



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, February 12, 2015

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

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 1/22/2014

PUBLIC COMMENTS - Public comment and opinion are welcome, however comments and opinions related to projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing. Those providing comment must state clearly their name and address and record it in writing at the podium.

OLD BUSINESS

ITEM 1 – State Road Mixed Use Development – Sketch Plan Review Action: Review, grant or deny concept plan approval. Owner/Applicant, Aaron Henderson, HGC, LLC requests approval for a mixed residential/commercial development at 42 State Road, Map 3, Lots 5, 6 & 7 in the Business Local 1 Zone. Agent is Jeff Clifford, P.E., Altus Engineering, Inc.

PUBLIC HEARING / OLD BUSINESS

ITEM 2 – Beatrice Way – Preliminary Major Subdivision Plan.

Action: Hold a Public Hearing, accept or deny preliminary plan. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Map 61 Lot 08, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

ITEM 3 – Old Armory Way Mixed Use - Preliminary Site Plan.

Action: Hold a Public Hearing, accept or deny preliminary plan. Owner/applicant Ken McDavitt requests approval to construct two condominiums (total of three dwelling units) with 8 commercial boat slips at 15 Old Armory Way, Map 4, Lot 51 in the Mixed Use Kittery Foreside Zone, Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones. Agent is Ken Wood, P.E., Attar Engineering, Inc., Eliot, Maine.

ITEM 4 – 118 Pepperrell Road - Shoreland Development Plan Review

Action: Hold a Public Hearing, accept or deny plan approval. Steven Gerhartz and Susan Pendry, owner/applicant, requests approval to remove and reconstruct secondary dwelling unit and reconfigure existing stairs on primary dwelling unit at 118 Pepperrell Road in the Residential-Kittery Point Village and Shoreland Overlay zones, Tax Map 27, Lot 37. Agent is Ken Markley, R.L.S., North Easterly Surveying, Inc.

ITEM 5 – McCoy Residence - Shoreland Development Plan Review.

Action: Hold a Public Hearing, grant or deny plan approval. Kevin and Terry McCoy, owners/applicant request approval for a nonconforming structure reconstruction, removal of an existing house, garage and shed and construct a new house, garage and barn at 24 Goose Point, Kittery, Map 34 Lot 9 in the Residential-Rural, Shoreland and Resource Protection Overlay zones. Agent is Architect Tom Emerson, Studio B-E.

ITEM 6 – (15 MIN.) - Board Member Items / Discussion

ITEM 7 – (10 MIN.) – Town Planner Items: TBD.

1 TOWN OF KITTERY, MAINE
2 PLANNING BOARD MEETING
3 Council Chambers
4

UNAPPROVED
January 22, 2015

5 Meeting called to order at 6:01 p.m.
6 Board Members Present: Karen Kalmar, Deborah Driscoll, David Lincoln, Ann Grinnell, Robert Harris,
7 Mark Alesse
8 Members absent: Tom Emerson
9 Staff: Chris DiMatteo, Town Planner

10
11 Pledge of Allegiance
12

13 Site Walk Minutes: Beatrice Lane, 12/22/14
14 Ms. Kalmar moved to approve as submitted
15 Mr. Alesse seconded
16 Motion carried: 6-0-0
17

18 Minutes: January 8, 2015
19 Mr. Lincoln moved to approve as corrected
20 Ms. Driscoll seconded
21 Motion carried: 5-0-1 (Alesse)
22

23 Site Walk Minutes: 24 Goose Point, 12/22/14
24 Add Steven Boss, an abutter, to attendee list
25 Ms. Kalmar moved to approve as submitted
26 Mr. Alesse seconded
27 Motion carried: 6-0-0
28

29 Site Walk Minutes: Betty Welch Road, 1/13/15
30 Ms. Driscoll moved to approve
31 Ms. Kalmar seconded
32 Motion carried: 5-0-1 (Lincoln)
33

34 Public Comment: No public comment
35

36 OLD BUSINESS
37

38 ITEM 1 – Board Member Items / Discussion

39 A. Bylaws; review amendments and adopt

40 Mr. Lincoln: The items do not appear to flow smoothly, and suggests sections be re-ordered at some time.

41 Ms. Grinnell: These are for Planning Board use only, and the sections were amended and added for this
42 final product, from the 1974 original set.
43

44 Ms. Kalmar moved to approve the Planning Board Bylaws as dated January 22, 2015

45 Ms. Driscoll seconded

46 Ms. Kalmar noted the need to add the word 'twelve' to section 4.

47 Role call: Motion carried: 6-0-0
48

49 B. Committee Updates;

50 Ms. Driscoll: There have been no Comprehensive Plan Committee meetings.

51 Ms. Grinnell: The KPA requested continuance as a state authority and passed their first Bylaws.

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C. Action List; review, edit and prioritize

Following Board discussion, the Action List was revised, items combined, re-arranged and assigned to a staff list.

- Mr. DiMatteo will work with DPW to formulate an agreement regarding notification with Planning staff when curb cuts are requested. Members discussed a recent driveway near wetlands off Lewis Road. Moved item to Staff list.
- Discussion followed:
 - Major/Minor Field Changes - Amendment for discussion February 26.
 - Selected Commercial Recreation: Research provided to Board for homework; Mr. DiMatteo will discuss with Charles Williams and prepare amendment language for March 26. Members will provide feedback to staff after reviewing research collected to date.
 - Discussed pre-application meeting checklist (policy) vs. pre-construction meeting (possible Code amendment).
 - Definitions: Shoreland and Substantially Complete - Staff to research.
 - Fines: Concerns about whether fines are ever levied against violations.
 - Seating in public way: Following discussion, proposed to recommend only in Foreside until reviewed by Comp Plan Committee. Mr. DiMatteo will address sunset language in existing Title 5 with Town Manager for Council consideration; and will provide a subject memorandum regarding public seating, overall.
 - Parking credits: How can credits continue to be allowed in Foreside area? Members agreed this needs further discussion.

D. Other

- Mr. Alessee: Pond on Rt. 103 where children ice skate is on a curve. There is a potential for cars sliding into the skating area. Who does one contact regarding such a situation?
Ms. Grinnell: This is a Council level issue.
- Mr. Lincoln: Requests staff follow-up on items requested in meetings.

ITEM 2 – Town Planner Items:

- A. Memorial Circle Improvement Plan
Mr. DiMatteo summarized status of plans for Circle. There is still opportunity for the Board to weigh in on the plans, suggesting there are three opportunities for meeting with MDOT on this project.
- B. KACTS Grant for Route One By-Pass
\$20,000 grant awarded to Sebago Technics with 80% paid by state and 20% by the Town. Mr. DiMatteo summarized status of grant and need for stakeholder meetings. Discussion followed regarding bicycle and pedestrian use of the new bridge and need for a bike path on the By-Pass, consultant task schedule, and stakeholder meetings;.
- C. Route 1 – BP District TPB Advisory Committee
This group was established by the former Town Planner and is not a Council established committee; this group will be included in stakeholder meetings regarding the By-Pass.
- D. Town standing board/committee list. List will be provided at future meeting.
- E. Staff/Applicant meetings prior to formal applications. Previously discussed.
- F. Ongoing Code Amendments.

102 Remaining amendments will be work shopped with Council; Mr. DiMatteo will request a later
103 workshop date to fine-tune amendments.

104

105 G. Other: Memorial Park

106 Fire Department requested space to place a memorial in the park. This was a site plan reviewed
107 and approved by the Board. The intent was to provide for a memorial area for others, in addition
108 to service personnel. Mr. DiMatteo is requesting allowance for staff review and approval to
109 modify the approved plan allowing placement of additional monuments in Memorial Park. There
110 is nothing in the Code that provides for Board, or staff, review. Staff review and approval is
111 requested to help expedite the memorial process.

112 Ms. Kalmar: Did the Thresher Memorial Group intend to include other memorials? Can this be
113 documented?

114 Following further discussion, Board members agreed any modification to the memorial park plan
115 should be reviewed and approved by the Board.

116

117 NEW BUSINESS

118

119 ITEM 3 – Kittery Foreside Committee - Title 16.3.2.15 Mixed Use – Kittery Foreside – MU-KF

120 Discussion. Planning Board to evaluate the need for Kittery Foreside Committee as referenced in Title
121 16.3.2.15. for the execution of the design review of new or expanded buildings as required in the Town
122 Code, and determine next steps in addressing the current situation with no active committee.

123

124 Board members discussed how to proceed with review of projects in the Foreside where Foreside
125 Committee design review is required, though not does not exist. Mr. DiMatteo noted that the Board can
126 request additional design review from professionals if they feel they cannot.

127 Mr. Alesse: Believes the Board can follow the original charge to the Foreside Committee and administer
128 the ordinance and the Design Handbook as part of their review process.

129 Ms. Davis: As Attorney McEachern stated, the Board can act in the place of the Committee and
130 administer the Kittery Foreside code regulations and design guidelines.

131 Ms. Kalmar: Supports the idea of a workshop to further the design review committee charge and report
132 from the Kittery Foreside Group.

133

134 Following discussion:

135

136 Mr. Lincoln moved to defer the issue of the Kittery Foreside Committee until the Town Manager puts
137 together the consolidated report from the Kittery Foreside Study Group

138 Ms. Kalmar seconded

139 Motion carried: 6-0-0

140

141 Mr. DiMatteo: The applicant for the 42 State Road project has asked that a site walk be held prior to the
142 scheduled public hearing on February 12.

143 Board members scheduled a site walk at 42 State Road at 8:00 a.m. February 4, with a snow date of
144 February 11 at 8:00 a.m.

145

146 Mr. Alesse moved to adjourn

147 Ms. Kalmar seconded

148 Motion carried unanimously

149

150 The Kittery Planning Board meeting of January 22, 2015 adjourned at 8:30 p.m.

151 Submitted by Jan Fisk, Recorder, January 30, 2015

Town of Kittery Planning Board Meeting February 12, 2015

State Road Mixed Use Development – Sketch Plan Review

Action: Review, grant or deny concept plan approval. Owner/Applicant Aaron Henderson, HGC, LLC requests approval for a mixed residential/commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7 in the Business Local 1 Zone. Agent is Jeff Clifford, P.E. with Altus Engineering, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	First Sketch Plan review: May 8, 2014 Second Sketch Plan Review: 2/12/15	PENDING
NO	Site Visit	Site inspection made 5/22/14; site visit scheduled for 2/4/15	HELD
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	Public Hearing		
Yes	Final Plan Review		

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.

PLEASE REFER TO PACKET INFO FROM 1/8 MTG

Background:

Applicant is proposing a mixed-use development to include five residential units above three commercial units. This property was before the Board on May 8, 2014. The Board held a site visit in 5/22 and encouraged the applicant to redesign the concept with a building that was closer to the street and parking to the side to reflect current zoning standards. Minutes from the May 8 meeting are included, however the applicant has substantially revised the plan to address Board concerns noted at that meeting. A site visit was made by the Board and Staff and the applicant provided reference points in the field to help demonstrate where the proposed building and access will likely be located. A revised plan has been submitted since the 1/8 meeting.

Review to date:

1. The application appears to be substantially complete, see 16.10.2.2.2 for required submittal information. Since the property is serviced by public sewer and water, a High Intensity Class A Soil Survey may not be required, however the applicant should address in their preliminary application.
2. Tax records indicate the applicant (HGC LLC) owns the parcels included on the plan.
3. With 5 proposed residential dwelling units (tax assessing records find 2 dwellings currently exist), the project is subject to subdivision review.
4. Dimensional and Parking standards have been provided on Sheet C-2.
 - Front yard maximum is 30'; proposal is 15', including street trees along frontage (and Love Lane).
 - Side yard minimum abutting a residential use is 15'; proposal is >15 feet.
5. Parking: Title 16.8.9.4
 - a. Parking is located to the rear and side of the properties. Access and egress is provided from State Road, with access only from Love Lane. Parking spaces along the east side about a residential use. Screening should be addressed per 16.3.2.9.D.2.c.

- b. Parking calculations included on Sheet C-2. Total required parking is 33 spaces, with 30 provided. Applicant proposes a shared parking plan to be provided at preliminary review. Title 16.8.9.4 L and M addresses potential for joint use of parking.

Title 16.8.9.4.

L. The Board of Appeals may, in specific cases of hardship, reduce the requirements for off-street parking where it is clearly demonstrated that such reduction will not detract from neighborhood values, inconvenience the public or increase congestion in the streets.

M. The Board of Appeals may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

- c. Applicant should address 16.8.9.4.G: Parking landscaping.
- d. The aisle and parking associated with the residential parking as shown on the sketch plan at the rear of the property will require a standard modification. Total required aisle and stall depth for perpendicular parking is 43 feet (19 +24), the proposed concept is less than required (Figure 2, Chapter 16.8, Article IX Parking Space Design).

As a sketch plan application, the Board must:

...determine whether the sketch plan proposal complies with the standards contained herein, and must, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in subsequent submissions.

Staff finds the application complete for such a determination, though the Board may find it needs additional information for continued review. The following is a summary of issues to be addressed at preliminary review:

1. Parking requirement including as it relates to shared use, screening, landscape plantings; space design standards.
2. Traffic impact.
3. Site lighting..
4. Snow removal and/or on-site storage.
5. Solid waste/recycling collection and removal (dumpster).
6. Elevations illustrating proposed design and landscaping. Business Local 1 standards reference the Design Handbook for specific applications.
7. Review by fire, police and public works, regarding access/egress, site lines and visibility, road openings, utility easement, etc.
8. Use of State Road (Route 1) Right-Of-Way for any required improvements and landscaping designs (MDOT has been contacted).
9. Erosion and sediment control plans; water runoff to existing storm drain system on State Road.

Board Action:

The sketch plan application is substantially complete, and staff finds the concept plan to be in general conformance with the Code, with the noted exceptions that should be further addressed by the applicant at preliminary plan review.

The Board could approve the sketch plan application and reference the staff comments with any additional direction the Board finds pertinent.

Move to grant concept plan approval for the proposed State Road Mixed Use Development Sketch Plan Review application submitted by Owner/Applicant Aaron Henderson, HGC, LLC, property located at 42 State Road, Tax Map 3, Lots 5, 6 & 7.

ZONING SUMMARY:

Owner of Record: HGC, LLC
 37 Chauncey Road
 Kittery Point, ME 03905

Property Reference: Tax Map 3, Lots 5, 6 & 7
 Lot Size: 0.60 acres (26,220 sq. ft.)
 Zoning: Business-Local (B-L1)
 Existing Use: Two residential Homes
 Proposed Use: Commercial & Residential (Permitted use in B-L1 zone)

	Requirements	Provided
Minimum Land area per dwelling unit when the entire first floor nonresidential use	3,500 sf	4,375 sf
Minimum lot size	20,000 sf	26,220 sf
Minimum Street Frontage	50 ft per bldg	>178 ft
Minimum Building Setbacks		
Maximum Front Yard	30 feet	15.05 feet
Side / Rear		
abutting Residential	15 feet	> 15 feet
abutting other	10 feet	> 10 feet
Maximum Building Height	40 feet	< 40 feet
Maximum Building Coverage	50%	19%
Minimum Landscape area	15%	32%

Parking Standards:
 Parking Stall Size: 9 feet x 19 feet
 Aisle Width: 24 feet min for 90 degree

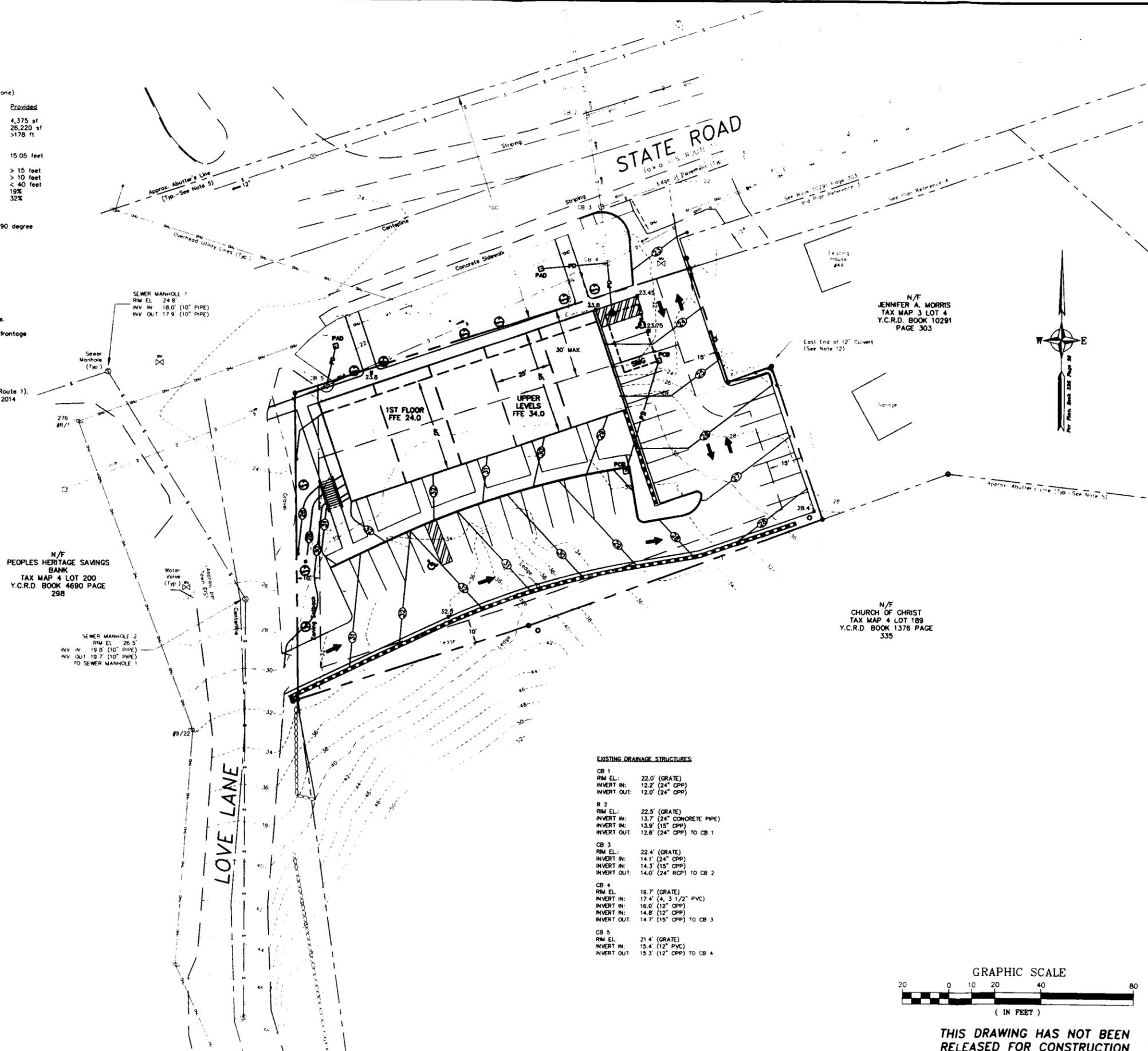
Spaces Required:
 Residential: 7 spaces
 1.5 space/dwelling =
 1.5 space * 5 units =
 Office Space:
 2 spaces/unit plus 1 space/250 sf =
 2 sp * 3 units + (1 sp/250 sf * 5,000 sf) =
 6 spaces + 20 spaces =
26 spaces
 Total required: **33 spaces***
 Spaces Provided: 30 spaces

* Preliminary permit application to include a shared parking analysis.

Landscaping Streetscape: 1 tree/ 25 ft of frontage

PLAN REFERENCES:

- Existing Conditions Plan for Property at 42 State Road (a.k.a. U.S. Route 1), Kittery, Maine, by North Easterly Surveying, Inc., dated November 5, 2014



ALTUS ENGINEERING, INC.
 133 COURT STREET PORTSMOUTH, NH 03801
 (603) 433-2335 www.ALTUS-ENG.com

ISSUED FOR:
 SKETCH PLAN APPROVAL

ISSUE DATE:
 JANUARY 28, 2015

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	SKETCH PLAN SUBMISSION	JKC	12/18/14
1	SKETCH PLAN RE-SUBMIT	JKC	1/28/15

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4639SITE.DWG

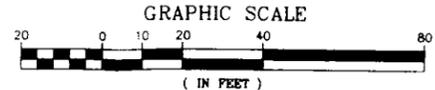
SCALE: 1" = 20'

OWNER/APPLICANT:
HGC, LLC
 37 CHAUNCEY CREEK ROAD
 KITTERY POINT, MAINE 03905

PROJECT:
RESIDENTIAL / OFFICE BUILDING
MAP 3
LOTS 5, 6 & 7
42 STATE ROAD
KITTERY, MAINE

TITLE:
SITE PLAN

SHEET NUMBER:
C - 2



THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

**Town of Kittery
 Planning Board Meeting
 February 12, 2015**

Beatrice Way – Preliminary Major Subdivision Plan.

Action: Hold a Public Hearing, accept or deny preliminary plan. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Map 61 Lot 08, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review		APPROVED
NO	Site Visit	Scheduled 6-12-14	
YES	Determination of Completeness/Acceptance	Scheduled 12-11-14	HELD
	Waiver Request:		GRANTED
YES	Public Hearing	Scheduled for 2-12-15	TBD
YES	Preliminary Plan Review and Approval	Scheduled for 2-12-15	
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.

PLEASE REFER TO PACKET INFO FROM 12/11 MTG

Background

Operation Blessing, LP, represented by Richard Sparkowich, received subdivision approval in August 2008 for three lots. The remaining 58 acres (with existing access from Old Farm Road) maintains 78 feet of frontage along a right-of-way that formerly was owned by Goodhouse Construction (Highpoint Circle developer) and currently co-owned by abutters Hanson and Gasbarro.

Through numerous iterations that included an amended subdivision plan, a cluster Sketch Plan, a Right-Of-Way plan, the Board granted approval of the conventional subdivision concept June 12, 2014. The Applicant has submitted a preliminary plan application for a conventional subdivision including a Request for Special Exception as required for non-clustered subdivision.

Minutes from the June meeting were attached to the 12/11/14 PRN for your reference.

Review to date

CMA has completed their initial review, see attached report dated 1/21/2015. The applicant has not made it clear to the Board any waivers they are planning will be needed. Staff has the following comments in addition to the Peer-Review:

- 1) Open space. 16.3.2.1.D.3.b.i Minimum percentage of Common Open Space, 15%. The current plan does not accommodate any open space. Staff recommends that the applicant designates land for this purpose at the rear of the property in the vicinity of the vernal pools. When considering the vernal

PLAN REVIEW NOTES
Beatrice Way Subdivision
SUBDIVISION PLAN REVIEW

- pools, it may make sense to have the minimum required 8.6 ± acres designated in the far most northwestern corner. See attached Exhibit 1. In addition the Board may want to consider placing additional restrictions on the wetland setbacks that are adjacent to the vernal pool locations.
- 2) Boundary between proposed Lot H and abutting property Map 61-Lot 9-8 (Gasbarro). Attached is an email from the Gasbarros. It is not clear from the Subdivision Plan the old woods road that abuts their property is to be discontinued as indicated by the applicant, this needs to be clarified. Further, Staff recommends it should be entirely removed and a vegetated/fence buffer should be established and maintained in the same locale as discussed during Sketch Plan Review.
 - 3) The street acceptance for the Highpointe circle extension. When the applicant was before the Planning Board for Sketch Plan Review, the Board requested that the issue around the street naming of the section of roadway that is between the public street Highpointe Circle and the terminus of Kittree Lane. The Applicant will need to provide the necessary documentation to demonstrate that this portion of roadway, constructed by the Applicant as part of the 2008 three-lot subdivision, and to petition the Town to accept this length of roadway as public street and a part of the existing Highpointe Circle.
 - 4) Boundary Plan. It is not clear from the plans submitted that the entire boundary of the subject parcel is part of a 'Boundary Survey' that Northeasterly Survey has performed and/or certifies.
 - 5) Net Residential Density. 16.3.2.1.D.2 Minimum Land Area per Dwelling Unit requires the deduction of land area per 16.2.2 Net Residential Acreage. These calculations need to be placed on the Subdivision Plan.
 - 6) The Subdivision Plan references wetland delineation from a Sketch Plan prepared in 2007 and undocumented information from the applicant. Staff recommends that the wetlands that in part determine building envelopes be delineated or re-certified by a wetland scientist.

Concerning issue raised by CMA's Peer Review regarding Multi-family dwellings:
Staff does not find this to be an issue. The inclusion of the term 'dwellings' vs. 'single family dwellings' or 'dwellings in a single family configuration' should not be construed as meaning exclusively single family. The definition of dwelling refers to one or more families.

Recommendation / Board Action

The application appears to have outstanding items that may need to be addressed prior to preliminary plan approval. Staff recommends the Board move to continue Operation Blessing LP's Beatrice Way Major Subdivision Plan application not to exceed 90 days, or it may determine that continuing the public hearing is important and move to continue the application and public hearing to a specific future date.



CMA ENGINEERS, INC.

CIVIL/ENVIRONMENTAL ENGINEERS

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Portsmouth, New Hampshire
03801-3819

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E-mail: info@cmaengineers.com

Web Site: www.cmaengineers.com

January 21, 2015

Chris DiMatteo, Town Planner
Town of Kittery
P.O. Box 808
Kittery, Maine 03904

**RE: Town of Kittery, Planning Board Services
Beatrice Lane 5 Lot Subdivision; Tax Map 61, Lot 8
CMA #591.82**

Dear Chris:

CMA Engineers has received the following information for Assignment #82 regarding the proposed subdivision Beatrice Lane (Tax Map 61, Lot 8).

- 1) Preliminary Subdivision Plan – Beatrice Lane for Property at 22/24 Old Farm Road/Highpointe Circle/Kittree Lane, Tax Map 61, Lot 8, prepared by Northeasterly Survey, Inc. of Kittery, ME; and Attar Engineering, Eliot, ME dated October 20, 2014, for Operation Blessing, LP, Portsmouth, NH.
- 2) Project narrative and associated materials prepared by Northeasterly Survey, Inc. of Kittery, ME, dated October 23, 2014.
- 3) Stormwater Management Study, Beatrice Lane, Kittery, Maine, prepared by Attar Engineering, Eliot, ME dated October 20, 2014.

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code (LUDC) and general engineering practices, and offer the comments below that correspond directly to the Town's Ordinances. This review is of a preliminary submittal per 16.10.5.

General

The project includes a 5 lot subdivision of an existing 53.59 acre lot at 22/24 Old Farm Road/Highpointe Circle/Kittree Lane in Kittery. The lot is in the Residential-Rural Zone and a subdivision is considered a special exception use. No direct impacts of proposed construction are proposed in wetlands, or within specified wetlands buffers/setbacks. Three existing buildings exist on the lot. These buildings and associated areas are proposed as one of the five lots of the subdivision.

A right-of-way (ROW) is proposed, with a “hammer-head” turn-around, and driveway access to three of the lots (Parcel A and I share a driveway) off the hammer-head and ROW.

All lots are proposed to be served by private wells and on-site septic systems.

16.3 Zoning Regulations

16.3.2.1 Residential-Rural (R-RL)

The proposed use (dwellings in a major or minor subdivision) is a special exception use.

Proposed parcel 61-8G contains several residences, including multi-family units. It does not appear that multiple dwellings are permitted on a single lot. This is a pre-existing condition, but the subdivision reduces the lot size. Does this make a non-conforming use more non-conforming? This should be confirmed as an issue, or not. Is Zoning Board action necessary?

16.3.2.2. The proposed subdivided lots meet all dimensional standards.

16.8 Design and Performance Standards-Built Environment

Article IV. Streets and Pedestrian Ways

16.8.4.3 Street Classification

The private street would be classified as a Class II Private Street under Table 1.

Comments:

Street Width Design:

- c. Sidewalk/Pedestrian way-5’ sidewalks are required, none are shown on the plans.
The Planning Board may determine with applicant sidewalk material requirements (i.e.: paved, gravel, curbing).
- e. The roadway from Sta 3+27 to Sta 5+78 does not have a gravel shoulder on the left side of the roadway.
In this stretch, grading is proposed all the way to the curbing. There is no provision for diversion of drainage from the sloped area directly onto the roadway.

In addition in this area the cuts are proposed immediately below the apparent location of an existing septic leachfield. The applicant should characterize the leachfield, and determine whether the cuts have any potential to intercept any seepage from the leachfield.

Cul-de-sac: The roadway has a hammerhead turn tee.

The subdivision plan indicates that Parcels A and I are served by a 60' wide right-of-way. The existing access is a woods road that crosses a stream without a discernible culvert crossing. No improvements to the driveway are shown or proposed. This shared driveway would be classified as a Class I private street and should be built to those standards. Construction of any improvements to this access would involve impacts to the wetland crossing per of Section 16.9.3. These are not yet addressed..

Sight Distance and Traffic Study

It is presumed that a traffic study is not warranted for this proposed 5-lot subdivision. *The applicant should confirm what the sight distances are, and whether any actions are necessary to increase or maintain sight distance(s).*

Article VI. Water Supply

16.8.6.1 Use of individual wells is proposed.

Article VII. Sewage Disposal

On-site septic systems are proposed. Evaluation of soils supports the design of these systems. We note that all four test pits on Parcel A show a limiting factor within 24" of the surface.

Article VIII. Surface Drainage

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 there are slight decreases to stormwater flows.

The planning Board may reasonably waive, if requested, the requirement for York County Soil and Water Conservation Review per 18.8.8.1 D.e.

16.9 Design and Performance Standards-Natural Environment

16.9.1.4 Soil Suitability

B. This subdivision requires a high intensity soil survey. The stormwater management study indicates that a soil survey was completed previously. The Applicant should provide the High Intensity Soil Study for review.

16.9.2.5 Archaeological or Historic Sites

Has it been confirmed that there are no features on the site that are jurisdictional?

Table 16.9

The proposed development does not directly impact wetlands, however there is apparently an existing stream crossing on the gravel road to Parcels A and I. Improvements to the driveway are likely required, and would involve wetlands impacts?

The required setbacks to other wetlands are proposed as required.

General

The plan shows the granite curb on the left side of the road from Sta 3+27 to Sta 4+99 but label the curb as being on the right side of the roadway. The detail for the curbed section of roadway shows the curb on the right side until Sta 5+78. These discrepancies should be corrected.

Should you have any questions, please do not hesitate to call.

Very truly yours,

CMA ENGINEERS, INC.



Jodie Bray Strickland, P.E.

Project Engineer

cc: Kenneth Markley, LLS, Northeasterly Survey, Inc

December 9, 2014

Kittery, Maine Planning Board Members

12/11/14 Meeting

We are unable to attend the 12/11/14 Planning Board meeting which includes discussion of the Operations Blessing proposed 5 lot subdivision. As you are aware there are existing conditions which need to be resolved which have been discussed numerous times since completion of Highpointe Circle. Please consider the following during your discussion and include the appropriate language to ensure the following are incorporated in the final subdivision plans and one step further if the subdivision does not proceed the restrictions are still required.

- 1, The closure of Wood Road to **all vehicles**. I emphasize all vehicles since snow plows and trucks continue to use the road, which is described is a walking path. I recommend the path become a wooded buffer for a specified footage abutting the new lots.
2. Any progress on the Town accepting the private roadway owned by Gasbarro and Hanson?
3. Street signage: the safety issue remains with Highpointe Circle running into Kittrey Lane.
4. Same concern regarding construction vehicles accessing the proposed subdivision via of Highpointe circle vs Kittrey Lane which is owned and maintained by Operation Blessing. I also fear construction vehicles will utilize "Woods Rd "if the road/path is not closed.

Thank you for your consideration in the above matters.

Joe and Linda Gasbarro

January 26, 2015

Chris DiMatteo
Kittery Town Planner
200 Rogers Road
Kittery, ME 03904

RECEIVED
FEB 05 2015

Subject: Road sideslope fill - Operation Blessing Limited Partnership

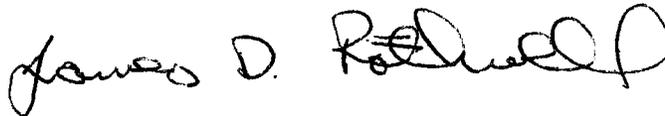
Dear Mr. DiMatteo,

We have been contacted by our abutters, Operation Blessing Limited Partnership (O.B.L.P.) concerning future road grading that will extend onto our property. We understand that O.B.L.P. is seeking Town approval for a 5-Lot Subdivision, adjacent to our property.

The affected area is a small, upland, section in the southwest corner of our property.

We wish to convey to the Town that, we have no objection to accommodating the sideslope fill from Operation Blessing Limited Partnership's Road Construction Project.

Sincerely,



James D. Rothwell
Tax Map 61, Lot 8F

2-2-15

Town of Kittery Planning Board Meeting February 12, 2015

Old Armory Way Mixed Use - Preliminary Site Plan.

Action: Hold a Public Hearing, accept or deny preliminary plan. Owner/applicant Ken McDavitt requests approval to construct two condominiums (total of three dwelling units) with 8 commercial boat slips at 15 Old Armory Way, Map 4, Lot 51 in the Mixed Use Kittery Foreside Zone, Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones. Agent is Ken Wood, P.E., Attar Engineering, Inc., Eliot, Maine.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review/Approval	Scheduled: 5/8/14	GRANTED
NO	Site Visit	Held during Sketch Plan; scheduled for 2/4/15	HELD
YES	Preliminary Plan Review Completeness/Acceptance	Scheduled for 1/8/2015	PENDING
YES	Public Hearing	Scheduled for 2/12/2015	TBD
YES	Port Authority Approval		TBD
YES	Final Plan Review		TBD

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.

PLEASE REFER TO PACKET INFO FROM 1/8 MTG

Background

Applicant began the process for parcel development in 2012, not proceeding beyond the sketch plan review level. In June 2014 the Applicant received Sketch Plan approval. The Applicant has submitted a preliminary plan application based on the concept approved in June.

The project consists primarily of two new residential condominium buildings (3 dwelling units) replacing one principal structure (3 dwelling units) and garage and the creation of 8 commercial boat slips. Construction of associated parking for the boat slips is part of the proposed project, residential parking is provided in attached garages and a single exterior space adjacent to the buildings.

A retaining wall is required for the commercial parking which is designed for 5 spaces and one accessible space. The Applicant has prepared a stormwater management report for CMA's review.

Staff Comments

Standard Boundary Survey

Per Title 16.10.5.2.B.4 a Standard Boundary Survey is required at the preliminary plan application. It was requested at the 1/8 meeting for insight from CMA regarding the suitability of the 1986 Thomas F Moran survey submitted as a Standard Boundary Survey. See attached 2/5/15 email from Mr. Straub.

Staff has obtained standard boundary survey information from an abutter that attended the recent site visit. The survey is attached. Staff recommends that the applicant has a Maine Professional Land Surveyor prepare a Standard Boundary Survey for the subject property in accordance with the technical standards of practice of the Maine Board of Licensure for Professional Land Surveyors. The attached

survey is an example of this expectation. It is also anticipated that the preparation of the Standard Boundary Survey includes a Surveyor's Report. At a minimum, the Applicant can obtain the services of Thomas F Moran to update the 1986 survey and presumably provide an updated Surveyor's report.

Peer Review

CMA has prepared an initial review, attached. There are two items that need clarification:

- 1) Under *16.3 Zoning Regulations* CMA states that the proposed dwellings in the Shoreland Overlay Zone is a special exception use. Staff wants to clarify that while this is the case per the zoning, this property has three existing dwellings, so the requirement to approve the existing use is not applicable.
- 2) See attached email regarding stormwater and traffic.

Staff Review

In addition to the comments made by CMA in their 1/30/15 review Staff has the following comments:

- 1) Title 16.10.10.2.D.6 *protect archeological and historic resources*, anticipates that this is demonstrated by the Applicant. It is recommended that the Maine Historic Preservation Commission is contacted and requested to provide any information on the property and provide an opinion on the significance, if any, of the existing buildings and property.
- 2) Title 16.8.15 *Piers, Wharves, Marinas and Other Uses Projecting into Water Bodies*, includes provisions that are pertinent to this application. The applicant needs to address this section of the Code and demonstrate conformance to those that are applicable.
- 3) In the same manner as above, the Applicant needs to address the applicable provisions in Title 16.11 *Marine Related Development*.
- 4) Plan Note #3 should reflect the Minimum land area per dwelling unit/Lot size in the Shoreland Overlay Zone is 10,000 S.F., not 5,000.
- 5) It is not clear that the Parcel size, 31,300 S.F. does or does not include lands below the HAT (Normal high-water line of a waterbody). See definition of Lot Area, 16.2.2.
- 6) The applicant addresses some of the design standards required in the Mixed-Use Kittery Foreside base zone, however, a more detailed analysis, perhaps by the project architect, specific to the pertinent provisions in Title 16.3.2.15.D.4. and the guidelines in the Design Handbook may be more helpful. The Board, in lieu of a review by the *Kittery Foreside Committee*, may elect to require a peer-review of the proposed building design by an architectural firm to determine conformance to the Design Standards and guidelines.
- 7) Applicant should address those items the Board outlined at the 1/8/15 meeting, see approved minutes for that date.

Board's Action

Staff recommends the Planning Board continue the plan application allowing enough time for the applicant to respond the CMA, Staff and any other comments that the Board may have. The Board may also consider leaving the public hearing open if it appears it would be important to provide another opportunity for public input.

move to continue the site plan application of Ken McDavitt to construct two residential condominiums (total of three dwelling units) with 8 commercial boat slips at 15 Old Armory Way, Tax Map 4, Lot 51 and public hearing to April 9, 2015 (or other meeting date)



January 30, 2015

Chris DiMatteo, Town Planner
Town of Kittery
P.O. Box 808
Kittery, Maine 03904

**RE: Town of Kittery, Planning Board Services
Old Armory Way; Tax Map 4, Lot 51
CMA #591.84**

Dear Chris:

CMA Engineers has received the following information for Assignment #84 regarding the proposed site plan at 15 Old Armory Way (Tax Map 4, Lot 51).

- 1) Site Plan – 15 Old Armory Way, Kittery, Maine. For Ken McDavitt, 157 Red Gate Road, Sanbornville, NH, 03872 by Attar Engineering, Inc. of Eliot, Maine dated 10/28/11 and revised 12/15/14.
- 2) Project narrative by Ken and Sandy McDavitt, dated December 19, 2014.
- 3) Traffic Statement by Attar Engineering, Inc. dated December 15, 2014.
- 4) Preliminary Wall Section by RediRock International dated October 10, 2014.
- 5) 15 Old Armory Way, Kittery, Maine, Stormwater Management Study, by Attar Engineering, Eliot, ME dated November 24, 2014.

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code (LUDC) and general engineering practices, and offer the comments below that correspond directly to the Town's Ordinances. This review is of a preliminary submittal per 16.10.5.

General

The project includes replacing an existing building with two new buildings (with 3 total residential units), a bathhouse, new larger dock with 8 boats slips and associated 6 space parking area at 15 Old Armory Way in Kittery. The lot is 31, 300 sf in the Mixed Use- Kittery Foreside Zone, Shoreland Overlay Zone and Commercial Fisheries/Maritime Activities Overlay Zone.

All units are proposed to be served by municipal water and sewer services.

CMA ENGINEERS, INC.
CIVIL/ENVIRONMENTAL ENGINEERS

35 Bow Street
Portsmouth, New Hampshire
03801-3819

Phone: 603/431-6196

Fax: 603/431-5376

E-mail: info@cmaengineers.com

Web Site: www.cmaengineers.com

16.3 Zoning Regulations

16.3.2.15. Mixed Use-Kittery Foreside (MU-KF)

The proposed use (dwellings) is a permitted use.

16.3.2.15.D.

2, 3. The proposed development meets all dimensional standards.

16.3.2.15.D.4.2.ii.d, e.

Architectural drawings should be provided to assess conformance with zoning regulations.

16.3.2.17. Shoreland Overlay Zone (OZ-SL)

b. The proposed use (dwellings) is a special exception use.

D. The proposed development meets all dimensional standards.

16.3.2.18. Commercial Fisheries/Maritime Activities Overlay Zone (OZ-CFMU)

No buildings but a portion of the parking area is proposed in the commercial fisheries/maritime activities overlay zone.

16.8 Design and Performance Standards-Built Environment

Sight Distance and Traffic Study

It is presumed that a traffic study is not warranted for this project. The Applicant has provided a traffic estimate of 2.3 additional peak hour trips (attributed to the boat slips).

Article VI. Water Supply

16.8.6.1. Use of municipal water supply is proposed. The Applicant should show the location of the proposed water services.

16.8.6.4. The Applicant has provided a letter from the Kittery Water District stating that there is sufficient quantity to serve the development dated November 20, 2014.

Article VII. Sewage Disposal

16.8.7.1. Public sewer is proposed.

Article VIII. Surface Drainage

The applicant has presented a Stormwater Management Plan. This plan should be prepared and stamped by a Maine licensed civil engineer. The plan should include the existing conditions and Tcs and developed conditions and Tcs included in the plan set. There are minor changes to stormwater treatment on site post-construction and slight increases to stormwater flows are shown (0.05 cfs, 0.03 cfs and 0.01 cfs). These increases are small especially since the discharge goes to

the river/ocean, however additional BMPs could be constructed to prevent these increases and provide some stormwater treatment (currently stormwater management consists of a vegetated swale and level spreader only). *Does the Planning Board require additional stormwater management and treatment?*

The Operation and Maintenance Program for the Stormwater Management BMPs should discuss the frequency of required maintenance on the swale and should include maintenance practices and frequency of these practices for the level spreader.

The planning Board may reasonably waive, if requested, the requirement for York County Soil and Water Conservation Review per 18.8.8.1 D.e.

Article XVII. Utilities

16.8.17. The Applicant has indicated that utilities will be underground. The location of the proposed underground utilities and details should be provided.

Article XXIV. Exterior Lighting

16.8.24. The Applicant has indicated that external lighting will be included and should provide a lighting plan and lighting fixture cut sheets to prove conformance with Ordinances.

Article XVIII. Landscaping

16.8.18. The Applicant has indicated that landscaping will be included and should provide a landscaping plan to prove conformance with Ordinances.

16.9 Design and Performance Standards-Natural Environment

16.9.2.1. Tree Clearing

Tree clearing should be limited to areas shown on the plan. These areas should be clearly shown and indicated on the plan.

16.9.2.4. Landscape Plan

The Planning Board may require a landscape plan that indicates preservation of trees ten inches or more, caliper at breast height.

16.9.2.5 Archaeological or Historic Sites

Has it been confirmed that there are no features on the site that are jurisdictional?

General

The proposed development includes construction of a new larger dock and eight boat slips. The Applicant states that they are planning to present the proposal to Kittery Port Authority, Army

Corps of Engineers, Maine Department of Environmental Protection, and the Maine Bureau of Lands for these respective required approvals. Documentation of these approvals should be provided. *Does construction of the dock require any Planning Board review or approval separate from these other agencies?*

The Applicant is proposing construction of a retaining wall. The maximum height is 13 or 14 feet, which is substantial. The Planning Board review process should include review of this structure. The wall should be designed by a licensed structural engineer. Relevant details and design of this retaining wall should be provided. There is a guardrail detail provided but no guardrail location is indicated on the plans. A scaled elevation/cross section through the parking area and retaining wall would be useful and should be provided.

The boat slips are described as having water and electricity service. No details on these and any other utilities has been provided.

There is a bath house shown adjacent to the parking area but not defined. Will this bath house have water and sewer services? Grading, access, elevations, architectural treatment and other details should be provided.

A handicap parking space is provided in the boat slip parking area but the path to the boat slips is not accessible. Grades over 9% are indicated. What are the staircases proposed to be constructed of, and what are the dimensions and details including railings? Is the waterfront access required to be handicap accessible? The Applicant should describe the requirements for ADA compliance for all facilities.

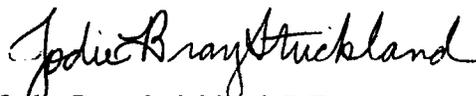
The plan references a 1986 survey by TF Moran. The plans do not show any monumentation on the ground locating the boundary survey. In addition, there is no monumentation indicating the actual width of Old Armory Way, which is shown to be 22 feet.

The drawings need to be stamped by a licensed professional engineer in the State of Maine as they are being submitted for public review and use.

Should you have any questions, please do not hesitate to call.

Very truly yours,

CMA ENGINEERS, INC.



Jodie Bray Strickland, P.E.

Project Engineer

cc: Edward Brake, EIT, Attar Engineering, Inc.

Chris DiMatteo

From: William Straub <wstraub@cmaengineers.com>
Sent: Thursday, February 05, 2015 12:59 PM
To: Chris DiMatteo
Cc: Jodie Bray Strickland
Subject: 15 Old Armory Way - Boundary Survey

Chris,

We have reviewed a paper photo-copy of 1986 "Plan of Land" for Ralph E. Dennett prepared by T.F. Moran Inc. This boundary survey is used by Attar Engineering in the site plan for the proposed development at 15 Old Armory Way. It includes metes and bounds for the property, including notes of monumentation, including 2 found monuments and 3 points apparently set at the time of survey. There is reference to one other plan, and few notes.

The paper copy we reviewed includes a signature of Thomas F Moran (dated Dec 1, 1986) , but there is no surveyors stamp evident. Does the original have a surveyors stamp? Also, was the plan recorded in the York County Deed Registry? There is no record of recordation on the copy we reviewed.

Because the survey is almost 30 years old, the issue has been raised as to whether the plan should be reviewed by a Maine licensed surveyor, and the information confirmed as they relate to the layout of the proposed development. It would seem appropriate to request the applicant to have such a surveyors review completed, with appropriate notes and associated documentation in accordance with current technical standards of practice per Maine Board of Licensure. If the original plan is not stamped by a Maine LLS, this would be necessary for public reliance. Even if it is determined that the plan was stamped, it would afford the applicant and Town assurance as the planning board process continues.

If you have any questions, please let us know.

Best,

Bill

Bill Straub, PE

CMA
ENGINEERS
(603) 431-6196

Chris DiMatteo

From: William Straub <wstraub@cmaengineers.com>
Sent: Thursday, February 05, 2015 4:11 PM
To: Chris DiMatteo; William Straub
Cc: Jodie Bray Strickland
Subject: RE: 15 Old Armory Way - Boundary Survey

Yes, nicely summarized.

Best,

Bill

Chris DiMatteo <CDiMatteo@kitteryme.org> wrote:

Hi Bill,

Per our phone conversation with regard to traffic, in your opinion the proposed increased volume is not significant enough to create any issues at the intersection of Old Armory Way and Government Street, however, requiring the applicant to demonstrate the proper geometrics are available to support the proposed vehicle movements in and out of the site.

Secondly, the question regarding requiring stormwater treatment. You clarified that since the applicant will presumably have to address the drainage on the site keeping increases in check, it would not be unreasonable to request treatment to be addressed at the same time.

Thanks for the reply.

Chris

From: William Straub [mailto:wstraub@cmaengineers.com]
Sent: Thursday, February 05, 2015 3:34 PM
To: Chris DiMatteo; William Straub
Cc: Jodie Bray Strickland
Subject: RE: 15 Old Armory Way - Boundary Survey

Chris,

On the roadway/traffic...It's not a traffic issue per se. The increased traffic would not be the issue. It's the geometrics of vehicle motions that matter. There aren't obvious issues with geometrics; we think they work.

We have no problem adding an item requesting that the applicant demonstrate that all vehicle motions are readily feasible; at the parking lot and in and out of the houses/parking spots.

On stormwater, there's no criteria per se. But if they control stormwater discharge control, they could readily add LID treatment features.

If you want to discuss, call my cell 603 828 6167.

Best,

Bill

Chris DiMatteo <CDiMatteo@kitteryme.org> wrote:

Hi Bill,

As I'm going through your review, a couple of questions.

- 1) Traffic. There seemed to be interest in the aspects of the narrow roadway necessitating a look at the increase in traffic. Am I to construe that regardless of the geometrics/deficiencies of OAW, the presumed increase in trips does not necessitate a traffic study? Of any kind?
- 2) Stormwater. You ask a question regarding if additional stormwater management and treatment will be required. What criteria/factors should be considered in determining an answer to this?

Thanks

Chris

From: William Straub [<mailto:wstraub@cmaengineers.com>]

Sent: Thursday, February 05, 2015 12:59 PM

To: Chris DiMatteo

Cc: Jodie Bray Strickland

Subject: 15 Old Armory Way - Boundary Survey

Chris,

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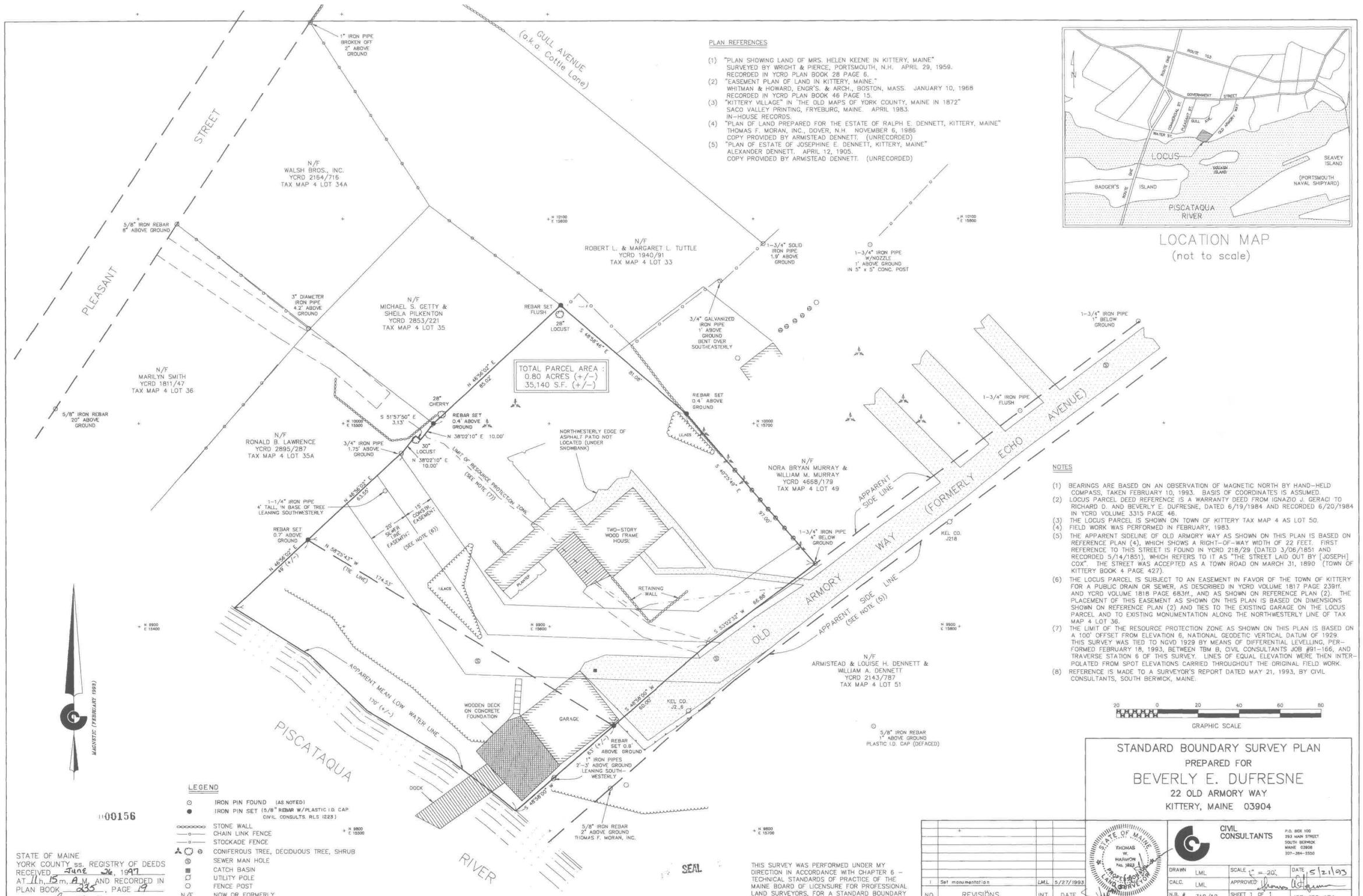
If you have any questions, please let us know.

Best,

Bill

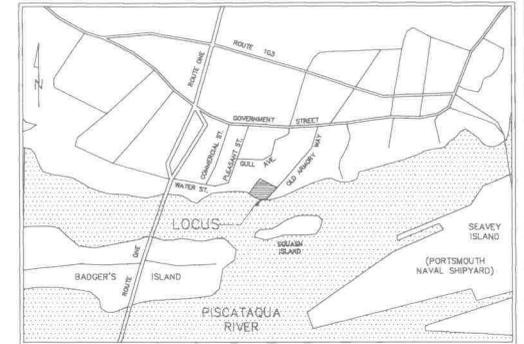
Bill Straub, PE

CMA
ENGINEERS



PLAN REFERENCES

- "PLAN SHOWING LAND OF MRS. HELEN KEENE IN KITTERY, MAINE" SURVEYED BY WRIGHT & PIERCE, PORTSMOUTH, N.H. APRIL 29, 1956. RECORDED IN YCRD PLAN BOOK 28 PAGE 6.
- "EASEMENT PLAN OF LAND IN KITTERY, MAINE" - WHITMAN & HOWARD, ENGR'S. & ARCH., BOSTON, MASS. JANUARY 10, 1968 RECORDED IN YCRD PLAN BOOK 46 PAGE 15.
- "KITTERY VILLAGE" IN "THE OLD MAPS OF YORK COUNTY, MAINE IN 1872" SAGO VALLEY PRINTING, FRYEBURG, MAINE. APRIL 1983. IN-HOUSE RECORDS.
- "PLAN OF LAND PREPARED FOR THE ESTATE OF RALPH E. DENNETT, KITTERY, MAINE" THOMAS F. MORAN, INC., DOVER, N.H. NOVEMBER 6, 1986 COPY PROVIDED BY ARMISTEAD DENNETT. (UNRECORDED).
- "PLAN OF ESTATE OF JOSEPHINE E. DENNETT, KITTERY, MAINE" ALEXANDER DENNETT. APRIL 12, 1905. COPY PROVIDED BY ARMISTEAD DENNETT. (UNRECORDED).



LOCATION MAP (not to scale)

TOTAL PARCEL AREA
0.80 ACRES (+/-)
35,140 S.F. (+/-)

NOTES

- BEARINGS ARE BASED ON AN OBSERVATION OF MAGNETIC NORTH BY HAND-HELD COMPASS, TAKEN FEBRUARY 10, 1993. BASIS OF COORDINATES IS ASSUMED.
- LOCUS PARCEL DEED REFERENCE IS A WARRANTY DEED FROM IGNAZIO J. GERACI TO RICHARD D. AND BEVERLY E. DUFRESNE, DATED 6/19/1984 AND RECORDED 6/20/1984 IN YCRD VOLUME 3315 PAGE 46.
- THE LOCUS PARCEL IS SHOWN ON TOWN OF KITTERY TAX MAP 4 AS LOT 50.
- FIELD WORK WAS PERFORMED IN FEBRUARY, 1993.
- THE APPARENT SIDELINE OF OLD ARMOURY WAY AS SHOWN ON THIS PLAN IS BASED ON REFERENCE PLAN (4), WHICH SHOWS A RIGHT-OF-WAY WIDTH OF 22 FEET. FIRST REFERENCE TO THIS STREET IS FOUND IN YCRD 218/29 (DATED 3/06/1851 AND RECORDED 5/14/1851), WHICH REFERS TO IT AS "THE STREET LAID OUT BY [JOSEPH] COX". THE STREET WAS ACCEPTED AS A TOWN ROAD ON MARCH 31, 1890 (TOWN OF KITTERY BOOK 4 PAGE 427).
- THE LOCUS PARCEL IS SUBJECT TO AN EASEMENT IN FAVOR OF THE TOWN OF KITTERY FOR A PUBLIC DRAIN OR SEWER, AS DESCRIBED IN YCRD VOLUME 1817 PAGE 239H AND YCRD VOLUME 1818 PAGE 663H, AND AS SHOWN ON REFERENCE PLAN (2). THE PLACEMENT OF THIS EASEMENT AS SHOWN ON THIS PLAN IS BASED ON DIMENSIONS SHOWN ON REFERENCE PLAN (2) AND TIES TO THE EXISTING GARAGE ON THE LOCUS PARCEL AND TO EXISTING MONUMENTATION ALONG THE NORTH-WESTERLY LINE OF TAX MAP 4 LOT 36.
- THE LIMIT OF THE RESOURCE PROTECTION ZONE AS SHOWN ON THIS PLAN IS BASED ON A 100' OFFSET FROM ELEVATION 6, NATIONAL GEODETIC VERTICAL DATUM OF 1929. THIS SURVEY WAS TIED TO NGVD 1929 BY MEANS OF DIFFERENTIAL LEVELLING, PERFORMED FEBRUARY 18, 1993, BETWEEN TBM B, CIVIL CONSULTANTS JOB #91-166, AND TRAVERSE STATION 6 OF THIS SURVEY. LINES OF EQUAL ELEVATION WERE THEN INTERPOLATED FROM SPOT ELEVATIONS CARRIED THROUGHOUT THE ORIGINAL FIELD WORK.
- REFERENCE IS MADE TO A SURVEYOR'S REPORT DATED MAY 21, 1993, BY CIVIL CONSULTANTS, SOUTH BERWICK, MAINE.



STANDARD BOUNDARY SURVEY PLAN
PREPARED FOR
BEVERLY E. DUFRESNE
22 OLD ARMOURY WAY
KITTERY, MAINE 03904

LEGEND

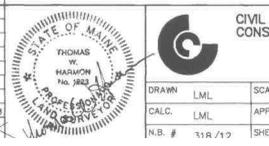
- IRON PIN FOUND (AS NOTED)
- IRON PIN SET (5/8" REBAR W/PLASTIC I.D. CAP CIVIL CONSULTANTS RLS 1223)
- ▬ STONE WALL
- ▬ CHAIN LINK FENCE
- ▬ STOCKADE FENCE
- CONIFEROUS TREE, DECIDUOUS TREE, SHRUB
- SEWER MAN HOLE
- CATCH BASIN
- UTILITY POLE
- FENCE POST
- N/F NOW OR FORMERLY

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED **June 30, 1997**
AT 11h, 15m, 23s AND RECORDED IN
PLAN BOOK **288**, PAGE **17**

THIS SURVEY WAS PERFORMED UNDER MY
DIRECTION IN ACCORDANCE WITH CHAPTER 6 -
TECHNICAL STANDARDS OF PRACTICE OF THE
MAINE BOARD OF LICENSURE FOR PROFESSIONAL
LAND SURVEYORS, FOR A STANDARD BOUNDARY

CIVIL CONSULTANTS		P.O. BOX 100 283 MAIN STREET SOUTH BERWICK, MAINE 03908 207-384-9500	
DRAWN	LML	SCALE	1" = 20'
CALC.	LML	APPROVED	Wm. [Signature]
N.B. #	318/12	SHEET	1 OF 1

NO.	REVISIONS	INT.	DATE
1	Set monumentation	LML	5/27/1993



**Town of Kittery Maine
Town Planning Board Meeting
February 12, 2015**

118 Pepperrell Road - Shoreland Development Plan Review

Action: Hold a Public Hearing, accept or deny plan approval. Steven Gerhartz and Susan Pendry, owner/applicant, requests approval to remove and reconstruct secondary dwelling unit and reconfigure existing stairs on primary dwelling unit at 118 Pepperrell Road in the Residential-Kittery Point Village and Shoreland Overlay zones, Tax Map 27, Lot 37. Agent is Ken Markley, R.L.S., North Easterly Surveying, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
NO	Site Visit	Scheduled: 2/4/15	HELD
YES	Determination of Completeness/Acceptance	January 8, 2015	
YES	Public Hearing	Scheduled: 2/12/15	
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.

PLEASE REFER TO PACKET INFO FROM 1/8 MTG

Staff Comments:

This is a nonconforming lot with nonconforming structures. Minimum standards and existing / proposed conditions:

Standard	KPV	Shoreland	Existing	Proposed
Use (Secondary DU)	Permitted*	Special Exception	Residential	No change
Lot	40,000 sf	40,000 sf	No change	No change
Front	40'	-	18'	18'
Rear	15'	-	37'	37'
Side	15'	-	0'	2'
Shoreland Overlay		100'	40.5'	42.5'

*In the KPV Zone: Dwellings, excluding mobile homes, in a single-family, duplex, and multi-unit residential configuration with not more than four units per building.

Primary Dwelling Unit:

- Applicant received prior Planning Board approval for improvements to the primary dwelling unit on April 11, 2013 (minutes enclosed).
- Agent states the current proposal is to reconfigure the existing stairs at the primary dwelling unit with no increase in square footage. This is unclear in the inset figure provided; dimensions should be included. It also appears the addition of the proposed stairs and stone wall, and retention of a garden space, will increase the overall devegetated area on the lot. Prior to the 2013 approval, the total devegetated area was 27.8%. This was reduced with the 2013 approved plan by 100 sf to 27.1%. and is further reduced to 27% with the revised stair area from 95 sf to 66 sf.

Secondary Dwelling Unit:

- Records dating to 1974 indicate this unit has been on the lot and utilized as a dwelling unit or guest house.
- Currently this unit is identified on Vision (attached) as a camp, with coal/wood heat source and old-style kitchen and bath.
- File records indicate the subsurface wastewater disposal system, designed and approved in 1998, was sized at 1,200 gallons for two residential structures (3 bedroom house; 1 bedroom guest house). Current regulations require a 1,000 gallon system for 4 bedrooms (application and regulation attached).
- Tax records indicate Building 2 (camp) is 'seasonal use only' with an organic toilet. What is the intended use of this second building? Will it continue to be seasonal?
- The applicant is not proposing to move the new structure any further into the parcel to meet side yard requirements (15 feet) as this will place the structure in the VE/V2 flood zone area. Proposal is to move the new structure 3 feet further west from the HAT, but due to an existing tree, no further. It does not appear the structure can be moved outside of the 100-foot shoreland setback or the flood zone area as identified.

16.7.3.5.6 Nonconforming Structure Reconstruction.

A. 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 within eighteen (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...

E. In determining whether the structure reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or Code Enforcement Officer must consider, in addition to the criteria in Section 16.7.3.5.4, Nonconforming Structure Relocation, the physical condition and type of foundation present, if any.

16.7.3.5.4.B. In determining whether the structure relocation meets the setback to the greatest practical extent, the Board of Appeals or Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone.), must consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

- Applicant states the proposed volume for the new structure will total 6,020 cf, an increase of 913 cf or 17.9% (6020 cf - 5107 cf = 913 cf / 5107 cf = 17.87%). There is no record of prior volume expansions and this is below the 30% maximum allowed in the shoreland setback.

Comments:

1. This is an Modification to an Approved Plan dated April 11, 2013.
2. Proposed building elevations should be submitted separately, to scale, with architectural drawings of the proposed structures to support volume and area calculations (detail on plan is 'not to scale').

Board Action

move to approve the Shoreland Development Plan application of Steven Gerhartz and Susan Pendery, requesting approval to remove and reconstruct a secondary dwelling unit and reconfigure existing stairs on the primary dwelling unit at 118 Pepperrell Road, Tax Map 27, Lot 37, in the Residential-Kittery Point Village and Shoreland Overlay zones.

Minutes: January 8, 2015

ITEM 8 – 118 Pepperrell Road — Shoreland Development Plan Review Action: Accept or Deny Plan Application, schedule a Public Hearing and Site Walk. Steven Gerhartz and Susan Pendry, owner and applicant, requests approval to remove and reconstruct secondary dwelling unit and reconfigure existing stairs on primary dwelling unit at 118 Pepperrell Road in the Residential-Kittery Point Village and Shoreland Overlay zones, Tax Map 27, Lot 37. Agent is Ken Markley, R.L.S., North Easterly Surveying, Inc.

Ken Markley: Summarized the plan, property location and explained the prior approval improvements have been completed. They are now requesting approval to re-design the front steps, resulting in less square footage and including a garden area located in the prior step area. There will be no changes in coverage/non-vegetated surfaces or footprint in the relocation and reconstruction of the second dwelling unit. The existing building dates to the turn of the century, and the owner would like to update it for family use. The abutter would also like the structure be moved away from property line. The HAT setback is 40.5' with a proposed increase of 2 feet to 42.5'. The side property setback is now at 0 feet, and will be moved 3 feet. Building elevations included on the plan. The proposal does not increase the square footage or lot coverage, or negatively impact existing stormwater runoff. There is a 17.9% increase in volume as the existing ceilings are quite low. Adjacent to the house is a heritage apple tree, 'Ben Davis', which was valued by seafarers because of their long storage life. Mr. Markley read a letter from John Bunker, Fedco Seeds and Maine Organic Farmers Association, regarding the tree:

This letter is in support of preserving an old Kittery Point apple tree on the former George Lawson property. The tree is a classic old New England variety called 'Ben Davis'. The actual history behind the Ben Davis remains shrouded in mystery. Some think it originated in Minot, just 80 miles from Kittery. We do know that the Ben Davis apple played a key role in the early agriculture history of the state. Ben Davis trees were a fixture in old Maine orchards in the 19th Century. The apples themselves were packed into barrels and stored in farm cellars or shipped as far away as Liverpool, England. I have traveled in all of Maine's sixteen counties in search of ancient apple trees. Unfortunately, the old trees were, for many years, taken for granted. They are now rapidly disappearing from the landscape. Unlike today, when local food might be called a fad, old apple varieties come from a time when Mainers were utterly dependent on local food. Trees such as the Kittery Point 'Ben Davis' are part of our historical heritage. It is my opinion that you would do well to do everything you can to preserve this unique piece of our history.

Mr. Markley: The plan is presented to preserve this tree, which is actually quite large. The flood zone requires raising the structure a minimum of 1 foot, but recommends a bit higher.

Ms. Davis: Will there be a new foundation?

Mr. Markley: There will be new footings, probably a slab.

Ms. Kalmar: The plan showing prior plan proposals is confusion and requests an existing conditions plan be used to support the current proposal.

Ms. Wells: The driveway should remain gravel, not as the note suggests.

Mr. Markley: A set of old steps have not yet been removed, but will be. He will make the requested changes to the plan, noting it is an amendment to an approved plan showing existing conditions.

Ms. Kalmar moved to accept the amended shoreland development plan application from Steven Gerhartz and Susan Pendry to remove and reconstruct a secondary dwelling unit and reconfigure existing stairs on the primary dwelling unit at 118 Pepperrell Road in the Residential-Kittery Point Village and Shoreland Overlay zones, Tax Map 27, Lot 37, conditioned that the plan provided for preliminary review be amended as discussed January 8, 2015.

Mr. Emerson seconded

Motion carried 6-0-0

April 11, 2013 Findings of Fact, 118 Pepperrell Road

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more nonconforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.

The Board of Appeals (BOA) has in the past interpreted *no more nonconforming* in two ways.

1) The proposed additions are not allowed to be closer than the existing structure is to the property lines, and 2) the proposed additions are not allowed to protrude past the existing non-conforming building façade. The proposed development meets the second interpretation with the exception of the stairs.

Staff spoke with the BOA's Chairman for insight on which interpretation would likely be applied by the BOA. After review of the proposal he thought the first interpretation would be applied, citing that in the past, the BOA has treated steps larger than 3x3 as structures and as a structure would be allowed as long as it did not encroach on the yards further than the principal structure.

If the Planning Board concurs with the first interpretation then the steps can remain as proposed (though larger than the required 3x3 foot landing) see 16.7.3.5.12 below. The proposed porch additions are no closer than the existing structure to the front, side and rear property lines. The existing deck (#2 on the plan) within the front yard setback will be reduced in size resulting in a 1 foot reduction in setback nonconformity.

16.7.3.5.12 Nonconforming Steps.

The addition of steps and landings, exterior to the structure does not constitute expansion. Such steps are not to be considered part of the structure for such determination. Step landings may not exceed three feet by three feet (3'x3') in size.

The proposed landing exceeds 3'x3' at approximately 5'x7'. The BOA has interpreted that proposed stairs larger than 3'x3' are treated as a structure and constitutes expansion. A finding on this should be based on how the Board determines the extent of encroachment allowed in the Front Yard setback (40-foot). See 16.7.3.5.5 above

FINDINGS OF FACT
for
118 Pepperrell Road Renovations
Shoreland Development Review

WHEREAS: Steven Gerhartz and Susan Pendery request to remove and reconstruct a secondary dwelling unit and reconfigure existing stairs on the primary dwelling unit at 118 Pepperrell Road, Tax Map 27, Lot 37, Kittery Point Village, Shoreland Overlay and Resource Protection Zones. This is an amendment to a previously approved plan (April 11, 2013).

Hereinafter the “Development”.

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

Plan and application submittal:	December 18, 2014
Review for completeness:	January 8, 2015
Public Hearing:	February 12, 2015
Site Visit:	February 4, 2015
Final Approval:	February 12, 2015

and pursuant to the Project Application and Plan 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”).

1. Shoreland Overlay Zone Project Plan Review Application, dated 12/18/14
2. Amendment to an Approved Plan for Property at 118 Pepperrell Road, Kittery Point, York County, Maine, owned by Steven Conrad Gerhartz, Susan Emily Pendery, dated December 18, 2014. Rev. 1/22/15; 2/3/15.

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

FINDINGS OF FACT

I. Zoning Standards in the Shoreland Overlay Zone
Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.				
B.1.b Shoreland Overlay Zone - Standards.				
i. Special Exception Uses: Dwellings (Existing, non-conforming use and lot of record)				
D. Standards:				
Standard	KPV	Shoreland	Existing	Proposed
Use (Secondary DU)	Permitted*	Special Exception	Residential	No change
Lot	40,000 sf	40,000 sf	No change	No change
Front	40'	-	18'	18'
Rear	15'	-	37'	37'
Side	15'	-	0'	3'
Shoreland Overlay		100'	40.5'	42.5'
Zoning Standards in the Shoreland Overlay Zone appear to have been met.				
Vote: __ in favor __ against __ abstaining				

II. Standards for Nonconforming Structures

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS

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.

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more nonconforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.

The proposed reconstruction will not create a more nonconforming condition. The reconstruction will be within the 100-foot shoreland zone setback. Detailed review for nonconforming structures in the Shoreland Overlay Zone follows in Part III.

16.7.3.5.12 Nonconforming Steps.

The addition of steps and landings, exterior to the structure does not constitute expansion. Such steps are not to be considered part of the structure for such determination. Step landings may not exceed three feet by three feet (3'x3') in size.

This was previously approved by the Planning Board on April 11, 2013. The redesign of the existing steps reduces the step area from 95 sf to 66 sf.

16.6.6.2 Factors for Consideration.

In making such determination, the Board of Appeals [or Planning Board per section 16.7.3.5.5.A] must also give consideration, among other things, to:

- 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 proposed development appears to meet the above Part II, *Standards for Nonconforming Structures* and all *Factors for Consideration*, with no adverse impact.

Vote: __ in favor __ against __ abstaining

III. Standards for Structures in the Shoreland Overlay Zone

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

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.

The proposed development meets the above standards. There is no proposed increase to floor area within the 100-foot setback from the protected resource. The new structure has a 17.9% expansion in volume.

Area: (Allowance is 30%)

Existing: 560 sf

Proposed Expansion:

Proposed: none

* There were no previous expansions after 1/1/1989

Volume: (Allowance is 30%)

Existing: 5,107 cf

Proposed: 6,020 cf

17.9% Increase

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 16.7.3.5.4 B, Nonconforming Structure Relocation.

16.7.3.5.4.B. In determining whether the structure relocation meets the setback to the greatest practical extent, the Board of Appeals or Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone.), must consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

The proposed new structure will be reconstructed 3 feet from the property line. The required setback is 15 feet. This reconstruction is to the greatest practical extent due to the existing location of a subsurface wastewater field and a heritage apple tree to the west. A juniper tree to the front of the existing structure will be removed.

16.7.3.5.4.C

- 1. Trees removed to relocate a structure must be replanted with at least one native tree, six (6) feet in height, for every tree removed.... Replaced trees must be planted no farther from the water or wetland than the trees removed.*
- 2. Other woody and herbaceous vegetation and ground cover that is removed, or destroyed, to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of native vegetation and/or ground cover similar to that disturbed, destroyed or removed.*

The removal of the juniper tree will require a replacement in a similar location, and setback areas will require re-vegetation. The proposed development appears to meet the standards for expansion and

reconstruction of a nonconforming structure in the Shoreland Overlay Zone
Vote: __ in favor __ against __ abstaining

IV. 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 that 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. Construction shall adhere to the Maine DEP Best Management Practices to ensure erosion and sedimentation control (note #11).
Vote: __ in favor __ against __ abstaining
3. adequately provide for the disposal of all wastewater;
The existing system is adequately sized for the proposed use by both structures at 1,000 gallons. The proposed structure reconstruction requires a reduced setback from 15 feet to 12 feet from the existing leach field. This reduction has been discussed with and is permissible by the Code Enforcement Officer.
Vote: __ in favor __ against __ 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: __ 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;
The proposed development does not appear to have an adverse impact. The property owner is preserving a heritage apple tree, Ben Davis, located at southwest property line.
Vote: __ in favor __ against __ abstaining
7. not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;
The project is not located 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
The proposed location of the secondary dwelling unit is within the V2 flood zone (elevation of 13 feet). The new structure will be constructed at elevation 16. This standard appears to have been met.
Vote: __ in favor __ against __ abstaining

9. is in conformance with the provisions of this Code; and

The proposed additions appear to be in conformance with the Town Code.

Vote: __ in favor __ against __ abstaining

10. recorded with the York County Registry of Deeds.

The final plan is required to be recorded at the York County Registry of Deeds. See Instructions/Notice to Applicant.

Vote: __ in favor __ against __ abstaining

NOW THEREFORE the Kittery Town Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed development will have no significant detrimental impact, contingent upon the following condition(s):

Conditions of Approval (include on 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. 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. A native tree must be planted to replace the juniper tree to be removed, and must be located in a similar location (Title 16.7.3.5.4.C).
4. All Notices to Applicant contained herein (February 12, 2015 Findings of Fact).

Conditions of Approval (do not include on plan):

1. Revise plan reference notes to include the purpose of the plan: "To amend the Shoreland Development Plan recorded 11/15/13 at the Y.C.R.D., book 363 Page 4".
2. Replace "Proposed Site Plan II" with "Shoreland Development Plan" in the title block.
3. Include call out notes on the plan indicating removal of the juniper tree and deck.
4. Include a call out note on the plan indicating the heritage apple tree will be preserved.

Move to accept the above *Findings of Fact* as read, *Application Waivers* and *Conditions of Approval* if any, and approve the proposed *Development* in the Shoreland Overlay Zone and authorize the Planning Board Chair to sign the Final Plan and Findings of Fact.

Vote: __ in favor __ against __ abstaining

Approved by the Kittery Planning Board on _____

Ann H. Grinnell
Planning Board Chair

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.

Instructions/Notice to Applicant

1. One (1) mylar copy and two (2) paper copies of the recorded Plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department.
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. State law requires all subdivision, shoreland development, and any plans receiving waivers or variances be recorded at the York County Registry of Deeds within 90 days of the final approval.
4. This approval by the Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Planning Board Findings of Fact, and any Conditions of Approval.

SITE PLAN / COVERAGE SCHEDULE:

TOTAL EXISTING LOT AREA: 14,900 Sq. Ft.
 TOTAL EXISTING NON-VEGETATED COVERAGE: 4,045 Sq. Ft. (27.1%)
 PROPOSED CHANGE: 27.0% (W/ PROPOSED STAIRS)
 TOTAL 2ND DWELLING SQUARE FOOTAGE: 560 Sq. Ft. (NO PROPOSED CHANGE)

PROPOSED STAIRS:

PROPOSED = 66 Sq. Ft.

APPROVED = 95 Sq. Ft.

2ND DWELLING VOLUME:

EXISTING = CROSS SECTION X LENGTH = VOLUME
 145.9 Sq. Ft. X 35 Ft. = 5,107 CUBIC Ft.

PROPOSED = CROSS SECTION X LENGTH = VOLUME
 172 Sq. Ft. X 35 Ft. = 6,020 CUBIC Ft.

PROPOSED = 17.9% INCREASE IN VOLUME

FRONT SETBACK:

EXISTING BUILDING PROPOSED RELOCATION
 18' 18'

H.A.T. (ELEV. 7.1') SETBACK:

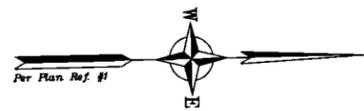
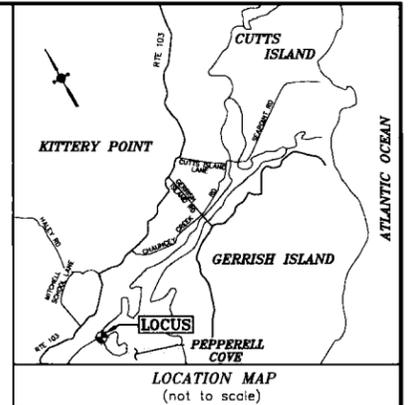
EXISTING BUILDING PROPOSED RELOCATION
 40.5' 42.5'

ZONE DATA PER KITTERY TOWN CODE 07/26/2010 16.3.2.3 (D)(2):

BASE ZONE: RESIDENTIAL -KITTERY POINT VILLAGE (R-KPV)
 OVERLAY ZONE: OZ-SL-250'

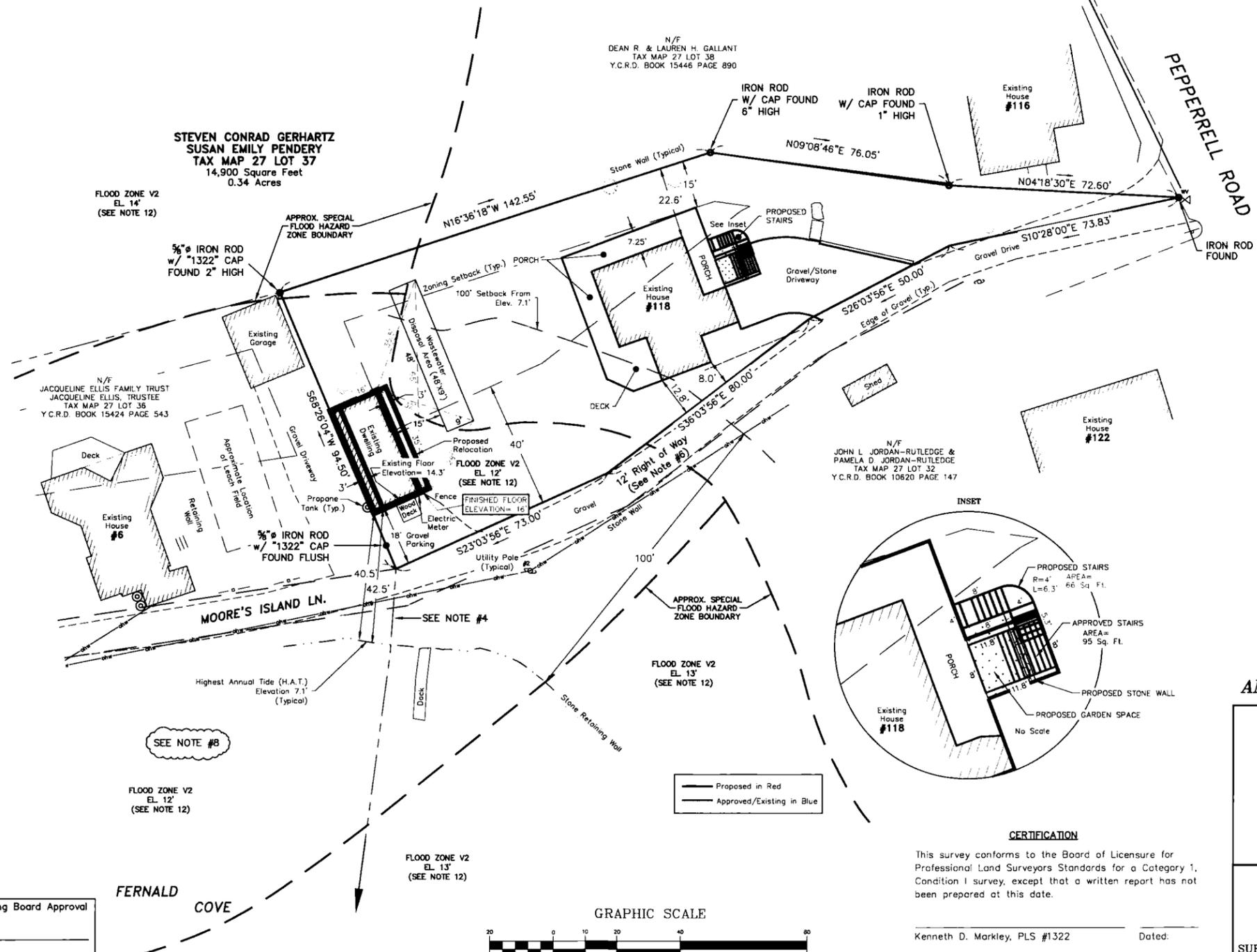
BASE ZONE DIMENSIONAL REQUIREMENTS:
 MINIMUM LOT SIZE: 40,000 Square Feet
 MINIMUM STREET FRONTAGE: 150 Feet
 MINIMUM FRONT YARD: 40 Feet
 MINIMUM REAR YARD: 15 Feet
 MINIMUM SIDE YARD: 15 Feet
 MAXIMUM NON-VEGETATED COVERAGE: 20%

NOTE: LOT APPEARS TO BE NON-CONFORMING UNDER CURRENT SETBACK REQUIREMENTS
 OTHER DIMENSIONAL REQUIREMENTS MAY APPLY. CONTACT THE TOWN OF KITTERY FOR
 CURRENT DIMENSIONAL REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION.



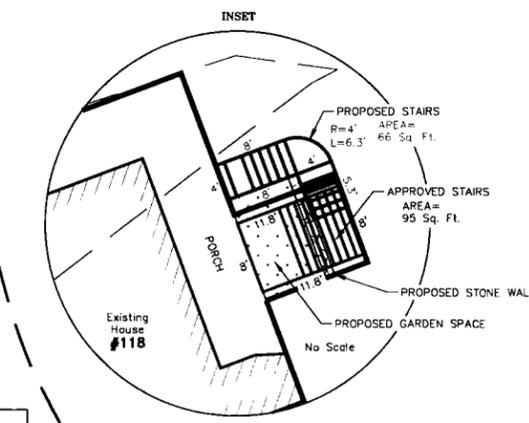
PLAN REFERENCES:

- "STANDARD BOUNDARY SURVEY FOR PROPERTY AT 118 PEPPERRELL ROAD YORK COUNTY, KITTERY POINT, MAINE OWNED BY ELLEN F. FORBES" PREPARED BY NORTH EASTERLY SURVEYING, DATED JANUARY 1, 1999.
- "STANDARD BOUNDARY SURVEY & SITE PLAN FOR PROPERTY AT 6 MOORES ISLAND LANE, KITTERY POINT, MAINE, OWNED BY JACQUELINE ELLIS FAMILY TRUST" PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JULY 18, 2008, PROJECT No. 08693.
- "PLAN OF LAND, KITTERY POINT, MAINE FOR BETTY F. TUTTLE" PREPARED BY JOHN W. DURGIN, DATED AUGUST 1965 AND RECORDED AT Y.C.R.D. PLAN BOOK 41 PAGE 24.
- "PLAN OF LOT FOR MRS. EUZ F. UPHAM ESTATE AT KITTERY POINT, YORK COUNTY, MAINE" PREPARED BY C.S. GERRISH, DATED SEPTEMBER 1946, AMENDED ON AUGUST 26, 1947 AND RECORDED AT Y.C.R.D. BOOK 17 PAGE 61.
- "PLAN OF LOT FOR MABEL L. BLISS AT KITTERY POINT, YORK COUNTY, MAINE" PREPARED BY C.S. GERRISH, DATE IS UNKNOWN AND WAS PROVIDED BY ROBERT GREY.
- "PLAN OF LAND FOR REBECCA FRANCIS MAP 27 LOT 33A MOORE'S ISLAND INNER ISLAND, KITTERY POINT, MAINE" PREPARED BY ROARING BROOK CONSULTANTS, DATED OCTOBER 10, 1999 AND RECORDED AT Y.C.R.D. BOOK 259 PAGE 25.
- "EXISTING CONDITIONS PLAN FOR PROPERTY AT 118 PEPPERRELL ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY STEVEN CONRAD GERHARTZ AND SUSAN EMILY PENDERY", PREPARED BY EASTERLY SURVEYING, DATED AUGUST 24, 2012, PROJECT No. 12675.
- "PROPOSED SITE PLAN, FOR PROPERTY AT 118 PEPPERRELL ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY STEVEN CONRAD GERHARTZ, SUSAN EMILY PENDERY" PREPARED BY EASTERLY SURVEYING, INC., DATED 2/18/15 AND RECORDED AT THE Y.C.R.D. IN BOOK 363 PAGE 4 (APPROVED BY THE TOWN OF KITTERY PLANNING BOARD ON 4/11/15).



NOTES:

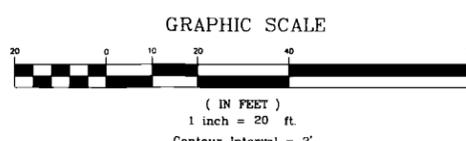
- OWNER OF RECORD: STEVEN CONRAD GERHARTZ, SUSAN EMILY PENDERY, Y.C.R.D. BOOK 16274 PAGE 72, DATED MARCH 2, 2012.
- TOTAL PARCEL AREA: 14,900 Square Feet (0.34 Acres)
- BASIS OF BEARING IS PER PLAN REFERENCE #1
- PLAN REFERENCE 1 CONTAINS THE FOLLOWING NOTE:
 DUE TO THE AMBIGUOUS NATURE OF THE DEEDS INVOLVED, THE LOCATION OF THIS LINE MAY VARY. THEREFORE IT IS STRONGLY RECOMMENDED THAT QUITCLAIM DEEDS BE EXCHANGED BETWEEN THE ELLEN F. FORBES REVOCABLE TRUST AND THE JACQUELINE ELLIS FAMILY TRUST TO ESTABLISH A COMMON BOUNDARY LINE IN THIS VICINITY.
- REFERENCE IS MADE TO A SURVEYOR'S REPORT DATED FEBRUARY 2, 1999 AS TO THE BOUNDARIES IN THIS VICINITY.
- ELEVATION 6 FEET WAS DERIVED FROM "RM 3" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 230171 0006 C, BEING USCGS PLAQUE Q-99 LOCATED ON THE NORTHEASTERN WING WALL OF GERRISH ISLAND LANE BRIDGE OVER CHAUNCEY CREEK, ELEVATION 25.01'.
- TAX MAP 27 LOT 36 HAS THE BENEFIT OF AND IS SUBJECT TO THE 12 FOOT WIDE PASSAGEWAY FROM MOORE'S ISLAND TO PEPPERRELL ROAD, INCLUDING ANY UTILITY EASEMENTS APPLICABLE.
- TAX MAP 27 LOTS 36 & 38 HAVE AN EQUAL "PRIVILEGE OF LANDING WITH BOATS ON THE SHORE"
- TAX MAP 27 LOT 37 HAS THE "PRIVILEGE OF BATHING AND LANDING WITH BOATS ON THE STRIP" OF LAND CONVEYED FROM GEORGE S. WASSON TO PHYLLIS COES (A PORTION OF TAX MAP 27 LOT 36) IN Y.C.R.D. BOOK 678 PAGE 370.
- NOT ALL EXISTING UTILITIES, BOTH OVERHEAD AND UNDERGROUND, ARE SHOWN.
- PROPOSED FEATURES AND ELEVATIONS ARE BASED ON DRAWINGS PROVIDED BY BRENDAN McNAMARA IN MARCH 2014. SEE SAID DRAWINGS FOR FURTHER SPECIFICATIONS AND DETAILS.
- TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION, MAINE DEP EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES SHALL BE EMPLOYED.
- REFERENCE IS MADE TO NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) TOWN OF KITTERY, MAINE PANEL 5 OF 10, COMMUNITY-PANEL NUMBER 230171 0005 D, MAP REVISED: JULY 3, 1986



CERTIFICATION

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

Kenneth D. Markley, PLS #1322 Dated: _____



Kittery, Maine - Planning Board Approval

Date of Approval _____

Chairman _____ Date _____

AMENDMENT TO AN APPROVED PLAN

SITE PLAN
 FOR PROPERTY AT
 118 Pepperrell Road
 Kittery Point, York County, Maine
 OWNED BY
 Steven Conrad Gerhartz
 Susan Emily Pendery
 1625 Piccard Drive, #102
 Rockville, MD 20850

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

SCALE: 1" = 20'	PROJECT NO: 12675	DATE: 12/18/14	SHEET: 1 OF 1	DRAWN BY: A.M.P.	CHECKED BY: K.D.M.
DRAWING No: 12675_SITE_REWISED_1-20-15		FIELD BOOK No: "Kittery Point B"			
Tax Map 27 Lot 37					

REV.	DATE	STATUS	BY	CHKD	APPD.
B	2/3/15	TITLE, DIMENSIONS, NOTE 8	BMK	KDM	KDM
A	1/22/15	UPDATED EXISTING CONDITIONS	BMK	KDM	KDM

\\wings\012\12675_GERHARTZ_PENDERY\PLANS_FROM_BRENDAN\NORTH_ELEVATION.DWG
 2/11/2013 12:26:75 GERHARTZ_PENDERY\PLANS_FROM_BRENDAN\EAST_ELEVATION.DWG

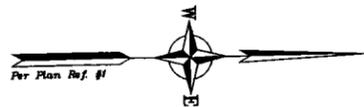
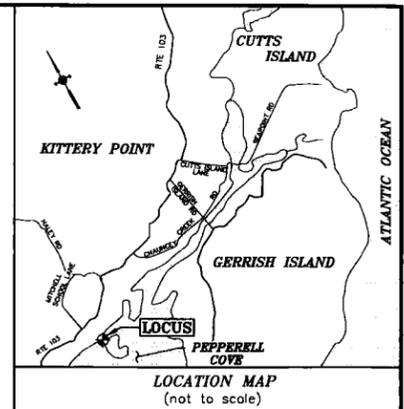
20130212 12675 GERHARTZ_PENDERY\PLANS_FROM_BRENDAN\EAST_ELEVATION.DWG

**ZONE DATA PER KITTEY TOWN CODE 07/26/2010
 16.3.2.3 (D)(2):**

BASE ZONE: RESIDENTIAL -KITTEY POINT VILLAGE (R-KPV)
 OVERLAY ZONE: OZ-SL-250'

BASE ZONE DIMENSIONAL REQUIREMENTS:
 MINIMUM LOT SIZE: 40,000 Square Feet
 MINIMUM STREET FRONTAGE: 150 Feet
 MINIMUM FRONT YARD: 40 Feet
 MINIMUM REAR YARD: 15 Feet
 MINIMUM SIDE YARD: 15 Feet
 MAXIMUM NON-VEGETATED COVERAGE: 20%

NOTE: LOT APPEARS TO BE NON-CONFORMING UNDER CURRENT SETBACK REQUIREMENTS. OTHER DIMENSIONAL REQUIREMENTS MAY APPLY. CONTACT THE TOWN OF KITTEY FOR CURRENT DIMENSIONAL REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION.

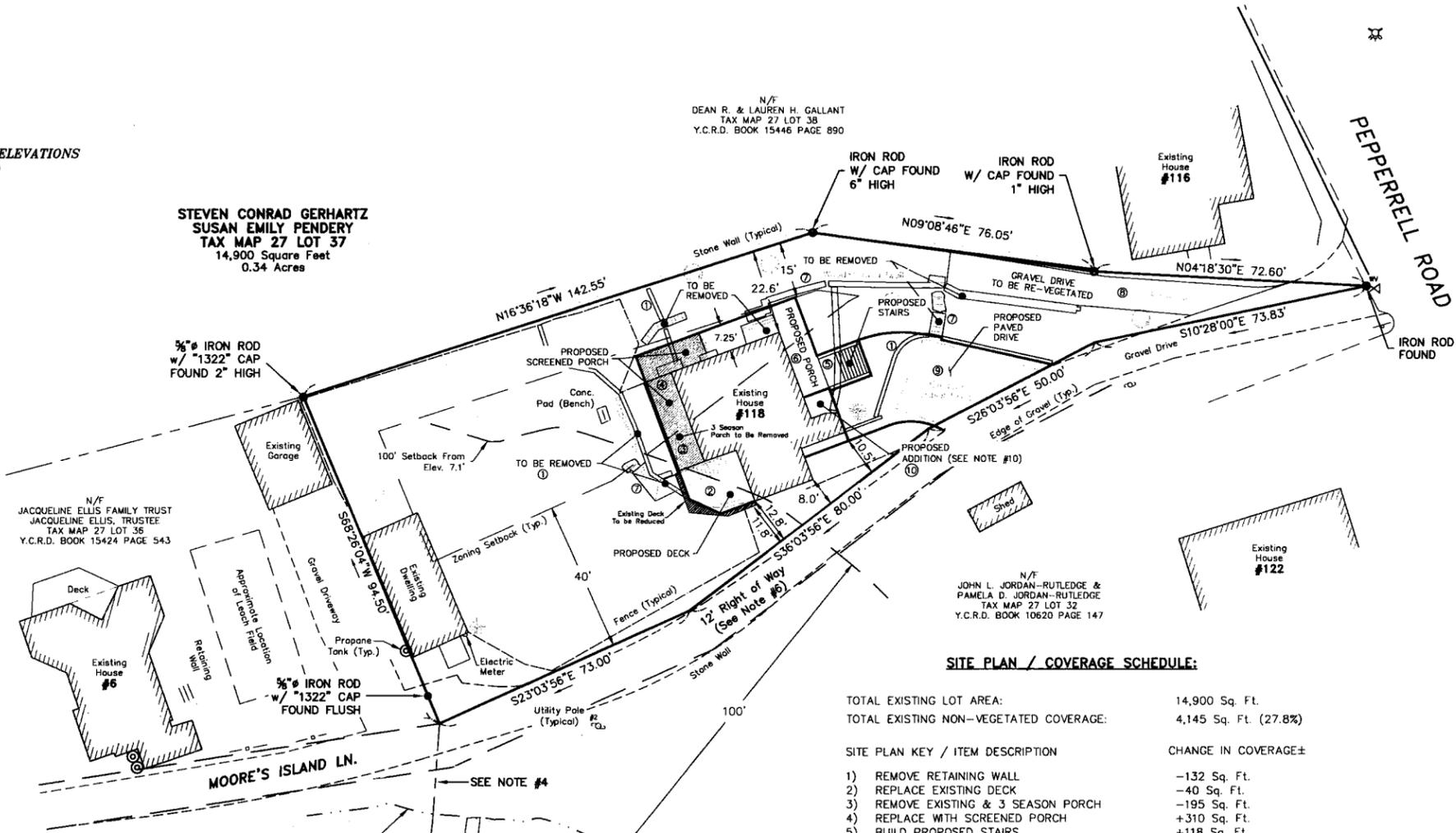


PROPOSED BUILDING ELEVATIONS
 (not to scale)

PLAN REFERENCES:

- "STANDARD BOUNDARY SURVEY FOR PROPERTY AT 118 PEPPERRELL ROAD YORK COUNTY, KITTEY POINT, MAINE OWNED BY ELLEN F. FORBES" PREPARED BY NORTH EASTERLY SURVEYING, DATED JANUARY 1, 1999.
- "STANDARD BOUNDARY SURVEY & SITE PLAN FOR PROPERTY AT 6 MOORES ISLAND LANE, KITTEY POINT, MAINE, OWNED BY JACQUELINE ELLIS FAMILY TRUST" PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JULY 18, 2008, PROJECT No. 08693.
- "PLAN OF LAND, KITTEY POINT, MAINE FOR BETTY F. TUTTLE" PREPARED BY JOHN W. DURGIN, DATED AUGUST 1965 AND RECORDED AT Y.C.R.D. PLAN BOOK 41 PAGE 24.
- "PLAN OF LOT FOR MRS. ELIZ. F. UPHAM ESTATE AT KITTEY POINT, YORK COUNTY, MAINE" PREPARED BY C.S. GERRISH, DATED SEPTEMBER 1946, AMENDED ON AUGUST 26, 1947 AND RECORDED AT Y.C.R.D. BOOK 17 PAGE 61.
- "PLAN OF LOT FOR MABEL L. BLISS AT KITTEY POINT, YORK COUNTY, MAINE" PREPARED BY C.S. GERRISH, DATE IS UNKNOWN AND WAS PROVIDED BY ROBERT GREY.
- "PLAN OF LAND FOR REBECCA FRANCIS MAP 27 LOT 33A MOORE'S ISLAND INNER ISLAND, KITTEY POINT, MAINE" PREPARED BY ROARING BROOK CONSULTANTS, DATED OCTOBER 10, 1999 AND RECORDED AT Y.C.R.D. BOOK 259 PAGE 25.
- "EXISTING CONDITIONS PLAN FOR PROPERTY AT 118 PEPPERRELL ROAD, KITTEY POINT, YORK COUNTY, MAINE, OWNED BY STEVEN CONRAD GERHARTZ AND SUSAN EMILY PENDERY", PREPARED BY EASTERLY SURVEYING, DATED AUGUST 24, 2012, PROJECT No. 12675.

**STEVEN CONRAD GERHARTZ
 SUSAN EMILY PENDERY
 TAX MAP 27 LOT 37
 14,900 Square Feet
 0.34 Acres**



NOTES:

- OWNER OF RECORD:
 STEVEN CONRAD GERHARTZ
 SUSAN EMILY PENDERY
 Y.C.R.D. BOOK 16274 PAGE 72
 DATED MARCH 2, 2012
- TOTAL PARCEL AREA:
 14,900 Square Feet (0.34 Acres)
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- PLAN REFERENCE 1 CONTAINS THE FOLLOWING NOTE:
 DUE TO THE AMBIGUOUS NATURE OF THE DEEDS INVOLVED, THE LOCATION OF THIS LINE MAY VARY. THEREFORE IT IS STRONGLY RECOMMENDED THAT QUITCLAIM DEEDS BE EXCHANGED BETWEEN THE ELLEN F. FORBES REVOCABLE TRUST AND THE JACQUELINE ELLIS FAMILY TRUST TO ESTABLISH A COMMON BOUNDARY LINE IN THIS VICINITY.
- REFERENCE IS MADE TO A SURVEYOR'S REPORT DATED FEBRUARY 2, 1999 AS TO THE BOUNDARIES IN THIS VICINITY.
- ELEVATION 6 FEET WAS DERIVED FROM "RM 7" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 230171 0006 C, BEING USC&GS PLAQUE Q-99 LOCATED ON THE NORTHEASTERN WING WALL OF GERRISH ISLAND LANE BRIDGE OVER CHAUNCEY CREEK, ELEVATION 25.01'.
- TAX MAP 27 LOT 36 HAS THE BENEFIT OF AND IS SUBJECT TO THE 12 FOOT WIDE PASSAGEWAY FROM MOORE'S ISLAND TO PEPPERRELL ROAD, INCLUDING ANY UTILITY EASEMENTS APPLICABLE.
- TAX MAP 27 LOTS 36 & 38 HAVE AN EQUAL "PRIVILEGE OF LANDING WITH BOATS ON THE SHORE"
- TAX MAP 27 LOT 37 HAS THE "PRIVILEGE OF BATHING AND LANDING WITH BOATS ON THE STRIP" OF LAND CONVEYED FROM GEORGE S. WASSON TO PHYLLIS COES (A PORTION OF TAX MAP 27 LOT 36) IN Y.C.R.D. BOOK 678 PAGE 370.
- NOT ALL EXISTING UTILITIES, BOTH OVERHEAD AND UNDERGROUND, ARE SHOWN.
- PROPOSED FEATURES AND ELEVATIONS ARE BASED ON DRAWINGS PROVIDED BY BRENDAN MCNAMARA IN FEBRUARY, 2013. SEE SAID DRAWINGS FOR FURTHER SPECIFICATIONS AND DETAILS.
- TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION, MAINE DEP EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES SHALL BE EMPLOYED.

SITE PLAN / COVERAGE SCHEDULE:

TOTAL EXISTING LOT AREA:	14,900 Sq. Ft.
TOTAL EXISTING NON-VEGETATED COVERAGE:	4,145 Sq. Ft. (27.8%)
SITE PLAN KEY / ITEM DESCRIPTION	
1) REMOVE RETAINING WALL	-132 Sq. Ft.
2) REPLACE EXISTING DECK	-40 Sq. Ft.
3) REMOVE EXISTING & 3 SEASON PORCH	-195 Sq. Ft.
4) REPLACE WITH SCREENED PORCH	+310 Sq. Ft.
5) BUILD PROPOSED STAIRS	+118 Sq. Ft.
6) ADD PROPOSED PORCH	+335 Sq. Ft.
7) REMOVE STAIRS, BOARDWALK, STEPS	-372 Sq. Ft.
8) REMOVE UPPER GRAVEL DRIVE	-673 Sq. Ft.
9) PAVE EXPAND/EXISTING LOWER DRIVE	+473 Sq. Ft.
10) ADD PROPOSED ADDITION	+76 Sq. Ft.
TOTAL NET REDUCTION OF NON-VEGETATED COVERAGE:	-100 Sq. Ft.
TOTAL PROPOSED NON-VEGETATED COVERAGE:	4,045 Sq. Ft. (27.1%)

FRONT SETBACK:	
EXISTING BUILDING	PROPOSED ADDITION
8.0'	10.1'
EXISTING DECK	REDUCED DECK
11.8'	12.8'
H.A.T. (ELEV. 7.1') SETBACK:	
EXISTING DECK	REDUCED DECK
89.9'	92.4'

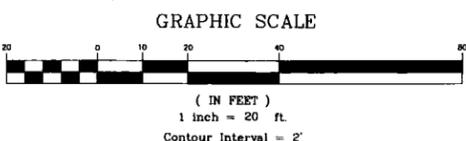
APPROVED: TOWN OF KITTEY

DATE OF APPROVAL: 7/11/13

CONDITIONS OF APPROVAL:

- INCORPORATE ARCHITECTURAL AND SITE INFORMATION ON ONE PLAN SUITABLE FOR RECORDING THAT INDICATES THE CALCULATIONS FOR THE EXISTING AND PROPOSED VOLUME, FLOOR AREA AND IMPERVIOUS AREA FOR THE PROPERTY.
- FINAL PLAN MUST INCLUDE NOTES THAT REFLECT ADHERENCE TO THE MAINE DEP BEST MANAGEMENT PRACTICES FOR ALL WORK ASSOCIATED WITH SITE AND BUILDING RENOVATIONS TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION. SEE NOTE # 11.
- ALL CHANGES, ERASURES, MODIFICATIONS OR REVISIONS MUST BE APPROVED BY THE PLANNING BOARD.

FERNALD COVE



PROPOSED SITE PLAN
 FOR PROPERTY AT
 118 Pepperrell Road
 Kittery Point, York County, Maine
 OWNED BY
**Steven Conrad Gerhartz
 Susan Emily Pendery**
 1625 Piccard Drive, #102
 Rockville, MD 20850

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

SCALE: 1" = 20'	PROJECT NO: 12675	DATE: 2/18/13	SHEET: 1 OF 1	DRAWN BY: A.M.P.	CHECKED BY: K.D.M.
DRAWING No: 12675_SITE		FIELD BOOK No: "Kittery Point B"		Tax Map 27 Lot 37	
REV	DATE	STATUS	BY	CHKD	APPD
B	9/3/13	ADDED CONDITIONS OF APPROVAL AND NOTE # 11	S.T.B.	K.D.M.	K.D.M.
A	3/4/13	ADD SITE PLAN / COVERAGE SCHEDULE	A.M.P.	K.D.M.	K.D.M.

North
W  Easterly
SURVEYING, Inc.

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

January 22, 2015

Kittery Planning Board
Chris DiMatteo - Town Planner
200 Rogers Road
Kittery, ME 03904

RECEIVED
JAN 22 2015

BY:.....

Planning Board Review – Steven Gerhartz & Susan Pendery - 118 Pepperrell Road, Kittery Point
– Job# 12675 – Plan Approval

Dear Planner and Planning Board Members,

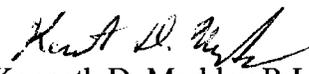
We are presenting plans for the above named project showing the renovation and moving of the existing secondary dwelling unit at that location and the proposed change in the configuration of the stairs at the entrance of the main building. We have modified the plan from the one presented at the last planning board meeting based on input from the planning board and “staff”. Following is a list of the major changes:

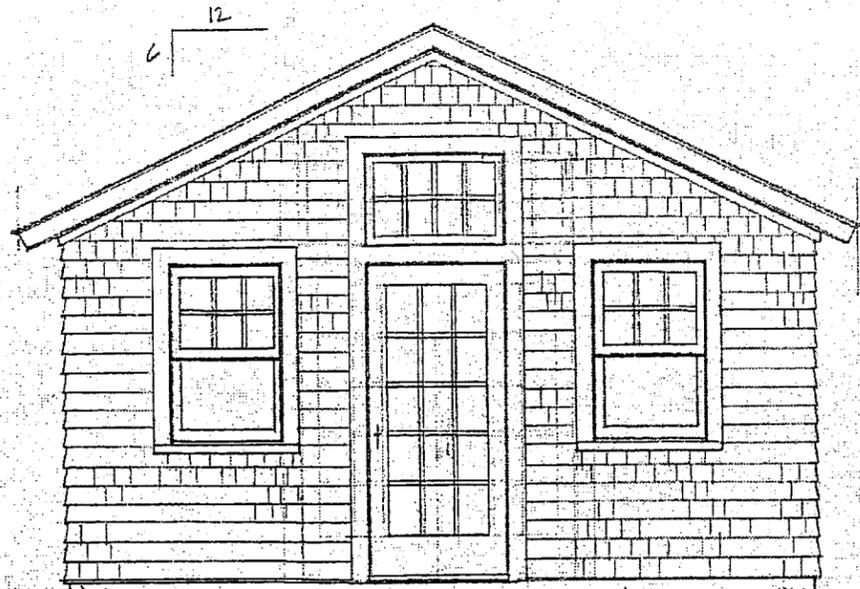
- 1.) The front stairs are labeled with dimensions and coverage calculations are added resulting in a net 29 sq. ft. less coverage.
- 2.) The site plan was updated using more recent field information resulting in less “proposed changes”.
- 3.) Building Elevations were removed and submitted separately at scale.
- 4.) Setbacks were added to the proposed building location.

The result will be an increase of the setbacks to the water and to the property line. The non-vegetative coverage will increase. The drainage will be improved.

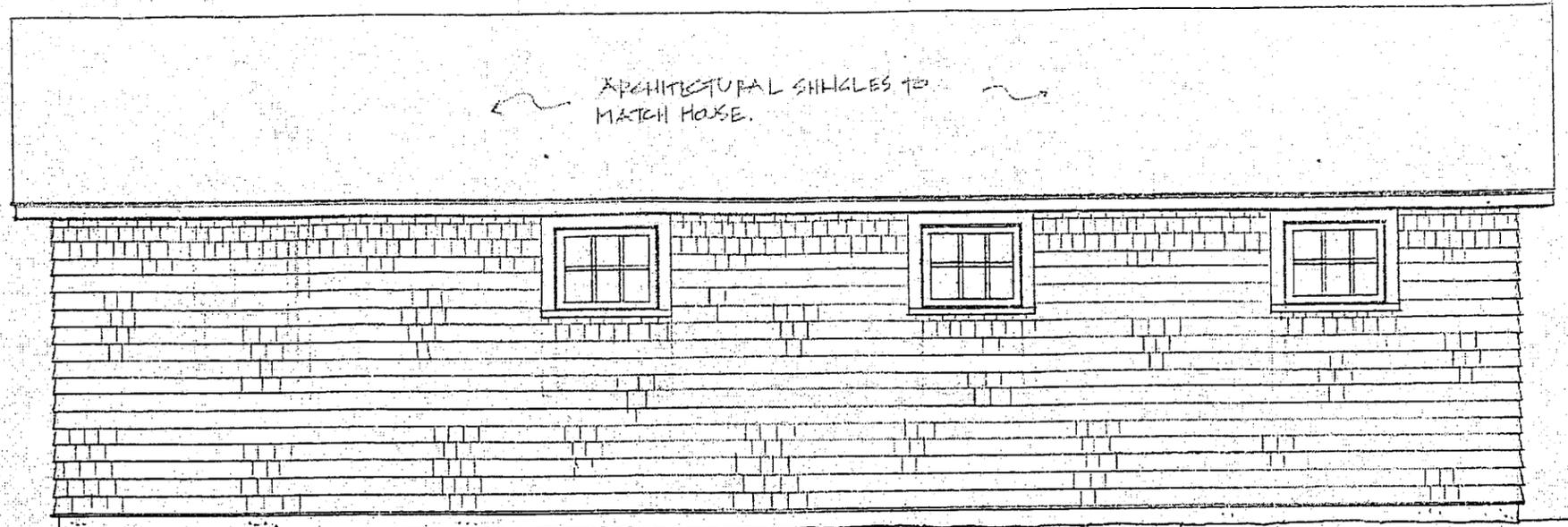
Please feel free to contact me should you have any questions.

Sincerely:


Kenneth D. Markley R.L.S.
President – North Easterly Surveying, Inc.



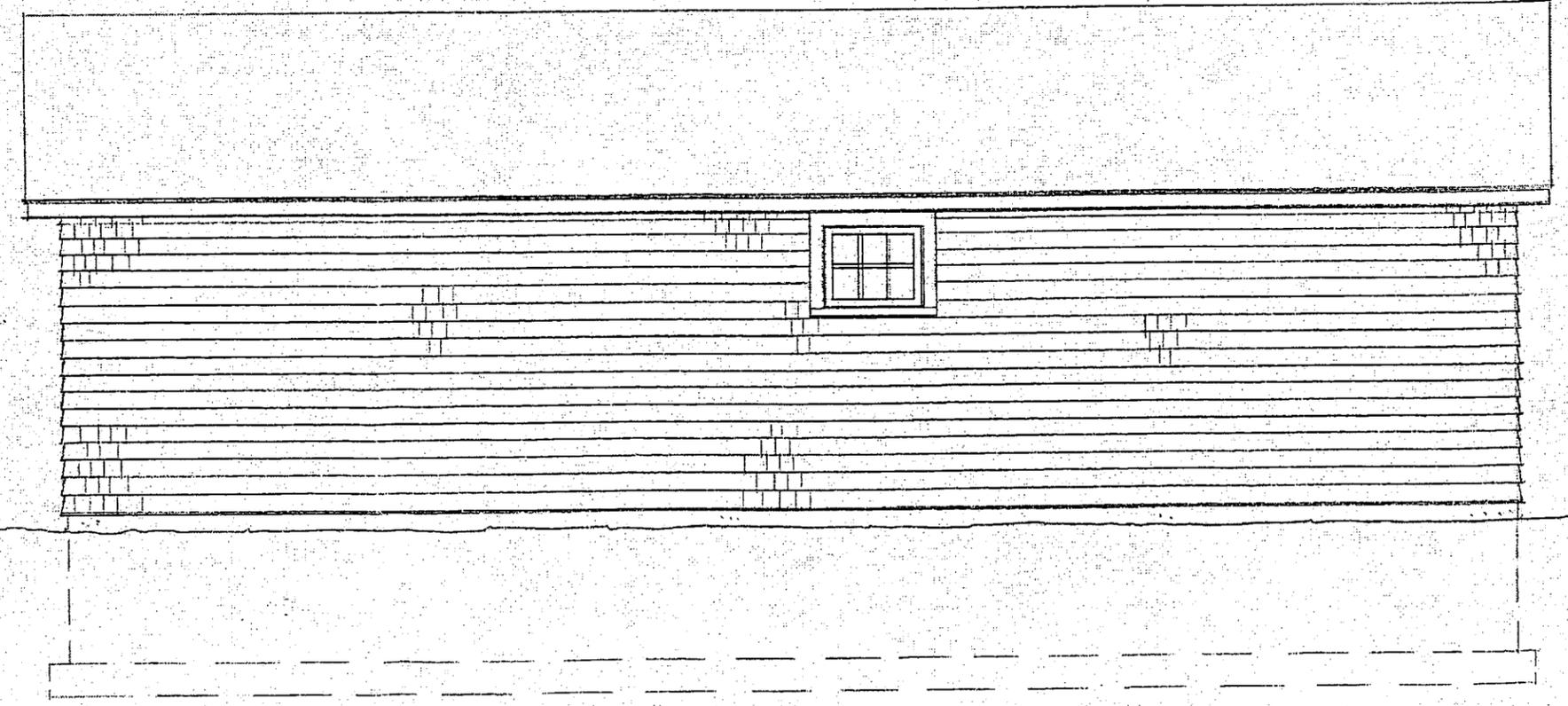
PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION

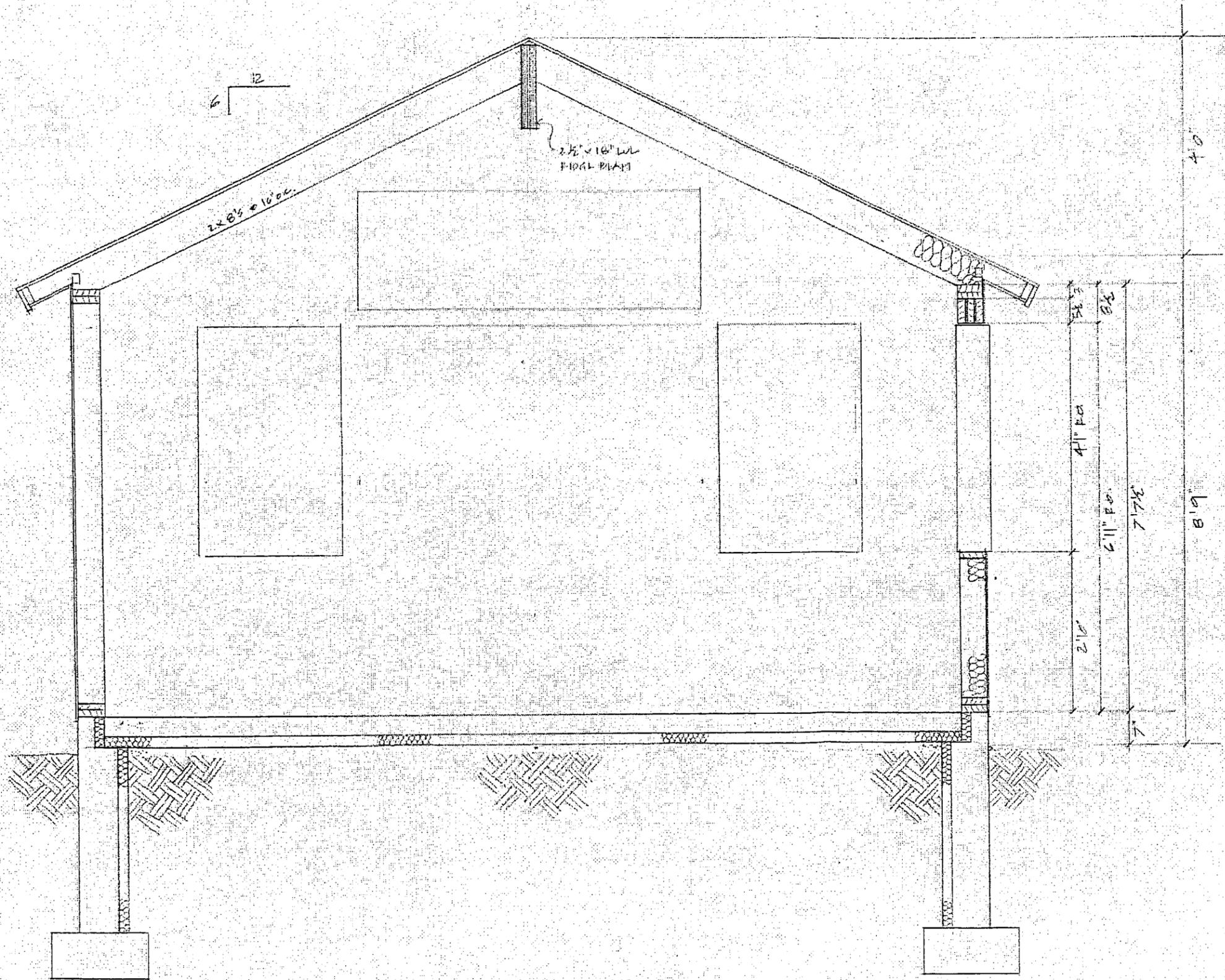
TITLE: PROPOSED ELEVATIONS

SCALE: 1/4" = 1'-0"

DATE: 11.19.2014

REVISIONS:

"BOATHOUSE" REMODEL
 PENDERY/GERHARTZ RESIDENCE
 118 PEPPERELL Rd, KITTERY POINT, ME



6 12

2 1/2" x 10" LVL
FINAL PLATE

2x8's @ 16" o.c.

4'0"

5 1/2"

8 1/2"

4" F.O.

6 1/2" F.O.

7'7 1/2"

8'9"

2'10"

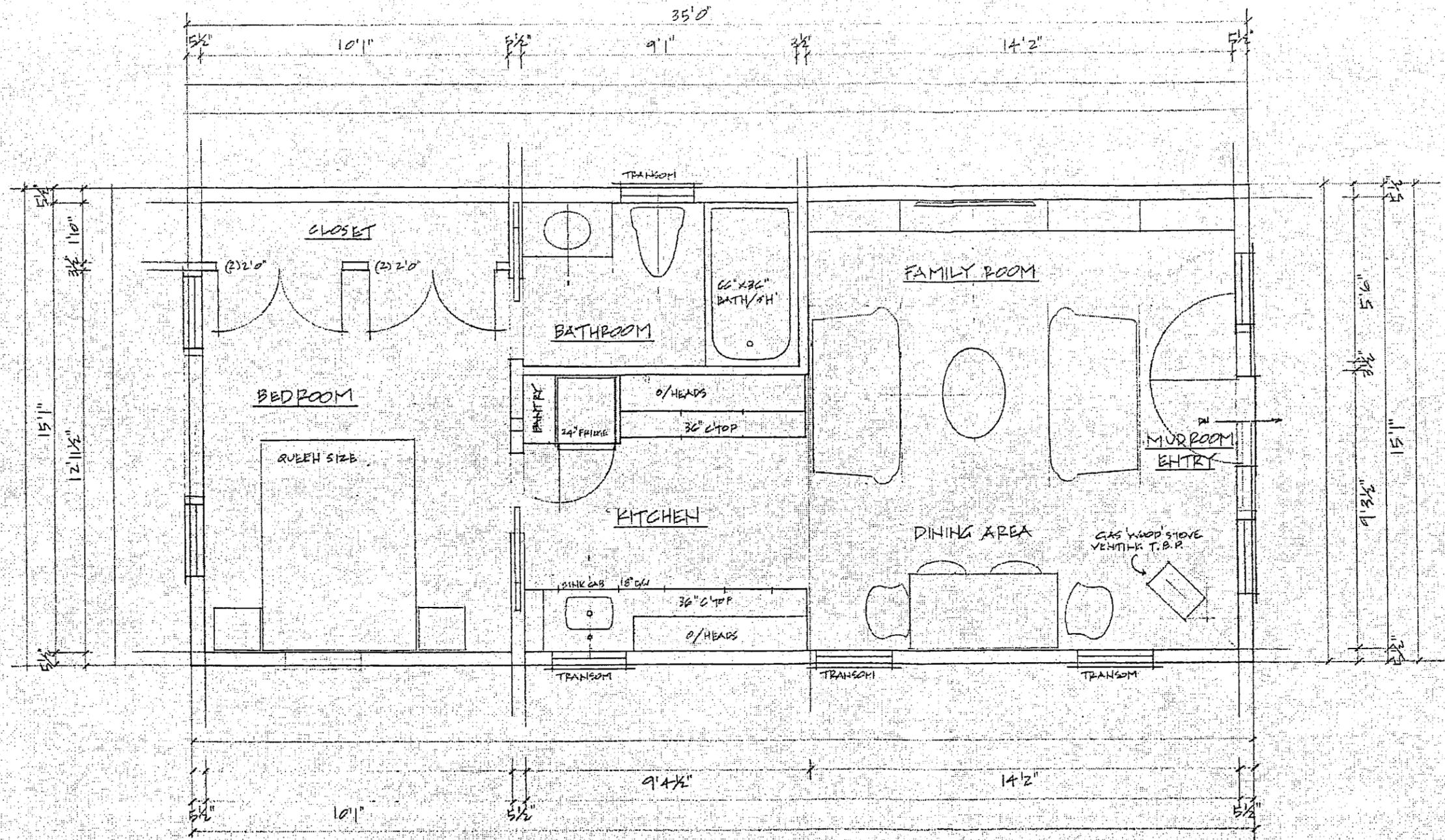
7"

1 SECTIONAL VIEW

1/2" = 1'0"

TITLE: SECTIONAL VIEW
 SCALE = 1/2" = 1'0"
 DATE: 9.3.2014

"BOATHOUSE" REMODEL
 PENDERY/GERHARTZ RESIDENCE
 118 PEPPERELL RD., KITTERY PT., ME . REVISIONS:



PROPOSED FIRST FLOOR PLAN
1/4" = 1'0"

"BOATHOUSE" REMODEL
 PENDERY/GERHARTZ RESIDENCE TITLE: PROPOSED 1ST FLOOR PLAN
 118 PEPPERELL RD., KITTERY POINT, ME SCALE: 1/4"=1'0"
 DATE: 11.19.2014
 REVISIONS:

Town of Kittery Maine Town Planning Board Meeting February 12, 2014

McCoy Residence - Shoreland Development Plan Review.

Action: Hold a Public Hearing, grant or deny plan approval. Kevin and Terry McCoy, owners/applicant request approval for a nonconforming structure reconstruction, removal of an existing house, garage and shed and construct a new house, garage and barn at 24 Goose Point, Kittery, Map 34 Lot 9 in the Residential-Rural, Shoreland and Resource Protection Overlay zones. Agent is Architect Tom Emerson, Studio B-E.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	DATE
NO	Sketch Plan Review		
NO	Site Visit	Held	12/22/14
YES	Determination of Completeness/Acceptance	Plan accepted; site walk & PH scheduled	12/8/14
NO	Public Hearing	Scheduled 2/12/15	
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.

PLEASE REFER TO PACKET INFO FROM 12/8 MTG

Staff Comments/Update:

1. The application was determined complete on December 11, 2014. The Board did not appear to have any issues with the proposal as presented.
2. The applicant has provided a revised plan illustrating the proposed new construction (green) over the existing conditions, and noting those existing structures to be removed.
3. Subsequent to the December meeting, the Kittery Conservation Commission has submitted opinion that the existing boat house should be removed from the shoreline (attached). Jessa Kellogg, Shoreland/Environmental Resource Officer was contacted regarding demolition in the Shoreland Overlay setback. She responded: *The applicant does not need a permit from the DEP for the removal of the boathouse, they just need to ensure that proper erosion control measures are in place and that the tidal wetland will not be disturbed. The applicant would apply for a demolition permit. Once the building is removed we would need to do a final inspection.* This direction has been included in the Findings of Fact and Conditions of Approval and will apply to the removal of all structures on the site as well.
4. The architectural drawings of the proposed house structure in the Shoreland setback area include volume and area calculations. Volume and area calculations for the proposed garage structures are not require to meet Shoreland requirements.

5. Total devegetated area calculations have been provided on the plan:

Lot Area SF	Exiting Deveg.	%	Proposed Deveg.	%	Allowed
59,480 sf	8,890 sf	14.94%	6,468	10.9%	20%

6. Area and Volume:

Area	Existing Area SF	Proposed Area SF	% Increase	% Increase Allowed
	3,232 sf	4,080 sf	26.23%	30%

Volume	Existing Volume CF	Proposed Volume CF	% Increase
	48,800 cf	37,840 cf	-22.45%

Volume calculations are for those portions of the structure within the 100-foot setback, resulting in a decrease in volume from the existing conditions.

7. The building area in the Residential Rural zone is limited to 15%. The proposed plan does not exceed this limitation.

Lot Area SF	Building Area	%	Allowed
59,480 sf	4,158 sf	7%	15%

8. Other items from December review:

- Yard setbacks to the proposed structures have been shown.
- Building height is confirmed at 34 feet, below the height limit of 35 feet.
- Existing septic area and proposed location of new pre-treatment system have been shown.
- Extent of Flood Zone A2 illustrated.
- Applicant has stated there will be no path created to the existing dock, and that the original house location will be re-vegetated per Title 16.7.3.5.4.C, as applicable (see Conditions of Approval).

Recommendation / Board Action

A site visit was held on December 22, 2014. There have been no issues raised by abutters regarding the proposed project. Pending the outcome of the public hearing, staff recommends the application be approved.

Move to approve the Shoreland Development application of Kevin and Terry McCoy, to demolish and rebuild structures located at 24 Goose Point, Kittery, Tax Map 34 Lot 9 in the Residential-Rural and Shoreland Overlay zones, Map 34 Lot 9.



Town of Kittery, Maine

Conservation Commission

P.O. Box 808, Kittery, Maine 03904

DATE: December 22, 2014

TO: Ann Grinnell, Chair
Kittery Planning Board

FROM: Earledean Wells, Chair

RE: McCoy property, 24 Goose Point , Map 34 Lot 9 - boat house

During the December 11, 2014 Planning Board meeting, the Conservation Commission was asked to review the old boat house in the Shoreland Zone on the above mentioned property and to determine if it would be in the best interest of the Shoreland Zone to allow this structure to be torn down.

Thursday, December 18, 2014 three members of the Conservation Commission met the Architect, Tom Emerson, at the property to review the boat house. The information gathered was reviewed with the other Conservation Commission members later on December 18th during our regular meeting.

A motion was made that the boat house was in very bad repair and since the high tide comes up to the structure, a storm could cause the structure to crumble into Spruce Creek causing environmental damage to Spruce Creek as well as the Shoreland Zone. This motion was seconded and a vote resulted in a unanimous opinion that the boat house should be torn down.

KITTERY PLANNING BOARD

FINDINGS OF FACT

UNAPPROVED

for

**24 Goose Point, Kittery Point
Shoreland Development Plan Review**

WHEREAS: Kevin and Terry McCoy, owners and applicant, request approval for a nonconforming structure demolition and new construction, including the removal of an existing house, garage and shed and construction of a new house, garage and barn at 24 Goose Point, Kittery, Tax Map 34 Lot 9 in the Residential-Rural, Shoreland and Resource Protection Overlay zones. Agent is Tom Emerson, Studio B-E, hereinafter the “Development”; and

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

Shoreland Overlay Plan Review	December 11, 2014
Site Visitations	December 22, 2014
Public Hearing	February 12, 2015
Preliminary/Final Plan Approval	

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, December 11, 2014.
2. Site Plan, Easterly Surveying, Inc., October 10, 2014
3. Shoreland Development Plan, Easterly Surveying, Inc., December 31, 2014; Rev. 2/5/15
4. Transverse Section, Sheet 8, McCoy Residence, Studio B-E Architecture, (no date)
5. First Floor Plan, Sheet 2, McCoy Residence, Studie B-E Architecture, 1/19/15
6. Second Floor Plan, Sheet 3, McCoy Residence, Studie B-E Architecture, 1/19/15
7. Lower Level Plan, Sheet 4, McCoy Residence, Studie B-E Architecture, 1/19/15
8. Kittery Conservation Commission Letter, December 22, 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

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:

Finding: The original house structure was built in 1972. The existing devegetated area will be reduced:
Lot size: 59,480sf; Existing devegetation: 8,890 sf (14.94%)
Proposed devegetation: 6,468 sf (10.9%)

Total devegetation does not exceed 20%.
The area currently covered by the existing, nonconforming house will be revegetated per Title 16.7.3.5.4.C, as applicable.
Conclusion: This standard 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.
<i>A. Except as otherwise provided in this Article, a non-conforming condition must not be permitted to become more non-conforming.</i>
The existing house at 10.8 feet from the H.A.T. will be removed and a new home constructed at 49.7 feet from the H.A.T. All other structural setbacks have been met. The proposal does not create a more non-conforming condition. This requirement has been met.
Vote: __ in favor __ against __ abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones
16.7.3.5.6 Nonconforming Structure Reconstruction
<i>B. In no case will a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it may not be any larger than the original structure, except as allowed pursuant to Section 16.7.3.5.5, Nonconforming Structures Repair and/or Expansion, as determined by the nonconforming floor area and volume of the reconstructed or replaced structure at its new location.</i>
<i>E. In determining whether the structure reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or Code Enforcement Officer must consider, in addition to the criteria in Section 16.7.3.5.4, Nonconforming Structure Relocation, the physical condition and type of foundation present, if any.</i>
<i>16.7.3.5.4. B. In determining whether the structure relocation meets the setback to the greatest practical extent, the Board of Appeals or Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone.), must consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.</i>
The replacement structure is not more non-conforming than the structure to be removed, and meets the required setbacks to the greatest practical extent given the existing constraints of the lot, including ledge, shoreland overlay setbacks, and wetland areas. 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;
With the demolition of the existing boathouse and dwelling, MDEP Best Management Practices for erosion and sediment control will be observed. Following removal of the structures, a final inspection will be conducted before erosion and sedimentation controls are removed (Condition #3).
Vote: __ in favor __ against __ abstaining
3. Adequately provide for the disposal of all wastewater;
The existing septic area located within the 100-foot Shoreland Overlay setback will be abandoned. A new subsurface wastewater disposal system design by Michael Cuomo has been submitted and approved by the Code Enforcement Officer. The new system is located within the building envelope, outside of the 100-foot setback. This standard 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;
The proposed development does not appear to have an adverse impact. Best management practices for erosion and sediment control will be applied; the proposed location of the subsurface wastewater disposal system is outside of the 100-foot resource setback; the proposed removal of the boat house will insure that a gradual downfall of the boathouse will not negatively impact the adjacent waters or wildlife.
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. The proposed structure will be moved further away from the water's edge, conserving shore area. Applicant will reestablish ground cover in those areas where structures are removed in accordance with Title 16.7.3.5.4.C, where applicable.
Vote: __ in favor __ against __ abstaining
6. Protect archaeological and historic resources;
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;
The project is not located 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
The proposed development is not located within an identified flood area.
Vote: __ in favor __ against __ abstaining
9. Is in conformance with the provisions of this Code;

This standard appears to have been met.
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 Kevin and Terry McCoy, to remove an existing nonconforming house, an existing garage and shed, and reconstruct a new house, garage and barn at 24 Goose Point, Kittery, Tax Map 34 Lot 9 in the Residential-Rural, Shoreland and Resource Protection Overlay zones, 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 onsite construction, areas to remain undisturbed must be clearly marked with stakes and caution tape. Removal of the stakes, caution tape, silt fences, and such other materials used during construction, is required at the completion of the onsite work, but not before permission to remove such has been given in writing by the Code Enforcement Officer (Title 16.7.3.5.4.2).
3. 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.
4. Erosion and sedimentation control materials will be in place prior to the demolition of the house and boathouse. An inspection will be required prior to removal of materials.
5. The shorefront area currently covered by the existing, nonconforming house will be revegetated per Title 16.7.3.5.4.C, as applicable.
6. All Notices to Applicant contained herein (Findings of Fact dated February 12, 2015).

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 _____

Ann H. Grinnell, Planning Board Chair

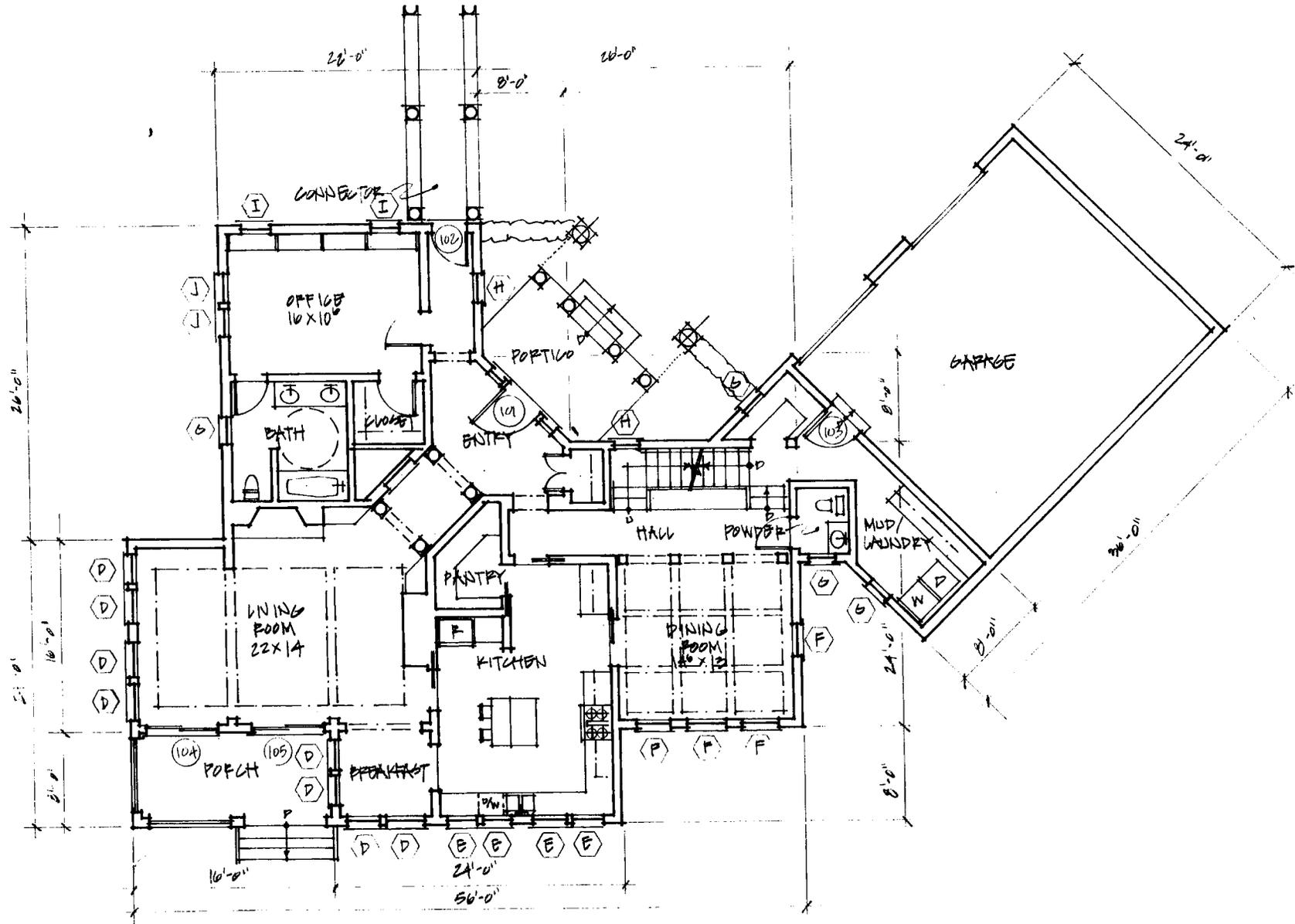
Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

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. Date of Planning Board approval shall be included on the final plan in the Signature Block.
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.



10 Ox Point Drive
 Kittery, ME 03904
 207.752.1371
 studioB-E.com



McCoy Residence

24 Goose Point Road
 Kittery Point, ME

FIRST FLOOR PLAN

FIRST FLOOR PLAN - (AREA = 2110 SF / VOLUME = 10642 CF)
 1/8" = 1'-0"



studioB-E
ARCHITECTURE

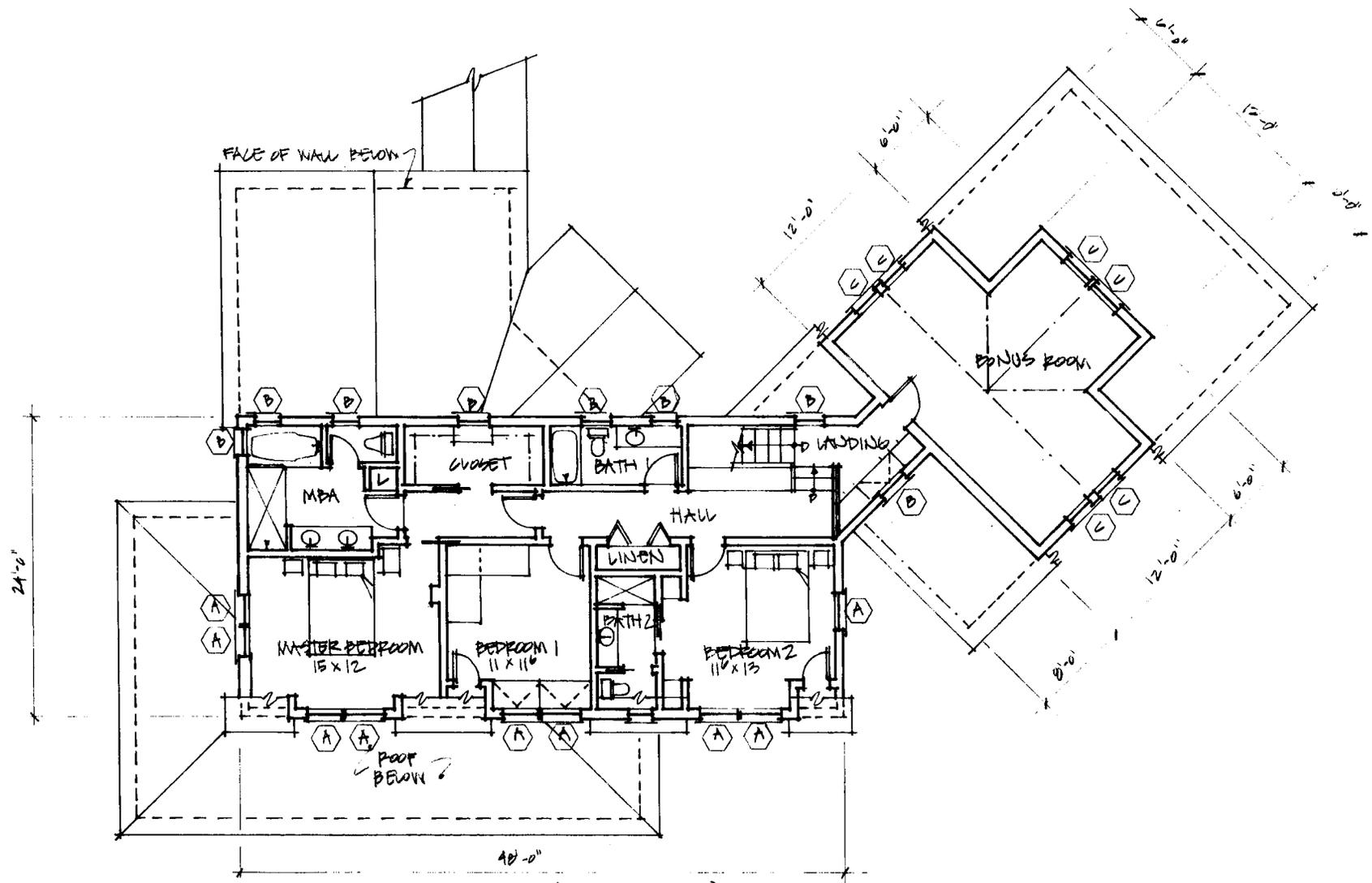
10 Ox Point Drive
Kittery, ME 03904
207.752.1371
studioB-E.com



McCoy Residence

24 Goose Point Road
Kittery Point, ME

SECOND
FLOOR
PLAN



SECOND FLOOR PLAN - (AREA = 1152 SF / VOLUME = 9216 CF)
1/8" = 1'-0"



studioB-E
ARCHITECTURE

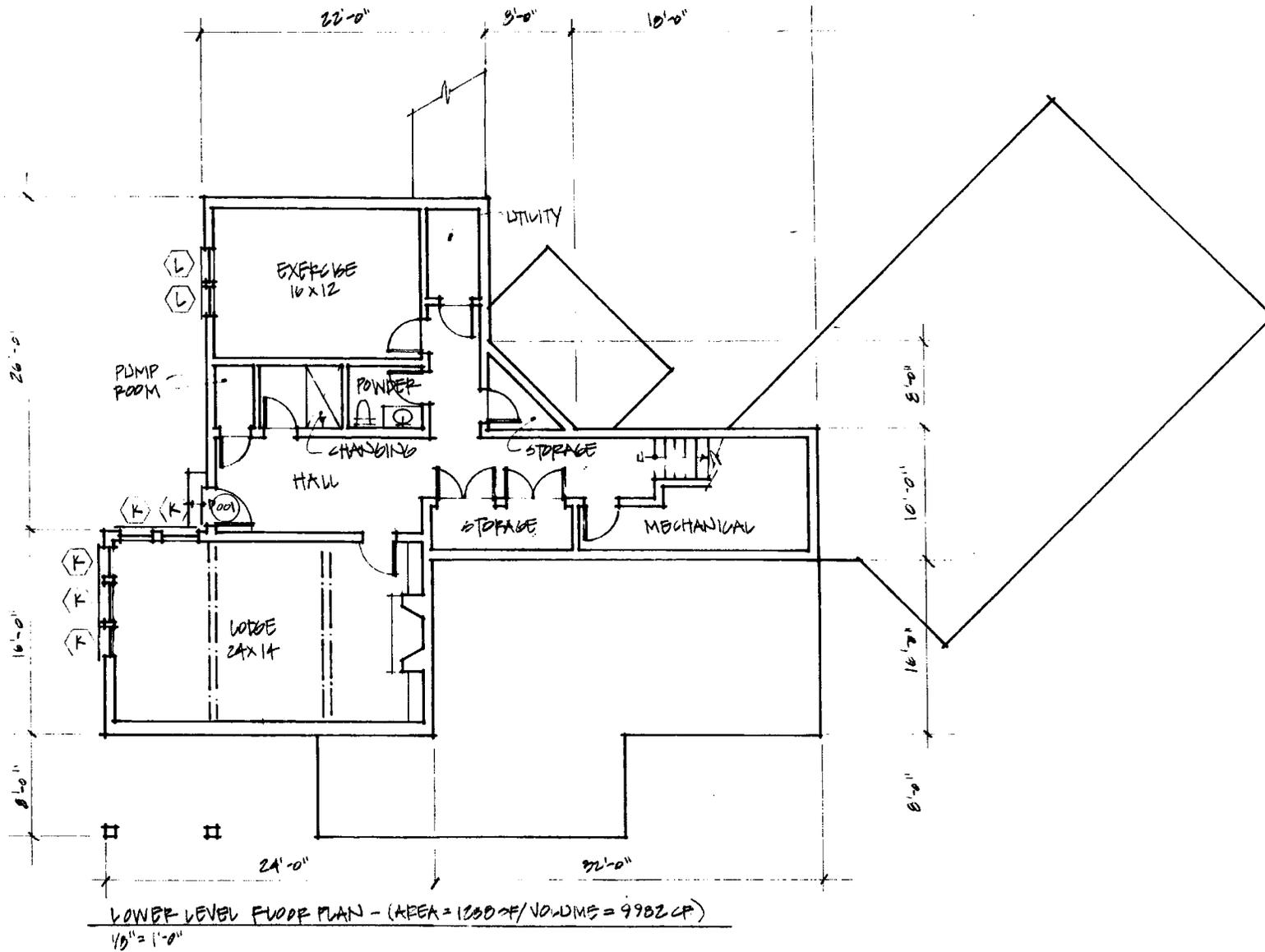
10 Ox Point Drive
Kittery, ME 03904
207.752.1371
studioB-E.com



McCoy Residence

24 Goose Point Road
Kittery Point, ME

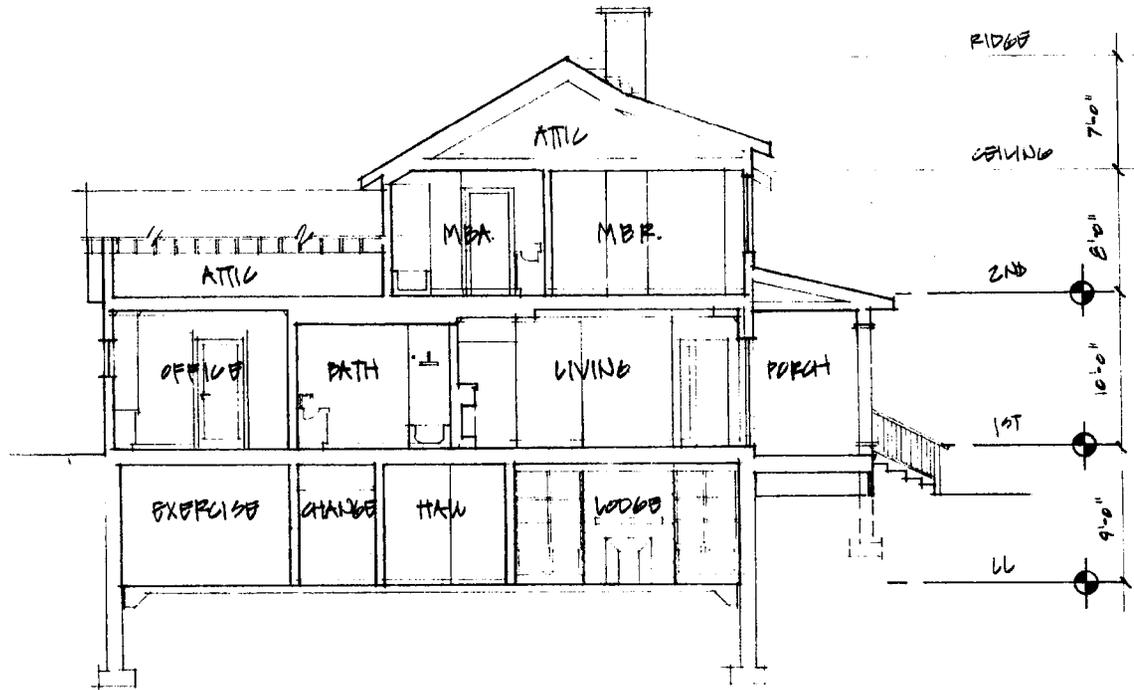
LOWER
FLOOR
PLAN





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ARCHITECTURE

10 Ox Point Drive
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① TRANSVERSE SECTION
1/8" = 1'-0"

McCoy Residence

24 Goose Point Road
Kittery Point, ME

SECTION



PLAN REFERENCES:

1. "FINAL PLAN, DORRNEY HOME SITES INC.", PREPARED BY G.L. DAVIS & ASSOCIATES, DATED SEPTEMBER 1967 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 44 PAGE 42.
2. "STANDARD BOUNDARY SURVEY, 17 GOOSE POINT, KITTERY, YORK COUNTY, MAINE, OWNED BY KENNETH & JANICE PALMER" PREPARED BY EASTERLY SURVEYING, INC. AND DATED JUNE 13, 2011. PROJECT NO. 11642.

N/F
STEVEN L. BOS FAMILY
TRUST AGREEMENT OF 2001
TAX MAP 33 LOT 10
Y.C.R.D. BOOK 15119 PAGE 150

ZONING DATA PER KITTERY TOWN CODE "TITLE 16 LAND USE AND DEVELOPMENT CODE" (LAST AMENDMENT 1/27/14) (SEE NOTE 7):

BASE ZONE: Residential-RURAL (R-RL)
OVERLAY ZONES: RESOURCE PROTECTION (OZ-RP)
SHORELAND-WATER BODY/WETLAND PROTECTION AREA (OZ-SL-250')

R-RL BASE ZONE REQUIREMENTS:

MINIMUM LAND AREA: 40,000 Square Feet
MINIMUM STREET FRONTAGE: 150 Ft
MINIMUM FRONT YARD SETBACK: 40 Ft
MINIMUM SIDE YARD SETBACK: 20 Ft
MINIMUM REAR YARD SETBACK: 20 Ft
MAXIMUM BUILDING COVERAGE: 15%
MAXIMUM BUILDING HEIGHT: 35 Ft
MINIMUM SETBACK FROM WATER BODY AND WETLAND WATER DEPENDENT USES: 0 Ft

OZ-RP REQUIREMENTS (SEE 16.3.2.19):

SETBACK FROM NORMAL HIGH-WATER LINE: 100 Ft

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

MINIMUM SHORE FRONTAGE: 150 Ft
MINIMUM SHORE FRONTAGE PER DWELLING UNIT: 100 Ft
MAXIMUM NON-VEGETATED COVERAGE: 20%

NOTES:

1. OWNERS OF RECORD:
TAX MAP 34 LOT 9
KEVIN M. MCCOY
THERESA A. MCCOY
Y.C.R.D. BOOK 16917 PAGE 686
DATED OCTOBER 7, 2014
2. TOTAL EXISTING PARCEL AREA:
TAX MAP 34 LOT 9
59,480± SQ. FT. (1.37± ACRES)
(AREA TO ELEVATION 7.1')
3. BASIS OF BEARING IS PER PLAN REFERENCE 2.
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. TEST PITS OBSERVED AND FRESH WATER WETLAND AREA DELINEATED ON SEPTEMBER 12, 2014 BY MICHAEL CUOMO. LIMIT OF TIDAL WETLANDS (SALT WATER TOLERANT VEGETATION) DELINEATED ON SAME DATE.
7. ZONING INFORMATION AND SETBACK LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
8. REFERENCE IS MADE TO FEMA PANEL 230171 0005 D, MAP REVISED JULY 4, 1986.
9. REFERENCE IS MADE TO ARCHITECTURAL DRAWINGS PREPARED BY THOMAS BATTUCK-EMERSON, STUDIO B-E ARCHITECTURE, FOR EXISTING AND PROPOSED AREAS AND VOLUMES.
10. AREAS BELOW REMOVED STRUCTURES ARE TO BE RE-VEGETATED.

EXISTING NON-VEGETATED COVERAGE CALCULATION:

LOT AREA:	59,480± Sq. Ft. (Area Above 7.1')
TOTAL NON-VEGETATED AREA:	8,890± Sq. Ft.
TOTAL NON-VEGETATED COVERAGE (8,890/59,480)	14.9%

PROPOSED NON-VEGETATED COVERAGE CALCULATION:

LOT AREA:	59,480± Sq. Ft. (Area Above 7.1')
PROPOSED STRUCTURES:	4,080± SQ. FT. (6.9% - 15% ALLOWED)
PROPOSED DRIVEWAY:	2,310± SQ. FT.
EXISTING PROMENTORY:	90± SQ. FT.
EXISTING DOCK:	20± SQ. FT.
TOTAL PROPOSED NON-VEGETATED AREA:	6,500± Sq. Ft.
TOTAL PROPOSED NON-VEGETATED COVERAGE (6,468/59,480)	10.9%

CONDITIONS OF APPROVAL:

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 D.E.P. 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 (FINDINGS OF FACT, DATED _____)

Kittery, Maine - Planning Board Approval

Date of Approval _____

Chairman _____ Date _____

STRUCTURE AREAS/VOLUMES*	EXISTING	PROPOSED	% CHANGE
STRUCTURE AREA	3,232 SQ. FT.	4,080 SQ. FT.	26.23%
STRUCTURE VOLUME	48,800 CU. FT.	37,840 CU. FT.	-22.45%

*STRUCTURE AND AREA CALCULATIONS PROVIDED BY THE ARCHITECT

YORK,ss REGISTRY OF DEEDS

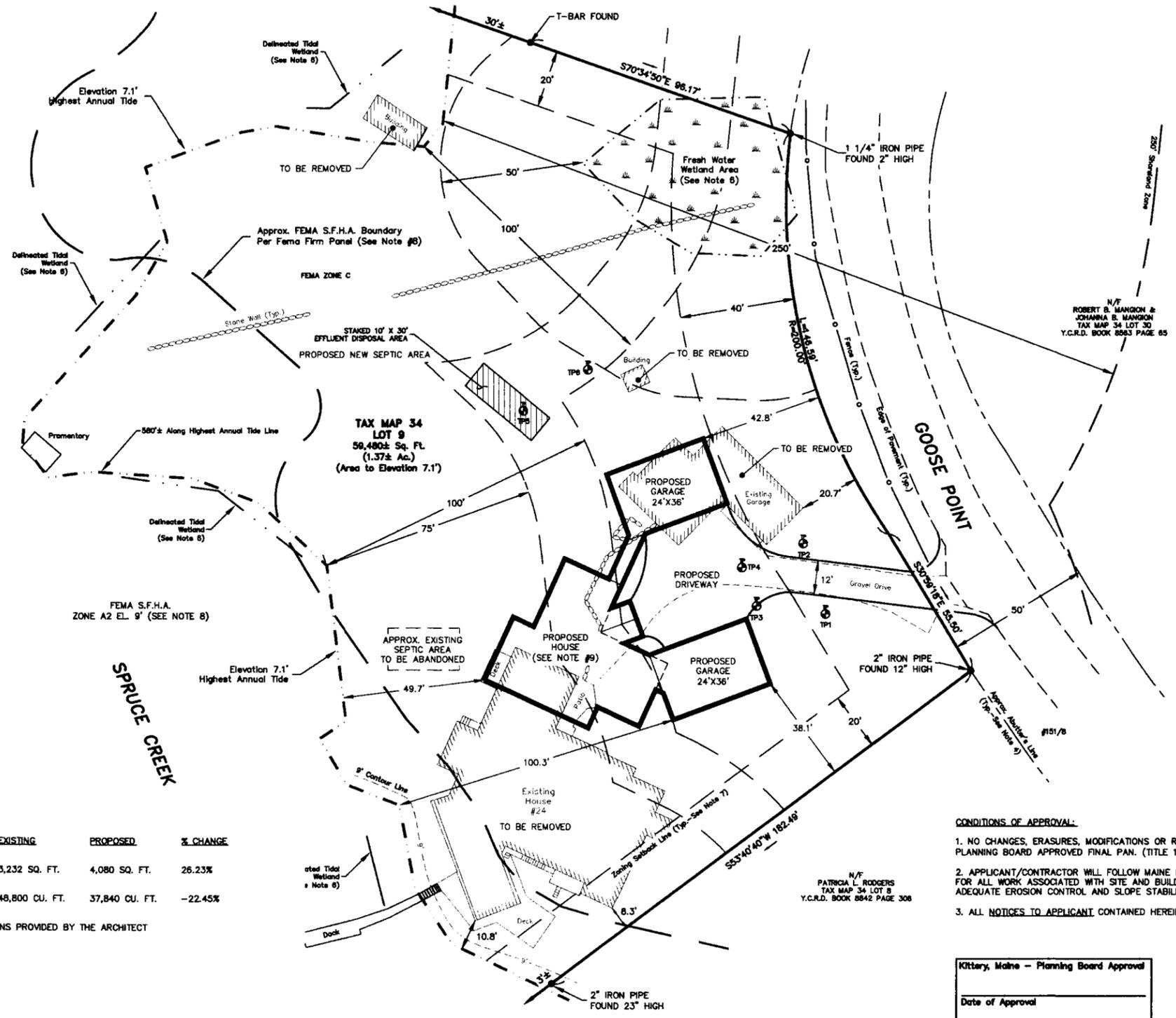
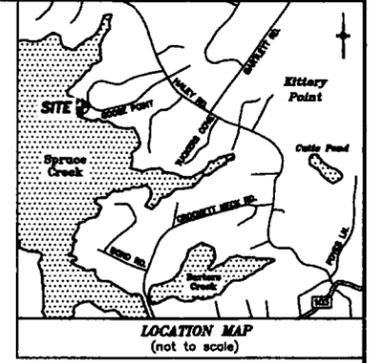
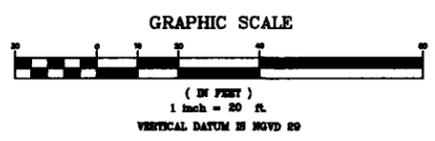
Received _____

at _____ M., and

Filed in Plan Book _____ Page _____

ATTEST:

Register



SHORELAND DEVELOPMENT PLAN
FOR PROPERTY AT
24 Goose Point
Kittery Point, York County, Maine
OWNED BY
Kevin McCoy
Theresa A. McCoy
12019 Sawhill Boulevard, Spotsylvania VA 22553

North
W EASTERLY
SURVEYING, Inc.

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

SCALE: 1" = 20'
PROJECT NO. 14738
DATE: 12/31/14
SHEET: 1 OF 1
DRAWN BY: A.M.P.
CHECKED BY: P.L.A.

DRAWING No: 14738 SITE
FIELD BOOK No: "Kittery Point #11"

Tax Map 34 Lot 9

REV.	DATE	STATUS	BY	CHKD	APPD.
A	2/5/15	ADD STRUCTURE AREA/VOLUME TABLE	A.M.P.		