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

ITEM 2 – 9 Water St, Condominium Sketch Plan

Action: advise applicant on feasibility of proposal; “accept” sketch plan: Applicant Green & Company Real Estate, represented by John Chagnon of Ambit Engineering/ Haley Ward, proposes to construct 8 residential condominiums and a 20-slip marina on two parcels identified as Lots 45 and 46 of Map 1 and addressed as 9 Water Street. The site is in the Mixed-Use Kittery Foreside Zoning District (MU-KF) and within the Shoreland (OZ-SL-250’), Resource Protection (OZ-RP) and Commercial Fisheries/Maritime Use (OZ-CFMU) Overlay Zones. The existing restaurant, fishing business, duplex residence, and appurtenant uses at the site are proposed to be demolished.

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PROCESS OUTLINE

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan	Under review	Submitted
NO	Site Visit	optional	
YES	Preliminary Site Plan Review/ Shoreland Development Plan	Kittery Port Authority AND Planning Board review of Shoreland Development plan required	
YES	Public Hearings	Planning Board and KPA: separate hearings	
YES	Final Site Plan/ Shoreland Development Plan		

Applicant: Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4” HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

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Summary

9 and 11-13 Water Street (“Property”) are contiguous parcels totaling approximately 1.2 acres in area and located along the bank of the Piscataqua River, adjacent to the Memorial Bridge, and within the Mixed-Use Kittery Foreside (MU-KF) zoning district. The property is currently developed with a restaurant (Warren’s), a fishing business, a residential duplex, and appurtenant paved parking and driveway areas, docks, a garage building, and outdoor storage areas.

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The applicant proposes to demolish the existing improvements to construct 8 residential condominiums and a 20-slip Marina. The applicant is considering whether to purchase the property for this purpose. **The principal question before the board is whether expansion and relocation of a non-conforming use is supported along with a reduction in the non-conformity of structures and impervious surfaces on the site, as follows:**

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OZ-CFMU and Nonconforming uses:

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According to the Town of Kittery zoning map, the Commercial Fisheries/ Maritime Activities Overlay Zone (OZ-CFMU) applies to the entire site. §16.4.30 specifies that the only permitted uses in this zone are “functionally water-dependent commercial fisheries/ marine activities”. Commercial Fisheries/ Maritime Activities are defined in §16.3.2 as: *The active use of lands, buildings, wharves, piers, floats, docks or landings with the principal intent of such activity being the production of income by an individual or legal business entity through the operation of a vessel(s). This activity may be either a principal or accessory use as herein defined.* The existing (and proposed) residential and restaurant uses of the property are therefore non-conforming uses.

30 §16.1.8-C.5(c) (Nonconforming uses) states: *Expansion of nonconforming uses is prohibited, except*
 31 *nonconforming residential uses may be expanded within existing residential structures. Where the*
 32 *expansion of a nonconforming residential use involves the expansion of a structure, the structure must be*
 33 *expanded in conformity with all requirements as outlined in § 16.1.8C(4), Nonconforming structures. By*
 34 *itself, this provision would prohibit the proposed development because it would require the applicant to*
 35 *limit the expansion of residential use(s) to additions to the existing residential building and to areas located*
 36 *landward of the 75-foot MU-KF setback from the normal high-water line (marked “MHW” and “75’*
 37 *setback” on plans).*

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 39 However, §16.1.8-C.5(d)[3] states that “an existing nonconforming use may be changed to another
 40 nonconforming use with the approval of the Planning Board” within Shoreland or Resource Protection
 41 Overlay Zones. This authorizes the board to approve the non-conforming restaurant use to be changed to a
 42 non-conforming residential use. This subsection also states: *In determining that no greater adverse impact*
 43 *will occur, the applicant may be required to submit an evaluation in writing regarding the probable effects*
 44 *on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative*
 45 *cover, visual and actual points of public access to waters, natural beauty, floodplain management,*
 46 *archaeological and historic resources, and commercial fishing and maritime activities, and other*
 47 *functionally water-dependent uses. The applicant proposes to provide public access to the wharf and a*
 48 *public parking area on the site, providing “visual and actual points of public access to waters” (a positive*
 49 *impact), while also eliminating an existing commercial fishing use (an adverse impact).*

50
 51 (Question: An existing nonconforming use may be changed to another nonconforming use within Shoreland
 52 or Resource Protection Overlay Zones. Staff pointed out that the Commercial Fisheries/ Maritime Activities
 53 Overlay Zone is not specifically included in this section (§16.1.8-C.5(d)[3]). Was this omission intentional?
 54 Can existing nonconforming uses be changed to other nonconforming uses in the CF-MU zone?)
 55

56 Non-conforming structures

57 The existing wharf, restaurant, and fishing business building(s) are located waterward of the Highest
 58 Annual Tide line and below 100-year floodplain elevation and are therefore non-conforming structure(s).
 59

60 §16.1.8-C.4.(a)[1] authorizes the Planning Board to approve nonconforming structure relocation where “the
 61 site of relocation conforms to all dimensional requirements, to the greatest practical extent.” The Board
 62 must consider the size and configuration of the lot, location of other structures, soils/ erosion, and vegetation
 63 removal when determining whether a structure relocation meets the setback to the greatest practical extent,
 64 per subsection (a)[2]. Clearly the proposed residences could be located farther from the shoreline and closer
 65 to, or even partly outside of, the 75-foot minimum setback line. The applicant states that the proposed
 66 locations of the residential buildings would have the least impact on the resource because it allows for
 67 driveway and parking areas to be located farther from the river and would facilitate provision of advanced
 68 water quality treatment.
 69

70 Building footprints:

71 One issue to consider is the footprints of existing uses. The fishing business located on the property is a
 72 permitted use which occupies a 4,544 square foot footprint (according to Assessor data). Conversion of this
 73 conforming use to a non-conforming use is strongly discouraged by the provisions of §16.1.8. Should this
 74 footprint area be excluded from the nonconforming structure footprint which can be relocated and converted
 75 for a different nonconforming use?
 76

77 Total square footage of existing structures that are nonconforming with Shoreland setbacks (floats not
 78 included): 16,435 square feet as follows:

- 79 • Fishing business & restaurant building: 13,267
- 80 • Restaurant deck (covered): 1216

- 81 • Restaurant deck (uncovered): 1485
- 82 • Fishing business deck: 467
- 83 • Small portion of garage building: ?

84 Total square footage of existing structures that are nonconforming with Shoreland setbacks AND which
85 contain nonconforming uses is therefore 11,424 square feet (16,435 sf – 4,544 sf fishing business – 467 sf
86 fishing business deck = 11,424). The applicant proposes to construct 14,544 square feet of residential
87 building footprints on the site. This does not include the footprint of the wharf structure shown on the plans.

88
89 Marina:

90 Is the proposed marina a permitted use in the CF-MA overlay zone? Code Enforcement staff opined that a
91 marina does not meet the definition of a “functionally water-dependent commercial fisheries/ marine
92 activities uses” because the production of income for a marina would come from leasing slips instead of
93 through operation of vessels. (See the definition of “functionally water-dependent commercial fisheries/
94 marine activities uses,” Lines 24-28). Planning staff believe that this is not entirely clear or certain.

95
96 Parcels of record:

97 The existing residential use/ duplex is located on Lot 1/46. The applicant proposes to construct residential
98 condominiums on Lot 1/45. Relocation of nonconforming structures and conversion of nonconforming uses
99 to other nonconforming uses can be permitted by the Planning Board.

100
101 Kittery’s Comprehensive Plan

102 Maine Revised Statute Title 30-A, Ch. 187, §4352 states that “a zoning ordinance must be pursuant to and
103 consistent with a comprehensive plan adopted by the municipal legislative body.” Kittery’s Comprehensive
104 Plan 2015-2025 emphasizes the importance of protecting Kittery’s working waterfront. Adoption and
105 mapping of the Commercial Fisheries/ Maritime Activities Overlay Zone reflects this priority. Improving
106 public access to and enjoyment of the Town’s waterfront and shoreline areas is also a priority. Specific
107 goals and objectives in the Plan related to this proposal are:

108 6. Marine Resources Goal: To protect the Town’s coastline, the working waterfront, and ensure
109 appropriate access to and enjoyment of the water while protecting it from environmental impacts.

110 State of Maine Goal: To protect the State’s marine resources industry, ports and harbors from
111 incompatible development and to promote access to the shore for commercial fishermen and the public.

112 Objective 6.1: Increase access to the waterfront

113 Objective 6.2: Promote working waterfront

114 8. Land Use Goal: Ensure that the Town’s regulations support desired land uses.

115 Objective 8.4: Protect the working waterfront

116 #11 of Top 25 Key Recommendations: Continue to support Kittery’s Maritime Based Economy
117 including the fishing and shell fishing industry by maintaining access to the working waterfront and
118 creating innovative avenues to better connect fishing to the local economy

119
120 Kittery Port Authority

121 Kittery Port Authority (KPA) jurisdiction consists of all areas below the highest annual tide (HAT) per
122 §16.9.1. The proposed marina, boat slips, wharf, and docks would require approval by the KPA, which
123 would review the Shoreland Development Plan Application that is required for this project.

124
125 Zoning standards overview

126 §16.4.25 Shoreland Overlay Zone OZ-SL Mixed-Use – Kittery Foreside (MU-KF)

127 • Permitted uses: residential (up to 12 units per lot) *if located 75 feet or farther from the normal high-*
128 *water line*

129 • Marinas = special exception use

130 D. Standards

- 131 • Minimum land area per dwelling unit: 5,000 square feet
- 132 • Minimum front, side, and rear yards (setbacks): 10 feet
- 133 • Minimum separation between buildings: 10 feet
- 134 • Maximum building height: 35 feet above “average grade between the highest and lowest elevations
- 135 of the original ground level adjacent to the building”
- 136 • Minimum setback from water body: 75 feet
- 137 • Maximum building coverage (of site): 60%
- 138 • Minimum open space: 40% of site

139 F. Resource Protection Overlay Zone OZ-RP – Mixed Use – Kittery Foreside Zone (MU-KF)

140 The Zoning Map indicates that the entire site is within the Resource Protection zone. However, §16.4.29
141 specifies that this overlay does not apply to “currently developed areas and areas that meet the criteria for
142 commercial fisheries/ maritime uses.”

143
144 Town staff review:

145 Code Enforcement staff commented on whether the marina use is consistent with the definition of
146 commercial fisheries/ marine activities uses as described above. Public Works staff stated that sidewalks
147 should be provided along the Water Street frontage of the site. Planning staff noted that Town code may
148 conflict with state Shoreland regulations which prohibit multifamily uses in Shoreland zoning areas. They
149 also noted that, as currently configured, the proposed project may require a Submerged Land Lease from
150 the State of Maine. The applicant should confirm prior to preliminary site plan application submission.

151
152 **Planning staff recommendation:**

153 Staff find it reasonable to request relocation and expansion of the existing residential use and conversion
154 of the existing restaurant use to residential uses via construction of new residential building(s) which
155 comply with standards to the “greatest practical extent.” However, staff also believe that conversion of the
156 existing and permitted fishing business use to non-conforming residential uses is not supported by the
157 ordinance or by Town policies expressed in the Comprehensive Plan. Staff believe that conversion of
158 nonconforming uses and structures to residential uses should be limited in scope to the size(s) of existing
159 nonconforming uses and should be located to conform with underlying setbacks to “the greatest practical
160 extent” to achieve the intent of applicable provisions of Title 16. Existing conforming commercial fisheries
161 uses should also be preserved and included in a redevelopment plan for the site. Staff recommend the
162 Planning Board members to advise the applicant accordingly.

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166 **Recommended Motion:**

167 *Move to accept sketch plan with advisory (staff) recommendations or as discussed during this meeting.*

168
169 **Or continue review to future meeting.**



200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

17 July 2023

Dutch Dunkelberger, Chair
Kittery Planning Board
Town of Kittery
200 Rogers Road
Kittery, ME 03904

**Re: Sketch Plan Application; Site Plan – Conversion to Residential
Tax Map 1, Lots 45 & 46
9-13 Water Street
Kittery, ME**

Dear Dutch and Planning Board Members:

On behalf of Green & Company Real Estate, holders of a valid Purchase and Sales Agreement, we submit herewith the attached package for Site Plan Approval – Sketch Plan Submission at the site. In support thereof, we are submitting a Site Plan set with the associated exhibits and requirements. The proposal is to repurpose 9-11 Water Street, Tax Map 1 Lots 45 and 46, currently the Warren’s Restaurant site and a separate two-unit residential building. This is a historic use which has been going on for many years at the site, predating both the state and local shoreland ordinances. This site is a part of the gateway to the Kittery mainland and Downtown Kittery from Badgers Island. The plan is to remove the existing restaurant structure and the associated wharf that it sits on and construct a 20 slip Marina and construct 8 Dwelling Units in Condominium Ownership landward of the HAT line.

The restaurant structure currently sits on a wharf and is almost entirely below the HAT line. The structure is also partially below the mean low water mark. That portion of the existing structure below the mean low water mark is benefitted by a Submerged Land Lease with the State of Maine. This project will replace that portion of the site structure with a 20 slip Marina, which will be accessed by a dedicated driveway entrance in the same location as one of the existing site driveways. The driveway leads to a parking area that services the slips with 12 parking spaces, one per slip. The proposed storage shed allows the slip tenants to load and unload from their vehicles to the lease spaces via gangway and float. This use is a conforming use under the Kittery Ordinance, specifically allowed in the Commercial Fisheries / Maritime Uses Overlay Zone (OZ-CFMU).

The sites existing structure massing would be then moved landward, and to a location above the HAT line, made smaller, and re-purposed to 8 residential dwelling units. The proposal is for condominium ownership of the dwelling units. These units will be accessed by a dedicated driveway entrance in the same location as one of the existing site driveways. The drive would access the necessary parking for the residential dwellings both internal and external. Also, the driveway will access parking spaces for eight of the Marina slips, as well as Guest Parking for the dwelling units. The right to lease 8 of the Marina slips will be assigned to the individual dwelling unit owners, one per unit. The slips may be leased by the owners to the general public.

The property is in the Mixed-Use Kittery Foreside (MU – KF) base zone. The land area above the HAT line is 41,029 square feet. In this zone the land area per dwelling unit of 5000 square feet has been used to calculate the unit density, resulting in the 8-unit proposal. The property is also in a number of overlay zones related to the site's proximity to a resource protection area, as the property is on the back channel of the Piscataqua river. The overlay zones are Coastal Fisheries / Marine Activities Overlay Zone (OZ – CMFU) and the Shoreland Overlay Zone (OZ-SL). The OZ – CMFU zone prohibits all uses that are not functionally water dependent. Currently, we believe that only a small portion of the existing structure may have a functionally water dependent use. The site is currently nonconforming to the existing uses, the restaurant and the existing residential units. As such the reuse of the site is subject to the Planning Boards authority, to regulate this reuse and to approve expansions, or relocations of nonconforming uses. Sketch Plan application submitted herein seeks to open a dialogue with the Board about this important site.

Under the ordinance, residential structures are required to be landward of the HAT line, which in this case, for this site plan, has been accomplished. Additionally, the ordinance allows for revisions to structures, with allowances for structures to be relocated away from the resource line. The plans submitted herein show a development that we believe is the most sensitive to the environment of the site and protecting of the resource. The plan places the buildings at the edge of a re-built Wharf, which is landward of the 20 Marina slips. The Marina slips are situated at the required location to have sufficient water (draft) at low tide. The slip location allows space to create an expanded wharf between the floats and the proposed relocated structures. The wharf is large enough to allow for public access to the slips, as well as providing space for the public to walk along the river and sit on a bench and relax with a view of the river in addition to private space for the unit owners.

Placing the units at the location shown on the plan will allow the driveway servicing the units to be located away from the resource, on the opposite side of the structures. If the arrangement of the parking and the units were reversed, the parking and the pavement would be directly adjacent to the resource. The proposed layout will allow the development to provide advanced storm water treatment, and capture surface water runoff from the required driveway and parking areas in a manner that is more environmentally appropriate given the sites proximity to the resource. The plan shows the requisite parking for the dwelling units, and it is the minimum necessary for the intended use. Each unit will have two interior garage spaces, which comply with the ordinance requirements. In addition, there are seven guest parking spaces allowed for in the design layout.

The site is at the corner of Route 1 and Water Street. The Warrens sign and the garage below will be removed, and the plan shows the area will be rededicated to some landscaping with access from the street via the site sidewalk to the public wharf area and the leased slips. The landscaping will be designed so as not to disturb the sight distance at the intersection. The public is invited to walk along a proposed 8-foot walkway from the road, including the wharf walkway fronting on a portion of the slip area. This arrangement, including the residential use, we believe satisfies the provisions of the Coastal Fisheries / Maritime Activities Overlay District where site usage should be aligned with the existing predominant pattern of development. We believe that the proposed plan is consistent with the existing uses as the site is adjacent to waterfront residential development, with many docks and slips accessing the water.

The revision of this site development to include a Marina brings the site into more conformance with the ordinance, as this is clearly a functionally dependent waterfront use. The site coverage will be reduced in this proposal from 40,920 square feet to 38,497 square feet. This is an increase in open space from 18 % to 23 %. Additionally, the existing structure, which is non-conforming to the ordinance, will be pushed back from being over the resource, and significantly reduced in footprint from 19,141 square feet to 14,544 square feet. The site development does include decks, which are attached to, and cantilever out from, the dwelling units. These decks do protrude above and into the area (vertically) which is below the HAT line. Currently the property has a submerged land lease from the State of Maine to allow for the structure to be below the mean high-water line, we hope that such an arrangement can be formulated for the decks to be above the HAT line. We would propose that this arrangement would be more conforming than structures further out and over the low water line, which is the case currently.

The ordinance in the resource protection overlay districts requires that development within the limit of the shoreland zones must meet current ordinance criteria, with an exception for *currently developed areas*. We believe that the long-time use of the property as it currently exists is exactly the type of site that meets the definition of a *currently developed area*, and the goal in site redevelopment is to create more conformance with the code, which we believe this application does. We look forward to Planning Board input and review of this proposal.

The following plans are included in our submission:

- Cover Sheet – this plan shows the design team and Legend for the plan set.
- Standard boundary Survey – this plan shows the property boundary. Some coordination with ME DOT will be required to complete the survey, as portions of the site are located within the bounds of a ME DOT Right of Way plan.
- Existing Conditions Plan C1 – this plan shows the current improvements on the property as related to the site boundary.
- Site Concept Plan C2 – this plan shows the location of the proposed structures, sidewalks, wharfs and walkway, slip lease areas, and driveway and parking.

Please also find the attached in support of this proposal:

- Property Deed
- Vicinity (Photo) Map
- Tax Map
- FEMA Map
- Maine DEP Flood zone Height Determination
- Site Photographs
- Soil Report
- Comparison Exhibit
- Setback Exhibit

We look forward to your review of this submission and our in-person presentation at the Planning Board meeting. For the reasons stated, we respectfully request the Planning Board consider the application as presented. Thank you for your time and attention to this proposal.

Please contact me if you have any questions or concerns regarding this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Chagnon', with a long horizontal flourish extending to the right.

John R. Chagnon, PE
Ambit Engineering – Haley Ward
CC: Project Team

Letter of Authorization

I/We, Scott D Cunningham of W.L.H. Management Corp., as owner of certain real property situated in Kittery, Maine further described as 1.35+/- acres of land and buildings with approximately 600' of water frontage located at 11-13 Water Street and 9 Water Street as shown on Tax Map 1 Lot 45 and Tax Map 1 Lot 46 and further defined by the legal description found at the York Registry of Deeds 3325 Page 0262 dated 07/02/1984 do hereby authorize Green & Company Building and Development Corp. and its Affiliates, Agents, Assigns and Engineers to act on my/our behalf and to appear before the Town of Kittery planning board, public works, conservation commission, and any state regulatory body, such as the Maine Dept. of Environmental Protection, and the staff of the Kittery Planning and Development Department, in my/our behalf for the purpose of seeking any regulatory approval that may be requested by the person I/we have above authorized, including any special exceptions, dimensional waivers, site plan approval, lot line adjustment approval and subdivision approval that may be granted by the Planning Board, hereby ratifying any actions taken by him/her/them to obtain any such relief. I/We authorize Green & Company Building and Development Corp. and its Affiliates, Agents, Assigns and Engineers to act in my/our behalf in all matters concerning the development and approval process with the Kittery Planning Board or Planning and Development Department for the above stated property, to include any required signatures.

I/We shall cooperate fully with Green & Company Building and Development Corp. and its Affiliates, Agents, Assigns and Engineers in seeking timely public approvals and for the completion of the sale contemplated herein. I/We agree to use my/our good faith efforts to provide any assistance I/we reasonably can to Green & Company Building and Development Corp. and its Affiliates, Agents, Assigns and Engineers throughout the development process, including but not limited to signing permit applications as needed.

DocuSigned by:
Claudia Cunningham
1850331764
Claudia Cunningham

DocuSigned by:
Scott D. Cunningham
1850331764
Scott D. Cunningham

05/12/2023 | 9:01

Witness

W.L.H Management Corp

Date:

13:47

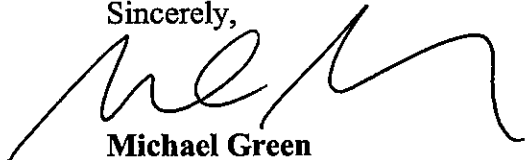
To Whom It May Concern

RE: Client Representation for a proposed Site Plan for Green & Company Real Estate at 9-13 Water Street, Kittery, Maine

This letter is to inform the Town of Kittery, State of Maine DEP, and other parties in accordance with approval procedures that Ambit Engineering – Haley Ward is authorized to represent the above-mentioned property as our agent in the approval process. This includes signatory powers on any and all applications and testimony at Public Hearings.

Please feel free to call me if there is any question regarding this authorization.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Green', written over a white background.

**Michael Green
Green & Company Real Estate**

Authorized Representative
PO Box 1297
North Hampton, NH 03862
603-964-7572

Know all Men by these Presents,**That** Warren's Lobster House, Inc.

a Corporation organized and existing under the laws of the State of Maine

and having a place of business at Kittery

in the County of ~~Cumberland~~ YORK and State of Maine

in consideration of One Dollar (\$1.00) and other valuable considerations

paid by W. L. H. Management Corp., a New Hampshire corporation

whose mailing address is c/o Scott D. Cunningham, Old Manchester Road,
Amherst, New Hampshire 03031the receipt whereof it does hereby acknowledge, does hereby **remit, release, bargain, sell and convey,**and forever **quitclaim** unto the said W. L. H. Management Corp., its successors**and assigns forever,**

Three certain lots or parcels of land, with any buildings and improvements thereon, situated in Kittery, York County, State of Maine, being the same premises conveyed to Water Street Realty, Inc. by deed of Marjorie F. Wurm, dated August 8, 1972, recorded in York County Registry of Deeds in Book 1958, Page 804, and bounded and described in said deed as follows:

"1. Beginning on Water Street at land of Henry W. Donnell and thence running by said Donnell's land and the northwesterly side of an ancient wharf to low water mark of the Piscataqua River; thence southeasterly by said river to land of the heirs of Fred Shaw in the easterly line of Pleasant Street; thence by said Shaw land to Water Street; thence North 67° 45' West by said Water Street one hundred fifty-two and one half (152- $\frac{1}{2}$) feet, more or less, to a hub which is eighty-six and one half (86- $\frac{1}{2}$) feet southeasterly by Water Street from the point of beginning; thence turning and running southwesterly fifty (50) feet to a hub; thence turning and running northwesterly parallel with said Water Street fifty (50) feet to a hub; thence turning and running northeasterly, parallel with and three (3) feet from the side of the house on my lot of land not herein conveyed, to said Water Street; thence North 67° 41' West thirty-six and one half (36- $\frac{1}{2}$) feet by said Street to the place of beginning."

"2. Beginning on Commercial Street at land of said Warren N. P. Wurm and Marjorie F. Wurm and running southwesterly fifty (50) feet; thence northwesterly fifty (50) feet; thence northeasterly fifty (50) feet to said Commercial Street; thence southeasterly by said Street fifty (50) feet to the place of beginning."

"3. A certain lot or parcel of land with the buildings thereon situated in said Kittery and lying on the southerly side of Water Street, bounded and described as follows: Beginning on said Water Street at the line of the driveway leading to the grantee's wharf and thence running northwesterly by said Street to the line of the State Highway called Hunter Avenue, thence southwesterly by said Hunter Avenue to low water mark of the Piscataqua River, thence southeasterly by said river to land of the grantees; thence northeasterly by grantees' land and said driveway to Water Street and place of beginning."

NO. R.E. TRANSFER TAX PAID

"The above tracts are conveyed with any buildings on said premises as presently existing. Said tracts are also conveyed subject to any rights that the public may have to travel over the extension of Commercial and Pleasant Streets and Hunter Avenue to the Piscataqua River. Said tracts are also conveyed subject to any right of the Town of Kittery, Maine, the State of Maine, all public utilities, private sewers and any other easements or restrictions of record or by usage."

Including also all right, title and interest in and to any contiguous filled lands, with respect to which reference is hereby made to Title 12 M.R.S.A. §559.

Together with the benefit of a constructive easement, with respect to any existing structure upon or over State-owned submerged lands, to use said lands for 30 years pursuant to Title 12 M.R.S.A. §558.

Being the same premises conveyed to Warren's Lobster House, Inc. by Water Street Realty, Inc. by Quitclaim Deed of even date herewith to be recorded in the York County Registry of Deeds.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said W. L. H. Management Corp., its successors

and assigns forever.

In Witness Whereof, the said Warren's Lobster House, Inc.

has caused this instrument to be sealed with its corporate seal and signed in its corporate name by

Scott D. Cunningham, its President thereunto duly authorized, this 2nd day of the month of July, A.D. 1984.

Signed, Sealed and Delivered in presence of

WARREN'S LOBSTER HOUSE, INC. (Corporate Name)

James C. Palmer

By Scott D. Cunningham, Its President

New Hampshire State of Maine, County of Rockingham

ss. July 2, 1984.

Then personally appeared the above named Scott D. Cunningham, President of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Corporation.

Before me,

Karen A. O'Connor, Notary Public, My Commission Expires December 18, 1987

RECEIVED YORK, SS. 1984 JUL -3 AM 10:34 RECORDED REGISTRY OF DEEDS

STATE OF MAINE
SUBMERGED LANDS LEASE

No. 0754-L-34

This SUBMERGED LANDS LEASE (hereinafter Lease) conveys certain limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands.

This Lease is entered into by the Bureau of Parks and Lands (hereinafter Lessor), an agency of the State of Maine Department of Conservation, by its Director acting pursuant to the provisions of Title 12 M.R.S.A. Sections 1801 & 1862, and **WLH Management Corporation, dba Warren's Lobster House** (hereinafter Lessee), **attn: Scott D. Cunningham, 23 Mendums Landing, Barrington, NH 03825**. Lessor hereby leases to Lessee, on the terms and conditions hereinafter set forth, the following described submerged land (hereinafter leased premises) situated in York County, Maine, to wit:

A certain parcel of public submerged land located in the Piscataqua River, **Kittery, Maine**, totaling 13,311 +/- square feet, abutting adjacent upland now owned by WLH Management Corporation as further described in Attachments A, B and C which are hereby incorporated into this Lease.

1. **TERM.** This lease shall commence on October 1, 2005 and continue to December 31, 2034.
2. **USE.** Lessee is hereby authorized to use leased premises for the purposes of an existing restaurant, lobster pound, deck, pier, ramp and floats for commercial use as described in Bureau of Parks and Lands Submerged Lands Lease Application Number SL 919-CE and for no other purposes.
3. **OTHER USES.** Lessor reserves the rights of the general public to transitory fishing, fowling, recreation, navigation, and other traditional uses of leased premises, and the right of Lessor to make such other uses of leased premises, including by way of example and without limitation, the right to permit pipes to be laid thereunder or telephone wires to be maintained thereover, as shall not unreasonably interfere with Lessee's use and enjoyment of leased premises for the purposes stated in Paragraph 2 above.
4. **REGULATORY PERMITS.** Lessee shall be responsible for obtaining any and all permits required by any agency of the United States, the State of Maine, or any political subdivision thereof, having jurisdiction over the activities on the submerged lands contemplated by this Lease. Lessee's compliance with such permits and conditions thereof shall be a requirement of this Lease for all purposes including, without limitation, for purposes of defining the extent and purpose of any alteration or use of in, on, under, or over leased premises. Unless all required permits authorizing the uses contemplated hereby are issued prior to the expiration of the calendar year next following the creation of this leasehold, this Lease shall be void. In the event that any agency of the United States, the State of Maine, or any political subdivision thereof, denies or disapproves any portion of any application by Lessee for the use of leased premises or any portion thereof, this Lease shall be void as to the denied or disapproved use as of the date of such denial or disapproval. Rental payments made by Lessee for such denied or disapproved use may, upon proper request, be refunded or equitably adjusted, subject to a service charge. Failure by Lessee to abide by, or conform to, the terms and conditions of any such permit shall be an event of default hereunder.
5. **ASSIGNMENT OR SUBLEASING.** All rights leased herein by Lessor may be assigned or sublet by Lessee with the prior written consent of Lessor. Such assignment shall not be unreasonably withheld under then applicable laws, regulations, and public trust principles. Notwithstanding any such assignment or sublease,

Lessee shall be and remain liable for compliance with the terms and conditions of this lease unless released by Lessor in writing.

6. RENTAL. Annual rental shall be payable hereunder throughout the term hereof as follows, except that rental shall be no less than the minimum, or more than the maximum amount established by law:

\$4568.34 per year.

Rental is payable on or before the first day of February each year throughout the term hereof, except as may be adjusted from time to time in accordance with Paragraph 7 below. Payment is to be made to the Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333. Checks are to be made payable to the Treasurer, State of Maine.

7. RENTAL ADJUSTMENT. Lessor may adjust the rental from time to time as necessary to conform with its regulations and laws as they may be amended, but Lessor may not adjust rental for five years from the commencement date of this Lease. Subsequent adjustments may not be made more frequently than once every five years. Lessor shall give Lessee at least 120 days notice of such adjustment. In the event Lessee is unwilling to accept such adjustment, Lessee may terminate the Lease and vacate the premises within 120 days of Lessor's notice of adjustment.

8. TAXES. Lessee shall pay when due all taxes, charges, assessments and other impositions levied by any governmental entity upon the structures and improvements on leased premises or any operations or activities thereon.

9. INDEMNITY. Lessee shall defend, or cause to be defended, and indemnify and hold Lessor, its employees and agents, harmless from and against any and all manner of claims, suits, expenses, damages or causes of action arising out of, in whole or in part, the use or occupancy of leased premises by Lessee, its agents, contractors, employees, guests, invitees, permittees and sublessees.

10. MAINTENANCE. Lessee, at Lessee's expense, shall keep leased premises free of garbage, refuse, and other discarded material and shall maintain all improvements upon leased premises in good condition and repair.

11. GENERAL RESTRICTIONS. No nuisance shall be permitted on leased premises. No minerals, including, without limitation, sand and gravel, shall be removed from leased premises, and no rock, earth, ballast or other material shall be deposited upon leased premises, without the prior written consent of Lessor.

12. CASUALTY REPLACEMENT. In the event that the improvements and structures placed on leased premises are substantially destroyed by fire or other casualty, and Lessee does not, within two years following such casualty, rebuild or replace the affected improvements and structures, Lessor may cancel this Lease upon thirty (30) days notice to Lessee. Such rebuilding or replacement shall not be undertaken by Lessee without the prior written approval of Lessor.

13. DEFAULT. The following shall be deemed to be events of default hereunder:

A. Failure of Lessee to pay when due any rent payable hereunder;

B. Failure of Lessee to comply with any other provision of this Lease. When Lessee's failure is caused by circumstances beyond Lessee's control, Lessee shall bring about compliance within thirty (30) days of written notice of such failure, or, if such failure of compliance beyond Lessee's control cannot be cured within thirty (30) days, Lessee shall promptly and diligently undertake to cure such failure of compliance and cause the same to be cured as soon as the nature of the failure of compliance permits;

- C. A transfer by Lessee in fraud of creditors, or petition initiated by Lessee or adjudgement of Lessee as bankrupt or insolvent in any proceedings;
- D. Appointment of a receiver or trustee for all, or substantially all, assets of Lessee; or
- E. Abandonment by Lessee of any portion of leased premises.

Upon becoming aware of the occurrence of any such event of default, Lessor shall notify Lessee in writing. Notwithstanding section 13. B. above, if the default event has not been cured within 30 days of such notice, Lessor may, in addition to, and not instead of, any other remedies available at law or in equity, terminate this Lease without additional notice or demand to Lessee and enter onto and take possession of the leased premises. Lessee shall be liable to Lessor for all rent due hereunder and any loss and expenses incurred by Lessor by reason of such default or termination.

14. ENTRY. Lessor, its agents and representatives shall have access to leased premises and all improvements and structures thereon at all times for the purpose of inspecting and securing compliance with the terms and conditions of this Lease, and for all other lawful purposes.

15. NOTICE. Any notice required or permitted under this Lease shall be deemed to have been given when actually delivered, or when deposited in the United States mail, first class postage prepaid, addressed as follows: *To Lessor:* Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333, ATTN: Submerged Lands Program. *To Lessee:* at the address given below by Lessee, or at such other address as Lessee may have theretofore specified by written notice actually received and placed of record with Lessor.

16. ALTERATION. Lessee shall make no alteration to leased premises, and shall place no improvements or structures in, on, or over leased premises except as specifically described in Paragraph 2 of this Lease, without Lessor's prior written consent.

17. IMPROVEMENTS. Upon the expiration, cancellation, or termination of this Lease, regardless of the reason therefore, Lessee shall have ninety (90) days to remove his property. Lessor, at its discretion, shall become owner of all improvements and structures upon leased premises not so removed. Lessor may, at its option, require Lessee to remove all such improvements and structures at Lessee's expense, and to restore leased premises to the condition in which they existed prior to the placement of any improvements or structures thereon.

18. OTHER APPLICABLE LAWS AND RULES. This Lease is subject to cancellation by an Act of the Legislature. This lease is issued in accordance with the Rules of the Bureau of Parks and Lands in effect on the effective date of this lease.

19. ABANDONMENT. Structures as described under section 2 of this Lease shall be placed on the leased premises within two (2) years of the issuance of this Lease. Once installed, such structures shall be used and maintained for their intended purpose. Failure of the Lessee to install the structures within this time frame or to use and maintain the leased premises shall be deemed an abandonment. Upon determining that the leased premises or a portion thereof have been abandoned, the Lessor at its option may terminate this lease as to the entire leased premises, or as to such portion as has not been so used or maintained, in accordance with the default provisions of Section 13.

20. MISCELLANEOUS. This Lease shall be binding upon, and shall inure to the benefit of, Lessor and Lessee and their respective successors, assigns and legal representatives. Failure of either party to complain of any act or omission on the part of the other, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder. A waiver by either party at any time, express or implied, of any breach of any provision of this Lease shall not be deemed a waiver of, or consent to, any subsequent breach of the same or any other provision. Lessee may not file this Lease of record, or cause or permit the same, without Lessor's prior written consent. Lessor makes no warranty of Lessee's leasehold estate, and in the event of any

lawful ejectment of Lessee, Lessor shall refund to Lessee any rentals paid to Lessor for any period of Lease term then remaining. Lessee shall comply with all applicable laws, regulations and ordinances of governmental entities having jurisdiction over leased premises. This Lease contains the entire agreement of the parties and may not be modified except by a writing subscribed by both parties.

21. **GENERAL RIGHT TO TERMINATE.** Lessee shall have the right to terminate this Lease by notifying Lessor at least thirty (30) days prior to termination date. In terminating, Lessee agrees to vacate leased premises and remove all structures and personal property of Lessee located thereon, unless other arrangements have been made, with prior approval of Lessor, to transfer ownership or otherwise dispose of same. Rental payments made by Lessee for such terminated use may, upon proper request, be equitably adjusted, subject to a service charge.

22. **EXTINGUISHMENT OF CONSTRUCTIVE EASEMENT.** Lessee hereby relinquishes any and all rights to leased premises, or any portion thereof that may have been formerly held by constructive easement under Title 12 M.R.S.A. Sections 1801 & 1862, or otherwise.

Accepted and agreed to on

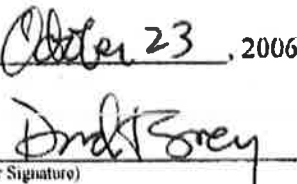
Oct 23, 2006

(Lessee Signature)

Scott J. Wainright
(Print Name)
President
(Title)

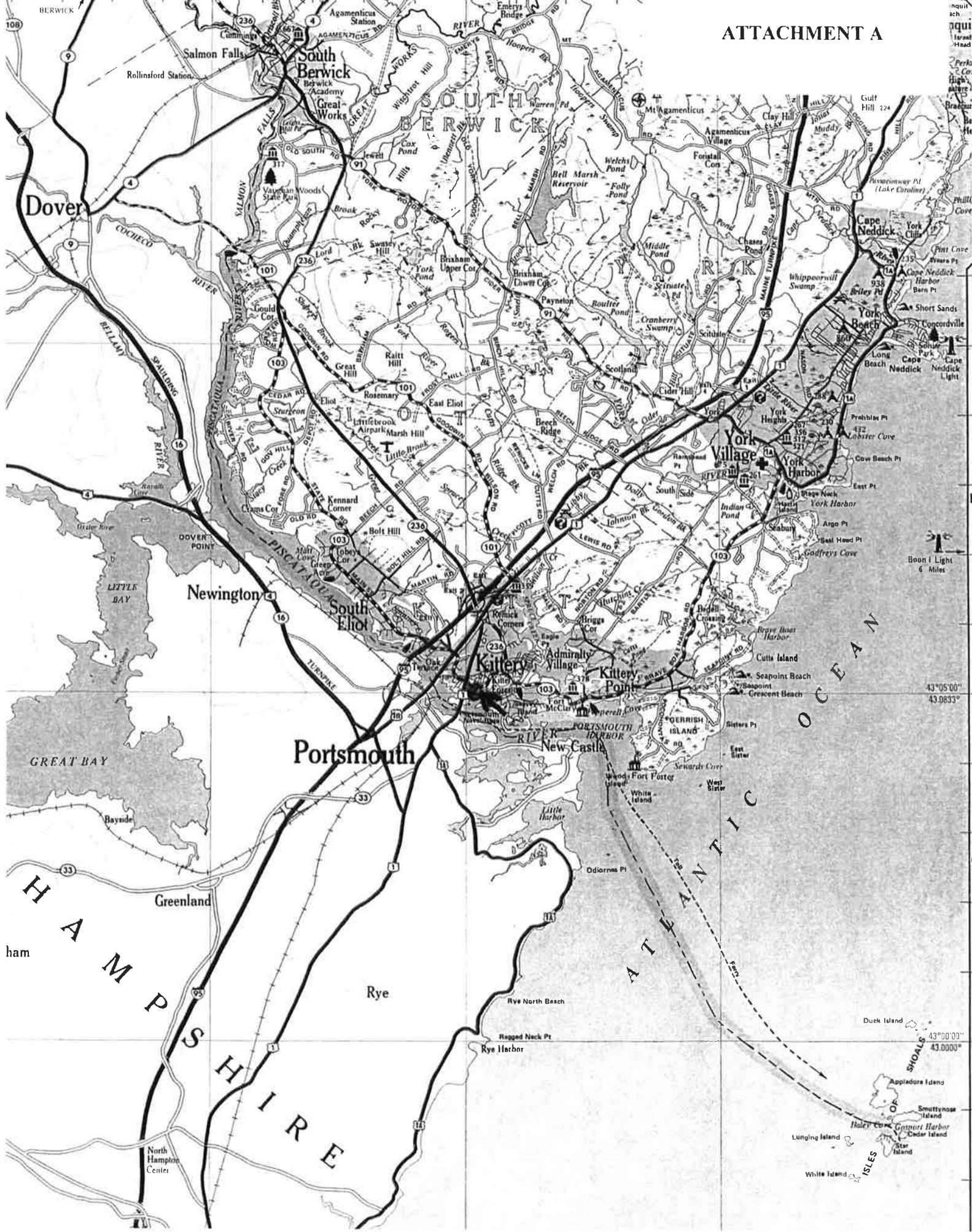
11 WATER ST.
(Address of Record)

KITTERY, ME 03904
MAILING ADDRESS:
23 MENDONS Landing
BARRINGTON, N. H 03821

October 23, 2006

(Lessor Signature)

David J. Soucy
Director, Bureau of Parks and Lands
Department of Conservation
State of Maine

ATTACHMENT A



43°05'00" 43.0833"

43°00'00" 43.0000"

Duck Island
Apollonia Island
Smuttnose Island
Haley Cove
Cannon Harbor
Cedar Island
Star Island
White Island
ISLES
SPOOLS

PROPERTY MAP
KITTERY
 MAINE



LEGEND

▲	PLATTING MAP NO. R11	LOT BOUNDS
■	PARCEL NUMBER 74	PROPERTY NUMBER
○	SUBDIVISION LOT NO. 74	REAR OF W.A.V. EASEMENT
—	STREET ADDRESS NO.	



REVISED TO APRIL 1, 2001
 FOR A REASSESSMENT NUMBERS ONLY
 NOT FOR PROPERTY CLERK'S OFFICES

John E. O'Donnell & Associates
 632 Bald Hill Road
 New Gloucester, Maine 04260
 (207) 926-4044
 jod@gwi.net
 www.jodonnell.com



SUBJECT PROPERTY SKETCH OF BUILDINGS

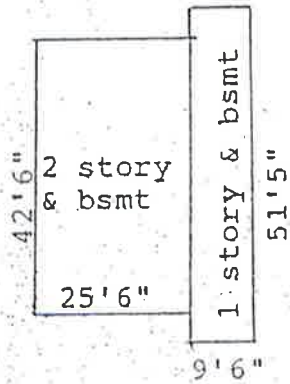
with new lobster floor
11 WATER ST, Kittery, ME.

ATTACHMENT C

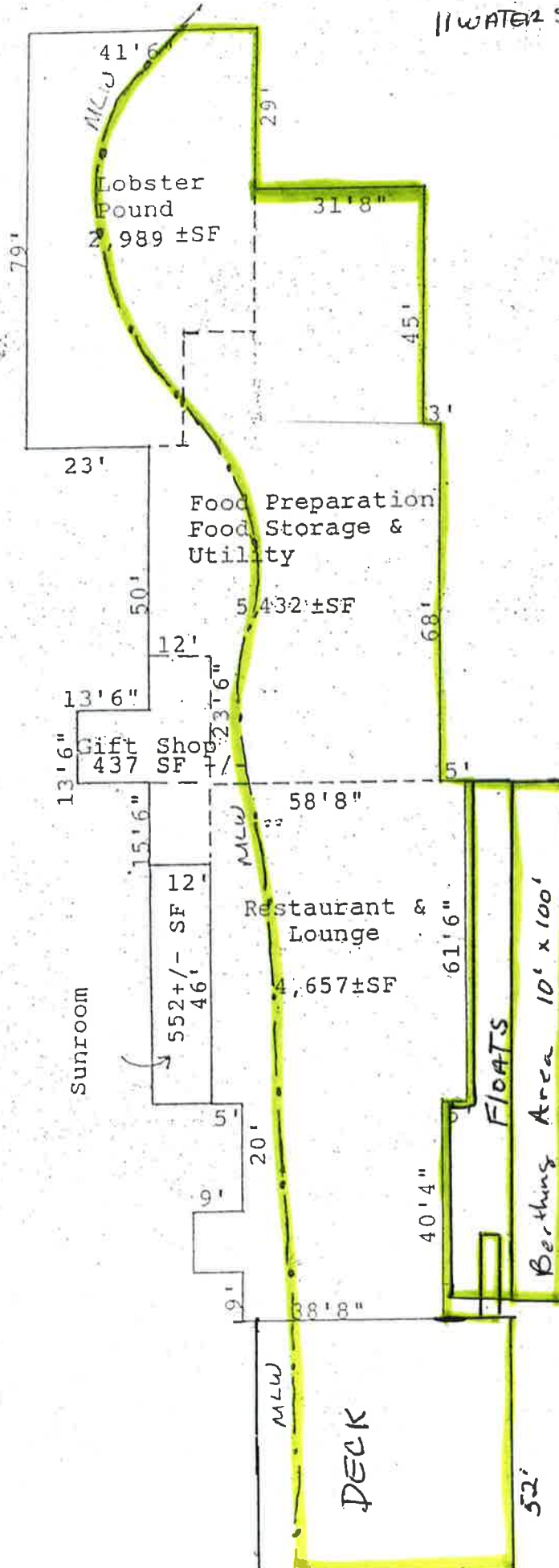
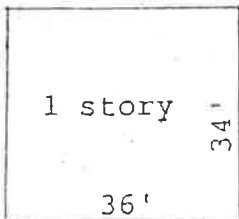
Scale: 1"=30'



House



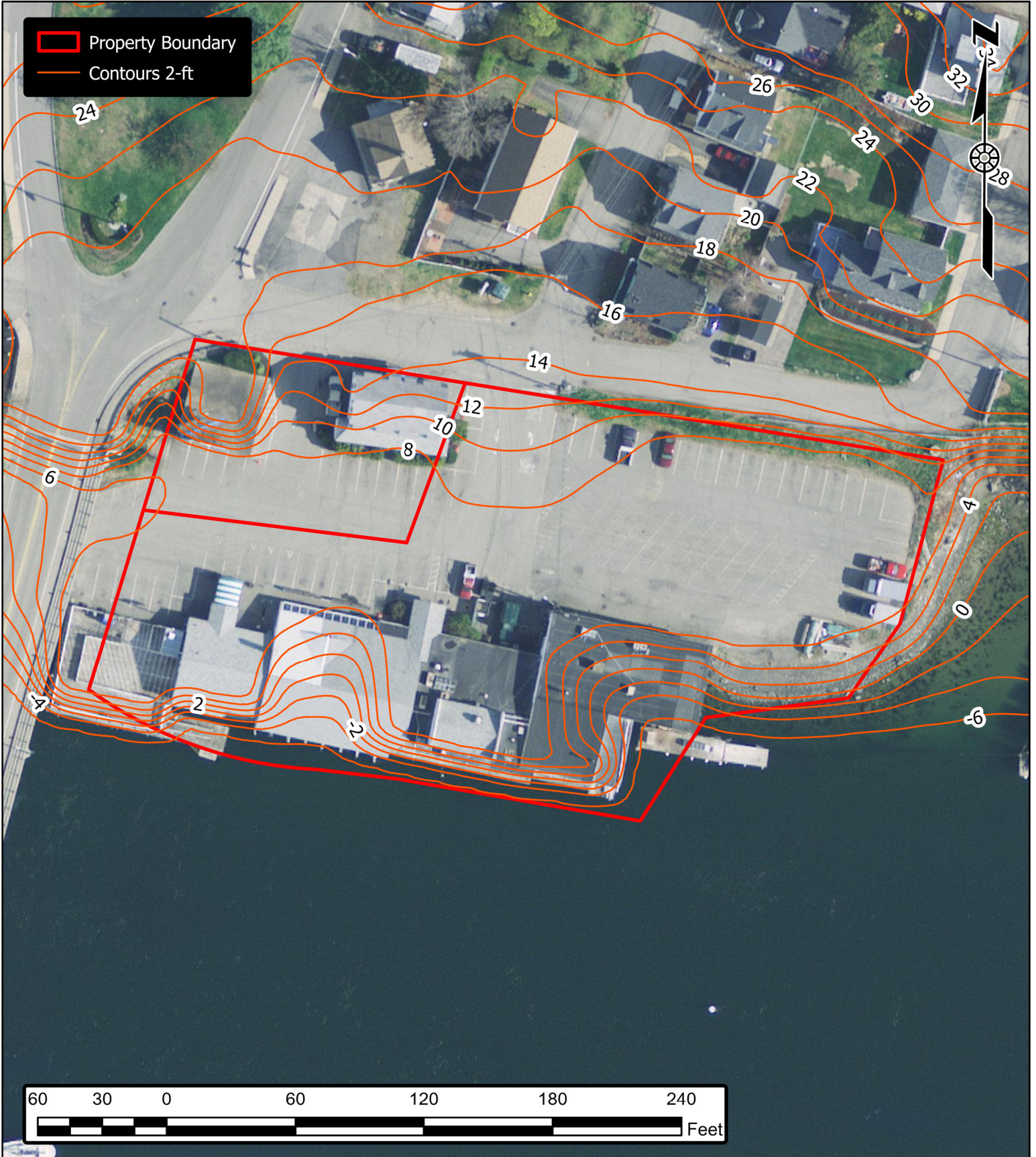
Garage



Piscataqua River

WLH MANAGEMENT
11 WATER STREET
KITTERY, ME

JOB NUMBER: 3569
SCALE: 1" = 60'
SUBMITTED: 04-27-2023



WLH MANAGEMENT
11 WATER STREET
KITTERY, ME

JOB NUMBER: 3569
SCALE: 1" = 100'
SUBMITTED: 03-24-2023



WLH MANAGEMENT
11 WATER STREET
KITTERY, ME

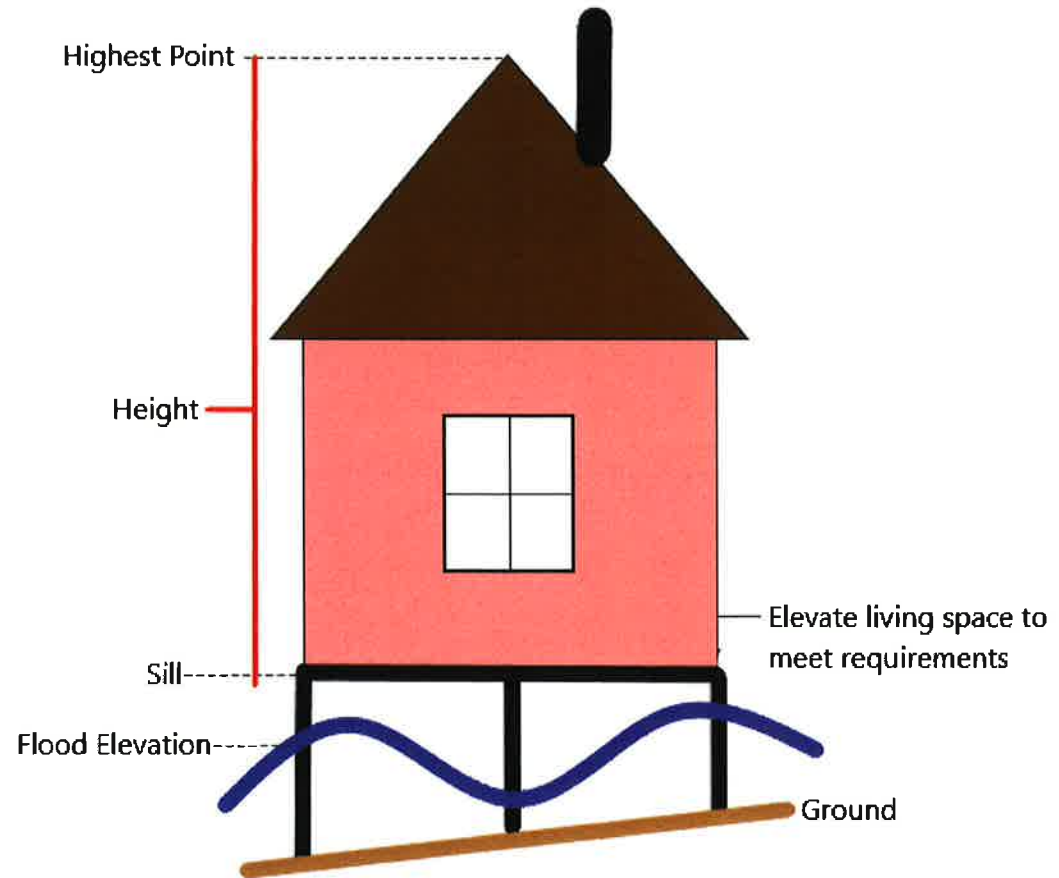
JOB NUMBER: 3569
SCALE: 1" = 60'
SUBMITTED: 03-24-2023



Height of a Structure

Floodplain Exception

Defined:
The vertical distance between the bottom of the sill of the structure to the highest point of the structure.



Height of a Structure Floodplain Exception

Floodplain exception height definition applies when:

- 1) Structures have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the local floodplain management elevation requirement; and
- 2) are located in an area of special flood hazard.

As long as:

- 1) Legally existing nonconforming principal or accessory structure is raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to 3 feet above base flood elevation, whichever is greater; and
- 2) the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent.



Kittery, ME Site Plan Application

Tax Map 1, Lots 45-46, 9-13 Water Street Site Pictures
Site Photographs



Site Photograph #1

July 2023



Site Photo #2

July 2023



Site Photo #3

July 2023



Site Photo #4

July 2023



Site Photo #5

July 2023



Site Photo #6

July 2023



Site Photo #7

July 2023



Site Photo #8

July 2023



Site Photo #9

July 2023



Site Photo #10

July 2023



Site Photo #11

July 2023



Site Photo #12

July 2023



Site Photo #13

July 2023



Site Photo #14

July 2023



Site Photo #15

July 2023



Site Photo #16

July 2023



Site Photo #17

Marina Cart

July 2023

Custom Soil Resource Report for York County, Maine

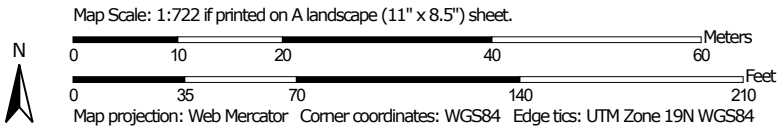


Custom Soil Resource Report

Soil Map (9-13 Water Street Kittery ME)




Soil Map may not be valid at this scale.




MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine
 Survey Area Data: Version 21, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend (9-13 Water Street Kittery ME)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ur	Urban land	1.2	77.2%
W	Water bodies	0.3	22.8%
Totals for Area of Interest		1.5	100.0%

Map Unit Descriptions (9-13 Water Street Kittery ME)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The

Custom Soil Resource Report

delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

York County, Maine

Ur—Urban land

Map Unit Composition

Urban land: 90 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Urban Land

Setting

Landform position (two-dimensional): Footslope, toeslope

Landform position (three-dimensional): Base slope, tread

Down-slope shape: Linear

Across-slope shape: Linear

Typical profile

H1 - 0 to 6 inches: variable

Properties and qualities

Slope: 0 to 8 percent

Drainage class: Moderately well drained

Depth to water table: About 24 to 72 inches

Available water supply, 0 to 60 inches: Very low (about 0.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8s

Hydric soil rating: No

W—Water bodies

Map Unit Composition

Water: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Water

Setting

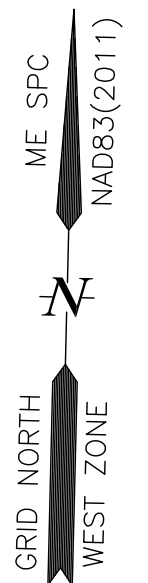
Landform: Hills

<p style="text-align: center;">IMPERVIOUS SURFACE AREAS (TO MLW—MEAN LOW WATER)</p>		
STRUCTURE	PRE—CONSTRUCTION IMPERVIOUS (S.F.)	POST—CONSTRUCTION IMPERVIOUS (S.F.)
STRUCTURES	7,100	11,200
DECK (NOT OVER WHARF)	997	1,059
PAVEMENT	33,588	17,918
WHARF/FLOATS/GANGWAY	0	5,934
CONCRETE/SIDEWALK	0	610
STEPS	0	40
RETAINING WALL	0	564
PAVER WALKWAYS	0	885
CART STORAGE	0	287
TOTAL	41685	38497
LOT SIZE	49,863	49,863
% LOT COVERAGE	83.6%	77.2%

NOTE: EXISTING STRUCTURES BELOW MLW: 11,259 S.F.

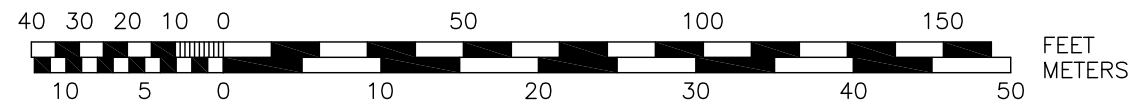
COLOR KEY

EXISTING STRUCTURES	
EXISTING DECKS, FLOATS, & GANGWAYS	
EXISTING PAVEMENT	



**BACK CHANNEL
(PISCATAQUA
RIVER)**

GRAPHIC SCALE



**SITE IMPROVEMENTS
9-13 WATER STREET
KITTERY, ME
COMPARISON EXHIBIT**

SCALE: 1"=40'

JULY 2023



WWW.HALEYWARD.COM

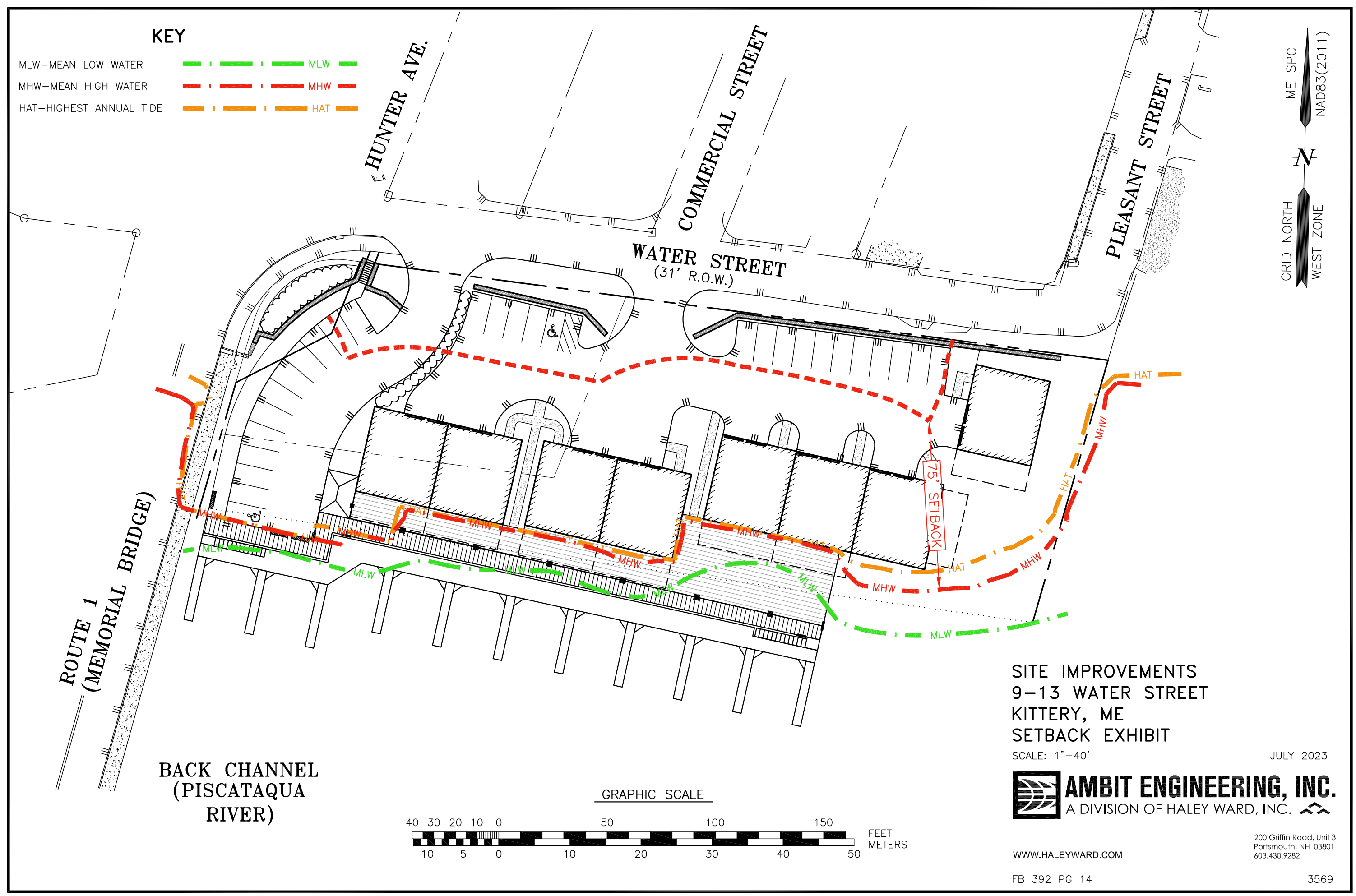
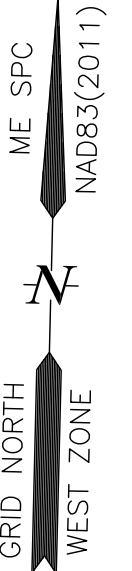
200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

P:\NH\5010312-Green_& Company\3569 02-11 Water St., Kittery-JRC\2023 Site Plan\Plans & Specs\Site\3569 Existing Conditions_2023.dwg, 7/17/2023 3:45:32 PM

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KEY

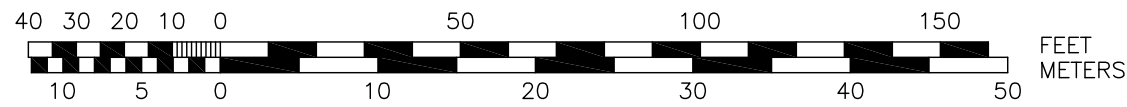
- MLW—MEAN LOW WATER - - - - - MLW
- MHW—MEAN HIGH WATER - - - - - MHW
- HAT—HIGHEST ANNUAL TIDE - - - - - HAT



ROUTE 1
(MEMORIAL BRIDGE)

BACK CHANNEL
(PISCATAQUA
RIVER)

GRAPHIC SCALE



**SITE IMPROVEMENTS
9-13 WATER STREET
KITTERY, ME
SETBACK EXHIBIT**

SCALE: 1"=40'

JULY 2023



WWW.HALEYWARD.COM

200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

MIXED USE DEVELOPMENT

9-13 WATER STREET KITTERY, MAINE

REVISED SITE PLAN SKETCH PLAN SUBMISSION

OWNER:
WLH MANAGEMENT CORPORATION
 11 WATER STREET
 KITTERY, ME 03904

APPLICANT:
GREEN & COMPANY REAL ESTATE
 P.O. BOX 1297
 NORTH HAMPTON, N.H. 03862
 TEL: (603) 964-7572

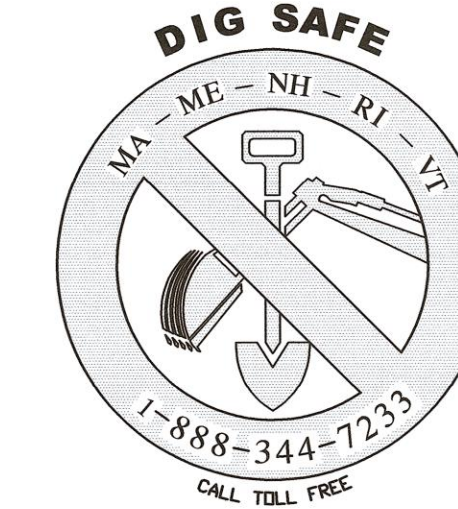
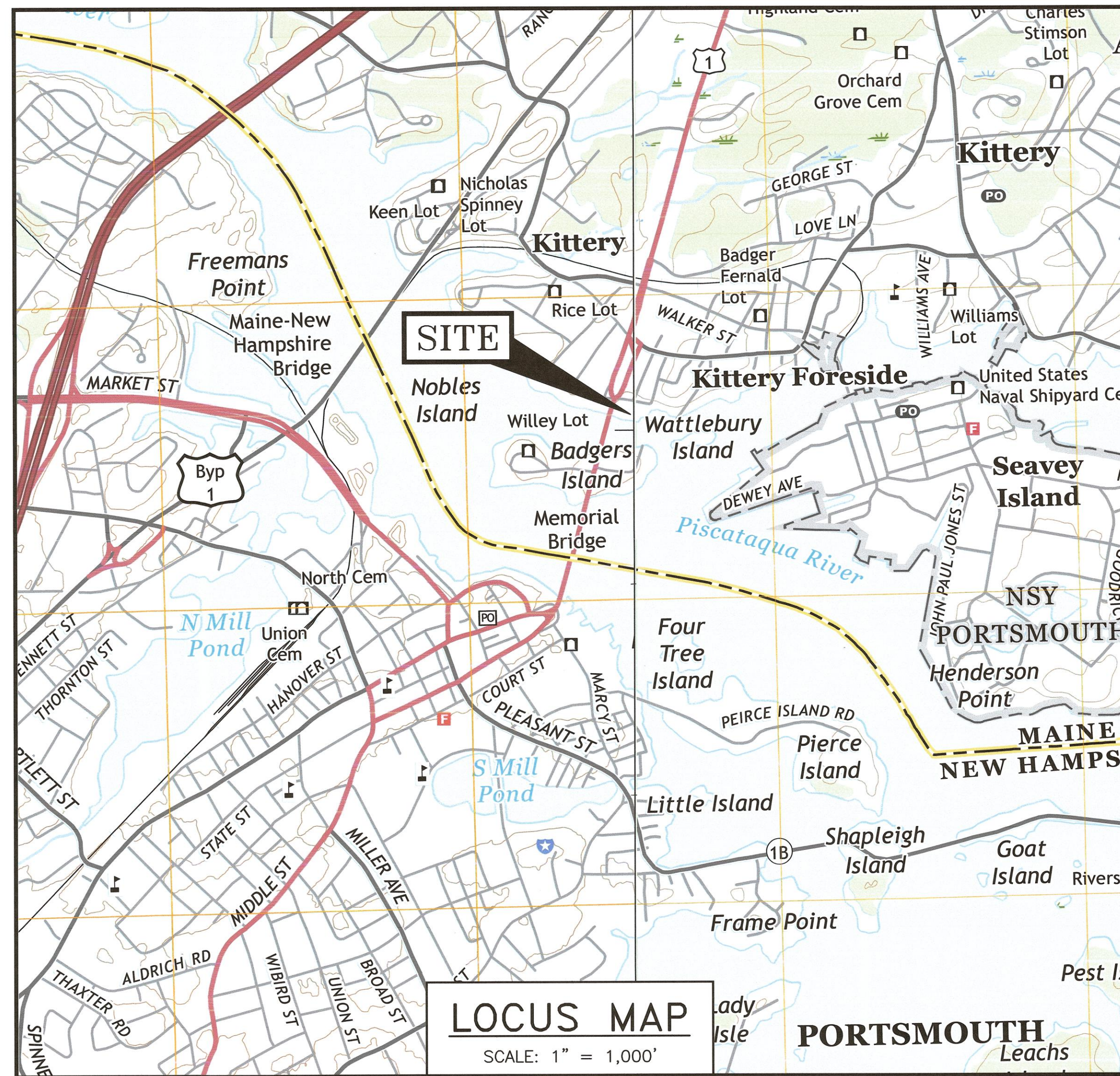
CIVIL ENGINEER & LAND SURVEYOR:
AMBIT ENGINEERING,
A DIVISION OF HALEY WARD INC.
 200 GRIFFIN ROAD, UNIT 3
 PORTSMOUTH, N.H. 03801-7114
 TEL: (603) 430-9282
 FAX: (603) 436-2315

LAND USE ATTORNEY:
BOSEN & ASSOCIATES
 266 MIDDLE STREET
 PORTSMOUTH, N.H. 03801
 TEL: (603) 427-5500

INDEX OF SHEETS

- STANDARD BOUNDARY SURVEY
- C1 - EXISTING CONDITIONS PLAN
- C2 - SITE CONCEPT PLAN

OWNER: _____
 SIGNATURE _____ DATE _____
 APPROVED BY THE KITTERY PLANNING BOARD
 CHAIRMAN _____ DATE _____



LEGEND:

N/F	NOW OR FORMERLY	
RP	RECORD OF PROBATE	
YCRD	YORK COUNTY REGISTRY OF DEEDS	
(11/21)	MAP 11/LOT 21	
RR SPK FND	RAILROAD SPIKE FOUND / SET	
IR FND	IRON ROD FOUND / SET	
IP FND	IRON PIPE FOUND / SET	
DH FND	DRILL HOLE FOUND	
BND w/DH	BOUND WITH DRILL HOLE	
ST BND w/DH	STONE BOUND WITH DRILL HOLE	
RR SPK SET	RAILROAD SPIKE FOUND / SET	
IR SET	IRON ROD FOUND / SET	
IP SET	IRON PIPE FOUND / SET	
DH SET	DRILL HOLE FOUND	
BND w/DH	BOUND WITH DRILL HOLE	
ST BND w/DH	STONE BOUND WITH DRILL HOLE	
EXISTING	PROPOSED	
FM	FM	FORCE MAIN
S	S	SEWER LINE
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
		UNDERGROUND ELECTRIC
		OVERHEAD ELECTRIC/WIRES
		EDGE/κ OF WATER BODY
		EDGE OF WETLAND
		EDGE OF RESOURCE PROTECTION AREA
		AREA OF WETLAND DISTURBANCE
		κ OF DITCH/SWALE
100	100	CONTOUR
97x3	98x0	SPOT ELEVATION
		EDGE OF PAVEMENT (EP)
		WOODS / TREE LINE
		SECURITY FENCE
		WETLANDS
		SOIL SERIES
BuB		UTILITY POLE
		WATER SHUT OFF/CURB STOP
		GAS SHUT OFF
		GATE VALVE
HYD	HYD	HYDRANT
CB	CB	CATCH BASIN
	TMH	TELEPHONE MANHOLE
	SMH	SEWER MANHOLE
	DMH	DRAIN MANHOLE
	W	WELL
AC	AC	ASBESTOS CEMENT PIPE
CI	CI	CENTERLINE
CMP	CMP	CAST IRON PIPE
COP	COP	CORRUGATED METAL PIPE
CPP	CPP	COPPER PIPE
DI	DI	CORRUGATED PLASTIC PIPE
EL	EL	DUCTILE IRON PIPE
EP	EP	ELEVATION
FF	FF	EDGE OF PAVEMENT
INV	INV	FINISHED FLOOR
PVC	PVC	INVERT
RCP	RCP	POLYVINYL CHLORIDE PIPE
TBD	TBD	REINFORCED CONCRETE PIPE
TBM	TBM	TO BE DETERMINED
TYP	TYP	TEMPORARY BENCH MARK
VC	VC	TYPICAL
	VC	VITRIFIED CLAY PIPE
	(9)	PARKING SPACE COUNT

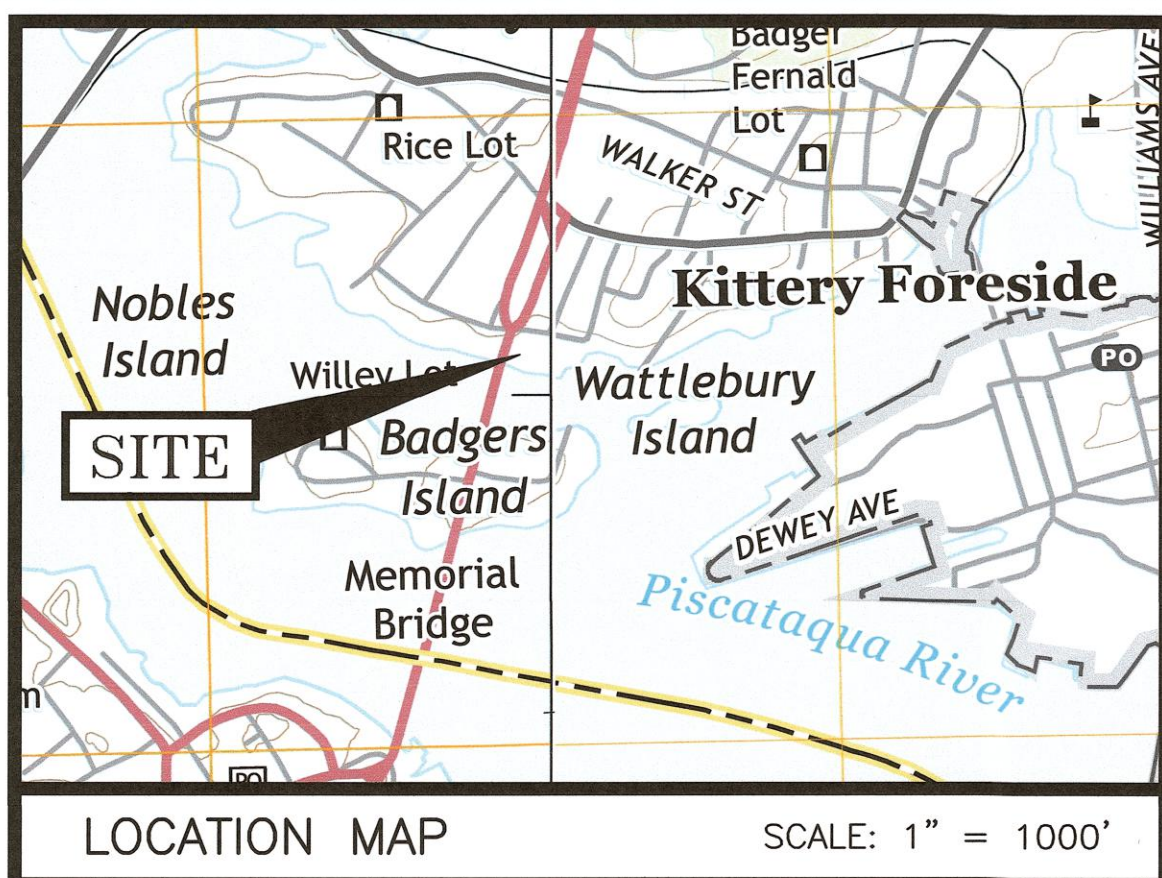
REVISED SITE PLAN
 TAX MAP 1, LOTS 45 & 46
 SKETCH PLAN SUBMISSION
 9-13 WATER STREET
 KITTERY, MAINE



200 Griffin Road, Unit 3
 Portsmouth, NH 03801
 603.430.9282

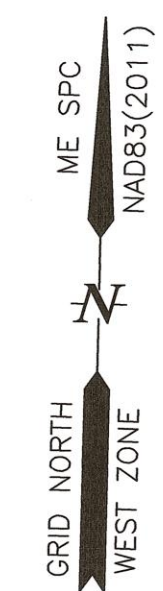
WWW.HALEYWARD.COM

PLAN SET SUBMITTAL DATE: 10 JULY 2023



PLAN REFERENCES:

- 1) PLAN OF LAND KITTERY, MAINE FOR WARREN N.P. WURM PREPARED BY JOHN W. DURGIN DATED SEPTEMBER 1950. DURGIN FILE 2224, PLAN # 6337. NOT RECORDED.
- 2) RIGHT OF WAY SURVEY OF WATER STREET FOR THE TOWN OF KITTERY, KITTERY, MAINE 03904, SCALE: 1" = 40', DATED 1/23/96, PREPARED BY EASTERLY SURVEYING, NOT RECORDED.
- 3) STANDARD BOUNDARY SURVEY AND PROPOSED DIVISION OF LAND FOR PROPERTY AT 12 COMMERCIAL STREET KITTERY, YORK COUNTY, MAINE, OWNED BY JAMES B. & SHIRLEY M. CLEGG, SCALE: 1" = 20', DATED 8/26/02, PREPARED BY EASTERLY SURVEYING, YCRD PLAN BOOK 279 PAGE 12
- 4) PLAN OF HOUSE LOTS IN KITTERY OWNED BY M.V.B. STIMSON 1863, PREPARED BY T. DAME, YCRD PLAN BOOK 1 PAGE 57.
- 5) STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, STATE HIGHWAY "1" KITTERY, YORK COUNTY, FEDERAL AID PROJECT NO. F-01-1(63) & BH-01-1(62), SCALE: 1 INCH = 25 FEET, DATED: FEBRUARY 1985, D.O.T. FILE NO. 16-291
- 6) STATE OF MAINE PLAN SHOWING LOCATION OF HIGHWAY FROM SOUTHERLY SHORE OF BADGERS ISLAND TO SOUTHERLY LINE OF WATER ST., TOWN OF KITTERY, YORK CO., MAINE, SCALE: 1" = 50', DATED: JULY 1922, YCRD PLAN BOOK 9 PAGE 4.



AMBIT ENGINEERING, INC.
A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

WWW.HALEYWARD.COM

- NOTES:**
- 1) PARCELS ARE SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 1 AS LOTS 45 & 46.
 - 2) OWNER OF RECORD:
WLH MANAGEMENT CORPORATION
C/O OWNER SCOTT D. CUNNINGHAM
11 WATER STREET, ME 03904
3325/0262
 - 3) PARCEL IS ALMOST COMPLETELY IN A SPECIAL FLOOD HAZARD ZONE (ZONE AE) AS SHOWN ON PRELIMINARY FIRM PANEL 23031C0709G. REVISION DATE 14 APRIL, 2017.
 - 4) EXISTING LOT AREA:
48,757± S.F. (TO MLW)
1,1193± ACRES (TO MLW)

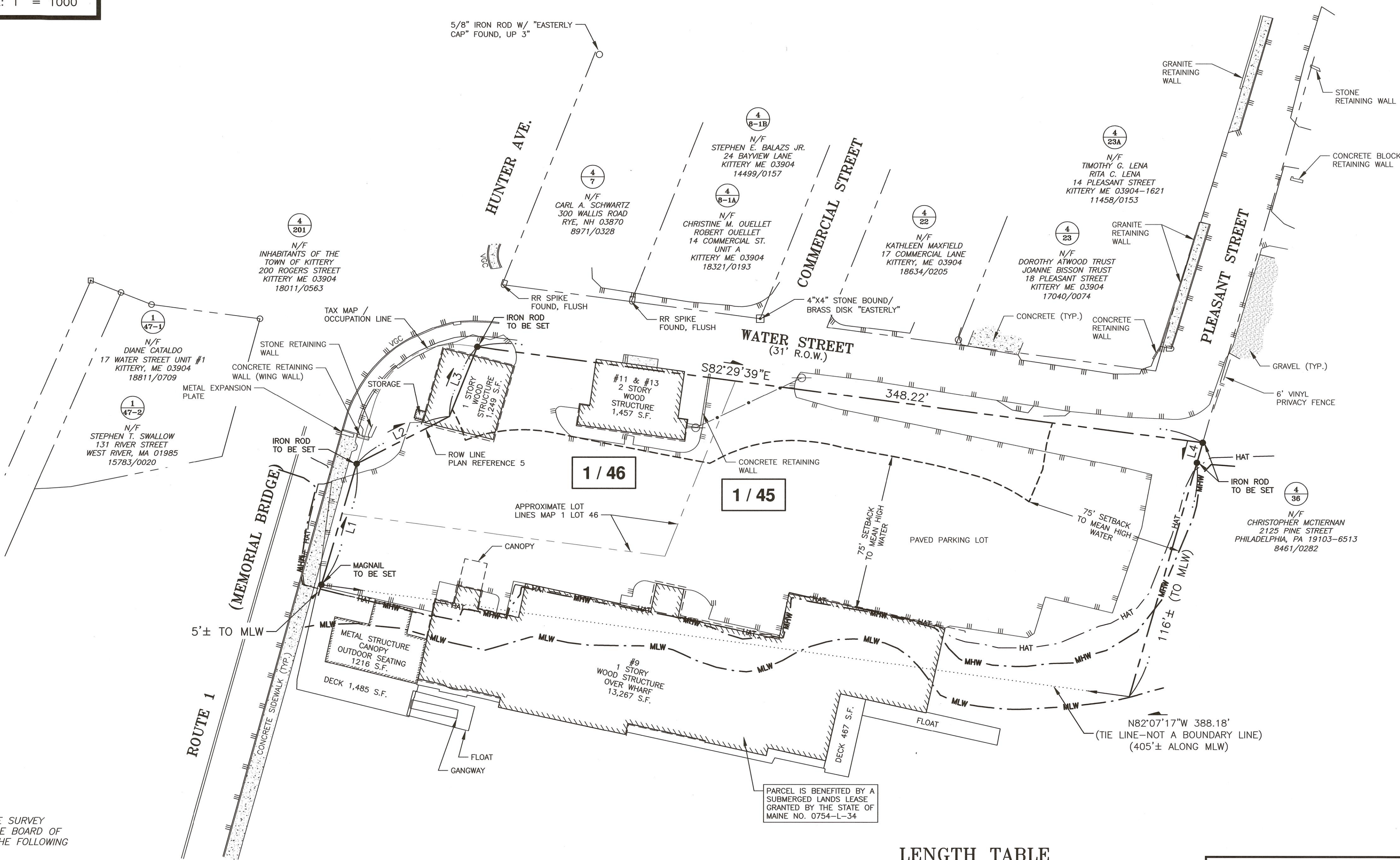
LOT AREA ABOVE HAT LINE: 41,029 S.F.
 - 5) PARCEL ZONING INFORMATION:
BASE ZONE: MIXED USE - KITTERY FORESIDE (MU-KF)
OVERLAY ZONES - COMMERCIAL FISHERIES/MARITIME USES (OZ-CFMU), & SHORELAND OVERLAY ZONE OZ-SL.
 - 6) DIMENSIONAL REQUIREMENTS:
MU-KF BASE ZONE REQUIREMENTS:
MINIMUM LAND AREA PER DWELLING UNIT: 5,000 SQ. FT.
MINIMUM LOT SIZE: 5,000 SQ. FT.
MINIMUM STREET FRONTAGE: 0 FT.
MINIMUM FRONT YARD: 10 FT.
MINIMUM REAR AND SIDE YARDS: 10 FT.
MINIMUM SEPARATION DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT: 10 FEET

MAXIMUM BUILDING HEIGHT: 40 FT.
MAXIMUM BUILDING COVERAGE: 60%
MINIMUM OPEN SPACE: 40%

OZ-CFMU:
-SHELTER FROM PREVAILING WINDS AND WAVES.
-SLOPE OF LAND WITHIN 250 FEET, HORIZONTAL DISTANCE, OF THE SHORELINE.
-DEPTH OF THE WATER WITHIN 150 FEET, HORIZONTAL DISTANCE, OF THE SHORELINE.
-PERMITTED USES: FUNCTIONALLY WATER-DEPENDENT COMMERCIAL FISHERIES/MARINE ACTIVITIES.
-STANDARDS: DIMENSIONAL STANDARDS OF THE UNDERLYING BASE AND OVERLAY ZONE(S).
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY OF ASSESSOR'S MAP 1 LOTS 45 & 46 IN THE TOWN OF KITTERY.
 - 8) VERTICAL DATUM IS NAVD83. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 9) MEAN LOW WATER SHOWN HEREON IS AT ELEVATION -4.30 AND IS REFERENCED TO NOAA STATION 8419870 SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.
 - 10) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 5.8 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

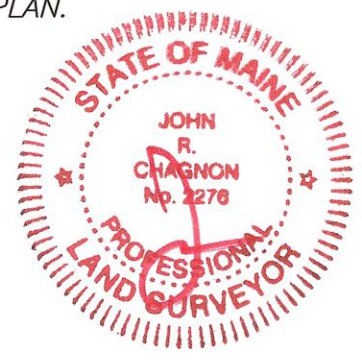
LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
YCRD	YORK COUNTY REGISTRY OF DEEDS
(11/21)	MAP 11 / LOT 21
---	BOUNDARY
- - -	SETBACK
---	HAT - HIGHEST ANNUAL TIDE LINE
- - -	MLW - MEAN LOW WATER
- - -	MHW - MEAN HIGH WATER
□	RAILROAD SPIKE FOUND
○	IRON ROD/PIPE FOUND
■	STONE/CONCRETE BOUND FOUND
100	CONTOUR
97x3	SPOT ELEVATION
---	EDGE OF PAVEMENT (EP)
EL.	ELEVATION
TYP.	TYPICAL
VGC	VERTICAL GRANITE CURB



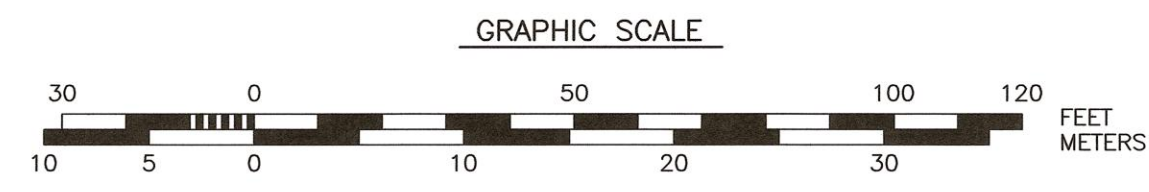
PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:
A) NO SURVEY REPORT HAS BEEN PREPARED.
B) MONUMENTS HAVE NOT BEEN SET AS OF THE DATE OF THIS PLAN.

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.



JOHN R. CHAGNON, PLS #2278
DATE: **7-27-23**

BACK CHANNEL (PISCATAQUA RIVER)



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N16°11'17"E	60.00'
L2	N62°53'58"E	49.54'
L3	N21°45'21"E	35.73'
L4	S16°02'03"W	10.00'

OWNER:
WLH MANAGEMENT CORP.
11 WATER STREET
KITTERY, ME 03904

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

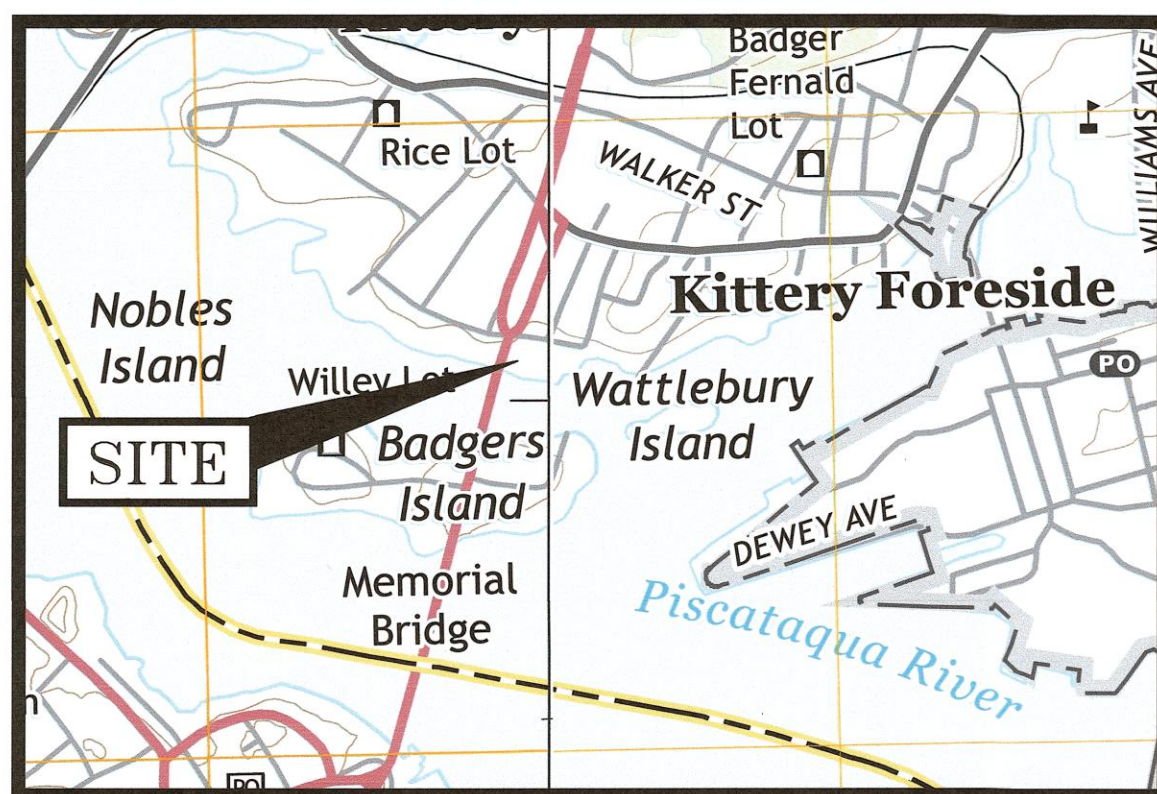
NO.	DESCRIPTION	DATE
1	SETBACK & S.F. AREAS	7/27/23
0	ISSUED FOR COMMENT	5/31/23

REVISIONS

**STANDARD BOUNDARY SURVEY
TAX MAP 1 - LOTS 45 & 46**

OWNER:
WLH MANAGEMENT CORPORATION
9 & 11-13 WATER STREET
TOWN OF KITTERY
COUNTY OF YORK
STATE OF MAINE

SCALE: 1" = 30'
MAY 2023



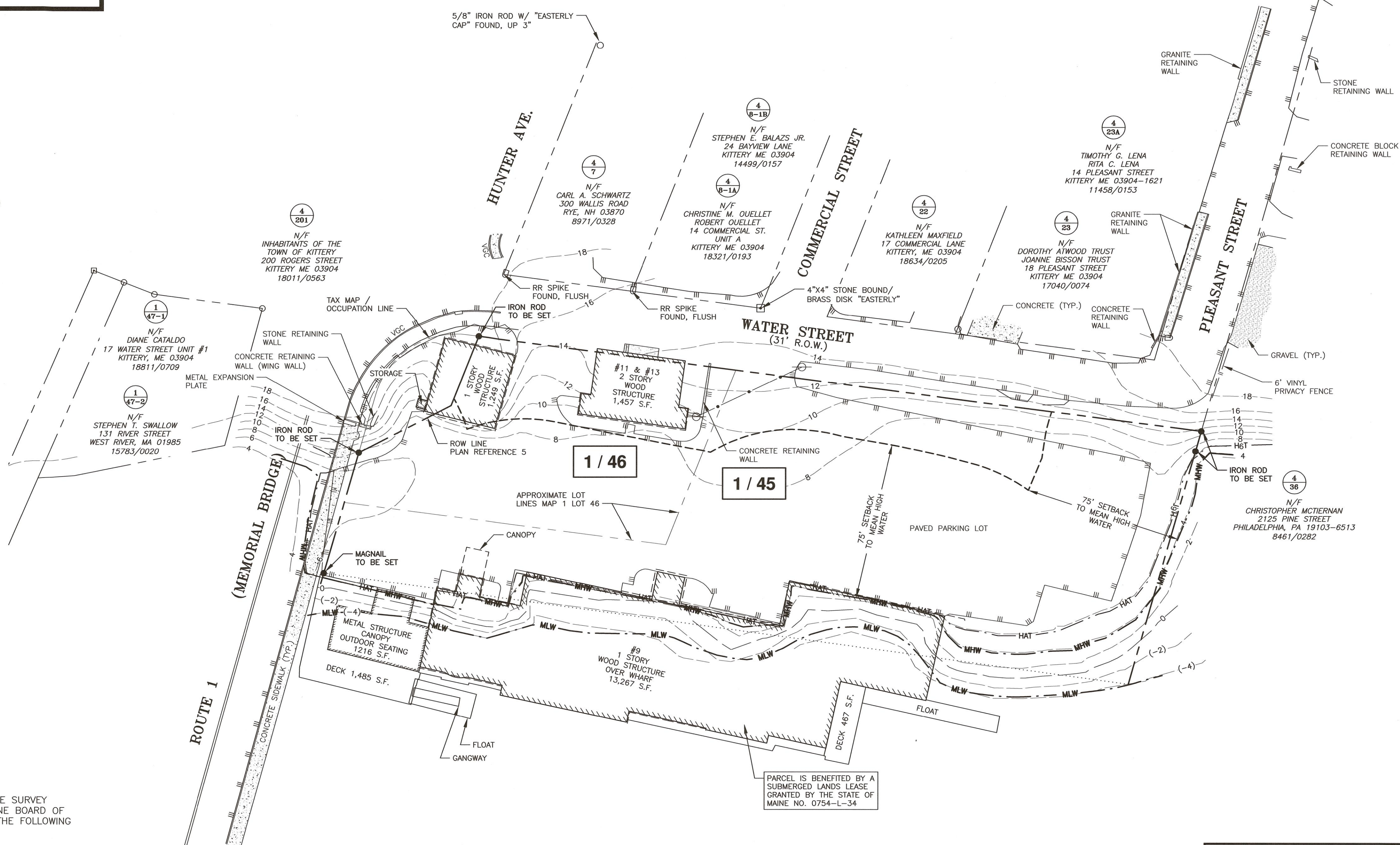
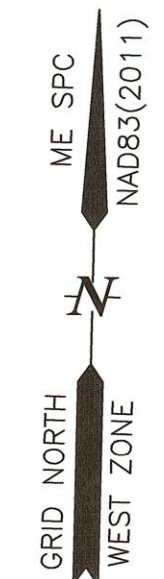
LOCATION MAP SCALE: 1" = 1000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
- BOUNDARY
- SETBACK
- HAT HIGHEST ANNUAL TIDE LINE
- MLW MEAN LOW WATER
- MHW MEAN HIGH WATER
- RAILROAD SPIKE FOUND
- IRON ROD/PIPE FOUND
- STONE/CONCRETE BOUND FOUND
- 100 CONTOUR
- 97x3 SPOT ELEVATION
- EL. EDGE OF PAVEMENT (EP)
- ELEVATION
- TYP. TYPICAL
- VGC VERTICAL GRANITE CURB

PLAN REFERENCES:

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- 2) RIGHT OF WAY SURVEY OF WATER STREET FOR THE TOWN OF KITTERY, KITTERY, MAINE 03904, SCALE: 1" = 40', DATED 1/23/96, PREPARED BY EASTERLY SURVEYING, NOT RECORDED.
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- 4) PLAN OF HOUSE LOTS IN KITTERY OWNED BY M.V.B. STIMSON 1863, PREPARED BY T. DAME, YCRD PLAN BOOK 1 PAGE 57.
- 5) STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, STATE HIGHWAY "1" KITTERY, YORK COUNTY, FEDERAL AID PROJECT NO. F-01-1(63) & BH-01-1(62), SCALE: 1 INCH = 25 FEET, DATED: FEBRUARY 1985, D.O.T. FILE NO. 16-291
- 6) STATE OF MAINE PLAN SHOWING LOCATION OF HIGHWAY FROM SOUTHERLY SHORE OF BADGERS ISLAND TO SOUTHERLY LINE OF WATER ST., TOWN OF KITTERY, YORK CO., MAINE, SCALE: 1" = 50', DATED: JULY 1922, YCRD PLAN BOOK 9 PAGE 4.



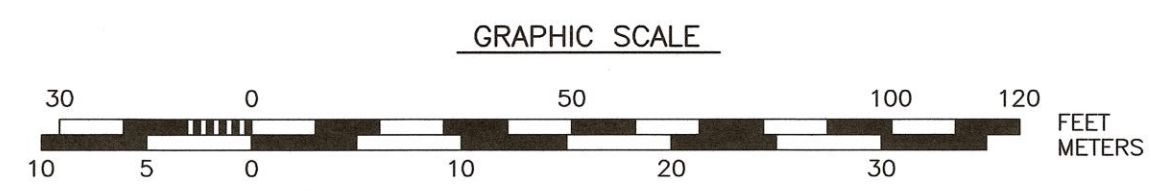
PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:
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THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.



JOHN R. CHAGNON, PLS #2276
 DATE 7-27-23

BACK CHANNEL (PISCATAQUA RIVER)



OWNER:
 WLH MANAGEMENT CORP.
 11 WATER STREET
 KITTERY, ME 03904

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

AMBIT ENGINEERING, INC.
 A DIVISION OF HALEY WARD, INC.
 200 Griffin Road, Unit 3
 Portsmouth, NH 03801
 603.430.9282
 WWW.HALEYWARD.COM

- NOTES:**
- 1) PARCELS ARE SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 1 AS LOTS 45 & 46.
 - 2) OWNER OF RECORD:
 WLH MANAGEMENT CORPORATION
 C/O OWNER SCOTT D. CUNNINGHAM
 11 WATER STREET, ME 03904
 3325/0262
 - 3) PARCEL IS ALMOST COMPLETELY IN A SPECIAL FLOOD HAZARD ZONE (ZONE AE) AS SHOWN ON PRELIMINARY FIRM PANEL 23031C0709G. REVISION DATE 14 APRIL, 2017.
 - 4) EXISTING LOT AREA:
 49,683 ± S.F. (TO MLW)
 1.1406 ± ACRES (TO MLW)
 LOT AREA ABOVE HAT LINE: 41,029 S.F.
 - 5) PARCEL ZONING INFORMATION:
 BASE ZONE: MIXED USE - KITTERY FORESIDE (MU-KF)
 OVERLAY ZONES - COMMERCIAL FISHERIES/MARITIME USES (OZ-CFNU) & SHORELAND OVERLAY ZONE OZ-SL
 - 6) DIMENSIONAL REQUIREMENTS:
 MU-KF BASE ZONE REQUIREMENTS:
 MINIMUM LAND AREA PER DWELLING UNIT: 5,000 SQ. FT.
 MINIMUM LOT SIZE: 5,000 SQ. FT.
 MINIMUM STREET FRONTAGE: 0 FT.
 MINIMUM FRONT YARD: 10 FT.
 MINIMUM REAR AND SIDE YARDS: 10 FT.
 MINIMUM SEPERATION DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT: 10 FEET
 MAXIMUM BUILDING HEIGHT: 40 FT.
 MAXIMUM BUILDING COVERAGE: 60%
 MINIMUM OPEN SPACE: 40%
 OZ-CFNU:
 -SHELTER FROM PREVAILING WINDS AND WAVES.
 -SLOPE OF LAND WITHIN 250 FEET, HORIZONTAL DISTANCE, OF THE SHORELINE.
 -DEPTH OF THE WATER WITHIN 150 FEET, HORIZONTAL DISTANCE, OF THE SHORELINE.
 -PERMITTED USES, FUNCTIONALLY WATER-DEPENDENT COMMERCIAL FISHERIES/MARINE ACTIVITIES.
 -STANDARDS, DIMENSIONAL STANDARDS OF THE UNDERLYING BASE AND OVERLAY ZONE(S).
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 1 LOTS 45 & 46 IN THE TOWN OF KITTERY.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 9) MEAN LOW WATER SHOWN HEREON IS AT ELEVATION -4.30 AND IS REFERENCED TO NOAA STATION 8419870 SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.
 - 10) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 5.8 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

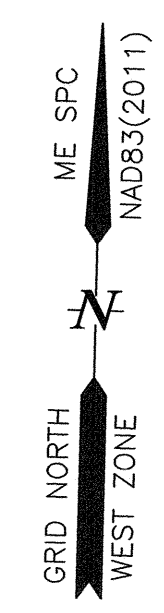
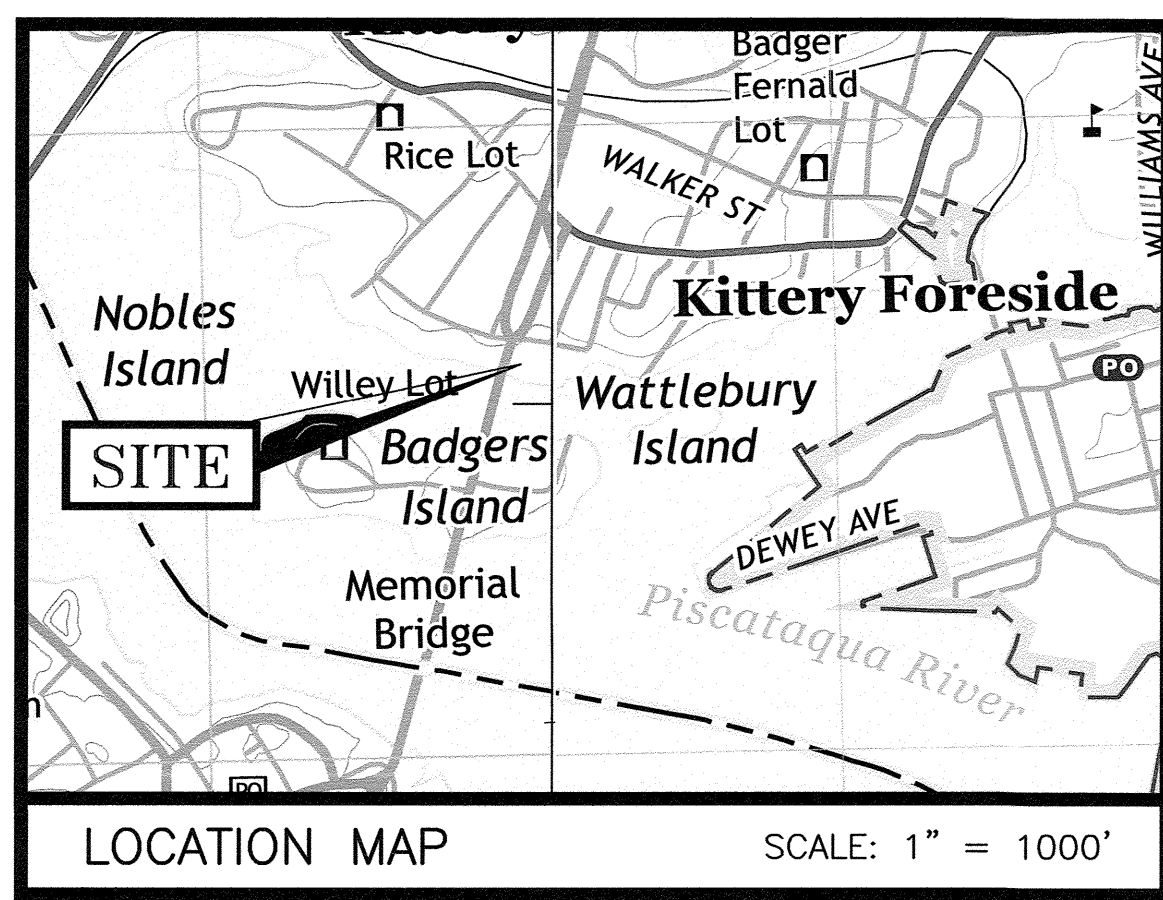
**SITE IMPROVEMENTS
 9-13 WATER STREET
 KITTERY, ME**

NO.	DESCRIPTION	DATE
1	SETBACK & S.F. AREAS	7/27/23
0	ISSUED FOR COMMENT	5/31/23

REVISIONS

SCALE: 1" = 30'
 MAY 2023

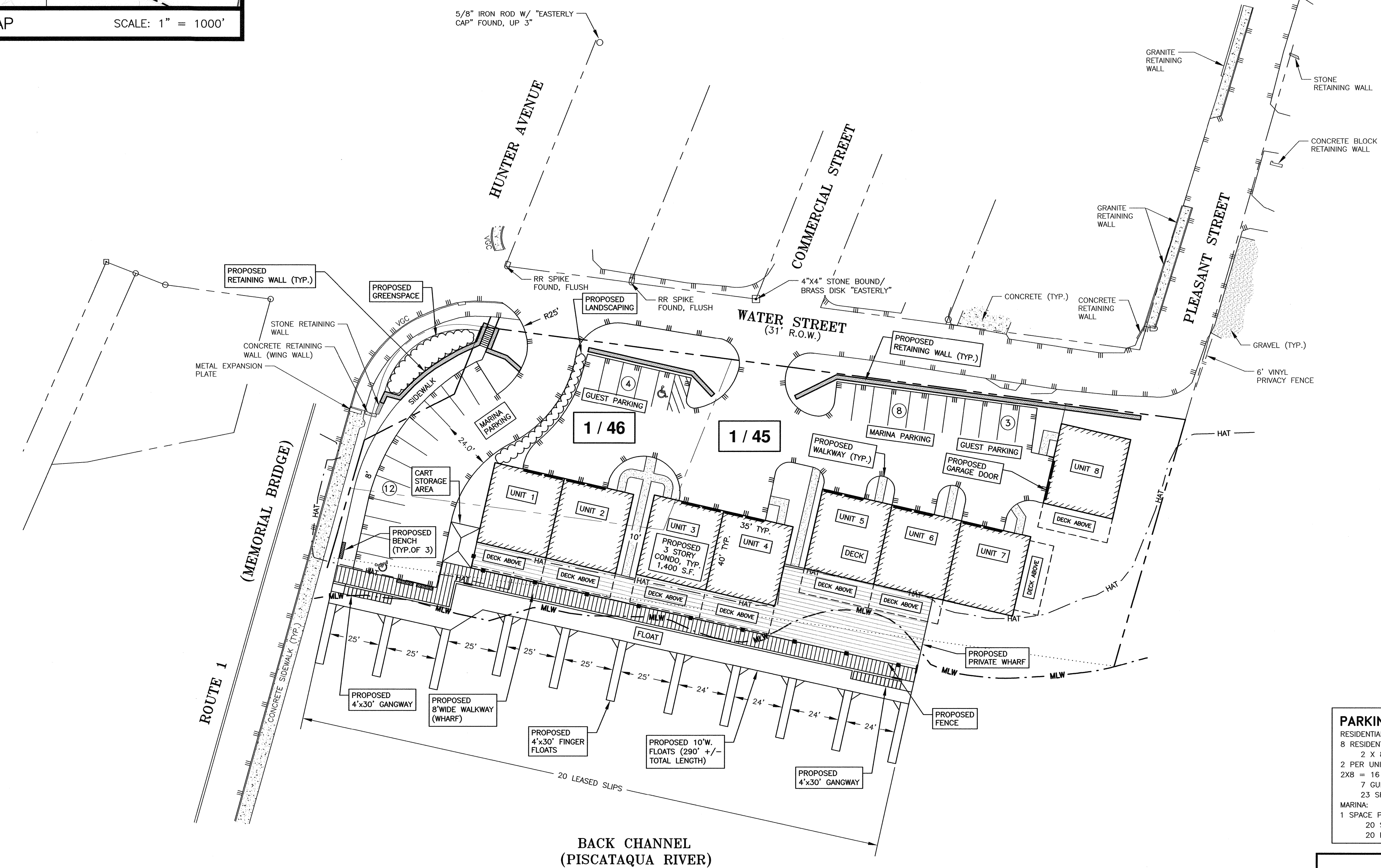
EXISTING CONDITIONS PLAN
C1



- NOTES:**
- 1) PARCELS ARE SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 1 AS LOTS 45 & 46.
 - 2) OWNER OF RECORD:
WLH MANAGEMENT CORPORATION
C/O OWNER SCOTT D. CUNNINGHAM
11 WATER STREET, ME 03904
3325/0262
 - 3) PARCEL IS ALMOST COMPLETELY IN A SPECIAL FLOOD HAZARD ZONE (ZONE AE) AS SHOWN ON PRELIMINARY FIRM PANEL 23031C0709G. REVISION DATE 14 APRIL, 2017.
 - 4) EXISTING LOT AREA:
49,863 ± S.F. (TO MLW)
1.1406 ± ACRES (TO MLW)
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BASE ZONE: MIXED USE - KITTERY FORESIDE (MU-KF)
OVERLAY ZONES - COMMERCIAL FISHERIES/MARITIME USES (OZ-CFMU) & SHORELAND OVERLAY ZONE OZ-SL.
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OZ-CFMU:
-SHELTER FROM PREVAILING WINDS AND WAVES.
-SLOPE OF LAND WITHIN 250 FEET, HORIZONTAL DISTANCE, OF THE SHORELINE.
-DEPTH OF THE WATER WITHIN 150 FEET, HORIZONTAL DISTANCE, OF THE SHORELINE.
-PERMITTED USES, FUNCTIONALLY WATER-DEPENDENT COMMERCIAL FISHERIES/MARINE ACTIVITIES.
-STANDARDS, DIMENSIONAL STANDARDS OF THE UNDERLYING BASE AND OVERLAY ZONE(S).
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE IMPROVEMENTS ON ASSESSOR'S MAP 1 LOTS 45 & 46 IN THE TOWN OF KITTERY.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 9) MEAN LOW WATER SHOWN HEREON IS AT ELEVATION -4.30 AND IS REFERENCED TO NOAA STATION 8419870 SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.
 - 10) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 5.8 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.



PARKING CALCULATION:

RESIDENTIAL:
8 RESIDENTIAL UNITS:
2 X 8 = 16 REQUIRED
2 PER UNIT IN GARAGE
2X8 = 16 PROVIDED
7 GUEST SPACES
23 SPACES PROVIDED TOTAL

MARINA:
1 SPACE PER SLIP
20 SLIPS = 20 SPACES
20 PROVIDED

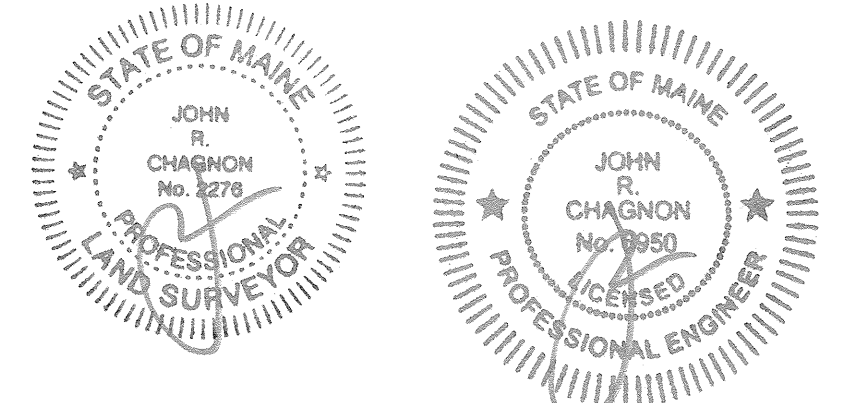
OWNER:
WLH MANAGEMENT CORP.
11 WATER STREET
KITTERY, ME 03904

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

**SITE IMPROVEMENTS
9-13 WATER STREET
KITTERY, ME**

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	7/10/23
0	ISSUED FOR COMMENT	5/31/23

REVISIONS

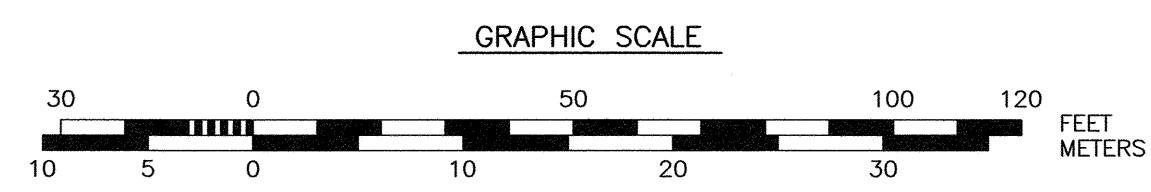


SCALE: 1" = 30' MAY 2023

SITE CONCEPT PLAN **C2**

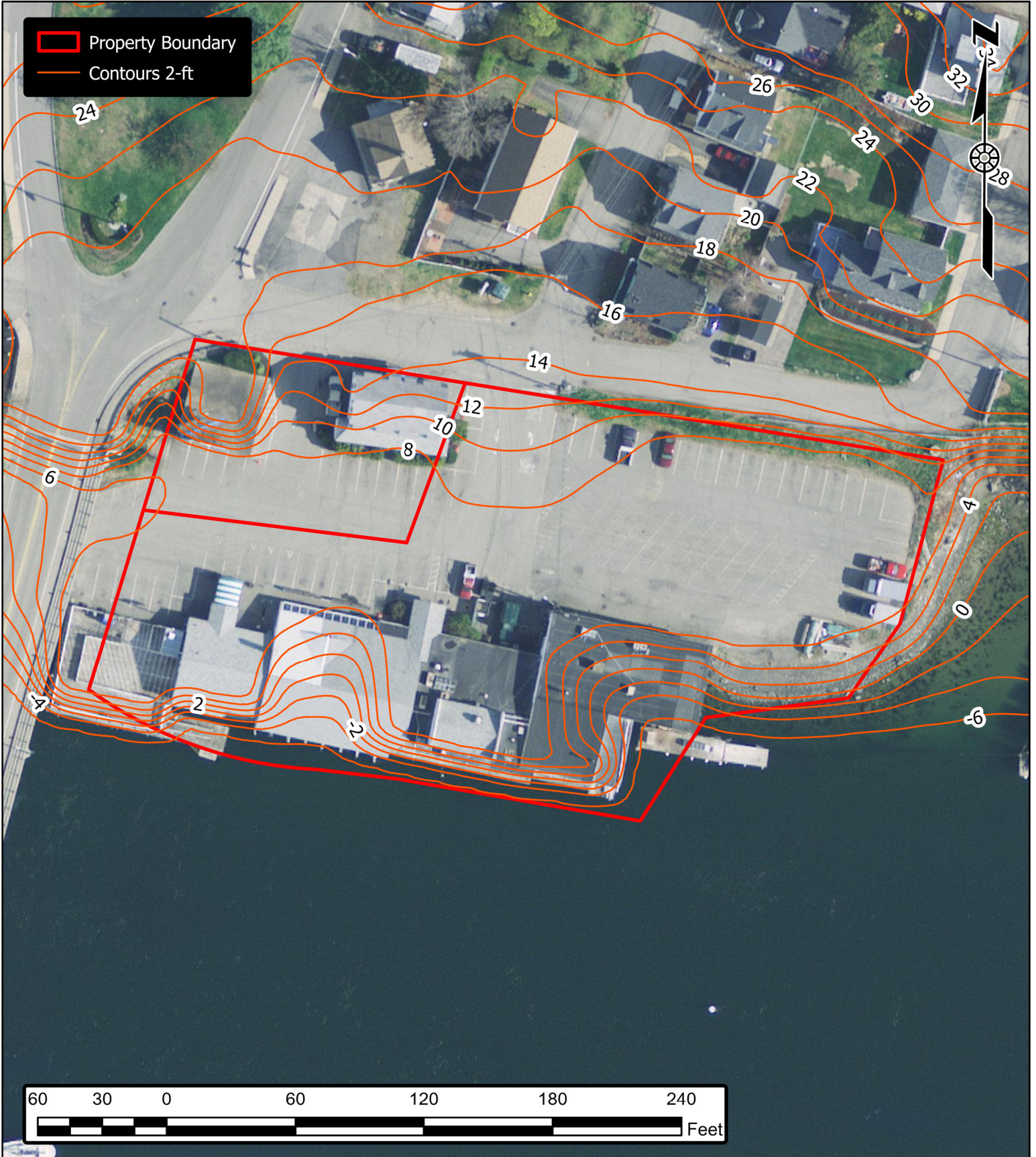
APPROVED BY THE KITTERY PLANNING BOARD

CHAIRMAN _____ DATE _____



WLH MANAGEMENT
11 WATER STREET
KITTERY, ME

JOB NUMBER: 3569
SCALE: 1" = 60'
SUBMITTED: 04-27-2023



9 WATER STREET

Location 9 WATER STREET

Mblu 1/ 45/ / /

Acct# 1/45

Owner W L H MANAGEMENT CORPORATION

Assessment \$2,015,600

Appraisal \$2,015,600

PID 72

Building Count 2

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$731,900	\$1,283,700	\$2,015,600

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$731,900	\$1,283,700	\$2,015,600

Owner of Record

Owner W L H MANAGEMENT CORPORATION
Co-Owner C/O SCOTT D CUNNINGHAM
Address 11 WATER STREET
KITTERY, ME 03904

Sale Price \$0
Certificate
Book & Page 3325/0262
Sale Date 07/02/1984

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
W L H MANAGEMENT CORPORATION	\$0		3325/0262	07/02/1984

Building Information

Building 1 : Section 1

Year Built: 1955
Living Area: 8,769
Replacement Cost: \$797,822
Building Percent Good: 56
**Replacement Cost
Less Depreciation:** \$446,800

Building Attributes

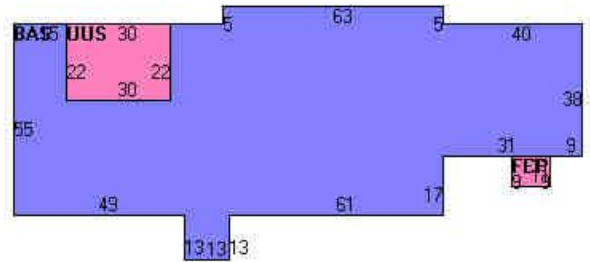
Field	Description
Style	Restaurant
Model	ComPartitioned
Grade	Average
Stories:	1
Occupancy	1.00
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Cust Wd Panel
Interior Wall 2	
Interior Floor 1	Carpet
Interior Floor 2	Hardwood
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	Heat Pump
Prim Bldg Use	REST/CLUBS MDL-94
Total Rooms	
Total Bedrms	00
Total Baths	0
1st Floor Use:	3260
Heat/AC	HEAT/AC PKGS
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	8.00
% Comn Wall	0.00
Fireplaces	
Basement Area	
Fin Bsmt Area	

Building Photo



(<https://images.vgsi.com/photos/KitteryMEPhotos/00000180.jpeg>)

Building Layout



(https://images.vgsi.com/photos/KitteryMEPhotos/Sketches/72_54.jpg)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	8,769	8,769
FEP	Porch, Enclosed, Finished	99	0
UUS	Upper Story, Unfinished	660	0
		9,528	8,769

Building 2 : Section 1

Year Built:	1955
Living Area:	4,544
Replacement Cost:	\$265,142
Building Percent Good:	56
Replacement Cost Less Depreciation:	\$148,500

Building Attributes : Bldg 2 of 2

Field	Description
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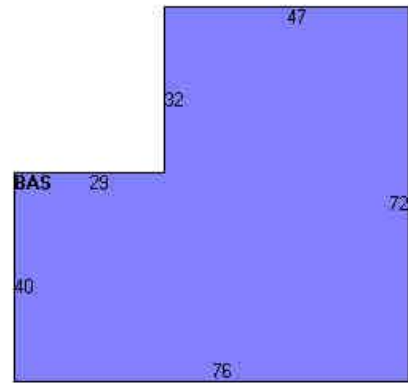
Style	Warehouse
Model	Ind/Com Open
Grade	Average
Stories:	1
Occupancy	1.00
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	T&G/Rubber
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Coal or Wood
Heating Type	None
AC Type	None
Prim Bldg Use	REST/CLUBS MDL-96
Total Rooms	
Total Bedrms	00
Total Baths	0
1st Floor Use:	326I
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	LIGHT
Ceiling/Wall	NONE
Rooms/Prtns	AVERAGE
Wall Height	12.00
% Comn Wall	0.00
Fireplaces	
Basement Area	
Fin Bsmt Area	

Building Photo



(<https://images.vgsi.com/photos/KitteryMEPhotos/\0000\181.jpeg>)

Building Layout



(https://images.vgsi.com/photos/KitteryMEPhotos/Sketches/72_55.jpg)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	4,544	4,544
		4,544	4,544

Extra Features

Extra Features				<u>Legend</u>
Code	Description	Size	Value	Bldg #
FPL1	FIREPLACE 1 ST	1.00 UNITS	\$3,800	1
CLR1	COOLER	625.00 S.F.	\$9,100	1

Land

Land Use

Use Code 3260
Description REST/CLUBS MDL-94
Zone MU-KF
Neighborhood C10
Alt Land Appr Category No

Land Line Valuation

Size (Acres) 1.1
Frontage 600
Depth 0
Assessed Value \$1,283,700
Appraised Value \$1,283,700

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			20000.00 S.F.	\$21,100	1
DCK2	DOCKS-COM TYPE			2631.00 S.F.	\$102,600	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$731,900	\$1,283,700	\$2,015,600
2021	\$731,900	\$1,283,700	\$2,015,600
2020	\$731,900	\$1,283,700	\$2,015,600

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$731,900	\$1,283,700	\$2,015,600
2021	\$731,900	\$1,283,700	\$2,015,600
2020	\$731,900	\$1,283,700	\$2,015,600