



KITTERY TOWN PLANNING BOARD MEETING

Council Chambers – Kittery Town Hall 200 Rogers Road, Kittery, Maine 03904

Phone: 207-475-1323 - Fax: 207-439-6806 - www.kittery.org

AGENDA for Thursday, October 9, 2014

6:00 P.M. to 10:00 P.M.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 9/25/2014

PUBLIC COMMENTS - Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address and record it in writing at the podium.

PUBLIC HEARING/OLD BUSINESS

ITEM 1 – (45 min.)– Brave Boat Conservation at Sawyer Lane – Cluster Subdivision —Preliminary and Final Plan Review
Action: Hold a public hearing, review and grant or deny preliminary and final plan approval. Owner and Applicant Jonathon & Kathleen Watts are requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc.

ITEM 2 – (20 minutes) - Board Member Items / Discussion: A. Debrief on Joint TC/PB 10/6 workshop; B. Other.

ITEM 3 – (5 minutes) – Town Planner Items: A. Other

NEW BUSINESS

ITEM 4– (15 minutes) – 84 Pepperrell LLC – Shoreland Development Plan Review
Action: Accept or deny plan application and schedule site walk and/or public hearing. Owner 84 Pepperrell LLC and applicant Jonathan MacDougal are requesting approval of their plans to reconstruct expand an existing non-conforming building located at 84 Pepperrell Rd., Tax Map 27, Lot 51, in the Kittery Point Village and Shoreland Overlay zones.

ITEM 5– (15 minutes) – 62 Pepperrell Cove LLC – Shoreland Development Plan Review
Action: Accept or deny plan application and schedule site walk and/or public hearing. Owner Pepperrell Cove LLC and Applicant Michael McCuddy is requesting approval of their plans to expand an existing non-conforming building located at 62 Pepperrell Rd., Tax Map 18, Lot 46, in the Kittery Point Village and Shoreland Overlay zones.

ITEM 6– (15 minutes) – Devell Revocable Trust – Shoreland Development Plan Review
Action: Accept or deny plan application and schedule site walk and/or public hearing. Owner Devell Revocable Trust and Applicant Peter Whitman are requesting approval of their plans to expand an existing non-conforming building located at 70 Chauncey Creek Rd., Tax Map 45, Lot 70, in the Kittery Point Village and Shoreland Overlay zones.

ADJOURNMENT - (by 10:00 PM unless extended by motion and vote)

NOTE: ACTION LISTED IN ABOVE AGENDA ITEMS IS FOR REFERENCE ONLY AND THE BOARD MAY DETERMINE A DIFFERENT ACTION.
DISCLAIMER: ALL AGENDAS ARE SUBJECT TO REVISION ONE WEEK PRIOR TO THE SCHEDULED TOWN PLANNING BOARD MEETING.
TO REQUEST A REASONABLE ACCOMMODATION FOR THIS MEETING PLEASE CONTACT STAFF AT (207) 475-1323 OR (207) 475-1307.

1 TOWN OF KITTERY, MAINE
2 PLANNING BOARD MEETING
3 Council Chambers

UNAPPROVED
September 25, 2014

4
5 Meeting called to order at 6:05 p.m.

6 Board Members Present: Tom Emerson, Karen Kalmar, Susan Tuveson, Mark Alesse, Deborah Driscoll
7 Davis, Ann Grinnell

8 Members absent: Bob Melanson

9 Staff: Chris DiMatteo, Assistant Planner

10
11 Pledge of Allegiance
12
13

14 PUBLIC INFORMATIONAL MEETING {Town Council and Planning Board presiding jointly}
15

16 ITEM 1 – Sarah Mildred Long Bridge Action: Hold a public meeting, review and comment.

17 Maine Department of Transportation representatives will describe the latest plan for the bridge design and
18 associated site improvements in Kittery.

19 A presentation (attached) by MDOT official Jeff Folsom, followed by public discussion:

20 In summary:

- 21 • There will be no pedestrian sidewalk on the new bridge, due to addition costs to increase the
22 width; a 5-foot bike lane on each side of the vehicle lanes is included in the design.
- 23 • Schedule: Construction start in Fall 2014; existing bridge will be closed for a 6 month period
24 prior to opening of new bridge in 2017; new bridge open to traffic in August, 2017; project
25 completion in 2019.
- 26 • Landscape plan: worked with Planner and DPW Director; low maintenance plantings and
27 lawn; street trees; river overlook with parking; Welcome to Kittery sign at intersection.
- 28 – Ms. Davis: What is the anticipated traffic numbers when the bridge is complete; will there be
29 fishing access; what about the trestle north of the bypass; is there an overlook on the bridge;
30 will black signals and railings be used on the bridge?
- 31 • Mr. Folsom: Traffic count is estimated at 20,000 trips per day; the trestle is privately owned,
32 but MDOT has inspected and will monitor for safety; access for river fishing and parking will
33 remain; no scenic outlook on the bridge, as there's not pedestrian access; black hardware
34 traffic signals will match existing in town, but black railings do not hold up and require
35 maintenance.
- 36 – Steve Workman: Aesthetic LED lighting was always included in the bridge proposal; will
37 MDOT or the town pay for lighting costs? Is stakeholder group done? MDOT could continue
38 to use the stakeholders group to work out the fine details remaining.
- 39 – Jeff Folsom, MDOT: There is an allowance for LED light installation for sheaves [top of
40 bridge towers]; lighting for glass openings in towers to be determined. MDOT can work with
41 town regarding lighting costs. The design is done, and it was always made clear that light
42 installation was as the budget allowed. We will do as much of the lighting as we can. We are
43 still interested in working with the group to finalize the details.
44

45 Discussion followed regarding the width of bike lanes and markings off the bridge and tying in
46 with the by-pass bike lanes, crosswalk location and identification, etc. MDOT will confirm width
47 of lanes off the bridge, and provide a detail plan of the intersection illustrating travel markings,
48 signage, crosswalks, bike areas, lighting, etc., and coordinate communications with Interim
49 Planner DiMatteo.
50

51 Regular Board Meeting:

52

53 Minutes: September 11, 2014

54 Ms. Tuveson moved to accept the minutes of September 11, 2014 as corrected

55 Ms. Kalmar seconded

56 Motion carried unanimously by all members present

57

58 PUBLIC COMMENT - No public comment

59

60 OLD BUSINESS

61

62 ITEM 2 – Town Code Amendment - Title 16.8.10.2.C Signs – General Requirements. Action: review
63 amendment and schedule a public hearing. Proposed amendment re-defines Light-emitting diode (LED)
64 lighting.

65 Ms. Tuveson moved to schedule amendment [dated 9/25/14] for a public hearing

66 Ms. Grinnell seconded

67 Discussion regarding whether to retain language including time/temperature/date signs at this time. It
68 was agreed to address the moving message and changeable message boards and LED use at a later time.

69 Motion carried unanimously by all members present

70

71 The public hearing will be held at the October 23, 2014 Board meeting.

72

73

74 ITEM 3 – Town Code Amendment – Title 16.8.7 Sewer System and Septic Disposal, 16.9.1.4 Soil
75 Suitability, 16.8.16 Lots and 16.2.1 Definitions. Action: review and discuss in advance of 10/6 joint
76 workshop with Town Council. Amendments to the Town Code to address soil suitability as it pertains to
77 septic disposal systems and other development standards. Amendments also address regulations for
78 sewer, subsurface wastewater disposal systems and holding tanks, and changes in form, format and
79 language to address clarity.

80 [Board members were asked by Council to prepare a 'Pro/Con' list regarding the proposed amendment.]

81 Mr. Emerson began the discussion outlining his concerns regarding the proposed amendment, primarily
82 the potential for legal challenges, lack of scientific/statistical evidence that there is a problem with septic
83 systems, that implementation will create sprawl because cluster development provisions for open space
84 need not be followed through a phasing, 5-year process, and there is no other amendment proposed in
85 conjunction to address the Comp Plan for directing development to other areas of Town. Has this been
86 legally tested? Does not disagree with the goals, but does disagree with the methodology.

87 Ms. Kalmar: The intent is not to stop development, but to slow and direct development to areas of town
88 with sewer services, per the Comp Plan, and limit the intensive placement of septic systems and potential
89 poisoning of the groundwater. This proposal is not the final answer, but would help slow things down so
90 the Board can have the time to study and develop a more encompassing solution.

91 Mr. DiMatteo: This debate shows the amendment needs to be vetted. MMA supports the goal of
92 addressing growth in the rural areas, but this amendment may not be defensible, and does not address
93 other methods or areas of development. There are other issues the Board has been working on that need
94 to be addressed and finalized as well.

95 Mr. Emerson: Advised the Board there are some members of the community who feel there are members
96 of the Board who have a pre-determined opinion regarding growth control in specific areas of town.

97 Discussion followed regarding cluster design, modifications, and open space, and alternative processes
98 for addressing growth.

99

100 Board members agreed to forward the amendment to Council for further discussion and public input, and
101 if needed, for investment in a legal opinion. The amendment and the pro/con lists will be provided to the
102 Council.

103

104 Ms. Kalmar moved to amend the draft to read *Subsurface wastewater disposal is not permitted in a*
105 *residential subdivision with 5 or more lots or dwelling units.*

106 Ms. Tuveson seconded

107 Mr. DiMatteo: The definition of a minor subdivision is not more than 4 lots/units; a major is 5 or more.

108 Ms. Kalmar: The original amendment language limiting development to a maximum of 3 lots/units was
109 intended to address the town's growth pattern of 20 lots/units per year.

110 Discussion followed regarding the wisdom or need of changing the amendment after the Council has
111 already considered and discussed the prior language.

112 Motion failed: 2 in favor (Tuveson/Grinnell); 4 opposed (Emerson/Kalmar/Alesse/Davis); 0 abstentions

113

114

115 ITEM 4 – Board Member Items / Discussion

116 A. Action List: Board members to individually prioritize list for October 23 meeting.

117 B. Town Council & Planning Board Joint Workshop – October 6 at 6p.m. – Town Code Amendments

118 C. Route 1 – BP District Quality Improvement Plan TPB Advisory Committee

119 – Ms. Davis: Suggested "Newbridge Road" as new name.

120 – Mr. DiMatteo will confirm status of Advisory Committee work.

121 D. Quality Improvement Overlay Zone (Kittery Crossing and Coastal Route 1 Malls)

122 E. Kittery Foreside Committee per Title 16: Board discussion regarding need; will confirm whether
123 Council intends to re-establish Committee. If not, remove reference from Code.

124 F. Committee Updates -

125 – Ms. Driscoll: Comp Plan update must be done within 12 years. Time has expired and the plan must
126 now address 2015-2025. This will work well as the census update. Committee will be looking for
127 resources to conduct re-write. Next meeting will be mid-November.

128 – Ms. Grinnell:

129 • Reminder that Board representation to committees and election of officers needs to be scheduled
130 at the December Board meeting.

131 • Wood Island Life Saving Station Association applied for a \$200K grant with a match, as co-
132 applicants. This is pending.

133 • Mr. DiMatteo: An RFP for a QEP through the DEP and EPA for the Brownfield grant has been
134 developed, with a selection expected in November.

135 – Mr. Emerson: Summarized information needed from MDOT regarding the new bridge, specifically,
136 signage, bike marking, crosswalk, signals, lighting, and landscape plans.

137 – Ms. Kalmar: Meeting with Town Manager, re: Town Planner position. Mr. DiMatteo met with the
138 Town Manager who indicated this could be accomplished in a workshop, with appropriate notice.

139 – Ms. Davis: Need to have a signage workshop and address the outdoor seating amendment. Both
140 items were scheduled for the October 23, 2014 Board meeting. Discussion followed regarding BoA
141 review of application for signage in the shoreland zone.

142

143

144 ITEM 5 – Town Planner Items:

145 A Memorial Circle Improvement Plan. There is a shortfall of \$250,000. Town will question MDOT if
146 the budget can be increased.

147 B. Kittery Foreside Committee. Previously discussed. This is a Council decision.

- 148 C. KACTS Grant for Route One By-Pass locale. A \$20,000 grant (with a 5% match) has been received.
- 149 Covers area from the Sarah Long Bridge to Memorial Circle. Focus will be on traffic movement and
- 150 bicycle and pedestrian use.
- 151 D. Public Works Town related projects. Commissioner Albert has been contacted regarding DPW
- 152 project updates to the Board.
- 153 – Ms. Grinnell: The median strips north of Haley Road need attention (trees and grass trimming).
- 154 Must determination whether this is a DPW or MDOT responsibility.
- 155 E. Other.

156

157 ADJOURNMENT - (by 10:00 PM unless extended by motion)

158

159 Ms. Tuveson moved to adjourn

160 Ms. Grimell seconded

161 Motion carried

162

163 The Kittery Planning Board meeting of September 25, 2014 adjourned at 9:15 p.m.

164 Submitted by Jan Fisk, Recorder, September 26, 2014

165

Town of Kittery Planning Board Meeting August 14, 2014

Brave Boat Conservation at Sawyer Lane – Cluster Subdivision —Preliminary and Final Plan Review

Action: Hold a public hearing, review and grant or deny preliminary and final plan approval. Owner and Applicant Jonathon & Kathleen Watts are requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
	Sketch Plan Review/approval	Reviewed and not excepted on 12/12/2013, accepted on 5/8/14, appvd on 6/12/14	APPROVED
NO	Site Visit	Scheduled for 6/4/14	HELD
Yes	Preliminary Plan Completeness/Acceptance	Scheduled for 7/10/14	GRANTED
Yes	Public Hearing	August 14, 2014 Cancelled, August 28, 2014, 2 nd PH requested (10/9)	HELD
■	■	■	■
Yes	Final Plan Review and Approval		

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:

Jonathon & Kathleen Watts are requesting to create a cluster subdivision on a parcel off Brave Boat Harbor Road while preserving the original homestead built in the 1930's. A large portion of the property is wetland and not directly accessible. Access for the proposed four lots is planned via a new Right-Of-Way in the vicinity of the existing driveway. The existing dwelling is located on one of the four lots. As Part of Sketch Plan review the Planning Board held a site walk on 6/4/14 and approved the revised concept on 6/12/14. Applicant has submitted a revised plan and supplemental information in response to staff and board members comments at the 8/28/14 meeting.

Review:

The following are comments Staff made when considering the preliminary plan application presented at the 8/28/14 public hearing that have not been addressed (text highlighted to indicate that a portion of the original comment has not been addressed and/or a new staff comment):

- 1) 16.10.5.2.B.9: *The plan has been revised to show essential physical features such as "forest cover" however, only to address proposed clearing. The existing tree line is not identified which generally parallels Brave Boat Harbor Rd. in the vicinity of the property line. With this information it would be evident where the existing cleared areas are, notably behind house # 139 where proposed vegetative buffer is shown, and what portion of the street is displacing tree cover and to what extent the abutting lot at house #145 is cleared. The revised plan sheet S-2 does include an existing tree line, however, the extent of the tree line shown, especially in the vicinity of # 139 Brave Boat Harbor Road, raises a different concern. Now it appears that the proposed vegetated buffer is within an established tree cover, not entirely conducive to installing a vegetated*

buffer and/or fence. If this is the case, additional details, as suggested earlier and reiterated in these latest notes, need to be provided as to how the buffer is to be established. In addition, it appears that the existing tree line limits shown in the vicinity of where the proposed ROW meets the existing street is not entirely accurate. Aerial images do not show trees this far forward on the property.

- 2) *16.3.2.16.D.1.d: The applicant has requested flexibility with the standard requiring a maximum 20% of de-vegetated areas for lots within the shoreland overlay zone. Staff has reviewed the plans and estimated areas of de-vegetation and it appears all of the proposed lots include de-vegetated areas significantly less than 20%, so the waiver request does not seem warranted. Staff recommends that the restriction on removing vegetated areas be addressed as a condition of final approval and in the homeowners association documents.*
- 3) *16.9.2.2 Clearing or Removal of Vegetation for Uses Other Than Timber Harvesting in a Resource Protection or Shoreland Overlay Zone: The lots are subject to limited clearing of vegetation that includes: 1) not more than 40% of the volume (i.e. basal area) of trees four inches or more in diameter, which includes development of permitted uses (16.9.2.2.C); and 2) it is not permissible to clear openings for any purpose that exceed in aggregate 25% of the lot area or 10,000 square feet, whichever is greater. It appears that all of the proposed cleared areas are less than 10,000 square feet, however, no more than 40% volume of the trees removed from the lots still applies. For reference, it appears that the no cut/no disturb buffer area for lots 1, 3 & 4 are in excess of 50% of their respective lot areas. Staff recommends that the tree removal/clearing be addressed in the homeowners association covenants and perhaps on the individual deeds.*
- 4) *Staff has received a letter from an abutter raising some concerns with regard to the proposed development as it relates to their adjacent property at 145 Brave Boat Harbor Road. The letter was attached to the 7/10/14 Plan Review Notes. The applicant should address the concerns made. It is not clear if the Applicant has addressed the abutter's concerns.*
- 5) *Recommended changes to the plans:*
 - a. *Subdivision Plan.*
 - i. *The most recent plan is not identified as a "Subdivision Plan". Staff recommends adding this to the plan preceding the current title.*
 - vi. *Note on the plan to preserve existing trees shown at the terminus of the ROW to address Title 16.8.4.7.A.*
 - vii. *The size and type of trees and fence proposed for the buffer behind house number 139 needs to be noted on the plan.*
 - b. *Plan, Profile and Details*
 - i. *The grading in the vicinity of the tee-turn should reflect the intent in Title 16.8.4.7.A where existing trees must be maintained within the center of the cul-de-sac. A plan note would address this concern.*

Comments on the recent submission dated 9/18/2014 with revised plans dated 9/2/2014

:

- A) Plan sheet S-1 and S-2 include similar or identical information and it would be confusing and not appropriate to record both of these plans. Staff recommends preparing a single 'Subdivision Plan' for recording. If this is not possible, though to date it seems achievable, the two plans should reference one another and should not include redundant information that would create confusion. The title of the plan should be clearly stated, i.e. "Subdivision Plan", "Brave Boat Conservation at Sawyer Lane". The current title is not the convention typically used.

- B) There is no existing conditions plan in the plan set. Perhaps the referenced Survey can be included as the existing conditions plan.
- C) Plan note 8 is not clear as to its intent. Perhaps it should read: *Per Title 16.7.8 Land Not Suitable for Development, soils rated very poor and poor in the Soil Suitability Guide have been identified and deducted for purposes of calculating the net residential acreage. Soils include Lyman Rock Outcrop with C slopes (LrC) and Scantic with A slopes (ScA).*
- D) Plan note 11 should be amended to read: *The 100' wide No Cut/ No Disturb buffer **must be marked in the field with permanent marker at the beginning point, end point, and 100' intervals, or closer as needed to reflect a significant change in direction.***
- E) Plan note 12 should be amended to read: *Advanced pre-treatment tanks **must be employed by all subsurface wastewater disposal systems on all lots.***
- F) Applying the cluster provisions allows the applicant to modify the "Dimensional Standards" that would otherwise apply, to obtain the benefits of clustering. On the Subdivision Plan, some but not all are indicated. These all should be included on the plan:
- | | |
|--------------|---|
| 16.3.2.1.D2: | Minimum lot area: 20,010 sf vs 40,000 sf. |
| 16.3.2.1.D2: | Street frontage 30.06 ft. vs 150 ft. |
| 16.3.2.1.D2: | Front yard setback 9.3 ft. vs 40 ft. |
| 16.3.2.1.D2: | Side and rear yard setback 10 ft. vs 20 ft. |
- Staff does not recommend the following modification request:
- | | |
|------------------|--|
| 16.3.2.16.D.1.d: | Maximum 20% of lot area for de-vegetated areas: 30% vs 20% |
|------------------|--|
- G) The no-mow maintenance (except for twice/year) for the drainage swale alongside Sawyer Lane as indicated on Sheet C-1, note #8 should be indicated on the Subdivision Plan, i.e.: "Drainage ditch alongside Sawyer Lane must be maintained as a vegetated swale to be mowed only twice a year retaining a height no less than 6 inches." This information should also be in the homeowners association documents.
- H) In addition to what is mentioned in item 4.iv above, the vegetative buffer noted alongside the proposed Sawyer Lane needs to be described in more depth so an expectation of what is to be installed is clear. This should be noted on the subdivision plan in some manner.
- I) A new plan note should be added to the Subdivision Plan referencing the plans prepared by the civil engineers, i.e.: "For information regarding street design and construction and related site work, refer to plans C-1 and C-2 prepared by Pinkham and Greer, Civil Engineers, revised plan date 9/4/2014."
- J) A new plan note addressing Title 16.8.11.7.B. needs to be placed on the Subdivision Plan, preferably in the vicinity of where the northerly portion open space is depicted, i.e.: "The open space must not be used for future building lots and a part or all of the open space may be dedicated for acceptance by the Town."
- K) Sheet C-1 includes two plan notes (#'s 2 and 3) involving the proposed street that are more appropriate for inclusion on the Subdivision Plan.
- L) Sheet C-1 includes three plan details that appear to have conflicting existing topographic information. Perhaps this is a layering CAD issue, however, the plans should be revised to eliminate the conflict.

- M) At the last meeting the abutter located at #139 Brave Boat Harbor Rd. raised concerns regarding the proximity of the proposed development to their property. To address this concern the applicant has increased the proposed 20-foot wide yard setback to 40 feet. The Board may want to require, in lieu of or in addition to the planting and/or fencing in this locale proposed to satisfy *Title 16.8.11.6.I.4 Buffering*, a no-cut /no disturb buffer area be designated within all or a portion of the proposed 40-foot wide yard setback.
- N) The Open Space is proposed for 8.89 acres of the parent lot. The Land Management Plan describes that this land will be managed by a Homeowners Association comprising owners of the 4 subdivided lots. The Land Management Plan describes that the land will be reserved from future growth, and be preserved as-is. It is not clear, however, if the Homeowner's association has sufficient information to execute the goal(s) successfully. Title 16.8.11.7.D.1 requires that the Association accommodates adequate costs to maintain the open space. Along with formerly setting aside a mechanism to pay for the maintenance costs, there needs to be more definitive language as to how the goals are met, i.e. monitoring/inspection for encroachment and how to deal with such issues in the event they arise. The Board may want the Town Attorney to review the homeowner's documents to assure that the requirements of the Land Management Plan are properly reflected.

Recommendation

After considering testimony from the public hearing the Board should determine:

- 1) Discuss the Special Exception Use Request and determine if there are any issues; and
- 2) Staff recommends granting preliminary approval. If the Board concurs with staff and CMA comments, do they need to see the comments addressed in a revised plan prior to preliminary approval?
- 3) The Applicant is requesting final approval. Staff finds that the homeowner's docs open space land management plan needing more coordination, otherwise conditioned by Staff and CMA comments, the Plan is satisfactory. Does the Board want the Town Attorney and Staff to work with applicant to finalize these documents? And does the Board want to review these prior to Final Approval?

**KITTERY PLANNING BOARD
 FINDINGS OF FACT – D R A F T / NOT APPROVED
 for
 BRAVE BOAT HARBOR CONSERVATION CLUSTER SUBDIVISION**

WHEREAS: Owner and applicant Jonathon & Kathleen Watts is requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc.

Hereinafter the “Development”.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted;

Sketch Plan Review and Approval	Reviewed and not excepted on 12/12/2013, accepted on 5/8/14, approved on 6/12/14	APPRVD
Site Visit (Sketch Plan)	Title 16.10.5.1.3; June 6, 2014	HELD
Preliminary Plan Review Completeness/Acceptance	July 10, 2014	ACCEPTED
Waiver Requests:	None	
Public Hearing(s)	Scheduled August 14, 2014, Advertised Wednesday 8/6/14; 8/14/14 meeting cancelled due to lack of quorum; public hearing held 8/28/14; second PH requested for 10/9/14	PH Held 8/28/14 and 9/10/14
Preliminary Plan Approval		PENDING
Final Plan Review		
Final Plan Approval		

and pursuant to the application, plans and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following (Hereinafter the “Plan”):

Standard Boundary Survey / Existing Conditions (forthcoming?)	?	High Intensity Soil Survey Plan	6/19/14
Subdivision Plan	7/24/14	C1.0 – Plan, Profile & Details REV. 7/22/14	6/19/14
Cluster Development Plan Review Application and supplemental information	6/19/14 7/24/14	Class A High Intensity Soil Survey	6/06/14

FINDINGS OF FACT

Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:

A. Development Conforms to Local Ordinances.

The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

Per Article XI Clustered Residential Development, 16.8.11.3, the following dimensional standards modifications are proposed:

1. 16.3.2.1.D2: Minimum lot area: 20,010 sf vs 40,000 sf.

2.	16.3.2.1.D2:	Street frontage 30.06 ft. vs 150 ft.
3.	16.3.2.1.D2:	Front yard setback 9.3 ft. vs 40 ft.
4.	16.3.2.1.D2:	Side and rear yard setback 10 ft. vs 20 ft.
5.	16.8.4.4:	Class II street sidewalk: None vs 5 ft. walk
6.	16.8.4.4:	Cul-de-sac Paved Radius: 24' x 24' turn tee vs. 40' radius
7.	16.16.9.A:	Flag lots, Lot Dimension Ratio

Vote of 0 in favor 0 against 0 abstaining

B. Freshwater Wetlands Identified.

All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

The wetlands boundaries were delineated and flagged by Joseph W. Noel, Maine Certified Soil Scientist (#209) during September 3 and 8, 2013, and surveyed and shown on the Existing Conditions Plan prepared by North Easterly Survey, Inc. The delineation was conducted in accordance with the U.S. Army Corps of Engineers (ACOE) Wetlands Delineation Manual (1987) along with the required regional supplement manual, North central and Northeast Region.

CMA: A 100-ft “no-cut” buffer is designed and no development is proposed within this setback.

Vote of 0 in favor 0 against 0 abstaining

C. River, Stream or Brook Identified.

Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in 38 M.R.S. §480-B, Subsection 9.

A jurisdictional stream has been identified on the property, with its location confirmed by MDEP and is shown on the plan. No development is proposed within its vicinity.

Vote of 0 in favor 0 against 0 abstaining

D. Water Supply Sufficient.

The proposed development has sufficient water available for the reasonably foreseeable needs of the development.

Municipal water service is proposed and availability is confirmed.

Vote of 0 in favor 0 against 0 abstaining

E. Municipal Water Supply Available.

The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.

Kittery Water District water service is proposed. The KWD has indicated ability to serve.

Vote of 0 in favor 0 against 0 abstaining

F. Sewage Disposal Adequate.

The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

Individual septic and leach field systems are proposed for each lot. A minimum of two required test pit locations have been located on each lot by Joseph W. Noel, Maine Certified Site Evaluator, indicating the lots can support a septic system, including reserve leachfields as necessary Test pits were also performed at the proposed reserve areas.

CMA: On-site septic systems are proposed. Evaluation of soils supports the design of these systems. In the project narrative, the applicant describes that “advanced pre-treatment tanks are proposed”. This is desirable, and should be strengthened to read Advanced pre-treatment tanks must be employed by all subsurface wastewater disposal systems on all lots.

Vote of 0 in favor 0 against 0 abstaining

G. Municipal Solid Waste Disposal Available.

The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.

Applicant: The subdivision does not require any changes to municipal solid waste services.

Vote of 0 in favor 0 against 0 abstaining

H. Water Body Quality and Shoreline Protected.

Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Most of the development is proposed located within 250 feet of shoreland wetlands.. The development should not adversely affect the quality of the water body.

CMA: 16.8. 4.14 Road and Driveway Standards in the Shoreland and Resource Protection Overlay Zones

The requirements of section B.7. of this section require that discharges be directed to un-scarified buffer strips between the ditch or culvert discharge and the ultimate discharge. The applicant had previously designed management of most flow to meet this requirement. In the revised design, the applicant has added a requirement for a vegetated swale that takes discharge from roadway within the Shoreland Overlay Zone as it flows outside the zone to Brave Boat Harbor Road. This vegetation is specified to be cut no more than twice a year, and to be left at least 6 inches high. This reasonably meets the requirement.

Vote of 0 in favor 0 against 0 abstaining

I. Groundwater Protected.

The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

Individual septic and leach field systems are proposed for each lot. A minimum of two required test pit locations have been located on each lot by Joseph W. Noel, Maine Certified Site Evaluator, indicating the lot can support a septic system. Test pits were also performed at the proposed reserve areas. The proposed development should not adversely affect the quality or quantity of groundwater.

CMA: On-site septic systems are proposed. Evaluation of soils supports the design of these systems. In the project narrative, the applicant describes that "advanced pre-treatment tanks are proposed". This is desirable, and should be strengthened to read Advanced pre-treatment tanks must be employed by all subsurface wastewater disposal systems on all lots.

Vote of 0 in favor 0 against 0 abstaining

J. Flood Areas Identified and Development Conditioned.

All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.

Zone A2 has a defined 100-year flood elevation of 9 feet. Zone B is listed as areas of moderate flood hazard, usually the area between the 100-year and 500-year floods. Zone lines are shown on the Existing Conditions Plan prepared by North Easterly Surveying, Inc. No buildings will be constructed within these zones.

Vote of 0 in favor 0 against 0 abstaining

K. Stormwater Managed.

Stormwater Managed. The proposed development will provide for adequate stormwater management

A stormwater management plan has been prepared and demonstrates compliance with requirements.

CMA: The applicant has presented a Stormwater Management Plan prepared and stamped by a Maine licensed civil

engineer. The plan is well prepared, and concludes that the site will be stable, and that only negligible flow increases to the *significant wetlands complex on the applicant's property are proposed to result. These negligible increases are insignificant.*

Vote of 0 in favor 0 against 0 abstaining

L. Erosion Controlled.

The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Runoff is primarily maintained as sheet flow and minimized concentrated flow. Other best management practices include the use of undisturbed wooded buffers, reduction of flow velocities, rip rap protection, minimization of pavement widths, stabilized construction entrance and site barriers. BMPs for erosion control were reviewed as part of the approved MDEP Stormwater Permit. This standard appears to be met.

Vote of 0 in favor 0 against 0 abstaining

M. Traffic Managed.

The proposed development will:

- 1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and*
- 2. Provide adequate traffic circulation, both on-site and off-site.*

CMA: Sight Distance and Traffic Study

It is presumed that a traffic study is not warranted for this proposed 4-lot subdivision. The Town has issued a Road Entrance Permit (dated 10/22/13). This permit refers to sight distance issues. The applicant has now reported sight distances north and south, and that the sight lines have been cleared. These sight distance to the south is reported to be 257 feet, and to 364 feet to the north. The minimum safety standard is a so-called "stopping distance". For a posted speed of 35 mph (and travel speeds in that range), the minimum stopping distance is recommended to be 250 feet. For higher actual speeds, longer stopping distances are recommended.

Vote of 0 in favor 0 against 0 abstaining

N. Water and Air Pollution Minimized.

The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:

- 1. Elevation of the land above sea level and its relation to the floodplains;*
- 2. Nature of soils and sub-soils and their ability to adequately support waste disposal;*
- 3. Slope of the land and its effect on effluents;*
- 4. Availability of streams for disposal of effluents;*
- 5. Applicable state and local health and water resource rules and regulations; and*
- 6. Safe transportation, disposal and storage of hazardous materials.*

- 1. No filling or development is proposed within the 100 year floodplain.*
- 2. Applicant has provided a Class A High Intensity Soil Survey, test pit logs, proposed subsurface disposal area and reserve locations.*
- 3. Proposed leach fields are located outside steep slope areas.*
- 4. There are no streams on the site.*
- 5. The applicant has received the MDEP Stormwater License and ACOE Permit*
- 6. There will be no handling of hazardous materials.*
- 7. This standard appears to be met.*

Vote of 0 in favor 0 against 0 abstaining

O. Aesthetic, Cultural and Natural Values Protected.

The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

CMA: The applicant states that there are no archaeological or historic sites noted by the MHPC within the proposed development.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
P. Developer Financially and Technically Capable.
<i>Developer is financially and technically capable to meet the standards of this section.</i>
16.10.7.2.P. Performance Guaranty and Town Acceptance to secure completion of all improvements required by the Planning Board and written evidence the Town manager is satisfied with the sufficiency of such guaranty. This is required prior to final approval.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
Title 16.8.3.1 - Street Naming Application:
The proposed street name, Pearson Place, has been accepted by Kittery Police, Fire, Assessing and Public Works departments.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining

II. Standards in the Shoreland Overlay Zone
Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS have been met.

16.7.3.1 Prohibitions and Allowances.
<i>A. Except as otherwise provided in this Article, a non-conforming condition must not be permitted to become more non-conforming.</i>
Vote: <u> </u> in favor <u> </u> against <u> </u> abstaining
16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones have been met.
16.7.3.6.1 Expansion.
A non-conforming structure may be added to, or expanded, after obtaining a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs below.
<i>A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.</i>
<i>B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.</i>
<i>C. Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.</i>
Vote: <u> </u> in favor <u> </u> against <u> </u> abstaining

III. Procedures for Administering Permits For Shoreland Development Review
 (See also specific Standards addressed in the Findings of Fact)

16.10.10.2 D. *An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:*

1. Maintain safe and healthful conditions;
Vote: __ in favor __ against __ abstaining
2. Not result in water pollution, erosion or sedimentation to surface waters;
Runoff is primarily maintained as sheet flow and minimized concentrated flow. Other best management practices include the use of undisturbed wooded buffers, reduction of flow velocities, rip rap protection, minimization of pavement widths, stabilized construction entrance and site barriers. BMPs for erosion control were reviewed as part of the approved MDEP Stormwater Permit. This standard appears to be met.
Vote: __ in favor __ against __ abstaining
3. Adequately provide for the disposal of all wastewater;
Individual septic and leach field systems are proposed for each lot. A minimum of two required test pit locations have been located on each lot by Joseph W. Noel, Maine Certified Site Evaluator, indicating the lot can support a septic system. Test pits were also performed at the proposed reserve areas. The proposed development should not adversely affect the quality or quantity of groundwater.. On-site septic systems are proposed. Evaluation of soils supports the design of these systems. In the project narrative, the applicant describes that “advanced pre-treatment tanks are proposed”. This is desirable, and should be strengthened to read <u>Advanced pre-treatment tanks must be employed by all subsurface wastewater disposal systems on all lots.</u>
Vote: __ in favor __ against __ abstaining
4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
Vote: __ in favor __ against __ abstaining
5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
The proposed development does not appear to have an adverse impact.
Vote: __ in favor __ against __ abstaining
6. Protect archaeological and historic resources;
CMA: The applicant states that there are no archaeological or historic sites noted by the MHPC within the proposed development.
Vote: __ in favor __ against __ abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;
This standard is not applicable.
Vote: __ in favor __ against __ abstaining
8. Avoid problems associated with floodplain development and use

Zone A2 has a defined 100-year flood elevation of 9 feet. Zone B is listed as areas of moderate flood hazard, usually the area between the 100-year and 500-year floods. Zone lines are shown on the Existing Conditions Plan prepared by North Easterly Surveying, Inc. No buildings will be constructed within these zones.
Vote: __ in favor __ against __ abstaining
9. Is in conformance with the provisions of this Code;
See Findings of Fact Standards for compliance.
Vote: __ in favor __ against __ abstaining
10. Be recorded with the York County Registry of Deeds.
Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: __ in favor __ against __ abstaining

Special Exemption Use Review Criteria

16.6.4.4.B. The Planning Board will review, decide and may approve an applicant’s Special Exception Use request where the proposed project requires Planning Board review as defined in Section 16.10.3.2 or is located in a Shoreland or Resource Protection Overlay Zone.

16.6.6.1 Conditions.

1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;
2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;
3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and
4. Use will be in harmony with and promote the general purposes and intent of this Code.

16.6.6.2 Factors for Consideration.

- A. The character of the existing and probable development of uses in the zone and the peculiar suitability of such zone for the location of any of such uses;
- B. The conservation of property values and the encouragement of the most appropriate uses of land;
- C. The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets or highways;
- D. The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use);
- E. Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;
- F. Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;
- G. Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;
- H. The necessity for paved off-street parking;

- I. Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used, or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus, or by the undue concentration or assemblage of person upon such plot;
- J. Whether the use, or the structures to be used, will cause an overcrowding of land or undue concentration of population; or, unsightly storage of equipment, vehicles, or other materials;
- K. Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;
- L. Whether the proposed use will be adequately screened and buffered from contiguous properties;
- M. The assurance of adequate landscaping, grading, and provision for natural drainage;
- N. Whether the proposed use will provide for adequate pedestrian circulation;
- O. Whether the proposed use anticipates and eliminates potential nuisances created by its location;
- P. The satisfactory compliance with all applicable performance standard criteria contained in Chapter 16.8 and 16.9.

The Planning Board finds the proposed project and use meets the criteria set forth in Section 16.10.8.3.4 (Findings) and 16.6.6. (Basis for Decision):

Vote of 0 in favor 0 against 0 abstaining

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact, Shoreland Zone Development Review, and Special Exception Use Review Criteria and determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants Final Approval for the Development at the above referenced property, including any waivers/modifications granted or conditions as noted.

Waivers: None

Dimensional Standards Modifications (per Article XI Clustered Residential Development, 16.8.11.3)
(To be included on final plan as a Plan Note)

- 1. 16.3.2.1.D2: Minimum lot area: 20,010 sf vs 40,000 sf.
- 2. 16.3.2.1.D2: Street frontage 30.06 ft. vs 150 ft.
- 3. 16.3.2.1.D2: Front yard setback 9.3 ft. vs 40 ft.
- 4. 16.3.2.1.D2: Side and rear yard setback 10 ft. vs 20 ft.
- 5. 16.8.4.4: Class II street sidewalk: None vs 5 ft. walk
- 6. 16.8.4.4: Cul-de-sac Paved Radius: 24' x 24' turn tee vs. 40' radius
- 7. 16.16.9.A: Flag lots, Lot Dimension Ratio

Conditions of Approval (to be included on the recorded final plan):

- 1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
- 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
- 3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
- 4. All Notices/Instructions to Applicant included in the Findings of Fact

Other Conditions (Not to be included on the final plan)

5. Incorporate all comments included in the 10/9/14 Plan Review Notes and comments included in the 9/30/2014 letter from CMA Engineers.
6. Final draft of homeowners Association related documents reviewed and approved by the Town Attorney prior to recording.
7. Drafts of all easements must be provided for staff review prior to signing of final plan.

Notices/Instructions to Applicant:

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. One (1) mylar copy and two (2) paper copies of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. The owner and/or developer, in an amount and form acceptable to the town manager, must file with the municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way improvements and site erosion and stormwater stabilization, including infrastructure construction inspection fees.
5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

The Planning Board authorizes the Planning Board Chairman sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 0 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Thomas Battcock-Emerson, Planning Board Chairman

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

North
W  EASTERLY
SURVEYING, Inc.

191 State Road, Suite #1 • Kittery, Maine 03904 • (207) 439-6333 • Fax (207) 439-1354

September 18, 2014

Kittery Planning Board
200 Rogers Road
Kittery, ME 03904

RECEIVED
SEP 23 2014

BY:.....

Subject: Brave Boat Conservation at Sawyer Lane - John Watts – Preliminary and Final Approval - Tax Map 63 Lot 19 - 143 Brave Boat Harbor Road - Kittery Point, Maine

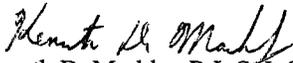
Dear Chairman and Planning Board Members,

John Watts and his family would like you accept this submittal for preliminary and final approval of a cluster subdivision at the location noted above. As discussed at our last meeting, although the Board deferred action on approval of the preliminary plan pending the submission of information regarding the special exception standards, we have now provided the Board with the submission requirements for final approval. Also, we've incorporated the recommendations of the staff to the preliminary application and are asking the Board to take final action on this plan at your next meeting. Enclosed you will the following:

- 1.) Set of drawings including:
 - a.) Cover Sheet
 - b.) Cluster Subdivision Plan by North Easterly Surveying, Inc. updated as per staff, peer review and public comments.
 - c.) A detail plan of the project area showing topo, areas of clearing and proposed buildings.
 - d.) Road Construction and stormwater drainage plans by Pinkham & Greer Civil Engineers showing grading details.
 - e.) A letter from attorney Scott Anderson to the Town of Kittery Planning Board addressing the Special Exception Standards.
 - f.) A letter from North Easterly Surveying stating responses to the CMA peer review dated August 15, 2014.

Dimensional Standards Modifications per Article XI Cluster Residential Development, 16.8.11.3 are noted on page 9 of 10 of staff plan review notes dated August 14, 2014. I would appreciate your review and comments on this project at your next Planning Board meeting. Please feel free to contact me should you have any questions.

Sincerely:


Kenneth D. Markley R.L.S. L.S.E.
President – NorthEasterly Surveying, Inc.

Verrill Dana L.L.P.

Attorneys at Law

SCOTT D. ANDERSON
PARTNER
sanderson@verrilldana.com
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207-774-4000 • FAX 207-774-7499
www.verrilldana.com

September 18, 2014

Via Hand Delivery

Town of Kittery Planning Board
c/o Tom Emerson, Chair
200 Rogers Road
Kittery, ME 03904

Re: Final Plan Application/143 Brave Boat Harbor Road

Dear Chairman Emerson and Members of the Board:

On behalf of the applicant, John Watts, the following is a discussion of the special exception standards for dwellings proposed within the Shoreland Overlay Zone (16.3.2.17.B).¹

SPECIAL EXCEPTION STANDARDS

Special exceptions require compliance with the performance standards set forth in Section 16.10.8.3.4 and 16.6.6. The former standards are already part of the Planning Board's review of Mr. Watts' final plan and they contain somewhat specific requirements that pertain to impacts on town services, natural resources, traffic, pollution control, scenic and aesthetic values, and financial and technical capacity.

In contrast, the special exception standards are quite subjective, and require findings that the proposed residential use will:

- Not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;
- Not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent zones;
- Not adversely affect safety, the health, and the welfare of the Town; and

¹ In addition to the Shoreland Overlay Zone, special exception approval for residential dwellings within a proposed subdivision is required in most zoning districts in which residential development is permitted, including: Residential-Rural (16.3.2.1.C.14), Residential-Suburban (16.3.2.2.C.10), Residential-Kittery Point Village (16.3.2.3.C.9), Residential-Urban (16.3.2.4.C.10), and Residential-Rural Conservation (16.3.2.6.C.8).

- The use will be in harmony with and promote the general purpose and intent of the [Land Use and Development Code].²

At the outset we note that these standards appear to lack any cognizable, quantitative standard and are, therefore, problematic. See Kosalka v. Town of Georgetown, 752 A.2d 183 (Me. 2000) (standard that required project to comply with broad subjective standard was unconstitutionally vague as it lacked cognizable, quantitative standards). Further, to the extent these standards attempt to identify what is “compatible” with existing uses in the neighborhood, such a general standard is impermissibly vague, as there are no objective standards to guide the Planning Board. See Wakelin v. Town of Yarmouth, 523 A.2d 575 (Me. 1987) (ordinance requirement that project be “compatible with the existing uses in the neighborhood” was unconstitutionally vague as the ordinance did not include quantitative and specific standards).

The Code does identify factors A-P to guide the Planning Board in interpreting the Section 16.6.6 standards. Each factor is listed below with references to those relevant aspects of the proposed subdivision. In general, we note that the “special exception” use at issue is residential development. Although there are a number of special exception uses that may require closer consideration of the factors below when proposed near residential areas (including mineral extraction, convenience stores, public utility facilities, institutional uses, mechanical services, or hotels), the use in this proceeding is residential development.

The proposed subdivision is located in an area of existing residential development and although Mr. Watts is proposing a four-lot plan, there will only be three new houses given that one house exists today. Further, even with the smaller lot sizes permitted (and encouraged) in the cluster subdivision, the density of development and proximity between existing and future dwellings is less than the existing development in the neighborhood. Finally, development as a cluster permits the set-aside of nearly 9 acres of land in permanent conservation. This will dramatically reduce the amount of buildable land in this area of Kittery and will provide permanent and permitted public access to open space for existing neighbors.

With regard to the specific factors:

Factor A: The character of the existing and probable development of uses in the zone and the peculiar suitability of such zone for the location of any of such uses;

Response: The proposed residential use is located within a neighborhood of existing residential dwellings. The density of the proposed development is less than the existing neighborhood and the proposed homes have greater setbacks and screening than the existing houses in the neighborhood. Only three new houses are proposed and the great majority (75%) of the parcel will be set aside in permanent conservation. As such, the proposed residential dwellings will not alter the character of existing land uses.

² Code §§ 16.6.6.1, 16.10.8.3.4.T

Factor B: The conservation of property values and the encouragement of the most appropriate uses of land;

Response: The Town of Kittery encourages property owners to consider cluster subdivisions. This form of land use limits the adverse impacts of sprawl, helps to protect more sensitive environmental resources, and preserves a more rural character than traditional subdivisions. To the extent conservation of property values is an appropriate standard (given that, to a certain extent, any adjacent development may impact existing property values) and given that abutters do not have the right to ask for buildable land to be treated as a permanent conservation amenity, the development of the proposed subdivision is likely to enhance the value of surrounding properties due to the significant allocation of protected open space. Protected land enhances the value of proximate development both as an amenity and as it permanently prohibits additional residential development.

Factor C: The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets and highways;

Response: The addition of three new dwellings will not result in any significant change to traffic on public roads.

Factor D: The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use;

Response: As noted in the application and on the plan, the site offers adequate and proper treatment of wastewater. Solid waste will be handled in a manner consistent with other existing houses in the neighborhood and there will be no other “refuse” or other “effluent” generated by the proposed residential use.

Factor E: Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;

Response: The proposed residential use will not create any obnoxious gases, odors, smoke or soot other than that which could be expected at the existing residential dwellings in the vicinity of the proposed cluster subdivision.

Factor F: Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;

Response: As with Factor E, the proposed residential use will not result in any such emissions other than that which could be expected at the existing residential dwellings in the vicinity of the proposed cluster subdivision.

Factor G: Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;

Response: The addition of three new houses is not likely to unduly interfere with any public parking or public recreation facilities. In contrast, the loss of the proposed 9 acres of open space might reduce the amount of recreational land open to Kittery residents.

Factor H: The necessity for paved off-street parking;

Response: No off-street parking is proposed (other than driveways associated with the proposed residences).

Factor I: Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason of or as a result of the use, or by the structures to be used, or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus, or by the undue concentration or assemblage of person upon such plot;

Response: Residential use will not lead to any hazard to life, limb or property, nor is such use likely to lead to panic. The lots have been designed to permit adequate entry and exit of all emergency vehicles and there will be no "undue concentration" of persons at what are single-family dwellings.

Factor J: Whether the use, or the structures to be used, will cause an overcrowding of land or undue concentration of population; or, unsightly storage of equipment, vehicles or other materials;

Response: No unsightly storage of equipment, vehicles or other materials are likely other than that which could be expected at the existing residential dwellings in the vicinity of the proposed cluster subdivision.

Factor K: Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;

Response: Mr. Watts has proposed a cluster subdivision that complies with the lot area requirements and includes approximately 50% more open space than required by the Code. The layout of the lots will provide more buffering and setbacks than exists between existing residential dwellings in the neighborhood,

Factor L: Whether the proposed use will be adequately screened and buffered from contiguous properties;

Response: As noted above, screening and buffering will exceed that which currently exists in the neighborhood.

Factor M: The assurance of adequate landscaping, grading, and provision for natural drainage;

Response: As discussed during the last Planning Board meeting, and as confirmed by the Town's third party reviewer, stormwater discharges on to adjacent properties will be reduced as a result of the landscaping, grading and drainage features of the proposed development.

Factor N: Whether the proposed use will provide for adequate pedestrian circulation;

Response: Although this provision seems more applicable to commercial or industrial development, the proposed residential use will provide adequate ingress and egress for pedestrians, to the extent lot owners elect to walk to and from their houses.

Factor O: Whether the proposed use anticipates and eliminates potential nuisances created by its location;

Response: The impacts of the proposed residential use will be consistent with the impacts that currently exist in the neighborhood from residential dwellings. As with any single-family residential dwelling, there are not likely to be nuisance activities that require mitigation or concern.

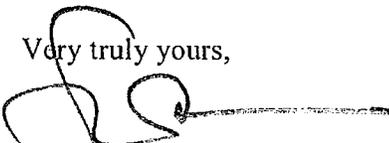
Factor P: The satisfactory compliance with all applicable performance standard criteria contained in Chapter 16.8 and 16.9.

Response: For the reasons set forth on the plan and the application materials, and as discussed in meetings with the Board, the proposed cluster subdivision complies with all standards in the Code.

CONCLUSION

For the reasons set forth above, Mr. Watts respectfully requests that, in addition to finding that the proposed subdivision complies with the provisions of Section 16.10.8.3.4 of the Code, the Planning Board grant special exception approval for residential use within the Shoreland Overlay Zone, as shown on the final plan.

Please do not hesitate to contact me if you need any further information.

Very truly yours,

Scott D. Anderson

SDA/mtt

cc: John Watts
Chris DiMatteo, Assistant Planner

North
W  EASTERLY
SURVEYING, Inc.

191 State Road, Suite #1 • Kittery, Maine 03904 • (207) 439-6333 • Fax (207) 439-1354

September 18, 2014

Chris DiMatteo, Interim Town Planner
Town of Kittery
PO Box 808
Kittery, ME 03904

RE: Brave Boat Conservation at Sawyer Lane - John Watts – Response to CMA Review
Tax Map 63 Lot 19 - Job No.: 13696 - 143 Brave Boat Harbor Road - Kittery Point, Maine

Dear Chris,

Northeasterly Surveying, Inc. has received the review of the previously submitted documents for the above mentioned project. This review was very favorable and I would like to address some of the items mentioned:

16.3.2.17 - The proposed use as residential is permitted as a special exception. This issue is addressed in the letter from the Watts' attorney Scott Anderson to the planning board dated September 9, 2014 included in the current submittal.

16.8.4.3 - The planning board may determine any sidewalk requirements with the applicant. We are asking that no sidewalks be installed since there is no sidewalk network to attach to and that it is only a 250 foot long dead end street serving four homes.
The grading plan shows a conflict with the access to lot 2. **This has been corrected and the grading plan (sheet C2.0) shows the access to lot 2 serving a walk out garage at a lower elevation.**

Sight distance – The sight lines have been cleared and the distances are shown on the current plan. Any required maintenance of these sight lines would fall within the town's right of way.

16.8.4.14 – Road and Driveway Standards in the Shoreland Overlay Zone. The quantity of stormwater flowing toward Brave Boat Harbor Road has been reduced (see stormwater drainage report). Engineer Stephen Stearns has added a grassed swale along the south side of the proposed road with maintenance procedures stated in note 8 of sheet C1.0 to meet the standards.

Article VII – Wastewater advanced pre-treatment tanks are proposed. A note addressing this has been added to the plan.

Article XI – Modification of Dimensional Standards in Cluster Residential Development. The dimensional modifications proposed such as front setbacks, lot configuration, devegetated area and street frontage will be addressed in another letter with this submittal.

16.9.2.5 – Archaeological or historic sites. There are none noted by the MHPC within the proposed development.

Table 16.9 – Maintaining the no-cut setback from the wetlands. Development is feasible and a note has been added to address the marking of the no-cut boundary.

I believe this addresses the concerns raised. Please feel free to contact me should you have any questions.

Sincerely:


Kenneth D. Markley R.L.S. L.S.E.
President – NorthEasterly Surveying, Inc.

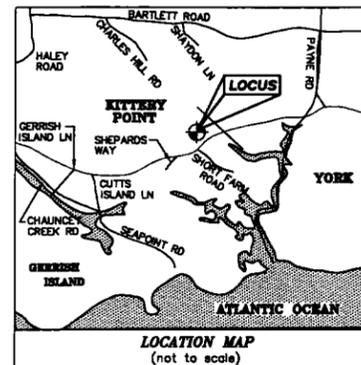
"BRAVE BOAT CONSERVATION AT SAWYER LANE"

Kittery Point, York County, Maine

APPLICANT/OWNER:

Jonathan Watts & Kathleen Watts

143 Brave Boat Harbor Road, Kittery Point, Maine 03905



LIST OF PROJECT PLANS AND DOCUMENTS:

PLANS: SHEET No.	PLAN TYPE	LAST REVISED
S-1	SUBDIVISION PLAN	9/2/14
S-2	SUBDIVISION PLAN WITH DETAILS	9/2/14
C-1	SAWYER LANE PLAN AND PROFILE AND DRAINAGE	9/4/14
C21	GRADING PLAN	9/4/14

PREPARED BY:

North
W  Easterly
SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
(207) 439-6333 KITTERY, MAINE 03904

PINKHAM & GREER
CIVIL ENGINEERS

600 MAIN STREET, SPRINGVILLE, MAINE
TEL: 207.636.7065 FAX: 207.492.3546

PLAN REFERENCE:

1. LOT LINE ADJUSTMENT & LOT CONSOLIDATION PLAN FOR PROPERTY AT 143, 145 & 149 BRAVE BOAT HARBOR ROAD, KITTERY POINT, YORK COUNTY, MAINE OWNED BY THE ESTATE OF GERTRUDE L. MARSTON, SHIRLEY CLOUGH, PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JUNE 3, 2010, PROJECT No. 09729 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 382 PAGE 35.

N/F THE BURTON FAMILY TRUST DONALD & HELENE BURTON, TRUSTEES TAX MAP 83 LOT 11 Y.C.R.D. BOOK 2218 PAGE 138 121 BRAVE BOAT HARBOR RD. KITTERY, ME 03904



ZONING SUMMARY:
 ZONE: RESIDENTIAL RURAL (R-RL)
 SHORELAND OVERLAY (OZ-SL)
 RESOURCE PROTECTION (OZ-RP)

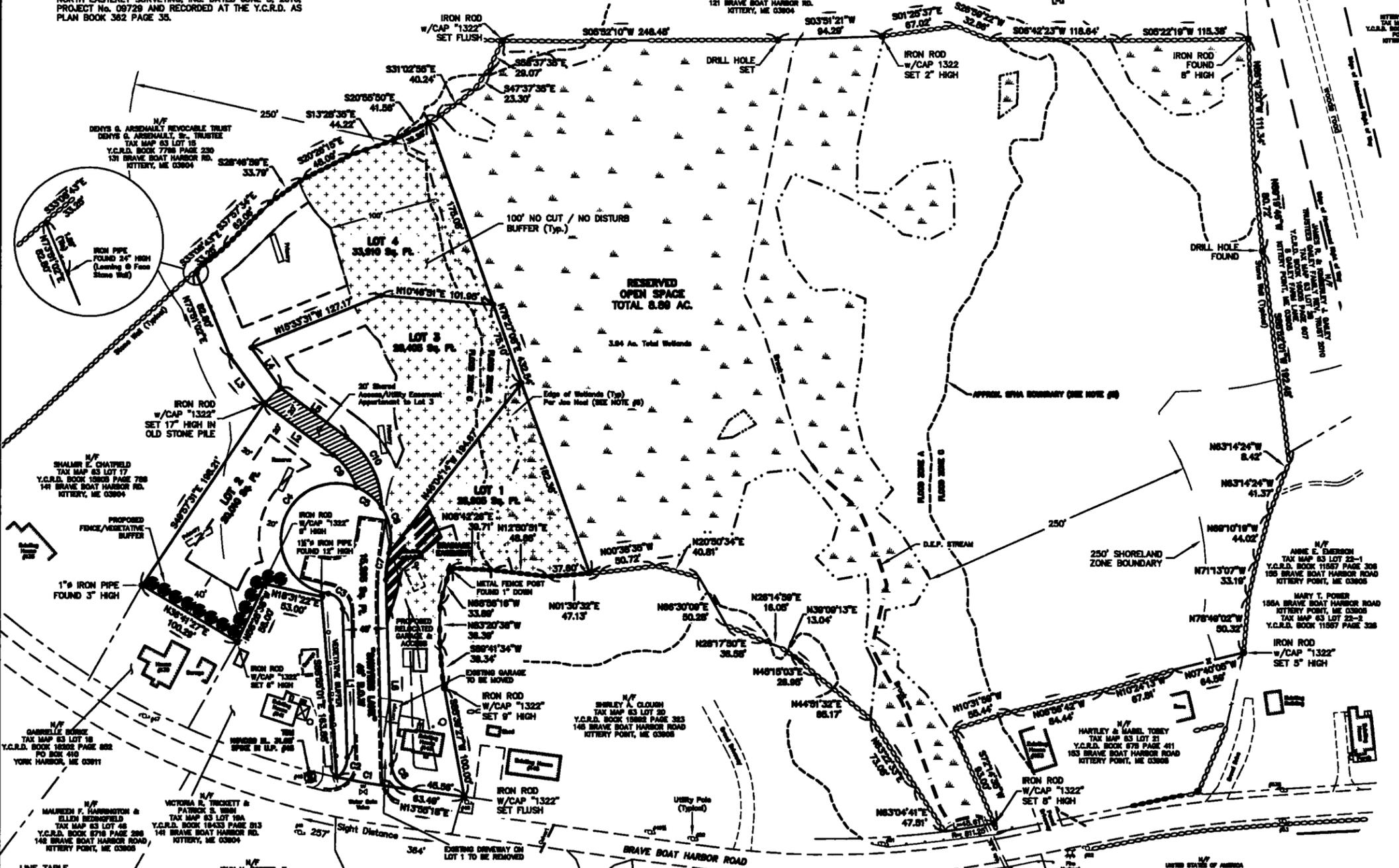
DIMENSIONAL STANDARDS (R-RL)	STANDARD	AS PROPOSED
MINIMUM LAND AREA	40,000 Sq. Ft.	>20,000 Sq. Ft.
ROAD FRONTAGE	150 FT.	>30 FT.
FRONT YARD	40 FT.	9.3 FT.
SIDE YARD	20 FT.	>20 FT.
REAR YARD	20 FT.	>20 FT.

NOTES:

- OWNERS OF RECORD:
 TAX MAP 83 LOT 18:
 JONATHAN & KATHLEEN E. WATTS
 Y.C.R.D. BOOK 16686 PAGE 120
 DATED JULY 31, 2013
- TOTAL EXISTING PARCEL AREA:
 TAX MAP 83 LOT 18:
 511,879 Sq. Ft.
 11.75 Ac.

YORK COUNTY REGISTRY OF DEEDS	
Received	_____
at _____	_____
Filed in Plan Book _____	Page _____
ATTEST:	Register

- THE BASIS OF BEARING IS PER PLAN REFERENCE #1.
- BRAVE BOAT HARBOR ROAD IS ASSUMED TO BE A VARIABLE WIDTH RIGHT OF WAY. THE AREA ADJACENT TO THE SUBJECT PARCELS WAS BASED UPON 24.75' FROM THE CENTERLINE OF THE EXISTING ROADWAY. SEE PLAN REFERENCE #1 FOR BOUNDARY INFORMATION.
- REFERENCE IS MADE TO SPECIAL FLOOD HAZARD AREA (SFHA) BOUNDARY AS SHOWN ON FEMA FIRM COMMUNITY-PANEL NUMBER 230171 0002 C, JULY 5, 1984. SFHA BOUNDARY SHOWN IS ADJUSTED TO FIT CONTOURS.
- THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY JOSEPH W. NOEL, ME CERTIFIED SOIL SCIENTIST #209 ON SEPTEMBER 3, 2013. THE FLAGS WERE SURVEY LOCATED BY NORTH EASTERLY SURVEYING INC. USING A TOPCON TOTAL STATION. THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, (1987) ALONG WITH THE REQUIRED REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND MANUAL: NORTH-CENTRAL AND NORTHEAST REGION, (VERSION 2, JANUARY 2012).
- HYDRIC SOIL DETERMINATIONS WERE CONDUCTED IN ACCORDANCE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE DOCUMENT FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0 (2010) ALONG WITH THE MANUAL FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND (VERSION 3, APRIL 2004).
- PLANT SPECIES INDICATOR STATUS WAS BASED ON THE U.S. ARMY CORPS OF ENGINEERS PUBLICATION THE NATIONAL WETLAND PLANT LIST (2013).
- TEST PITS WERE ALSO PERFORMED BY JOSEPH W. NOEL, MAINE CERTIFIED SOIL SCIENTIST #209.
- ALL DISTURBED SOILS WILL BE SUPPLEMENTED WITH COMPOST TO ACHIEVE ORGANIC MATTER BETWEEN 10%-15% TO PREVENT EROSION AND AID IN NUTRIENT RETENTION, THEREFORE PROTECTING NATURAL RESOURCES.
- METHODOLOGY IS BASED ON DEDUCTING SOILS RATED VERY POOR OR POOR IN THE SOIL SUITABILITY GUIDE OUTSIDE THE FLOODPLAIN. IN THIS CASE SOILS CLASSIFIED AS LYMAN ROCK OUTCROP WITH C SLOPES (L/C) AND SCANTIC WITH A SOILS (S/A).
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- ADVANCED PRE-TREATMENT TANKS ARE PROPOSED FOR SEPTIC SYSTEMS.



LINE TABLE

L1	S85°50'24"E	134.34'
L2	S42°44'01"W	77.95'
L3	N58°40'00"E	53.00'
L4	S38°40'00"W	44.75'
L5	S42°44'01"W	74.98'
L6	S85°50'24"E	167.22'
L7	S75°58'58"E	38.58'
L8	S85°50'24"E	167.22'
L9	N33°50'50"W	55.34'
L10	S75°58'58"E	20.53'
L11	N42°44'01"E	127.20'

CURVE TABLE

C1	L=53.13'	R=700.25'	Δ=04°20'48"
C2	L=21.11'	R=20.53'	Δ=58°54'18"
C3	L=20.41'	R=15.00'	Δ=77°48'32"
C4	L=189.32'	R=50.00'	Δ=194°01'38"
C5	L=30.05'	R=50.00'	Δ=34°28'58"
C6	L=42.94'	R=50.00'	Δ=48°12'25"
C7	L=24.23'	R=80.00'	Δ=17°21'18"
C8	L=33.24'	R=23.74'	Δ=80°13'47"
C9	L=38.77'	R=80.00'	Δ=35°08'40"
C10	L=74.35'	R=80.00'	Δ=53°14'51"



LEGEND:

DRAINAGE EASEMENT	[Symbol]
20' SHARED ACCESS/ UTILITY EASEMENT	[Symbol]
100' NO CUT/NO DISTURB BUFFER	[Symbol]
WETLANDS	[Symbol]
PROPOSED FENCE/ VEGETATIVE BUFFER	[Symbol]
SETBACK LINES	[Symbol]
STONE WALL	[Symbol]
D.E.P. STREAM	[Symbol]
BROOK	[Symbol]
APPROXIMATE SFHA BOUNDARY	[Symbol]

APPROVED: TOWN OF KITTERY

DATE OF APPROVAL: _____

BRAVE BOAT CONSERVATION SUBDIVISION AT SAWYER LANE

FOR PROPERTY AT
 143 Brave Boat Harbor Road
 Kittery Point, York County, Maine

OWNED BY
Jonathan & Kathleen Watts
 143 Brave Boat Harbor Road
 Kittery Point, Maine 03906

NORTH EASTERLY SURVEYING, Inc.

SURVEYORS IN N.E. & MAINE 191 STATE ROAD, SUITE #1
 (207) 438-6333 KITTERY, MAINE 03904

REV.	DATE	STATUS	BY	CHKD	APPD.
B	9/2/14	REVISIONS PER STAFF REVIEW	B.M.K./K.D.M./K.D.M.		
A	7/24/14	REVISIONS PER STAFF REVIEW	B.M.K./K.D.M./K.D.M.		

SCALE: 1" = 50'
 PROJECT No. 13998
 DATE: 9/16/14
 SHEET: 9-1
 DRAWN BY: A.M.P.
 CHECKED BY: K.D.M.

DRAWING No. 13998 CONCEPT
 FIELD BOOK No. "Kittery Point.pdf"

Tax Map 83 Lot 18

SAMPLES OF DIFFERENT WASTEWATER DISPOSAL AREAS (FOR A 3 BEDROOM HOME)

ELIEN IN-DRAINS
LEACHFIELD DIMENSIONS OF 11' X 26' OR 15' X 20'

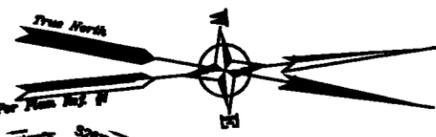
CLEAN SOLUTION
USING A PRE-TREATMENT TANK REQUIRES A 110 SQUARE FOOT STONE BED ON THESE SOIL TYPES
LEACHFIELD DIMENSIONS 5' X 22' OR 10' X 11'

THE OPTIONS ABOVE ARE PRELIMINARY AND THE FINAL WASTEWATER DISPOSAL AREA "FOOTPRINTS" MAY VARY BASED ON ADDITIONAL TEST PITS AND/OR LEDGE PROBES, THE TYPE OF SYSTEMS SELECTED, AND ACTUAL HOME LOCATIONS.

PLAN REFERENCE:

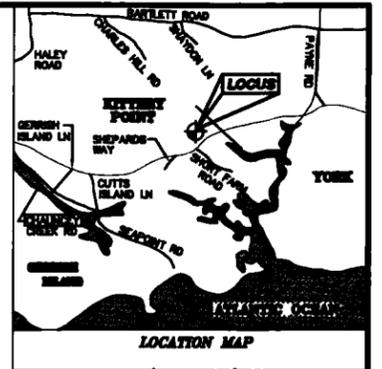
1. "LOT LINE ADJUSTMENT & LOT CONSOLIDATION PLAN FOR PROPERTY AT 143, 145 & 149 BRAVE BOAT HARBOR ROAD, KITTERY POINT, YORK COUNTY, MAINE OWNED BY THE ESTATE OF GERTRUDE I. MARSTON, SHIRLEY CLOUGH", PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JUNE 3, 2010, PROJECT No. 09729 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 382 PAGE 35. (STANDARD BOUNDARY SURVEY)

N/F
THE BURTON FAMILY TRUST
DONALD B. BURTON, trustee
& HELEN B. BURTON, trustee
TAX MAP 63 LOT 11
Y.C.R.D. BOOK 3216 PAGE 139
121 BRAVE BOAT HARBOR RD.
KITTERY, ME 03904



ZONING SUMMARY:

ZONE: RESIDENTIAL RURAL (R-RL)
SHORELAND OVERLAY (OZ-SL)
RESOURCE PROTECTION (OZ-RP)



TOTAL AREA TO BE DISTURBED:
33,000± SQ. FT.

NET RESIDENTIAL AREA CALCULATION:

TOTAL PARCEL AREA:	11.75± Ac.
LESS ROAD R.O.W.:	-0.35± Ac.
LESS 100 YEAR FLOODPLAIN AREAS:	-5.77± Ac.
LESS SOILS RATED POOR OR VERY POOR OUTSIDE OF FLOODPLAIN (SEE NOTE #6):	-0.00± Ac.
SCANTIC (ScA):	-1.80± Ac.
LYMAN ROCK OUTCROP COMPLEX (LrC):	-0.00± Ac.
TOTAL NET RESIDENTIAL AREA:	3.63± Ac.

ALLOWABLE LOTS PER NET RESIDENTIAL DENSITY:

(3.63 Ac. * 43,560 s.f./Ac.) = 158,100 s.f. / 40,000 s.f./Lot = 4.17 LOTS ALLOWED (4 PROPOSED)

CLUSTER RESIDENTIAL DEVELOPMENT:

	REQUIRED	PROPOSED
OPEN SPACE TOTAL (50% OF LOT AREA) (0.50 * 11.75 Ac.)	5.88 Ac. (50%)	6.89 Ac. (78%)
OPEN SPACE UPLANDS (30% OF NET RESIDENTIAL AREA) (0.30 * 3.63 Ac.)	1.13 Ac. (30%)	5.18 Ac. (135%)

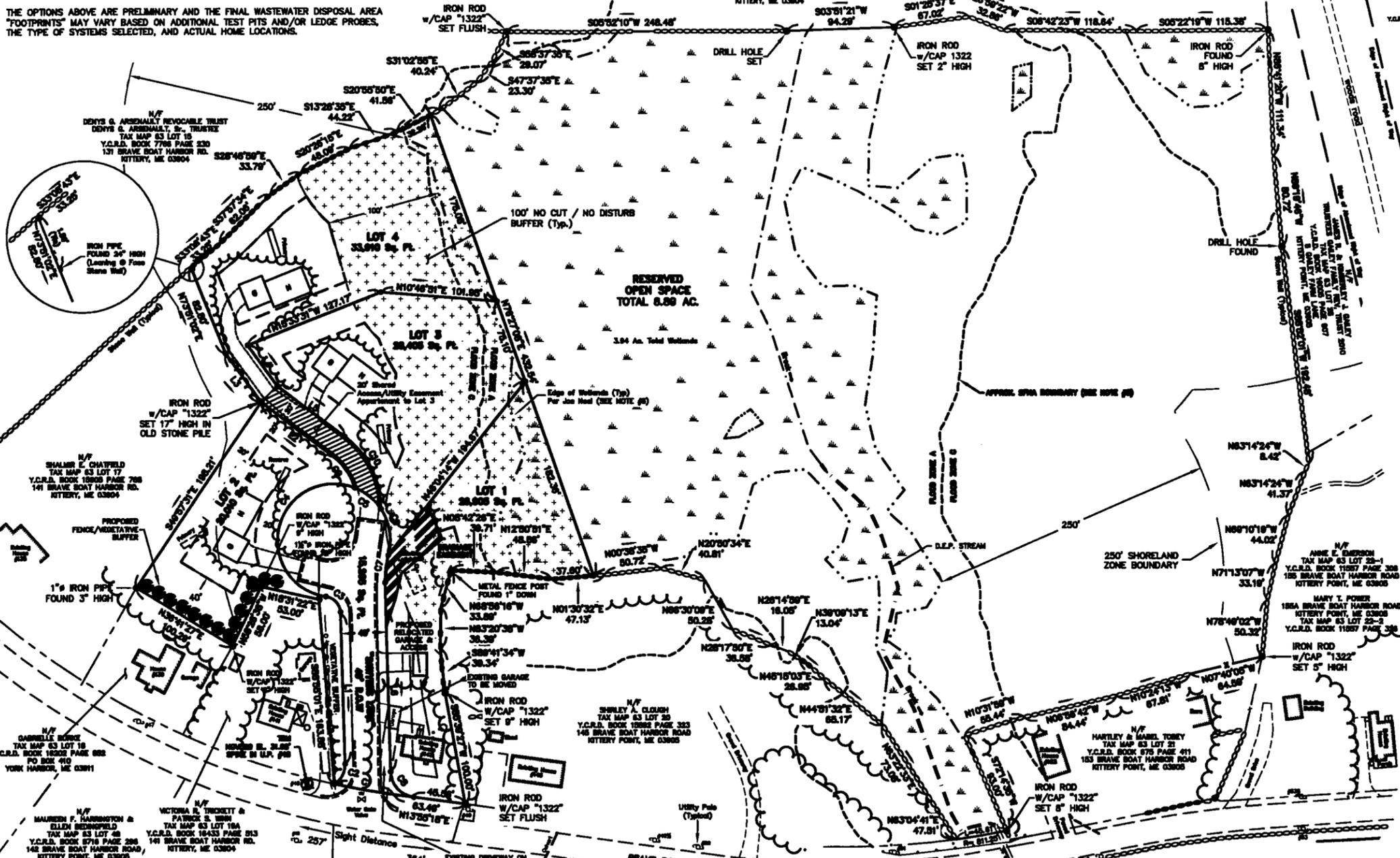
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NOTES:

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TAX MAP 63 LOT 19:
JONATHAN & KATHLEEN E. WATTS
Y.C.R.D. BOOK 18686 PAGE 120
DATED JULY 31, 2013
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YORK, ME REGISTRY OF DEEDS	
Received	_____
at _____	_____
Filed in Plan Book _____	Page _____
ATTEST:	Register

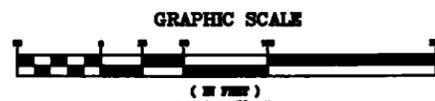


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LEGEND:

DRAINAGE EASEMENT	
20' SHARED ACCESS/UTILITY EASEMENT	
100' NO CUT/NO DISTURB BUFFER	
WETLANDS	
PROPOSED FENCE/VEGETATIVE BUFFER	
EXISTING TREE LINE	
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SETBACK LINES	
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D.E.P. STREAM	
BROOK	
APPROXIMATE SFHA BOUNDARY	

NOTES (CONT.):

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APPROVED: TOWN OF KITTERY

DATE OF APPROVAL: _____

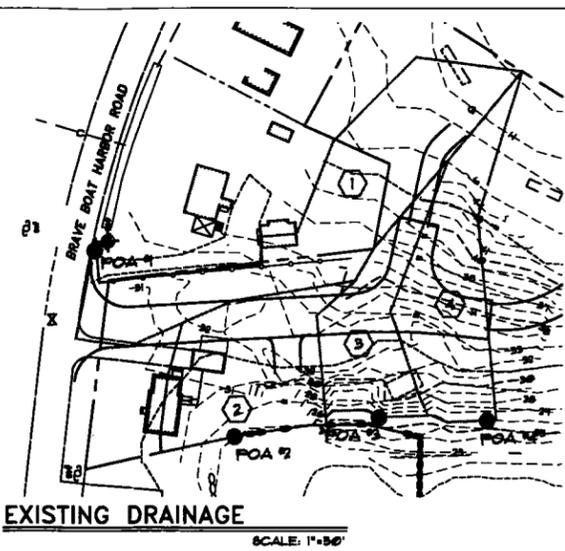
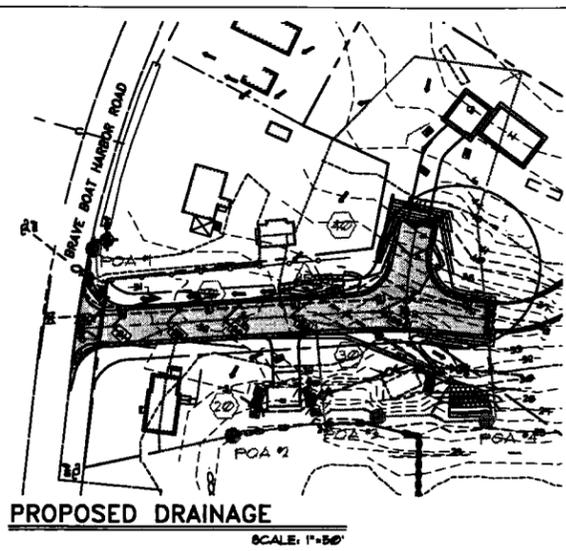
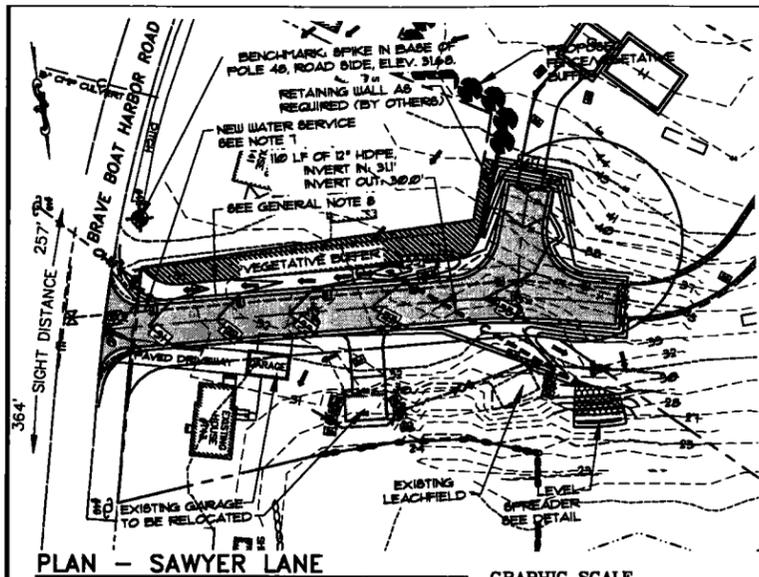
REV.	DATE	REVISIONS PER STAFF REVIEW	BY	DATE	BY	DATE	BY	DATE
B	9/2/14	REVISIONS PER STAFF REVIEW	B.M.K./K.D.M./K.D.M.	9/10/14				
A	7/24/14	REVISIONS PER STAFF REVIEW	B.M.K./K.D.M./K.D.M.					

BRAVE BOAT CONSERVATION SUBDIVISION AT SAWYER LANE
FOR PROPERTY AT
143 Brave Boat Harbor Road
Kittery Point, York County, Maine
OWNED BY
Jonathan & Kathleen Watts
143 Brave Boat Harbor Road
Kittery Point, Maine 03905

NORTH EASTERLY SURVEYING, Inc.
SURVEYORS IN N.E. & MAINE 191 STATE ROAD, SUITE #1
(207) 438-6333 KITTERY, MAINE 03904

SCALE: 1" = 50'
PROJECT NO: 13988
DATE: 6/10/14
SHEET: 5-2
DRAWN BY: A.M.P.
CHECKED BY: K.D.M.

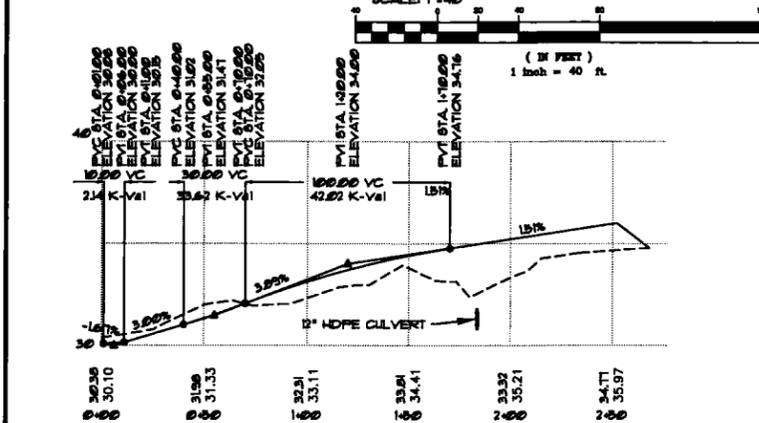
DRAWING No: 13988 CONCEPT
Tax Map 63 Lot 19



PLAN - SAWYER LANE

PROPOSED DRAINAGE

EXISTING DRAINAGE



LEGEND

EXISTING	PROPOSED
--- PROPERTY LINE	--- LOT LINE
--- EDGE OF PAVEMENT	--- CONTOUR
--- CONTOUR	--- EDGE OF GRAVEL
--- WATER LINE	--- BITUMINOUS PAVEMENT
--- OVER-HEAD UTILITY	--- UTILITY POLE
--- UTILITY POLE W/ GUY WIRE	--- CULVERT
--- TREE LINE	--- SURFACE DRAINAGE DIRECTION
--- HYDRANT	--- RIPRAP
--- GATE VALVE	--- WATER SHUT OFF
--- CHAIN LINK FENCE	--- OVER-HEAD UTILITY
--- BENCHMARK	--- SILT FENCE
	--- SUBCATCHMENT PERIMETER
	--- SUBCATCHMENT NUMBER

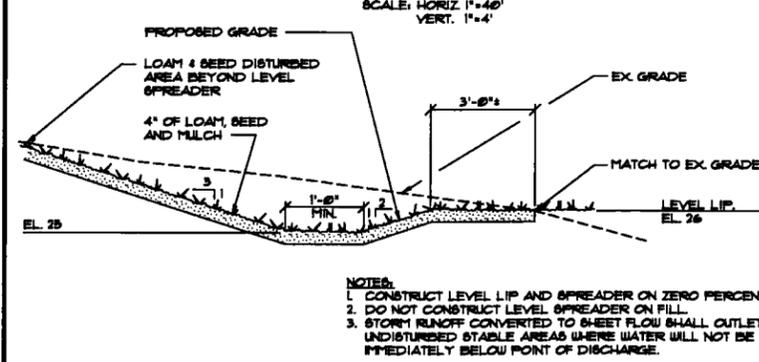
GENERAL NOTES

- TOPOGRAPHIC SURVEY PROVIDED BY EASTERLY SURVEYING, INC., KITTERY, MAINE. HORIZONTAL DATUM IS NGVD29.
- THE TOWN OF KITTERY SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, FLOWING, OR SIMILAR SERVICES FOR THE PRIVATE WAY SHOWN ON THIS PLAN.
- THE PRIVATE WAY SHOWN ON THIS PLAN SHALL NOT BE ACCEPTED AS A PUBLIC STREET BY THE TOWN OF KITTERY UNLESS THE WAY COMPLIES WITH THE STANDARDS FOR PUBLIC STREETS (INCLUDING WIDTH OF RIGHT-OF-WAY) EXISTING AT THE TIME ACCEPTANCE IS REQUESTED.
- CONTACT DIG-BASE (811) AND ALL AFFECTED NON-MEMBER UTILITIES PRIOR TO ANY CONSTRUCTION TO VERIFY AND/OR DETERMINE THE EXACT LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE FAILURE TO LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- POWER, CABLE AND TELEPHONE ARE TO BE UNDERGROUND. COORDINATE WITH INDIVIDUAL UTILITY COMPANIES FOR MATERIAL AND LAYOUT REQUIREMENTS.
- STORM DRAINAGE:
 - CULVERTS SHALL BE DOUBLE WALLED HIGH DENSITY POLYETHYLENE (HDPE), EQUAL TO ADS N-12, HANCOR HI-Q OR APPROVED EQUAL.
 - KEEP 2 FEET MINIMUM COVER OVER ROAD CROSS CULVERTS.
- WATER SERVICE: COORDINATE WITH THE KITTERY WATER DISTRICT (KWID) TO INSTALL A TAPPING SLEEVE AND GATE VALVE ON THE MAIN IN BRAVE BOAT HARBOR ROAD OPPOSITE SAWYER LANE AND A 6-INCH DUCTILE IRON PIPE TO THE ROAD RIGHT OF WAY AT SAWYER LANE IN ACCORDANCE WITH KWID STANDARDS. DISCONTINUE THE EXISTING SERVICE TO THE HOUSE AT 143 BRAVE BOAT HARBOR ROAD AND RETAP THE NEW 6-INCH WATER LINE TO PROVIDE A NEW 1-INCH CTS HDPE SERVICE. INSTALL NEW TAPS, CORPORATIONS, CURB STOPS AND 1/2-INCH OR 3-INCH CTS HDPE SERVICES TO LOTS 2, 3 & 4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH KWID STANDARDS.
- LIMIT MOUNDING IN THE SWALE BETWEEN SAWYER LANE AND THE VEGETATIVE BUFFER AND FROM THE HIGH POINT AT STATION 1425 LEFT TO BRAVE BOAT HARBOR ROAD TO TWICE/YEAR AND NOT SHORTER THAN 6 INCHES.

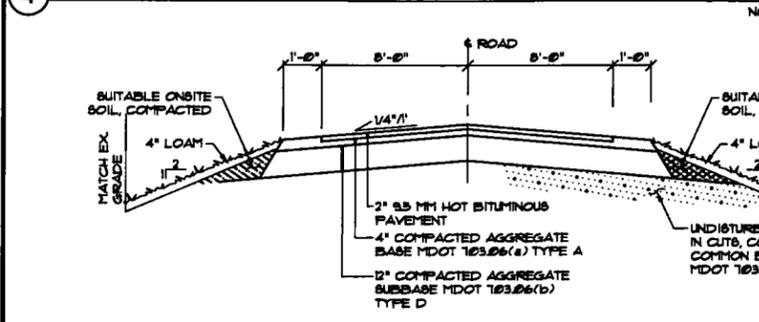
EROSION CONTROL NOTES

- GENERAL:**
- THIS DRAWING DEPICTS THE REQUIRED SOIL EROSION CONTROL MEASURES. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE CONSTRUCTION SITE IN SUCH A MANNER THAT:
- SOIL EROSION IS KEPT TO A MINIMUM.
 - NO SEDIMENT LEAVES THE CONSTRUCTION SITE.
 - ALL POSSIBLE MEASURES ARE EMPLOYED TO PREVENT SEDIMENT FROM ENTERING DRAINAGE COURSES.
- ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MANUAL: MAINE EROSION AND SEDIMENT CONTROL BEST PRACTICES, PUBLISHED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
 - THE CONTRACTOR IS RESPONSIBLE FOR ALL FINES RESULTING FROM EROSION OR SEDIMENTATION FROM THE SITE TO SURROUNDING PROPERTIES, WATERSBODIES, OR WETLANDS AS A RESULT OF THIS PROJECT.
 - ANY DISTURBED SOIL BROUGHT TO FINAL GRADE WILL BE LOAMED AND SEEDED WITHIN SEVEN (7) DAYS.
 - INSPECT SOIL EROSION MEASURES WEEKLY AND AFTER SIGNIFICANT STORM EVENTS. MAKE ALL NECESSARY REPAIRS TO FACILITIES AS SOON AS POSSIBLE, BUT NO LONGER THAN 2 DAYS. CLEAN AND RESET SILT FENCES AND STONE CHECK DAMS WHICH ACCUMULATE SEDIMENT AND DEBRIS.
 - PROTECT AND STABILIZE ALL AREAS NOT SCHEDULED FOR EROSION PREVENTION OR STABILIZATION BUT THAT SHOW SIGNS OF EROSION. NOTIFY OWNER OF ANY SIGNIFICANT EROSION PROBLEM.
 - APPLY MULCH TO BARE SOILS WITHIN 1 DAYS OF INITIAL DISTURBANCE OF SOILS, PRIOR TO ANY RAIN EVENT AND PRIOR TO ANY WORK SHUTDOWN LASTING MORE THAN ONE DAY.
 - TEMPORARILY SEED WITHIN 1 DAYS ANY AREA WHICH WILL BE LEFT DISTURBED AND UNWORKED FOR MORE THAN 14 DAYS WITH THE TEMPORARY SEED MIX LISTED BELOW. PERMANENTLY SEED ANY AREA WHICH CAN BE LOAMED AS SOON AS POSSIBLE WITH THE PERMANENT SEED MIX LISTED BELOW. DO NOT USE PERMANENT SEED MIX AFTER SEPTEMBER 15.
 - MULCH ALL AREAS SEEDING SO THAT SOIL IS NOT VISIBLE THROUGH THE MULCH. DURING THE GROWING SEASON (APRIL 15 - SEPT. 30) USE MATS (OR MULCH AND NETTING) ON:
 - THE BASE OF GRASSED WATERWAYS
 - SLOPES STEEPER THAN 10%
 - BETWEEN OCT. 1 AND APRIL 14 USE MATS (OR MULCH AND NETTING) ON:
 - SIDE SLOPES OF GRASSED WATERWAYS
 - SLOPES STEEPER THAN 8%
 INSTALL MATS (OR NETTING) IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.
 - FOLLOW SILT FENCE MANUFACTURERS SPECIFICATIONS AND RECOMMENDATIONS FOR INSTALLATION OF SILT FENCE. SECURE ENTIRE BOTTOM OF FENCE EITHER BY BURYING BOTTOM OF FENCE IN A TRENCH OR BERTHING WITH SOIL OR CHIPPED GRUBBINGS.
 - ALL CULVERT OR PIPE OUTFALL PROTECTION MUST BE INSTALLED WITHIN 48 HOURS OF INSTALLING CULVERT.

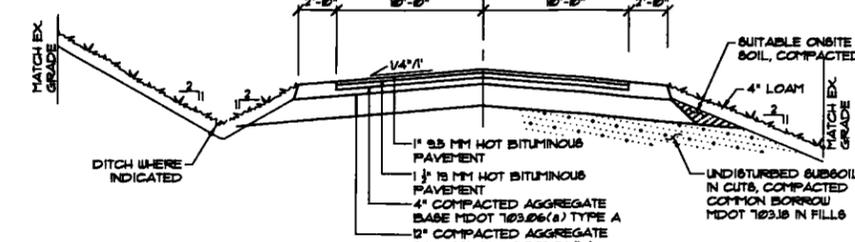
PROFILE - SAWYER LANE



LEVEL SPREADER SECTION

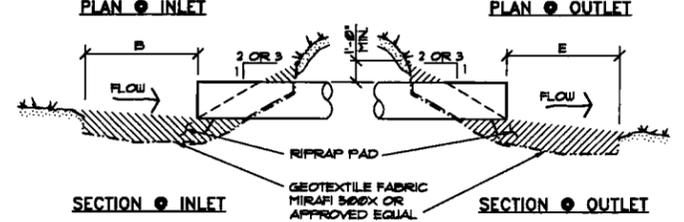
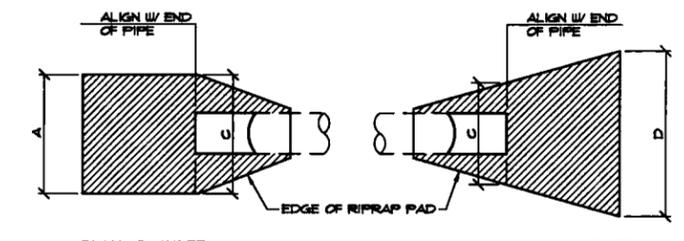


SHARED DRIVEWAY SECTION



- NOTES:
- GRAVEL TO BE MECHANICALLY COMPACTED (95% A6TH D 1551 MODIFIED) USING A VIBRATORY STEEL DRUM ROLLER.
 - LOAM ALL SIDE SLOPES WITH 4" OF LOAM, SEED AS SOON AS POSSIBLE. PROTECT SIDE SLOPES FROM EROSION AS NEEDED OR AS DIRECTED BY ENGINEER.
 - BACKSLOPES TO BE 2:1 TO MATCH EXISTING GRADES IN BOTH CUTS AND FILLS UNLESS OTHERWISE INDICATED.
 - OVER EXCAVATE IN SOFT OR OTHERWISE UNSUITABLE SUBGRADE. REFILL WITH COMPACTED AGGREGATE SUBBASE (95% A6TH D 1551 MODIFIED).

TYPICAL ROAD SECTION

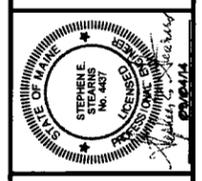
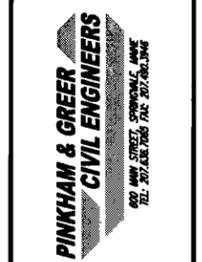


PIPE INLET/OUTLET DETAILS

PIPE	A	B	C	D	E	F	PAD DEPTH	D ₉₀
12"	3 FT.	2 FT.	3 FT.	5 FT.	6 FT.	12'	4'	

PIPE INLET/OUTLET DETAILS

CROSS SECTION



NO.	DATE	DESCRIPTION
1	07/22/14	MOVE CULVERT OUTLET, ADD LEVEL SPREADER, ADD 500' NEAR ROAD INTERSECTION FOR DRAINAGE.
2	08/04/14	ADD GENERAL NOTE 5, CONCEPTUAL DRIVEWAY GRADING, CONCEPTUAL BUILDING, DRIVEWAY SHOULDERS TO THE ROAD & DRIVEWAY DETAILS.

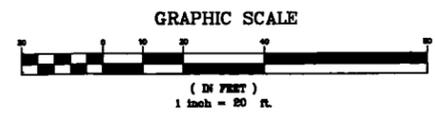
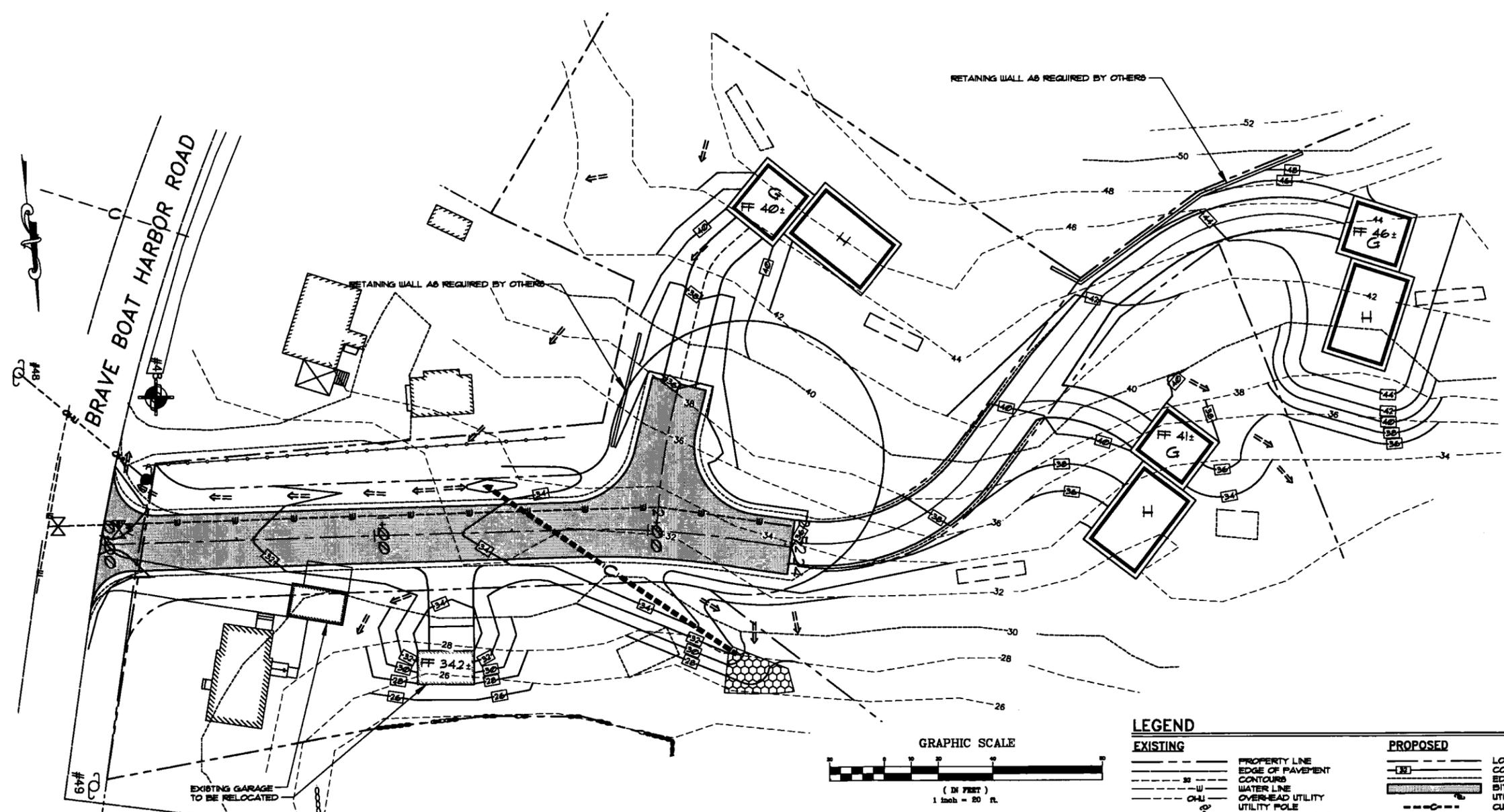
JONATHAN & KATHLEEN WATTS
143 BRAVE BOAT HARBOR ROAD
KITTERY POINT, MAINE 03905

SCALE: AS SHOWN
DATE: JUNE 19, 2014
PROJECT: 14813

DRN BY: JWG
DESIGN BY: SES
CHK BY: SES

PLAN, PROFILE & DETAILS

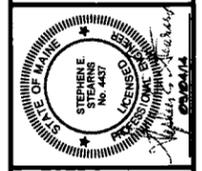
C1.0



EXISTING		PROPOSED	
—	PROPERTY LINE	—	LOT LINE
- - -	EDGE OF PAVEMENT	- - -	CONTOUR
- - -	CONTOUR	- - -	EDGE OF GRAVEL
- - -	WATER LINE	- - -	BITUMINOUS PAVEMENT
- - -	OVERHEAD UTILITY	- - -	UTILITY POLE
- - -	UTILITY POLE	- - -	CULVERT
- - -	UTILITY POLE W/ GUY WIRE	- - -	SURFACE DRAINAGE
- - -	TREELINE	- - -	DIRECTION
- - -	HYDRANT	- - -	RIPRAP
- - -	STONE WALL	- - -	WATER SHUT OFF
- - -	GATE VALVE	- - -	OVERHEAD UTILITY
- - -	CHAINLINK FENCE	- - -	BUILDING
- - -	BENCHMARK		

- GRADING NOTES**
- DRIVEWAY GRADES ASSUMED:
LOT 1: 0 = 2%
LOT 2: 0 = 6%
LOT 3: 0 = 2%
LOT 4: 0 = 4%
 - GARAGE FLOOR ELEVATIONS SHOWN ARE CONCEPTUAL.
 - HOUSE & GARAGE LOCATIONS AND GEOMETRY ARE CONCEPTUAL.

PINKHAM & GREER
CIVIL ENGINEERS
402 MAIN STREET, SPRINGDALE, MAINE
TEL: 207.438.7265 FAX: 207.438.3346



REV.	DATE	DESCRIPTION

JONATHAN & KATHLEEN WATTS
143 BRAVE BOAT HARBOR ROAD
KITTERY POINT, MAINE 03905

SCALE: AS SHOWN DRN BY: JWG
DATE: SEPTEMBER 4, 2014 DESG BY: SES
PROJECT: 14813 CHK BY:

SAWYER LANE
143 BRAVE BOAT HARBOR ROAD
KITTERY POINT, MAINE 03905

CONCEPTUAL GRADING PLAN

C2.0

MAP/LOT: 63 / 18

BY-LAWS AND COVENANTS
OF
Brave Boat Conservation at Sawyer Lane.
A Non-Profit Corporation

RECEIVED

BY:

In order to protect the investments of those who choose to build in Brave Boat Conservation at Sawyer Lane, Kittery Point, York County, ME 03905, (the "Premises"). The community has in place the following By-laws, Covenants and Restrictions.

NOW THEREFORE, the Declarant hereby declares these Covenants and By-Laws stated herein and agree that the stated covenants shall apply to all of the property now platted as Brave Boat Conservation at Sawyer Lane, Kittery Point, York County, ME 03905. These covenants and by-laws shall run with the land, except as set forth below and be a burden and benefit upon and to and be enforceable by all persons have an interest in any Lot in the Premises.

These covenants are to run with the land and shall be binding on all of the undersigned Lot Owners and all persons claiming under them from the date of execution after which time said covenants shall automatically be extended for successive ten (10) year period unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to changes in said covenants. During the first ten (10) year period, the covenants may be amended, changed or revoked with a majority vote of the then landowners. Each lot shall have one vote for said purposes.

Upon recording of this version, all prior covenants and By-laws shall be considered null and void.

ARTICLE I
OFFICES AND REGISTERED AGENT

Section 1.01 Principal Office. The principal office of the Association shall initially be located at 6 Carwin Dr York, ME 03909. The member of the Association may designate a different principal office, from time to time, in the future.

Section 1.02. Fiscal Year. Except as from time to time otherwise determined by the shareholders, the fiscal year of the corporation shall end on the 31st day of December of each year.

ARTICLE II OFFICERS

Section 2.01. In General. The officers of the Association shall consist of a President, and a Treasurer. Each officer shall exercise the authority and perform the duties as may be set forth in these Bylaws and any additional authority and duties as the Members shall determine from time to time.

Section 2.02. President. The President shall be the chief executive officer of the Association and, subject to the authority of the Members, shall manage the business and affairs of the Association. The President shall preside at all meetings of the Members and shall see that the resolutions of the Members are put into effect.

Section 2.03. Treasurer. Except as otherwise provided by these Bylaws or determined by the Members, the Treasurer shall serve under the direction of the President. The Treasurer shall, under the direction of the President, keep safe custody of the Association's funds and maintain complete and accurate books and records of account. The Treasurer shall upon request report to the Members on the financial condition of the Association.

ARTICLE III
MEMBERS and MEETINGS

Section 3.01. By acceptance of a deed for any of the Lots on Sawyer Lane, each Lot Owner shall be an Member of the Sawyer Lane Road Association and shall be jointly and severally responsible for the cost of liability insurance and for the maintenance of said Road, including but not limited to the resurfacing, grading, removal or installation of culverts and drainage pipes, and removal of any obstructions of the road and snow plowing. Each Lot shall receive one vote right in all matter put before the Association for a vote.

Section 3.02. Annual Meetings. Beginning in 2015, the annual meeting of the Members shall be held on the Third Sunday of January each year (or on the next business day if that day is a legal holiday). The purpose of the meeting is for the determination of the annual assessment to pay for the costs associated with the maintenance of said Road, including but not limited to the resurfacing, grading, removal or installation of culverts and drainage pipes, and removal of any obstructions of the road and snow plowing and for transaction of such business as may properly come before the meeting. In the event

that an annual meeting is not held on the date fixed in these By-laws, a special meeting may be held in lieu thereof with all the force and effect of an annual meeting.

Section 3.03. Special Meetings. Special meetings of the Members may be called for any one or more lawful purposes by a majority of the Members.

Section 3.04. Resolution of Disputes. If a majority of the Members do not agree to an expenditure for maintenance of the Road, the dispute shall be referred to an Attorney who shall act as arbitrator in the matter and whose decision shall be accepted by all Lot owners as being final in the disputed matter.

Section 3.05. Notice of Meetings, Waiver or Notice. Written or printed notice of all meetings of Members shall be delivered not less than ten nor more than fifty days before the meeting date, either personally or by registered or certified mail, to all members of record entitled to vote at such meeting. If mailed, the notice shall be deemed to be delivered when deposited with postage thereon prepaid in the United States mail, addressed to the Member at the Member's address as it appears on the Association's records. The notice shall state the date, time, and place of the meeting and, in the case of a special meeting, the purpose or purposes for which such meeting was called.

Section 3.06. Quorum. At any meeting of Members the presence, in person of a majority of the Members entitled to vote thereat shall constitute a quorum for the transaction of any business properly before the meeting.

Section 3.07. Transaction of Business. Business transacted at an annual meeting of Members may include all such business as may properly come before the meeting. Business transacted at a special meeting of Members shall be limited to the purposes stated in the notice of the meeting. Each member shall be entitled to one vote at any meeting.

Section 3.08. Action Without Meeting. Any action required or permitted to be taken at a meeting of the Members may be taken without a meeting if a consent in writing, setting forth the action taken, shall be signed by all of the Members entitled to vote with respect to the subject matter thereof.

Section 3.09. Lien for Unpaid Assessment. In the event any assessment duly made is unpaid for 30 days after the due date, the Association, as authorized by a majority vote at a duly called meeting, may record a lien in the York County Registry of Deeds against that Member's property for the amount of the unpaid assessment plus costs, interest at the rate of 1.5% per month and reasonable attorney's fees.

ARTICLE IV BUDGETS, COMMON CHARGES AND SPECIAL ASSESSMENTS

Section 4.01 Budgets. The Officers shall prepare, on an annual basis, a budget for administration of the Association to include such things as administrative expenses, landscaping, roadway maintenance, drainage ditches and any other expenses of the Association. Copies of the budget shall be distributed to all Members at the address on

the Secretary's list ten (10) days prior to the Annual Meeting. The budget may include such amounts as the Association may deem proper for working capital, general operating reserve, reserve for replacements or any amount necessary to make up a deficit for any prior year. All dues paid in accordance with these By-Laws shall remain the property of the Association and no refunds or rebates shall be made except as specifically authorized by the Board.

Section 4.02 Payment of Common Charges. All lot owners shall be obligated to pay on an annual basis the common charges assessable to each lot. For the first fiscal year of 2015, the annual dues will be \$500.00 for each member and shall be due by January 31, 2015. At its Annual Meeting, the budget for the Association shall be the basis for common charges. Such common charges shall be payable By January 31 after the Annual Meeting or in such other manner as the Officers shall determine.

A homeowner is obligated to pay its share of that years' common charges and prorated at the time of closing and payable at the transfer of title.

Common charges are not assessable to the developer while lots remain vacant. Should developer choose to keep one or more lots vacant for a period of 5 years from beginning construction of said lots on Sawyer Lane, developer will be assessed those charges for the 6th year of vacancy and beyond, until lot is transferred, then lot owner will be obligated to pay such charges.

Section 4.03 Special Assessment: The Board shall be authorized to assess the Members of the Association on an equal basis for unusual or extra-ordinary expense not anticipated in the budget or for additional expenses resulting from miscalculation in preparation of the budget. Such assessments shall be payable within thirty (30) days of receipt of notice from the Board or in such other manner as the Board shall determine.

ARTICLE IV MISCELLANEOUS

Section 4.01. Amendments. These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by the Members, subject to the right of the Members to alter, adopt, amend, or repeal Bylaws by majority vote at any duly called meeting for which proper notice has been provided.

Section 4.02. Severability. Any provision of these Bylaws, or any amendment or alteration thereof; which is determined to be in violation of the law shall not in any way render any of the remaining provisions invalid.

Section 4.03. Reference to Gender and Number of Years. In construing these Bylaws, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and

plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

Section 4.04. Applicable Law: this Agreement shall be subject to and construed in accordance with the laws of the State of Maine.

Section 4.05. Successors in Interest. The Parties agree that this Agreement shall run with the land as a covenant and shall be binding upon their successors in interest, assigns, heirs and personal representatives.

ARTICLE V: PROTECTIVE COVENANTS

Each conveyance of a lot on Sawyer Lane shall henceforth be subject to the following protective covenants and restrictions:

1. The property shall be used only for residential purposes. No commercial activity of any kind entailing excessive traffic, inordinate noise levels or possible inconvenience to other property owners on Sawyer Lane shall be permitted.
2. Home businesses will be allowed on Sawyer Lane as long as there are no signs attached to the home or on the property and do not result in increased traffic flow or increased on-street parking. The business must comply with all city-zoning requirements.
3. No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot except dogs, cats, and other household pets normally permitted in private homes in urban residential areas provided they are not kept for commercial breeding, or maintained for any commercial purpose.
4. The outside covering of the primary structures on said premises shall not be of vinyl siding, tar, asphalt, felt paper, sheet metal, and veneer plywood such as texture 111 or similar material.
5. No building or other structure shall be erected or maintained nearer than twenty (20) feet from any sideline and no nearer than forty (40) feet from the street line.
6. No signs or billboards shall be erected or displayed upon the land or buildings, excepting an address/name indicator or for sale signs of a standard size.
7. There shall be no unregistered vehicles visible from the street or visible from abutting properties on the property.
8. All boats, campers, snowmobiles, trailers, and the like shall be stored either inside a building or to the rear of the lot as to minimize their visibility from the street and abutting properties. Any clotheslines or the like shall be located to the rear of the house in the same manner.
9. No structure of a temporary nature including, but not by way of limitation, house trailers, mobile homes, auto homes, campers, trailers of any kind, basements, tents,

shacks, garages, barns, or other outbuildings shall be used as residence, either temporary or permanent. No inactive automobiles, motorcycles, or snowmobiles shall be stored anywhere except in an enclosed garage or shall completely screened from abutters.

10. Construction of any structure shall begin on the lot within one year from either the purchase of land and agreement with builder or purchase of package from builder. Once construction of any building or structure to be erected on said lot is commenced, such construction including landscaping, shall be completed as to the exterior thereof before the expiration of one (1) year from that time.

11. Each property shall have landscaping adequate to provide an attractive appearance for other buildings and from the street. Landscaping shall be in place within one year from the commencement date of construction. If building structure is completed during the winter months, the landscaping will then be completed after the ground is free from frost.

12. Each homeowner shall agree to maintain their home and the yard adjoining their home in an attractive manner that shall maintain the buildings in good repair and grounds free of refuse and landscaping regularly mowed and maintained.

13. All utilities shall be underground, as laid out by developer. There shall be no overhead wires.

14. No lot shall be further subdivided.

15. Each home shall be no less than 1600 square feet of finished living space above ground, exclusive of garages, basements and attics. The existing home at 143 Brave Boat Harbor road shall be exempt from the minimum square footage.

16. If a garage is to be constructed, it shall be no less than 1 car. The scale of any garage or accessory building shall be built in such a manner as not to overpower the house.

17. All homes shall be stick built or built with energy efficient materials approved by developer. No mobile homes, modular homes, trailers or like shall be permissible.

18. No lot shall be used or maintained as a dumping area for rubbish, trash, old automobiles, or similar materials offensive or degrading in appearance. This paragraph shall not limit the use of compost materials for individual use, provided they are screened from views of neighboring lots.

ARTICLE VI: ROAD MAINTENANCE

The road to be maintained is known as Sawyer Lane, and is more fully described as:

"Sawyer Lane is an 18 foot wide private road with 1 foot wide gravel shoulders to a length of 280 feet.

- a.) Duties. Each of the Lot Owners, by execution of this document or acceptance of a deed, shall be a member of the Sawyer Lane Road Association and shall jointly and severally responsible for the cost of maintenance of said Road, including but not limited to the resurfacing, grading, removal or installation of culverts and drainage pipes, and removal of any obstructions of the road and snow plowing. The cost of said maintenance shall be the equal responsibility of the Lot Owners and any one Lot Owner may enforce this obligation against any other Lot Owner(s).
- b.) Use of the Road. The Parties agree that the use of the road shall be equally shared and neither shall have the right to interfere with the use of the road by the other. Further, the parties agree that each and the other may extend the right of use of the Road to guests and visitors.

ARTICLE VII: OPEN SPACE

The management of the area designated as “ Reserved Open Space” is the responsibility of the Road Association. It is open space for conservation and is under the exclusive control of the Road Association.

All land/areas identified on the Final Plan as open space land to remain undeveloped in perpetuity.

Invalidation of any covenant by court order or vote of the landowners shall not affect the remaining covenants, which shall remain in full force and effect.

These covenants apply to all landowners of property on Brave Boat Conservation at Sawyer Lane

Witness our signatures, this _____ day of _____, 2014.

John Watts

**Land Management Plan
For Reserved Open Space**

RECEIVED

BY:.....

Prepared for

Brave Boat Conservation at Sawyer Lane

**John Watts Construction, LLC
6 Carwin Dr
York, ME 03909**

VII. Management Goals and Objectives

To maintain as open space and wildlife habitat in perpetuity. The Homeowner's Association will manage this property. Management will include boundary marker maintenance, annual inspection of the perimeter of the property to make sure the open space is not threatened in any way. Home owner's association will file any required reports to governing authorities.

Executive Summary

I. Introduction

The reserved open space at Brave Boat Conservation at Sawyer lane consists of 8.89 acres of mature woodland and lowland areas

II. Background

Brave Boat was previously owned by Louis Marston, and in turn, his daughter Shirley Clough since 1938. Jonathan and Kathleen Watts purchased the property in 2013. It is subdivided into what is now known as Brave Boat Conservation at Sawyer Lane.

III. Reserved Site Characteristics

Property is a mix of upland and lowland areas. Property abuts an old rail road trestle and abuts open space owned by the Kittery Land Trust. It is close proximity to Rachael Carson Wildlife Refuge property.

IV. Existing Restrictions

No existing restrictions at this time.

V. Current Use

Resource and habitat conservation

VI. Future Potential Growth of Reserve/Conservation Management Areas

No future growth, reserved area will remain as is.

VII. Management Goals and Objectives

To maintain as open space and wildlife habitat in perpetuity. The Homeowner's Association will manage this property. Management will include boundary marker maintenance, annual inspection of the perimeter of the property to make sure the open space is not threatened in any way. Home owner's association will file any required reports to governing authorities.

Town of Kittery Maine Town Planning Board Meeting October 9, 2014

84 Pepperrell LLC — Shoreland Development Plan Review

Action: Accept or deny plan application and schedule site walk and/or public hearing. Owner 84 Pepperrell LLC and applicant Jonathan MacDougal are requesting approval of their plans to reconstruct expand an existing non-conforming building located at 84 Pepperrell Rd., Tax Map 27, Lot 51, in the Kittery Point Village and Shoreland Overlay zones.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
NO	Site Visit		
YES	Determination of Completeness/Acceptance	October 9, 2014	PENDING
NO	Public Hearing		
YES	Final Plan Review and Approval		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. 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 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.

Staff Comments: The application appears complete with the following observations:

- This parcel is divided by two zones. The proposal to add a deck/patio (73 sf) to an existing accessory building is located in the B-L and Shoreland zones. Site plan calculations indicate the addition of the deck/patio increases the lot coverage by .4% (from existing coverage of 42.3% to 42.7%).
Deck means an unenclosed, unroofed exterior platform structure, with or without railings, which is elevated above ground, and is typically of wood construction, whether attached to a building or freestanding. A deck is not a water-dependent structure.
Patio means an unenclosed, unroofed, exterior floor-like surface, usually composed of brick, stone, or concrete, situated no higher than eighteen (18) inches above ground level, accessory to a dwelling and serving as an area for outdoor living.
- The accessory structure is located within the V-2 Flood Zone. Title 16.9 Article VIII, Floodplain Management addresses new construction in special flood hazard zones. New construction must be built to meet Article VIII and floodproofed at least 1-foot above the base flood level (16.9.8.8.G.1.a). This would apply to a deck. Article VIII does not reference patio construction. The accessory structure may not be used as a dwelling unit, and if containing utilities, sanitary facilities, etc., Article VIII requirements must be met. Conformance to 16.9.8 is reviewed and approved through a Flood Hazard Development Permit issued by the Code Enforcement Officer.
- Applicant is also proposing to add a privacy fence. By definition, a fence is not considered a structure if it does not exceed 8 feet in height. Applicant has not indicated the height of the proposed fence, but indicates it will be the "same as existing boundary fence" which is <8 feet tall. Submitted photos show cable rail security fencing to be installed along the existing seawall. Proposed height of privacy and cable rail fencing should be included in plan notes.

4. 16.3.2.17.D.d. *The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones:*
- ii. *Commercial (C1, C-2, C-3), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum lot coverage is seventy (70) percent.*

2.b. Accessory patios or decks no larger than five hundred (500) square feet in area must be set back at least seventy-five (75) feet from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland.

The proposed patio/deck is considered an expansion of the existing accessory building and does not extend further into the 75-foot setback than the existing structure to which it is attached (see Site Plan by CLD Engineers). Staff has consulted with the Maine Department of Environmental Protection and determined that similar expansions have been supported by the State.

5. 16.7.3.6.1.A. *After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.*

Applicant states, in the expansion analysis, the existing structure is 240 sf. The Site plan notes and page 2 of the application state the existing structure is 244 sf. The proposed deck/patio cannot exceed 30% or more (<30%) of the actual square footage of the accessory building. The accessory building is scaled at 240 sf, so the proposed patio must be less than 72 sf. (Applicant is proposing 73 sf) Site plan must be amended to reflect this.

The Site plan should show the dimensions of the existing accessory structure and the proposed patio.

6. Application references Map 27 Lot 49. The parcel is Map 27 Lot 51. The site plan prepared by CLD Consulting Engineers is correct.

Board Action

A public hearing and/or site walk is at the discretion of the Planning Board. The Board may choose to approve this application in one meeting, with conditions, if they find the application provides sufficient information to determine the proposal conforms to code requirements (see draft Findings).

END OF PLAN REVIEW NOTES

KITTERY PLANNING BOARD

FINDINGS OF FACT

UNAPPROVED

for
84 Pepperrell Road
Shoreland Development Plan Review

WHEREAS: 84 Pepperrell LLC, owner, and Jonathan MacDougall, applicant, requests approval to add a patio to an existing accessory building, and install fencing at 84 Pepperrell Road, Tax Map 27, Lot 51, in the Kittery Point Village/Business Local and Shoreland Overlay Zones, hereinafter the “Development”; and

pursuant to the Plan Review meetings conducted by the Town Planning Board as noted;

Shoreland Overlay Plan Review	October 9, 2014	

and pursuant to the Project Application and Plan and other documents considered to be a part of the plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”):

1. Shoreland Overlay Zone Project Plan Review Application, September 17, 2014.
2. Site Plan, CLD Consulting Engineers, September, 2014.
3. Site Photos, September 17, 2014.

NOW THEREFORE, based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

<p>16.3.2.17. D Shoreland Overlay Zone - Standards. <i>1.d d. The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones:</i></p> <p><u>Findings:</u> Commercial (C1, C-2, C-3), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum lot coverage is seventy (70) percent. Proposed deck/patio is located in the B-L zone. Increase in impervious surfaces is .4% for a total impervious coverage in the B-L zone portion of the lot to 42.7%.</p> <p><u>Conclusion:</u> This standard appears to have been met.</p> <p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>

II. Standards in the Shoreland Overlay Zone

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS have been met.

16.7.3.1 Prohibitions and Allowances.

A. Except as otherwise provided in this Article, a non-conforming condition must not be permitted to become more non-conforming.

Finding: This is an existing non-conforming lot with non-conforming structures. *Accessory patios or decks no larger than five hundred (500) square feet in area must be set back at least seventy-five (75) feet from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland. The proposed deck/patio footprint does not extend further into the 75-foot setback than the existing non-conforming accessory structure to which it is proposed to be attached.*

Conclusion: The requirement appears to be met.

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones have been met.

16.7.3.6.1 Expansion.

A non-conforming structure may be added to, or expanded, after obtaining a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs below.

A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

C. Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.

Finding:

A-B. The proposed patio will be less than 30% expansion, at _____sf. Tax records show interior renovations and a deck extension on the primary structure, and a garage relocation in 1997. There is no indication the specific accessory building has had any prior expansion.

C. This standard is not applicable.

Conclusion: This standard appears to have been met.

Vote: __ in favor __ against __ abstaining

III. Procedures for Administering Permits For Shoreland Development Review

16.10.10.2 D. *An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:*

1. Maintain safe and healthful conditions;

The proposed development does not appear to have an adverse impact.

Vote: __ in favor __ against __ abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;
The proposed development does not appear to have an adverse impact.
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining
3. Adequately provide for the disposal of all wastewater;
This standard is not applicable.
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining
4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
The proposed development does not appear to have an adverse impact
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining
5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
The proposed development does not appear to have an adverse impact
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining
6. Protect archaeological and historic resources;
The proposed development does not appear to have an adverse impact
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;
This standard is not applicable.
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining
8. Avoid problems associated with floodplain development and use
A portion of the property is located in the V-2 flood zone. The proposed addition of a patio does not appear to have an adverse impact.
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining
9. Is in conformance with the provisions of this Code;
The proposed location of the patio is no more non-conforming than what currently exists. The increase in impervious surface impact (.4%) is negligible and within the limitations of the BL Zone. The proposed patio expansion will not exceed 30%, at _____sf.
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining
10. Be recorded with the York County Registry of Deeds.
Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: <input type="checkbox"/> in favor <input type="checkbox"/> against <input type="checkbox"/> abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application of 84 Pepperrell LLC, owner, and Jonathan MacDougall, applicant subject to any conditions and/or waivers, as follows:

Application Waivers: None

Conditions of Approval (to be included on final plan to be recorded):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
3. All Notices to Applicant contained herein (10/9/14 Findings of Fact).

The Planning Board authorizes the Planning Board Chairman to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

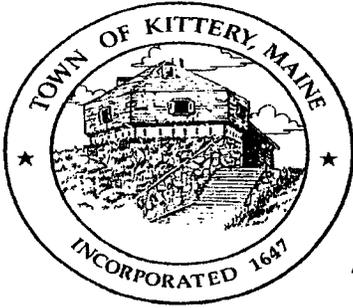
Vote of ___ in favor ___ against ___ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Thomas Battcock-Emerson, Planning Board Chairman

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. One (1) mylar copy and two (2) paper copies of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department.
4. Date of Planning Board approval shall be included on the final plan in the Signature Block. Only one signature line is needed, for the Chairman.
5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.
6. Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.



TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
 Phone: (207) 475-1307
 Fax: (207) 439-6806
 www.kittery.org

RECEIVED
 SEP 17 2014

BY:

APPLICATION: SHORELAND OVERLAY ZONE
PROJECT PLAN REVIEW

FEE FOR REVIEW	<input type="checkbox"/> \$100.00	Amount Paid: \$ _____
		Date: _____

PROPERTY DESCRIPTION	Parcel ID	Map	27	Base Zone	R-KPV & B-L	Total Land Area	17,028 SF
		Lot	49	Overlay Zone	Shoreland Zone Flood Zone C, Flood Zone V-2		
	Physical Address	84 Pepperrell Road, Kittery Point, ME					

PROPERTY OWNER'S INFORMATION	Name	84 Pepperrell LLC		Mailing Address	PO Box 116 Kittery Point, ME 03905
	Phone	617-429-5094			
	Fax				
	Email	bethsegers@gmail.com			

APPLICANT'S AGENT INFORMATION	Name	Jonathan, D MacDougall	Name of Business	J. D. MacDougall, Inc.
	Phone	207-252-0952	Mailing Address	8 Otis Avenue Kittery, ME 03904
	Fax			
	Email	jdmacdougallinc@comcast.net		

See reverse side regarding information to be provided.

PROJECT DESCRIPTION	Existing Land Use:
	Property is currently a two apartment rental property. It is not owner occupied. Owner lives across the street and uses the converted garage for a three season room.
	Proposed Land Use and Development:
	<p>1. THE PURPOSE OF THIS SITE PLAN IS TO SHOW THE LOCATION OF A PROPOSED PATIO ADJACENT TO THE EXISTING ACCESSORY BUILDING AND THE LOCATION OF A PROPOSED FENCE FOR PRESENTATION TO THE TOWN OF KITTERY PLANNING DEPARTMENT AND PLANNING BOARD. THIS PLAN SHALL BE USED TO ASSIST THE PROPERTY OWNER OR TAX MAP 27 LOT 51 (84 PEPPERRELL ROAD) AND THE OWNER'S CONTRACTOR IN OBTAINING THE PROPER PERMITS FROM THE TOWN OF KITTERY.</p> <p>2. BOUNDARY LINES SHOWN ON THE PLAN WERE OBTAINED FROM REFERENCE PLAN 1 AND 2. THIS PLAN DOES NOT REPRESENT A STANDARD BOUNDARY SURVEY.</p> <p>3. EXISTING CONDITIONS DATA SHOWN ON THIS PLAN ARE BASED UPON DATA COLLECTED IN THE FIELD ON SEPTEMBER 5, 2014 BY CLD CONSULTING ENGINEERS, INC.</p>

Project Description:

4. THE SUBJECT PARCEL LIES WITHIN BOTH THE RESIDENTIAL-KITTERY POINT VILLAGE ZONE (R-KPV) AND THE BUSINESS-LOCAL ZONE (B-L). THE ZONE BOUNDARY LINE WAS DETERMINED BY OFFSETTING 200 FT FROM THE CENTERLINE OF BELLAMY LANE AS SHOWN ON INSET G OF THE TOWN OF KITTERY LAND USE ZONING MAP. THE SUBJECT PARCEL ALSO LIES ENTIRELY WITHIN THE SHORELAND OVERLAY ZONE. THE CURRENT ZONING STANDARDS FOR EACH ZONE INCLUDING THE SHORELAND OVERLAY ARE AS FOLLOWS:

ZONING DISTRICT: R-KPV

MINIMUM FRONT YARD: 40'
MINIMUM REAR AND SIDE YARD: 15'
MAXIMUM BUILDING HEIGHT: 35'
MAXIMUM BUILDING COVERAGE: 20%

MAXIMUM DEVEGETATED (IMPERVIOUS) COVERAGE: 20%
PRINCIPAL AND ACCESSORY STRUCTURE SETBACK: 100' FROM UPLAND EDGE
ACCESSORY PATIOS OR DECK <500 SF SETBACK: 75' FROM UPLAND EDGE

ZONING DISTRICT: B-L

MINIMUM FRONT YARD: 60'
MINIMUM REAR AND SIDE YARD: 10' (15' IF ABUTTING RESIDENTIAL DISTRICT OR USE)
MAXIMUM BUILDING HEIGHT: 40'
MAXIMUM BUILDING COVERAGE: NONE

MAXIMUM DEVEGETATED (IMPERVIOUS) COVERAGE: 70%
PRINCIPAL AND ACCESSORY STRUCTURE SETBACK: 100' FROM UPLAND EDGE
ACCESSORY PATIOS OR DECK <500 SF SETBACK: 75' FROM UPLAND EDGE

5. PER KITTERY CODE 16.7.3.6.1, A NONCONFORMING STRUCTURE MAY BE ADDED TO, OR EXPANDED, AFTER OBTAINING PLANNING BOARD APPROVAL. SUCH ADDITION OR EXPANSION MUST NOT INCREASE THE NON-CONFORMITY OF THE STRUCTURE. THE EXISTING ACCESSORY BUILDING IS WITHIN THE REQUIRED SETBACK FROM THE UPLAND EDGE; THEREFORE THE STRUCTURE IS NOT PERMITTED TO EXPAND, AS MEASURED IN FLOOR AREA OR VOLUME, BY 30% OR MORE DURING THE LIFETIME OF THE STRUCTURE.

EXISTING ACCESSORY STRUCTURE AREA = 244 SF
ALLOWABLE AREA EXPANSION = 244 SF X 0.3 = 73 SF±

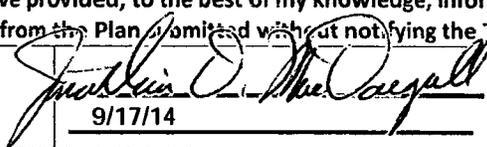
6. THE LIMITS OF THE FLOOD ZONE AS SHOWN HEREON ARE BASED UPON THE CURRENT EFFECTIVE FEMA FIRM PANEL 230171-005D. THE LIMITS SHOWN SHALL BE CONSIDERED APPROXIMATE.

7. THE LIMIT OF THE UPLAND EDGE OF THE COASTAL WETLAND (PEPPERRELL COVE) IS THE ELEVATION 6.7' (NGVD-29) CONTOUR PER THE DEFINITION OF "UPLAND EDGE" AS DESCRIBED WITHIN THE TOWN OF KITTERY TITLE 16 LAND USE AND DEVELOPMENT CODE.

8. UTILITY STRUCTURES HAVE NOT BEEN LOCATED AND ARE NOT SHOWN ON THIS PLAN. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO COMMENCEMENT OF ANY SITE WORK. CALL DIG SAFE 1-888-344-7233 A MINIMUM OF 72 HOURS PRIOR TO PLANNED ACTIVITY.

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	<ul style="list-style-type: none"> • Complete existing fencing on north boundary around northeast corner to prevent customers at the business next door from accessing lawn area from the patio at the eatery. • Install approximately 9' X 8'-deck or patio area on north facing side of building near sea wall- for <u>patio or deck</u> equivalent area of paving to be removed to accommodate impervious area requirements; to be considered 30% expansion within shoreland zone. • Install privacy fence next to patio/deck area of same style as existing boundary fence to block sight line from business activities on pier etc. to the north. • Install cable rail fence on top of existing sea wall in place of old pipe rail that was removed in the past. Purpose of the fence is as a guard rail for safety precautions. Main house is a summer rental.

I certify I have provided, to the best of my knowledge, information requested for this application that 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: 9/17/14	Date: _____

MINIMUM PLAN SUBMITTAL REQUIREMENTS

- 15 Copies of this Application and the Project Plan and Vicinity Map

Shoreland Overlay Zone Project 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 TOWN PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

Vicinity Map or aerial photo showing geographic features 5,000 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 project plan for comparison.)

- Recreation areas and open space
- 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; ocean, wetland, stream.

EXPANSION ANALYSIS OF CONSTRUCTION ONLY WITHIN THE SHORELAND OVERLAY ZONE

AREA - SQUARE FEET	VOLUME - CUBIC FEET	CONSTRUCTION TYPE *	VALUE \$
-----------------------	------------------------	------------------------	-------------

(DR or MR)

PROPOSED ADDITION **Patio or deck with privacy fence; corner fence fill-in; cable rail fence along sea wall**

CHANGE – TOTAL **73 SF**

CHANGE - PERCENT **30%**

CONSTRUCTION **DR**

EXISTING – **240 SF**

PRIOR TO SHORELAND LAW - 1987 **240 SF**

ADDITION(S) –AFTER SHORELAND LAW

CHANGE - TOTAL

CHANGE – PERCENT

VALUE OF CONSTRUCTION

VALUE OF INCREASE - PERCENT

N/A

TOTAL – EXISTING PLUS PROPOSED **240 SF + 73 SF = 313 SF**

CHANGE – AMOUNT **73 SF**

CHANGE – PERCENT **30% of additional coverage**

(Note: May not exceed 30%)

VALUE OF CONSTRUCTION **\$5,000.00**

VALUE OF INCREASE - PERCENT **10%**

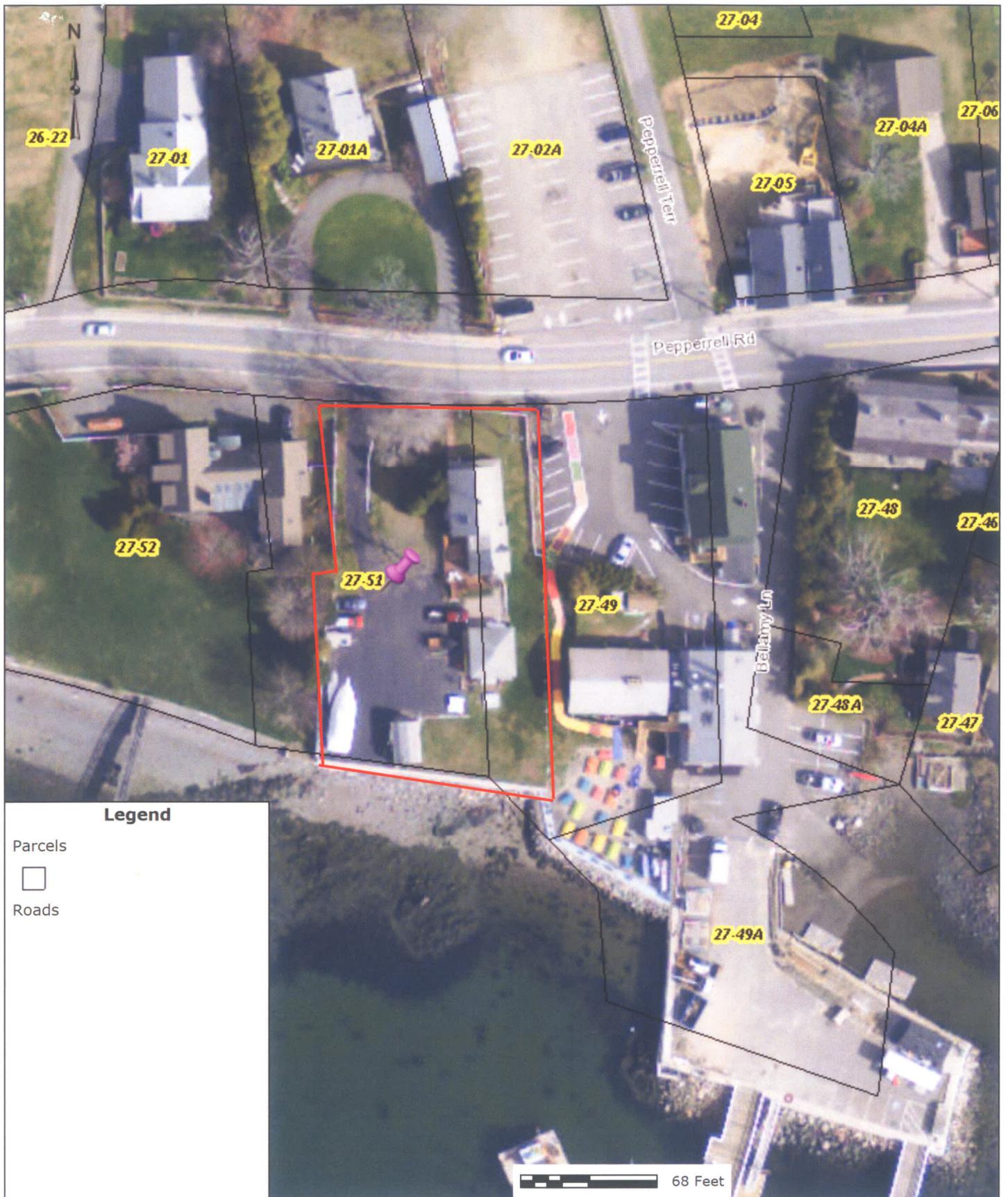
• TYPE OF ADDTION **DR**

-DEMOLITION AND RE-BUILD - DR

-MAINTENCE OR REPAIR - MR

END

Issued April 27, 2011



84 Pepperrel Road, Garage Remodel

**Town of Kittery,
Maine**

This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.



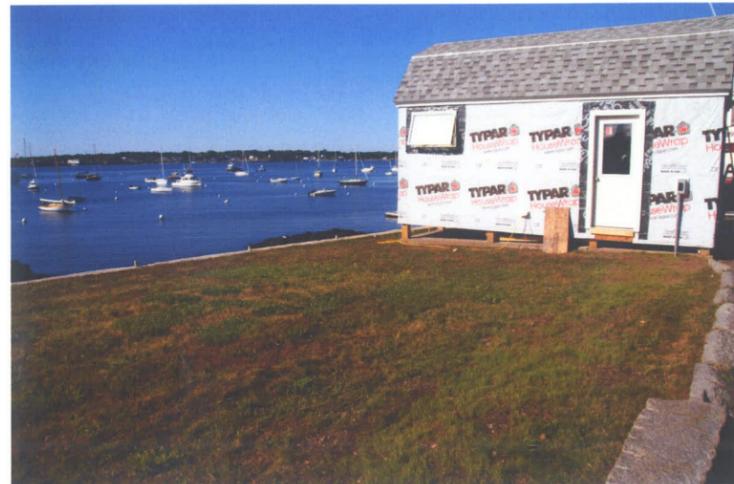
View to Northeast



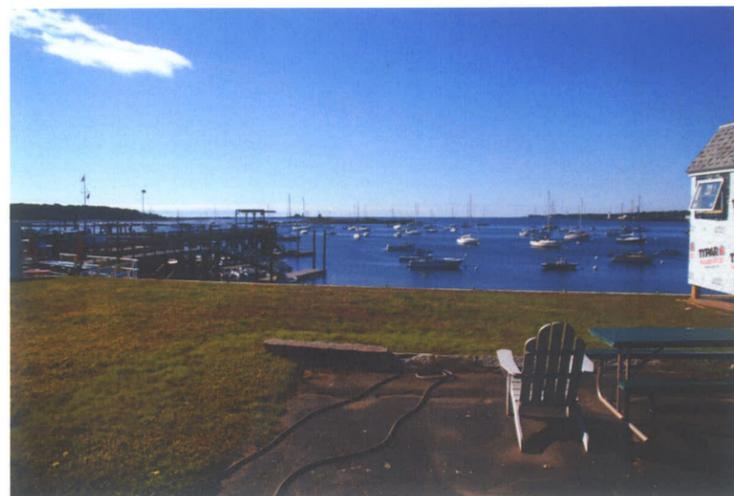
View From Business Toward Property



View with Corner Fence



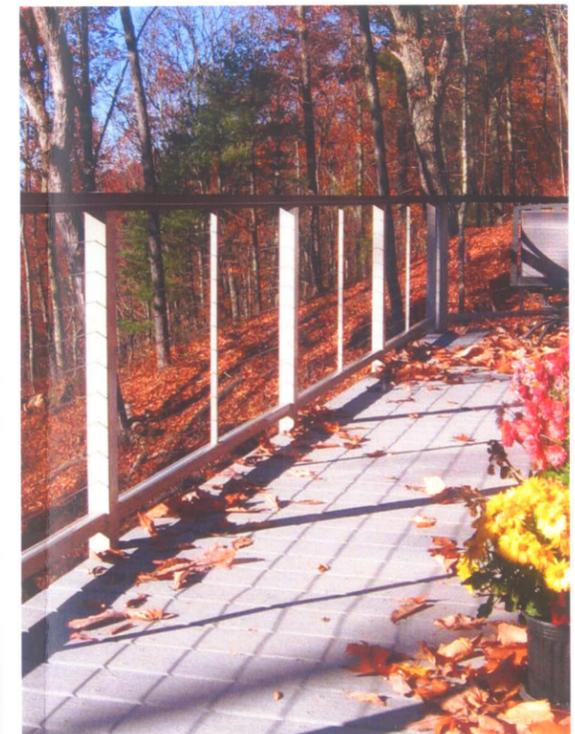
Three Season Building- Location for Deck Patio



Sea Wall- Location for Cable Rail Fence



Examples of Cable Rail Fence



NO.	DESCRIPTION	BY	DATE

Site Photos

JD MACDOUGALL INC
 BUILDING CONTRACTOR
 8 Otis Avenue • Kittery, Maine 03904 • (207) 439-0760

DATE:

9/17/2014

SCALE:

SHEET:

A-9

**Town of Kittery Maine
 Town Planning Board Meeting
 October 9, 2014**

62 Pepperrell Cove LLC — Shoreland Development Plan Review

Action: Accept or deny plan application and schedule site walk and/or public hearing. Owner Pepperrell Cove LLC and Applicant Michael McCuddy is requesting approval of their plans to expand an existing non-conforming building located at 62 Pepperrell Rd., Tax Map 18, Lot 46, in the Kittery Point Village and Shoreland Overlay zones..

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
NO	Site Visit		
YES	Determination of Completeness/Acceptance	October 9, 2014	
NO	Public Hearing		
YES	Preliminary Plan Review and Approval		
YES	Final Plan Review and Approval		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. 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 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.

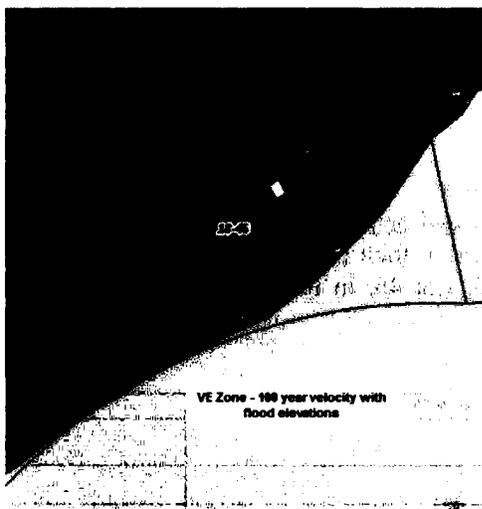
Staff Comments

Project description states increase in volume and square footage in the existing home is to allow for more headroom, with no changes to the existing footprint or existing setbacks.

16.7.3.5.7-Nonconforming residential uses located within the Resource Protection Overlay, or Shoreland Overlay Zone with Planning Board approval, may expand by thirty (30) percent or less of the structure, in floor area or volume, during the lifetime of the structure if the applicant can prove the proposal is consistent with the review standards in Section 16.3.2.17.D.2.

1. Impervious Area: No Change proposed
2. Volume: Existing: 34,882.17 cf
 Proposed: 43,450.83 cf
 Increase: 8,568.66 cf
 Increase in volume of 24.56%
3. Floor Area: Existing: 4,713.80 sf
 Proposed: 4,720.80 sf
 Increase: 7 sf
 Increase in area: <1%

(If approved, devegetated coverage, volume and floor area calculations will be documented on the Shoreland Development Plan, recorded at the York County Registry of Deeds)



4. Applicant has provided a standard boundary survey marking areas of volume and area increases. There are no building drawings provided to illustrate the proposed expansion or calculations. Inclusion of building drawings would be a condition of approval. Portions of the property appear to be impacted by floodplain designation. Proposed additions do not impact the existing footprint of the structure, and do not appear to be within the floodplain areas.
5. This proposal to increase the square footage of the existing structure is minor (7 sf), and there is no change in the footprint of the structure. Tax records indicate there has been no prior expansions that would increase the maximum volume allowed (<30%) in the Shoreland zone.

Per Title 16.10.10.1.2.A a site plan (entitled Shoreland Development Plan) needs to be prepared, depicting the proposed building and setbacks and to include all floor area, volume and devegetated area calculations in plan notes, suitable for recording, and stamped by a registered professional, prior to signature by Board Chairman.

Board Action

A public hearing and/or site walk is at the discretion of the Planning Board. The Board may choose to approve this application in one meeting, with conditions, if they find the application provides sufficient information to determine the proposal conforms to code requirements (see draft Findings).

KITTERY TOWN PLANNING BOARD

FINDINGS OF FACT UNAPPROVED

for
62 Pepperrell Road
Shoreland Development Plan Review

WHEREAS: Pepperrell Cove LLC, owner, and Michael McCuddy, applicant, requests approval to increase the volume and square footage at an existing home at 62 Pepperrell Road, Tax Map 18, Lot 46, in the Kittery Point Village and Shoreland Overlay Zones, hereinafter the “Development”; and

pursuant to the Plan Review meetings conducted by the Town Planning Board as noted;

Shoreland Project Plan Review	October 9, 2014	

and pursuant to the Project Application and Plan and other documents considered to be a part of the plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”):

1. Shoreland Overlay Zone Project Plan Review Application: September 18, 2014
2. Standard Boundary Survey, 3/26/13, prepared by North Easterly Surveying, Inc.

NOW THEREFORE, based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

<p>16.3.2.17. D Shoreland Overlay Zone - Standards. <i>1.d d. The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones:</i></p> <p><u>Findings:</u> The proposal does not increase existing devegetated areas.</p> <p><u>Conclusion:</u> This standard is not applicable.</p> <p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>
--

II. Standards in the Shoreland Overlay Zone
Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS have been met.

<p>16.7.3.1 Prohibitions and Allowances. <i>A. Except as otherwise provided in this Article, a non-conforming condition must not be permitted to become more non-conforming.</i></p> <p><u>Finding:</u> This is an existing non-conforming lot with non-conforming structures. The proposed increase in volume (24.5%) and square footage (<1%) conforms with code requirements. There is no increase in the structure's footprint.</p> <p><u>Conclusion:</u> The proposal is within allowable percent increase (<30%) within the shoreland zone.</p>

Vote: __ in favor __ against __ abstaining
16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones have been met.
16.7.3.6.1 Expansion.
A non-conforming structure may be added to, or expanded, after obtaining a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs below.
<i>A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.</i>
<i>B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.</i>
<i>C. Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.</i>
Finding:
A-B. Calculations indicate the proposed expansion in volume (24.56%) and area (<1%) meet code requirements regarding expansion in the shoreland zone.
C. This standard is not applicable.
Conclusion: The criteria for expansion of non-conforming structures in the Shoreland Overlay zone appears to have been met. Further expansion in volume is severely limited. Findings regarding percent expansion will be submitted to the Assessor.
Vote: __ in favor __ against __ abstaining

III. Procedures for Administering Permits For Shoreland Development Review

16.10.10.2 D. *An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:*

1. Maintain safe and healthful conditions;
Finding/Conclusion: The proposed development does not appear to have an adverse impact.
Vote: __ in favor __ against __ abstaining
2. Not result in water pollution, erosion or sedimentation to surface waters;
Finding/Conclusion: The proposed development does not appear to have an adverse impact.
Vote: __ in favor __ against __ abstaining
3. Adequately provide for the disposal of all wastewater;
Finding/Conclusion: This standard is not applicable.

Vote: __ in favor __ against __ abstaining
4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
Finding/Conclusion: The proposed development does not appear to have an adverse impact
Vote: __ in favor __ against __ abstaining
5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
Finding/Conclusion: The proposed development does not appear to have an adverse impact.
Vote: __ in favor __ against __ abstaining
6. Protect archaeological and historic resources;
Finding/Conclusion: The proposed development does not appear to have an adverse impact
Vote: __ in favor __ against __ abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;
This standard is not applicable.
Vote: __ in favor __ against __ abstaining
8. Avoid problems associated with floodplain development and use
Portions of the property are located in VE flood management areas. The areas identified for square footage and volume increase do not appear to be located in the flood management area. There is no change to the structure's footprint.
Vote: __ in favor __ against __ abstaining
9. Is in conformance with the provisions of this Code;
Finding/Conclusion: The increase in area and volume are in conformance with the provisions of this Code. The proposal does not create more non-conforming conditions than what previously existed.
Vote: __ in favor __ against __ abstaining
10. Be recorded with the York County Registry of Deeds.
Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: __ in favor __ against __ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and therefore the Planning Board approves the Shoreland Development Plan Application of Pepperrell Cove LLC, owner, and Michael McCuddy, applicant subject to any conditions and/or waivers, following:

Application Waivers: None

Conditions of Approval (to be included on final plan to be recorded):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. All Notices to Applicant contained herein.

Conditions of Approval (NOT to be included on final plan to be recorded):

4. Applicant shall provide building drawings to illustrate proposed areas of expansion
5. Prepare and submit to Staff for review a Shoreland Development Plan, based on the boundary survey provided, depicting the proposed building and setbacks and to include all floor area, volume and devegetated area calculations in plan notes, suitable for recording, and stamped by a registered professional, prior to signature by Board Chairman.

The Planning Board authorizes the Planning Board Chairman to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of ___ in favor ___ against ___ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Thomas Battcock-Emerson, Planning Board Chairman

Notices to Applicant:

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. One (1) mylar copy and two (2) paper copies of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department.
3. A Signature Block, including the Date of Planning Board approval, shall be included on the final plan.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.



TOWN OF KITTEERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1307

Fax: (207) 439-6806

www.kittery.org

RECEIVED
 JUN 16 2014

BY: _____

APPLICATION: SHORELAND OVERLAY ZONE
PROJECT PLAN REVIEW

FEE FOR REVIEW	<input type="checkbox"/> \$100.00	Amount Paid:
		\$ _____ Date: _____

PROPERTY DESCRIPTION	Parcel ID	Map	18	Base Zone	KPV	Total Land Area	.64 AC 28070 sf.
	Lot	46	Overlay Zone	SHORELAND			
	Physical Address	62 PEPPERRELL RD					

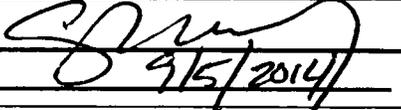
PROPERTY OWNER'S INFORMATION	Name	PEPPERRELL MICHAEL	Mailing Address	6 STARBOARD LN YORK ME 03909
	Phone	207 299 6565		
	Fax	207 361 4436		
	Email	Michael.mccuddy@gmail.com		

APPLICANT'S AGENT INFORMATION	Name	Michael McCuddy	Name of Business	
	Phone	207 299 6565	Mailing Address	
	Fax			
	Email			

PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>	
	Existing Land Use:	
	RESIDENTIAL	
	Proposed Land Use and Development:	
RESIDENTIAL LESS THAN 30% EXPANSION NO FOOTPRINT CHANGE - SEE ATTACHED PROJECT DESCRIPTION		

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	WITHIN SHORELAND ZONE

I certify I have provided, to the best of my knowledge, information requested for this application that 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:	SAME
Date:	9/15/2014	Date:	

MINIMUM PLAN SUBMITTAL REQUIREMENTS

15 Copies of this Application and the Project Plan and Vicinity Map

Shoreland Overlay Zone Project 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 TOWN PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

Vicinity Map or aerial photo showing geographic features 5,000 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 project plan for comparison.)

- Recreation areas and open space
- 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; ocean, wetland, stream.

AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

PROJECT DESCRIPTION

Property Location:

62 Pepperrell Rd,
Kittery Point, York County Maine

Map 18 lot 46

Project Description: Expansion- less than the allowed 30% (see calculations below).

There will be no expansion of the current footprint, all setbacks and impervious coverages are to remain as they are currently.

This would be achieved through raising the height of the roof in two sections of the existing house to allow for more headroom. The sections that will be impacted are the attached garage and abutting middle section (EL) of the house.

Current Volume/ Square Footage:

1st Floor - 19,781.5 cubic ft.

2nd Floor - 15,101.17 cubic ft

Current Total = 34,882.67

1st Floor - 2357.4 square ft

2nd Floor - 2356.4 square ft

Current Total Square Footage = 4,713.80

Proposed Volume/ Square Footage:

First Floor - 20,495.90 cubic ft

Second Floor - 22,954.93 cubic ft

Total = 43450.83 (24.56% change)

1st Floor - 2453.40 square ft

2nd Floor - 2267.40 square ft

Total Square Footage = 4,720.80 (less than 2% change)

Current Building Height - 26 ft 8 in

Proposed Building Height 28 ft 4 in

Current building setbacks +- (not to change).

Front - 45 ft

Rear - 40 ft

Left - 70 ft

Right- 100 ft



Legend

Parcels



Roads

Hydrant



Water Pipe



Abandoned Water Main

Waterfront Piers



Federal



Municipal



Other



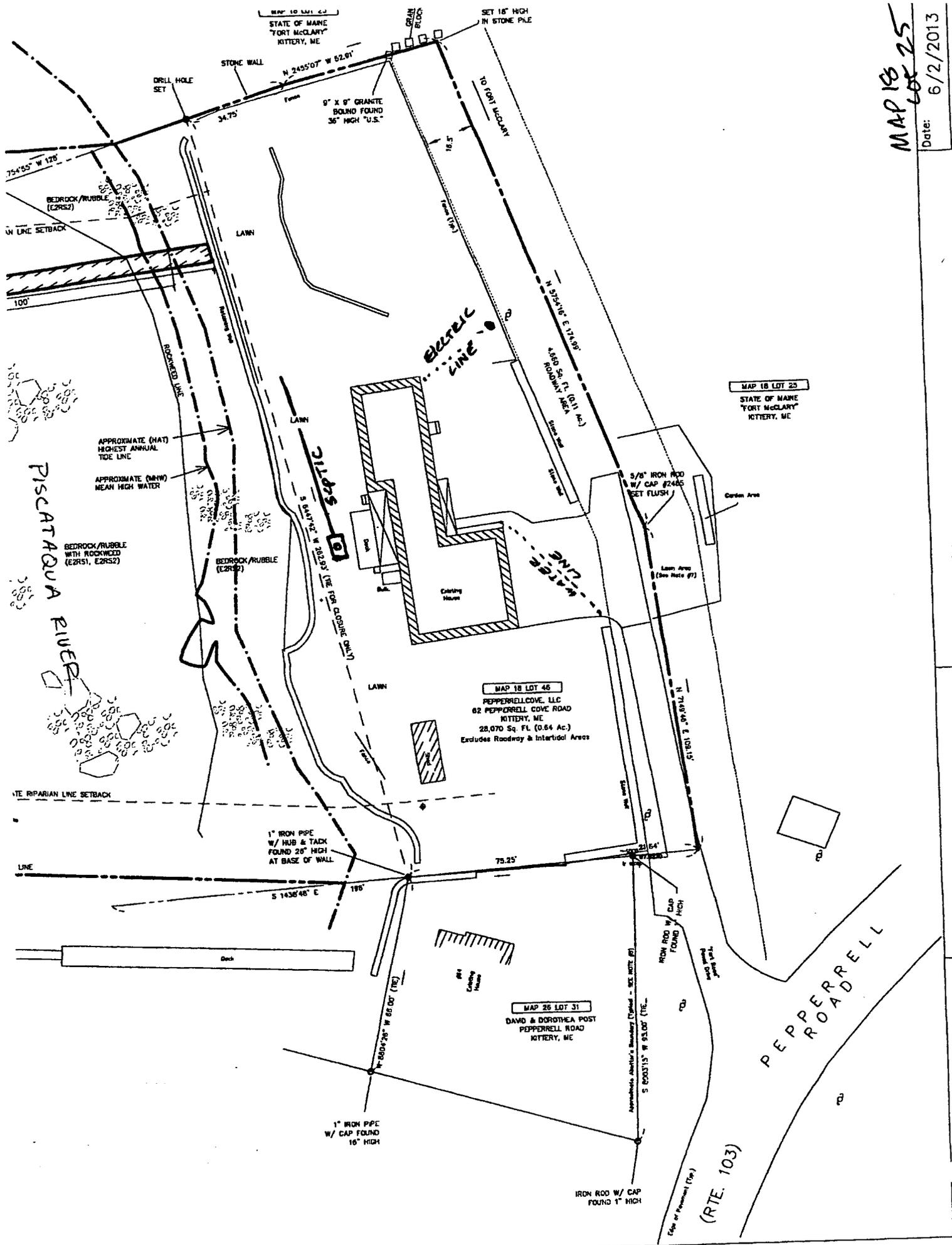
Private

Elevation Contours



**Town of Kittery,
Maine**

This information has been compiled from various public and private sources. While every attempt has been made to provide



MAP 18 LOT 23
 Date: 6/2/2013

MAP 18 LOT 46
 PEPPERRELL COVE, LLC
 82 PEPPERRELL COVE ROAD
 KITTERY, ME
 28,070 Sq. Ft. (0.64 Ac.)
 Excludes Roadway & Intertidal Areas

MAP 25 LOT 31
 DAVID & DOROTHEA POST
 PEPPERRELL ROAD
 KITTERY, ME

MAP 18 LOT 23
 STATE OF MAINE
 'FORT McCLARY'
 KITTERY, ME

PISCATAQUA RIVER

PEPPERRELL

(RTE. 103)

EXISTING SQUARE FOOTAGE

1ST FLOOR

$$\begin{array}{r} 19 \times 33.5 = 636.5 \\ 17.25 \times 52.25 = 901.3 \\ 35.25 \times 23.25 = 819.6 \\ \hline 2357.4 \text{ SQ FT} \end{array}$$

2ND FLOOR

$$\begin{array}{r} 35.25 \times 23.25 = 819.6 \\ 21.25 \times 52.25 = 1110.3 \\ 33.5 \times 15 = 502.5 \\ \hline 2432.4 \\ (4 \times 19) - 76.0 \\ \hline 2356.4 \text{ SQ FT} \end{array}$$

TOTAL HOUSE SQUARE FOOTAGE

$$\begin{array}{r} 2357.4 \\ 2356.4 \\ \hline 4713.8 \text{ SQ. FT.} \end{array}$$

NEW FLOOR AREA SQ FOOTAGE

1ST FLOOR

EXISTING	2357.4
NEW 4x19	78.-
180'	18.-
	<hr/>
	2453.4 SQ FT

2ND FLOOR

EXISTING	2356.4
(4x19)	+ 76.-
	<hr/>
	2432.4
(11x15)	- 165.0
	<hr/>
	2267.4 SQ FT

OPEN AREA IN
2ND FLOOR
IN ENTRY

TOTAL NEW LAYOUT

2453.4
2267.4
<hr/>
4720.8 SQ FT

(WELL WITHIN 30%)

EXISTING VOLUME

1ST FLOOR

$$2357.4 \times 7.83 = 18,458.4 \text{ FT}^3$$

PLUS 2' HT DIFFERENCE
IN GARAGE

$$12.6 \times 35 \times 2 = 886.2 \text{ FT}^3$$

$$5.25 \times 20.6 \times 2 = 216.9 \text{ FT}^3$$

$$11 \times 10 \times 2 = 220 \text{ FT}^3$$

$$19781.5 \text{ FT}^3$$

2ND FLOOR

$$\text{MAIN HS } 819 \times 7.6 = 6229.4 \text{ FT}^3$$

$$\text{GAR } 16.75 \times 36.25 \times 12.56 = 7626.27 \text{ FT}^3$$

$$\text{EL } 19 \times 8.66 \times 7.6 = \underline{1250.5 \text{ FT}^3}$$

$$15101.17 \text{ FT}^3$$

1ST FLOOR VOLUME = 19781.5

2ND FLOOR VOLUME = 15101.17

TOTAL EXISTING
VOLUME

$$\underline{\underline{34882.67 \text{ FT}^3}}$$

NEW VOLUME

1ST FLOOR

EXISTING 19781.5

PLUS (4x19x7.6) 577.6

(18x7.6) 136.8

20,495.9 FT³

2ND FLOOR

MAIN HOUSE 6224.4 FT³

GAR (7626.27) + (33.5x36.25x5) = 13698.2 FT³

[6071.9]

EL 21.25 x 19 x 7.5 = 3028.13 FT³

22954.93 FT³

TOTAL NEW VOLUME

20495.9

22954.93

43450.83 FT³



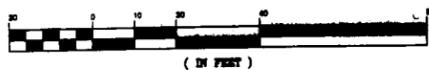
N/F
STATE OF MAINE
TAX MAP 18 LOT 25
Y.C.R.D. BOOK 1458 PAGE 474
Y.C.R.D. BOOK 727 PAGE 407
"FORT McCLARY"

N/F
STATE OF MAINE
TAX MAP 18 LOT 25
Y.C.R.D. BOOK 1458 PAGE 474
Y.C.R.D. BOOK 727 PAGE 407
"FORT McCLARY"
(SEE PLAN REFERENCE #3)

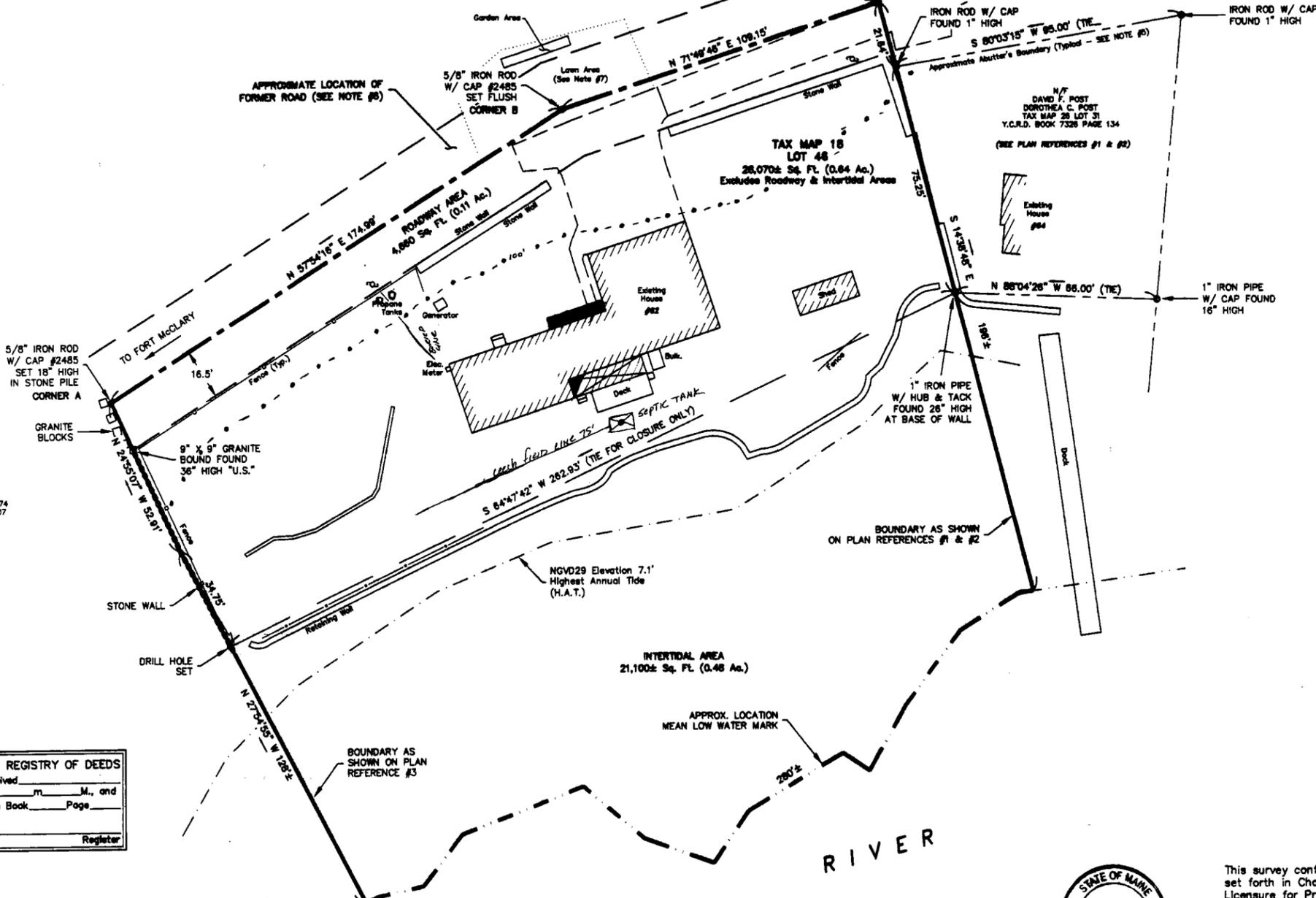
YORK, ss REGISTRY OF DEEDS
Received _____
at _____ h _____ m _____ A.M., and
Filed in Plan Book _____ Page _____
ATTEST: _____
Registrar

SHADED AREA INDICATES EXISTING AREA WITHIN ROOF DRAINAGE PROPOSED TO BE ENCLOSED CURRENTLY ON EXISTING FOUNDATION.
--- 100 FT SETBACK

GRAPHIC SCALE

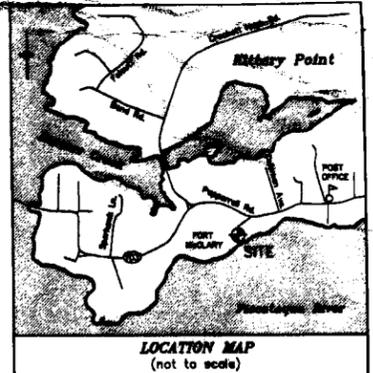


PEPPERRELL ROAD
(RTE. 103)



PLAN REFERENCES:

- "STANDARD BOUNDARY SURVEY FOR DAVID F. & DORTHEA C. POST, PEPPERRELL ROAD, KITTERY, MAINE", PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC., DATED MARCH 1995.
- "PLAN SHOWING PORTION OF PROPERTY OF ELIZABETH HAMILTON AND LEOTINE HAMILTON JOHNSON, KITTERY POINT, KITTERY, YORK COUNTY, MAINE, CONVEYED TO RUTH F. PRUETT...", PREPARED BY MULLTON ENGINEERING CO., INC., DATED JULY 21, 1964 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 37 PAGE 48.
- "PLAN OF FORT McCLARY, SHOWING THE TRACE OF THE ADVANCED BATTERY, AS MODIFIED BY THE ENGINEER DEPARTMENT... ALSO THE ROUTES OF THE OLD AND NEW ROADS THROUGH THE UNITED STATES LAND.", PREPARED BY THE OFFICE OF THE CHIEF ENGINEER, DATED MAY 23, 1865. PORTION OF THE PLAN PROVIDED BY THE STATE OF MAINE.



NOTES:

- OWNER OF RECORD:
SIDNEY HELLIWELL TRUST
ACADIA TRUST, N.A., TRUSTEE
TAX MAP 18 LOT 46
Y.C.R.D. BOOK 8258 PAGE 121
DATED MAY 9, 1997
- TOTAL EXISTING PARCEL AREA:
TAX MAP 18 LOT 46 (PARCEL 1)
28,070± Sq. Ft. (0.64 Ac.)
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- ZONE REQUIREMENTS AND SETBACKS NOT SHOWN HEREON.
- APPROXIMATE ABUTTER BOUNDARIES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- REFERENCE DEED AT Y.C.R.D. BOOK 8258 PAGE 121 CALLS "...BOUNDED NORTHERLY BY THE HIGHWAY THAT LEADS TO FORT McCLARY..." THE ORIGINAL LOCATION OF THE HIGHWAY CENTERLINE REMAINS UNCERTAIN DUE TO THE MANY YEARS OF NON USE, THOUGH EVIDENCE OF AN OLD ROAD CUT WAS FOUND. THE AREA IS CURRENTLY OVERGROWN, UNMAINTAINED AND IMPASSABLE BEYOND THE DRIVEWAY AS SHOWN. EVIDENCE SUGGESTS THAT THIS ROAD MAY HAVE BEEN DISCONTINUED.
- REFERENCE IS MADE TO KITTERY TOWN VOLUME 3 PAGE 190, DATED MARCH 16, 1863 WHERE SELECTMEN VOTED "...TO MAKE ARRANGEMENTS WITH THE UNITED STATES GOVERNMENT IN REGARD TO SUBSTITUTING A NEW ROAD FOR THE PRESENT TOWN ROAD CONTIGUOUS TO FORT McCLARY AT SAID GOVERNMENT EXPENSE." FURTHERMORE, PLAN REFERENCE #3 SHOWS A DASHED LINE ALONG THE APPARENT ROAD CENTERLINE LABELED, "SUPPOSED BOUNDARY LINE AFTER DISCONTINUING ROAD". THE BOUNDARY HAS BEEN PRESUMED TO BE TO THE CENTER OF SAID HIGHWAY AND AS SHOWN THROUGH CORNERS A-B-C ON AN ASSUMED CENTERLINE OF A TWO ROAD (33') RIGHT OF WAY. ALTHOUGH POSSIBLY DISCONTINUED, OTHER EASEMENTS MAY REMAIN. CONSULTATION WITH A REAL ESTATE ATTORNEY IS ADVISED.
- THE PLANTER AND LAWN AREA SHOWN HEREON WERE FOUND TO BE OUTSIDE OF THE PARCEL BOUNDARIES AS SHOWN HEREON. A POSSIBLE ENCROACHMENT MAY EXIST. CONSULTATION WITH A REAL ESTATE ATTORNEY IS ADVISED.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- THE BOUNDARY SHOWN HEREON WAS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PAROL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
- UNDERGROUND UTILITIES NOT LOCATED OR SHOWN.

CERTIFICATION

This survey conforms to the standards of practice as set forth in Chapter 90 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.



Adam M. Proy, P.L.S. #2485
Dated 4/8/13

STANDARD BOUNDARY SURVEY
FOR PROPERTY AT
62 Pepperrell Road
Kittery Point, York County, Maine
OWNED BY
Sidney Helliwell Trust
Acadia Trust, N.A., Trustee
5 Milk Street, 1st Floor, Portland, ME 04101

EASTERLY SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
(207) 439-6333 KITTERY, MAINE 03904

SCALE:	PROJECT NO.:	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 20'	13622	3/26/13	1 OF 1	A.M.P.	P.L.A.

DRAWING No: 13622 Boundary

Town of Kittery Maine Town Planning Board Meeting October 9, 2014

Devell Revocable Trust — Shoreland Development Plan Review

Action: Accept or deny plan application and schedule site walk and/or public hearing. Owner Devell Revocable Trust and Applicant Peter Whitman are requesting approval of their plans to expand an existing non-conforming building located at 70 Chauncey Creek Rd., Tax Map 45, Lot 70, in the Kittery Point Village and Shoreland Overlay zones.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
NO	Site Visit		
YES	Determination of Completeness/Acceptance	Scheduled for 10/9/2014	PENDING
NO	Public Hearing		
YES	Final Plan Review and Approval		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. 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 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.

Staff Comments: Applicant is proposing to remove the existing structure on the property and replace with a new structure on the existing footprint. Applicant states there is a full foundation under the existing house (24'x26') structure and 6' of the side deck (east). The new house structure will measure 24' x 32'.

- Non-vegetated coverage (20% allowed): Lot size: 6,800 sf; Coverage allowed: 1,360 sf
Proposed:
New structure: 24'x32' = 768 sf
Deck: 10'x32' = 320 sf
New Entry: 12'x8' = 96 sf
Stairs (west): 17.5 sf + landing of 16 sf = 33.5 sf
Stairs (east): 21 sf
Retaining wall (existing): 16 sf
Total impervious surfaces: 1,254.5 sf (18.45%)
(Note: Existing wood walk and 16 sf steps (north) will be removed)
- Volume (<30% allowed):
Existing volume: 15,648 cf
Proposed volume: 20,316 cf
Increased volume: 29.83%
- Floor Area (<30% allowed):
Existing area: 2,336 sf
Proposed area: 2,576 sf
Increased area: 10.27%

(If approved, devegetated coverage, volume and floor area calculations will be documented on the Shoreland Development Plan, recorded at the York County Registry of Deeds)

4. Existing nonconforming side setbacks will remain and new construction will not create greater non-conformities.

KPV zone:

Side and rear Yard setbacks - 15 feet (Rear is not applicable with the 100-foot setback from the creek)
Front Yard setback - 40 feet (setback off both the existing ROW that includes the driveway and Chauncey Creek Road)

The addition of a front entry is set back further than the existing structure (to the west) and is located 40 feet from the front property line. There is no change to the minimum waterbody setback than what currently exists; the proposed structure is not more non-conforming.

5. Applicant proposes to add 12" (vertical expansion) to the first floor of the new structure, creating a total building height of 28'9" where 35' maximum is allowed in the KPV zone.
6. Subsurface wastewater disposal system application (permit #4276) prepared by Michael Cuomo is enclosed. Proposal is to install septic and pre-treatment tanks southwest of existing and proposed structure (see page 6 of 9). Treated effluent will be pumped to disposal area north of proposed structure (see page 2 of 9). Applicant states there is sufficient clearance for access to settling tank for scheduled pump-out.
7. Per Title 16.10.10.1.2.A a site plan (entitled Shoreland Development Plan) needs to be prepared, depicting the proposed building and setbacks and to include all floor area, volume and devegetated area calculations in plan notes, suitable for recording, and stamped by a registered professional, prior to signature by Board Chairman.

Board Action

A public hearing and/or site walk is at the discretion of the Planning Board. The Board may choose to approve this application in one meeting, with conditions, if they find the application provides sufficient information to determine the proposal conforms to code requirements (see draft Findings).

END OF PLAN REVIEW NOTES

KITTERY MAINE TOWN PLANNING BOARD

FINDINGS OF FACT UNAPPROVED
for
**70 Chauncey Creek Road Structure Replacement
Shoreland Development Plan Review**

WHEREAS: Peter Whitman, Applicant and Deuell Revocable Trust, Owner, requests approval to construct a single family home on an existing foundation at 70 Chauncey Creek Road, Tax Map 45, Lot 70, Kittery Point Village and Shoreland Overlay Zone, hereinafter the “Development”; and pursuant to the Plan Review meetings conducted by the Town Planning Board as noted;

Shoreland Development Review	October 9, 2014	

and pursuant to the Project Application and Plan and other documents considered to be a part of the plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”):

1. Shoreland Overlay Zone Project Plan Review Application: September 28, 2014
2. Subsurface Wastewater Disposal System Application: September 8, 2014; revised 9/15/14

NOW THEREFORE, based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

16.3.2.17. D Shoreland Overlay Zone - Standards.

1.d d. The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones:

Findings: The proposed structures and impervious surfaces total 1,254.5 sf. The lot is 6,800 sf. Impervious surface coverage totals 18.45% (1,245.5 sf), where 20% is allowed

Conclusion: The criteria limiting impervious surface coverage to 20% has been met.

Vote: in favor against abstaining

II. Standards in the Shoreland Overlay Zone

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS have been met.

16.7.3.1 Prohibitions and Allowances.

A. Except as otherwise provided in this Article, a non-conforming condition must not be permitted to become more non-conforming.

Finding: This is an existing non-conforming lot with non-conforming structures. The proposed new structure will be built on the same footprint as the existing structures, and setbacks are located at the greatest practical extent on a lot with a limited building envelope.

Conclusion: The proposed structure location on a non-conforming lot will not be more non-conforming

than the existing structure.	
Vote: __ in favor __ against __ abstaining	
16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones have been met.	
16.7.3.6.1 Expansion.	
<i>A non-conforming structure may be added to, or expanded, after obtaining a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs below.</i>	
<i>A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.</i>	
Existing volume: 15,648 cf Proposed volume: 20,316 cf <u>Increased volume: 29.83%</u>	Existing area: 2,336 sf Proposed area: 2,576 sf <u>Increased area: 10.27%</u>
<i>B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.</i>	
<i>C. Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.</i>	
Finding:	
A-B. Calculations indicate the proposed expansion in volume (29.83%) and square feet (10.27%) meet code requirements regarding expansion in the shoreland zone. No further expansion in volume is allowed.	
C. The previously existing structure (to be removed) is non-conforming. The location of the proposed dwelling and deck are no more non-conforming, as both are located within the previous non-conforming setbacks and on the existing foundation. The addition of a front entry is no closer than the existing structure to the side (west) setback and meets the 40-foot front setback requirement.	
Conclusion: The criteria for expansion of a non-conforming structure in the Shoreland Overlay zone appears to have been met, and the location of the structure appears to be in compliance to the greatest practical extent, given the limited building envelope of the non-conforming lot.	
Vote: __ in favor __ against __ abstaining	

III. Procedures for Administering Permits For Shoreland Development Review find the development will:

16.10.10.2 D. An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. Maintain safe and healthful conditions;
Finding/Conclusion: The proposed development does not appear to have an adverse impact.
Vote: __ in favor __ against __ abstaining
2. Not result in water pollution, erosion or sedimentation to surface waters;
Finding/Conclusion: The proposed development does not appear to have an adverse impact. Increase in impervious coverage meets maximum allowance. Maine DEP Best Management Practices will be followed regarding erosion control measures during site development and building construction (Condition # 3).
Vote: __ in favor __ against __ abstaining
3. Adequately provide for the disposal of all wastewater;
Finding: A pre-treatment septic system is proposed (Permit #4276), prepared by a licensed site evaluator, in compliance with State of Maine Subsurface Wastewater Disposal Rules.
Conclusion: This standard appears to have been met.
Vote: __ in favor __ against __ abstaining
4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
Finding: There is no change in the intended use of the property (residential). The proposed septic disposal system, prepared by a licensed site evaluator, is in compliance with State of Maine Subsurface Wastewater Disposal Rules.
Conclusion: The proposed development does not appear to have an adverse impact, and this standard appears to have been met.
Vote: __ in favor __ against __ abstaining
5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
Finding: There will be no alterations to the shore cover. Applicant proposes to increase the height of the new structure. The proposed structure will set back from Chauncey Creek Road approximately 120 feet, and an existing line of trees between the structure and road prevents direct visual access to coastal waters.
Conclusion: The proposed development does not appear to have an adverse impact, and this standard appears to have been met.
Vote: __ in favor __ against __ abstaining
6. Protect archaeological and historic resources;
Finding/Conclusion: The proposed development does not appear to have an adverse impact
Vote: __ in favor __ against __ abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;
This standard is not applicable.
Vote: __ in favor __ against __ abstaining

8. <i>Avoid problems associated with floodplain development and use</i>
This standard is not applicable; the site does not appear to be located in the Floodplain.
Vote: __ in favor __ against __ abstaining
9. <i>Is in conformance with the provisions of this Code;</i>
Finding/Conclusion: The proposed location of the structure will not be more non-conforming than what exists, and conforms to the greatest practical extent given the limitations of the property. The increase in volume, area, and impervious surface impact, and other site improvements appear to be in conformance with the provisions of this Code.
Vote: __ in favor __ against __ abstaining
10. <i>Be recorded with the York County Registry of Deeds.</i>
Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: __ in favor __ against __ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and therefore the Planning Board approves the Shoreland Development Plan Application of Peter Whitman, Applicant and Deuell Revocable Trust, Owner, to construct a single family home on an existing foundation at 70 Chauncey Creek Road, Tax Map 45, Lot 70, Kittery Point Village and Shoreland Overlay Zone, subject to the following conditions and/or waivers:

Application Waivers: None

Conditions of Approval (to be included on final plan to be recorded):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Septic system will be inspected to certify it is functional and in compliance with state and town regulations prior to the issuance of occupancy permit.
4. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
5. All Notices to Applicant contained herein.

Conditions of Approval (NOT to be included on final plan to be recorded):

6. Prepare and submit to Staff for review a Shoreland Development Plan, based on the boundary survey submitted, depicting the proposed building and setbacks and to include all floor area, volume and devegetated area calculations in plan notes, suitable for recording, and stamped by a registered professional, prior to signature by Board Chairman.

The Planning Board authorizes the Planning Board Chairman to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of ___ in favor___ against ___ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Thomas Battcock-Emerson, Planning Board Chairman

Notices to Applicant:

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. One (1) mylar copy and two (2) paper copies of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department.
4. Date of Planning Board approval shall be included on the final plan in the Signature Block.
5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

RECEIVED
BY:

September 18, 2014

Chris DiMatteo
Kittery Planning Board
200 Rogers Road Ext.
Kittery, ME 03904

Re: Shoreland Overlay Zone – Project Plan Review
70 Chauncey Creek Rd
Barbara L. Deuell, Rev. Tr.

Dear Chris,

Attached is our application for plan review on the home that Barb and I have recently purchased on Chauncey Creek. We proposed to expand our home under the one-time, 30-percent expansion section of the ordinance. The only building permit activity on the home was when a previous owner replaced the foundation. Therefore, we have the full 30-percent expansion available to us.

During this process, I have met with Heather and Shelly, who advised me on the proper way to do the various calculations as well as you and Gerry who also advised on the application. I believe that all calcs have been done in accordance with your practices and that we comply with the Ordinance.

A couple of items for the board to consider:

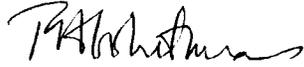
1. Lot Coverage.
This is a very small lot. Even at only 6,800 sf and a small proposed entry-way expansion (the only change to the footprint), our footprint is less than the 20-percent lot coverage allowed.
2. Volume Calculation.
Our architect has calculated our existing volume at 15,648 cf. with an allowable increase of 30-percent yields an additional expansion of 4,694 cf. Our proposed expansion is 4,664 cf. or an expansion of 29.8 percent.
3. Floor Area Calculation.
Our existing floor area is 2,336 sf. with an allowable increase of 30-percent yielding an allowable increase of 700 sf. or a total of 3,036. Our total proposed floor area is 2,576 sf.
4. Overboard Septic.
We have approval to replace the overboard septic system that currently services the home. Maine DEP requires that the system be operable within six-months of our purchase date which means that the system needs to be installed this fall. The installers have said that in order to avoid damage to the new system that the home be removed before it is installed. This means that the old house needs to be

demolished, the new pre-treatment tanks installed, the new home shell constructed this fall.

5. Finally, we will be speaking with our abutters regarding our proposal and expect that they will agree that a public hearing is not necessary.

If you have any questions, I would be pleased to hear from you.

Sincerely,



Peter A. Whitman
Barbara L. Deuell, Rev. Tr.
5 Sea Oaks Lane
Kittery Point, ME 03905

603 944 1222



TOWN OF KITTERY MAINE
 TOWN PLANNING AND DEVELOPMENT DEPARTMENT
 200 Rogers Road, Kittery, Maine 03904
 Phone: (207) 475-1307
 Fax: (207) 439-6806
 www.kittery.org

RECEIVED
 BY: _____

**APPLICATION: SHORELAND OVERLAY ZONE
 PROJECT PLAN REVIEW**

FEE FOR REVIEW	<input type="checkbox"/> \$100.00	Amount Paid: \$ _____
		Date: _____

PROPERTY DESCRIPTION	Parcel ID	Map	45	Base Zone	R-KPV	Total Land Area	6800 ^{sq}
		Lot	70	Overlay Zone	OZ-SL		
	Physical Address	70 CHAUNCEY CREEP RD					

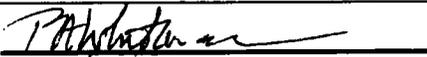
PROPERTY OWNER'S INFORMATION	Name	DEVELL REV. TR	Mailing Address	5 SEA OAKS LANE KP, ME 03905
	Phone	603-944-1222		
	Fax			
	Email	BARBARADEVELL@GMAIL		

APPLICANT'S AGENT INFORMATION	Name	PETER WHITMAN	Name of Business	
	Phone	603-944-1222	Mailing Address	5 SEA OAKS LANE KP, ME 03905
	Fax			
	Email	PETERWHITMAN@GMAIL		

PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>	
	Existing Land Use:	
	SINGLE FAMILY HOME	
	Proposed Land Use and Development:	
EXPANSION OF SINGLE FAMILY HOME		

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	SHORELANDS OVERLAY
	SMALL LOT

I certify I have provided, to the best of my knowledge, information requested for this application that 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: _____ Date: _____	 3/17/14	Owner's Signature: _____ Date: _____	_____
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MINIMUM PLAN SUBMITTAL REQUIREMENTS

15 Copies of this Application and the Project Plan and Vicinity Map

Shoreland Overlay Zone Project 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'

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

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

Vicinity Map or aerial photo showing geographic features 5,000 feet around the site.

Project Plan must include the following existing and proposed information:

<p>Existing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Land Use Zone and boundary <input type="checkbox"/> Topographic map (optional) <input type="checkbox"/> Wetlands and flood plains <input type="checkbox"/> Water bodies and water courses <input type="checkbox"/> Parcel area <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures 	<p>Proposed: (Plan must show the lightened existing topography under the proposed project plan for comparison.)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Recreation areas and open space <input type="checkbox"/> Setback lines and building envelopes <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input type="checkbox"/> Shoreland Project Expansion Analysis (see attached) <p>Distance to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Nearest driveways and intersections <input type="checkbox"/> Nearest fire hydrant <input type="checkbox"/> Nearest significant water body; ocean, wetland, stream.
---	--

AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

TOWN OF KITTERY MAINE – SHORELAND PROJECT PLAN REVIEW (continued)

EXPANSION ANALYSIS OF CONSTRUCTION ONLY WITHIN THE SHORELAND OVERLAY ZONE

	AREA - SQUARE FEET	VOLUME - CUBIC FEET	CONSTRUCTION TYPE * (DR or MR)	VALUE \$
PROPOSED ADDITION				
CHANGE – TOTAL	<u>240</u> SF	<u>4668</u> CF	<u>DR</u>	NA
CHANGE – PERCENT	<u>10</u> %	<u>29.8</u> %	NA	NA
CONSTRUCTION VALUE	NA	NA		\$ <u>N/A</u>
EXISTING –				
PRIOR TO SHORELAND LAW – 1987	<u>2,336</u> SF	<u>15,648</u> CF	NA	NA
ADDITION(S) –AFTER INITIAL SHORELAND LAW ADOPTION				
CHANGE - TOTAL	<u>—</u> SF	<u>—</u> CF	NA	NA
CHANGE – PERCENT	<u>—</u> %	<u>—</u> CF	NA	NA
VALUE OF CONSTRUCTION	NA	NA	NA	\$ _____
VALUE OF INCREASE – PERCENT	NA	NA	NA	_____ %
TOTAL – EXISTING PLUS PROPOSED				
CHANGE – AMOUNT	<u>240</u> SF	<u>4,668</u> CF	NA	NA
CHANGE – PERCENT	<u>10</u> % **	<u>29.8</u> CF**	NA	NA
**(Note: May not exceed 30%)				
VALUE OF CONSTRUCTION - \$	NA	NA	NA	\$ <u>N/A</u>
VALUE OF INCREASE – PERCENT	NA	NA	BA	<u>—</u> %

* KEY - TYPE OF ADDITION

-DEMOLITION AND RE-BUILD - DR

-MAINTENANCE OR REPAIR - MR

 REGISTERED ARCHITECT

END

Issued March 18, 2013

**Nonconforming Structure Expansion
Shoreland Zoning Analysis**

**70 Chauncey Creek Road
Map 45, Lot 70
Owner: Deuell Rev. Tr.**

Volume Calculation

Existing Volume

Existing Basement	5928 cf
Existing Basement below porch	1188 cf
First Floor	5509 cf
First Floor Bench Seat	112 cf
Second Floor	2911 cf
Total	<u>15648</u> cf

Proposed New Volume

First Floor	1296 cf
Roof Triangle	210 cf
Dormer - West Side	1036 cf
Dormer - East Side	494 cf
First Floor - Add 12"	624 cf
Front Vestibule with roof	<u>1008</u> cf

Allowable Increase at 30%

4694.4 cf

Total Proposed

4668 cf

Proposed % Increase

29.83% cf

Floor Area Calculation

Existing

Basement	768 sf
Lower level porch	320 sf
First Floor	624 sf
Second Floor	624 sf
	<u>2336</u> sf

Proposed Floor Area

Existing	2336 sf
First Floor	144 sf
Front Vestibule	<u>96</u> sf

Allowable Increase at 30%

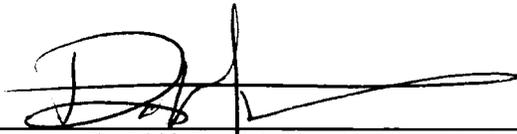
700.8 sf

Total Allowable Floor Area

3036.8 sf

Total Proposed Floor Area

2576 sf



David Malmquist, Registered Architect



Google earth



70 CHAUNLEY CREEK RD

5/8" ϕ IRON ROD
w/CAP #1322
FOUND 6" HIGH

5/8" ϕ IRON ROD
w/CAP #1322
FOUND FLUSH

S88°43'32"E
30.00'

5/8" ϕ IRON ROD
w/CAP #1322
SET 1" HIGH

Proposed
Replacement
Septic System

TAX MAP 51 LOT 70
Existing Area:
5,700± Square Feet
0.13± Acres
PROPOSED AREA:
6,800± Square Feet
0.16± Acres

N/F
BRIGIT LEWIS HOLZER
RICHARD E. HOLZER
TAX MAP 45 LOT 68
Y.C.R.D. BOOK 15491 PAGE 8

PROPOSED
ENTRY
12x8 = 96 #

Steps
4x4 = 16 #

Stone
Retaining Wall

STAIRS
3.5x5 = 17.5

PROPOSED
PROPERTY LINE

STAIRS
7x3 = 21 #

Existing
House
#70

Property Line To Be
Abandoned (Typical)

Deck
10 x 32

Approx. Location
of Existing
Septic System
(See Note #6)

Approximate
Sewer Line

Approx. Location
of Septic Tank

**AREA TO BE RETAINED BY
TAX MAP 51 LOT 70**
1,100± Square Feet
0.03± Acres

5/8" ϕ IRON ROD
w/CAP #1322
TO BE SET

Elevation 9'

sq. Concrete
or Chlorinator

70.64' (Tie)

ervable Mean

SCALE
1" = 10'

Wood
Retaining Wall
1x8x2 = 16 #

5/8" ϕ IF
w/CAP #1322
FOUND FLUSH

S11°36'11"E
17'± To High Water

50.17' (Tie)
S78°52'38"W

N07°50'33"W
7'± To High Water

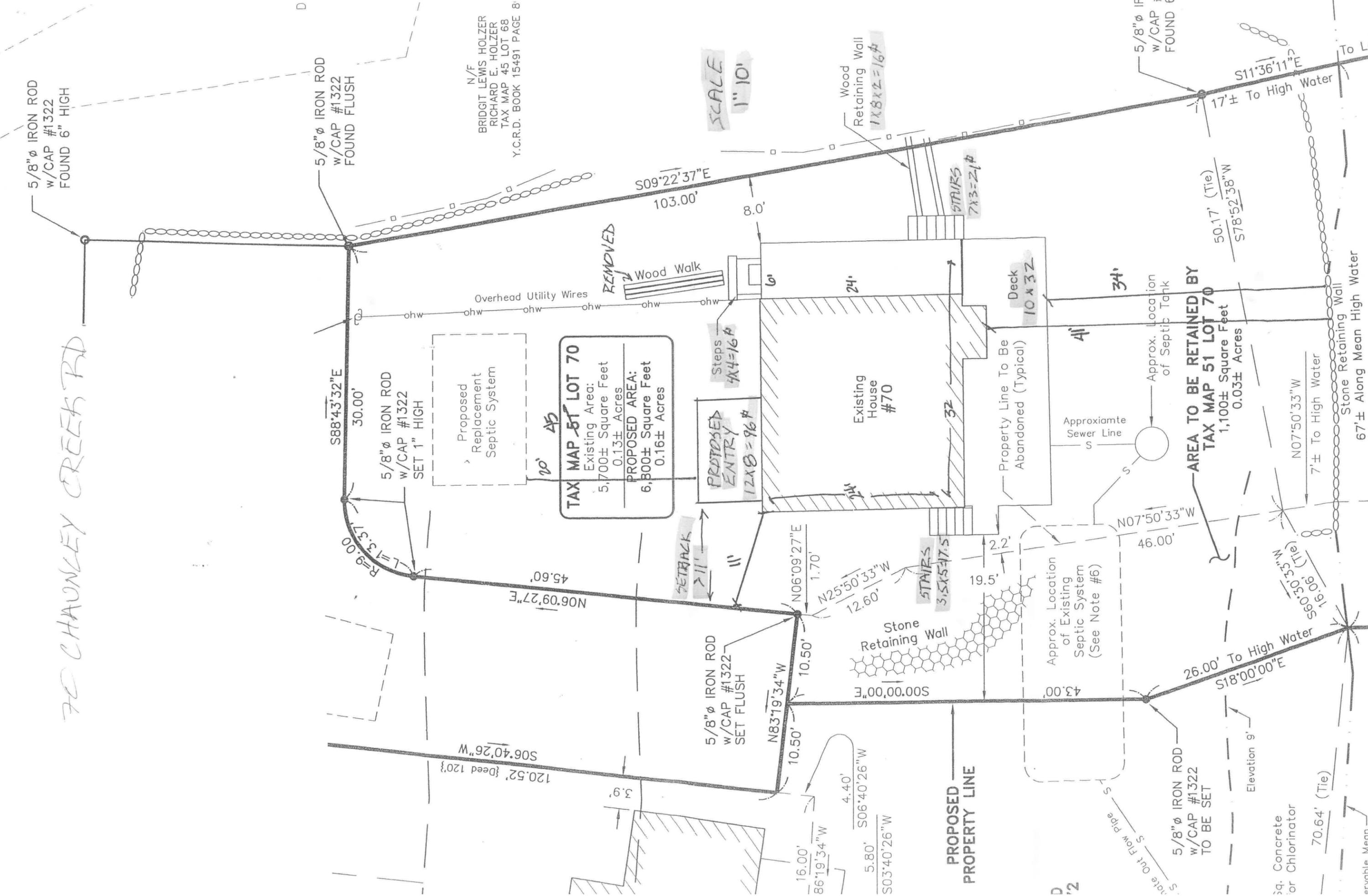
Stone Retaining Wall
67'± Along Mean High Water

S60°30'33"W
19.06' (Tie)

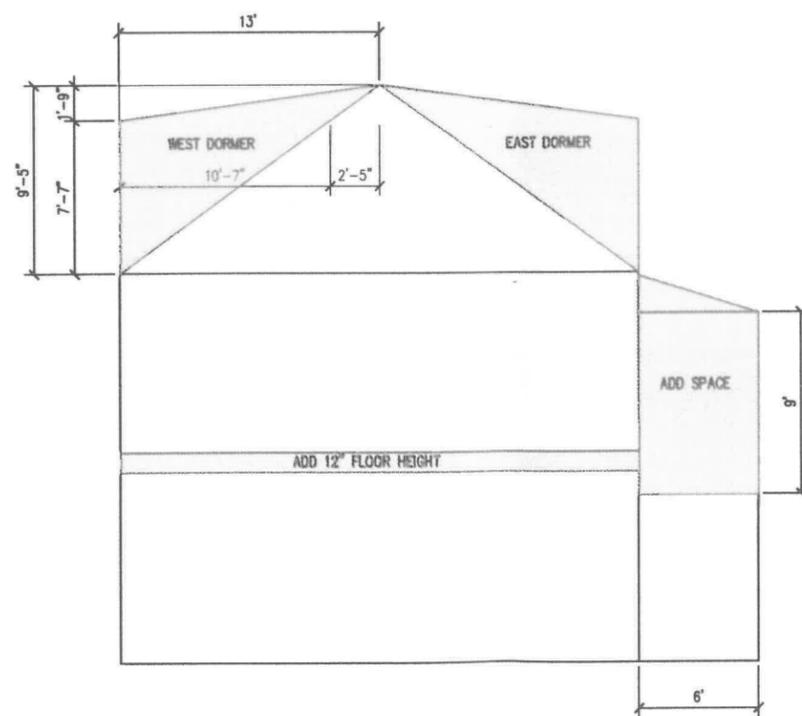
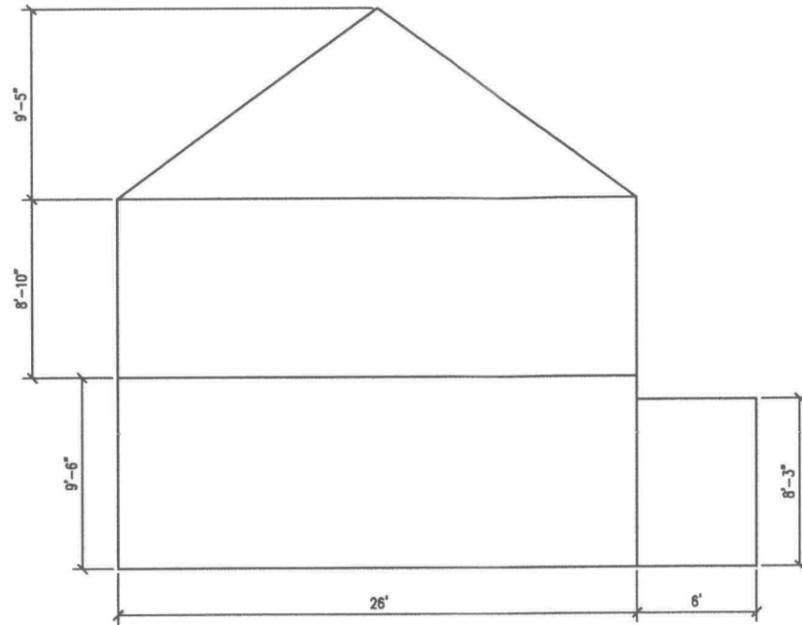
26.00' To High Water
S00°00'00"E
43.00'

D 2

Note Out Flow Pipe



70 CHAUNCEY CREEK
MAP 45 - LOT 70



EXISTING VOLUME

EXISTING BASEMENT	24' L x 26' W x 8.5' H = 5,928 CF
EXISTING BASEMENT (BELOW PORCH)	24' L x 6' W x 8.25' H = 1,188 CF
FIRST FLOOR	24' L x 26' W x 8.83' H = 5,508 CF
FIRST FLOOR BENCH SEAT	5' L x 2.5' W x 9' H = 112 CF
SECOND FLOOR (ROOF)	24' L x 13' W x 8.33' H = 2,011 CF
EXISTING TOTAL VOLUME	15,648 CF
30% ALLOWABLE MAX INCREASE	4,694 CF

PROPOSED VOLUME

FIRST FLOOR (OLD PORCH)	24' L x 6' W x 9' H = 1,296
ROOF TRIANGLE	24' L x 7' W x 2.5' H / 2 = 210 CF
SECOND FLOOR DORMER (WEST SIDE)	21' L x 13' W x 8.33' H / 2 = 1,038 CF
SECOND FLOOR DORMER (EAST SIDE)	12' L = 484 CF
ADD 12" TO CEILING AT FIRST FLOOR	24' L x 26' W x 1' H = 624 CF
FRONT VESTIBULE	7' L x 8' W x 8' H = 788 CF
FRONT VESTIBULE ROOF	7' L x 8' W x 5/2' H = 240 CF
TOTAL PROPOSED VOLUME = 4,688 CF	

PROPOSED WEST DORMER

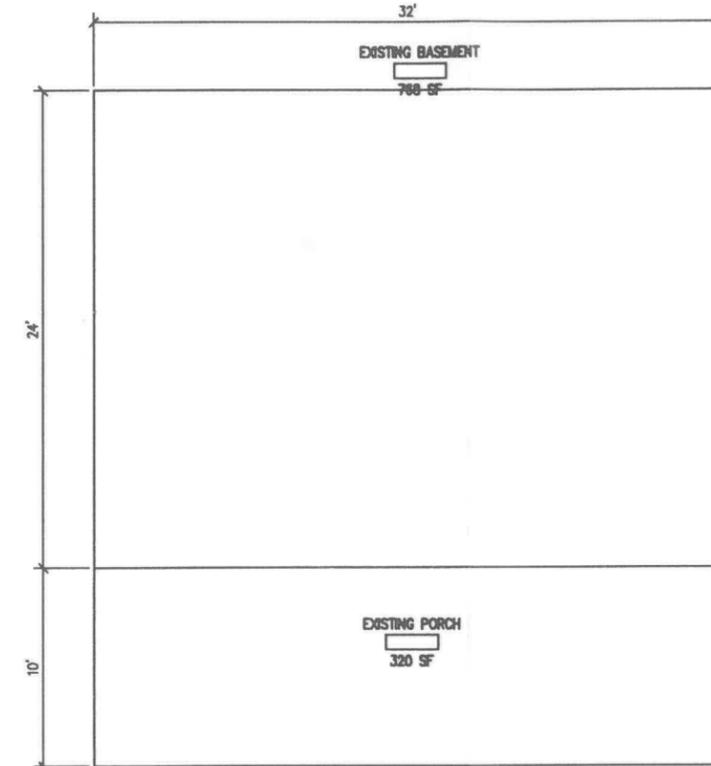
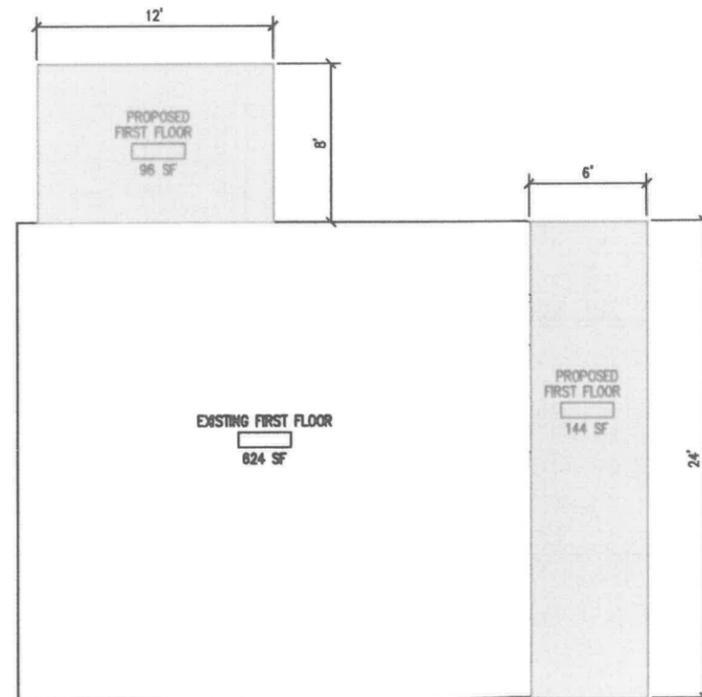
SECOND FLOOR DORMER (WEST SIDE - MAIN SECTION BLUE)	21' L x 10.56' W x 7.58' H / 2 = 842 CF
SECOND FLOOR DORMER (WEST SIDE - TOP TRIANGLE)	21' L x 13' W x 1.75' H / 2 = 239 CF
MINUS TRIANGLE IN MAIN ROOF	21' L x 2.42' W x 1.75' H / 2 = (44 CF)
TOTAL FOR DORMER = 1,038 CF	

PROPOSED EAST DORMER

SECOND FLOOR DORMER (EAST SIDE - MAIN SECTION BLUE)	10' L x 10.56' W x 7.58' H / 2 = 401 CF
SECOND FLOOR DORMER (EAST SIDE - TOP TRIANGLE)	10' L x 13' W x 1.75' H / 2 = 114 CF
MINUS TRIANGLE IN MAIN ROOF	10' L x 2.42' W x 1.75' H / 2 = (21 CF)
TOTAL FOR DORMER = 484 CF	

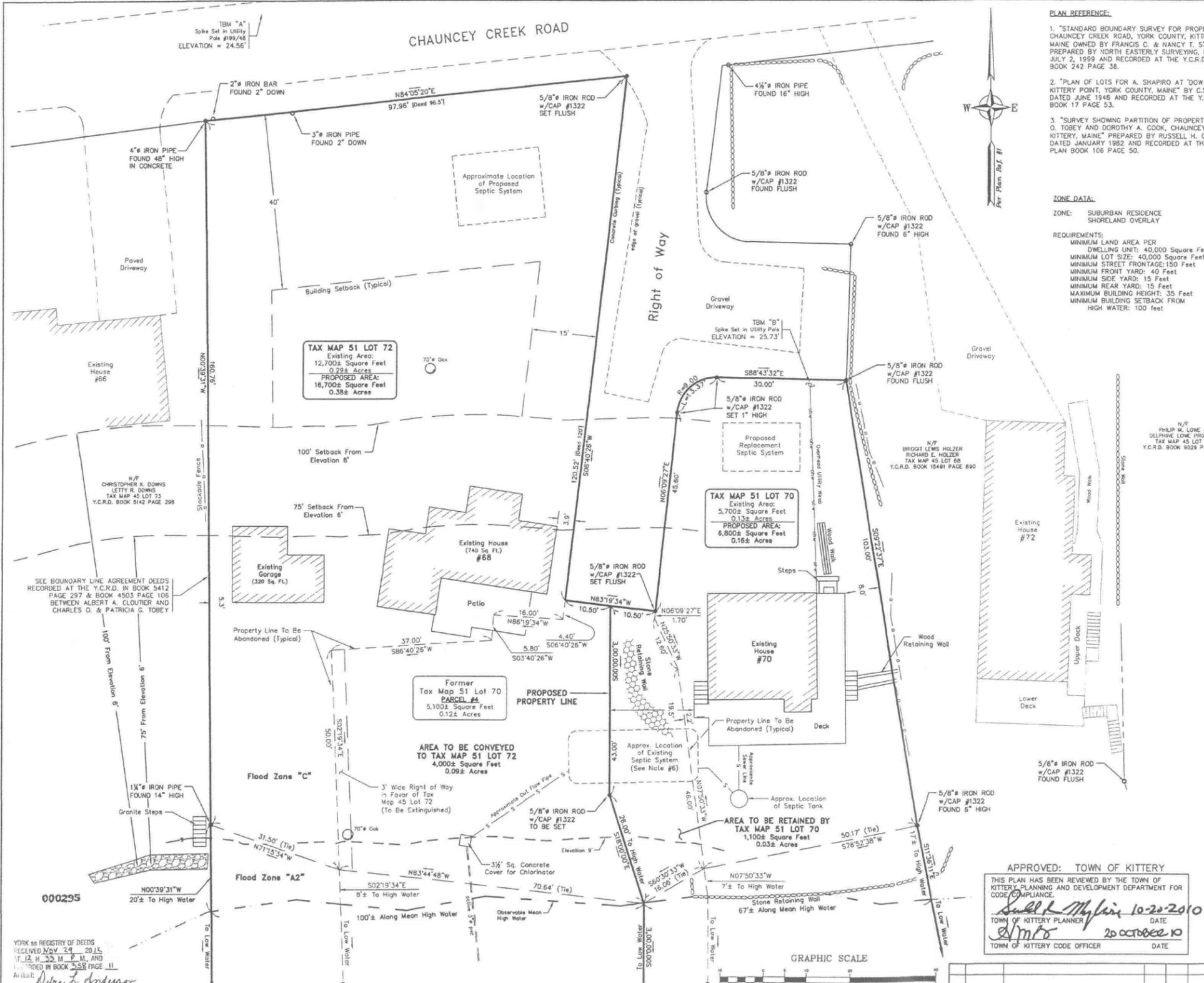
DA REGISTERED ARCHITECT

70 CHAUNLEY CREEK
 MAP 45 - LOT 70



EXISTING SF	
LOWER LEVEL	768 SF
LOWER LEVEL PORCH	320 SF
FIRST FLOOR	824 SF
SECOND FLOOR	824 SF
TOTAL EXISTING SF	2,336 SF
30% MAX ALLOWABLE	700 SF
PROPOSED SF	
FIRST FLOOR	144 SF
VESTIBULE	96 SF
TOTAL	240 SF

[Signature] REGISTERED ARCHITECT



- PLAN REFERENCE:**
1. "STANDARD BOUNDARY SURVEY FOR PROPERTY AT 72 CHAUNCEY CREEK ROAD, YORK COUNTY, KITTERY POINT, MAINE OWNED BY FRANCIS C. & NANCY T. STOKES" PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JULY 2, 1999 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 242 PAGE 38.
 2. "PLAN OF LOTS FOR A. SHAPIRO AT 'DOW VILLAGE', KITTERY POINT, YORK COUNTY, MAINE" BY C.S. GERRISH DATED JUNE 1945 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 17 PAGE 53.
 3. "SURVEY SHOWING PARTITION OF PROPERTY OF CHARLES O. TOBEY AND DOROTHY A. COOK, CHAUNCEY CREEK ROAD, KITTERY, MAINE" PREPARED BY RUSSELL H. CALDWELL DATED JANUARY 1982 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 106 PAGE 50.



ZONE DATA:

ZONE: SUBURBAN RESIDENCE SHORELAND OVERLAY

REQUIREMENTS:

MINIMUM LAND AREA PER DWELLING UNIT: 40,000 Square Feet
 MINIMUM LOT SIZE: 40,000 Square Feet
 MINIMUM STREET FRONTAGE: 150 Feet
 MINIMUM FRONT YARD: 40 Feet
 MINIMUM SIDE YARD: 15 Feet
 MINIMUM REAR YARD: 15 Feet
 MAXIMUM BUILDING HEIGHT: 35 Feet
 MINIMUM BUILDING SETBACK FROM HIGH WATER: 100 Feet

- NOTES:**
1. OWNERS OF RECORD:
 TAX MAP 45 LOT 70:
 BIRGIT FRANSDEN RUMMLER
 PARCEL #4
 Y.C.R.D. BOOK 4141 PAGE 73
 DATED DECEMBER 31, 1986
 BIRGIT FRANSDEN RUMMLER
 PARCEL #3
 Y.C.R.D. BOOK 4141 PAGE 74
 DATED DECEMBER 31, 1986
 TAX MAP 45 LOT 72:
 JOHN M. RUMMLER
 Y.C.R.D. BOOK 7968 PAGE 316
 DATED AUGUST 15, 1998
 2. TOTAL PARCEL AREA:
 TAX MAP 45 LOT 70:
 PARCEL #4: 5,100± square feet OR 0.12± acres
 PARCEL #3: 5,700± square feet OR 0.13± acres
 TAX MAP 45 LOT 72:
 12,700± square feet OR 0.29± acres
 (to approximate Mean High Water)
 3. BASIS OF BEARING IS MAGNETIC JUNE 1999.
 4. ELEVATIONS ARE BASED UPON M.D.O.T. DISK STAMPED "11057-11 2003", LOCATED ON LEDGE AT THE NORTHWEST CORNER OF INTERSECTION OF CHAUNCEY CREEK ROAD AND GERRISH ISLAND ROAD, ELEVATION 27.66 FEET, NAVD 1985 DATUM.
 5. TAX MAP 51 LOTS 70 & 72 ARE IN FLOOD ZONE "C" & FLOOD ZONE "A2" (ELEVATION 9 FEET) AS SHOWN ON FIRM FLOOD INSURANCE RATE MAP FOR THE TOWN OF KITTERY, PANEL 230171 0003 C DATED JULY 5, 1984.
 6. TAX MAP 51 LOT 70 WILL RETAIN AN EASEMENT FOR THE EXISTING SEPTIC SYSTEM ACROSS TAX MAP 51 LOT 72 UNTIL THE SYSTEM IS REPLACED IN ITS PROPOSED LOCATION.

CERTIFICATION

This survey conforms to the Board of Licensure for Professional Land Surveyors Standards for a Category 1, Condition I survey, except that a written report has not been prepared at this date.

Kenneth D. Markley 10/20/10
 Kenneth D. Markley, R.L.S. #1322 Dated



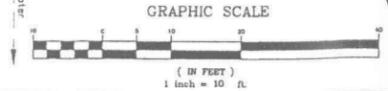
STANDARD BOUNDARY SURVEY & LOT LINE ADJUSTMENT PLAN
 FOR PROPERTY AT
 68 & 70 Chauncey Creek Road
 Kittery Point, York County, Maine
 OWNED BY
 John M. Rummier &
 Birgit Frandsen Rummier
 P.O. Box 104
 Kittery Point, Maine 03905

APPROVED: TOWN OF KITTERY

THIS PLAN HAS BEEN REVIEWED BY THE TOWN OF KITTERY PLANNING AND DEVELOPMENT DEPARTMENT FOR CODE COMPLIANCE.

Kenneth D. Markley 10-20-2010 DATE
 TOWN OF KITTERY PLANNER
AM/S 20 OCTOBER 10 DATE
 TOWN OF KITTERY CODE OFFICER

YORK REGISTRY OF DEEDS
 RECEIVED Nov 24 2010
 AT 12:32 P.M. AND
 RECORDED IN BOOK 558 PAGE 11
 A-1141
John D. Anderson
 REGISTER



SCALE	PROJECT NO.	DATE	SHEET	DRAWN BY	CHECKED BY
1" = 10'	10718	10/7/10	1 OF 1	R.A.B.	K.D.M.

REV.	DATE	REVISION	STATUS	BY	CHKD	APPD.
A	10/15/10	REVISED PROPOSED PROPERTY LINE		RAB	KDM	KDM

DRAWING No: 10718 Boundary-Rev
 FIELD BOOK No: "Kittery 6" Tax Map 45 Lot 70 & 72

**Nonconforming Structure Expansion
Shoreland Zoning Analysis**

**70 Chauncey Creek Road
Map 45, Lot 70
Owner: Deuell Rev. Tr.**

Lot Coverage Calculation

Lot Size	6800 sf
Max. Non Veg. Coverage @ 20%	1360 sf
Existing Lot Coverage	
House	864 sf
Deck	320 sf
Steps	16 sf
Retaining Wall and stairs	37 sf
Stairs	18 sf
Landing at top of stairs	<u>16 sf</u>
Total Existing Lot Coverage	1271 sf
Proposed New Lot Coverage	
Entry	96 sf
Less Front Steps	-16 sf
Total Existing and New Lot Coverage	<u><u>1351</u></u> sf

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
 Div of Environmental Health, 11 SHS
 (207) 287-5672 Fax: (207) 287-4172

PROPERTY LOCATION		>> CAUTION: LPI APPROVAL REQUIRED <<	
City, Town, or Plantation KITTERY	Street or Road 70 CHAUNCEY CREEK RD	Town/City TOWN COPY	Permit # 4276
Subdivision, Lot #		Date Permit issued	Fee: \$
OWNER/APPLICANT INFORMATION		REvised 9-15-14	
Name (last, first, MI) BARBARA DEVELL REV. R		Local Plumbing Inspector Signature	
Mailing Address of 5 SEA OAKS LN		The Subsurface Wastewater Disposal System shall not be installed until Permit is issued by local Plumbing Inspector. The permit shall authorize the owner to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
Owner/Applicant KITTERY PT. OFFICE		Municipal Tax Map # 51 Lot # 70	
Daytime Tel. # 603 944 1222 (Peter)		LPI APPROVAL	
OWNER OR APPLICANT STATEMENT I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.		I have inspected the installation authorized above and find it to be in accordance with the Subsurface Wastewater Disposal Rules Application. I hereby approve	
Signature of Owner or Applicant <i>[Signature]</i>		Local Plumbing Inspector Signature <i>[Signature]</i>	
Date 9/9/14		(2nd) date approved	

PERMIT INFORMATION		
TYPE OF APPLICATION <input type="checkbox"/> 1. First Time System <input checked="" type="checkbox"/> 2. Replacement System Type replaced: O.B.S. Year installed: UNKNOWN <input checked="" type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	THIS APPLICATION REQUIRES <input type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input checked="" type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	DISPOSAL SYSTEM COMPONENTS <input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input checked="" type="checkbox"/> 11. Pre-treatment, specify: A.O.S. CLEAN SOLUTION 250 <input type="checkbox"/> 12. Miscellaneous Components
SIZE OF PROPERTY ±0.16 <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	DISPOSAL SYSTEM TO SERVE <input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: 3 <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Current Use <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Year Round <input type="checkbox"/> Undeveloped	TYPE OF WATER SUPPLY <input type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input checked="" type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other
SHORELAND ZONING <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)			
TREATMENT TANK <input type="checkbox"/> 1. Concrete PLASTIC <input type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic CONCRETE <input type="checkbox"/> 3. Other: WATER TIGHT CAPACITY: 1000 GAL.	DISPOSAL FIELD TYPE & SIZE <input checked="" type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. cluster array <input type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: 10 x 25' SIZE: 260 sq. ft. <input type="checkbox"/> lin. ft.	GARBAGE DISPOSAL UNIT <input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	DESIGN FLOW 770 gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities
SOIL DATA & DESIGN CLASS PROFILE CONDITION 12(2) C at Observation Hole # ONE Depth 22" of Most Limiting Soil Factor	DISPOSAL FIELD SIZING <input type="checkbox"/> 1. Medium---2.6 sq. ft. / gpd <input checked="" type="checkbox"/> 2. Medium---Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large---4.1 sq. ft. / gpd <input type="checkbox"/> 4. Extra Large---5.0 sq. ft. / gpd	EFFLUENT/EJECTOR PUMP <input type="checkbox"/> 1. Not Required <input type="checkbox"/> 2. May Be Required <input checked="" type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	<input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA LATITUDE AND LONGITUDE at center of disposal area Lat. 43 d 5 m 10.1 s Lon. 70 d 40 m 51 s if g.p.s, state margin of error:

SITE EVALUATOR STATEMENT		
I certify that on 15 AUG 14 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).		
Site Evaluator Signature <i>[Signature]</i>	SE # 211	Date 8 SEP 14
Site Evaluator Name Printed Michael Cuomo	Telephone Number (207) 363-4532	E-mail Address mcuomosoil@gmail.com

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
 Division of Health Engineering
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

KITTSBY

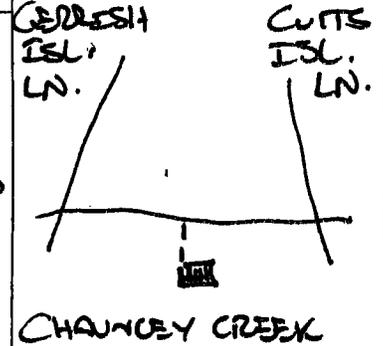
70 CHAUNCEY CREEK RD.

DEWELL REV. TRUST

SITE PLAN

Scale 1" = 10 ft.

SITE LOCATION PLAN



ELEVATION REFER-
 ENCE NAEL SET
 (60' ABOVE GROUND)
 IN UTILITY POLE
 AT ASSUMED ZERO

APPROXIMATE EDGE OF RIGHT-OF-WAY
 EASEMENT REQUIRED

STAKED CORNERS OF
 10' x 25' EFFLUENT DISPOSAL
 AREA (E.D.A.)

PROPERTY LINE



WATER LINE

APPROX.
 PROPERTY
 LINE

31'

9'
 15.5'

10'

34.5'

±90

EXISTING HOUSE

NORMAL HIGH WATER
 CHAUNCEY CREEK

Michael Camp

211

8/5/14

Site Evaluator Signature

SE #

Date

Town, City, Plantation **KITTERY** Street, Road, Subdivision **70 CHAUNCEY CREEK RD** Owner's Name **IDEVELL REV. TR.**

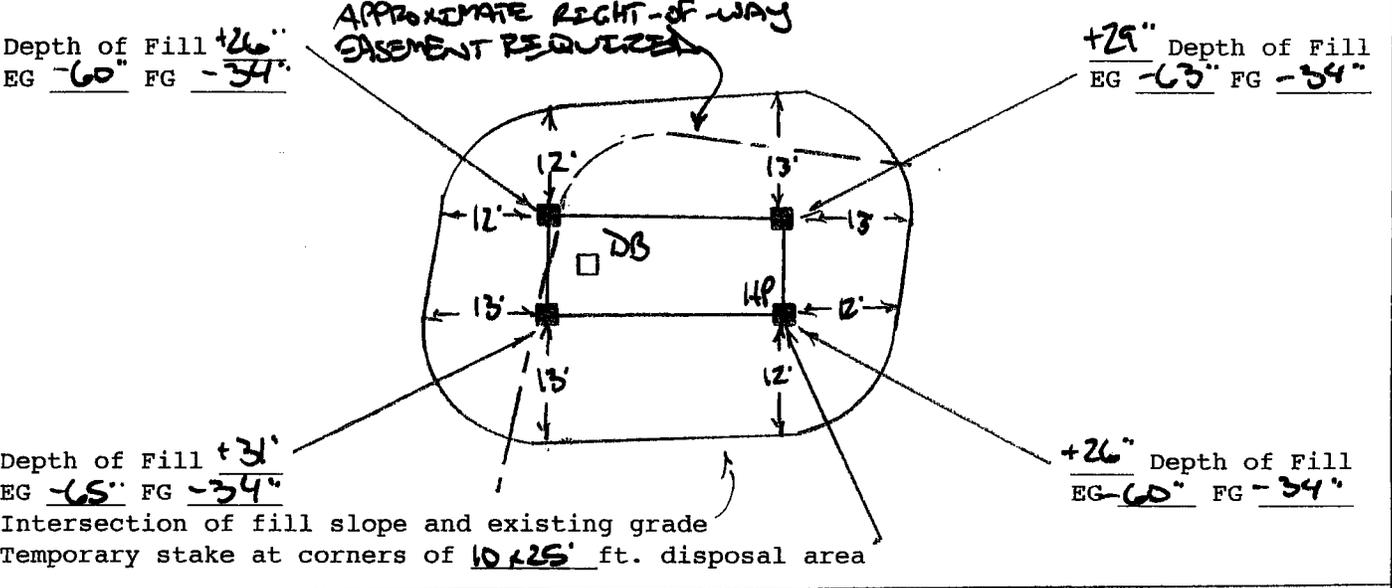
SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE: 1" = 20 FT.

DISPOSAL AREA MUST BE INSTALLED PER THIS PLAN AND STATE RULES

(SEE ATTACHED SPECIFICATIONS)

ABBREVIATIONS: Building Sewer (BS); Septic Tank (ST); Pretreatment Unit (PT); Effluent Sewer (ES); Distribution Box (DB); and High Point (HP). Existing Grade (EG) and Finish Grade (FG) referenced to nail at zero.



FILL REQUIREMENTS	CONSTRUCTION ELEVATIONS	ELEVATION REFERENCE POINT
Depth of Fill (Upslope) <u>+26"</u>	Finished Grade Elevation <u>-34"</u>	Location & Description: <u>SEE PAGE 2</u>
Depth of Fill (Downslope) <u>+31"</u>	Top of Distribution Pipe <u>-47"</u>	Reference Elevation: <u>NAIL = ZERO</u>
	Bottom of Disposal Area <u>-58"</u>	

DISPOSAL AREA CROSS SECTION

Scale N/A
 Horizontal 1" = ___ ft.
 Vertical 1" = ___ ft.

See next page

- * Where ST or PT access cover is more than 6" below FG, a watertight riser at least 18" dia. must be provided to within 6" of FG. Location of ST may vary.
- * DBox must be frost protected with 2" HD expanded rigid polystyrene insulation.
- * The DBox may be placed at either end of the disposal area.
- * Do not work soil when wet

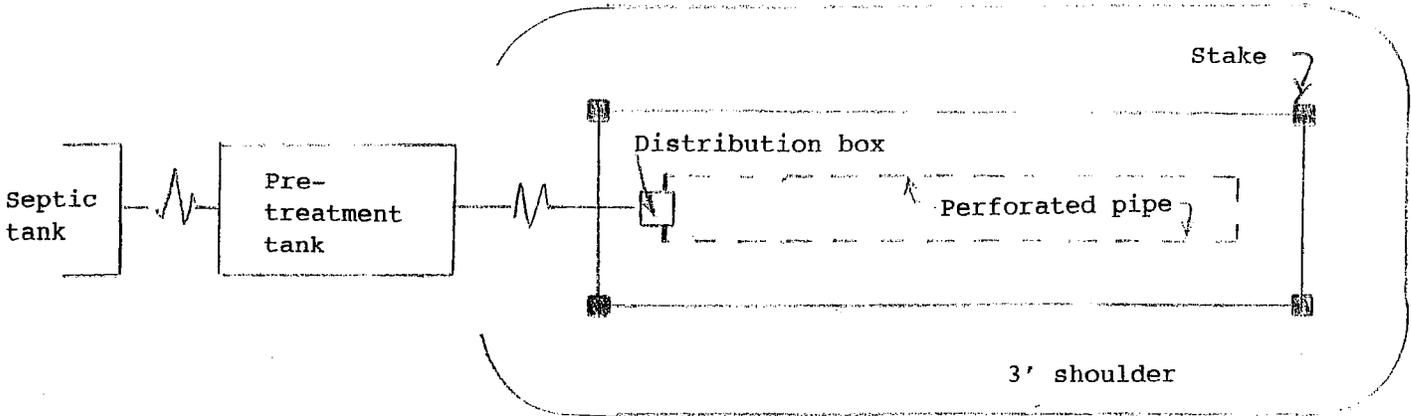
Town: KITNEY

Street: 70 CHAUNCEY CREEK RD

Owner: DEVELL REV. 72

PLAN VIEW

This bed is 10 x 25 feet

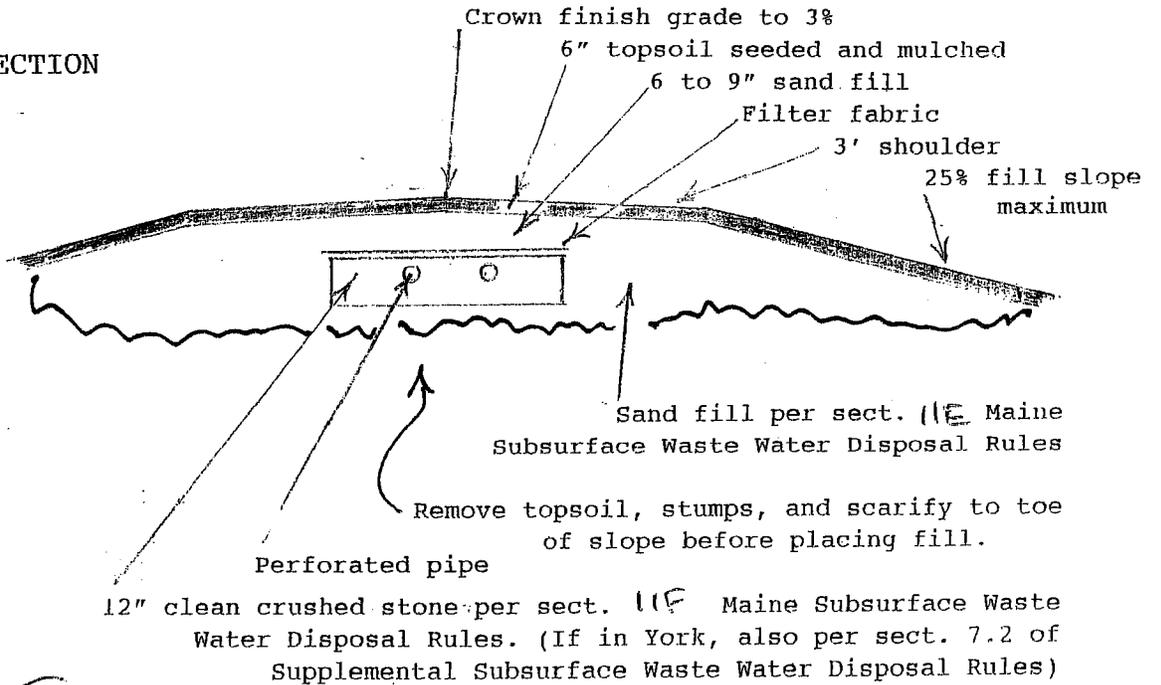


Pre-treatment model: CLEAN SOLUTION 250

Manufacturer: A.D.S.

Contact phone #: 603 783 9042

CROSS SECTION



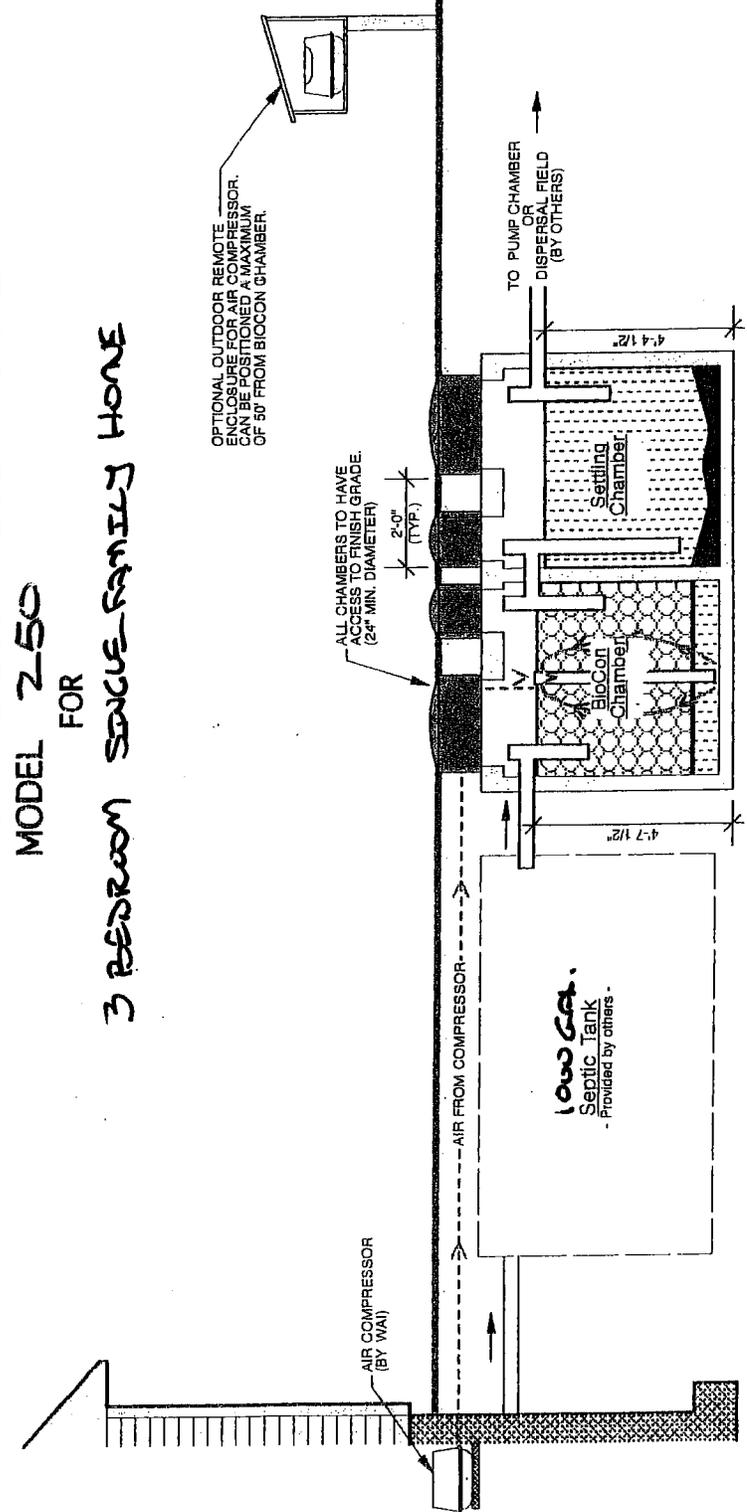
Michael Corson

SE# 211

Date: 8 SEP 14

Town **KITTERY** Location **70 CHANCEY CREEK RD** Owner **DEWEK REV. TRUST 2014**

THE CLEAN SOLUTION™ ALTERNATIVE SEPTIC SYSTEM
 MODEL 250
 FOR
 3 BEDROOM SINGLE-FAMILY HOME



BioCon/Settling Tank

- Provided by WAI -
 1000 GAL 2-Compartment Tank

NOTES:

1. Septic Tank & Settling Compartment must be pumped every 2 years. More frequent pumping may be required depending on use.
2. Tank is not suitable for drive on use. Heavy Duty and H-20 models available.
3. Contractor to verify tank dimensions prior to setting.
4. Plastic risers will be provided to suite site (up to 24" depth). Contractor to provide additional risers to finish grade if cover over tank exceeds 24".

Advanced Onsite Solutions LLC
innovative wastewater solutions with sustainable results
 P.O. Box 248
 Canterbury, NH 03224
 Phone 603.783.8042



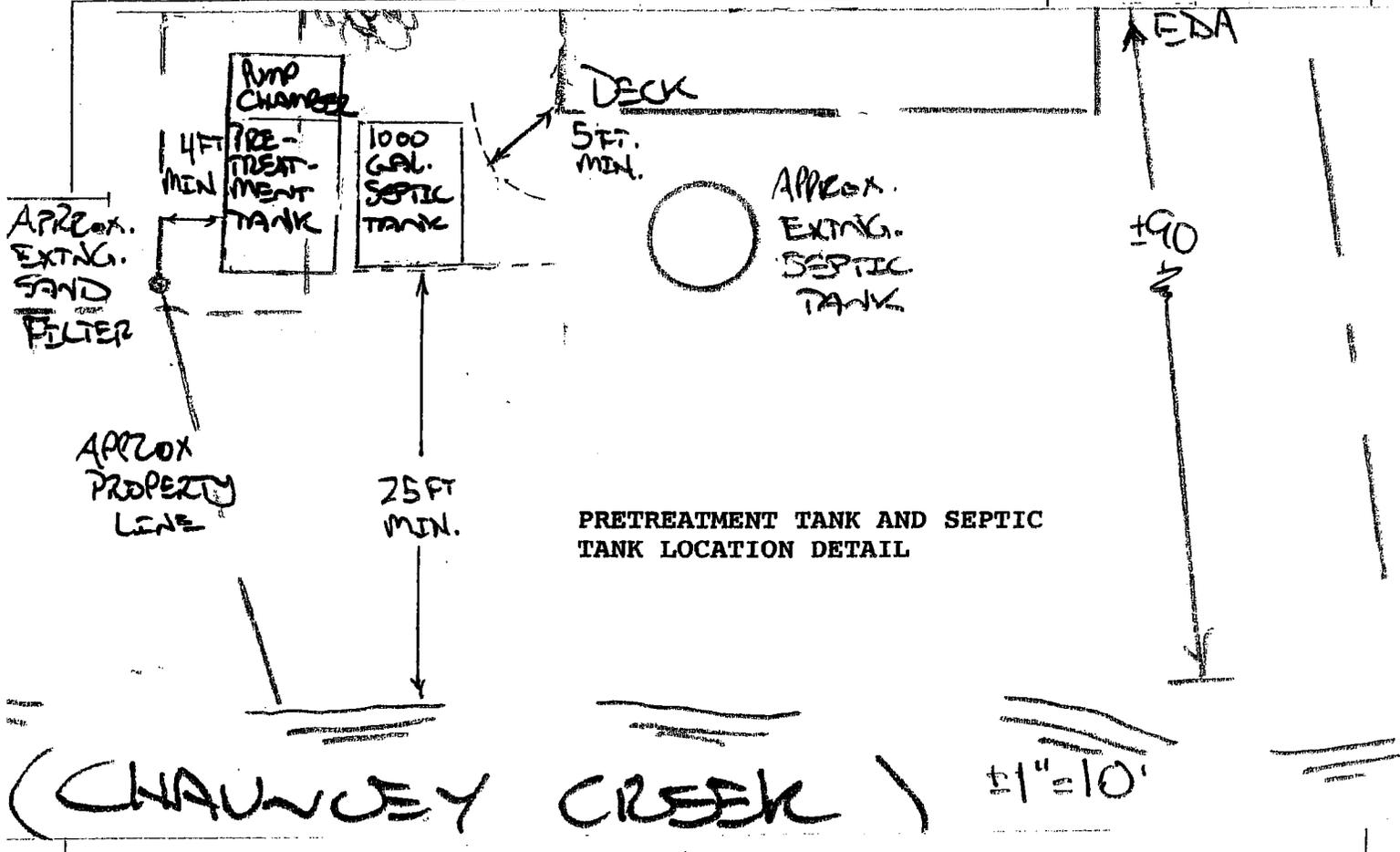
SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. of Health & Human Services
 Division of Environmental Health, STS 11
 (207) 287-5689 FAX (207) 287-3165

Town, City, Plantation
KITTERY PT.

Street, Road, Subdivision
70 CHAUNCEY CREEK

Owner or Applicant Name
DEVEN REN. TR. 2014



PRETREATMENT TANK AND SEPTIC TANK LOCATION DETAIL

Pump out and remove or crush/fill & bury in place existing septic tank.

Abandon in place existing sand filter.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

KITTERY

70 CHANCEY CREEK

DEWELL REV. TR. 2012

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole One Test Pit Boring
0 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0 Stony fine sandy loam mixed fill	Friable	Dark yellowish brown	None
10 Fine sand fill		Light gray	
20 St f s l	Friable	V. dark brown	Mottles
30 X		X	
Bedrock or boulder			

Observation Hole Two Test Pit Boring
0 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0 Stony fine sandy loam fill	Friable	Dark brown	None
10 Fine sand fill		Light gray	
20 Stony fine sandy loam	Friable	Dark brown	Mottles
30			
40			
50			

Soil Classification <u>12(2) AIII/C</u> Profile Condition	Slope <u>1</u> %	Limiting Factor <u>32</u> "	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
---	---------------------	--------------------------------	--

Soil Classification <u>12(2) C</u> Profile Condition	Slope <u>2</u> %	Limiting Factor <u>22</u> "	<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
--	---------------------	--------------------------------	--

TEST PITS 1+2 BY PETER DRUMMOND

SEE # 361 DEC 2008

Observation Hole C Test Pit Boring
0 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0 GRANULAR F.S.L.	FRIABLE	V. DK. BR.	None
10 FINE SAND		Light Gray	
20 ST.F.S.L.	FRIABLE	DK. YL. BR.	None
30 X		X	
BEDROCK			

Observation Hole _____ Test Pit Boring
" Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
TEST PIT A: FILL OVER ZAT			
TEST PIT B: FILL OVER ZAT			

Soil Classification <u>12(2) AIII</u> Profile Condition	Slope _____ %	Limiting Factor <u>30</u> "	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
---	------------------	--------------------------------	--

Soil Classification _____ Profile Condition	Slope _____ %	Limiting Factor _____ "	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
---	------------------	----------------------------	---

Michael Cannon
Site Evaluator Signature

211
SE #

8 SEP 14
Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST - REPLACEMENT SYSTEM

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

GENERAL INFORMATION

Property Owner's Name: DEVALL REV. TRUST 2014 Town of KITTERY Tel. No.: 603 944 1222 (PETER)
 System's Location: 70 CHAUNCEY CREEK RD KITTERY PT. 03905
 Property Owner's Address: 5 SEA OAKS LN KITTERY PT 03905 Zip Code _____
 e-mail address: _____

The subsurface wastewater disposal system design for the subject property requires a replacement system variance first-time system variance to the Subsurface Wastewater Disposal Rules. This variance requires local approval local and state approval.

SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.) **SECTION OF RULE**

1. SEE NEXT PAGE _____
2. _____
3. _____

SITE EVALUATOR

When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.

The small size of this lot leaves no better option for siting this wastewater disposal system. This is a subsurface alternative to the existing sand filter.

I, Michael Cuomo, S.E. #211, certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.

Michael Cuomo _____ 8/9/14 _____
 SIGNATURE OF SITE EVALUATOR DATE

PROPERTY OWNER

I, T. J. Whitman, am the owner agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.

T. J. Whitman _____ 9/9/14 _____
 SIGNATURE OF OWNER DATE
 AGENT FOR THE OWNER

LOCAL PLUMBING INSPECTOR - Approval at local level

The local plumbing inspector shall review all variance requests prior to rendering a decision.

I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (does does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (do do not) approve the requested variance. I (will will not) issue a permit for the system's installation as proposed by the application.

LPI Signature Date

LOCAL PLUMBING INSPECTOR - Referral to the Department

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.

I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (does does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (do do not) recommend the issuance of a permit for the system's installation as proposed by the application.

LPI Signature Date

FOR USE BY THE DEPARTMENT ONLY

The Department has reviewed the variance(s) and (does does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

SIGNATURE OF THE DEPARTMENT DATE

HHE-204

VARIANCES

- 1. Watertight septic tank to major watercourse:
50ft required, 25ft provided. Table 8A.
- 2. Watertight septic tank to deck on posts:
8ft required, 5ft provided. Table 8A.
- 3. Watertight septic tank to property line:
10ft required, 4ft provided. Table 8A.
- 4. Effluent disposal area (EDA) to major watercourse:
100ft required, 90ft provided. Table 8A