

**Town of Kittery Maine**  
**Planning Board Meeting**  
**March 12, 2020**

**ITEM 1 - 50 Chauncey Creek Road – Shoreland Development Plan Amendment**

Action: Accept or deny application. Approve or deny plan amendment. Owners and applicants, Thomas and Michele Jordan request consideration of a plan amendment to add an 80 sf addition to a 1,115 sf residence on a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax Map 44 Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource Protection (OZ-RP) zones. Agent Tom Emerson, studioB-E.

**PROJECT TRACKING**

REQ'D	DESCRIPTION	COMMENTS	STATUS
YES	Determination of Completeness	Possible for 3/12/20	
NO	Public Hearing		
NO	Site Walk		
Yes	Final Plan Review and Decision	Possible for 3/12/20	
<u>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 <b>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 recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN %: HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS. As per Section 16.4.4.L – 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.</b></u>			

**Background**

Planning Board review of this plan amendment is required by 16.10.3.4 Shoreland Development Review, because the proposed development is located within the 100-foot setback of the Shoreland Overlay Zone. The house itself is located partially within the 25-foot setback. The parcel includes a nonconforming single-family dwelling unit, a boathouse and dock on a lot with a non-conforming area (40,000 sf is minimum), street frontage (150 feet required) and front yard setback (40 feet required) for the R-KPV zone.

The Board previously approved a shoreland development plan for this property on March 14, 2019. The proposal was to reconstruct the building on the same footprint, removing the enclosed front porch, building a new foundation and expanding the deck. The Board subsequently reviewed an application for a modification involving a shed on the deck in October of last year which was not approved.

The house is currently under construction and not all of the site improvements that were previously approved last year have been constructed.

The Applicants propose to:

1. Expand the deck (labeled Approved Deck #1 To Be Reduced on the plan) by 46 sf instead of the previously approved 76 sf.;
2. Remove the previously approved Grass/Stone Walkway #2 from consideration;
3. Retain the previously approved grass/stone walkway in front (Approved Walkway #1) + step (Step);
4. Remove the previously approved Stairs #2 from consideration;
5. Retain the previously approved Stairs #1;
6. Retain the previously approved Retaining Wall #4; and
7. Add an 80 sf two story addition (Proposed Addition) to the house.

The de-vegetated area percentage – 24.2% – will remain the same as the previously approved plan. Building coverage will be 15.3% which remains under the maximum allowed (20%).

### **Staff Review**

The building expansion involves adding an 80-sf addition on the northwestern side of the house with storage on the ground level (accessible from the street-side of the addition) and living space on the second floor while staying within the required 15-foot side yard setbacks. The previously approved retaining wall will be located underneath the building expansion.

The proposed expansion does not meet the requirements of the Shoreland Zone (OZ-SL-250') since the entire property lies within the 100-foot setback. Article III Nonconformance must be examined.

1. Subsection 16.7.3.3.B(3)(e)[3] states *“Expansion of any portion of a structure that is located within the 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland is prohibited even if the expansion will not increase the nonconformity with the water body, tributary stream, or wetland setback requirement.”* The addition as proposed sits outside the 25-foot setback shown on the plan so this subsection does not apply.
2. The section that does apply is 16.7.3.3.B(3)(e)[5] which states: *“All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or coastal or freshwater wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by § 16.7.3.3B(3)(e)[2] or [3] above:*

*[a] For structures located less than 100 feet from the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet, or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet, or the height of the existing structure, whichever is greater.*

The addition as proposed does not exceed the 30% larger expansion limit (1,115 sf originally, 1,195 sf proposed which is about a 9% expansion). The height of the proposed addition is not as tall as the approved height (23 feet, 4 ¾ inches) of the structure being rebuilt. The proposed weathervane is not considered a structure.

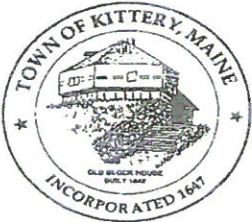
### **Recommendation / Action**

A site walk for the original application was conducted on February 28, 2019 to inspect the property. The Board held a public hearing for the original application at the March 14, 2019 meeting. No abutters or interested public voiced any concerns at that time.

Staff recommends the following motion:

***Move to accept the application as complete and approve the Shoreland Development Plan amendment, dated 2/27/20, from owners/applicants, Thomas and Michele Jordan, to add an 80 sf addition to a 1,115 sf residence and make associated site improvements to a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax Map 44 Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource Protection (OZ-RP) zones with the condition that the site plan be dated February 27, 2020 as the application is.***

# SHORELAND DEVELOPMENT PLAN APPLICATION



**TOWN OF KITTERY**  
**Planning & Development Department**  
 200 Rogers Road, Kittery, ME 03904  
 Telephone: 207-475-1323 Fax: 207-439-6806



MAP 44 LOT 59  
 DATE: 2-27-20  
 FEE: \$ 200.00  
 ASA\*: \_\_\_\_\_

PROPERTY DESCRIPTION	Physical Address	50 CHAUNCEY CREEK ROAD		
	Base Zone	R-KPV	Overlay Zone (s)	OZ-SL-250 & OZ-RP
OWNER INFORMATION	Name	THOMAS J PDAN		Mailing Address 120 12TH ST. EAST TIERRA VERDE, FL 33715
	Phone	203-313-4694		
	Email			
AGENT INFORMATION	Name	TOM EMERSON		Company STUDIO B-E
	Phone	207.752.1371		
	Email	STUDIOBEE@COMCAST.NET		Mailing Address 10 OXPOINTE DRIVE KITTERY, ME 03904
	Fax	-		
APPLICANT INFORMATION	Name	AGENT		Mailing Address
	Phone			
	Email			

PROJECT DESCRIPTION	Existing Use:
	<ul style="list-style-type: none"> <li>- SINGLE FAMILY RESIDENTIAL - SHORELAND OVERLAY ZONE &amp; RESOURCE PROTECTION OVERLAY ZONE</li> <li>- LEGALLY NON-CONFORMING LOT &amp; STRUCTURE.</li> <li>- PREVIOUSLY APPROVED SHORELAND DEVELOPMENT PLAN.</li> </ul>
	Proposed Use (describe in detail):
	<ul style="list-style-type: none"> <li>- 80'SF. ADDITION TO A LEGALLY NONCONFORMING SFR.</li> <li>- THE ADDITION WILL HAVE AN 8'X8' FOOTPRINT, BUT WILL CANTILEVER 2' TOWARD THE FRONT AT THE UPPER LEVEL, THUS WE ARE USING 80 SF. AS THE INCREASED NON-VEGETATED SURFACE. TO MEET A REQUIREMENT OF A NET NO CHANGE FROM THE EXISTING, WE ARE PROPOSING ELIMINATING WALKWAY #2, STAIR #2 &amp; RETAINING WALL #4 (WHICH IS UNDER THE PROPOSED ADDITION) FROM THE PLAN. THE TOTAL SF OF THOSE ITEMS MATCHES THE 80SF. EXPANSION, SO THE DEVEGETATED COVERAGE REMAINS @ 24.2 %.</li> </ul>





<b>PROJECT DESCRIPTION</b>	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)		
	<p>- LEGAL NON-CONFORMING LOT &amp; STRUCTURE IN THE SHORELAND &amp; RESOURCE PROTECTION ZONES</p> <p>- THE 8'x10' (80SF) ADDITION FALLS WITHIN THE 30% EXPANSION RULE</p> <p>- THE PLACEMENT OF THE ADDITION RESPECTS THE 25' SETBACK FROM THE 15' SIDE SETBACK &amp; THE FRONT SETBACK ESTABLISHED BY THE EXISTING HOUSE.</p>		
I certify I have provided, to the best of my knowledge, information requested for this application that is true and correct and I will not deviate from the Plan submitted without notifying the Planning and Development Department of any changes.			
<b>Applicant's Signature:</b>		<b>Owner's Signature:</b>	
<b>Date:</b>	02-06-2020	<b>Date:</b>	02-25-2020

\*Applicant Service Accounts: Fees to pay other direct costs necessary to complete the application process, not including application fees. Title 3, Chapter 3.3.

MINIMUM PLAN SUBMITTAL REQUIREMENTS	
<input checked="" type="checkbox"/>	15 Copies of this Application Form, all supporting documents, and the Development Plan and Vicinity Map 12 plan copies may be half-size (11"x17") and 3 must be full-size (24"x36")
<b>Shoreland Development Plan format and content:</b>	
A) Paper Size; no less than 11" X 17" or greater than 24" X 36"	
B) Plan Scale	
<input type="checkbox"/> Under 10 acres: no greater than 1" = 30' <input type="checkbox"/> 10 + acres: 1" = 50'	
C) Title Block	
<input type="checkbox"/> Title: Shoreland Development Plan <input type="checkbox"/> Applicant's name and address <input type="checkbox"/> Name of preparer of plan with professional information <input type="checkbox"/> Parcel's Kittery tax map identification (map - lot) in bottom right corner <input type="checkbox"/> Vicinity Map or aerial photo showing geographic features 5,000 feet around the site.	
D) Signature Block	
<input type="checkbox"/> Area for signature by Planning Board Chair and Date of Planning Board Approval	

Development Plan must include the following existing and proposed information:	
<b>Existing:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Land Use Zones and boundaries</li> <li><input type="checkbox"/> Topographic map (optional)</li> <li><input type="checkbox"/> Wetlands and flood plains</li> <li><input type="checkbox"/> Water bodies and water courses</li> <li><input type="checkbox"/> Parcel area</li> <li><input type="checkbox"/> Lot dimensions</li> <li><input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone)</li> <li><input type="checkbox"/> Streets, driveways and rights-of-way</li> <li><input type="checkbox"/> Structures</li> <li><input type="checkbox"/> Distance from structure to water body and property lines</li> <li><input type="checkbox"/> Floor area, volume, devegetated area, and building coverage</li> </ul>	<b>Proposed:</b> (Plan must show the lightened existing topography under the proposed project plan for comparison.) <ul style="list-style-type: none"> <li><input type="checkbox"/> Recreation areas and open space</li> <li><input type="checkbox"/> Setback lines and building envelopes</li> <li><input type="checkbox"/> Lot dimensions</li> <li><input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone)</li> <li><input type="checkbox"/> Streets, driveways and rights-of-way</li> <li><input type="checkbox"/> Structures</li> <li><input type="checkbox"/> Floor area, volume, devegetated area, and building coverage</li> </ul> <b>Distance to:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Nearest driveways and intersections</li> <li><input type="checkbox"/> Nearest fire hydrant</li> <li><input type="checkbox"/> Nearest significant water body; ocean, wetland, stream</li> </ul>



## Expansion/Construction Analysis within the Shoreland Overlay Zone<sup>1</sup> (see Table 16.9)

Size of water body or wetland: ☐ <500 sf ☐ <501 sf-1 acre ☒ >1 acre

Structure distance from water body: 10.6 feet

STRUCTURE	Existing	Proposed	% Increase*	
SF (Area)	1360 sf	1493sf	9 %	
CF (Volume) <u>NA</u>	cf	cf	%	
Construction:	New: <input type="checkbox"/> Demo/Rebuild: <input checked="" type="checkbox"/> Maintenance/repair: <input type="checkbox"/>		Value: \$ <u>9600.</u>	
*Total increase in area and/or volume may not exceed 30% for any new construction since 1/1/1989.				

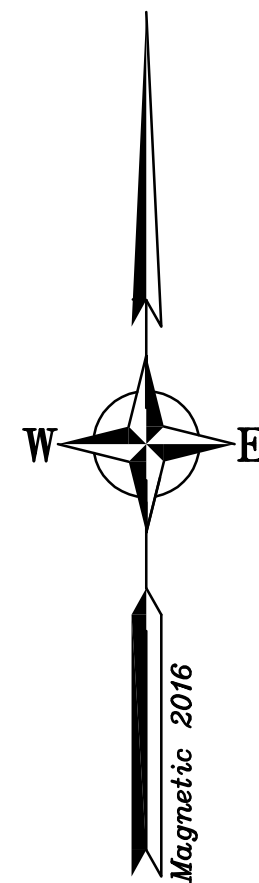
PARCEL DE-VEGETATION	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) <u>7800.5F</u>	<u>20</u> %	<u>1891</u> sf	<u>1890</u> sf	<u>24.2</u> %
*See underlying zone standards for de-vegetated area percent allowed within a Shoreland Overlay.				

BUILDING COVERAGE	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) <u>7800.5F</u>	<u>20</u> %	<u>1115</u> sf	<u>1195</u> sf	<u>15.3</u> %
*See underlying zone standards for building coverage percent allowed.				

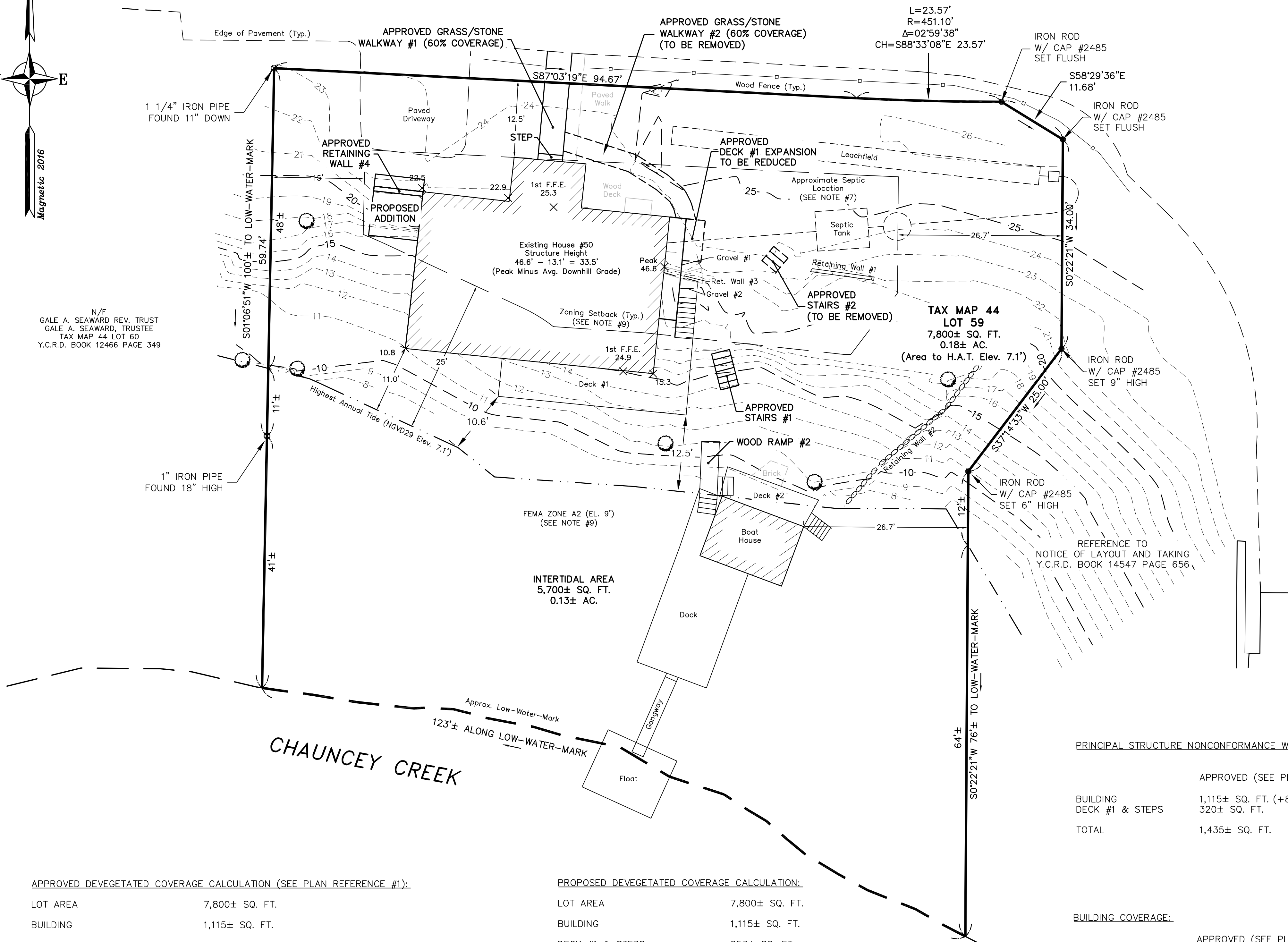
<sup>1</sup>Calculations for area, volume, and de-vegetated areas must be included on the final plan and certified by a State of Maine registered architect, landscape architect, engineer, or land surveyor.







## CHAUNCEY CREEK ROAD



### APPROVED DEVEGETATED COVERAGE CALCULATION (SEE PLAN REFERENCE #1):

LOT AREA	7,800± SQ. FT.
BUILDING	1,115± SQ. FT.
DECK #1 & STEPS	253± SQ. FT.
PAVED DRIVEWAY	217± SQ. FT.
RETAINING WALL #1	5± SQ. FT.
RETAINING WALL #2	32± SQ. FT.
RETAINING WALL #3	6± SQ. FT.
GRAVEL #1	5± SQ. FT.
GRAVEL #2	8± SQ. FT.
WOOD RAMP #2 & STAIR	33± SQ. FT.
DECK #2	41± SQ. FT.
DECK #1 EXPANSION	67± SQ. FT.
APPROVED WALK #1	28± SQ. FT.
APPROVED WALK #2	44± SQ. FT.
APPROVED STEP	4± SQ. FT.
APPROVED STAIR #1	18± SQ. FT.
APPROVED STAIR #2	9± SQ. FT.
APPROVED RETAINING WALL #4	6± SQ. FT.
TOTAL	1,891± SQ. FT. (1,891± SQ. FT / 7,800± SQ. FT. = 24.2%)

### PROPOSED DEVEGETATED COVERAGE CALCULATION:

LOT AREA	7,800± SQ. FT.
BUILDING	1,115± SQ. FT.
DECK #1 & STEPS	253± SQ. FT.
PAVED DRIVEWAY	217± SQ. FT.
RETAINING WALL #1	5± SQ. FT.
RETAINING WALL #2	32± SQ. FT.
RETAINING WALL #3	6± SQ. FT.
GRAVEL #1	5± SQ. FT.
GRAVEL #2	8± SQ. FT.
WOOD RAMP #2 & STAIR	33± SQ. FT.
DECK #2	41± SQ. FT.
DECK #1 REDUCTION	46± SQ. FT. (REDUCED BY 21 SQ. FT.)
APPROVED WALK #1	28± SQ. FT.
APPROVED WALK #2	-44± SQ. FT. (TO BE REMOVED)
APPROVED STEP	4± SQ. FT.
APPROVED STAIR #1	18± SQ. FT.
APPROVED STAIR #2	-9± SQ. FT. (TO BE REMOVED)
APPROVED RETAINING WALL #4	-6± SQ. FT. (NOT COUNTED - BENEATH PROPOSED ADDITION)
PROPOSED ADDITION	80± SQ. FT.
TOTAL	1,891± SQ. FT. (1,891± SQ. FT / 7,800± SQ. FT. = 24.2%)

### PRINCIPAL STRUCTURE NONCONFORMANCE WITHIN 100' SETBACK:

	APPROVED (SEE PLAN REF. #1)	PROPOSED
BUILDING	1,115± SQ. FT. (+80± SQ. FT.)	1,195± SQ. FT.
DECK #1 & STEPS	320± SQ. FT.	298± SQ. FT.
TOTAL	1,435± SQ. FT.	1,493± SQ. FT.

### BUILDING COVERAGE:

	APPROVED (SEE PLAN REF. #1)	PROPOSED
BUILDING	1,115± SQ. FT. (14.3%)	1,195± SQ. FT. (15.3%)

GERRISH ISLAND LANE

ZONING DATA PER KITTERY TOWN CODE "TITLE 16 LAND USE AND DEVELOPMENT CODE" (PER E-CODE ONLINE 2/27/2020) (SEE NOTE #8):

BASE ZONE: RESIDENTIAL-KITTERY POINT VILLAGE (R-KPV)

OVERLAY ZONES:

WATER BODY/WETLAND PROTECTION AREA - 250' (OZ-SL-250')

RESOURCE PROTECTION OVERLAY ZONE - OZ-RP

R-KPV BASE ZONE REQUIREMENTS:

MINIMUM LAND AREA PER DWELLING UNIT: 40,000 SQ. FT.  
MINIMUM LOT SIZE: 40,000 SQ. FT.  
MINIMUM STREET FRONTAGE: 150 FT.  
MINIMUM FRONT YARD: 40 FT.  
MINIMUM REAR AND SIDE YARDS: 15 FT.  
MAXIMUM BUILDING HEIGHT: 35 FT.

MINIMUM SETBACK FROM WATER BODY AND WETLAND DEPENDENT USES: 0 FT.

MAXIMUM BUILDING COVERAGE: 20%

OZ-SL-250' REQUIREMENTS (SEE 16.3.2.17):

MINIMUM LOT SIZE: 20,000 SQ. FT.  
MINIMUM LAND AREA PER DWELLING UNIT: 20,000 SQ. FT.  
MINIMUM SHORE FRONTAGE: 50 FT.  
MAXIMUM DEVEGETATED COVERAGE\*: 20%  
\*SEE 16.3.2.17.D.1.d.iii

### PLAN REFERENCES:

- "SHORELAND DEVELOPMENT PLAN FOR PROPERTY AT CHAUNCEY CREEK ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY THOMAS D. JORDAN, MICHELE JORDAN", PREPARED BY NORTH EASTERLY SURVEYING, INC., PROJECT No. 12601, DATED 11/20/18, LAST REVISED 3/21/19, PLANNING BOARD APPROVED MARCH 26, 2019 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 400 PAGE 46.

### NOTES:

- OWNERS OF RECORD:  
THOMAS D. JORDAN  
MICHELE JORDAN  
Y.C.R.D. BOOK 17509 PAGE 742  
DATED JUNE 30, 2017
- TOTAL EXISTING PARCEL AREA:  
0.18± Acres
- BASIS OF BEARING IS MAGNETIC 2016.
- CHAUNCEY CREEK ROAD AND GERRISH ISLAND LANE RIGHT-OF-WAY IS BASED ON PLAN REFERENCE #1 AND NOTICE OF LAYOUT AND TAKING RECORDED AT Y.C.R.D. BOOK 14547 PAGE 656.
- REFERENCE IS MADE TO EASEMENT TO VERIZON NEW ENGLAND INC., DATED AUGUST 1, 2005 AND RECORDED AT Y.C.R.D. BOOK 14571 PAGE 939. SEE SAID EASEMENT FOR DESCRIPTION AND TERMS FOR UTILITY INSTALLATION AND MAINTENANCE ACROSS THE SUBJECT PROPERTY.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS NOT SHOWN HEREON, MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY.
- SEPTIC SYSTEM SHOWN IS APPROXIMATE PER SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION DATED 4/6/94, PREPARED BY MICHAEL MARIANO, S.E. #219. VERIFY IN FIELD PRIOR TO DESIGN OR CONSTRUCTION.
- ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- REFERENCE IS MADE TO FEMA FIRM 230171 0006 C, DATED JULY 6, 1984.
- REFER TO DESIGN DRAWINGS PREPARED BY TOM EMERSON FOR BUILDING DIMENSIONS AND SPECIFICATIONS.

Kittery, Maine - Planning Board Approval

Date of Approval

Chair

Date

YORK,ss REGISTRY OF DEEDS

Received

at \_\_\_\_\_ h \_\_\_\_\_ m \_\_\_\_\_ M., and  
Filed in Plan Book \_\_\_\_\_ Page \_\_\_\_\_

ATTEST:

Register

## SHORELAND DEVELOPMENT PLAN

FOR PROPERTY AT

50 Chauncey Creek Road  
Kittery Point, York County, Maine

OWNED BY

Thomas D. Jordan  
Michele Jordan

120 12th Street East, Tierra Verde, FL 33715

North

W EASTERLY

SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
(207) 439-6333 KITTERY, MAINE 03904

SCALE: PROJECT NO. DATE: SHEET: DRAWN BY: CHECKED BY:  
1" = 10' 12601 2/27/2020 1 OF 1 A.M.P. P.L.A.

DRAWING No: 12601\_SITE\_REV\_FEB27  
FIELD BOOK No: "Kittery Point #14" Tax Map 44 Lot 59



( IN FEET )

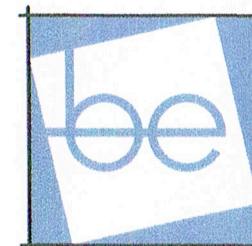
1 inch = 10 ft.

Vertical Datum is NGVD29

Contour Interval = 1'

REV.	DATE	STATUS	BY	CHKD	APPD.





studioB-E  
ARCHITECTURE

10 Ox Point Drive  
Kittery, ME 03904  
207.752.1371  
studioB-E@Comcast.net

# Jordan Cottage

50 Chauncey Creek Road  
Kittery Point, Maine

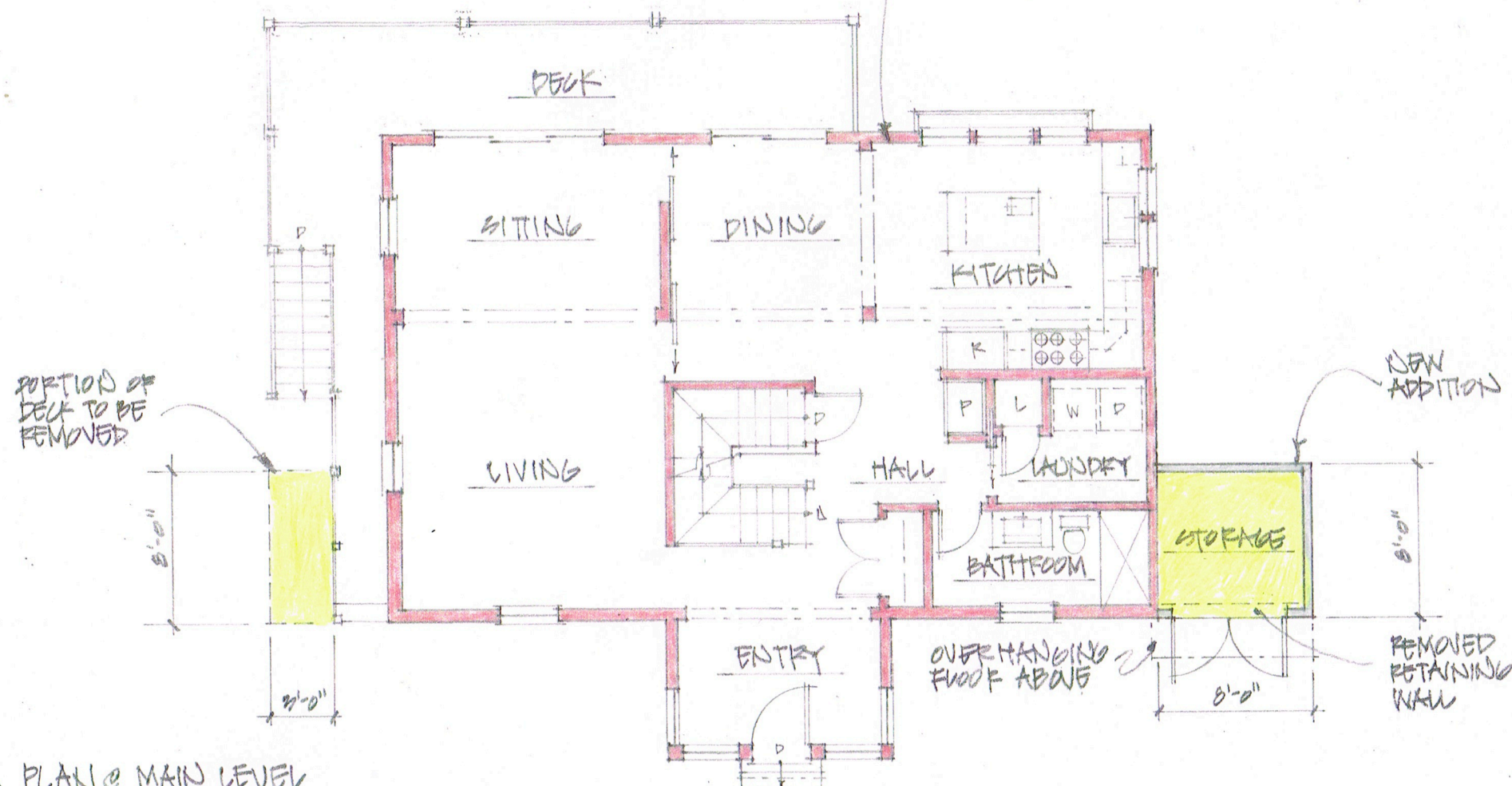
COVER  
SHEET

SK.CS  
01.20.2020



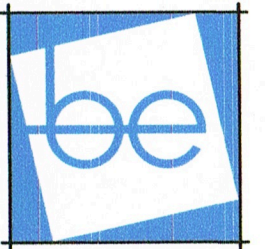
2 ELEVATION @ FRONT  
1/8" = 1'-0"

PREVIOUSLY  
APPROVED  
HOUSE



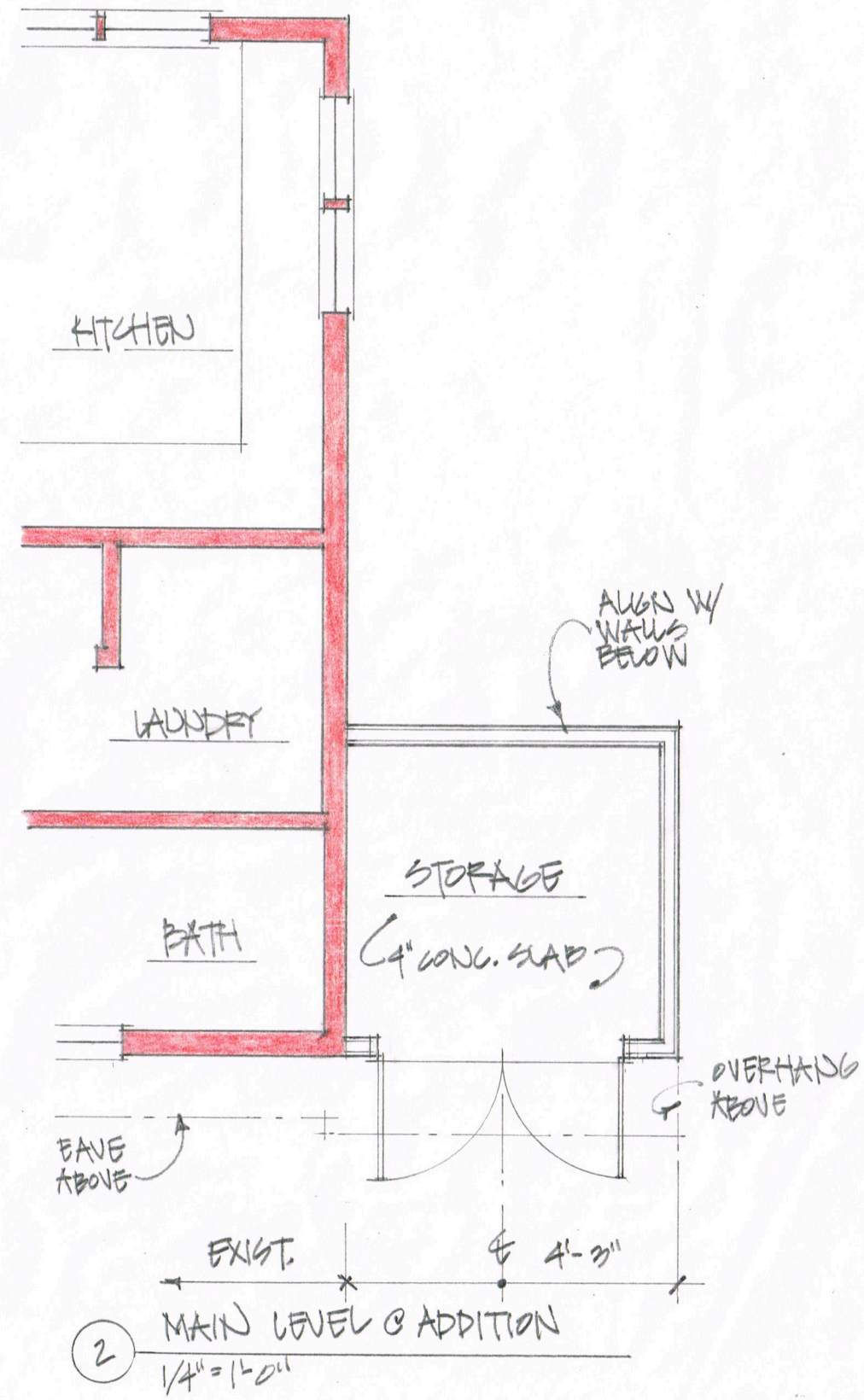
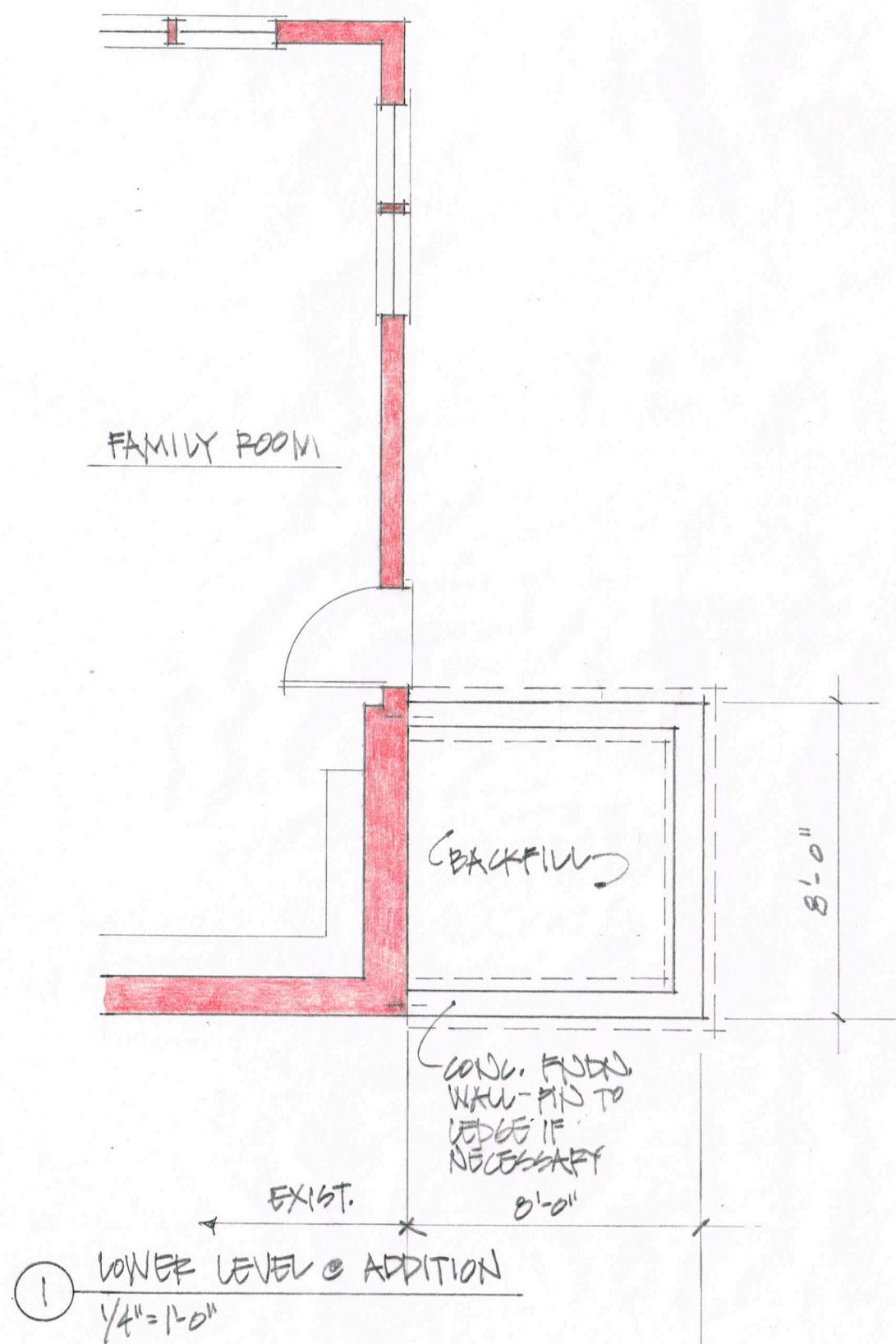
1 PLAN @ MAIN LEVEL  
1/8" = 1'-0"





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207.752.1371  
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## Jordan Cottage

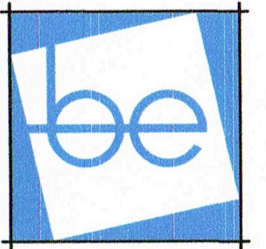
50 Chauncey Creek Road  
Kittery Point, Maine

PARTIAL  
FLOOR  
PLANS

SK.o1

02.22.2020





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Kittery, ME 03904  
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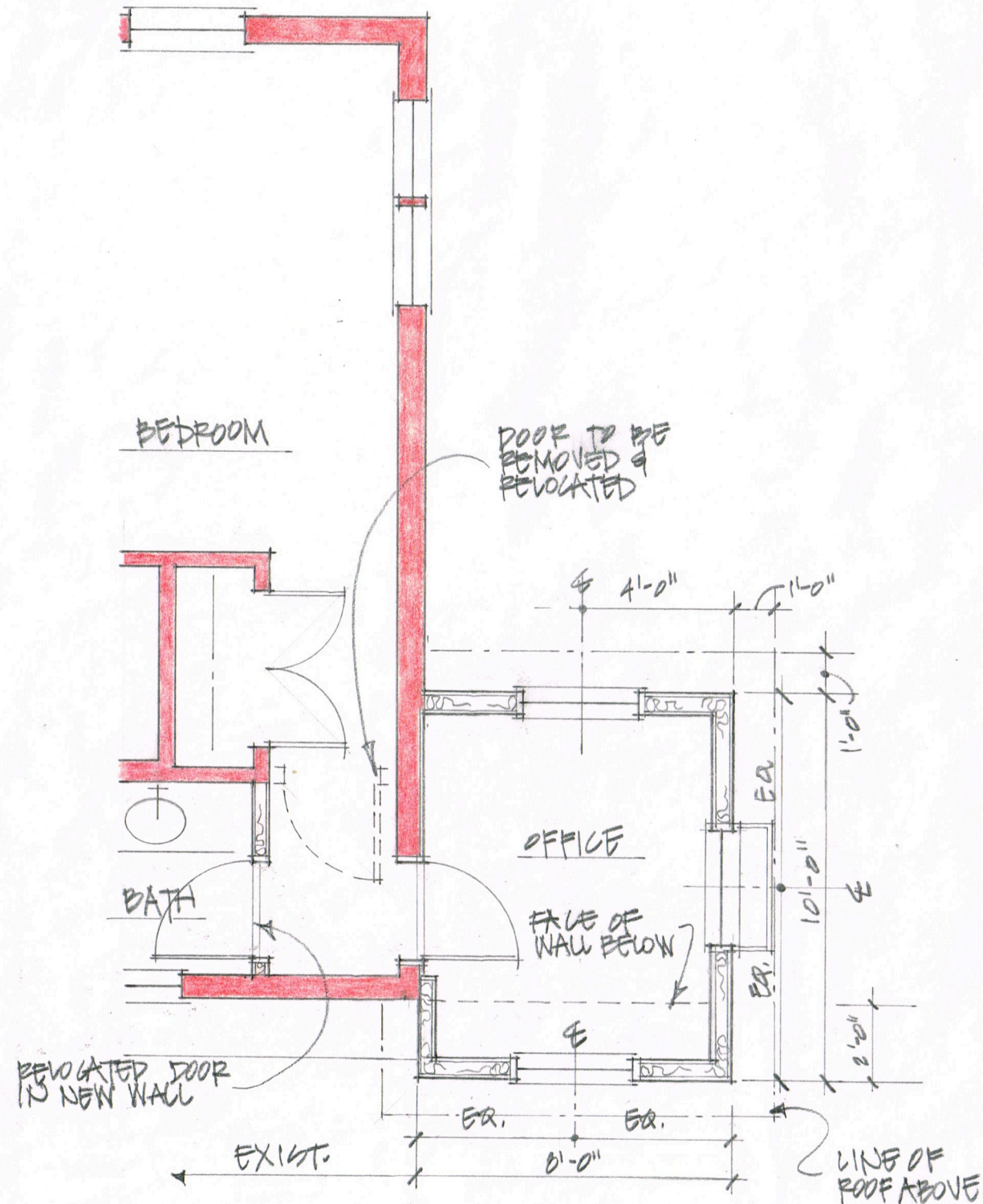
## Jordan Cottage

50 Chauncey Creek Road  
Kittery Point, Maine

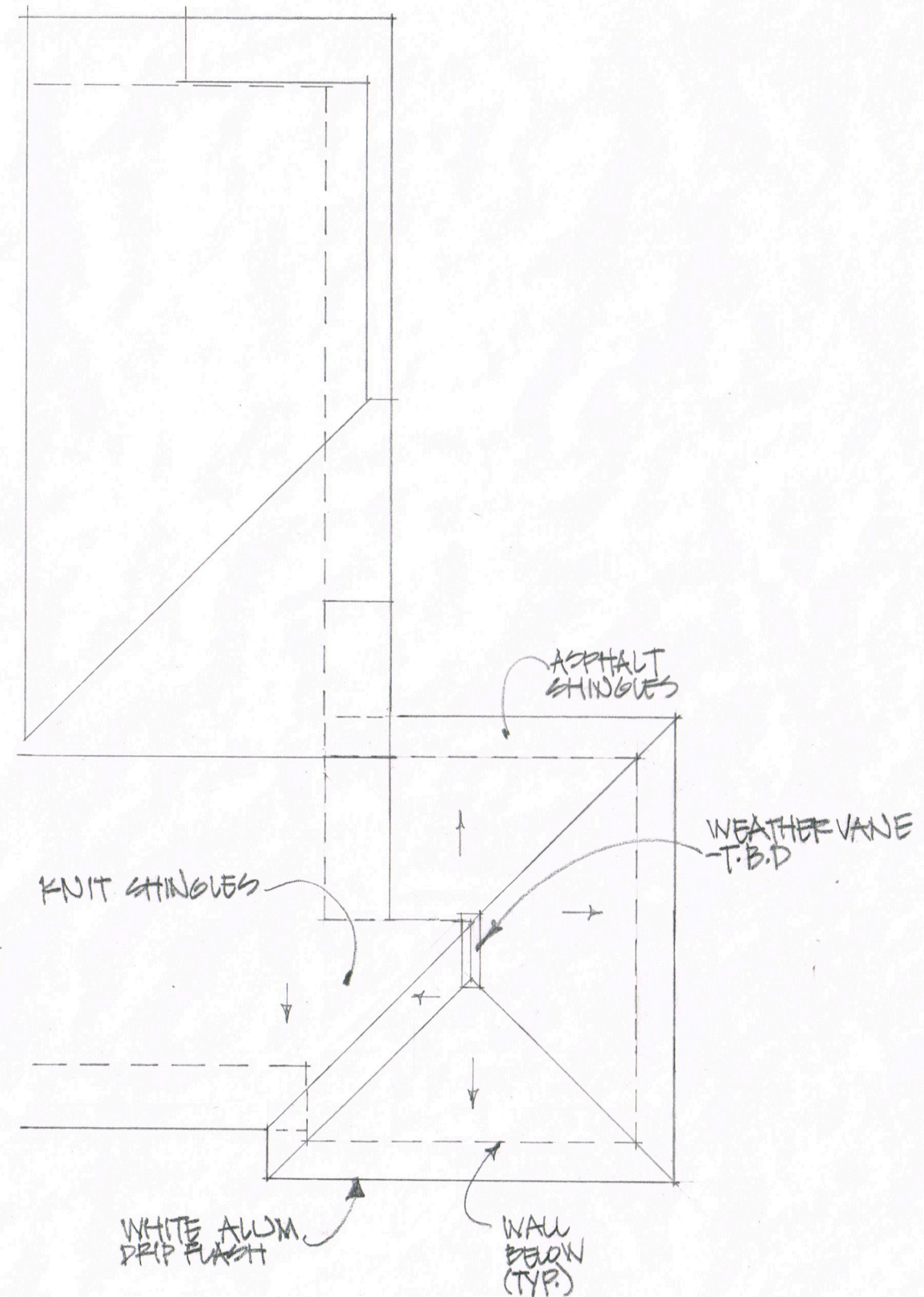
PARTIAL  
FLOOR  
PLANS

SK.o2

02.22.2020



1 SECOND FLOOR @ ADDITION  
1/4" = 1'-0"



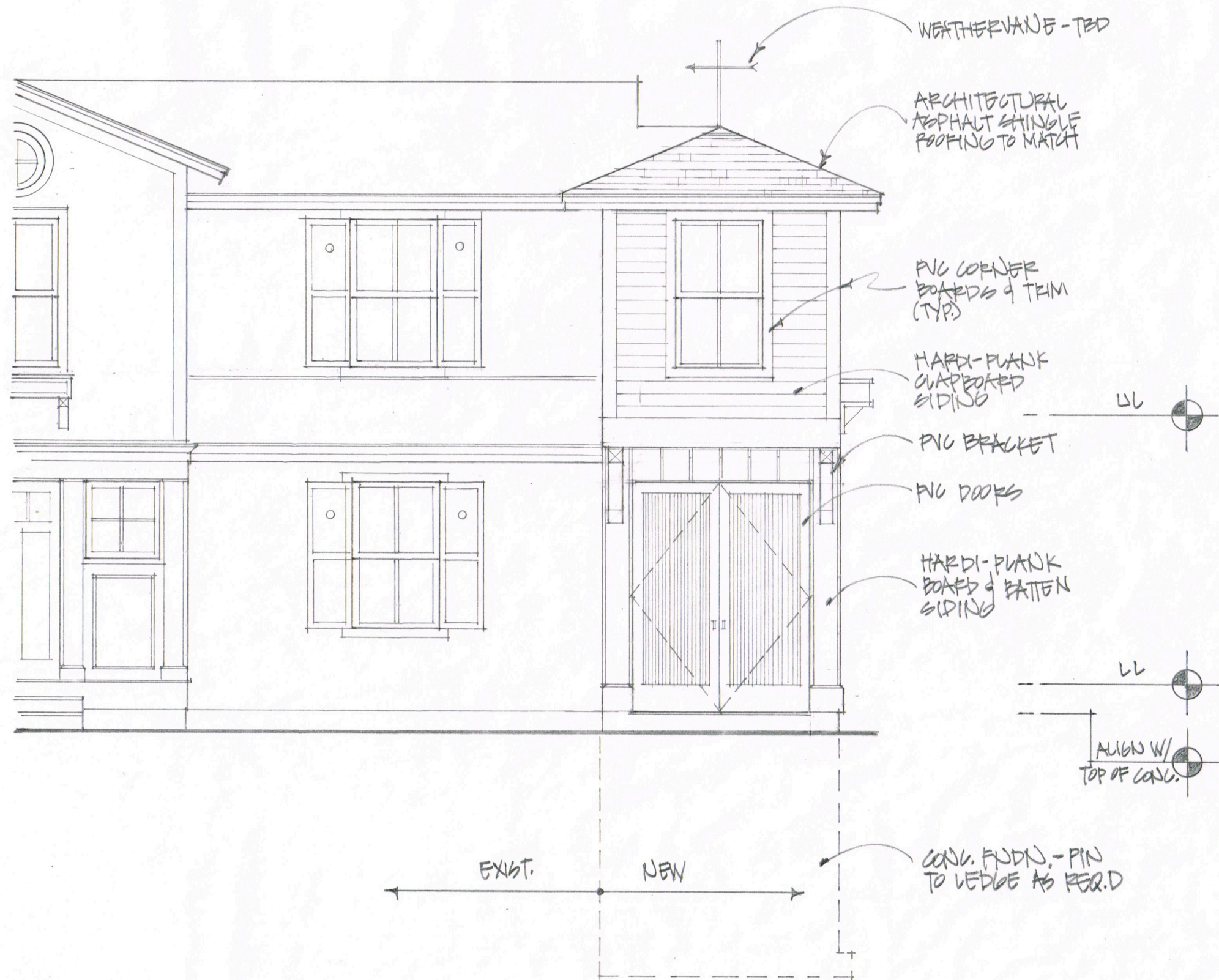
2 ROOF PLAN @ ADDITION  
1/4" = 1'-0"





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1 FRONT ELEVATION  
1/4" = 1'-0"

## Jordan Cottage

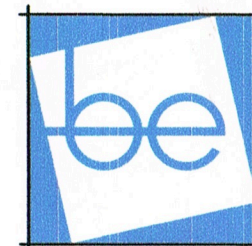
50 Chauncey Creek Road  
Kittery Point, Maine

FRONT  
ELEVATION

SK.o3

01.20.2020





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ARCHITECTURE

10 Ox Point Drive  
Kittery, ME 03904  
207.752.1371  
studioB-E@Comcast.net

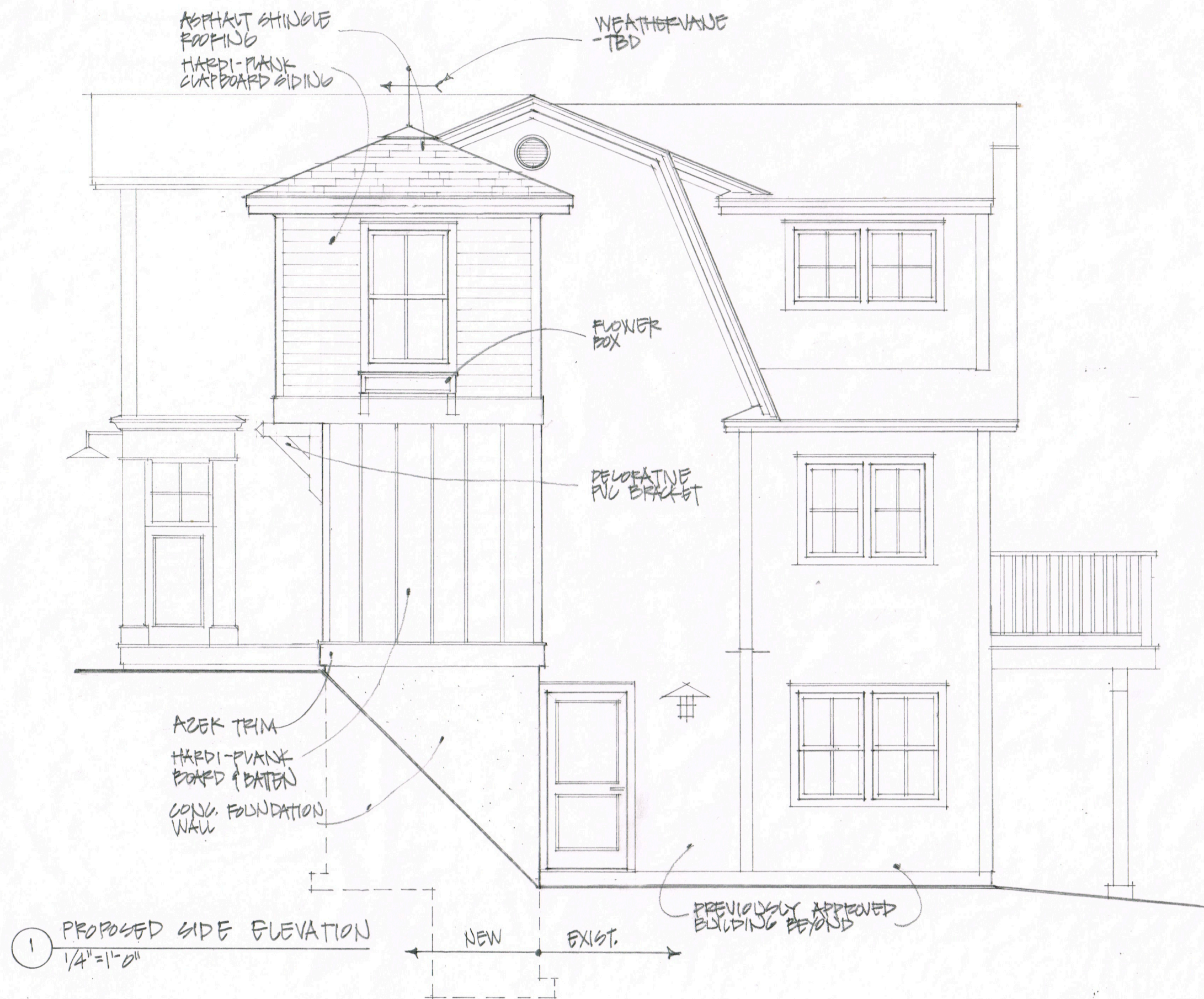
# Jordan Cottage

50 Chauncey Creek Road  
Kittery Point, Maine

SIDE  
ELEVATION

SK.o4

01.20.2020

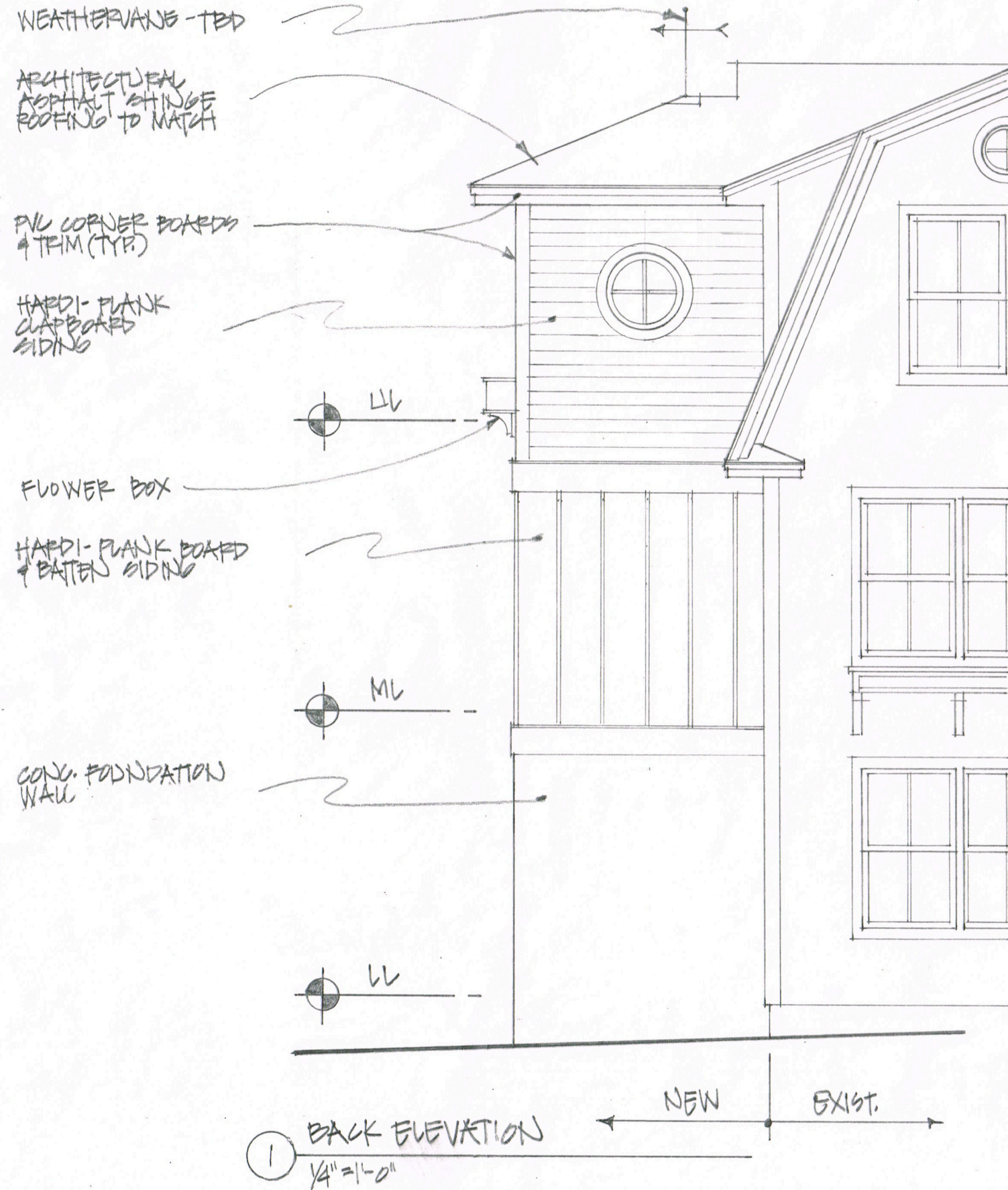






studioB-E  
ARCHITECTURE

10 Ox Point Drive  
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## Jordan Cottage

50 Chauncey Creek Road  
Kittery Point, Maine

BACK  
ELEVATION

SK.o5

02.22.2020