



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

Port Authority Meeting Date: January 4, 2024

STAFF REPORT – 6 TUDOR DRIVE

Project Name: 6 Tudor Drive Float Modification

Applicant: Zachary Taylor, Riverside and Pickering Marine

Owner: Briers Homeowners' Association Inc.

Proposed Development: Modification of an existing docking structure to include installation of a 6'x20' long landing float and shifting the existing floating dock waterward 20 feet and downriver 14 feet.

Waivers: 4.7.3 Overall length

Map & Lot Numbers: Map 17, Lot 43-3

Staff Recommendation: Approval of Request

Riparian Line Determination:

Riparian lines were determined using the colonial method. The closest riparian line is 64 feet to the South.

Site Description:

The subject property is in the Residential – Urban zone. The closest active marine structure is over 300 feet away to the South.

Description of Request:

The applicant requests modification of an existing docking structure to include installation of a 6'x20' long landing float in between the existing ramp and the existing finger float system. The finger float system will be shifted 14' down river to create space for two additional 24' boats.

Performance Standards:

***For the purposes of this report, and the application before the Board, the normal high-water*

*mark referenced in the KPA Rules is equivalent to the mean high-water mark referenced in the application and survey***

(1) *KPA Rules 4.7.2: The construction of any piers, docks, wharves, and other structures and uses extending over or beyond the normal high-water mark of a water body or within a wetland must comply with all applicable requirements of Town Code Title 16.*

- **Town Code Title 16 incorporates by reference the 2015 International Residential Building Code. Compliance with this code will be ensured through the building permitting process.**

(2) *KPA Rules 4.7.3: Non-commercial private piers may have a maximum width of 6 feet as measured parallel to the shoreline and be limited to the minimum size necessary to accomplish their purpose. Except for temporary ramps and floats, the total length of a ramp, pier and float structure may not extend more than 150 feet beyond the normal high-water mark and piers not extend more than 100 feet beyond the normal high-water mark nor extend below the mean low water mark, whichever is shorter.*

- **This application does not propose any change to the existing pier width. The application proposes the addition of new floats that extend 20' further than existing from the mean high-water mark. Based on the application material, the existing structure extends approximately 138' from the normal high-water mark. The proposed modifications would result in an overall length of 158', exceeding the allowable 150 feet.**

(3) *KPA Rules 4.7.4: The maximum height of the pier deck may not exceed six (6) feet above the normal high-water mark, and the handrails not exceed 42" without the specific approval of the Port Authority.*

- **This application does not propose any change to the existing pier or handrail height.**

(4) *KPA Rules 4.7.5: Commercial piers are limited to the minimum size necessary to accomplish their purpose. They may not extend beyond the mean low water mark except with credible proof by the applicant that the extension is necessary for the water-dependent use of the pier. The maximum height of the pier deck may not exceed six (6) feet above mean high water mark and the handrails not exceed 42", without a showing of necessity and specific approval of the Port Authority.*

- **This application is for a residential use pier, this standard is not applicable.**

(5) *KPA Rules Chapter 4.7.6: Piers, wharves, and pilings must be set back at least 25 feet from property lines and 50 feet from other structures that are fixed in place below the normal high- water mark and not owned or controlled by the applicant unless a letter of permission is granted by abutting or other controlling property owner. If abutting property owners reach a mutual agreement regarding structures which have a lesser setback, which does not interfere with navigation, is practical and is consistent with the intent of these regulations,*

that setback may be authorized by the Port Authority if the applicant agrees to record any ensuing permit (which will have that agreement as a condition) and the abutters' letters of no objection, with the Registrar of Deeds, or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property in the Town.

- **The addition of the proposed float and shifting of the existing float will result in a setback of 64 feet to the nearest riparian line and over 300 feet to the nearest dock.**

Surrounding Land Uses:

North: Residential – Waterfront, no active marine structures.

South: Residential – Waterfront, no marine structures.

East: Waterbody – Spruce Creek

West: Residential – No waterfront, no marine structures.

Findings of Fact:

Section 16.9.2.E requires the Kittery Port Authority to use the following process when hearing requests:

Findings of fact. An application shall be approved or approved with conditions if the Port Authority makes a positive finding based on the information presented. The application must be demonstrated that the proposed use will shall:

(1) Maintain safe and healthful conditions;

- **Staff believes that the modifications will maintain safe and healthful conditions.**

(2) Not result in water pollution, erosion or sedimentation to surface waters;

- **Staff does not believe that this development will result in water pollution, erosion or sedimentation to surface waters.**

(3) Adequately provide for the disposal of all wastewater;

- **No additional wastewater will be created by this project.**

(4) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

- **Staff does not believe that this development would have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.**

(5) Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

- **Staff does not believe that this development would have an adverse impact on shore cover or points of access.**

(6) Protect archaeological and historic resources;

- **Staff does not believe that this development would have an adverse impact on archeological or historic resources.**

(7) Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;

- **Not applicable, this project is in a residential zone.**

(8) Avoid problems associated with floodplain development and use; and

- **Staff does not believe that this development would have an adverse impact within the floodplain.**

(9) Is in conformance with the provisions of this title.

- **This project is *NOT* in conformance with the overall length of pier unless a waiver is granted.**

Using the standards and criteria found in the LUDC as well as the standards found in the Kittery Port Authority Rules and Regulations, Staff recommends **APPROVAL** of the proposed development. For the Port Authority to approve, a waiver from Section 4.7.3, Overall Length, would need to be granted.