

Town of Kittery Maine Planning Board Meeting July 23, 2020

ITEM 4— 8 Wentworth Street, Rice Public Library – Preliminary Site Plan Review

Action: Set public hearing. Owner/applicant, the Town of Kittery, requests consideration of a preliminary site plan review for a three-story addition and related site improvements to the Rice Public Library located at 8 Wentworth Street (Tax Map 4, Lot 88) in the Mixed Use – Kittery Foreside (MU-KF) Zone. Agent is Ryan Kanteres, Scott Simons Architects.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review	Held 1/9/2020	APPROVED
NO	Site Visit	Pending—may hold after public hearing	PENDING
YES	Determination of Completeness/Acceptance	2/27/20	ACCEPTED
YES	Public Hearing	Pending-Suggested to be held on 8/13/20	PENDING
YES	Shoreland Development / Preliminary Plan Review and Decision	TBD	TBD
YES	Final Plan Review and Decision	TBD	TBD

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 a preliminary plan application to expand the existing 2.5 -story + full basement Romanesque Revival structure known as the Rice Public Library (listed on the National Register of Historic Places), by adding a three-story expansion to the southeastern corner of the original building. The .8 acre (34,947 sf) lot is located in the Mixed Use – Kittery Foreside Zone.

The existing library building is a nonconforming structure as it exceeds the 40-foot height limit set in the Mixed Use - Kittery Foreside Zone. Given the lot’s nonconforming status, the Town of Kittery (“Applicant”) filed and was granted a miscellaneous variance by the Board of Appeals (“BOA”) at their January 14, 2020 to both expand a nonconforming structure and construct a flat roof located on the south, southwest and southeast sections of the expansion¹. Attached hereto is the BOA’s January 14, 2020 Notice of Decision.

In conjunction with the BOA’s application process, the Planning Board (“Board”) held several meetings as part of their development review process. The Board accepted and approved the sketch plan at their meeting on January 9, 2020, and at their February 27, 2020 meeting accepted the preliminary plan as complete and originally set the public hearing date for March 26, 2020 with the condition that the absent submission requirements, as identified in the February 27, 2020 Planner Review Notes (“PRN”), were included in the ensuing plan submission. Nevertheless, due to the current pandemic, it was decided by the Applicant to postpone the public hearing to a later date.

¹ On January 14, 2020, the Board of Appeals heard an application for a miscellaneous variation request to allow the non-conforming library building to be expanded per 16.7.3.3.B *Nonconforming structure repair and expansion* and to allow a portion of the roof to be flat as 16.3.2.15.D.(4).(e) *Roof slope and shapes* does not allow it. The BOA approved both miscellaneous variation requests. The Notice of Decision is included with this PRN.

Next Steps

The Applicant seeks to resume the development review process and requests the Board to schedule a new public hearing for August 13, 2020. At that meeting, the Board will have for review revised plans reflecting the Board's February 27, 2020 conditions in their plan acceptance decision.

Recommendation

The Board should consider scheduling the public hearing for August 13, 2020. If the Board wants to set a public hearing date, a recommended motion and date is below:

Move to hold a public hearing on August 13th 2020 on a preliminary plan from owner/applicant The Town of Kittery, for a three-story addition and related site improvements to the Rice Public Library located at 8 Wentworth Street (Tax Map 4, Lot 88) in the Mixed Use – Kittery Foreside (MU-KF).

TOWN OF KITTERY, MAINE

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KITTERY BOARD OF APPEALS

January 21, 2020

Scott Simons Architects

C/O Ryan Kanteres 75
York Street Portland,
ME 04101

Mr. Kanteres,

Your application requesting a Miscellaneous Variation Request to expand a non-conforming structure at 8 Wentworth Street in the Mixed Use -Kittery Foreside (MU-KF) zone was heard by the Board of Appeals on Tuesday, January 14, 2020.

The following motion was made:

Motion by Mr. Fitzpatrick to approve the Miscellaneous Variation Request to expand a non-conforming structure at 8 Wentworth Street in the Mixed Use- Kittery Foreside zone to allow for both the expansion of the non-conforming structure and a flat roof on the South, Southwest and Southeast portions of the building. Motion was seconded by Mr. Brake. Motion passed 5-0-0 [*Yes: Gardner, Brake, Fitzpatrick, Leontakianakos, Timko; No: --; Abstain: --*]

FINDINGS OF FACT

- (1) The Board heard from Scott Simon, representing the applicant Ryan Kanteres to request a Miscellaneous Variation to expand a non-conforming structure at 8 Wentworth Street in the Mixed Use – Kittery Foreside zone per Section 16.6.4.C(I) and 16.7.3.3.B of the Town Code.
- (2) The Board heard from the Code Enforcement Officer and the Kittery Town Manager.
- (3) The Board used the Basis for Decision.
- (4) The existing building exceeds the allowable height in the Mixed Use -Kittery Foreside zone.
- (5) The height will remain unchanged as part of the project.
- (6) The existing structure will remain the highest point of the structure.
- (7) The proposed building increases the footprint by more than 30%.

- (8) The project meets the applicable requirements of the code with the exception of the specific provision of Section 16.3.2.15D.4(e)[2].
- (9) The Board considered the statements that the flat roof is required to preserve the historic nature of the building.

Motion to accept the Findings of Fact made by Vice Chair Leontakianakos. Seconded by Mr. Fitzpatrick. Motion passed 5-0-0 by roll call vote [*Yes: Gardner, Brake, Fitzpatrick, Leontakianakos, Timko, - Nay: --, Abstain: --*]

CONCLUSIONS OF LAW

- (1) The Board found it had authority to hear this Miscellaneous Variation Request pursuant to Code Section 16.6.4.C(1).
- (2) The Board determined that meeting the requirements of Section 16.3.2.15D.4(e)[2] would contradict the National Parks Service Technical Brief on recommendations to additions to historic structures.
- (3) The Board approved the Miscellaneous Variation Request.

Motion to accept the Conclusions of Law made by Vice Chair Leontakianakos. Seconded by Mr. Gardner. Motion passed 5-0-0 by roll call vote [*Yes: Gardner, Brake, Fitzpatrick, Leontakianakos, Timko, - Nay: --, Abstain: --*]

The members of the Board of Appeals have 10 in which to request a reconsideration. Any member of the public including the applicant have 45 days in which to appeal this decision to Superior Court.

Signed By:

