January 10, 2019

PLAN REVIEW NOTES 230 U.S. Route 1 (Tax Map 22 L 14) Preliminary Plan Review Page 1 of 3

## Town of Kittery Planning Board Meeting January 10, 2019

## ITEM 2 - 230 U.S. Route 1 – Preliminary Site Plan Review

Action: Accept or deny application; Approve or deny preliminary plan Owner/Applicant Green Brook, LLC requests consideration to develop a food truck pod on a 1.04 acre lot located at 230 U.S. Route 1 (Tax Map 22 Lot 14) in the Commercial (C-1) Zone. Agent is Barbara Jenny.

#### PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	11/8/2018 Planning Board Meeting	APPROVED
YES	Site Visit	11/27/18	HELD
YES	Preliminary Plan Review Completeness/Acceptance	Scheduled for 1/10/19	PENDING
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**

The plan is to develop a 3-truck food pod that will operate seasonally, and during the daylight hours from approximately 11 am to dusk daily on a lot located at the corner of U.S Route 1 and U.S. Route 1 Bypass in the Commercial (C-1) Zone. The parcel is 1.04 acres in size contains an existing commercial building known as the Mural Building. The uses within the building include retail (antiques & up-cycled furnishings), storage (for retail), art studios/maker space, and office (massage therapist).

The food truck pod would be located in the northern end of the lot in an area that would be defined by a row of trough planters.

Sketch plan review and a site walk for the application were completed last month by the Board. The application is now at preliminary plan review stage. A revised plan has been submitted based upon staff comments and the Board's input at the site walk.

## **Staff Review**

- 1. The proposed use is considered as a restaurant under our Code which is a permitted use in the Commercial zone.
- 2. The proposed use has reached the threshold of site plan review by the Planning Board under Sections 16.10.3.1, 16.10.3.2 & 16.10.3.6.C. The food truck pod use will require more than five (5) additional parking spaces.
- 3. The parcel meets all of the applicable dimensional standards as outlined for the C-1 & C-3 zones (16.3.2.13). As proposed, the trucks are not connected to water or power so there are no setback issues as they do not meet the definition of structure, however, if power or water is to be supplied

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in the future they would be attached to a utility connected to the ground and therefore classified a structure and would be required to meet structure setbacks for the zone.

- 4. Parking The preliminary plan depicts thirty-six (36) parking spaces. The applicant has provided parking for all of the existing uses of the site as well as proposed use. The parking requirement for all of the proposed uses per code is thirty-one (31). The parking requirement (16.8.9.4) for drive-in restaurants, which is how we are treating the food truck use is one space per every three seats, with seating calculated by dividing the total floor area with customer access by 15. The calculation for total floor area, since the seating will be at picnic tables, was to calculate the square footage of the proposed three (3) picnic tables, which comes 70 sf. That number is divided by 15 which comes to 4.66 rounded up to 5 and added to 15 which results in a required twenty (20) spaces for the food trucks. The number of the required spaces and the total provided should be indicated on the final plan.
- 5. The required minimum number of accessible spaces for a parking lot size of 26-50 spaces is 2 spaces. The plan depicts two accessible spaces.
- 6. On-site traffic flow is indicated on the plan and the applicant is showing a physical separation of the food truck pod and picnic tables from that flow by the use of trough planters and removable non-locking 4" bollards. There appears to be sufficient area in the protected space for pedestrians. The applicant is also proposing directional flow striping and signage at the entrances/exits to control traffic and ensure safe entry and exiting.
- 7. Restroom facilities will consist of a plumbed facility for the vendor in the Mural building and two (2) porta-potties for customers which complies with the State health code. The porta-potties have been moved closer to the food truck area but there is no indication of any screening for the units.
- 8. Trash/recycling/composting enclosures will be provided for customers and vendors and are shown on the site plan.
- 9. Landscaping is shown on the plan but more detail types of plantings needs to be provided for the final plan.
- 10. <u>Traffic</u>. The site plan clearly indicates on-site traffic flow. Direction of traffic through the parking lot is shown as one-way. Traffic off the Bypass and from traffic circle via Route 1 will be able to use two entrances, which are two-way. Staff concerns about the lack of protection of the pedestrian space from cars entering via the north entrance has been addressed through the placement of additional trough planters, painted divided lane and stop lines and signage indicating "stop" and "No Left Turn". At the south entrance, there will also be striping and signage to control flow into and out of the site.

#### Recommendation

Preliminary plan review begins the formal permitting process for a site plan. The board is charged with giving the applicant guidance and input to further refine the plan in accordance with Title 16 prior to final plan submission. The preliminary plan submittal appears sufficiently complete. If the Board determines no further information is needed the Board may accept the preliminary plan.

Move to accept the preliminary site plan application dated December 9, 2018 from owner/applicant Green Brook, LLC for 230 U.S. Route 1 (Tax Map 22 Lot 14) in the Commercial (C-1, C-3) Zones as complete.

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If the Board accepts the site plan application a public hearing needs to be scheduled no later than 30 days from the Board's acceptance.

Move to schedule a public hearing on {date} for the preliminary site plan application dated December 9, 2018 from owner/applicant Green Brook, LLC for 230 U.S. Route 1 (Tax Map 22 Lot 14) in the Commercial (C-1, C-3) Zones.



# 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 FO	\$ \$300. 00 PLUS		) PIIIS	\$50/USE OF UNIT; OR				\$5.00/100 SQ FT OF GROSS FLOOR AREA			Application Fee Paid:  \$ Date:		
SITE PLAN REVIEW:		THE GREATER OF:		\$0.50/LINEAR FOOT OF DOCK, SLIP & FLOAT; OR				\$20.00/ UNIT INTENDED TO PROVIDE OVERNIGHT SLEE ACCOMODATIONS		OVERNIGHT SLEEPIN	IG	ASA Fee Pa (TITLE 3.3 TC \$ Do	WN CODE)
PROPERTY DESCRIPTION		Parcel ID 1898	Мар	22	Lot	14		Zone: Base: Overlay: MS4:		C-1, C-3  YESXNO		al Land Area Juare Feet)	34,848 (.8 acres)
		Physical Address											
		Name	Green I	Brook LL	С								
PROPERTY OWNER'S INFORMAT		Phone Fax	603-234	4-7402			Mailing Address		94 Pleasant St Portsmouth NH 03801				
INFORIVIAI	ION	Email	working	gstiff@comcast.net									
		Name	Barbara					me of					
APPLICAN	T'S	Phone		a com,		Business  Mailing Address							
AGENT INFORMAT	TION	Fax											
		Email											
	Existing	Use:	OFFICE	/RETAIL;	ART ST	UDIOS; LEAS	SED I	PARKING					
-													
7													
PROJECT DESCRIPTION													
SCRII	Project Name: Kittery Food Truck Pod @ the Mural Building Lot												
T DE	Proposed Use: FOOD TRUCK POD; WITH CONTINUED USE AS OFFICE/RETAIL, ART STUDIOS												
OJEC													
P. B.													

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## **WAIVER REQUEST**

	Ordinance Section	Describe why this request is being made.
	***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.
Z		
IPTIO		
DESCRIPTION		
_		

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: Date:	12/15/2019	Owner's Signature: Date:	12/15/2019			

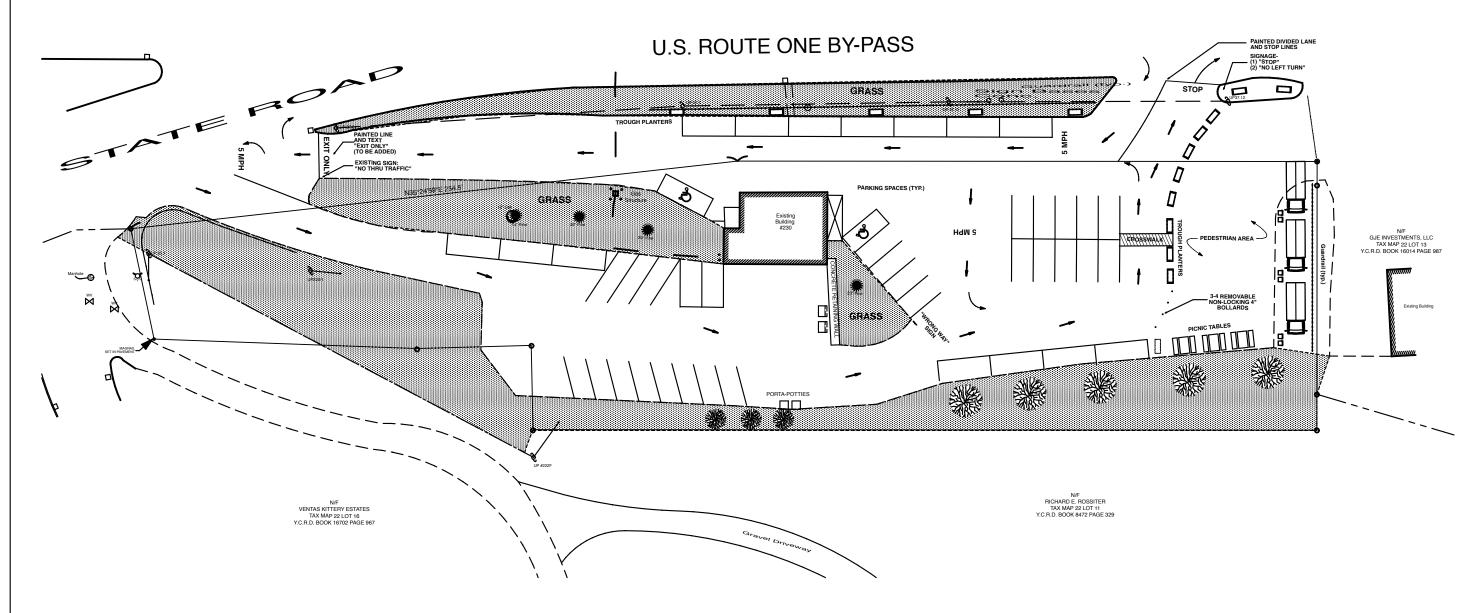
#### COMPLETED BY OFFICE STAFF

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

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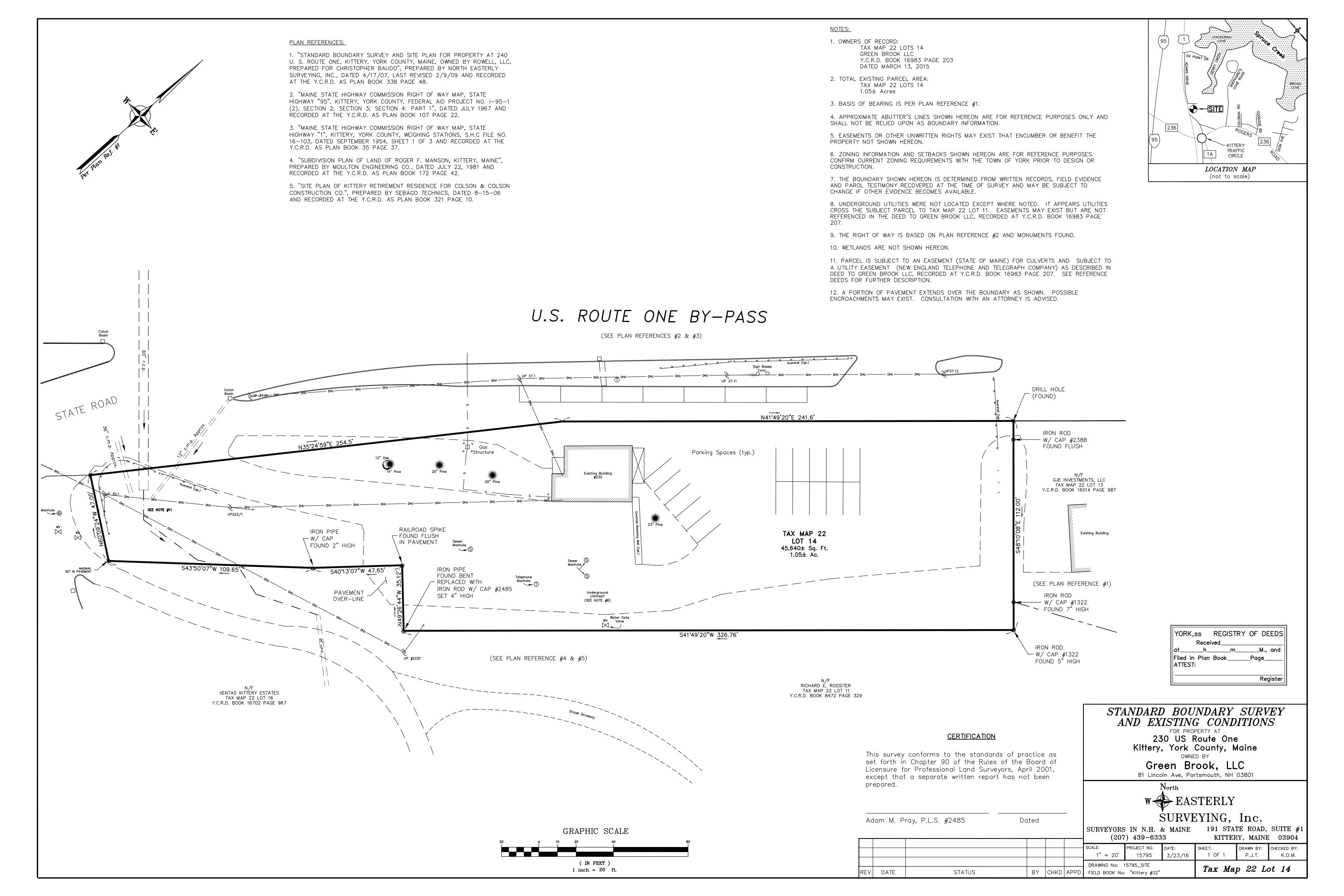
GPS:

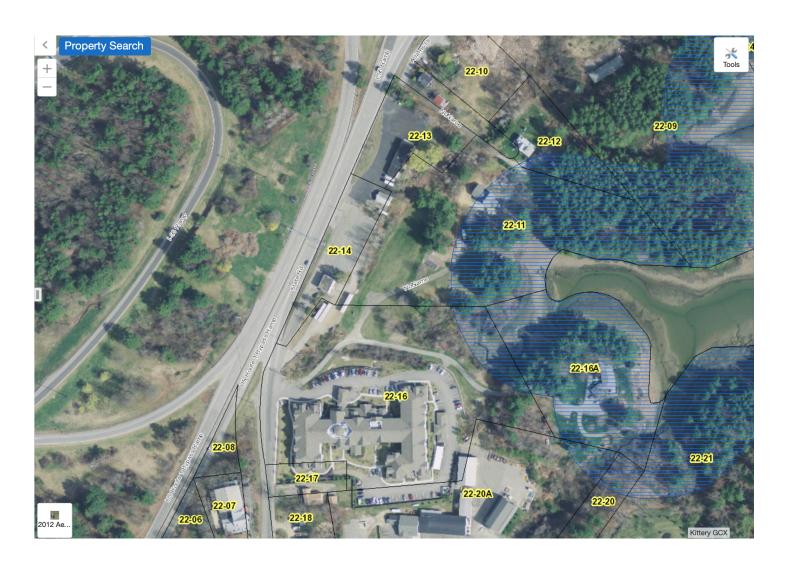
LATITUDE: 43.046668, LONGITUDE: 70.74271420000002 N 43° 6'16.8", W 70° 44'33.771"



PROPOSED SITE PLAN
SCALE: 1" = 40'

DATE	OWNER	KITTERY FOOD TRUCK POD	DESCRIPTION/FILE	KITTERY FOOD TRUCKS 1.0	DRAWN BY MDB DESIGN LLC	
12-09-18 SCALE	GREENBROOK LLC	@ MURAL BUILDING LOT	DATE 9/25/18	REVISED 12/09/18	81 LINCOLN AVENUE	MAP 22
1"= 40'-0"	94 PLEASANT STREET PORTSMOUTH NH 03801	230 STATE ROAD, KITTERY, ME 03904	KITTERY PLANNING BOARD APPROVAL		PORTSMOUTH, NH 03801 603.436.4256	LOT 14





note: lot lines are shifted over this aerial view.

## WARRANTY DEED

KNOW ALL By THESE PRESENT that MEGAN M. WOODARD, f/k/a MEGAN M. PAINE and f/k/a Megan Paine, with a mailing address of 35986 San Paulo Pl., Murrieta, CA 92562 for consideration paid, grants to GREEN BROOK, LLC, a New Hampshire Limited Liability Company with a place of business in Portsmouth, New Hampshire and a mailing address of 81 Lincoln Avenue, Portsmouth, New Hampshire 03801, with Warranty Covenants, a certain lot or parcel of land, together with the buildings, thereon situated on the southeasterly side of State Highway "1", also known as U.S. Route One, in the Town of Kittery, County of York and State of Maine, bounded and described as follows, to wit;

Being Parcel No. (3) as shown on a Maine State Highway Commission Right of Way Map entitled "State Highway '1,' Kittery, York. County, Weighing Stations" dated September 1954, on file in the office of the Department of Transportation (S.H.C. File No. 16-103) and recorded in the York County Registry of Deeds in Plan Book 35, Pages 37 and 38:

Beginning at a point distant seventy-five (75) feet southeasterly from when measured at right angles to the base line of the approach road leading to the premises hereinafter described at P.C. Station 4+ 13.61;

Thence southwesterly along a line distant seventy-five (75) feet southeasterly from and parallel with said base line a distance or sixty-two (62) feet, more or less, to a point at right angles to said base line at about Station 3+52;

Thence northwesterly along a line parallel with the northeasterly line of land now or formerly of Rose Cobb a distance of forty-seven (47) feet, more or less, to the southeasterly line of State Highway "1," also known as U.S. Route One;

Thence northeasterly along the southeasterly line of said highway a distance of three hundred sixty-one (361) feet, more or less, to the westerly comer of land conveyed to the State of Maine by Quit-Claim Deed of Zelwyn Corporation dated October 4, 1957 and recorded in the York County Registry of Deeds in Book 1357, Page 368;

Thence southeasterly along the southwesterly line of land so conveyed a distance of fifty-four (54) feet, more or less, to the southerly comer thereof;

Thence northeasterly along the southeasterly line of land so conveyed a distance of one hundred forty-six (146) feet, more or less, to a point at right angles to the base line of said approach road at Station 8+30, said point being distant about ninety-five (95) feet southeasterly from said base line and distant about ninety-seven (97) feet southeasterly from the southeasterly line of State Highway "1" also known as U.S. Route One;

Thence southeasterly at right angles to said base line a distance of fifteen (15) feet, more or less, to a point distant one hundre4 ten (110) feet southeasterly from said base line:

Thence southwesterly along a line distant one hundred ten (II0) feet southeasterly from and parallel with said base line a distance of three hundred twenty-five and ninety-seven hundredths (325.97) feet to a point at right angles to said base line at P.T.. Station 5+04.03;

Thence northwesterly at right angles to said base line a distance of thirty-five (35) feet to a point distant seventy-five (75) feet southeasterly therefrom;

Thence southwesterly along a line distant seventy-five (75) feet southeasterly from and parallel with the forward tangent of said base line a distance of forty-seven and sixty-five hundredths (47.65) feet to a point distant seventy-five and four hund1 edths (75.04) feet southeasterly from said base line when measured along a line which forms an angle of ninety-one degrees, forty-eight minutes and thirty seconds (911 48' 30") with said forward tangent at its intersection with the back tangent of said base line at P.I. Station 4+58.83;

Thence southwesterly along a line distant seventy-five (75) feet southeasterly. from and parallel with the back tangem of said base line a distance of forty-seven and sixty-five hundredths (47.65) feet to the point of beginning.

The above described lot or parcel of land containing thirty-four thousand eight hundred twenty-five (34,825) square feet, more or less, being all of the same premises conveyed to the State of Maine by Warranty Deed of Roger F. Manson et al. dated May 2, 1955 and recorded in the York County Registry of Deeds in Book 1286, Page 292.

**Also conveying** a certain lot or parcel of land situated on the southeasterly side of State Highway "I" also known as U.S. Route One, in said Kittery, in said County and State, adjoining the first parcel hereinabove described, bounded and described as follows, to wit:

Being Parcel No. (4) as shown on the Right of Way Map hereinbefore referenced.

Beginning ii.). the southeasterly line of State Highway "1" also known as U.S. Route One, at the northerly comer of land conveyed to the State of Maine by Warranty Deed of Roger F. Manson et al. hereinbefore referenced, it being the first parcel hereinbefore described:

Thence northeasterly along the southeasterly line of said highway a distance of one hundred thh1y-four (134) feet, more or less, to a point at right angles to the base line of the approach road leading past the premises herein described at Station 8+30;

Thence southwesterly at right angles to said base line a distance of ninety-seven (97) feet, more or less, to the northwesterly line of the first parcel hereinbefore described;

Thence southwesterly along the northwesterly line of the first parcel hereinbefore described a distance of one hundred forty-six (146) feet, more or less, to a corner therein;

Thence northwesterly along the northeasterly line of the first parcel hereinbefore described a distance of fifty-four (54) feet. more or less, to the point of beginning.

The above described lot or parcel of land containing ten thousand four hundred (10,400) square feet, more or less, being all of the same premises conveyed to the State of Maine by Quit Claim Deed of Zelwyn Corporation dated October 4, 1957 and recorded in the York County Registry of Deeds in Book 1357, Page 368.

Excepting and reserving unto the State of Maine, its successors and assigns forever, the perpetual right to enter at any and all-times upon the premises hereinbefore described for all purposes necessary to repair, replace and maintain culverts as presently located on the above described premises near the southeasterly comer thereof and to repair and maintain the relocated channel of a small brook located at said southeasterly comer of the above described premises, together with the perpetual right to flow water to, through and from said culve11s to and through said brook in an easterly direction, all as shown on a Maine State Highway Commission Right of Way Map entitled "State Highway, "95" Kittery, York County, Federal Aid Project No: 1M95MJ(2), Section 2, Section 3, Part 1 and Section 4" dated July 1967, on file in the office of the Department of Transportation (S.H.C. File No. 16-ISI), recorded in the York County Registry of Deeds.

This conveyance is further made subject to the rights of New England Telephone and Telegraph Company, its successors and assigns, to use, repair, replace and maintain cable, including a buried cable across the premises hereinbefore described, the approximate location of which is as shown on the Right of Way Map hereinabove referenced.

This conveyance is further made subject to the following restrictions which shall run with the land, to wit:

- (1) No billboards, signs or advertising devices, except authorized on-premises advertising signs, shall be placed on the premises hereinbefore described.
- (2) No junkyard or automobile graveyard shall be allowed to exist or be conducted, operated or maintained on the premises hereinbefore described.
- (3) Any and all changes or access to State Highway "1" shall have to be approved by the State of Maine Department of Transportation.

Reference is made to the Release Deed of the State of Maine to the Town of Kittery dated May 29, N77 and recorded in the York County Registry of Deeds at Book 8283, Page 137, and the Release Deed of the State of Maine to the Town of Kittery dated May 17, 1999, to be recorded in the York County Registry of Deeds, releasing restrictions I and 4 as referenced in the Deed of the State of Maine to the Grantor herein dated May 14, 1975 and recorded in the York County Registry of Deeds at Book 2082, Page 416.

Meaning and intending to convey and hereby conveying the same property conveyed to the

Grantor by deed of The Town of Kittery dated August 2, 1999 and recorded in the York County

Registry of Deeds at Book 9621, Page 99.77.

IN WITNESS WHEREOF, MEGAN M. WOODARD has caused this instrument to be signed this day of March, 2015

Witness

Megn M. Wydard

Before me

STATE OF CALIFORNIA County of RIVERSIDE February
WW-March 262015

Then personally appeared the above-named, **MEGAN M WOODARD** and acknowledged the foregoing instrument to be her free act and deed.

KIMBERLY J. WEBER
Commission # 1991714
Notary Public - California
Riverside County
My Comm. Expires Sep 20, 2016

Notary Public - Print Name

Kimberly J. Weber

\* Attached to Narranty Deed

## **ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

attached, and not the truthfulness, accuracy, or validity of that document.
State of California County of
on February 26, 2015 before me, KIMBERLY J WEBER, NOTARY PUBLIC (insert name and title of the officer)
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.  Signature (Seal)