Town of Kittery Maine
Town Planning Board Meeting
July 14, 2016

17 Island Ave – Shoreland Development Plan Review

Action: Hold a public hearing; Approve or deny plan. Owner/applicant Shelley Wieler requests consideration of plans to demolish and reconstruct, in an expanded footprint, an existing single-family dwelling, located within the 100-foot setback from a protected water body. The site is located at 17 Island Ave (Tax Map 1 Lot 8) in the Residential-Urban (R-U) and Shoreland Overlay (SH-OZ-250') Zones. Agent is Doug Greene, Port City Designs

PROJECT TRACKING

REQ'D	DESCRIPTION	COMMENTS	STATUS
YES	Determination of Completeness	6/9/2016	Held
NO	Public Hearing	Scheduled for 7/14/2016	
NO	Site Walk	7/7/2016	Held
Yes	Final Plan Review and Decision	Feasible for 7/14/2016	

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 ¼: 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

Planning Board review of this project is required by 16.10.3.2 Other Development Review, because it is located in the Shoreland Overlay Zone. The parcel includes two nonconforming single-family dwellings on a nonconforming lot. The lot does not meet the minimum lot size or minimum land area per dwelling unit for the Residential – Urban zone. In addition, both dwelling units are within the 100-foot required setback from a protected resource, Piscataqua River.

The applicant proposes to demolish the dwelling unit located closest to Piscataqua River and reconstruct and expand within the 30% nonconforming structure expansion thresholds.

UPDATE: Planning Board completed an initial review of this application at the 6/9/2016 meeting. During that review, the Board noted the proposed development created a greater encroachment on the easterly side setback. The applicant has removed the nonconformance, and submitted revised plans for the Board's consideration.

During a site walk held on July 7, 2016 the applicant stated the proposed expansion depicted in the Shoreland Development Plan (revised 6/29/2016) is not accurate. The applicant would like to expand so the easterly edge of the new structure is parallel along side the 15'foot side setback line. The easterly side of the deck, as well as stairs to access the deck and would encroach approximately 3-4 feet into the side setback. In addition, the proposed development requires the

removal of two arborvitae trees located within the 100-foot setback. Staff did not have a copy of the revised plan at the time of preparation, and therefore there may be additional factors for the Board to consider not listed in this review.

Staff Review

1. *The plan does not depict the location of the 100-foot setback boundary line. Staff estimates the 100-foot setback line is approximately the middle of the principal dwelling, depicted as house B on the Shoreland Development Plan (Sheet A1, prepared 5/16/2016).* **UPDATE:** The applicant will submit an updated standard boundary survey that depicts existing conditions, as well as all setbacks. Setbacks are not marked on the Site Plan Sketch included with the Shoreland Development Plan.

2. The applicant proposed to demolish the existing cabin, depicted as house A on the Shoreland Development Plan, and rebuild in an expanded footprint. A nonconforming structure, located less than the required setback from a water body in the Shoreland Overlay Zone, that is "removed, damaged or destroyed" by more than 50% of the market value may be reconstructed, so long as the reconstruction is in compliance with the waterbody setback requirements to the "greatest practical extent", as determined by the Planning Board (Title 16.7.3.5.6). Although the proposed reconstruction does not comply with mandatory waterbody setback requirements, it does not appear there is a location on the property that would encroach less on the required 100-foot or front/side yard setbacks.

3. *The total lot size is 11,326 square feet. However, the area of land below the normal high-water line of a water body is not included when determining total lot area. The total lot area, as depicted on the standard boundary survey, submitted by the applicant and prepared by Great Hill Survey Company, is 10,100 square feet. Existing and proposed devegetated area and building coverage percentages are determined with total lot area, 10,100 s.f., rather than total lot size, 11,326 s.f.* **UPDATE:** The applicant has addressed this comment and submitted revised devegetated area calculations. See staff note #6.

4. As of January 1, 1989, an expansion of a nonconforming structure located within the required setback from a protected waterbody is restricted to a lifetime limit of no more than 30% in floor area and volume. The proposed development is the first expansion for this structure, therefore, the existing dimensions are equivalent to the 1989 dimensions.
    a. *The existing gross floor area submitted by the applicant is 559 square feet. The proposed floor area is 708 square feet. This is an increase of 26.7%.* **UPDATE:** The existing floor area is 559 s.f. The applicant has submitted revised proposed floor plans depicting a proposed floor area of 703 s.f. This is an increase of 25.8%.
        i. The plan incorrectly depicts this increase as 17% due to a typo in the calculation, (703-599 should be revised to 703-559).
    b. *The existing gross volume submitted by the applicant is 3,913 cubic feet. The proposed volume is 5,067 cubic feet. This is an increase of 29.5%.* **UPDATE:** The existing volume is 3,913 c.f. The applicant has submitted revised proposed elevation plans depicting a proposed volume of 5,760 c.f. This is an increase of

47% and is not within the 30% lifetime expansion limit. To comply with the 30% limit, the proposed development cannot result in a volume greater than approximately 5,086 c.f. Volume of a structure is defined as "the volume of all portions of a structure enclosed by room and fixed exterior walls, as measured by the exterior faces of these walls and roof."

The applicant needs to provide a diagram that supports floor area and volume calculations. **UPDATE:** The applicant has submitted proposed elevation and floor plan diagrams that support the floor area and volume calculations.

5. *The proposed floor area and increase in floor area, listed as 727 s.f. and 165 s.f, respectively, do not match the dimensions of the proposed development as depicted on the plan. Staff spoke with applicant who verified the proposed floor area on the plan should read 708 s.f. (dwelling - 510 s.f.; deck - 198 s.f.), with a total increase of 149 s.f. The applicant stated the existing floor area as well as the existing, proposed and percentage increase of volume, as depicted on the plan, is correct.* **UPDATE:** With the revised plan, this comment is no longer applicable.

6. The permitted devegetated area in the Residential-Urban and Shoreland Overlay Zone is 20%. The lot currently exceeds this maximum with a devegetated area of 29%. In order to avoid an increase in nonconformity, the applicant proposes revegetating the existing ramp and asphalt paths, approximately 200 s.f., to offset the increase in devegetated area caused by the proposed development.

7. The maximum building coverage for the Residential-Urban Zone is 20%. The proposed development creates a building coverage of 16%.

8. *The side setback is 15-feet in the Residential-Urban Zone. Side setbacks are not depicted on the submitted boundary survey or sketch site plan, however it appears the existing deck may encroach on the Easterly side setback. The proposed development, as drawn, creates a greater encroachment on this setback. The applicant must revise plans to depict an expansion that does not increase non-conformity by limiting any side setback encroachment to be no further than what already exists.* **UPDATE:** The applicant has revised the plans and moved the proposed expansion to the westerly side of the existing structure, away from the side setback. The proposed development does not create a greater encroachment than is currently existing.

9. The locus map, as depicted on the Shoreland Development Plan, is difficult to read. The perspective should be modified so it depicts a clearer image of the site location in relation to its surroundings.

10. During the site walk, a discussion ensued regarding the possibility of removing two arborvitae trees. Title 16.9.2.2.A states "cutting of vegetation is prohibited within the strip of land extending one hundred feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards". However, due to the age and size of the trees, the applicant may be able to move them to a different location on the property, provided it is no further from the protected water body. The Board may want to consider

a condition of final approval that states the applicant will consult with a certified arborist prior to the disturbance of any vegetation.

11. Staff recommends the following revisions to the final plan. The below revisions are from a review of the Plan revised 6/29/2016. Additional or modified recommendations may be required after a review of the plan to be revised following the 7/7/2016 site walk.

    ~~a. Revise amounts and calculations related to floor area, existing and proposed devegetated area and existing and proposed building coverage calculations.~~
    b. Include an existing and proposed devegetated area table itemized by structures, decks, ramp and asphalt.
    c. *Remove "As the property already exceeds the existing lot coverage allowance of 20%..." as the devegetated area offset will be reflected in the devegetated area table.* The revised plan has a similar clarification, "We propose to maintain the existing nonconforming devegetated area by removing the existing asphalt paths and/or ramp as required". Staff recommends the applicant identify what specific areas they propose to revegetate in the site plan sketch. The applicant should also include the exact reduction in square footage with the itemized devegetated area table.
    d. *Clearly depict footprint of existing conditions.* The applicant must submit a standard boundary survey that depicts existing conditions. The final plan should include a plan note referencing the existing conditions plan.
    e. Include all front and side property setbacks, as well as the 100-foot setback as measured from the Highest Annual Tide line on the site plan sketch.
    ~~f. Remove any development that encroaches in the side setback further than what is existing~~
    g. Remove photographs of existing conditions and color from plan as it will need to be reproduced in black & white coloring
    h. Include space and dimensional standards for Residential-Rural and Shoreland Overlay Zones
    i. Include Locus Map to show property in relation to surrounding roads, within two thousand feet of any property line of the development The applicant has addressed this comment, however the map should be revised for clarity.
    j. Revise proposed floor area calculations and percentile.
    k. The final plan must depict a proposed development in which the expansion does not result in an increase to the structure's volume that is 30% or greater.
    l. Include existing building coverage
    m. Title block in the lower right corner containing:
        i. Name(s) and address(es) of the applicant and owner
        ii. Plan title (ex: "Shoreland Development Plan")
        iii. Date of the plan preparation/revision, and unique ID number for the plan and revisions
    n. Map and Lot number in ¼" high letters at the lower right border of plan sheet
    o. Plan must be embossed, sealed or both, with the seal of an architect, professional engineer or registered land surveyor

Recommendations

After holding a public hearing, if the Board is satisfied with the information presented by the applicant, the Board may move to approve with conditions (suggested motion provided below) and proceed to reading and voting on the Findings of Fact.

Move to approve with conditions the Shoreland Development Plan dated June 29, 2016 from owner and applicant Shelley Wieler for 17 Island Ave (Tax Map 1 Lot 8) in the Residential-Rural and Shoreland Overlay Zones, upon the review and voting, in the affirmative, on the Findings of Fact.

<After an affirmative vote, proceed to reading and voting on the Findings of Fact>

Kittery Planning Board

UNAPPROVED

Findings of Fact
For 17 Island Ave
Shoreland Development Plan Review

WHEREAS: Shelley Wieler requests consideration of plans to demolish and expand an existing single-family dwelling, located within the 100-foot setback from a protected water body. The site is located at 17 Island Ave (Tax Map 1 Lot 8) in the Residential-Urban (R-U) and Shoreland Overlay (SH-OZ-250') Zones, hereinafter the "Development" and

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted {in the plan review notes prepared for 7/14/2016}

Shoreland Development Plan Review	6/9/2016	HELD
Site Walk	7/7/2016	HELD
Public Hearing	7/14/2016	HELD
Shoreland Development Plan Approval	7/14/2016	GRANTED

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"): {as noted in the plan review notes prepared for 7/14/2016}

1. Shoreland Development Plan Application, received 5/19/2016
2. Shoreland Development Plan, Port City Design, dated 5/19/2016
3. Standard Boundary Survey, Great Hill Survey Company, dated 7/15/1999
4. Shoreland Development Plan, Port City Design, revised 6/29/2016, received 7/5/2016
5. Standard Boundary Survey, North Easterly Surveying, dated **TBD**

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

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone
1.d The total footprints of the 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 existing devegetated area is 29%. The proposed development does not increase the lot's devegetated area by revegetating existing devegetated areas, as depicted on the final plan. Conclusion: The requirement appears to be met.
Vote: ___ in favor ___ against ___ abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS
Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

A. Except as otherwise provided in this Article, a nonconforming conditions must not be permitted to become more nonconforming

Finding: The proposed development does not encroach on any front or side yard set backs, nor does it increase the encroachment in the 100-foot setback greater than currently exists. The applicant will revegetate a portion of the asphalt path and/or ramp, in order to avoid an increase to the lot's devegetated area. The proposed development does not increase the nonconformity of any structure or aspect of the lot.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

16.7.3.5.6 Nonconforming structure reconstruction

A. In the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, damaged or destroyed, by any cause, by more than 50% of the market value of the structure before such damage destruction or removal, may be reconstructed or replaced provided that a permit is obtained with in 18 months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board.

Finding: The proposed reconstruction does not comply with mandatory waterbody setback requirements, however, there is not a location on the property that would encroach less on the required 100-foot or front/side yard setbacks.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and 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 [A through C] *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 nonconforming 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: The proposed development is the first expansion for this structure, therefore, the existing dimensions are equivalent to the recorded dimensions for January 1, 1989.

a. The existing floor area is 559 square feet. The proposed floor area is 703 square feet. This is an increase of 25.8% and conforms to this standard.
b. *The existing volume is 3,913 cubic feet. The proposed volume is 5,760 cubic feet. This is an increase of 47% and **does not** conform to this standard.*

Conclusion: *This requirement does not appear to be met.*

Vote: ___ in favor ___ against ___ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits
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: The proposed development as represented in the plans and application does not appear to have an adverse impact.

Conclusion: This requirement appears to be met

Vote: ___ in favor ___ against ___ abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met

Vote: ___ in favor ___ against ___ abstaining

3. Adequately provide for the disposal of all wastewater;

Finding: The proposed development does not increase the impact on the existing wastewater disposal system.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

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

Conclusion: This requirement appears to be 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: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

6. Protect archaeological and historic resources;

Finding: There does not appear to be any resources impacted.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;

Finding: The property is not located in the Commercial Fisheries / Maritime Use Zone.

Conclusion: This requirement is not applicable.

Vote: ___ in favor ___ against ___ abstaining

8. Avoid problems associated with floodplain development and use;

Finding: The property is designated Zone C by FEMA Flood Zone standards and is defined as an area of minimal flood hazard. The proposed development does not appear to have an impact on a floodplain or flood-prone area.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

9. Is in conformance with the provisions of this code; Finding: The proposed development complies with the applicable standards of Title 16, *with the exception of 16.7.3.6.1.A. The proposed volume increase must be less than 30%* Conclusion: *This requirement does not appear to be met.*
Vote: ___ in favor ___ against ___ abstaining
10. Be recorded with the York county Registry of Deeds. Finding: With consideration of condition # 5, a plan suitable for recording has been prepared. Conclusion: As stated in the Notices to Applicant contained herein, 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 and subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval (to be depicted 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. No trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer. Efforts to protect existing trees must be in place prior to construction.
4. All Notices to Applicant contained herein (Findings of Fact dated 7/14/2016).

Conditions of Approval (not to be depicted on final plan):

5. 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 on final Mylar.

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of required plan changes.

Vote of ___ in favor___ against ___ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON July 14, 2016

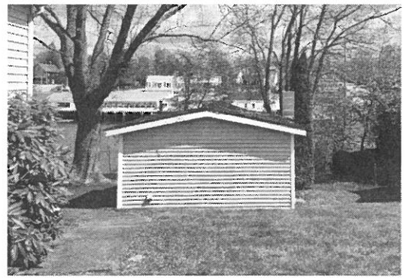
Ann Grinnell, Planning Board Chair

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as required by Planning Board 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 of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
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.

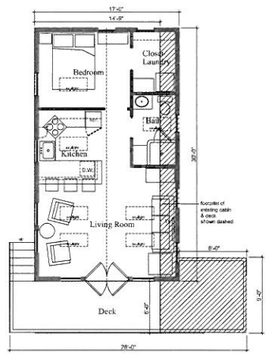
Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

Existing - View N between lots



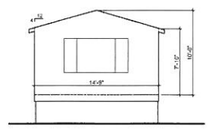
Existing - View N to Cabin

Existing - View SE to Cabin



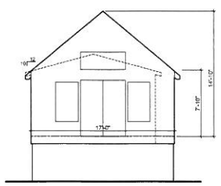
Proposed Floor Plan

existing cabin 437 sf & deck 122 sf - proposed cabin 510 sf & deck 193 sf
Line of existing cabin & deck shown dashed
Area of expansion shown shaded



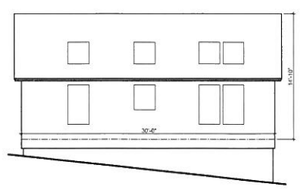
Existing North Elevation

existing volume 3913 cf



Proposed North Elevation

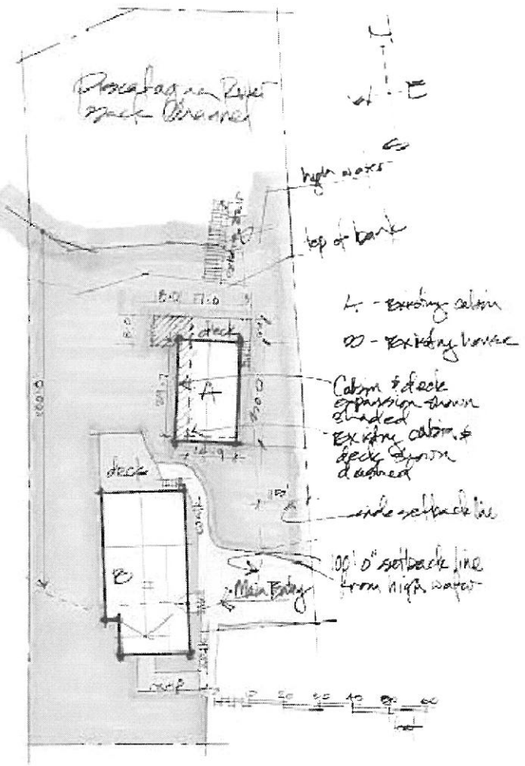
proposed volume 5760 cf



Proposed East Elevation

			Increase or Decrease
House	1110	1110	same
House deck	288	288	same
Cabin	437	510	+73
Cabin deck	122	193	+71
Asphalt walkways	197	53	-144
Ramp	115	115	same
Driveway	630	630	same
Total Bldgs	1547	1620	+73
Total Devegetated	2899	2899	same

Lot Coverage Table s.f.



Lot area = 11,326 s.f.
Lot area above high water = 10,100 s.f.

Site Plan Sketch

A - Existing cabin & deck to be rebuilt
B - Existing house & deck
(Cabin & deck expansion shown shaded)

Project Summary:

Existing Property:

This is an existing non-conforming lot of record in the urban residential section of Badgers Island that lies within the shoreland overlay zone.
The property has two structures each with their own deck:
the main house
& the cabin closer to the water

The property owner would like to expand the cabin in area and volume as permitted by code. The intent is to demolish the wood frame and block foundation and rebuild essentially in place expanding to the west. They would also like to expand the deck area as permitted by code.

The new structure would be a wood frame cabin with a gable roof similar to the existing & in keeping with the island Maine aesthetic.

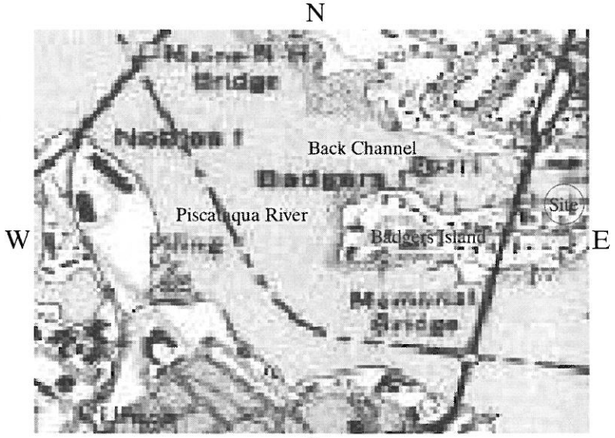
Calculations of Existing and for Expansion:

Existing cabin 14-9 x 29-7 = 437 s.f.
Existing deck 6 x 17-9 + 3 x 7 = 122 s.f.
Total Existing Footprint/Area = 559 s.f. (437 + 122)
Total Existing Volume = 3,913 c.f. (132.2 s.f. x 29.6')
Proposed cabin 17-0 x 30-0 = 510 s.f.
Proposed deck 6 x 20 + 8 x 9 = 193 s.f.
Proposed Footprint/Area = 703 s.f. (510 + 193)
Proposed Volume = 5,760 c.f. (192 s.f. x 30')
17% Area increase = 104 s.f. (703 - 599)
47% Volume increase = 1,847 c.f. (5760 c.f. - 3913 c.f.)

(see table & lot plan)
Existing Lot Area = 11,326 s.f. (.26 ac.) / 10,100 s.f. above normal high water
Existing building coverage (buildings only) = 15% (1,547 s.f./10,100)
Existing devegetated (buildings, decks & asphalt) = 29% (2,899 s.f./10,100 s.f.)
Proposed building coverage = 16% (1,620 s.f./10,100)
Proposed devegetated = 29% = 2,899 s.f.

The existing devegetated property exceeds the allowance of 20 %.
We propose to maintain the existing nonconforming devegetated area by removing the existing asphalt paths and/or ramp as required.

N



Locus Map

Applicant: Shelley & Jim Wieler 62 Adams St. Medway, MA 02053	
Preparer: PORT CITY DESIGN/Doug Greene	
Signature Block for Planning Board Chair	
Name & Date	

PORT CITY DESIGN
architecture
planning
interiors

603.312.1707
953 Islington Street
Portsmouth, NH
03801

Project/Client

Cabin Renovation
17 Island Ave.
Kittery, Maine 03904

Dwg. Index:

A1 Shoreland Development Plan w/ Site Sketch of Proposed
Existing Site Survey dated 1999

2016-5-19 prepared
2016-6-29 revised

Shoreland Development Plan

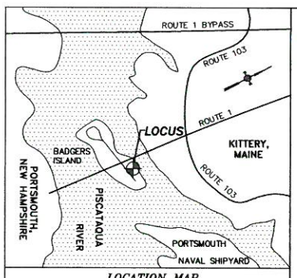
17 Island Avenue -Cabin Renovations

17 Island Avenue Kittery Point, ME 03904

Map 1 / Lot 8

A1

Shoreland Development Plan
Map 1 - Lot 8



LOCATION MAP
(not to scale)

ZONING DATA PER KITTERY TOWN CODE "TITLE 16 LAND USE AND DEVELOPMENT CODE"(LAST AMENDMENT 10/26/15) (SEE NOTE #6):

BASE ZONE: RESIDENTIAL-URBAN (R-U)

OVERLAY ZONES:

WATER BODY/WETLAND PROTECTION AREA – 250' (OZ-SL-250')
COMMERCIAL FISHERIES/MARITIME USES (OZ-CFMU)

R-U BASE ZONE REQUIREMENTS:

MINIMUM LAND AREA PER DWELLING UNIT: 20,000 SQ. FT.
MINIMUM LOT SIZE: 20,000 SQ. FT.
MINIMUM STREET FRONTAGE: 100 FT.
MINIMUM FRONT YARD: 30 FT.
MINIMUM REAR AND SIDE YARDS: 15 FT.
MINIMUM SEPARATION DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT: 15 FT.
MAXIMUM BUILDING HEIGHT: 35 FT.

MINIMUM SETBACK FROM WATER BODY AND WETLAND DEPENDENT USES: 0 FT.

MAXIMUM BUILDING COVERAGE: 20%

OZ-SL-250' REQUIREMENTS (SEE 16.3.2.17):

MINIMUM LOT SIZE: 20,000 SQ. FT.
MINIMUM LAND AREA PER DWELLING UNIT: 20,000 SQ. FT.
MINIMUM SHORE FRONTAGE: 50 FT.
MAXIMUM DEVEGETATED COVERAGE*: 20%
*SEE 16.3.2.17.D.1.d.iii

PRINCIPAL AND ACCESSORY STRUCTURES SETBACK: 75 FT. FROM NORMAL HIGH WATER, UPLAND EDGE OF A COASTAL WETLAND

ACCESSORY PATIO/DECK < 500 SQ. FT. SETBACK: 75 FT. FROM NORMAL HIGH WATER, UPLAND EDGE OF A COASTAL WETLAND

PLAN REFERENCES:

1. "PLAN SHOWING A STANDARD BOUNDARY SURVEY FOR ALBERT F. & MARGARET M. WOODWARD", PREPARED BY GREAT HILL SURVEY COMPANY, DATED JULY 15, 1999. NOT RECORDED.

NOTES:

1. OWNERS OF RECORD:
TAX MAP 1 LOT 8
17 ISLAND, LLC
Y.C.R.D. BOOK 17199 PAGE 673
DATED MARCH 15, 2016

2. TOTAL EXISTING PARCEL AREA:
TAX MAP 1 LOT 8
10,100± SQ. FT.

3. BASIS OF BEARING IS PER PLAN REFERENCE #1.

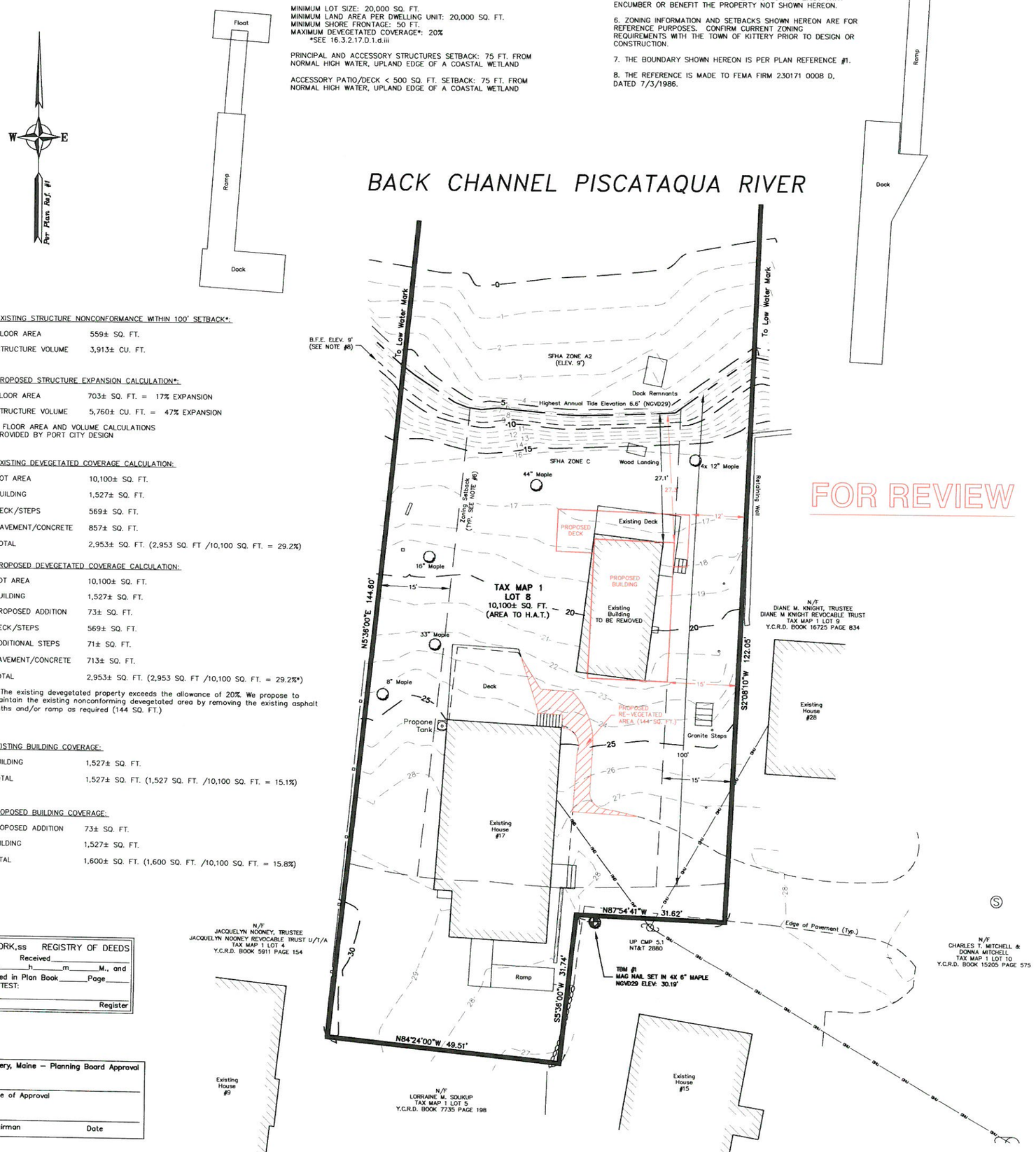
4. APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.

5. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

6. ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.

7. THE BOUNDARY SHOWN HEREON IS PER PLAN REFERENCE #1.

8. THE REFERENCE IS MADE TO FEMA FIRM 230171 0008 D, DATED 7/3/1986.



FOR REVIEW

EXISTING STRUCTURE NONCONFORMANCE WITHIN 100' SETBACK*:

FLOOR AREA	559± SQ. FT.
STRUCTURE VOLUME	3,913± CU. FT.

PROPOSED STRUCTURE EXPANSION CALCULATION*:

FLOOR AREA	703± SQ. FT. = 17% EXPANSION
STRUCTURE VOLUME	5,760± CU. FT. = 47% EXPANSION

* FLOOR AREA AND VOLUME CALCULATIONS PROVIDED BY PORT CITY DESIGN

EXISTING DEVEGETATED COVERAGE CALCULATION:

LOT AREA	10,100± SQ. FT.
BUILDING	1,527± SQ. FT.
DECK/STEPS	569± SQ. FT.
PAVEMENT/CONCRETE	857± SQ. FT.
TOTAL	2,953± SQ. FT. (2,953 SQ. FT /10,100 SQ. FT. = 29.2%)

PROPOSED DEVEGETATED COVERAGE CALCULATION:

LOT AREA	10,100± SQ. FT.
BUILDING	1,527± SQ. FT.
PROPOSED ADDITION	73± SQ. FT.
DECK/STEPS	569± SQ. FT.
ADDITIONAL STEPS	71± SQ. FT.
PAVEMENT/CONCRETE	713± SQ. FT.
TOTAL	2,953± SQ. FT. (2,953 SQ. FT /10,100 SQ. FT. = 29.2%*)

* The existing devegetated property exceeds the allowance of 20%. We propose to maintain the existing nonconforming devegetated area by removing the existing asphalt paths and/or ramp as required (144 SQ. FT.)

EXISTING BUILDING COVERAGE:

BUILDING	1,527± SQ. FT.
TOTAL	1,527± SQ. FT. (1,527 SQ. FT. /10,100 SQ. FT. = 15.1%)

PROPOSED BUILDING COVERAGE:

PROPOSED ADDITION	73± SQ. FT.
BUILDING	1,527± SQ. FT.
TOTAL	1,600± SQ. FT. (1,600 SQ. FT. /10,100 SQ. FT. = 15.8%)

YORK,ss REGISTRY OF DEEDS
Received
at ___h ___m ___M., and
Filed in Plan Book ___ Page ___
ATTEST:
Register

Kittery, Maine – Planning Board Approval
Date of Approval
Chairman Date

CONDITIONS OF APPROVAL (T.B.D.):

1. NO CHANGES, ERASURES, MODIFICATIONS OR REVISIONS MAY BE MADE TO ANY PLANNING BOARD APPROVED FINAL PAN. (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. NO TREES ARE TO BE REMOVED WITHOUT PRIOR APPROVAL BY THE CODE ENFORCEMENT OFFICER OR THE SHORELAND RESOURCE OFFICER.

5. ALL NOTICES TO APPLICANT CONTAINED HEREIN (FINDINGS OF FACT).

GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

REV.	DATE	STATUS	BY	CHKD	APPD.

SHORELAND DEVELOPMENT
FOR PROPERTY AT
17 Island Avenue
Kittery, York County, Maine
OWNED BY
17 Island, LLC
PREPARED FOR APPLICANT
Shelly & Jim Weler
62 Adam St, Medway, MA 02053

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

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 10'	16676	7/7/16	1 OF 1	P.J.T.	A.M.P.

DRAWING No: 16676_SHORELAND_DEV
FIELD BOOK No: "Kittery #32"

Tax Map 1 Lot 8