

**Town of Kittery Maine
 Town Planning Board Meeting
 October 13, 2016**

24 Goodwin Road – Shoreland Development Plan Review

Action: Accept or deny application. Approve or deny plan. Owner/applicant Greg and Laurie Smith request consideration to demolish and reconstruct a nonconforming structure in an expanded footprint, and construct a new carport and storage shed within the 100-foot setback located at 24 Goodwin Road (Tax Map 58 Lot 19) in the Shoreland Overlay (SH-OZ-250') and Residential – Rural Conservation (R-RLC) Zones. Agent is Tom Emerson, Studio B-E.

PROJECT TRACKING

REQ'D	DESCRIPTION	COMMENTS	STATUS
YES	Determination of Completeness	Scheduled for 10/13/2016	Pending
NO	Public Hearing	At the Board's discretion	
NO	Site Walk	At the Board's discretion	
Yes	Final Plan Review and Decision		

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 a located in the Shoreland Overlay Zone. The parcel is a nonconforming lot with a nonconforming, single-family dwelling. The parcel does not meet the minimum lot size and the entire lot, including the single-family dwelling, is located entirely within the 100-foot setback of Chauncey Creek.

The proposed development will demolish the existing dwelling and reconstruct within an expanded footprint. In addition, the applicant proposes to construct a carport, small shed and driveway, also within the 100-foot required setback.

Staff Review

1. The expansion of a nonconforming structure located less than the required setback in the Shoreland Overlay Zone is limited to a lifetime limit of no more than 30%, as measured in floor area and volume, as of January 1, 1989. Staff has found no evidence of any previous expansions for the structure. The plan states the proposed developments is a 26.81% expansion in floor area and 29.97% in volume. However, supporting floor area and volume calculations have not been submitted. In addition, the design drawings submitted with the application do not include floor area and volume of the existing structure or exact dimensions of the proposed development. Staff was unable to confirm the proposed floor area as depicted on the plan.

2. A nonconforming structure 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 to the greatest practical extent, as determined by the Planning Board. The entirety of the parcel is located within the 100-foot setback; therefore, there is not a relocation site for the principal dwelling unit that meets all setback requirements. The Board should determine whether the proposed site meets the dimensional requirements to the greatest practical extent, with consideration of the factors outlined in 16.7.3.5.4.B, Nonconforming Structure Relocation.
3. The existing nonconforming building fronts the coastal wetland (Chauncey Creek) on two sides. Therefore, the structure cannot be expanded beyond the location of the existing building façade on either side. By doing so would locate a principal structure closer to the protected resource, which is not permitted. The current design does not conform to this provision and, in addition, includes a new structure, the proposed carport, within the required 100-foot setback and closer to the protected resource than the existing principal structure.
4. The proposed development includes an 11’x18’ carport. All new accessory structures must be set back at least 100-feet from the protected water resource. Staff has interpreted the carport as a new structure, which would not be permitted within the waterbody setback. However, the applicant has stated they believe the carport is not a new structure, because it is attached to (and therefore, part of) the house, which is subject to the 30% floor area and volume limitation. Because the carport, by nature, does not have either floor area or volume, it does not cause the principal dwelling to exceed the 30% expansion limitation. Staff will seek clarification from MDEP.
5. Per Title 16.3.2.17.D.2.e, when it is not possible to place an accessory structure that meets the required setbacks on a nonconforming lot of record on which only a residential structure exists, a single accessory structure with no utilities may be permitted, provided that structure does not exceed eighty square feet or eight feet in height. In addition, the accessory structure must meet all other devegetated and dimensional standards for the base and overlay zone and be located as far from the shoreline as practical. Therefore, the proposed 2’x5’ shed is permitted; however the Board should determine whether it is located as far from the shoreline as practical.
6. The existing nonvegetated coverage calculation table lists “decks/wood”, however there does not appear to be an existing deck on the plan. If there is an existing deck and patio, the proposed deck and patios would be permitted, provided the deck and patio do not cause the principal structure to exceed the 30% floor area or volume expansion limitation.
7. Parking areas must meet the waterbody setbacks for structures for the zone they are located within. Therefore, the proposed driveway would also be subject to the above mentioned restrictions, unless no other practical alternative exists. A gravel driveway currently exists on the property, providing a practical alternative to the proposed, paved driveway.
8. The plan does not include individual devegetated area and building coverage tables. The building coverage percentiles are shown parenthetically following “building” in the existing/proposed devegetated area calculations. The maximum building coverage for the Residential-Rural Conservation zone is 6%. The proposed building coverage is 5.99%. However, per the definition of Coverage (lot, building) in 16.2.2, the connector between the house and the carport should be included with building coverage calculations. It is unclear whether that is included with the 5.99% as the “deck/porch/connector” and “buildings” are listed separately within the table.

9. Staff recommends the following additions to the application and plan revisions:
- a. Revise the design drawings to include dimensions of the proposed development.
 - b. Submit floor plan and building height of the existing structure to demonstrate existing floor area and volume
 - c. Submit existing and proposed floor area and volume calculations
 - d. If the board determines the proposed location meets the setback to the greatest practical extent, revise the proposed building location to not extend past the current building façade that fronts the creek, including the proposed carport.
 - e. Label any existing decks and patios on the final plan. If none exist, and they cannot be accommodated within the allowed floor area expansion, remove the proposed deck and patio from the final plan and revise the building coverage and devegetated area calculations.
 - f. Remove the proposed paved driveway and update the building coverage and devegetated area calculations to the plan
 - g. Depict the existing tree canopy/line on the plan.

Recommendations

The application appears to be sufficiently complete for the Board's review of the proposed development. Staff recommends the Board first accept the application (suggested motion provided below)

Move to accept the Shoreland Development Plan application dated September 22, 2016 from owner/applicant Gregory and Laurie Smith for 24 Goodwin Road (Tax Map 58 Lot 19) in the Residential – Rural Conservation and Shoreland Overlay Zones.

The Board should determine whether a site walk or public hearing is warranted. Considering the development is, in part, contingent on the Board's determination of meeting waterbody setbacks to the most practical extent, the Board may want to visit the property to assess existing conditions. If the Board concurs, Staff recommends the Board schedule a site walk and public hearing.

Move to schedule a site walk and public hearing for owner/applicant Gregory and Laurie Smith for 24 Goodwin Road (Tax Map 58 Lot 19) in the Residential Rural Conservation and Shoreland Overlay Zones.

SHORELAND DEVELOPMENT PLAN APPLICATION



TOWN OF KITTERY
Planning & Development Department
 200 Rogers Road, Kittery, ME 03904
 Telephone: 207-475-1323 Fax: 207-439-6806

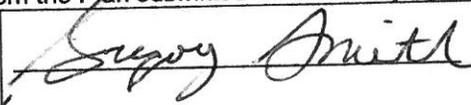
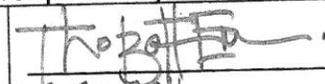
MAP ___ LOT ___
DATE: _____
FEE: \$ 200.00
ASA*: _____

PROPERTY DESCRIPTION	Physical Address	24 GOODWIN ROAD			
	Base Zone	R-FC	Overlay Zone (s)	SHORELAND	
OWNER INFORMATION	Name	GREG & LAURIE SMITH		Mailing Address 24 GOODWIN ROAD P.O. BOX 251 KITTEERY POINT, ME 03905	
	Phone	508/269-5406			
	Email				
AGENT INFORMATION	Name	TOM EMERSON		Company	STUDIO B-E
	Phone	207.752.1371		Mailing Address 10 OX POINT DRIVE KITTEERY, ME 03904	
	Email	STUDIOB-E@COMCAST.NET			
	Fax				
APPLICANT INFORMATION	Name	OWNER		Mailing Address	
	Phone				
	Email				

PROJECT DESCRIPTION	<p><u>Existing Use:</u> REMOVAL OF:</p> <ul style="list-style-type: none"> - SINGLE FAMILY SUMMER HOUSE AND SEASONAL WATER • 2BR & 1 BA.
	<p><u>Proposed Use (describe in detail):</u> BUILD:</p> <ul style="list-style-type: none"> - SINGLE FAMILY YEAR ROUND HOUSE • WELL WATER • 3BR, 3BA • RE-USE EXIST. SEPTIC

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	<p>- SHORELAND OVERLAY ZONE</p> <p>- NON-CONFORMANCE</p> <p>• LOT SIZE - 20,180 SF. (80,000 SF)</p> <p>• FRONT YARD - 21.8' (40')</p> <p>• SETBACK FROM WATER - 21.9' (100')</p>

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 Planning and Development Department of any changes.

Applicant's Signature:  Date: 9/20/16	Owner's Signature:  Date: 9.20.2016
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*Applicant Service Accounts: Fees to pay other direct costs necessary to complete the application process, not including application fees. Title 3, Chapter 3.3.

MINIMUM PLAN SUBMITTAL REQUIREMENTS

- 15 Copies of this Application Form, all supporting documents, and the Development Plan and Vicinity Map
 12 plan copies may be half-size (11"x17") and 3 must be full-size (24"x36")

Shoreland Development 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
 Title: Shoreland Development Plan
 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.
- D) Signature Block
 Area for signature by Planning Board Chair and Date of Planning Board Approval

Development Plan must include the following existing and proposed information:

Existing: <ul style="list-style-type: none"> <input type="checkbox"/> Land Use Zones and boundaries <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 <input type="checkbox"/> Distance from structure to water body and property lines <input type="checkbox"/> Floor area, volume, devegetated area, and building coverage 	Proposed: (Plan must show the lightened existing topography under the proposed project plan for comparison.) <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"/> Floor area, volume, devegetated area, and building coverage Distance to: <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
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AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

Expansion/Construction Analysis within the Shoreland Overlay Zone¹ (see Table 16.9)

Size of water body or wetland: <500 sf <501 sf-1 acre >1 acre

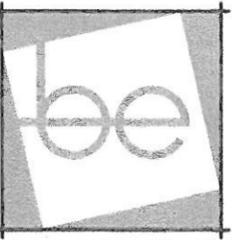
Structure distance from water body: 22.0 feet

STRUCTURE	Existing	Proposed	% Increase*	
SF (Area)	1138.5 sf	1443.75 sf	26.21 %	
CF (Volume)	12408.17 cf	16120, cf	29.97%	
Construction:	New: <input type="checkbox"/> Demo/Rebuild: <input checked="" type="checkbox"/>		Value:	
	Maintenance/repair: <input type="checkbox"/>		\$ 288,800.	
*Total increase in area and/or volume may not exceed 30% for any new construction since 1/1/1989.				

PARCEL DE-VEGETATION	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) <u>20180.</u>	<u>20 %</u>	<u>1210 sf</u>	<u>1853 sf</u>	<u>9.2 %</u>
*See underlying zone standards for de-vegetated area percent allowed within a Shoreland Overlay.				

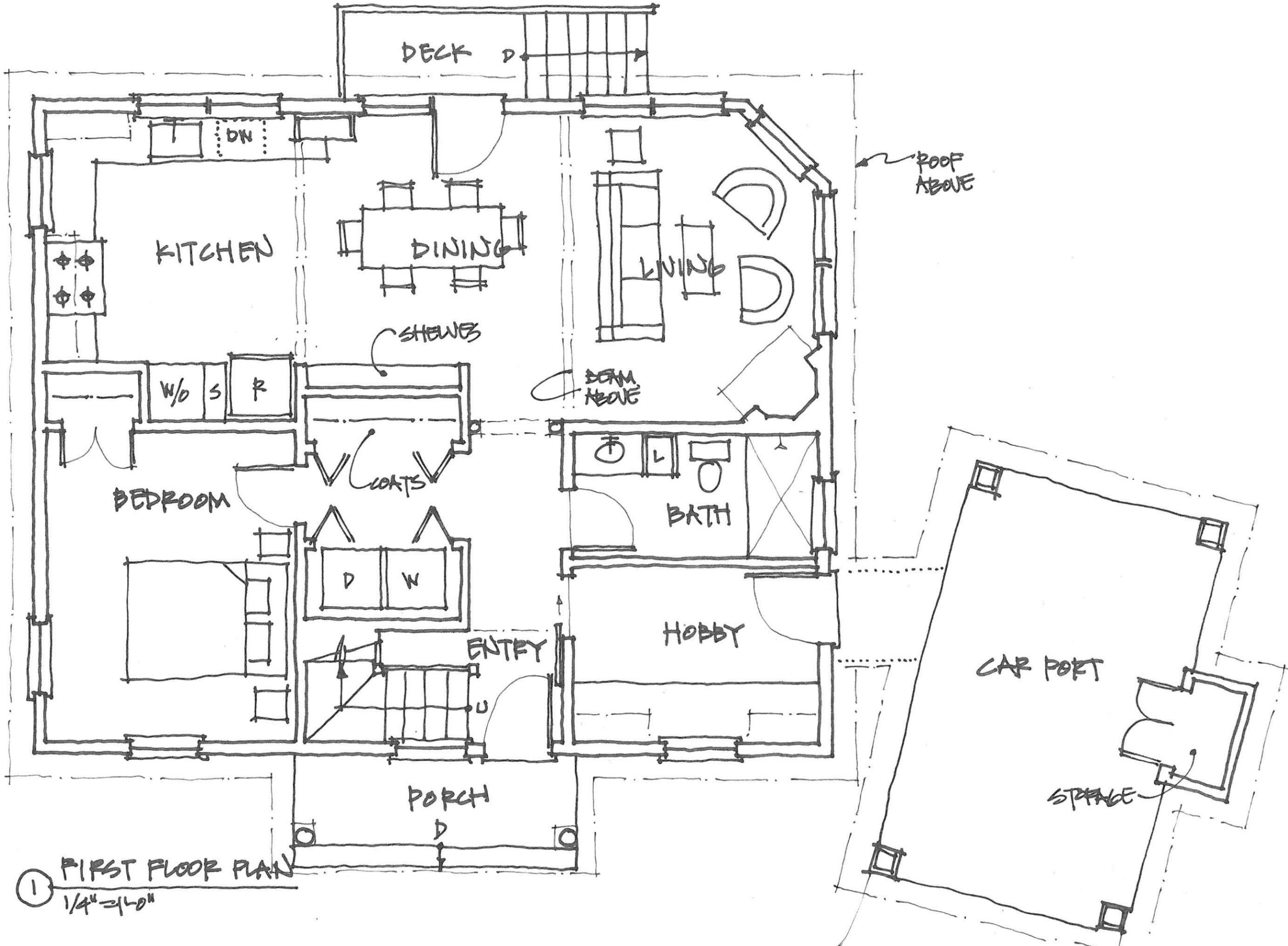
BUILDING COVERAGE	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) <u>20180.</u>	<u>6 %</u>	<u>822 sf</u>	<u>1209 sf</u>	<u>5.99 %</u>
*See underlying zone standards for building coverage percent allowed.				

¹Calculations for area, volume, and de-vegetated areas must be included on the final plan and certified by a State of Maine registered architect, landscape architect, engineer, or land surveyor.



studioB-E
ARCHITECTURE

10 Ox Point Drive
Kittery, ME 03904
207.752.1371
studioB-E@Comcast.net



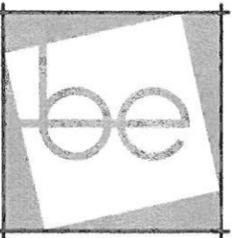
① FIRST FLOOR PLAN
1/4" = 1'-0"

Smith Residence

24 Goodwin Road
Kittery Point, ME

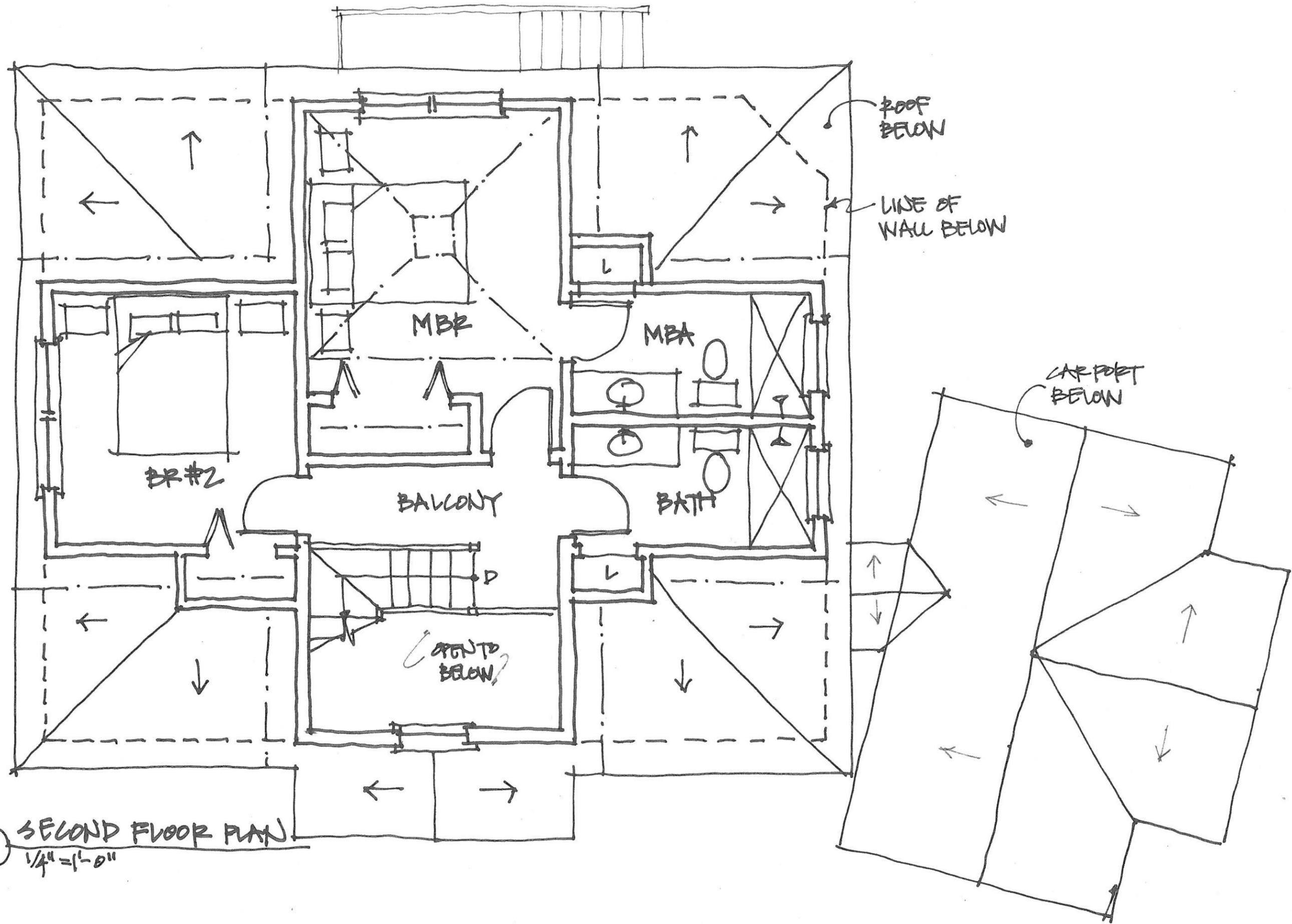
FIRST
FLOOR
PLAN

A1.01



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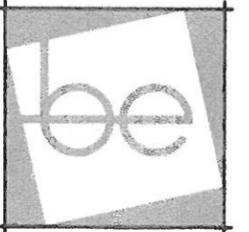
① SECOND FLOOR PLAN
1/4" = 1'-0"

Smith Residence

24 Goodwin Road
Kittery Point, ME

SECOND
FLOOR
PLAN

A1.o2



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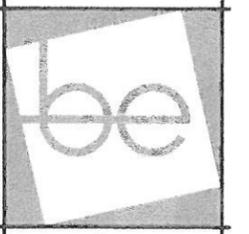
**Smith
Residence**

24 Goodwin Road
Kittery Point, Maine

FRONT
ELEVATION

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

A2.o1



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

**Smith
Residence**

24 Goodwin Road
Kittery Point, Maine

SIDE
ELEVATION

A2.o2



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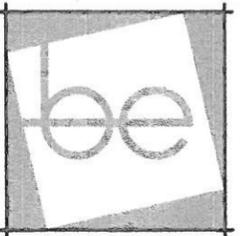


Smith Residence

24 Goodwin Road
Kittery Point, Maine

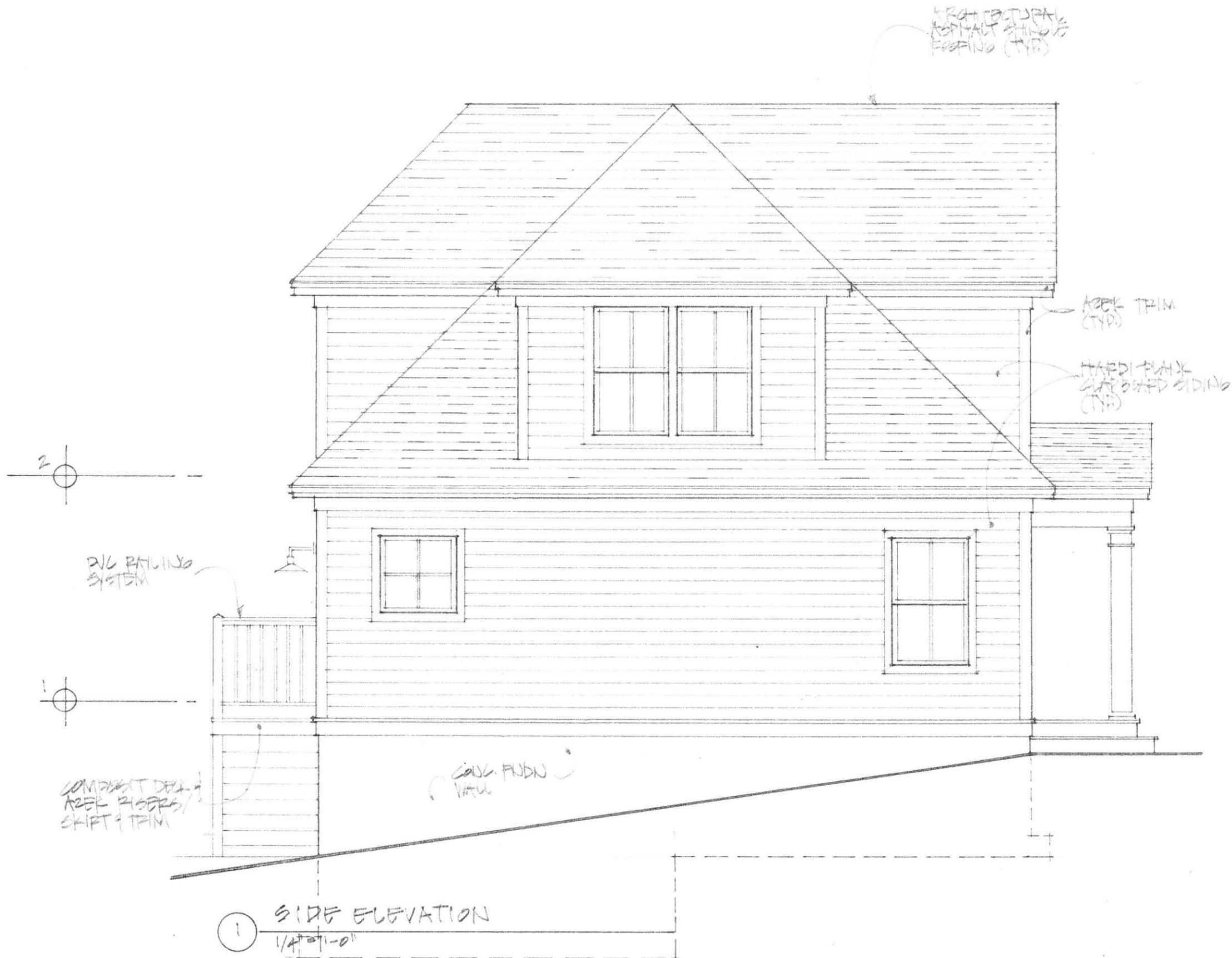
BACK
ELEVATION

A2.03



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**Smith
Residence**

24 Goodwin Road
Kittery Point, Maine

SIDE
ELEVATION

A2.o4