ITEM 2

Town of Kittery Planning Board Meeting July 12, 2018

459 U.S. Route One - Mixed-use development - Sketch Plan Review

<u>Accept or deny application, Approve or deny concept plan.</u> Owner, Landmark Properties LTD, and applicant, Michael Brigham, request consideration of a mixed-use development consisting of a 112-room hotel, and three residential buildings with 32 elderly housing units and 16 residential units located at 459 U.S. Route 1 (Tax Map 60 Lot 24) in the Mixed Use (MU) Zone. Agent is Ken Wood, Attar Engineering.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Acceptance/Approval		PENDING
NO	Site Visit	Not held for this plan - was held for the prior approved sketch and prelim plan	
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		
variances THE MAI 16.4.4.13 - prohibited	(by the BOA) must be placed P AND LOT NUMBER IN 1 Grading/Construction Final P until the original copy of the	pproved Plan any Conditions of Approval related to the Findings of Fact along on the Final Plan and, when applicable, recorded at the York County Registry /4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEET lan Required Grading or construction of roads, grading of land or lots, or construc- e approved final plan endorsed has been duly recorded in the York County register	of Deeds. PLACE S. <u>As per Section</u> ction of buildings is
applicable.			

Background

This is a conceptual review for a proposed mixed-use development located at 459 State Route 1 in the Mixed-Use Zone, previously approved as the Sowerby mixed use in 2008 and in May as a mixed-use preliminary plan including commercial units, apartments and age-restricted single-family homes. A sewer force main has been installed connecting residential lots on Adams Road to public sewer from Route 1 via an easement that burdens this property. The property has wetlands on three sides. The applicant is proposing a 112-room hotel in one building to be located near the front of the property and three residential buildings in the rear. One building will offer two floors of age-restricted housing plus ground floor parking and the other two buildings will contain age-restricted housing on one floor, and general housing on the top floor again with ground floor parking.

Staff Review

The sketch plan includes most of the information required under 16.10.4.2.2 with the exception of a high intensity Class A soil survey. It was submitted for the previous project iteration so it is available to be provided.

Uses

1. All of the proposed uses are allowed in the Mixed-Use Zone. Elderly housing (age-restricted housing) and the hotel are special exception uses while the apartments on the upper floors of a mixed-use building are a permitted use.

- 2. Title 16 clearly states in 16.3.2.13.D.4 (Mixed Use Requirement) that a permitted retail use and a special exception retail use are not eligible to be deemed a mixed-use. However, the ordinance is silent about a permitted residential use and a special exception residential use.
- 3. The Board will want to discuss how the special exception uses requested meet the criteria per 16.4.4., 16.6.6.2, and 16.2 (the definition of special exception) with the Applicant.
- 4. Plan note 14 states that the owners of the two types of residential units will be able to purchase health club and/or pool memberships from the hotel. This could be considered towards addressing 16.3.2.13.D.10.F's requirements for elderly housing to be integrated and to provide pedestrian access to services and facilities within the area for the residents of the elderly housing.

Net Residential Density

5. Note 6 shows the net residential calculations. It appears that the travel ways, easements and parking numbers have been re-calculated due to the change in uses and are slightly more (2.85 acres rather than 2.51 acres) than the previous approved preliminary plan. Elderly housing is allowed at 10,000 sf per unit because of the parking provided within the building and being on public sewer. The other dwelling units are similarly allowed at 7,500 sf per unit because of the ground floor parking and access to sewer.

Mixed-Use Requirements

- 6. Note 7 demonstrates that the smallest use in terms of floor area, single-family dwelling units, exceeds the 10% minimum requirement per 16.3.2.13.D.4.
- 7. Section 16.3.2.13.D.10.E includes several additional requirements for a motel or hotel. The first encourages a multi-story building, which it appears the proposed building may be, but the plans do not say. The second states that *wherever practicable building orientation should not be parallel with U.S. Route 1 but must take maximum advantage of the depth of the mixed-use zone.* The proposed hotel is parallel to Route 1 with additional development behind it. The third requirement is that more than three motels and/or hotels are not allowed in the mixed-use zone. There are currently no motels or hotels in the mixed-use zone.
 - a. The Board will want to consider whether the siting of the hotel is practicable based on the overall plan proposed.

50-foot MU Zone Boundary Extension

- 8. Neither the submission letter nor the plan notes indicate whether or not the MU Zone extension request will be needed.
 - a. The Applicant will likely want to request the MU Zone extension.

Open Space, Stormwater and Wetland Setbacks

- 9. The Open Space requirements appear to have been met in a similar way as the previously approved preliminary plan.
- 10. A trail runs from the residential buildings to the passive recreation area and beyond, then loops back.

- 11. Wetland setbacks are shown at 75 and 100-feet. No drainage structures are proposed for the northern wetlands which are wetlands of special significance. Two drainage structures are proposed for the southern wetlands one is beyond the 100 foot setback and one is between the 75 and 100 foot setbacks. A third, rather large stormwater pond is within the developed area of the residences.
- 12. A note on the plan specifies the 100-foot buffer to the north will be a designated no-cut buffer.

Traffic, Circulation and Parking

- 13. Daily traffic counts are shown in Note 13. The residential uses will generate only about 10% of the total traffic with the hotel generating the rest of the 1,190 trips per day. Both the number of trips per day and the number of parking spaces will trigger the traffic impact analysis requirement as stated in Section 16.10.5.2.C.10.
- 14. Section 16.8.4.2.C states that any development that exceeds a daily average of 200 trips per day must have two entrances/exits to a public road. The same section, 16.8.4.2.F states that entrances/exits onto an existing arterial or secondary arterial must be at least 1,000 feet apart. The plan shows two entrances which while required, do not meet the second requirement that they be spaced 1,000 feet apart. A large wetland to the north along the road factors into the location of the entrances.
 - a. The Applicant will want to request a waiver of Section 16.8.4.2.F.
- 15. Internal pedestrian walkways link the residential units to the hotel and to the walking trail. Vehicular travel ways also connect the two uses. There doesn't seem to be a separate entrance for the hotel, both entrances appear able to serve the hotel and the residential buildings.
- 16. The roads will be private (see Note 15 on the plan) and the plans show the road at about 22 feet wide plus sidewalks and shoulders near the hotel, then narrowing to 20 feet towards the residences. The width of the sidewalks varies, with the portion nearest the hotel at 6 feet and then narrowing to 5 feet as Homestead Lane moves towards the proposed residences.
- 17. Parking for the hotel is located behind the building as required by Section 16.3.2.13.D.5. Parking for the residential units is shown as 30 spaces on the ground floor of each building (90 spaces total) which is more than the 24 parking spaces required. The hotel parking includes 1 space per room (112) plus 3 additional spaces for a conference room (1 space per 100 sf of meeting room area).

Landscaping and Buffering

- 18. Per Section 10.8.9.4.G *Parking Standards*, landscaping is required for the hotel parking area since it contains well over 10 spaces. One tree is required for every parking space. There are 14 trees shown in the parking area which meets the requirements (115 parking spaces / 8 spaces = 14 trees).
- 19. Trees line the road called Homestead Lane and are also shown along all sides of the hotel building and on one side of the other road called Hospitality Road. While no landscaping plan with details was submitted, this is not necessary until preliminary plan. The Applicant appears to be demonstrating that fairly extensive landscaping will be provided.

- 20. The landscaping requires a 30-foot landscaped buffer strip per 16.3.2.13 along the length of the developed portion of the property's frontage. The sketch plan shows landscaping including trees and shrubs along much of the property except in the wetlands that abut Route 1. Note 10 specifies that an American Larch will be planted every 25 feet on centerline with a mix of 10 shrubs and/perennials for every 40 feet of frontage.
 - a. The Conservation Commission chair had, during the previous plan review, pointed out that a mix of tree species is best in case of pests and diseases to ensure at least some of the trees remain healthy for years.

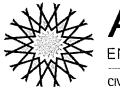
Recommendation

The sketch plan review is an opportunity to consider a concept and make specific suggestions to the applicant. The Board will want to discuss the comments staff has provided with the Applicant and determine what additional information, if any, they need before considering approval.

The Board held a site walk for the previous plan. However, this plan is substantially different so the Board may wish to consider another site visit.

If the Board determines no further information is needed the Board may accept and approve the concept plan (suggested motion below).

Move to accept and approve the sketch plan dated 6/20/2018 prepared by Attar Engineering, Inc and presented by applicant, Michael Brigham, Landmark Hill, LLC, for 459 U.S. Route 1 (Tax Map 60 Lot 24) in the Mixed-Use Zone.



ATTAR ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

Kathy Connor Contract Planner Town of Kittery P.O. Box 808 Kittery, Maine 03904 June 20, 2018 Project No.: C052-18

Re: 459 US Route 1 - Kittery Conceptual Plan Application

Dear Ms. Connor:

On behalf of Michael Brigham, President of Landmark Hill, LLC, I have enclosed a revised Conceptual Plan for your review and consideration. The site is located on 459 US Route 1 in the Mixed Use District and is described by the Town of Kittery Assessor's Map 60 as Lot 24. The parcel contains 20 +/- acres and is located in the Mixed-Use (MU) District. We received preliminary Plan approval on May 10, 2018; that plan proposed a mixed use development consisting of 26 Elderly residential units, 16 single family residential units on the upper floors of 2 buildings containing 2 commercial spaces and a parking garage.

Since preliminary approval the developer, Michael Brigham has been approached by a hotel developer who's enthusiastic about the opportunities and location of this parcel. The attached plan provides the conceptual details for a 112-room hotel, 32 elderly residential units and 12 single family residential units on the upper floors of 3 mixed-use buildings. We believe that the 3 mixed-uses proposed complement one another; elderly and the residential dwelling unit residents will have the option of membership in the hotel's health club and indoor pool and guests visiting any residents have an opportunity of staying at the hotel. There are also sidewalks and trails which offer passive recreation to all of the development's residents and guests.

Single-family residential units on the upper floors of a mixed use building are allowed as a "Permitted Use." The hotel and elderly uses are allowed as "Special Exception Uses." In prior submittals I have discussed the Elderly Special Exception Use which is also paraphrased below:

Elderly Housing – Elderly Housing is allowed as a Special Exception; it is an integral component of this Mixed-Use Development. The proposed elderly housing criteria in relation to the Special Exception requirements and also its function as a part of the overall development. Plans include the use of the hotel's health club and indoor swimming pool for all residents and sidewalks and a passive recreation area. The Homestead will provide elderly housing as a component of the overall housing and hotel opportunities provided within the development and also by adjacent land uses. For example, the elderly residents can gather with the single-family and apartment residents at the health club or swimming pool for community functions; all residents may travel by foot to the on-site retail venues and also nearby restaurants, such as When Pigs Fly and Domino's. Other food, retail, recreational and commercial establishments are in close proximity by vehicle along Route 1 and also in Kittery Foreside. The large

area of Open Space provides passive recreation such as walking, snow-shoeing and X-CTRY skiing and a picnic area. Other successful Mixed-Use Developments contain a variety of housing options for various age groups; similar to those proposed by The Homestead. Some of the elderly residential units will also be located within the same buildings as the single-family units, which appears to meet the town's definition of elderly housing.

Elderly housing means a residential use occupied principally by residents who are at least fifty-five (55) years of age (or in the case of a couple, at least one of whom is at least fifty-five years of age) in which the accommodations are all dwelling units with private bathrooms and cooking facilities. Occupants of this residential use may also include handicapped individuals of any age. This housing does not provide a regular program of services to all of its residents although individual residents may arrange for the provision of services within the facility.

Elderly housing includes very limited shared community space and shared dining and kitchen facilities but may include limited facilities for allied health services, social services, and personal services such as physical and occupational therapy, a beauty shop, recreational programs, elderly day care, and similar programs. The use of these facilities must be accessory to the primary residential use of the facility but may be open to nonresidents of the facility. Elderly housing does not include eldercare facilities that are typically referred to as independent living units, congregate care units, assisted living units, dementia or Alzheimer's units, or hospice units, or a nursing care or convalescent care facility that provides nursing services.

Regarding consideration of the Special Exception (SE) approval;

Conditions for approving Special Exception Uses in the Mixed-Use Zone.

- 1.) Screening The subject lot is approximately 20 acres in size with all of the proposed development concentrated into the middle and surrounded by wetlands and wetland buffers. There is also mature forest that will remain around the entire perimeter with the exception of the US Route 1 frontage, which will be landscaped. A majority of the developed portion of the parcel will be screened and buffered by wetlands, their respective wetland setbacks and the required landscaping along the frontage and within the parking areas.
- 2.) Architectural Compatibility The structures that will be built will all comply with The Town's Design Handbook and compliment the New England design characteristics of developed adjacent lots. We believe this development will be a landmark on U.S. Route 1.
- 3.) Location All structures have been located in areas that achieve the lowest adverse impacts possible.

Housing for the Elderly – Special Exception

- Location Suitability The site allows and encourages pedestrian travel throughout the site; residents can walk to the on-site stores and retail venues and also the passive recreation area. The site is also in close walking and driving distance to several restaurants, retail and commercial establishments along US Route 1, Kittery Foreside, Gourmet Alley and York and Portsmouth, N.H. The mixed-uses on the parcel all complement each other.
- 2.) Mixed Use As noted above, the elderly aspect of the development is an essential part of the entire project and all proposed uses. We envision elderly residents using the on-site amenities; the hotel's health club and swimming pool and also the passive recreation area. The single family residential options (residential dwellings on upper floors) also provide another option for residents. Residents who do not have a family member 55 years or over may decide to either purchase or rent one of these units with a future plan of purchasing an Elderly dwelling unit.

Expected Annual Average Daily Traffic generated from the development will be 1,192 trips/day, as noted on the Plan. The residential units generate 190 trips/day and the hotel generates the remainder of overall trips. Peak hourly traffic is estimated at 78 trips (Saturday, Peak Hour).

Associations - A Condominium Association will be provided for the Elderly Housing units, the Apartment units and the Hotel.

Wetland Setbacks – Kittery's Land Use Ordinance establishes setbacks for structures, parking areas and roads based on wetland size

Building Sizes and Types - Most building sizes are shown on the Site and Subdivision Plan, Sheet 1.2 and are also summarized in the general notes. All buildings will be sprinkled.

Landscaping – The landscape plan has been revised to include additional street trees and frontage landscaping.

We look forward to further discussion of this project at the next available meeting. Please contact me for any additional information or clarifications required.

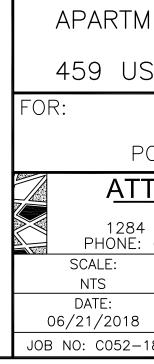
Sincerely,

Kenneth A. Wood, P.E. President

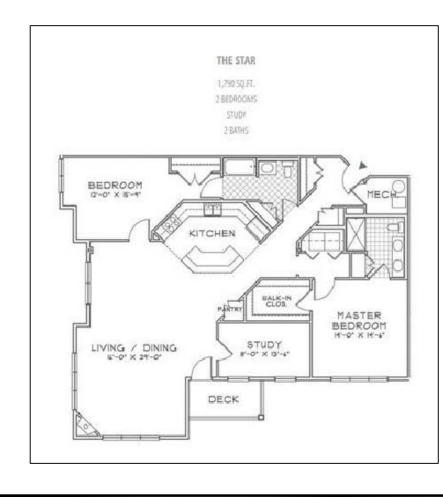
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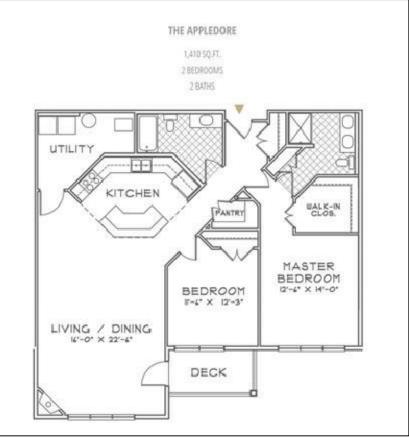
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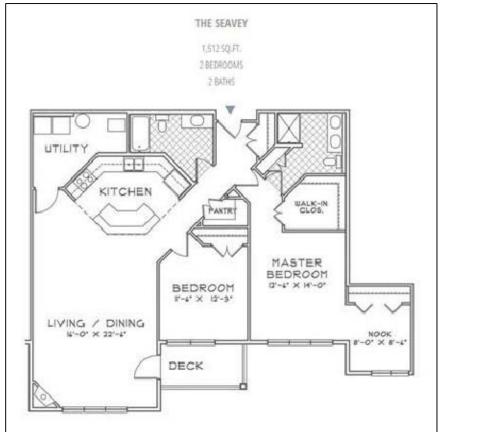


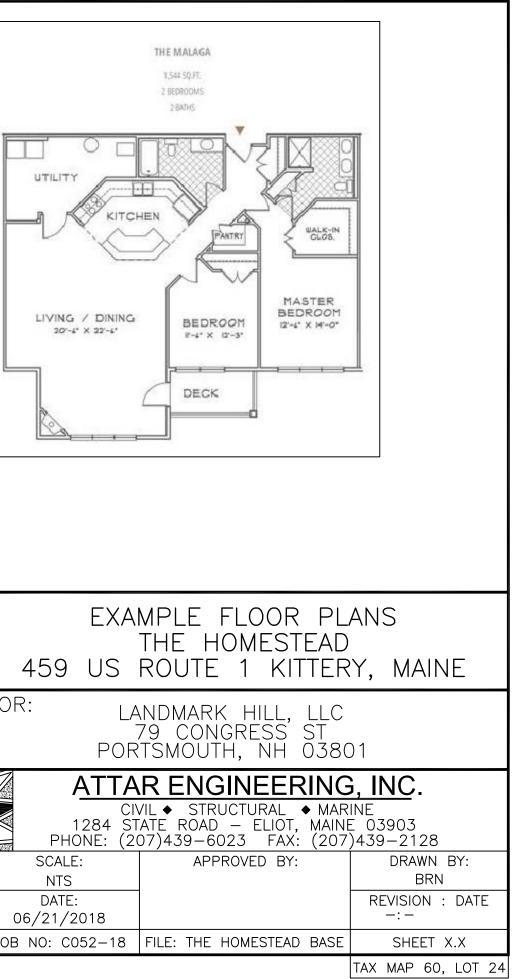


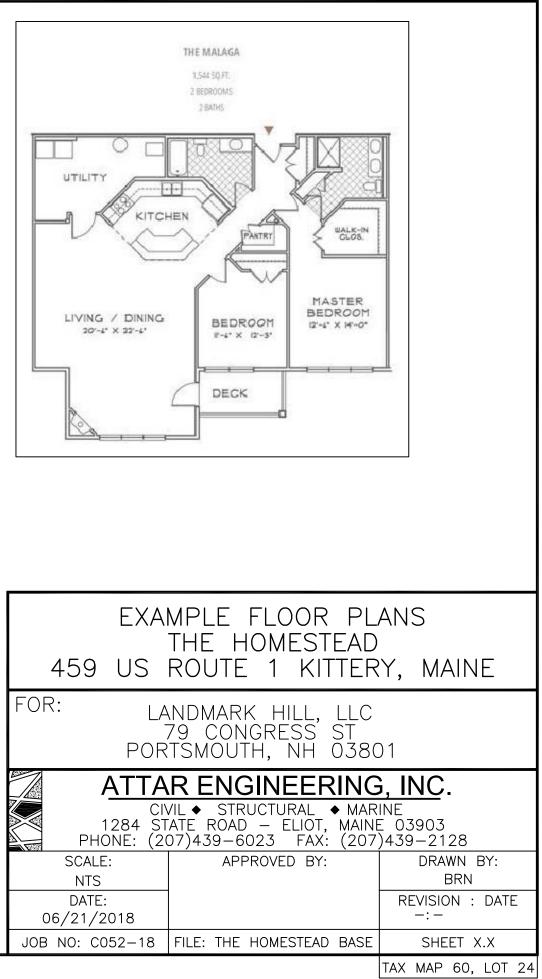
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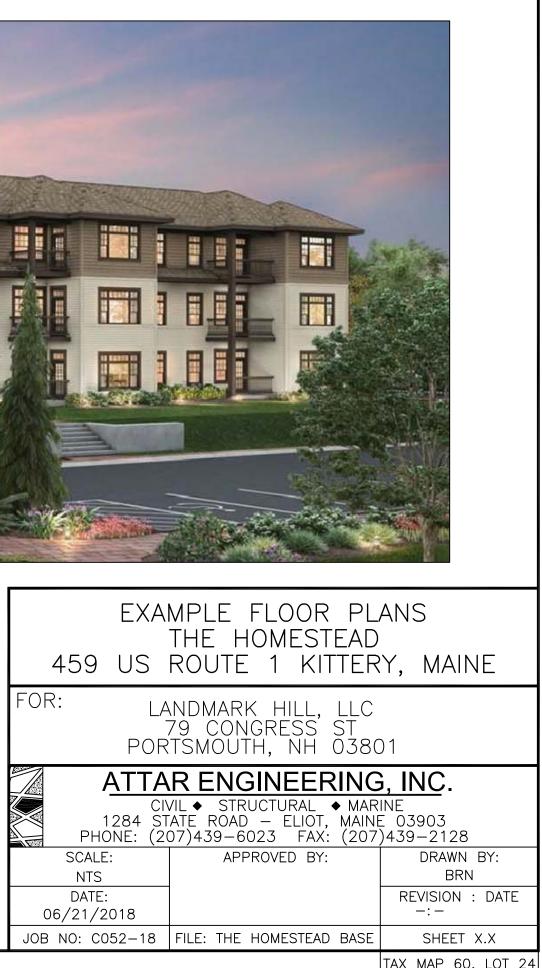


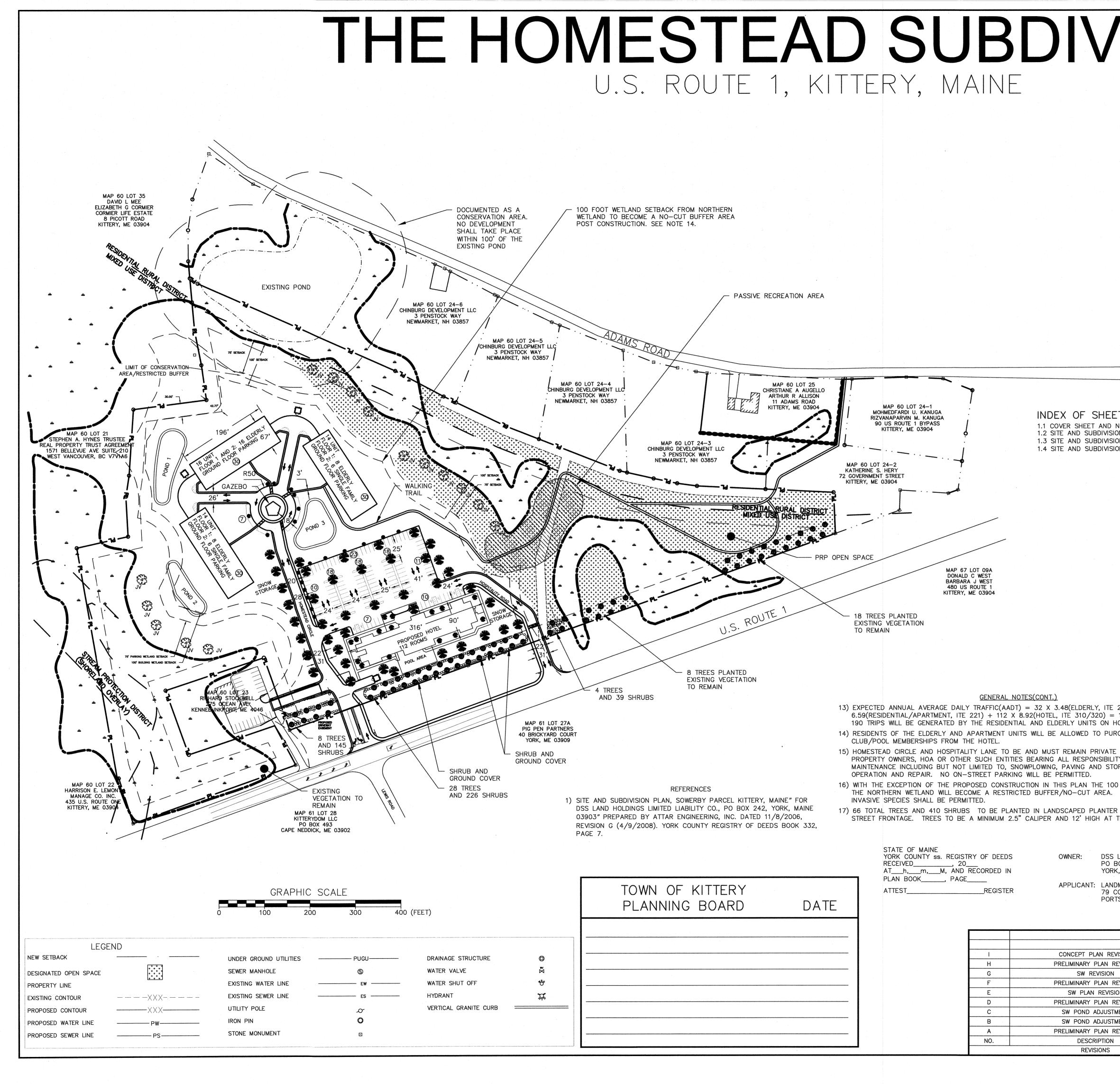




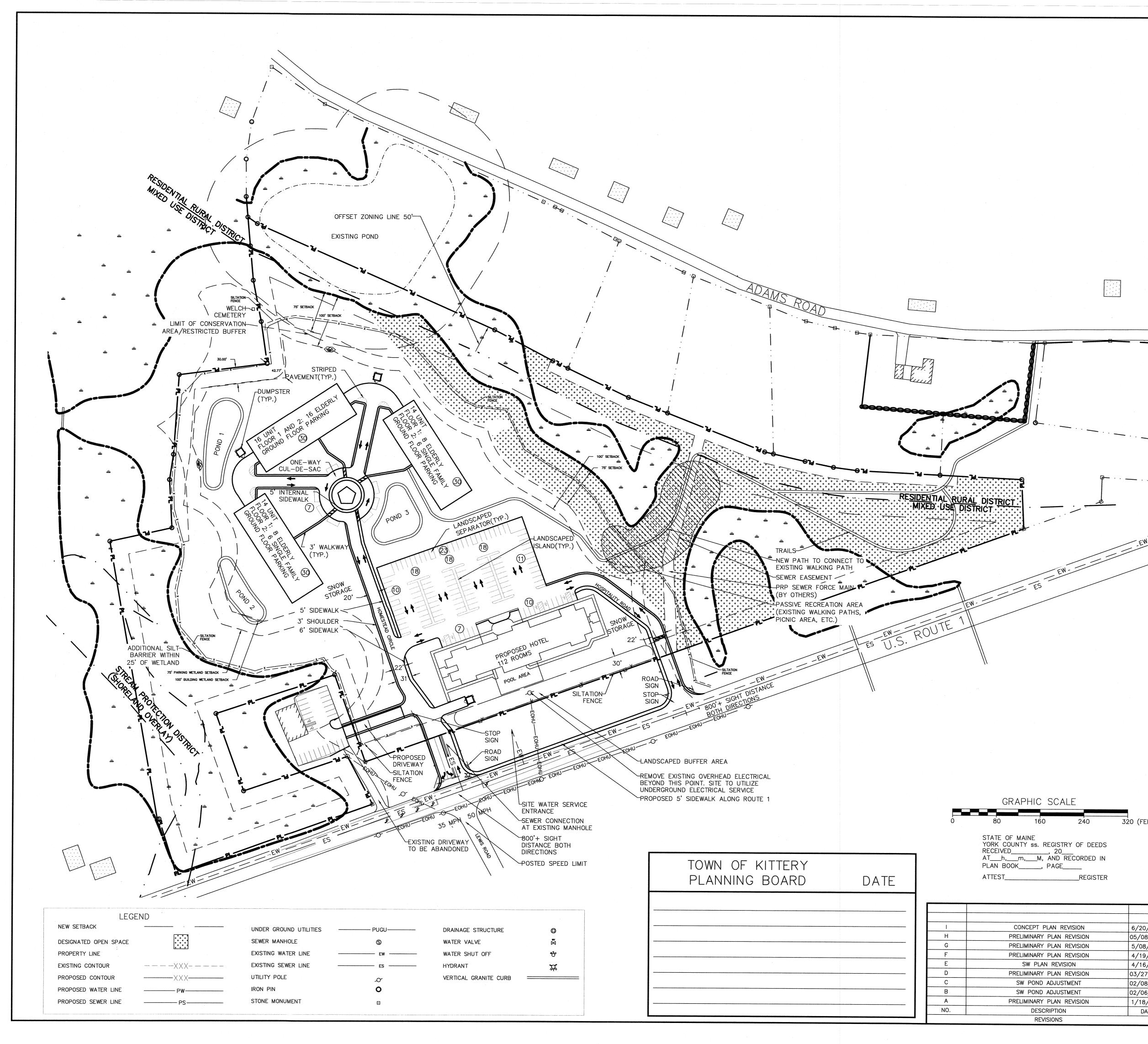


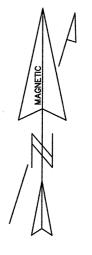






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320 (FEET)

240

GENERAL NOTES

1. SEWER MAINS TO BE 8" SDR 35 PVC. ALL OTHER APPURTENANCES SHALL MEET KITTERY SEWER DISTRICT STANDARDS.

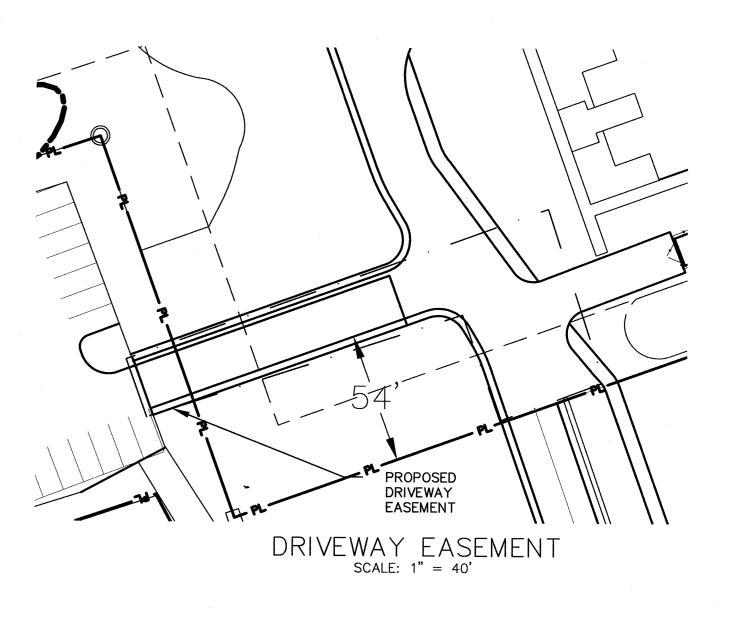
2. ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT KITTERY WATER DISTRICT STANDARDS.

3. ALL STORM DRAINS TO BE ADS N-12 (PE) OR APPROVED EQUAL.

4. A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES. 5. CENTRAL MAINE POWER COMPANY WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION. ALL ELECTRICAL, TELEPHONE, AND CABLE SERVICES WILL BE UNDERGROUND.

6. NEW WATER AND SEWER LINES SHALL BE TESTED IN ACCORDANCE WITH RESPECTIVE DISTRICT REQUIREMENTS.

7. EACH E & S CELL REPRESENTS A LIMITED AREA TO BE CONSTRUCTED WITH ALL EROSION & SEDIMENT CONTROL MEASURES IN PLACE. ALL "CELLS" SHALL BE PROTECTED BY EROSION & SEDIMENT CONTROL BEST MANAGEMENT PRACTICES AS REQUIRED BY THE E & S PLAN. EROSION & SEDIMENT CONTROL SHALL BE MAINTAINED FOR EACH CELL THROUGH-OUT THE COMPLETION OF THE ENTIRE PROJECT. THE CELLS SHALL BE ESTABLISHED IN THERE NUMERICAL ORDER.



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VISION REVISION	6/20/2018 05/08/2018	G	E OF ASSAULT	FOR: LA	ANDMARK HILL, LLC 79 CONGRESS ST RTSMOUTH, NH 038	01
REVISION	5/08/2018		認知し人種	ATTA	R ENGINEERING	G. INC
REVISION	4/19/2018	首伯瓜	NO-6592 E		VIL STRUCTURAL MAF	
ION	4/16/2018			1284 ST	TATE ROAD - FLIOT MAIN	F 0.390.3
REVISION	03/27/2018		Case// AL	PHONE: (2	TATE ROAD – ELIOT, MAIN 07)439–6023 FAX: (207	7)439-2128
MENT	02/08/2018			SCALE:	APPROVED BY:	DRAWN BY:
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REVISION	1/18/2018			DATE:	KAL CHIX	REVISION : DATE
	DATE			02/08/2018		l:6/20/2018
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TAX MAP 60, LOT 24

