



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1305 | Fax: (207) 439-6806
kmetz@kitteryme.org | www.kitteryme.gov

Kittery Board of Appeals Agenda March 12, 2024 | 6:30 PM | Council Chambers & Zoom

Zoom Link:

https://us02web.zoom.us/webinar/register/WN_ftKRbNrRxWad1QvG2v0fA

The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be recognized during the public hearing portion of the meeting.

Public comment and opinion are welcome during this meeting. However, comments and opinions related to development projects currently being reviewed by the Board of Appeals will be heard only during a scheduled public hearing when all interested parties have an opportunity to participate. Those providing comments must clearly state their name and address and record it in writing at the podium.

The public may submit written public comments via email, US Mail, or by hand delivery to Town Hall. Emailed comments should be sent to: kmetz@kitteryme.org

Comments received by noon on the day of the meeting will become part of the public record and may be read in whole or in summary by the Board of Appeals or Town Staff.




-
1. Call to Order; Introductory; Roll Call
 2. Pledge of Allegiance
 3. Agenda Amendment and Adoption
 4. Executive Session (if required)
 5. Public Hearings
 - a. Arthur Dumas, on behalf of abutters Charles Taylor and Karen Benoit, requests an Administrative Appeal of the issuance of a building permit for 17 Page Street located in the Residential – Urban Zone per Code Section 16.1.8.
 6. Unfinished Business

7. New Business
 - a. Election of Board Officers
 - Chair
 - Vice Chair
 - Secretary
8. Acceptance of Previous Minutes
9. Board Member or CEO Issues or Comment
10. ADJOURNMENT

Board of Appeals Application**BOA-24-1**

Submitted On: Jan 24, 2024

Applicant

 Arthur Dumas
 207-324-1800
 arthurdumaslaw@outlook.com

Primary Location

17 PAGE STREET
KITTERY, ME 03904

Property Owner Information**Full Legal Name(s)**

CHARLES TAYLOR

Mailing Address

19 PAGE STREET

State

ME

Phone Number

207-651-1575

City

KITTERY

Zip Code

03904

Email Address

charles.taylor207@gmail.com

Applicant if different from Property Owner**Full Legal Name (s)**

CHARLES TAYLOR

Mailing Address

19 PAGE STREET

State

MAINE

Phone Number

207-651-1575

City

KITTERY

Zip Code

03904

Email Address

charles.taylor207@gmail.com

Property Information**Street Address**

17 PAGE STREET

Tax Map

14

Base Zone(s)

R-U

Is the Subject Property located within a Shoreland Overlay or Resource Protection Overlay?

No

Lot size in acreage

.18

Lot Number

128

Overlay Zone(s)

N/A

Is the Subject Property located in a floodplain?

No

Does the Subject Property have any outstanding code violations?

Yes

If the Subject Property has an outstanding code violation, will approval for your request by the Board of Appeals provide resolution?

Yes

Application to Appear before the Board of Appeals

I wish to appear before the Board of Appeals to request:

An Administrative Appeal

true

A Variance Request

--

A Miscellaneous Variation Request

--

A Special Exception Use Request

--

Administrative Appeal Pertinent Town Codes

Title

16

Chapter and Section

2.12D(2)

Title

16

Chapter and Section

5.9.2

Title

--

Chapter and Section

--

Administrative Appeal Affirmations

Please check each box

May hear and decide on an Administrative Appeal within the limitations set forth in Title 16, Section 2.12.D(1) Administrative Decision Appeal.

true

Appears to have jurisdiction to hear this request; hearing must be held within 30 days fo this Appeal filing; application muyst be complete; and, public and abutter notice must be made no less than seven days prior to the scheduled hearing.

true

Role of administrative appeals is to examine and resolve problems between the Town and those affected by its ordinances, decisions or lack of action by the Town.

true

Is only legally authorized to deal with issues arising from the list above, and do not include such matters as constitutionality, civil rights, criminal acts, property disputes, surliness, etc.

true

Will not even hear my appeal unless I can show that I have "standing" to have my complaint heard.

true

Pupose of establishing my case for "standing" is to limit appeals on an issue to those who are directly involved and/or affected.

true

Will try to decide my case based only on the factual information presented and what is written in the pertinent Town ordinance/regulation, State statute(s)/regulation(s) and the rulings of the State Supreme Judicial Court.

true

Will conduct this hearing De Novo (meaning the Board acts if it were considering the question for the first time, affording no deference to the preceding agency decisions; may receive new evidence and testimony consistent with the Town Code Title 16 and the Board rules; and, conduct additional hearings and receive additional evidence and testimony).

true

Tries to make decisions it believes would be upheld if appealed to Superior Court.

true

Local appeals process must be exercised and exhausted before the Superior Court will hear these cases.

true

Will determine the Standard of Review for this appeal: For questions of mixed law and fact, a review for "arbitrary and capricious" factors: 1) Was the decision/lack of action a "plain error" which led to a "brazen miscarriage of justice"? 2) Was the decision/lack of action made on "unreasonable grounds", or "without any proper consideration of circumstances"? 3) Does any State or Federal law apply to my circumstances? 4) Is there any conflict between ordinances and/or statutes related to the issues? 5) Can the Board determine with a "definite and firm conviction" that a mistake was committed by the Town? When questions of statutory interpretation decided in a manner that has the force of law, a "Chevron review": 1) First, always, is the question whether the legislative enacting body has directly spoken to the precise question at issue. 2) If the intent is clear, that is the end of the matter; for the Board, as well as the Town, must give effect to the unambiguously expressed intent of the legislation. 3) If, however, the Board determines the enacting body has not directly addressed the precise question at issue, the Board does not simply impose its own construction on the statute. If the statute or ordinance is silent or ambiguous with respect to the specific issue, the question for the Board is whether the Town's answer is based on a permissible construction of the statute. For questions of statutory interpretation decided in a manner that does have the force of law, to determine the deference to be given to the Town decision based on a four-part test: 1) the thoroughness of the Town's investigation; 2) the validity of its reasoning; 3) the consistency of its interpretation of time; and 4) other persuasive powers of the Town.

true

Will determine my Burden of Proof: 1) What does the ordinance/statute require me to prove? 2) Does the ordinance/statute prohibit or limit the type of use being proposed? 3) What factors must be considered under ordinance/statutes to decide whether to grant the appeal? 4) Is the evidence presented substantial? Is it credible? Is it outweighed by conflicting evidence?

true

Administrative Appeal Statements

The decision/lack of action I object to is (attach any formal documents under Attachments)

The applicant for the building permit provided inadequate evidence to support the findings of the wetland delineation plan he submitted, as discussed by the attached letter from soil scientist Michael Cuomo dated 9 January 2024, and by failing to submit a wetland report with the plan.

What relief is requested and why should the appeal be granted?

That the building permit be stayed until the appropriate wetland investigation can be done and a wetland report submitted, and if the report satisfies the code enforcement office that the setbacks must be increased to conform with the wetland findings, then the building permit should be revoked.

Unlike others in the community, I will suffer a particularized injury in the matter if not resolved in my favor. I am adversely and directly affected by:

As an abutter, my property will be severely adversely affected by a failure to abide by set-back requirements necessitated by the wetlands on the subject property. It is Mr. Taylor's and Ms. Benoit's position that the issuance of the building permit would be considered a code violation based on Mr. Cuomo's conclusions reached in his 9 January 2024 letter. The 13 Page Street abutting property owned by Ms. Benoit will suffer the most because filling in the drainage swale at 17 Page Street would cause the most serious overflow onto her land. We are also claiming that approval of a building permit constitutes a code violation according to the findings of the attached letter from soil scientist Michael Cuomo dated 9 January 2024.

Certification of Application

Applicant's Signature

true

Name of Applicant

CHARLES TAYLOR

Date

01/24/2024

35 STERLING ROAD,
MCGOVERN, KEVIN M.
this house is Uniquely
Close to the Wet lands/
high water. seems to be a
few feet from high water.

Town of Kittery Land

VERNON
CONTINUING CARE
HOMES INC,

13 Page St, Karen
Benoit

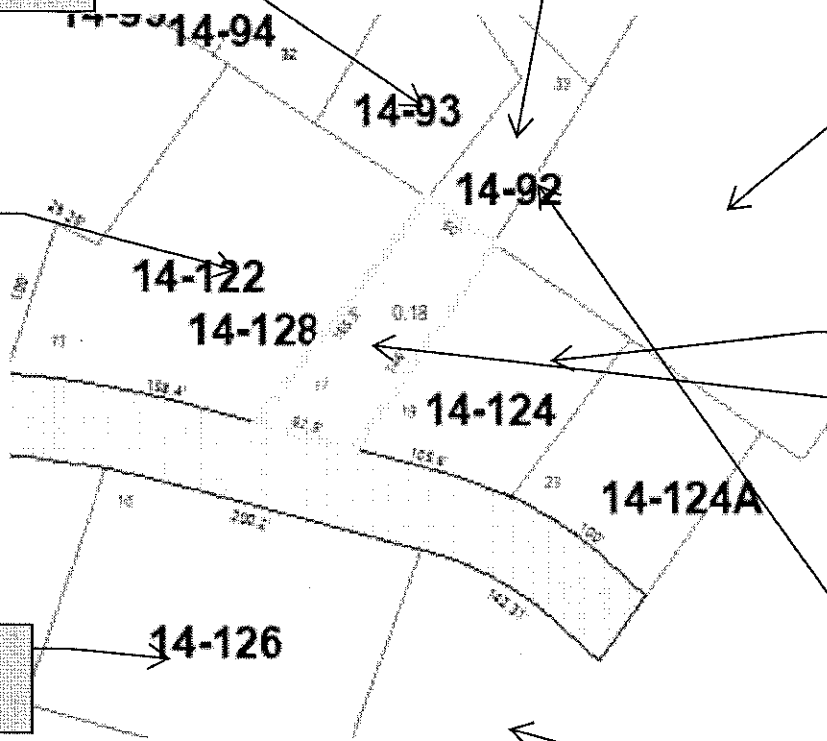
my house. 19 page

17 page, Garys non
conforming lot

16 PAGE STREET,
COATES LIFE
ESTATE, MARIE A

Approximate Sketch
of Wet lands.

VERNON
CONTINUING CARE
HOMES INC,



Michael Cuomo, Soil Scientist
6 York Pond Road, York, Maine 03909
207 363 4532
mcuomosoil@gmail.com

Charlie Taylor
19 Page Street
Kittery, Maine 03904

9 January 2024

Dear Mr. Taylor;

This letter is in reference to the vacant property at 17 Page Street in Kittery, Maine. This is identified by the town as tax map 14, lot 128. You asked that I review the wetland delineation by Jim Logan, Certified Soil Scientist with Longview Partners, LLC, which he performed for Jason Radford on 28 September 2023.

A complete review of the wetland delineation requires an on-site investigation in which I examine the soils with a hand auger to determine if they are hydric or not, inventory the plant community to determine if there is a predominance of wetland plants, and confirm the wetland hydrology. Since I do not have permission to enter the property, I could not do this.

I reviewed a copy of the 'Wetland Delineation Plan' prepared by Longview Partners which was available with the building permit application. I spoke with Mr. Logan 8 January 2024. He confirmed he did not write a wetland report and the wetland was delineated by another (possibly Alex Finamore) prior to Mr. Logan's work.

Wetlands are defined by the town of Kittery Land Use and Development Code as follows:

Areas that under normal circumstances have hydrophytic vegetation, hydric soils and wetland hydrology, as determined in the Corps of Engineers Wetlands Delineation Manual — Waterways Experiment Station Technical Report Y-87-1, January 1987 (1987 manual). This definition of wetland is based on the 1987 manual and is not subject to further revisions and/or amendments.

I viewed the subject property from the abutting land on 28 December 2023. There was no snow on the ground on that day. Mr. Logan

identified two wetlands and I could see his flagging. The larger northerly wetland at the rear of the parcel requires a 50 foot setback because of its size (Kittery Land Use and Development Code table 16.5.30). The second wetland is shown as a separate wetland in the center of the parcel. The second wetland is described as 103+/- square feet in size, so no setback is shown. The land between the two wetlands would be the focus of my investigation should you secure permission for me to go on the property. If the two wetlands are connected, a 50 foot building setback will be required from all of the wetlands on the parcel.

Kittery Land Use and Development Code 16.5.9.2 states in part The reviewing authority will review plans for proposed development within 100 feet of a wetland to determine if wetlands of special significance are impacted....

The relevant wetlands of special significance in this case are:

(a) Critically imperiled or imperiled community. The freshwater wetland contains a natural community that is "critically imperiled" as defined by the Maine Natural Areas Program;

(b) Significant wildlife habitat. The freshwater wetland contains significant wildlife habitat as defined by 38 M.R.S.A. § 480-B(10); and

(J) Vernal pools. The wetland contains a particular aquatic habitat as defined by the Maine Department of Environmental Protection (MDEP), including those mapped as significant vernal pools by MDEP.

Wetlands of special significance are regulated by Maine Department of Environmental Protection regardless of size.

It is critical to the proper administration of Kittery Land Use and Development Code to determine the following:

1. What wetland definition was used for the delineation? The current State and Federal field methods differ slightly from the manual specified in the town's wetland definition. This is particularly important in the area between the two identified wetlands to determine if they connect. If the two wetlands are one using Kittery's definition, the building setback from the wetland would cover the entire parcel.
2. Are either of the wetlands shown wetlands of special significance? If so, the State regulates them and the area adjacent to them differently from the town's regulations.
3. Are either of the wetlands vernal pools? Vernal pool determinations can only be done in the early Spring and there is no indication one has been done. Note that the State regulates vernal pools determined to be significant, but Kittery identifies all vernal pools as wetlands of special significance.

Longview Partners did not write a wetland report and did not address these issues. It is my opinion that a building permit should not have been issued with these outstanding questions unresolved.

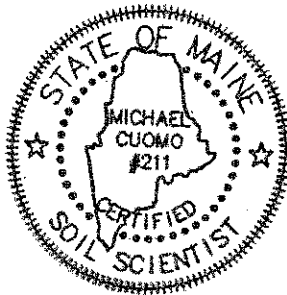
Please call if you would like to discuss this report.

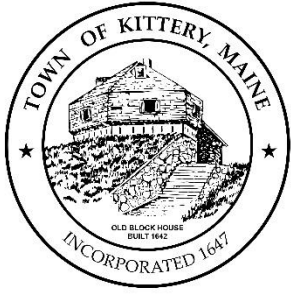
Sincerely,

Michael Cuomo

Michael Cuomo

Maine Soil Scientist #211





TOWN OF KITTERY

Office of Code Enforcement

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1308 | Fax: 207-439-6806

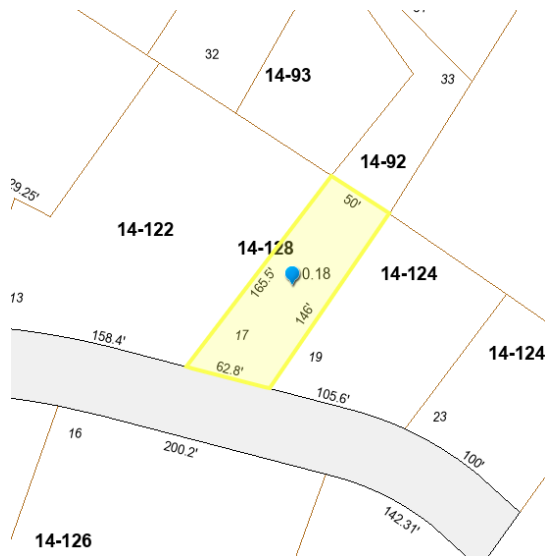
ceo@kitteryme.org | www.kitteryme.gov

STAFF REPORT – 17 PAGE STREET – ADMINISTRATIVE APPEAL

BOA Meeting Date: March 12, 2024

Item #: AA2024-01

- Project Name:** 17 Page Street
- Owner:** Jason Radford
- Appellant:** Arthur Dumas, Representing Charles Taylor (19 Page Street) and Karen Benoit (13 Page Street)
- Proposed Development:** Construction of a Single-Family Dwelling
- Requests:** Administrative Appeal per Kittery Land Use & Development Code (LUDC) Section 16.2.12.C, Appeal of Code Enforcement Officer decision.
- Site Addresses:** 17 Page Street
- Map & Lot Numbers:** M14 – L128



Current Zoning:

Residential - Urban (R-U) Zone. The purpose of the Residential — Urban R-U Zone is to preserve the physical, aesthetic and social quality of Kittery's urban area and, consistent with this goal, to provide therein for the location of a variety of residential uses in accordance with the standards of this title.

The following use is a Permitted Use in the R-U Zone: (6) Dwelling, Single-family.

Current Use:

Vacant land, construction of the single-family dwelling has begun.

Site Description:

The subject property consists of roughly 0.18 vacant property. The buildable area is impacted by wetland setbacks per the attached survey.

Relevant Background:**Description of the Issue:**

The current owner of 17 Page Street purchased the property in 2023 with the intention of constructing a single-family dwelling. The property had been classified as “unbuildable” as it is under the State’s minimum lot size for subsurface wastewater systems and did not have direct access to the Town’s sewer system. The owner petitioned the Town for an easement across Town land for a sewer easement, which was granted, therefore making the lot buildable. The applicant applied for a building permit and supplied the following documentation:

- 1) Full construction documents;
- 2) Site plot plan;
- 3) CMP Form 1190;
- 4) Copy of the property owner’s deed; and
- 5) A wetland delineation prepared by Longview Partners, LLC dated 9/28/23

As part of the building permit review process, owner was asked for and provided the soil scientists name and license number (James Logan, Lic. #SS213). This license was verified by Staff to be current and valid through the State of Maine’s ALMS License Search tool. Code Enforcement was contacted by Mr. Taylor over concerns that the wetland delineation was performed was done incorrectly. Staff re-reviewed the provided documentation, as well as reached out to Mr. Logan to verify information regarding the wetland

delineation. Based on this, it was determined that the building permit was lawfully issued, Code Enforcement took no action and notified the abutter and his counsel of their right to appeal the issuance of the building permit.

Administrative Appeal:

Section 16.6.6 requires the Board of Appeals to use the following process when hearing appeals:

§ 16.6.6 Basis for decision.

A. Conditions.

- (1) In hearing appeals/requests under this section, the Board of Appeals must first establish that it has a basis in law to conduct the hearing and decide the question.*

LUDC Section 16.6.3 states that “a Code Enforcement Officer decision may be appealed to the Board of Appeals as provided in § 16.6.4A.”

- (2) In hearing appeals/requests under this section, the Board of Appeals must use the following criteria as the basis of a decision, that:*

- (a) The proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;*

The use will not prevent the orderly and reasonable use of adjacent properties since all adjacent properties are zoned Residential Urban and contain the same occupancy classifications as the subject property.

- (b) The use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located or of permitted or legally established uses in adjacent use zones;*

The use will not prevent the orderly and reasonable use of legally established uses in the zone as the use is permitted in the zone by right.

- (c) The safety, the health and the welfare of the Town will not be adversely affected by the proposed use or its location; and*

The use will not adversely affect the health and welfare of the Town.

- (d) *The use will be in harmony with and promote the general purposes and intent of this title.*

The use is in harmony with Title 16 as it falls under a permitted use in the Residential Urban zone.

Factors for consideration. In making such determination, the Board of Appeals must also give consideration, among other things, to:

- (1) *The character of the existing and probable development of uses in the zone and the peculiar suitability of such zone for the location of any of such uses;*

The use involved is a permitted use in the zone.

- (2) *The conservation of property values and the encouragement of the most appropriate uses of land;*

The use involved is a permitted use in the zone.

- (3) *The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets or highways;*

The proposed development will add a single-family dwelling. This will create slightly more traffic, but as the lot was existing the road was designed for the traffic generated by the number of lots originally created.

- (4) *The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use;*

This dwelling will be connected to the public sewer system.

- (5) *Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;*

The use will not produce obnoxious gases, odors, smoke or soot.

- (6) *Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;*

The use causes no disturbing emission of electrical discharges, dust, light, vibration or noise.

- (7) *Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;*

No undue interference should result from this use.

- (8) *The necessity for paved off-street parking;*

The property contains suitable space for paved off-street parking.

- (9) *Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used, or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus, or by the undue concentration or assemblage of persons upon such plot;*

No hazards should result from this use.

- (10) *Whether the use, or the structures to be used, will cause an overcrowding of land or undue concentration of population or unsightly storage of equipment, vehicles or other materials;*

No overcrowding should result from this use.

- (11) *Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;*

The existing lot is a legally non-conforming lot.

- (12) *Whether the proposed use will be adequately screened and buffered from contiguous properties;*

Residential uses do not require screening or buffering.

- (13) *The assurance of adequate landscaping, grading and provision for natural drainage;*

The lot is a natural low point on Page Street. The owner is installing a crawl space foundation to limit potential for water intrusion, as well as adding foundation drainage to carry water to the natural low point in the back of the lot.

- (14) *Whether the proposed use will provide for adequate pedestrian circulation;*

The use will not interfere with pedestrian movement.




- (15) *Whether the proposed use anticipates and eliminates potential nuisances created by its location; and*

The proposed use will not create a noise nuisance.

- (16) *The satisfactory compliance with all applicable performance standard criteria contained in Chapters 16.6 and 16.7.*

The proposed use appears to adhere to the applicable standards in Title 16.6 and 16.7 as a permitted use in the Residential Urban zone.

Building Permit**BP-23-285****Applicant**

 Jason Radford
 2072294021
 jradford@maine.rr.com

Primary Location

17 PAGE STREET
KITTERY, ME 03904

Owner Information**Are you the owner of the property**

Yes

Property Owner Mailing Address

10 Endless Summer Ln, Biddeford, ME 04005

Applicant/Primary Contractor**Contractor's Name**

Scott Raymond

Business Name

SGR Building & Remodeling

License #

--

License Expiration Date

--

License Type

--

Type of Business

--

Corporation/Partnership/LLC License #

--

Mailing Address

83 Lombard Rd

City

Arundel

State

ME

Zip Code

04046

Preferred Telephone #

2072297654

Alternative Phone #

--

Email

scttraymond@gmail.com

Property Information**Proposed Distance of Structure to Front Property Line**

30'

Proposed Distance of Structure to Side Property Line

15'

Proposed Distance of Structure to Rear Property Line

100'

Proposed Distance of Structure to Fresh/Coastal Wetland

50'

Disturbing More than 1 CY of earth in the Shoreland or Resource Protection Overlay Zone?

No

MDEP Erosion Control Certification #

--

Is the Lot or Existing Structure(s) non-conforming for size, frontage, setbacks or other zoning requirement?

Yes

Is the property located within a FEMA Floodplain? If so, a FEMA Minor Development application may be required. Please check with Code Enforcement Officer.

No

Project Description

Complete description of project, including dimensions of any proposed structures:

New construction. 826sf single family dwelling. Two story 17' x 20' with front & rear 4' x 8' bumpouts on crawl space

Estimated Project Cost (Do not include the dollar symbol [\$]).

200000

Property Type

Residential

Project Type

New Construction

Will this project create one acre or more of disturbed area? If yes, you will be required to file a MDEP Notice of Intent to Comply with the Maine Construction Permit. Excavation will require a Maine Dep certified contractor in erosion control measures.

No

Is this project to construct a new dwelling (Single-Family, Duplex, etc.) or Mobile Home Construction?

Yes

Is this project on public sewer or private septage?

Public Sewer

Registered Professional Engineer (IF APPLICABLE)

Name

--

Company Name

--

Mailing Address

--

Phone #

--

Email

--

Area of Responsibility

--

Registration #

--

Expiration Date

--

Registered Architect (IF APPLICABLE)

Name

--

Company Name

--

Mailing Address

--

Phone #

--

Email

--

Registration #

--

Expiration Date

--

Certification

I certify that the information contained in this application and any related submissions to be true and accurate to the best of my knowledge. I understand that I am responsible for compliance with all applicable Town, State and Federal regulations and that failure to comply may result in the imposition of fines, legal fees, and the abatement of any violations to include abandonment of use and occupancy and corrective action such as the removal or modification of improvements if setbacks or other requirements have not been met and satisfied. I understand that this is an application and that I shall not begin any improvements until the appropriate permit(s) is/are issued nor will I make use of the improvements without first having obtained an occupancy permit. I will notify the Code Enforcement Officer of any changes to this application. A PERMIT ISSUED IS SUBJECT TO APPLICABLE ORDINANCES AND MUBEC AS ADOPTED BY THE STATE OF MAINE AND TOWN OF KITTELY AND IS ONLY VALID FOR WORK AS DESCRIBED ON THIS PERMIT APPLICATION.

true

I am the

Owner

Applicant/Contractor Name

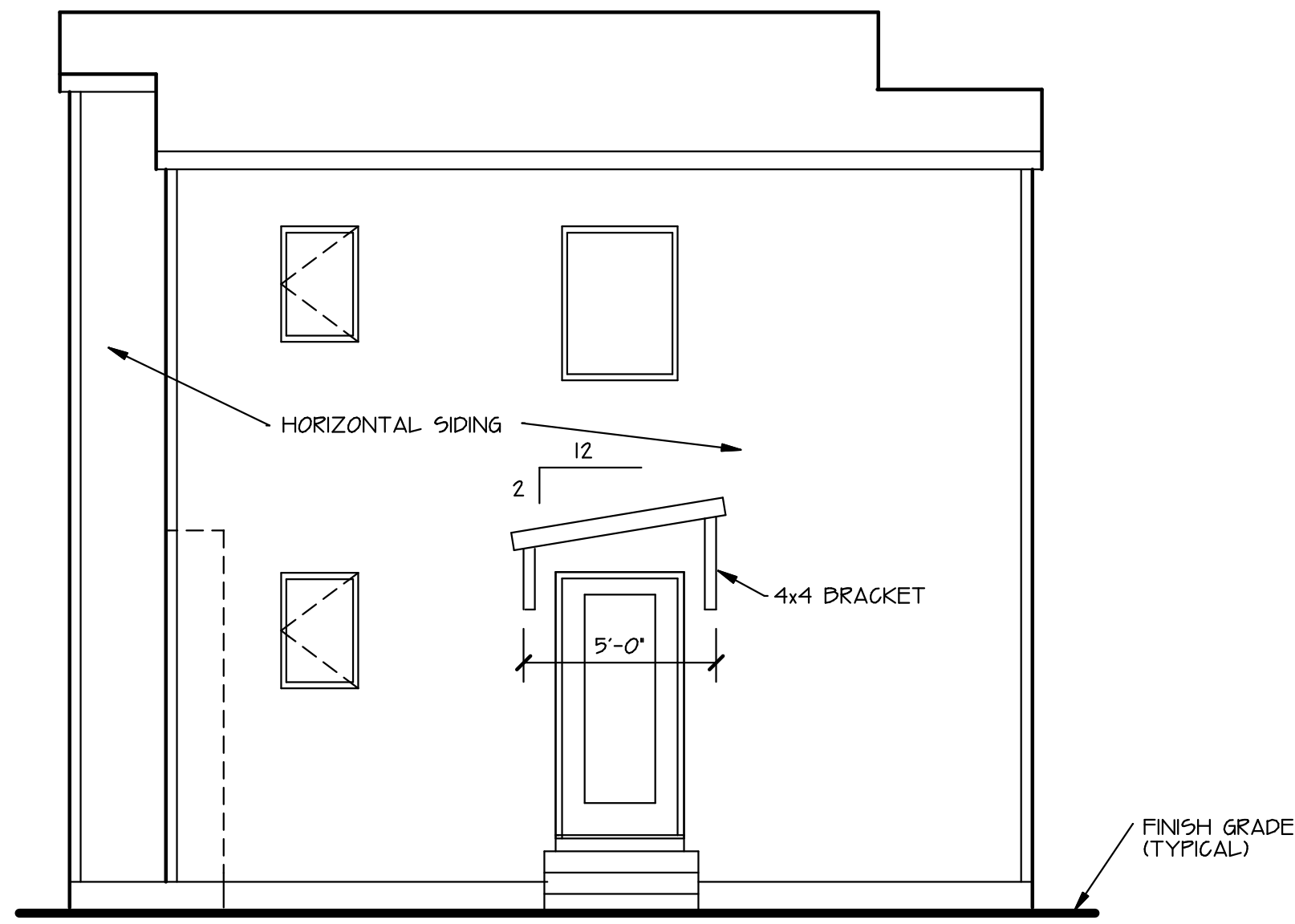
Jason Radford

Property Owner Name

Jason Radford

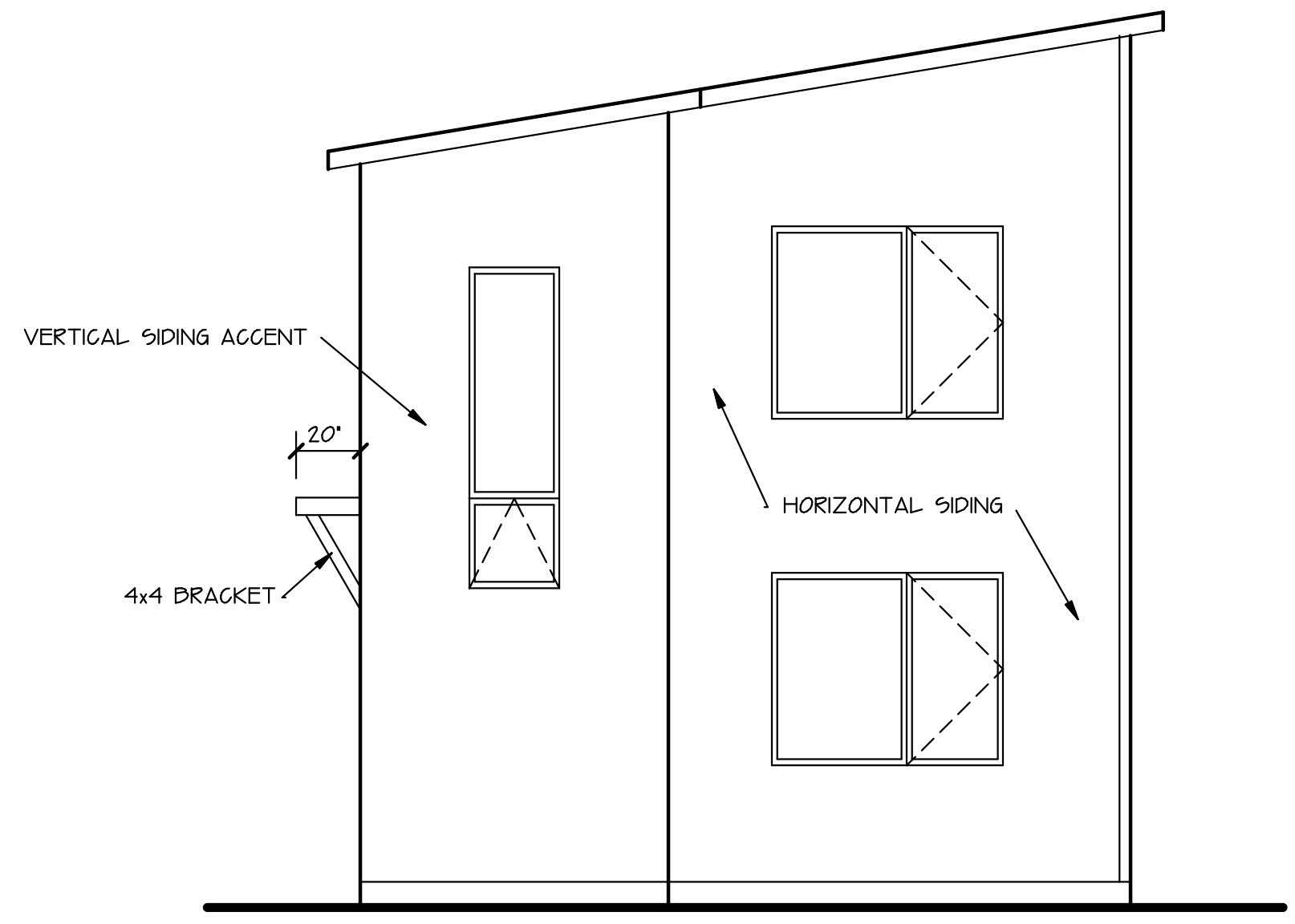
Date

12/11/2023



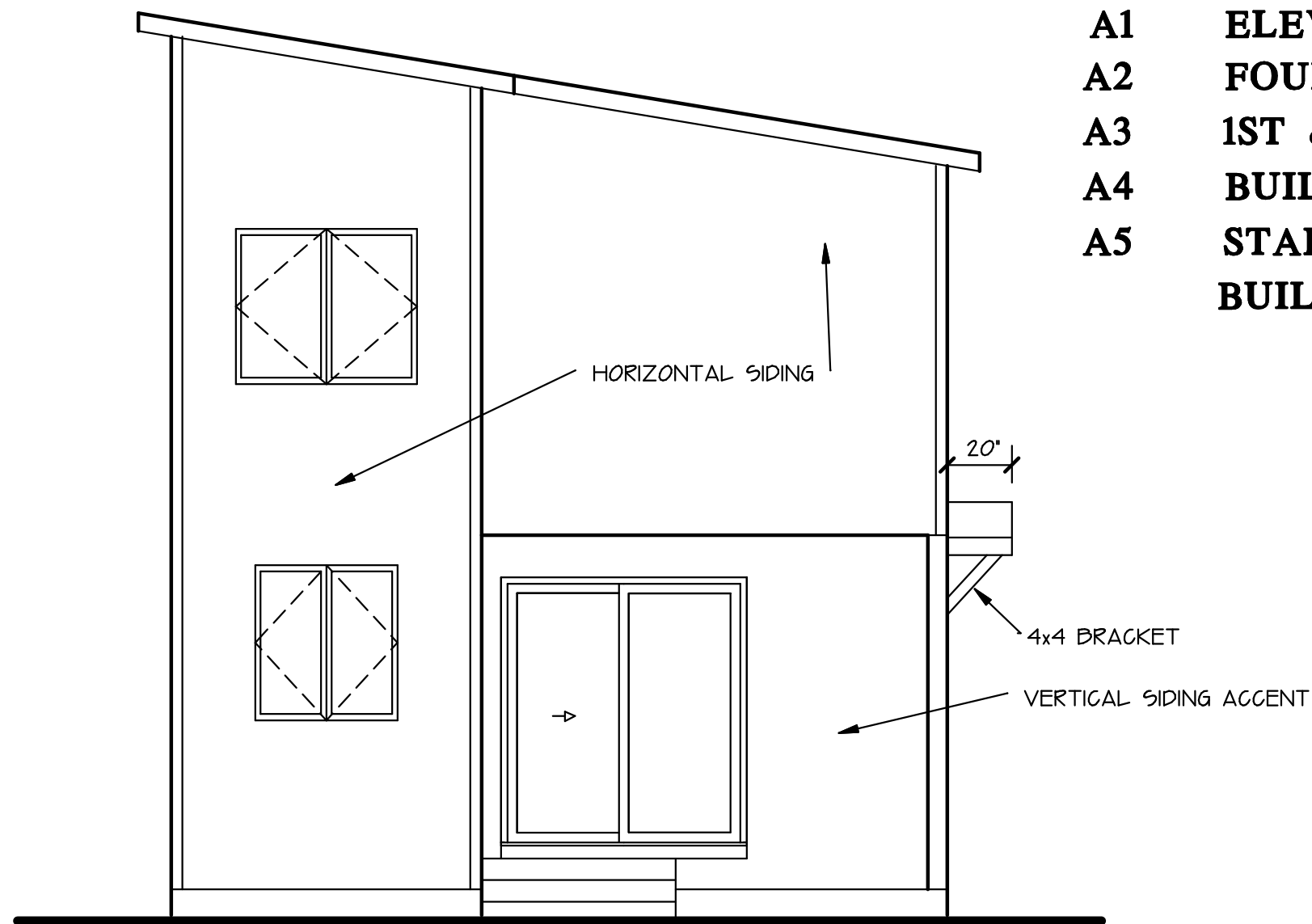
LEFT ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

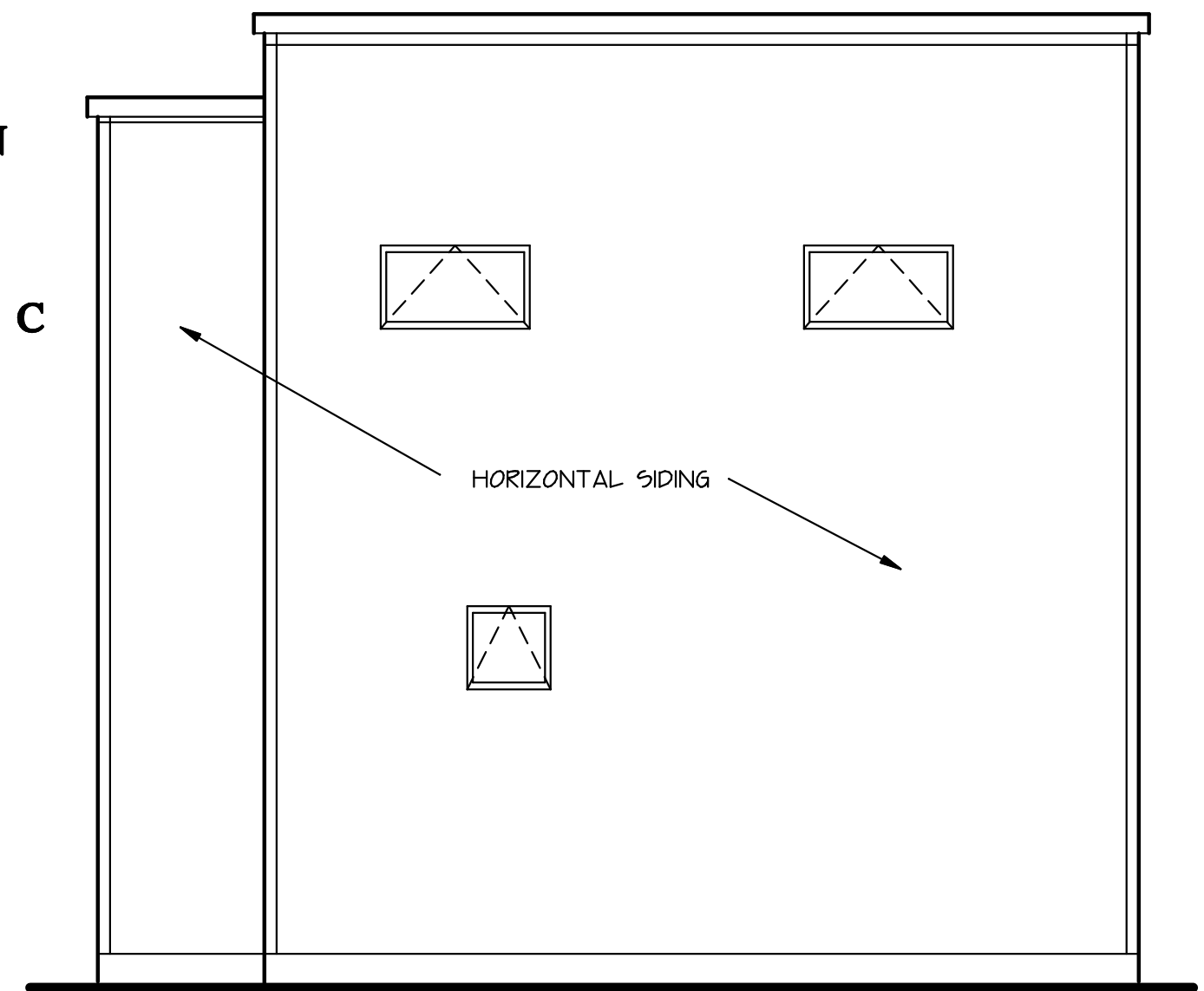
1/4" = 1'-0"



BACK ELEVATION

1/4" = 1'-0"

- | SHT # | DESCRIPTION |
|-------|--|
| A1 | ELEVATIONS |
| A2 | FOUNDATION PLAN |
| A3 | 1ST & 2ND FLOOR PLAN |
| A4 | BUILDING SECTION A |
| A5 | STAIR SECTION,
BUILDING SECTION B & C |



RIGHT ELEVATION

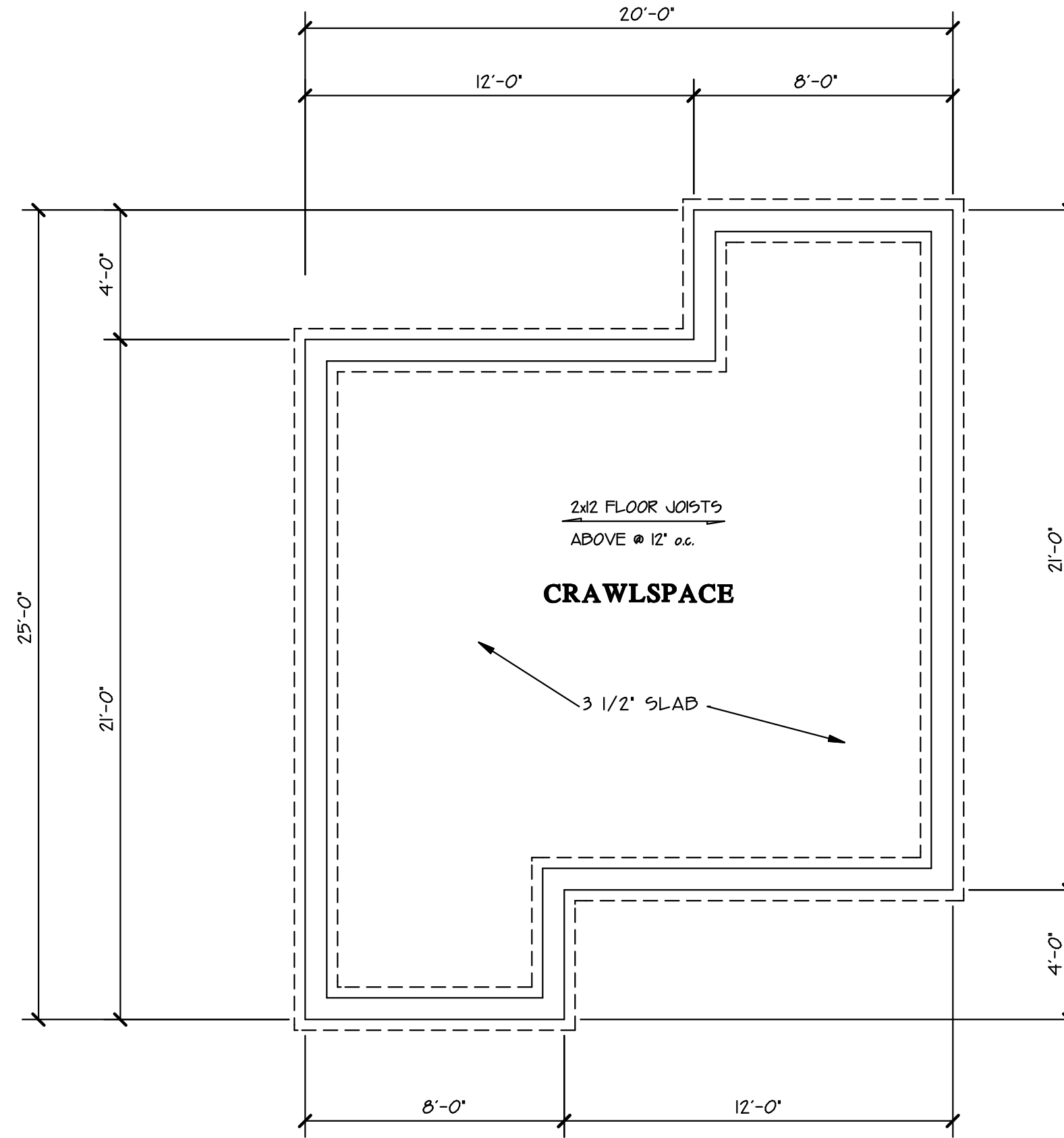
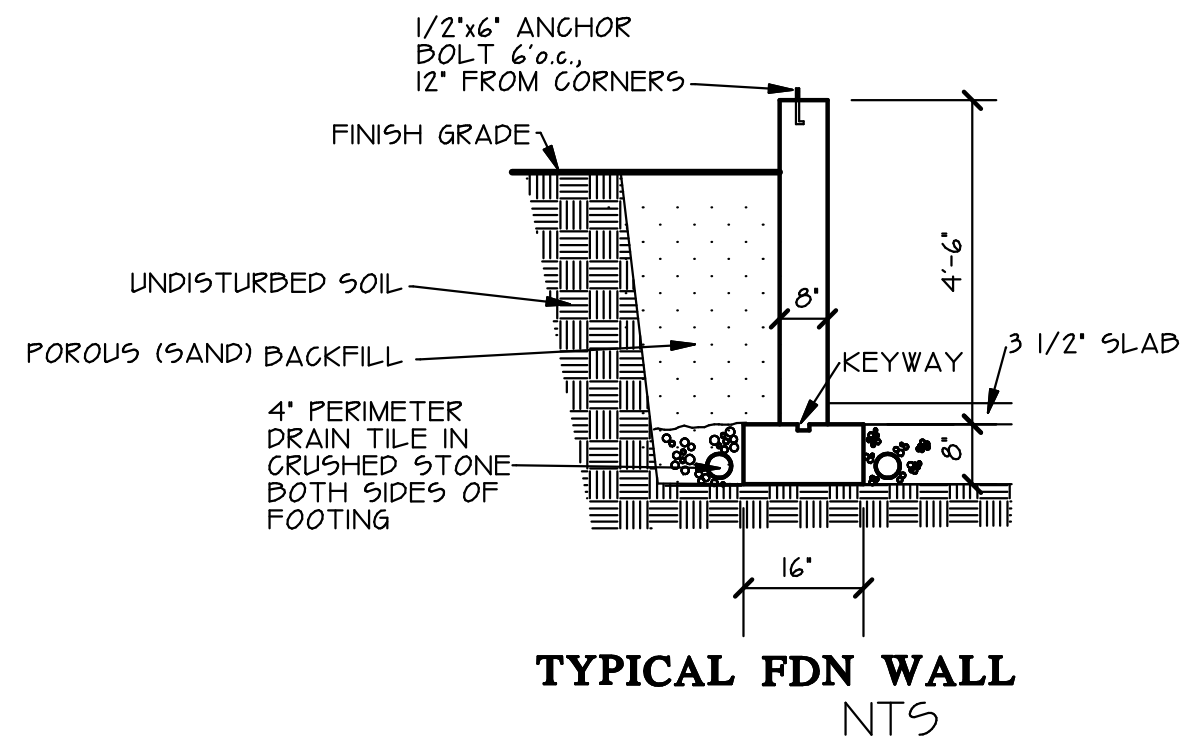
1/4" = 1'-0"

THESE PLANS ARE TO BE CONSIDERED ONLY AS GENERAL GUIDELINES FOR THE CONSTRUCTION OF THIS PROJECT. THERE IS NO GUARANTEE THAT THESE PLANS ARE IN COMPLIANCE WITH ALL APPLICABLE BUILDING CODES. IT IS THE OWNER'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND TO ENSURE THAT THIS PROJECT IS CONFORMANT WITH APPLICABLE CODES. ALL STRUCTURAL NOTATIONS ARE SUGGESTIONS ONLY. THE OWNER AND/OR BUILDER ASSUME ALL RESPONSIBILITY THIS PROJECT WILL CONFORM TO OR EXCEED LOCAL AND STATE CODES. USE OF THIS PLAN SHALL BE AT THE USER'S SOLE RISK.

No.	Date
1	11-22-2023
2	12-04-2023
3	12-11-2023

PROPOSED SPEC HOUSE FOR
JASON RADFORD
 17 PAGE ST. KITTERY, MAINE

A1



FOUNDATION PLAN

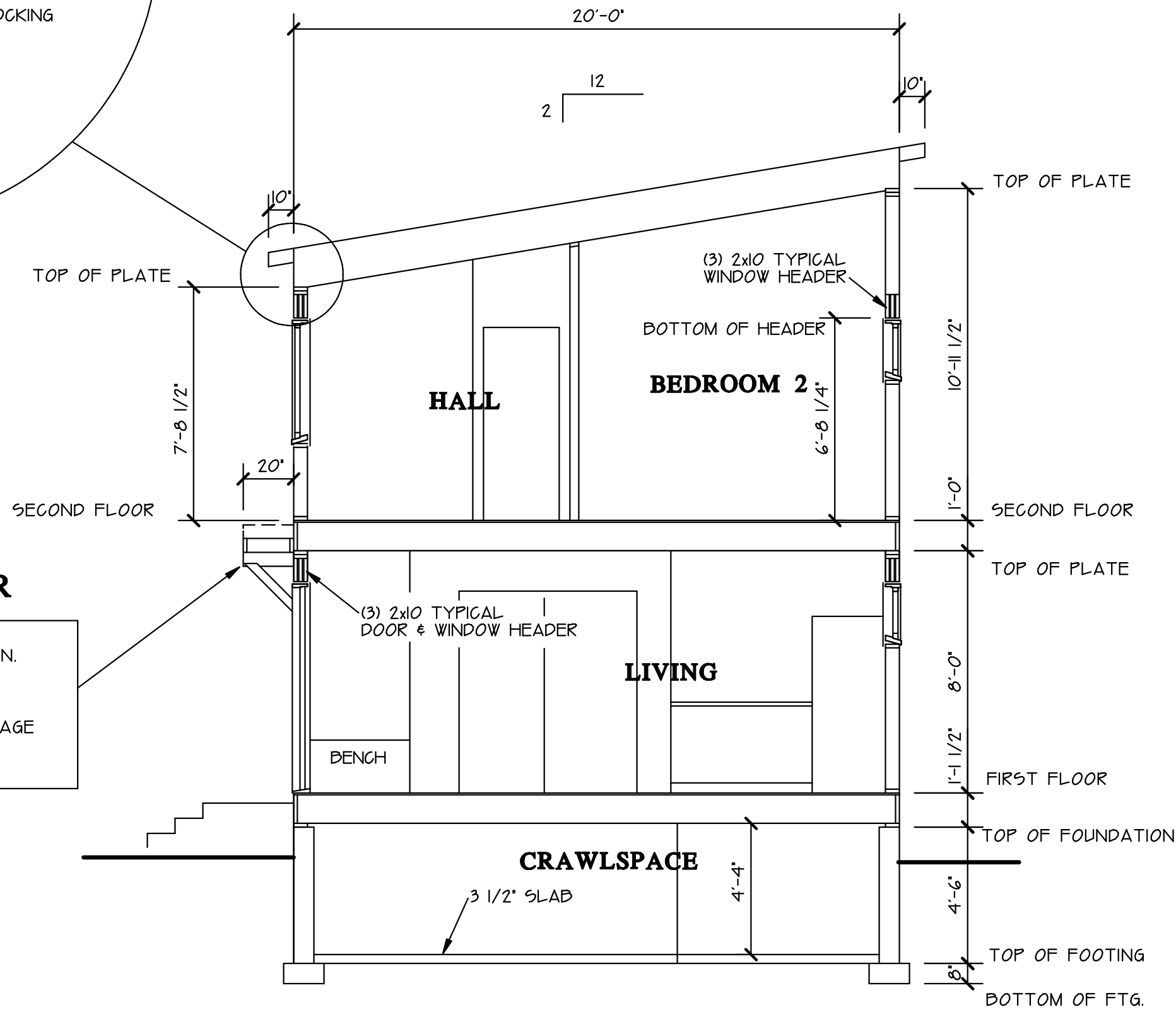
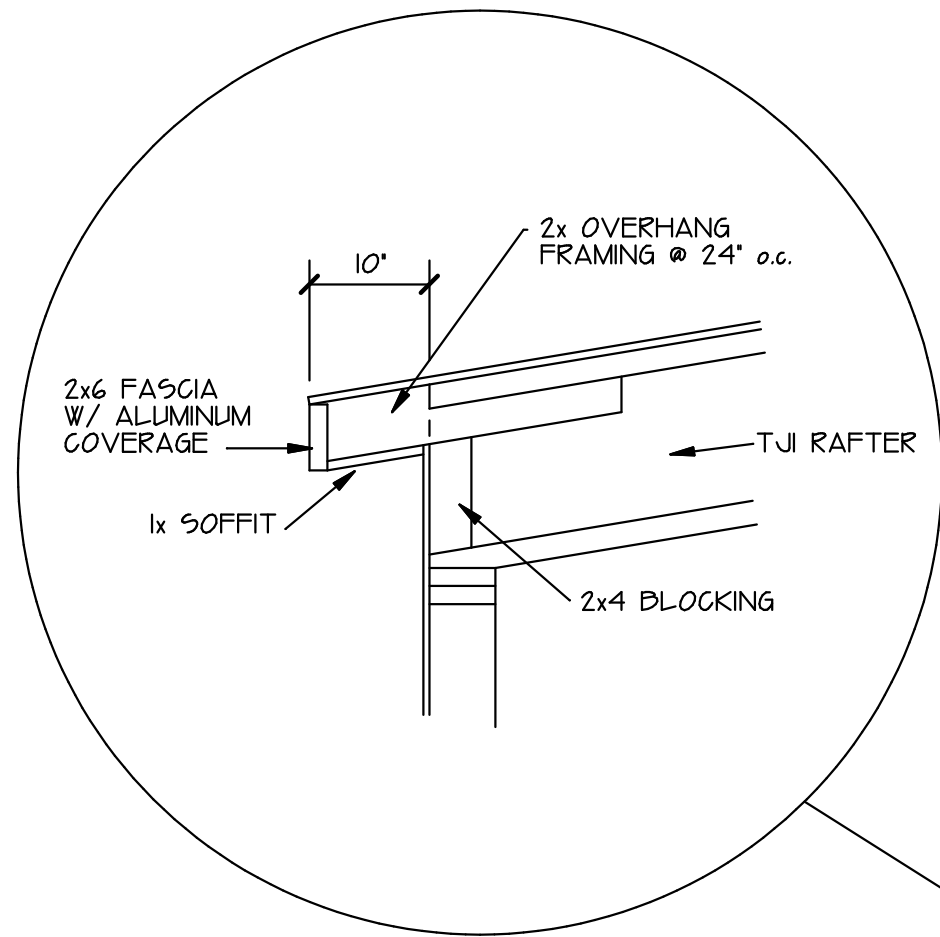
1/4" = 1'-0"

THESE PLANS ARE TO BE CONSIDERED ONLY AS GENERAL GUIDELINES FOR THE CONSTRUCTION OF THIS PROJECT. COMPLIANCE WITH THE APPLICABLE BUILDING CODES IS THE OWNER'S AND/OR THE BUILDER'S RESPONSIBILITY TO CONSTRUCT THIS PROJECT IN CONFORMANCE WITH APPLICABLE CODES. ALL STRUCTURAL NOTATIONS ARE SUGGESTIONS ONLY. THE OWNER AND/OR BUILDER ASSUME ALL RESPONSIBILITY THIS PROJECT WILL CONFORM TO OR EXCEED LOCAL AND STATE CODES. USE OF THIS PLAN SHALL BE AT THE USER'S SOLE RISK.

No.	Date
1	11-22-2023
2	12-04-2023
3	12-11-2023

PROPOSED SPEC HOUSE FOR
JASON RADFORD
17 PAGE 5T. KITTERY, MAINE

A2



ROOF ABOVE DOOR

- METAL ROOFING INSTALLED PER MANUFACTURER'S RECOMMENDATION.
- 5/8" OSB ROOF SHEATHING
- 2x6 RAFTERS
- 2x6 FASCIA W/ ALUMINUM COVERAGE
- 4x4 BRACKETS
- 1x CEILING (MATCH EAVE SOFFIT)

TYP. ROOF CONSTR.

- METAL ROOFING INSTALLED PER MANUFACTURER'S RECOMMENDATION.
- 5/8" OSB ROOF SHEATHING
- 16" TJI RAFTERS AT 24" o.c.

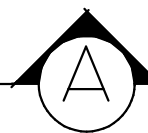
TYP. EXTERIOR WALL

- HORIZONTAL LP SMART SIDING WITH WHITE CEDAR VERTICAL NICKEL GAP SHIPLAP SIDING ACCENTS (SEE ELEVATIONS FOR ACCENT LOCATIONS)
- HYDROGAP BUILDING WRAP
- 1/2" OSB WALL SHEATHING
- 2x6 WALL STUDS AT 24" o.c.

TYP. FLOOR CONSTR.

- 3/4" ADVANTECH SUB-FLOOR (GLUED & SCREWED)
- 2x12 FLOOR JOISTS AT 12" o.c.

BUILDING SECTION



1/4" = 1'-0"

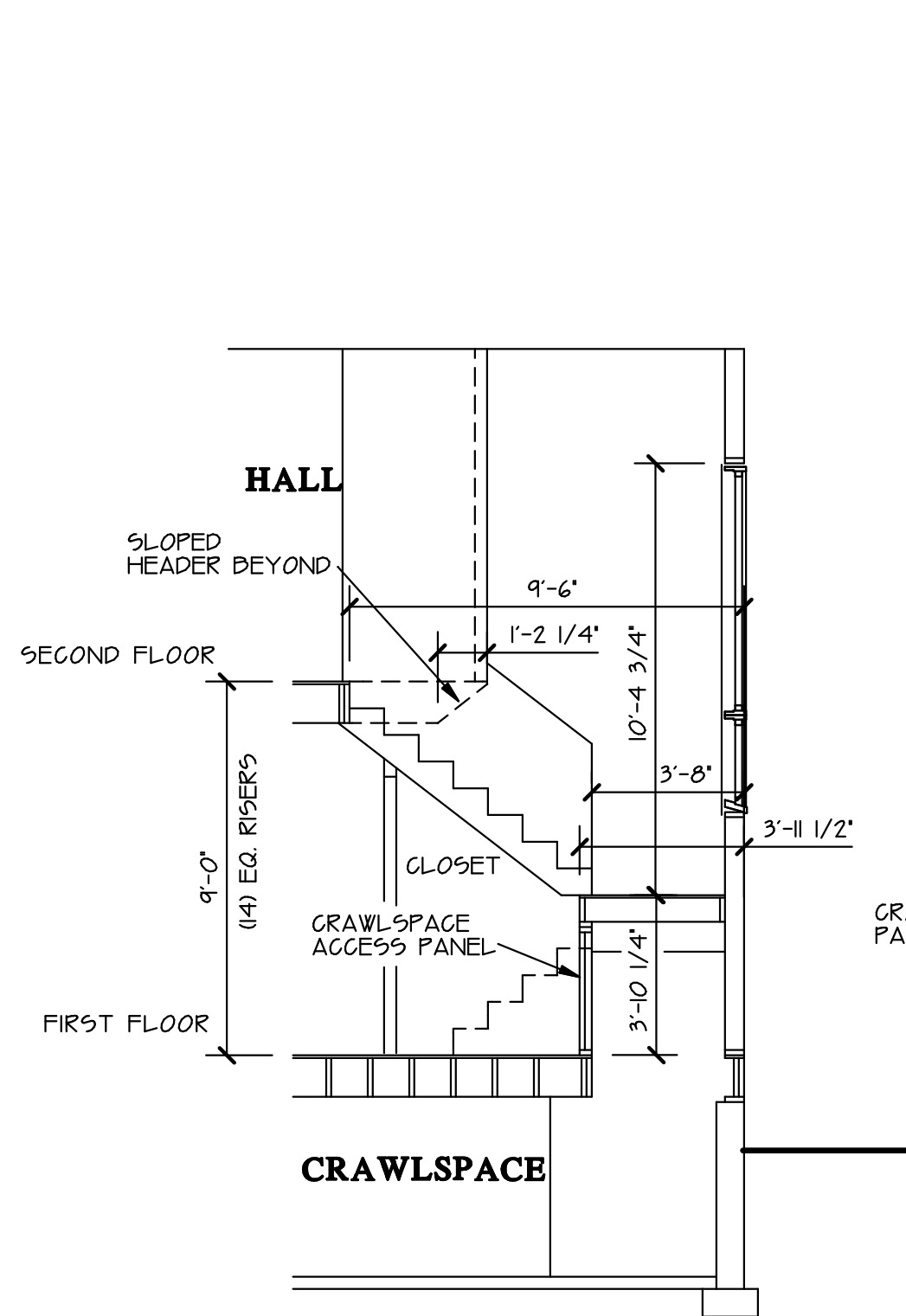
THESE PLANS ARE TO BE CONSIDERED ONLY AS GENERAL GUIDANCE FOR THE GENERAL CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COMPLIANCE WITH ALL APPLICABLE BUILDING CODES. IT IS THE OWNER'S AND/OR THE BUILDER'S RESPONSIBILITY TO CONSTRUCT THIS PROJECT IN CONFORMANCE WITH APPLICABLE CODES. ALL STRUCTURAL NOTATIONS ARE SUGGESTIONS ONLY. THE OWNER AND/OR BUILDER ASSUME ALL RESPONSIBILITY FOR THIS PROJECT WILL CONFORM TO OR EXCEED LOCAL AND STATE CODES. USE OF THIS PLAN SHALL BE AT THE USER'S SOLE RISK.

No.	Date
1	11-22-2023
2	12-04-2023
3	12-11-2023

PROPOSED SPEC HOUSE FOR
JASON RADFORD
KITTEERY, MAINE

17 PAGE SET.

A4

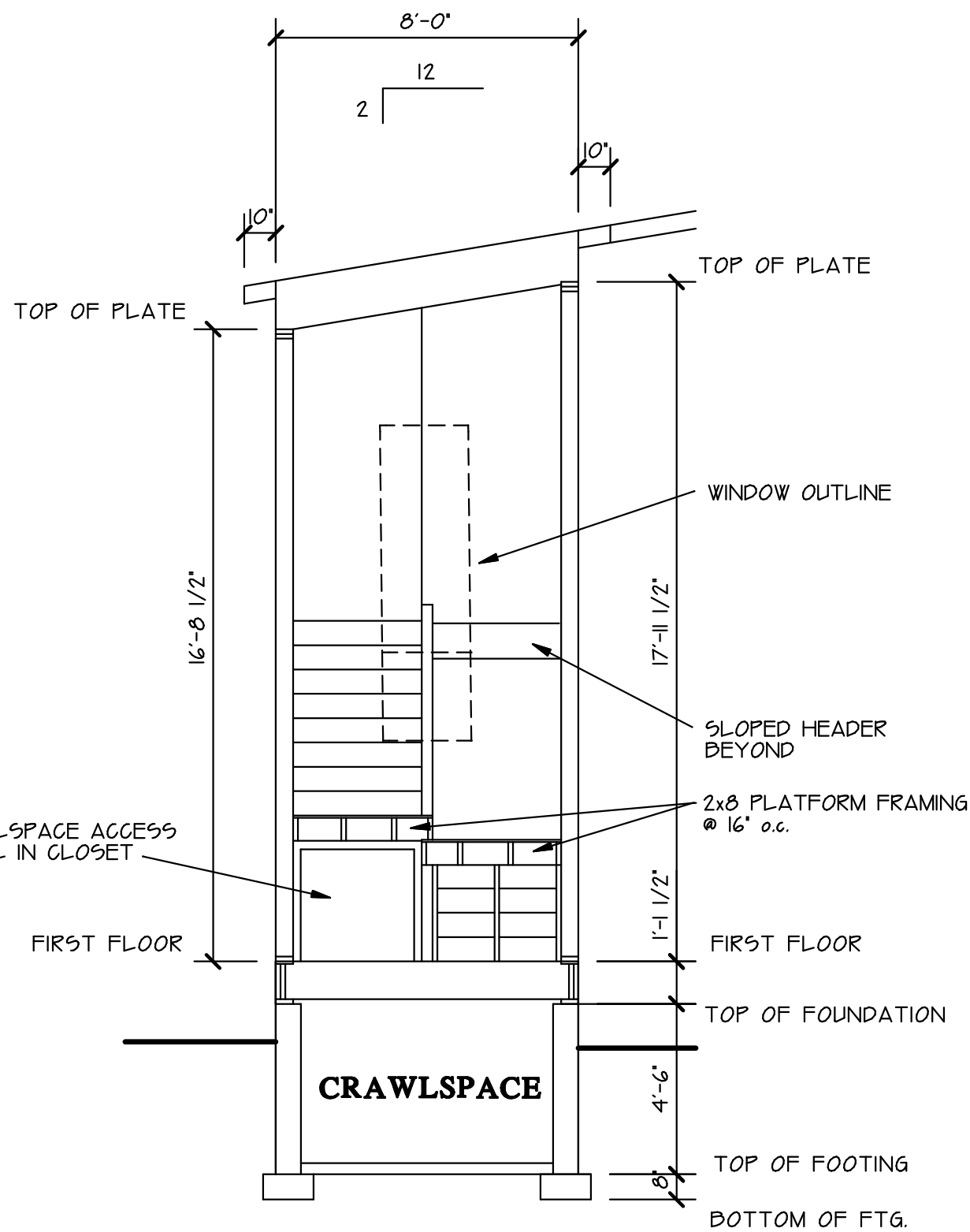


STAIR SECTION

1/4" = 1'-0"

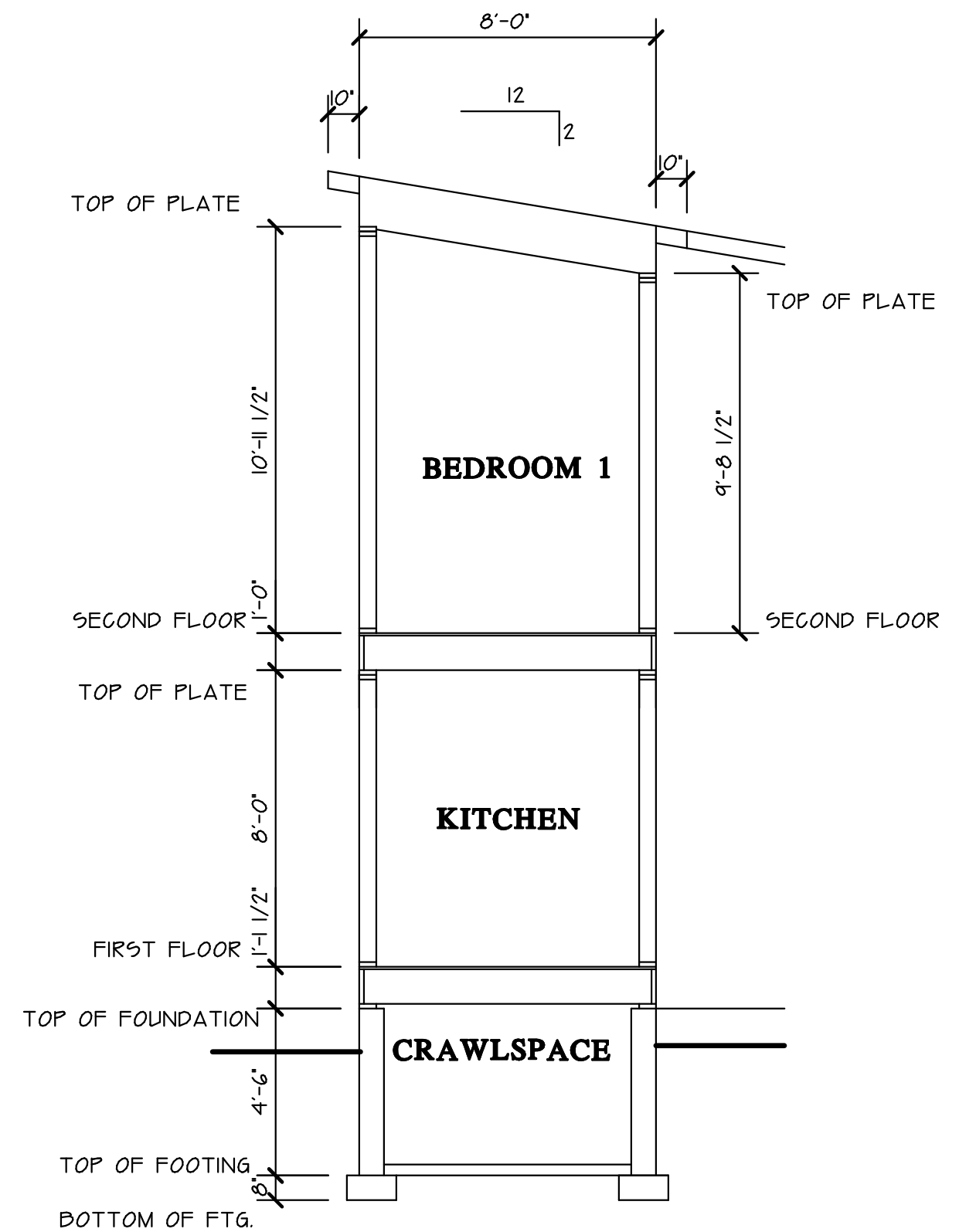
STAIRS :

- RISERS : 7 3/4" MAX.
- TREADS : 10" MIN.
- HEADRM : 6'-8" MIN.



BUILDING SECTION B

1/4" = 1'-0"



BUILDING SECTION C

1/4" = 1'-0"

REFER TO SHEET A4 FOR ADDITIONAL INFO.

THESE PLANS ARE TO BE CONSIDERED ONLY AS GENERAL GUIDANCE FOR THE OWNER OF THIS PROJECT. THERE IS NO GUARANTEE THAT THESE PLANS ARE IN COMPLIANCE WITH THE APPLICABLE BUILDING CODES. IT IS THE OWNER'S AND/OR THE BUILDER'S RESPONSIBILITY TO CONSTRUCT THIS PROJECT IN CONFORMANCE WITH APPLICABLE CODES. ALL STRUCTURAL NOTATIONS ARE SUGGESTIONS ONLY. THE OWNER AND/OR BUILDER ASSUME ALL RESPONSIBILITY THIS PROJECT WILL CONFORM TO OR EXCEED LOCAL AND STATE CODES. USE OF THIS PLAN SHALL BE AT THE USER'S SOLE RISK.

No.	Date
1	11-22-2023
2	12-04-2023
3	12-11-2023

PROPOSED SPEC HOUSE FOR
JASON RADFORD

17 PAGE 5T. KITTERY, MAINE

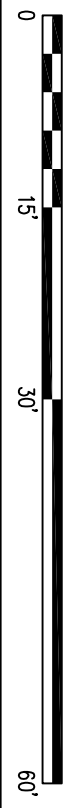
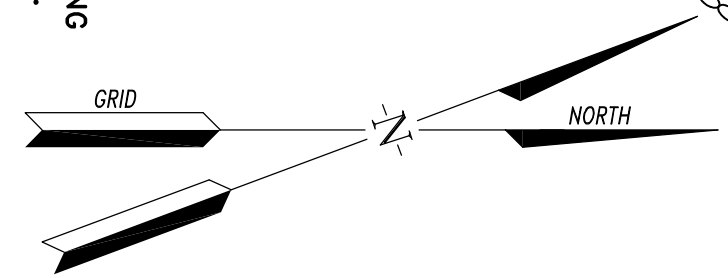
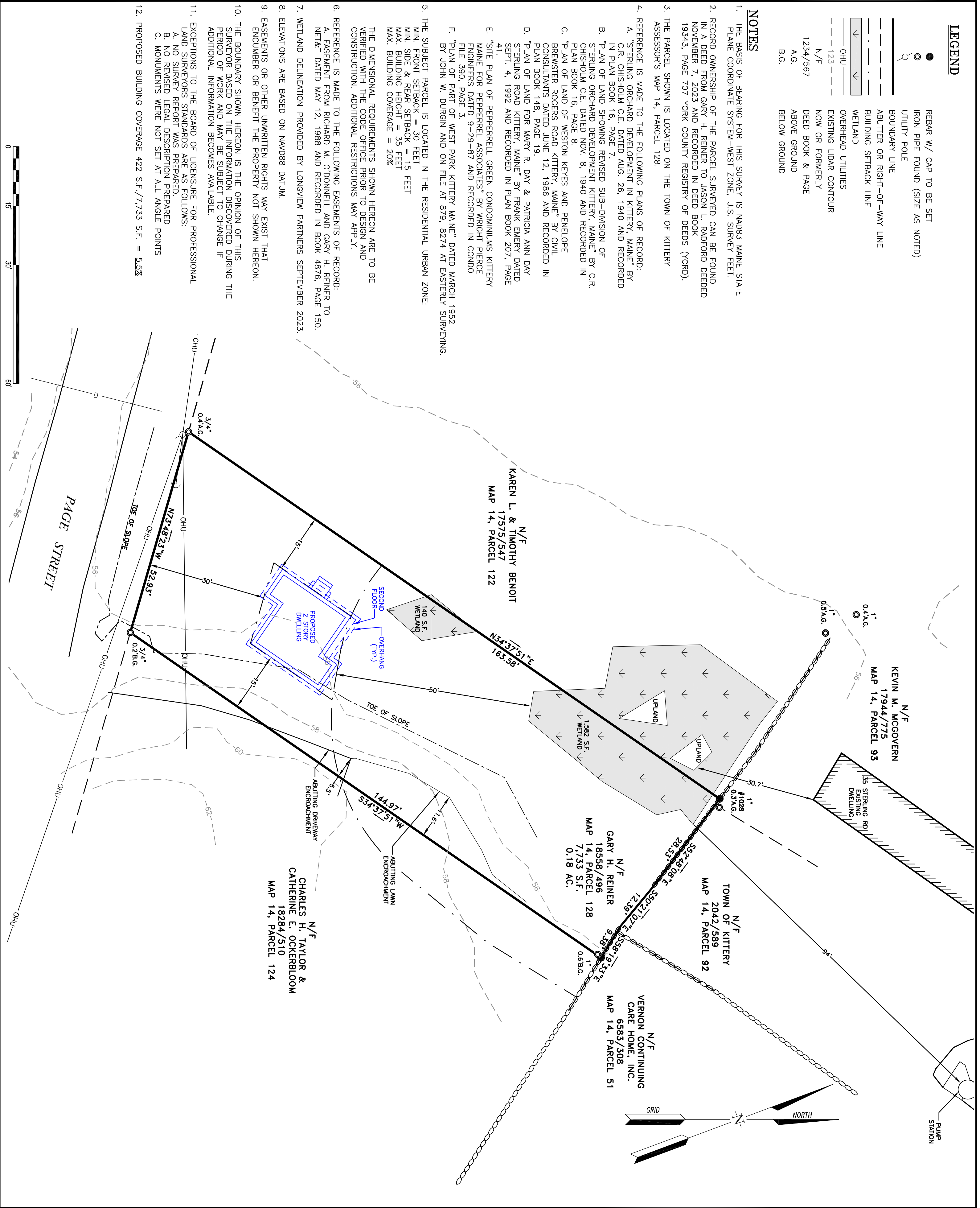
A5

LEGEND

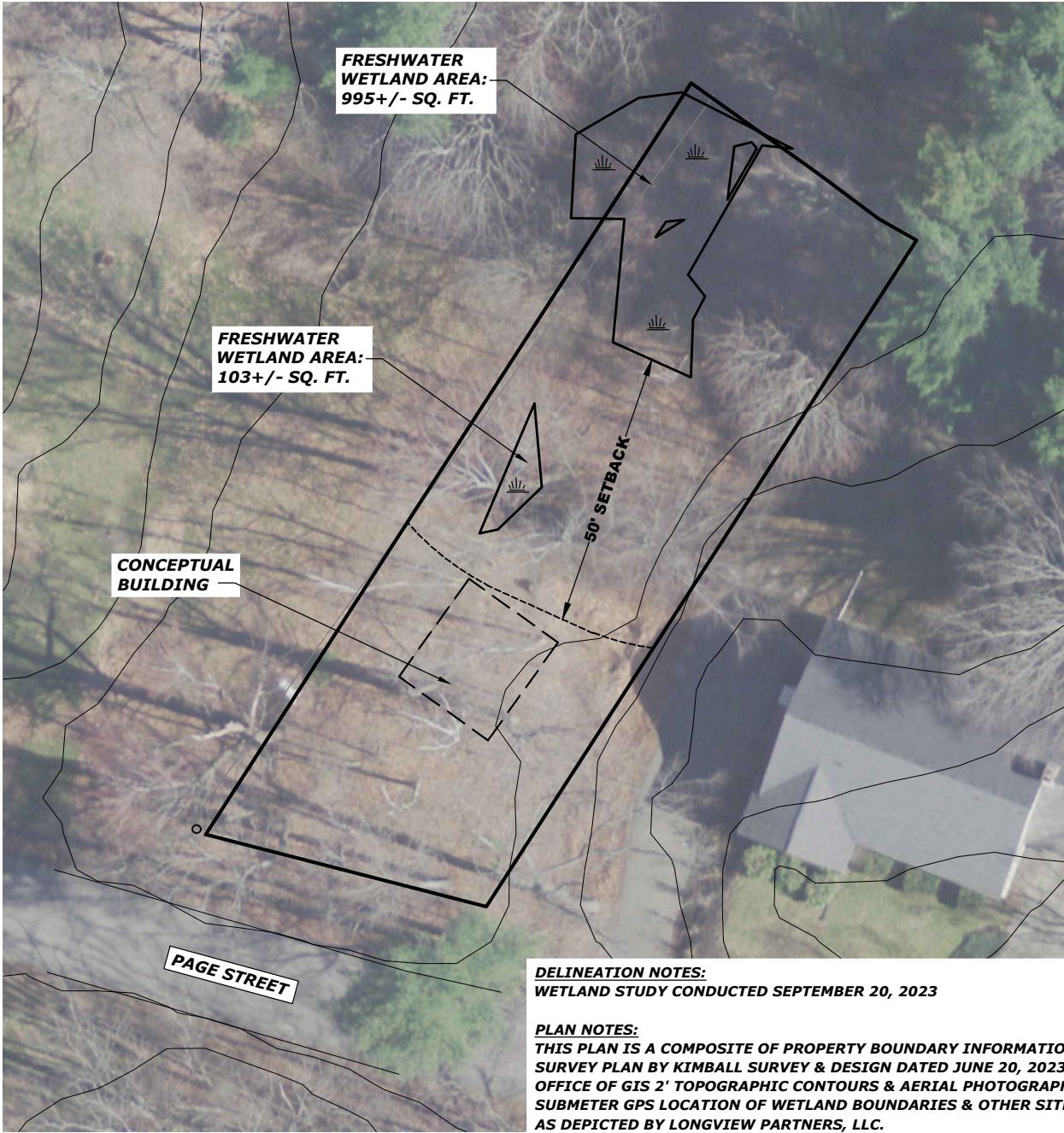
- REBAR W/ CAP TO BE SET
- IRON PIPE FOUND (SIZE AS NOTED)
- UTILITY POLE
- BOUNDARY LINE
- - - ABUTTER OR RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE
- WETLAND
- OHU OVERHEAD UTILITIES
- EXISTING LIDAR CONTOUR
- N/F NOW OR FORMERLY
- 1234/567 DEED BOOK & PAGE
- A.G. ABOVE GROUND
- B.G. BELOW GROUND

NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS NAD83 MAINE STATE PLANE COORDINATE SYSTEM—WEST ZONE, U.S. SURVEY FEET.
2. RECORD OWNERSHIP OF THE PARCEL SURVEYED CAN BE FOUND IN A DEED FROM GARY H. REINER TO JASON L. RADFORD DEDDED NOVEMBER 7, 2023 AND RECORDED IN DEED BOOK 19343, PAGE 707 YORK COUNTY REGISTRY OF DEEDS (YCRD).
3. THE PARCEL SHOWN IS LOCATED ON THE TOWN OF KITTERY ASSESSOR'S MAP 14, PARCEL 128.
4. REFERENCE IS MADE TO THE FOLLOWING PLANS OF RECORD:
 - A. "STERLING ORCHARD DEVELOPMENT IN KITTERY, MAINE" BY C.R. CHISHOLM C.E. DATED AUG. 26, 1940 AND RECORDED IN PLAN BOOK 16, PAGE 7.
 - B. "PLAN OF LAND SHOWING REVISED SUB-DIVISION OF STERLING ORCHARD DEVELOPMENT KITTERY, MAINE" BY C.R. CHISHOLM C.E. DATED NOV. 8, 1940 AND RECORDED IN PLAN BOOK 16, PAGE 8.
 - C. "PLAN OF LAND OF WESTON KEYES AND PENELOPE BREWSTER ROGERS ROAD KITTERY, MAINE" BY CIVIL CONSULTANTS DATED JUNE 12, 1986 AND RECORDED IN PLAN BOOK 148, PAGE 19.
 - D. "PLAN OF LAND FOR MARY R. DAY & PATRICIA ANN DAY STERLING ROAD KITTERY, MAINE" BY FRANK EMERY DATED SEPT. 4, 1992 AND RECORDED IN PLAN BOOK 207, PAGE 41.
 - E. "SITE PLAN OF PEPPERELL GREEN CONDOMINIUMS KITTERY MAINE FOR PEPPERELL ASSOCIATES" BY WRIGHT PERCE ENGINEERS DATED 9-29-87 AND RECORDED IN CONDO FILE 390, PAGE 3.
 - F. "PLAN OF PART OF WEST PARK KITTERY MAINE" DATED MARCH 1952 BY JOHN W. DURGIN AND ON FILE AT 879, 8274 AT EASTERLY SURVEYING.
5. THE SUBJECT PARCEL IS LOCATED IN THE RESIDENTIAL URBAN ZONE:
 - MIN. FRONT SETBACK = 30 FEET
 - MIN. SIDE & REAR SETBACK = 15 FEET
 - MAX. BUILDING HEIGHT = 35 FEET
 - MAX. BUILDING COVERAGE = 20%
- THE DIMENSIONAL REQUIREMENTS SHOWN HEREON ARE TO BE VERIFIED WITH THE CODE OFFICE PRIOR TO DESIGN AND CONSTRUCTION. ADDITIONAL RESTRICTIONS MAY APPLY.
6. REFERENCE IS MADE TO THE FOLLOWING EASEMENTS OF RECORD:
 - A. EASEMENT FROM RICHARD M. O'DONNELL AND GARY H. REINER TO NET&T DATED MAY 12, 1988 AND RECORDED IN BOOK 4876, PAGE 150.
7. WETLAND DELINEATION PROVIDED BY LONGVIEW PARTNERS SEPTEMBER 2023.
8. ELEVATIONS ARE BASED ON NAVD88 DATUM.
9. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
10. THE BOUNDARY SHOWN HEREON IS THE OPINION OF THIS SURVEYOR BASED ON THE INFORMATION DISCOVERED DURING THE PERIOD OF WORK AND MAY BE SUBJECT TO CHANGE IF ADDITIONAL INFORMATION BECOMES AVAILABLE.
11. EXCEPTIONS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS ARE AS FOLLOWS:
 - A. NO SURVEY REPORT WAS PREPARED.
 - B. NO REVISED LEGAL DESCRIPTION PREPARED
 - C. MONUMENTS WERE NOT SET AT ALL ANGLE POINTS
12. PROPOSED BUILDING COVERAGE 422 S.F./7,733 S.F. = 5.52%



<p>Site Plan</p> <p>Map 14, Parcel 128</p> <p>17 Page Street</p> <p>Kittery, Maine</p>	<p>Owner of Record:</p> <p>Jason L. Radford</p> <p>10 Endless Summer Lane</p> <p>Biddeford, Maine</p>	<p>KIMBALL</p> <p>SURVEY & DESIGN, INC.</p> <p>30 FROST HILL ROAD YORK, MAINE 03909 207-351-0226</p> <p>ISAIAH@KIMBALLLANDSURVEYING.COM WWW.KIMBALLLANDSURVEYING.COM</p> <p>PROFESSIONAL LAND SURVEYING</p>	
<p>DATE: DECEMBER 11, 2023</p> <p>PROJECT NO. 2445</p> <p>CAD FILE: 2445.dwg</p>	<p>SCALE: 1" = 15'</p>	<p>SHEET</p> <p>1 OF 1</p>	



**FRESHWATER WETLAND AREA:
995 +/- SQ. FT.**

**FRESHWATER WETLAND AREA:
103 +/- SQ. FT.**

CONCEPTUAL BUILDING

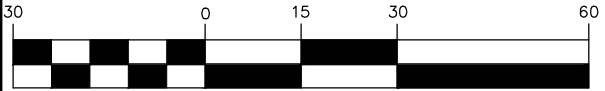
PAGE STREET

DELINEATION NOTES:
WETLAND STUDY CONDUCTED SEPTEMBER 20, 2023

PLAN NOTES:
THIS PLAN IS A COMPOSITE OF PROPERTY BOUNDARY INFORMATION PER A SURVEY PLAN BY KIMBALL SURVEY & DESIGN DATED JUNE 20, 2023, MAINE OFFICE OF GIS 2' TOPOGRAPHIC CONTOURS & AERIAL PHOTOGRAPH, AND SUBMETER GPS LOCATION OF WETLAND BOUNDARIES & OTHER SITE FEATURES AS DEPICTED BY LONGVIEW PARTNERS, LLC.

MAP IS FURNISHED FOR PLANNING PURPOSES ONLY AND SHALL NOT BE REPRODUCED OR UTILIZED BY ANYONE OTHER THAN THE PARTIES NAMED WITHOUT EXPRESS WRITTEN CONSENT OF LONGVIEW PARTNERS, LLC.

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

LEGEND:



FRESHWATER WETLAND AREA (LOCATED BY LONGVIEW PARTNERS, LLC SUBMETER GPS)

WETLAND DELINEATION PLAN
PREPARED FOR
JASON RADFORD
17 PAGE STREET
(MAP 14, LOT 128)
KITTERY, MAINE



ENVIRONMENTAL PERMITTING SPECIALISTS

DRAFT: BO SCALE: 1" = 30' CHECKED: JL PLAN DATE: 9/28/23



150 foot Abutters List Report

Kittery, ME
February 27, 2024

Subject Property:

Parcel Number: 14-128
CAMA Number: 14-128
Property Address: 17 PAGE STREET

Mailing Address: RADFORD, JASON L
10 ENDLESS SUMMER LANE
BIDDEFORD, ME 04005

Abutters:

Parcel Number: 14-121
CAMA Number: 14-121
Property Address: 9 PAGE STREET

Mailing Address: MARGUERITE J BRACKETT REV TRUST
BRACKETT, MARGUERITE J TR
9 PAGE STREET
KITTERY, ME 03904

Parcel Number: 14-122
CAMA Number: 14-122
Property Address: 13 PAGE STREET

Mailing Address: BENOIT, KAREN L. BENOIT, TIMOTHY
14 BERWICK ROAD
SOUTH BERWICK, ME 03908

Parcel Number: 14-124
CAMA Number: 14-124
Property Address: 19 PAGE STREET

Mailing Address: TAYLOR, CHARLES H. OCKERBLOOM,
CATHERINE E.
19 PAGE STREET
KITTERY, ME 03904

Parcel Number: 14-124A
CAMA Number: 14-124A
Property Address: 23 PAGE STREET

Mailing Address: HARTLEY, WILLIAM A HARTLEY, TERRI
A
23 PAGE STREET
KITTERY, ME 03904-1416

Parcel Number: 14-126
CAMA Number: 14-126
Property Address: 16 PAGE STREET

Mailing Address: COATES LIFE ESTATE, MARIE A
25 CROSBY STREET
BRATTLEBORO, VT 05301

Parcel Number: 14-127
CAMA Number: 14-127
Property Address: 10 PAGE STREET

Mailing Address: SINK, KALI M SINK, ADAM W
10 PAGE STREET
KITTERY, ME 03904

Parcel Number: 14-51
CAMA Number: 14-51
Property Address: 143-147 ROGERS ROAD

Mailing Address: VERNON CONTINUING CARE HOMES
INC
143 ROGERS ROAD SUITE 100
KITTERY, ME 03904-1449

Parcel Number: 14-91
CAMA Number: 14-91
Property Address: 31 STERLING ROAD

Mailing Address: ANTEQUERA, ELLIOTT
31 STERLING ROAD
KITTERY, ME 03904

Parcel Number: 14-92
CAMA Number: 14-92
Property Address: 33 LAUREL AVENUE

Mailing Address: INHABITANTS OF KITTERY 33 LAUREL
AVENUE PUMP STATION
200 ROGERS ROAD
KITTERY, ME 03904-1428

Parcel Number: 14-93
CAMA Number: 14-93
Property Address: 35 STERLING ROAD

Mailing Address: MCGOVERN, KEVIN M.
35 STERLING ROAD
KITTERY, ME 03904



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



150 foot Abutters List Report

Kittery, ME
February 27, 2024

Parcel Number: 14-94
CAMA Number: 14-94
Property Address: 16 LAUREL AVENUE

Mailing Address: ODOM, SARA E
16 LAUREL AVENUE
KITTERY, ME 03904

Parcel Number: 8-41
CAMA Number: 8-41
Property Address: 100 VILLAGE GREEN DRIVE

Mailing Address: VERNON CONTINUING CARE HOMES
INC
143 ROGERS ROAD SUITE 100
KITTERY, ME 03904-1449



www.cai-tech.com

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~ Classifieds & News ~

CES



WARD

6:00 PM

ong Sands Road, York

rd will conduct a joint public
e amendment as follows:

nce

ment (draft document dated
the Town Clerk at the Town
the Town's website: www.

f Public Hearing

ent Agency (FEMA) Base Flood
rea (SFHA) Boundaries for the
ine.

intent to revise the Base Flood
ea (SFHA) boundaries affecting
. Specifically, the flood hazard
reas of the Atlantic Ocean in the

lly accurate flood maps for the
astal flood hazard analysis and
application based on the new
encompasses the coastal areas
urance Rate Map (FIRM) Panels
0731G, and 23031C0733G. As
oundaries will be corrected to be
1% annual chance water-surface
1% annual chance floodplain shall

sion can be
Road, Kittery,
revision or its
onor, Project
ne.org.



NOTICE

1333 State Rd.
, 2024

rd of the Town of Eliot, Maine
ch 14, 2024 at 5:30PM in said
wing:

re, Renewal Cannabis Testing

the public hearing and will be
ime. Please refer to the Town
om instructions if you do not
office.

or zoom, and want to make
send any correspondence to

... AWARD from page 17

post-secondary, honors, and
college-level classes. She is a
two-sport athlete participating

in soccer and lacrosse. Sophia
is involved in Girl Talk, a club
for mentoring younger female
students, and is an intern in the
athletic department.

Notine will be attending
Endicott College and plans to
double major in business man-
agement and political science.
She will also compete on the
lacrosse team.

She, along with the recipi-
ents from every high school in
Maine, will be honored at the
Maine Principals' Association
banquet on April 6. Each recipi-
ent is eligible for one of several
\$1,000 scholarships.

LEGAL NOTICES

Town of Eliot PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall, 1333 State Rd., with Remote Option
DATE OF HEARING: March 12, 2024
TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, March 12, 2024 at 6:00 PM for the following application:

708 River Rd. (Map 50, Lot 29), PID# 050-029-000, PB23-07:
Preliminary Plan for Residential Subdivision (4 lots). Applicant: Alan and Frances Newson. Property Owner: Alan and Frances Newson.

Interested persons may be heard and written communication received regarding the proposed application at this public hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how to join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

Town of Kittery: Notice of Public Hearing



Pursuant to §16.4 Land Use Regulations and §16.7 General Development Requirements of the Town of Kittery Land Use and Development Code, the Kittery Planning Board shall hold a public hearing on March 14, 2024 at 6 PM in Council Chambers, 200 Rogers Road, Kittery, ME. Geoff Aleva, on behalf of owner/applicant 90 US Route 1 LLC, requests approval to develop a hotel with 62 rooms and associated parking and utilities on the property of 90 US Route 1, Tax Map 14, Lot 2, in the Bypass-Old Post Road Commercial (C-3) Zone.

A copy of the proposed application is on file with the Planning Department and may be viewed at Town Hall during normal business hours, at www.kitteryme.gov, or by emailing mzakian@kitteryme.org. All interested persons are invited to attend the public hearing in person or remotely, and will be given an opportunity to be heard at the hearing or submit public comments via email to mzakian@kitteryme.org in advance of the meeting or during the public hearing.

NOTICE OF PUBLIC HEARING March 11, 2024, 7:15 PM

Richard Gagnon Auditorium, Town Office Building
SOUTH BERWICK, MAINE

TO RECEIVE COMMENTS CONCERNING SOUTH BERWICK SEWER DISTRICT RATE CHANGES EFFECTIVE MAY 1, 2024.

Sewer District trustees ask that you please review the enclosed information which describes the proposed user charge rates commencing in May of 2024, which they have approved for presentation at the Public Hearing.

You may attend the hearing to present comments and information.

You may also submit information in writing to Trustees, South Berwick Sewer District, 293C Main Street, P.O. Box 320, South Berwick, ME 03908.

Information received prior to that date and at the Public Hearing

ACCOUNTING

ACCOUNTING + TAX SOLUTIONS

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with Tax Prep & Bookkeeping
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pattygraves37@gmail.com

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Trustworthy and dependable.
207-439-1363

YARD CARE

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Fall & Storm Clean Ups, Snow
Removal, Tree Limb Removal,
Lawn Repair & Seeding,
Mowing, Trimming, Blowing,
Moss Control & Removal.
Call 207-351-2887.

LEGAL NOTICES

NOTICE OF PUBLIC HEARING

TOWN OF KITTERY BOARD OF APPEALS

In-Person, Council Chambers
Tuesday, March 12, 2024
6:30 p.m.

Arthur Dumas, on behalf of abutters Charles Taylor and Karen Benoit, requests an Administrative Appeal of the issuance of a building permit for 17 Page Street located in the Residential-Urban Zone per Code Section 16.1.8.