> \$0.50/LINEAR FOOT OF DOCK, SLIP & FLOAT: OR	<input type="checkbox"/> \$20.00/ UNIT INTENDED TO PROVIDE OVERNIGHT SLEEPING ACCOMODATIONS	ASA Fee Paid: (TITLE 3.3 TOWN CODE) \$ _____ Date: _____					
PROPERTY DESCRIPTION	Parcel ID	Map	28	Lot	25D	Zone:	C-2	Total Land Area (Square Feet)	324,233
	Physical Address	ROUTE 236 @ CORNER OF MACKENZIE LANE							
PROPERTY OWNER'S INFORMATION	Name	ROBERT T. BRENNAN JR.			Mailing Address	1911 SE 20TH STREET CAPE CORAL, FL 33990			
	Phone	(603) 781-4212							
	Fax								
	Email	bbrennan2006@yahoo.com							
APPLICANT'S AGENT INFORMATION	Name	RYAN MCCARTHY, P.E.			Mailing Address	TIDEWATER ENGINEERING & SURVEYING, INC 89 ROUTE 236 #5 KITTERY, ME 03904			
	Phone	(207) 439-2222							
	Fax	(207) 703-0647							
	Email	ryan@tidewatercivil.com							
PROJECT DESCRIPTION	Existing Use: VACANT LAND								
	Project Name: KITTERY CAR WASH								
	Proposed Use: SERVICE ESTABLISHMENT: PROPOSED TWO-BAY AUTOMATIC CAR WASH WITH FOUR VACUUM SPACES.								

WAIVER REQUEST

	Ordinance Section	Describe why this request is being made.
DESCRIPTION	***EXAMPLE*** 16.32 560 (B)- OFFSTREET PARKING.	***EXAMPLE*** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.

Related Kittery Land Use Code concerning waivers and modifications:

16.10.8.2.5 Conditions or Waivers.

Conditions required by the Planning Board at the final plan review phase must have been met before the final plan may be given final approval unless so specified in the condition or specifically waived, upon written request by the applicant, by formal Planning Board action wherein the character and extent of such waivers which may have been requested are such that they may be waived without jeopardy to the public health, safety and general welfare.

16.7.4.1 Objectives Met. In granting modifications or waivers, the Planning Board must require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or modified.

I certify that, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the plans submitted without notifying the Kittery Planning Department of any changes.			
Applicant's Signature:		Owner's Signature:	<i>Robert Bernier</i>
Date:		Date:	3/5/20

COMPLETED BY OFFICE STAFF

ASA CHARGE	AMOUNT	ASA CHARGE	AMOUNT
REVIEW		SERVICES	
LEGAL FEES (TBD)		RECORDER	\$35
ENGINEERS REVIEW (TBD)		FACT FINDING (TBD)	
ABUTTER NOTICES		3 RD PARTY INSPECTIONS (TBD)	
POSTAGE	\$20	OTHER PROFESSIONAL SERVICES	\$50
LEGAL NOTICES		PERSONNEL	
ADVERTISING	\$300	SALARY CHARGES IN EXCESS OF 20 HOURS	
SUPPLIES			
OFFICE	\$5		
SUB TOTAL		SUB TOTAL	
		TOTAL ASA REVIEW FEES	

PROJECT NARRATIVE

Introduction:

The applicant is proposing to construct a two-bay automatic car wash, four vacuum spaces and associated paved area for vehicular circulation on Tax Map 28 Lot 26D. The parcel is located at the intersection of Route 236 and Mackenzie Lane. The site is approximately 7.44 acres and contains a gravel driveway, an open field with stockpiled material, woods and wetlands. The proposed development will be limited to the open field area and will not result in any impacts to the on-site wetlands.

The following summary is provided to aid in the Town's review of the proposed development.

Chapter 16.3: Land Use Zone Regulations

The property is located with the C-2 (Commercial) zone and is not subject to any overlay districts. The proposed car wash use is classified as a service business which is a permitted use within the C-2 zone. Both the Kittery LUDC and the Kittery Design Handbook have been referenced during the design process to a building and site design that meets the goals and vision of the Town.

Building Design Standards:

An architectural rendering is provided within this submission for review by Town staff and Board members. The proposed building is New-England in style. Reverse gables are provided over each garage door to add to the character of the building and break up the roof line.

Landscaping/ Site Improvements:

A vegetated landscape planter strip in excess of the minimum 20-foot width is provided along both Route 236 and Mackenzie Lane. This planter strip is fully vegetated with grass and scattered mature trees, with the exception of the driveway. One street tree for each 50 feet of street frontage is required per the LUDC and existing large healthy trees are to be preserved when practical. It is the intent of the applicant to use the existing trees to satisfy the streetside tree requirement.

Chapter 16.8: Design and Performance Standards

Article I. Purpose: No additional comment.

Article II. Monuments: Not applicable. This standard applies to new lots and streets within subdivisions.

Article III. Street Signage: Not applicable. No streets proposed.

Article IV. Streets and Pedestrian Ways/Sidewalks Site Design Standards:

No new streets are proposed. The driveway is proposed to be located off Mackenzie Lane and not Route 236 to comply with the requirement that access be provided on the street where there is a lesser potential for traffic congestion and hazards. The proposed driveway is located as far from the intersection with Route 236 as possible to minimize conflicts between vehicles waiting at the stop sign and vehicles entering or exiting the proposed development.

Article V. Acceptance of Streets and Ways: Not applicable.

Article VI. Water Supply:

Water to be supplied by the Kittery Water District. A letter of approval from the District is provided that indicates there is adequate capacity to supply the development.

Article VII. Sewage Disposal:

Not applicable. No subsurface wastewater disposal system is necessary for this development as there will be no restrooms in the building. A non-domestic waste discharge license from Maine DEP is also not required for this development as the applicant plan to install a Purwater recovery/recycling system along with a 10,000-gallon retention tank. The retention tank will be pumped and disposed of off-site on an as needed basis.

Article VIII. Surface Drainage:

A stormwater management report has been provided to support a design that limits peak discharge to pre-development levels for the two-year and twenty-five year, twenty-four hour storm event. An Erosion and Sediment Control plan has also been provided for review.

Article IX. Parking, Loading and Traffic:

The automatic car wash is designed so that it does not need to be staffed during hours of operation. One employee will visit the site as needed to maintain the equipment, disposal of trash and perform other duties; therefore, one parking space is provided to accommodate employee parking. Given the type of business, parking spaces for customers are not necessary, however four vacuum spaces are provided for customer use.

No off-street loading bays are necessary for the proposed use.

Vehicular Traffic Report

The 10th edition of the ITE Trip Generation Manual was used to estimate the peak hour number of trips generated by the proposed development as follows.

Land Use Code 948: Automated Car Wash
Building Gross Floor Area (GFA) = 1672 SF = 1.672 Units
Units = per 1,000 SF of GFA

Weekday – Peak Hour of Adjacent Street	14.2 trips/unit x 1.672 = 24 trips
Weekday – PM Peak Hour of Generator	11.66 trips/unit x 1.672 = 20 trips
Saturday – Peak Hour of Generator	30.4 trips/unit x 1.672 = 51 trips

Based upon the above data, the highest peak hour trip rate of 51 trips is estimated to occur on a Saturday. We then compared this estimation to the maximum output possible by the car wash based upon the equipment operation as follows.

Average duration per wash = 6 minutes
Number of washes possible per hour = 60 minutes / 6 min. per wash = 10 washes
Number of car wash bays = 2
Maximum number of washes per hour = 10 washes x 2 bays = 20 washes
Number of trips possible per hour = 20 washes x 2 trips/wash = 40 trips per hour

Based upon the above analysis, the calculation by the ITE manual of 51 trips in the peak hour is verified to be reasonably accurate for the proposed car wash.

The ITE manual does not provide data to be able to estimate the number of vehicles trips per day, however based upon data records provided by the application for other car washes he owns, the proposed development is not anticipated to generate more than 400 vehicle trips per day. For example, the busiest day at their one-bay car wash located in North Berwick occurred on a Saturday and generated 79 washes. This amounts to 158 vehicle trips in that day. The proposed car wash in Kittery will have two bays, so a conservative estimate

of vehicle trips per day for this development is 316 trips. For comparison, this would equate to both car wash bays operating at full capacity (10 washes per bay per hour) for 8 hours straight. It is our opinion that it is unlikely that the proposed car wash would experience such a high demand.

Article X. Signs:

The applicant is proposing to install one freestanding sign along the frontage of Route 236 as shown on the plan. The proposed design and dimensions of the sign are enclosed in this submission. Each face of the sign is 32.5 square feet therefore the total area including both sides is 65 square feet. The LUDC allows a minimum sign area of 72 square feet, therefore the proposed sign area complies. The proposed location of the freestanding sign location complies with Section 16.8.10.3.C as it is approximately 50 feet from the centerline and 30 feet from the edge of pavement of Route 236.

The applicant is also proposing to install a menu sign adjacent to the entrance of each car wash bay that displays the selection and price of each type of wash. This type of sign is most similar to a food menu sign that you would see at a fast food restaurant. The LUDC allows up to two food menu signs, each with an area of up to 32 square feet. The applicant is proposing two menu signs that are 4 feet wide by 8 feet tall each (32 sf each). A photo of the menu sign proposed is enclosed in this submission.

Article XI through Article XVI: Not applicable.

Article XVII. Utilities: All utilities to the site will be underground.

Article XVIII. Landscaping: The required number of streetside trees have been met by using existing mature trees on the site. A vegetated buffer strip exceeding the 20 foot minimum width is also provided. Further landscaping, if required, to be discussed at the Planning Board meeting.

Article XIX. Sprinklers: Automatic sprinkler system not required.

Article XX through Article XXIII: Not applicable.

Article XXIV. Exterior Lighting: The applicant proposes to install recessed lighting under the eaves around the building. The vacuums proposed for this site mount the hoses from an overhead swivel boom. This keeps the hoses from dragging on the ground and allows easier access to both sides of the vehicle. Lighting is provided on the inside of the boom that shines down onto the spaces. No pole mounted lights are proposed.

Article XXV through XXVIII: Not applicable.

Chapter 16.9: Design and Performance Standards

Article I. General:

16.9.1.1 *Agriculture:* Not applicable

16.9.1.2 *Mineral/Earth Material Exploration and Removal:* Not applicable.

16.9.1.3 *Prevention of Erosion:* See Sheet C5 Erosion and Sediment Control Plan.

16.9.1.4 *Soil Suitability:* Not applicable. No subsurface wastewater disposal system proposed.

16.9.1.5 *Water Quality and Wastewater Pollution:*

Stormwater design protects water quality of runoff to wetlands. No subsurface wastewater disposal system proposed.

16.9.1.6 *Air Pollution:* Development will not adversely impact air quality.

16.9.1.7 *Buffer Area:* Not applicable. No residential abutters.

16.9.1.8 *Floodplain Areas:* Not applicable. Not located within a FEMA flood zone.

16.9.1.9 *Noise Abatement:* Excessive noise from the development is not anticipated.

16.9.1.10 *Radiation:* No radiation expected to be generated from the site.

Article II. Retention of Open Spaces and Natural or Historic Features:

The proposed development is limited to the area of the property that is currently an open field. No clearing of wooded areas is proposed. The site is not located within a Resource Protection or Shoreland Overlay Zone. The majority of the property will remain wooded. No land is proposed to be dedicated to the Town.

The Town of Kittery GIS map indicates that that a New England cottontail was spotted in the woods/wetlands to the rear of proposed development but does not indicate a “potential cottontail habitat”. As the proposed development will not result in any clearing of the wooded areas, we do not anticipate any impacts to a potential cottontail habitat. Furthermore, we have coordinated with and are seeking comments from a Maine Inland Fisheries and Wildlife biologist regarding the proposed development.

Article III. Conservation of Wetlands Including Vernal Pools:

On-site wetlands have been delineated by Joseph W. Noel, Maine Soil Scientist #209. The proposed development has been designed to minimize impacts to the wetlands. There is a drainage ditch located along the side of Mackenzie Lane that widens out to the large wetland located to the north of the site. Per the report by Mr. Noel, the wetland area that is less than 12 feet in width meets the definition of a drainage ditch per the LUDC. The areas wider than 12 feet in width along this drainage ditch are considered wetlands. See report by Mr. Noel for further detail.

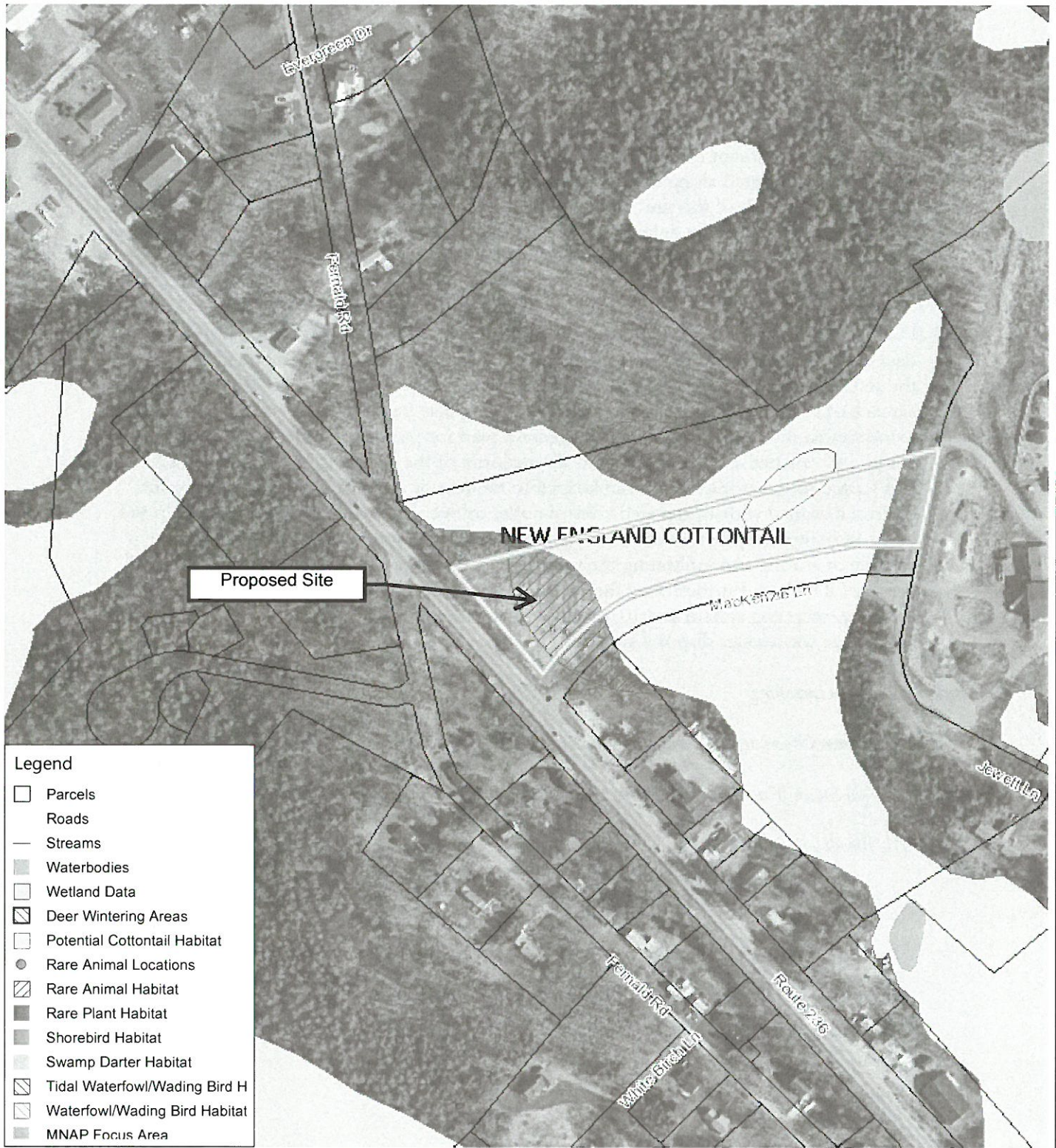
Article IV. Wetland Setbacks for Special Situations: The wetland to the rear (north) of the proposed development is greater than 1 acre in size, therefore the proposed development must meet the setbacks as specified in Table 16.9. Please note that under the Special Uses category, the setback of 150 feet that applies to an auto wash use may be reduced to 100 feet if BMPs are incorporated into the stormwater management plan for protecting water quality. We feel the design has satisfied this requirement as the majority of the runoff from the site is collected and routed to the stormwater basin located to the rear of the property. This stormwater basin is designed with an elevated control outlet orifice that will allow stormwater to pond up to 12 inches deep before overflowing into the control outlet structure. This volume is capable of storing and infiltrating the runoff generated from 24-hour storm with a rainfall depth of 2 inches. Furthermore, the car wash will incorporate a closed Purwater recovery/recycling system and 10,000-gallon retention tank, eliminating the need for a subsurface wastewater disposal system.

Article V. Timber Harvesting: Not applicable.

Article VI. Overboard Discharge Systems: No overboard discharge system proposed.

Article VII. Non-Storm Water Discharge: No unauthorized discharges expected.

Article VIII. Floodplain Management: Site not within a flood zone or floodplain.

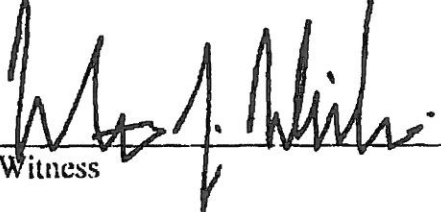


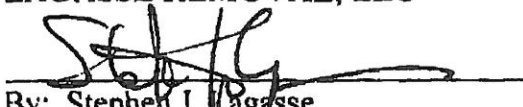
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that **LAGASSE REMOVAL, LLC**, a Massachusetts Limited Liability Company, whose mailing address is 25 Academy Avenue, Atkinson, NH 03811, for consideration paid, hereby grants to **ROBERT T. BRENNAN, JR.**, whose mailing address is 1911 se 20th Street, Cape Coral, FL 33990, with **WARRANTY COVENANTS**, the premises situated in the Town of Kittery, County of York and State of Maine, bounded and described as follows:

*SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE.*

IN WITNESS WHEREOF, the said **LAGASSE REMOVAL, LLC** has caused this instrument to be executed this 7th day of August, 2019.



Witness

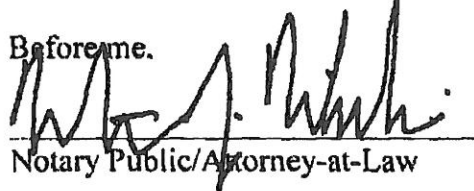
LAGASSE REMOVAL, LLC

By: Stephen J. Lagasse
Its: Sole Member

STATE OF MAINE
YORK, ss.

August 7, 2019

Then personally appeared the above-named Stephen J. Lagasse in his capacity as Sole Member of Lagasse Removal, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

MATTHEW J. WILLIAMS
 **Maine Notary Public**
Commission Expires
November 20, 2023

Before me,

Notary Public/Attorney-at-Law

Maine R.E. Transfer Tax Paid

EXHIBIT A

The real property situated in Kittery, County of York and State of Maine, described as follows:

Beginning on Fernald Road at the southerly corner of land purported to be owned by Bruce Lane; thence by the boundaries of said Lane's land to land of Edward Roberts; thence along the boundaries of said Roberts' land to land owned by the Town of Kittery; thence along said Town of Kittery land to the southwesterly side of the road known as the Town Dump Road; thence along said Town Dump Road toward Stevenson Road to a point which represents the northerly point of land conveyed by Frank Jewett and Frances Jewett to Frank W. and Marlene R. Jewett; thence southwesterly along land conveyed to Frank W. Jewett and other land owned by said Jewetts to land belonging to Hector W. MacKenzie and Judith M. MacKenzie; thence along the boundaries of the MacKenzie land to Route 236; thence along Route 236 for seventy (70) feet, more or less; thence along the boundaries of lands owned by Harry Cornish, Robert Nelson and John Perry to Route 236, also known as the South Berwick Road; thence along said Route 236 to Fernald Road and thence along Fernald Road to land owned by Bruce Lane and the point of beginning.

Also granting to grantee, his heirs and assign, a right of way for any and all purposes over the road known as the road to the town dump and described in a Deed to the Inhabitants of the Town of Kittery dated March 25, 1927 and recorded in the York County Registry of Deeds in Book 768, Page 135.

EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY THE FOLLOWING:

1. Warranty Deed from Hector W. MacKenzie, Jr. a/k/a Hector W. McKenzie, Jr. to Michael W. MacKenzie and Cynthia A. MacKenzie dated July 11, 1983 and recorded in the York County Registry of Deeds in Book 3136, Page 189.
2. Warranty Deed from Hector W. MacKenzie, Jr. to Jeffrey H. MacKenzie and Brenda L. MacKenzie dated July 29, 1983 and recorded in the York County Registry of Deeds in Book 3141, Page 88.

3. Warranty Deed from Hector W. MacKenzie, Jr. to Central Maine Power Company dated January 15, 1993 and recorded in the York County Registry of Deeds in Book 6413, Page 182.
4. Release Deed from Hector W. MacKenzie a/k/a Hector W. MacKenzie, Jr. to The Inhabitants of the Town of Kittery dated April 6, 1995 and recorded in the York County Registry of Deeds in Book 7394, Page 154.
5. Warranty Deed from Hector W. MacKenzie, Jr. to Jo Ann Graf dated September 28, 1995 and recorded in the York County Registry of Deeds in Book 7575, Page 180.
6. Any of the above described premises located on the south and east side of MacKenzie Lane.

Title reference may be had to Quitclaim Deed from Prime Capital, LLC to Lagasse Removal, LLC dated September 15, 2011 and recorded in the York County Registry of Deeds in Book 16165, Page 144.

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A G R E E M E N T

This Agreement is entered into between HECTOR W. MAC KENZIE a/k/a HECTOR W. MAC KENZIE, JR., and JUDITH M. MAC KENZIE, said Mac Kenzie also spelled Mc Kenzie, both of Route 236, Kittery, County of York and State of Maine, both jointly or individually hereinafter referred to as GRANTOR, and the TOWN OF KITTERY, MAINE, hereinafter referred to as TOWN. This Agreement is to be recorded in the York County, Maine, Registry of Deeds and shall apply to and be for the benefit of and binding upon the GRANTOR, the GRANTOR'S heirs, executors, administrators, assigns and grantees, and shall apply to and be for the benefit of and binding upon the TOWN, all administrative bodies of the TOWN and any and all successors in interest to the TOWN.

The GRANTOR hereby grants to the TOWN a right-of-way easement forty (40) feet in width commencing on the northerly side of Route 236 in said Kittery, Maine, abutting the westerly sideline of property owned by Albert Wooles, and proceeding to land owned by the TOWN, said easement location to be determined and represented in an agreed upon survey plan, referring to this Agreement, to be signed by the GRANTOR and the Town Manager and to be recorded in the York County, Maine, Registry of Deeds.

The GRANTOR'S granting to the TOWN this right-of-way easement is made conditional upon the following:

1. That the TOWN shall pay within thirty (30) days of the date of this Agreement the GRANTOR Three Thousand Five Hundred (\$3,500.00) Dollars, and shall pay attorney Patrick L. J. Veilleux his legal fee; the TOWN shall also pay all survey and recording costs, and shall also pay all construction, maintenance, snow removal and repair costs relating to said public road.
2. That the TOWN shall construct a public road on said easement that shall have a minimum asphalt pavement width of twenty-four (24) feet. The TOWN shall build said public road in conformance with Town Zoning and Construction Standards and shall be in conformance with all Town Ordinances, Standards and Codes; the TOWN shall maintain, remove snow and repair said

ND

public road in order to keep it in respectable condition and not allow it to deteriorate.

3. That the TOWN shall within eighteen (18) months of the date of this Agreement formally cause said road to become a Town Accepted Public road to be named "MAC KENZIE LANE" and shall maintain a sign pole stating the name of said road at the corner of Route 236 and said road.
4. That the TOWN shall construct said road to follow the contour of GRANTOR'S land to the extent possible and the GRANTOR shall be allowed in the future to construct other streets to connect onto said public road for public traffic circulation and access to Route 236 or the Old Town Dump Road, so-called; if in the future any governing or administrative body or ordinance of the TOWN should require said Town Accepted Public Road to be widened before it could be used as a collector or feeder road, then upon the GRANTOR granting to the TOWN an additional abutting right-of-way width easement, the TOWN shall at the TOWN'S expense widen the asphalt pavement of said public road to meet all TOWN requirements in order for said public road to serve as a collector or feeder road.
5. That all of GRANTOR'S land which abutts said public road shall be allowed traffic access to and from said public road, for access to and from Route 236 and the Old Town Dump Road, so-called; however, the GRANTOR and the TOWN hereby agree that the TOWN may at the present time, at its expense, maintain a gate across said road with the GRANTOR having the option to have said gate removed at the TOWN'S expense when in the sole opinion of the GRANTOR said gate is no longer desired, and the TOWN shall also have the option to remove said gate at any time it so desires.
6. That the TOWN shall cause, within eighteen (18) months of the date of this Agreement, a Kittery Water District water main to be laid to extend the full length of the public road easement of sufficient size to accommodate commercial development use on GRANTOR'S abutting land and GRANTOR shall be allowed to have access to and connect onto said water main line; the same rights to have access to and connect onto shall apply to any electrical poles or facilities that may be extended along said public road ease-

[Handwritten initials and notes]
MFS
1/22/78

[Handwritten initials]
MFS

ment.

7. That the TOWN shall maintain said public road easement land and GRANTOR'S abutting land to said easement free of spilled or dumped garbage and shall clean-up any spilled or dumped garbage whenever the TOWN becomes aware of or is made aware of said garbage existence, and the TOWN agrees to exercise good faith in establishing and exercising a garbage control and a clean-up operation along said public road easement and GRANTOR'S abutting land.
8. That the presently existing Old Town Dump Road, so-called, shall continue to exist, and that GRANTOR, whose land abutts said Old Town Dump Road, shall continue to have access to and have the right to use said Old Town Dump Road and the TOWN shall not interfere with the continued use of said open and existing right-of-way.
9. That the TOWN shall hold harmless the GRANTOR from any liability resulting from the granting of said right-of-way easement, the road's construction, existence, maintenance, or use.
10. As additional consideration for the GRANTOR receiving only Three Thousand Five Hundred (\$3,500.00) Dollars for said right-of-way easement the TOWN agrees that the present valuation of GRANTOR'S land for local real estate tax purposes shall not be increased by virtue of the granting to the TOWN this right-of-way easement or the construction or existence of said public road, since the granting of this right-of-way easement for a public road came about at the urgent request of the TOWN and the GRANTOR is accommodating the TOWN and did not seek or desire said road.

This Agreement is entered into on October 24, 1977, in the original and one copy, both of which shall be considered originals.

The conditions, commitments and obligations above set forth are accepted by the Town of Kittery, Maine, by its Councilmen thereunto duly authorized, being, Manuel P. Sousa, Ernest C. Maby, Robert W. Young, James A. Taylor, Jeffrey Thompson, John Rawson and Walter Jackson, all of whom have caused this instrument to be sealed with its corporate seal and signed in its corporate name.

[Handwritten signatures and initials]

[Handwritten signature]
MS

DOC# 2278 PAGE 20

Signed, Sealed and Delivered

TOWN OF KITTEERY, MAINE

in presence of

John R. Kennedy
I all

by:

Manuel P. Sousa
MANUEL P. SOUSA

Ernest C. Maby
ERNEST C. MABY

Robert W. Young
ROBERT W. YOUNG

James A. Taylor
JAMES A. TAYLOR

Jeffrey Thompson
JEFFREY THOMPSON

John Rawson
JOHN RAWSON

Walter Jackson
WALTER JACKSON

STATE OF MAINE, ss

October 24, 1977

Then personally appeared the above named Manuel P. Sousa, Ernest C. Maby, Robert W. Young, James A. Taylor, Jeffrey Thompson, John Rawson and Walter Jackson and acknowledged the foregoing to be their free act and deed in their said capacity, and the free act and deed of said body corporate.

Before me,

Dorothy D. Marshall
Notary Public
MY COMMISSION EXPIRES MAY 19th, 1982

In Witness whereof, the said Hector W. MacKenzie and Judith M. MacKenzie, being husband and wife, have hereunto set their hands and seals.

Signed, Sealed and Delivered

in presence of

Travis J. Veilheuf
to both

Judith M. MacKenzie
JUDITH M. MAC KENZIE

Hector W. MacKenzie
HECTOR W. MAC KENZIE

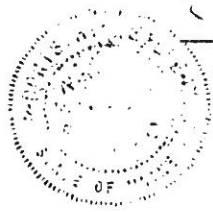
STATE OF MAINE, YORK, ss

Then personally appeared the within named Judith M. MacKenzie and Hector W. MacKenzie and acknowledged the above to be their free act and deed.

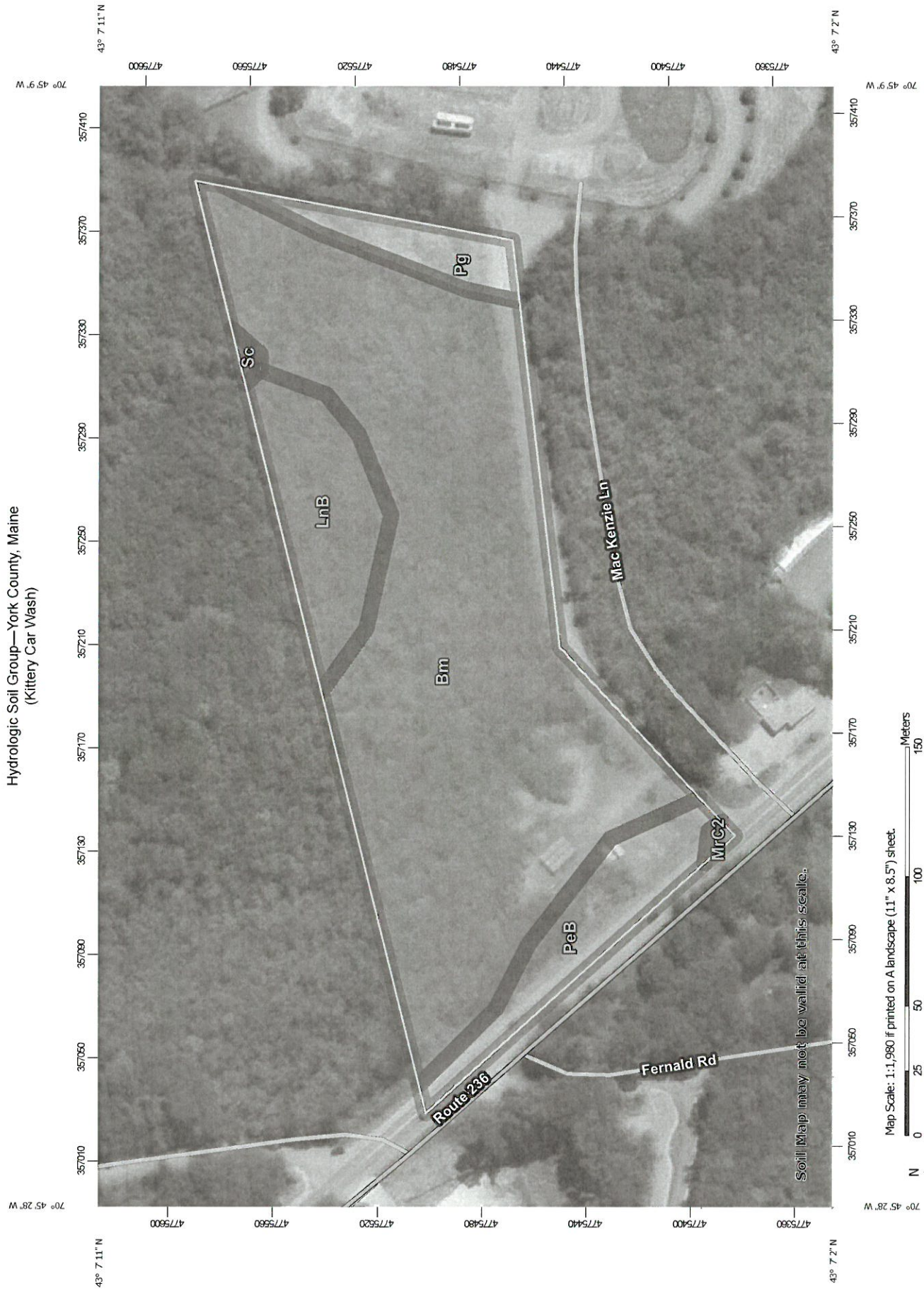
Before me,

Travis J. Veilheuf
Notary Public

York, ss
Received NOV 2 1977 at 3:45 P.M.
and recorded from the original



Hydrologic Soil Group—York County, Maine
(Kittery Car Wash)



MAP LEGEND

Area of Interest (AOI)	C
Area of Interest (AOI)	C/D
Soils	D
Soil Rating Polygons	Not rated or not available
A	
A/D	
B	
B/D	
C	
C/D	
D	
Not rated or not available	
Soil Rating Lines	
A	
A/D	
B	
B/D	
C	
C/D	
D	
Not rated or not available	
Soil Rating Points	
A	
A/D	
B	
B/D	

Water Features		Streams and Canals
Transportation		Rails
		Interstate Highways
		US Routes
		Major Roads
		Local Roads
Background		Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine
Survey Area Data: Version 18, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Sep 9, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Bm	Biddeford mucky peat, 0 to 3 percent slopes	D	6.4	75.1%
LnB	Lyman loam, 3 to 8 percent slopes, rocky	D	0.9	10.7%
MrC2	Marlow fine sandy loam, 8 to 15 percent slopes	C	0.0	0.3%
PeB	Peru fine sandy loam, 3 to 8 percent slopes	C/D	0.8	9.0%
Pg	Pits, gravel		0.4	4.6%
Sc	Scantic silt loam, 0 to 3 percent slopes	D	0.0	0.3%
Totals for Area of Interest			8.6	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

**JOSEPH W. NOEL
P.O. BOX 174
SOUTH BERWICK, MAINE 03908
(207) 384-5587**

CERTIFIED SOIL SCIENTIST * WETLAND SCIENTIST * LICENSED SITE EVALUATOR

March 2, 2020

Mr. Ryan M. McCarthy, P.E.
Tidewater Engineering & Surveying LLC
89 Route 236, Suite 3
Kittery, Maine 03904

RE: Wetland Delineation, Tax Map 28 - Lot 25D, Route 236, Kittery, Maine, JWN #19-129

Dear Ryan:

On November 4, 2019, February 28, 2020 and March 1, 2020, site visits were conducted at the above-referenced property. The purpose of the initial on-site was to identify and flag the wetland boundaries. The second visit was to conduct test pits where the commercial development is proposed and the third visit was to take pertinent photos.

Wetland Discussion

To determine the wetland boundary, the methodologies in the U.S. Army Corps of Engineers document *Corps of Engineers Wetlands Delineation Manual* (1987) along with the required *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region*, (Version 2.0) were used. The wetland boundary was field delineated with sequentially numbered blue flagging. Flagged sequences were differentiated by the placement of a letter before the numbers (e.g., A1, A2, etc.). These flags were survey located by Tidewater Engineering & Surveying LLC and placed on the project plans.

On February 28, 2020, you requested my opinion on whether a portion of the wetland designated as the "A" series would meet the Town of Kittery's Land Use and Development Code definition of a drainage ditch for setback purposes. Provided for this review by Tidewater Engineering & Surveying LLC was a plan with a portion of the located wetland with the "A" series sequences that designated the area that was 12 feet or less (i.e., between wetland flags A3 and A4 to A7). Per Section 16.2.2, a Drainage Ditch is:

A man-made, regularly maintained channel, trench or swale for conducting water that has a direction of flow to remove surface water or groundwater from land by means of gravity. For the purpose of this title, any new activity that reroutes a streambed or dredges a wetland is not considered to be a "drainage ditch". Where a drainage ditch widens out into a larger wetland, a route no more than 12

feet in with can be considered to be the drainage ditch. The remainder is considered wetland unless it is demonstrated that the originally developed drainage ditch was designed to be greater than 12 feet in width.

A small portion of the "A" series wetland appears to meet the Town of Kittery's definition of a drainage ditch. This small area (that is ≤ 12 feet wide per the project plans) is a regularly maintained roadside ditch/swale along MacKenzie Lane that drains surface water into the rest of the delineated wetland. This small-maintained ditched area is also between two uplands (filled area of the property and MacKenzie Lane – refer to attached photos). It is important to note that this is my professional opinion and the Town of Kittery has the final say on drainage ditch interpretations.

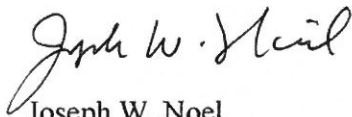
Test Pit Discussion

Three backhoe excavated test pits were conducted within the area planned for development. This area had been filled some time ago. You requested soil information for a better characterization of the fill material and the site's capacity for water infiltration. Specifically, determine the hydrologic soil group that would best fit these filled areas (i.e., anthropogenic landform).

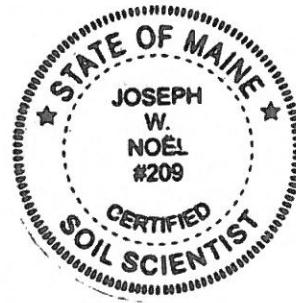
Three test pits logs are attached. These test pits found approximately 5 feet of dark colored, coarse textured soil (i.e., cobbly to stony fine sandy loam to loamy sand) with varying amounts of debris, such as: cement, asphalt, brick, metal, etc. (contained debris ranging from ~5% to ~30%). The undersigned estimated that the hydrologic soil group "B" would be a best fit to characterize the filled area. The surrounding wetland areas would classify as hydrologic soil group "D".

Please feel free to call with any questions or if you need additional information.

Sincerely,



Joseph W. Noel
Maine Certified Soil Scientist #209
Wetland Scientist



PHOTOS

Tax Map 28 - Lot 25D, Route 236, Kittery, Maine
(Photos taken by Joseph W. Noel on March 1, 2020)



View Of The Wetland Area That Meets The Town of Kittery's Definition Of A Drainage Ditch



Another View Of The Wetland Area That Meets The Local Definition Of A Drainage Ditch

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Name:

Applicant Name:

Project Location (municipality)

TIDEWATER ENGINEERING & SURVEYING LLC

TAX MAP 28 - LOT 25D, ROUTE 236, KITTELY, ME

Observation Hole 1 Test Pit Boring
0 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
COBBLY FINE SANDY LOAM TO SANDY LOAM FILL MATERIAL	FRIABLE	DARK YELLOWISH BROWN (10YR 3/4) & 10YR 3/6	NONE
~8% OF ASPHALT & METAL DEBRIS			
L.O.E. @ 63"		OBWT @ 63"	

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>12</u> Profile	<u>B</u> Condition	<u>63</u> "	<input type="checkbox"/> Restrictive Layer
	<u>~3</u> %		<input type="checkbox"/> Bedrock
			<input checked="" type="checkbox"/> Pit Depth

Observation Hole 2 Test Pit Boring
0 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
STONY SANDY LOAM FILL MATERIAL	FRIABLE	DARK BROWN (10YR 3/3) & DARK YELLOWISH BROWN (10YR 3/6)	NONE
~20% OF CONCRETE POSTS WITH REBAR AND STEEL DEBRIS			
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
<u>12</u> Profile	<u>B</u> Condition	<u>48</u> "	<input type="checkbox"/> Restrictive Layer
	<u>~3</u> %		<input type="checkbox"/> Bedrock
			<input checked="" type="checkbox"/> Pit Depth

UDORTHERENTS - HYD GRP ESTIMATED B - NON-HYDRIC

UDORTHERENTS - HYD GRP ESTIMATED B - NON-HYDRIC

Backhoe excavated test pits were conducted on February 28, 2020.
 Refer to letter/report dated March 2, 2020 for additional information.

Observation Hole 3 Test Pit Boring
0 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
VERY COBBLY TO GRAVELLY SANDY LOAM TO LOAMY SAND FILL MATERIAL	FRIABLE	MOSTLY VERY DARK GRAYISH BROWN (10YR 3/2)	NONE
~25% OF COARSE FRAGMENTS WITH SOME DEBRIS (E.G., BRICKS)			
L.O.E. @ 40"			

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
<u>12</u> Profile	<u>B</u> Condition	<u>40</u> "	<input type="checkbox"/> Restrictive Layer
	<u>~3</u> %		<input type="checkbox"/> Bedrock
			<input checked="" type="checkbox"/> Pit Depth

Observation Hole _____ Test Pit Boring
 _____ " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
L.O.E. @ _____"			

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile	Condition	%	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

UDORTHERENTS - ESTIMATED HYD GRP B - NON-HYDRIC

Josh W. Nail
 Signature

221 209
 SE # SS#

3/2/2020
 Date

Caroline D. Rose, President
James E. Golter, Treasurer

Julia H. O'Connell, Secretary
Michael S. Rogers, Superintendent

OFFICE OF
KITTERY WATER DISTRICT
17 State Road
Kittery, ME 03904-1565
TEL: 207-439-1128
FAX: 207-439-8549
E-Mail: kitterywater@comcast.net

Kittery Planning Board
200 Rogers Road
Kittery, ME 03904

March 3, 2020

Re: Proposed Car Wash – Tax Map 28, Lot 25D

Dear Planning Board Members,

Please accept this letter as verification that the Kittery Water District does have adequate water supply and pressure to supply the proposed automatic car wash as proposed by applicant Robert T. Brennan, Jr at tax map 28, lot 25D located on the corner of Route 236 and Mackenzie Lane in Kittery.

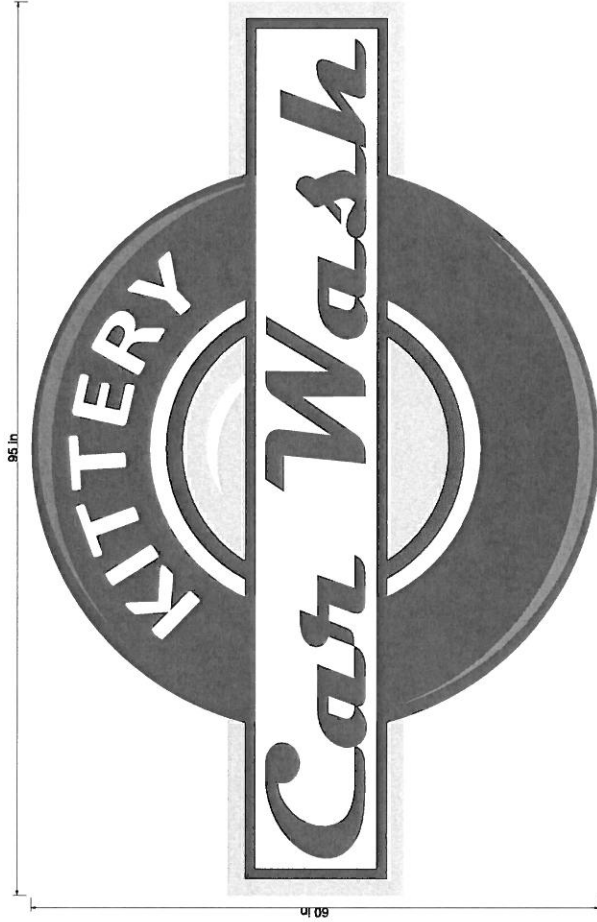
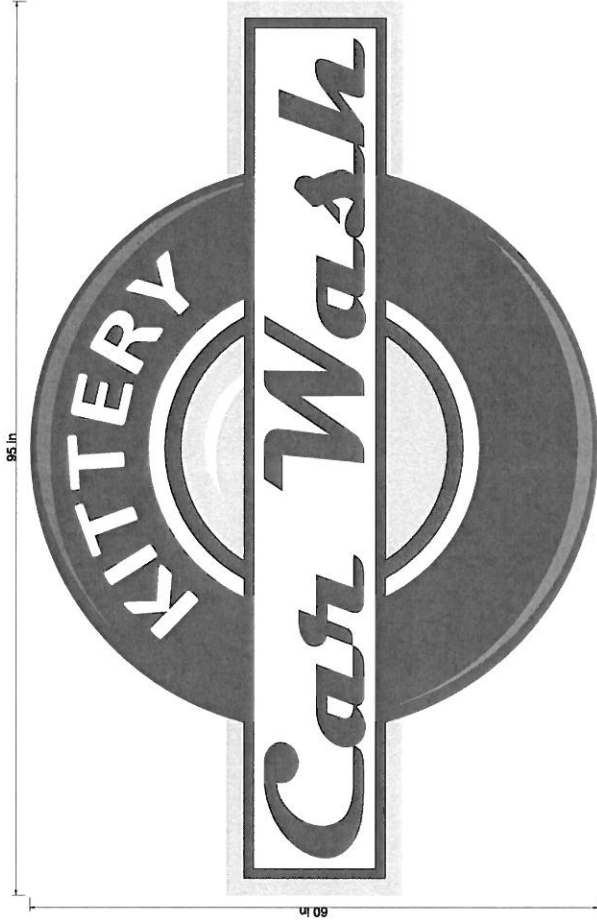
Sincerely,



Michael S. Rogers
Superintendent

cc: Ryan M. McCarthy, P.E, P.L.S., Tidewater Engineering & Surveying, Inc.

Proposed Freestanding Sign



60 in

20 in

**BUY YOUR GIFT CERT
DRIVE THRU & SHINE**

Upper sign = 24.16 sf
 Lower sign = 8.33 sf
 Sign Area Per Side = 32.5 sf
 Total Sign Area = 65 sf
 Total Sign Area Allowed = 72 sf



REVISION:

All orders under \$250 include 1 revision only.
 All orders over \$250 include 2 revisions only.
 Additional revisions will be charged at \$25 per revision.

PLEASE NOTE:

Designs are NOT actual size and color may vary depending on printer and/or monitor.

2/26/20

RETURN SIGNED TO: service@portsmouthsign.com

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

SIGNATURE: _____

Date: _____



Shop Use Only

Qty: SS DS

Materials:

Background Color:

Vinyl Color: HP Int

Other:

©COPYRIGHT 2019, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Proposed Menu Sign
4' x 8' = 32 square feet each
One at each car wash bay entrance

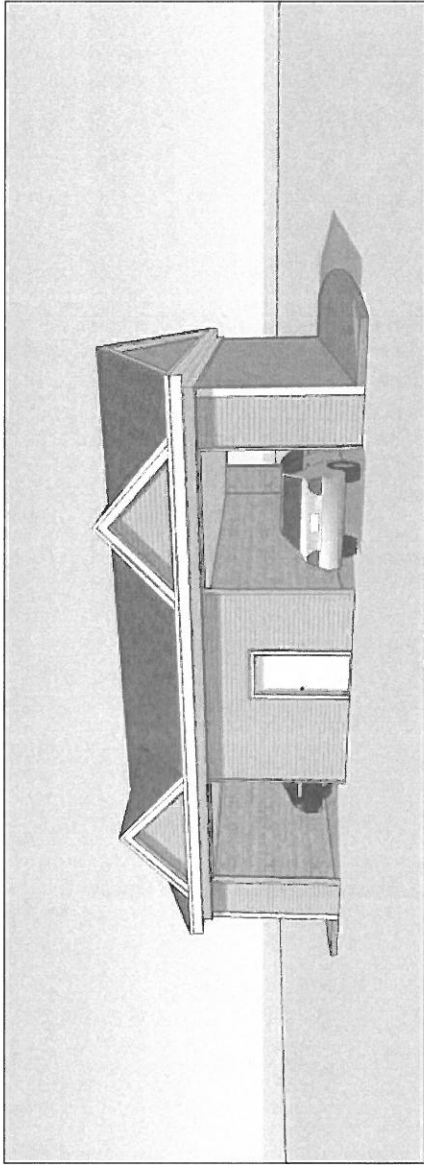


John W. Hutchins
1000 W. 4th St.
E. Piquette Ave. 2nd Fl.
Ann Arbor, MI 48106
Springgarden, MI 48363

PROJECT LOCATION:

CLIENT:
P.O. Box 423
North Branch, MI 49876

PROPOSED TWO BAY CARWASH



PROJECT NAME
2 Bay Carwash

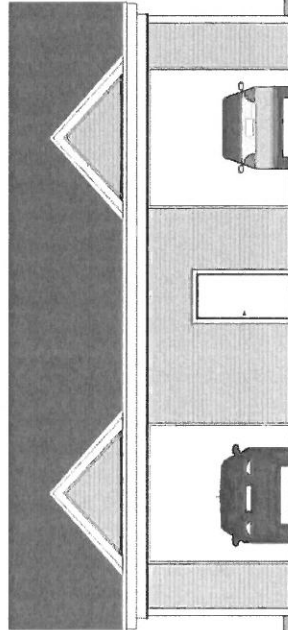
DISCLAIMER:
This drawing is based on information given by the client. Dimensions and specifications are subject to change without notice. Construction begins. Client and contractor are responsible for any errors or omissions. Contractor is responsible for obtaining all necessary permits and approvals. This drawing is for informational purposes only. Specifications have not been prepared or approved by the client. Choice of options is required.

ISSUED: 01/14/2020

SHEET:

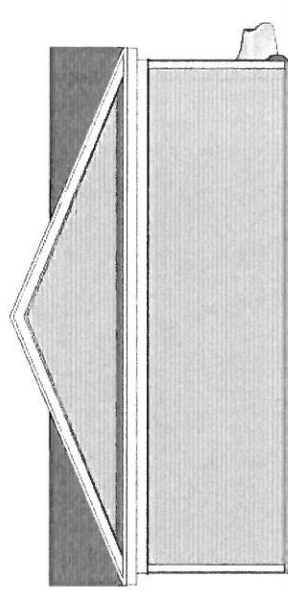
1

SCALE:
1/4" = 1'



47'-0"

FRONT



36'-0"

SIDE