

**Town of Kittery
Planning Board Meeting
November 8, 2018**

ITEM 5 - 230 U.S. Route 1 – Sketch Plan Review

Action: Accept or deny application; Approve or deny sketch 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	Scheduled for 11/8/2018	PENDING
YES	Site Visit		
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		
<p>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. <u>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.</u></p>			

Background

This is the conceptual review of a plan 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.

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. 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 zone (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 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 sketch plan depicts 35 parking spaces. The applicant has provided parking calculations for all of the existing uses of the site as well as proposed use (Attached). 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.
5. The required minimum number of accessible spaces for a parking lot size of 26-50 spaces is 2 spaces. The sketch 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. There appears to be sufficient area in the protected space for pedestrians.
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.
8. Trash/recycling/composting enclosures will be provided for customers and vendors and are shown on the site plan.
9. Traffic. 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 does have concerns about the lack of protection of the pedestrian space from cars entering via the north entrance. Vehicles may be entering at a more than prudent speed due to summer traffic on the Bypass which could result in vehicles not turning tight enough to enter the parking area but possibly enter the pedestrian area accidentally. This could be corrected by adding planters at the northwest side of the pedestrian area. Staff is also concerned as to the speed of vehicles on the stretch of the Bypass where the use is proposed but the applicant has no control of this factor.

Recommendation

The sketch plan review is an opportunity to consider a concept and make specific suggestions to the applicant. The sketch plan submittal appears sufficiently complete. If the Board determines no further information is needed the Board may accept the sketch plan.

Move to accept the sketch plan application dated August 21, 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.

The Board should determine whether a site walk is warranted. If a site walk is warranted, the Board may move to schedule a site walk (suggested motion A below). If a site walk is not warranted, the Board may move to approve the sketch plan (suggested motion B below).

Motion A

Move to schedule a site walk for 230 U.S. Route 1 (Tax Map 22 Lot 14) in the Commercial (C-1, C-3) Zones.

Motion B

Move to approve the sketch plan application dated August 21, 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.

memo

Town of Kittery Maine Code Enforcement Office

To: Jamie Stephan Planner
From: Stephen Wilson
CC: Planning Board Members
Date: 11-1-2018
Re: 230 U.S. Route 1 Food Truck Proposal

Comments: I have reviewed the application for this proposed use and find the following.

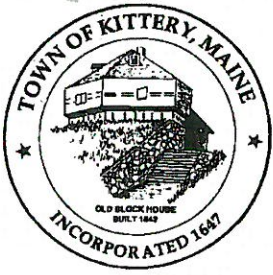
It appears as the applicant has ample parking for all the current proposed uses.

The separation of the parking and proposed pedestrian area seem adequate for the most part, however I do see concern with the lack of protection of the pedestrian space from cars entering via the north entrance. Cars may be entering at a more than prudent speed due to summer traffic on the bypass which could result in the cars not turning tight enough to enter the parking area but possibly enter the pedestrian area accidentally.

This could be corrected by adding additional planters at the northwest side of the pedestrian area.

As proposed the trucks are not connected to water or power so there are no setback issue as they do not meet the definition of a structure. However, if power or water is to be supplied in the future they would be attached to a utility connected to the ground and therefore be classified as a structure and would be required to meet structure setbacks for the zone.

I am concerned as to the speed of vehicles on the stretch of the bypass where this use is proposed but the applicant has no control of this factor I would recommend it be monitored by the town if this proposal is approved and moves forward.



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

Application Fee:		<input type="checkbox"/> \$200.00		Amount Paid: \$ _____		Date: _____	
PROPERTY DESCRIPTION	Parcel ID	Map	22	Zone(s)-Base:	C-1/C-3	Total Land Area	1.04 acres
	1898	Lot	14	Overlay:		MS4	___ YES ^x ___ NO
	Physical Address	230 US Route 1					
PROPERTY OWNER'S INFORMATION	Name	GREEN BROOK LLC			Mailing Address	94 PLEASANT ST PORTSMOUTH NH 03801	
	Phone	6032347402					
	Fax						
	Email	WORKINGSTIFF@COMCAST.NET					
APPLICANT'S AGENT INFORMATION	Name	BARBARA JENNY			Mailing Address	94 PLEASANT ST PORTSMOUTH NH 03801	
	Phone	6032347402					
	Fax						
	Email	WORKINGSTIFF@COMCAST.NET					
PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>						
	Existing Land Use(s):						
	OFFICE/RETAIL; ART STUDIOS; LEASED PARKING (one spot)						
	Proposed Land Use(s) and Development:						
	FOOD TRUCK POD; WITH CONTINUED USE AS OFFICE/RETAIL, ART STUDIOS, LEASED PARKING						
	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)						
	N/A						
I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the Plan submitted without notifying the Town Planning and Development Department of any changes.							
Applicant's Signature:				Owner's Signature:			
Date:	October 16, 2018			Date:	October 16, 2018		

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

NOTE TO APPLICANT: PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

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

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

- 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:

- 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.

Addendum, 230 US Rt 1 Food Truck Pod application to Kittery Planning Board
 Green Brook LLC, October 2018

Proposal is for a 3-truck pod that will operate seasonally, and during daylight hours from approximately 11am to dusk daily. Vendors will be required to have all necessary Town and State permits, as well as business and indemnity insurance.

Thorough consideration has been given to—

- Safety
 - traffic off the Bypass and coming from the Rt. 236 traffic circle—use both entrances top property, 2-way;
 - direction of traffic through the parking lot, 1-way;
 - pedestrian/customer movement through property and eating on-site—designated cross walk, plant troughs between customer lines/milling/eating areas and parking lot traffic;
 - Address Town preference for planters along Route 1;
 - Access to plumbed restroom for vendors;
 - Trash/recycling/composting for customers and vendors;
 - State requirement of one bathroom minimum for customers of food establishments—provision for 2 porta-potties:
- Title 22: HEALTH AND WELFARE**
Subtitle 2: HEALTH
Part 3: PUBLIC HEALTH
Chapter 270-B: PUBLIC REST ROOM FACILITIES IN EATING PLACES
[§1686-A](#)
§1686. Toilet facilities required
 An eating establishment must provide at least one toilet facility for the use of its customers.....;
- and sufficient parking as per Kittery code.

Parking spaces: 35 where 31 are required (including two ♻spaces)

Space/s	Existing Uses @ the Mural Building
4.6	Retail (antiques & up-cycled furnishings)
0	Storage (for retail)
3.2	Art studios/maker space
2	Office (massage therapist)
1	Single leased parking space
	New additional Use – Food Truck Pod
15	Drive-in restaurant minimum (§16.8.9.4)
5	+ spaces per every 3 seats
30.8 ≈ 31	Total

Addendum, 230 US Rt 1 Food Truck Pod application to Kittery Planning Board
 Green Brook LLC, October 2018

Parking calculations, as per code:

Use	Code	230 US Rt. 1 Property
Retail	1 parking space for each 175 square feet of gross floor area	808 sq ft/175=4.6
Office (massage therapist)	2 parking spaces for each office unit plus 1 space for each 250 square feet of gross floor area	$2 + 1 \times (80/250) = 2 + .32 = 2.32 \approx 2$
Artist Studio/Maker Space (Ind/Manufac/Bus.)	1 parking space for each 500 square feet of floor area, or major fraction thereof, or 1.1 spaces per employee on the maximum shift	$1496 / 500 = 2.99 \approx 3$
Storage	1 parking space for each 500 square feet of gross floor area	$100/500 = .2 \approx 0$
Food Truck Pod	Minimum 15 parking spaces, plus 1 space for each three seats. Seating is calculated by dividing the total floor area with customer access by 15 (drive-in restaurant)	$15 + 70^* / 15 = 15 + 4.66 = 19.66 \approx 20$ *(sq ft for 3 picnic tables, includes buffer)
Single Leased Parking Space		1
	TOTAL	$29.6 \approx 31$

Current tenants are eager for the addition of a food truck pod as it will bring new customers to the property and will increase the vibrancy of the community on site.

Food Truck Pod

Write a description for your map.

Legend

 230 State Rd Kittery ME 03904

230 State Rd Kittery ME 03904

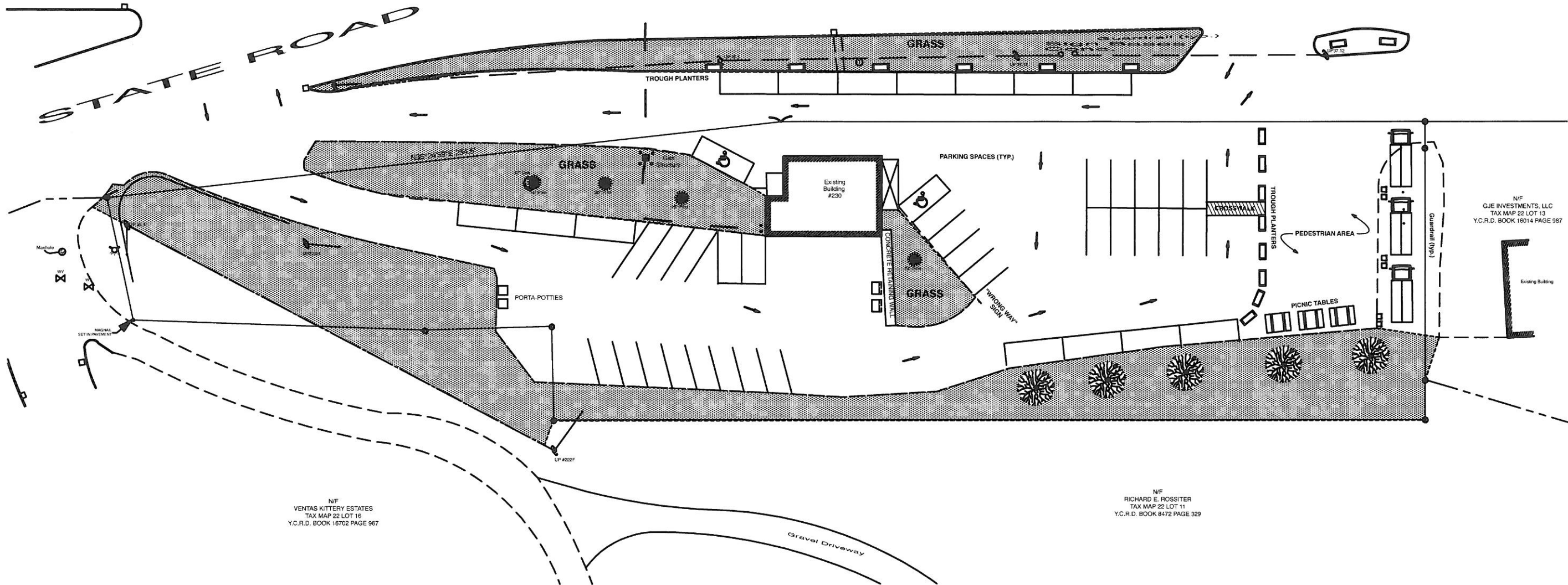


400 ft

Google Earth

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U.S. ROUTE ONE BY-PASS



N/F
VENTAS KITTEERY ESTATES
TAX MAP 22 LOT 16
Y.C.R.D. BOOK 16702 PAGE 967

N/F
RICHARD E. ROSSITER
TAX MAP 22 LOT 11
Y.C.R.D. BOOK 8472 PAGE 329

N/F
GJE INVESTMENTS, LLC
TAX MAP 22 LOT 13
Y.C.R.D. BOOK 16014 PAGE 987

C-1	DATE	OWNER	SITE PLAN	DESCRIPTION	PRELIMINARY DRAWING	MDB DESIGN LLC 81 LINCOLN AVENUE PORTSMOUTH, NH 03801 603.436.4256
	8-21-18	GREENBROOK LLC	FOOD TRUCK PROPOSAL	DATE 9/25/18		
		81 LINCOLN AVE PORTSMOUTH NH 03801	230 STATE ROAD, KITTEERY, ME 03904	CHECKED BY	MDB	

22-14