

**Town of Kittery
Planning Board Meeting
August 26, 2021**

134 Whipple Road – Shoreland Development Plan Review

Action: Continue the agenda item to a subsequent meeting, schedule a public hearing, or approve or deny plan: Pursuant to §16.10.3.2 Shoreland Development Review and Article III Nonconformance of §16.7 General Development Requirements of the Town of Kittery Land Use and Development Code, owners Nicolas and Amy Mercier and agent Altus Engineering, Inc. requests approval to reconstruct and relocate a legally non-conforming structure on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 134 Whipple Road, Tax Map 10, Lot 6A, in the Residential-Urban (R-U) Zone and the Shoreland Overlay Zone .

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan	None	NOT APPLICABLE
NO	Site Visit	October 1, 2020; August 26, 2021	PENDING
YES	Shoreland Development Plan Review Completeness/Acceptance	August 12, 2021	HELD
NO	Public Hearing	None	NOT PURSUED
YES	Shoreland Development Plan Review Plan Approval	TBD; may occur on August 26, 2021	PENDING

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.

August 12, 2021

Project Introduction

134 Whipple Road (“Property”) is located along the bank of the Piscataqua River within the Residential- Urban (R-U) zoning district and Shoreland Overlay Zone (OZ-SL-250). The property is a legally non- conforming lot, containing a legally non-conforming dwelling unit as the lot’s area is 13,381-sf (0.30-ac), whereas the Residential-Urban’s dimensional standard calls for 20,000-sf (0.45-ac) and the dwelling unit (1,358-sf; 10.2% devegetation) is positioned within the base zone setback (100-ft.) of the Shoreland Overlay Zone along with other accessory structures and impervious surfaces.

In addition to the Piscataqua River, directly abutting 134 Whipple Road is a vacant lot owned by the Town of Kittery and a lot containing a single-family dwelling unit. Likewise, in the general vicinity of the property, the lots are populated with residential dwelling units with the exception of a small-scale commercial fishing operation.

Between September and October of 2020, the applicant initially sought shoreland development approval to install a retaining wall to impede any further soil erosion and compromise to the dwelling unit’s foundation, which had incurred cracks in recent years. Before moving forward with the application, the Board wanted to conduct a site walk and to obtain an opinion from CMA Engineers, Inc on the cause of the foundation fissures. CMA opined that more evidence was needed in order to link the soil erosion to the compromised foundation, given that it was their opinion that water run-off from Whipple Road was the most likely cause of the foundation’s deterioration. After thoughtful consideration, the applicant has adjusted the plan for the lot and returns to the Planning Board (“Board”) with a new shoreland development plan that seeks approval to demolish, relocate, reconstruct and expand a legally nonconforming structure to become more conforming.

Staff Commentary and Analysis

Submission content

The shoreland development plan and application is considered complete and includes the information as required pursuant to §16.10.5.2.B. The Board at a minimal should accept the plan as complete and continue the application if there is a hesitation of the Board to move forward with a final vote.

Waivers

The applicant is not requesting any waivers from any review or ordinance standards.

Development standards

The application appears to meet all the applicable development and nonconforming standards as listed below with the following exception:

Noncompliant standards

1. §16.3.2.17.D(2)(b)—the constitution of the patio behind the house is unclear, and may not be permitted. If it were to consist of pavers or some other material that would make it a structure, it cannot be approved. However, if the applicant were to create a space that is revegetated in nature but not a structure, a space to congregate could be created in that intended space. The Planning Board should inquire into the materials planned to be used.

Compliant standards

1. §16.3.2.17.D(2)(a)
2. 16.3.2.17.D(2)(g)—applicant should clarify the width of the proposed stairs.
3. 16.7.3.3.A
4. 16.7.3.3.B
5. 16.7.3.3.C
6. §16.9.1.3.B(1)
7. §16.9.1.4.B

August 19, 2021, Update:

At the August 12, 2021, Planning Board meeting, the Board was introduced to the new shoreland development plan that sought to reconstruct and relocate a single-family dwelling unit to become less nonconforming. While there were no major concerns jeopardizing the application, there were a few secondary aspects of the plan that appeared not to comply with Title 16 standards. Specifically, the Board had reservations over the direct approach of the proposed stairway leading from the backyard to the existing pier. The Board requested that the applicant look for alternative routes that would run more parallel to the existing contours. The applicant objected, stating that the proposed layout was the best approach to the pier and made the most sense from a topography perspective. The code provision governing this issue falls under §16.9.1.3.E where, "...development must be designed to fit with the topography and soil of the site. Areas of steep slopes where high cuts and fills may be required are to be avoided wherever possible, and natural contours must be followed as closely as possible..." The issue remained unresolved and there was consensus between the Board and applicant to schedule another site walk for the purpose of gaining a better understanding of the proposed plan and, more specifically, to evaluate the best configuration and approach of the new stairway to the water dependent use in a manner that satisfies the criteria under §16.9.1.3.E.

Staying within the backyard, the Board also questioned the permissibility of the proposed patio. At first, it was unclear of the patio's constitution, which was revealed ultimately by the applicant to comprise of permeable stone-like pavers. Considering this information, the Board dismissed the proposal, citing the code provision under §16.3.2.17.D(2)(b). The issue too remained outstanding, compelling the Board to request from the applicant an alternative plan to resolve the code deviation.

The Board also asked staff to clarify that the proposed expansion was under the permissible rate, as set forth under §16.7.3.3.B(3)(3)[5][a]. After further reexamination by staff, the existing footprint of the dwelling unit was 1,358-sf with a proposed expansion of 1,605-sf. Using the calculous under the aforementioned code provision, the maximum expansion the dwelling unit may enlarge to was 407.4-sf. Whereas the proposed relocation/expansion yielded a footprint increase of 247-sf, which is an 18.1% expansion, well under the maximum expansion rate, the proposal appeared to be within the permissible rate of expansion. As for the relocation provisions under §16.7.3.3.A(2), it is staff's opinion, given the site's physical and regulatory conditions, that the proposed relocation appears to be in best position possible and satisfies the criteria under §16.7.3.3.A(2).

Planning Board Procedural Steps

After the Board has been presented with the applicant's update and deliberation exhausted, the following procedural sequence is recommended:

1. Discuss if additional information needs to be added to the plan and if the outstanding issues have been resolved.
2. Discuss if any additional conditions of approval need to be appended to the Planning Board's decision.
3. If more time is needed by the Board to contemplate the project, discuss a date to continue the project.
4. If the Board is comfortable moving towards a final vote, vote on the application.

Recommended Motions

Below are recommended motions for the Board's consideration:

Motion to continue application

Move to continue the agenda item to the August 26, 2021 Planning Board meeting for a shoreland development application from owners/applicants Nicolas and Amy Mercier and agent Altus Engineering Inc. requesting approval relocate, reconstruct and expand a legally non-conforming structure on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 134 Whipple Road, Tax Map 10, Lot 6A, in the Residential-Urban (R-U) Zone and the Shoreland Overlay Zone.

Motion to approve

Move to approve the shoreland development application from owners/applicants Nicolas and Amy Mercier and agent Altus Engineering Inc. requesting approval to relocate, reconstruct and expand a legally non-conforming structure on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 134 Whipple Road, Tax Map 10, Lot 6A, in the Residential-Urban (R-U) Zone and the Shoreland Overlay Zone with the following conditions as enumerated in the August 26, 2021 Findings of Fact.

M10 L6A

UNAPPROVED

**Kittery Planning Board
 Findings of Fact
 For 134 Whipple Road
 Shoreland Development Plan Review**

WHEREAS: Owners/Applicants Nicolas and Amy Mercier request approval for a shoreland development plan on a legally non-conforming lot with a legally non-conforming structure proposing to construct a 10.5' retaining wall comprising 259-sf located within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 134 Whipple Road, Tax Map 10, Lot 6A, in the Residential-Urban (R-U) Zone and the Shoreland (SL-OZ-250) Overlay Zone.

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan	None	NOT APPLICABLE
NO	Site Visit	October 1, 2020; August 26, 2021	PENDING
YES	Shoreland Development Plan Review Completeness/Acceptance	August 12, 2021	HELD
NO	Public Hearing	Not Pursued	NOT PURSUED
YES	Shoreland Development Plan Review Plan Approval	TBD; may occur on August 26, 2021	PENDING

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"):

1. Shoreland Development Plan Application, dated 7/22/21
2. Existing Conditions Plan, Easterly Surveying, Inc., dated 2/27/20, last revised 9/2/20
3. Shoreland Development Plan, Altus Engineering, Inc., dated 7/22/21
4. Architectural Elevations, Brendan McNamara, Residential Architecture, dated 4/20/21 & 6/20/21

NOW THEREFORE, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

<p>16.3.2.17.D(1)(D)</p> <p>Standard: <i>The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...</i></p> <p>Finding: 134 Whipple Road had a pre-existing, legally non-conforming devegetation rate of 24.6% and is proposing to reduce the rate to 24.5%.</p> <p>Conclusion: The standard appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p>16.3.2.17.D(2)(b)</p> <p>Standard: <i>Accessory patios or decks no larger than 500 square feet in area must be set back at least 75 feet from the normal high-water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland. Other patios and decks must satisfy the normal setback required for principal structures in the Shoreland Overlay Zone.</i></p> <p>Finding: The patio as proposed shall not consist as a structure and only as devegetated or vegetated passive space, therefore, it is not a patio as prohibited under this section.</p> <p>Conclusion: The standard appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>

Chapter 16.9 DESIGN AND PERFORMANCE STANDARDS FOR NATURAL ENVIRONMENT

§16.9.1.3.B(1)

Standard: *The developer must:*

(a) *Select a site with the right soil properties, including natural drainage and topography, for the intended use;*

(b) *Utilize for open space uses those areas with soil unsuitable for construction;*

(c) *Preserve trees and other vegetation wherever possible;*

(d) *Hold lot grading to a minimum by fitting the development to the natural contour of the land; avoid substantial areas of excessive grade;*

(e) *Spread jute matting, straw or other suitable material during construction in critical areas subject to erosion;*

(f) *Construct sediment basins to trap sediment from runoff waters during development; expose as small an area of subsoil as possible at any one time during development and for as short a period as possible;*

(g) *Provide for disposing of increased runoff caused by changed land formation, paving and construction, and for avoiding sedimentation of runoff channels on or off the site;*

(h) *Plant permanent and, where applicable, indigenous, vegetation and install structures as soon as possible for the purpose of soil stabilization and revegetation;*

Finding: It appears that the proposed design of the dwelling unit and other permitted structures will not adversely impact the surrounding landscape and soils, nor increase runoff and soil erosion.

Conclusion: This standard appears to be met

§16.9.1.4.B

Standard: *All land uses must be located on soils upon which the proposed uses or structures can be established or maintained without causing adverse environmental effects, including, but not limited to, severe erosion, mass soil movement, improper drainage, and water pollution to surface water and groundwater, whether during or after construction.*

Finding: It appears that the proposed development may be supported by the existing and proposed soils nor will adversely impact the surrounding natural features

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

Standard: *A. Except as otherwise provided in this Article, a nonconforming condition must not be permitted to become more nonconforming*

Finding: The proposed dwelling unit is becoming more conforming as it the distance from the H.A.T is no closer than previously existed (16.7.3.3.C), the proposed height is not increasing rather is maintaining its preexisting height (16.7.3.3.B(3)(e)[5][a]), and the expansion (16.7.3.3.B(3)(e)[5][a]), of the dwelling unit is under the 30% (247-sf; 18.1%) permitted threshold.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

Standard: 1. Maintain safe and healthful conditions;

Finding: The proposed development as represented in the plans and application does not appear to have an adverse impact.

Conclusion: This requirement appears to be met

Vote: ___ in favor ___ against ___ abstaining

Standard: 2. Not result in water pollution, erosion or sedimentation to surface waters;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction to avoid impact on adjacent surface waters. An existing eroded slope will be revegetated.

Conclusion: This requirement appears to be met

Vote: ___ in favor ___ against ___ abstaining

Standard: 3. Adequately provide for the disposal of all wastewater;

Finding: The proposed development includes a wastewater disposal system (sewer connection)

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

Standard: 4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: The proposed development does not appear to have an adverse impact

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

Standard: 5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;

Finding: The application appears to improve the shore cover and points of access to coastal waters by implementing a replanting plan and improving the access to the on-site pier.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining)

Standard: 6. Protect archaeological and historic resources;

<p>Finding: There appears to be no archaeological and historical resources on the lot, thereby nothing to protect.</p> <p>Conclusion: This requirement appears to be met.</p>
Vote: ___ in favor ___ against ___ abstaining
<p>Standard: 7. <i>Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;</i></p> <p>Finding: The proposed development does not adversely impact existing commercial fishing or maritime activities.</p> <p>Conclusion: This requirement appears to be met.</p>
Vote: ___ in favor ___ against ___ abstaining
<p>Standard: 8. <i>Avoid problems associated with floodplain development and use;</i></p> <p>Finding: The property is designated Zone A2 by FEMA Flood Zone standards and is defined as a Special Flood Hazard Area (SFHA) along the small portions of the lot abutting the highest annual tide. The proposed development is located outside the SFHA, yet future monitoring should take place as climate change affects the waterway and surrounding environment. In short, the proposed application does not appear to have an impact on the current floodplain or flood-prone area.</p> <p>Conclusion: This requirement appears to be met.</p>
Vote: ___ in favor ___ against ___ abstaining
<p>Standard: 9. <i>Is in conformance with the provisions of this code;</i></p> <p>Finding: The proposed development complies with the applicable standards of Title 16.</p> <p>Conclusion: This requirement appears to be met.</p>
Vote: ___ in favor ___ against ___ abstaining
<p>Standard: 10. <i>Be recorded with the York county Registry of Deeds.</i></p> <p>Finding: A plan suitable for recording will be prepared.</p> <p>Conclusion: As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds within 90 days of approval prior to the issuance of a building permit.</p>
Vote: ___ in favor ___ against ___ abstaining

NOW THEREFORE, the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers: None

Conditions of Approval (to be depicted on final plan to be recorded):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP Best Management Practices for all work associated with site and building construction to ensure adequate erosion control and slope stabilization
3. With the exception of the vegetation identified on the plan for removal, no vegetation will be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer. Efforts to protect existing vegetation must be in place prior to grading or construction. The rock fill shall not replace existing vegetation.

4. Prior to the commencement of onsite construction, areas to remain undisturbed must be clearly marked with stakes and caution tape. All stakes, caution tape, silt fences, and other materials used during construction must remain until all onsite work is completed. Prior to removal, written permission to remove such materials must be given by the Code Enforcement Officer.
5. All Notices to Applicant contained herein (Findings of Fact dated 08/26/2021).

Conditions of Approval (not to be depicted on final plan):

1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation on final plan.

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of required plan changes.

Vote: __ in favor __ against __ abstaining

APPROVED BY THE KITTELY PLANNING BOARD ON _____

Dutch Dunkelberger, Planning Board Chair

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as required by Planning Board and submit for Staff review prior to presentation of final mylar.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Appeal of Decision:

1. Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

July 22, 2021

Kittery Planning Board
200 Rogers Road
Kittery, Maine 03904

**Re: Shoreland Development Plan Application
134 Whipple Road
Kittery, Maine**

Dear Members of the Board,

On behalf of the applicant, Amy and Nick Mercier, we respectfully submit a Shoreland Development Plan application for property located at 134 Whipple Road. The property currently has a residence and dock on the Back Channel. The applicant is proposing to raze the existing house and construct a new one along with various other site improvements.

If you have any questions or need additional information, please contact us. Thank you for your time and consideration.

Sincerely,

ALTUS ENGINEERING, INC.

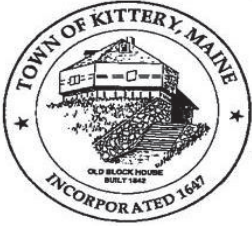
A handwritten signature in red ink, appearing to read "Erik B. Saari", is written over a dashed horizontal line.

Erik B. Saari
Vice President

ebs/5186-00-CoverLetter-072721

Enclosures

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 ___ LOT ___
DATE: _____
FEE: \$ <u>200.00</u>
ASA*: _____

PROPERTY DESCRIPTION	Physical Address	134 Whipple Road		
	Base Zone	R-U	Overlay Zone (s)	OZ-SL-250
OWNER INFORMATION	Name	Amy & Nicolas Mercier		Mailing Address 35 Goffstown Road Hooksett, NH 03160-2400
	Phone	(603) 674-8239		
	Email	nick@macyind.com		
AGENT INFORMATION	Name	Erik Saari		Company Altus Engineering, Inc.
	Phone	(603) 433-2335		Mailing Address 133 Court Street Portsmouth, NH 03801
	Email	esaari@altus-eng.com		
	Fax			
APPLICANT INFORMATION	Name	Same as Owner		Mailing Address
	Phone			
	Email			

PROJECT DESCRIPTION	<u>Existing Use:</u>	Single-family residential home.
	<u>Proposed Use (describe in detail):</u>	Existing house to be razed and replaced with new single-family home. Existing stairs to be removed and reconstructed in a new location.

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)		
	The site has tidal frontage on the Back Channel and is within the Shoreland Zone. A small section of floodplain skirts the water frontage. The existing site is non-conforming in terms of devegetated area.		
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.			
Applicant's Signature:	 (Agent)	Owner's Signature:	See attached Letter of Authorization
Date:	07/22/21	Date:	

**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 type="checkbox"/> 12 Copies of this Application Form, all supporting documents, and the Development Plan and Vicinity Map 10 plan copies may be half-size (11"x17") and 2 must be full-size (24"x36")	
Shoreland Development Plan format and content:	
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:	
Existing: <input type="checkbox"/> Land Use Zones and boundaries <input type="checkbox"/> Topographic map (optional) <input type="checkbox"/> Wetlands and flood plains <input type="checkbox"/> Water bodies and water courses <input type="checkbox"/> Parcel area <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input type="checkbox"/> Distance from structure to water body and property lines <input type="checkbox"/> Floor area, volume, devegetated area, and building coverage	Proposed: (Plan must show the lightened existing topography under the proposed project plan for comparison.) <input type="checkbox"/> Recreation areas and open space <input type="checkbox"/> Setback lines and building envelopes <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input type="checkbox"/> Floor area, volume, devegetated area, and building coverage Distance to: <input type="checkbox"/> Nearest driveways and intersections <input type="checkbox"/> Nearest fire hydrant <input type="checkbox"/> Nearest significant water body; ocean, wetland, stream

Expansion/Construction Analysis within the Shoreland Overlay Zone¹ (see Table 16.9)

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

Structure distance from water body: 40.7' feet

STRUCTURE	Existing	Proposed	% Increase*	
SF (Area)	1,358 sf	1,605 sf	18.2 %	
Construction:	New: <input type="checkbox"/> Demo/Rebuild: <input checked="" type="checkbox"/>			Value:
	Maintenance/repair: <input type="checkbox"/>			\$ 400,000
*Total increase in area may not exceed 30% for any new construction since 1/1/1989.				

PARCEL DE-VEGETATION	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) 13,381	20 %	3,292 sf	3,280 sf	24.5 %
*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) 13,381	Ex.+30 %	1,358 sf	1,605 sf	12.0 %
*See underlying zone standards for building coverage percent allowed.				

¹Calculations 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.

Mercier Residence Shoreland Development Plan

134 Whipple Road
Kittery, Maine

Assessor's Parcel 10, Lot 6A

Issued for Planning Board

Plan Issue Date:

July 22, 2021

Owner/Applicant:

Amy L. & Nicholas E. Mercier

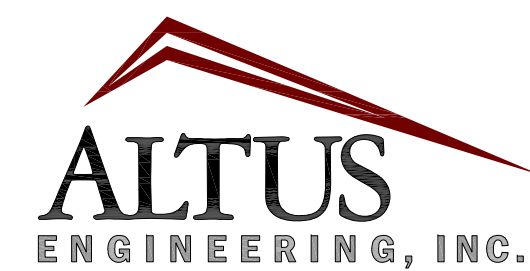
35 Goffstown Road
Hooksett, NH 03106-2400
(603) 674-8239

Residential Designer:

Brendan McNamara

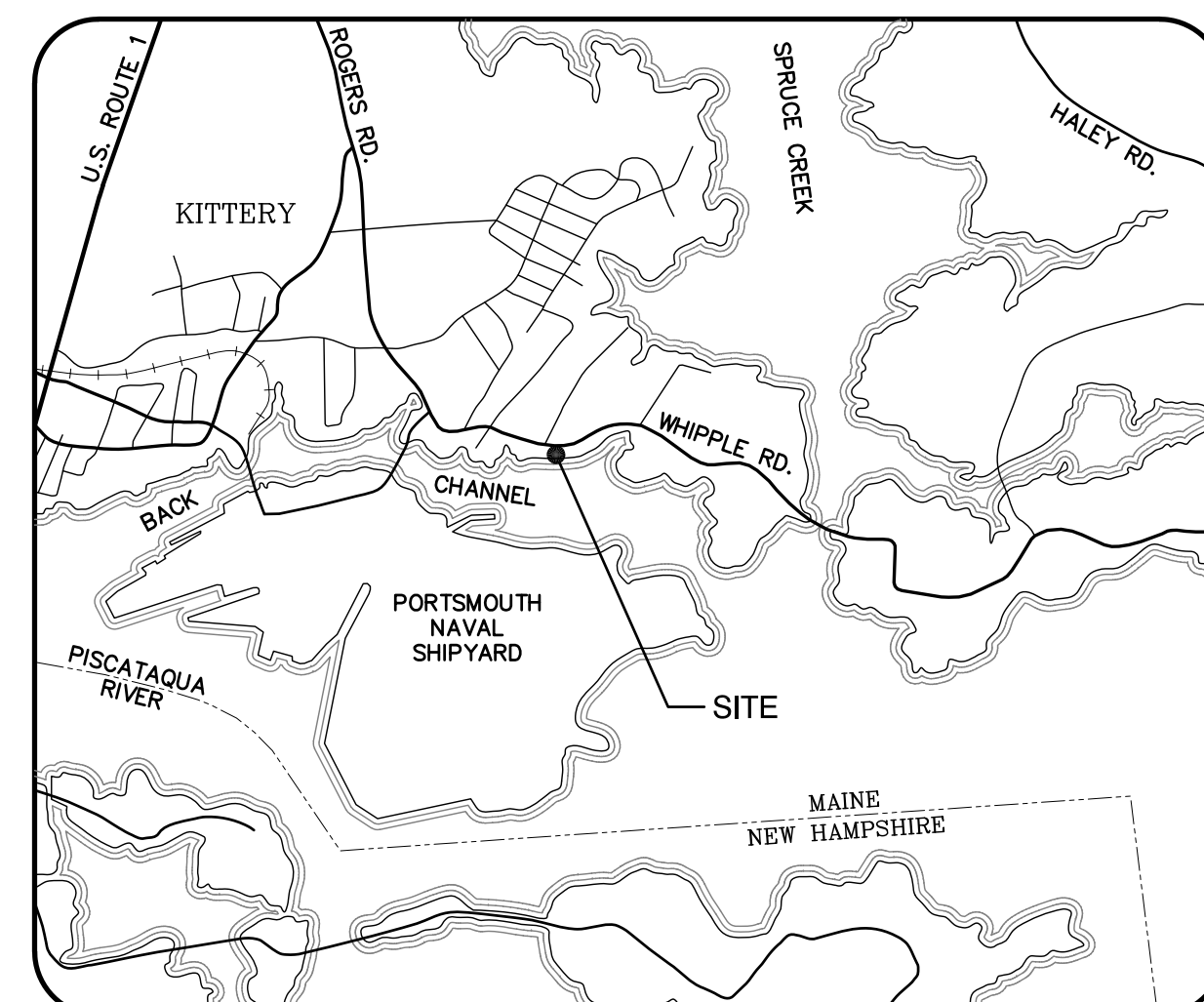
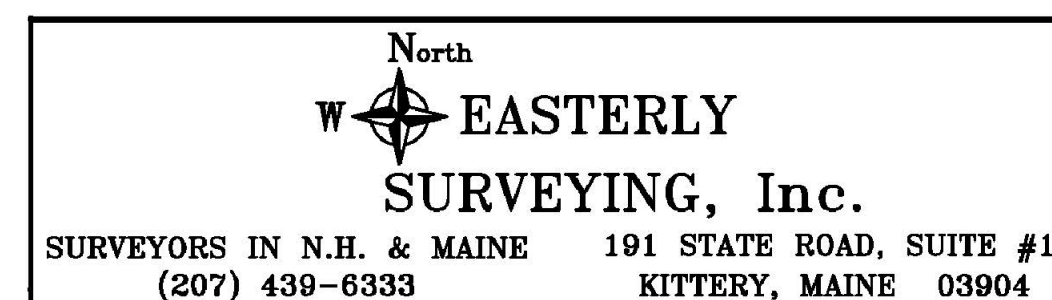
19 Doe Drive
Eliot, Maine 03903
(xxx) xxx-xxxx

Civil Engineer:



133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

Surveyor:

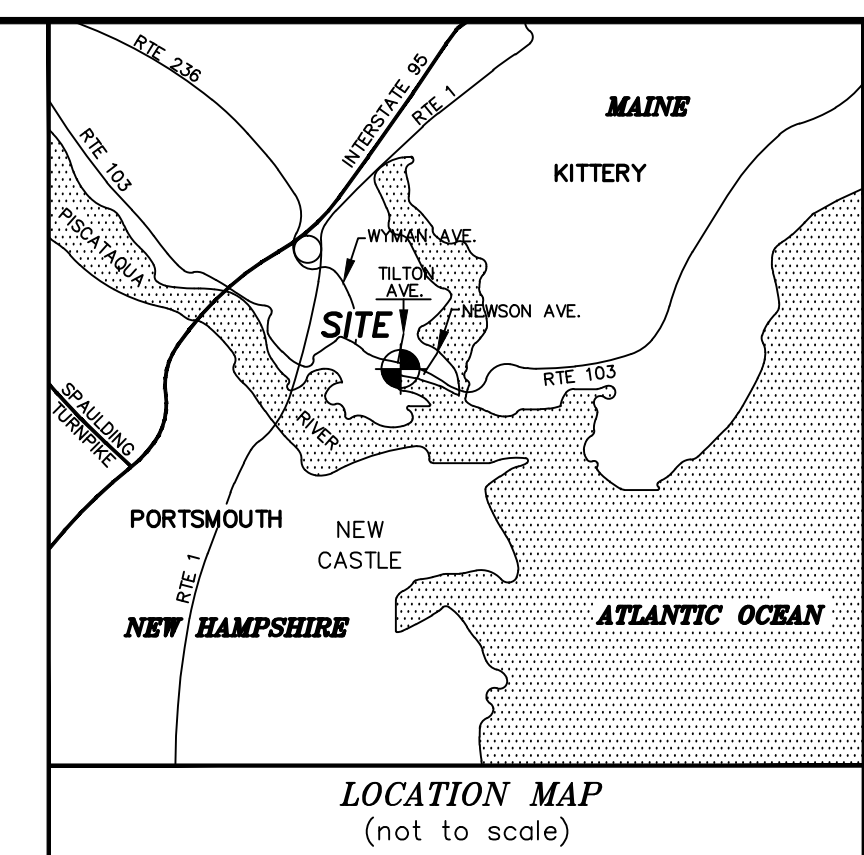


LOCUS

NOT TO SCALE

**Sheet Index
Title**

	Sheet No.:	Rev.	Date
Existing Conditions Plan	1 of 1	A	09/29/20
Proposed Shoreland Development Plan	C-1	0	07/22/21
Proposed First Floor Plan	Page 1	0	06/20/21
Proposed Basement Floor Plan	Page 2	0	06/20/21
East Elevation	Page 3	0	06/20/21
South Elevation	Page 4	0	06/20/21
West Elevation	Page 5	0	06/20/21
North Elevation	Page 6	0	06/20/21



ZONING DATA PER KITTERY ZONING ORDINANCE (LAST AMENDED 05/29/2019):

BASE ZONE: Residential-Urban (R-U)
 OVERLAY ZONE: Shoreland (OZ-SL-250')

REQUIREMENTS:

MINIMUM LAND AREA PER DWELLING UNIT:	20,000 Sq Ft
MINIMUM LOT SIZE:	20,000 Sq Ft
MINIMUM STREET FRONTAGE:	100 Ft
MINIMUM FRONT YARD:	30 Ft
MINIMUM REAR AND SIDE YARDS:	15 Ft*
MAXIMUM BUILDING COVERAGE:	20%
MAXIMUM BUILDING HEIGHT:	35 Ft*
MINIMUM SHORE FRONTAGE:	50 Ft
MAXIMUM DEVEGETATED AREA:	20%

Per Town of Kittery Code Title 16 (Sec. 16.3.2.4)
 (See Sec 16.3.2.4, D.2)

PLAN REFERENCES:

- "STANDARD BOUNDARY SURVEY FOR PROPERTY AT 134 WHIPPLE ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY ESTATE OF CARRIE B. VARNEY", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED AUGUST 10, 2017.
- "PROPOSED SIDEWALK EASEMENT, FOR A PORTION OF WHIPPLE ROAD, KITTERY, YORK COUNTY, MAINE, CLIENT, KITTERY PUBLIC WORKS DEPARTMENT, SHEETS 2&3 OF 6" PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED AUGUST 20, 2007.

NOTES:

- OWNERS OF RECORD:
 TAX MAP 10 LOT 6A
 NICHOLAS E. MERCIER
 AMY L. MERCIER
 Y.C.R.D. BOOK 17571 PAGE 502
 DATED SEPTEMBER 29, 2017
- TOTAL EXISTING PARCEL AREA:
 TAX MAP 10 LOT 6A
 0.31± AC.
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS AND FIELD EVIDENCE RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
- SUBJECT PARCEL IS CONVEYED TOGETHER WITH ALL THE TIDE LAND LYING BETWEEN HIGH AND LOW WATER MARK ON THE BACK CHANNEL OF THE PISCATAQUA RIVER ADJOINING THE SOUTHWESTERLY SIDE OF SAID LOT. RIPARIAN BOUNDARIES HAVE NOT BEEN DETERMINED BETWEEN HIGH AND LOW WATER.
- THE ENTIRETY OF THE SUBJECT PARCEL IS WITHIN THE OZ-SL-250 SHORELAND ZONE.
- A PORTION OF THE SUBJECT PARCEL IS WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA). REFERENCE IS MADE TO FEMA FIRM 230171 0005 D, LAST REVISED JULY 3, 1986.

BUILDING COVERAGE CALCULATIONS:

LOT AREA: 13,381± SQ. FT.
 EXISTING
 HOUSE: 1,358± SQ. FT. (10.1%)

PURPOSE OF PLAN:

THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS FOR DESIGN PURPOSES. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND IS NOT INTENDED TO BE RECORDED, USED FOR CONVEYANCE, OR ANY OTHER TITLE PURPOSE.

DEVEGETATED COVERAGE CALCULATIONS:

LOT AREA: 13,381± SQ. FT.
 EXISTING

HOUSE 1,358± SQ. FT.
 FRONT PORCH & STEPS 39± SQ. FT.
 REAR DECK & STEPS 37± SQ. FT.
 PAVED DRIVEWAY 1,059± SQ. FT.
 PAVED WALKWAY 164± SQ. FT.
 FLAGSTONE WALKWAY 50± SQ. FT.
 GRAVEL (NEAR HOUSE) 67± SQ. FT. (-67 SQ. FT.)
 GRAVEL (NEAR SHORE) 218± SQ. FT. (-218 SQ. FT.)
 WOOD STEPS & GRAVEL 124± SQ. FT. (-7 SQ. FT.)
 FRONT RETAINING WALL 16± SQ. FT.
 SEA RETAINING WALL 126± SQ. FT.
 WOOD RETAINING WALLS 6± SQ. FT.
 RETAINING WALL (AT NE) 19± SQ. FT.
 RR TIES 9± SQ. FT.
 PROPOSED RETAINING WALL 0± SQ. FT.

TOTAL: 3,292± SQ. FT. (24.6%)

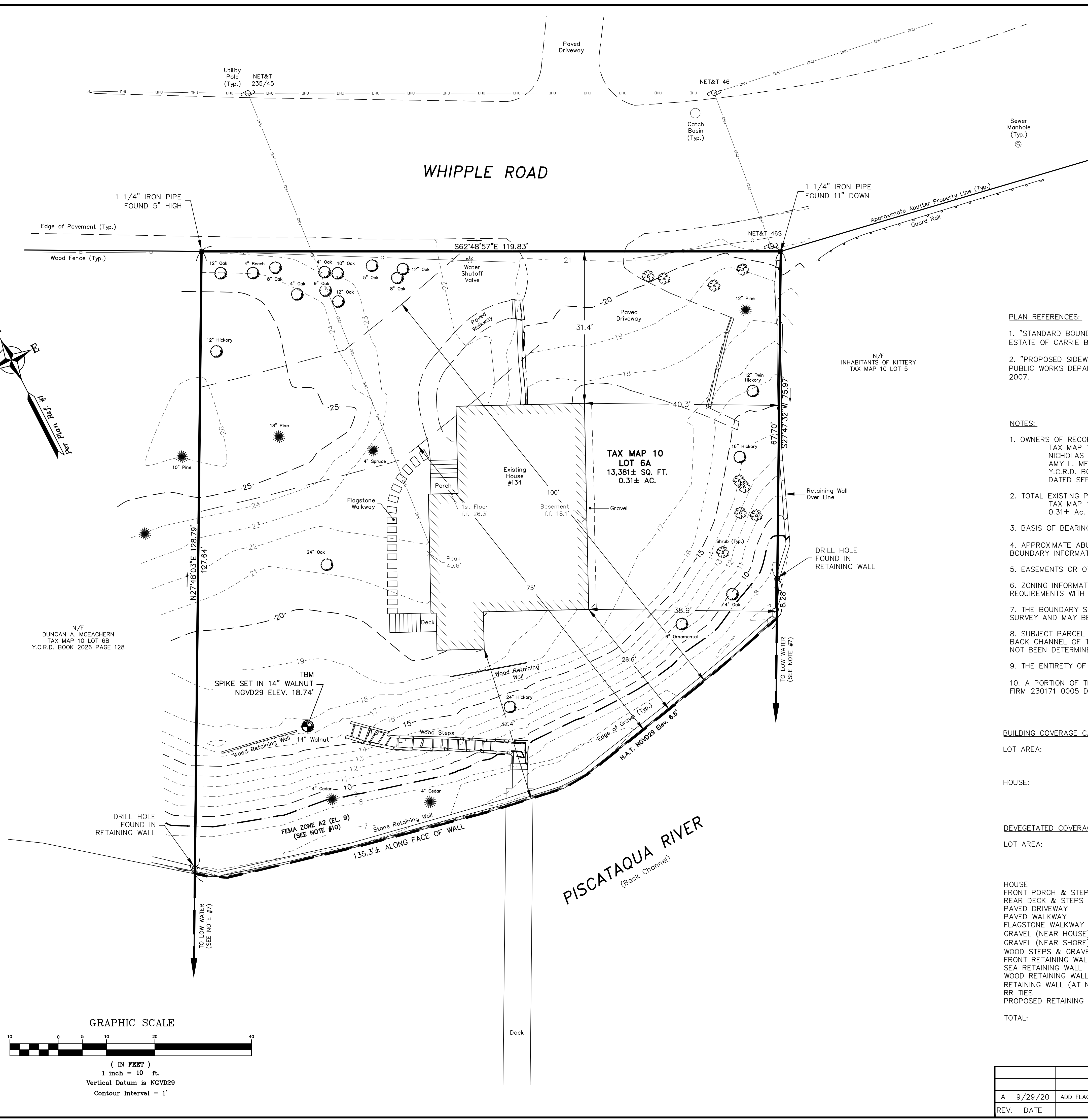
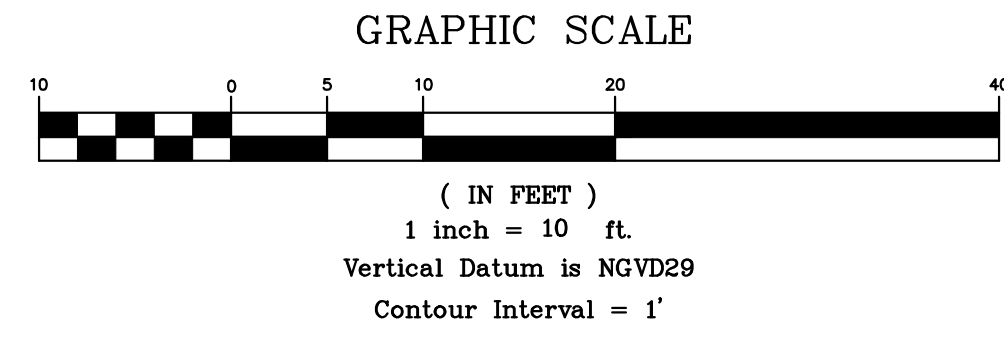
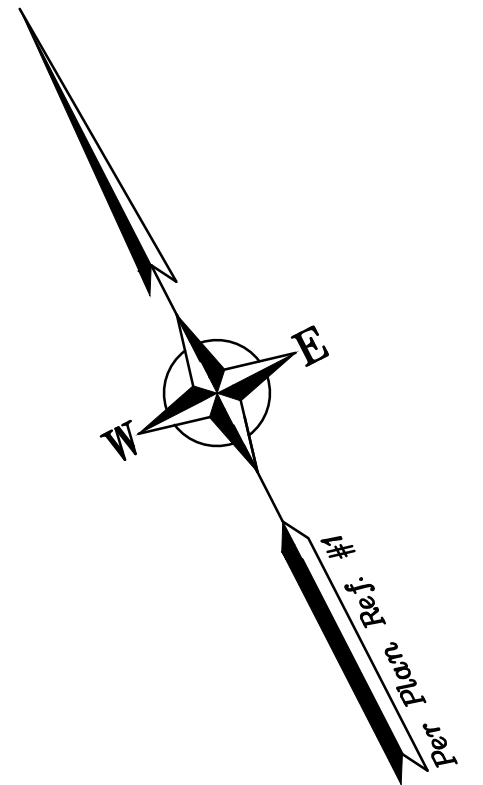
EXISTING CONDITIONS PLAN
 FOR PROPERTY AT
134 Whipple Road
 Kittery, York County, Maine
 OWNED BY
Nicholas E. Mercier
Amy L. Mercier
 35 Goffstown Road, Hookset, NH 03106

North
EASTERLY
SURVEYING, Inc.

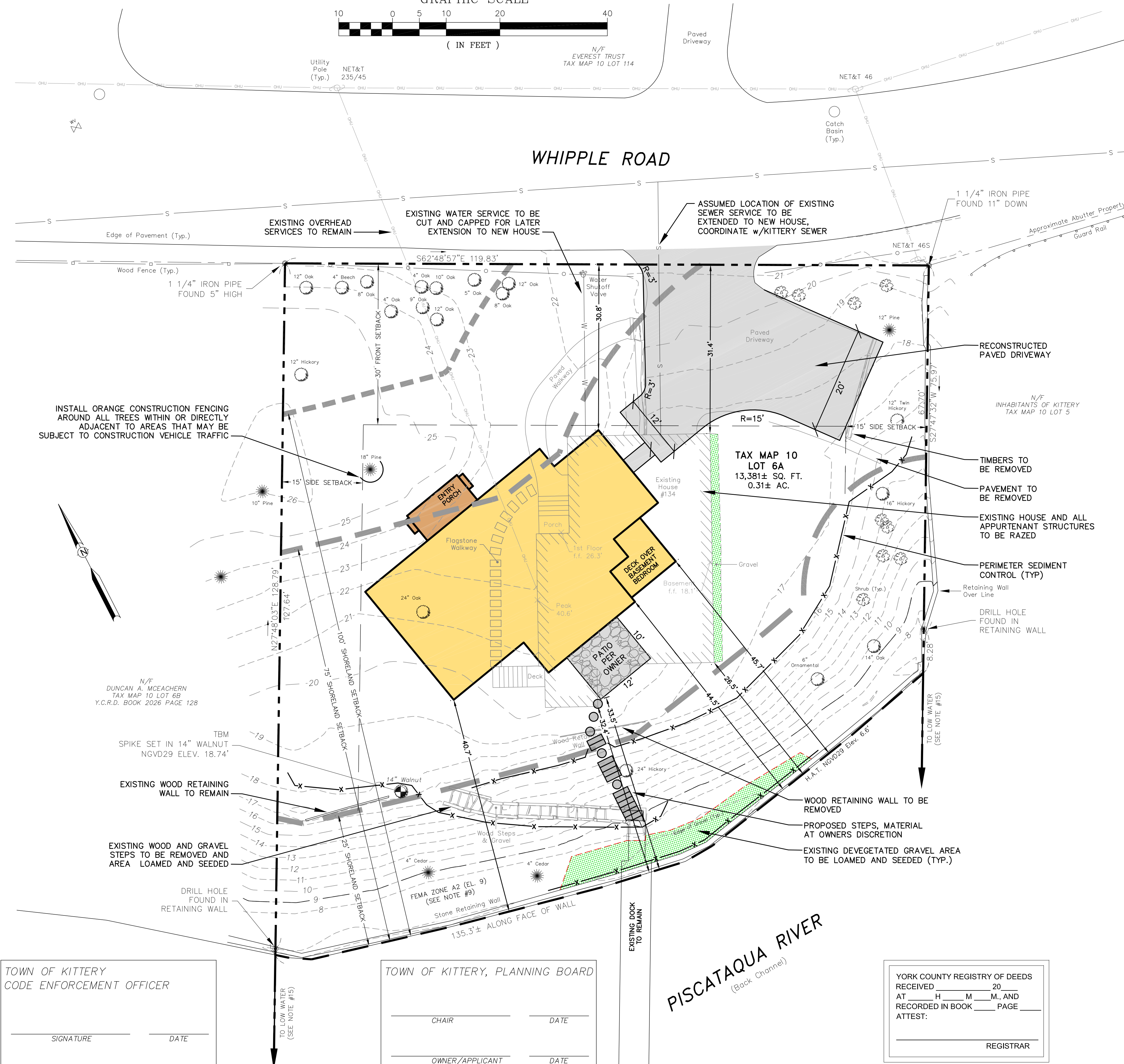
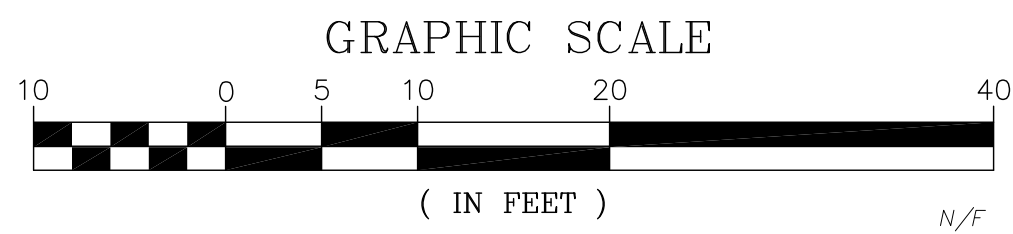
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
 (207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 10'	PROJECT NO. 20612	DATE: 2/27/2020	SHEET: 1 OF 1	DRAWN BY: A.H.P.	CHECKED BY: A.M.P.
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DRAWING No: 20612 EXISTING CONDITIONS REV. A
 FIELD BOOK No: "Kittery #38" **Tax Map 10 Lot 6A**



REV.	DATE	STATUS	BY	CHKD	APPD.
A	9/29/20	ADD FLAGSTONE WALKWAY / 24\"/>			



SITE NOTES

- DESIGN INTENT – THIS PLAN SET IS INTENDED TO DEPICT THE REPLACEMENT OF AN EXISTING HOUSE TOGETHER WITH VARIOUS SITE IMPROVEMENTS.
 - PLAN REFERENCE: "EXISTING CONDITIONS PLAN FOR PROPERTY AT 134 WHIPPLE ROAD, KITTERY, YORK COUNTY, MAINE", DATED FEBRUARY 27, 2020, PREPARED BY NORTH EASTERLY SURVEY, INC.
 - APPROXIMATE LOT AREA: 0.31 AC.± (13,381 S.F.±)
 - ZONE: RESIDENTIAL-URBAN (R-U)
OVERLAY ZONE: SHORELAND (OZ-SL-250')
- MIN. LAND AREA: 20,000 S.F.
 PER DWELLING UNIT: 20,000 S.F.
 MIN. LOT SIZE: 100'
 MIN. STREET FRONTAGE: 30'
 FRONT SETBACK: 15'
 SIDE SETBACK: 15'
 REAR SETBACK: 15'
 MAX. BUILDING HEIGHT: 23.0' (EXISTING) PROPOSED = 23.0'
 MAX. BLDG. COVERAGE: EXIST. COVERAGE (1,358 SF) + 30% = 1,765 SF
 MIN. SHORE FRONTAGE: 50'
 SHORELAND SETBACK: 100'
 MAX. DEVEGETATED AREA: 20%
- ALL CONSTRUCTION SHALL MEET THE MINIMUM STANDARDS OF THE TOWN OF KITTERY.
 - ALL EROSION CONTROL MEASURES SHALL COMPLY WITH STATE (DEP) AND LOCAL ORDINANCES.
 - SUBJECT PROPERTY IS SERVICED BY TOWN WATER & SEWER. COORDINATE ALL SERVICE RECONNECTIONS TO NEW HOUSE w/KITTERY WATER AND SEWER.
 - HIGHEST ANNUAL TIDE (H.A.T.) IS TAKEN FROM MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION DATA.
 - THE ENTIRE PARCEL IS LOCATED WITHIN THE OZ-SL-250 ZONE.
 - A PORTION OF THE PARCEL IS WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) PER FEMA FIRM 230171 0005 D. LATEST REVISION JULY 3, 1986.
 - ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.
 - THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
 - THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PRIOR TO CONSTRUCTION. ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT AND ENGINEER FOR RESOLUTION.
 - BUILDING AREA SHOWN IS BASED ON FOOTPRINT MEASURED TO THE EDGE OF FOUNDATIONS AND/OR SLABS. ACTUAL INTERIOR SPACE WILL DIFFER.
 - THE BOUNDARY SHOWN HEREON WAS DETERMINED FROM WRITTEN RECORDS AND FIELD EVIDENCE RECOVERED AT THE TIME OF SURVEY BY NORTHEASTERLY SURVEYING AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
 - AVERAGE GRADE CALCULATIONS:
MEASURED AT DOWNHILL SIDE OF EXISTING RESIDENCE USING 5' INTERVALS
EXISTING AVERAGE GRADE: 17.6'
 - ALL PERIMETER SEDIMENT AND EROSION CONTROL MEASURES (I.E. SILTFENCE, SILTBOX OR FILTER BERM) MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY EARTHWORK ACTIVITIES.
 - ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH 6" OF COMPACTED LOAM AND SEED.

BUILDING COVERAGE/DEVEGETATION CALCULATIONS

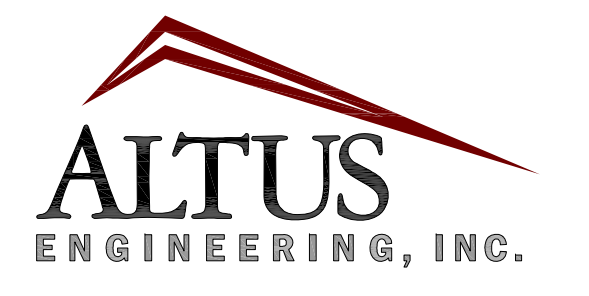
	SHORELAND SETBACKS		
	0 – 100'	100' – 250'	ENTIRE LOT
EXISTING BUILDING COVERAGE:	±1,358 SF	±0 SF	±1,358 SF (10.1%)
PROPOSED BUILDING COVERAGE:	±1,605 SF	±0 SF	±1,605 SF (12.0%)
EXISTING DEVEGETATION CALC:	±3,292 SF	±0 SF	±3,292 SF (24.6%)
PROPOSED DEVEGETATION CALC:	±3,045 SF	±0 SF	±3,280 SF (24.5%)

* AREAS AND HEIGHT LIMITATIONS ARE PER KITTERY LAND USE AND DEVELOPMENT CODE (TITLE 16) SECTION 16.7.3.3.B(3)(e)[5][a] / SECTION 16.3.2.17.D(1)(d)

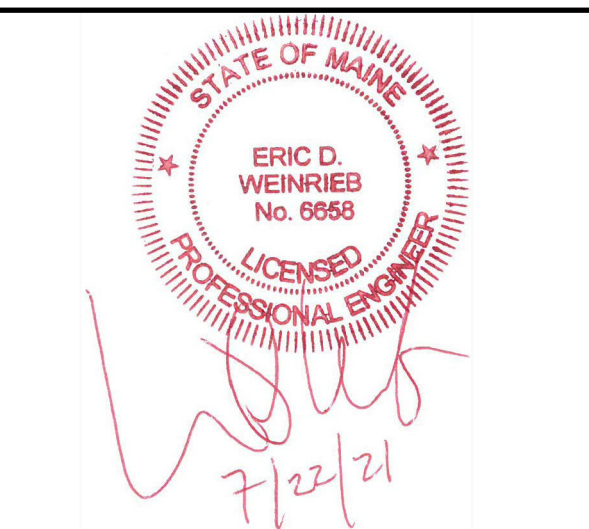
EXISTING DEVEGETATION CALC.: HOUSE, PORCH, DECK & STAIRS (1,434 SF) + PAVED DRIVEWAY (1,059 SF) + PAVED WALKWAY (164 SF) + FLAGSTONE WALKWAY (50 SF) + GRAVEL ADJ. TO HOUSE (67 SF) + GRAVEL AT SEAWALL (218 SF) + WOOD STEPS AND GRAVEL (124 SF) + FRONT RETAINING WALL (16 SF) + SEA RETAINING WALL (126 SF) + WOOD RETAINING WALLS (16 SF) + RETAINING WALL AT NE (19 SF) + RR TIES (9 SF) = ±3,292 SF (24.6%)

PROPOSED DEVEGETATION CALC.: PROP. HOUSE, PORCH & STAIRS (1,605 SF) + WOOD STEPS (REPLACED) (125 SF) + WOOD RETAINING WALLS (30 SF) + SEAWALLS (145 SF) + NEW WALKWAY (70 SF) + PATIO (120 SF) + PAVED DRIVE (1,185 SF) = ±3,280 SF (24.5%)

SUMMARY NOTE: THE HOMEOWNER HAS INTENTIONALLY REDUCED LARGE AREAS OF GRAVEL IN ORDER TO MITIGATE THE MODEST INCREASE IN THE SIZE OF THE RESIDENCE. THE REPLACEMENT HOUSE HAS BEEN PLACED FURTHER FROM THE RESOURCE (PISCATAQUA RIVER) AND A SIGNIFICANT NUMBER OF THE EXISTING TREES WILL BE RETAINED.



133 Court Street
(603) 433-2335
Portsmouth, NH 03801
www.altus-eng.com



NOT FOR CONSTRUCTION

ISSUED FOR: **PLANNING BOARD**

ISSUE DATE: **JULY 22, 2021**

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	PLANNING BOARD	EBS	07/22/21

DRAWN BY: _____ RLH
 APPROVED BY: _____ EBS
 DRAWING FILE: _____ 5186.dwg

SCALE:
 22" x 34" - 1" = 10'
 11" x 17" - 1" = 20'

OWNER/APPLICANT:
AMY L. & NICHOLAS E. MERCIER
 35 GOFFSTOWN ROAD
 HOOKSETT, NH 03106-2400

PROJECT:
MERCIER RESIDENCE SHORELAND DEVELOPMENT PLAN

TAX MAP 10, LOT 6A
 134 WHIPPLE ROAD
 KITTERY, MAINE

TITLE:
PROPOSED SHORELAND DEVELOPMENT PLAN

SHEET NUMBER:
C-1

TOWN OF KITTERY
 CODE ENFORCEMENT OFFICER

 SIGNATURE DATE

TOWN OF KITTERY, PLANNING BOARD

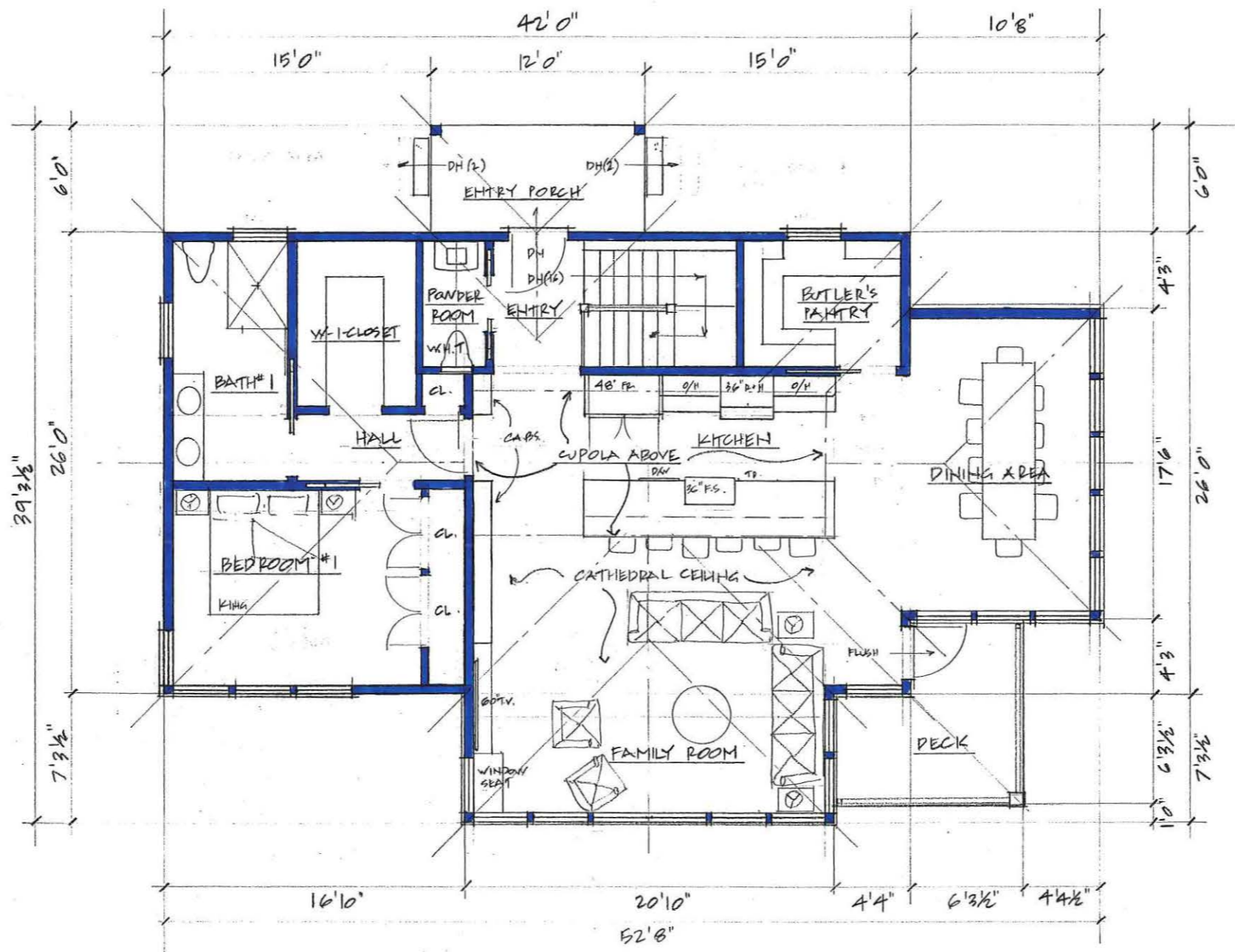
 CHAIR DATE

 OWNER/APPLICANT DATE

YORK COUNTY REGISTRY OF DEEDS
 RECEIVED _____ 20____
 AT _____ H _____ M _____, AND
 RECORDED IN BOOK _____ PAGE _____
 ATTEST:

 REGISTRAR

P5186



PROPOSED FIRST FLOOR PLAN

(1,431sf)

6.20.2021

1/8" = 1' 0"

TITLE: PROP' FIRST FLOOR PLAN

SCALE: 1/8" = 1' 0"

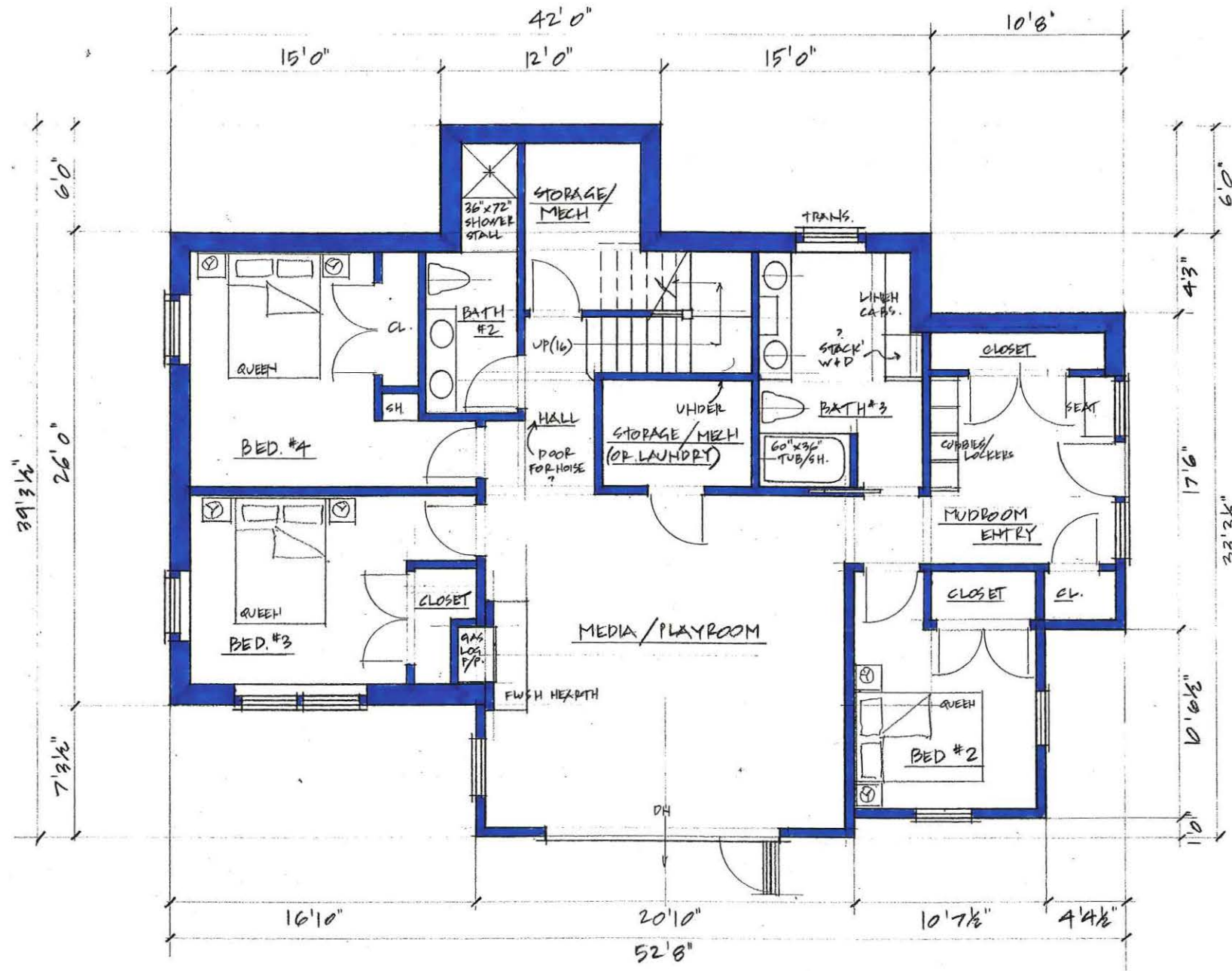
DATE: 6.20.2021

REVISIONS:

MERCIER RESIDENCE

134 WHIPPLE RD.,

KITTERY, MAINE



PROPOSED BASEMENT FLOOR PLAN (1,601 sq FOOTPRINT)
4.29.2021 1/8" = 1'0"

TITLE: PROP BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'0"
DATE: 4.29.2021
REVISIONS:

MERCIER RESIDENCE
134 WHIPPLE RD.,
KITTEBY, MAINE

TOP OF RIDGE
HARD 41.8'

HARD 28.29'

BASE SLAB
HARD 18.0'



EAST ELEVATION 1/8" = 1' 0"
6.20.2021

TITLE: PROP' EAST ELEVATION

SCALE: 1/8" = 1' 0"

DATE: 6.20.2021

REVISIONS:

MERCIER RESIDENCE
134 WHIPPLE RD.,
KITTERY, MAINE



RIDGE
NAVD 41.8'

1ST FL.
NAVD 28.29'

BASE
NAVD 18.0'

SOUTH ELEVATION

1/8" = 1'0"

TITLE: PROP' SOUTH ELEVATION

SCALE: 1/8" = 1'0"

DATE: 6.20.2021

REVISIONS:

MERCIER RESIDENCE

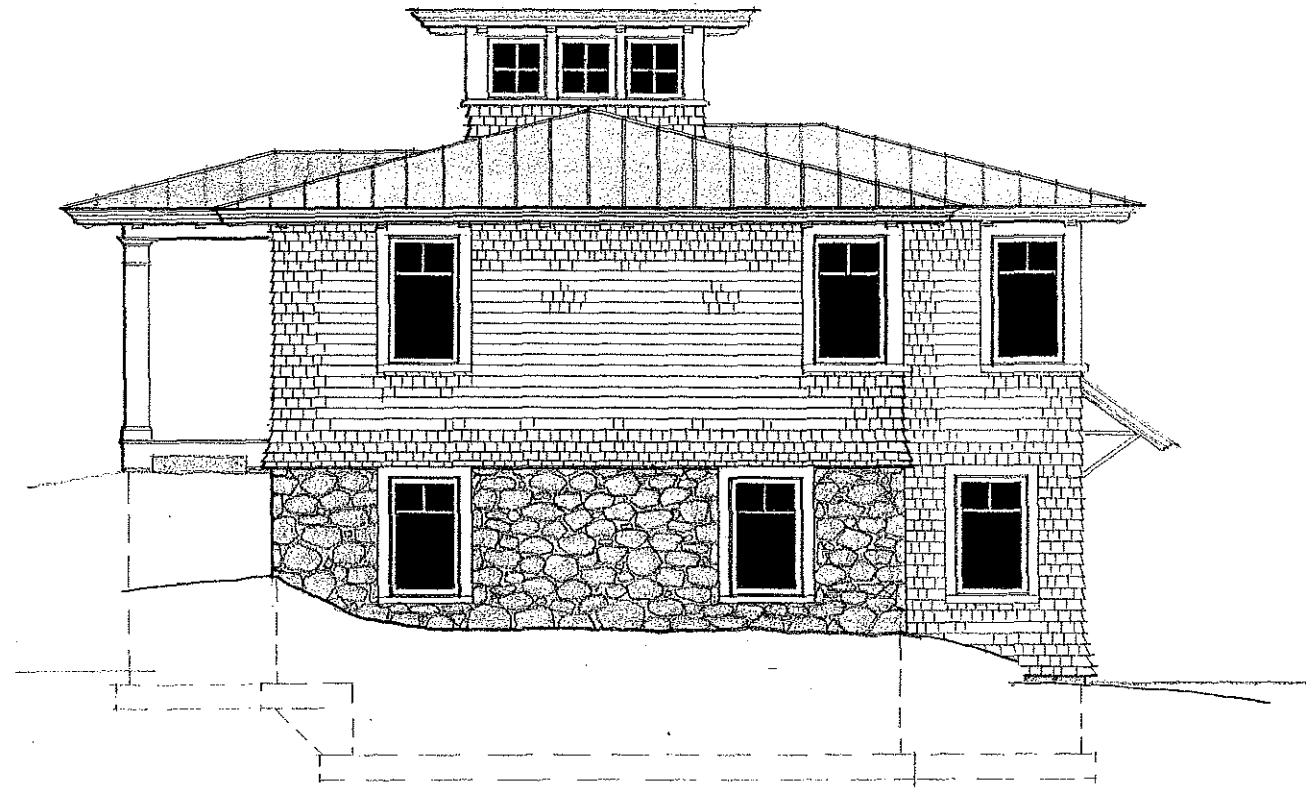
134 WHIPPLE RD.,

KITTERY, MAINE

TOP OF RIDGE
NGVD 41.8'

1ST FLOOR
NGVD 28.29'

BASE GLAB
NGVD 18.0'



WEST ELEVATION
 $\frac{1}{8}'' = 1'0''$

TITLE: PROP' WEST ELEVATION

SCALE: $\frac{1}{8}'' = 1'0''$

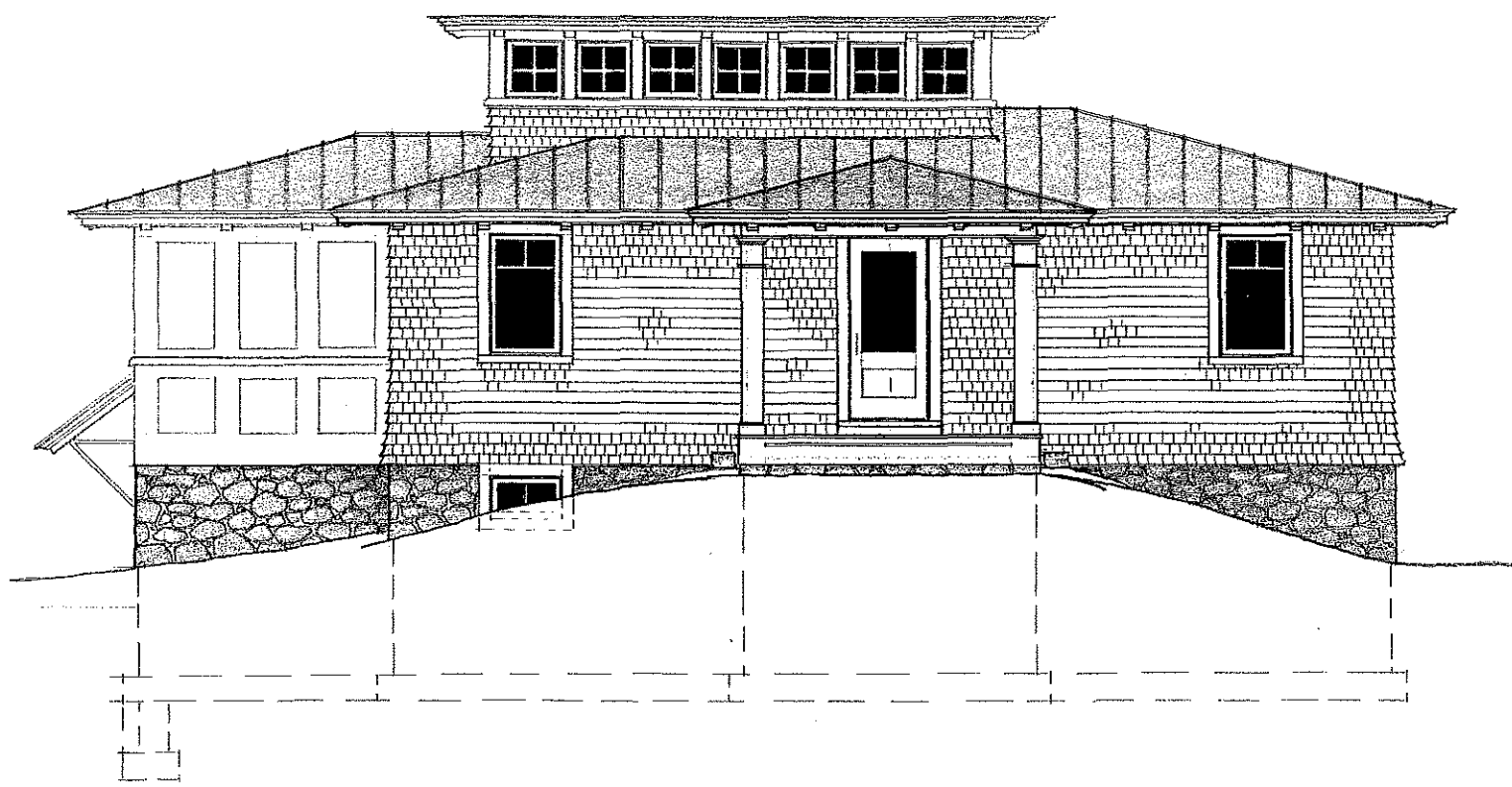
DATE: 6.20.2021

REVISIONS:

MERCIER RESIDENCE

134 WHIPPLE RD.,

KITTERY, MAINE



NORTH ELEVATION

1/8" = 1'0"

TITLE: PROP NORTH (ROAD) ELEVATION

SCALE: 1/8" = 1'0"

DATE: 6.20.2021

REVISIONS:

MERCIER RESIDENCE

134 WHIPPLE RD.,

KITTERY, MAINE