

**Town of Kittery
 Planning Board Meeting
 May 9, 2019**

ITEM 5 – 76 Dennett Road – Mixed-Use Residential Development – Site Sketch Plan Review

Accept or deny application, Approve or deny concept plan. Owners William J. Cullen and Sail Away, LLC and applicant William Wharff request consideration of a mixed-use residential development on 23.3+- acres of land at 76 Dennett Road (Tax Map 6 Lots 15B & 16A and Tax Map 13, Lot 4) in the Mixed Use - Neighborhood (MU-N) Zone. Agent is Shawn Tobey, P.E. Hoyle, Tanner Associates, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Acceptance/Approval	Scheduled for 5/9/2019 Meeting	PENDING
YES	Site Visit		
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.L - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

This is a conceptual review for a proposed mixed-use residential development located at 76 Dennett Road in the Mixed-Use – Neighborhood (MU-N) Zone, previously approved as a business park. The site consists of three (3) parcels totaling 23.3 +- acres which will be merged for the proposed development. The applicant is proposing four 4-story residential buildings consisting of a total of 315 apartment units and a 1-story amenities building in the rear of the site. The front of the site will contain one 4-story mixed-use building in the front consisting of 65 residential units on the upper floors and mercantile/food establishments (10,000 sf – 4 tenants) on the first floor. The other three 4-story residential apartment buildings are located to the rear of the site.

Staff Review

The sketch plan includes most of the information required under 16.10.4.2.2 with the exception of a high intensity Class A soil survey. The soil survey will be provided for the preliminary plan review phase.

Mixed-Use Requirements

1. All of the proposed uses are permitted in the newly created MU-N Zone. The residential units will comply with the minimum land area per dwelling unit – mixed-use building and multiunit residential requirements.

Net Residential Acreage / Density

2. The MU-N Zone is exempt from Title 16.7.8.2 Net Residential Acreage Calculation but is subject to the minimum land area per dwelling unit as defined in Chapter 2 Definitions except that 50% of all wetlands may be subtracted, rather than 100%.

Parking Requirements

3. A parking summary is listed on sheet 2 of the conceptual plans. The development will provide a total of 405 spaces:
 - a. Front = 105 spaces
 - b. Rear = 300 spaces

The MU-N zone contains separate parking standards when development meets certain criteria. The applicant proposes to include trails in the site design, which trigger the parking standards below.

16.3.2.10F(4)(d)

[1] Parking for development that includes trails and low intensity recreation: Development that includes the creation of public trails and low intensity recreational opportunities such as wildlife observation stations or boardwalks may apply the pertinent off-street parking standards below. All other off-street parking standards as found in § 16.8.9.4 shall apply.

[2] Multiunit residential buildings and mixed-use buildings that include residential.

- [a] One parking space for studio and one-bedroom dwelling units.*
- [b] One and one-half parking spaces for two-bedroom dwelling units plus one guest parking space per every four dwelling units.*
- [c] Parking spaces for more-than-two-bedroom dwelling units.*

Wetlands / Open Space/ Floodplain

4. The existing property contains wetlands and a vernal pool. A permit will be required for a modification to a previously approved wetlands crossing and for disturbance to the vernal pool buffer (250'). There will be no disturbance within the vernal pool buffer (100') or the wetlands. The wetlands, vernal pool and property lines shown on the sketch plan are based on actual survey data and are overlaid on an aerial image of the site.

Per Section 16.3.2.10 D. Standards of the Zone, the Town shall retain expert consultation (qualified wetlands scientist and/or Maine-certified soil scientist) to determine wetlands delineations and classifications and perform soils testing as needed at the developer's expense at the time of sketch plan. James Logan of Longview Partners, LLC was retained by the Town to provide a review of the vernal pool and wetlands identification (performed previously by others) for the parcels. That review has been provided to the Town and is attached for review.

5. Open space meeting the requirements of the Zone will be provided which will include a walking trail for passive recreation for the development. An Amenities building (BLD E on the concept plans) is also proposed to provide recreational use for the residents of the property.
6. Per the FEMA maps (FIRM), the site is not located in a floodplain.

Utilities / Site Improvements

7. The plans show general information regarding utilities that will be available to the site development. Public water is available off of Dennett Road and there is an installed sewer manhole and connection to the existing sewer main to the rear of the site. Proposed overhead electric and telecom is also shown on the plans.

General overall site improvements, including the private road, sidewalk, stormwater ponds and the landscaping concept are shown.

Recommendation / Action

The sketch plan review is an opportunity to consider a concept and make specific suggestions to the applicant. 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.

Move to accept and approve the site sketch plan, dated April 17, 2019 as prepared by Hoyle, Tanner & Associates, Inc., for owners William J. Cullen and Sail Away, LLC and applicant William Wharff who request consideration of a mixed-use residential development on 23.3+- acres of land at 76 Dennett Road (Tax Map 6 Lots 15B & 16A and Tax Map 13, Lot 4) in the Mixed Use - Neighborhood (MU-N) Zone.



Wetland and Vernal Pool Review

Prepared for
Town of Kittery
76 Dennett Road
Kittery, Maine
April, 2019



6 Second Street
Buxton, Maine
207-693-8799

SUMMARY of FINDINGS

Longview Partners, LLC was retained by Town of Kittery in April of 2019 to provide a review of vernal pool and wetland identification (previously completed by others) on 23 acres located at 76 Dennett Road in Kittery. The review was performed by a Certified Soil Scientist/Professional Wetland Scientist. Wetlands and vernal pool habitat on-site were reviewed on April 24, 2019. Conditions were sunny with temperatures in the low to middle 50's. Wetland areas were reviewed utilizing the US Army Corps of Engineers three-parameter approach to the identification of wetlands. Plans provided for our review are dated April 9, 2019 by Hoyle, Tanner & Associates.

There were few obvious remnants of flagging along wetland boundary lines, so it is unclear whether wetlands had been delineated on-site within the last 5 years, as is customary with projects being reviewed by the Maine Dept. of Environmental Protection (MDEP). Longview Partners was able to confirm wetland boundaries in the areas shown on the enclosed plan.

In at least two other locations (also shown Areas A & B on the enclosed plan) Longview Partners identified areas that meet standards for inclusion of land as wetland using the standards as listed below:

US Army Corps of Engineers Standards for Inclusion of Land as Wetlands

The US Army Corps of Engineers *Wetlands Delineation Manual* (version 1987) with *Regional Supplements* outlines a three-parameter approach to the identification of wetlands.

Wetlands have the following general diagnostic environmental characteristics per the above-referenced *Manual*:

- (1) *Hydrophytic Vegetation: Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic conditions*
- (2) *Hydric Soil: Soils are present and have been classified as hydric, or they possess characteristics that are associated with reducing soil conditions*
- (3) *Hydrology: The area is inundated either permanently or periodically at mean water depths less than 6.6 ft, or the soil is saturated to the surface at some time during the growing season of the prevalent vegetation*

All three parameters must be evident for land to be classified as wetland.

These areas are not depicted as wetland on the plan dated April 9, 2019 by Hoyle, Tanner & Associates. Beyond these differences, Longview Partners generally found the wetland delineation to be accurate and within the normal range of "best professional judgement" and consistent with the standards listed above.

As part of our review, Longview Partners also evaluated the limits of the vernal pool as shown on the Hoyle, Tanner & Associates plan. Vernal pools, also referred to as seasonal forest pools, are natural, temporary to semi-permanent bodies of water that occur in shallow depressions that typically fill during the spring or fall and may dry during the summer. Vernal pools have no permanent inlet or outlet, and no viable populations of predatory fish. A vernal pool may contain primary breeding habitat for wood frogs (*Rana sylvatica*), spotted salamander (*Ambystoma maculatum*), blue-spotted salamander (*Ambystoma*

laterale), and fairy shrimp (*Eubranchipus sp.*), as well as habitat for other rare, threatened, and endangered plant or wildlife species.

Whether a vernal pool is *significant*, and therefore considered significant wildlife habitat, is determined by the number and type of pool-breeding amphibian egg masses in a pool, or the presence of fairy shrimp, or use by threatened or endangered species as specified by MDEP standards.

Significant vernal pool identification criteria include abundance levels for any given year for the following species as shown:

<u>Species</u>	<u>Abundance</u>
Fairy Shrimp	Presence in any life stage
Blue-Spotted Salamander	Presence of 10 or more egg masses
Spotted Salamander	Presence of 20 or more egg masses
Wood Frogs	Presence of 40 or more egg masses

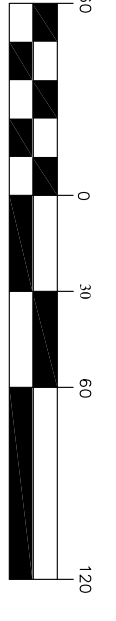
The period for egg mass identification is generally from April 10-May 10 in southern Maine.

On this property, the edges of the areas of standing water that can support vernal pool amphibian indicator species is somewhat diffuse, but we generally agree with the limits of the vernal pool as shown. No amphibian indicator species egg masses were observed during our visit, and the majority of the potential habitat is less than 6” deep in the Spring in-fill season. All other areas of standing water hydrology observed had less than 4” of water and did not constitute vernal pool habitat. A review of State of Maine GIS data indicates this vernal pool to be *significant* per MDEP regulations. The 250’ *critical terrestrial habitat* and 100’ “no disturb” buffer are correctly represented on the Hoyle, Tanner & Associates plan.

We trust the Town of Kittery planning staff and officials will find our review helpful in the continuing town analysis of the project. It may be advisable to have the wetland boundaries on-site clearly re-identified prior to any construction so that unintended or unpermitted impacts do not occur should approvals be granted.



GRAPHIC SCALE



1" = 100'
 (IN FEET)
 TO BE PRINTED ON 24" X 36" SHEET

**NOTE:
 WETLAND BOUNDARIES AS
 SHOWN MAPPED BY OTHERS**

**WETLAND REVIEW PLAN
 PREPARED FOR
 TOWN OF KITTERY
 76 DENNETT ROAD
 (MAP 13, LOT 4)
 KITTERY, MAINE**

LONGVIEW
 PARTNERS, LLC
 ENVIRONMENTAL PERMITTING SPECIALISTS

DATE: 8/11/20
 SCALE: 1" = 50'
 CHECKED: JL
 PLAN DATE: 4-26-19



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 checked="" type="checkbox"/> \$200.00	Amount Paid:\$	\$200	Date:	April 17, 2019	
PROPERTY DESCRIPTION	Parcel ID	Map	6-15B 6-16A 13-4	Zone(s)-Base:	Mixed Use Neighborhood (MU-N)	Total Land Area	23.3 +/- Acres
		Lot		Overlay:	N/A	MS4	___ YES ___ X ___ NO
	Physical Address	76 Dennett Road					
PROPERTY OWNER'S INFORMATION	Name	William Cullen			Mailing Address	12 Roseberry Lane Kittery, ME 03904	
	Phone	207-252-1437					
	Fax						
	Email	wmjcullen@gmail.com					
APPLICANT'S AGENT INFORMATION	Name	Shawn Tobey, P.E.			Name of Business	Hoyle, Tanner & Associates, Inc.	
	Phone	603-431-2520			Mailing Address	100 International Drive, Suite 360 Portsmouth, NH 03908	
	Fax						
	Email	stobey@hoyletanner.com					
PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>						
	Existing Land Use(s):						
	Construction laydown yard with gravel access road.						
	Proposed Land Use(s) and Development:						
	Proposed Mixed-Use Residential Development						
	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)						
	The existing property contains wetlands and a vernal pool. A permit will be required for a modification to a previously approved wetland crossing and for disturbance to the vernal pool 250' buffer. There will be no disturbance within the vernal pool 100' buffer or the wetlands. The wetlands, vernal pool and property lines shown on the sketch plan are based on actual survey data and overlaid on an aerial image of the site. Per FEMA maps, the site is not located in a flood plain. The proposed site development meets all regulations set forth in the Title 16 Kittery Land Use & Development Code.						
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:	17 April 2019			Date:	4/17/2019		

MINIMUM PLAN SUBMITTAL REQUIREMENTS

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

Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

- Under 10 acres: no greater than 1" = 30'
- 10 + acres: 1" = 50' Plan scale is 1"=60' to show overall site for sketch plan review. Detail plans will be prepared at 1"=40' for Site Review

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.

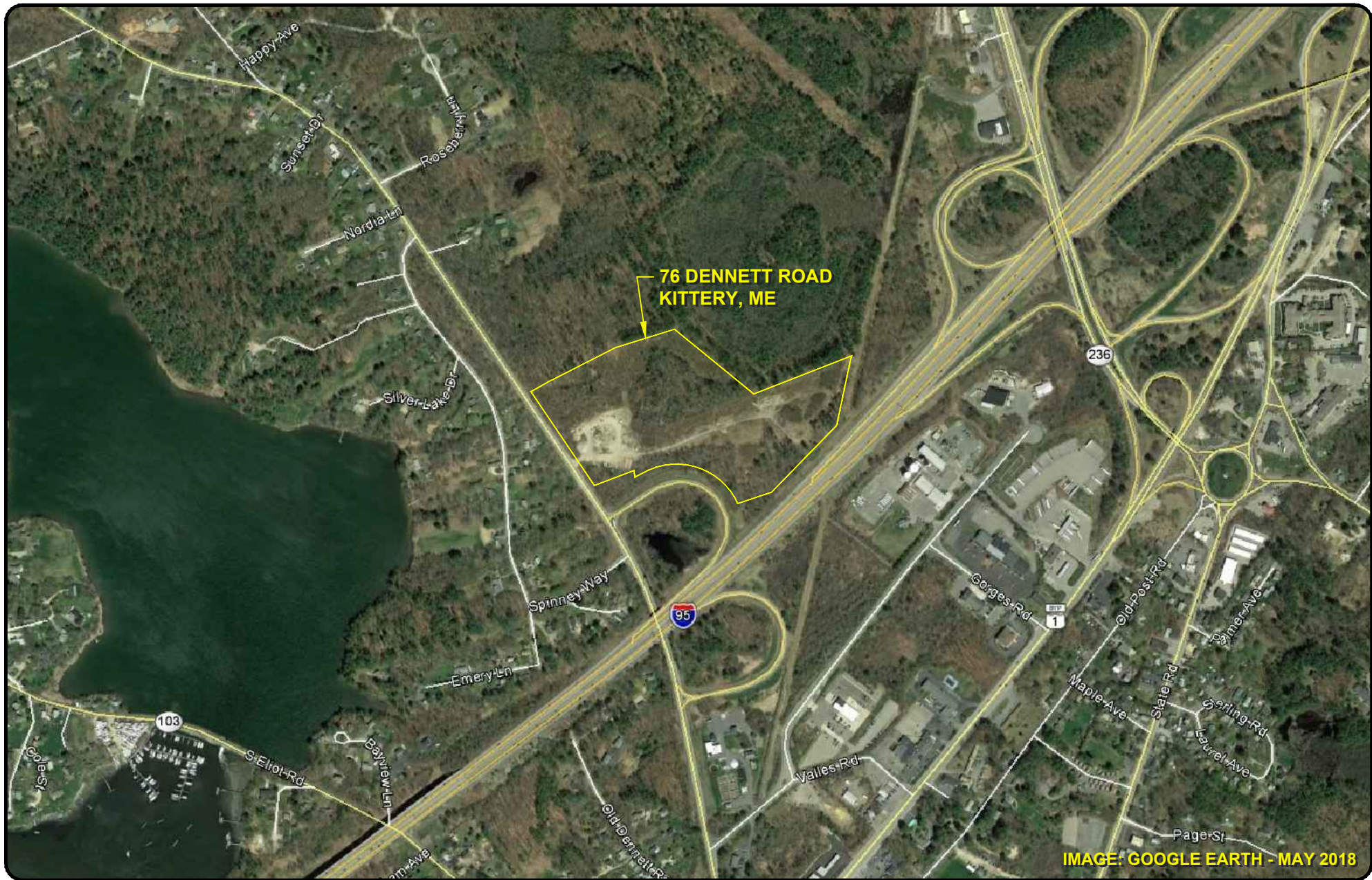


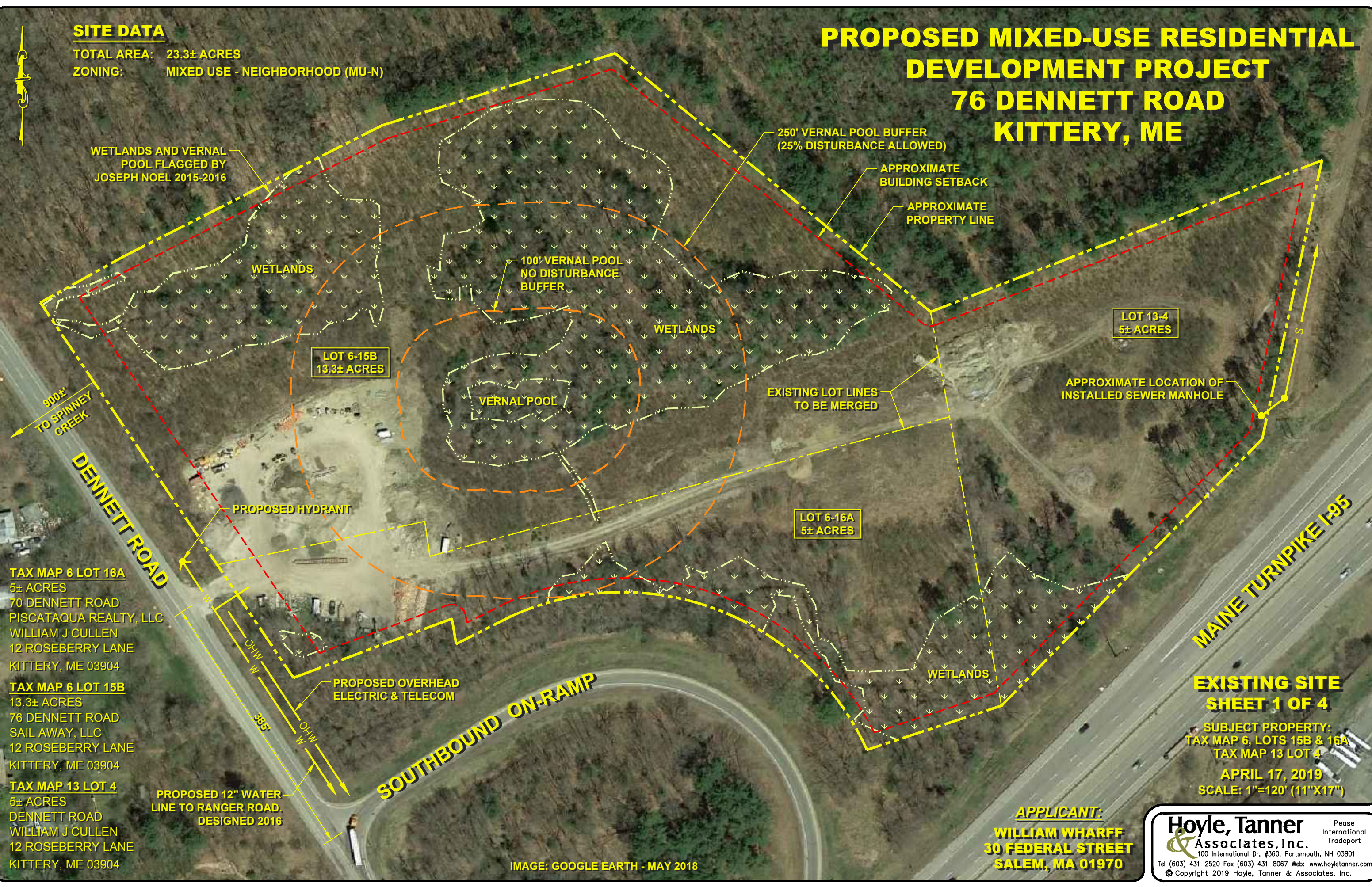
IMAGE: GOOGLE EARTH - MAY 2018

<p>VICINITY MAP PROPOSED MIXED-USE RESIDENTIAL DEVELOPMENT PROJECT 76 DENNETT ROAD KITTERY, ME 03904</p>	<p>APPLICANT: WILLIAM WHARFF 30 FEDERAL STREET SALEM, MA 01970</p>	<p>Hoyle, Tanner & Associates, Inc. Pease International Tradeport 100 International Dr, #360, Portsmouth, NH 03801 Tel (603) 431-2520 Fax (603) 431-8067 Web: www.hoyletanner.com © Copyright 2019 Hoyle, Tanner & Associates, Inc.</p>	<p>DATE: 04/17/19</p> <table border="1"> <tr> <td>SCALE: 1"=750'</td> <td>FIGURE: 1</td> </tr> </table>	SCALE: 1"=750'	FIGURE: 1
SCALE: 1"=750'	FIGURE: 1				

SITE DATA

TOTAL AREA: 23.3± ACRES
ZONING: MIXED USE - NEIGHBORHOOD (MU-N)

**PROPOSED MIXED-USE RESIDENTIAL DEVELOPMENT PROJECT
76 DENNETT ROAD
KITTERY, ME**



WETLANDS AND VERNAL POOL FLAGGED BY JOSEPH NOEL 2015-2016

250' VERNAL POOL BUFFER (25% DISTURBANCE ALLOWED)

APPROXIMATE BUILDING SETBACK

APPROXIMATE PROPERTY LINE

WETLANDS

100' VERNAL POOL NO DISTURBANCE BUFFER

WETLANDS

LOT 13-4 5± ACRES

LOT 6-15B 13.3± ACRES

VERNAL POOL

EXISTING LOT LINES TO BE MERGED

APPROXIMATE LOCATION OF INSTALLED SEWER MANHOLE

900±' TO SPINNEY CREEK

DENNETT ROAD

PROPOSED HYDRANT

LOT 6-16A 5± ACRES

MAINE TURNPIKE I-95

TAX MAP 6 LOT 16A 5± ACRES
70 DENNETT ROAD
PISCATAQUA REALTY, LLC
WILLIAM J CULLEN
12 ROSEBERRY LANE
KITTERY, ME 03904

TAX MAP 6 LOT 15B 13.3± ACRES
76 DENNETT ROAD
SAIL AWAY, LLC
12 ROSEBERRY LANE
KITTERY, ME 03904

TAX MAP 13 LOT 4 5± ACRES
DENNETT ROAD
WILLIAM J CULLEN
12 ROSEBERRY LANE
KITTERY, ME 03904

SOUTHBOUND ON-RAMP

PROPOSED OVERHEAD ELECTRIC & TELECOM

WETLANDS

PROPOSED 12" WATER LINE TO RANGER ROAD. DESIGNED 2016

EXISTING SITE SHEET 1 OF 4

SUBJECT PROPERTY: TAX MAP 6, LOTS 15B & 16A TAX MAP 13 LOT 4

APRIL 17, 2019 SCALE: 1"=120' (11"X17")

APPLICANT: WILLIAM WHARFF 30 FEDERAL STREET SALEM, MA 01970

IMAGE: GOOGLE EARTH - MAY 2018

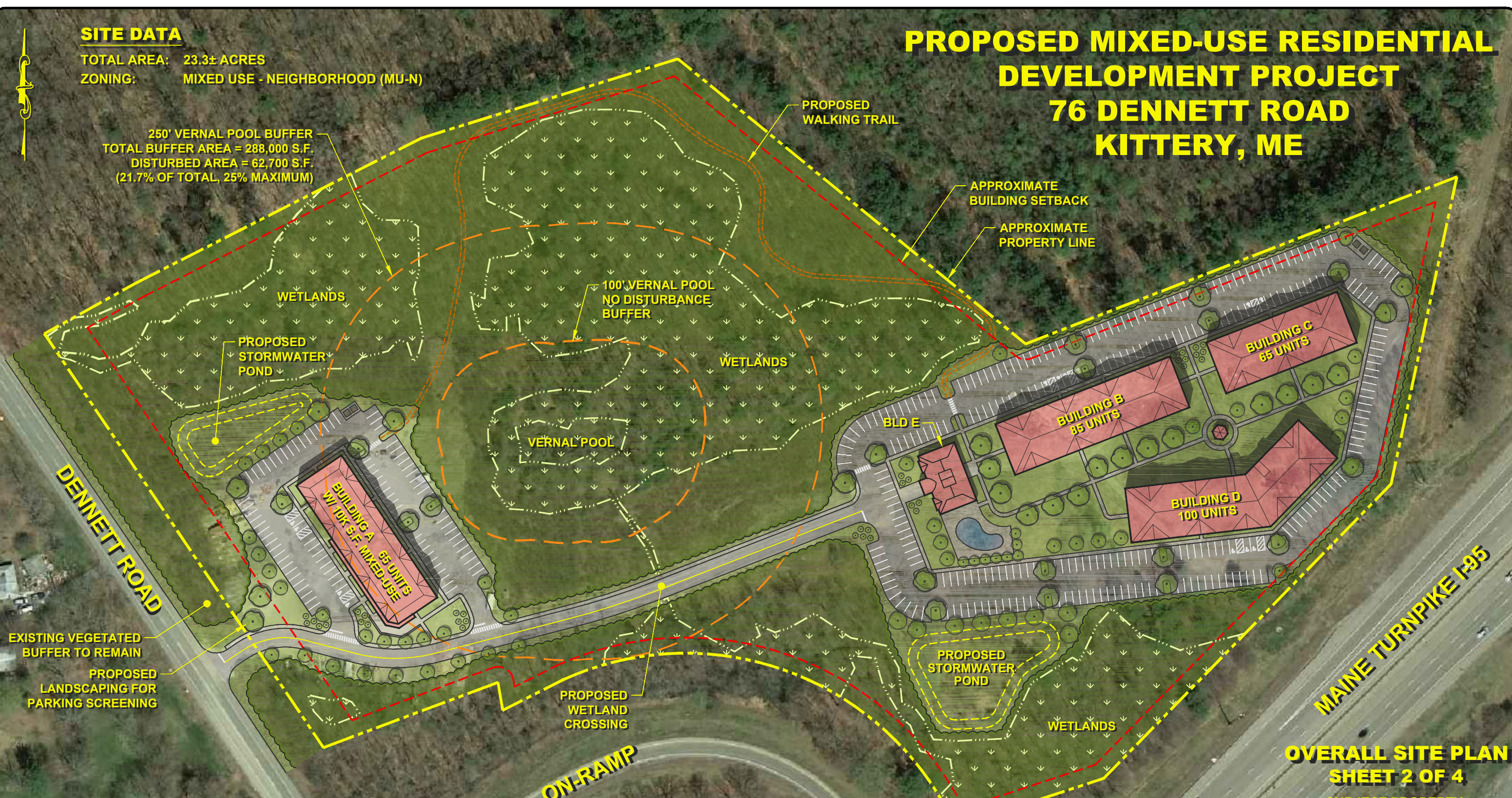
Hoyle, Tanner & Associates, Inc.
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SITE DATA

TOTAL AREA: 23.3± ACRES
 ZONING: MIXED USE - NEIGHBORHOOD (MU-N)

PROPOSED MIXED-USE RESIDENTIAL DEVELOPMENT PROJECT
76 DENNETT ROAD
KITTERY, ME

250' VERNAL POOL BUFFER
 TOTAL BUFFER AREA = 288,000 S.F.
 DISTURBED AREA = 62,700 S.F.
 (21.7% OF TOTAL, 25% MAXIMUM)



EXISTING VEGETATED BUFFER TO REMAIN
 PROPOSED LANDSCAPING FOR PARKING SCREENING

PROPOSED WETLAND CROSSING

PARKING SUMMARY

FRONT =	105 SPACES
REAR =	300 SPACES
TOTAL =	405 SPACES

BUILDING SUMMARY

BUILDING A	(70'X220')	4 STORIES	61,600 S.F.*	65 UNITS
BUILDING B	(70'X240')	4 STORIES	67,200 S.F.	85 UNITS
BUILDING C	(70'X180')	4 STORIES	50,400 S.F.	65 UNITS
BUILDING D	(70'X280')	4 STORIES	78,400 S.F.	100 UNITS
BUILDING E	(50'X80')	1 STORY	4,000 S.F.	AMENITIES
TOTALS			261,600 S.F.	315 UNITS

*10,000 S.F. MIXED-USE ON FIRST FLOOR.

OVERALL SITE PLAN SHEET 2 OF 4

SUBJECT PROPERTY:
 TAX MAP 6, LOTS 15B & 16A
 TAX MAP 13 LOT 4

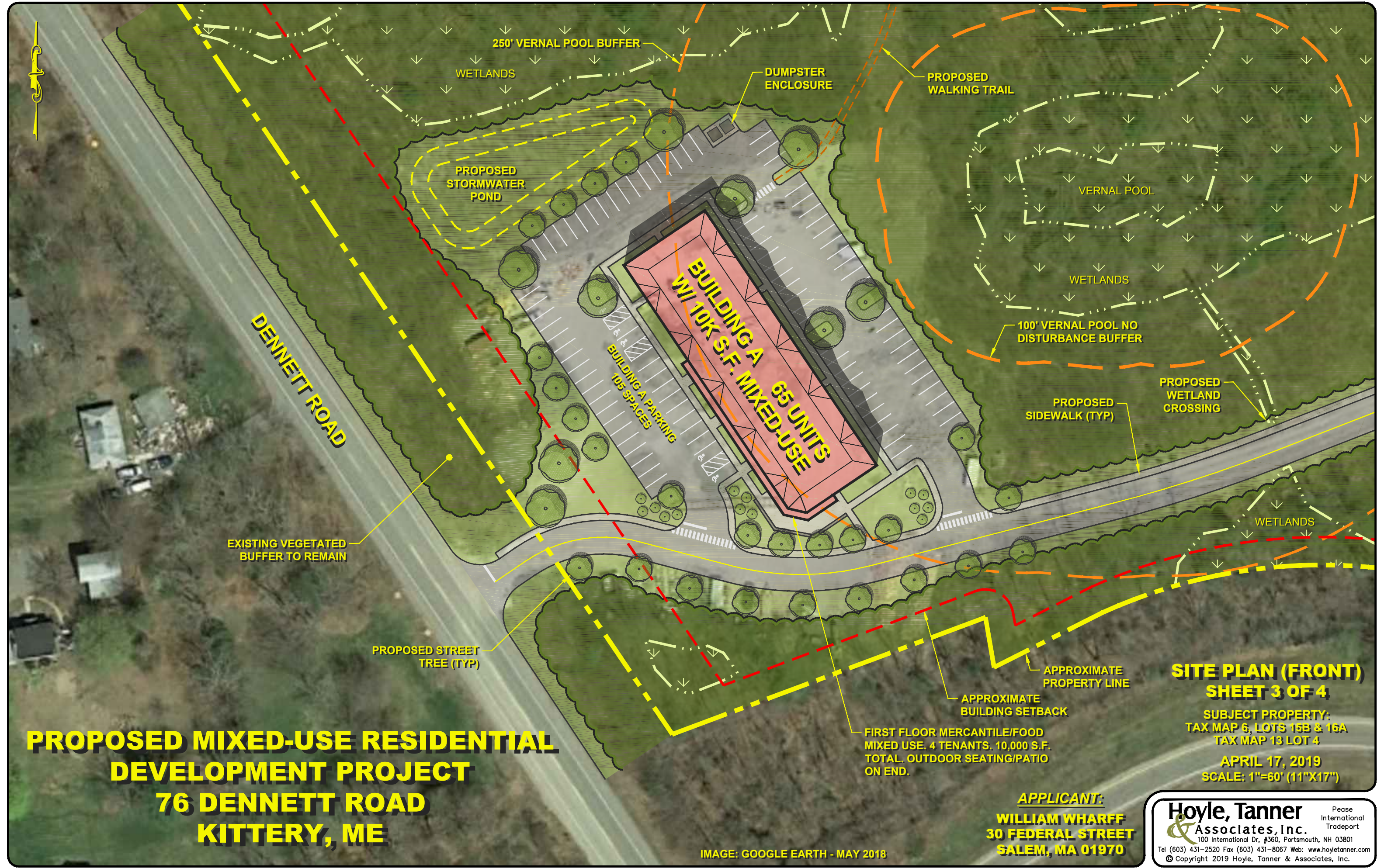
APRIL 17, 2019
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APPLICANT:
WILLIAM WHARFF
30 FEDERAL STREET
SALEM, MA 01970

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**PROPOSED MIXED-USE RESIDENTIAL
DEVELOPMENT PROJECT
76 DENNETT ROAD
KITTERY, ME**

IMAGE: GOOGLE EARTH - MAY 2018



**SITE PLAN (FRONT)
SHEET 3 OF 4**

SUBJECT PROPERTY:
TAX MAP 6, LOTS 15B & 16A
TAX MAP 13 LOT 4

APRIL 17, 2019
SCALE: 1"=60' (11"X17")

APPLICANT:
WILLIAM WHARFF
30 FEDERAL STREET
SALEM, MA 01970

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PROPOSED MIXED-USE RESIDENTIAL DEVELOPMENT PROJECT 76 DENNETT ROAD KITTERY, ME



SITE PLAN (REAR) SHEET 4 OF 4

SUBJECT PROPERTY:
TAX MAP 6, LOTS 15B & 16A
TAX MAP 13 LOT 4

APRIL 17, 2019
SCALE: 1"=60' (11"X17")

APPLICANT:
WILLIAM WHARFF
30 FEDERAL STREET
SALEM, MA 01970

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