

**Town of Kittery Maine
 Town Planning Board Meeting
 June 24, 2021**

2 Old Ferry Lane—Shoreland Development Plan Review

Action: Accept or deny plan as complete; continue application to a subsequent meeting, schedule site walk and/or public hearing; approve or deny plan: Pursuant to §16.7.3.3.B *Nonconforming structure repair and/or expansion* and §16.10.3.4 *Shoreland Development Review* of the Town of Kittery Land Use Development Code, owner Forbes-Taylor Trust and applicant Elliot Architects requests approval to expand a legally nonconforming dwelling unit on a legally nonconforming lot within the base zone setback of the Shoreland Overlay Zone by 225-sf on real property with an address of 2 Old Ferry Lane, Tax Map 17 - Lot 14, located within the Residential-Urban (R-U) zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
No	Sketch Plan	Not pursued	No filing on record
No	Site Visit	6/15/21	Held
Yes	Completeness/Acceptance	6/10/21	Held
No	Public Hearing	At the Board's discretion	To be determined—PB discretion
Yes	Plan Approval	May occur during 6/24/21 meeting	To be determined—PB discretion
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.			

Project Introduction

2 Old Ferry Lane (“Project”) is situated along the Piscataqua River located within the Residential—Urban (R-U) zone and overlaid by the Shoreland (SL-OZ-250) and, in part, the Resource Protection (RP-OZ) zones. The Project also is occupied by the FEMA Flood Zone (100-year-AE) along segments of the shoreline, but none of the existing structures, besides the seawall, are affected or within those zones currently. Located within the subject property is a single-family dwelling unit with a cantilevered deck, two storage sheds and a driveway. Given the lot’s size and proximity to the river and topographic features, the lot and its structures are entirely nonconforming. To wit, the lot’s area is approximately 8,530-sf. (undersized by 11,470-sf.), the dwelling unit extends across the 25-ft. shoreland overlay zone setback, and one of the sheds encroaches onto an neighbor’s property. Needless to say, the lot and proposed reconstruction / expansion of the dwelling unit have many challenging aspects.

The Board was first introduced to the project at their March 25, 2021 meeting, whereat the applicant sought to solicit comments from the Board to determine if the project was trending in the right direction. The difference between the current proposal in front of the Board and the one at that time was the conversion of the deck into habitable space. The Board rejected that concept citing the provision under §16.7.3.3.B(3) which disallows any type of expansion within the 25-ft. setback. This interpretation was later confirmed by the Town Attorney’s, concluding, in short, that the purpose of the ordinance was to protect the shoreline areas from overdevelopment by applying staunch standards. After receiving a confirmation opinion from the Town Attorney’s, the applicant’s agent redesigned the plan to eliminate any form of expansion within the 25-ft. setback, while complying with the expansion standards under §16.7.3.3.B(3)(e)[5][a]. Another integral element to the plan is the intended conveyance of land from Map 17- Lot15 to the subject property. Absent this lot line adjustment, the expansion portion of the Project

cannot occur. In summary, the purpose of this shoreland development application is to replace and expand a legally nonconforming dwelling unit within the base zone setback of the Shoreland Overlay Zone.

Analysis and Staff Commentary

Plan completeness

The applicant has drafted a plan that uses surveyed elements created by Easterly Surveying, Inc. While most of those elements are present on the plan created by Elliot Architecture's Inc., there are missing components required by 16.10.5.2.B that the Board may wanted to consider having added to the plan:

1. Locus Map
2. Surveyed acreage of the segmented area to be conveyed by an abutter to the applicant:
 - a. It appears that this element of the plan was not carried out by a licensed surveyor, which will need to be confirmed by the applicant. If that is the case, before the issuance of building permit and endorsement of a shoreland plan by the Planning Board, evidence demonstrating that a license surveyor demarcated the new lot lines must be submitted to the Town in order to certify that dimensional setbacks are not encroached upon by the planned expansion and the correct of amount of acreage conveyed is verified.
3. Abutters' information on a lot across Old Ferry (Map 17-45-4).
4. Existing and proposed dimensional standards are not on the plan. This includes proposed front and side yard setback from the planned expansion to the new lot line.
5. Street fronted is not indicated on the plan.

The Board needs to determine if this information should be required to be added to the site plan before moving forward with accepting and/or approving the application.

Devegetation

Pursuant to §16.3.2.17.D(d)[5], the permitted devegation rate for a lot at or under 10,000-sf in area is 50%. The proposed lot area will be 8,821-sf which is well below that threshold. Accordingly, the proposed devegation rate of 37.1% from 36.4% satisfies this standard.

Height

The Board needs to review the height of the proposed structure from two perspectives: the proposed height below and above the 25-ft setback from the highest annual tide. Pursuant to §16.7.3.3.B(3)(e)[3], no expansion may occur within the 25-ft setback, this includes all elements of the existing building. The proposed elevations and site plan appear to achieve this by maintaining the existing height of the roofline while preserving the existing footprint. As regards the height of the structure above the 25-ft. setback, again, the proposed roofline appears to be under 20-ft. (17.8-ft), which is the maximum height allowed. However, the calculation used appears to be incorrect as the applicant employed the formula under 'height of building' rather than 'height of structure', of which is used for applications within the base zone setback of the shoreland overlay zone. The applicant will need to recalculate using the correct formula, "height of structure", in order to determine the correct existing and proposed height and adjust the elevations accordingly.

Update—June 3, 2021:

The applicant has submitted revised elevations plans that adjusted the height calculation to the proper formula and yields the following: the existing height appears to be 26.1-ft., with the existing roofline to be maintained with the proposed development both within the 25-ft setback (it does appear that a skylight was added to the roofline) and 100-ft. setback.

Replacement and Expansion

As regards the replacement of the existing unit, it appears to conform to the standards under §16.7.3.3.C(5). Considering that the lot has little to no room to relocate the building from the existing footprint to become less nonconforming, it appears that utilizing the same footprint is the best solution. With respect to the expansion, predicated on successfully demonstrating that the proposed land conveyance is to transpire and be adequate in area to accommodate the expansion from a zoning dimensional aspect, the increase in footprint off from the western and eastern sides of the dwelling unit appears to comply with the pertinent zoning standard under §16.7.3.3.B(3)(e)[5][a]. The applicant appears also to be under the 30% expansion threshold, as the outstanding amount of additional area permitted to be used for structural expansion remains at 164-sf (8.82% of 30%).¹ Nevertheless, this will need to be reflected on an updated plan as the current rendition does not have this clearly marked.

The plan in general seems to comply with the relevant zoning standards; however, the plan itself needs more information on it as described hereinabove. Moreover, the Planning Board ought to decide if it wants the missing information and data on the plan updated by a land surveyor first before they move to vote on the application, or condition an approval to have that information added to a plan along with updated calculations designed and computed by a registered land surveyor.

Update—June 17, 2021:

On June 15, 2021, the Planning Board held a site walk at 2 Old Ferry Lane. It appeared that the site walk helped the Board get a better idea of the site's constraints. In the interim, the applicant submitted an updated shoreland development and lot line adjustment ("LLA") plan incorporating updated expansion calculations and confirming the location of the designated land from Map 17 Lot 15 to be conveyed to Map 17, Lot 14.

In the updated shoreland plan, the major variance from the prior plan proposes an expansion of the retaining wall that will help buttress the higher elevated parking area from lower grade topography sloping towards the house; however, it appears that the new expansion is not attached to the existing retaining wall. The Board should confirm this and, if indeed to be true, request the applicant to revise the plan to depict the proposed retaining wall connecting to the existing wall, or remove it outright from the plan and propose an alternative design. Further, either way, the expansion calculations will need to be updated accordingly.

As of this date, the LLA plan and corresponding deed description has yet to be finalized but is in a final draft format, for which documentation the Board has before them. It is the opinion of staff that the absence of a recorded LLA and deed should not prohibit the Planning Board from moving forward with a final vote, as any approval may be conditioned to stipulate that the LLA plan and accompanied deed shall be recorded prior to the issuance of a building permit. Moreover, it is unlikely that the LLA plan will change

¹ The property is allowed a total expansion of 483.6-sf based on the information held in Town Hall. 100-sf was used in 2001, as the property received a variance from the Board of Appeals to install a shed parallel to the house. In this shoreland application, the applicant is proposing to demolish this shed in order to accommodate the expansion, allowing the freed area to be repurposed for other development on the site. As an aside, the BOA's Finding of Facts in 2001 stated that the applicant could not attach the shed to the house because of a sewer line. The Board may want to condition any approval to stipulate that approval from the sewer commissioner shall be required prior to the issuance of a building permit so as to ensure that the proposed development can moved forward as designed.

significantly from its current state, and, if it does and it causes development issues, staff will identify the problems and request the applicant to make the necessary adjustments prior to the issuance of a building permit.

Accordingly, it is the opinion of staff that the applicant has provided enough documentation to the Board from them to render a final decision. If the Board disagrees and needs more time, they should instruct the applicant what information would be required to provide prior to returning in front of the Board for final approval. Thereafter, the Board should decide which meeting to continue the application.

Planning Board Procedural Steps

After the Board has been presented with the application and deliberation has exhausted, the following procedural sequence must take place:

1. Continue the application to a subsequent meeting;
2. Debate if a public hearing ought to be scheduled;
3. If no public hearing is necessary, but more time is needed by the Board to consider the application, move to continue the application to a subsequent meeting;
4. Approve with or without conditions; or
5. Deny the application.

Recommended Motions

Below are recommended motions for the Board's use and consideration:

Motion to continue application

Move to continue the shoreland development plan application to the July 8, 2021 Planning Board meeting from owner Forbes-Taylor Trust and applicant Elliot Architects requesting approval to expand a legally nonconforming dwelling unit on a legally nonconforming lot within the base zone setback of the Shoreland Overlay Zone by 225-sf on real property with an address of 2 Old Ferry Lane, Tax Map 17 - Lot 14, located within the Residential-Urban (R-U) zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Motion to approve with conditions

Move to approve the shoreland development plan application from owner Forbes-Taylor Trust and applicant Elliot Architects requesting approval to expand a legally nonconforming dwelling unit on a legally nonconforming lot within the base zone setback of the Shoreland Overlay Zone by 225-sf on real property with an address of 2 Old Ferry Lane, Tax Map 17 - Lot 14, located within the Residential-Urban (R-U) zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones with the following conditions:

1. Prior to the endorsement of the shoreland development plan by the Planning Chair or Vice Chair, the applicant shall submit an updated plan depicting all missing elements as directed by the Planning Board at their June 24, 2021 meeting and Planner's Review Notes, dated June, 24, 2021.
2. Prior to the issuance of a building permit, the applicant shall file with the Code Enforcement Officer a recorded Lot Line Adjustment Plan and corresponding deed for Map 17, Lot 14 that clearly depicts the conveyance of land from Map 17 Lot to the lot and that all setbacks are adhered to.

Kittery Planning Board UNAPPROVED

Findings of Fact

For 2 Old Ferry Lane

Shoreland Development Plan Review

M17 L14

WHEREAS: owner Forbes-Taylor Trust and applicant Elliot Architects requests approval to expand a legally nonconforming dwelling unit on a legally nonconforming lot within the base zone setback of the Shoreland Overlay Zone by 225-sf on real property with an address of 2 Old Ferry Lane, Tax Map 17 - Lot 14, located within the Residential-Urban (R-U) zone and the Shoreland (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

REQ'D	ACTION	COMMENTS	STATUS
No	Sketch Plan	Not pursued	N/A
No	Site Visit	June 15, 2021	HELD
Yes	Completeness/Acceptance	June 10, 2021	ACCEPTED
No	Public Hearing	At the Board's discretion	TBD
Yes	Plan Approval	May occur at the June 24, 2021	TBD

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 5/18/21
2. Lot Line Adjustment Plan, Easterly Surveying Inc., dated 12/7/20
3. Boundary Survey Site Plan, Easterly Surveying Inc., dated 12/7/20
4. Shoreland Development Plan, Elliot Architecture Inc., dated 1/23/21; last revised:6/3/21
5. Architectural Elevations, Elliot Architecture, Inc., dated 5/18/21
6. Town Attorney's opinion letter regarding development within the 25-ft. setback of the Shoreland Overlay Zone, dated 4/20/21

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

16.3.2.3.D(e)
Standard: <i>Maximum building coverage: 20%</i>
Findings: The proposed shoreland development plan illustrates a building coverage rate of 19.2%
Conclusion: The standard appears to be met.
Vote: <u> </u> in favor <u> </u> against <u> </u> abstaining
16.3.2.17.D(1)(d)

Standard: *The total footprint of devegetated area must not exceed 20% of the lot area located within the Shoreland Overlay Zone, except in the following zones:*

[1] Mixed-Use – Badgers Island (MU-BI) and Mixed-Use – Kittery Foreside (MU-KF) Zones, where the maximum devegetated area is 60%. The Board of Appeals may approve a miscellaneous appeal application to increase allowable devegetated area in the Mixed-Use – Badgers Island (MU-BI) Zone to 70% where it is clearly demonstrated that no practicable alternative exists to accommodate a water-dependent use.

[2] Commercial (C1, C-2, C-3), Business – Local (B-L and B-L1) and Industrial (IND) Zones where the maximum devegetated area is 70%.

[3] Residential – Urban (R-U) Zone where the lot is equal to or less than 10,000 square feet, the maximum devegetated area is 50%.

Findings: The proposed shoreland development plan is located in the Residential-Urban zone and depicts a devegetation rate of 37.1%

Conclusion: The standard appears to be met.

Vote: in favor against abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS
Article III Nonconformance

16.7.3.1

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

Finding: The applicant is proposing an expansion to a legally nonconforming structure that complies with the standards within the Article.

Conclusion The requirement appears to be met.

Vote: in favor against abstaining

16.7.3.3.B(3)(e)[5][a]

Standard: *For structures located less than the base zone setback 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 portion of a structure that is located in the base zone setback may not be made greater than 20 feet, or the height of the existing structure, whichever is greater.*

Finding: The applicant is proposing an expansion of a legally nonconforming dwelling unit by 357-sf, which is a 21.18% increase in area from the original footprint that existed on January 1, 1989 of all structures (1,430-sf) below the base zone setback of the Residential-Urban (R-U) zoning district.

Conclusion The requirement appears to be met.

Vote: in favor against abstaining

16.7.3.3.C(5)

Standard: *In the Shoreland or Resource Protection Overlay Zone(s), if the total footprint of the original structure can be reconstructed beyond the required setback area, no portion of the reconstructed structure may be reconstructed at less than the setback requirement for a new structure. If the reconstructed or replacement structure is less than the required setback, it may not be any larger than the original structure, except as allowed in § 16.7.3.3.B, Nonconforming structure repair and expansion.*

Finding: Considering the site constraints of the lot, there is no area therein where the building conceivably can be reconstructed other than within the existing footprint and those areas the proposed to support the expansion of the dwelling unit. Moreover, the proposed development complies with the provisions under §16.7.3.3.B.

Conclusion: This standard appears to be met.

Vote: ___ in favor ___ against ___ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article X 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: The proposed development appears to be designed in a manner that will not result in an increase of water pollution, erosion, or sedimentation to surface waters

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 will be connected to the Town's sewer system, thereby providing adequate wastewater disposal services for the site.

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 fish and wildlife habitats.

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;

<p>Finding: The applicant is proposing a redesign and expansion of a dwelling unit that appears not to negatively impact the shore cover, visual, and points of access to the Piscataqua River.</p> <p>Conclusion: This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>Standard: 6. <i>Protect archaeological and historic resources;</i></p> <p>Finding: There appears to be no archaeological and historical resources located on the lot.</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 applicant is proposing a redesign and building expansion that will be no closer to the Piscataqua River than the existing dwelling unit. Moreover, the proposed development appears not to affect any commercial fishing or maritime activities, or within the district that they are active.</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: Portions of the property and dwelling unit are located in the FEMA Flood Zone (AE-100 year). The proposed development appears to be outside this zone. Accordingly, the planned expansion 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 upon the filing of an updated plan 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: The proposed shoreland development plan shall be updated to be recordable and ultimately recorded at the York County Registry of Deeds.</p> <p>Conclusion: This standard appears to be met.</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:

1. 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 unless conforming with the provision under §16.10.9.2 and §16.10.9.3.
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. Prior to the issuance of a building permit, the applicant shall file with the Code Enforcement Officer a recorded Lot Line Adjustment Plan and corresponding deed for Map 17, Lot 14 that clearly depicts the conveyance of land from Map 17 Lot to the lot and that all setbacks are adhered to.
6. All Notices to Applicant contained herein (Findings of Fact dated 6/24/2021).

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

3. Prior to the endorsement of the shoreland development plan by the Planning Chair or Vice Chair, the applicant shall submit an updated plan depicting all missing elements as directed by the Planning Board at their June 24, 2021 meeting and Planner's Review Notes, dated June, 24, 2021.

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 KITTERY PLANNING BOARD ON _____

Karen Kalmar, Planning Board Vice 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 finalized plan to be endorsed.
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. Three (3) paper copies 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 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.



Kittery, ME

06/03/2021

SDP-21-4

Shoreland Development Plan Application

Status: Active**Date Created:** Jun 03, 2021**Applicant**

Corey Papadopoli
 corey@elliottarchitects.me
 Elliott Architects
 PO Box 318
 Blue Hill, ME 04614
 (207) 288-0313

Location

2 OLD FERRY LANE
 KITTERY, ME 03904

Owner:

Catherine B. Taylor
 2 OLD FERRY LANE KITTERY, ME 03904-1306

Project Information**Size of Waterbody**

> 1 Acre

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

Full description of the project

The new use will be the same as the existing use: single-family residence with two bedrooms. The house and lot are non-conforming. Part of the house is within the 25' setback and the remainder within the 75' setback. It is within sideyard setbacks as well. It is not possible to move it outside the 25' or 75' setback to make it less non-conforming due to the lot size. Based upon our interpretation of the Ordinance, we are proposing complying with existing volume within the 25' setback, that is, not exceeding the existing volume that the current structure occupies. We are proposing maintaining the existing foundation while replacing floor, wood-framed walls, and roof structure. We are proposing two small additions to the east and west, both outside the 25' setback. The height of the new roof would not exceed the height of the existing roof.

Lot Size (SF)

8,821

Base Zone

Residential-Urban (R-U)

Overlay Zone(s)**OZ-SL-250 Shoreland Overlay Zone\Water Body/Wetland Protection Area 250'****OZ-SL-75 Shoreland Overlay Zone Stream Protection Area 75'****OZ-CFMU Commercial Fisheries/Maritime Uses Overlay Zone****OZ-RP Resource Protection Overlay Zone****Project within buffer of overlay zone?**

WITHIN 100FT or 75FT (0-100FT from Highest Annual Tide)

see sect. A, B, C, D, F Planning Board Review

A. Devegetated Area - Parcel Devegetation

% Allowed (Enter 20% , 50%, 60% or 70% per narrative above)

50

Existing (sf) Devegated Area within 250' Shoreland Overlay Zone

3,105

Proposed (sf) Devegated Area within 250' Shoreland Overlay Zone

3,273

% Existing Devegated Area within 250' Shoreland Overlay Zone

36.4

% Proposed Devegated Area within 250' Shoreland Overlay Zone

37.1

B. Building Footprint - Principle and Accessory Structures

Structure distance from Highest Annual Tide or upland edge of wetland (FT)

10.9

Building Coverage Existing (sf)

1,459.4

(%) Building Coverage Allowed

20

Builing Coverage Proposed (sf)

1,665.6

(%) Building Coverage Existing

17.1

(%) Building Coverage Proposed

18.8

(%) Increase of Coverage

8.8

Type of Construction

Demo/Rebuild

Value (\$) of Construction

750,000

C. Building Height

Bldg. Height Existing (FT)

26.8

Bldg. Height Proposed (FT)

26.8

D. Certifications

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 Code Enforcement Departments of any changes.



I understand an approved Shoreland Development Plan must be recorded in the York Country Registry of Deeds and I am responsible for incurred costs.





I understand 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



Applicant is

Architect

Attachments

-  Taylor SP1-0 21-06-03.pdf
Uploaded by Corey Papadopoli on Jun 03, 2021 7:06 PM
-  Taylor A2-1 21-06-03.pdf
Uploaded by Corey Papadopoli on Jun 03, 2021 7:06 PM

History

Date	Activity
Jun 03 2021 5:07 pm	Corey Papadopoli started a draft of Record SDP-21-4
Jun 03 2021 7:06 pm	Corey Papadopoli submitted Record SDP-21-4
Jun 03 2021 7:06 pm	approval step Application Completeness Review was assigned to Bart McDonough on Record SDP-21-4

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

May 25, 2021

Dear Mr. Dunkelberger:

This letter is to confirm that an approximately 291 square foot piece of land is being conveyed from the property of Cathy and Steve Barnhorst, Tax Map 17, Lot 15 to the property of Catherine B. Taylor, Tax Map 17, Lot 14. This area of land is indicated on Site Plan SP1.0 submitted by Elliott Architects dated May 18, 2021. We have entered a legal agreement for this transfer and the legal documentation is currently being drafted to put this into effect.

Regards,

Cathy and Steve Barnhorst
Cathy Barnhorst 5-25-21
Steve Barnhorst 5/25/21

Cathy Taylor
Cathy Taylor 5/25/21

Maine R.E. Transfer Tax Paid

DLN:1002040102148

TRUSTEE DEED

Know all by these presents that I, **CHARLESSA A. HUGHES, TRUSTEE OF THE MARJORIE K. KUNKEL REVOCABLE TRUST** with a mailing address of 1060 Starr Road, Ravena, New York 12143, for consideration paid, by the power conferred by law, and every other power, grant to **CATHERINE B. TAYLOR, TRUSTEE OF THE FORBES-TAYLOR TRUST** with a mailing address of 18504 Calle La Serra, Rancho Santé Fe, California 92091, with **WARRANTY COVENANTS**, the real property situated in the Town of Kittery, County of York and State of Maine, described as follows:

SEE EXHIBIT A ATTACHED HERETO

I hereby covenant that I am the Trustee pursuant to said The Marjorie K. Kunkel Revocable Trust; that said Trust is still in full force and effect; that I have the power thereunder to convey as aforesaid; and that, in making this conveyance, I have, in all respects, acted pursuant to the authority vested in and granted to me therein.

The current property address is 2 Old Ferry Lane, Kittery Tax Map 17, Lot 14.

Witness my hand and seal this 17th day of July, 2020.

THE MARJORIE K. KUNKEL REVOCABLE TRUST

Michelle Haskell
WITNESS

Charlessa A. Hughes, Trustee
CHARLESSA A. HUGHES, TRUSTEE

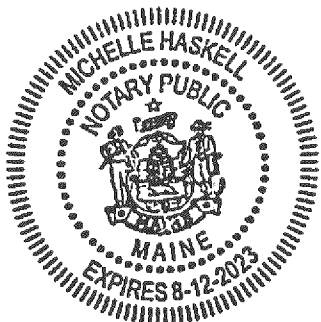
STATE OF MAINE

County of York

July 17, 2020

Personally appeared the above named **CHARLESSA A. HUGHES, TRUSTEE OF THE MARJORIE K. KUNKEL REVOCABLE TRUST** and acknowledged the foregoing instrument to be her free act and deed, an in her said capacity.

Before me,



Michelle Haskell
Attorney at Law/Notary Public
Print Name:
Commission Expires:

Exhibit A

Property Address: 2 Old Ferry Lane, Kittery

A certain lot or parcel of land with the buildings and any improvements thereon situated in the Town of Kittery, County of York, and State of Maine, bounded and described as follows:

BEGINNING at a hub set in the ground at the northerly corner of the within granted premises at Old Ferry Lane;

THENCE running South 35 1/2° East, by a stone wall along said Old Ferry Lane, eighty-one (81) feet to a hub set in the ground at the end of said stone wall;

THENCE turning and running South 59° West thirty-seven (37) feet to a pipe hub set in the ground three (3) feet southerly from the end of a cemented sea wall, one hundred thirty eight (138) feet, more or less, to a hub set in the ground, said hub being thirty-six (36) feet as measured from the southerly corner of the dwelling house on the within conveyed lot;

THENCE turning and running North, by land now or formerly of Albert H. Brown thirty (30) feet to a hub set in the ground at a point which is thirty-seven (37) feet westerly from the northwesterly corner of said dwelling house;

THENCE turning and running North 48° East, by said land now or formerly of Brown, thirty-seven (37) feet to a hub set in the ground;

THENCE turning and running North 87° East, by other land now or formerly of Brown, twenty-one (21) feet to a hub set in the ground at a point three (3) feet southeasterly from the southeasterly sideline of a garage located on said remaining land;

THENCE North 66° on a line three (3) feet equidistant and parallel to said southeasterly sideline of said garage, fifty-two (52) feet to a hub at said Old Ferry Lane and the POINT OF BEGINNING.

Also including all riparian rights in the so-called back channel of the Piscataqua River adjacent to said premises.

Together with the right in these Grantees, their heirs and assigns, to connect on to and maintain a septic tank overflow on to land now or formerly of Albert H. Brown and Ruby D. Brown and the right to enter and make necessary repairs to said overflow as may be necessary for the efficiency of Grantees' sewage disposal.

Being the same premises conveyed by William L. Kunkel and Marjorie K. Kunkel to William L. Kunkel and Marjorie K. Kunkel, as Co- Trustees of the Marjorie K. Kunkel Revocable Trust u/a dated August 28, 1997, by deed dated March 22, 2004 and recorded at York County Registry of Deeds in Book 14021, Page 953. William and Marjorie Kunkel have passed leaving Charlessa A. Hughes sole Successor Trustee.

Bart McDonough

From: Langsdorf, Stephen E. F. <SLangsdorf@preti.com>
Sent: Tuesday, April 20, 2021 5:26 PM
To: Adam Causey; Bart McDonough
Cc: Collins, Kristin M.
Subject: 2 Old Ferry Analysis

Follow Up Flag: Follow up
Flag Status: Flagged

Kristin and I have reviewed the memorandum and we agree with some of your conclusions and disagree with a part of your analysis.

1. The deck is attached to the house and they are both parts of the same "structure" for the purposes of the ordinance, for the same reasons outlined in the memo. An accessory structure by its nature is detached from and incidental to the primary structure. A deck does not meet that definition; moreover, the various references to decks in the context of the ordinance all point to consideration of them being part of the structure
2. We do not agree that the deck is able to be expanded vertically. The expansion of a structure within the 25' setback is principally governed by 16.7.3.3(B)(3)(e)(3): "If a legally nonconforming structure is located partially within 25 feet from the normal high-water line of a water body... expansion of the footprint and/or height of any portion of the structure that is located within 25 feet of the normal high-water mark of a water body... is prohibited even if the expansion will not increase nonconformity with the water body setback requirement." The enclosure and conversion of the deck is explicitly prohibited because the ordinance prohibits any vertical expansion of any portion of the structure located within 25 feet of the water body, even though it does not increase nonconformity.
3. The opinion on the prior issue eliminates the need for consideration of the height issue, since the roof height was apparently being changed to accommodate the vertical expansion of the deck. Where the increase in the height of the deck is not allowed within the 25', there is no opportunity to increase the height of the structure within that area. Any expansion will have to take place behind the 25' line.

Please let us know if you have questions.

Stephen E. F. Langsdorf
207.623.5300 Tel
slangsdorf@preti.com
[Bio](#) | [LinkedIn](#) | [Twitter](#) | [preti.com](#)

PretiFlaherty
45 Memorial Circle
P.O. Box 1058
Augusta, ME 04332-1058

This E-Mail may contain information that is privileged, confidential and / or exempt from discovery or disclosure under applicable law. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. If you are not the intended recipient of this communication, and have received it in error, please do not distribute it and notify me immediately by E-mail at slangsdorf@preti.com or via telephone at 207.623.5300 and delete the original message. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature or as a legal opinion.



Town of Kittery, Maine

P.O. Box 808, Kittery, Maine 03904
439-1633 - 439-0452

CEP

17/14

BOARD OF APPEALS

June 14, 2001

Mr. William L. Kunkel
2 Old Ferry Lane
Kittery, Maine 03904-1306

Dear Mr. and Mrs. Kunkel:

Your application requesting a variance to the terms of Title 16, Section 32, Subsection 490 of the Land Use and Development Code Zoning Ordinance to build a 10' x 10' wooden shed with a small workbench and storage area for snow blower, lawn mower, generator, air compressor and hand tools, for personal use only, at property located at 2 Ferry Lane, Map 17, Lot 14, Kittery, zoned urban residential and shoreland, was heard at the Kittery Town Hall on Tuesday evening, June 12, 2001.

The application for a variance was changed, with your consent, to a miscellaneous appeal. The Board voted to approve your request for a miscellaneous appeal to build a 10' x 10' wooden shed at property located above, provided it is no closer to the existing sea wall than the existing structure. Construction shall be in accordance with the sketch submitted and signed and dated by you and Patrick Bedard, Chairman.

FINDINGS OF FACT

1. This is a nonconforming lot in the urban residential and shoreland zones with a conforming use with less than the proper setbacks.
2. Testimony was given by you that you wished to build a 100 square foot shed.
3. Testimony was given by you that the proposed shed would be located approximately 30' from the existing sea wall, where your house is approximately 20' from the sea wall.
4. Testimony was given by you that you could not attach the shed to the existing dwelling because of the existing sewer lines.
5. There is a deck on the house which is even closer to the sea wall than the house.

Mr. William L. Kunkel
June 14, 2001
Page Two

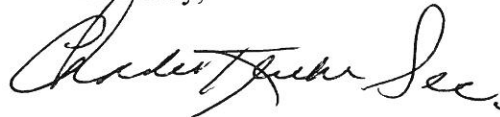
CONCLUSIONS

1. As the proposed construction would be no closer to the setback than what is existing, the Board felt the proposal was within the spirit of the zoning ordinance.

This letter is not to be construed as a building permit as only the Code Enforcement Officer is authorized to issue same.

This approval shall expire if work is not commenced within six months of the date on which this is granted, and/or if work is not substantially completed within one year of the date on which this is granted.

Sincerely,



Charles Kuehl
Secretary

CC:

Chairman, Town Council
Town Manager
Code Enforcement Officer
Chairman & Sec., Board of Appeals
Chairman, Planning Board
Chairman, Conservation Commission
Duncan McEachern, Esquire

Abutters:

Inhabitants of Kittery

Peter G. Beierl, 196 Whipple Road, Kittery, Maine 03904-1341

Carleton W. and Constance M. Frye, 195 Whipple Road, Kittery, Maine 03904-1343

Joseph V. and Jeanne and Gregg J. Mangiafico, P. O. Box 203, York, Maine 03909-0203

Donald E. and Sarah King, 199 Whipple Road, Kittery, Maine 03904-1343

Charles G. and David C. Phinney, 205 Whipple Road, Kittery, Maine 03904-1343

James P. and Tudor M. Austin, P. O. Box 278, Kittery Point, Maine 03904-0278

John K. and June M. Dukowicz, 1940 Camino Redondo, Los Alamos, NM 87544

Christopher David Britt, 116 Wynndale Road, Narberth, PA 19072

Description of "Parcel "X""

A certain tract of land, located on the westerly side of, but not adjacent to, Old Ferry Lane, Kittery, Maine, shown as "PARCEL "X" TO BECOME PART OF TAX MAP 17 LOT 14" on a plan entitled "PROPOSED LOT LINE ADJUSTMENT & STANDARD BOUNDARY SURVEY FOR PROPERTY AT 2 OLD FERRY LANE & 196 WHIPPLE ROAD, KITTEY, YORK COUNTY, MAINE, OWNED BY THE FORBES-TAYLOR TRUST, CATHY G. BARNHORST", prepared by North Easterly Surveying, Inc., Project No. 20726, dated 6/16/2021, to be recorded at the York County Registry of Deeds, being more particularly described as follows:

COMMENCING at an iron pipe found at Old Ferry Lane at land of the grantee;

thence, by land of the grantee, S 66°18'20" W 31.16 feet to an iron rod set;

thence, continuing by land of the grantee, S 65°26'09" W 21.34 feet to an iron rod set;

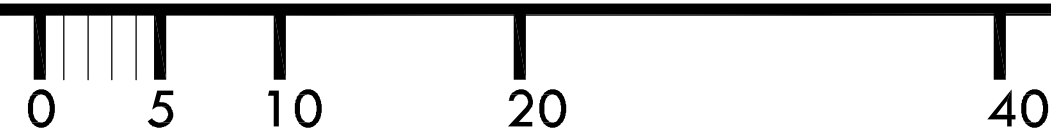
thence, continuing by land of the grantee, S 86°26'09" W 21.00 feet to the POINT OF BEGINNING of the parcel herein described;

thence, continuing by land of the grantee, S 47°47'39" W 37.00 feet to a point;

thence, by land of the grantor, N 00°58'47" W 15.96 feet to an iron rod set;

thence, continuing by land of the grantor, N 47°47'39" E 11.48 feet to an iron rod set;

thence, continuing by land of the grantor, N 86°26'09" E 19.22 feet to the POINT OF BEGINNING and containing 291 square feet of land, more or less.



ELLIOTT ARCHITECTS

86 MAIN STREET, POB 318
BLUE HILL, MAINE 04614

voice 207 374 2566
fax 207 374 2567
ELLIOTTARCHITECTS.ME

NOTES:

Survey information comes from "Existing Conditions Plan for Property at 2 Old Ferry Lane, Kittery, York County, Maine" prepared by Easterly Surveying, Inc. on 12/7/2020. Lot Line Adjustment information comes from "Proposed Lot Line Adjustment & Standard Boundary Survey" prepared by Easterly Surveying, Inc. on 6/16/2021.

ALL NEW CONSTRUCTION TO FOLLOW STATE OF MAINE BEST MANAGEMENT PRACTICES FOR ALL SITESWORK.

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

EXISTING LOT AREA: ±8,530 SF
PROPOSED LOT AREA: ±8,821 SF
EXISTING DEVEGETATED AREA: ±3,105 SF (36.4%)
PROPOSED DEVEGETATED AREA: ±3,273 (37.1%)
ALLOWABLE DEVEGETATED AREA: 50%

EXISTING FLOOR AREA: TOTAL: 3,040.3 SF

PROPOSED FLOOR AREA: TOTAL: 3,287.9 SF

ALLOWABLE EXPANSION: 30%
PROPOSED EXPANSION: 247.6 SF (9.2%)

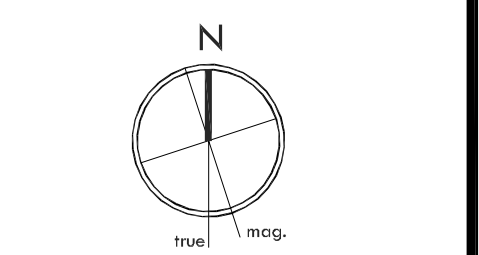
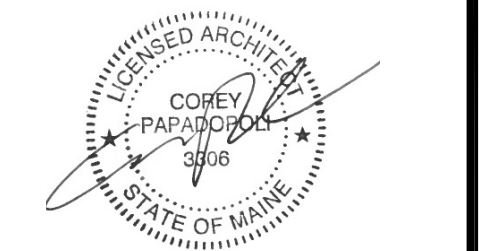
KITTERY, ME PLANNING BOARD APPROVAL

DATE OF APPROVAL

CHAIR DATE

YORK, SS REGISTRY OF DEEDS RECEIVED
at h m M., and
Filed in Plan Book Pg.
ATTEST:

Register



TAYLOR RESIDENCE
2 OLD FERRY LANE
KITTERY, MAINE
TAX MAP 17, LOT 14
Y.C.R.D. BOOK 18310, PAGE 154

CATHERINE B. TAYLOR
FORBES-TAYLOR TRUST
18504 CALLE LA SERRA
RANCHO SANTA FE, CA 92091

SITE PLAN

SP1.0

DATE: 05.18.2021
REVISION NUMBER: 01
REVISION DATE: 05.18.2021
DRAWN BY: CVP

N/F
CATHY G. BARNHORST
TAX MAP 17, LOT 15
Y.C.R.D. BOOK 15615 PAGE 315

EXPANSION		DEVEGETATED AREA:	
	EXISTING	PROPOSED	
Upper Level:	976.8 SF	1,326.3 SF	Lot Area:
Deck:	477.2 SF	339.3 SF	EXISTING 8,530 SF
Lower Level:	954.3 SF	954.3 SF	PROPOSED 8,821 SF
Retaining Walls:	632 SF	668 SF	House:
			981 SF
			Pavement:
			882 SF
			Retaining Walls:
			632 SF
			Sheds:
			120 SF
			Decks:
			429 SF
			Gravel:
			22 SF
			Steps:
			20 SF
			Pavers:
			0 SF
			Utilities:
			16 SF
			Curbing:
			9 SF
TOTAL AREA:	±3,040.3 SF	±3,287.9 SF	TOTAL AREA:
EXPANSION:	9.2%	37.5%	PERCENTAGE:

EXISTING PROPERTY LINE. SHADED AREA REPRESENTS NEW PROPERTY BEING OBTAINED FROM NEIGHBOR. THIS REPRESENTS AN ADDITIONAL ±291 SF OF AREA AND AFFECTS THE SETBACKS AND PROPERTY AREAS AS INDICATED. SEE "PROPOSED LOT LINE ADJUSTMENT & STANDARD BOUNDARY SURVEY" BY EASTERLY SURVEYING DATED 06.16.21.

EXISTING SHED TO BE REMOVED.

EXISTING SHED TO REMAIN.

DASHED LINE AND SHADED AREA REPRESENTS EXISTING BUILDING FOOTPRINT. PROPOSED HOUSE TO STAY WITHIN EXISTING FOOTPRINT WITHIN THE 25' SETBACK.

EXISTING STONE RETAINING WALL TO REMAIN.

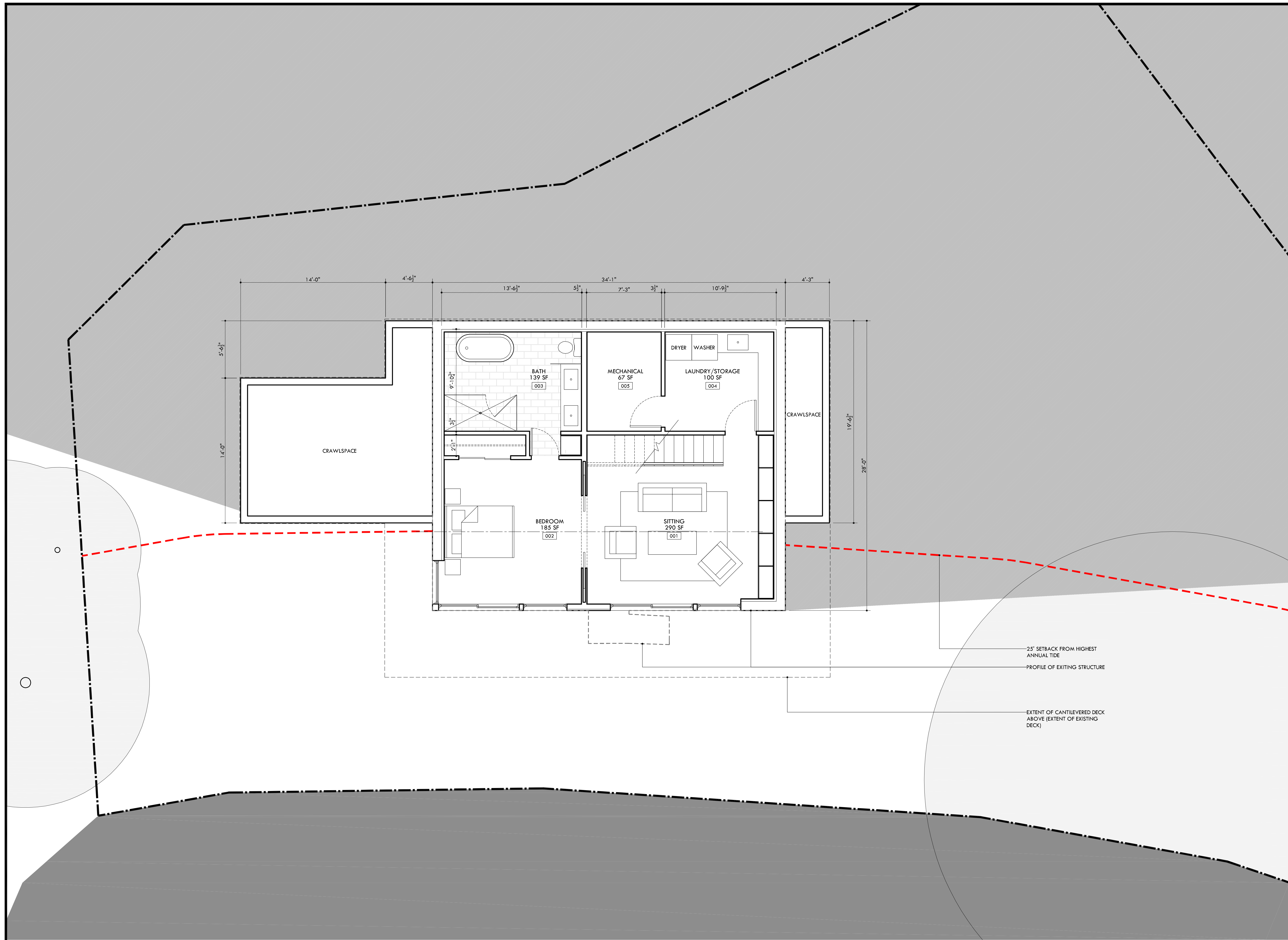
PROFILE OF EXISTING DECK. NEW DECK TO BE BUILT TO EXISTING FOOTPRINT.

EXISTING STONE RETAINING WALL.

NOTES:

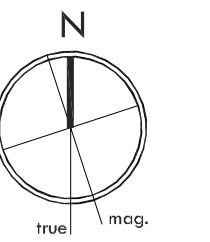
REF. ELEVATION 0.00' = 24.8'

ALL DIMENSIONS TO FACE OF STUD OR CENTER OF STRUCTURE UNLESS OTHERWISE NOTED (UON).



25' SETBACK FROM HIGHEST ANNUAL TIDE
PROFILE OF EXISTING STRUCTURE

EXTENT OF CANTILEVERED DECK ABOVE (EXTENT OF EXISTING DECK)



TAYLOR RESIDENCE
2 OLD FERRY LANE
KITTERY, MAINE
TAX MAP 17, LOT 14
Y.C.R.D. BOOK 18310, PAGE 154

CATHERINE B. TAYLOR
FORBES-TAYLOR TRUST
18504 CALLE LA SERRA
RANCHO SANTA FE, CA 92091

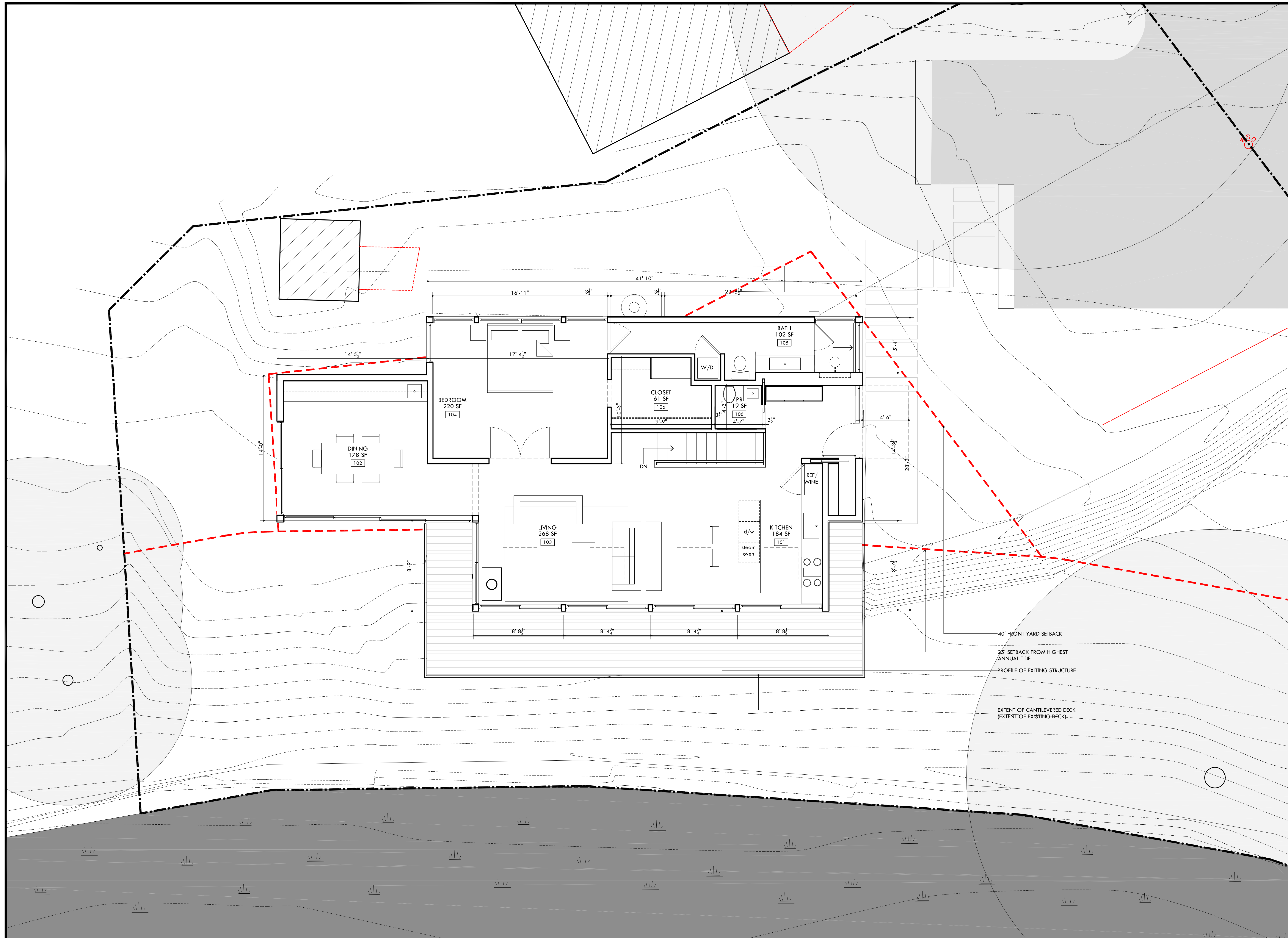
FOUNDATION FLOOR PLAN

A1.1
DATE: 05.18.2021
REVISION:
DRAWN BY: CVP

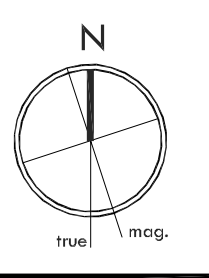
NOTES:

REF. ELEVATION 0.00' = 24.8'

ALL DIMENSIONS TO FACE OF
STUD OR CENTER
OF STRUCTURE UNLESS OTHERWISE
NOTED (UON).



40' FRONT YARD SETBACK
25' SETBACK FROM HIGHEST ANNUAL TIDE
PROFILE OF EXISTING STRUCTURE
EXTENT OF CANTILEVERED DECK (EXTENT OF EXISTING DECK)



TAYLOR RESIDENCE
2 OLD FERRY LANE
KITTERY, MAINE
TAX MAP 17, LOT 14
Y.C.R.D. BOOK 18310, PAGE 154

CATHERINE B. TAYLOR
FORBES-TAYLOR TRUST
18504 CALLE LA SERRA
RANCHO SANTA FE, CA 92091

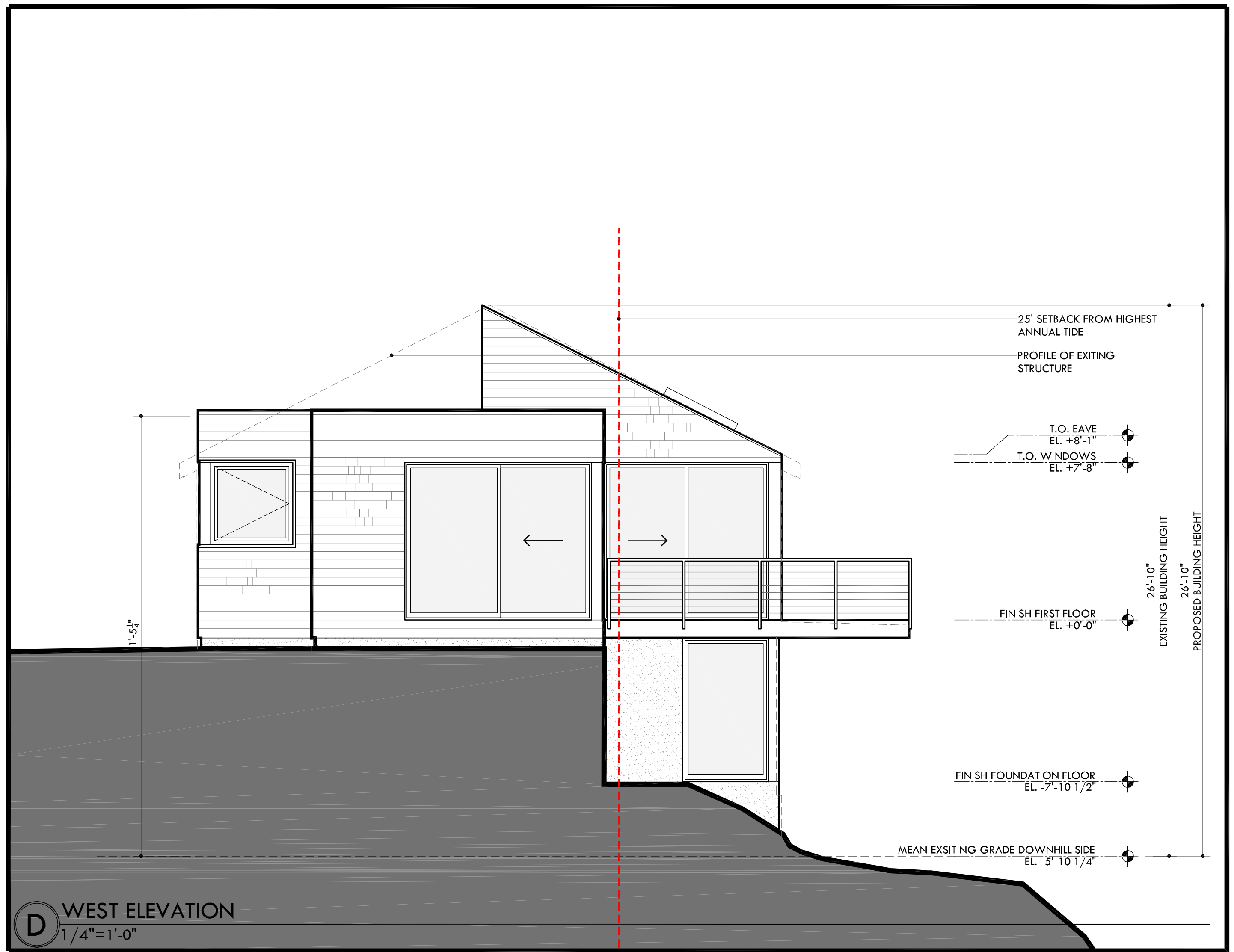
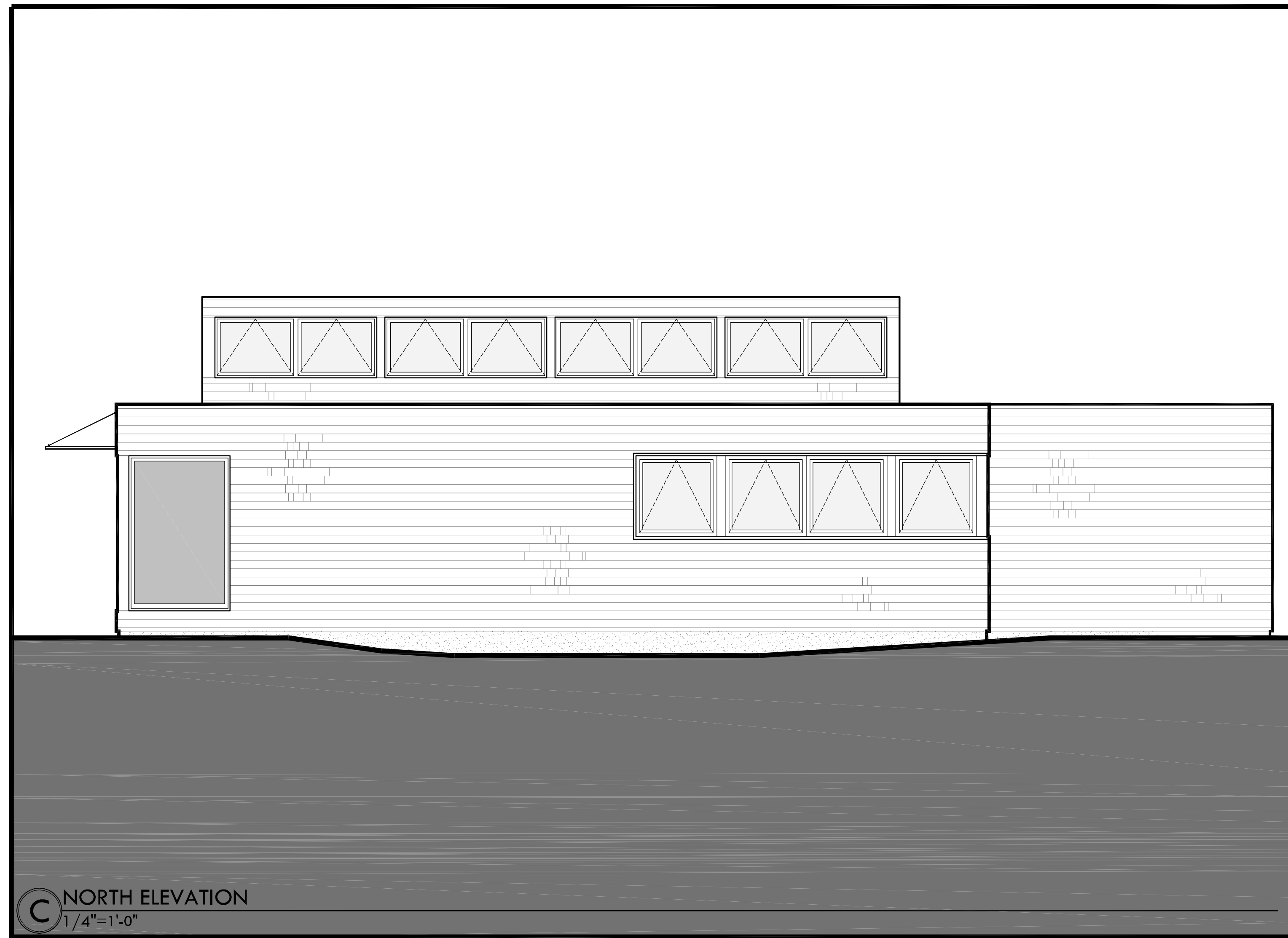
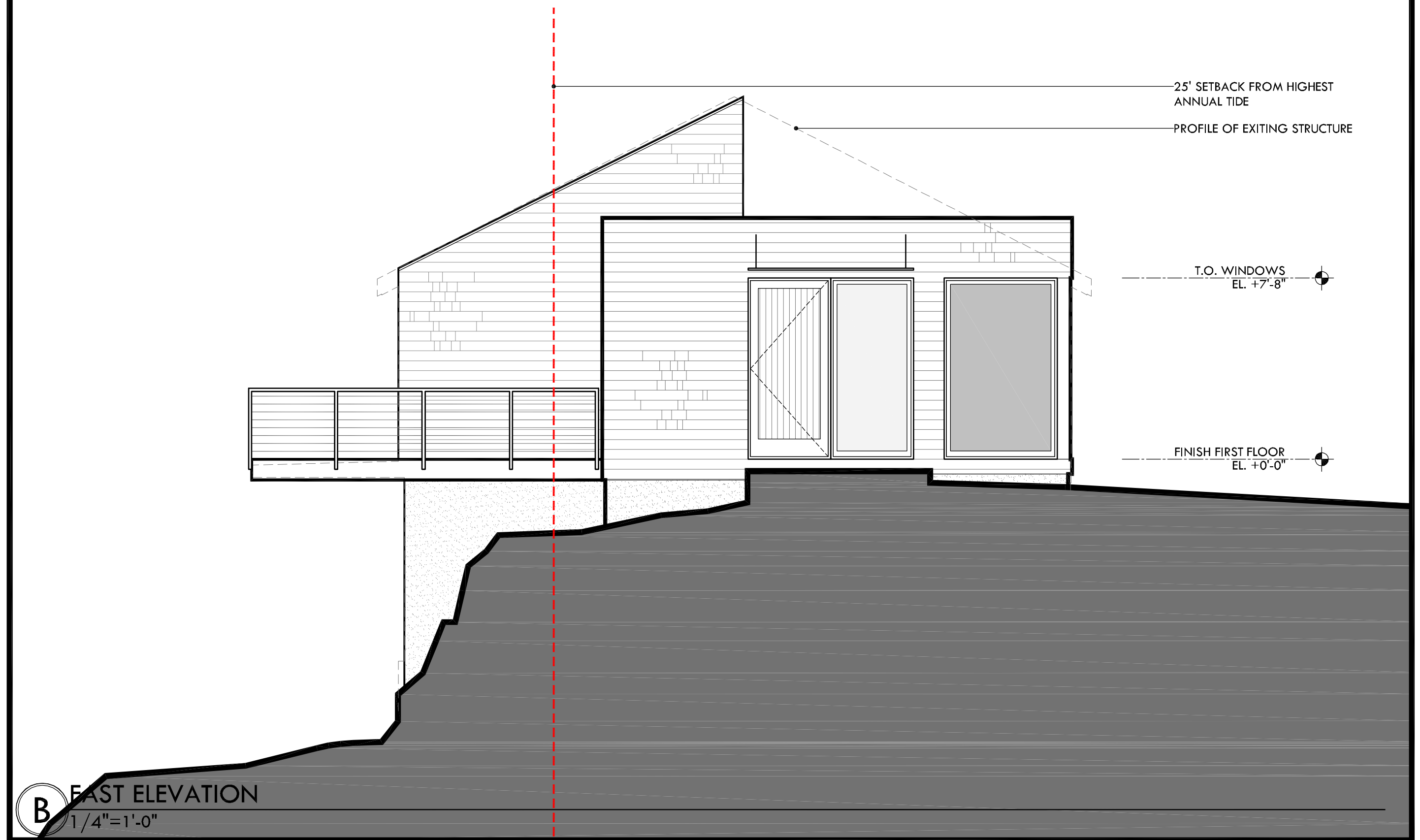
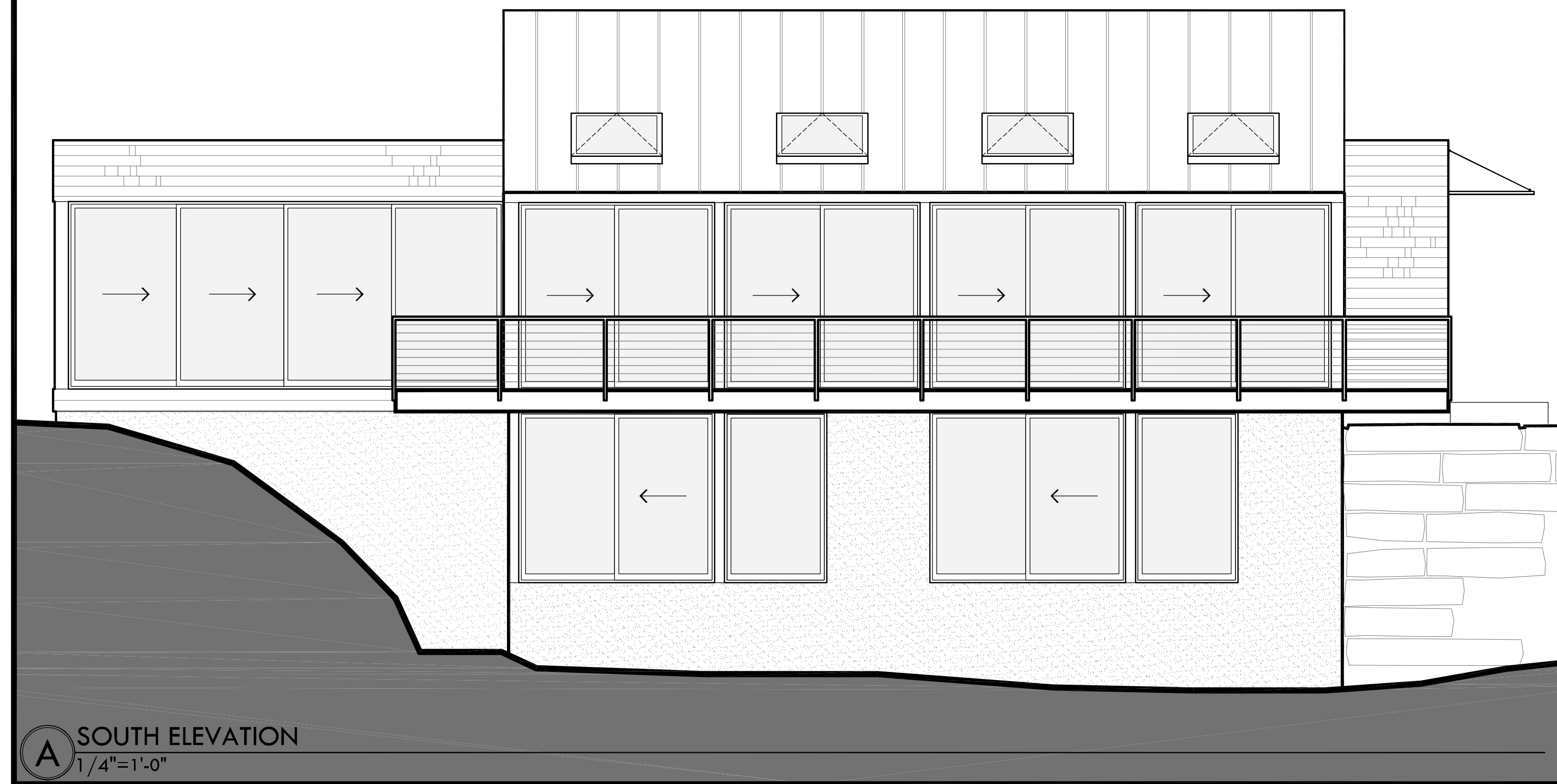
FIRST FLOOR PLAN

A1.2
DATE: 05.18.2021
REVISION:
DRAWN BY: CVP

NOTES:

REF. ELEVATION 0.00' = 24.8'

ALL DIMENSIONS TO FACE OF STUD OR CENTER OF STRUCTURE UNLESS OTHERWISE NOTED (UON).



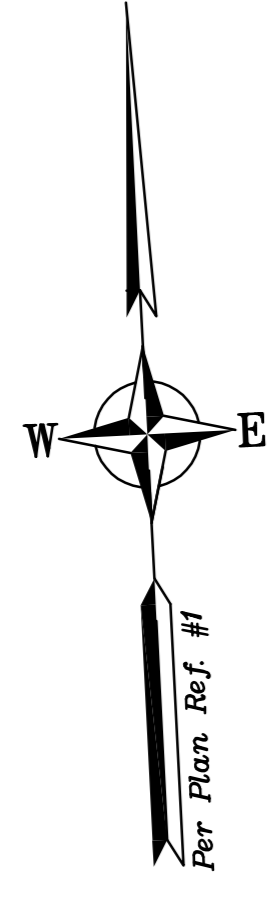
TAYLOR RESIDENCE
2 OLD FERRY LANE
KITTERY, MAINE
TAX MAP 17, LOT 14
Y.C.R.D. BOOK 18310, PAGE 154

CATHERINE B. TAYLOR
FORBES-TAYLOR TRUST
18504 CALLE LA SERRA
RANCHO SANTA FE, CA 92091

ELEVATIONS

A2.1

DATE: 05.18.2021
REVISION:
DRAWN BY: CVP



PLAN REFERENCES:

1. "PROPOSED SITE PLAN FOR PROPERTY AT 192 WHIPPLE ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY MARJORIE E. PERKINS", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED MAY 25, 2020, AND ON FILE AS PROJECT No. 20640.
2. "EXISTING CONDITIONS PLAN FOR PROPERTY AT 2 OLD FERRY LANE, KITTERY, YORK COUNTY, MAINE OWNED BY MARJORIE K. KUNKEL REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED AUGUST 31, 2020, AND ON FILE AS PROJECT No. 20726.

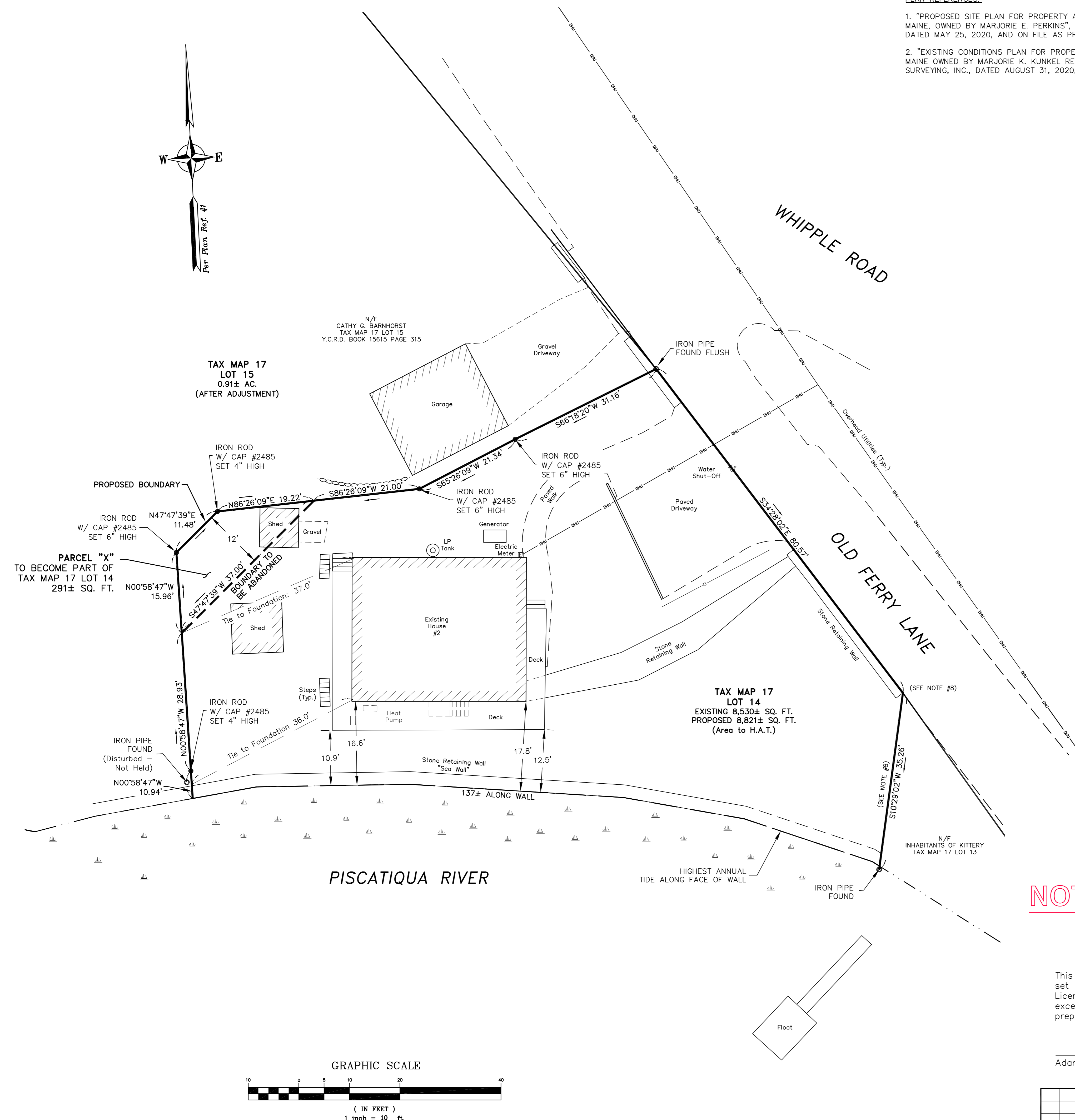
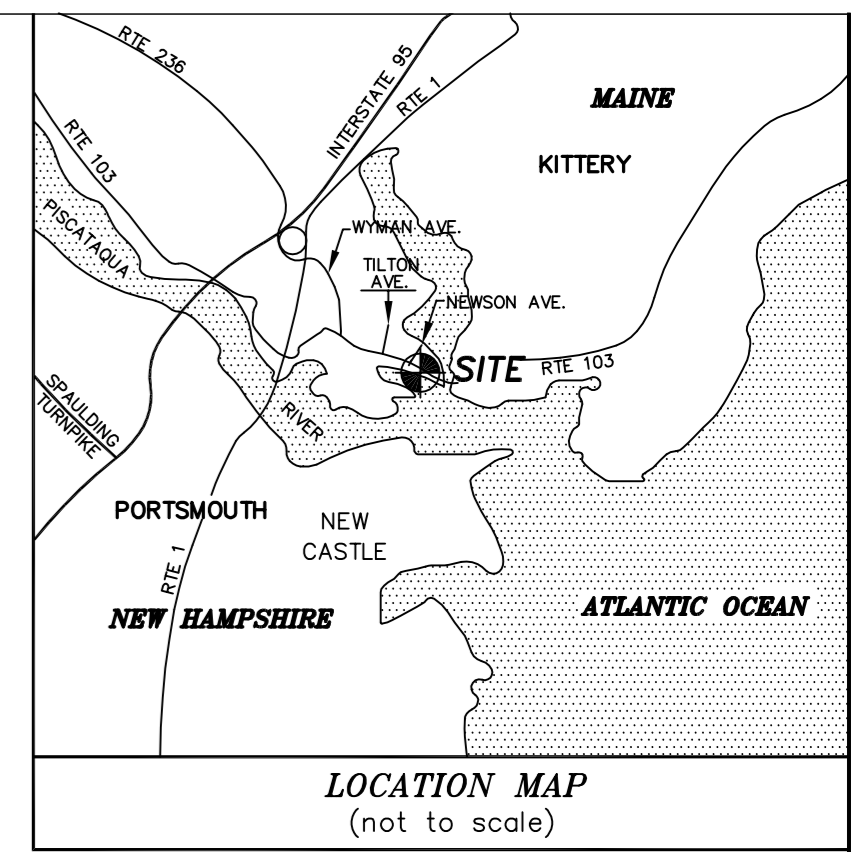
NOTES:

1. OWNERS OF RECORD:
TAX MAP 17 LOT 14
THE FORBES-TAYLOR TRUST
CATHERINE B. TAYLOR, TRUSTEE
Y.C.R.D. BOOK 18310 PAGE 154
DATED JULY 17, 2020

TAX MAP 17 LOT 15
CATHY G. BARNHORST
Y.C.R.D. BOOK 15615 PAGE 315
DATED MARCH 30, 2009
2. TOTAL EXISTING PARCEL AREA:
TAX MAP 17 LOT 14
8,530± SQ. FT. TO HIGHEST ANNUAL TIDE

TAX MAP 17 LOT 15
0.92± AC. TO HIGHEST ANNUAL TIDE
3. BASIS OF BEARING IS PER PLAN REFERENCE #1.
4. APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
5. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
6. ZONING INFORMATION AND SETBACKS ARE NOT SHOWN.
7. THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PAROL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
8. REFERENCE IS MADE TO Y.C.R.D. BOOK 1419 PAGE 149 WHICH CALLS "...TO THE END OF THE STONE WALL; THENCE TURNING AND RUNNING SOUTH NINE DEGREES WEST THIRTY SEVEN (37) FEET TO A PIPE NEAR THE END OF A SEA WALL; THENCE CONTINUING TO THE PISCATQUA RIVER; THENCE TURNING AND RUNNING WESTERLY BY SAID RIVER ONE HUNDRED SIXTEEN (116) FEET MORE OR LESS TO A PIPE..."

REFERENCE IS ALSO MADE TO A CORRECTIVE DEED Y.C.R.D. BOOK 1452 PAGE 62 WHICH CALLS "...TO A PIPE SET IN THE GROUND AT THE END OF SAID STONE WALL; THENCE TURNING AND RUNNING SOUTH 59° WEST THIRTY SEVEN (37) FEET TO A PIPE HUB SET IN THE GROUND THREE (3) FEET SOUTHERLY FROM THE END OF A CEMENTED SEA WALL; THENCE TURNING AND RUNNING NORTHWESTERLY AND WESTERLY, ON A CURVE, BY THE SOUTHERLY SIDELINE OF SAID CEMENTED SEA WALL ONE HUNDRED THIRTY EIGHT (138) FEET, MORE OR LESS TO A HUB SET IN THE GROUND, SAID HUB BEING THIRTY SIX (36) FEET MEASURED FROM THE SOUTHERLY CORNER OF THE DWELLING HOUSE ON THE WITHIN CONVEYED LOT..."
9. A SHED APPEARS TO ENCROACH ON TO THE TOWN OF KITTERY TAX MAP 17 LOT 15.



YORK,ss REGISTRY OF DEEDS
Received _____
at _____ h _____ m _____ M., and
Filed in Plan Book _____ Page _____
ATTEST: _____
Register

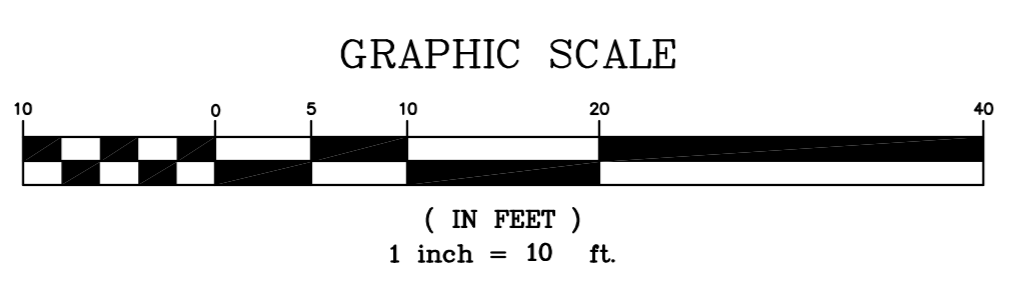
PURPOSE OF PLAN:
THE PURPOSE OF THIS PLAN IS TO DEPICT A BOUNDARY LINE ADJUSTMENT BETWEEN ADJACENT PROPERTIES AS SHOWN.

**PRELIMINARY
NOT FOR PERMITTING**

CERTIFICATION

This survey conforms to the standards of practice as set forth in Chapter 90 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.

Adam M. Pray, P.L.S. #2485 Dated _____



PROPOSED LOT LINE ADJUSTMENT & STANDARD BOUNDARY SURVEY
FOR PROPERTY AT
2 Old Ferry Lane & 196 Whipple Road
Kittery, York County, Maine
OWNED BY
Tax Map 17 Lot 14
The Forbes-Taylor Trust
Catherine B. Taylor, Trustee
18504 Calle La Serra, Rancho Santa Fe, CA 92091
Tax Map 17 Lot 15
Cathy G. Barnhorst
196 Whipple Road, Kittery, ME 03904

North
W **EASTERLY**
SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
(207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 10'	PROJECT NO. 20726	DATE: 6/16/2021	SHEET: 1 OF 1	DRAWN BY: A.M.P.	CHECKED BY: P.L.A.
DRAWING No: 20726.LLA		FIELD BOOK No: "KITTERY #38"		Tax Map 17 Lot 14 & 15	

REV.	DATE	STATUS	BY	CHKD	APPD.