

**Town of Kittery
 Planning Board Meeting
 July 27, 2023**

ITEM 2 – 21 Badgers Island West– Shoreland Development Plan Review

Action: Accept or deny application. Approve or deny plan: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, engineer Cory Belden, on behalf of owner/applicants David and Lisa Daniels, request approval to remove and redevelop an existing single-family residence on a property shared with a pier utilized for lobster fishing, while adding modifications to ensure access on the property for the working waterfront business. The property is located at 21 Badgers Island West, Tax Map 1, Lot 27, in the Mixed-Use Badgers Island (MU-BI) and Shoreland Overlay (OZ-SL-250’) Zones, and partially within the Resource Protection (RZ-OP) and Commercial Fisheries (OZ-CFMU) Zones.

PROCESS SUMMARY

REQUIRED	ACTION	COMMENTS	STATUS
Yes	Staff Review	July 13 th , 2023	Completed
No	Site Visit	July 25 th , 2023	Completed
No	Public Hearing	Optional	Optional
Yes	Final Plan Review	TBD	TBD

PROJECT INTRODUCTION

21 Badgers Island West is a legally non-conforming lot of 6,648 sq ft. on the southern shore of Badgers Island in the Mixed-Use Badgers Island Zone, entirely covered by the Shoreland Overlay Zone, and partially covered by the Resource Protection and Commercial Fisheries Zones. The property contains a 912 sq ft. single-family dwelling with a structure height of 27.7’ and a 344 sq ft. deck/patio facing the water, located 38.9’ from the HAT line. The house is a legally non-conforming structure because it does not meet the required 75’ setback in the MU-BI zone or the required 10’ side and rear yard setbacks. Along the shore of the property is a pier and offramp currently used for lobster fishing, considered a water-dependent working property. A right-of-way abuts the residence to provide access to employees using the working waterfront portion of the lot. The dwelling and business on the property are both owned by the applicants.

The plan proposes demolishing the house and patio and replacing it with a new 1,738 sq ft house and a 165 sq ft. deck. The height of the structure will maintain the existing 27.7’ height within the current setback and be 39.3’ outside of the setback, which is within the 40’ building height maximum in the MU-BI Zone. The development will sit 40.8’ from the HAT line and will maintain the current 5’ rear and side yard setback of the existing structure. The plan would also propose maintaining the right-of-way and two 9’x18’ parking spaces on the lot for working waterfront use only.

Per §16.7.3.A.(1), planning board review of the proposal is required due to the lot’s proximity within the Shoreland and Resource Protection Overlay zones. Developments within the shoreland must maintain base zone setbacks to the HAT line of water bodies or expand upon them to the greatest practical extent. The applicants are requesting that the planning board grant a reduction to the minimum setback under §16.4.24.D.(3).(b), which allows the setback to be reduced to 25 feet on a property if the owner is found to “retain or expand commercial water-dependent uses of the working waterfront.”

39 This item originally appeared before planning board on July 13th, 2023. The planning board voted 7-0-0 to
40 accept the plan and schedule a site walk for July 24th.

41 **APPLICATION & PLAN REVIEW**

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

- 43 1. The Shoreland Overlay Zone Ordinance **§16.4.28.E.(3).(a).[1]**. requires new principal and accessory
44 structures in the MU-BI Zone to be set back at least 75 feet, horizontal distance, from the normal high-
45 water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland
46 edge of a freshwater wetland. **§16.4.24.D.(3).(b)**. reduces this setback to 25’ for properties that retain
47 or expand commercial water-dependent uses. The applicant is requesting the 25’ setback be observed
48 on this property as their site plan proposes to permanently maintain the right of way and two parking
49 spaces on the property for the use of the working waterfront business, as stated in “Property Information
50 Note 15” on the site plan. If this clause is granted, the proposed development would be entirely outside
51 of the base zone setback.
- 52 2. General provision **§16.1.8.C.4.(b).[3].[e].[v].[A]**. requires expansion of structures within the base zone
53 setback to a water body not exceed 30% of the total footprint of structures existing within the property
54 on January 1, 1989. If the working waterfront clause above is granted, this expansion requirement
55 would not apply to the property, as it would be outside of the setback.
 - 56 a. The proposed development would maintain the existing rear/side yard setback of 5’ where the
57 zone requires a 10’ minimum. While this means the structure would remain non-conforming,
58 this does not trigger the 30% expansion requirement, as that only applies to structures within
59 the base zone setback of a water body.
- 60 3. **§16.4.28.E.(2).(a)**. allows 60% of total lot area in the Mixed-Use Badgers Island zone’s shoreland
61 overlay to be comprised of non-vegetated surfaces or structures. With a lot size of 6,648 sq ft, current
62 devegetation sits at 4,814 sq ft, or 72.4%. The proposed development would reduce non-conformity by
63 lowering the total devegetated area to 4,668 sq ft, or 70.2%.
 - 64 a. The notes on the site plan’s devegetation calculation only add up to 4,646 sq ft, do to an
65 accidental omission of a granite stairway totalling 22 sq ft. The applicant confirmed 4,668 sq
66 ft. is the correct number.
- 67 4. Erosion control measures shall comply with state DEP and local ordinances. The applicant provided a
68 detailed layout of the silt barrier and orange construction fence that will be placed before construction
69 and maintained throughout the development to protect the resource from erosion or sediment runoff.
70 Disturbed areas will be stabilized with loam and seed plantings before removal of temporary erosion
71 control barriers.
- 72 5. The owner is proposing to add shrub plantings to enhance the shoreland frontage with a combination
73 of dogwood, serviceberry, and cotoneaster (or otherwise approved species).

74 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

75 Approving the plan would not only reduce the non-conformity of the lot and structure but would officially
76 retain use of the road and parking area for working waterfront business. It appears granting the reduced
77 setback would improve the property’s ability to foster its mixed-use zoning function and protect the working
78 waterfront business for future use. Staff suggest acceptance of the plan and allowing the application to move
79 to final plan approval once all other relevant permitting requirements are met. The Planning Board should
80 discuss the plan and determine if it meets the requirements to accept the plan, and/or direct the applicant to
81 make any changes that are necessary.

82 **RECOMMENDED MOTIONS**

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

84 ***Motion to accept the application***

85 Move to accept the plan for a shoreland development application from owner/applicants David and Lisa
86 Daniels and agent Cory Belden requesting to remove and redevelop an existing single family residence on
87 a property shared with a working waterfront building located on 21 Badgers Island West, Tax Map 1, Lot
88 27, in the Mixed Use Badgers Island (MU-BI), Shoreland Overlay (OZ-SL-250') Zones, and partially
89 within the Resource Protection (RZ-OP) and Commercial Fisheries (OZ-CFMU) Zones.

90 ***Motion to approve the application***

91 Move to approve the plan for a shoreland development application from owner/applicants David and Lisa
92 Daniels and agent Cory Belden requesting to remove and redevelop an existing single family residence on
93 a property shared with a working waterfront building located on 21 Badgers Island West, Tax Map 1, Lot
94 27, in the Mixed Use Badgers Island (MU-BI), Shoreland Overlay (OZ-SL-250') Zones, and partially
95 within the Resource Protection (RZ-OP) and Commercial Fisheries (OZ-CFMU) Zones.

DRAFT
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2 **Kittery Planning Board**
3 **Findings of Fact**
4 **For 21 Badgers Island West**
5 **Shoreland Development Plan Review**

6
7 **WHEREAS:** Engineer Cory Belden, on behalf of owner/applicants David and Lisa Daniels, request
8 approval to remove and redevelop an existing single-family residence on a property shared with a pier
9 utilized for lobster fishing, while adding modifications to ensure access on the property for the working
10 waterfront business. The property is located at 21 Badgers Island West, Tax Map 1, Lot 27, in the Mixed-
11 Use Badgers Island (MU-BI) and Shoreland Overlay (OZ-SL-250') Zones, and partially within the
12 Resource Protection (RZ-OP) and Commercial Fisheries (OZ-CFMU) Zones.

13
14 Pursuant to the Plan Review meetings conducted by the Planning Board as noted in the plan review notes
15 prepared for 7/27/2023.

16

Shoreland Development Plan Staff Review	July 6 th 2023
Site Walk	None
Public Hearing	None
Approval	July 27 th 2023

17
18 Pursuant to the application and plan and other documents considered to be a part of a plan review decision
19 by the Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”):

- 20
21 1. Shoreland development plan application received 6/22/2023 from Cory Belden of Altus
22 Engineering.

23
24 **NOW THEREFORE**, based on the entire record before the Planning Board and pursuant to the
25 applicable standards in the Land Use and Development Code, the Planning Board makes the following
26 factual findings and conclusions:

27
28 **FINDINGS OF FACT**

29
30 **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 property is legally non-conforming with a devegetated area of 72.4%. The proposed plan will reduce the devegetated area to 70.2%.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

31
32 **Chapter 9 MARITIME AND SHORELAND RELATED DEEVELOPMENT**

33 **Article III Planning Board Shoreland Development Review**

16.9.3.F. Findings of Fact

<p><i>(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:</i></p>
<p><i>(a) Maintain safe and healthful conditions:</i></p> <p>Finding: The proposed development does not appear to pose a threat to the health and safety of residents or working waterfront employees.</p> <p>Conclusion: This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(b) Not result in water pollution, erosion or sedimentation to surface waters:</i></p> <p>Finding: The proposed development as represented in the plans and application will observe best practices for erosion and sedimentation in development.</p> <p>Conclusion: This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(c) Adequately provide for the disposal of all wastewater:</i></p> <p>Finding: The development will be located on a public water and sewage line and does not propose an increase in wastewater capacity needs.</p> <p>Conclusion: This requirement appears to have been met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(d) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat:</i></p> <p>Finding: The proposed development appears to take the necessary steps to minimize impact to nearby wildlife and proposes to partially revegetate the lot with local shrubbery.</p> <p>Conclusion: The requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(e) Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters:</i></p> <p>Finding: Shore cover is conserved in accordance with the Code. There are no adverse impacts to visual or actual points of access to water.</p> <p>Conclusion: This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(f) Protect archaeological and historic resources:</i></p> <p>Finding: There appear to be neither archaeological nor historic resources impacted.</p> <p>Conclusion: This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</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> By maintaining the right-of-way and parking area for working waterfront business employees, the proposed development appears to support commercial fishing and maritime activities in the property.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(h) Avoid problems associated with floodplain development and use:</i></p> <p><u>Finding:</u> The proposed structure redevelopment is not located in a floodplain.</p> <p><u>Conclusion:</u> This requirement does not appear applicable.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(i) Is in conformance with the provisions of this code:</i></p> <p><u>Finding:</u> Both the lot and existing structure are legally non-conforming; proposed improvements will reduce the non-conformity of both the lot and structure following the provisions of Title 16.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</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 Altus Engineering.</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;">Vote: ___ in favor ___ against ___ abstaining</p>

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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. 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 7/27/2023).

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

51 1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer
52 Review Engineer, and submit for Staff review prior to presentation on final plan.

53 2. Surveyor's stamp must be on the final plan.
54
55

56 **Notices to Applicant:**
57

58 1. Incorporate any plan revisions on the final plan as required by Planning Board and submit for
59 Staff review prior to presentation of final plan.

60 2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with
61 the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper
62 advertisements and abutter notification.

63 3. One (1) copy of the final plan and any and all related state/federal permits or legal documents that
64 may be required, must be submitted to the Town Planning Department for signing. Date of Planning
65 Board approval shall be included on the final plan in the Signature Block. After the signed plan is
66 recorded with the York County Registry of Deeds, a copy of the signed and recorded original must be
67 submitted to the Town Planning Department.

68 4. This approval by the Town Planning Board constitutes an agreement between the Town and the
69 Developer, incorporating as elements the Development Plan and supporting documentation, the
70 Findings of Fact, and any Conditions of Approval.

71 5. Prior to construction, applicant shall obtain any and all permits required by the code enforcement
72 office to complete proposed work.

73
74 The Planning Board authorizes the Planning Board Chair or Vice chair to sign the Final Plan and the
75 Findings of Fact upon confirmation of required plan changes.
76

77 **Vote: ___ in favor ___ against ___ abstaining**
78

79 APPROVED BY THE KITTELY PLANNING BOARD ON _____
80

81
82
83 _____
84 Dutch Dunkelberger, Planning Board Chair
85
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88 Per Title 16.2.12. - An aggrieved party with legal standing may appeal a final decision of the Planning
89 Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section
90 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.
91
92

Shoreland Development Plan

THIS DRAWING SET HAS NOT BEEN
RELEASED FOR CONSTRUCTION

21 Badgers Island West Residential Site Development Kittery, ME

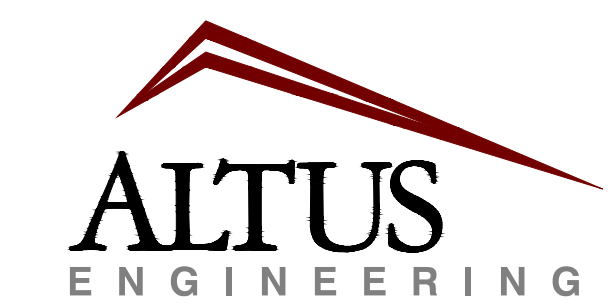
Owner/Applicant:
Island Girl Properties, LLC
104 Washington Street #516
Dover, NH 03820
(603) 252-0613

Assessor's Parcel 1, Lot 27 ISSUED FOR PLANNING BOARD APPROVAL

Plan Issue Date:
JUNE 22, 2023

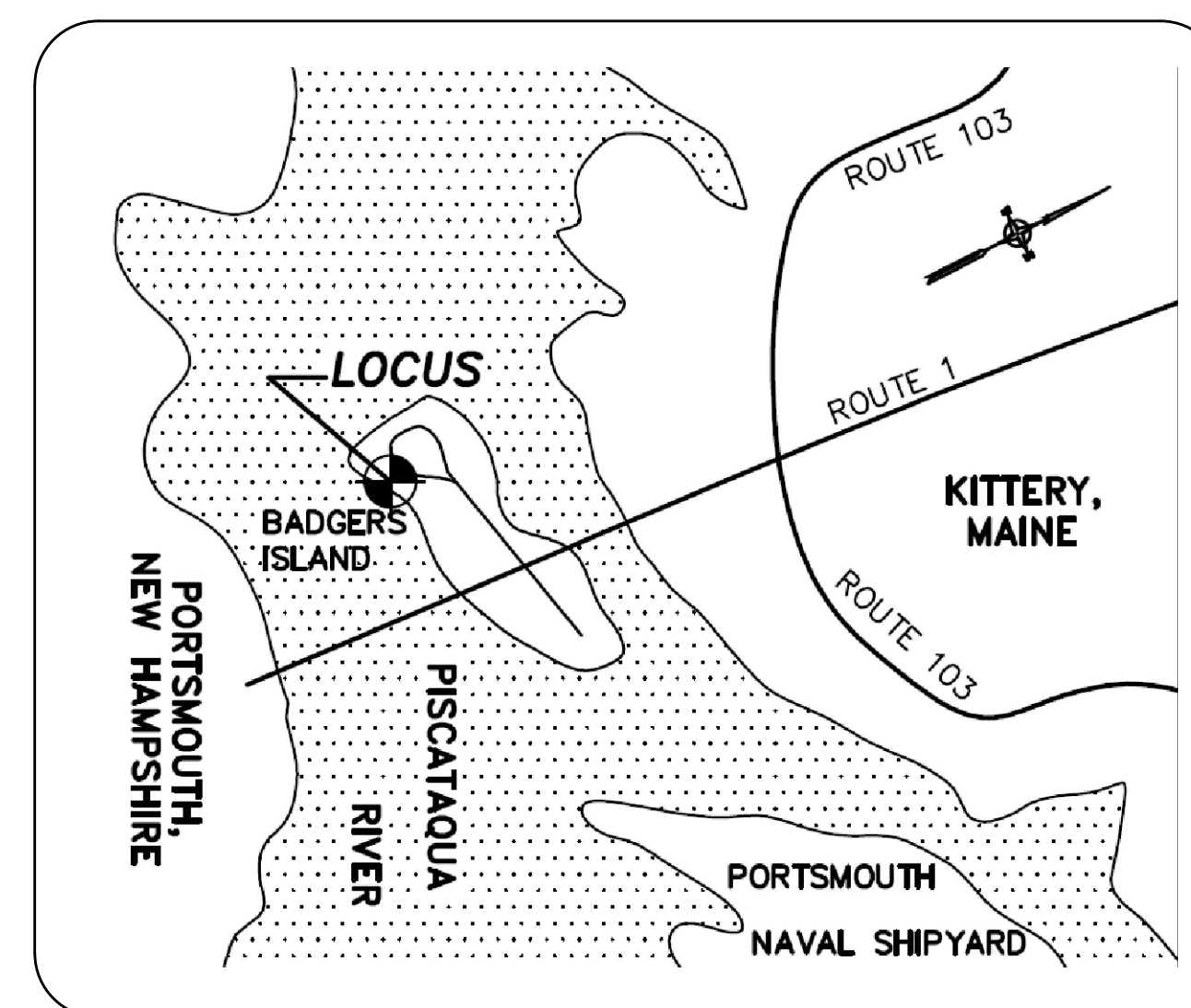
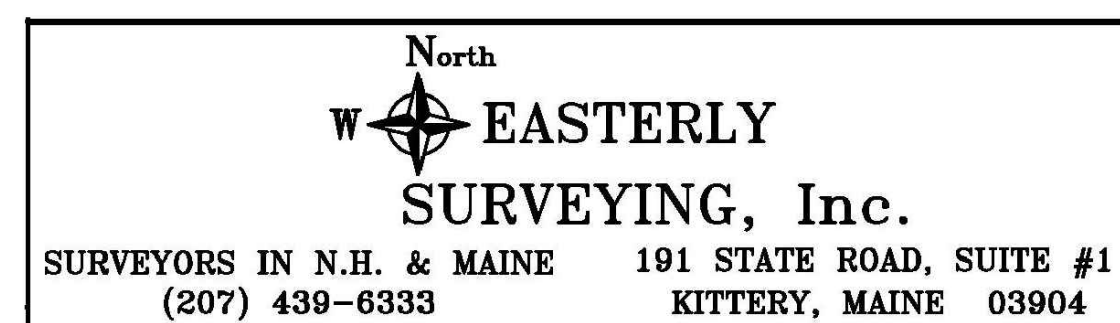
Architect:
LSV DESIGN + ARCHITECTURE, PLLC
P.O. Box 1500
Wolfboro, NH 03894 City, State Zip
(603) 515-1029

Civil Engineer:



133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

Surveyor:



LOCUS

NOT TO SCALE

**Sheet Index
Title**

	Sheet No.:	Rev.	Date
Existing Conditions Plan	1 of 1	0	12/23/22
Shoreland Development Plan	C1.0	2	06/22/23
Construction Details	D1.0	2	06/22/23
Construction Details	D2.0	2	06/22/23
Lower and Main Level Floor Plans	A1.0	0	06/16/20
Upper and Attic Level Floor Plans	A1.1	0	06/16/20
Exterior Elevations	A2.0	0	06/16/20
Exterior Elevations	A2.1	0	06/16/20

PLAN REFERENCES:

- "STANDARD BOUNDARY SURVEY OF TAX MAP 1, LOT 38 ON BADGERS ISLAND, KITTERY, MAINE, FOR LIL'S GREENDREAM, INC.", PREPARED BY DOUCET SURVEY, INC., DATED JUNE 16, 1995 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 224 PAGE 42.
- "PLAN OF LOTS BADGERS ISLAND, KITTERY, MAINE, OWNED BY JOSEPH W. THORNER", PREPARED BY JOHN W. DURGIN, DATED APRIL, 1936 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 22 PAGE 31.
- "AMENDMENT TO 23 WEST CONDOMINIUM FOR PROPERTY AT 23 BADGER'S ISLAND WEST, KITTERY, YORK COUNTY, MAINE, OWNED BY ANDREW BARTELS, SUE ELLEN ERICKSON BARTLETT & DAVID JAMES BARTLETT", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED JUNE 29, 2016, PROJECT NO. 06697, RECORDED AT THE Y.C.R.D. PLAN BOOK 364 PAGE 5.
- "PLAN OF LAND PREPARED FOR JEFFREY SALISBURY, BADGERS ISLAND WEST, KITTERY, MAINE", PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC., DATED AUGUST 18, 2003, LAST REVISED JANUARY 3, 2005, ON RECORD AT THE Y.C.R.D. PLAN BOOK 298 PAGE 10.
- "STANDARD BOUNDARY SURVEY & SITE PLAN FOR PROPERTIES AT 17 BADGER'S ISLAND WEST AND 19 BADGER'S ISLAND WEST, KITTERY, YORK COUNTY, MAINE...", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED MAY 24, 2007, PROJECT NO. 07626.

ZONING DATA PER KITTERY ZONING ORDINANCE -- SEE NOTE #6.
(LAST AMENDED JANUARY 24, 2022).

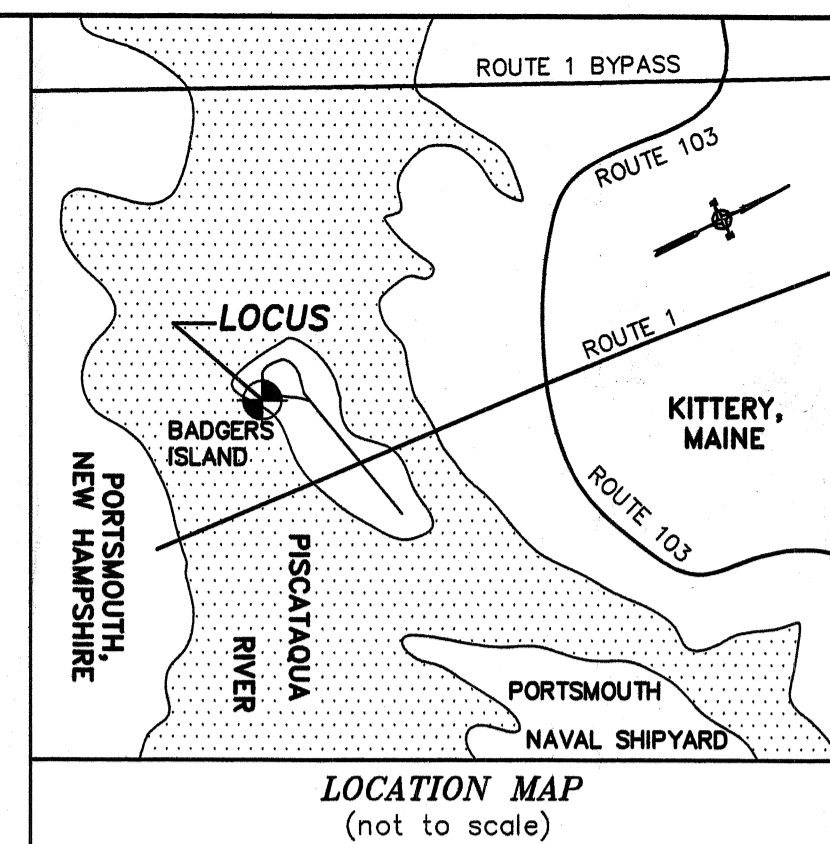
BASE ZONE: MIXED USE - BADGERS ISLAND (MU-BI)

OVERLAY ZONES:
SHORELAND PROTECTION (OZ-SL-250')
RESOURCE PROTECTION (OZ-RP)
COMMERCIAL FISHERIES / MARITIME USES (CFMU)

BASE ZONE REQUIREMENTS:
MINIMUM LAND AREA PER DWELLING UNIT: 3,000 SQ. FT. (UNITS 1 & 2)
6,000 SQ. FT. (UNITS 3+)
6,000 SQ. FT.
MINIMUM LOT SIZE: 50 FT.
MINIMUM STREET FRONTAGE: 5 FT.
MINIMUM FRONT YARD: 10 FT.
MINIMUM REAR AND SIDE YARDS: 40 FT.
MINIMUM OPEN SPACE: 40 FT.
MAXIMUM BUILDING HEIGHT: 40 FT.
MINIMUM SETBACK FROM WATER BODY AND WETLAND DEPENDENT USES: 0 FT.

OZ-SL-250' REQUIREMENTS (SEE 16.4.28.E):

MAXIMUM DEVEGETATED COVERAGE: 60%
MINIMUM SHORE FRONTAGE: 25 FT.
MINIMUM WATER BODY SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES: 75 FT.
WATER DEPENDENT USES: 0 FT.

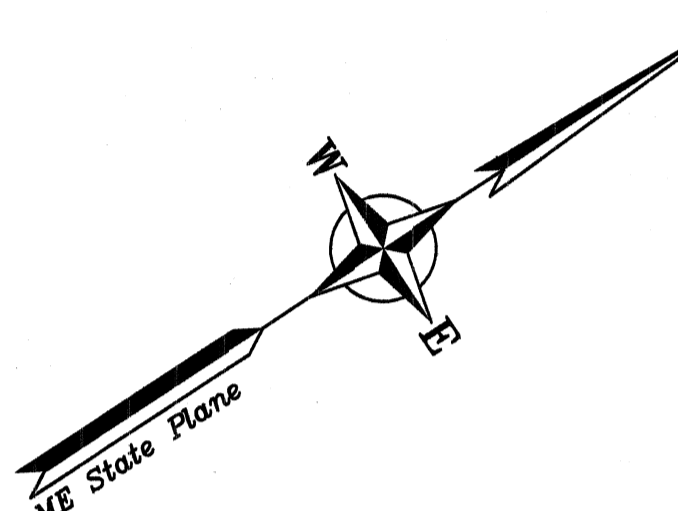
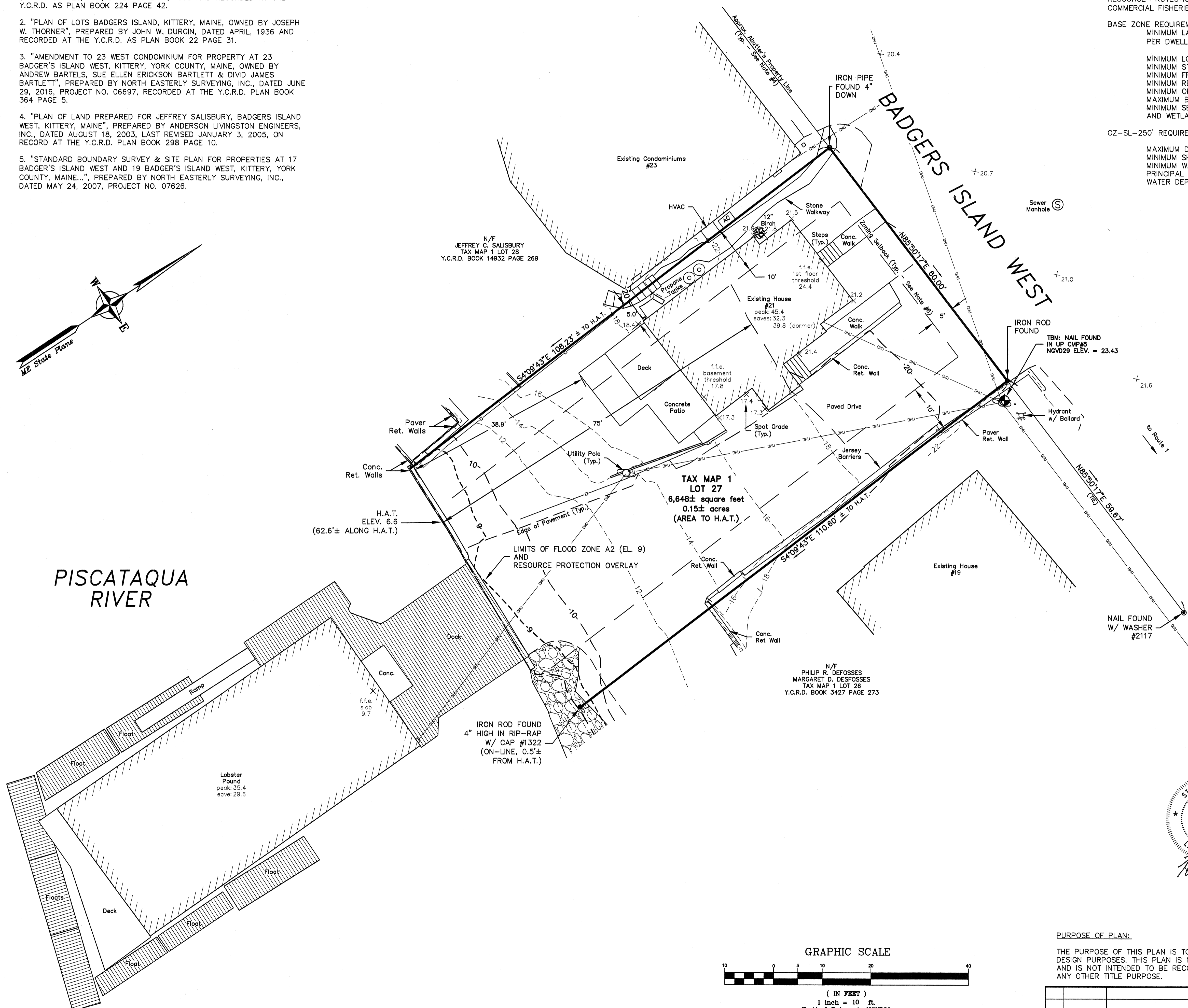


NOTES:

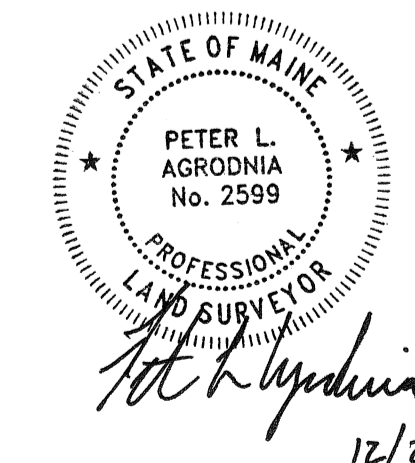
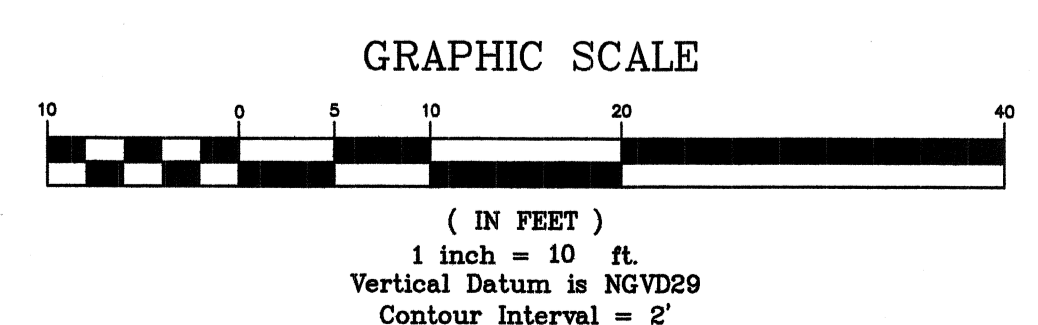
- OWNERS OF RECORD:
TAX MAP 1 LOT 27
ISLAND GIRL PROPERTIES, LLC
Y.C.R.D. BOOK 19122 PAGE 627
DATED SEPTEMBER 29, 2022
- TOTAL EXISTING PARCEL AREA:
TAX MAP 1 LOT 27
6,648± SQ. FT. TO H.A.T.
- BASIS OF BEARING IS MAINE STATE PLANE COORDINATE SYSTEM (NAD83) WEST ZONE 1802, PER GPS OBSERVATION.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- THE ENTIRETY OF THE LOCUS PARCEL APPEARS TO FALL WITHIN THE SHORELAND PROTECTION OVERLAY ZONE, WITH PORTIONS BEING IN THE RESOURCE PROTECTION AND COMMERCIAL FISHERIES/MARITIME ACTIVITIES OVERLAY ZONES. ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PAROL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
- A PORTION OF THE LOCUS PARCEL APPEARS TO FALL WITHIN FEMA FLOOD ZONE A2 (EL. 9). THE LIMITS OF SAID FLOOD ZONE SHOWN HEREON ARE APPROXIMATE. REFERENCE IS MADE TO FEMA FIRM COMMUNITY PANEL NUMBER 230171 0008 D, MAP REVISED JULY 3, 1986.
- THE LOCUS PARCEL IS CONVEYED TOGETHER WITH "A RIGHT OF WAY IN COMMON WITH OTHERS HAVING RIGHTS THEREIN FROM SAID PREMISES TO THE WAY ACROSS BADGERS ISLAND FROM THE BRIDGE TO THE FERRY LANDING, SO CALLED...", SEE REFERENCE DEED IN NOTE #1.

DEVEGETATED COVERAGE CALCULATION:

LOT AREA:	6,648± SQ. FT.
EXISTING:	
BUILDINGS	912± SQ. FT.
DECK/PATIO	344± SQ. FT.
STEPS/WALKWAYS	315± SQ. FT.
RET. WALLS	111± SQ. FT.
PAVEMENT	3,023± SQ. FT.
UTILITIES/OTHER	109± SQ. FT.
TOTAL	4,814± SQ. FT. (72.4%)



PISCATAQUA RIVER



PURPOSE OF PLAN:

THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS FOR DESIGN PURPOSES. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND IS NOT INTENDED TO BE RECORDED, USED FOR CONVEYANCE, OR ANY OTHER TITLE PURPOSE.

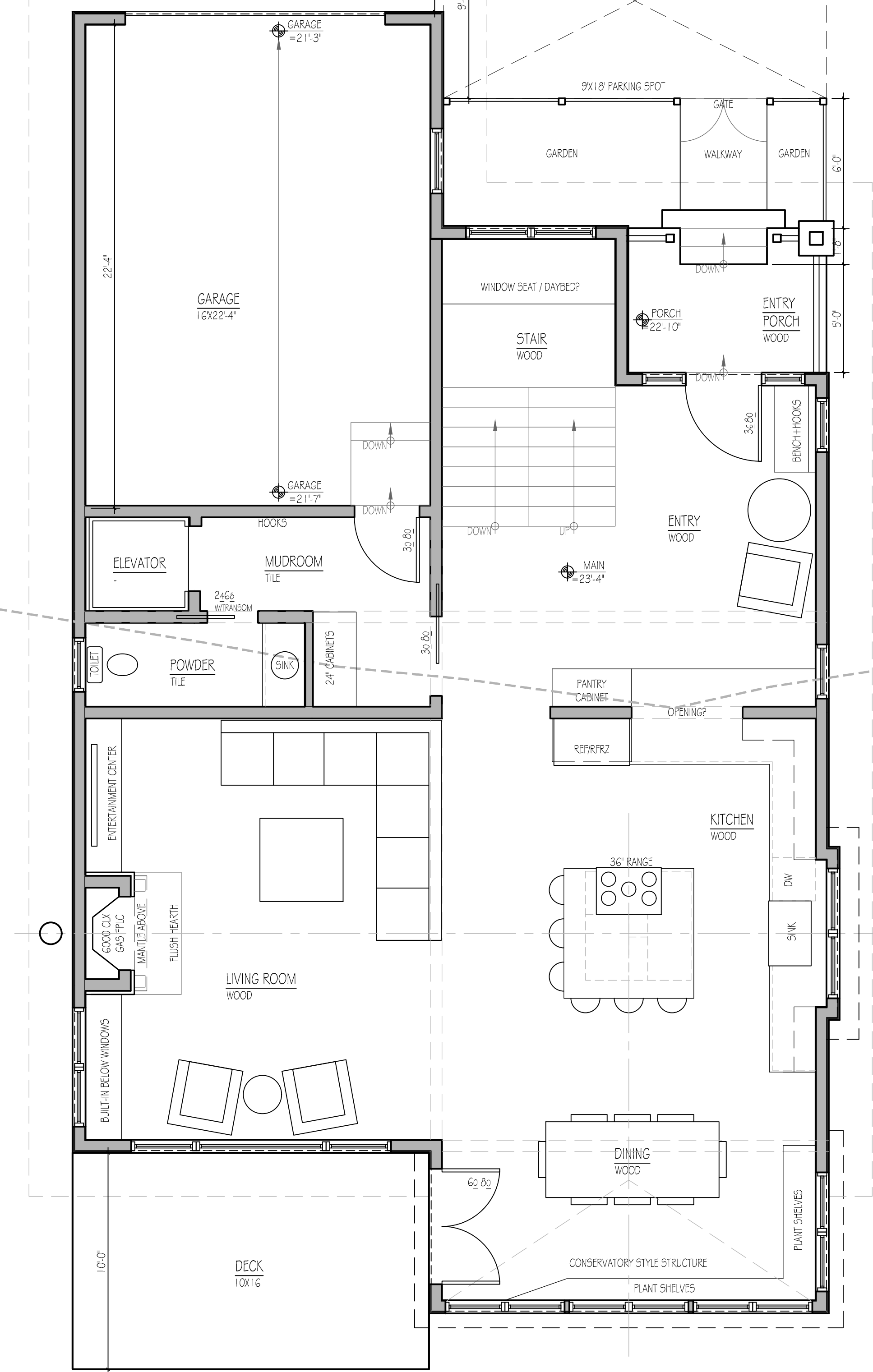
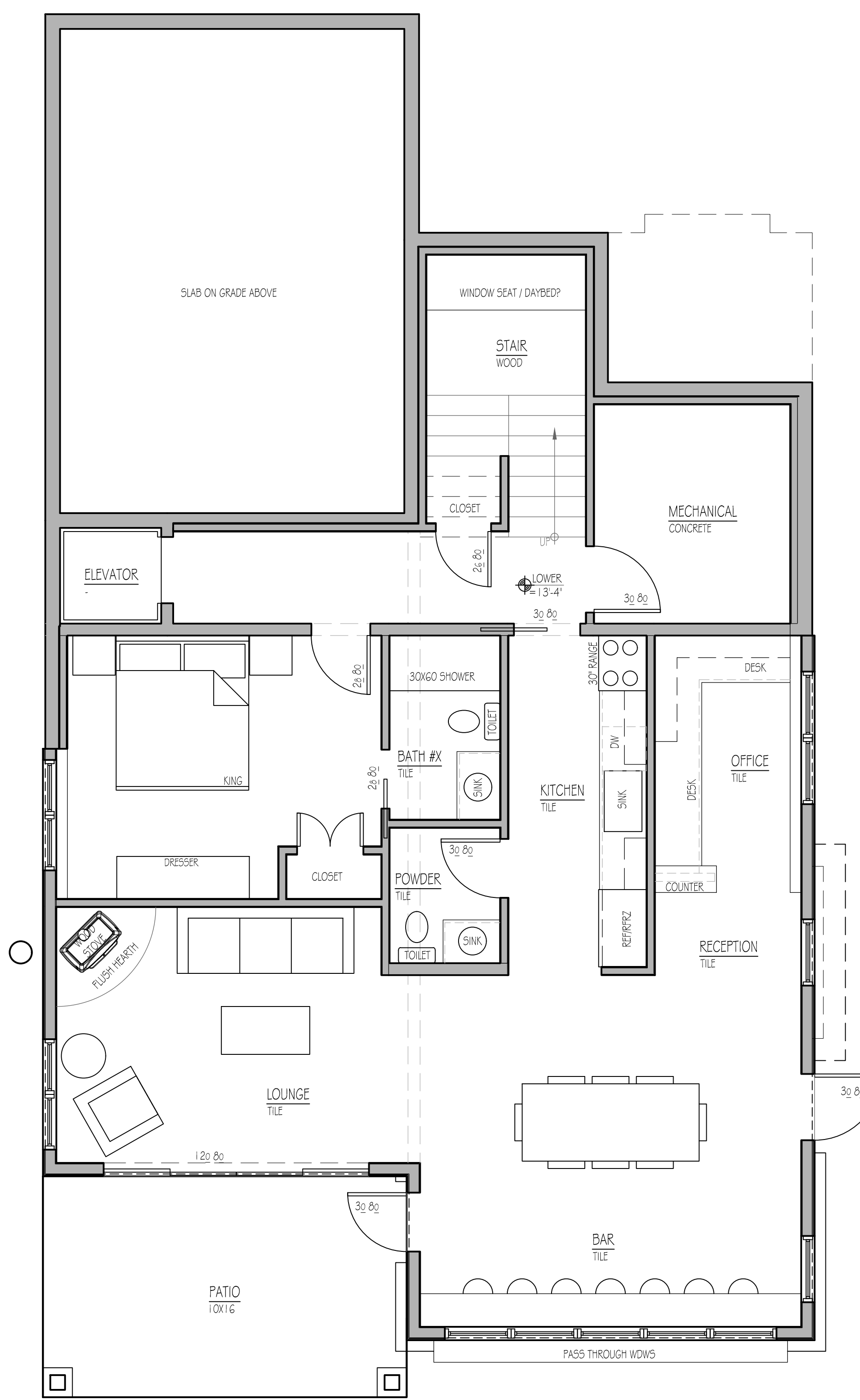
REV.	DATE	STATUS	BY	CHKD	APPD.

EXISTING CONDITIONS PLAN
FOR PROPERTY AT
21 Badgers Island West
Kittery, York County, Maine
OWNED BY
Island Girl Properties, LLC
176 Edgewater Drive, Gilford, New Hampshire 03249

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

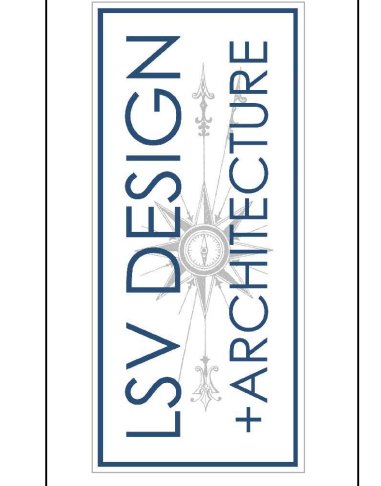
SCALE: 1" = 10' PROJECT NO. 22672 DATE: 12/23/2022 SHEET: 1 OF 1 DRAWN BY: A.P.M./J.D.S. CHECKED BY: P.L.A.

DRAWING No: 22672 EXISTING CONDITIONS FIELD BOOK No: "KITTERY #41" **Tax Map 1 Lot 27**



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LSV DESIGN+ARCHITECTURE, PLLC
PO Box 1500, Wolfeboro NH 03894
603-515-1029 liz@lsvdesignnh.com



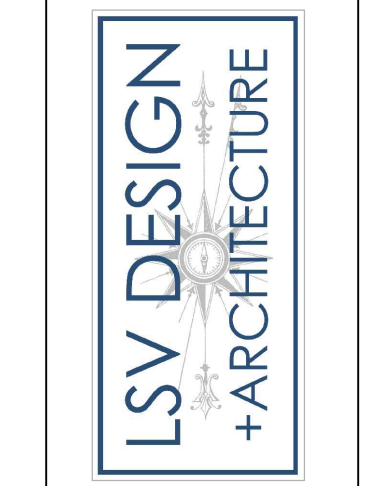
DANIELS RESIDENCE
29 Badger Island West
Kittery, ME

LOWER + MAIN LEVEL FLOOR PLANS

REV.	-
DATE:	6-16-23
SCALE:	1/4" = 1'-0"
DRN BY:	LV
PROJ. NO.:	2212

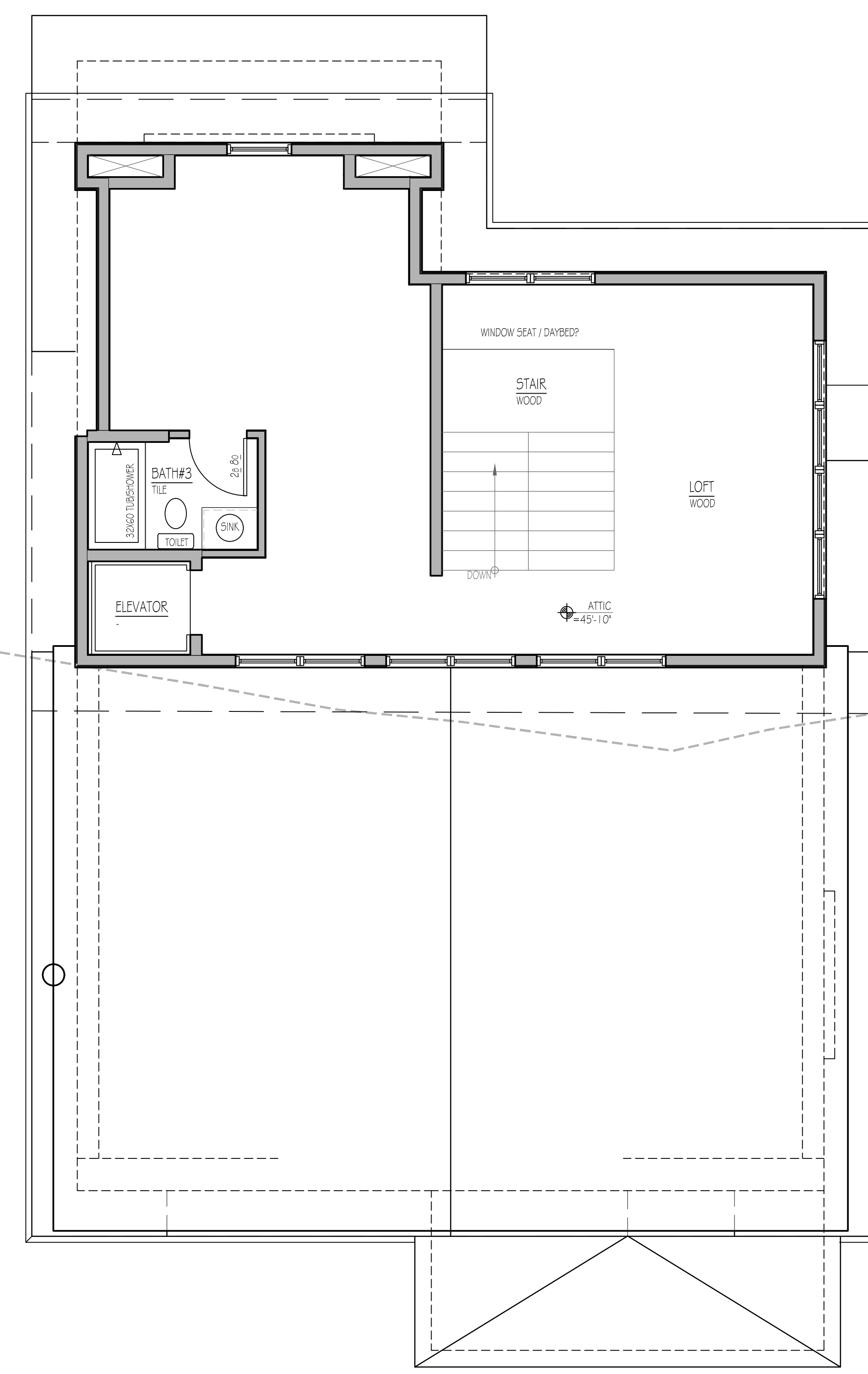
PROGRESS PRINT
PRELIMINARY DRAWINGS ONLY
Documents are for design review only and are not
to be used for construction. DATE: -

A1.0
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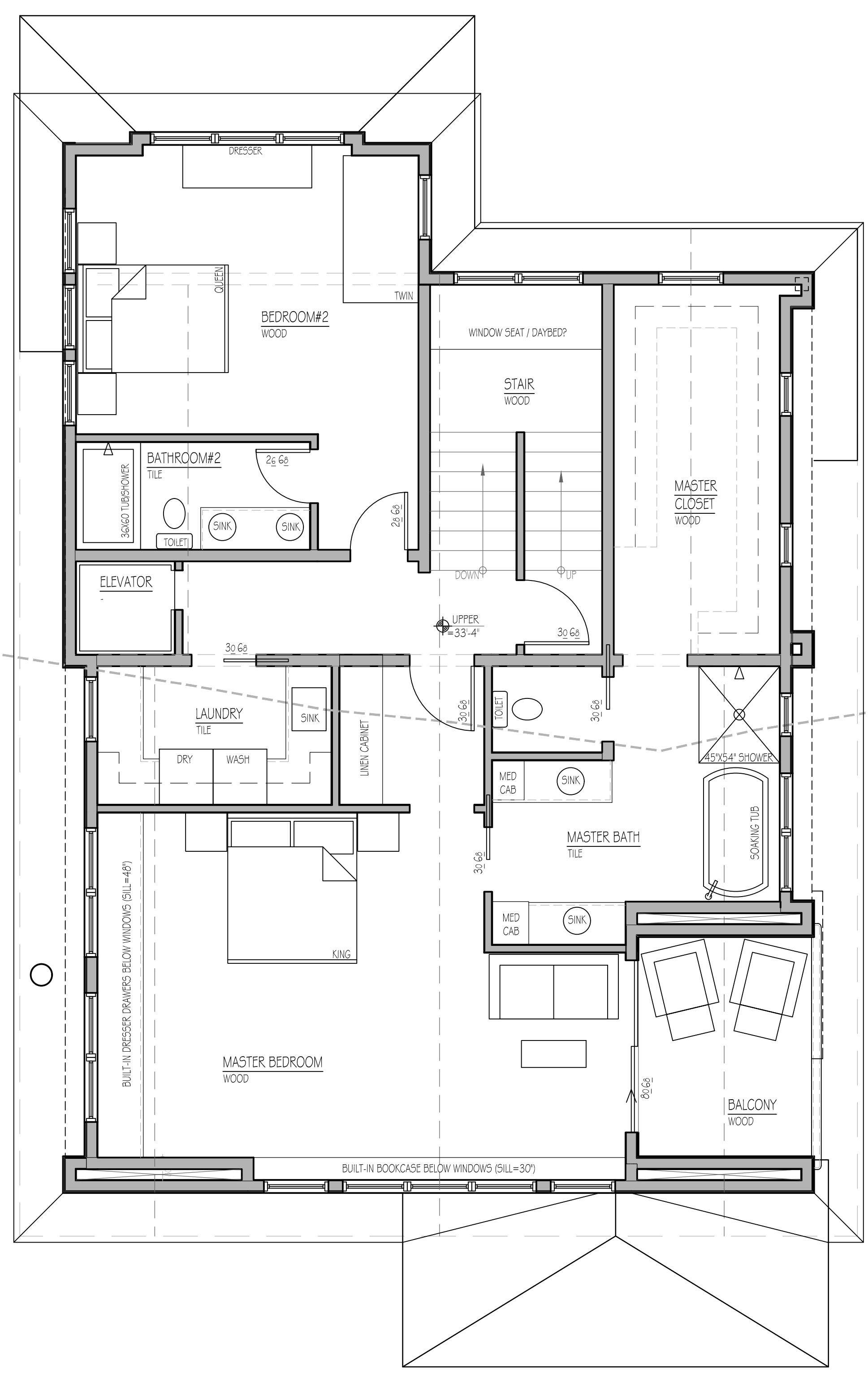


REV.	-
DATE:	6-16-23
SCALE:	1/4" = 1'-0"
DRN BY:	LV
PROJ. NO.:	2212

PROGRESS PRINT
PRELIMINARY DRAWINGS ONLY
Documents are for design review only and are not to be used for construction. DATE: -

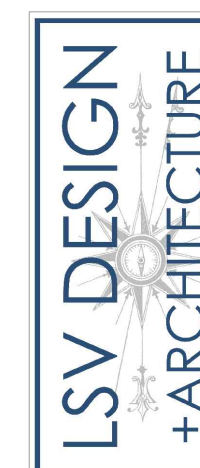


2 ATTIC LEVEL FLOOR PLAN
SCALE 1/4" = 1'-0"



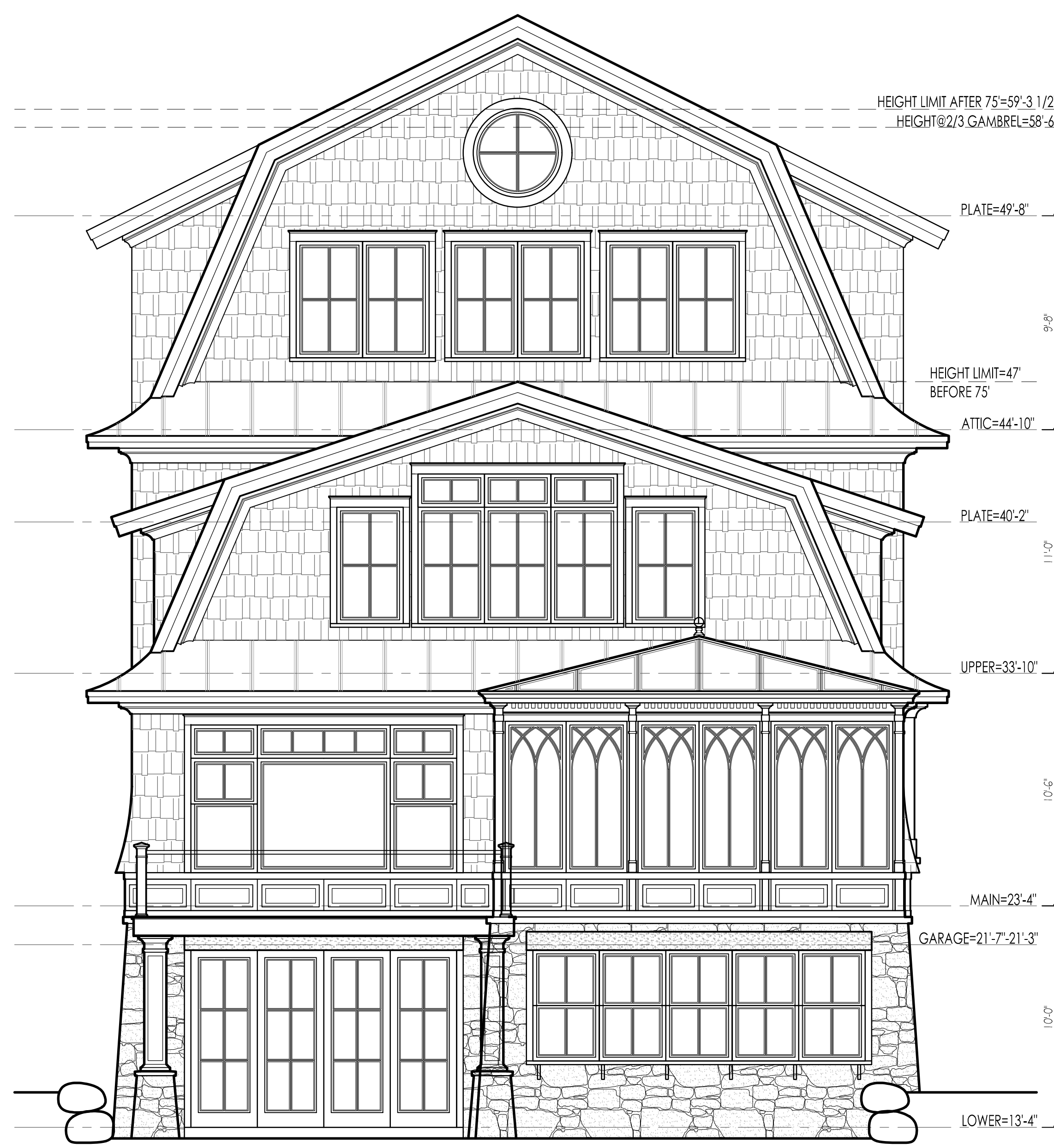
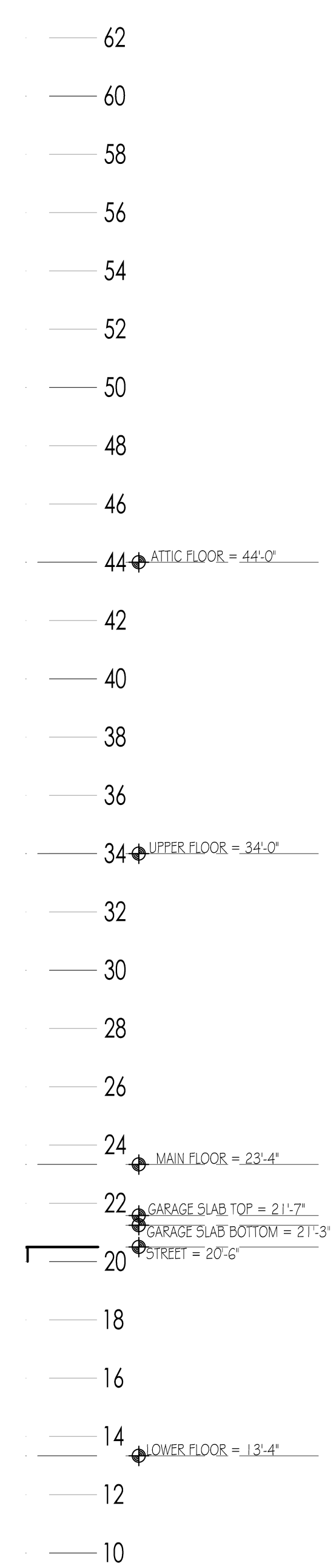
1 UPPER LEVEL FLOOR PLAN
SCALE 1/4" = 1'-0"

PROPERTY LINE



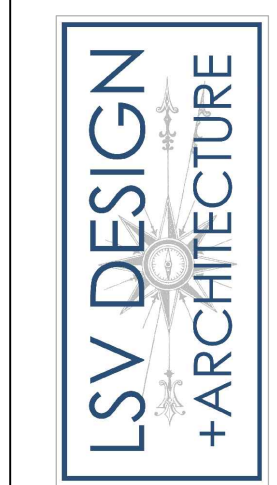
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PROJ. NO.:	2212

1 WEST EXTERIOR ELEVATION
 SCALE 1/4" = 1'-0"



2 SOUTH EXTERIOR ELEVATION
 SCALE 1/4" = 1'-0"

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REV.	-
DATE:	6-16-23
SCALE:	1/4" = 1'-0"
DRN BY:	LV
PROJ. NO.:	2212

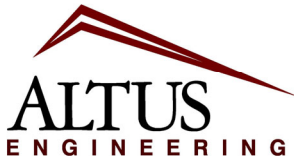


2 NORTH EXTERIOR ELEVATION
 SCALE 1/4" = 1'-0"



1 WEST EXTERIOR ELEVATION
 SCALE 1/4" = 1'-0"

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**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

June 22, 2023

Kittery Planning Board
200 Rogers Road
Kittery, Maine 03904

**Re: Sketch Plan Review
21 Badgers Island West
Kittery, York County, Maine**

Dear Members of the Board,

On behalf of the applicant, David and Lisa Daniels, we are pleased to submit the attached Shoreland Development Plan application for the property located at 21 Badgers Island West. The property currently has a residence and waterfront business on the Piscataqua River. The applicant is proposing to raze the existing house and construct a new one along with various other site improvements. The existing lot is identified as Tax Map 1, Lot 27 and is 6,648 sf in size. The property is located in the Mixed-Use Badgers Island (MU-BI) Zoning District and is subject to the Shoreland Protect (OZ-SL-250), resource Protection (RP), and Commercial Fisheries / Maritime Uses (CFMY) Overlay Districts. The existing waterfront business will be maintained. Therefore, the proposed site is subject to the waterfront activity incentives, per Section 16.4.24 (D.3.b), which allows for a 25 ft setback to the water body. The proposed building is set back 44.9 ft, with the deck extending to 40.8 ft. The existing structural setback is at 46.9 ft with a concrete patio extending to 38.9 ft from the HAT line. The existing site de-vegetation is 72.4% and will be decreased to 70.2% by adding back 146 sq ft of vegetated area.

If you have any questions or need additional information, please contact us. Thank you for your time and consideration.

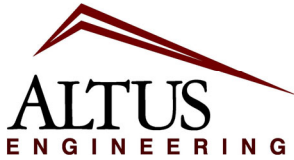
Sincerely,

A handwritten signature in blue ink, appearing to read "Cory D. Belden".

Cory D. Belden, PE
Principal

ebs/5390-CoverLetter-062223.docx

Enclosures



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

PROJECT NARRATIVE

21 Badgers Island West Shoreland Development Plan Application

June 22, 2023

The owner and applicant, David and Lisa Daniels of Island Girl Properties, LLC propose to remove the existing single family residence located at 21 Badgers Island West to construct a new single family residence in approximately same location. The existing house was built in approximately 1955 (based on town tax records) and is antiquated in many facets. The owners are proposing to build a new shingled gambrel style house, consistent with the character of coastal Maine. The property also has a waterfront business (lobster business) on the Piscataqua River that will be maintained.

The existing lot is identified as Tax Map 1, Lot 27 and is 6,648 sf in size. The property is located in the Mixed-Use Badgers Island (MU-BI) Zoning District and is subject to the Shoreland Protect (OZ-SL-250), resource Protection (RP), and Commercial Fisheries / Maritime Uses (CFMY) Overlay Districts.

There is an existing dock, building, and boat slips that is accessed by the property to support a water-dependent lobster business that will be retained as part of this development. Per Section 16.4.24 (D.3.b) of MU-BI Zoning regulations, the proposed site is subject to the waterfront activity incentives, which allow for reductions in the building setbacks and an increase to the building size. The property is still subject to the shoreland height requirements and de-vegetation requirements.

The existing lot is non-conforming by the following dimensional requirements.

1. 72.6% De-vegetation where 70% is allowed.
2. 5 Foot side setback where 10 feet is required.
3. 46.9 Foot structural setback, where 75 feet is required.
4. 27.7 Foot building height, where 20 feet is allowed (within 75 foot shoreland setback)

The proposed project will construct a new 1738 square foot (footprint) building with associated site improvements. The building will be located 44.9 feet from the Highest Annual Tide (HAT) line with the deck at 40.8 feet. The average existing grade around the building is 19.3 elevation. Therefore the maximum allowed height in the Shoreland Zone is 40.0 (27.7 ft building Height), while it is 59.3 (40 ft building height) outside the 75 foot shoreland zone. The architectural elevations show that the new building will comply with the height requirements.

The existing de-vegetation area is 4,814 square feet (72.4%) of the site. The proposed site development will increase the vegetated are by 146 square feet, which will reduce the de-vegetation area to 4,668 square feet (70.2%). In addition, the owner is proposing to add shrub plantings to enhance the shoreland frontage with a combination of dogwood, serviceberry, and cotoneaster (or otherwise approved species).

21 Badgers Island W

Legend

 21 Badgers Island W



Google Earth

© 2022 Google



7.02 ft

ADGERS



200'

1-38

60'

23

60'

1-28-A

1-28-B

21

60'

60'

19

1-26

45'

17

1-25A

25

1-29

1-28

1-27

1-25

0.15

CONDOS

0.15

0.15

0.25

60'

60'

60'

60'



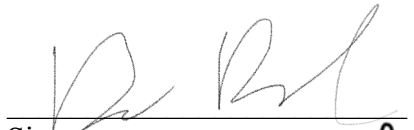






Letter of Authorization

We, David and Lisa Daniels of 104 Washington Street #516, Dover, NH and owners of Island Girl Properties, LLC hereby authorize Altus Engineering, LLC of Portsmouth, New Hampshire to represent us as the Applicant and Owner in all matters concerning engineering and related permitting for Kittery Tax Map 1, Lot 27 located at 21 Badgers Island West in Kittery, Maine. This authorization shall include any signatures required for State and Municipal permit applications.



Signature

David Daniels

6/20/23
Date



Signature

Lisa Daniels

6/20/23
Date

SITE WALK MINUTES

21 Badgers Island West

7/24/23, 4:30 pm.

PB members present: Dutch Dunkelberger, Earledean Wells, Bob Doyle, Ethan Bensley, Karen Kalmar, Steve Bellantone.

Other attendees: Altus Engineering staff, Kittery planning dept staff, homeowners, abutting neighbors Jeff Nawrocki and Wade Blake.

Engineer Cory Belden took the staff on a tour of the property including the existing house, working waterfront pier, and existing pavement. He indicated the dimensions of the proposed home and driveway, and showed where the parking spots for working waterfront employees would be located on the lot.

Site walk adjourned at 4:47 pm.