

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

**ITEM 3 – 24 Foyes Lane– 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, Josh Schneier, on behalf of owner/applicants Marshlark LLC, request approval to demolish and replace an existing single-family home and associated structure, with a new septic system, located on the property of 24 Foyes Lane, Tax Map 36, Lot 40-A, in the Residential Rural (R-RL), Residential Kittery Point Village (R-KPV), and Resource Protection (RZ-OP) Zone.

**PROCESS SUMMARY**

REQUIRED	ACTION	COMMENTS	STATUS
Yes	Staff Review	July 20, 2023	Completed
No	Site Visit	Optional	Optional
No	Public Hearing	Optional	Optional
Yes	Final Plan Review	TBD	TBD

**PROJECT INTRODUCTION**

24 Foyes Lane, located off Haley Road, is a split parcel shared by the Residential Rural (R-RL) and Residential Kittery Point Village (R-KPV) zones. The property is a legally conforming lot of 82,538 sq ft., completely within the Resource Protection Zone, with a contiguous freshwater wetland bisecting the parcel. On the western part of the lot is a non-conforming house and attached deck of 1,460 sq ft, located entirely within the R-KPV zone. The structure maintains a 24.2’ setback from the delineated edge of the wetland, and a 9.9’ setback from the front yard, both of which are below the minimum requirements (see attached site plan). Directly adjacent to the house sits a septic tank facing the wetland.

The proposed plan includes demolishing and rebuilding the entire house with a new storage overhang and patio, orienting it to increase setbacks from both the wetland and the front yard. The new setback from the wetland would be 25.6’, and the new setback from the front yard would be 10.8’. The existing septic tank would be removed and replaced by a new 1,000-gallon Sludge Hammer subsurface wastewater disposal system and a 16’x16’ leach field.

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. Any development must not increase non-conformity to the property’s water body or wetland setbacks and may not expand building coverage by more than 30% of the building footprint existing on January 1st, 1989.

**APPLICATION & PLAN REVIEW**

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

1. While this is a split zone lot, the house and structures are completely within the R-KPV zone, meaning those zoning requirements apply to the development.
2. A portion of the parcel is within flood hazard area zone “A”. The limit of the flood zone shows the entire development is outside the limits of the flood zone.

- 38 3. The existing septic tank would be pumped out before removal. The proposed wastewater disposal  
 39 field would maintain a 26’ setback, while the proposed septic and pre-treatment tanks would be  
 40 further from the wetland and rest behind a retaining wall, as shown on the site plan.
- 41 4. General provision §16.1.8.C.4.(b). requires expansion of structures within the base zone setback  
 42 in the shoreland or resource protection overlay zones not exceed 30% of the total footprint of  
 43 structures existing within the property on January 1, 1989. The existing structure footprint is  
 44 1,460 sq ft. The proposed plan would provide and expansion of 296 sq ft, or 20.3%, within the  
 45 allowable limit.
  - 46 a. The site plan notates an existing deck of 173 sq ft. This deck was not included in the  
 47 structure expansion calculations as it was built after January 1<sup>st</sup>, 1989.
  - 48 b. The proposed patio is not included in structure expansion calculations, as it is not  
 49 considered a structure in relation to these expansion calculations.
- 50 5. The Shoreland Overlay Zone Ordinance §16.4.28.E.(3).(a). requires new principal and accessory  
 51 structures to be set back at least 100 feet, horizontal distance, from the normal high-water line of  
 52 any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a  
 53 freshwater wetlands. The proposed new development would increase this setback from 24.2’ to  
 54 25.6’, reducing the non-conformity of the structure while not also reducing the non-conformity of  
 55 the front yard setback.
- 56 6. §16.4.28.E.(2). allows 20% of total lot area in the shoreland or resource protection overlay zones  
 57 to be comprised of non-vegetated surfaces or structures. With a lot size of 82,538 sq ft, current  
 58 devegetation sits at 2,499, or 3%. The proposed plan would increase devegetation to 2,814 sq ft, or  
 59 3.4%, well within the allowable limit.
  - 60 a. The bridge notated on the site plan is not included in devegetated surface calculations as it  
 61 is beneath the edge of the delineated wetland.

62 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

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63 The proposed plan appears to move both the house and the septic system further from the wetland to the  
 64 greatest practical extent. Staff suggest acceptance of the plan and allowing the application to move to final  
 65 plan approval and meet all relevant permitting requirements. The Planning Board should discuss the plan  
 66 and determine if it meets the requirements for acceptance, and/or direct the applicant to make any changes  
 67 that are necessary.

68 **RECOMMENDED MOTIONS**

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69 Below are motions for the Planning Board’s consideration:

70 ***Motion to accept the application***

71 Move to accept the plan for a shoreland development application from owner/applicants Marshlark LLC  
 72 and agent Josh Schneier requesting to demolish and replace a single-family home and associated structure,  
 73 with a new septic system, on the property of 24 Foyes Lane, Tax Map 36, Lot 40-A, in the Residential Rural  
 74 (R-RL), Residential Kittery Point Village (R-KPV), and Resource Protection (RZ-OP) Zone.  
 75

76 ***Motion to approve the application***

77 Move to approve the plan for a shoreland development application from owner/applicants Marshlark and  
 78 agent Josh Schneier requesting to demolish and replace a single-family home and associated structure, with  
 79 a new septic system, on the property of 24 Foyes Lane, Tax Map 36, Lot 40-A, in the Residential Rural (R-  
 80 RL), Residential Kittery Point Village (R-KPV), and Resource Protection (RZ-OP) Zone.

**DRAFT**  
**M 36 L 40-A**

1  
2 **Kittery Planning Board**  
3 **Findings of Fact**  
4 **For 24 Foyes Lane**  
5 **Shoreland Development Plan Review**

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6  
7  
8 **WHEREAS:** Josh Schneier, on behalf of owner/applicants Marshlark LLC, request approval to demolish  
9 and replace an existing single-family home and associated structure, with a new septic system, located on  
10 the property of 24 Foyes Lane, Tax Map 36, Lot 40-A, in the Residential Rural (R-RL), Residential Kittery  
11 Point Village (R-KPV), and Resource Protection (RZ-OP) Zone.

12  
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 20 <sup>th</sup> 2023
Site Walk	None
Public Hearing	None
Approval	July 27 <sup>th</sup> 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 7/7/2023 from Josh Schneier of Easterly  
22 Surveying.  
23 2. subsurface wastewater site evaluation performed 4/11/2023 from site evaluator Michal Cuomo.

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

28  
29 **FINDINGS OF FACT**

30  
31 **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 3%. The proposed plan will increase devegetation to 3.4%, within the allowable limit.

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

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

32  
33 **Chapter 9 MARITIME AND SHORELAND RELATED DEEVELOPMENT**  
34 **Article III Planning Board Shoreland Development Review**

<p><b>16.9.3.F. Findings of Fact</b></p>
<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><u>Finding:</u> The proposed house and septic system 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.</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>(b) Not result in water pollution, erosion or sedimentation to surface waters:</i></p> <p><u>Finding:</u> The proposed development as represented in the plans and application will reduce the risk of water pollution, and best practices for erosion and sedimentation will be observed in development.</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>(c) Adequately provide for the disposal of all wastewater:</i></p> <p><u>Finding:</u> The proposed development provides improvements to current wastewater disposal systems on the property.</p> <p><u>Conclusion:</u> This requirement appears to have been met.</p> <p style="text-align: right;"><b>Vote: ___ in favor ___ against ___ abstaining</b></p>
<p><i>(d) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat:</i></p> <p><u>Finding:</u> The proposed development as represented in the plans appears to reduce the risk of adverse impact on nearby natural resources.</p> <p><u>Conclusion:</u> The requirement appears to be met.</p> <p style="text-align: right;"><b>Vote: ___ in favor ___ against ___ abstaining</b></p>
<p><i>(e) Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters:</i></p> <p><u>Finding:</u> Shore cover is conserved in accordance with the Code. There are no adverse impacts to visual or actual points of access to waters.</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>(f) Protect archaeological and historic resources:</i></p> <p><u>Finding:</u> There appear to be neither archaeological nor historic resources impacted.</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>(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> The proposed development is located completely outside of all identified floodplains.</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 project is for an existing non-conforming system, and the proposed development 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>

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36 Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review  
37 standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan  
38 Application subject to any conditions or waivers, as follows:

39  
40 **Waivers:** None

41  
42 **Conditions of Approval** (to be depicted on final plan to be recorded):

- 43  
44 1. No changes, erasures, modifications or revisions may be made to any Planning Board approved  
45 final plan per Title 16.9.3.I.
- 46 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated  
47 with site and construction to ensure adequate erosion control and slope stabilization.
- 48 3. All Notices to Applicant contained herein (Findings of Fact dated 7/27/2023).

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

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

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

55  
56

57 **Notices to Applicant:**

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

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

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

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

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

74

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

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

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80 APPROVED BY THE KITTELY PLANNING BOARD ON \_\_\_\_\_

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

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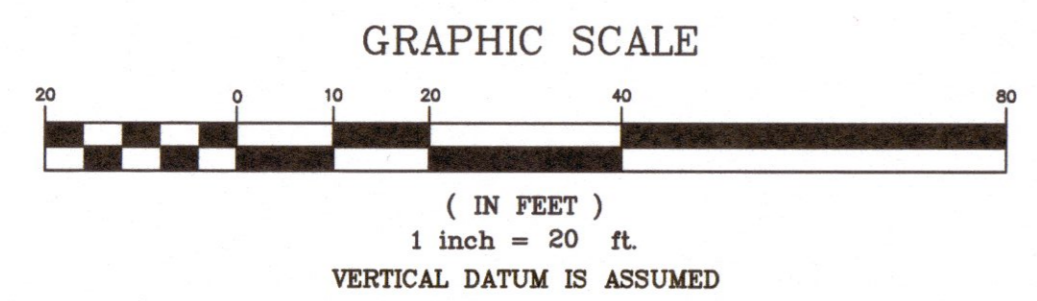
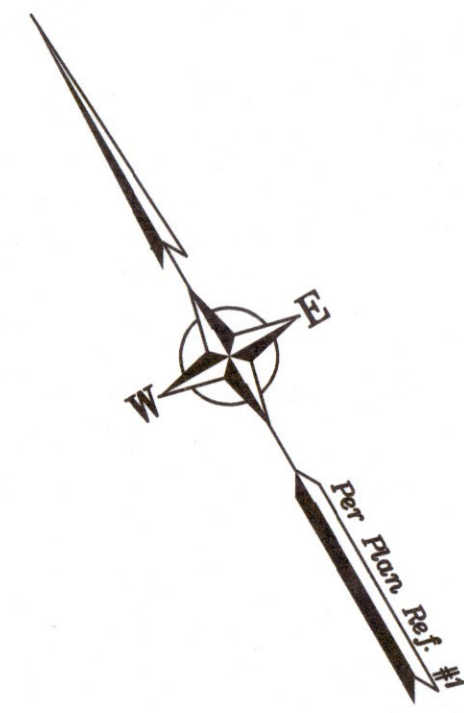
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89 Per Title 16.2.12. - An aggrieved party with legal standing may appeal a final decision of the Planning  
90 Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section  
91 80B, within forty-five (45) days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

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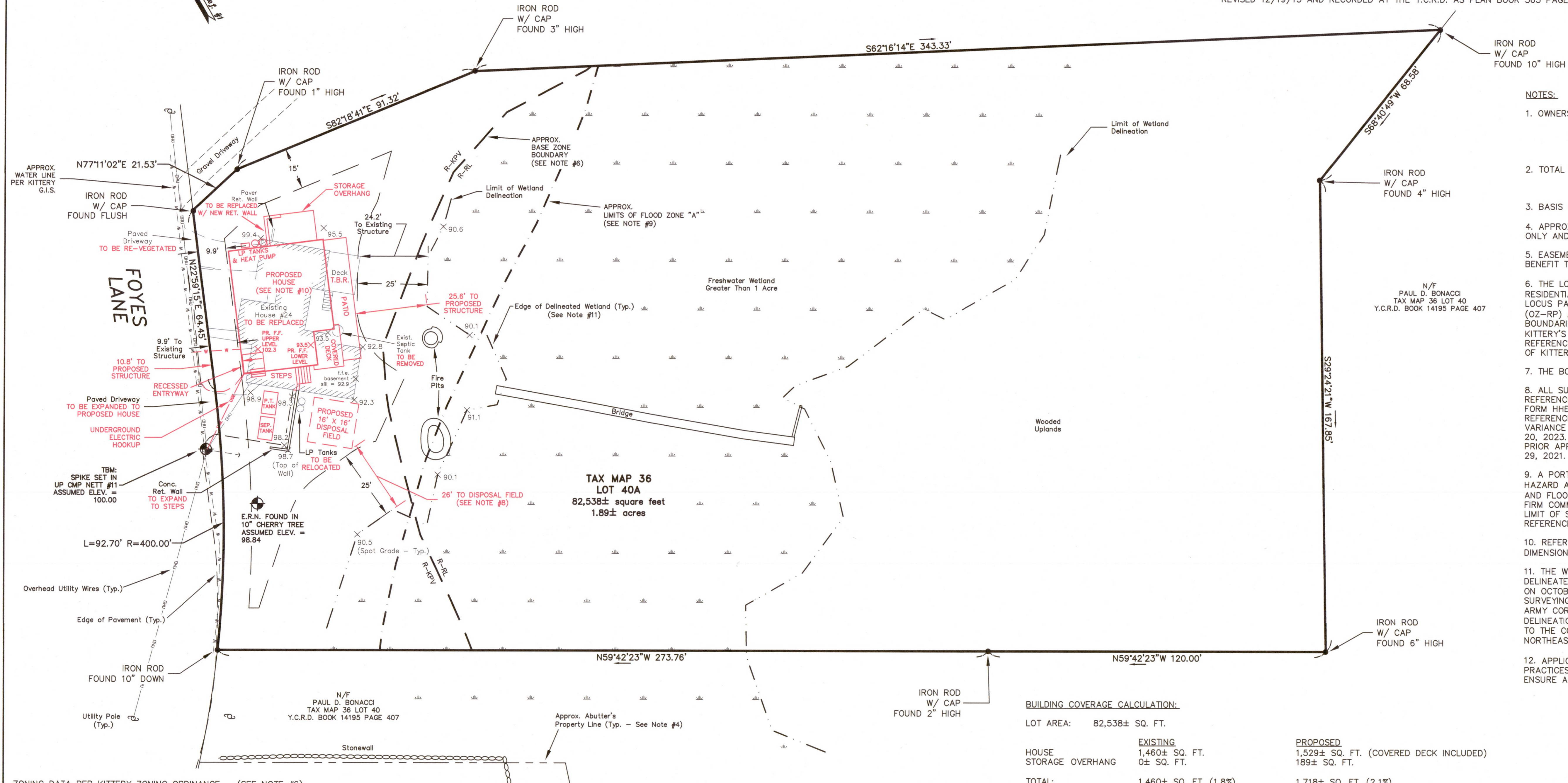
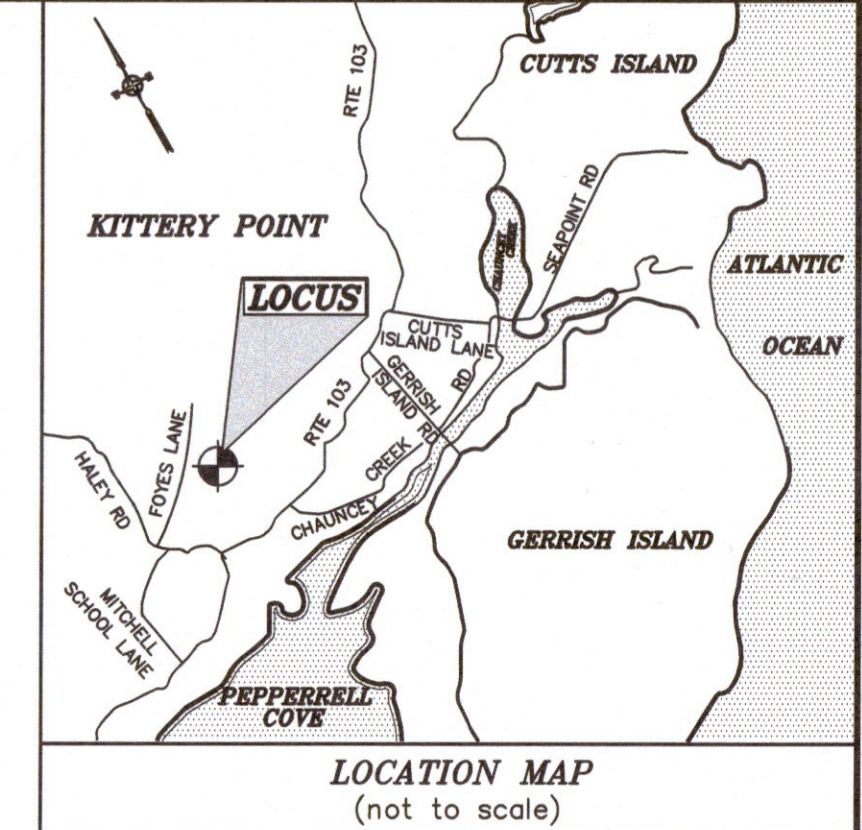
YORK,ss REGISTRY OF DEEDS  
 Received \_\_\_\_\_  
 at \_\_\_\_\_ h \_\_\_\_\_ m \_\_\_\_\_ M., and  
 Filed in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
 ATTEST:  
 \_\_\_\_\_  
 Register

Kittery, Maine - Planning Board Approval  
 Date of Approval \_\_\_\_\_  
 Chairman \_\_\_\_\_ Date \_\_\_\_\_

N/F  
 ANTHONY R. RYDER  
 LAUREN C. RYDER  
 TAX MAP 43 LOT 6  
 Y.C.R.D. BOOK 17850 PAGE 846

PLAN REFERENCES:

- "PROPOSED LOT LINE ADJUSTMENT FOR PROPERTIES AT 24 & 28 FOYES LANE, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY ANDREW R. COLE & DONALD E. & MILDRED A. TERRENCE", PREPARED BY NORTH EASTERLY SURVEYING INC., DATED 4/23/14, PROJECT No. 05683, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 368 PAGE 21.
- "STANDARD BOUNDARY SURVEY, DIVISION OF LAND & RIGHT OF WAY PLAN, FOR PROPERTY AT 24 FOYES LANE, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY PAUL D. BONACCI", PREPARED BY NORTH EASTERLY SURVEYING, INC., PROJECT No. 04702, DATED 11/22/04, LAST REVISED 3/14/05 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 300 PAGE 14.
- "STANDARD BOUNDARY SURVEY, & LOT LINE ADJUSTMENT PLAN, FOR PROPERTY AT FOYES LANE & 161 PEPPERRELL ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY PAUL D. BONACCI & LUCINDA A. SCHLAFFER", PREPARED BY NORTH EASTERLY SURVEYING, INC., PROJECT No. 01650, DATED 8/11/09.
- "PROPOSED LOT LINE ADJUSTMENT FOR PROPERTIES AT FOYES LANE, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY PAUL D. BONACCI & DONALD E. & MILDRED A. TERRENCE", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 12/16/13, LAST REVISED 12/19/13 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 365 PAGE 30.



NOTES:

- OWNERS OF RECORD:  
 TAX MAP 36 LOT 40A  
 MARSHLARK, LLC  
 Y.C.R.D. BOOK 19120 PAGE 399  
 DATED SEPTEMBER 26, 2022
- TOTAL EXISTING PARCEL AREA:  
 TAX MAP 36 LOT 40A  
 1.89± Acres
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- 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 LOCUS PARCEL LIES WITHIN THE RESIDENTIAL-RURAL (R-RL) AND RESIDENTIAL-KITTERY POINT VILLAGE (R-KPV) BASE ZONES. THE ENTIRETY OF THE LOCUS PARCEL ALSO LIES WITHIN THE RESOURCE PROTECTION OVERLAY ZONE (OZ-RP) AND THEREFORE IS SUBJECT TO SHORELAND ZONING STANDARDS. BOUNDARIES OF SAID ZONES SHOWN HEREON ARE APPROXIMATE PER THE TOWN OF KITTERY'S ZONING MAP AND GIS. ZONING INFORMATION SHOWN HEREON IS FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- THE BOUNDARY SHOWN HEREON IS PER PLAN REFERENCE #1.
- ALL SUBSURFACE WASTEWATER DETAILS SHOWN HEREON ARE APPROXIMATE. REFERENCE IS MADE TO SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION FORM HHE-200 COMPLETED BY MICHAEL CUOMO, SE #211, DATED APRIL 20, 2023. REFERENCE IS ALSO MADE TO SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST FORM HHE-204, COMPLETED BY MICHAEL CUOMO, DATED APRIL 20, 2023. SAID APPLICATION AND VARIANCE REQUEST FORM ARE REVISIONS TO PRIOR APPLICATION AND VARIANCE REQUEST FORM, WHICH WERE APPROVED JULY 29, 2021.
- A PORTION OF THE LOCUS PARCEL APPEARS TO LIE WITHIN SPECIAL FLOOD HAZARD AREA ZONE "A" (AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED). REFERENCE IS MADE TO FEMA FIRM COMMUNITY-PANEL NUMBER 230171 0005 D, MAP REVISED JULY 3, 1986. THE LIMIT OF SAID FLOOD ZONE SHOWN HEREON IS APPROXIMATE PER THE ABOVE REFERENCED FIRM.
- REFER TO DESIGN DRAWINGS TO BE PROVIDED BY THE APPLICANT FOR DIMENSIONS, ELEVATIONS, AND SPECIFICATIONS OF THE PROPOSED STRUCTURE(S).
- THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY MICHAEL CUOMO, MAINE LICENSED SOIL SCIENTIST #211, ON OCTOBER 28, 2022. 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).
- APPLICANT/CONTRACTOR WILL FOLLOW MAINE DEP BEST MANAGEMENT PRACTICES FOR ALL WORK ASSOCIATED WITH SITE AND BUILDING CONSTRUCTION TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION.

N/F  
 PAUL D. BONACCI  
 TAX MAP 36 LOT 40  
 Y.C.R.D. BOOK 14195 PAGE 407

TAX MAP 36  
 LOT 40A  
 82,538± square feet  
 1.89± acres

BUILDING COVERAGE CALCULATION:

LOT AREA:	82,538± SQ. FT.	
HOUSE	EXISTING 1,460± SQ. FT.	PROPOSED 1,529± SQ. FT. (COVERED DECK INCLUDED)
STORAGE OVERHANG	0± SQ. FT.	189± SQ. FT.
TOTAL:	1,460± SQ. FT. (1.8%)	1,718± SQ. FT. (2.1%)

EXISTING STRUCTURE HEIGHT CALCULATION:

PEAK ELEV.: 112.0  
 MEAN ORIGINAL GRADE ELEV.: 92.6  
 (DOWNHILL SIDE, AVERAGE OF 92.8 & 92.3)

EXISTING STRUCTURE HEIGHT = 19.4'

PROPOSED STRUCTURE HEIGHT CALCULATION:

PROPOSED PEAK ELEV.: 114.0 (MAX ALLOWED = 114.5)  
 MEAN ORIGINAL GRADE ELEV.: 94.5  
 (DOWNHILL SIDE, AVERAGE OF 95.5 & 93.5)

PROPOSED STRUCTURE HEIGHT = 19.5' (MAX ALLOWED = 20.0')

\*SEE DESIGN DRAWINGS FOR ELEVATION PROFILE\*

DEVEGETATED AREA CALCULATION:

LOT AREA IN SHORELAND:	82,538± SQ. FT.	
HOUSE	EXISTING *1,460± SQ. FT.	PROPOSED *1,529± SQ. FT. (COVERED DECK INCLUDED)
STORAGE OVERHANG	0± SQ. FT.	*189± SQ. FT.
DECK/STEPS	173± SQ. FT.	*38± SQ. FT.
PATIO	0± SQ. FT.	*331± SQ. FT.
PAVEMENT	665± SQ. FT.	583± SQ. FT.
CONC/PAVERS/BRICK	86± SQ. FT.	24± SQ. FT.
FIRE PITS	105± SQ. FT.	105± SQ. FT.
UTILITIES	10± SQ. FT.	15± SQ. FT.
TOTAL:	2,499± SQ. FT. (3.0%)	2,814± SQ. FT. (3.4%)

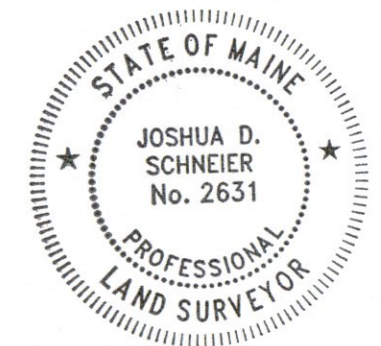
NONCONFORMING STRUCTURE EXPANSION CALCULATION:

\*COMBINED TOTAL FOOTPRINT FOR STRUCTURES THAT EXISTED ON 1/1/1989\* = 1,460± SQ. FT.  
 \*COMBINED TOTAL FOOTPRINT FOR PROPOSED STRUCTURES\* = 1,756± SQ. FT.  
 \*COMBINED TOTAL FOOTPRINT EXPANSION\* = 296± SQ. FT. (20.3%) (MAX = 30%)  
 \*ONLY INCLUDING ITEMS WITH ASTERISK\* (EXCLUDES EXISTING DECK/STEPS BUILT AFTER 1/1/1989)

ZONING DATA PER KITTERY ZONING ORDINANCE - (SEE NOTE #6)  
 (LAST AMENDED 1/24/2022):

- BASE ZONES: Residential-Rural (R-RL)  
 Residential-Kittery Point Village (R-KPV)  
 OVERLAY ZONES: Resource Protection (OZ-RP)
- BASE ZONE REQUIREMENTS: (SEE §16.4.10 AND §16.4.12)
- MINIMUM LAND AREA: 40,000 Sq Ft (Both Base Zones)
  - PER DWELLING UNIT: 40,000 Sq Ft (Both Base Zones)
  - MINIMUM LOT SIZE: 150 Ft (Both Base Zones)
  - MINIMUM STREET FRONTAGE: 40 Ft (Both Base Zones)
  - MINIMUM FRONT YARD: 15% (R-RL)
  - MAXIMUM BUILDING COVERAGE: 20% (R-KPV)
  - MINIMUM REAR AND SIDE YARDS: 20 Ft (R-RL)
  - MAXIMUM BUILDING HEIGHT: 15 Ft (R-KPV)
  - MINIMUM WETLAND SETBACK: 35 Ft (Both Base Zones)
  - (WETLAND > 1 ACRE)
- OVERLAY ZONE REQUIREMENTS: (SEE §16.4.28 AND §16.4.29)
- MAXIMUM DEVEGETATED AREA: 20%

NOTE: AS THE LOCUS PARCEL CONTAINS AN EXISTING NON-CONFORMING STRUCTURE, OTHER ORDINANCES/SETBACKS MAY APPLY. CONSULTATION WITH THE TOWN OF KITTERY CODE ENFORCEMENT OFFICER AND TOWN PLANNER IS ADVISED PRIOR TO ANY NEW DESIGN OR CONSTRUCTION.



*Joshua D. Schaefer*  
 7/17/23

**SHORELAND DEVELOPMENT PLAN**  
 FOR PROPERTY AT  
**24 Foyes Lane**  
 Kittery Point, York County, Maine  
 OWNED BY  
**Marshlark, LLC**  
 c/o Ellen Denny & Andrew Wallace  
 24 Foyes Lane, Kittery Point, ME 03905

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

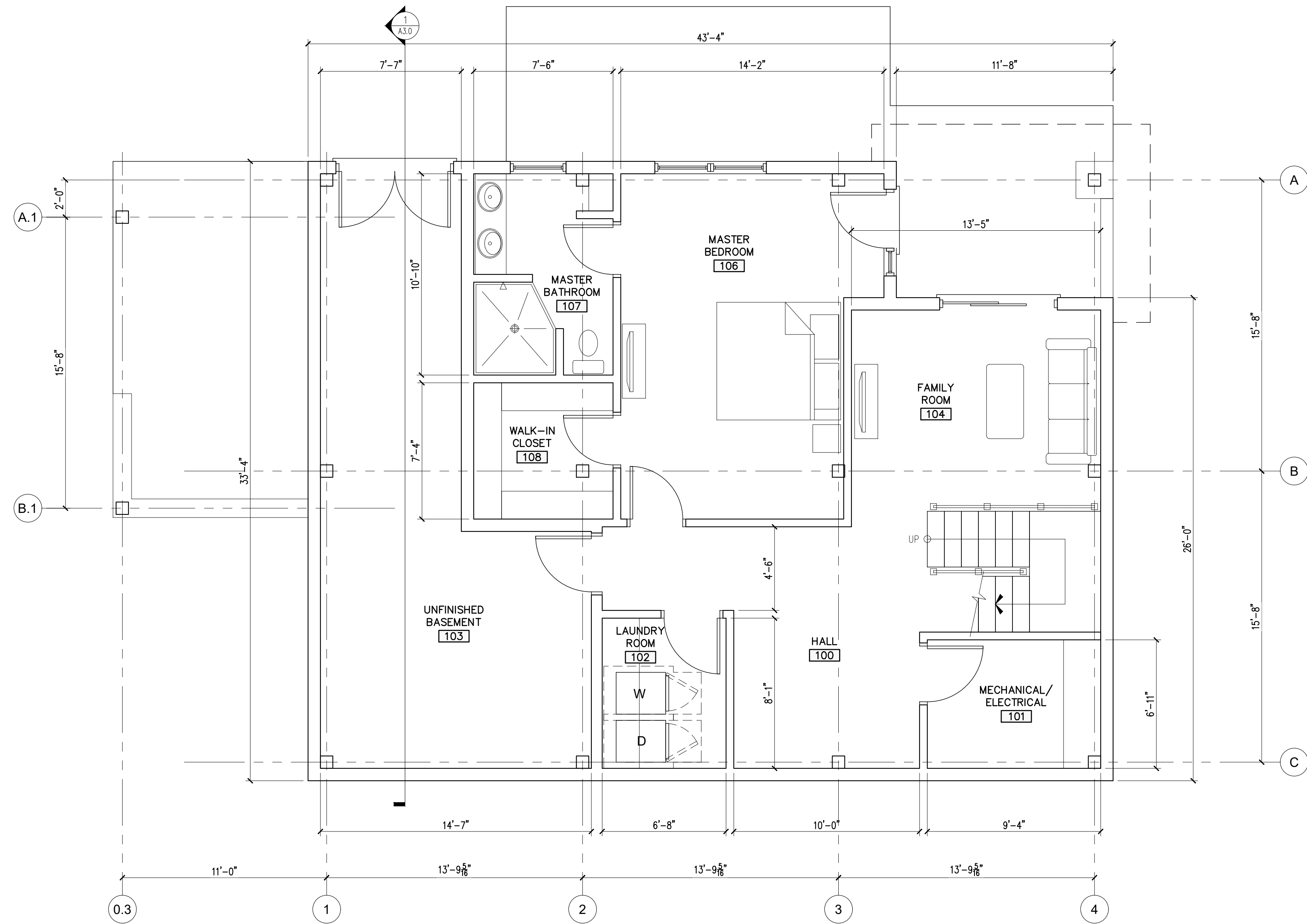
SCALE:	PROJECT NO.:	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 20'	22673	7/7/2023	1 OF 1	J.D.S.	P.L.A.
DRAWING No: 22673 PRO SITE	FIELD BOOK No: "Kittery Point #16"				<b>Tax Map 36 Lot 40A</b>

PURPOSE OF PLAN:

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

REV.	DATE	STATUS	BY	CHKD	APPD.
A	7/17/23	REVISIONS PER TOWN PLANNER'S COMMENTS	J.D.S.	J.D.S.	J.D.S.





**LOWER LEVEL FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

A1.0 **1**

**RESIDENCE AT 24 FOYES**  
24 FOYES LANE  
KITTERY POINT, MAINE 03905

PROJECT:  
STAMP:  
**PROGRESS PRINT ONLY**  
(Not for Construction)  
May 25, 2023

**WINTER HOLBEN**  
architecture + design

7 WALLINGFORD SQ  
UNIT 209-9  
KITTERY, MAINE 03904  
207.994.3104

REVISIONS:

PROJECT NAME:  
RESIDENCE AT 24 FOYES  
24 FOYES LANE  
KITTERY POINT, ME 03905

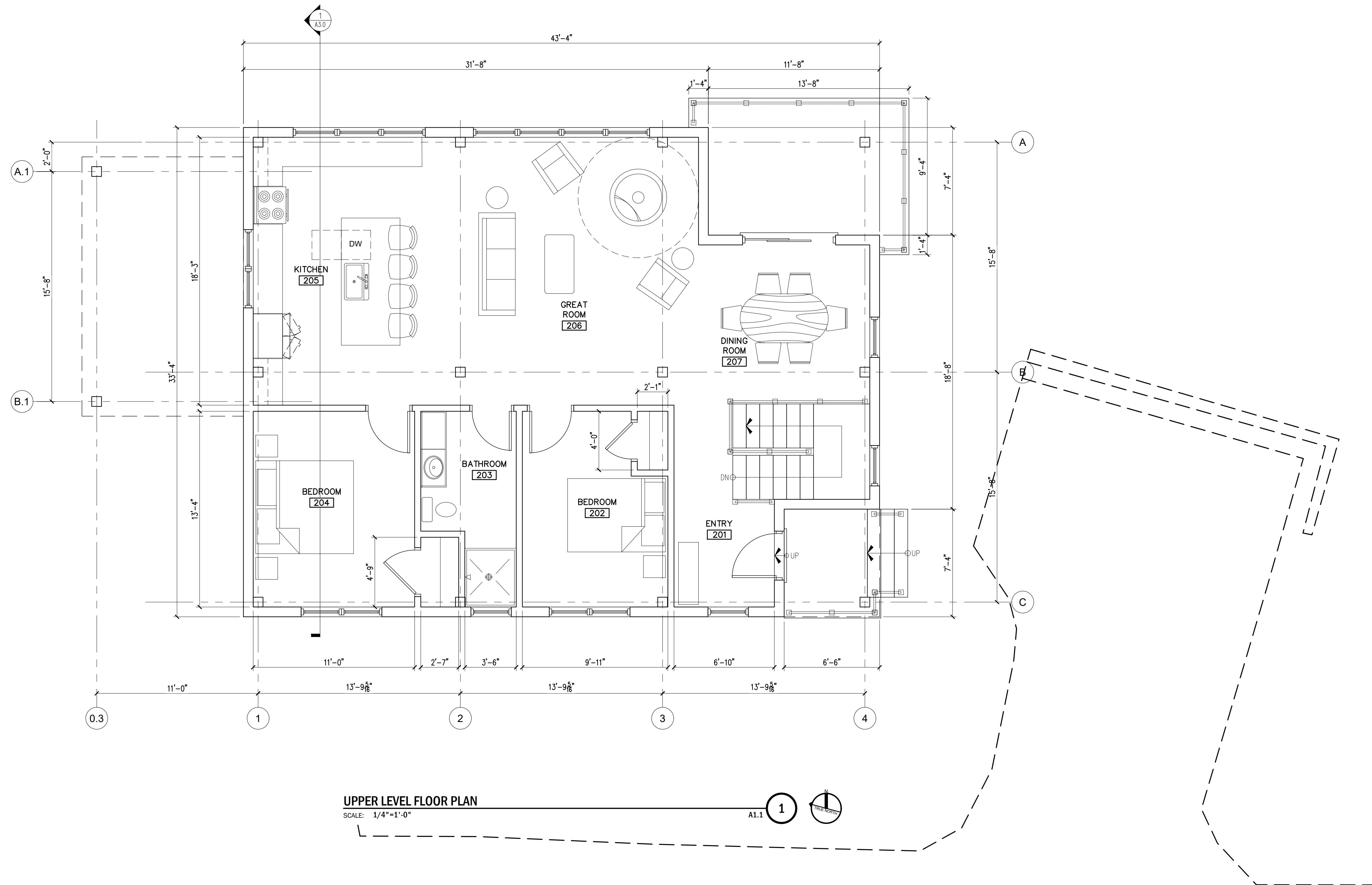
PROJECT NO.: 23036  
DRAWN BY: JF, RW  
APPROVED BY: BH

ISSUE DATE:  
DRAWING NAME:  
**LOWER LEVEL FLOOR PLAN**

DRAWING NO.:

**A1.0**





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

A1.1 1

**RESIDENCE AT 24 FOYES**  
24 FOYES LANE  
KITTERY POINT, MAINE 03905

PROJECT:

STAMP:  
**PROGRESS PRINT ONLY**  
(Not for Construction)  
May 25, 2023

**WINTER HOLBEN**  
architecture + design

7 WALLINGFORD SQ  
UNIT 209-9  
KITTERY, MAINE 03904  
207.994.3104

REVISIONS:

PROJECT NAME:  
RESIDENCE AT 24 FOYES  
24 FOYES LANE  
KITTERY POINT, ME 03905

PROJECT NO.: 23036  
DRAWN BY: JF, RW  
APPROVED BY: BH

ISSUE DATE:  
DRAWING NAME:  
**UPPER LEVEL FLOOR PLAN**

DRAWING NO.:

**A1.1**



**RESIDENCE AT 24 FOYES**

24 FOYES LANE  
KITTERY POINT, MAINE 03905

PROJECT:

STAMP:  
**PROGRESS PRINT ONLY**  
(Not for Construction)  
May 25, 2023

**WINTER  
HOLBEN**  
architecture + design

7 WALLINGFORD SQ  
UNIT 209-9  
KITTERY, MAINE 03904  
207.994.3104

REVISIONS:

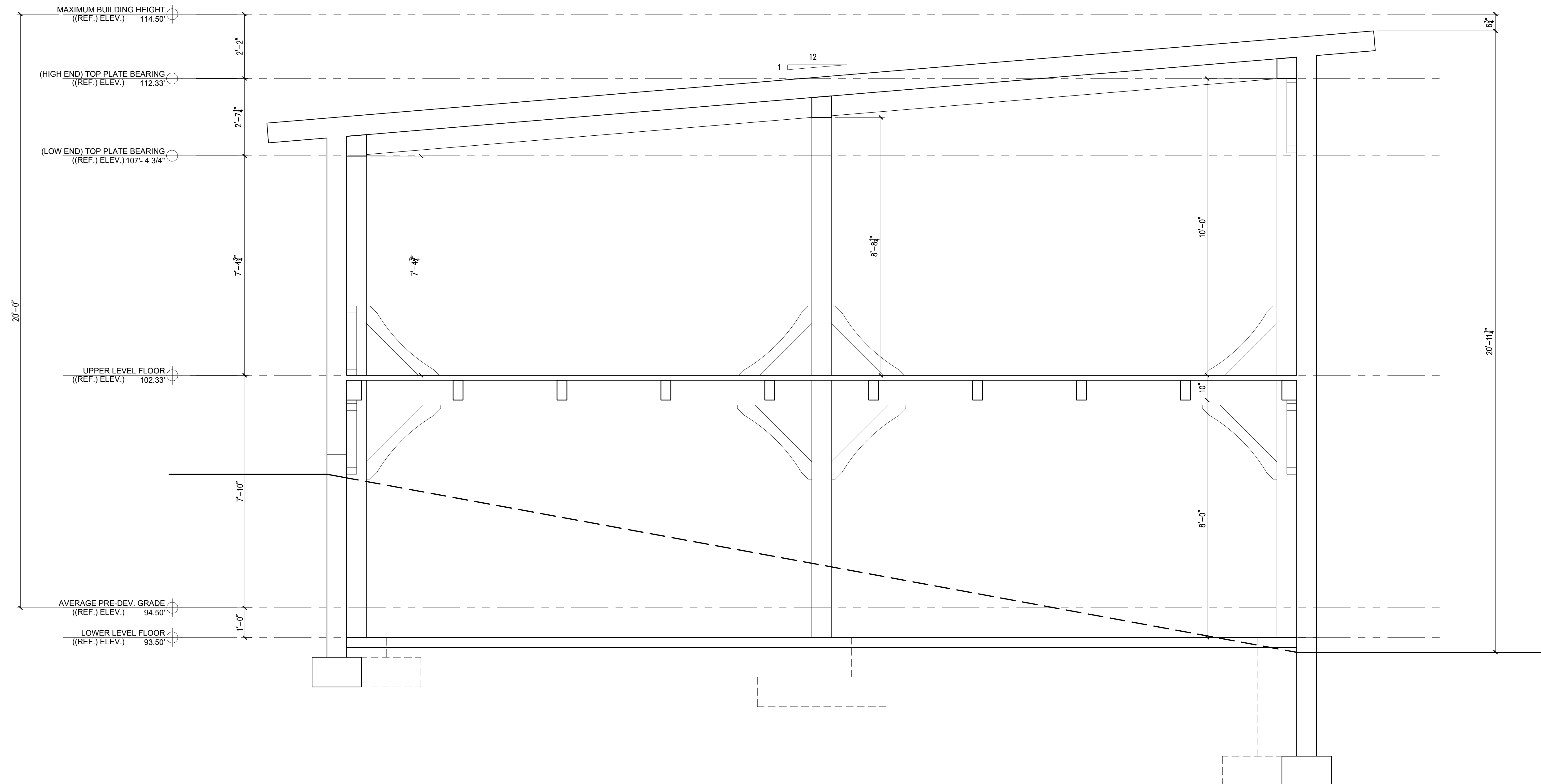
PROJECT NAME:  
RESIDENCE AT 24 FOYES  
24 FOYES LANE  
KITTERY POINT, ME 03905

PROJECT NO.: 23036  
DRAWN BY: JF, RW  
APPROVED BY: BH

ISSUE DATE:  
DRAWING NAME:  
**BUILDING SECTION**

DRAWING NO.:

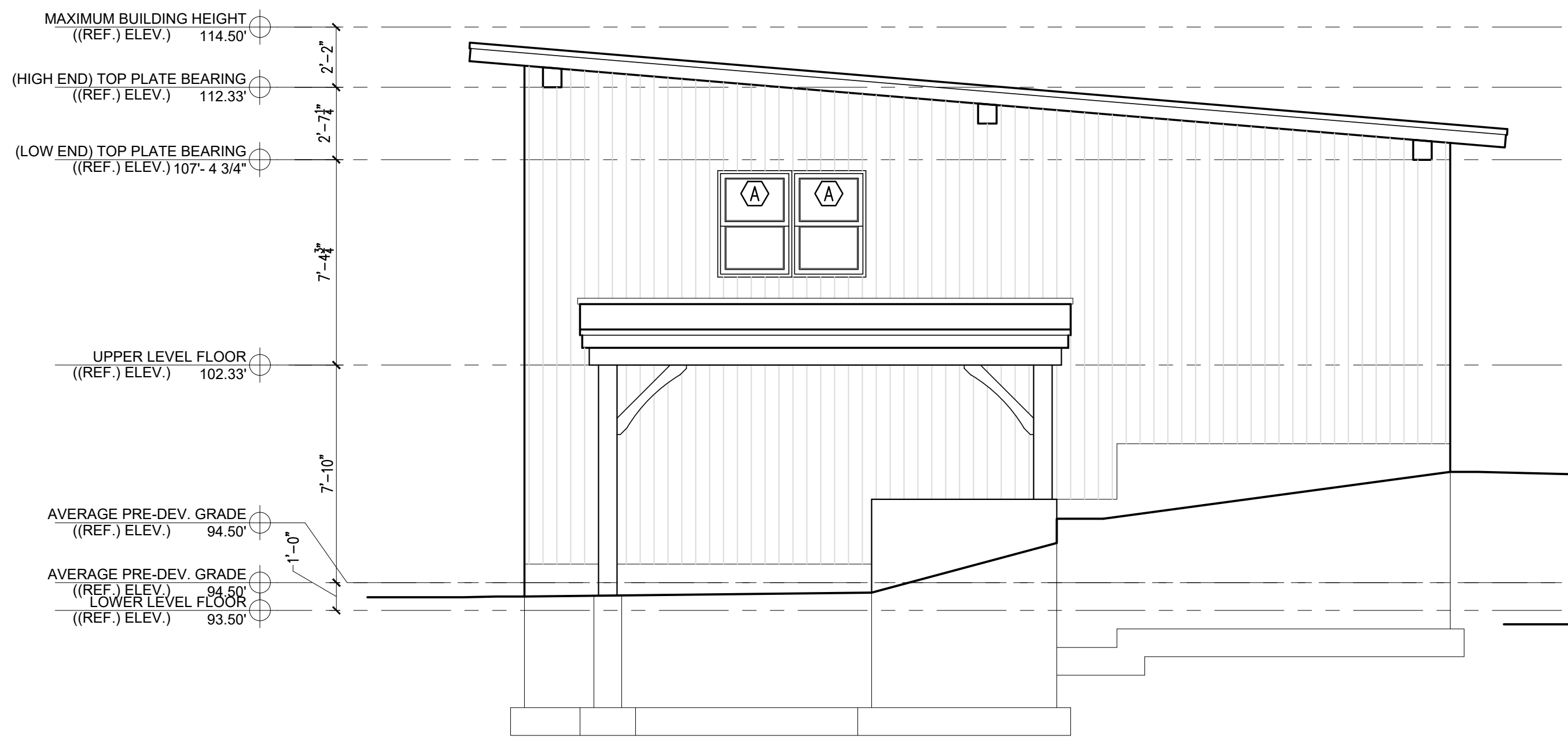
**A3.0**



**BUILDING SECTION**  
SCALE: 1/2"=1'-0"

A3.0 **1**



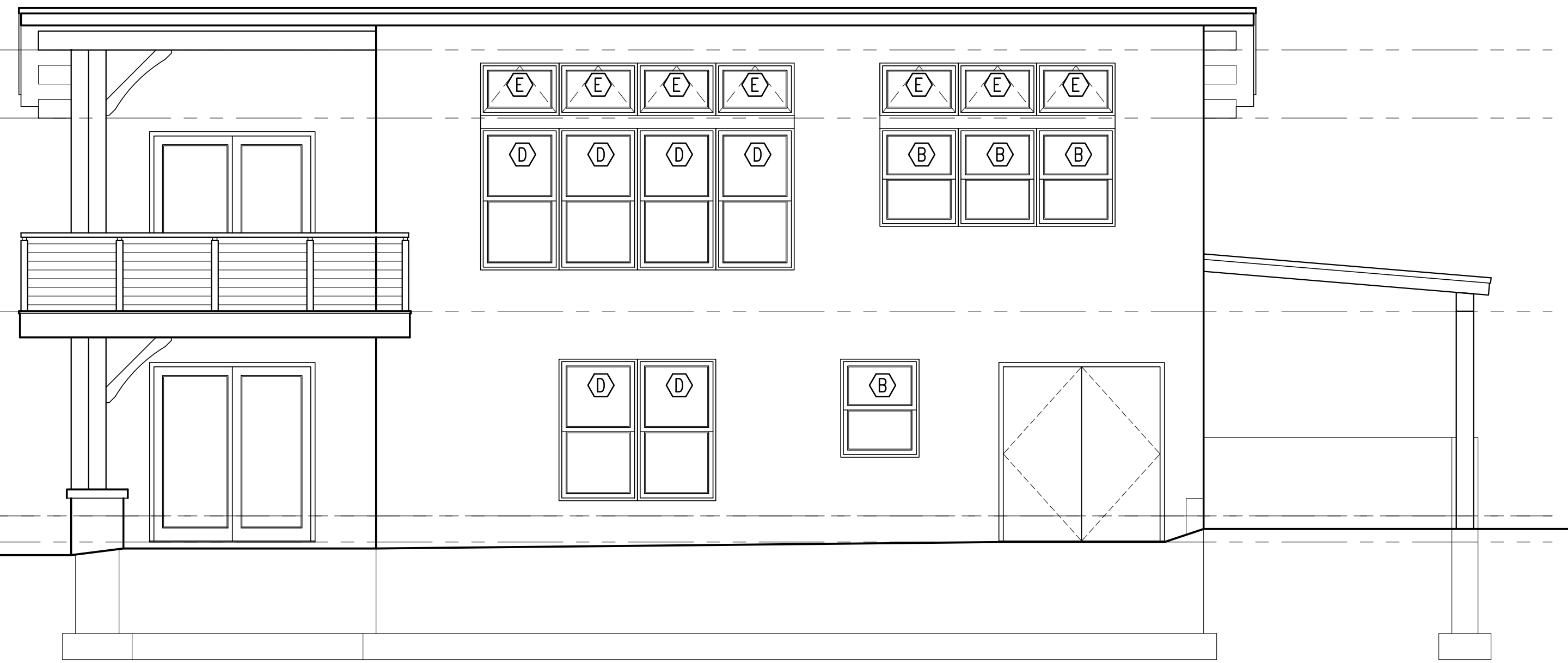


**NORTH EXTERIOR ELEVATION**

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

A2.0

1

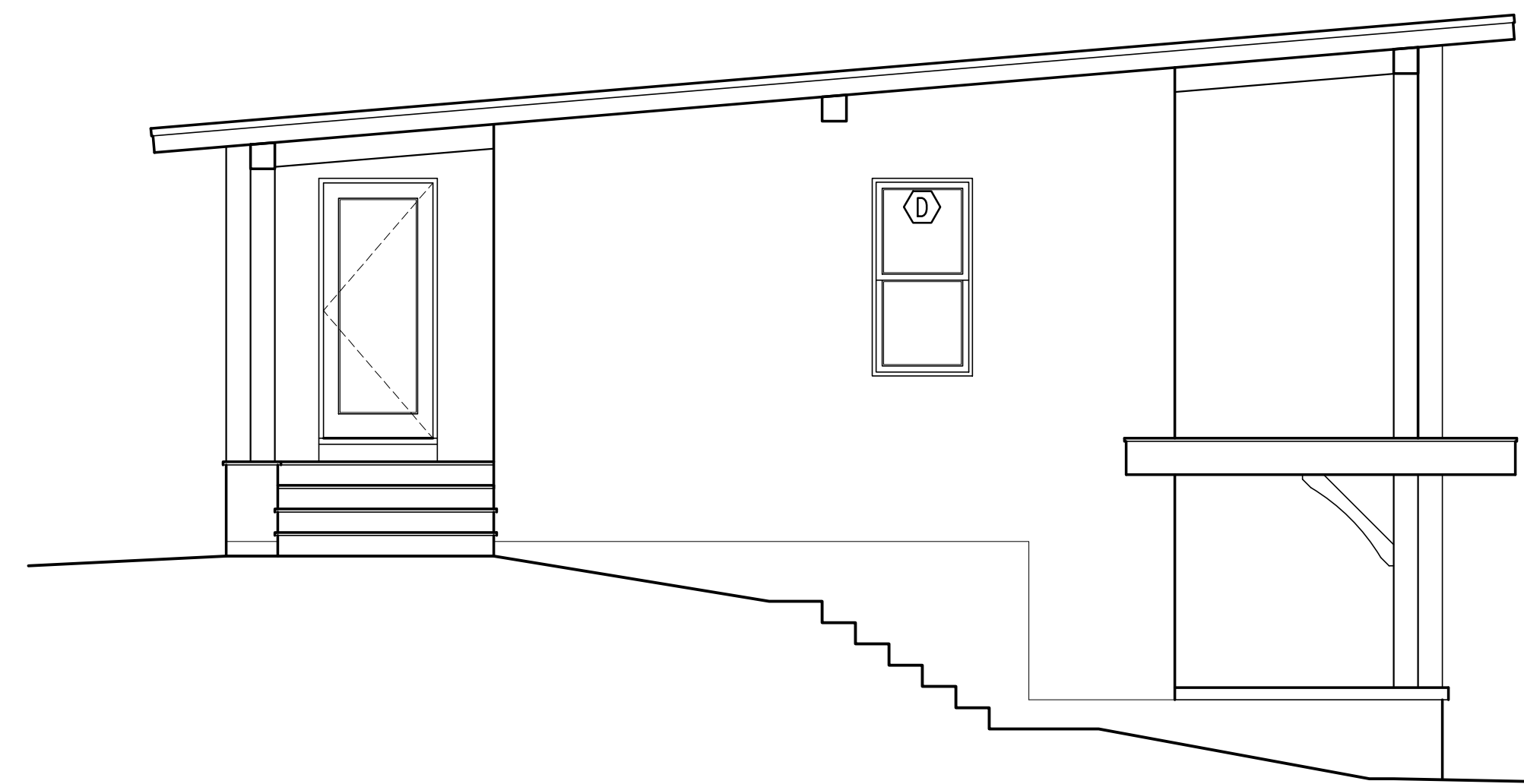


**EAST EXTERIOR ELEVATION**

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

A2.0

2

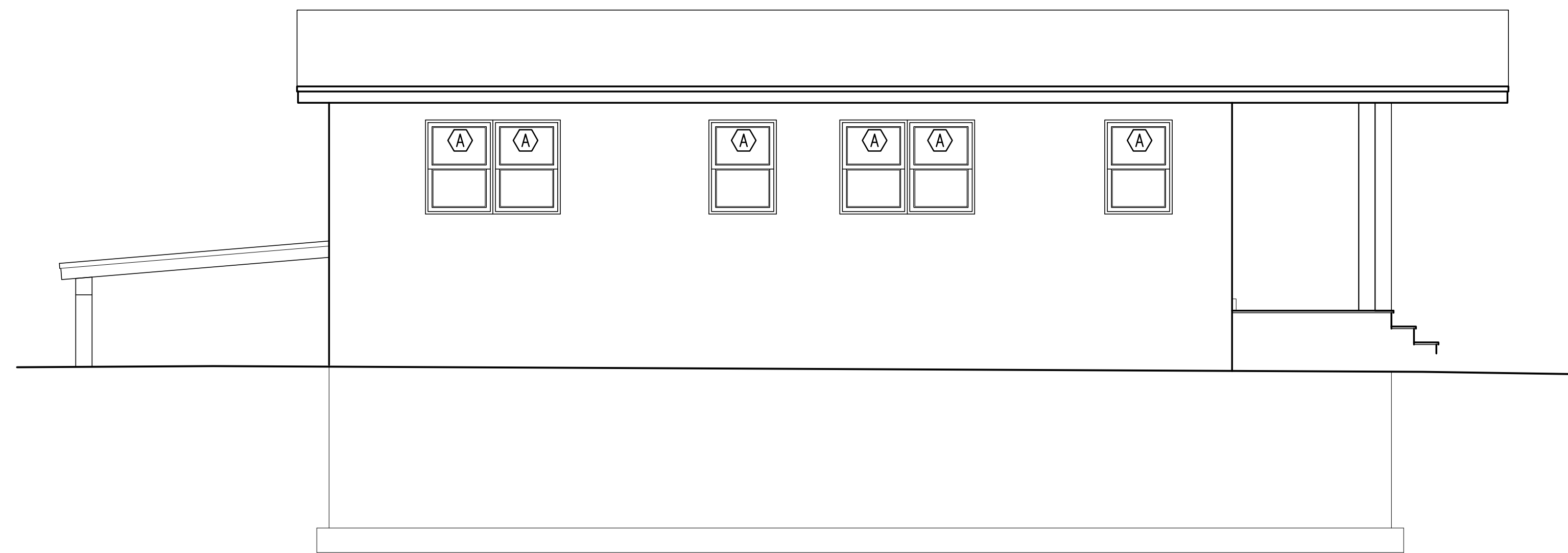


**SOUTH EXTERIOR ELEVATION**

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

A2.0

3



**WEST EXTERIOR ELEVATION**

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

A2.0

4

**RESIDENCE AT 24 FOYES**

24 FOYES LANE  
KITTERY POINT, MAINE 03905

PROJECT:

STAMP:

**PROGRESS PRINT ONLY**  
(Not for Construction)  
May 25, 2023

**WINTER  
HOLBEN**  
architecture + design

7 WALLINGFORD SQ  
UNIT 209-9  
KITTERY, MAINE 03904  
207.994.3104

REVISIONS:

PROJECT NAME:  
RESIDENCE AT 24 FOYES  
24 FOYES LANE  
KITTERY POINT, ME 03905

PROJECT NO.: 23036  
DRAWN BY: JF, RW  
APPROVED BY: BH

ISSUE DATE:  
DRAWING NAME:  
**EXTERIOR  
ELEVATION**

DRAWING NO.:

**A2.0**



Revised

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

## PROPERTY LOCATION

City, Town, or Plantation: Kittery  
 Street or Road: 24 Foyes Lane  
 Subdivision, Lot #:

## >> CAUTION: LPI APPROVAL REQUIRED <<

Town/City: Kittery Permit # SS21-28  
 Date Permit Issued: 8/2/21 Fee: \$ 335.00 Double Fee Charged   
Yvette Reissed 7/18/23 L.P.I. # 1322  
 Local Plumbing Inspector Signature  
 Fee: \$ 205 state min fee \$ 50 Locally adopted fee  
 Copy:  Owner  Town  State

## OWNER/APPLICANT INFORMATION

Name (last, first, MI): Denny, Ellen Owner: XXXXXXXX  
 Mailing Address of Owner/Applicant: 4 Tenney Hill Road  
Kittery Point, ME 03905  
 Daytime Tel. #: 207 475 2365

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

Municipal Tax Map # 36 Lot # 40A

## OWNER OR APPLICANT STATEMENT

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.

Signature of Owner or Applicant: Ellen Denny Date: 4/20/23

## CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

Local Plumbing Inspector Signature: \_\_\_\_\_ (1st) date approved: \_\_\_\_\_  
 \_\_\_\_\_ (2nd) date approved: \_\_\_\_\_

## PERMIT INFORMATION

<b>TYPE OF APPLICATION</b> <input type="checkbox"/> 1. First Time System <input checked="" type="checkbox"/> 2. Replacement System Type replaced: <u>unknown</u> Year installed: <u>unknown</u> <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 checked="" type="checkbox"/> 3. Replacement System Variance <input checked="" 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: <u>Sludge Hammer S-46</u> <input type="checkbox"/> 12. Miscellaneous Components
<b>SIZE OF PROPERTY</b> <u>1.9</u> <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 checked="" type="checkbox"/> Year Round <input type="checkbox"/> Undeveloped	<b>TYPE OF WATER SUPPLY</b> <input type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input checked="" type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other
<b>SHORELAND ZONING</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

## DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

<b>TREATMENT TANK</b> <input checked="" type="checkbox"/> 1. Concrete Sludge Hammer <input type="checkbox"/> a. Regular in 1000 gal PT tank <input type="checkbox"/> b. Low Profile plus 1000 gal <input checked="" type="checkbox"/> 2. Plastic septic tank, both CAPACITY: <u>H-20 rated</u> GAL.	<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 checked="" type="checkbox"/> a. cluster array <input type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input checked="" type="checkbox"/> d. H-20 load <input checked="" type="checkbox"/> 4. Other: <u>(8) 4x8x1.1 conc. ch.</u> SIZE: <u>=1024</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)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities <input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA
<b>SOIL DATA &amp; DESIGN CLASS</b> PROFILE CONDITION: <u>12 / C</u> at Observation Hole # <u>one</u> Depth <u>20</u> " of Most Limiting Soil Factor	<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 inside pump up <input type="checkbox"/> 2. May Be Required from <input checked="" type="checkbox"/> 3. Required basement Specify only for engineered systems: DOSE: _____ gallons	<b>LATITUDE AND LONGITUDE</b> at center of disposal area Lat. <u>43</u> d <u>5</u> m <u>19</u> s Lon. <u>70</u> d <u>41</u> m <u>44</u> s if g.p.s, state margin of error: _____

## SITE EVALUATOR STATEMENT

I certify that on 11 April 2023 (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 (10-144A CMR 241).

Michael Cuomo  
 Site Evaluator Signature

211  
 SE #

20 April 2023  
 Date

Michael Cuomo  
 Site Evaluator Name Printed

207 363 4532  
 Telephone Number

mcuomosoil@gmail.com  
 E-mail Address

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

Sign and date

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

Department of Human Services  
Division of Health Engineering  
(207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

Kittery

24 Foyes Lane

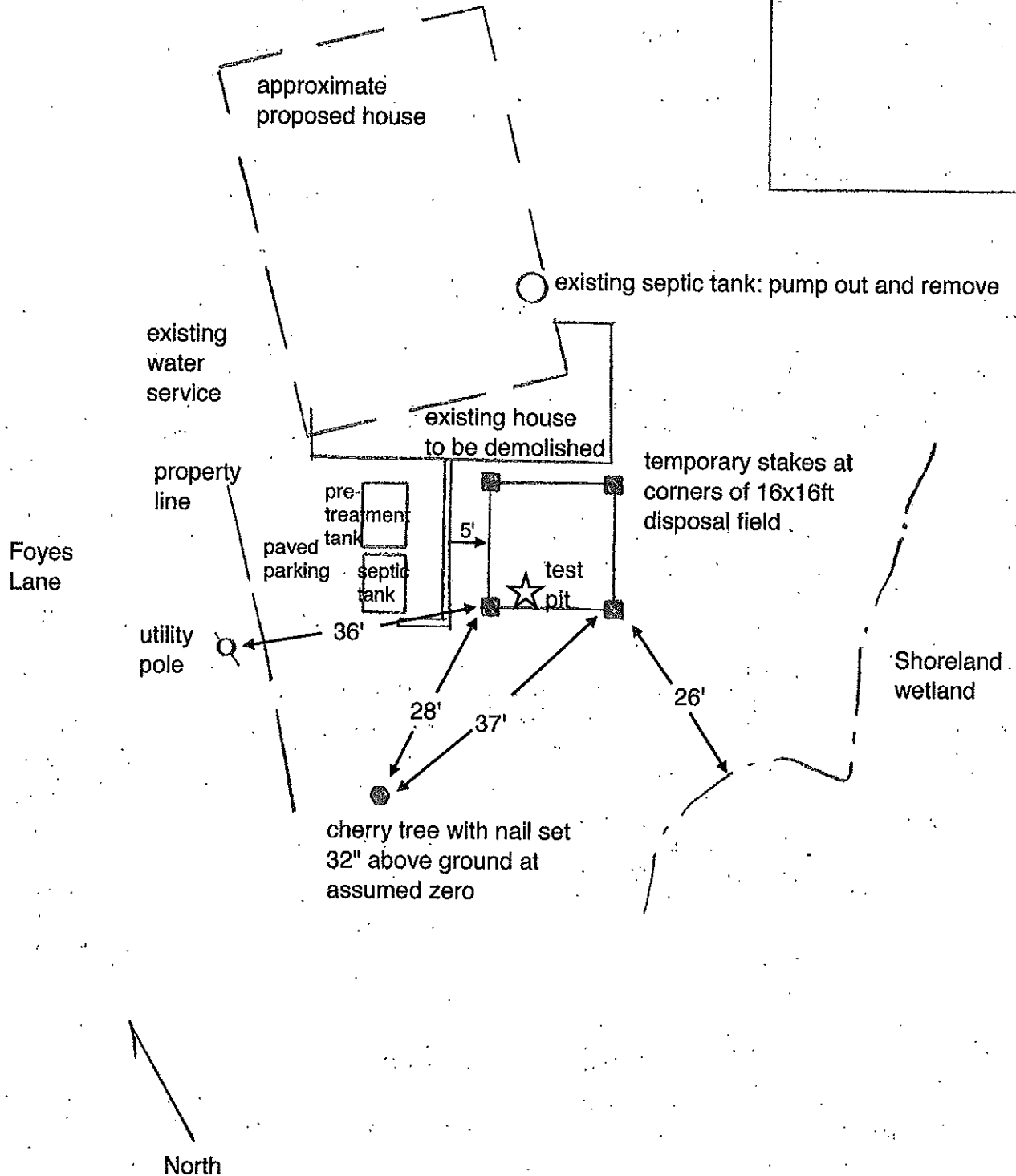
Denny

**SITE PLAN**

Not To Scale

**SITE LOCATION PLAN**

See last page for locus map



*Michael Crooks*

Site Evaluator Signature

211

SB #

20 April 2023

Date



**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

Department of Human Services  
 Division of Health Engineering  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation  
**Kittery Point**

Street, Road, Subdivision  
**24 Foyes Lane**

Owner's Name  
**Denny**

**SUBSURFACE WASTEWATER DISPOSAL PLAN**

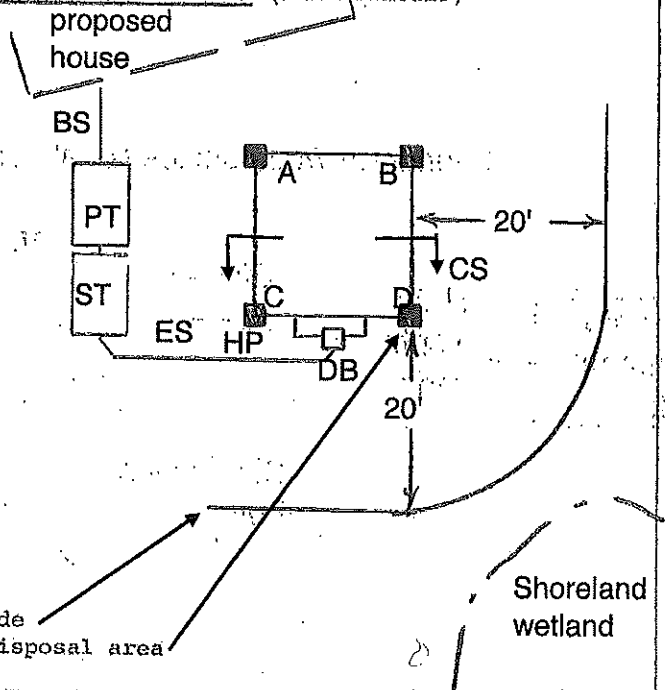
SCALE: Not to scale

DISPOSAL AREA MUST BE INSTALLED PER THIS PLAN AND STATE RULES (SEE ATTACHED)

Disposal Area Corner	A	B	C	D
Existing Grade				
Below Nail:	69"	80"	62"	83"
Proposed Fill Above				
Existing Grade:	30"	41"	23"	44"

**ABBREVIATIONS**

- BS Building Sewer 2" min. sch.40
- CS Cross Section
- DB Distribution box
- ES Effluent Sewer sch.40
- HP High Point
- ~~PC Pump Chamber~~
- PT Pre-treatment tank H-20
- ST Septic tank H-20



Intersection of fill slope and existing grade  
 Temporary stake at corners of 16x16 ft. disposal area

**FILL REQUIREMENTS**

**CONSTRUCTION ELEVATIONS**

**ELEVATION REFERENCE POINT**

Depth of Fill (Upslope)	+23"	Finished Grade Elevation	-39"
Depth of Fill (Downslope)	+44"	Top of Distribution Pipe or Proprietary Device	-51"
		Bottom of Disposal Area	-70"

Location & Description: see page 2  
 Reference Elevation: nails = zero

**DISPOSAL AREA CROSS SECTION**

Scale  $\frac{1}{4}$ " = 1' / A  
 Horizontal 1" = \_\_\_\_\_ ft.  
 Vertical 1" = \_\_\_\_\_ ft.

~~\* Gravity sewer runs 100ft or more require cleanout at approx. mid point~~  
~~\* PC requires watertight riser to grade at least 3/4" dia~~

\*ST and PC locations may be moved so long as they remain at least 5 ft from the foundation, 10 ft from the water line, and 10 ft from the property line, and 5ft off well

\*Where septic tank access cover is more than 6" below grade, a watertight riser at least 18" dia. must be provided to within 6" of finish grade.

\*DBOX must be frost protected with 2" HD expanded rigid polystyrene insulation.

The DBox may be placed at either end of the disposal area.

\*Where sewer crosses driveway, sch. 40 pipe must be used.

Do not work soil when wet.

*Michael Ceramo*

Site Evaluator Signature

211

SE #

20 April 2023

Date

Page 3 of 8

HHE-200 Rev. 10/02

Town: Kittery Point Street: 24 Foyes Lane

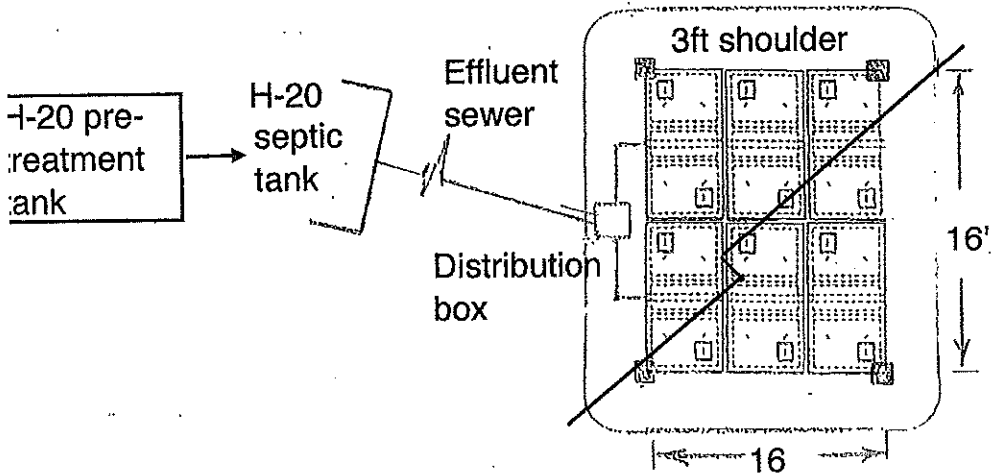
Owner: Denny

TYPICAL VIEW and DETAIL

This disposal field has 2 rows

Each row has 4 4x8x1.1ft concrete chambers

Temporary wood stakes set at corners of 16 x 16 disposal field.

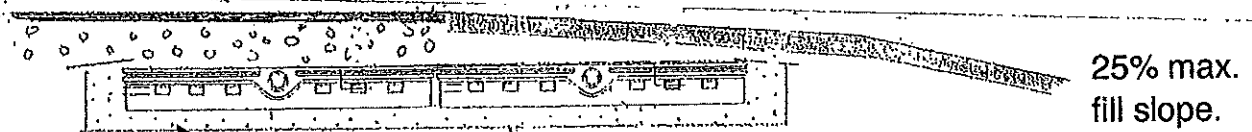


UNDER PAVEMENT OR TRAVEL SURFACE

Minimum 12" compact gravel;  
pavement optional.  
Filter fabric over crushed stone.  
Must be vented.

UNDER LANDSCAPING OR LAWN

Crown finish grade to 3%.  
6" topsoil, seed and mulch.  
6 to 9" sand fill over chambers.  
Filter fabric over crushed stone.



Scarification is critical to proper disposal field function!  
Clean crushed stone per Maine rules 11F; 6" beneath and 12"  
beside chambers. In York see Supplemental Subsurface Rules  
section 7.2.  
Backfill sand per Maine rules 11.E.

Michael Ceramo

SE# 211

20 April 2023

Page 4 of 8



Town: Kittery Point Street: 24 Foyes Lane

Owner: Denny



# SludgeHammer®

SludgeHammer® Group Ltd.  
336 S. Division Rd.  
Petoskey, MI 49770

Ph: 1.231.348.5850  
Fax: 1.720.834.3102  
www.SludgeHammer.net

## SludgeHammer® Specifications

The SludgeHammer® represents the first significant advance in Aerobic Bacterial Generator biotechnology since we presented our original technology over five years ago. During that period, this technology has been installed in thousands of units. Drawing on this extensive experience coupled with an active R&D program directed by the originator of the ABG concept, Dr. Daniel Wickham, we have dramatically improved on the original with the SludgeHammer®.

### specifications

Dimensions:  
Column diameter at top:  
Column diameter at base:  
Total height:

12"  
15"  
36"

Electrical Service\*:  
Power draw:  
Air delivery rate:  
Liquid mixing rate:  
Fixed film utilization factor:  
Organic digestion rate:

110 V, 60 Hz. - 15 amp,  
60 watts ~ 1 amp  
3.5 CFM @ 2.0 psi  
22,600 gpd @ 4 foot depth  
240 gal/ft<sup>2</sup>/day  
1.5-3.0 lb/BOD/day

Minimum depth of tank:  
Maximum depth of tank:  
Single chamber tanks:

40 inches > w/60 watt pump  
60 inches  
Minimum 500 gal.  
Maximum 1,500 gal.

Multi-family or commercial installations:

Domestic headworks strength:

High strength loads:

\*These are U.S. Standards. SludgeHammer Group, Ltd. can adapt to the electrical requirements standards of any country in the world.



S-46 unit  
Recommended for single-family residences up to 4 bedrooms.

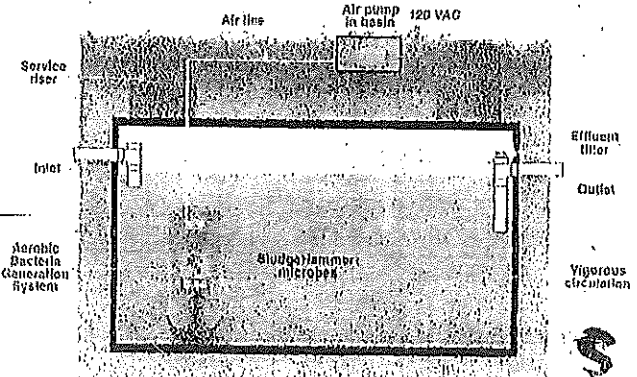
1. An 18" diameter center access port is required on the septic tank in which the SludgeHammer is installed.
2. The minimum liquid depth in the septic tank is 3' 6" so the SludgeHammer is 6" below the top of the liquid.
3. The SludgeHammer must rest on a flat surface.
4. Maintenance contract is required.



Model S-400/600  
Tested to NSF/ANSI Standard #40

IMO - MARPOL  
MEPC-159 (55)  
International

IAPMO STANDARD  
IGC 180-2003



NE Distributor of SludgeHammer Products  
Greg Teren  
585 703-7132  
gteren@gmail.com

Michael Ceramo

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

Maine Dept. Health & Human Services  
 Division of Environmental Health  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

Kittery

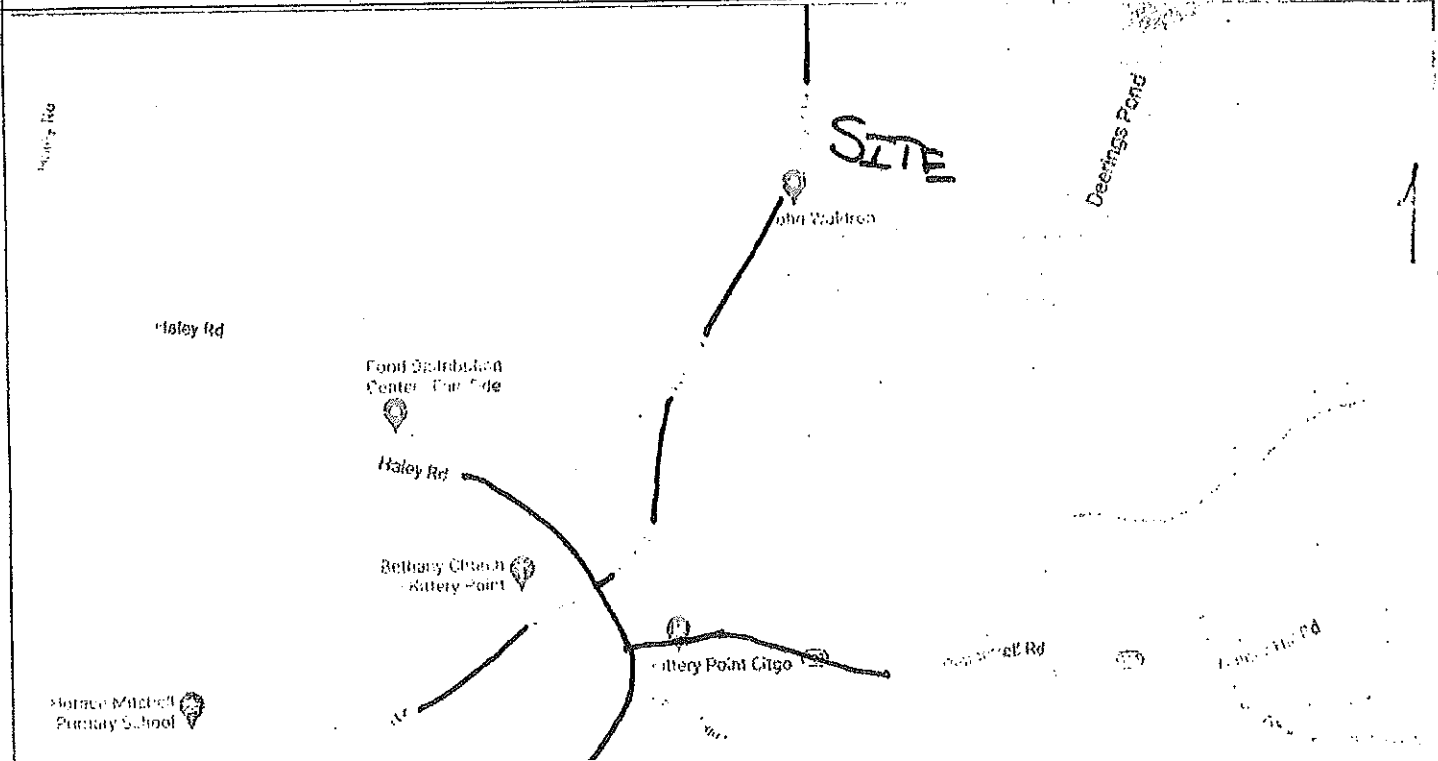
24 Foyes Lane

Denny

**SITE PLAN**

Scale 1" = NTS ft. or as shown

**SITE LOCATION PLAN**



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

Observation Hole one  Test Pit  Boring  
0 " Depth of Organic Horizon Above Mineral Soil

Observation Hole  Test Pit  Boring  
     " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0	gravelly		dark brown	
10	loam	friable	yellowish brown	no
20	silt loam		dark gray	
30			light gray	yes
40	silty clay	firm	olive	
50	loam			

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification 12(7) C	Slope 12 %	Limiting Factor 20 "	<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
Profile Condition			

Soil Classification	Slope %	Limiting Factor "	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
Profile Condition			

*Michael Carson*

211

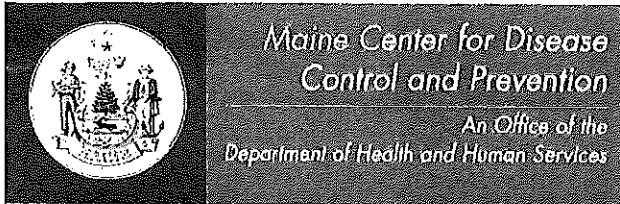
20 April 2023

Site Evaluator Signature

SB #

Date





Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
# 11 State House Station  
Augusta, Maine 04333-0011  
Tel: (207) 287-5672  
Fax: (207) 287-4172; TTY: 1-800-606-0215

## SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

<b>GENERAL INFORMATION</b>	Town of <u>Kittery</u>
Property Owner's Name: <u>Ellen Denny</u>	Tel. No.: <u>207 475 2365</u>
System's Location: <u>24 Foyes Lane, Kittery Point</u>	
Property Owner's Address: <u>4 Tenney Hill Road, Kittery Point, ME 03905</u>	Zip Code _____
e-mail address: <u>edenny2222@gmail.com</u>	

The subsurface wastewater disposal system design for the subject property requires a  replacement system variance  first time system variance to the Subsurface Wastewater Disposal Rules. This variance requires  local approval  local and state approval.

SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.)	SECTION OF RULE
1. _____	_____
2. <u>SEE NEXT PAGE</u>	_____
3. _____	_____

**SITE EVALUATOR**

When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.

The portion of the lot which is not wetland and is also close to the house is small. This is a replacement system with no expansion of use which employs pre-treatment. The proposed disposal system is far superior to the existing unknown system which has existed on this lot for many years.

I, Michael Cuomo, S.E., certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.

Michael Cuomo 20 April 2023  
SIGNATURE OF SITE EVALUATOR DATE

**PROPERTY OWNER**

I, Ellen Denny, am the  owner  agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.

Ellen Denny 4/20/23  
 SIGNATURE OF OWNER DATE  
 AGENT FOR THE OWNER

**LOCAL PLUMBING INSPECTOR - Approval at local level**

The local plumbing inspector shall review all variance requests prior to rendering a decision.  
 I, Craig Altz, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (  does  does not ) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, (  do  do not ) approve the requested variance. I (  will  will not ) issue a permit for the system's installation as proposed by the application.

[Signature] LPI Signature      7/18/03 Date

**LOCAL PLUMBING INSPECTOR - Referral to the Department**

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.  
 I, \_\_\_\_\_, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (  does  does not ) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (  do  do not ) recommend the issuance of a permit for the system's installation as proposed by the application.

\_\_\_\_\_ LPI Signature      \_\_\_\_\_ Date

**FOR USE BY THE DEPARTMENT ONLY**

The Department has reviewed the variance(s) and (  does  does not ) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

\_\_\_\_\_ SIGNATURE OF THE DEPARTMENT      \_\_\_\_\_ DATE

- Notes: 1. Variances for soil conditions may be approved at the local level as long as the total point assessment is at least the minimum allowed. (See Section 7.B.4 of the Subsurface Wastewater Disposal Rules for Municipal Review.)  
 2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

**SOIL, SITE AND ENGINEERING FACTORS FOR FIRST TIME SYSTEM VARIANCE ASSESSMENT WITH LIMITING SOIL DRAINAGE CONDITIONS (SEE TABLES 7C THROUGH 7M).**

	CHARACTERISTIC	POINT ASSESSMENT	
Soil Profile			
Depth to Groundwater/Restrictive Layer			
Terrain			
Size of Property	<b>DOES NOT APPLY</b>		
Waterbody Setback			
Water Supply			
Type of Development			
Disposal Area Adjustment			
Vertical Separation Distance			
Additional Treatment			
<b>TOTAL POINT ASSESSMENT:</b>			

Minimum Points (Check One):  Outside Shoreland Zone-50  Inside Shoreland Zone-65  Subdivision-65

**SPECIFIC VARIANCES REQUESTED:**

- Disposal field to house with basement, proposed 10ft      Table 8A
- Pre-treatment tank to house with full basement, proposed 5ft      Table 8A
- Septic tank to Shoreland wetland, proposed 44ft      Section 12
- Disposal field to Shoreland wetland, proposed 26ft      Section 12
- Disposal field in fill over unsuitable natural soil      Table 4E



June 29, 2023

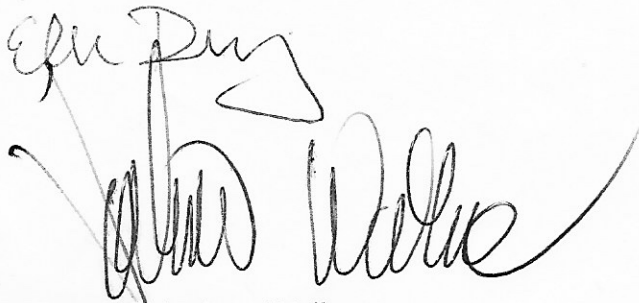
Re: Letter of Agent Authorization  
Denny/Wallace: 24 Foyes Lane, Kittery Point, ME  
Reference Job No. 22673

To Whom It May Concern:

This letter is to inform the Town of Kittery that North Easterly Surveying (a DBA of Tidewater Engineering & Surveying, Inc.) is hereby authorized to represent Ellen Denny and Andrew Wallace as our agent for permitting associated with a Shoreland Development project located at 24 Foyes Lane, Kittery Point, ME.

Please contact us if there is any question regarding this authorization.

Sincerely,

Handwritten signatures of Ellen Denny and Andrew Wallace. The signature of Ellen Denny is on the left, and the signature of Andrew Wallace is on the right. Both signatures are in black ink and are written in a cursive style.

Ellen Denny & Andrew Wallace  
24 Foyes Lane, Kittery Point, ME