

## Town of Kittery Maine Town Planning Board Meeting October 26, 2017

### 88 Pepperrell Road – The Bistro - Business Use Change Review

Action: Approve or deny plan. Owner, Chatham Street, LLC, and applicant, Ann Kendall, are establishing a new business entity in an existing facility where intensity of use is significantly different, located at 88 Pepperrell Cove (Tax Map 27 Lot 49) in the Business Local (B-L) and Shoreland Overlay (OZ-SL-250') Zones.

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### Background

The proposed development is part of a property-wide redevelopment effort that consists of the interior renovation of the three existing buildings, “The View” (previously Captain Simeons), “The Bistro” (previously Frisbee’s Market), and “Frisbee’s Wharf” (previously Lobster in the Rough), located at 88 Pepperrell Cove. The existing/previous uses on site were retail, residential, storage, office and restaurant.

The proposed development being considered by the Board is the conversion of existing Frisbee market space listed on the town’s Tax Card (attached) as *stores* or retail space along with an apartment. The Board reviewed this property earlier in the year for the applicant’s proposed renovations to the lower level of the existing restaurant (The View) building, a small store and take-out ice cream restaurant to be named “Provisions”. Both retail businesses and restaurants needed a special exception use approval by the Board since it’s located in the Shoreland Overlay Zone, which the Board approved.

### Staff Review

1. The purpose of this review is to consider if the proposed change from *retail* (the Frisbee Store) to *restaurant* (the Bistro) is significantly different in *intensity* of use. The applicable provision in the Town Code is 16.10.3.6.3 below:

#### **16.10.3.6 Business Use Review.**

*All business use including the following must be reviewed by the CEO and Town Planner to ensure compliance with the requirements of this Code including:*

1. *Movement of an existing commercial or business entity from like to like facilities/use where major building/site modifications are not made;*
2. *Movement of an existing commercial or business use into related facility/use buildings;*
3. *Establishment of new commercial or business entity in an existing facility where intensity of use is not significantly different.*

2. A business use review that conforms to this provision is not subject to Planning Board Review per 16.10.3.2:

#### **16.10.3.2 Other Development Review.**

*Unless subject to a Shoreland Development Plan Review per 16.10.3.4, the following do not require Planning Board approval:*

- A. *Single and duplex family dwellings.*
- B. *Expansion of existing use where the expanded use will require fewer than six additional parking spaces.*
- C. *Division of land into lots (i.e., two lots) which division is not otherwise subject to Planning*

*Board review as a subdivision.*

D. *Business use as provided in Section 16.4.3.5.*

3. Per Title 16.4.3.5 below, Staff may refer to Planning Board a business use change application for their consideration.

**16.4.3.5 Business Use Changes.**

*The Planner and the Code Enforcement Officer are to review and approve, or refer to the Planning Board for action, all business use changes which occur that fall below Planning Board review thresholds as outlined in Sections 16.10.3.2 and 16.10.3.6. Approval must be based on compliance with all requirements of this Code.*

4. The applicant has submitted a parking summary that demonstrates the sites existing 108 parking spaces is adequate for all the proposed uses of the four new businesses (Provisions, The Wharf, The View and The Bistro). The summary has some minor inaccuracies that need correcting, however, the total still appears to be sufficient. The changes include:
  - a. adding the ice cream take-out area in the proposed Provisions to the total gross retail square area, resulting in 500 s.f. rather than 475. The number of parking spaces incurred still remains the same.
  - b. revise the totals to conform to the method for calculating parking per 16.8.9.4.D:  
*When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half is counted as one parking space.*

**Recommendation**

The Board needs to determine the following:

1. When considering the proposed change of use, is the *intensity of use is not significantly different*? Staff considers change is more intensive and since the property, though zoned Business Local, is located in close proximity of a residential community.
2. If the Board determines it is not significantly different then, the Board may refer it back Staff to review it as a business use change review **or** decide to review it and take action, per 16.4.3.5 that is needed to be in compliance with the Code.
3. If the Board determines it is significantly different then the Board can review it as a Site Plan and would follow the appropriate review and noticing/public hearing requirements in Title 16.

Staff recommends the Board reviews it as a business use change with the following considerations:

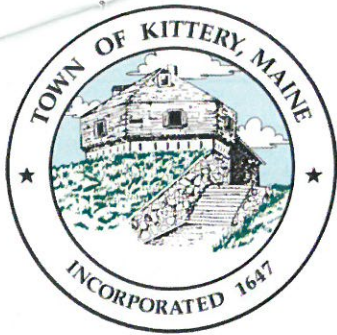
- a) The customer access area for the restaurant, The Wharf, which is the outdoor seating area that includes the former picnic tables, is reduced in size so that new area can only accommodate the proposed 51 seats and corresponding 17 parking spaces (765 square feet).
- b) As a condition of approval the applicant prepares a revised site plan that demonstrates the current outdoor seating area for The Wharf, approximately 1900 square feet, reduced to 765 square feet.

**Action**

With consideration of Staff comments and recommendation #2 and other requirements the Board may determine, the Planning Board may conditionally approve the Business Use Change application (suggested motion provided below).

***Move to approve with conditions the Business Use Change Application dated September 21, 2017 from owner Chatham Street, LLC and applicant Ann Kendall for 88 Pepperrell Cove (Tax Map 27 Lot 49) in the Business Local and Shoreland Overlay Zones upon the reading and voting, in the affirmative, on the Findings of Fact.***

< draft findings of fact will be provide at the meeting >



# TOWN OF KITTEERY MAINE

## TOWN PLANNING DEPARTMENT

200 Rogers Road, Kittery, Maine 03904  
 Phone: (207) 475-1323  
 Fax: (207) 439-6806  
[www.kittery.org](http://www.kittery.org)

### APPLICATION: BUSINESS USE CHANGE

<b style="color: red;">THIS REVIEW PROCESS REQUIRES APPROVAL FROM BOTH THE TOWN PLANNER AND THE CODE ENFORCEMENT OFFICER</b>	<b>FEE</b>	<input type="checkbox"/> \$100.00 plus	<b>Amount Paid:</b> \$ _____  <b>Date Submitted:</b>
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<b>PROPERTY DESCRIPTION</b>	Parcel ID	Map	26 & 27	Lot	2A,50,51 A,49,48 / 49,50,51A	Zone: Base Overlay	B-L BASE OZ-RP OVERLAY OZ-SL - 250' OVERLAY	Total Land Area	45,678
	Physical Address: <b>88 Pepperrell Road</b>								

<b>PROPERTY OWNER'S INFORMATION</b>	Name	CHATHAM STREET, LLC			Mailing Address	5 MILANO DRIVE SAUGUS MASS 01906			
	Phone								
	Fax								
	Email								

<b>APPLICANT INFORMATION</b>	Name	ANN KENDALL			Mailing Address	1828 Pepperrell Cove LLC			
	Phone	603-475-1010							
	Fax								
	Email	annkendall8.01@gmail.com							
PO Box 67 88 Pepperrell Road Kittery Maine 03905									

## PROJECT DESCRIPTION


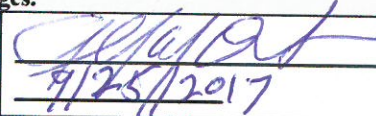
*See sections below regarding information to be provided.*

<b>Existing or previous use(s):</b>	STORAGE, RESIDENTIAL, RESTAURANT(ASSEMBLY), MERCANTILE
<b>Other on site use(s):</b>	MERCANTILE, RESIDENTIAL, STORAGE, OFFICE, RESTAURANT(ASSEMBLY), SEASONAL RESTAURANT

<b>Proposed Business Name:</b>	THE BISTRO AT PEPPERRELL COVE	<b>Proposed Hours of Operation</b>	10:00AM - 10:00PM
<b>Proposed Use or Uses:</b>	CHANGE 1ST FLOOR MERCANTILE TO BE RESTAURANT/MERCANTILE SPACE; AND 3RD FLOOR RESIDENTIAL SPACE TO BE RESTAURANT SPACE		

<b>Please provide a brief narrative of the proposed project:</b>	SITE CONTAINS THREE BUILDINGS: "THE VIEW" (CAPTIN SIMEONS) - "THE BISTRO" (FRISBEE'S MARKET) - "FRISBEE'S WHARF" (LOBSTER IN THE ROUGH)
APPROXIMATELY 2,000 GROSS SF OF EXISTING MERCANTILE SPACE AT THE FIRST FLOOR OF "THE BISTRO" BUILDING WILL BE CONVERTED TO BE RESTAURANT/MERCANTILE SPACE; AND APPROXIMATELY 1,000 GROSS SF OF EXISTING RESIDENTIAL SPACE AT THE THIRD FLOOR WILL BE CONVERTED TO RESTAURANT SPACE. ALL ASSOCIATED EGRESS AND FIRE RATING REQUIREMENTS FOR THIS NEW USE WILL BE PROVIDED PER FILED PERMIT PLANS.	

<b>Describe all land or structural modifications that will be made on the property:</b>	STRUCTURAL BRACING WILL BE ADDED AS REQ'D.
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Number of people that will work, reside or visit the property during a typical weekday and weekend?		120 average	
Number of off-street parking spaces that will be provided:		40	
If the property will be used for storage, what, how and where will it be stored? (Also place on site plan)			
EXISTING STORAGE AREAS TO REMAIN			
Describe any foreseeable odor, smoke, gases, light, dust, vibrations or noise omitted beyond the property's boundaries:			
EXISTING TO REMAIN			
Describe any improvements (buffering, vegetation, permeable surfaces, ect...) that will be made to the property that will enhance the surrounding environment: (Also place on site plan)			
SITE PLAN ATTACHED			
I certify that, to the best of my knowledge, the information provided in this application is true and correct and I will not deviate from the plans submitted without notifying the Kittery Planning Department of any changes.			
Applicant's Signature: Date:	 9-21-17	Owner's Signature: Date:	 9/25/2017

## Minimum Submission Requirements

1) Application and Payment of Fee(s)
2) Site Plan (see minimum plan requirements below)
3) Floor Plan (include dimensional figures and label what areas will be used for)
4) Mail Copy of Plans to:  <div style="text-align: center;"> <p>Office of the State Fire Marshall  Inspections / Plans Review Division  52 State House Station  Augusta, Maine 04333-0052</p> </div> <p>Make sure to sure to obtain a packing slip or proof of mailing and include the slip or a copy of the with your application submission.</p>
5) Completed Building Permit Application

## Minimum Plan Requirements

### Related Kittery Land Use Code Requirements:

#### 16.4.3.5 5387 Business Use Changes.

The Planner and the Code Enforcement Officer are to review and approve, or refer to the Planning Board for action, all business use changes which occur that fall below Planning Board review thresholds as outlined in Sections 16.10.3.2 and 16.10.3.6. Approval must be based on compliance with all requirements of this Code.

#### 16.10.3.6 Business Use Review.

All business use including the following must be reviewed by the CEO and Town Planner to ensure compliance with the requirements of this Code including:

1. Movement of an existing commercial or business entity from like to like facilities/use where major building/site modifications are not made;
2. Movement of an existing commercial or business use into related facility/use buildings;
3. Establishment of new commercial or business entity in an existing facility where intensity of use is not significantly different.

### IT IS THE RESPONSIBILITY OF THE APPLICANT TO PRESENT A CLEAR UNDERSTANDING OF THE PROJECT.

- A) Show location and description of:
- All structures
  - Floor plans
  - Elevations of principle structures
  - All structures and accesses within 100 feet
- B) Show parcel data:
- Total parcel area
  - Building setbacks
  - Wetland setbacks
  - Length of street frontage
- C)  Show names and addresses of all owners of record on abutting parcels and the assessor's map and lot numbers.
- D)  Label all zoning districts abutting the property boundaries.
- E)  Show locations of natural physical features such as water bodies,  
Water courses, forest cover, and ledge outcroppings.
- F) Provide description of these materials stored on the property:
- Hazardous
  - Toxic
  - Raw Waste
- G) Show parking calculations:
- Existing parking
  - Proposed parking spaces
  - Handicapped spaces
- H) Submit a narrative of proposed use of the property for categorization purposes: (i.e. retail, wholesale, restaurant, video rental, office, auto repair, etc. The narrative must include:
- any assigned numbers from the tenant roster for the space that will be occupied
  - the business hours
  - Estimated number of customers or clients per day
  - Size of lots and/ or buildings
  - proposed public improvements
- I) Describe any development constraints such as:
- Wetlands
  - Shoreland
  - Floodplains
  - Existing structures
  - Existing Uses
  - Lack of utilities , public private

**ANY SUBMITTAL DEEMED SUFFICIENTLY LACKING IN CONTENT WILL BE RETURNED WITHOUT REVIEW.**

- Previous owner was approved in 1993 for 4 outdoor picnic tables on site with netting to prevent litter/pollution from blowing into Pepperrell Cove.
- 1994 previous owner applied to expand outdoor seating area by 6 tables but never followed through the approval process. Although, the previous owner did expand the seating area in this area and operated like this seasonally from 1994-2009.
- Site consists of existing structure used for utility shed supporting Town Pier and previously used to service this seating area. No vegetative ground cover will be disturbed on site as a crushed stone covers this area.
- Parking Calculation (updated from Planner's letter dated 6/28/1993)

- o Off-Street Parking Required

▪ Market	10	- 3 MERCANTILE
▪ Dwelling Units (2)	4	- 4 DWELLING UNIT(2)
▪ Cap'n Simeon's Gally	33	- 40 BISTRO/MERCANTILE
▪ Banquet Rm.	26	- 44 VIEW
▪ 20 outdoor picnic tables (80 seats)	27	- 17 WHARF
o <u>Total</u>	<u>100</u>	<u>108</u>

- o Off-Street Parking Provided

▪ Pepperrell Rd. Lot	90	90
▪ West Side of Market	15	15
▪ Front of Cap'n Simeon's	3	3
o <u>Total</u>	<u>108</u>	<u>108</u>

- Outdoor lighting and noise abatement must conform to Town Code.

### Action

Review Plan and offer comments. If no issues suggest to:

Move to approve the Business Use Change for a minor temporary use change subject to meeting the following conditions prior to issuing an occupancy permit:

1. Install 36 inch high mesh/netting screen along the seawall as previous applicant approval required. To be installed along existing iron rail fence along waterline and attach to wood fence abutting granite curbing. (Should be drawn on a plan and filed with the Planning Office)
  2. Set seasonal time period as Memorial Day – Labor Day. (Previously approved as July 4 – Labor Day)
-



October 17, 2017

Christopher Di Matteo  
Town Planner  
200 Rogers Road  
Kittery Maine 03904

Hi Chris,

The parking for the 88 Pepperrell Road site has been calculated per the Town of Kittery Off-street parking standards as follows:

Provisions                      3 SPACES

- Per Zoning (Retail):

*425 gross SF Retail divided by 175 SF of gross floor area = 2.42*

*1 parking space for each 175 SF of gross floor area = 3 SPACES*

Bistro                              37 SPACES

- Per Zoning (Restaurant):

*1,634 net SF floor area with customer access divided by 15 SF = 109 seats.*

*1 parking space for each 3 seats = 109 seats divided by 3 = 36.3 spaces (37 SPACES).*

The View                          47 SPACES

- Per Zoning (Restaurant):

*2,093 net SF floor area with customer access divided by 15 SF = 140 seats.*

*1 parking space for each 3 seats = 140 seats divided by 3 = 46.7 spaces (47 SPACES).*

The Wharf                         17 SPACES

- Per Zoning: *Outdoor area will be limited to 51 seats by landscaping (17 spaces multiplied by 3 seats per space = 51 seats).*

Dwelling Units (2)              4 SPACES

- *No change to existing.*

TOTAL SPACES                  108 SPACES      (matches Kittery Town Planner's Comments dated 9/9/2010)

Sincerely,

A handwritten signature in black ink, appearing to read 'Cn', with a long horizontal flourish extending to the right.

Carla Goodknight, AIA, NCARB, NH, ME, MA  
Principal Architect : CJ Architects  
[carla@cjarchitects.net](mailto:carla@cjarchitects.net)

**CJ Architects**

233 Vaughan Street, Suite 101 Portsmouth NH 03801 (603) 431 2808 [www.cjarchitects.net](http://www.cjarchitects.net)

## Chris DiMatteo

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**From:** donna <donna@sealspoint.com>  
**Sent:** Thursday, October 12, 2017 1:51 PM  
**To:** Carla Goodknight; Chris DiMatteo; Robert Marchi; Shelly Bishop  
**Subject:** Re: 88 Pepperrell - Parking and Occupancy Calculations

Dear Chris,

Here is a description of the Enoteca store you asked for. There are also old newspaper articles that describe the Enoteca store as well.

Soon after Al Damico acquired the Frisbee property the Frisbee Market became Enoteca, an Italian restaurant and market specializing in Italian food. Along with selling most of the ingredients used in their recipes. Enoteca served both breakfast and lunch. Their menu was predominantly sandwiches for both breakfast and lunch but included salads and soups. Specials leaned towards Italian entrees which were available to eat in or take out. They catered parties and delivered home meals as well. Beyond retail market sales the business did an average of 60 to 80 covers a day with the average purchase approximately \$25. There were two family style tables and about 20 seats. The apartment upstairs was rented. The property would be considered mixed use both Residential, Mercantile and Assembly Restaurant.

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**From:** Carla Goodknight <carla@cjarchitects.net>  
**To:** "cdimatteo@kitteryme.org" <cdimatteo@kitteryme.org>; "rmarchi@kitteryme.org" <rmarchi@kitteryme.org>; "sbishop@kitteryme.org" <sbishop@kitteryme.org>  
**Cc:** "donna@sealspoint.com" <donna@sealspoint.com>  
**Sent:** Thursday, October 12, 2017 11:00 AM  
**Subject:** FW: 88 Pepperrell - Parking and Occupancy Calculations

Hi Robert & Chris,

Here is the summary you requested at our meeting yesterday – as well as PDF's of the drawings submitted to date. Donna will submit the site plan application to go with the site plan she dropped off a while ago depicting the proposed landscaping at the Wharf.

There is no increase in intensity of use on the site as a whole. This is supported by the occupancy and parking calculations below. We have moved the existing occupancies and existing uses around on the site to produce a more viable business model.

Donna will provide a narrative that supports the most recent restaurant use at the Bistro - in the form of "Enoteca the Sandwich shop" – that would have been classified as *Restaruant Assembly occupancy* prior to the fire which leads me to believe there may be no change of use, with the exception of the possible intensity increase/decrease in that building. The intesity increase/decrease may vary from building to building within the site, but is not a change on the overall site which is a single property.

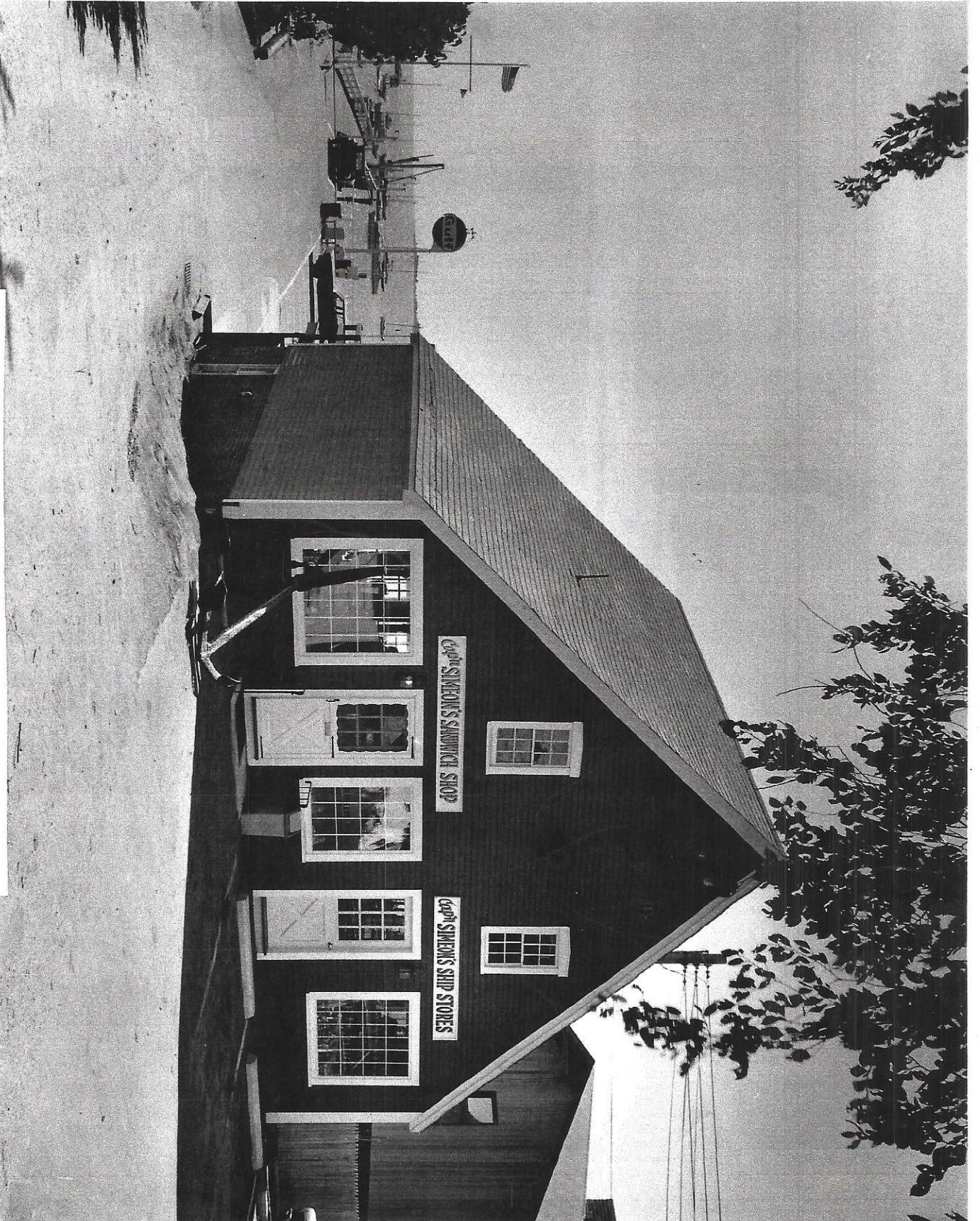
Please let me know your findings on this application as soon as possible today, as well as next steps. Thanks for your ongoing time and patience.

The occupant loads and corresponding parking have been calculated as follows for the 88 Pepperrell Road site:

Provisions 3 SPACES

- Per NFPA Code: 500 SF Mercantile occupancy divided by 30 SF per person = 17 persons.





FRISBEE'S OLD STORE AS IT LOOKED IN 1969.

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT	
1 Level	2 Public Water	1 Paved	2 Suburban	Description	Code	Appraised Value	Assessed Value
4 Rolling	6 Septic			RESIDENTL	0101	158,900	158,900
<b>SUPPLEMENTAL DATA</b>							
AIR ID FRISBEES SUPERMA TIF 2:							
Sub-div							
Flood Zon							
Overlay Zo OZ-SL							
Prec.							
Tree Growt							
Gis ID 2177 ASSOC PID#							

RECORD OF OWNERSHIP		BK VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)					
Year	Type	Amount	Code	Description	Number	Amount	Comm. Int.	Year	Type	Assessed	Year	Code	Assessed
17439	79		03-16-2017	U	I	2,200,000	1B	2017	0101	158,900	2016	0101	158,900
15902	400		07-23-2010	U	I		1	2015	0324	171,400	2015	0324	170,700
15622	117		04-30-2009	U	I		1	2015	0324	451,000	2015	0324	451,000
2131	455		06-01-1976	U	I		1	2015	0324	25,300	2015	0324	25,300
1764	81		01-20-1967	U	I	0		2015	0326	287,600	2015	0326	287,600
Total								Total	Total	1,021,700	Total	Total	1,021,700

**EXEMPTIONS**  
 Description

**OTHER ASSESSMENTS**  
 Amount

**ASSESSING NEIGHBORHOOD**  
 Street Index Name

**NOTES**  
 5/17-AP=FIRE DAMAGE RECHECK 2018

FRISBEE SPRMKT/METAL CEIL  
 1-2BD1B APT UP  
 SUMP PUMP 3X8X16

9:16- VACANT FOR LEASE- RECNET FIRE  
 DAMAGE

BUILDING PERMIT RECORD		Amount	Insp Date	% Comp	Date Comp	Comments
C17-061	09-26-2017	60,000		0		DEMO & REPAIR FI
C17-048	07-18-2017	50,000		0		RENO INT; ADA CO
C17-036	06-12-2017	40,000		0		REPAIR BASEMEN
C17-035	06-12-2017	60,000		0		INT/EXT RENO- BA
C17-031	05-23-2017			0		INT DEMO
C16-20	04-28-2016			0	05-03-2017	BUSINESS USE CH
14-186	07-18-2014	900	05-05-2015	100		ADDITION IQ 2ND

LAND LINE VALUATION SECTION		Units	UnitPrice	IFacto	SA	AcreD	CFacto	STI	Adj	NotesAdj
1	0324 SUPERMKT	22,215.00	4.52	2,500	C	1,000	1.80		1.00	SEE CARD 3 FOR WF

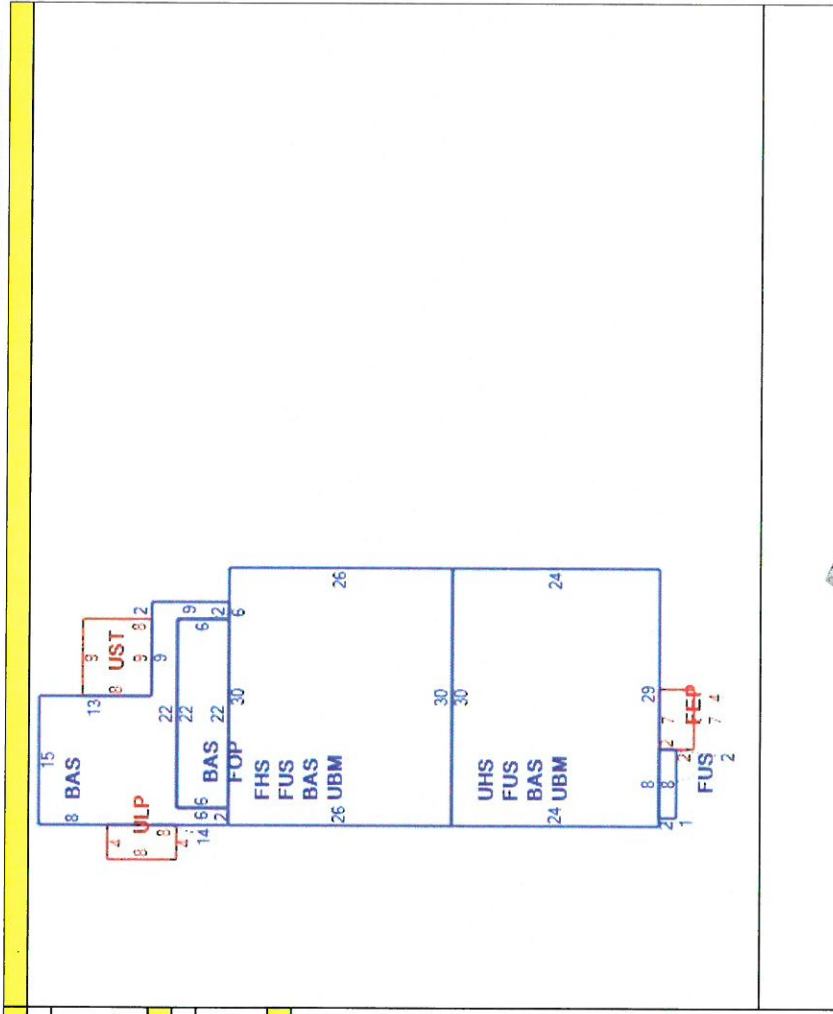
VISIT / CHANGE HISTORY		Date	Type	IS	ID	CD	Purpose / Result
		05-22-2017	PR		59		
		09-30-2016	MO		70		
		05-05-2015	CK		53		
		05-15-2013	ST		68		Field Review
		04-15-2013	PR		53		Bldg Permit Inspection
		04-21-2012	PR		53		Bldg Permit Inspection
		05-05-2007	PR		53		Bldg Permit Inspection

APPRaised VALUE SUMMARY		Appraised Bldg. Value (Card)	Appraised XF (B) Value (Bldg)	Appraised OB (L) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value
		537,800	5,300	26,700	451,900		1,021,700

NET TOTAL APPRAISED PARCEL VALUE		1,021,700
		1,021,700

TOTAL CARD LAND UNITS		22215.00	SF	Parcel Total Land Area	0.5200
		22215.00	SF	Parcel Total Land Area	0.5200

TOTAL LAND VALUE		451,900
		451,900

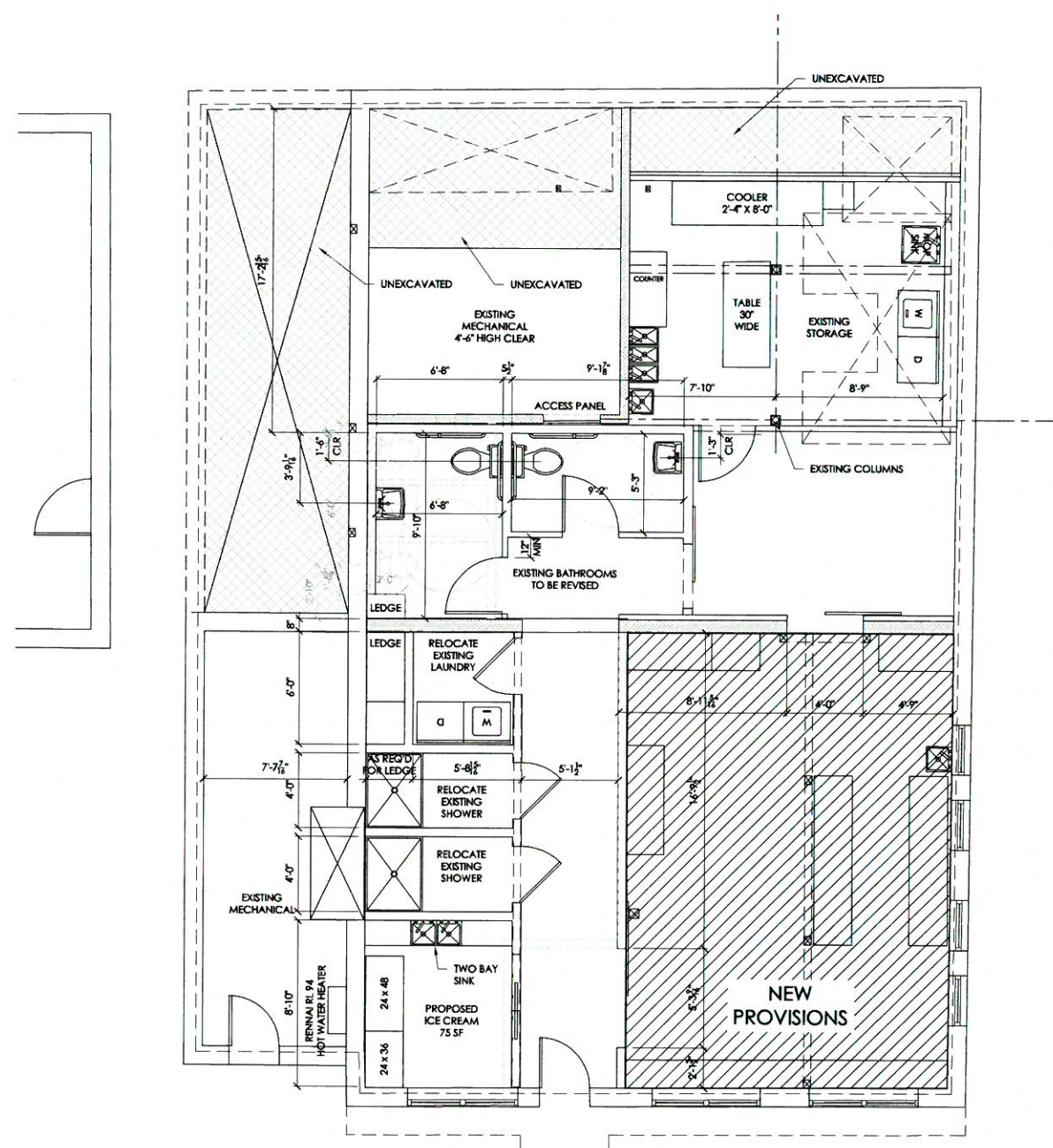


CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Element	Description
80	Stores/Apt Corn		
94	ComPartitioned		
04	Average +10		
2.5	Stories:		
2.00	Occupancy		
11	Exterior Wall 1		
03	Exterior Wall 2		
03	Roof Structure		
03	Roof Cover		
03	Interior Wall 1		
04	Interior Wall 2		
12	Interior Floor 1		
14	Interior Floor 2		
02	Heating Fuel		
06	Heating Type		
01	AC Type		
0324	Prim Bldg Use		
00	Total Rooms		
00	Total Bedrms		
00	Total Baths		
00	Heat/AC		
02	Frame Type		
02	Baths/Plumbing		
06	Ceiling/Wall		
02	Rooms/Prtns		
10.00			
0			

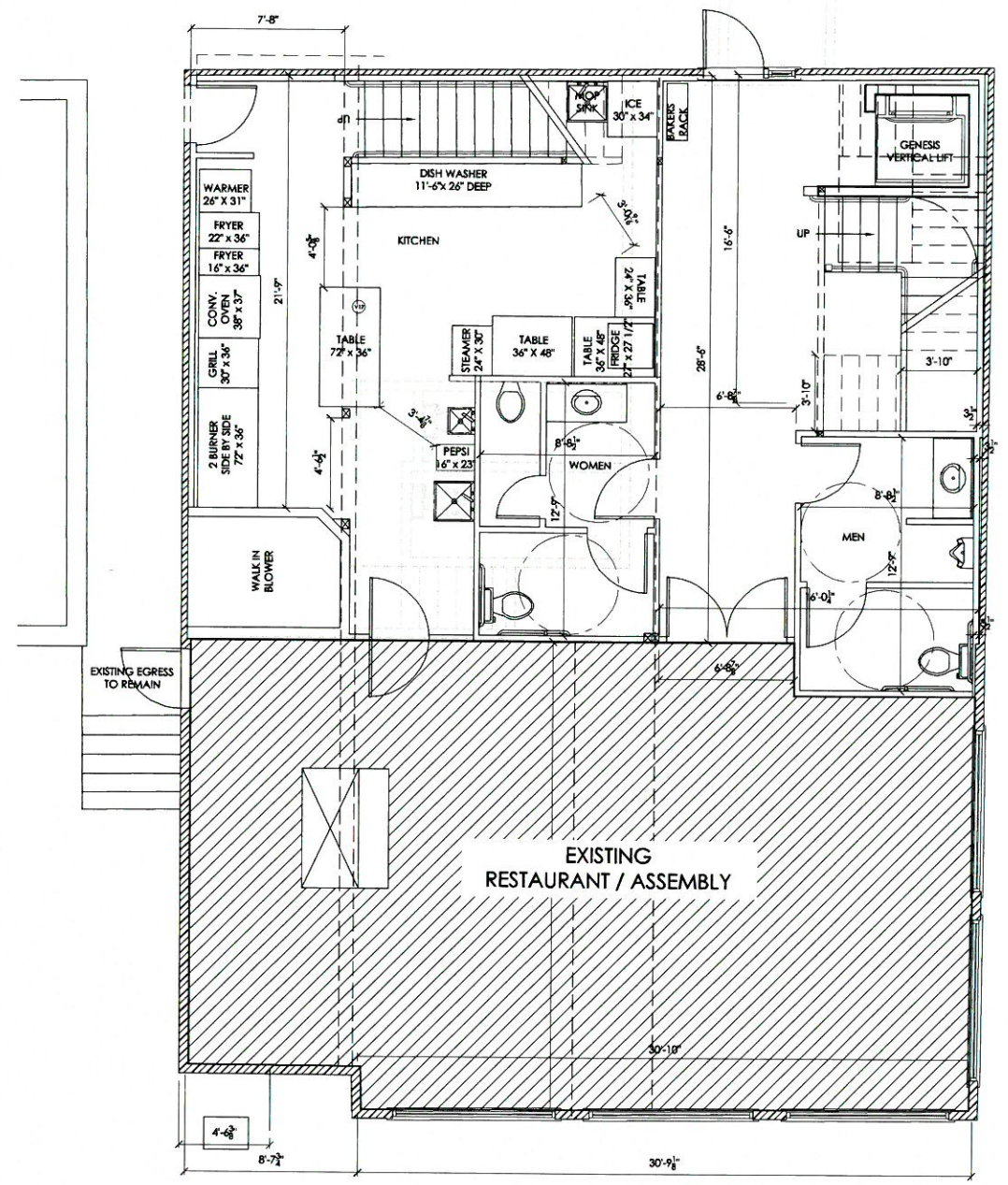
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)													
Code	Description	Su	Sub Desc	L/B	Units	Unit Price	Yr	Gd	Dp	Rt	Cd	%Cd	Apr Value
CLR1	COOLER	B			36	26.00	197	24	2.00				0.00
DCK2	DOCKS-CO	L			432	65.00	201	90	0.00				25,300

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,929	1,929	1,929		
FEP	Porch, Enclosed, Finished	0	28	18		
FHS	Half Story, Finished	390	780	390		
FOP	Porch, Open, Finished	0	132	33		
FUS	Upper Story, Finished	1,516	1,516	1,516		
UBM	Basement, Unfinished	0	1,500	375		
UHS	Half Story, Unfinished	0	720	216		
ULP	Loading Platform, Unfinishe	0	32	6		
UST	Utility, Storage, Unfinished	0	72	22		
Ttl Gross Liv / Lease Area		3,835	6,709	4,505		

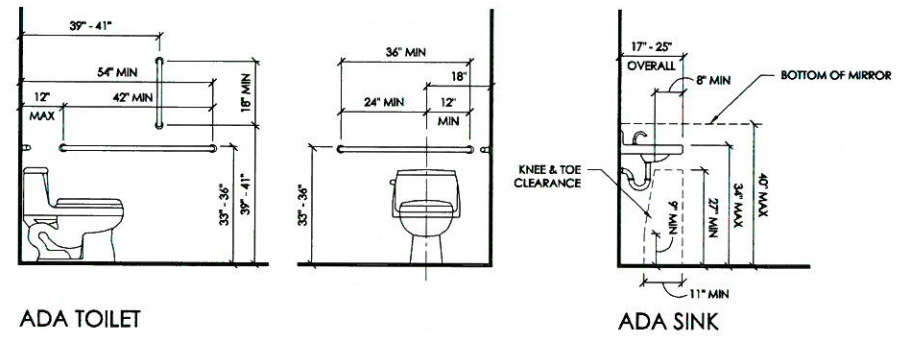




1 LOWER LEVEL PLAN  
1/4" = 1'-0"



2 FIRST FLOOR PLAN  
1/4" = 1'-0"



ADA TOILET

ADA SINK

3 ADA BATHROOM - REFERENCE ELEVATIONS  
1/2" = 1'-0"

REVISIONS:

REV 1: 07/12/17
REV 2: 08/15/17
SF FOR PARKING: 10/17/17

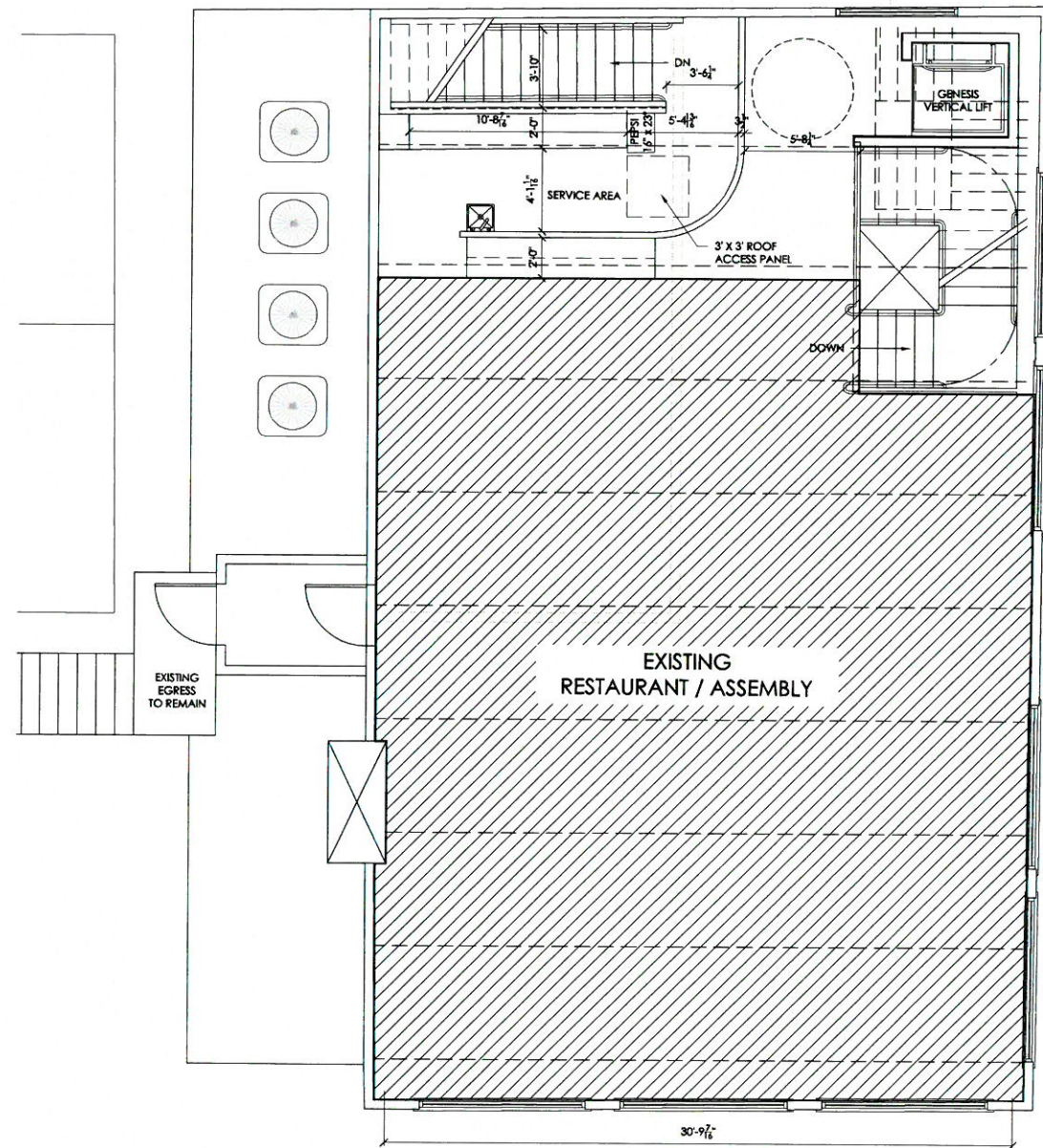
THE VIEW AT PEPPERELL COVE  
88 PEPPERELL ROAD  
KITTERY, MAINE



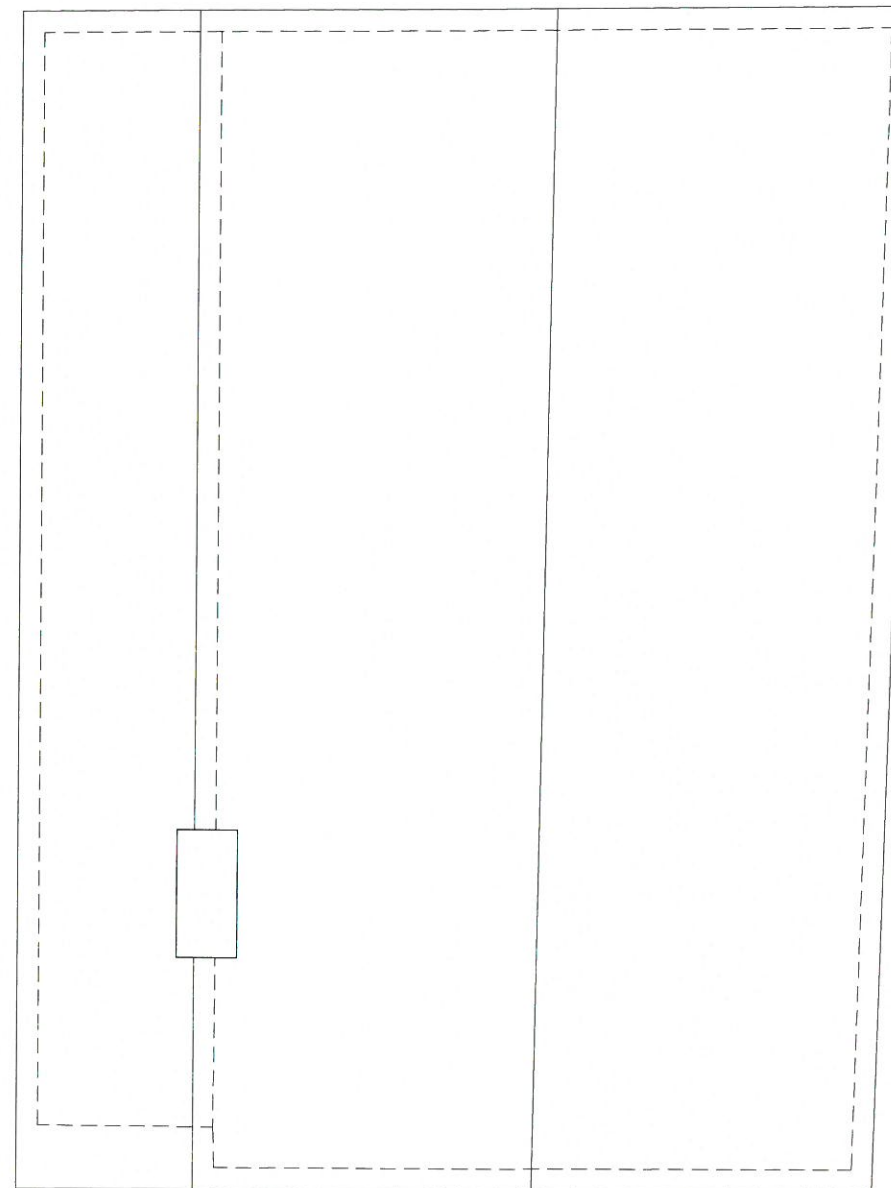
LOWER LEVEL & FIRST FLOOR PLANS

DATE:	10/11/17
DRAWN BY:	JAH
APPROVED BY:	CJG
SCALE:	NOTED
JOB NUMBER:	21710

A1.1



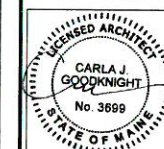
1 SECOND FLOOR PLAN  
1/4" = 1'-0"



2 ROOF PLAN  
1/4" = 1'-0"

REVISIONS:
SF FOR PARKING: 10/11/17

THE VIEW AT PEPPERRELL COVE  
88 PEPPERRELL ROAD  
KITTERY, MAINE



SECOND FLOOR  
& ROOF  
PLANS

DATE:	10/11/17
DRAWN BY:	JAH
APPROVED BY:	CJG
SCALE:	1/4" = 1'-0"
JOB NUMBER:	21710

A1.2

NOT FOR CONSTRUCTION

REVISIONS:
SF FOR PARKING: 10/17/17

THE BISTRO AT PEPPERELL COVE  
 88 PEPPERELL ROAD  
 KITTERY, MAINE

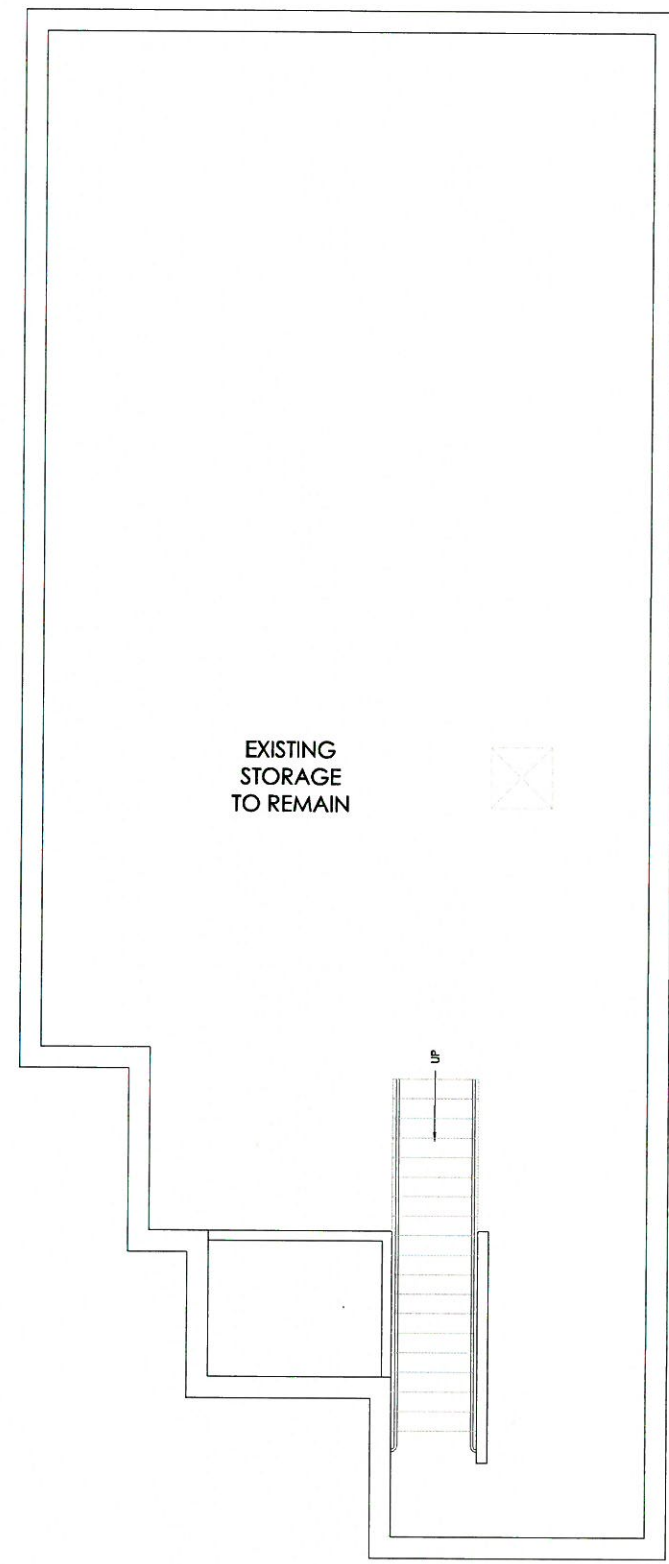


CJ ARCHITECTS  
 CARLA J. GOODKNIGHT  
 233 VAUGHAN ST. PORTSMOUTH, NH 03801  
 T 603-431-2808 F 603-431-2809 cjarchitects.net

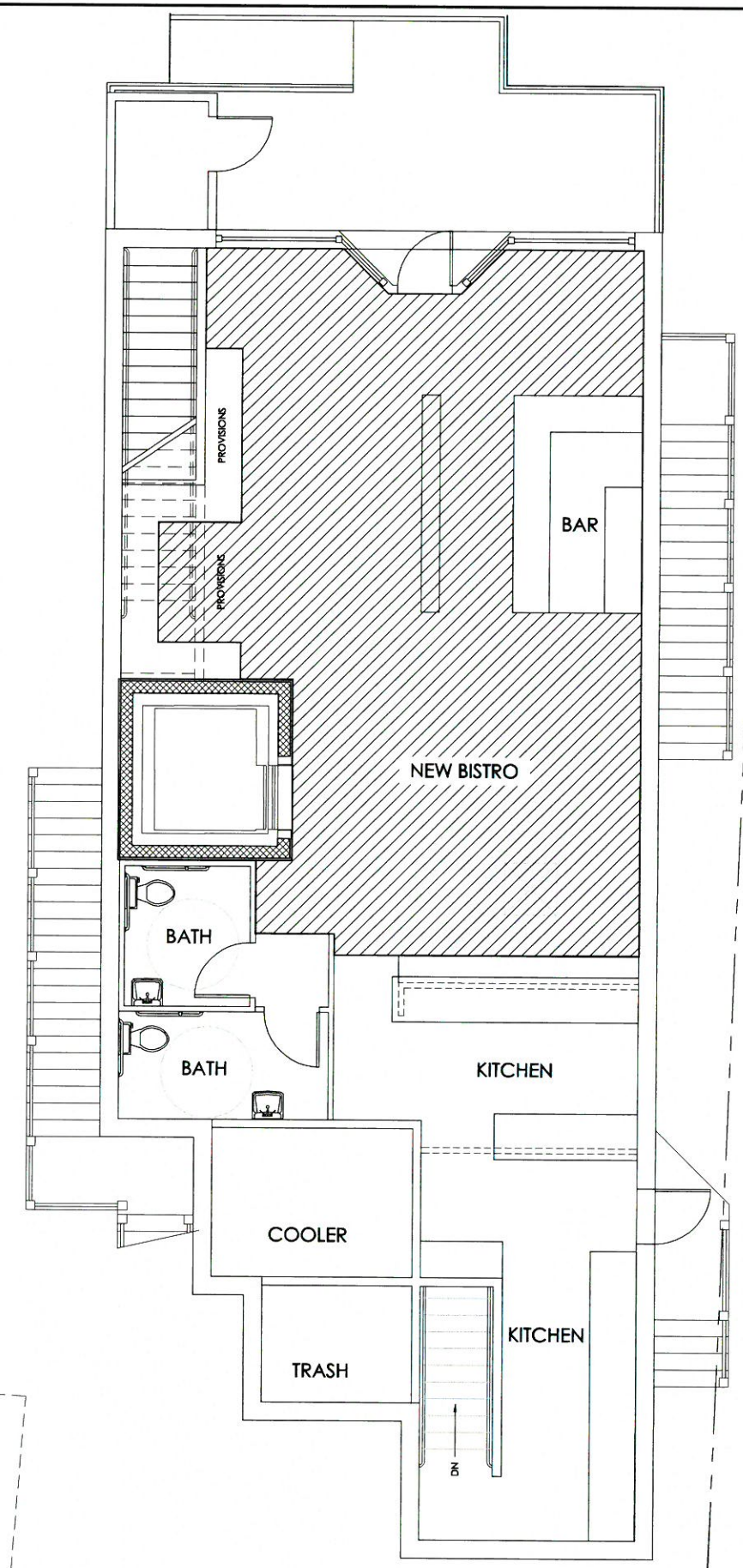
LOWER LEVEL  
 FIRST FLOOR  
 &  
 SECOND FLOOR  
 PLANS

DATE:	09/21/17
DRAWN BY:	JAH
APPROVED BY:	CJG
SCALE:	1/4" = 1'-0"
JOB NUMBER:	21710

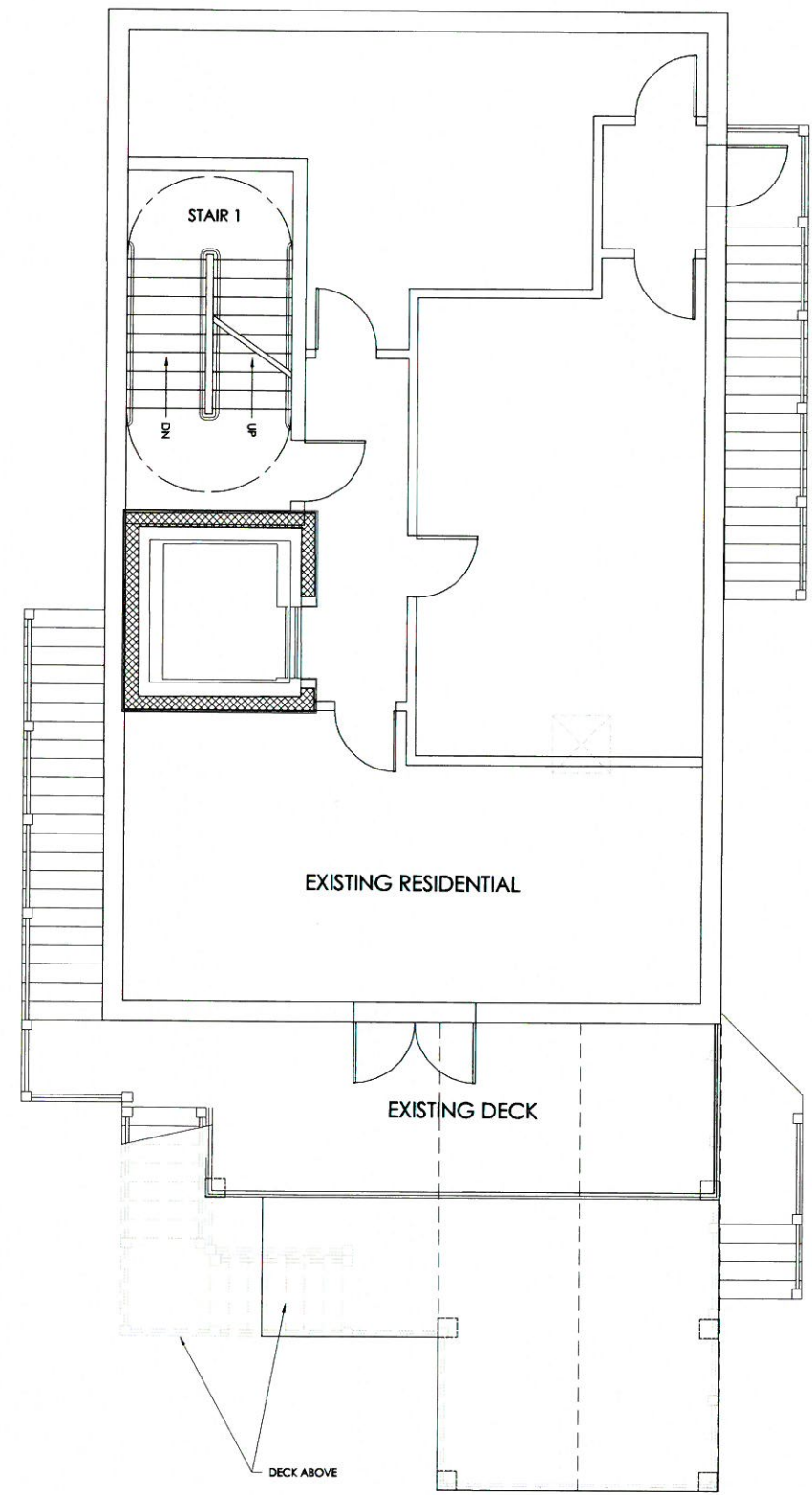
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1 LOWER LEVEL PLAN  
 1/4" = 1'-0"

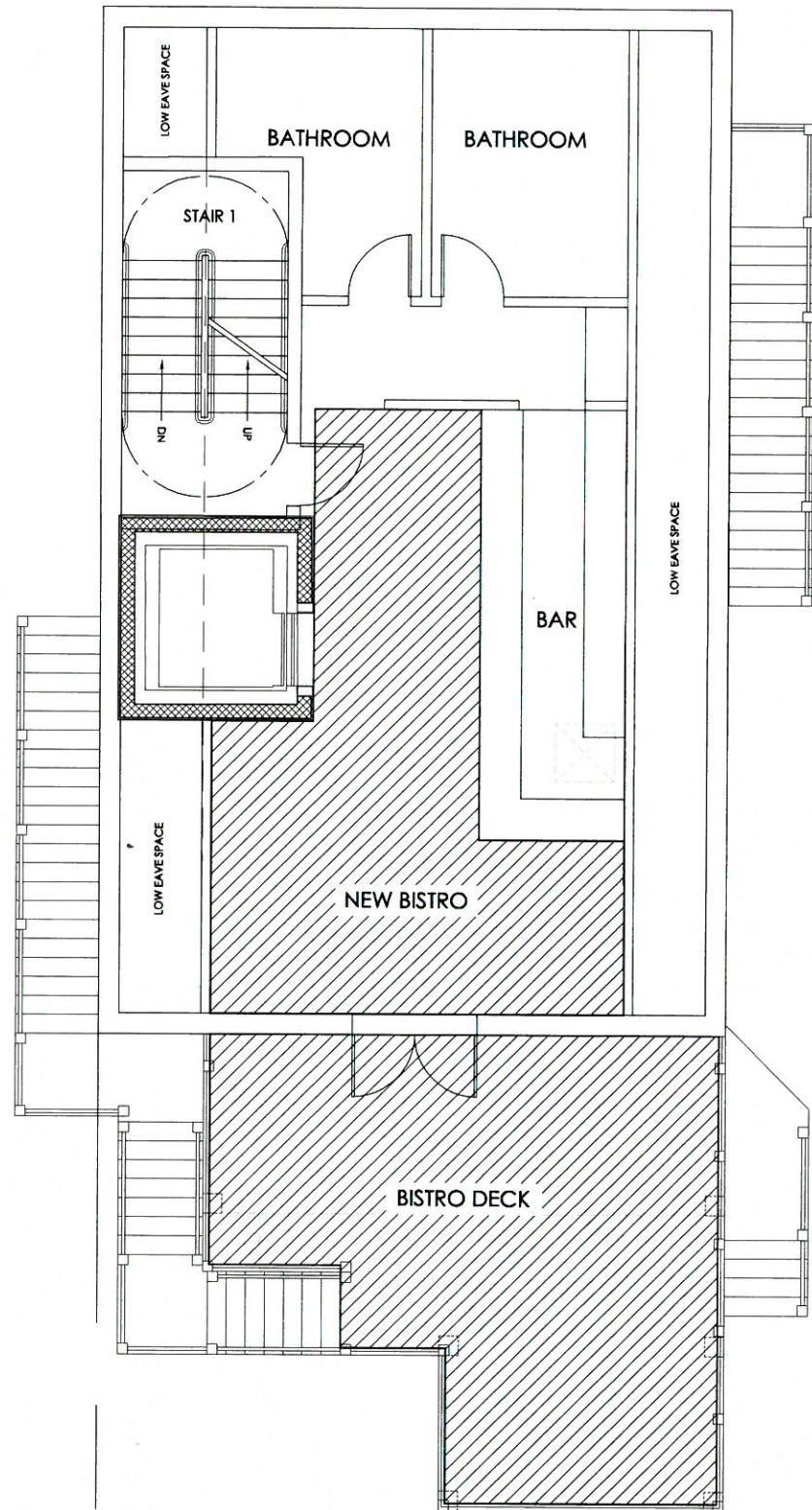


2 FIRST FLOOR PLAN  
 1/4" = 1'-0"

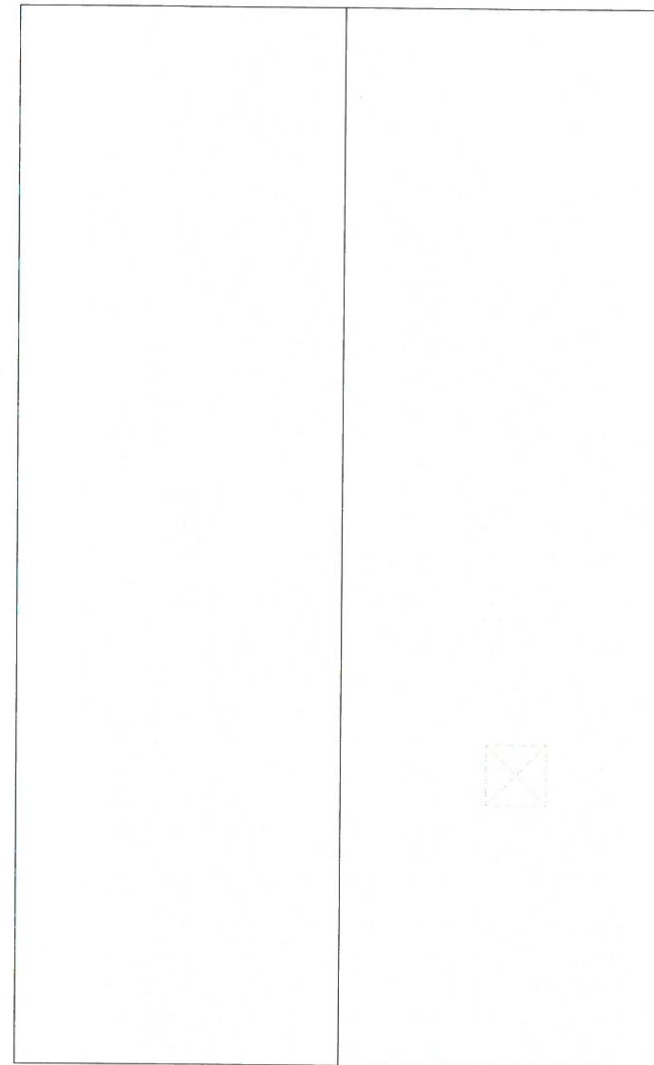


3 SECOND FLOOR PLAN  
 1/4" = 1'-0"

ISSUED FOR PERMIT



1 THIRD FLOOR PLAN  
1/4" = 1'-0"



2 ROOF PLAN  
1/4" = 1'-0"

ISSUED FOR PERMIT

REVISIONS:
SF FOR PARKING: 10/17/17

THE BISTRO AT PEPPERELL COVE  
88 PEPPERELL ROAD  
KITTERY, MAINE



THIRD FLOOR  
&  
ROOF PLANS

DATE:	09/21/17
DRAWN BY:	JAH
APPROVED BY:	CJG
SCALE:	1/4" = 1'-0"
JOB NUMBER:	21710

A1.1

Basic Code and Fire Rating Information per IBC 2009 and NFPA 101 2015.  
Energy Code Information per IECC 2009.

**ZONING**

Kittery Zoning District: B-1 (Business - Local) with Shoreland Water Body / Wetland Protection Area overlay  
Front setback: 15 feet  
Side and Rear setback: 10 feet

**GENERAL PROJECT DESCRIPTION**

This project will consist of the renovation of an existing building on the site at 88 Pepperrell Road in Kittery ME.

"The Bistro" mixed-use building and addition will remain three stories with a basement. The first and third floor will be changing use, with the first floor changing from mercantile space to be a commercial mercantile and restaurant space with a kitchen, and the third floor changing use from a residential apartment to a restaurant space with an exterior deck. The current uses of the basement and second floor are to remain the same, with the basement used for storage and mechanical space, and the second floor consisting of a single residential dwelling unit. The addition will be constructed using Type V-A construction (combustible, unprotected) to match the existing structure. The building will be protected throughout by an NFPA-13 automatic sprinkler system.

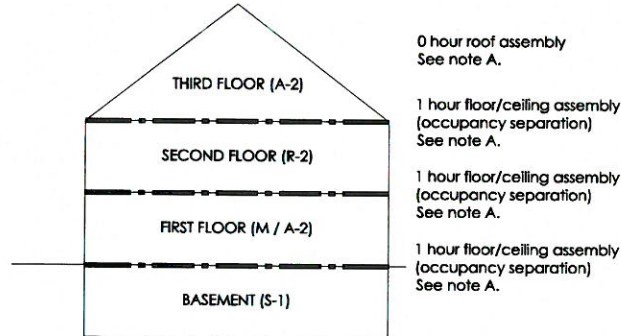
**ACCESSIBILITY REQUIREMENTS**

- Sixty percent of public building entrances must be accessible. IBC section 1105.1
- Main ADA entrance must be at or near the main ambulatory entrance. ADA
- Accessible route must be provided throughout the building except within private dwelling units and mechanical areas. ADA
- All public bathrooms must be accessible. ADA
- No fully accessible Type A dwelling units are required because the project contains less than 20 dwelling units. IBC section 1107.6.2.1.1
- No Type B dwelling units are required since the project contains less than 4 dwelling units. IBC section 1107.6.2.1.2

**BUILDING ENVELOPE (per IECC 2009)**

Climate zone:	Zone 6	IECC table 301.1
Fenestration U Factor:	U Factor 0.35	IECC table 502.3
Roof R Value:	R-38 or U Factor 0.027	IECC table 502.1.2 & 502.2(1)
Wood frame wall R Value / U Factor:	R-13 cavity + R-7.5 continuous or U Factor 0.051	IECC table 502.1.2 & 502.2(1)
Basement wall R Value / U Factor:	R-7.5 continuous or C Factor 0.119	IECC table 502.1.2 & 502.2(1)
Framing floor R Value / U Factor:	R-30 or U Factor 0.033	IECC table 502.1.2 & 502.2(1)
Slab R Value / U Factor and depth:	R-10 for a depth of 24" or F Factor 0.540	IECC table 502.1.2 & 502.2(1)

**SCHEMATIC SECTION AT "THE BISTRO" (EXISTING TYPE V-A CONSTRUCTION)**



NOTES:  
A. Except where supporting higher rated assemblies or where noted otherwise.

**CODE INFORMATION: "THE BISTRO" (EXISTING CONSTRUCTION)**

**BUILDING DATA**

Occupancies: A-2 (assembly), M (mercantile), R-2 (residential), S-1 (moderate hazard storage)  
Building height: Existing, approximately 35 feet (avg. grade plane to mid point of sloping roof)  
Number stories above grade: Three (note 1)  
Number of Residential Units: One residential dwelling unit (at second floor)  
Footprint area: Approximately 2,200 SF  
Construction type: Type V-A (combustible, protected) IBC section 602  
Sprinkler system: NFPA-13 IBC section 903.2.8

**HEIGHT AND AREA LIMITATIONS**

Height limitation:  
Basic limitation: S-1 = 3 stories / 50 feet, M = 3 stories / 50 feet, R-2 = 3 stories / 50 feet, A-2 = 2 stories / 50 feet IBC table 503  
Increase for sprinkler: 1 story / 20 feet IBC section 504.2  
Adjusted height limitation (per building): S-1 = 4 stories / 70 feet, M = 4 stories / 70 feet, R-2 = 4 stories / 70 feet, A-2 = 3 stories / 70 feet (note 7)  
Area limitation:  
Basic limitation: S-1 = 14,000 SF, M = 14,000 SF, R-2 = 12,000 SF, A-2 = 11,500 SF (most restrictive) IBC table 503  
Street frontage increase: not needed for code compliance IBC section 506.2  
Sprinkler increase: +200% or 23,000 SF (not needed for compliance) IBC section 506.3  
Adjusted area limitation: 34,500 SF

**MEANS OF EGRESS**

Occupant load:  
Lower Level (S-1 storage): 1,977 SF / 1 person per 300 SF gross = 7 persons NFPA 101 table 7.3.1.2  
First floor (M mercantile/ A-2 assembly): 999 SF / 1 person per 15 SF net = 67 persons NFPA 101 table 7.3.1.2  
First floor (accessory kitchen): 369 SF / 1 person per 100 SF gross = 4 persons NFPA 101 table 7.3.1.2  
First floor (accessory storage + utility): 652 SF / 1 person per 300 SF gross = 3 persons NFPA 101 table 7.3.1.2  
Second floor (R-2 residential + porch): 1,721 SF / 1 person per 200 SF gross = 9 persons NFPA 101 table 7.3.1.2  
Third floor (A-2 assembly + deck): 767 SF / 1 person per 15 SF net = 52 persons NFPA 101 table 7.3.1.2  
Third floor (accessory bar/ kitchen): 133 SF / 1 person per 100 SF gross = 2 persons NFPA 101 table 7.3.1.2  
Third floor (accessory storage + utility): 681 SF / 1 person per 300 SF gross = 3 persons NFPA 101 table 7.3.1.2  
Total occupant load: 147 persons

**Egress Capacity:**

Minimum total egress width at stairs for number served: Worst case first floor A-2 occupancy 74 persons x 0.3" per person = (22.2" total) NFPA 101 section 7.3.3.1  
22.2" / 2 exits = 11.1" minimum NFPA 101 section 7.3.1.1.2  
NFPA 101 table 7.2.2.2.1.1(a)  
Min. stair width per occupancy type: 44" (this dimension controls)  
Minimum total egress width at doors and corridors for number served: Worst case 74 persons x 0.2" per person = 14.8" NFPA 101 section 7.3.3.1  
Min. corridor width per occupancy type: 36" typically, 44" where serving occupant load >50 NFPA 101 section 7.3.4.1  
Minimum number of required exits: 2 from first, second, and third floor NFPA 101 section 7.4.1  
1 from basement S-1 occupancy IBC table 1021.2  
Minimum exit access remoteness: 1/3 diagonal with automatic sprinkler system NFPA 101 section 7.5.1.3.3  
Maximum common path of travel limit: S-1 = 100 ft, M = 100 ft, R-2 = 50 ft, A-2 = 20 ft NFPA 101 table A.7.6  
Maximum dead end limit: S-1 = 100 ft, M = 50 ft, R-2 = 50 ft, A-2 = 20 ft NFPA 101 table A.7.6  
Maximum exit access travel distance: S-1 = 400 ft, M = 250 ft, R-2 = 325 ft, A-2 = 250 ft NFPA 101 table A.7.6

**FIRE RATINGS (IBC Type V-A construction)**

Note: some structural members in otherwise unrated assemblies may require fire protection when supporting fire rated assemblies above. Requirements are subject to local building officials.

Basic building elements:	Fire rating:	Code reference:
Structural frame:	1 hour	IBC table 601
Columns and beams supporting more than 2 stories:	individual protection if structural member is rated	IBC section 704.3
supporting rated assemblies:	individual protection to match rated assembly	IBC section 704.1
Exterior bearing walls:	1 hour	
Interior bearing walls (not acting as fire separation):	1 hour	IBC table 601
Interior non-bearing walls (not acting as fire separation):	0 hours	IBC table 601
Floor construction:		
First Floor:	1 hour occupancy separation	see fire separations
Second Floor:	1 hour occupancy separation	see fire separations
Third Floor:	1 hour occupancy separation	see fire separations
Roof construction:	1 hour	IBC table 601
Interior fire separations:		
Stair (vertical enclosure) walls:	2 hour fire barrier (note 3)	IBC section 1022.1
Exit access corridor walls:	1 hour fire partition (note 4)	IBC table 1018.1
Elevator hoistway:	2 hour fire barrier (UL U905)	IBC section 708.4
Elevator machine room enclosure:	2 hour fire barrier (UL U906)	IBC section 3006.4
Sleeping unit separations (walls):	1 hour fire partition	IBC section 709.3
Sleeping unit separations (floor/ceilings):	1 hour separation	IBC section 712.3
Sleeping unit/corridor separations:	1 hour fire partition	IBC section 709.3
First Floor assembly (floor/ceiling):	1 hour separation between S-1 and A-2	IBC table 508.4
Second Floor assembly (floor/ceiling):	1 hour separation between A-2 and R-2	IBC table 508.4
Third Floor assembly (floor/ceiling):	1 hour separation between A-2 and R-2	IBC table 508.4
Mechanical shafts:	2 hour if connecting four stories or more (UL U415)	IBC section 708.4
1 hour if connecting less than four stories		IBC section 708.4
Opening protectives:		
Exit access (stairway/corridor) doors:	1 1/2 hour	IBC table 715.4
Elevator doors:	1 1/2 hour	IBC table 715.4
Elevator machine room doors:	1 1/2 hour	IBC table 715.4
Dwelling unit/corridor doors:	1/3 hour	IBC table 715.4
Interior finishes:		
Stairway walls and ceilings:	Class C	IBC table 803.9 ex. b
Exit access corridor walls and ceilings:	Class B	IBC table 803.9
Room walls and ceilings:	Class C	IBC table 803.9
Stairway and corridor floors:	DOC FF-1 "pill test"	IBC section 804.4.1 ex.
Room floors:	DOC FF-1 "pill test"	IBC section 804.4.1 ex.

**NOTES**

- Basement is not a story above grade per IBC section 502.1 definition (floor above is less than 6' above grade plane).
- Portable fire extinguishers must be sized and located per NFPA 10.
- Walls denoted as fire barriers must be continuous from the top of the slab below to the underside of roof deck above.
- Walls denoted as fire partitions must be continuous from the top of the slab below to underside of the deck above.
- Civil, Structural, Mechanical, Electrical, and Plumbing design and code review by others.
- Provide smoke alarms, carbon monoxide detectors, and radon control in accordance with applicable code.
- Type V-A construction allows an assembly use on the third floor with an increase for sprinkler per IBC section 504.2.
- Some exterior walls may be required to be rated from the outside due to property line proximity (see fire rating plan).

REVISIONS:


THE BISTRO AT PEPPERRELL COVE  
88 PEPPERRELL ROAD  
KITTERY, MAINE



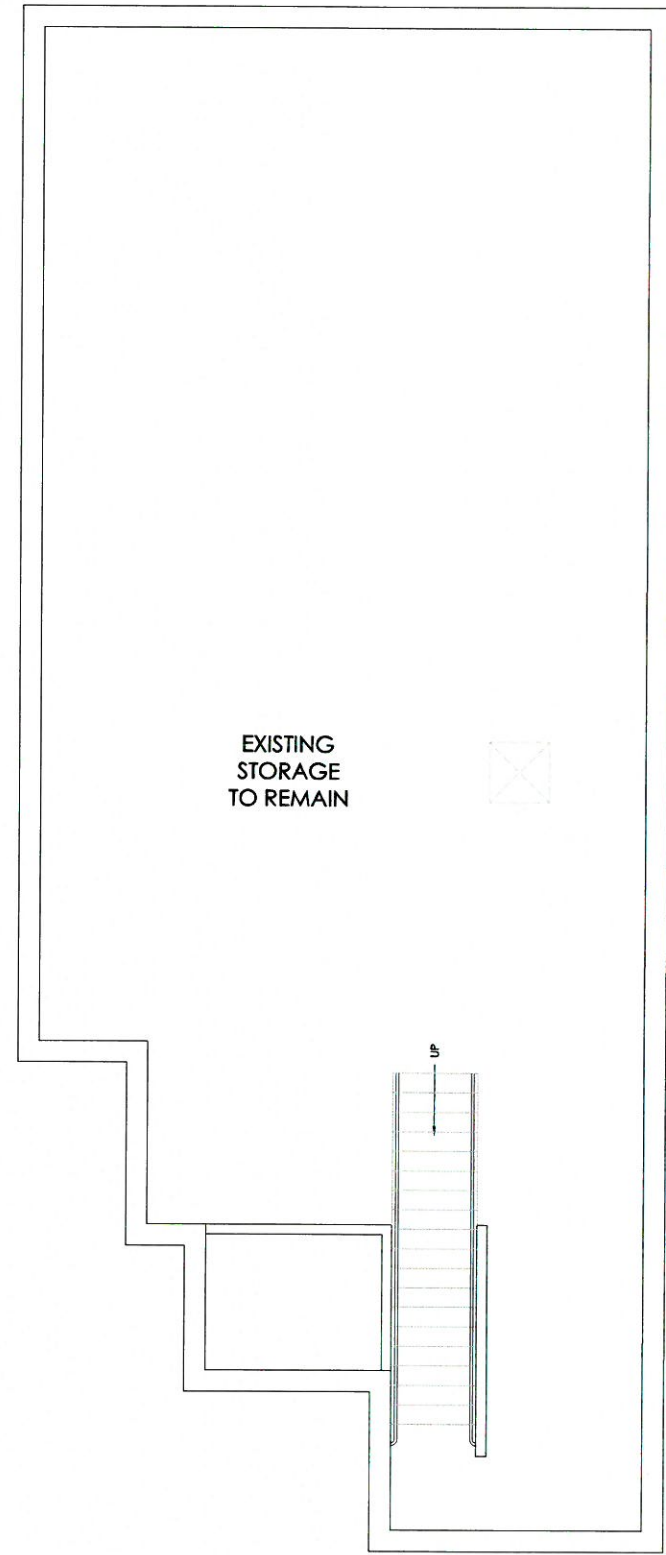
CJ ARCHITECTS  
233 VAUGHAN ST., PORTSMOUTH, NH 03801  
T 603-431-2808 F 603-431-2809 cjarchitects.net

CODE STUDY

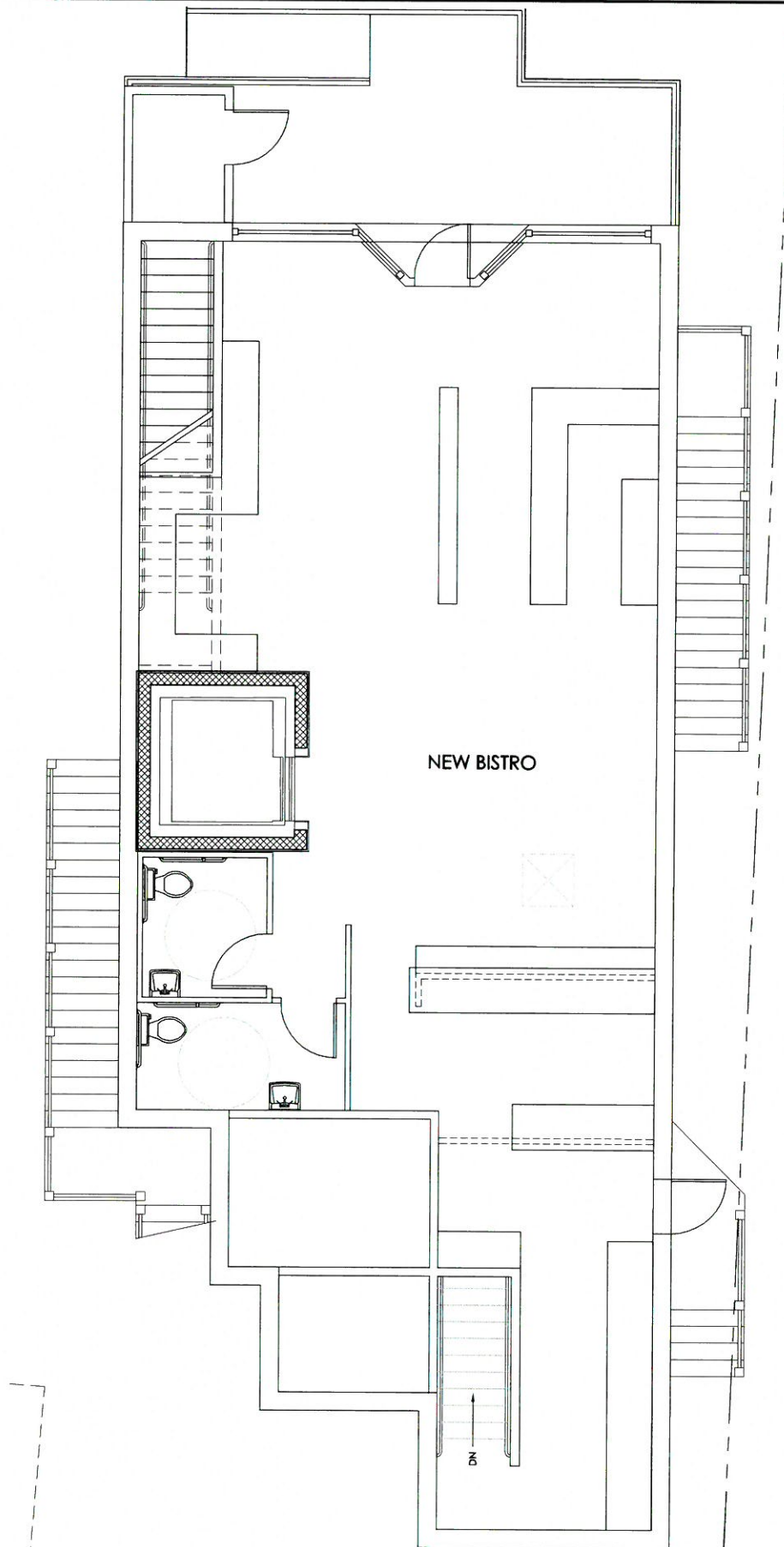
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DRAWN BY: JAH  
APPROVED BY: CJG  
SCALE: N/A  
JOB NUMBER: 21710

A0.1

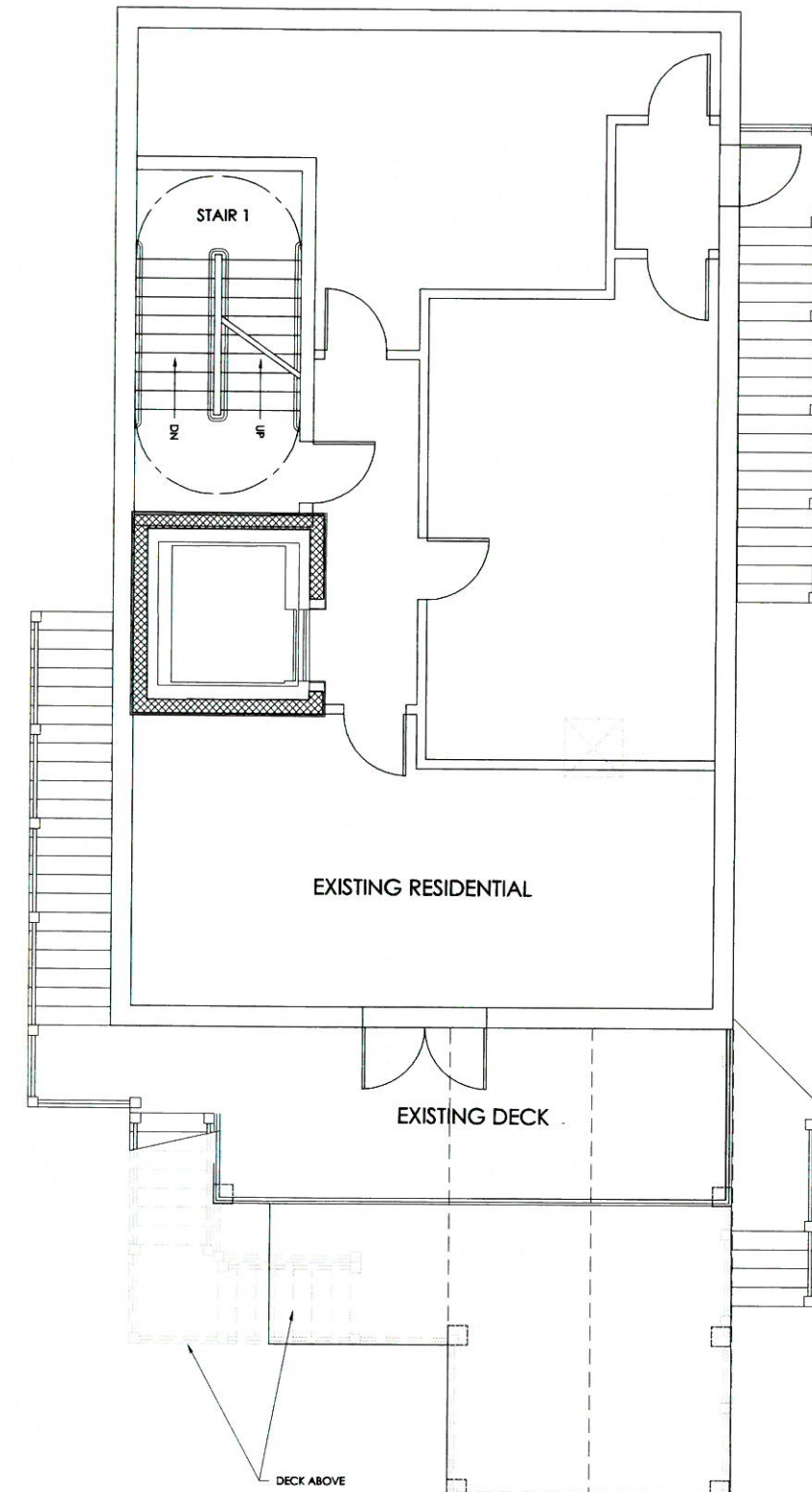




1 LOWER LEVEL PLAN  
1/4" = 1'-0"



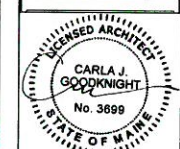
2 FIRST FLOOR PLAN  
1/4" = 1'-0"



3 SECOND FLOOR PLAN  
1/4" = 1'-0"

REVISIONS:

THE BISTRO AT PEPPERELL COVE  
88 PEPPERELL ROAD  
KITTERY, MAINE



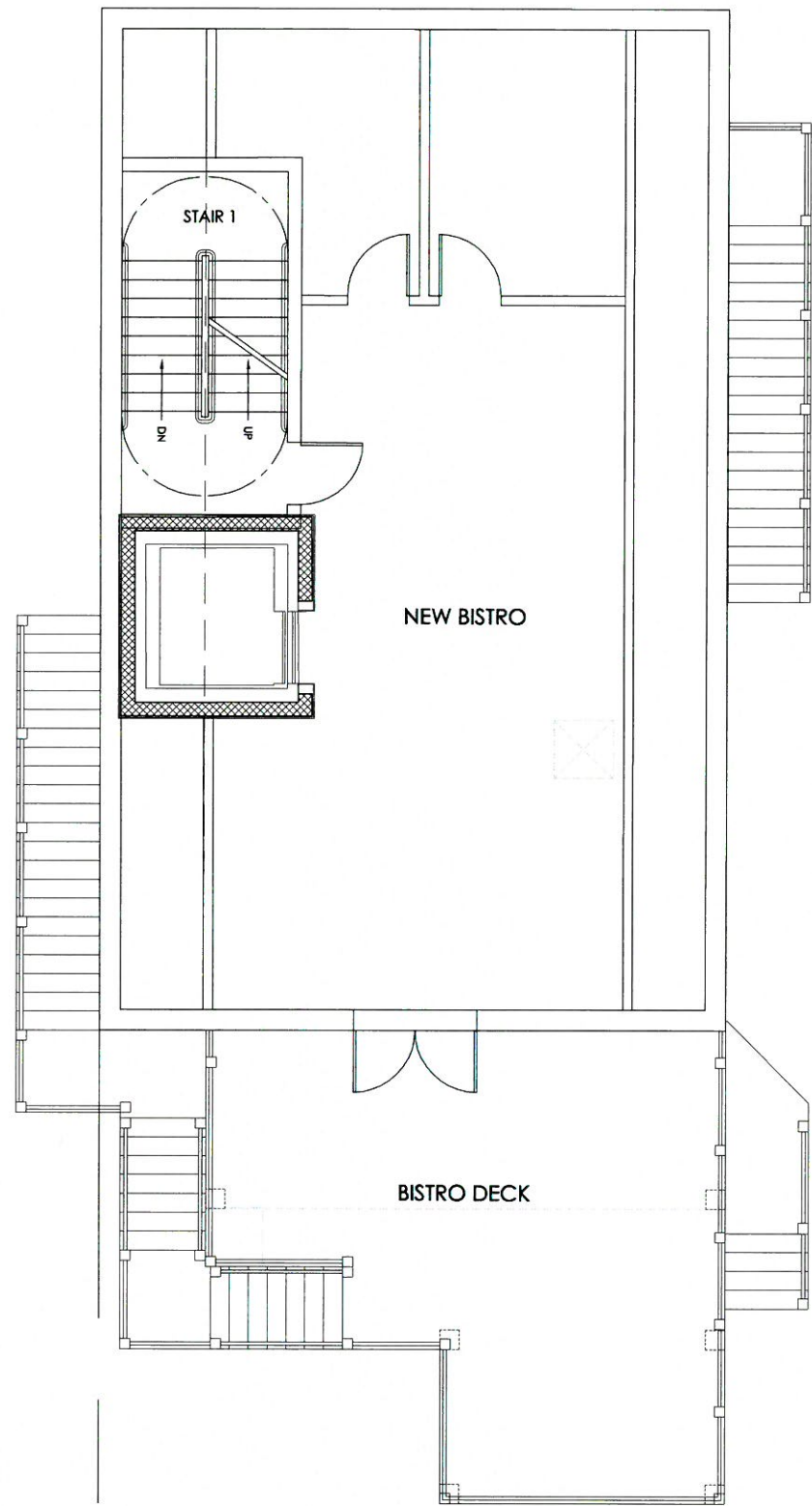
CJ ARCHITECTS  
CARLA J. GOODKNIGHT  
233 VAUGHAN ST. PORTSMOUTH, NH 03801  
T 603-431-2808 F 603-431-2809 cjarchitects.net

LOWER LEVEL  
FIRST FLOOR  
&  
SECOND FLOOR  
PLANS

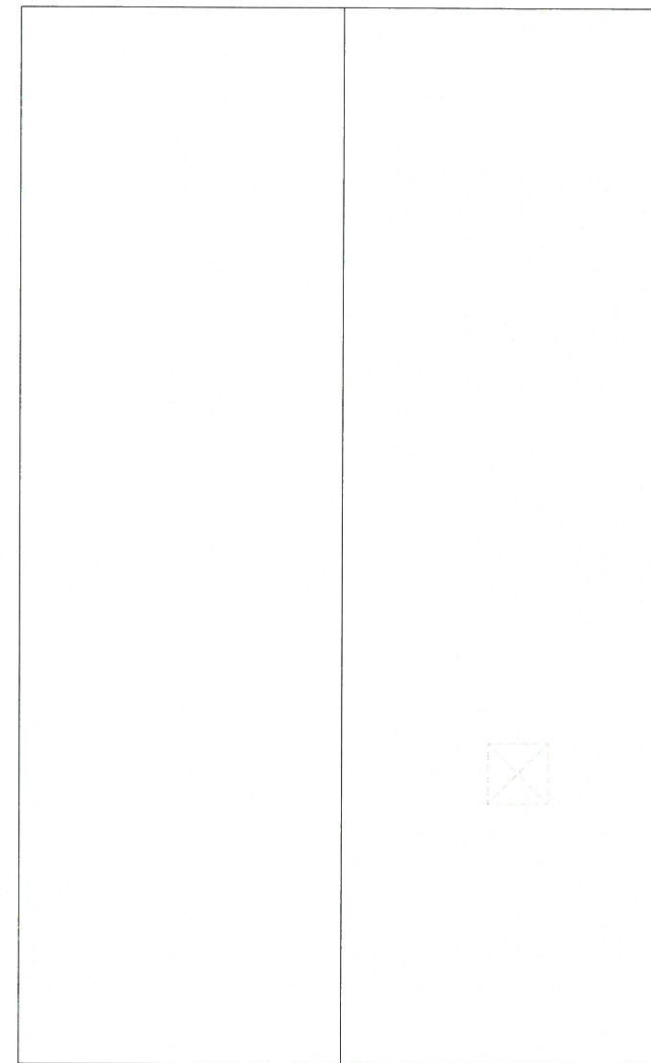
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DRAWN BY: JAH  
APPROVED BY: CJG  
SCALE: 1/4" = 1'-0"  
JOB NUMBER: 21710

A1.0

ISSUED FOR PERMIT



1 THIRD FLOOR PLAN  
1/4" = 1'-0"



2 ROOF PLAN  
1/4" = 1'-0"

REVISIONS:

THE BISTRO AT PEPPERRELL COVE  
88 PEPPERRELL ROAD  
KITTERY, MAINE



THIRD FLOOR  
&  
ROOF PLANS

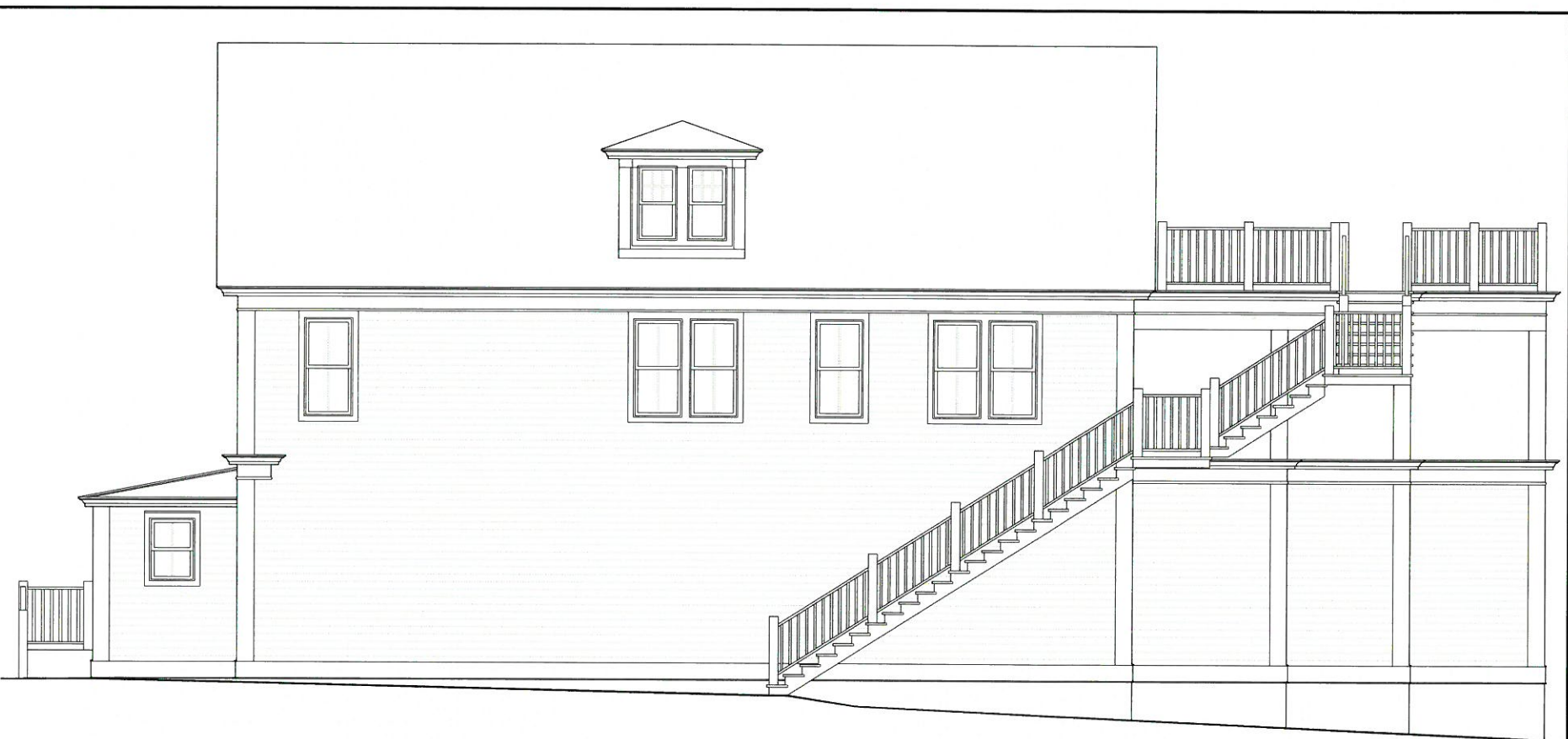
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A1.1

ISSUED FOR PERMIT



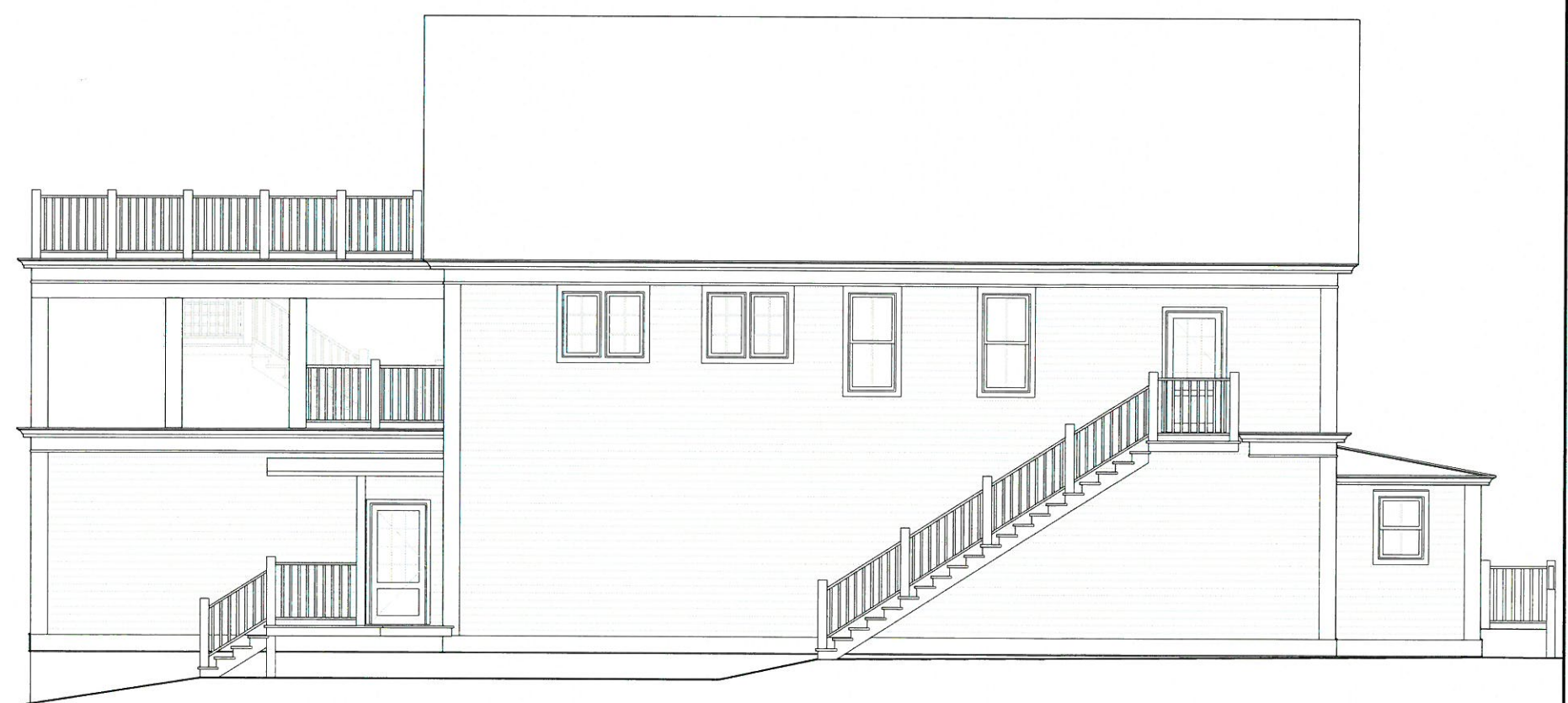
1 FRONT ELEVATION  
1/4" = 1'-0"



2 RIGHT SIDE ELEVATION  
1/4" = 1'-0"



3 REAR ELEVATION  
1/4" = 1'-0"



4 LEFT SIDE ELEVATION  
1/4" = 1'-0"

ISSUED FOR PERMIT

REVISIONS:

THE BISTRO AT PEPPERELL COVE  
88 PEPPERELL ROAD  
KITTERY, MAINE



ELEVATIONS

DATE:	09/21/17
DRAWN BY:	JAH
APPROVED BY:	C.J.G.
SCALE:	1/4" = 1'-0"
JOB NUMBER:	21710

A1.2

Basic Code and Fire Rating information per IBC 2009 and NFPA 101 2015.  
Energy Code information per IECC 2009.

**CODE INFORMATION: "FRISBEE'S WHARF" (EXISTING CONSTRUCTION)**

**ZONING**

Kittery Zoning District: B-L (Business - Local) with Shoreland Water Body / Wetland Protection Area overlay  
Front setback: 15 feet  
Side and Rear setback: 10 feet

**GENERAL PROJECT DESCRIPTION**

This project will consist of the renovation of existing buildings on the site at 88 Pepperrell Road in Kittery ME.

The existing buildings will remain a seasonal one story "snack bar" style restaurant structure with an outdoor bar, with some interior and exterior improvements. All seating serving the public will be located outdoors in an exterior courtyard, and there will be no customer access to the interior of the snack bar building.

**BUILDING DATA**

Occupancies:	B (business)(note 1)	
Building height:	Existing, approximately 10 feet	
Number stories above grade:	One (slab on grade)	
Footprint area:	Approximately 180 SF	
Construction type:	Type V-B (combustible, unprotected)	IBC section 602
Sprinkler system:	None	IBC section 903.2.8

**MEANS OF EGRESS**

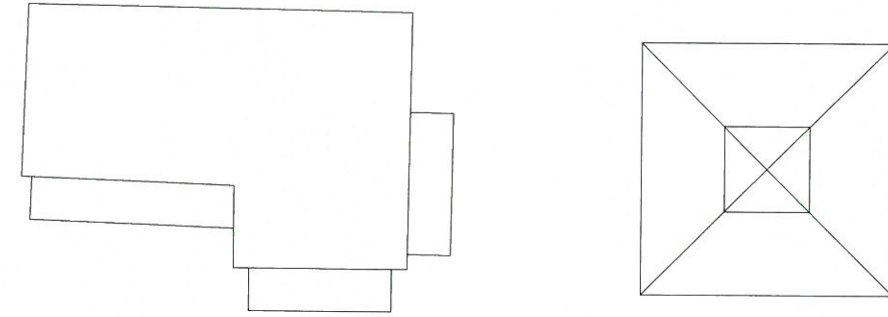
Occupant load:		
Building (A-2 kitchen)(note 1):	180 SF / 1 person per 100 SF gross = 2 persons	NFPA 101 table 7.3.1.2
Outdoor seating area:	80 persons (note 2)	
Total occupant load of site:	82 persons	

**ACCESSIBILITY REQUIREMENTS**

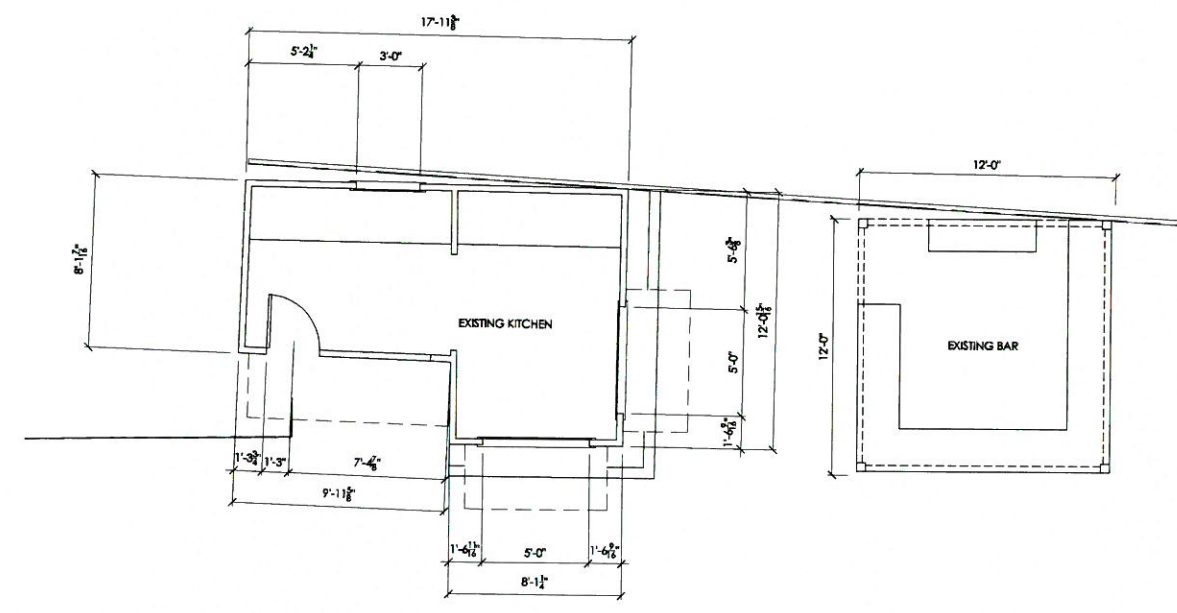
- |   |                    |
|---|--------------------|
| 1. Sixty percent of public building entrances must be accessible.   | IBC section 1105.1 |
| 2. Main ADA entrance must be at or near the main ambulatory entrance.   | ADA                |
| 3. Accessible route must be provided throughout the building except within private dwelling units and mechanical areas. | ADA                |
| 4. All public bathrooms must be accessible.   | ADA                |

**NOTES**

- Per IBC section 303 ex. 1, an assembly occupancy (restaurant) with an occupant load of less than 50 persons shall be classified as a Group B occupancy. Since this building will be a "snack bar" style use with no public access to the interior of the building, the occupant load figures for a commercial kitchen have been used per NFPA 101 table 7.3.1.2.
- Per discussions with Kittery Code Enforcement, occupant load for the outdoor seating area may be calculated per the number of exterior courtyard seats to be provided. Egress from the site is to conform to applicable codes.
- Portable fire extinguishers must be sized and located per NFPA 10.
- Civil, Structural, Mechanical, Electrical, and Plumbing design and code review by others.
- Provide smoke alarms, carbon monoxide detectors, and radon control in accordance with applicable code.



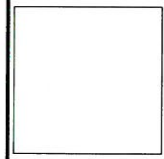
2 ROOF PLAN  
1/4" = 1'-0"



1 FIRST FLOOR PLAN  
1/4" = 1'-0"

ISSUED FOR PERMIT

REVISIONS:



FRISBEE'S WHARF  
88 PEPPERRELL ROAD  
KITTERY, MAINE



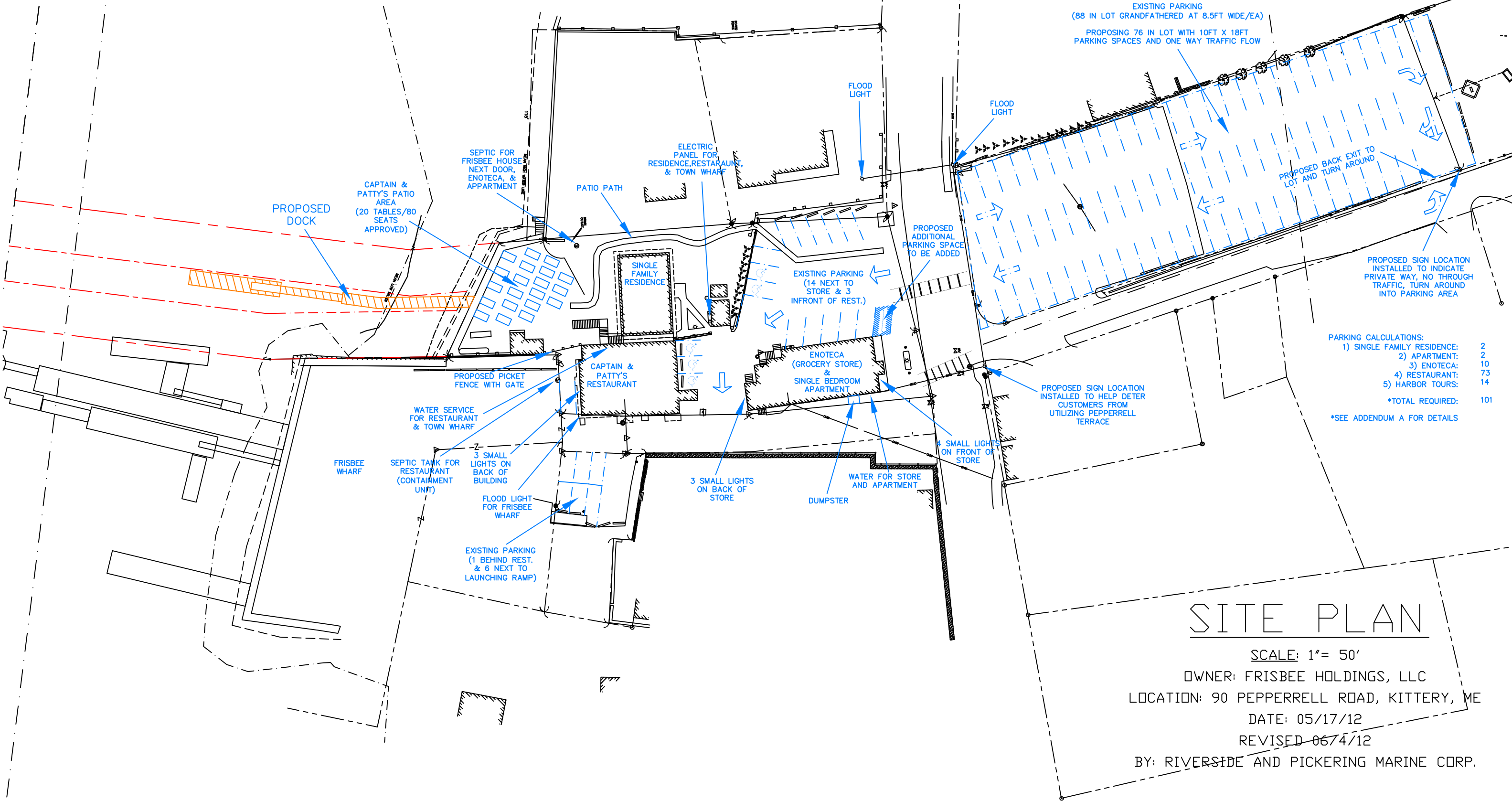
FIRST FLOOR & ROOF PLANS

DATE:	05/24/17
DRAWN BY:	JAH
APPROVED BY:	C.J.G.
SCALE:	1/4" = 1'-0"
JOB NUMBER:	21710

A1.0

# PLAN REFERENCES:

1) "PLAN OF LAND OF FRISBEE'S HOLDINGS, LLC SHOWING TWO SOLUTIONS TO APPORTIONMENT OF RIPARIAN PRIVILEGES, PEPPERRELL ROAD, KITTELY, YORK COUNTY, MAINE" PREPARED FOR ALPHONSE DAMICO, PLAN BY: CIVIL CONSULTANTS, DATED: OCT. 4, 2011



PARKING CALCULATIONS:

1) SINGLE FAMILY RESIDENCE:	2
2) APARTMENT:	2
3) ENOTECA:	10
4) RESTAURANT:	73
5) HARBOR TOURS:	14
<b>*TOTAL REQUIRED:</b>	<b>101</b>

\*SEE ADDENDUM A FOR DETAILS

## SITE PLAN

SCALE: 1" = 50'  
 OWNER: FRISBEE HOLDINGS, LLC  
 LOCATION: 90 PEPPERRELL ROAD, KITTELY, ME  
 DATE: 05/17/12  
 REVISED: 06/14/12  
 BY: RIVERSIDE AND PICKERING MARINE CORP.