PLAN REVIEW NOTES 459 Route 1 (Tax Map 60 Lot 24) Preliminary Plan Review August 9, 2018

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Town of Kittery Planning Board Meeting August 9, 2018

459 U.S. Route One - Site and Subdivision Preliminary Plan Review

Accept or deny application. 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	Approved on July 12, 2018	DONE
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		

Applicant: Prior to the signing of the approved Plan any Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS. As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

This is now a preliminary plan 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.

Sketch Plan

At the July 12 meeting the Board accepted and approved the sketch plan for the proposed development but wanted the applicant to provide additional information regarding the integration of the elderly housing into the overall plan for the mixed-use development.

Staff Review

The applicant chose not to submit a complete preliminary plan application at this time in order to continue the discussion of the proposed uses, in particular the elderly housing component.

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. 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.
- 2. 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. The Board will want to continue to discuss this issue.
- 3. 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.
 - a. The plans now show a grilling/picnic area; 20'x20' covered pavilion and volleyball/badminton area;
 - b. The plans now show a passive recreation/park (1.5 acres) which will include trails with a natural bed and will involve no grading within the 100' setback.

Net Residential Density

4. 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

- 5. 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.
- 6. 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.

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a. At the meeting of July 12, the Board discussed the siting of the hotel based on the overall plan proposed. The Board noted that the parking is currently proposed for the back of the hotel building which is preferred and not necessarily achievable if the hotel building is repositioned.

50-foot MU Zone Boundary Extension

7. The submission letter makes the MU Zone boundary extension request but a plan note needs to be included that references the boundary extension.

Open Space, Stormwater and Wetland Setbacks

- 8. The Open Space requirements appear to have been met in a similar way as the previously approved preliminary plan.
- 9. A trail runs from the residential buildings to the passive recreation area and beyond, then loops back. It is noted above that additional recreational opportunities are to be provided.
- 10. 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.
- 11. A note on the plan specifies the 100-foot buffer to the north will be a designated no-cut buffer. Staff also recommends that it be a no-disturb buffer. Staff will provide applicant applicable wording for the plans and for the HOA documents.

Traffic, Circulation and Parking

- 12. 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. The applicant is aware that a Traffic Impact Analysis is required.
- 13. 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 has requested a waiver of Section 16.8.4.2.F to allow the entrances to be less than 1,000 feet apart.
- 14. 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.

- 15. 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.
- 16. 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

- 17. 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).
- 18. 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. The Applicant appears to be demonstrating that fairly extensive landscaping will be provided. While no detailed landscaping plan has been submitted, it will be for the next Planning Board meeting on the project.
- 19. 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 plan shows landscaping including trees and shrubs along much of the property except in the wetlands that abut Route 1. Note 10 has been revised to include a mixture of evergreen and deciduous trees to be planted every 25 feet on centerline with a mix of 10 shrubs and/perennials for every 40 feet of frontage.

Recommendation

The preliminary plan review is an opportunity to make specific suggestions to the applicant to continue to refine the plan per Title 16. 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.

Because submission requirements remain to be met the following motion is recommended:

Move to continue the preliminary plan dated 7/19/2018 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 for a period not to exceed 90 days.



Kathy Connor Contract Planner Town of Kittery P.O. Box 808 Kittery, Maine 03904 July 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.

After receiving review comments from Staff and the Planning Board at their meeting of July 12, 2018 additional changes have been made to the plans. These changes are discussed below:

Elderly housing – A large part of the discussion during the Planning Board meeting included whether or not offering memberships to the hotel's fitness and pool areas met the Elderly Housing requirements for the Special Exception Use. As shown in the attached plans development of the passive recreation area has been expanded to include areas set aside for outdoor games, benches, picnic tables and grills. The trail has been located closer to the forested area to provide further screening from structures. Also a 20' X 20' 3-season pavilion is proposed to be located between the hotel parking lot and the walking trails.

As suggested at our initial sketch plan review, we respectfully request that the Board consider a 50' MU Zone Boundary Extension as allowed by Section 16.7.2.5. The current MU Boundary is within 50' of the parcel's northeast sideline. Extending this boundary does not result in any development closer to the residential out-parcel lots on Adams Road. Additionally, this extension will not prevent the orderly and reasonable

use of the adjacent residential properties and will be in harmony with the adjacent zone as the 2 districts are separated and buffered by a large forested wetland complex. Property values in the adjacent neighborhoods will not be diminished and will more likely see an increase in value as a result of this project. The granting of the extension will not result in any traffic hazards, emissions or disturbance of natural features and adequate screening, provided by the wooded wetland, setbacks and limitation on development adjacent to the residential zone, is provided and will be maintained.

As noted in the most recent Staff Review the amount of proposed parking and trips per day require that a Traffic Impact Analysis be completed. This will be provided as part of the Preliminary Plan Submission in August.

Although the entrances have not changed since the initial submission we respectfully request a waiver of 16.8.4.2.F to allow the entrances to be less than 1000 feet apart. The proposed entrances are approximately 400 feet apart and the Maine Department of Transportation has issued an entrance permit for the Sowerby Project.

As noted in the Staff Review as well as during the Planning Board Meeting a mixture of evergreen and deciduous trees will be provided as part of the overall landscaping plan in order to avoid any blight on specific trees from damaging the overall landscape. The species will be detailed as part of the Preliminary Plan Submission.

The stamped High Intensity Soil Survey has been included in this submission. It is the same document from previous submission.

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

cc: Landmark Hill, LLC

C052-18 Kittery Site App Cover-ConceptPlan.doc









