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August 22, 2023

Maxim Zakian, Town Planner  
Town of Kittery  
200 Rogers Road  
Kittery, ME 03904

**RE: Shoreland Zoning Application for 23 Bond Road**

Dear Max,

You have asked me to review the letter you received from Gordon Smith regarding the shoreland zoning application for 23 Bond Road. My conclusions are as follows.

1. The Main House, which is located within 100 feet of the water body, may be rebuilt, if approved pursuant to the Land Use and Development Code (“LUDC”) §16.1.8(C)(4)(a and b) and is allowed to continue as a legally non-conforming use because it has been used as a dwelling house since the 1930’s, well prior to the adoption of the LUDC. §16.4.28(D). The LUDC specifically allows a non-conforming use to continue indefinitely.
2. The Garage/Accessory Building is properly classified as an accessory structure because its use is incidental to the main building on the property. LUDC §16.3.2. Accessory buildings, structures and uses are specifically permitted in the Shoreland Overlay Zone OZ-SL-Residential -Kittery Point Village (R-KPV) §16.4.12(E)(1)(b). With respect to the Garage/Accessory Building, it has every characteristic of a dwelling unit other than cooking facilities. It is important to make it clear that the inclusion of cooking facilities of any nature would take it out of the allowed use as an accessory structure. The plans, if approved, should so indicate.
3. The Cabin seems to clearly be an accessory structure.

Please let me know if you have questions.

Sincerely,



Stephen E.F. Langsdorf

SEFL:apl