

**Town of Kittery  
Planning Board Meeting  
November 16, 2023**

**ITEM 6 – 0 Norton Road– Shoreland Development Plan Review**

Action: Accept application. Approve plan or continue review: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, Josh Schneier, on behalf of owner/applicants Ruth I Lawrence Revocable Trust, request approval for the construction of a single-family home on a vacant lot, outside of all relevant setbacks, on a currently unaddressed property off Miller Road, Tax Map 56, Lot 21B, in the Residential-Rural and Resource Protection Overlay Zones.

**PROCESS SUMMARY**

<b>REQUIRED</b>	<b>ACTION</b>	<b>COMMENTS</b>	<b>STATUS</b>
Yes	Staff Review	11/9/23	Complete
No	Site Visit	Optional	Optional
No	Public Hearing	Optional	Optional
Yes	Final Plan Review	Scheduled for 11/16/23	TBD

**PROJECT INTRODUCTION**

0 Norton Road is a placeholder name for a conforming vacant lot of ~40,500 sq ft. currently located on Miller Road, zoned Residential-Rural, with a Resource Protection Overlay Zone defined by a special flood hazard area. The property contains wetlands surrounding the abutting Hutchins Creek, a protected stream.

The applicant proposes building a 1,576 sq ft. single-family dwelling and 150 sq ft. carport, along with a septic system, within a buildable area 100 feet away from the upland edge of all identified wetlands. Per **§16.7.3.A.(1)**, planning board review of the proposal is required due to the lot’s proximity within the Resource Protection Overlay zone. In the R-RL zone, a single-family dwelling is also a special exception use in Resource Protection Overlay areas.

On this parcel, the Resource Protection Overlay Zone is defined by the flood hazard area covering the property. The Town’s GIS maps are inaccurate, and often conflict with information presented in surveys. The survey for the proposed plan appears to contest the Town map and show that the proposed development is completely outside of any flood hazard areas or overlay zones. The applicant has provided an approved request to FEMA to amend the flood hazard maps for the parcel in question, which staff believe confirms the survey shows the most accurate information. Even with FEMA approval, an official amendment to the Town’s overlay zone maps would require review by Town Council. However, reviewing (and approving) the proposed shoreland development plan does not require a map amendment, and is fully within the purview of the planning board at this time.

**APPLICATION & PLAN REVIEW**

Staff reviewed the submitted application and plan and have the following comments:

1. The Shoreland Overlay Zone Ordinance **§16.4.28.E.(3).(a)**. requires new principal and accessory structures to be set back at least 100 feet, horizontal distance, from the HAT line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland. The submitted survey clearly notates the proposed house and septic system are completely

- 38 outside of the setback of the identified wetland, as well as any flood area and Resource Protection  
39 Overlay Zone.
- 40 2. General provision §16.1.8.C.4.(b). requires expansion of structures within base zone setback in the  
41 shoreland overlay zone not exceed 30% of the total footprint of structures existing within the  
42 property on January 1, 1989. Because this is a new structure and is completely out of any wetland  
43 setbacks, the provision does not apply to this proposal.
- 44 3. §16.4.28.E.(2). allows 20% of total lot area in the shoreland zoning overlay to be comprised of  
45 non-vegetated surfaces or structures. The survey notates the proposed house is completely outside  
46 of the Resource Protection Overlay Zone, meaning devegetation calculations do not apply to this  
47 proposal.
- 48 a. Outside of any overlay zones, the standard building coverage maximum in the R-RL zone  
49 is 15%. The plan clearly states total building coverage is at 4.3%, well under the maximum.
- 50 b. The only proposed buildings are the house and carport, as notated on the plan. The  
51 proposed driveway is not counted in building coverage calculation, as the R-RL zone only  
52 has maximum coverage for buildings, not impervious surfaces.
- 53 4. All dimensional standards in §16.4.10.D. appear to be met. The minimum land area per dwelling  
54 unit in the R-RL zone is 40,000 square feet. At 0.93 acres, the application has ~40,500 sq ft of land.  
55 Single-family dwellings are not subject to net residential acreage calculations unless part of a  
56 subdivision, meaning any land located on wetlands is not deducted from this total.
- 57 5. A subsurface wastewater disposal system has been submitted to the Town. Approval of septic  
58 systems is the purview of Code Enforcement, but the plan clearly notates the septic system will be  
59 out of any setbacks.

## 60 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

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61 The proposed dwelling will have no adverse impact on identified wetland setbacks. Given the fact that  
62 FEMA has already approved to recognize the new flood hazard boundary in the survey provided, it appears  
63 clear the development will not be located within any flood zone or Resource Protection Overlay Zone. Staff  
64 suggest acceptance of the plan and allowing the application to move to final plan approval and meet all  
65 other permitting requirements. The Planning Board should discuss the plan and determine if it meets the  
66 requirements to accept the plan, and/or direct the applicant to make any changes that are necessary.

## 67 **RECOMMENDED MOTIONS**

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68 Below are motions for the Planning Board's consideration:

### 69 ***Motion to accept the application***

70 Move to accept the plan for a shoreland development application from Josh Schneier, on behalf of  
71 owner/applicants Ruth I Lawrence Revocable Trust, requesting approval for the construction of a single-  
72 family home on a vacant lot, outside of all relevant setbacks, on an unaddressed property off Miller Road,  
73 Tax Map 56, Lot 21B, in the Residential-Rural and Resource Protection Overlay Zones.

### 74 ***Motion to approve the application***

75 Move to approve the plan for a shoreland development application from Josh Schneier, on behalf of  
76 owner/applicants Ruth I Lawrence Revocable Trust, requesting approval for the construction of a single-  
77 family home on a vacant lot, outside of all relevant setbacks, on an unaddressed property off Miller Road,  
78 Tax Map 56, Lot 21B, in the Residential-Rural and Resource Protection Overlay Zones.

**Kittery Planning Board**  
**Findings of Fact**  
**For 0 Norton Road**  
**Shoreland Development Plan Review**

**DRAFT**  
**M 56 L 2-B**

**WHEREAS:** Agent Josh Schneier, on behalf of owner/applicants Ruth I Lawrence Revocable Trust, request approval for the construction of a single-family home on a vacant lot, outside of all relevant setbacks, on a currently unaddressed property off Miller Road, Tax Map 56, Lot 21B, in the Residential-Rural and Resource Protection Overlay Zones.

Pursuant to the Plan Review meetings conducted by the Planning Board as noted in the plan review notes prepared for 11/16/2023.

Shoreland Development Plan Staff Review	11/9/23
Site Walk	None
Public Hearing	None
Approval	11/16/23

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

1. Shoreland development plan application received 10/25/2023 from Josh Schneier of Easterly Surveying.
2. Letter of Map Amendment approved 8/31/23 by the Federal Emergency Management Agency (FEMA).

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

**FINDINGS OF FACT**

**Chapter 16.4 LAND USE ZONE REGULATIONS**

**16.4.28.E. Shoreland Overlay Zone**

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

**Finding:** The proposed development is entirely out of the Shoreland and Resource Protection Overlay Zones. Devegetation maximums do not apply. The proposed development does not exceed the building coverage maximum of 15%.

**Conclusion:** The requirement appears to be met.

**Vote: \_\_\_ in favor \_\_\_ against \_\_\_ abstaining**

**Chapter 9 MARITIME AND SHORELAND RELATED DEVELOPMENT**

**Article III Planning Board Shoreland Development Review**

**16.9.3.F. Findings of Fact**

*(2) 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:*

*(a) Maintain safe and healthful conditions:*

Finding: The proposed development as represented in the plans will maintain healthful conditions and the application does not appear to have an adverse impact on public health and safety.

Conclusion: This requirement appears to be met.

**Vote: \_\_\_ in favor \_\_\_ against \_\_\_ abstaining**

*(b) Not result in water pollution, erosion or sedimentation to surface waters:*

Finding: The proposed development as represented in the plans is completely outside of all wetland and water body setbacks. Best practices for erosion and sedimentation will be observed in development.

Conclusion: This requirement appears to be met.

**Vote: \_\_\_ in favor \_\_\_ against \_\_\_ abstaining**

*(c) Adequately provide for the disposal of all wastewater:*

Finding: The proposed development adequately provides for the disposal and treatment of the property's wastewater. Full review of subsurface wastewater disposal systems remain the purview of Code Enforcement.

Conclusion: This requirement appears to have been met.

**Vote: \_\_\_ in favor \_\_\_ against \_\_\_ abstaining**

*(d) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat:*

Finding: The proposed development as represented in the plans meets all requirements to protect the well-being of nearby natural resources.

Conclusion: The requirement appears to be met.

**Vote: \_\_\_ in favor \_\_\_ against \_\_\_ abstaining**

*(e) Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters:*

Finding: Shore cover is conserved in accordance with the Code. There are no adverse impacts to visual or actual points of access to waters.

Conclusion: This requirement appears to be met.

**Vote: \_\_\_ in favor \_\_\_ against \_\_\_ abstaining**

*(f) Protect archaeological and historic resources:*

Finding: There appear to be neither archaeological nor historic resources impacted.



<p><u>Conclusion:</u> This requirement does not appear applicable.</p> <p style="text-align: right;"><b>Vote: ___ in favor ___ against ___ abstaining</b></p>
<p><i>(g) Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district:</i></p> <p><u>Finding:</u> The property is not located in the Commercial Fisheries / Maritime Use Zone and will have no adverse effect on commercial fishing nor maritime activities.</p> <p><u>Conclusion:</u> This requirement is not applicable.</p> <p style="text-align: right;"><b>Vote: ___ in favor ___ against ___ abstaining</b></p>
<p><i>(h) Avoid problems associated with floodplain development and use:</i></p> <p><u>Finding:</u> Per the finding from FEMA, the proposed development is completely outside of any identified flood hazard areas.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;"><b>Vote: ___ in favor ___ against ___ abstaining</b></p>
<p><i>(i) Is in conformance with the provisions of this code:</i></p> <p><u>Finding:</u> The proposed project is an existing non-conforming system, and proposed improvements will improve the property's conformity to the provisions of Title 16.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;"><b>Vote: ___ in favor ___ against ___ abstaining</b></p>
<p><i>(j) Be recorded with the York County Registry of Deeds:</i></p> <p><u>Finding:</u> A plan suitable for recording once the Surveyor's stamp is added has been prepared by <b>Easterly Surveying.</b></p> <p><u>Conclusion:</u> As stated in the Notices to Applicant contained herein, a Shoreland Development Plan must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.</p> <p style="text-align: right;"><b>Vote: ___ in favor ___ against ___ abstaining</b></p>

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 subject to any conditions or waivers, as follows:

**Waivers:** None

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

1. Without prior approval, no changes, erasures, modifications or revisions may be made to any Planning Board approved final plan per Title 16.9.3.I.

2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and construction to ensure adequate erosion control and slope stabilization.
3. All Notices to Applicant contained herein (Findings of Fact dated 11/16/23)

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

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 on final plan.
2. Surveyor's stamp must be on the final plan.

**Notices to Applicant:**

1. Incorporate any plan revisions on the final plan as required by Planning Board and submit for Staff review prior to presentation of final plan.
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) copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a copy of the signed and recorded original must be submitted to the Town Planning Department.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.
5. Prior to construction, applicant shall obtain any and all permits required by the code enforcement office to complete proposed work.

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

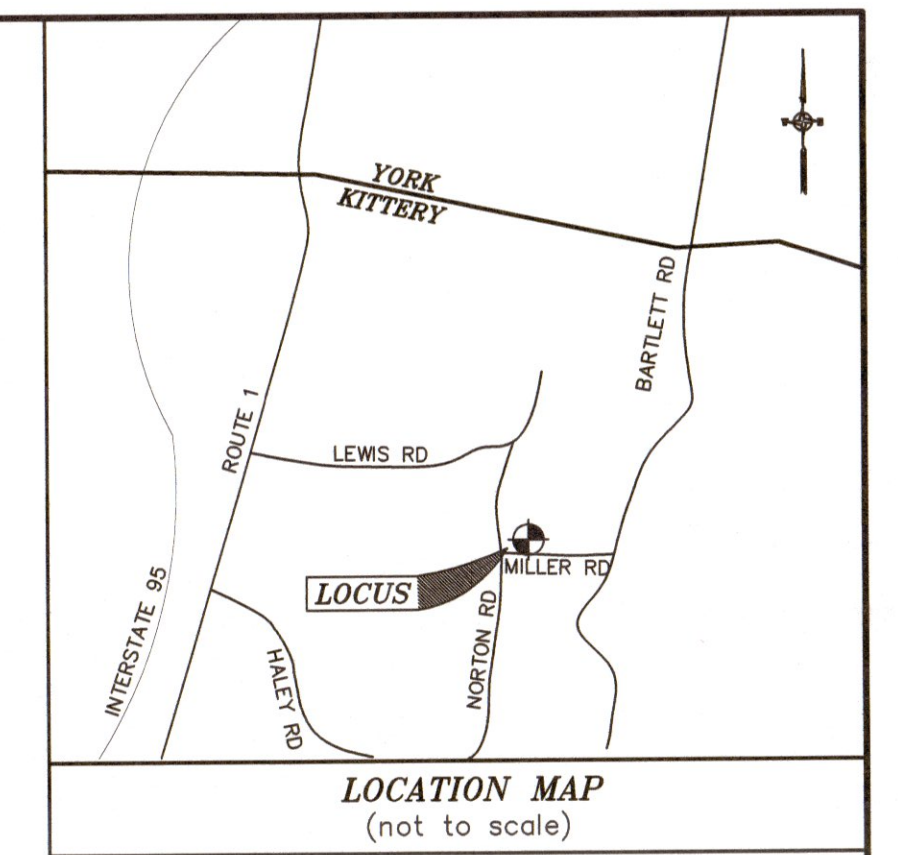
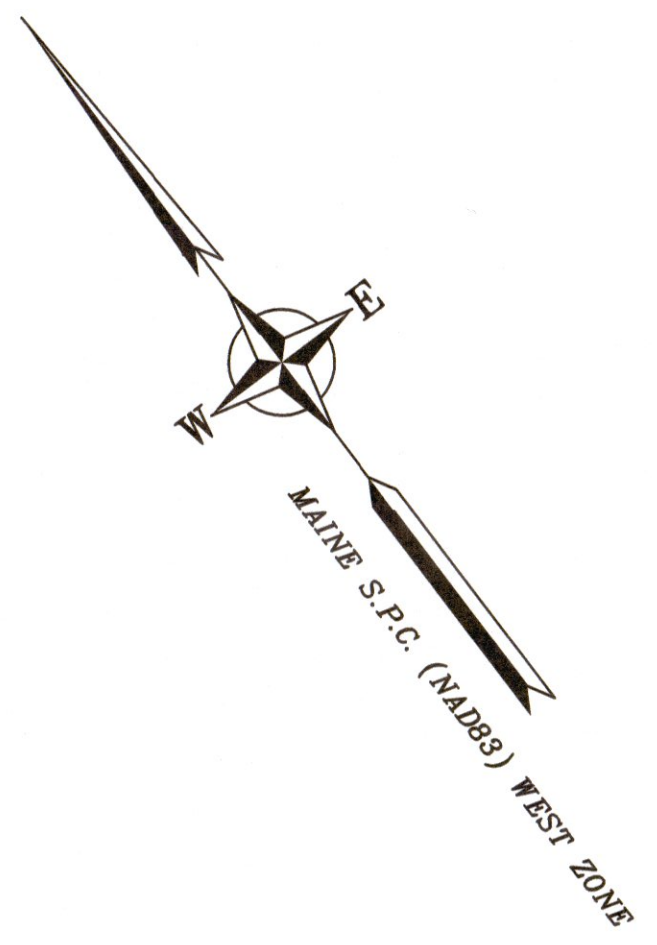
**Vote: \_\_\_ in favor \_\_\_ against \_\_\_ abstaining**

APPROVED BY THE KITTERY PLANNING BOARD ON \_\_\_\_\_

\_\_\_\_\_  
Dutch Dunkelberger, Planning Board Chair

Per Title 16.2.12. - 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.





**PLAN REFERENCES:**

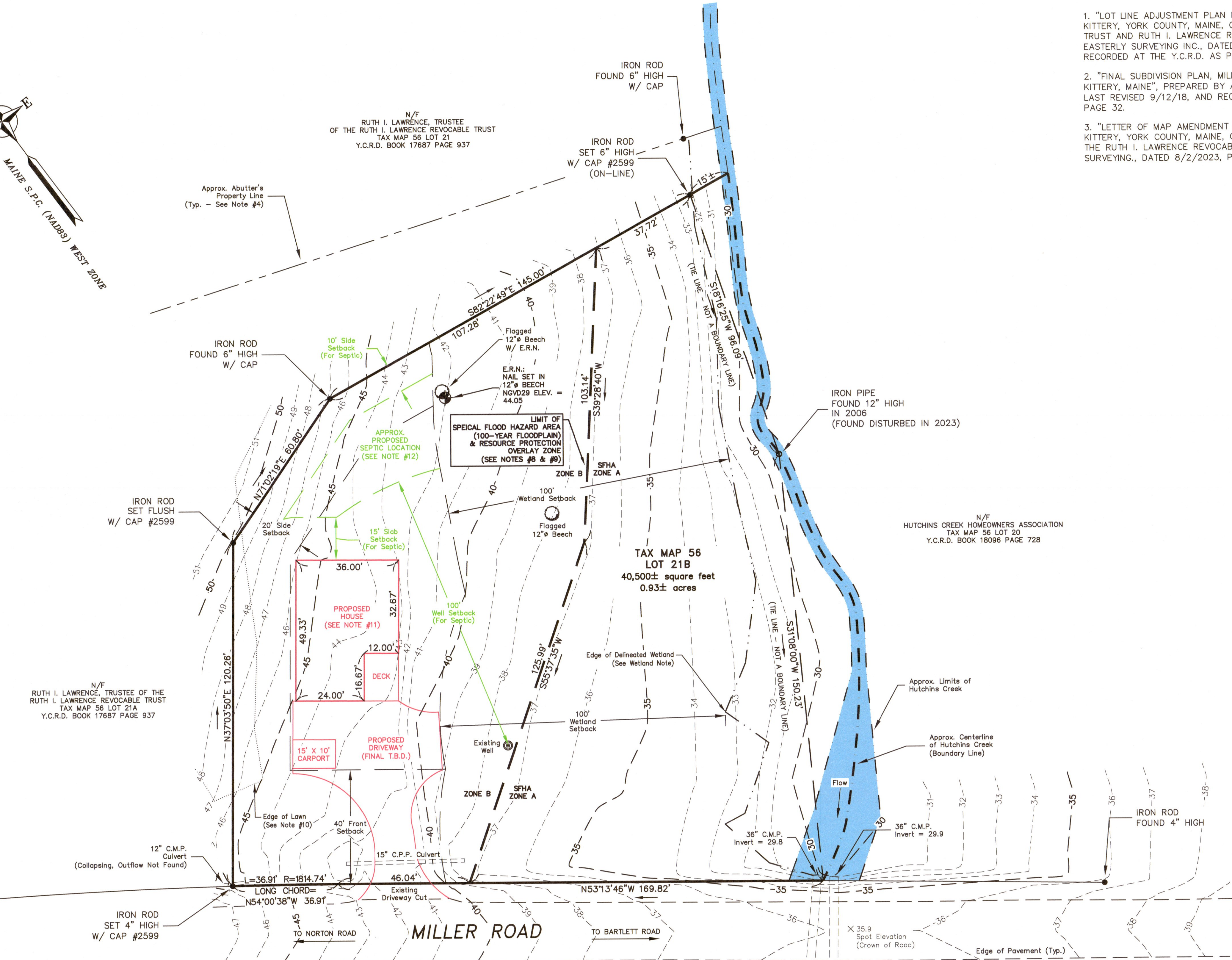
- "LOT LINE ADJUSTMENT PLAN FOR PROPERTY AT 52 NORTON ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY RONALD B. LAWRENCE REVOCABLE TRUST AND RUTH I. LAWRENCE REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING INC., DATED 7/7/06, PROJECT No. 99609, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 317 PAGE 5.
- "FINAL SUBDIVISION PLAN, MILLER ROAD SUBDIVISION, MILLER ROAD, KITTERY, MAINE", PREPARED BY ATTAR ENGINEERING, INC., DATED 7/19/18, LAST REVISED 9/12/18, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 397 PAGE 32.
- "LETTER OF MAP AMENDMENT PLAN OF PROPERTY AT MILLER ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY RUTH I. LAWRENCE, TRUSTEE OF THE RUTH I. LAWRENCE REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING, DATED 8/2/2023, PROJECT No. 99609, UNRECORDED.

**NOTES:**

- OWNERS OF RECORD:  
TAX MAP 56 LOT 21B  
RUTH I. LAWRENCE, TRUSTEE OF THE RUTH I. LAWRENCE REVOCABLE TRUST  
Y.C.R.D. BOOK 17687 PAGE 937  
DATED MARCH 6, 2018  
  
ALSO SEE CORRECTIVE DEEDS:  
Y.C.R.D. BOOK 19240 PAGE 712  
Y.C.R.D. BOOK 19240 PAGE 714
- TOTAL EXISTING PARCEL AREA:  
TAX MAP 56 LOT 21B  
0.93± Acres
- BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT. VERTICAL DATUM IS NGVD29.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- THE BOUNDARY LINES AND LOT AREA SHOWN HEREON ARE BASED ON PLAN REFERENCE #1.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- REFERENCE IS MADE TO FEMA LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL) DATED AUGUST 31, 2023, CASE NO. 23-01-0706A. SAID DOCUMENT AMENDED THE BELOW REFERENCED NATIONAL FLOOD INSURANCE PROGRAM MAP, WHICH RESULTED IN THE UPPER PORTION OF THE LOCUS PARCEL BEING REMOVED FROM THE SPECIAL FLOOD HAZARD AREA (ZONE A), AND BEING PLACED IN ZONE B (NOT A SPECIAL FLOOD HAZARD AREA). THE LOWER PORTION OF THE LOCUS PARCEL REMAINS IN THE SPECIAL FLOOD HAZARD AREA (ZONE A), AS SHOWN ON FEMA FIRM COMMUNITY-PANEL NUMBER 230171 0002 C, EFFECTIVE DATE JULY 5, 1984. SEE SAID LOMA DOCUMENT AND PLAN REFERENCE #3 FOR MORE INFORMATION.
- THE RESOURCE PROTECTION OVERLAY ZONE LIMITS SHOWN HEREON COINCIDE WITH THE LIMITS OF THE SPECIAL FLOOD HAZARD AREA (100-YEAR FLOODPLAIN), AS DESCRIBED IN KITTERY ZONING ORDINANCE §16.4.29C(4). THE LOCATION OF SAID FLOODPLAIN WAS RECENTLY AMENDED BY FEMA, AS DESCRIBED IN NOTE #8. THEREFORE, THE RESOURCE PROTECTION OVERLAY ZONE AND FLOODPLAIN LIMITS SHOWN HEREON APPEAR DIFFERENTLY ON THIS PLAN THAN AS SHOWN ON THE TOWN OF KITTERY G.I.S. AND ZONING MAPS.
- A PORTION OF LAWN ASSUMED TO BE MAINTAINED BY TAX MAP 56 LOT 21A APPEARS TO ENCRONCH ONTO THE LOCUS PARCEL.
- REFER TO DESIGN DRAWINGS TO BE SUBMITTED BY THE APPLICANT FOR BUILDING DIMENSIONS, ELEVATIONS AND SPECIFICATIONS. THE AVERAGE PRE-DEVELOPMENT GRADE AT THE LOCATION OF THE PROPOSED HOUSE IS ELEVATION 44.5 (AVERAGE OF 46.1 & 42.8, HIGH/LOW METHOD).
- REFERENCE IS MADE TO SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION FORM HHE-200 TO BE COMPLETED BY JOSEPH W. NOEL, SE #221.

**WETLAND NOTE:**

THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY JOSEPH W. NOEL, MAINE LICENSED SOIL SCIENTIST #209, ON 10/10/2023. THE FLAGS WERE LOCATED BY NORTH EASTERLY SURVEYING. THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT "CORPS OF ENGINEERS WETLAND DELINEATION MANUAL", (1987) ALONG WITH THE REQUIRED "REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION", (VERSION 2, JANUARY 2012).



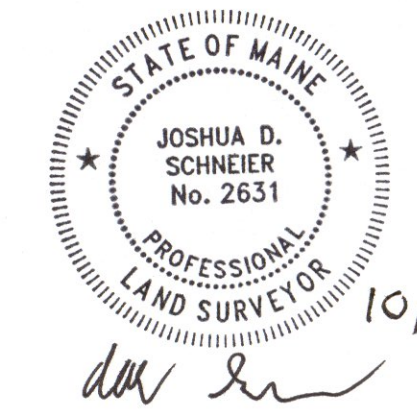
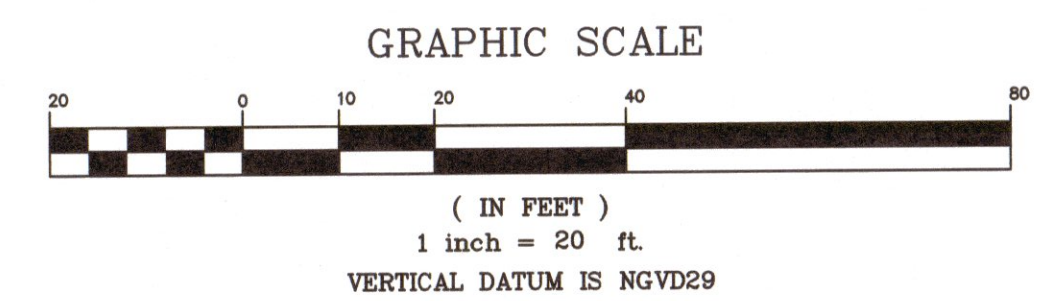
**ZONING DATA PER KITTERY ZONING ORDINANCE (LAST AMENDED 5/8/2023): - SEE NOTE #7**

- BASE ZONE: Residential-Rural (R-RL)  
OVERLAY ZONE: Resource Protection (OZ-RP)
- BASE ZONE REQUIREMENTS:  
MINIMUM LAND AREA PER DWELLING UNIT: 40,000 Sq Ft\*  
\*DOESN'T APPLY TO LOT OF RECORD THAT WAS CONFORMING PRIOR TO 10/25/2012  
MINIMUM LOT SIZE: 40,000 Sq Ft  
MINIMUM STREET FRONTAGE: 150 Ft  
MINIMUM FRONT YARD: 40 Ft  
MAXIMUM BUILDING COVERAGE: 15%  
MINIMUM REAR AND SIDE YARDS: 20 Ft  
MAXIMUM BUILDING HEIGHT: 35 Ft  
MINIMUM WETLAND SETBACK: 100 Ft (Wetland Greater Than 1 Acre)

**PROPOSED BUILDING COVERAGE CALCULATION:**

TOTAL LOT AREA:	40,500± SQ. FT.
HOUSE	1,576± SQ. FT.
CARPORT	150± SQ. FT.
TOTAL BUILDING COVERAGE:	1,726± SQ. FT. (4.3%)

OVERLAY ZONE REQUIREMENTS:  
SEE TOWN OF KITTERY CODE §16.4.29  
\*NO DEVELOPMENT PROPOSED WITHIN OVERLAY ZONE\* (SEE NOTE #9)



10/18/23

**PURPOSE OF PLAN:**

THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS FOR A BUILDING PERMIT APPLICATION. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND IS NOT INTENDED TO BE RECORDED, USED FOR CONVEYANCE, OR ANY OTHER TITLE PURPOSE.

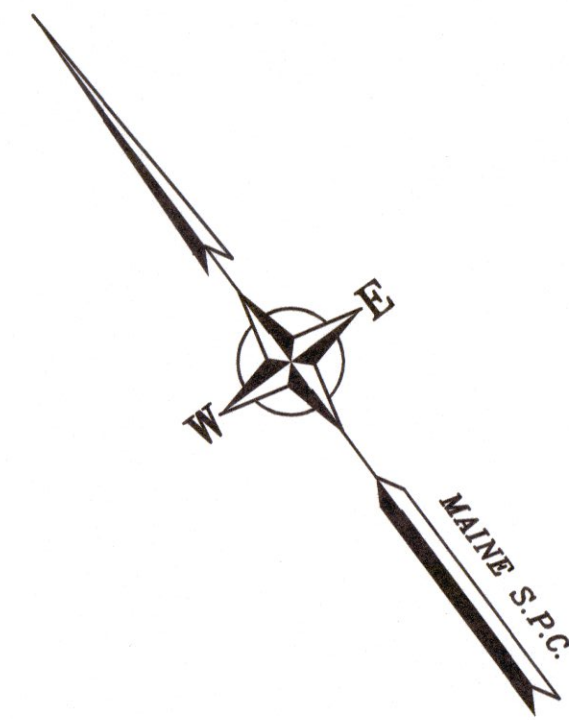
REV.	DATE	STATUS	BY	CHKD	APPD.

**PROPOSED SITE PLAN**  
PLAN OF PROPERTY AT  
**Miller Road**  
Kittery, York County, Maine  
OWNED BY  
**Ruth I. Lawrence, Trustee of  
The Ruth I. Lawrence Revocable Trust**  
Plan Prepared For: John Smart  
17 Water Street, Unit 1, Kittery, ME 03904

North  
W **EASTERLY** SURVEYING  
SURVEYORS IN N.H. & MAINE 1021 GOODWIN ROAD, UNIT #1  
(207) 439-6333 ELIOT, MAINE 03903

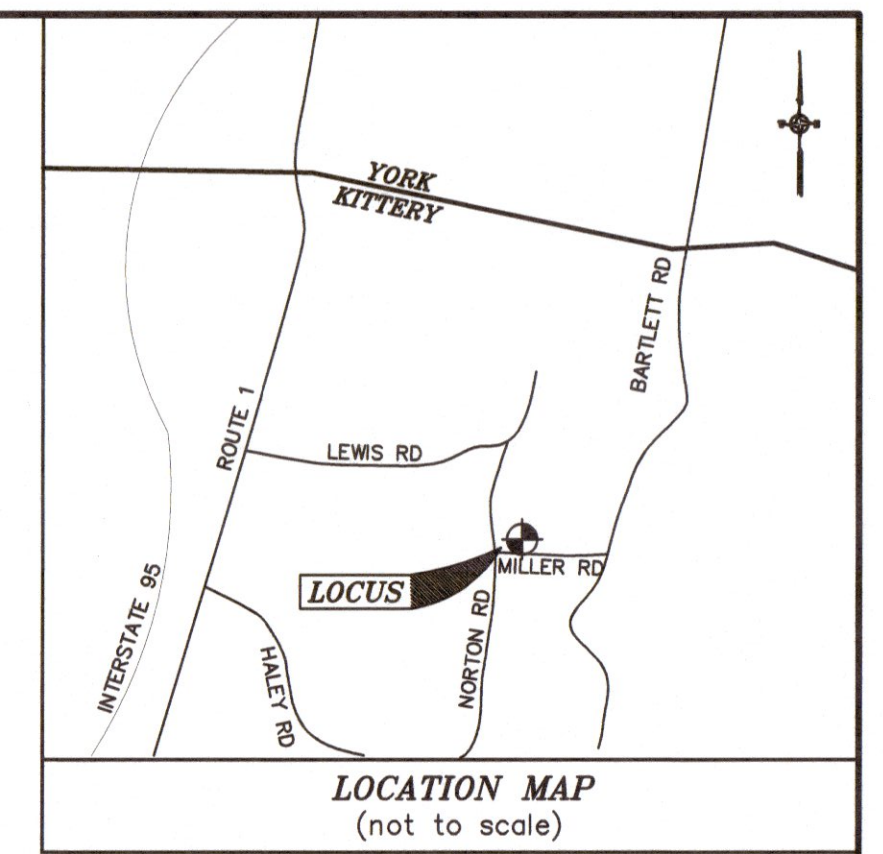
SCALE: 1" = 20'	PROJECT NO: 23697	DATE: 10/18/23	SHEET: 1 OF 1	DRAWN BY: J.D.S.	CHECKED BY: P.L.A.
DRAWING No: 23697 PRO SITE			Tax Map 56 Lot 21B		
FIELD BOOK No: "Kittery #41"					





**PLAN REFERENCES:**

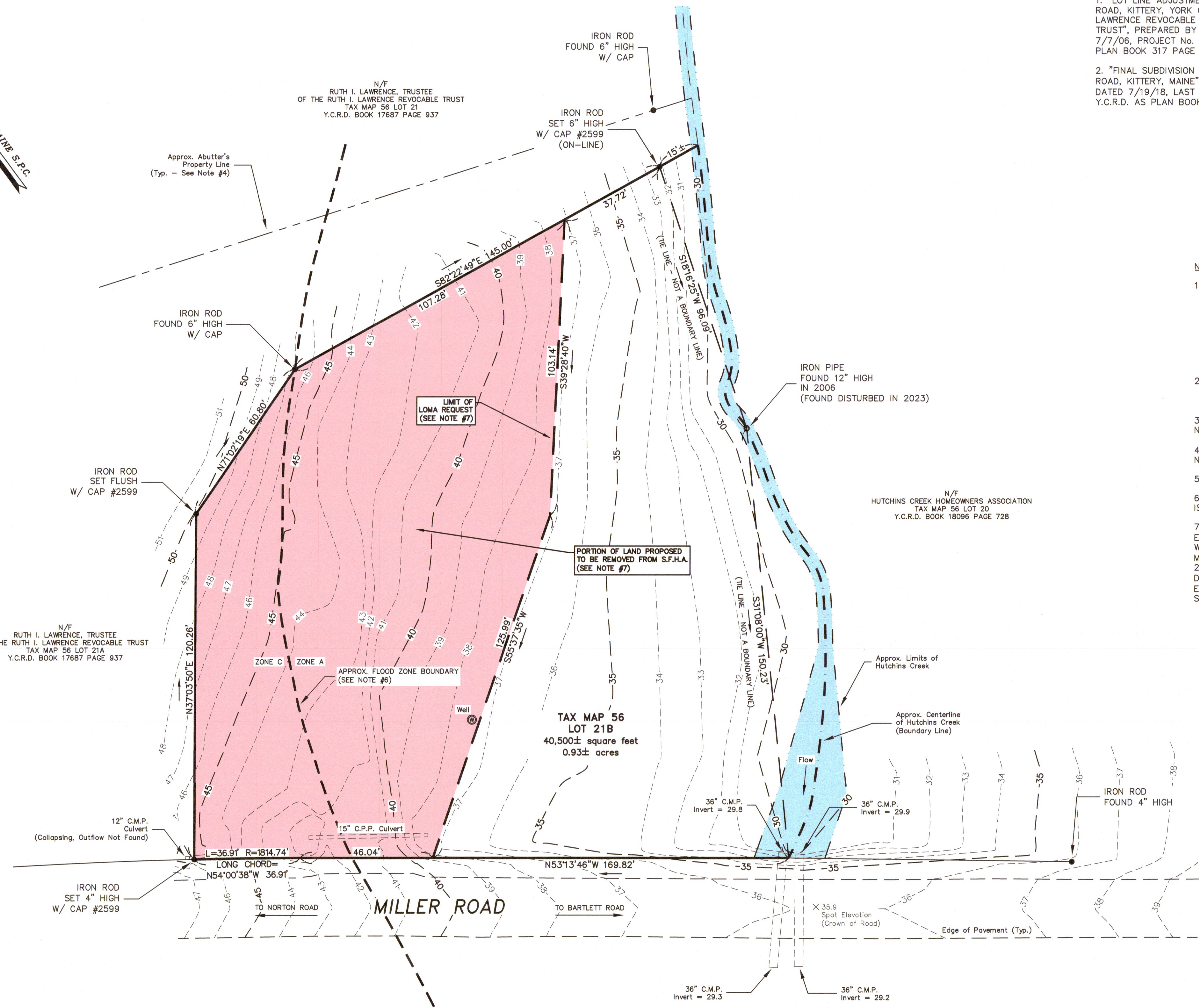
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N/F  
RUTH I. LAWRENCE, TRUSTEE  
OF THE RUTH I. LAWRENCE REVOCABLE TRUST  
TAX MAP 56 LOT 21  
Y.C.R.D. BOOK 17687 PAGE 937

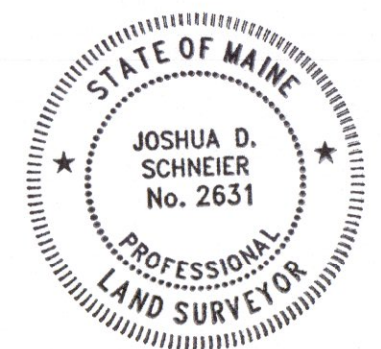
N/F  
RUTH I. LAWRENCE, TRUSTEE  
OF THE RUTH I. LAWRENCE REVOCABLE TRUST  
TAX MAP 56 LOT 21A  
Y.C.R.D. BOOK 17687 PAGE 937

N/F  
HUTCHINS CREEK HOMEOWNERS ASSOCIATION  
TAX MAP 56 LOT 20  
Y.C.R.D. BOOK 18096 PAGE 728

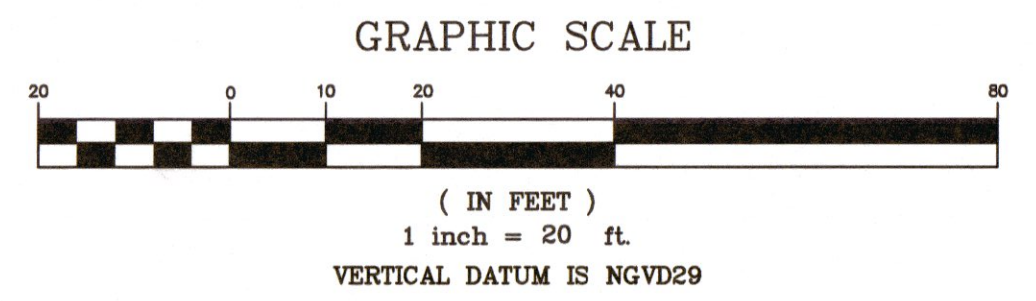


**NOTES:**

- OWNERS OF RECORD:  
TAX MAP 56 LOT 21B  
RUTH I. LAWRENCE, TRUSTEE OF THE RUTH I. LAWRENCE REVOCABLE TRUST  
Y.C.R.D. BOOK 17687 PAGE 937  
DATED MARCH 6, 2018  
  
ALSO SEE CORRECTIVE DEEDS:  
Y.C.R.D. BOOK 19240 PAGE 712  
Y.C.R.D. BOOK 19240 PAGE 714
- TOTAL EXISTING PARCEL AREA:  
TAX MAP 56 LOT 21B  
0.93± Acres
- BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT. VERTICAL DATUM IS NGVD29.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- THE BOUNDARY LINES AND LOT AREA SHOWN HEREON ARE BASED ON PLAN REFERENCE #1.
- A PORTION OF THE LOCUS PARCEL LIES WITHIN SPECIAL FLOOD HAZARD AREA ZONE A. REFERENCE IS MADE TO FEMA FIRM COMMUNITY-PANEL NUMBER 230171 0002 C, EFFECTIVE DATE JULY 5, 1984.
- FOR PURPOSES OF PREPARING THIS LOMA REQUEST, WE HAVE ASSUMED THAT A LOWEST LOT ELEVATION OF 37.0 FEET (NGVD29) WITHIN THE PORTION OF PROPERTY PROPOSED TO BE REMOVED WOULD BE HIGHER THAN THE BFE FEMA WOULD CALCULATE. REFERENCE IS MADE TO FEMA LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL), CASE NO. 18-01-1140A, DATED MAY 10, 2018. THIS DETERMINATION DOCUMENT GRANTED REMOVAL OF A PORTION OF PROPERTY LOCATED DIRECTLY ON THE OTHER SIDE OF HUTCHINS CREEK (TAX MAP 56 LOT 20), WITH A LOWEST LOT ELEVATION OF 37.0 FEET (THE SAME ELEVATION WE USED). LIMITS OF THIS REFERENCED LOMA CAN BE SEEN ON PLAN REFERENCE #2.



*Joshua D. Schneier*  
8/2/23



**PURPOSE OF PLAN:**

THE PURPOSE OF THIS PLAN IS TO DEPICT THE PORTION OF LAND PROPOSED TO BE REMOVED FROM THE SPECIAL FLOOD HAZARD AREA (ZONE A) AS REQUESTED IN A LETTER OF MAP AMENDMENT SUBMITTED TO FEMA. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND IS NOT INTENDED TO BE RECORDED, USED FOR CONVEYANCE, OR ANY OTHER TITLE PURPOSE.

**LETTER OF MAP AMENDMENT**  
PLAN OF PROPERTY AT  
Miller Road  
Kittery, York County, Maine  
OWNED BY  
Ruth I. Lawrence, Trustee of  
The Ruth I. Lawrence Revocable Trust  
21 Lynch Lane  
Kittery Point, ME 03905

North  
W EASTERLY  
SURVEYING  
SURVEYORS IN N.H. & MAINE 1021 GOODWIN ROAD, UNIT #1  
(207) 439-6333 ELIOT, MAINE 03903

SCALE: 1" = 20'	PROJECT NO. 99609	DATE: 8/2/2023	SHEET: 1 OF 1	DRAWN BY: J.D.S.	CHECKED BY: P.L.A.
DRAWING No: 99609 LOMA 2023 FIELD BOOK No: "Kittery #41"					
REV.	DATE	STATUS	BY	CHKD	APPD.

**Tax Map 56 Lot 21B**





# Federal Emergency Management Agency

Washington, D.C. 20472

**August 31, 2023**

MR. JOSH SCHNEIER  
NORTH EASTERLY SURVEYING  
1021 GOODWIN ROAD  
UNIT #1  
ELIOT, ME 03903

**CASE NO.: 23-01-0706A**  
COMMUNITY: TOWN OF KITTEERY, YORK COUNTY,  
MAINE  
COMMUNITY NO.: 230171

DEAR MR. SCHNEIER:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

## **LIST OF ENCLOSURES:**

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator  
Community Map Repository  
Region



# Federal Emergency Management Agency

Washington, D.C. 20472

## **ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT**

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.

# **ATTENTION LICENSED PROFESSIONALS!**

## **You can save time with electronic Letter of Map Amendment (eLOMA).**

The Federal Emergency Management Agency (FEMA) has designed a web-based tool for licensed land surveyors and professional engineers to submit selected Letter of Map Amendment (LOMA) requests, known as an electronic Letter of Map Amendment (eLOMA), replacing the traditional process with an instantaneous determination within minutes!

### **Save time.**

For more information visit:

**[https://hazards.fema.gov/femaportal/resources/eLOMA\\_faq.html](https://hazards.fema.gov/femaportal/resources/eLOMA_faq.html)**



**FEMA**



# WHAT ARE THE BENEFITS OF eLOMA?

---

## QUICK & EASY



- Receive a determination from FEMA in minutes
- Print a copy almost instantly and save digital copy

## COMPLETELY ONLINE



- Electronic transfer of data, **NO MAILING REQUIRED**
- Electronic communication
- Register and renew license info online
- Save an in-progress request and resume later

## ACCEPTS MOST LOMA REQUESTS



- Approximately 75% of all LOMA requests are eligible

## CENTRAL LOCATION



- Track status of all submitted requests in one spot
- Holds data for 3 years
- Easy to organize required data and submit audit requirements

## NO COST



- **NO FEE** to use eLOMA tool or print final determination

For more information visit: [https://hazards.fema.gov/femportal/resources/eLOMA\\_faq.html](https://hazards.fema.gov/femportal/resources/eLOMA_faq.html)



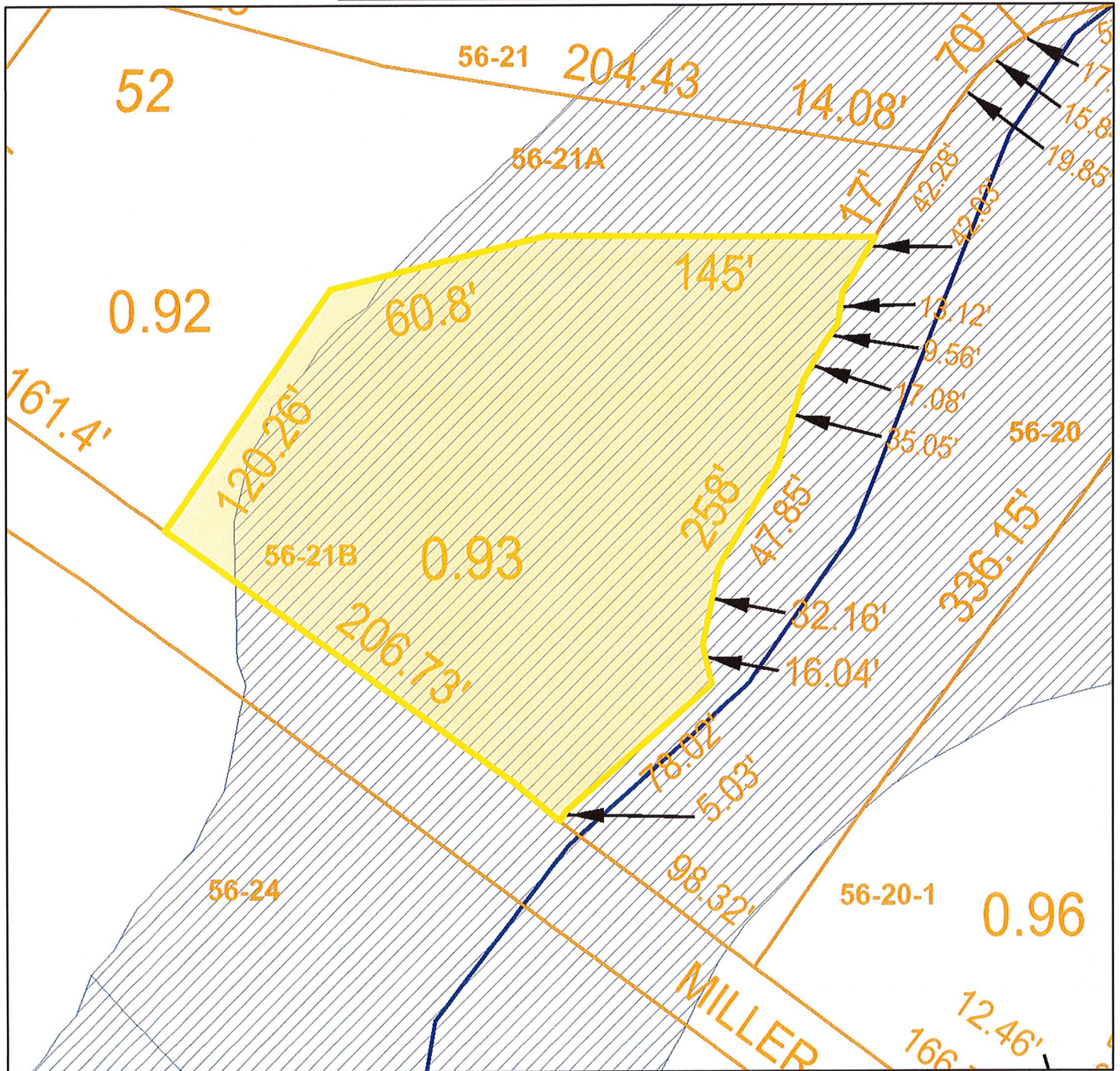
Kittery, ME




1 inch = 60 Feet



www.cai-tech.com

October 25, 2023



-  Protected Streams
-  100 yr - Zone A
-  Map - Lot Labels
-  Property Line
-  Public Road

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





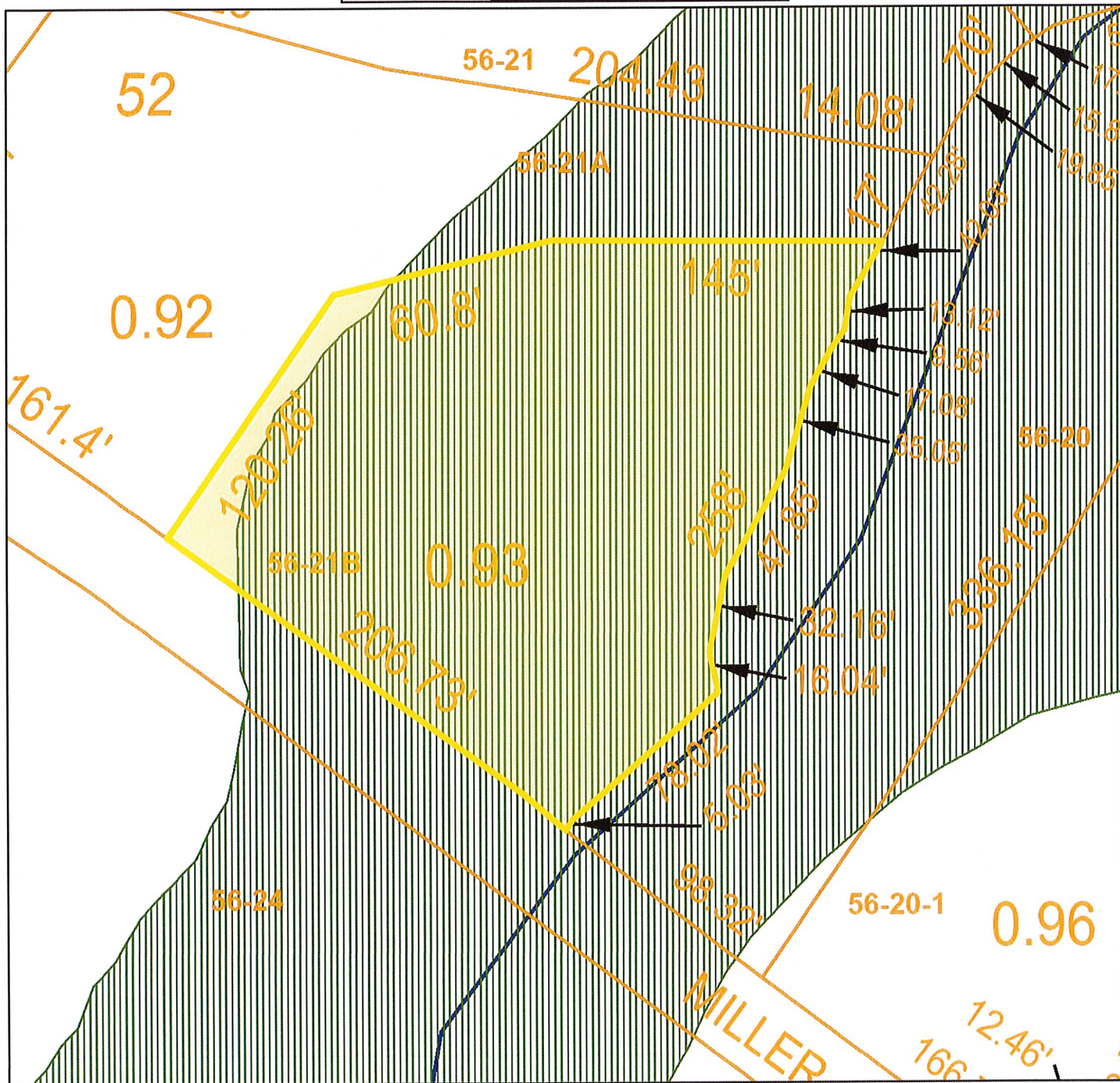
Kittery, ME






1 inch = 60 Feet



www.cai-tech.com

October 25, 2023



-  Protected Streams
-  Resource Protection Overlay Zone
-  Map - Lot Labels
-  Property Line
-  Public Road

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





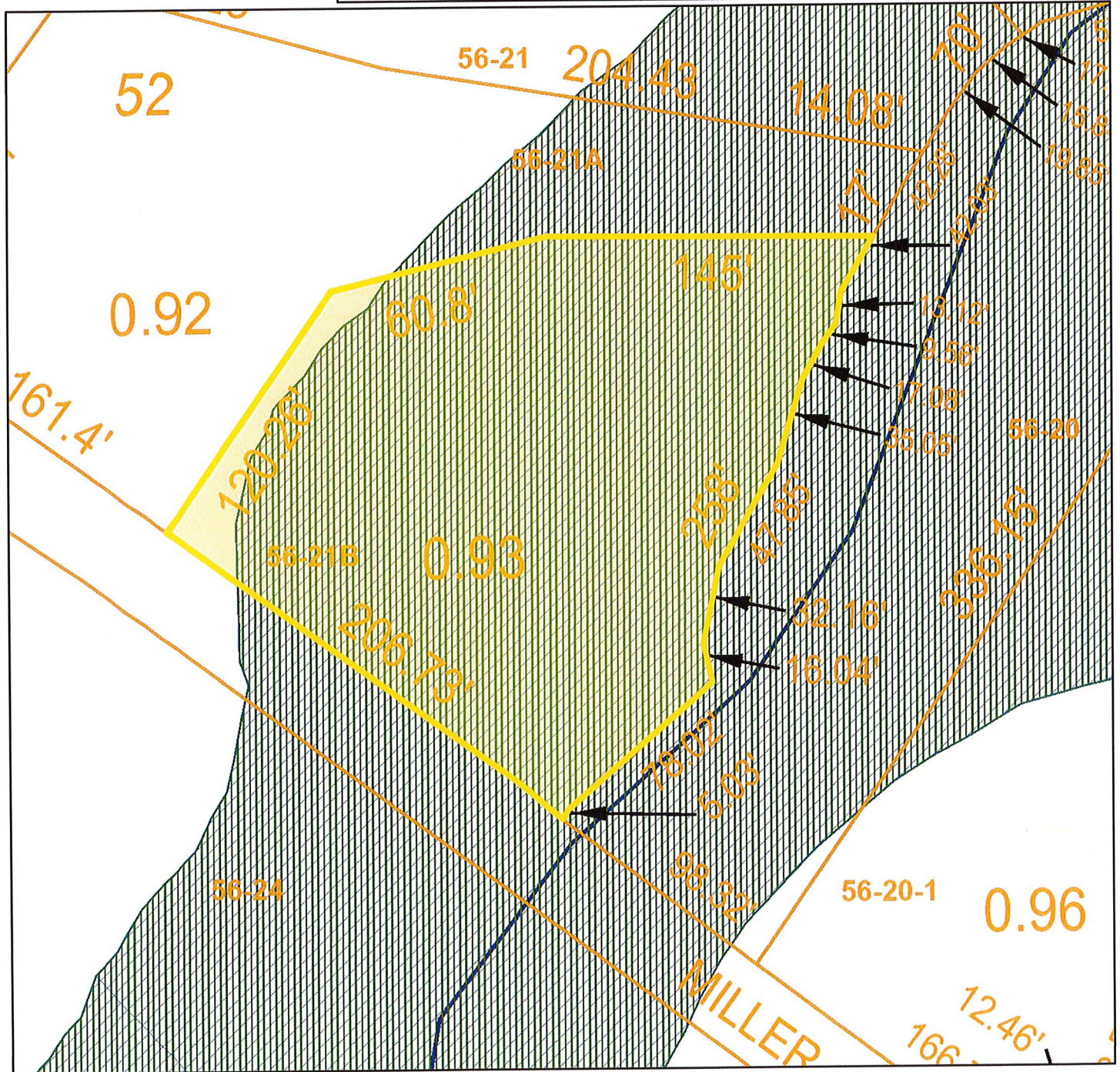
Kittery, ME

1 inch = 60 Feet



www.cai-tech.com

October 25, 2023



Protected Streams	Map - Lot Labels
Resource Protection Overlay Zone	Property Line
100 yr - Zone A	Public Road

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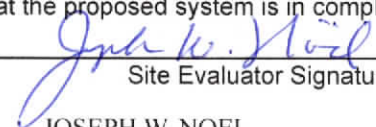
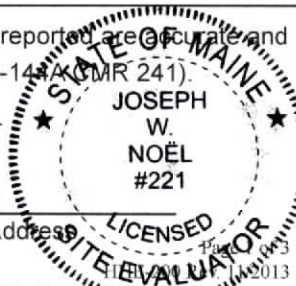
# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services  
Div. of Environmental Health, 11 SHS  
(207) 287-2070 Fax: (207) 287-4172

<b>PROPERTY LOCATION</b>		<b>&gt;&gt; CAUTION: LPI APPROVAL REQUIRED &lt;&lt;</b>	
City, Town, or Plantation	KITTERY	Town/City _____	Permit # _____
Street or Road	MILLER ROAD	Date Permit Issued ____/____/____	Fee: \$ _____ Double Fee Charged [ ]
Subdivision, Lot #		L.P.I. # _____	
<b>OWNER/APPLICANT INFORMATION</b>		Local Plumbing Inspector Signature _____	
Name (last, first, MI)	SMART, JOHN	Fee \$ _____ state min fee/\$ _____	Locally adopted
Mailing Address of Owner/Applicant	17 WATER STREET, UNIT 1 KITTERY, MAINE 03904	Fee Copy [ ] Owner [ ] Town [ ] State	
Daytime Tel. #	617-777-3175	Municipal Tax Map # <u>56</u> Lot # <u>21B</u>	
<b>OWNER OR APPLICANT STATEMENT</b>		<b>CAUTION: INSPECTION REQUIRED</b>	
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.		I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.	
Signature of Owner or Applicant _____ Date _____		Local Plumbing Inspector Signature _____ (1st) date approved _____	
		Local Plumbing Inspector Signature _____ (2nd) date approved _____	

PERMIT INFORMATION		
<b>TYPE OF APPLICATION</b> <input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type replaced: _____ Year installed: _____ <input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	<b>THIS APPLICATION REQUIRES</b> <input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	<b>DISPOSAL SYSTEM COMPONENTS</b> <input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input type="checkbox"/> 11. Pre-treatment, specify: _____ <input type="checkbox"/> 12. Miscellaneous Components
<b>SIZE OF PROPERTY</b> .93 <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	<b>DISPOSAL SYSTEM TO SERVE</b> <input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: <u>3</u> <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Current Use <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped	<b>TYPE OF WATER SUPPLY</b> <input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other

<b>DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)</b>			
<b>TREATMENT TANK</b> <input checked="" type="checkbox"/> 1. Concrete 2-compartment <input checked="" type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: _____ CAPACITY: <u>1000/250</u> GAL. with outlet filter	<b>DISPOSAL FIELD TYPE &amp; SIZE</b> <input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. cluster array <input type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: _____ SIZE: <u>960</u> <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft.	<b>GARBAGE DISPOSAL UNIT</b> <input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. ___ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	<b>DESIGN FLOW</b> <u>270</u> gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 4A (dwelling unit(s) now Table 5A <input type="checkbox"/> 2. Table 4C (other facilities) now Table 5C SHOW CALCULATIONS for other facilities
<b>SOIL DATA &amp; DESIGN CLASS</b> PROFILE <u>3</u> / <u>C</u> CONDITION _____ at Observation Hole # <u>2</u> Depth <u>19</u> " of Most Limiting Soil Factor	(20) GSF B43 Modules (Eljen In-drains)  <b>DISPOSAL FIELD SIZING</b> <input type="checkbox"/> 1. Medium--2.6 sq. ft. / gpd <input checked="" type="checkbox"/> 2. Medium--Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large--4.1 sq. ft. / gpd <input type="checkbox"/> 4. Extra Large--5.0 sq. ft. / gpd	<b>EFFLUENT/EJECTOR PUMP</b> <input type="checkbox"/> 1. Not Required <small>raise home to avoid a pump - use separate 100 gal. or larger pump chamber (if necessary)</small> <input checked="" type="checkbox"/> 2. May Be Required <input type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	Do not hook any component of a water softener unit to the wastewater disposal system. <input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA LATITUDE AND LONGITUDE at center of disposal area Lat. <u>43</u> d <u>06</u> m <u>24</u> s Lon. <u>70</u> d <u>42</u> m <u>26</u> s if g.p.s. state margin of error <u>30'</u> +/-

SITE EVALUATOR STATEMENT			
I certify that on <u>2/16/01, 6/1/06, 10/20/23</u> (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-14-A-CMR 241).			
 Site Evaluator Signature	221 SE #	10/22/23 Date	
JOSEPH W. NOEL	JWN #00-1681	207-384-5587	E-mail Address _____
Site Evaluator Name Printed Telephone Number			

Note: Changes to or deviations from the design should be confirmed with the Site Evaluator.

NOTES:

- The Town of Kittery's Official Shoreland Zone Map differs from the Proposed Site Plan dated 10/17/23 provided by North Easterly Surveying. Per the Proposed Site Plan, a FEMA Letter Of Amendment Determination dated August 31, 2023, removed the upper portion of the above-referenced lot from Zone A. This plan was relied upon to complete the HHE-200 application including the location of the Zone A/Resource Protection Overlay (i.e., the Official Shoreland Zoning Map has not reflected this change).

**INTENDED TO MEET SECTION 9.0 OF THE OCTOBER 2019 ELJEN CORPORATION'S MAINE DESIGN & INSTALLATION MANUAL REQUIREMENTS**

1. This system is not designed for the use of a garbage disposal.
2. This system is not designed for backwash from a water softener.
3. On raised systems, the organic and loamy dark brown topsoil layers must be removed beneath the disposal area and slope extension areas prior to fill placement. A bucket with teeth is best used for this construction step as buckets without teeth can compact and smear the underlying soil.
4. Scarify subsoil to a 4 inch depth prior to fill placement.
5. Backfill material shall meet Section 12(E) Table 12A of the Maine Rules. All backfill material shall be clean bank run gravelly coarse sand, free of topsoil or humus and dredging directly beneath the effluent disposal area and fill extensions.
6. The 6 inches underneath and 9 inches surrounding the GSF modules shall be installed using a medium to coarse washed sand with an effective size of 0.25 to 2.0 mm, no greater than 10% passing a #100 sieve and no greater than 5% passing a #200 sieve, and particles larger than .375", or materials meeting the ASTM C33 specifications with less than 10% passing a #100 sieve and less than 5% passing a #200 sieve. Washed concrete sand easily meets the above specifications and is a reliable choice. Suitability of bank run gravelly coarse sand must be verified.
7. Fill (cover material) and Backfill material (fill added below and around the GSF Specified Sand envelope) shall be bank run gravelly coarse sand with less than 4 to 8% passing a #200 sieve and clay less than 2% and no stones larger than 3" in any dimension to a minimum depth of 12" over the GSF modules with the last 4" to 6" of cover being clean loamy topsoil material.
8. Any system that is more than 18" below finish grade as measured from the top of the modules shall be vented.
9. This design complies with and must be installed in accordance with the latest Eljen Design and Installation Manual.
10. The installer of this system shall be familiar with the latest version of the Eljen Corporation's Design & Installation Manual distributed by:

Construction Consultants  
483 Roosevelt Trail  
Windham, Maine 04062  
Tel: 207-894-7141  
Fax: 207-894-7143

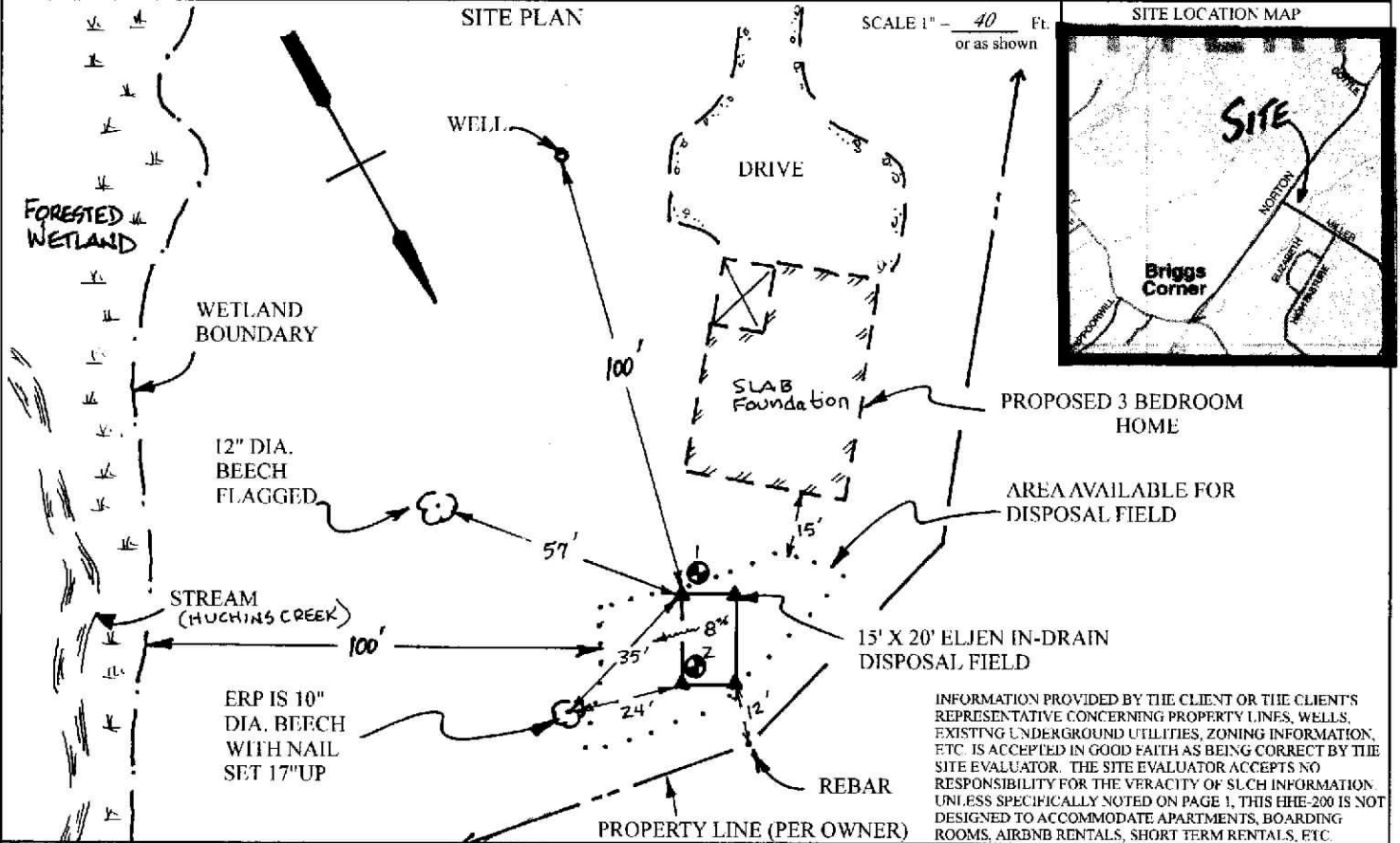
SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF HEALTH ENGINEERING  
(207) 287-5672 FAX (207) 287-4172

Town, City, Plantation  
**KITTERY**

Street, Road, Subdivision  
**TAX MAP 56 - LOT 21B, MILLER ROAD**

Owner or Applicant Name  
**SMART**



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

Observation Hole 1

2" Depth of Organic Horizon Above Mineral Soil (2001)

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0	FINE		DARK	
5	SANDY		YELLOWISH	
10	LOAM	FRIABLE	BROWN	NONE
15	VERY FINE SANDY LOAM		YELLOWISH	
20	FINE		BROWN	COMMON
25	SANDY		OLIVE	DISTINCT
30	LOAM	FIRM		
40				
50				

Soil Classification: 3 Profile, C Condition  
Slope: ~8%  
Limiting Factor: 20"  
Ground Water:   
Restrictive Layer:   
Bedrock:   
Pit Depth:

Observation Hole 2

2" Depth of Organic Horizon Above Mineral Soil (2001)

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0			DARK BROWN	
5	FINE		YELLOWISH	
10	SANDY	FRIABLE	BROWN	NONE
20	LOAM		OLIVE	COMMON
25		FIRM		DISTINCT
30				
40				
50				

Soil Classification: 3 Profile, C Condition  
Slope: ~8%  
Limiting Factor: 19"  
Ground Water:   
Restrictive Layer:   
Bedrock:   
Pit Depth:

*John W. Neil*  
Site Evaluator Signature

221  
SE #

10/22/23  
Date

Page 2 of 3  
HHE-200 Rev. 10/02



# BACK OF PAGE 2 HHE-200 SCHEMATIC.

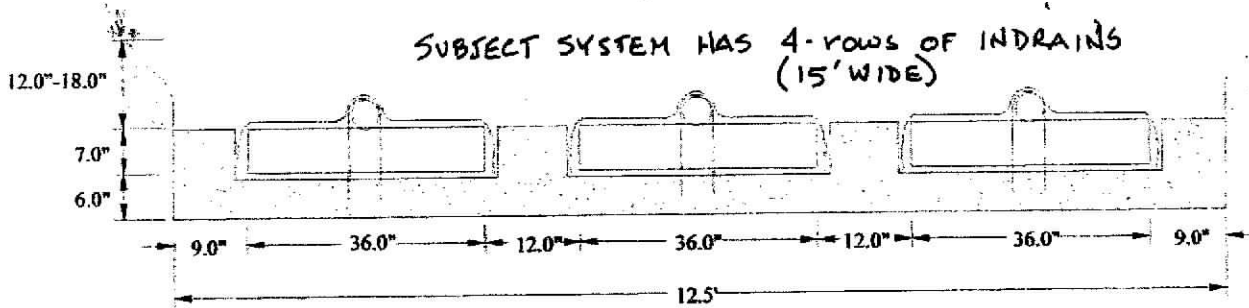


FIGURE 8

BED CONFIGURATION ON A LEVEL SITE - CROSS SECTION

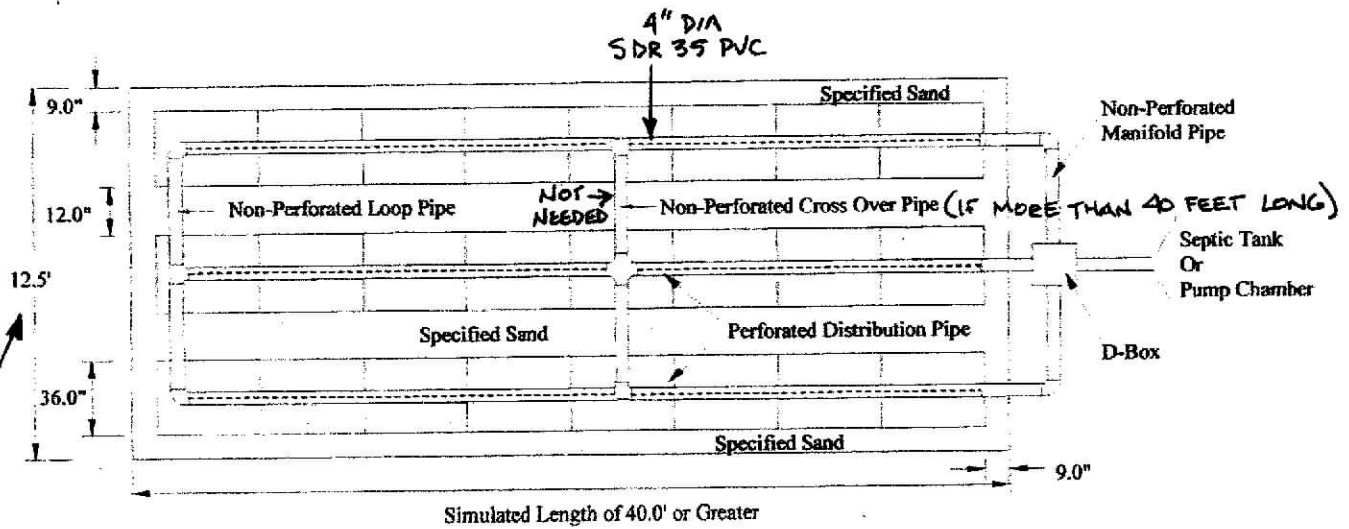


FIGURE 9

BED CONFIGURATION ON A LEVEL SITE - CROSS OVER PIPE AND LOOPED END PIPE

SUBJECT SYSTEM  
HAS 4 ROWS (12.15' WIDE)

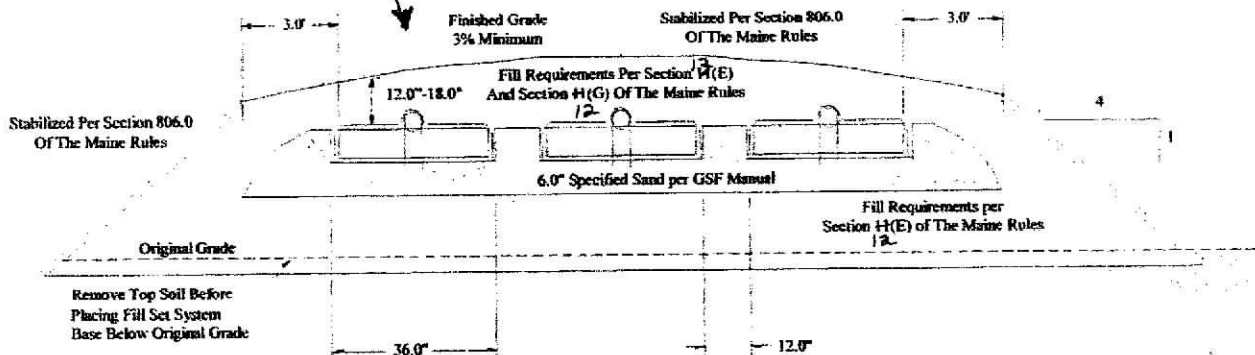


FIGURE 10

RAISED BED CONFIGURATION



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF HEALTH ENGINEERING  
(207) 287-5672 FAX: (207) 287-3163

Town, City, Plantation  
**KITTERY**

Street, Road, Subdivision  
**TAX MAP 56 - LOT 21B, MILLER ROAD**

Owner's Name  
**SMART**

RULES SECTION 31A(4)

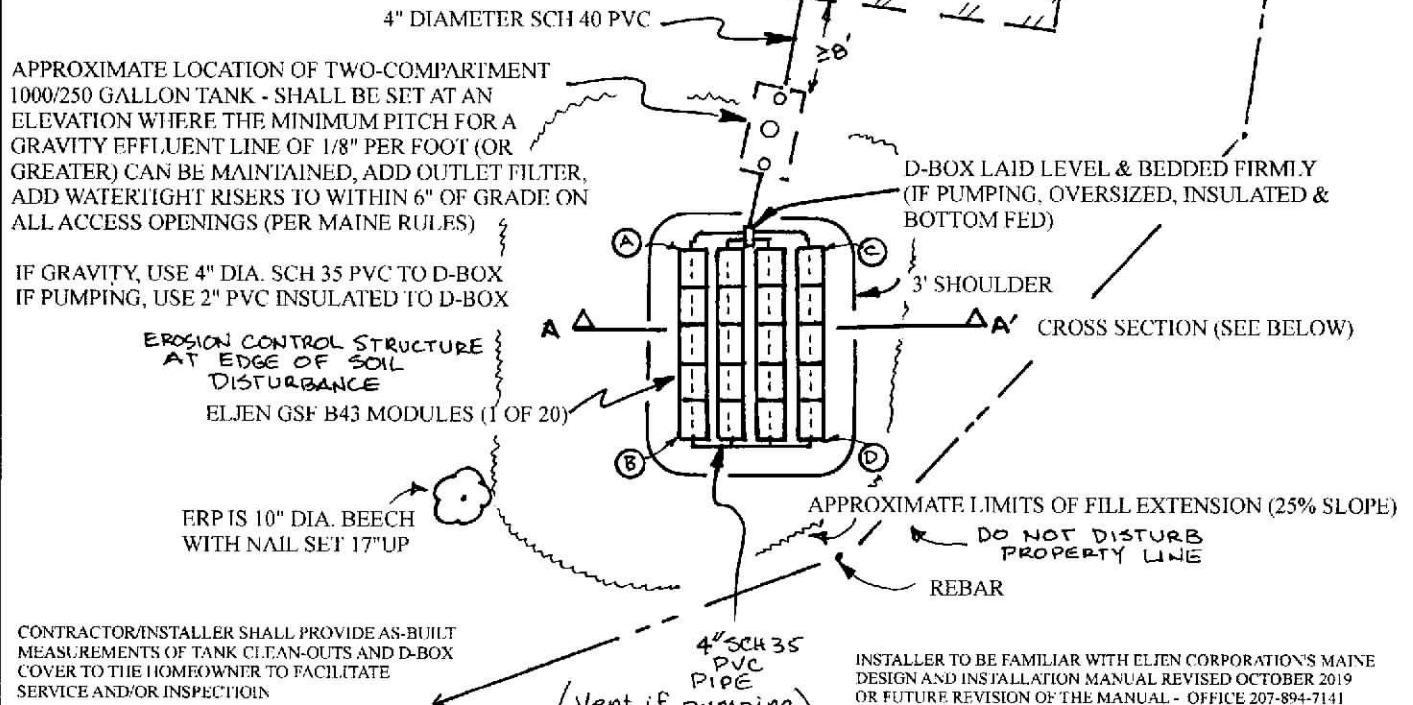
## SUBSURFACE WASTEWATER DISPOSAL PLAN

ORIGINAL GROUND ELEVATIONS & DEPTH OF FILL FROM EXISTING SURFACE AT EACH CORNER (REFERENCED TO THE ERP)

ORIGINAL GROUND	DEPTH OF FILL
A - 8"	34"
B - 8"	34"
C + 3"	22"
D + 9"	16"

SCALE 1" = 20' FL.

SEE REVERSE SIDE FOR DETAILS

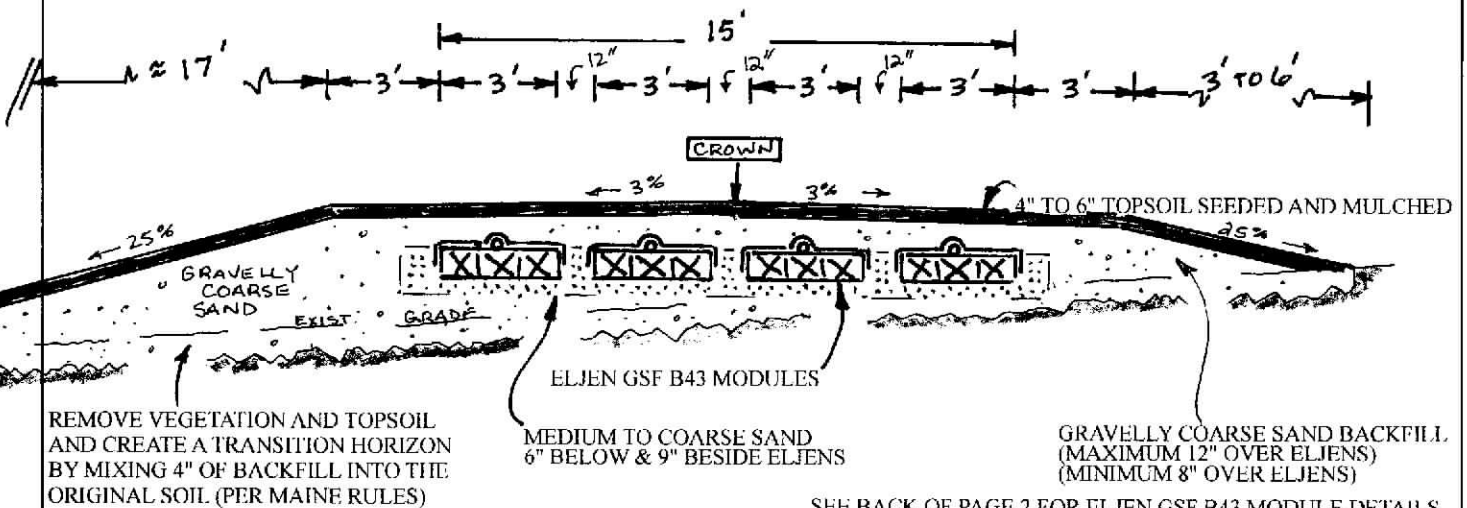


BACKFILL REQUIREMENTS		CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT	
Depth of Backfill (Upslope)	16" TO 22"	Finished Grade Elevation	+ 25"	Location & Description	SHOWN ABOVE
Depth of Backfill (Downslope)	34"	Top of Distribution Pipe <del>Proprietary Device</del>	+ 13"	Reference Elevation:	NAIL - 0.0"
APPROX. DEPTHS AT CROSS-SECTION (shown below)		Bottom of Disposal Area (IN-DRAINS)	+ 2"		

DO NOT DRIVE OVER ELJENS WHEN BACKFILLING

### DISPOSAL AREA CROSS SECTION SECTION A-A'

SCALE  
VERTICAL: 1" = 5'  
HORIZONTAL: 1" = 5'



SEE BACK OF PAGE 2 FOR ELJEN GSF B43 MODULE DETAILS

*Joseph W. Noil*  
Site Evaluator Signature

221  
SE #

10/22/23  
Date

Page 3 of 3  
HHE-200 Rev. 10/02

The most recent revision of the Maine Subsurface Wastewater Disposal Rules ("this code") is hereby made a part of this HHE-200 Form and shall be consulted by the disposal system installer for further construction details, material specifications, cautions, and other related details pertinent to the installation of the disposal system.

As this application pertains only to "this code" referenced above, the owner/applicant must check both local and state ordinances and regulations regarding other building regulations (i.e., zoning, wetlands, building codes, minimum lot size, etc.) before considering this an approved suitable site.

All information shown on this application relating to property lines and subsurface structures (such as but not limited to: water lines, septic tanks, cesspools, cellar drains, utility lines, etc.) are noted, plotted or left off as not affecting the system based on information provided by the owner or his agent. It is the responsibility of the owner or his agent to confirm BEFORE CONSTRUCTION BEGINS, the above and/or any other feature that may affect (or be adversely affected by) the installation of this system.

All construction shall be inspected by the local plumbing inspector (LPI) as required in "this code". Backfill materials shall comply with Section 12 of "this code". Do not work soils when wet. Quality Assurance & Quality Control (construction techniques) Section 12 of "this code" shall be consulted and include: (A) The vegetation, organic and dark brown topsoil layers in the proposed disposal area and fill extensions shall be removed and the ground surface scarified (rototilled with backfill material) to minimize glazing of the original soil; (B) The bottom of the disposal area and distribution line shall be level with a maximum grade tolerance of 2 inches per 100 feet; (C) Fill shall be clean, gravelly coarse sand, free of foreign material, placed in 8-inch lifts; (D) The finish grade of the backfill over the disposal area shall extend 3 to 5 feet beyond the edge of the disposal area. At that point, the fill shall be sloped at a uniform grade of no greater than 25% (4:1) to the original ground; (E) The land adjacent to the disposal area shall be graded to prevent both the accumulation of surface water on the disposal area and the flow of surface water across the disposal area; and (F) The finished disposal area and fill extensions shall be seeded to prevent erosion: grass, clover, trefoil, vetch, perennial wildflowers, or other herbaceous perennials may be utilized for the disposal area surfaces. Woody shrubs are unacceptable. Woody shrubs in conjunction with hardy perennial ground clover may be used on the fill extensions only.

When a gravity system is proposed BEFORE CONSTRUCTION BEGINS, the disposal system installer and building contractor shall review the relative elevation of all points given on the HHE-200 Form and the elevation of the existing or proposed building drain and septic tank openings for compatibility to the minimum code pitch requirements. Any questions that arise should be directed to the local plumbing inspector or myself. When a pump system is installed, provisions shall be made to keep the tank and lift station outlets above the high water table. An alarm device warning of pump failure is required. Refer to the code for additional pumping requirements [Section 7(J)].

If the use of a laundry machine becomes excessive, a separate laundry bed should be designed and installed. A distribution box has been shown in the design and is intended to offer an inspection port whereby the owner can check for excessive lint or grease build-up before damage to the system is done. Inspection should be frequent. This system has not been designed or sized to accommodate a garbage disposal. If one is used, you must first notify me so that I can increase the disposal size and septic tank capacity. Pump tank every year if you have a garbage disposal.

The setback distance between a well and disposal area serving a single-family residence (<1,000 gpd) is 100 feet (50 feet for septic tanks). The location of a new well that is within 100 feet of the proposed disposal area may void this design. For additional setback information and variances to these setbacks, refer to Section 8 of "this code".

**THE SEPTIC TANK SHALL BE PUMPED WITHIN TWO YEARS OF INSTALLATION** and subsequently as recommended by the pump service, but in no case shall the septic tank be pumped less often than once every three years (the tank should be pumped when the sludge or scum occupies one-third of the tank's liquid capacity – refer to Section 7 of "this code"). If town regulations are more stringent for pumping frequency, pump tank according to the local requirements. Two-compartment tanks should have both compartments of the tank pumped. Make sure your pumper knows there are 2 compartments and to pump-out both. Outlet filters should be cleaned when the septic tank is pumped (if part of the septic system). Avoid introducing kitchen grease into the septic system. No septic tank degreasers or cleaners, chlorine, water softening system chemicals/backwash, paints, hazardous or controlled substances shall be disposed of in the system. No chemicals other than normal household cleaners shall be disposed of in the disposal field [refer to Section 2(D) "this code"]. No hot tubs may discharge into this system (requires separate gray water system).

If the owner and/or installer have any questions, please do not hesitate to call at 207-384-5587.

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