

**Town of Kittery
 Planning Board Meeting
 August 10, 2023**

ITEM 5 – 50 Dion Avenue– 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, owner/applicants David and Jessica Hunter request approval for a two-story addition to an existing house located on the property of 50 Dion Ave, Tax Map 23. Lot 5-A, in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250’) Zones.

PROCESS SUMMARY

REQUIRED	ACTION	COMMENTS	STATUS
Yes	Staff Review	August 3 rd , 2023	Pending
No	Site Visit	Optional	Optional
No	Public Hearing	Optional	Optional
Yes	Final Plan Review	TBD	TBD

PROJECT INTRODUCTION

50 Dion Avenue is located on the western bank of Spruce Creek within the Residential Urban (R-U) and Shoreland Overlay (OZ-SL-250’) Zones. The property is a legally non-conforming lot of 15,742 sq ft. containing an 843 sq ft house partially within the 100’ setback from the Highest Astronomical Tide (HAT) line. The house maintains a height of 25 feet and an attached 98 sq ft screen porch 82’ from the HAT line. Also located on the property is a 55 sq ft shed fully within the 100’ setback.

The plan proposes a 2-story, 380 sq ft addition with a garage and new bathroom on the first floor and a bedroom on the second floor. The addition would match both the height and setback of the existing house. The existing shed will be removed to maintain the 30% expansion maximum, and part of the driveway will be removed to reduce the devegetated area of the lot.

Per **§16.7.3.A.(1)**, Planning Board review of the proposal is required due to the lot’s proximity within the Shoreland Overlay Zone. Any development must reduce non-conformity to the shoreland to the greatest practical extent and must not expand building coverage by more than 30% of the building footprint existing on January 1st, 1989.

Additionally, the applicant has submitted an application to the Kittery Port Authority to build a dock involving a 4’ x 80’ pier on the property, part of which is above the HAT line. **§16.7.3.E.(3).(g).[1]**. states planning board approval is not required for stairways or piers limited to a maximum of 4’ in width, but the portion of the pier above the HAT line would add to the property’s devegetated area if approved by KPA.

APPLICATION & PLAN REVIEW

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

1. The proposed addition is part of a large-scale renovation of the house (see building design in packet materials). If/when the planning board grants approval to the proposed expansion, all interior renovations will be subject to code enforcement review before work may begin.
2. General provision **§16.1.8.C.4.(b)**. requires expansion of structures within base zone setback in the shoreland overlay zone not exceed 30% of the total footprint of structures existing within the

38 property on January 1, 1989. With a total structure footprint of 1,084 sq, the allowable expansion
39 is 325 sq ft, up to a total of 1,409. The proposed development would expand the footprint to the
40 allowable limit of 1,409 sq ft.

41 a. Because the screen porch has a wall and roof, it is included in the expansion calculations.

42 3. The Shoreland Overlay Zone Ordinance §16.4.28.E.(3).(a). requires new principal and accessory
43 structures to be set back at least 100 feet, horizontal distance, from the normal high-water line of
44 any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a
45 freshwater wetlands. The current house maintains a setback of 82 feet and the proposed addition
46 will be built directly adjacent to the existing house with the same setback, which would not increase
47 the nonconformance of the structure.

48 a. By removing the shed fully within the setback, the proposal will reduce nonconformance
49 on the lot.

50 4. §16.4.28.E.(2). allows 20% of total lot area in the shoreland zoning overlay to be comprised of
51 non-vegetated surfaces or structures. With a lot size of 15,742 sq ft, current devegetation sits at
52 3,512, or 22.3%. The proposed development would maintain the current devegetation of the lot.

53 a. The portion of the proposed pier mentioned above would add 82.6 sq ft. of devegetated
54 surface to the lot. The applicant has included this proposed area in the plan to show that
55 they are removing enough paved area to maintain the current devegetated area.

56 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

57 By meeting the existing setback, reducing paved area, and ensuring the development meets structure
58 footprint maximums, the proposal as it stands would reduce the nonconformance of the lot without
59 increasing nonconformance of the existing house. Staff suggest approval and allowing the applicant to
60 pursue approval of KPA and permitting requirements. The Planning Board should discuss the plan and
61 determine if it meets the requirements to accept the plan, and/or direct the applicant to make any changes
62 that are necessary.

63 **RECOMMENDED MOTIONS**

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

65 ***Motion to accept the application***

66 Move to accept the plan for a shoreland development application from owner/applicants David Hunter and
67 agent John Chagnon requesting request approval for a two-story addition to an existing house located on
68 the property of 50 Dion Ave, Tax Map 23. Lot 15-A, in the Residential-Urban (R-U) and Shoreland Overlay
69 (OZ-SL-250’) Zones.

70

71 ***Motion to approve the application***

72 Move to approve the plan for a shoreland development application from owner/applicants David Hunter
73 and agent John Chagnon requesting request approval for a two-story addition to an existing house located
74 on the property of 50 Dion Ave, Tax Map 23. Lot 15-A, in the Residential-Urban (R-U) and Shoreland
75 Overlay (OZ-SL-250’) Zones.

Planning Board Application – Shoreline Development Plan for 50 Dion Ave, Kittery

David & Jessica Hunter
50 Dion Ave.
Kittery, ME 03904
Phone: 603-812-6299 (cell)

July 20, 2023

Dear Planning Board Chair, Vice Chair, and Members,

Upon submitting our Shoreline Development Plan for the Planning Board’s consideration, we would like to take the opportunity to present a few notes and thoughts regarding the proposed addition to and renovation of the existing house at 50 Dion Avenue.

First and foremost, we understand the need to be sensitive of development near the waterfront and appreciate Kittery’s prioritization of shoreline conservation and environmental concerns in general. We feel privileged to live in this beautiful location and to be able to observe and enjoy the natural beauty of this part of our community, and only wish to bring this outdated home up to reasonable current standards of comfort and convenience, without unduly impacting the shoreline or the surrounding natural setting.

Rather than demolishing the existing structure and seeking to build up the kind of over-sized home that many people are pursuing on waterfront lots these days, we hope to add a reasonably sized one-car garage with new primary bedroom and bathroom above, and at the same time undertake a thorough renovation of the existing kitchen and a significant refresh of the exterior of the property, to include new windows, siding, and roof. We fully propose to keep this work within the allowable 30% maximum expansion, and to achieve this with no increase of the overall devegetation of the lot.

We feel that any examination of these plans will find our intentions entirely in keeping with the neighboring properties. Indeed, even after our intended expansion the footprint of our house will be smaller—and set back further from the waterfront—than the homes on either adjacent property. It also strikes us as rather unusual that such a house was built in the 1960s without a garage in the first place, and we would hope that any reasonable assessment of the current structure and lot and the proposed addition would deem this to be a modest request, and likely the least that anyone seeking to renovate this property would hope to achieve.

Thanks in advance for your consideration; we welcome your comments and observations.

Very best wishes,

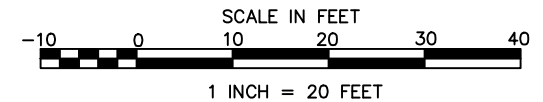
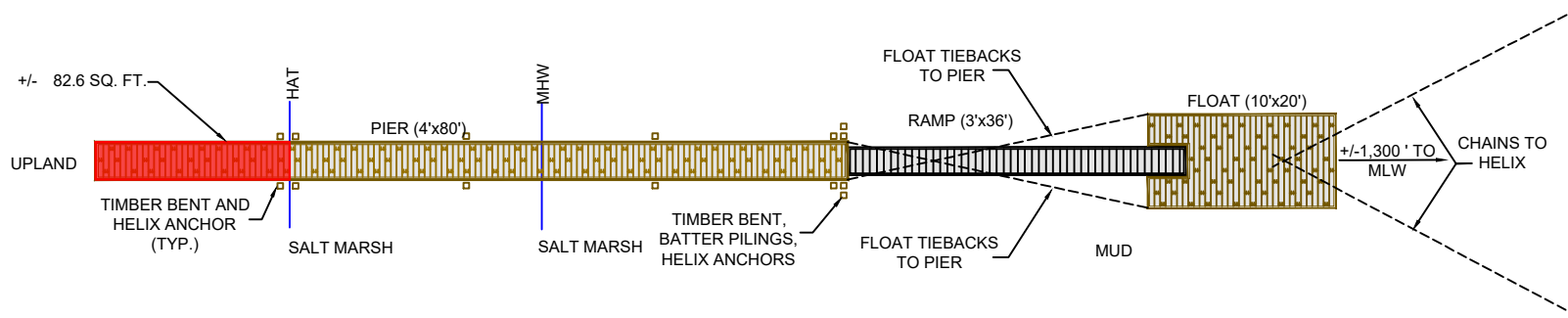
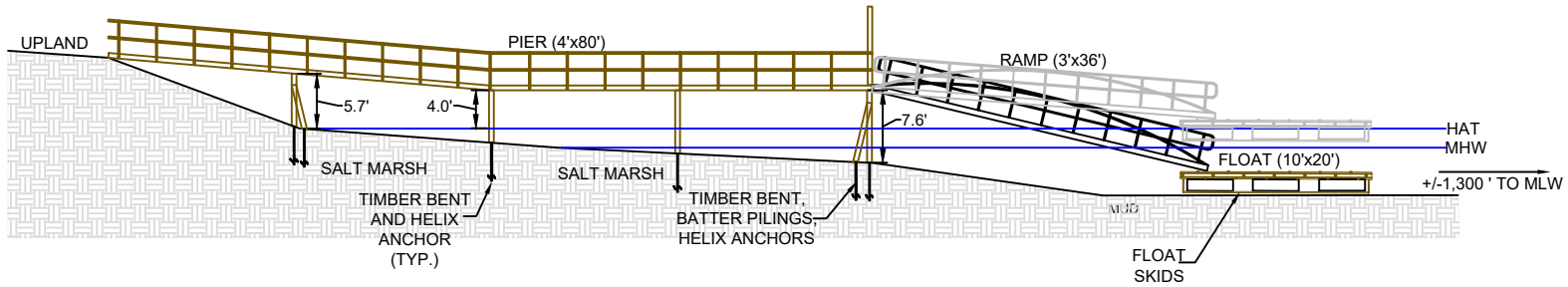
David & Jessica Hunter

Contents

- 1 – Shoreline Development Plan
- 2 – Existing Conditions plan
- 3 – Proposed design: a) 1st Floor, b) Front Elevation
- 4 – Photos of existing house
- 5 – Aerial photo of property
- 6 – Tax Map with property indicated
- 7 – GIS USGS Map

NOTES:

- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
- 2) 8" X 8" PILINGS AND HELIX ANCHORS WILL SUPPORT THE PROPOSED PIER.
- 3) HELIX ANCHORS WILL BE DRIVEN TO REFUSAL IN THE SUBSTRATES.
- 4) FLOAT WILL BE CONSTRUCTED WITH FLOAT SKIDS AND SECURED IN PLACE WITH FLOAT TIEBACKS TO THE PIER ON THE INBOARD SIDE AND TIEBACK AND HELIX ON THE OUTBOARD SIDE.
- 5) RAMP WILL BE STORED ON THE PIER AND FLOAT WILL BE HAULED OUT AND STORED IN AN UPLAND LOCATION ON THE APPLICANT'S PROPERTY.
- 6) NO VEGETATION WILL BE REMOVED FOR THE CONSTRUCTION OF THE DOCK.
- 7) EROSION CONTROLS WILL BE MAINTAINED AS NECESSARY UNTIL THE SITE IS STABILIZED.



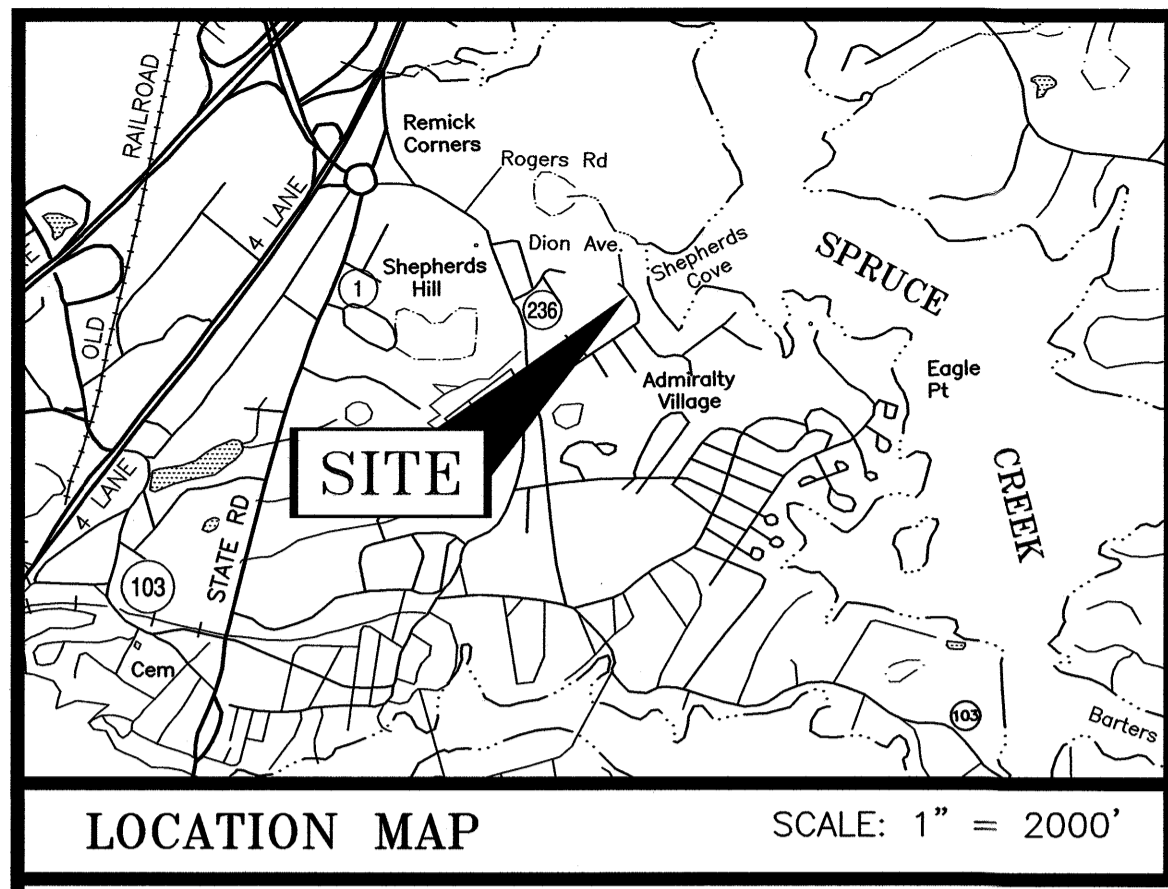
ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticienviromaine.com

Date: 2/7/2023
 Revised: 8/1/2023
 Project: Hunter, Kittery
 Drafted By: TAF/LCV

Plan View and Cross Section View of the Proposed Dock for David and Jessica Hunter located at 50 Dion Avenue, Kittery Maine.

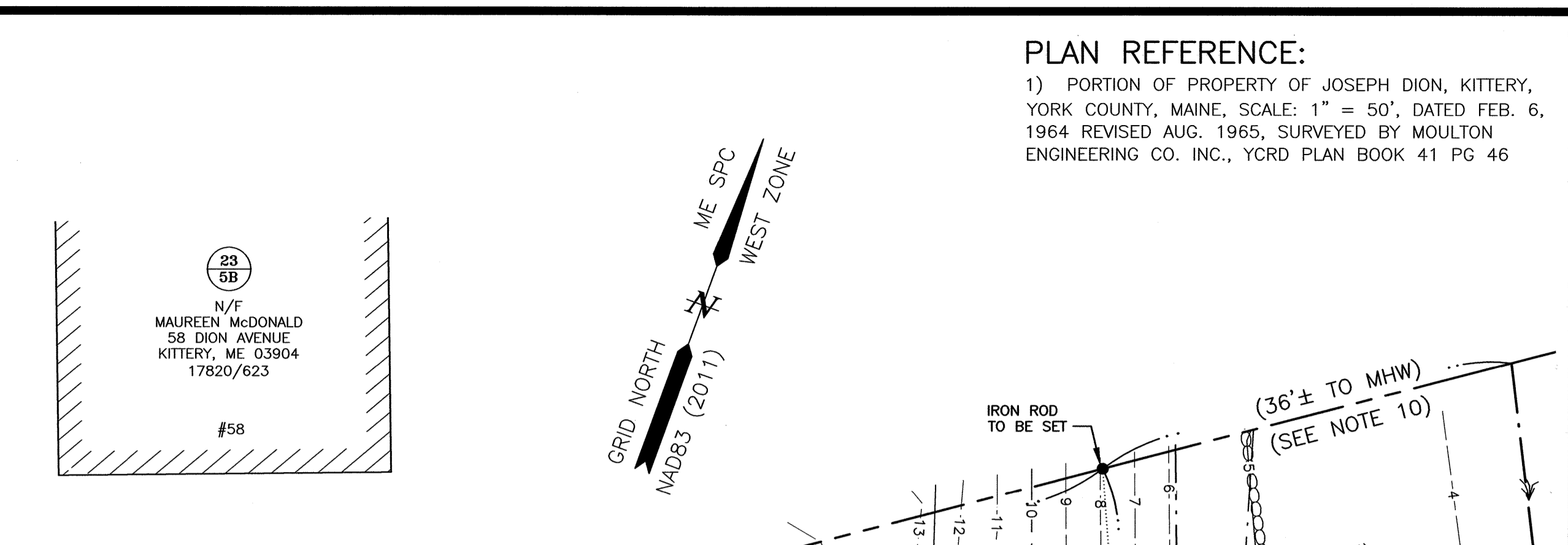
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FOR PERMITTING PURPOSES



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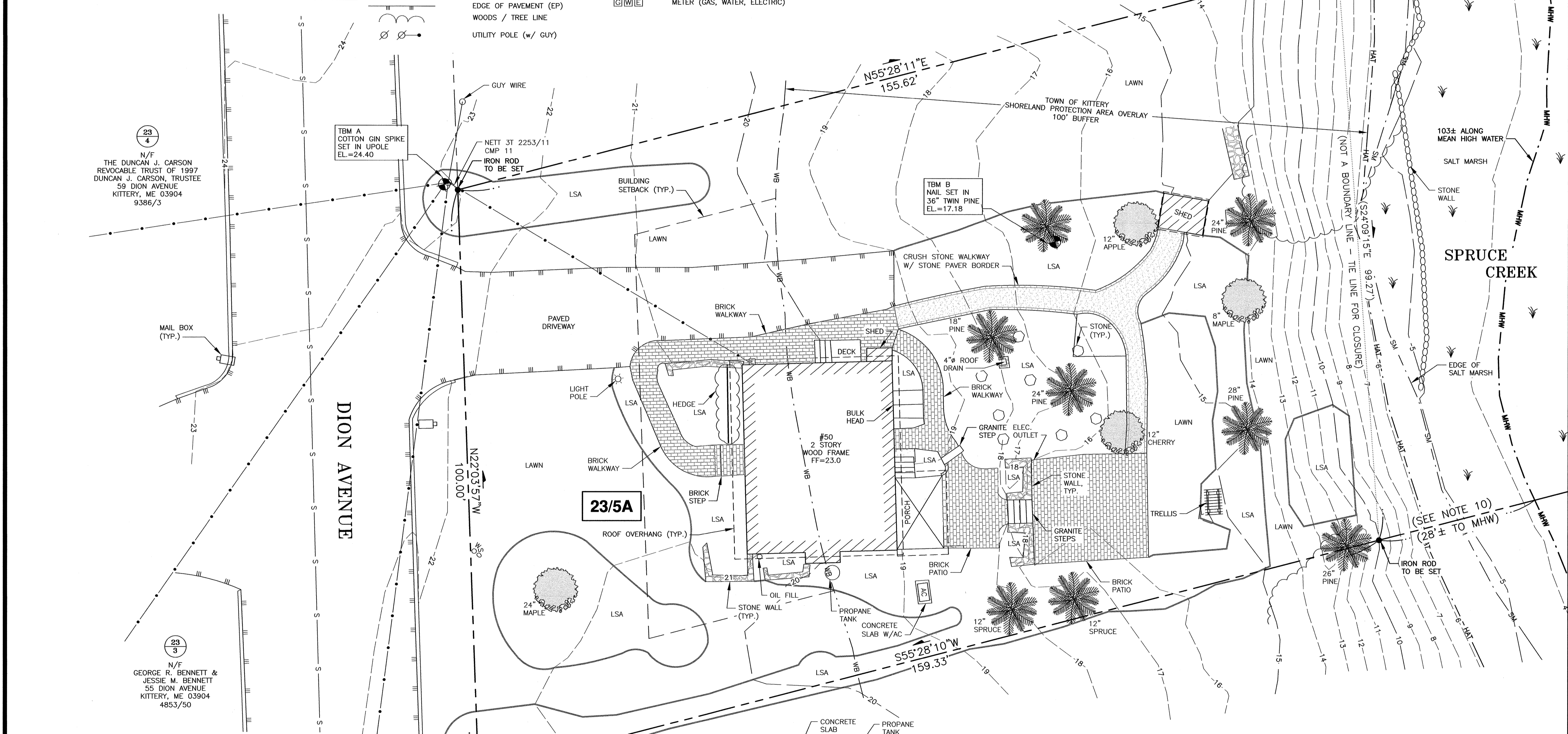
N/F	NOW OR FORMERLY	WATER SHUT OFF/CURB STOP
RP	RECORD OF PROBATE	GATE VALVE
YCRD	YORK COUNTY REGISTRY OF DEEDS	HYDRANT
MAP 11 / LOT 21	BOUNDARY	TYP. EL.
HAT	SETBACK	F.F.
MHW	HIGHEST ANNUAL TIDE (HAT)	INV.
IR FND	MEAN HIGH WATER	CATCH BASIN
IP FND	IRON ROD FOUND	SEWER MANHOLE
DH FND	IRON PIPE FOUND	DRAIN MANHOLE
BND	DRILL HOLE FOUND	AIR CONDITIONER UNIT
S	CONCRETE BOUND	SIGNS
D	SEWER LINE	SWAMP / MARSH
W	STORM DRAIN	TEMPORARY BENCHMARK
U	WATER LINE	LANDSCAPED AREA
U	UNDERGROUND ELECTRIC	METER (GAS, WATER, ELECTRIC)
U	OVERHEAD ELECTRIC/WIRES	
U	CONTOUR	
U	EDGE OF PAVEMENT (EP)	
U	WOODS / TREE LINE	
U	UTILITY POLE (w/ GUY)	



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 23 AS LOT 5A.
 - 2) OWNER OF RECORD:
 THE DAVID C. HUNTER REVOCABLE TRUST
 DAVID C. HUNTER, TRUSTEE &
 THE JESSICA L. HUNTER REVOCABLE TRUST
 JESSICA L. HUNTER, TRUSTEE
 225 WIBIRD STREET
 PORTSMOUTH, NH 03801
 18744/708
 - 3) A PORTION OF THE PARCEL IS IN A SPECIAL FLOOD HAZARD AREA ZONE A2 (EL. 9) AS SHOWN ON FIRM PANEL 2301710005D. EFFECTIVE JULY 3, 1986.
 - 4) EXISTING LOT AREA:
 18,272 S.F. (TO MHW)
 0.4195 AC. (TO MHW)
 - 5) PARCEL IS LOCATED IN THE RESIDENTIAL URBAN (R-U) & SHORELAND PROTECTION AREA OVERLAY (OZ-SL-250') DISTRICTS.
 - 6) DIMENSIONAL REQUIREMENTS:

<u>RESIDENTIAL URBAN</u>	
MIN. LOT AREA:	20,000 S.F.
FRONTAGE:	100 FEET
SETBACKS:	FRONT: 30 FEET
	SIDE: 15 FEET
	REAR: 15 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET	
MAXIMUM BUILDING COVERAGE: 20%	
<u>SHORELAND PROTECTION AREA OVERLAY</u>	
MAXIMUM DEVEGETATED AREA: 20%	
 - 7) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 8) HIGHEST ANNUAL TIDE SHOWN AT ELEVATION 5.8 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.
 - 9) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 23 LOT 5A IN THE TOWN OF KITTERY.
 - 10) EXTENT OF TITLE RIGHTS BETWEEN MEAN HIGH WATER AND MEAN LOW WATER HAVE NOT BEEN DETERMINED.



PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:
 A) NO SURVEY REPORT HAS BEEN PREPARED.
 B) NO LEGAL DESCRIPTION HAS BEEN PREPARED.
 C) AS OF THE DATE OF THIS PLAN MONUMENTS HAVE NOT BEEN SET.

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

PAUL A. DOBBERSTEIN, PLS #2526
 DATE 9/4/2021

OWNER & APPLICANT:
 DAVID C. HUNTER
 REVOCABLE TRUST &
 JESSICA L. HUNTER
 REVOCABLE TRUST
 225 WIBIRD STREET
 PORTSMOUTH, NH 03801

PREPARED BY:
 AMBIT ENGINEERING
 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801

GRAPHIC SCALE
 0 5 10 20 30 40 FEET
 0 5 10 METERS

STATE OF MAINE
 PAUL A. DOBBERSTEIN
 2526
 LAND SURVEYOR

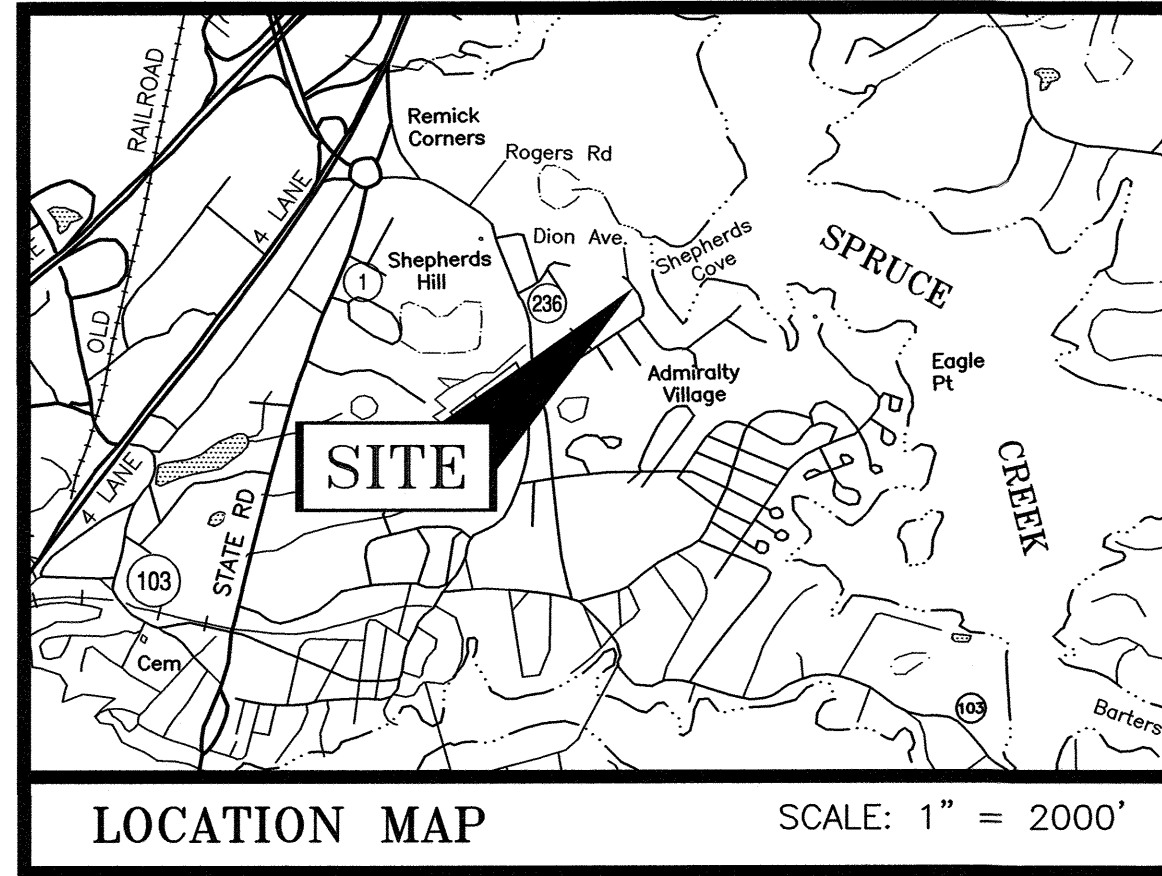
HUNTER RESIDENCE
50 DION AVENUE
KITTERY, ME

0	ISSUED FOR COMMENT	9/3/21
NO.	DESCRIPTION	DATE
REVISIONS		

SCALE 1"=10' SEPTEMBER 2021

EXISTING CONDITIONS PLAN

C1



LEGEND:

N/F	NOW OR FORMERLY	WATER SHUT OFF/CURB STOP
RP	RECORD OF PROBATE	GATE VALVE
YCRD	YORK COUNTY REGISTRY OF DEEDS	HYD
MAP 11 / LOT 21		HYDRANT
BOUNDARY		TYP.
HAT	HIGHEST ANNUAL TIDE (HAT)	ELEVATION
MHW	MEAN HIGH WATER	F.F.
IR FND	IRON ROD FOUND	FINISHED FLOOR
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W	WATER LINE	AIR CONDITIONER UNIT
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EDGE OF PAVEMENT (EP)		LSA
WOODS / TREE LINE		LANDSCAPED AREA
UTILITY POLE (w/ GUY)		METER (GAS, WATER, ELECTRIC)

DEVEGATED SURFACE AREAS (WITHIN 250' OF HAT LINE)

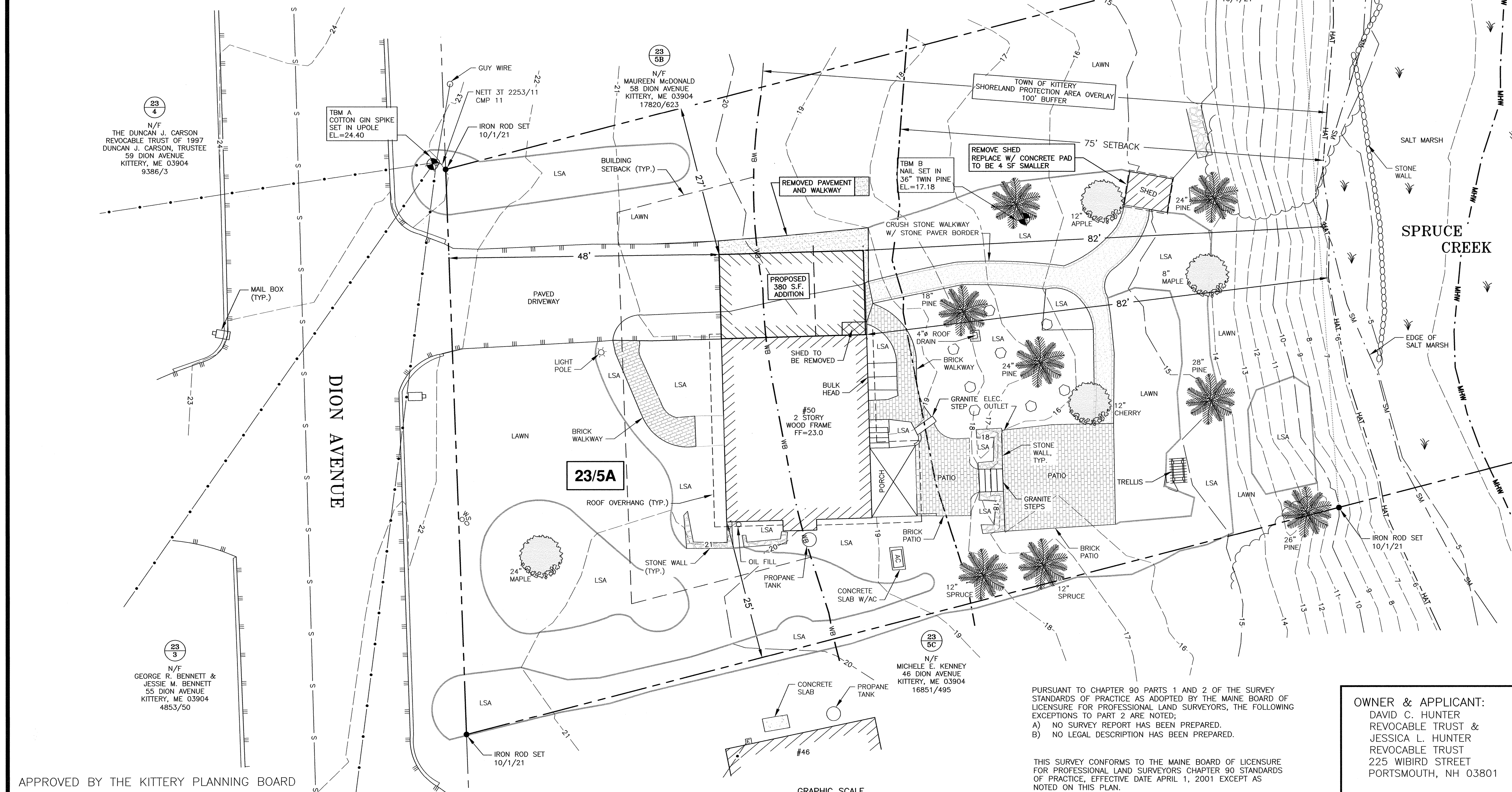
STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURES	843	1,223
PORCH	98	98
SHEDS	55	0
STAIRS, STEPS & LANDING	88	88
PAVED DRIVEWAY	1,031	781
WALKWAYS	743	559
BRICK PATIOS	498	498
BULKHEAD	24	24
RETAINING WALLS	106	90
CONCRETE PADS	14	56
TRELLIS	12	12
ACCESS RAMP TO PIER	0	83
TOTAL	3,512	3,512
LOT WITHIN 250' OF HAT	15,742	15,742
% COVERAGE	22.3%	22.3%

BUILDING COVERAGE: (IN S.F.)

TO LOT LINE (MHW):
 EXISTING BUILDING COVERAGE: 1,084 18,272 (5.9%)
 PROPOSED BUILDING COVERAGE: 1,409 18,272 (7.7%)
 STRUCTURE HEIGHT: EXISTING AND PROPOSED - 25' +/-

BUILDING EXPANSION:
 HOUSE: 843 S.F., PORCH: 98 S.F., SHEDS: 55 S.F., STAIRS: 88 S.F.
 TOTAL: 1,084 S.F.
 30% EXPANSION = 325 S.F.
 LEGAL: 1,409 S.F.
 PROPOSED: 1,409 S.F.
 HOUSE: 1,223 S.F., PORCH 98 S.F., STAIRS 88 S.F.

MAIN BUILDING EXPANSION (EXCLUDING SHEDS): 1,355 / 843 = 60%
 MAIN STRUCTURE HEIGHT: 25' / PROPOSED STRUCTURE HEIGHT: 25'



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 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

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RESIDENTIAL URBAN	
MIN. LOT AREA:	20,000 S.F.
FRONTAGE:	100 FEET
SETBACKS:	FRONT: 30 FEET
	SIDE: 15 FEET
	REAR: 15 FEET

MAXIMUM STRUCTURE HEIGHT:	35 FEET
MAXIMUM HEIGHT WITHIN 100' OF HAT:	20 FEET
MAXIMUM BUILDING COVERAGE:	20%

SHORELAND PROTECTION AREA OVERLAY	
MAXIMUM DEVEGATED AREA:	20%
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - HIGHEST ANNUAL TIDE SHOWN AT ELEVATION 5.8 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE IMPROVEMENTS ON ASSESSOR'S MAP 23 LOT 5A IN THE TOWN OF KITTERY.
 - EXTENT OF TITLE RIGHTS BETWEEN MEAN HIGH WATER AND MEAN LOW WATER HAVE NOT BEEN DETERMINED.

**HUNTER RESIDENCE
 50 DION AVENUE
 KITTERY, ME**

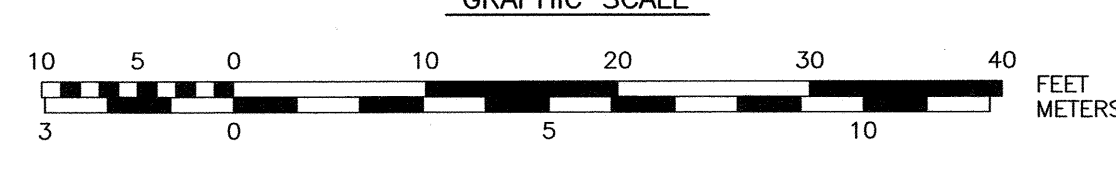
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3	REVISED TABLES	8/2/23
2	REVISED TABLES, ADDITION	7/6/23
1	STRUCTURE, TABLES	2/18/22
0	ISSUED FOR COMMENT	12/21/21

STATE OF MAINE
 JOHN R. CHAGNON
 No. 2276
 PROFESSIONAL LAND SURVEYOR

STATE OF MAINE
 JOHN R. CHAGNON
 No. 2276
 PROFESSIONAL ENGINEER

APPROVED BY THE KITTERY PLANNING BOARD

CHAIRMAN _____ DATE _____



PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED;
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JOHN R. CHAGNON, PLS #2276
 DATE 8-2-23

OWNER & APPLICANT:
 DAVID C. HUNTER
 REVOCABLE TRUST &
 JESSICA L. HUNTER
 REVOCABLE TRUST
 225 WIBIRD STREET
 PORTSMOUTH, NH 03801

PREPARED BY:
 AMBIT ENGINEERING
 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801

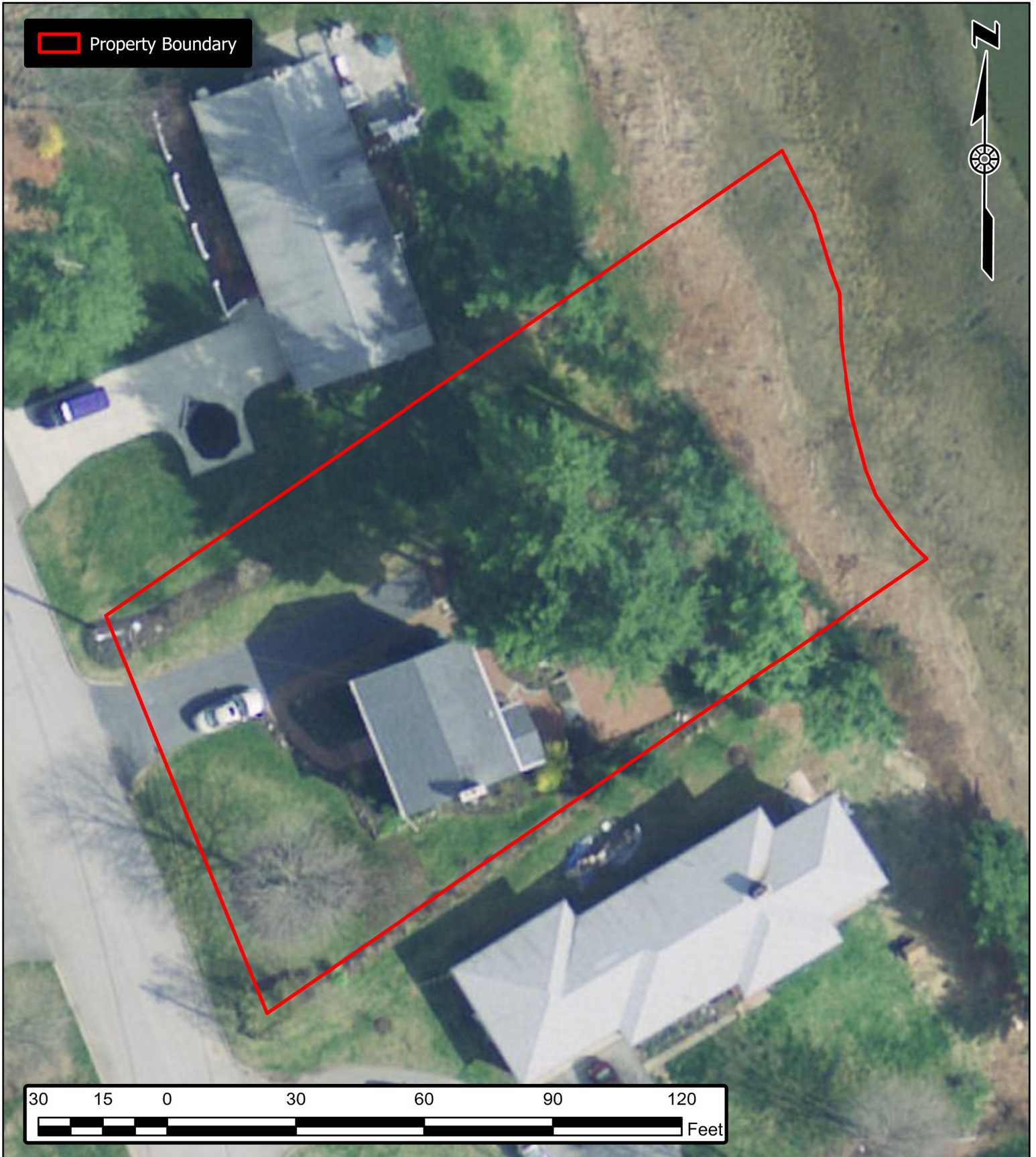
SCALE 1"=10' DECEMBER 2021

SHORELAND DEVELOPMENT PLAN

C2

HUNTER RESIDENCE
50 DION AVENUE
KITTERY, ME

JOB NUMBER: 5010335.3378
SCALE: 1" = 30'
SUBMITTED: 07-06-2023





Shoreline Construction
 1400 US Highway 1, Suite 202
 Cape Elizabeth, ME 04108

Project Information
 ADDITION
 FOR
 HUNTER
 KITTERY MAINE

Revision	By	Date	Description
1	EAJ	7.20.23	ROUGH UPDATE
2	EAJ	7.18.23	ROUGH UPDATE

Approvals	
OWNER'S SIGNATURE	DATE
OWNER'S SIGNATURE	DATE

Name of Sheet
FIRST FLOOR

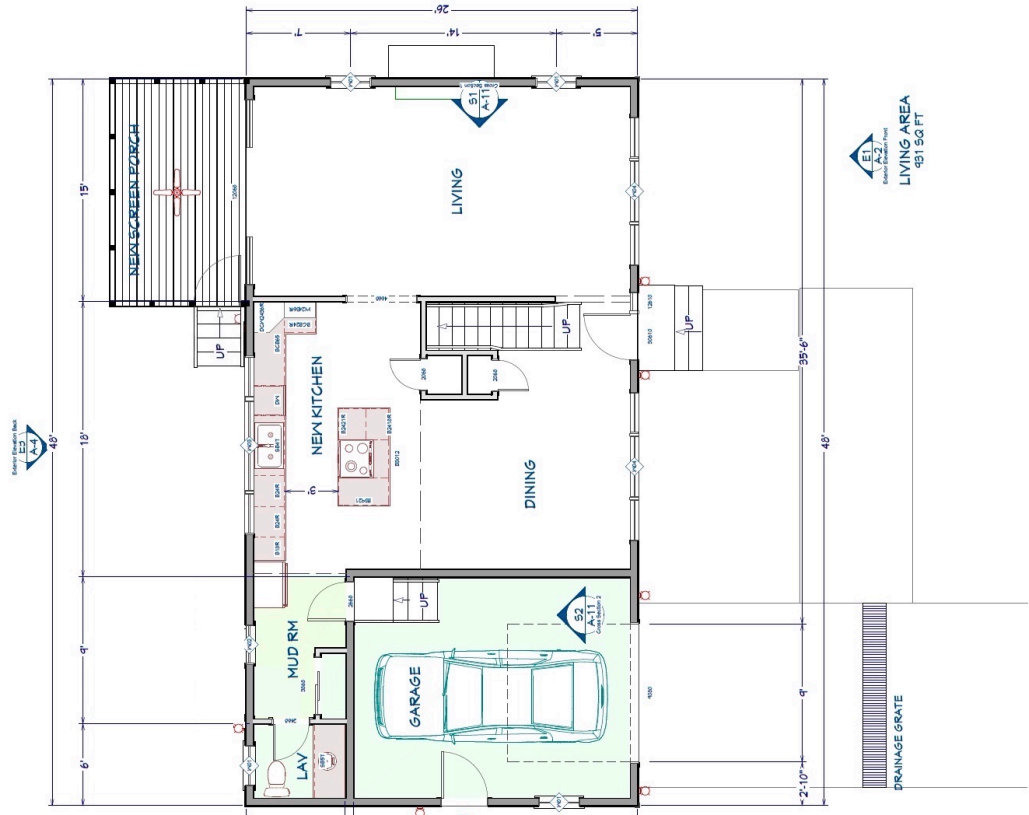
Page No. 6 of 11
Sheet Number

A-6
Date

Thursday, July 20, 2023

All plan drawings that are provided to the clients are based upon information given by the client. All contractor responsible for any amendments. Contractor assumes all liability for building construction. Plans and specifications have not been prepared by registered architect or engineer. Customer should consult with architect or engineer of their choice if notified or engineer stamp is necessary before construction begins. All contractors to conform to all state and local building codes.

**GREEN SHADING IS
 NEW ADDITION SPACE**



1st Floor



Shoreline Construction
 50 DION RD
 KITTERY MAINE
 03904

Project Information

ADDITION
 for
 HUNTER
 50 DION RD
 KITTERY MAINE

Version	Revised	Date	By	Description
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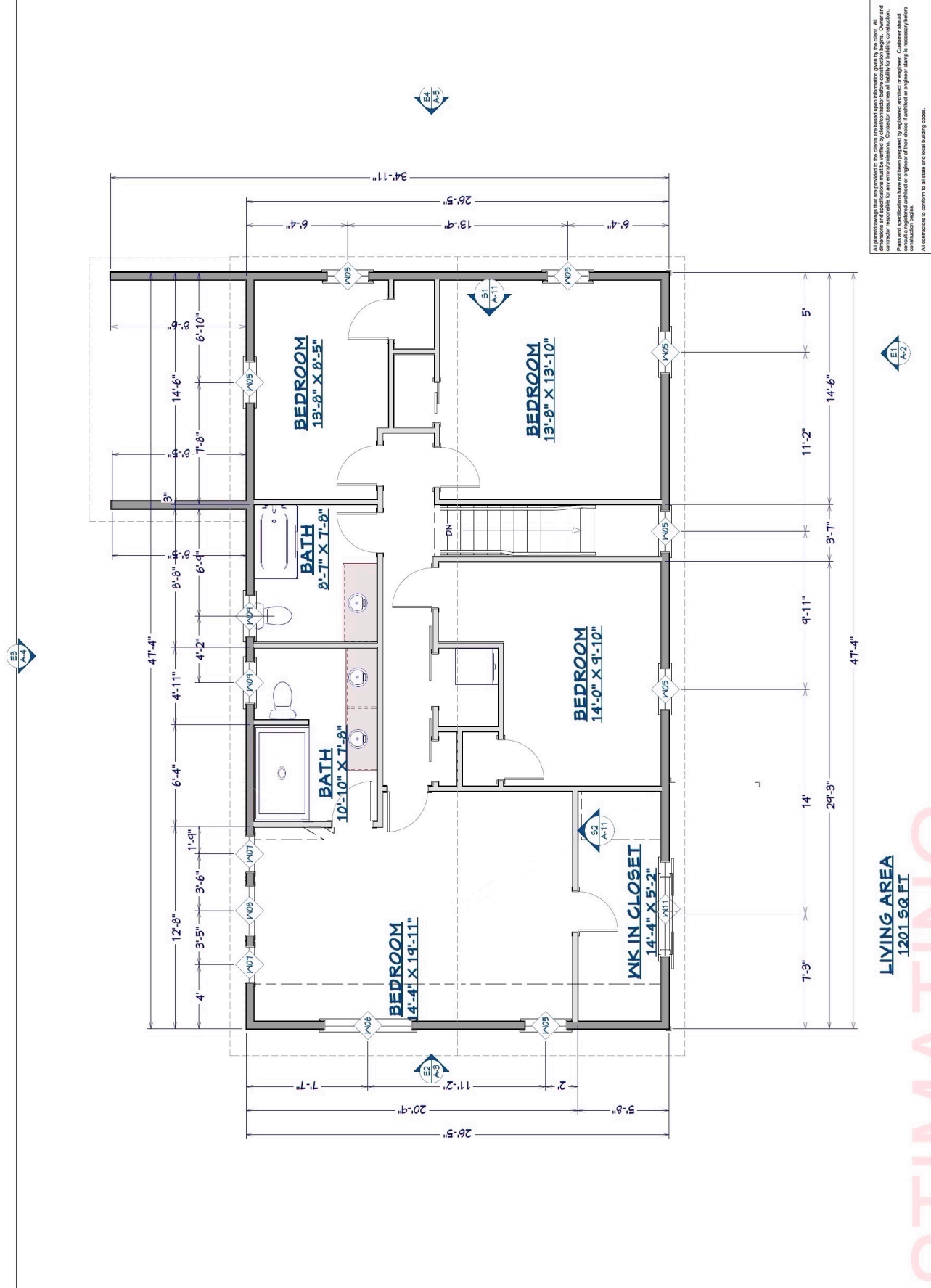
Approvals	
OWNER'S SIGNATURE	X
DATE	
OWNER'S SIGNATURE	X
DATE	

Name of Sheet
SECOND FLOOR

Page No. 7 of 11
 Sheet Number

A-7
 Date

Thursday, July 20, 2023



All plans/drawings that are provided to the client are based upon information given by the client. All information is assumed to be correct and the contractor assumes all liability for building construction. Plans and specifications have not been prepared or registered architect or engineer. Customer should consult with a registered architect or engineer of their choice in order to obtain or engineer stamp in necessary before construction begins. All contractors to conform to all state and local building codes.



LIVING AREA
 1201 SQ.FT.

ESTIMATING

50 Dion Ave, Kittery, ME 03904 – Perspectives of existing structure.



