

November 14, 2019

PLAN REVIEW NOTES 60-68 Wallingford Square M4 L79 Sketch Plan Review

Town of Kittery Maine Planning Board Meeting November 14, 2019

ITEM 1 – 60-68 Wallingford Square – Sketch Plan Review

Action: Accept or deny application. Approve or deny sketch plan. Owner/applicant 60-68 Wallingford Square, LLC requests consideration of a sketch plan for the renovation of an existing 4-story mixed-use structure and the reconstruction of the garage portion of the structure into a 12-unit inn on a 14,375 sf lot at 60-68 Wallingford Square (Tax Map 4, Lot 79) in the Mixed Use – Kittery Foreside (MU-KF), Shoreland (OZ-SL), Resource Protection (OZ-RP) and Commercial Fisheries/Maritime Uses (OZ-CFMU) Overlay Zones. Agent is Nick Bouquet, Madbury Capital.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review	Scheduled for 11/14/2019	PENDING
NO	Site Visit		
YES	Determination of Completeness/Acceptance		
YES	Public Hearing		
YES	Shoreland Development / Preliminary Plan Review and Decision		
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 a conceptual review of a plan to renovate the existing 4-story mixed—use structure, retaining the retail/commercial/restaurant uses and storefronts along Wallingford Square. The existing eight (8) apartments would be renovated. The AJ's Pizza structure would be demolished and rebuilt to the height of the existing 4-story structure. The existing attached 'garage' portion of the structure would be demolished and rebuilt into a 12-unit inn. The 0.33 acre (14,375 sf) lot is located in the Mixed Use – Kittery Foreside and Shoreland Overlay Zones with portions of the lot located within the Resource Protection and the Commercial Fisheries/Maritime Activities Overlay Zones.

Staff Review

1. The following dimensional and use standards of the base zone and all three applicable overlay zones were reviewed:

Section 16.3.2.15. Mixed Use - Kittery Foreside Zone

- B. Permitted uses. The following uses are permitted in the MU-KF Zone:
 - (1) Dwelling units in single-family, duplex, and multifamily configurations and units in a mixed-use building up to 12 dwelling units per lot, but excluding mobile homes;

(12) Inn;

•••

D. (2) (a) Minimum land area per dwelling unit: 5,000 square feet.

The uses are allowed in the underlying MU-KF zone, however, the overlay zones are more restrictive, as shown below.

Section 16.3.2.17. Shoreland Overlay Zone OZ-SL

B. Permitted and special exception land use.

(16) Mixed Use - Kittery Foreside Zone (MU-KF)

(b) Special exception uses.

[1] Dwellings in a single-family or duplex configuration, excluding mobile homes;

[9] Inn;

D. Standards.

(1)(b)Minimum land area per dwelling unit by base zone, within the:

[7] Mixed-Use Kittery Foreside (MU-KF): 10,000 square feet. (d)The total footprint of devegetated area must not exceed 20% of the lot area located within the Shoreland Overlay Zone, except in the following zones:

[1] Mixed-Use – Badgers Island (MU-BI) and Mixed-Use – Kittery Foreside (MU-KF) Zones, where the maximum devegetated area is 60%...

Section 16.3.2.19 Resource Protection Overlay Zone OZ-RP.

(16) Mixed-Use – Kittery Foreside Zone (MU-KF).

(a) Permitted uses.

[1] Public open space recreational uses.

(b) Special exception uses.

[1] Single-family dwelling, excluding mobile homes;

[2] Accessory uses, including church rectory;

[3] Home occupations; and

[4] Public utility facilities, including substations, pumping stations and sewage treatment facilities.

Section 16.3.2.18 Commercial Fisheries/Maritime Activities Overlay Zone OZ-CFMU.

B. Permitted uses. Functionally water-dependent commercial fisheries/marine uses.

C. Special exception uses: none

...

E. Prohibited uses All permitted uses in the base zones, including R-KPV, R-U, R-S, IND and MU-KF, except as permitted herein.

While OZ-SL allows an inn use as a special exception, it restricts dwellings to single-family units or duplexes only. None of the proposed uses are allowed within the OZ-RP. The OZ-CFMU overlay further restricts uses to water-dependent commercial fisheries and marine uses, with no special exceptions. The OZ-RP and OZ-CFMU overlays only cover a portion of the property, however.

While the overlay zones are more restrictive than the underlying MU-KF zone, this project involves existing legal, nonconforming uses. These uses are allowed to persist and may be expanded, pursuant to rules outlined in Section 16.7.3 below.

Section 16.7.3.4 Nonconforming uses

A. Nonconforming use continuance. The use of land, or structure, lawful at the time such use began, may continue although such use may not meet the provisions of this title.

• • •

D. Nonconforming use change:

(3) Within areas regulated by Shoreland Overlay Zone or Resource Protection Overlay Zone, an existing nonconforming use may be changed to another nonconforming use with the approval of the Planning Board. In this case, the nonconforming use change would be from a garage use to an inn use.

Based upon the lot size of 0.33 acres (14,375 square feet) the property is legally nonconforming as it exists. The uses are also legally allowed to exist and continue. The structure is permitted to be rebuilt in the existing footprint and altered and expanded within that footprint as permitted by provisions of the three overlay zones and the Town's nonconformance code.

2. The concept plan is proposing a 4-story building addition. The following standards apply:

Section 16.3.2.15. Mixed-Use – Kittery Foreside MU-KF.

D. Standards.

- (2) Dimensional standards. The following space standards apply:
 - ...(g) Maximum building height: 40 feet. (NOTE: Except that for buildings located on lots that abut tidal waters, the highest point on the primary structure of the building including the roof, but excluding chimneys, towers, cupolas and similar appurtenances that have no floor area, may be not more than 35 feet above the average grade between the highest and lowest elevations of the original ground level adjacent to the building.);
 - (h) Minimum setback from:

[1] Water body and wetland water-dependent uses: zero feet.
[2] All other uses (including buildings and parking): 75 feet unless modified, according to the terms of Subsection E (Special parking standards) of this section.

The project must conform to the height provisions above or be no higher than the existing structure. The applicant is proposing a building height of 49' 3 3/8" feet to the top of the roof. The building consists of a mansard style roof. The height limit is to the highest point on the deck of a mansard roof. The applicant that the new rear addition will meet the code required height limitation of matching the existing building height and will drop down in elevation to meet the height limit required where the building footprint is closer than 75' to the resource.

The existing building height is not shown but it is indicated to be 4 stories high. The existing building height will need to be verified and shown for preliminary plan review.

- (3) Maximum building footprint. The maximum area of the building footprint of any new building is 1,500 square feet unless the building is replacing a larger building that existed on the lot as of April 1, 2005.
 - (a) If the footprint of the preexisting building was larger than 1,500 square feet, the maximum size of the footprint of the new building may be no larger than the footprint of the preexisting building.
 - (b) If the footprint of the new building is larger than 1,500 square feet, the width of the new building as measured parallel to the front lot line may not be greater than the width of the preexisting building.

The project proposes to rebuild within the existing footprint, and appears to meet the provisions above.

Section 16.7.3.3.B Nonconforming structure repair and/or expansion.

- (3) (a) A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this title. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this title, the Board of Appeals or the Planning Board will review such expansion application and may approve the proposed changes provided the changes are no more nonconforming than the existing condition and makes its decision per Section 16.6.6.B.
- (3) (e) [5] [All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or coastal or freshwater wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by § 16.7.3.3B(3)(e)[2] or [3] above:
 - [a] For structures located less than 100 feet 100 feet [base zone setback] for MU-KF is 75'] from the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet, or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet, or the height of the existing structure, whichever is greater.

[b]In addition to the limitations in § 16.7.3.3.B(3)(e)[5](a) above, for structures that are legally nonconforming due to their location within the Resource Protection Overlay Zone when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet, or 30% larger than the footprint that existed at the time the Resource Protection Overlay Zone was established on the lot, whichever is greater. The maximum height of any structure may not be greater than 25 feet, or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 100 feet from the normal high-water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland must meet the footprint and height limits in § 16.7.3.3B(3)(e)[4][a], and [5](a) above.

The provision in 16.7.3.3B.(3)(e)[5][b] above would apply to the small portion of the reconstructed 'garage' building that would become the 12-room inn that is within the base zone setback (75'). That portion of the reconstructed structure would be limited 30% to 20 feet in height.

3. The Resource Protection Overlay Zone also contains standards that may be applicable, specifically:

Section 16.3.2.19.D. Standards:

- (1) The design and performance standards of Chapters 16.8 and 16.9 and Shoreland Overlay Zone provisions of § 16.3.2.17 apply, where applicable, in addition to the following standards, whichever is the most restrictive.
- (2) Dimensional standards such as front, side and rear yards, building coverage, height and the like are the same as those in the underlying zone.

- (3) Road construction and parking facilities are allowed in the Resource Protection Overlay Zone only where no reasonable alternative route or location is available outside the Resource Protection Overlay Zone, in which case a permit or site plan or subdivision plan approval is required by the Planning Board.
- (4) Clearing or removal of vegetation for uses, other than timber harvesting as limited per Chapter 16.9, Article V, Design and Performance Standards, in a Resource Protection Overlay Zone, is prohibited within the strip of land extending 100 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere in a Resource Protection Overlay Zone, the cutting or removal of vegetation is limited to that which is necessary for uses expressly authorized in the Resource Protection Overlay Zone.

Initial analysis of the sketch plan shows the project does not meet many of the standards but they exist in a legally nonconforming manner and may remain, subject to Planning Board review and approval.

4. Parking. The MU-KF parking requirements are spelled out in *Section 16.3.2.15.E. Special parking standards*. The site currently has nineteen (19) parking spaces. The existing parking does not comply with the ordinance requirements but the applicant states that it is sufficient to meet the existing needs of both the residential and restaurant / retail uses.

The proposed project requires:

- Eight (8) Residential/Dwelling Units: 8 spaces (units in place before 2005);
- 12-room Inn: 9 spaces (12 minus the first three required spaces exemption **16.3.2.15. E.** (1) (g);
- 325 sf Inn-Retail Space: 0 spaces;
- Restaurants: 10.5 spaces (1650 sf or 16.5 minus the first 3 spaces exemption for two restaurants 6 spaces);
- Total: 27.5 rounded up to 28 spaces.

The applicant is providing 19 spaces but in a different configuration with a handicapped accessible space. The applicant states that they are working to identify parking options off-site that comply with the Town's standards but may need to seek waivers from certain aspects of the requirements depending on the eventual parking location. **Section 16.3.2.15.E.** (4) (e) states that "The Planning Board must make the final determination of the joint-use and/or parking spaces that constitute an acceptable combination of spaces to meet the required parking demand."

Recommendation

This is the Board's opportunity to provide guidance and specific suggestions to the applicant.

The sketch plan application is substantially complete. Staff finds the concept plan to be in general conformance with the Code, with the noted exception of the parking requirements. That can be further addressed by the applicant at preliminary plan review stage. Staff notes that the plan depicts the overlay zone boundary lines per the Land use Zoning Map but the 75' designation for the OZ-CFMU zone should be the structure setback for the underlying base and overlay zones. For clarity, it is suggested that the 75-foot setback line be added to the plan to be shown as well as the zoning boundary lines.

The concept is in line with the comprehensive plan goal of attracting and retaining businesses in the Foreside that provides residents and visitors with places to go and spaces to gather.

Move to accept and approve the sketch plan application dated October 23, 2019, from owner/applicant 60-68 Wallingford Square, LLC for the renovation of an existing 4-story mixed-use structure and the reconstruction of the garage portion of the structure into a 12-unit inn on a 14,375 sf lot at 60-68 Wallingford Square (Tax Map 4, Lot 79) in the Mixed Use (MU-KF), Shoreland (OZ-SL), Resource Protection (OZ-RP) and Commercial Fisheries/Maritime Uses (OZ-CFMU) Overlay Zones.



October 23, 2019

Mr. Jamie Steffen Town Planner Town of Kittery 200 Rogers Road Kittery, ME 03904

RE: 60-68 Wallingford Square, Sketch Plan Application

Hi Jamie:

Please find enclosed the following items comprising our Sketch Plan Application for our proposed redevelopment of 60-68 Wallingford Square in Kittery:

- \$200.00 Application Fee Payable to the Town of Kittery
- Sketch Plan Application (1 original and 14 copies)
- Sketch Plan Existing Condition Drawing (15 copies)
- Sketch Plan Proposed Condition Drawing (15 copies)
- Vicinity Map (15 copies)
- Existing Conditions Photos (15 copies)
- Building Concept Rendering (15 copies)
- Detailed Project Description (15 copies)

If you have any questions or need any additional materials to complete your review of this application, please contact me at 207-329-0188 or nbouquet@madburycapital.com.

Best regards,

Nick Bouquet

Vice President of Development Authorized Agent and Owner's Representative





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 OR SUBDIVISION-SKETCH PLAN REVIEW

	Applica	tion Fee:		⊠ \$:	200.00	Amount l	Paid:\$	Dat	te:
		Parcel	Мар	4	Zone(s)- Base:	MU-KF		Total Land Area	0.33 Acres
100000	PERTY	ID #469	Lot	79 (Block)	Overlay:	Shoreland, Re Commercial Fi	source Protection isheries	MS4	X YES NO
		Physical Address	60-68	3 Wallingford S	Square, Kittery	y, ME 03904			
		Name	60-68 W	/allingford Squ	are, LLC		Nick Bouquet		
300000	PERTY	Phone	207-329	9-0188	2014/03/902/	Mailing	c/o Madbury C 401 Edgewate		
OWN	IER'S RMATION	Fax				Address	Suite 105		
		Email	nbouque	et@madburyca	apital.com		Wakefield, MA	01880	
		Name	Nick B	ouquet	ú ·	Name of Business	60-68 Wallings	ford Square, LLC	
APPL	ICANT'S	Phone	207-329	9-0188			c/o		
	RMATION	Fax				Mailing Address	401 Edgewate Suite 105	r Place	
		Email	nbouque	t@madburyca	pital.com		Wakefield, MA	01880	
SCRIPTION	Renovation of The existing (structure alon	(8) apartments ig Wallingford	4-story mi s would be Square,	ixed-used stru e renovated. The garage po	The AJ's Pizza ortion of the st	a structure would tructure will be de	be demolished are emolished and reb		
PROJECT DESCRIPTION	***Please see	the attached p	project ov	erview and de	scription.	200			* **
						ation is true ar		will not deviate fr	rom the Plan submitted
	cant's ture:	10.23			C	Owner's Signature: Oate:		. 2019	

MINIMUM PLAN SUBMITTAL REQUIREMENTS

□ 15 Copies of this Application, Vicinity Map, and the Sketch Plan - 5 of which must be 24"X 36"

Sketch Plan format and content:

- A) Paper Size; no less than 11" X 17" or greater than 24" X 36"
- B) Plan Scale
- ☑ Under 10 acres: no greater than 1" = 30'
- □ 10 + acres: 1" = 50'
- C) Title Block
- ☑ Applicant's name and address
- Name of preparer of plan with professional information
- ☑ Parcel's Kittery tax map identification (map lot) in bottom right corner

Vicinity Map - map or aerial photo showing 1,000 feet around the site.

Sketch Plan must include the following existing and proposed information:

Existing:

- Land Use Zone and boundary
- M Topographic map (optional)
- Wetlands and flood plains
- Water bodies and water courses
- Parcel area
- M Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- M Streets, driveways and rights-of-way

Proposed: (Plan must show the lightened existing topography under the proposed plan for comparison.)

NOTE TO APPLICANT: PRIOR TO A PLANNING

BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND

EVALUATE THE DEVELOPMENT'S DESIGN.

BOARD SITE WALK, TEMPORARY MARKERS MUST

- Recreation areas and open space
- Number of lots and lot areas
- Setback lines and building envelopes
- ▼ Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

Distance to: *items below are shown on the plans

- Nearest driveways and intersections
- Nearest fire hydrant
- Nearest significant water body

AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

Description:

The 60-68 Wallingford Square project will renovate the Cook Block, an historically significant building in Foreside, and incorporate existing and new uses that are all allowable by right under current zoning.

- The project will be limited to the existing building footprint that includes both the historic mixed-use building along Government Street, the one story addition to the east and the garage extension at the rear of the building.
- The development plan includes preservation of the existing historic building, renovation of the eight existing apartments on the 2nd and 3rd floors of the 4story building and retention of the restaurant uses facing the Wallingford Square.
- Under the proposal, the existing one story component to the East of the building
 will be demolished and rebuilt to match the height of the existing building along
 Government Street as is allowed by code. The existing attached 'garage' portion
 to the rear of the building will be demolished and rebuilt into a 12-room Inn.
- The new rear addition will meet the code required height limitation of matching the existing building height and will drop down in elevation to meet the height limit required where the building footprint is closer than 75' to the resource.
- The applicant is seeking to work with the existing tenants, AJ Pizza and Anneke Jans in this process to maintain their continued presence on the site.
- The applicants do not anticipate seeking any waivers with respect to the building.

Benefits:

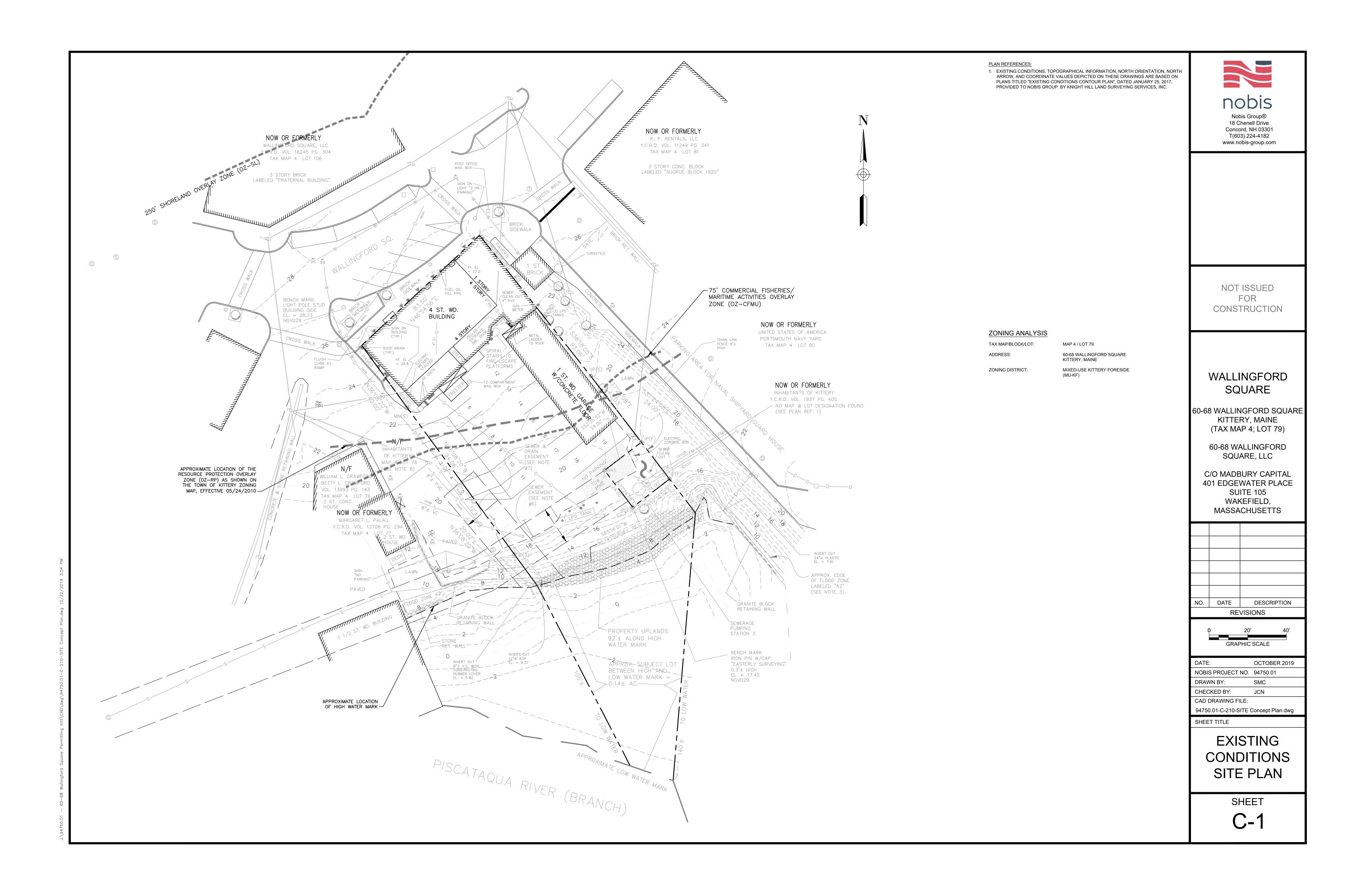
The renovation of the Cook Block and the redevelopment of the site will honor the existing heritage & streetscape of Wallingford Square.

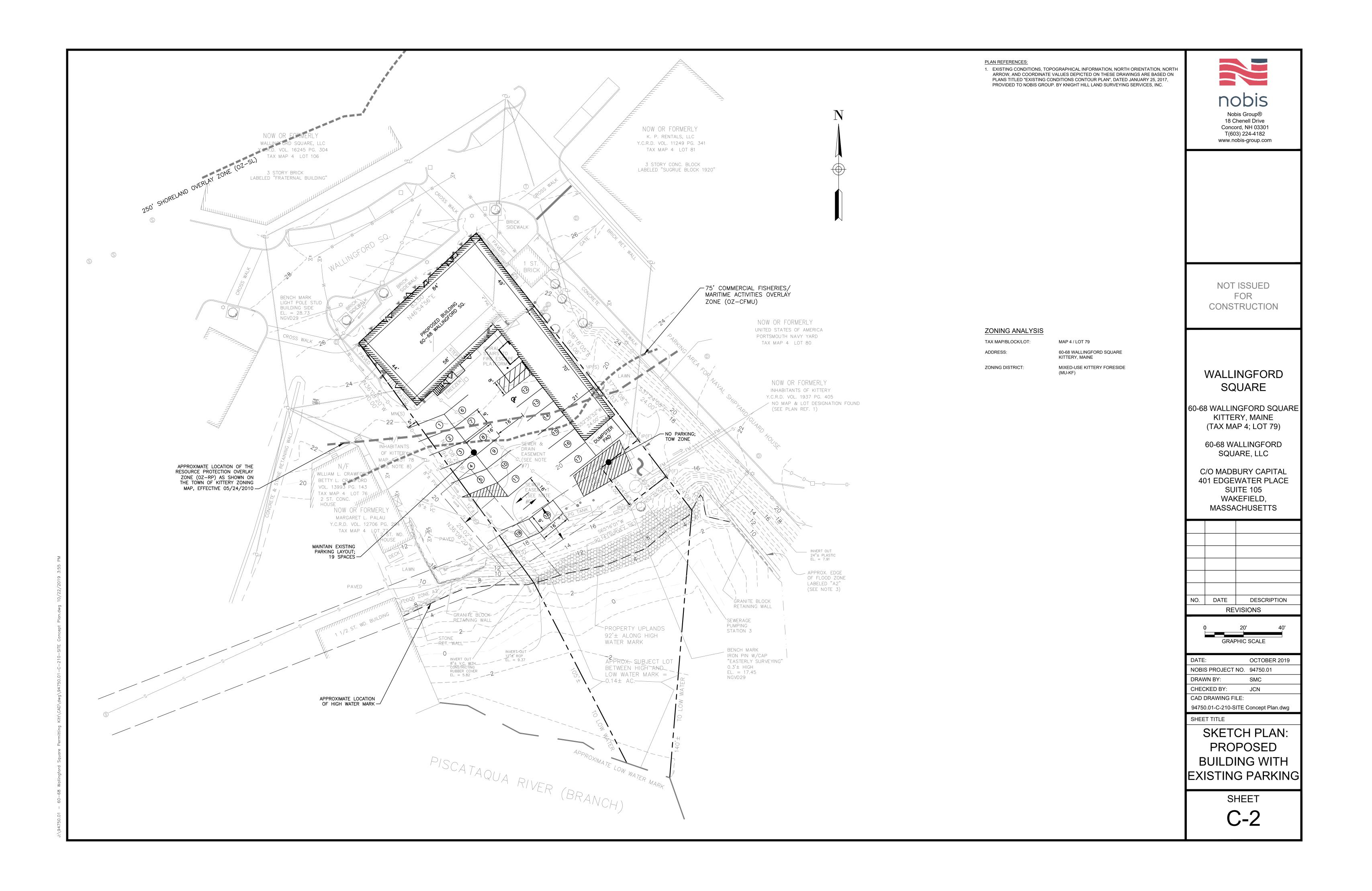
- The proposed project is consistent with the historic hotel use of the of the site.
- The renovations will address the substantial deferred maintenance issues with the major building systems (roof, structural, HVAC, plumbing, electrical, windows, etc.), as well as repairing & updating the exterior facade.
- The renovations to the building will address Life Safety and Fire Code issues in both the apartments and existing building.
- The current concept has 'right-sized' the previous hotel concept while providing lodging in an area that does not currently have accommodation options.

Issues:

Off street parking is currently the major stumbling block to redevelopment of the site.

- The site currently has 19-parking spaces. The existing parking is not compliant
 with current standards but is sufficient to meet the existing needs of both
 residential and restaurant/retail uses. The proposed project requires:
 - 8 Residential/Dwelling Units: 8 spaces (units in place before 2005)
 - 325 sf Inn-Retail Space: 0 spaces
 - 12-room Inn: 9 spaces (12 minus the 3 space deduct)
 - Restaurants:13.5 spaces (1650 sf. or 16.5 minus the 3 space deduct)
 - Total: 30.5 spaces, rounded up to 31 spaces
- The applicants are working to identify parking options off site that comply with Kittery's standards, but may eventually need to seek waivers from certain aspects of the requirements dependent upon eventual parking location.









NOT ISSUED FOR CONSTRUCTION

WALLINGFORD SQUARE

60-68 WALLINGFORD SQUARE KITTERY, MAINE (TAX MAP 4; LOT 79)

> 60-68 WALLINGFORD SQUARE, LLC

C/O MADBURY CAPITAL 401 EDGEWATER PLACE SUITE 105 WAKEFIELD, MASSACHUSETTS

NO.	DATE	DESCRIPTION
	RE'	VISIONS

Ŏ		10	00'	200
<u></u>	G	RAPHI	C SCALE	

DATE:	OCTOBER 2019
NOBIS PROJECT NO.	94750.01
DRAWN BY:	SMC
CHECKED BY:	JCN
CAD DRAWING FILE:	
94750.01-C-210-SITE	Concept Plan.dwg

SHEET TITLE

WALLINGFORD SQUARE AERIAL MAP

SHEET

C-4

SKETCH PLAN SUBMISSION: EXISTING CONDITION PHOTOS

60-68 Wallingford Square Building – Existing Condition (Facing Front/Main Façade)



60-68 Wallingford Square Building – Existing Condition (Side Facade)



60-68 Wallingford Square Building – Existing Condition (Rear Façade)



60-68 Wallingford Square Building – Existing Condition (Garage Portion #1)



60-68 Wallingford Square Building – Existing Condition (Garage Portion #2





1 Perspective 1



Title:	Scale:
Vnnamed	Drawn By:
	Checked By:
() (V	Project No.:
77.07	Date: 0

MALLIIN

Scription Date

WALLIIN

80-68 I

WALLINGFORD SQUARE

60-68 WALLINGFORD SQUARE KITTERY. ME 03904

A STRICTION

ARCHITECTS
104 Congress St., STE 203
Portsmouth, NH 03801
PH. 603 501 0202

