



**Town of Kittery  
200 Rogers Road, Kittery, ME 03904**

**Board of Appeals  
Meeting Agenda, Council Chambers  
Tuesday, January 28, 2020  
Regular Meeting – 6:30 P.M.**

- 1. Call to Order; Introductory; Roll Call**
- 2. Pledge of Allegiance**
- 3. Agenda Amendment and Adoption**
- 4. Executive session (if required)**
- 5. Public Hearings**
- 6. Unfinished Business**
  - Per email dated 1/15/2020 Mr. Vern Gardner requests reconsideration of the vote of the Miscellaneous Variation Request concerning Harrison E. Lemont Management Co. Inc. taken at the Kittery Board of Appeals on January 14<sup>th</sup>, 2020.
- 7. New Business**
- 8. Acceptance of Previous Minutes**
  - a. January 14, 2020
- 9. Board Member or CEO Issues or Comment**
- 10. Adjournment**

## Craig Alfis

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**From:** Vern Gardner <verngardner@comcast.net>  
**Sent:** Wednesday, January 15, 2020 9:04 AM  
**To:** Craig Alfis; 'April Timko'; 'Jeff Brake'; louis.leontakianakos@yahoo.com; bafnaf2@yahoo.com; charles@charlesdenault.com; suzanne8esq@gmail.com  
**Subject:** RE: BOA Meeting, 1-14-2020

Good morning everyone:

In accordance with Title 30-A MRSA 2691 and as a member voting on the successful side of the issue I am making a motion to reconsider the vote of Harrison E. Lemont Management Co. Inc. taken at the Kittery Board of Appeal January 14, 2020.

It is my understanding that the motion to reconsider requires the notification of all parties and the public (Tarason v. Town of South Berwick). Further, it is my understanding that if the motion to reconsider is approved a hearing is scheduled to present the merits of that case which can include new information. All of which must be completed within 45 days of the January 14, 2020 decision.

Thanks

Vern Gardner, Member Kittery Board of Appeal

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**From:** Craig Alfis [mailto:CEO@kitteryme.org]  
**Sent:** Tuesday, January 07, 2020 1:24 PM  
**To:** April Timko <apriltimko@gmail.com>; Jeff Brake <jeffbrake@comcast.net>; louis.leontakianakos@yahoo.com; bafnaf2@yahoo.com; charles@charlesdenault.com; suzanne8esq@gmail.com; Vern Gardner <verngardner@comcast.net>  
**Subject:** BOA Meeting, 1-14-2020

Good Afternoon All,

Packets for the 1/14/2020 meeting are available for pick-up in the Planning office. I will leave any packets not picked up by Thursday evening at police dispatch incase anyone wants to pick up outside of working hours. I have also uploaded the information at <http://www.kitteryme.gov/board-appeals/events/43624>. Please let me know if you are available to attend the meeting so we can ensure the Board has a quorum. Thanks!

**Craig Alfis**

Code Enforcement Officer

Town of Kittery

(207) 475-1308 Office

[ceo@kitteryme.org](mailto:ceo@kitteryme.org)

[www.kitteryme.gov](http://www.kitteryme.gov)

**[MUBEC Information](#)** Maine has adopted the 2015 editions with amendments

**[Free Viewing of the I Codes](#)**

**[Maine Plumbing Code](#)**

**[National Electric Code](#)**



**TOWN OF KITTERY**  
**CODE ENFORCEMENT OFFICE**  
 200 ROGERS ROAD, KITTERY, MAINE 03904  
 PHONE: (207) 475-1305  
 FAX: (207) 439-6806

DATE SUBMITTED	12/23/19
MAP & LOT	60-22
ASA FEE	
DATE PAID	100
DATE COMPLETE	
HEARING DATE	

*Application to the*  
**BOARD OF APPEALS**

**MISCELLANEOUS VARIATION REQUEST**

I have reviewed Town Code Title 16, Board of Appeals By-Laws, and the Ordinance(s) pertinent to this application. My request is based on Title 6.4.3, Miscellaneous Variation Request and:

- Nonconformity (Article III of Chapter 16.7);
- Nonconforming Residential Use in Commercial Zones Expansion (Section 7.3.5.3);
- Nonconforming Lots of Record (Section 7.3.5.9);
- Sign Violation and Appeal Standards (Section 8.10.3);
- Parking, Loading and Traffic Standards (Article IX of Chapter 16.8);
- Temporary, Intra-Family Dwelling Unit (Article XXI of Chapter 16.8); or
- Accessory Dwelling Units Standards (Article XXV of Chapter 16.8).

**IN ORDER FOR AN APPLICATION TO BE DETERMINED COMPLETE AND SCHEDULED FOR A PUBLIC HEARING: APPLICATIONS FORMS MUST BE COMPLETE; 10 SETS OF DOCUMENTATION PROVIDED; & ALL FEE(S) PAID**

PROPERTY INFORMATION					
ADDRESS	447 US Rte. #1 Kittery				
MAP	60	LOT #	22	LOT SIZE	0.7978 Acres
BASE ZONE(S):	Mixed Use		OVERLAY ZONE(S):		

**The subject property:**  
 [ is / is not ] in a Shoreland overlay or Resource Protection zone; [ is / is not ] in a floodplain; AND  
 [ does / does not ] have outstanding code violations; and, if so, granting this appeal provides resolution .

**PROPERTY OWNER: I have right, title or interest in the affected property, or issue, as shown by:**

NAME(S)	Harrison E. Lemont Mgmt. Co., Inc.				
MAILING ADDRESS	435 US Rte. #1				
CITY	Kittery	STATE	ME	ZIP CODE	03904
PHONE No.	207-752-4058		e-MAIL: klemont @ comcast.net		

*NOTE: You may have an attorney represent you, but such representation is not necessary. You may also be represented by a designated agent (e.g. family member, neighbor, engineer, contractor) as you so desire.*

**APPLICANT (if different) I am an agent of the applicant with standing, as shown by:**

NAME(S)					
MAILING ADDRESS					
CITY		STATE		ZIP CODE	
PHONE No.			e-MAIL:		

To the best of my knowledge, all information submitted on and with this application is true and correct.

Date: 12/23/19

By: Kenneth F. Lemont  
 (Signature)  
Kenneth F. Lemont  
 (Print Name)

RECEIVED  
 DEC 23 2019  
 BY: C. Bacon

**STATEMENT:**

**Describe the general nature of the request:**

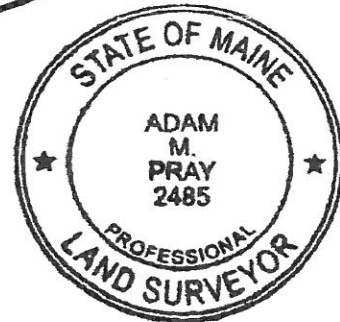
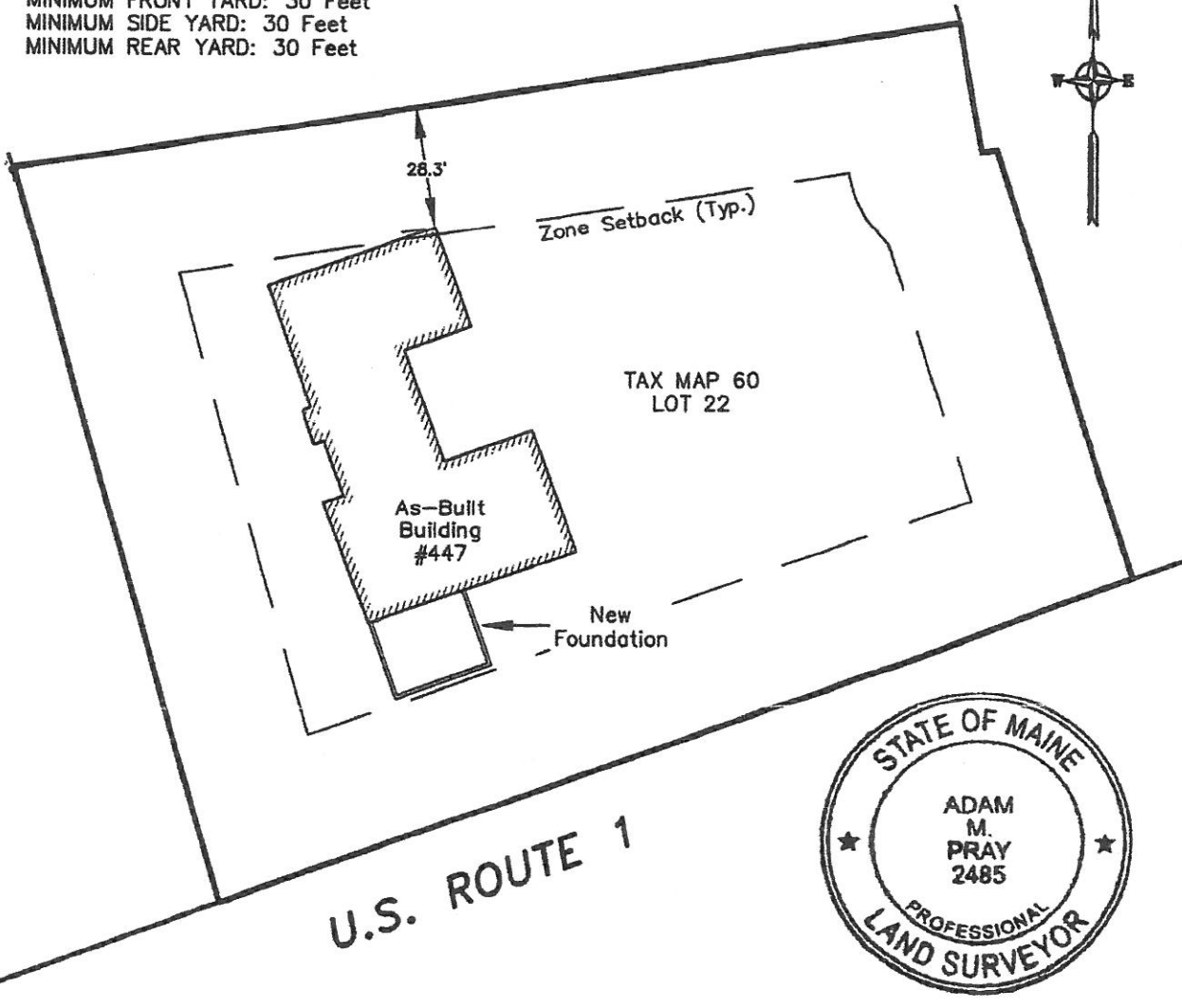
Requesting misc. variance because the addition added is 1.5' into the setback. A new conforming building was taken down thus now less conforming.

Anderson  
Livingston

**ZONE DATA:**

ZONE: MU (Mixed-Use)

MINIMUM FRONT YARD: 30 Feet  
MINIMUM SIDE YARD: 30 Feet  
MINIMUM REAR YARD: 30 Feet



**CERTIFICATION:**

I HEREBY CERTIFY TO KENNEBUNK SAVINGS BANK THAT THE AS-BUILT BUILDING SHOWN HEREON DOES NOT APPEAR TO CONFORM TO THE ZONING REGULATIONS AS SET FORTH BY THE TOWN OF KITTELY, ME., (IN REGARD TO SETBACKS FROM PROPERTY BOUNDARIES) AT THE TIME OF CONSTRUCTION.

I FURTHER CERTIFY THAT THE FOUNDATION IS IN FLOOD ZONE C (AREAS OF MINIMAL FLOODING) AS SHOWN ON FEMA F.I.R.M. (230170001C, EFFECTIVE JULY 5, 1984)

**NOTES:**

- 1.) THIS INSPECTION SHALL NOT BE USED FOR FUTURE BUILDING ADDITIONS.
- 2.) FIELD WORK PERFORMED ON OCTOBER 25, 2019.
- 3.) TOWN OF KITTELY BUILDING PERMIT BP-19-196 DATED JULY 11, 2019.

*[Signature]*  
Adam M. Pray, PLS

10/25/19  
Date



SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
(207) 439-8333 KITTELY, MAINE 03904

LOCUS: TAX MAP 60 LOT 22  
447 U.S. ROUTE 1  
KITTELY, MAINE

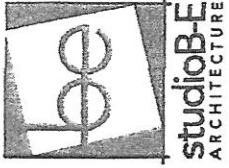
SCALE 1" = 40'

DRAWING NO.  
18680\_MJI

DATE: 10/25/19

**MORTGAGE LOAN INSPECTION**

BY: A.H.P. APPROVED: A.M.P.



Architect:  
Tom Emerson  
207.752.1371

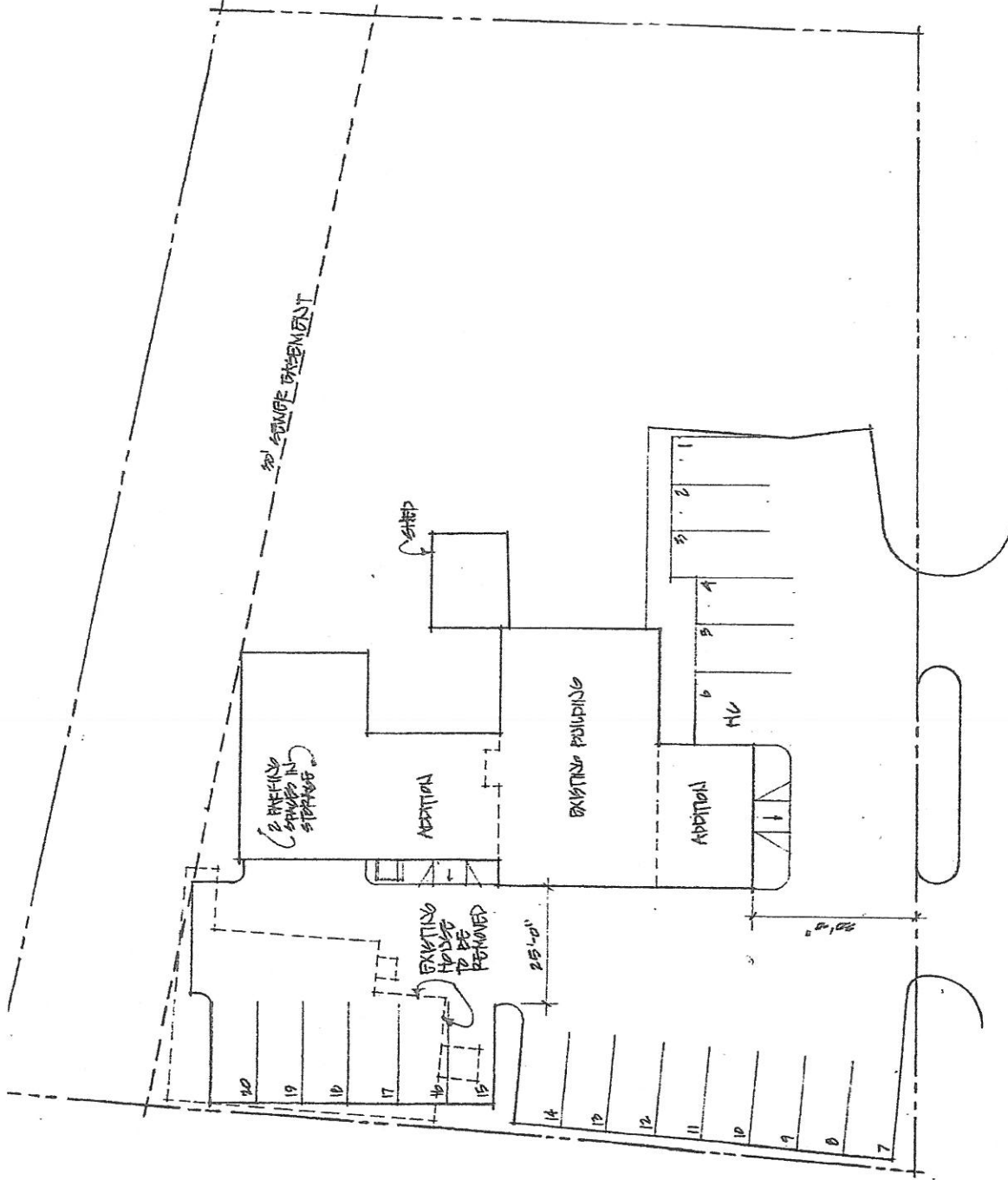
Owner:  
Lamont  
Management  
Company  
207.752.4058

# Mixed Use Building

445 US Route 1  
Kittery, ME

SITE  
PLAN

## C1.01



US ROUTE 1

1 SITE PLAN  
1" = 20'-0"

**PROJECT INFORMATION:**

Owner: Ken Lamont,  
Harrison K. Lamont  
Management Company  
207.752.4058

Contractor: TBD

Architect: Tom Emerson,  
studioB-E  
207.752.1371

**PROJECT LOCATION:**

447 US Route 1, Kittery, Maine 03904  
Map: 60 Lot: 22

**DRAWING INDEX:**

CS	Cover Sheet		
C1.01	Site Plan	A7.10	Details - Market
D1.01	Site Demolition Plan	A7.20	Details - Canopy
D1.02	Building Demolition Plan	E1.01	Lower Level Lighting, Switching & Outlet Plan
A0.01	Specification	E1.02	Upper Level Lighting, Switching & Outlet Plan - Unit 2o1
A0.02	Specification	E1.03	Upper Level Lighting, Switching & Outlet Plan - Unit 2o2
A0.03	Door & Window Schedules	S1	Foundation Plan & Details
A0.04	Wall & Partition Types	S2	Second Floor & Lower Roof Framing
A1.01	Lower Level Floor Plan	S3	Upper Roof & Market Portal Framing
A1.02	Upper Level Floor Plan	S4	Shear Walls & Sections
A1.03	Roof Plan	S5	General Notes
A2.01	South & East Elevations	S6	Schedule of Special Inspections
A2.02	North & West Elevations		
A2.03	Enlarged Elevations		
A2.04	Enlarged Elevations		
A3.01	Building Sections		
A3.20	Wall Sections		
A3.21	Wall Sections		
A4.01	Detailed Floor Plan - Market		
A4.02	Detailed Floor Plan - Prep Area		
A4.02	Detailed Floor Plan - Garage		
A4.03	Detailed Floor Plan - Unit 2o1		
A4.04	Detailed Floor Plan - Unit 2o2		
A5.01	Interior Elevations		
A6.01	Stair Plans & Details		

**ZONING INFORMATION:**

Zone: Mixed Use - MU  
Min. Lot Size: 200,000 sf. / 33,825 Existing  
Legally Non-conforming

Setbacks: Required / Proposed  
Front: 30' / 30'  
Side: 30' / 48'  
Rear: 30' / 30'

Building Height: 40' / 23.6'

Parking:  
Restaurant: 13 spaces  
Retail: 3 "  
Residential: 3 "  
Total Required: 19 "  
Provided: 22 "

Building: No Maximum  
Existing: 1553 sf.  
Proposed: 3142.5 sf.

Lot Coverage: 35% Maximum Open  
Space Required

Building: 3142.5 sf.  
Shed: 266 sf.  
Dumpster: 128 sf.  
Paved: 8760 sf.  
Total: 12,296.5 sf.

63.63% Open Space Provided

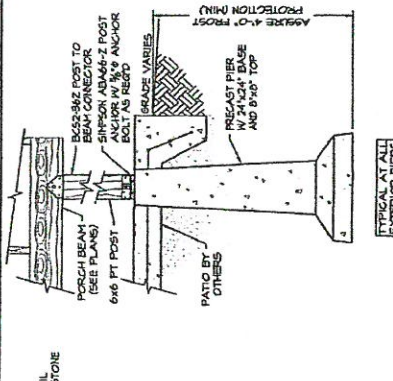
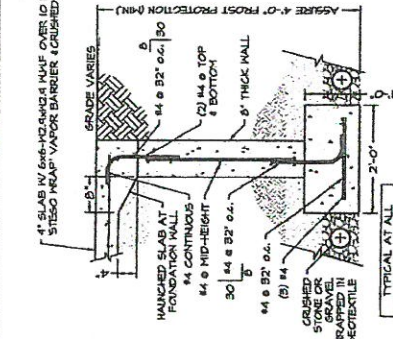
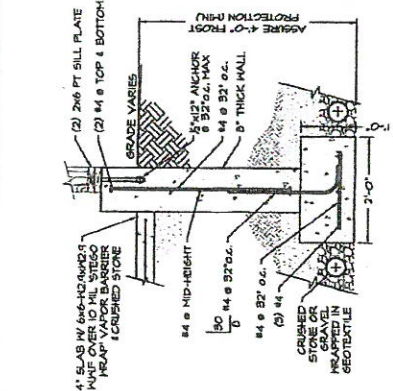
**Mixed  
Use  
Building**

447 US Route 1  
Kittery, Maine 03904

**CS**

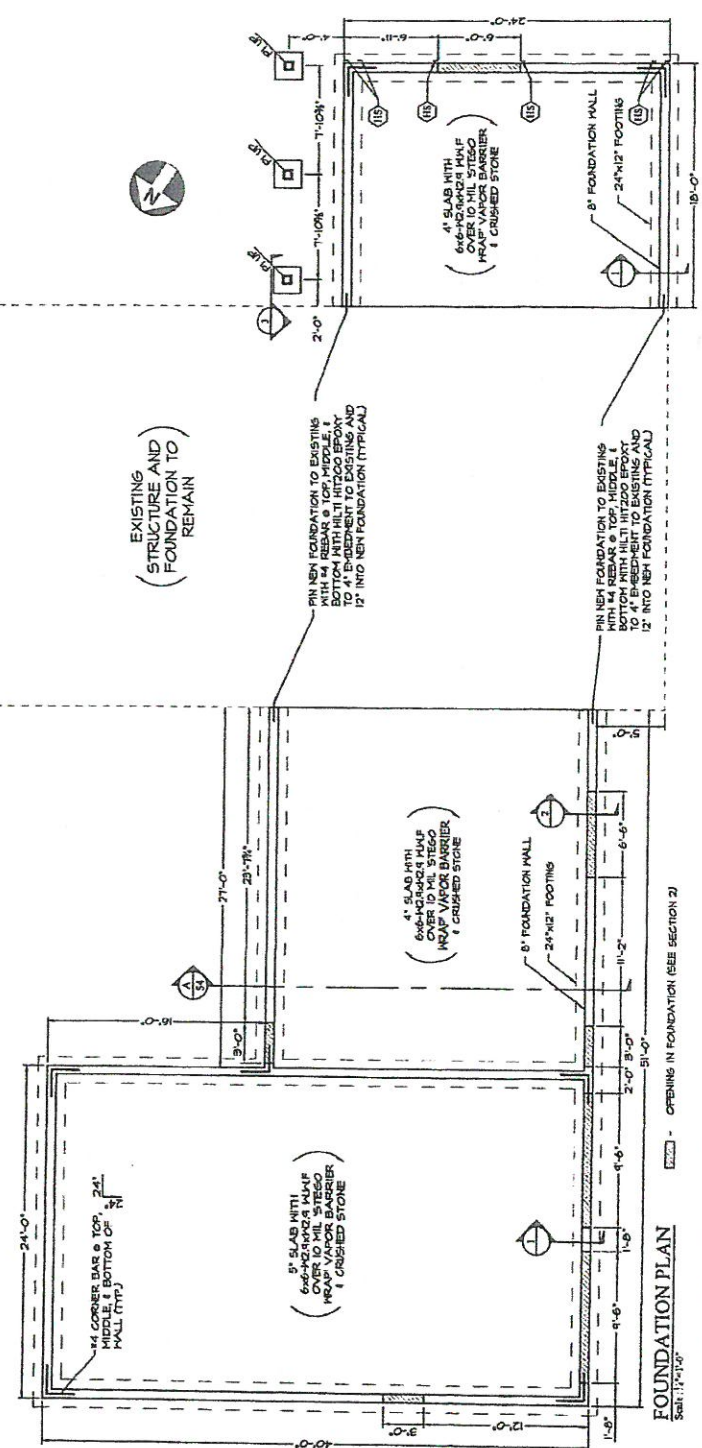
NO.	COLUIN SCHEDULE	DETAIL #	REMARKS
P1	6x6 FT POST	3/21	NONE REQ'D
P2	2x2x6		

\*IF MULTIPLE DETAILS ARE REQUIRED THEN 'X' / 'Y' REFERS TO X-TOP AND Y-BOTTOM DETAIL (SEE DETAILS)  
 \*\* ASURE POSITIVE ATTACHMENT AT ALL POST TO BEANHEADS CONNECTIONS



FOUNDATION PLAN  
Scale: 1/4"=1'-0"

EXISTING STRUCTURE AND FOUNDATION TO REMAIN



FOUNDATION PLAN  
Scale: 1/4"=1'-0"

EXISTING STRUCTURE AND FOUNDATION TO REMAIN

FOUNDATION PLAN  
Scale: 1/4"=1'-0"

NO.	DATE	REVISION	HISTORY
1	07/20/19	REVISED	REVISED
2	07/20/19	REVISED	REVISED
3	07/20/19	REVISED	REVISED

ROSS ENGINEERING  
Civil/Structural Engineering & Surveying  
709 Lakeside St.  
Farmington, NH 03041  
(603) 431-7500

FOUNDATION PLAN  
HENRY VIII CARRYWAY ADDITION  
445 US ROUTE 1  
KITTERY MAINE

PREPARED FOR: KITTERY  
DESIGNED BY: JAY ACCORD  
DRAWN BY: JAY ACCORD  
CHECKED BY: JAY ACCORD  
DATE: 07/20/19



108 8' 10" SCALE: AS SHOWN  
DATE: 07/20/19  
PROJECT: 2019-001  
SHEET: 1 OF 2  
DRAWING

SI



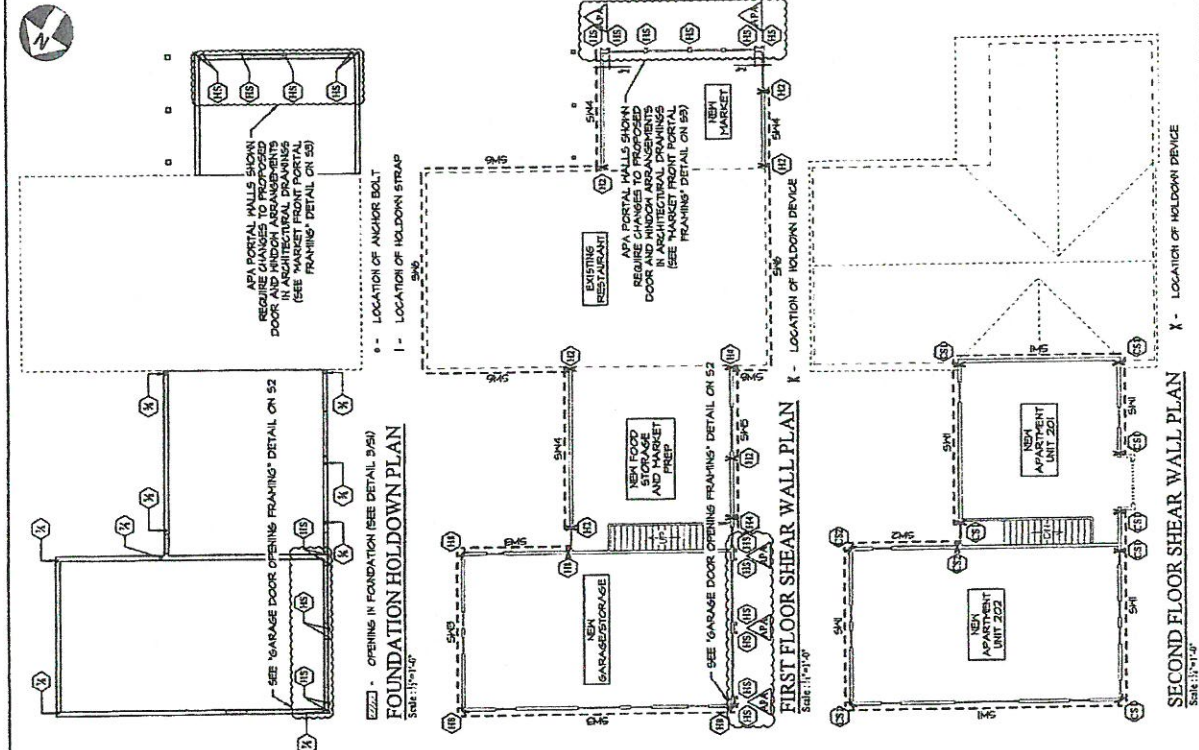
NO.	DATE	DESCRIPTION	BY	CHK.
1	11/20/19	PRELIMINARY	ROSS	
2	12/10/19	REVISIONS	ROSS	
3	1/20/20	REVISIONS	ROSS	

**ROSS ENGINEERING**  
 CIVIL/Structural Engineering & Surveying  
 1000 Main St.  
 Portland, ME 04101  
 (603) 433-7569

**SHEAR WALLS AND SECTIONS**  
 HENRY VIII CARVEY ADDITION  
 445 US ROUTE 1  
 KITTERY MAINE

DESIGNED FOR: SHEAR WALLS AND SECTIONS OF CONCRETE FOUNDATION AND INTERIOR WALLS  
 DRAWN BY: JAY  
 CHECKED BY: JAY  
 DATE: 1/20/20

PROJECT: HENRY VIII CARVEY ADDITION  
 SHEET: S4  
 SCALE: AS NOTED  
 DATE: 1/20/20



**FOUNDATION HOLD-DOWN PLAN**  
 SEE: 17-17-19

**FIRST FLOOR SHEAR WALL PLAN**  
 SEE: 17-17-19

**SECOND FLOOR SHEAR WALL PLAN**  
 SEE: 17-17-19

SHEAR WALL SCHEDULE		ANCHORAGE SCHEDULE	
NO.	DESCRIPTION	NO.	DESCRIPTION
SW1	3-1/2" x 16" O.C. 1/2" OSB ONE SIDE	CS1	1-1/2" DIA. EACH END
SW2	3-1/2" x 16" O.C. 1/2" OSB ONE SIDE	CS2	1-1/2" DIA. EACH END
SW3	3-1/2" x 16" O.C. 1/2" OSB ONE SIDE	CS3	1-1/2" DIA. EACH END
SW4	3-1/2" x 16" O.C. 1/2" OSB ONE SIDE	CS4	1-1/2" DIA. EACH END
SW5	3-1/2" x 16" O.C. 1/2" OSB ONE SIDE	CS5	1-1/2" DIA. EACH END
SW6	3-1/2" x 16" O.C. 1/2" OSB ONE SIDE	CS6	1-1/2" DIA. EACH END

APPROXIMATE LOCATION OF 3/8" DIA. TYPED ROD DRILLED AND EPXY TO FOUNDATION WITH HELI MIX 2000 TO VERIFY EXACT LOCATION TO ALIGN WITH HOLD-DOWN DEVICES ABOVE. (AS REQUIRED)

APPROXIMATE LOCATION OF 3/8" DIA. TYPED ROD DRILLED AND EPXY TO FOUNDATION WITH HELI MIX 2000 CONSTRUCTION EPXY TO 1/2" MINIMUM EMBEDMENT. CONTRACTOR TO VERIFY EXACT LOCATION TO ALIGN WITH HOLD-DOWN DEVICES ABOVE. (AS REQUIRED)

APPROXIMATE LOCATION OF EXTERIOR STRONG-TIE STRIPS. STRIP TO FOUNDATION FOR CONCRETE WITH ANCHORAGE DEVICE PRIOR TO FOUNDATION CONCRETE POUR. (AS REQUIRED)

**EMERSON STRONG-TIE HOLD-DOWN DEVICES ATTACHED TO FRAMING (BY MINIMUM ROD OR BUILT UP STUDS) WITH 6-505 1/2" x 2-1/2" SCREWS AND FOUNDATION WITH 3/8" TYPED ROD (AS PER MANUFACTURER'S INSTRUCTIONS AT 10" EMBEDMENT DRILLED AND EPXY TO 1/2" MINIMUM EMBEDMENT. CONNECT TYPED ROD TO ANCHOR BOLT WITH CHW# (AS REQUIRED)**

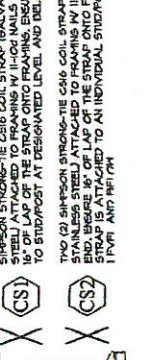
**SIMPSON STRONG-TIE HOLD-DOWN DEVICES ATTACHED TO FRAMING (BY MINIMUM ROD OR BUILT UP STUDS) WITH 6-505 1/2" x 2-1/2" SCREWS AND FOUNDATION WITH 3/8" TYPED ROD (AS PER MANUFACTURER'S INSTRUCTIONS AT 10" EMBEDMENT DRILLED AND EPXY TO 1/2" MINIMUM EMBEDMENT. CONNECT TYPED ROD TO ANCHOR BOLT WITH CHW# (AS REQUIRED)**

**EMERSON STRONG-TIE HOLD-DOWN DEVICES ATTACHED TO FRAMING (BY MINIMUM ROD OR BUILT UP STUDS) WITH 20-505 1/2" x 2-1/2" SCREWS AND FOUNDATION WITH 3/8" TYPED ROD (AS PER MANUFACTURER'S INSTRUCTIONS AT 10" EMBEDMENT DRILLED AND EPXY TO 1/2" MINIMUM EMBEDMENT. CONNECT TYPED ROD TO ANCHOR BOLT WITH CHW# (AS REQUIRED)**

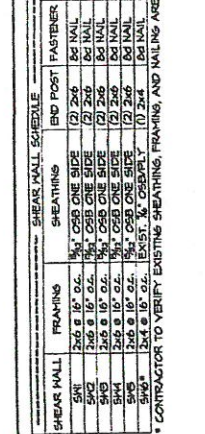
**APA PORTAL WALLS AS PER TI-DOOR. A PORTAL FRAME WITH HOLD-DOWN DEVICES AND ANCHORS TO BE SHOWN IN APPLICABLE DETAILS ON S2 AND S3. ENSURE PROPER CONTINUOUS HEADER IS INSTALLED ABOVE PORTAL WALLS AS DESCRIBED IN DETAILS.**

**SIMPSON STRONG-TIE CS16 COIL STRAP (GALVANIZED OR STAINLESS STEEL) AS PER TI-DOOR. STRAP TO BE ATTACHED TO STUD/POST AT DESIGNATED LEVEL AND BELOW.**

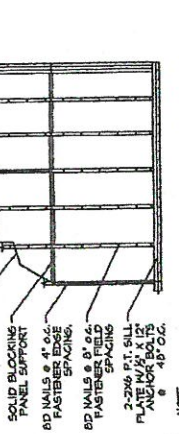
**TO 10' SIMPSON STRONG-TIE CS16 COIL STRAP (GALVANIZED OR STAINLESS STEEL) ATTACH TO FRAMING WITH 1-1/2" DIA. WALLS AT EACH END. ENSURE 18" OF LAP OF THE STRAP ONTO FRAMING. ENSURE EACH STRAP IS ATTACHED TO AN INDIVIDUAL STUD/POST AT DESIGNATED LEVEL AND BELOW.**



**CANTILEVER SCAB JOIST DETAIL**  
 SEE: 17-17-19



**WALL SHEATHING NAILING PATTERN**  
 SEE: 17-17-19



**SECTION**  
 SEE: 17-17-19

**TO ATTACH CANTILEVER 2x8 FLOOR JOIST WITH HOLD-DOWN DEVICES AND ANCHORS TO BE SHOWN IN APPLICABLE DETAILS ON S2 AND S3. ENSURE PROPER CONTINUOUS HEADER IS INSTALLED ABOVE PORTAL WALLS AS DESCRIBED IN DETAILS.**

**CONTRACTOR TO VERIFY EXISTING SHEATHING, FRAMING, AND NAILING ARE AS SHOWN AND AS DESCRIBED. IF NOT, CONSULT PROJECT ENGINEER.**

REV	DATE	DESCRIPTION	CHK
1	07/20/19	PRELIMINARY	
2	07/20/19	REVISED	

**ROSS ENGINEERING**  
Civil/Structural Engineering  
399 Middlesex Ave  
Rochester, NY 14610  
(716) 433-7500

**GENERAL NOTES**  
HENRY VIII CARVERY ADDITION  
445 US ROUTE 1  
KITTERY, MAINE

PREPARED FOR:  
BRUNO DE PRINCE  
UNIVERSITY OF CONCORDIA

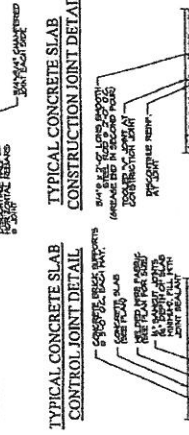
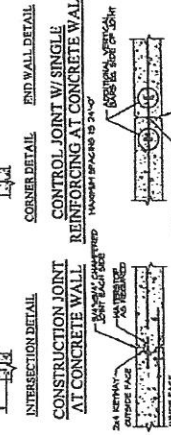
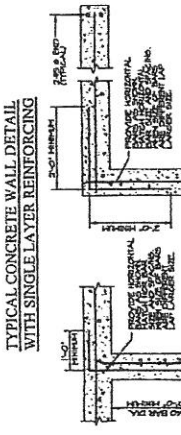
DESIGNED BY:  
JAY WILSON

DRAWN BY:  
JAY WILSON

CHECKED BY:  
JAY WILSON

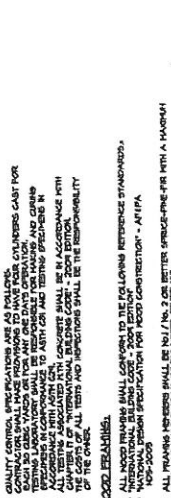


DATE: 08-20-20  
SCALE: AS NOTED  
SHEET: 9 OF 6  
DRAWING: SS



- CONCRETE CONTAINER**
1. INTERIOR CONCRETE COVER SHALL BE MINIMUM 3/4" FOR ALL REINFORCING BARS.
  2. EXTERIOR CONCRETE COVER SHALL BE MINIMUM 1 1/2" FOR ALL REINFORCING BARS.
  3. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  4. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  5. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  6. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  7. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  8. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  9. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  10. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.

- GENERAL NOTES**
1. ALL WORK SHALL CONFORM TO THE FOLLOWING REFERENCES STANDARDS:
  2. INTERNATIONAL BUILDING CODES - 2018 EDITION
  3. ACI 308R-11 - CONCRETE REPAIR AND REPAIRS
  4. ACI 308.1R-11 - CONCRETE REPAIR AND REPAIRS
  5. ACI 308.2R-11 - CONCRETE REPAIR AND REPAIRS
  6. ACI 308.3R-11 - CONCRETE REPAIR AND REPAIRS
  7. ACI 308.4R-11 - CONCRETE REPAIR AND REPAIRS
  8. ACI 308.5R-11 - CONCRETE REPAIR AND REPAIRS
  9. ACI 308.6R-11 - CONCRETE REPAIR AND REPAIRS
  10. ACI 308.7R-11 - CONCRETE REPAIR AND REPAIRS



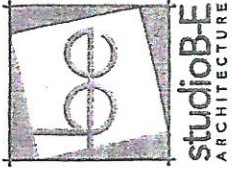
- BUILT UP BEAM DETAIL**
1. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  2. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
  3. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.
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  10. ALL REINFORCING BARS SHALL BE MANUFACTURED BY AN APPROVED SUPPLIER.



- ALLOWABLE HOLES IN LVL BEAMS**
1. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.
  2. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.
  3. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.
  4. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.
  5. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.
  6. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.
  7. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.
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  9. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.
  10. ALL HOLES SHALL BE DRILLED OR CUT WITH A HOLES SAW OPERATING WITH WATER.

- CONCRETE NOTES**
1. CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE FOLLOWING REFERENCES STANDARDS:
  2. INTERNATIONAL BUILDING CODES - 2018 EDITION
  3. ACI 308R-11 - CONCRETE REPAIR AND REPAIRS
  4. ACI 308.1R-11 - CONCRETE REPAIR AND REPAIRS
  5. ACI 308.2R-11 - CONCRETE REPAIR AND REPAIRS
  6. ACI 308.3R-11 - CONCRETE REPAIR AND REPAIRS
  7. ACI 308.4R-11 - CONCRETE REPAIR AND REPAIRS
  8. ACI 308.5R-11 - CONCRETE REPAIR AND REPAIRS
  9. ACI 308.6R-11 - CONCRETE REPAIR AND REPAIRS
  10. ACI 308.7R-11 - CONCRETE REPAIR AND REPAIRS

- GENERAL NOTES**
1. ALL WORK SHALL CONFORM TO THE FOLLOWING REFERENCES STANDARDS:
  2. INTERNATIONAL BUILDING CODES - 2018 EDITION
  3. ACI 308R-11 - CONCRETE REPAIR AND REPAIRS
  4. ACI 308.1R-11 - CONCRETE REPAIR AND REPAIRS
  5. ACI 308.2R-11 - CONCRETE REPAIR AND REPAIRS
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  7. ACI 308.4R-11 - CONCRETE REPAIR AND REPAIRS
  8. ACI 308.5R-11 - CONCRETE REPAIR AND REPAIRS
  9. ACI 308.6R-11 - CONCRETE REPAIR AND REPAIRS
  10. ACI 308.7R-11 - CONCRETE REPAIR AND REPAIRS



Architect:  
Tom Emerson  
207.752.1371

Owner:  
Lamont  
Management  
Company  
207.752.2227

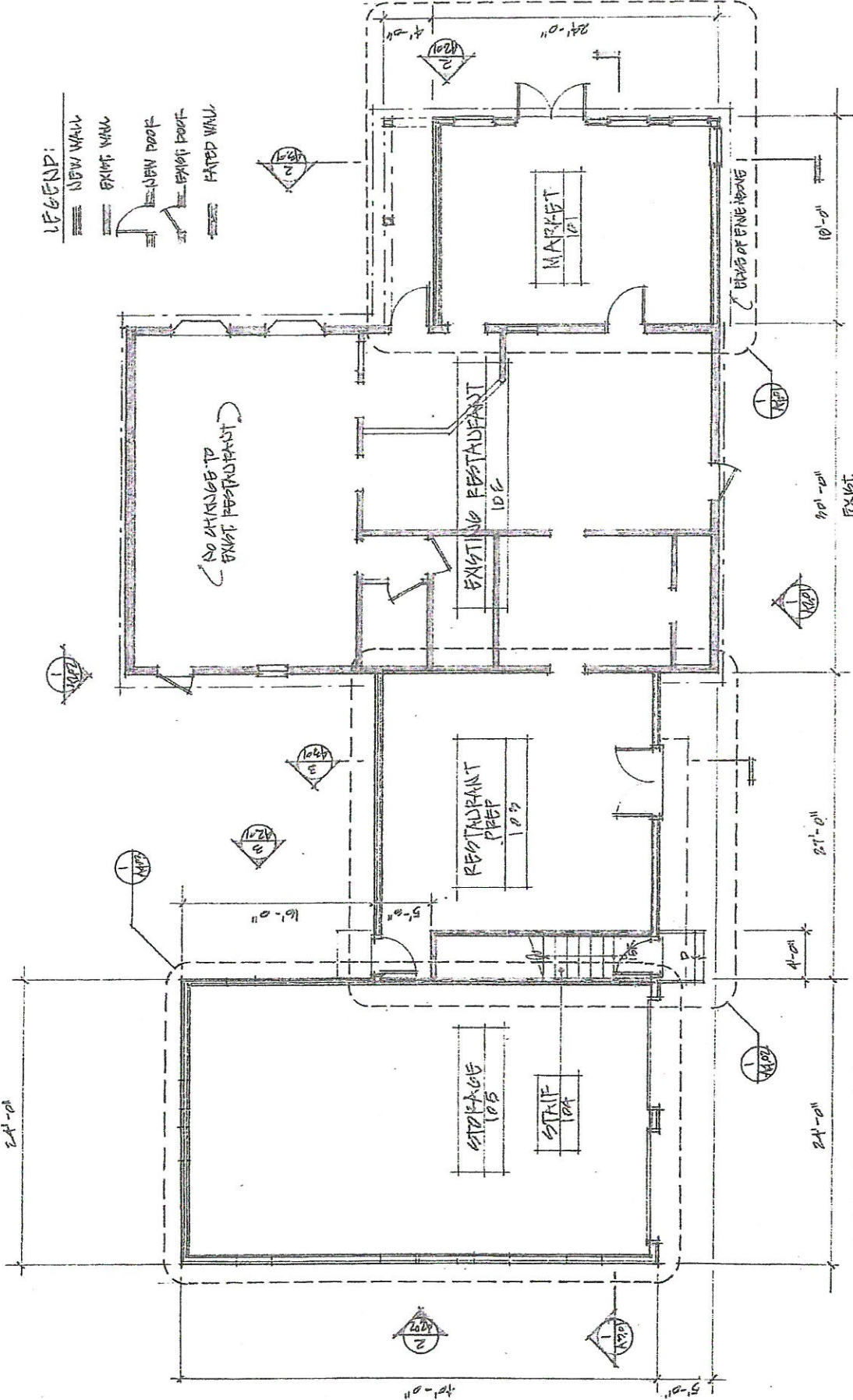
# Mixed Use Building

445 US Route 1  
Kittery, ME

FIRST  
FLOOR  
PLAN

# A1.01

- LEGEND:
- NEW WALL
  - EXIST. WALL
  - NEW ROOF
  - EXIST. ROOF
  - FINISH WALL



1 FIRST FLOOR PLAN

51'



**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT**

BOA Meeting Date: January 14, 2020

Item #: MVR2020-1

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**STAFF REPORT – 447 US Route 1 – MISCELLANEOUS VARIATION REQUEST**

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**Project Name:** 447 US Route 1

**Applicant:** Harrison E. Lemont Mgmt. Co., Inc.

**Owner:** Harrison E. Lemont Mgmt. Co., Inc.

**Proposed Development:** Approval of a non-conforming structure

**Requests:** Miscellaneous Variation Request to approve a non-conforming structure in the Mixed Use zone per Section 16.6.4.C(1) and 16.7.3.3.A.

**Site Addresses:** 447 US Route 1

**Map & Lot Numbers:** M 60 L 22



**Current Zoning:**

Residential – Rural (R-RL) - This zoning district is intended to provide opportunities for a mix of office, service, and limited residential and retail uses, to alter the pattern of commercial activity on Route 1, to serve Kittery’s needs, and to minimize traffic congestion. A mix of uses on a site is

desired and, in some cases, required; a continuation of strip development is not encouraged in this zone. The Mixed-Use Zone is intended to accommodate growth.

The following uses are permitted in the Mixed – Use (MU) Zone: (9)(a) Dwelling units on the upper floors of a mixed-use building that is served by public sewerage. The proposed use is permitted by right.

**Staff Recommendation:** APPROVAL of miscellaneous variation request.

**District Standards:**

Mixed Use (MU) Zoning District Standards			
Minimum Road Frontage	250 feet	Front Yard Setback (min.)	30 feet
Lot Size with Frontage on Rt 1 (min.)	200,000 sf	Rear Yard Setback (min.)	30 feet
Side Yard Setback (min.)	30 feet		

**Current Use:** Dwelling unit, under construction; Restaurant

**Surrounding Land Uses:**

North: Mixed Use (MU). Mobile Home Park

South: Mixed Use (MU). Commercial

East: Mixed Use (MU). Vacant Land

West: Mixed Use (MU). Commercial

**Future Land Use:**

The subject property is located within the “Growth” area on the future land use map which is defined as areas where the Town would like to encourage future development to occur.

**Site Description:**

The subject property consists of an 34,752 square foot lot (.7978 acres), located along the northern right-of-way of US Route 1. The property is a non-conforming lot of record as it does not meet the minimum land area or the street frontage. There is also a 30-foot sewer easement on the property along the northern boundary.

**History of the Property:**

Until recently the property contained on single family dwelling unit and one commercial building housing a restaurant. The dwelling unit was roughly 1,879 square feet and was an existing non-conforming structure as it was built 1 foot from the west property line and 28-feet from the north property line, where a 30-foot setback is required for both. A building permit was issued on July 8<sup>th</sup> to demolish the non-conforming structure and replace it with an addition containing additional food preparation area for the restaurant, a garage and two dwelling units.

**Description of the Issue:**

The addition to the restaurant was permitted based on documents provided by an architectural firm. The information provided showed that the proposed building would have a 30-foot front, rear and side setback. The financial institution involved in the construction required that a foundation

survey be completed, which is attached. The survey revealed that the building infringed on the rear setback by 1.7-feet, resulting in a 28.3-foot setback where 30-feet is required. Based on a closer inspection of the construction documents it was found that the scale on the site plan used for permitting was slightly off, resulting in the setback issue discovered by the foundation survey. The new addition is much less non-conforming than the previous building, as it conforms with the side setback and is .3-feet further from the rear property line.

**Applicant’s Miscellaneous Variation Request:**

Section 16.6.6 requires the Board of Appeals to use the following process when hearing requests:

*§ 16.6.6 Basis for decision.*

*A. Conditions.*

- (1) *In hearing appeals/requests under this section, the Board of Appeals must first establish that it has a basis in law to conduct the hearing and decide the question.*

**LUDC Section 16.6.4.C.(1) allows the Board of Appeals to decide variations for nonconformities covered in Section 16.7.3. Further, Section 16.7.3.5.A.(1) states, “Nonconforming lots. In any district, notwithstanding limitations imposed by other sections of this title, single noncontiguous lots legally created when recorded may be built upon consistent with the uses in the particular zone. These provisions apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable in the zone, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot conform to the regulation for the zone in which such lot is located. Relaxation of yard and other requirements not involving area or width may be obtained only through miscellaneous variation request to the Board of Appeals.”**

- (2) *In hearing appeals/requests under this section, the Board of Appeals must use the following criteria as the basis of a decision, that:*

- (a) *The proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;*

**Staff believes the use will not prevent the orderly and reasonable use of adjacent properties since adjacent properties are zoned Mixed Use and contain similar uses as the subject property.**

- (b) *The use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located or of permitted or legally established uses in adjacent use zones;*

**Staff believes the use will not prevent the orderly and reasonable use of legally established uses in the zone since the use is similar to adjoining properties and there are no use restrictions among adjacent dwelling units.**

- (c) *The safety, the health and the welfare of the Town will not be adversely affected by the proposed use or its location; and*

**Staff believes the use will not adversely affect the health and welfare of the Town.**

- (d) *The use will be in harmony with and promote the general purposes and intent of this title.*

**Staff believes the use is in harmony with Title 16 and promotes its general purposes.**

*Factors for consideration. In making such determination, the Board of Appeals must also give consideration, among other things, to:*

- (1) *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;*

**The proposed use involved is allowed in the zone by right.**

- (2) *The conservation of property values and the encouragement of the most appropriate uses of land;*

**The proposed addition is already permitted and is an appropriate use of the land. The proposed addition would not be detrimental to property values.**

- (3) *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;*

**There is no proposed increase in density that would result in additional vehicular traffic.**

- (4) *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;*

**The property is connected to sewer and sewer impact and entrance fees have been paid.**

- (5) *Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;*

**The proposed use produces no obnoxious gases, odors, smoke or soot.**

- (6) *Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;*

**The proposed use causes no disturbing emission of electrical discharges, dust, light, vibration or noise.**

- (7) *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;*

**No undue interference should result from this use.**

- (8) *The necessity for paved off-street parking;*

**The site contains adequate space for off-street parking for both the restaurant and dwelling units.**

- (9) *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 persons upon such plot;*

**No hazards should result from this use.**

- (10) *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;*

**No overcrowding should result from this use.**

- (11) *Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;*

**The existing lot is a legal, non-conforming lot of record.**

- (12) *Whether the proposed use will be adequately screened and buffered from contiguous properties;*

**The project will not change the existing landscaping, which does provide for some buffering from neighboring lots.**

- (13) *The assurance of adequate landscaping, grading and provision for natural drainage;*

**The project does not propose any grading changes.**

- (14) *Whether the proposed use will provide for adequate pedestrian circulation;*



**The proposed project will not change the site plan of the property.**

- (15) *Whether the proposed use anticipates and eliminates potential nuisances created by its location; and*

**No new nuisances are expected from the continuation of the dwelling use.**

- (16) *The satisfactory compliance with all applicable performance standard criteria contained in Chapters 16.8 and 16.9.*

**Other than the miscellaneous variation request filed here, the proposed use and site plan appear to conform to Title 16.8 and 16.9, subject to Planning Board review and approval.**

Using the standards and criteria found in 16.6.6 of the LUDC, Staff recommends **APPROVAL** of the miscellaneous variation request to reduce the setbacks as proposed.

# OBITUARIES & NEWS

## MARKET WATCH

Dow	29,348.10	▲	50.46
Nasdaq	9,388.94	▲	31.81
S&P	3,329.62	▲	12.81
Russell	1,699.64	▼	5.58
NYSE	14,183.20	▲	41.42

## COMMODITIES REVIEW

Gold	1,558.80	▲	9.80
Silver	18.013	▲	.138
Platinum	1,019.40	▲	23.70
Copper	2.8495	▼	.0025
Oil	58.54	▲	0.02

## MARKET MOVERS

- **Schlumberger Ltd.:** Down 41 cents at \$38.37 – The world's largest oilfield services company reported surprisingly good profits and revenue for the fourth quarter.
- **First Horizon National Corp.:** Up 71 cents at \$17.27 – The bank holding company's fourth-quarter profit and revenue beat Wall Street forecasts.

# Report: Policy can be at NH school with ab

By Michael Casey  
The Associated Press

CONCORD — A New Hampshire prep school rocked by sexual abuse claims is doing a better job of addressing complaints but should improve its policies around investigating a crime and assisting victims, according to a report released by the attorney general's office Thursday.

The report done by a third party is the second of its kind on St. Paul's after credible evidence emerged of abuse involving 20 former faculty members over several decades. The attorney general's office found evidence of criminal wrongdoing by the school, but an agreement was reached to put it under government oversight instead of bringing charges.

The agreement involved bringing in an independent person who would ensure the school complied with the agreement in place for at least five years.

In its report, the attorney general's office said the school should consider

students.

It also found the school "struggles" to retain documents and information related to complaints, making it difficult to show it responded in a timely manner or that "survives administrative or leadership transitions."

"A strengthened safety net of policies and procedures will serve to more fully develop and balance roles and responsibilities," according to the report written by Jeff Maher, who was tasked by the attorney general's office to ensure the school complied with the agreement. "This in turn will allow individuals to fulfill their responsibilities to the School free of fear or influence while ensuring best practices across time."

The report also said the school received 31 incident reports over the last six months of 2019. The incidents, mostly involving sexual or physical assault, occurred on and off the campus. More than half were incidents that happened in the past but the



Former St. Paul's attorney Jeff Maher, 2019, with his law at Merrimack Sup was declared in t of sexually assau Paul's school in N Church, Virginia, with being a fugit charging him with sexual assault. (C

and well-being,

The reports fo trial this week in a man who has b of sexually ass children on the St. Paul's in the

Benjamin Ba Church, Virg

tent that may be p damaging or social

At the same tim said the Teatot highlights "one c ggest societal prob information age r

"The question owns Facebook? said. "Not the entity, but the o ence. Is it Faceb sense that they



Ed and Elaine Brown talk to reporters June 18, 2007, during a news conference at their home in Plainfield, N.H. Years after they were imprisoned for amassing an arsenal of weapons at their fortress-like home, and holding U.S. marshals at bay after a tax evasion conviction, Elaine Brown said she is ashamed of her actions and seeks a divorce while awaiting resentencing in 2020, in light of a recent U.S. Supreme Court ruling. (AP PHOTO/JIM COLE, FILE)

### Legal Notice NOTICE OF REQUEST FOR RECONSIDERATION TOWN OF KITTERY - BOARD OF APPEALS 200 Rogers Road, Kittery, Maine 03904 Tuesday, January 28, 2020 - 6:30 p.m.

Mr. Vern Gardner, Board of Appeals Member, requests reconsideration of the vote of the Miscellaneous Variation Request concerning Harrison E. Lemont Management Co. Inc. taken at the Kittery Board of Appeals meeting on January 14th, 2020.

Application information is available for public inspection between 8:00 am to 6:00 pm, Monday through Thursday, at the Development Department located in Kittery Town Hall. To request a reasonable accommodation for this meeting please contact staff.

FM00473038

### Legal Notice

Attention Subcontractors and Vendors:

PC Construction (PC) is bidding the Hyatt Place Foundry Place Hotel project, located in Portsmouth, NH. Bids will be accepted through January 31, 2020. The ~\$23 million project consists of approximately 98,890 SF of hotel with 144 keys including a meeting space, a café, lobby, laundry, offices, fitness room and approximately 11,650SF of interior surface parking with car lifts, all within the Downtown Portsmouth, NH area. The program will also include a private outdoor seating area facing Foundry

To learn more about this opportunity, access bidding documents, and receive project notifications, please contact (802) 651-1233 or email [estimating@pconstruction.com](mailto:estimating@pconstruction.com).

FM00472979