Town of Kittery
Planning Board Meeting
June 22nd, 2023

ITEM 3 – 23 Bond Road– Shoreland Development Plan Review

Action: Hold public hearing. Approve or deny plan: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, Ryan McCarthy of Tidewater Engineering & Surveying Inc, on behalf of Touchdown Capital LLC, requests approval for the demolition and reconstruction of a house and garage/guest house, new septic system, and associated walkways/driveways on the property of 23 Bond Road, Tax Map 25, Lot 9, in the Residential-Kittery Point Village (R-KPV) , Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Zone (OZ-RP).

PROCESS SUMMARY

REQUIRED	ACTION	COMMENTS	STATUS
Yes	Determination of Completeness	June 1st, 2023	Completed
No	Site Visit	June 19th, 2023	Completed
No	Public Hearing	June 22nd, 2023	Pending
Yes	Final Plan Review	TBD	TBD

PROJECT INTRODUCTION

23 Bond Road is a 23,143 sq ft. legally non-conforming lot along Spruce Creek located entirely within the Shoreland Overlay Zone, with a Resource Protection Overlay touching the northern shoreline of the property. All structures save for a portion of the driveway are within the 100-foot setback from the highest annual tide line of Spruce Creek. Currently on the property are a house in the northwest corner of the property with a concrete patio 15.9' from the HAT line; a primitive septic disposal system including a 250-gallon septic tank adjacent to the house; a garage/guest house 53.5' from the water line with a non-conforming side yard setback of 1.3'; and a freestanding cabin with a bathroom and concrete patio within both the 100-foot shoreland setback and the 15' side yard setback. The total footprint of the pre-existing structures is 4,379 sq ft.

The applicant is proposing to demolish and rebuild the main house and garage further from the shoreland, providing a 25' shoreland setback for all structures and improving the side and front yard setbacks of the garage. The bathroom and concrete patio of the freestanding cabin will be removed, leaving a bedroom that will not be considered a dwelling. The proposed plan would also replace the current septic system with a 1000-gallon tank and Norweco tank and pump chamber 35' from the HAT line, while also adding a 12'x31' disposal field 55' from the water line.

Per **§16.7.3 A-1,** Planning Board review of the proposal is required due to the lot's proximity within the Shoreland and Resource Protection Overlay zones. Any development must reduce non-conformity to the shoreland to the greatest practical extent and must not expand building coverage by more than 30% of the building footprint existing on January 1st, 1989.

This application was first brought to the planning board on June 8th, 2023. The planning board voted 7-0-0 to accept the plan, and to schedule a site walk for June 19th and a public hearing for June 22nd.

APPLICATION & PLAN REVIEW

Staff reviewed the submitted application and plan and have the following comments:

1. The shoreland revegetation plan is a combination of native shrubs and trees to be planted along the shoreland and around the proposed home. The new vegetation will provide food and habitat for wildlife, enhance aesthetics, and reduce the risk of erosion.
2. The current 250-gallon tank will be drained and removed from the property. The submitted wastewater subsurface disposal application lists a confirmation from Code Enforcement Officer Craig Alfis that septic reinstallation would not be considered an installation.
3. The plan entails adding two new decks to the house. The main deck will be smaller to the new dimensions of the patio. Both decks will remain out of the 25' setback along with the rest of the rebuilt house, and neither will increase non-conformity.
4. The use of aquastone pavers for a side driveway of two cars was proposed to meet de-vegetation requirements. Aquastone pavers are a type of permeable surface that reduce total devegetated area by allowing grass to grow within tiles. Staff reached out to Maine DEP, who stated that vegetation credit is not awarded to aquastone pavers as the grass planted within the area is difficult to maintain and often dies within a few years.
    a. When notified of this, the applicant submitted a revised plan replacing the aquastone pavers with paved tire strips and thicker strips of greenery in between them to meet devegetation requirements. Though aquastone pavers are no longer included within this proposal, this note is to remain as conformation that such permeable surfaces are not an allowable method to reduce devegetation.
5. General provision **§16.1.8.C.4.(b)** requires expansion of structures within the shoreland overlay zone not exceed 30% of the total footprint of structures existing within the property on January 1, 1989. The total increase of this project within the threshold at 6.6%.
6. The Shoreland Overlay Zone provision **§16.4.28.E.3.(a)** requires new principal and accessory structures to be set back at least 100 feet, horizontal distance, from the normal HAT line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of freshwater wetlands. The application states the steep topography, steep ledge, existing mature vegetation, and area of proposed new septic system prevent the house from being moved further from the water line. Shifting the garage/guest house further from the water than proposed would increase non-conformity with respect to the front yard setback. The wastewater disposal application also states the new septic system has been sited as far from Spruce Creek as possible given similar constraints.
7. **§16.4.28.E.2** allows 20% of total lot area in the shoreland zoning overlay to be comprised of non-vegetated surfaces or structures. With a lot size of 23,143 sq ft, current devegetation sits at 4,379 sq ft, or 18.9%. The plan proposes to increase coverage to 4,629 sq ft, which meets the maximum 20% allowable coverage of the lot.

DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS

All rebuilt structures will be moved further from the waterbody resource, and improving upon the pre-existing primitive septic system will reduce contamination risk of human waste into Spruce Creek. Following revisions from the applicant, the proposal also meets shoreland devegetation requirements. Staff suggest acceptance of the plan and to allow the application to move to final plan approval through the code enforcement office. The Planning Board should discuss the plan to direct the applicant to make any changes that are necessary, and/or determine the necessity of an additional site walk and public hearing.

RECOMMENDED MOTIONS

Below are motions for the Planning Board's consideration:

Motion to approve the application

Move to approve the plan for a shoreland development application from Touchdown Capital LLC and agent Ryan McCarthy requesting to demolish and replace an existing house, garage, and septic system to reduce non-conformity along the shoreline of 23 Bond Road, Tax Map 25, Lot 9, in the Residential-Kittery Point Village Zone (R-KPV), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Zone (OZ-RP).

Kittery Planning Board
Findings of Fact
For 23 Bond Road
Shoreland Development Plan Review

DRAFT
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WHEREAS: Engineer Ryan McCarthy, on behalf of Tidewater Engineering & Surveying, Inc., requests approval for the demolition and reconstruction of a house and garage/guest house, new septic system, and associated walkways/driveways on the property of 23 Bond Road, Tax Map 25, Lot 9, in the Residential-Kittery Point Village (R-KPV), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Zone (OZ-RP).

Pursuant to the Plan Review meetings conducted by the Planning Board as noted in the plan review notes prepared for 6/8/2023 and 6/22/2023.

Shoreland Development Plan Review	June 8th 2023
Site Walk	June 19th 2023
Public Hearing	June 22nd 2023
Approval	June 22nd 2023

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 received 5/18/2023 from Ryan McCarthy of Tidewater Engineering & Surveying.
2. Subsurface wastewater disposal system application dated 5/6/2023 from site evaluator Joseph W. Noel.

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 16.4 LAND USE ZONE REGULATIONS

16.4.28.E. Shoreland Overlay Zone

(2) 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:

Finding: The property is legally non-conforming with a devegetated area of 18.9%. The proposed plan will increase devegetation up to the allowable limit of 20%.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

Chapter 9 MARITIME AND SHORELAND RELATED DEEVELOPMENT

35 **Article III Planning Board Shoreland Development Review**

16.9.3.F. Findings of Fact

(2) 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:

(a). Maintain safe and healthful conditions:

Finding: The proposed septic system as represented in the plans will maintain healthful conditions and the reconstruction of the house does not appear to have an adverse impact on public health and safety.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(b) Not result in water pollution, erosion or sedimentation to surface waters:

Finding: The proposed development as represented in the plans and application will reduce the risk of water pollution, and best practices for erosion and sedimentation will be observed in development.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(c) Adequately provide for the disposal of all wastewater:

Finding: The proposed development adequately provides for the disposal and treatment of the property's wastewater and improves upon current disposal systems.

Conclusion: This requirement appears to have been met.

Vote: ___ in favor ___ against ___ abstaining

(d) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat:

Finding: The proposed development as represented in the plans appears to reduce the risk of adverse impact on nearby natural resources, while also ensuring revegetation of native habitat.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(e) Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters:

Finding: Shore cover is conserved in accordance with the Code. There are no adverse impacts to visual or actual points of access to water.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(f) Protect archaeological and historic resources:

Finding: There appear to be neither archaeological nor historic resources impacted.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(g) Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district: Finding: The property is not located in the Commercial Fisheries / Maritime Use Zone and will have no adverse effect on commercial fishing nor maritime activities. Conclusion: This requirement is not applicable.
Vote: ___ in favor ___ against ___ abstaining
(h) Avoid problems associated with floodplain development and use: Finding: The proposed septic system will be placed in the optimal location on the property. Conclusion: This requirement appears to be met.
Vote: ___ in favor ___ against ___ abstaining
(i) Is in conformance with the provisions of this code: Finding: The proposed project is an existing non-conforming system, and the proposed improvements will improve the property's conformity to the provisions of Title 16. Conclusion: This requirement appears to be met.
Vote: ___ in favor ___ against ___ abstaining
(j) Be recorded with the York County Registry of Deeds: Finding: A plan suitable for recording once the Surveyor's stamp is added has been prepared by Tidewater Engineering & Surveying. Conclusion: As stated in the Notices to Applicant contained herein, a Shoreland Development Plan must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: ___ in favor ___ against ___ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application subject to any conditions or waivers, as follows:

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 per Title 16.9.3.I.
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and construction to ensure adequate erosion control and slope stabilization.
3. All Notices to Applicant contained herein (Findings of Fact dated 6/22/2023).

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.

2. Surveyor's stamp must be on the final plan.

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 plan.

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) 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 copy of the signed and recorded 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.

5. Prior to construction, applicant shall obtain any and all permits required by the code enforcement office to complete proposed work.

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 _____

_____
Dutch Dunkelberger, Planning Board Chair

Per Title 16.2.12. - 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.

May 18, 2023

Mr. Maxim Zakian
Kittery Town Planner
200 Rogers Rd
Kittery, Maine 03904

Re: Shoreland Development Plan Application
Applicant: Touchdown Capital, LLC, 23 Bond Road, Kittery, ME
Job No. 20-146

Dear Mr. Zakian,

On behalf of Touchdown Capital, LLC, Tidewater Engineering & Surveying, Inc. is pleased to submit the enclosed Shoreland Development Plan application for the proposed improvements to 23 Bond Road (Tax Map 25 Lot 9).

The applicant is proposing to demolish and reconstruct the main house and garage/guest house, install a new septic system, and reconstruct the associated walkways and driveway. Per the requirement of the Town's Land Use and Development Code, a shoreland development permit is required to be obtained from the Kittery Planning Board.

The following documents are submitted for your review (via the online portal):

1. Application Form
2. Project Narrative
3. Photos of Existing Structures
4. Subsurface Wastewater Disposal System Application (HHE-200)
5. Architectural Sheets by Tobey Design Group
6. Shoreland Development Plan by Tidewater Engineering & Surveying, Inc.
7. Shoreland Re-vegetation Plan by McDermott Landscape Design

We look forward to the opportunity to present this project to the Planning Board at the next available meeting. If you have any questions, please do not hesitate to contact us at (207) 439-2222.

Sincerely,

Ryan M. McCarthy, P.E., P.L.S.
President
Tidewater Engineering & Surveying, Inc.
(207) 439-2222
ryan@tidewatercivil.com

PROJECT NARRATIVE

The project site is located at 23 Bond Road (Tax Map 25 Lot 9) and has frontage along Spruce Creek. The property is a non-conforming lot of record that is located entirely within the Water Body/Wetland Protection Area - Shoreland Overlay Zone. The buildings and associated structures on the property, except for a portion of the driveway, are non-conforming with respect to the 100-foot setback from the highest annual tide line.

The applicant is proposing to reconstruct the existing main house and garage/guest house, install a new septic system and replace the associated walkways and driveway. As these structures are located within the 100-foot shoreland setback, a shoreland development permit is required to be obtained from the Kittery Planning Board. The following additional information is provided to aid in the Planning Board's review of the project.

Structure Replacement

Replacement of existing non-conforming structures falls under Section 16.1.8.C. of the Kittery Land Use and Development Code. In general, when a non-conforming structure is proposed to be replaced, it should be relocated to meet or improve the zoning setbacks to the greatest practical extent with consideration to site-specific constraints such as the size of the lot, the slope of the land, the location of other structures, the location for a suitable septic system and the location of existing vegetation. As such, the proposed site improvements and building locations have been designed to meet this goal to the greatest practical extent.

Main House: The existing main house is located in the northwest corner of the property. There is currently a concrete patio on the water side of the building that is only 15.9 feet from the highest annual tide line. This house is proposed to be demolished and replaced in a location farther away from the water to meet a 25-foot setback, thereby improving the non-conformity to the shoreland setback. It is not feasible to shift the building farther away from the water due to the steep topography, ledge and existing mature vegetation behind the building. It is also not possible to shift the building to the south due to the location of the proposed septic system. This structure conforms to the front and side yard setbacks.

Garage/Guest House: The existing garage/guest house is non-conforming with respect to the setback from the highest annual tide line, the side yard setback and the front yard setback. By rotating and shifting this structure location, we were able to improve all three non-conformities as follows…

Shoreland Setback:	Existing = 53.7'	Proposed = 65.5'
Side Yard Setback:	Existing = 1.3'	Proposed = 10.2'
Front Yard Setback:	Existing = 19.6'	Proposed = 22.1'

Shifting the location of the garage/guest house farther away from the water than proposed is not feasible on this site as it would increase the non-conformity with respect to the front yard setback.

Calculations for shoreland de-vegetated coverage and non-conforming structure expansion can be found in the tables along the bottom of the Shoreland Development Plan. The de-vegetated coverage is conforming at 20% and the non-conforming structure expansion is limited to 6.6% (up to 30% allowable).

Calculations for the existing and proposed building heights can be found in Notes 5 and 14 on the shoreland development plan and depicted in the building elevation views located in the bottom right corner of the plan. Since the proposed buildings are located between 25 feet and 100 feet from the highest annual tide, the allowable building height is 20 feet measured from the average existing grade on the downhill side of the proposed structure. Both buildings comply with this requirement.

Septic System Replacement:

The applicant is proposing to install a new septic system that has been designed by Joseph W. Noel, SE#221, to meet the State's subsurface wastewater disposal system requirements for replacement systems. The HHE-200 subsurface wastewater disposal system application has been submitted to the Kittery Code office for review and is also included with this shoreland application. The new system includes the installation of a Norweco Singulair tank that provides pre-treatment of the effluent before discharging to the disposal field. This system has been sited as far from Spruce Creek as possible given the site restraints on the property.

Shoreland Re-Vegetation Plan:

The site has been designed to minimize removal of existing trees as much as possible while balancing other zoning requirements to shift the building away from Spruce Creek. A re-vegetation plan by McDermott Landscape Design is included within the application that depicts the trees to be removed and the proposed vegetation to the planted.

Architectural Plans:

Architectural plans prepared by Tobey Design Group are also included in this application to provide a general depiction of the proposed buildings and the interior floor plans as a supplemental aid to the Town and Board. It is important to note that changes to the architectural features and interior layouts may occur provided that the exterior footprint and building heights remain the same and no changes to the proposed site design are necessary.

PHOTOGRAPHS

South Side of Main House

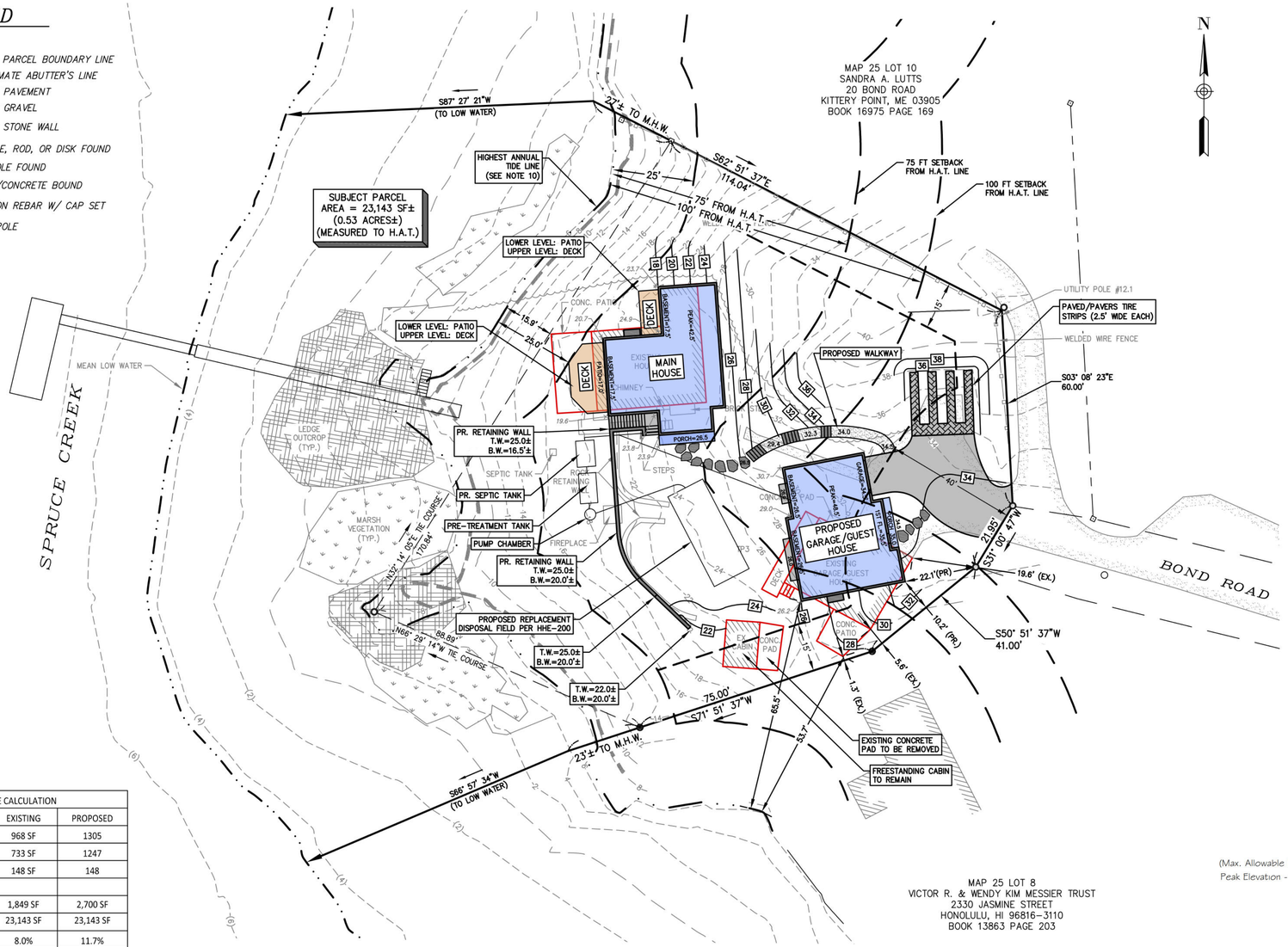
View of Main House from Spruce Creek

Southeast Side of Garage/Guest House

Northeast Side of Garage/Guest House

LEGEND

- SUBJECT PARCEL BOUNDARY LINE
- APPROXIMATE ABUTTER'S LINE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- EXISTING STONE WALL
- IRON PIPE, ROD, OR DISK FOUND
- DRILL HOLE FOUND
- GRANITE/CONCRETE BOUND
- 5/8" IRON REBAR W/ CAP SET
- UTILITY POLE



MAP 25 LOT 8
VICTOR R. & WENDY KIM MESSIER TRUST
2330 JASMINE STREET
HONOLULU, HI 96816-3110
BOOK 13863 PAGE 203

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

BUILDING COVERAGE CALCULATION		
	EXISTING	PROPOSED
MAIN HOUSE	968 SF	1305
GARAGE/GUEST HOUSE	733 SF	1247
FREESTANDING CABIN	148 SF	148
TOTAL BUILDING AREA	1,849 SF	2,700 SF
TOTAL LOT AREA (ABOVE HAT)	23,143 SF	23,143 SF
EXISTING BUILDING COVERAGE	8.0%	11.7%
ALLOWABLE COVERAGE (R-KPV)	20%	20%

EXISTING DEVEGETATED AREA COVERAGE	
MAIN HOUSE	968 SF
MAIN HOUSE PATIO	301 SF
MAIN HOUSE STEPS/BRICK PAD	107 SF
GARAGE/GUEST HOUSE	733 SF
GARAGE/GUEST HOUSE DECK & STEPS	145 SF
GARAGE/GUEST HOUSE CONC. PAD & PATIO	137 SF
FREESTANDING CABIN	148 SF
FREESTANDING CABIN PATIO	97 SF
RETAINING WALLS	127 SF
EXTERIOR FIREPLACE	31 SF
PAVED DRIVEWAY & WALKWAY	1,488 SF
PIER (PORTION ABOVE HAT)	97 SF
TOTAL DEVEGETATED AREA	4,379 SF
TOTAL LOT AREA (ABOVE HAT)	23,143 SF
TOTAL DEVEGETATED AREA COVERAGE	18.9%

PROPOSED DEVEGETATED AREA COVERAGE	
MAIN HOUSE	1,305 SF
MAIN HOUSE DECKS	294 SF
GARAGE/GUEST HOUSE	1,247 SF
FREESTANDING CABIN	148 SF
RETAINING WALL	81 SF
MAIN HOUSE STEPS	71 SF
GUEST HOUSE FRONT STEPPING STONES	29 SF
GUEST HOUSE BACK LANDINGS	38 SF
WALKWAY TO MAIN HOUSE	165 SF
MAIN HOUSE STEPPING STONES	63 SF
PIER (PORTION ABOVE HAT)	97 SF
DRIVEWAY - PAVEMENT	864 SF
DRIVEWAY - TIRE STRIPS	227 SF
TOTAL DEVEGETATED AREA	4,629 SF
TOTAL LOT AREA (ABOVE HAT)	23,143 SF
TOTAL DEVEGETATED AREA COVERAGE	20.0%

EXISTING SHORELAND NON-CONFORMING STRUCTURE AREA*	
MAIN HOUSE	968 SF
MAIN HOUSE PATIO	301 SF
MAIN HOUSE STEPS/BRICK PAD	107 SF
GARAGE/CABIN	733 SF
GARAGE/CABIN DECK & STEPS	145 SF
GARAGE/CABIN CONC. PAD & PATIO	137 SF
FREESTANDING CABIN	148 SF
FREESTANDING CABIN PATIO	97 SF
RETAINING WALLS	127 SF
EXTERIOR FIREPLACE	31 SF
PAVED DRIVEWAY/PARKING	244 SF
EXISTING NON-CONFORMING STRUCTURE AREA	3,038 SF

* INCLUDES AREA OF STRUCTURES (OR PORTIONS THEREOF) LOCATED WITHIN 100 FEET OF THE HIGHEST ANNUAL TIDE LINE SHOWN HEREON.

PROPOSED SHORELAND NON-CONFORMING STRUCTURE AREA*	
MAIN HOUSE	1,305 SF
MAIN HOUSE DECKS	294 SF
GARAGE/GUEST HOUSE	1,028 SF
FREESTANDING CABIN	148 SF
RETAINING WALL	81 SF
MAIN HOUSE STEPS	71 SF
GARAGE FRONT STEPPING STONES	17 SF
GARAGE BACK LANDINGS	38 SF
WALKWAY TO MAIN HOUSE	96 SF
MAIN HOUSE STEPPING STONES	63 SF
PIER (PORTION ABOVE HAT)	97 SF
PROPOSED NON-CONFORMING STRUCTURE AREA	3,238 SF
EXISTING NON-CONFORMING STRUCTURE AREA	3,038 SF
% EXPANSION OF NON-CONFORMING STRUCTURES	6.6%

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED DEVELOPMENT LOCATED WITHIN THE SHORELAND ZONE ON TAX MAP 25 LOT 9 IN THE TOWN OF KITTERY, MAINE.
2. OWNER OF RECORD:
   TOUCHDOWN CAPITAL, LLC
   16266 DORILEE LANE
   ENCINO, CA. 91436
   Y.C.R.D. BOOK 18350 PAGE 321
3. THE PROPERTY IS LOCATED WITHIN THE RESIDENTIAL-KITTERY POINT VILLAGE (R-KPV) ZONING DISTRICT. THE FOLLOWING DIMENSIONAL REGULATIONS ARE IN EFFECT AT THE TIME OF THIS SURVEY AND ARE SUBJECT TO THE REVIEW BY THE TOWN OF KITTERY.

MINIMUM LAND AREA:	40,000 SF
MINIMUM STREET FRONTAGE:	150 FEET
MINIMUM FRONT YARD SETBACK:	40 FEET
MINIMUM SIDE/REAR YARD SETBACK:	15 FEET
MAXIMUM BUILDING COVERAGE:	20%
MAXIMUM BUILDING HEIGHT:	35 FEET

4. THIS PROPERTY IS LOCATED ENTIRELY WITHIN THE SHORELAND OVERLAY ZONE (OZ-SL). ANY DEVELOPMENT SHALL COMPLY WITH §16.3.2.17 OF THE KITTERY CODE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING REGULATIONS.

MAX. DEVEGETATED AREA	20%
SHORELAND STRUCTURE SETBACK	100 FEET

5. EXISTING BUILDING HEIGHT CALCULATION: HEIGHT OF STRUCTURE – "THE VERTICAL DISTANCE BETWEEN THE MEAN ORIGINAL GRADE AT THE DOWNHILL SIDE OF THE STUCTURE AND THE HIGHEST POINT OF THE STUCTURE, EXCLUDING CHIMNEYS, STEEPLES, ANTENNAS AND SIMILAR APPURTENANCES WHICH HAVE NO FLOOR AREA."

   EXISTING HOUSE:
   PEAK ELEV. = 36.02'
   MEAN ORIGINAL GRADE ON DOWNHILL SIDE = AVERAGE(23.9, 24.7, 19.1, 18.8) = 21.63'
   HEIGHT OF STRUCTURE: 36.02'-21.63' = 14.39'
   ALLOWABLE HEIGHT PER §16.1.8.C.(4)(b)[3][e][v][A] = 20.0'

   EXISTING GARAGE/GUEST HOUSE:
   PEAK ELEV. = 46.94'
   MEAN ORIGINAL GRADE ON DOWNHILL SIDE = AVERAGE(25.9, 26.4, 27.9, 28.8) = 27.25'
   HEIGHT OF STRUCTURE: 46.94'-27.25' = 19.69'
   ALLOWABLE HEIGHT PER §16.1.8.C.(4)(b)[3][e][v][A] = 20.0'

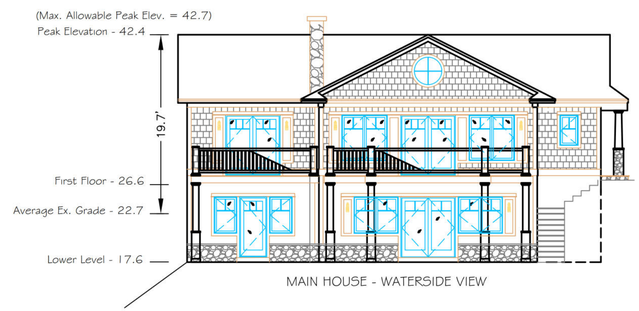
6. BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT. ELEVATIONS, IF SHOWN HEREON, CORRESPOND TO NAVD88.
7. THE BOUNDARY SHOWN HEREON IS PER REFERENCE PLAN 1..
8. ABUTTER LINES SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE AND ARE FOR REFERENCE PURPOSES ONLY. ABUTTER LINES SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
9. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.
10. THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR KITTERY POINT IS ELEV. = 6.3' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.
11. THE TIE COURSE SHOWN HEREON IS FOR MATHEMATICAL CLOSURE PURPOSES ONLY AND DOES NOT REFLECT THE BOUNDARY LIMITS OF THE PARCEL NOR IS IT INTENDED TO LIMIT ANY RIGHT, TITLE OR INTEREST THE OWNER MAY HAVE TO THE LOW WATER MARK OF SPRUCE CREEK.
12. THE REPLACEMENT SUBSURFACE WASTEWATER DISPOSAL SYSTEM WAS DESIGNED BY JOSEPH NOEL. SEE ASSOCIATED HHE-200 FORM FOR MORE INFORMATION.
13. THE PROPOSED BUILDINGS SHOWN HEREON WERE PROVIDED BY TOBEY DESIGN GROUP.
14. PROPOSED BUILDING HEIGHT CALCULATION:

    PROPOSED HOUSE:
    PEAK ELEV. = 42.4'
    MEAN ORIGINAL GRADE ON DOWNHILL SIDE = AVERAGE (23.7, 24.9, 20.7, 19.6, 23.8, 23.9) = 22.7'
    HEIGHT OF STRUCTURE: 42.4' – 22.7' = 19.7'
    ALLOWABLE HEIGHT PER §16.1.8.C.(4)(b)[3][e][v][A] = 20.0' (REQUIREMENT MET)

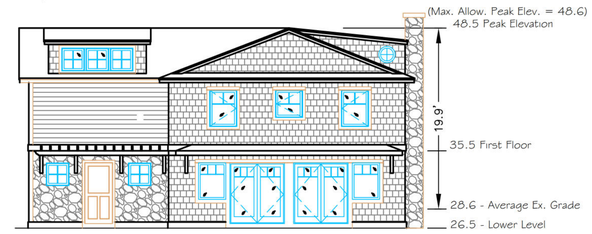
    EXISTING GARAGE/GUEST HOUSE:
    PEAK ELEV. = 48.5'
    MEAN ORIGINAL GRADE ON DOWNHILL SIDE = AVERAGE (30.7, 29.0, 26.2) = 28.6'
    HEIGHT OF STRUCTURE: 48.5' – 28.6' = 19.9'
    ALLOWABLE HEIGHT PER §16.1.8.C.(4)(b)[3][e][v][A] = 20.0' (REQUIREMENT MET)

REFERENCE PLANS:

1. "EXISTING CONDITIONS SURVEY OF LAND LOCATED AT 23 BOND ROAD KITTERY, YORK COUNTY, MAINE RECORD OWNER: TOUCHDOWN CAPITAL, LLC 16266 DORILEE LANE ENCINO, CA 91436" PREPARED BY TIDEWATER ENGINEERING & SURVEYING, INC. DATED JANUARY 2022.



MAIN HOUSE - WATERSIDE VIEW



GARAGE/GUEST HOUSE: WATERSIDE VIEW

STATE OF MAINE
RYAN M. MCCARTHY
#12895
LICENSED PROFESSIONAL ENGINEER
MAY 31, 2023

NOT VALID UNLESS SIGNED AND STAMPED

NO.	DATE:	SUBMISSION/REVISION DESCRIPTION
1	5/31/23	MODIFIED DRIVEWAY AND UPDATED ARCHITECTURAL DETAIL

TIDEWATER
ENGINEERING & SURVEYING, INC.
1021 Goodwin Rd Unit 1, Eliot, ME 03903
(207)439-2222 • www.tidewatercivil.com

SHORELAND DEVELOPMENT PLAN
OF LAND LOCATED AT
23 BOND ROAD
KITTERY, YORK COUNTY, MAINE

RECORD OWNER: TOUCHDOWN CAPITAL, LLC
16266 DORILEE LANE
ENCINO, CA 91436

JOB #:	20-146
DATE:	MAY 18, 2023
SCALE:	1" = 20'
SHEET:	1 OF 1

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
Div. of Environmental Health, 11 SHS
(207) 287-2070 Fax: (207) 287-4172

PROPERTY LOCATION

City, Town, or Plantation: KITTERY
Street or Road: 23 BOND ROAD
Subdivision, Lot #:

>> CAUTION: LPI APPROVAL REQUIRED <<

Town/City _____ Permit # _____
Date Permit Issued __/__/__ Fee: $_____ Double Fee Charged [ ]
_____ L.P.I. # _____
Local Plumbing Inspector Signature
Fee $_____ state min fee/$_____ Locally adopted
Fee Copy [ ] Owner [ ] Town [ ] State

OWNER/APPLICANT INFORMATION

Name (last, first, MI): TOUCHDOWN CAPITAL, LLC ■ Owner
IRANI, MARTIN & NANCY □ Applicant
Mailing Address of Owner/Applicant: 16266 Dorilee Lane
[redacted]
LOS ANGELES, CALIFORNIA [redacted] 91436
Daytime Tel. #: 818-425-4378 (MARTIN IRANI)

The Subsurface Wastewater Disposal System ***shall not*** be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

Municipal Tax Map # 25 Lot # 9

OWNER OR APPLICANT STATEMENT
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.
Martin S. Irani 5/10/23
Signature of Owner or Applicant Date
Touchdown Capital, LLC

CAUTION: INSPECTION REQUIRED
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application. _____ (1st) date approved
_____ Local Plumbing Inspector Signature _____ (2nd) date approved

PERMIT INFORMATION

TYPE OF APPLICATION
□ 1. First Time System
□ 2. Replacement System
Type replaced: 250 gal. tank & overboard
Year installed: ? (old)
□ 3. Expanded System
□a. <25% Expansion
□b. >25% Expansion
□ 4. Experimental System
□ 5. Seasonal Conversion

THIS APPLICATION REQUIRES
□ 1. No Rule Variance
□ 2. First Time System Variance
□ a. Local Plumbing Inspector Approval
□ b. State & Local Plumbing Inspector Approval
■ 3. Replacement System Variance
□ a. Local Plumbing Inspector Approval
■ b. State & Local Plumbing Inspector Approval
□ 4. Minimum Lot Size Variance
□ 5. Seasonal Conversion Permit

DISPOSAL SYSTEM COMPONENTS
■ 1. Complete Non-engineered System
□ 2. Primitive System (graywater & alt. toilet)
□ 3. Alternative Toilet, specify: _____
□ 4. Non-engineered Treatment Tank (only)
□ 5. Holding Tank, _____ gallons
□ 6. Non-engineered Disposal Field (only)
□ 7. Separated Laundry System
□ 8. Complete Engineered System (2000 gpd or more)
□ 9. Engineered Treatment Tank (only)
□ 10. Engineered Disposal Field (only)
□ 11. Pre-treatment, specify: _____ refer to back of page 1 for pretreatment info
□ 12. Miscellaneous Components

SIZE OF PROPERTY
.53 □ SQ. FT. ■ ACRES

SHORELAND ZONING
■ Yes □ No

DISPOSAL SYSTEM TO SERVE
main house
■ 1. Single Family Dwelling Unit, No. of Bedrooms: 2
□ 2. Multiple Family Dwelling, No. of Units: _____
■ 3. Other: (specify) (1) 1 bedroom 2nd dwelling unit (detached) + (1) 1 bedroom detached with 1/2 bath removed not a dwelling unit
Current Use □Seasonal ? □ Year Round □ Undeveloped

TYPE OF WATER SUPPLY
□ 1. Drilled Well □ 2. Dug Well □ 3. Private
■ 4. Public □ 5. Other

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK
■ 1. Concrete
■ a. Regular or
■ b. Low Profile
□ 2. Plastic
□ 3. Other: _____
CAPACITY: 1000 GAL.
with outlet filter

SOIL DATA & DESIGN CLASS
PROFILE CONDITION
2 / AIII
at Observation Hole # 1
Depth 36 "
of Most Limiting Soil Factor

DISPOSAL FIELD TYPE & SIZE
■ 1. Stone Bed □ 2. Stone Trench
□ 3. Proprietary Device
□a. cluster array □c. Linear
□b. regular load □d. H-20 load
□ 4. Other: _____
SIZE: 372 ■ sq. ft. □ lin. ft.
12' x 31' Stone Bed with Norweco 960-500 Singulair Tank (refer to back of page 1)

DISPOSAL FIELD SIZING
□ 1. Medium---2.6 sq. ft. / gpd
■ 2. Medium---Large 3.3 sq. f.t / gpd
□ 3. Large---4.1 sq. ft. / gpd
□ 4. Extra Large---5.0 sq. ft. / gpd

GARBAGE DISPOSAL UNIT
■ 1. No □ 2. Yes □ 3. Maybe
If Yes or Maybe, specify one below:
□ a. multi-compartment tank
□ b. ___ tanks in series
□ c. increase in tank capacity
□ d. Filter on Tank Outlet

EFFLUENT/EJECTOR PUMP
□ 1. Not Required
□ 2. May Be Required
■ 3. Required
Specify only for engineered systems:
DOSE: _____ gallons

DESIGN FLOW
450 gallons per day
BASED ON:
■ 1. Table 4A (dwelling unit(s))
□ 2. Table 4C (other facilities)
SHOW CALCULATIONS for other facilities
2 bedroom main home = 180 gpd + 1 bedroom detached 2nd dwelling unit = 180 gpd + 1 bedroom (not dwelling unit) = 90 gpd
Do not hook any component of a water softener unit to the wastewater disposal system.
□ 3. Section 4G (meter readings)
ATTACH WATER METER DATA

LATTITUDE AND LONGITUDE
at center of disposal area
Lat. 43 d 05 m 14 s
Lon. 70 d 43 m 01 s
if g.p.s. state margin of error 30'+/-

SITE EVALUATOR STATEMENT

I certify that on 2/11/21 & 3/1/21 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Joseph W. Noel
Site Evaluator Signature

221 SE #

Revised 5/6/23 Date

JOSEPH W. NOEL JWN # 21-12
Site Evaluator Name Printed

207-384-5587 Telephone Number

E-mail Address

STATE OF MAINE ★ JOSEPH W. NOEL #221 ★ LICENSED SITE EVALUATOR

Note: Changes to or deviations from the design should be confirmed with the Site Evaluator.

BACK OF HHE-200 PAGE 1 NOTES – 23 Bond Road – Kittery, Maine – JWN #21-12

If both the 1000 gallon tank and the Norweco tank are plastic, the fill around the tanks should be stone-free and clean fill. Installer shall take measures to assure there will be adequate tank uplift restraint. Tanks and pump chamber to have watertight conditions. If the retaining wall around the tanks are as shown on page 2, it should be at least 8' away from tanks with clean fill used. The building sewers that flow to the septic tanks shall be 4" schedule 40 PVC and uniformly sloped and bedded in sand. The existing structures were examined by Craig Alfis, Kittery CEO. The proposed use on this application was reviewed and approved by the Kittery Code Office & Planning Department.

The existing ERP appears to be in the proposed walkway. Prior to any construction, the ERP nail can be transferred level to a new location (if necessary). Call the site evaluator. If the ERP tree is removed prior to transferring the nail, new elevations/fieldwork will need to be conducted.

NORWECO SINGULAIR BI0-KINETIC TREATMENT SYSTEM MODEL 960 – 500 GPD

1. The installer of this system shall be familiar with the latest version of the Norweco Singulair Bio-Kinetic Wastewater Treatment Unit Installation Manual.

   Norweco Distributor:

   Mr. Jon Cardinal
   Andrew J. Foss Company, Inc.
   100 Cocheco Road
   Farmington, New Hampshire 03835
   www.ajfoss.com
   603-755-2515

2. The owner shall have the Norweco Owner's Manual. Follow the service plan.

3. The disposal system utilizing this treatment unit does not require a septic tank, however, since this a 2 bedroom home, 1 bedroom ADU, and a detached 1 bedroom, a 1000 gallon tank is proposed prior to the Norweco tank.

4. Maintenance agreement contracts must be included with all system installations. Terms and duration of the contracts shall be in accordance with Norweco company policies.

5. This treatment system is a living system with billions of living microbes that consume pollutants from the wastewater. Excessive fats, oils, and greases can smother living microbes. Toxic substances can poison them. Please refrain from introducing such items into your system.

6. This system is not designed for the use of a garbage disposal. Garbage disposal devices inject heavy and inconsistent organic loads into the system, which can interfere with normal processing.

7. This system is not designed for backwash from a water softener.

8. The inlet and outlet elevations on all tanks and pump chambers are to be determined by installer in coordination with Norweco distributor.

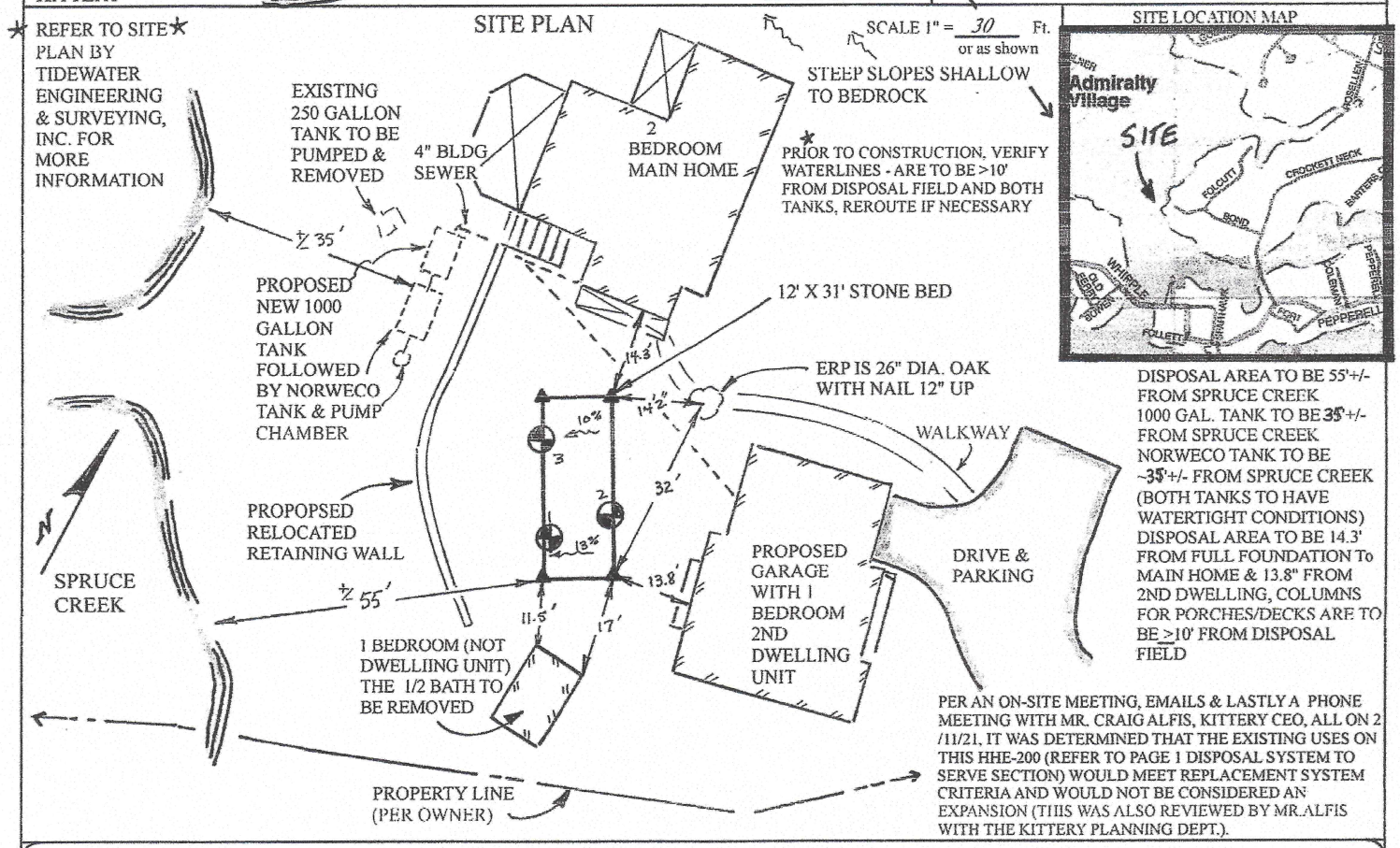
SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

DEPARTMENT OF HUMAN SERVICES
DIVISION OF HEALTH ENGINEERING
(207) 287-5672 FAX (207) 287-4172

Town, City, Plantation	Street, Road, Subdivision	Owner or Applicant Name
KITTERY	23 BOND ROAD	IRANI

SITE PLAN

SCALE 1" = 30 Ft. or as shown



PER AN ON-SITE MEETING, EMAILS & LASTLY A PHONE MEETING WITH MR. CRAIG ALFIS, KITTERY CEO, ALL ON 2/11/21, IT WAS DETERMINED THAT THE EXISTING USES ON THIS HHE-200 (REFER TO PAGE 1 DISPOSAL SYSTEM TO SERVE SECTION) WOULD MEET REPLACEMENT SYSTEM CRITERIA AND WOULD NOT BE CONSIDERED AN EXPANSION (THIS WAS ALSO REVIEWED BY MR.ALFIS WITH THE KITTERY PLANNING DEPT.).

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole 1 ■ Test Pit ☐ Boring

1 " Depth of Organic Horizon Above Mineral Soil

Depth (inches)	Texture	Consistency	Color	Mottling
0–10	STONY FINE SANDY LOAM	FRIABLE	DARK BROWN & STRONG BROWN	NONE
10–20			DARK YELLOWISH BROWN	
20–30				
30–40				
40–50	BEDROCK @ 36"			

NOTE: INFORMATION PROVIDED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE CONCERNING PROPERTY LINES, WELLS, EXISTING UNDERGROUND UTILITIES, ZONING INFORMATION, ETC., IS ACCEPTED IN GOOD FAITH AS BEING CORRECT BY THE SITE EVALUATOR. THE SITE EVALUATOR ACCEPTS NO RESPONSIBILITY FOR THE VERACITY OF SUCH INFORMATION. UNLESS SPECIFICALLY NOTED ON PAGE 1, THIS HHE-200 IS NOT DESIGNED TO ACCOMMODATE APARTMENTS, BOARDING ROOMS, AIRBNB RENTALS, ETC.

Soil Classification		Slope	Limiting Factor	
2 (Profile)	AIII (Condition)	~10 %	36 "	☐ Ground Water ☐ Restrictive Layer ■ Bedrock ☐ Pit Depth

Observation Hole 2&3 ■ Test Pit ☐ Boring

1 " Depth of Organic Horizon Above Mineral Soil

Depth (inches)	Texture	Consistency	Color	Mottling
0–10	STONY FINE SANDY LOAM	FRIABLE	MIXED DARK BROWN & STRONG BROWN	NONE
10–20			DARK YELLOWISH BROWN	
20–30				
30–40				
40–50	BEDROCK @ 40"			

Soil Classification		Slope	Limiting Factor	
2 (Profile)	AIII (Condition)	~10 %	40 "	☐ Ground Water ☐ Restrictive Layer ■ Bedrock ☐ Pit Depth

Josh W. Miel
Site Evaluator Signature

221
SE #

Revised 5/6/23
Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

DEPARTMENT OF HUMAN SERVICES
DIVISION OF HEALTH ENGINEERING
(207) 287-5672 FAX (207) 287-3165

Town, City, Plantation	Street, Road, Subdivision	Owner's Name
KITTERY	23 BOND ROAD	IRANI

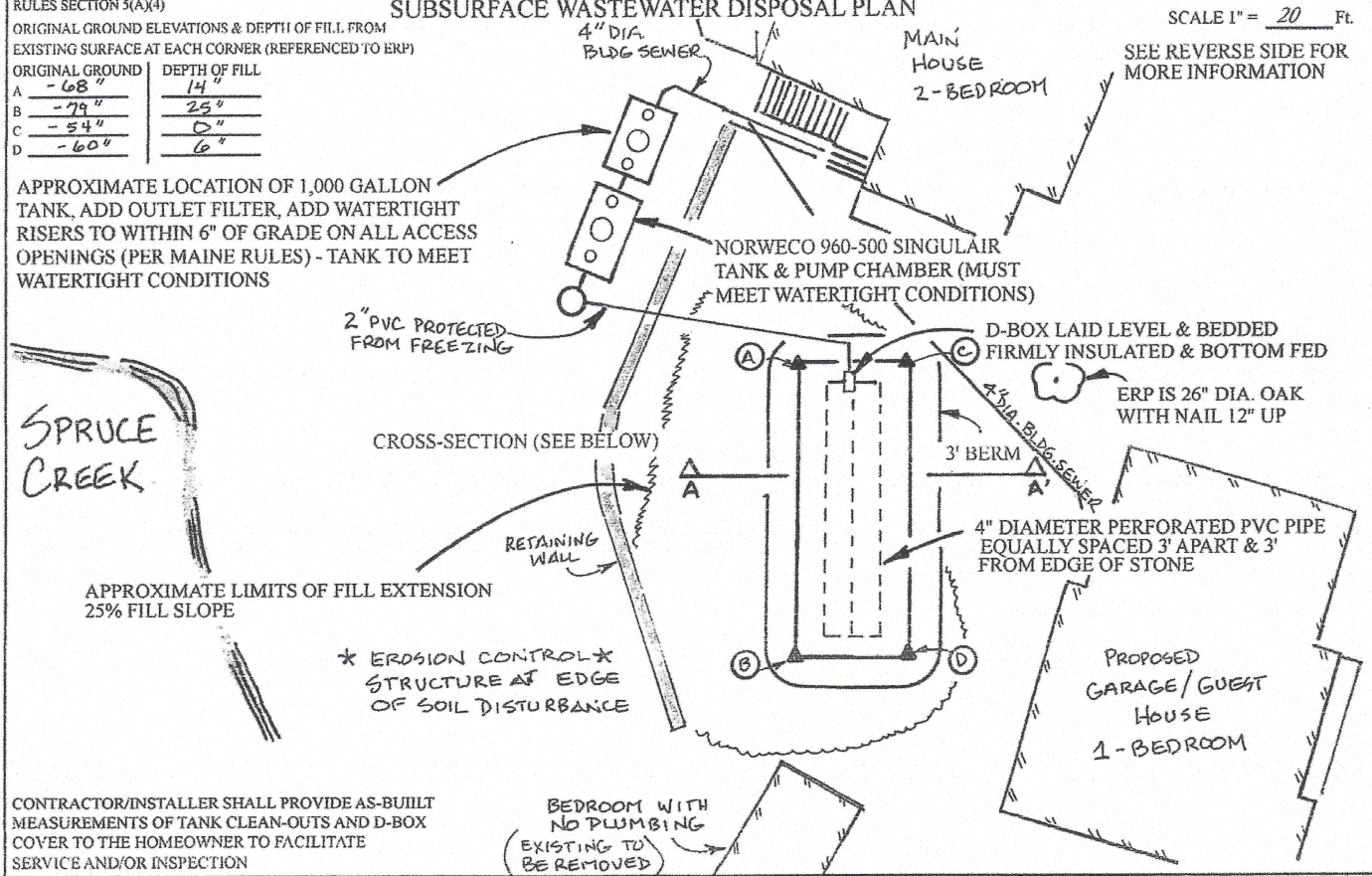
RULES SECTION 5(A)(4)
ORIGINAL GROUND ELEVATIONS & DEPTH OF FILL FROM EXISTING SURFACE AT EACH CORNER (REFERENCED TO ERP)

	ORIGINAL GROUND	DEPTH OF FILL
A	-68"	14"
B	-79"	25"
C	-54"	0"
D	-60"	6"

SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE 1" = 20 Ft.

SEE REVERSE SIDE FOR MORE INFORMATION



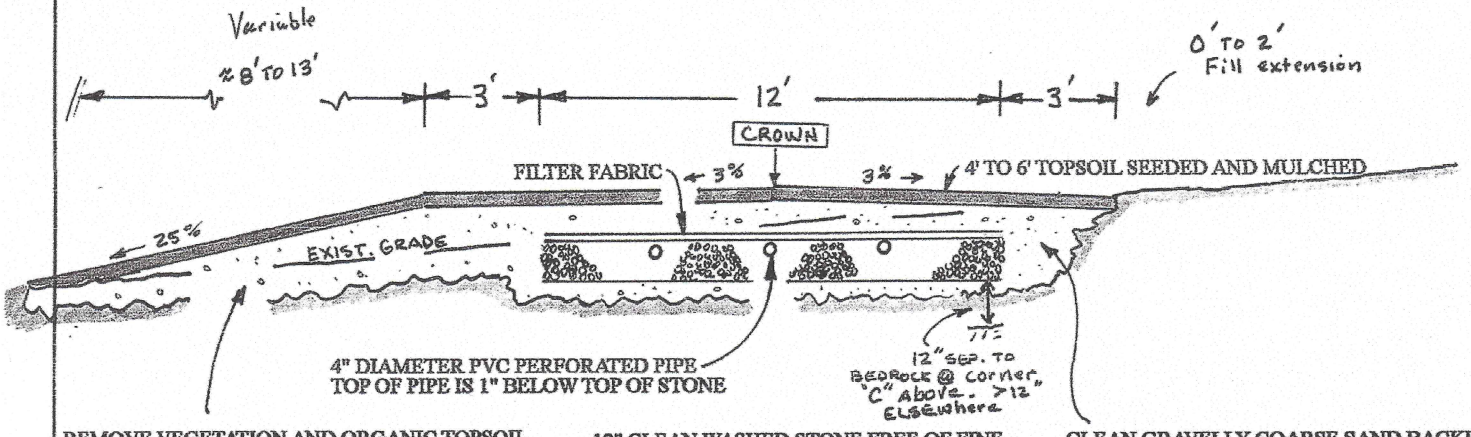
CONTRACTOR/INSTALLER SHALL PROVIDE AS-BUILT MEASUREMENTS OF TANK CLEAN-OUTS AND D-BOX COVER TO THE HOMEOWNER TO FACILITATE SERVICE AND/OR INSPECTION

BACKFILL REQUIREMENTS		CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT	
Depth of Backfill (Upslope)	0" TO 6"	Finished Grade Elevation	-54"	Location & Description	SHOWN ABOVE
Depth of Backfill (Downslope)	14" TO 25"	Top of Distribution Pipe ~~or Proprietary Device~~	-67"		
APPROX. DEPTHS AT CROSS-SECTION (shown below)		Bottom of Disposal Area (STONE)	-78"	Reference Elevation: NAIL =	0.0"

DO NOT DRIVE OVER PVC PIPE WHEN BACKFILLING

DISPOSAL AREA CROSS SECTION
SECTION A - A'

SCALE
VERTICAL: 1" = 5'
HORIZONTAL: 1" = 5'



REMOVE VEGETATION AND ORGANIC TOPSOIL AND SCARIFY SURFACE BEFORE PLACING FILL. CREATE A TRANSITION HORIZON BY DISKING/ PLOWING 4" OF BACKFILL INTO THE NATURAL SOIL (PER MAINE RULES)

12" CLEAN WASHED STONE FREE OF FINE DUST AND UNIFORM SIZE (1 1/2" DIA.)

REMOVE THE MIXED DARK BROWN SURFACE LAYER DESCRIBED IN TEST PITS 2&3 ON PAGE 2

CLEAN GRAVELLY COARSE SAND BACKFILL MATERIAL PLACED IN 8" LIFTS MINIMUM OF 8" FILL OVER DISPOSAL AREA

Site Evaluator Signature	SE #	Date	Page 3 of 3
John W. Noel	221	Revised 5/6/23	HHE-200 Rev. 10/02

The most recent revision of the Maine Subsurface Wastewater Disposal Rules ("this code") is hereby made a part of this HHE-200 Form and shall be consulted by the disposal system installer for further construction details, material specifications, cautions, and other related details pertinent to the installation of the disposal system.

As this application pertains only to "this code" referenced above, the owner/applicant must check both local and state ordinances and regulations regarding other building regulations (i.e., zoning, wetlands, building codes, minimum lot size, etc.) before considering this an approved suitable site.

All information shown on this application relating to property lines and subsurface structures (such as but not limited to: water lines, septic tanks, cesspools, cellar drains, utility lines, etc.) are noted, plotted or left off as not affecting the system based on information provided by the owner or his agent. It is the responsibility of the owner or his agent to confirm BEFORE CONSTRUCTION BEGINS, the above and/or any other feature that may affect (or be adversely affected by) the installation of this system.

All construction shall be inspected by the local plumping inspector (LPI) as required in "this code". Backfill materials shall comply with Section 11 of "this code". Do not work soils when wet. Construction techniques Section 11 of "this code" shall be consulted and include: (A) The vegetation, organic and dark brown topsoil layers in the proposed disposal area and fill extensions shall be removed and the ground surface scarified (rototilled with backfill material) to minimize glazing of the original soil; (B) The bottom of the disposal area and distribution line shall be level with a maximum grade tolerance of 2 inches per 100 feet; (C) Fill shall be clean, gravelly coarse sand, free of foreign material, placed in 8-inch lifts; (D) The finish grade of the backfill over the disposal area shall extend 3 to 5 feet beyond the edge of the disposal area. At that point, the fill shall be sloped at a uniform grade of no greater than 25% (4:1) to the original ground; (E) The land adjacent to the disposal area shall be graded to prevent both the accumulation of surface water on the disposal area and the flow of surface water across the disposal area; and (F) The finished disposal area and fill extensions shall be seeded to prevent erosion: grass, clover, trefoil, vetch, perennial wildflowers, or other herbaceous perennials may be utilized for the disposal area surfaces. Woody shrubs are unacceptable. Woody shrubs in conjunction with hardy perennial ground clover may be used on the fill extensions only.

When a gravity system is proposed BEFORE CONSTRUCTION BEGINS, the disposal system installer and building contractor shall review the relative elevation of all points given on the HHE-200 Form and the elevation of the existing or proposed building drain and septic tank openings for compatibility to the minimum code pitch requirements. Any questions that arise should be directed to the local plumbing inspector or myself. When a pump system is installed, provisions shall be made to keep the tank and lift station outlets above the high water table. An alarm device warning of pump failure is required. Refer to the code for additional pumping requirements.

If the use of a laundry machine becomes excessive, a separate laundry bed should be designed and installed. A distribution box has been shown in the design and is intended to offer an inspection port whereby the owner can check for excessive lint or grease build-up before damage to the system is done. Inspection should be frequent. This system has not been designed or sized to accommodate a garbage disposal. If one is used, you must first notify me so that I can increase the disposal size and septic tank capacity. Pump tank every year if you have a garbage disposal.

The setback distance between a well and disposal area serving a single-family residence (<1,000 gpd) is 100 feet (50 feet for septic tanks). The location of a new well that is within 100 feet of the proposed disposal area may void this design. For additional setback information and variances to these setbacks, refer to Section 7 of "this code".

THE SEPTIC TANK SHALL BE PUMPED WITHIN TWO YEARS OF INSTALLATION and subsequently as recommended by the pump service, but in no case shall the septic tank be pumped less often than once every three years (the tank should be pumped when the sludge or scum occupies one-third of the tank's liquid capacity – refer to Section 6 of "this code"). If town regulations are more stringent for pumping frequency, pump tank according to the local requirements. Two-compartment tanks should have both compartments of the tank pumped. Make sure your pumper knows there are 2 compartments and to pump-out both. Outlet filters should be cleaned when the septic tank is pumped (if part of the septic system). Avoid introducing kitchen grease into the septic system. No septic tank degreasers or cleaners, chlorine, water softening system chemicals/backwash, paints, hazardous or controlled substances shall be disposed of in the system. No chemicals other than normal household cleaners shall be disposed of in the disposal field (refer to Section 1 page 2 of "this code"). No hot tubs may discharge into this system (requires separate gray water system).

If the owner and/or installer have any questions, please do not hesitate to call at 207-384-5587. Revised 4/22

Maine Center for Disease Control and Prevention
An Office of the Department of Health and Human Services

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-5672
Fax: (207) 287-4172; TTY: 1-800-606-0215

SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

GENERAL INFORMATION Town of KITTERY

Property Owner's Name: NANCY & MARTIN IRANI Tel. No.: 818-425-4378 (MARTIN)

System's Location: 23 BOND ROAD

Property Owner's Address: 11100 SANTA MONICA BLVD. SUITE 600 – LOS ANGELES, CALIFORNIA Zip Code 90025

e-mail address:

The subsurface wastewater disposal system design for the subject property requires a ☑ replacement system variance ☐ first time system variance to the Subsurface Wastewater Disposal Rules. This variance requires ☐ local approval ☑ local and state approval.

SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.)

	SECTION OF RULE
1. DISPOSAL FIELD TO BE ~55' FROM SPRUCE CREEK	SECTION 8, TABLE 8A
2. 1000 GAL. TANK, NORWECO TANK, & PUMP CHAMBER TO BE ~35' FROM SPRUCE CREEK	SECTION 8, TABLE 8A
3. DISPOSAL FIELD TO BE 13.8' & 14.3' FROM FULL FOUNDATIONS AT THE CLOSEST POINTS	SECTION 8, TABLE 8A

SITE EVALUATOR

When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.

A NEW PRETREATMENT SYSTEM IS PLANNED. A 12' X 31' STONE BED, 1000 GALLON TANK & NORWECO 960-500 SINGULAIR TANK ARE PROPOSED. THE TANKS & PUMP CHAMBER MUST HAVE WATERTIGHT CONDITIONS. DUE TO SITE CONSTRAINTS (SMALL LOT SIZE, SHALLOW TO BEDROCK SOILS, WATER COURSE MAJOR, & WATERLINES), THE SYSTEM IS AS FAR AS REASONABLY POSSIBLE FROM THE REQUESTED VARIANCES. THE EXISTING SYSTEM/PIPING DRAINS TO SPRUCE CREEK.

I, JOSEPH W. NOEL, S.E., certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.

Joseph W. Noel
SIGNATURE OF SITE EVALUATOR

Revised 5/6/23
DATE

PROPERTY OWNER

I, Martin R. Irani, am the ☒ owner ☐ agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.

Martin R. Irani
☒ SIGNATURE OF OWNER
☐ AGENT FOR THE OWNER

5/10/23
DATE

Touchdown Capital, LLC

LOCAL PLUMBING INSPECTOR - Approval at local level

The local plumbing inspector shall review all variance requests prior to rendering a decision.
I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☐ do ☐ do not) approve the requested variance. I (☐ will ☐ will not) issue a permit for the system's installation as proposed by the application.

_____ _____
LPI Signature Date

LOCAL PLUMBING INSPECTOR - Referral to the Department

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.
I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☐ do ☐ do not) recommend the issuance of a permit for the system's installation as proposed by the application.

_____ _____
LPI Signature Date

FOR USE BY THE DEPARTMENT ONLY

The Department has reviewed the variance(s) and (☐ does ☐ does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

_____ _____
SIGNATURE OF THE DEPARTMENT DATE

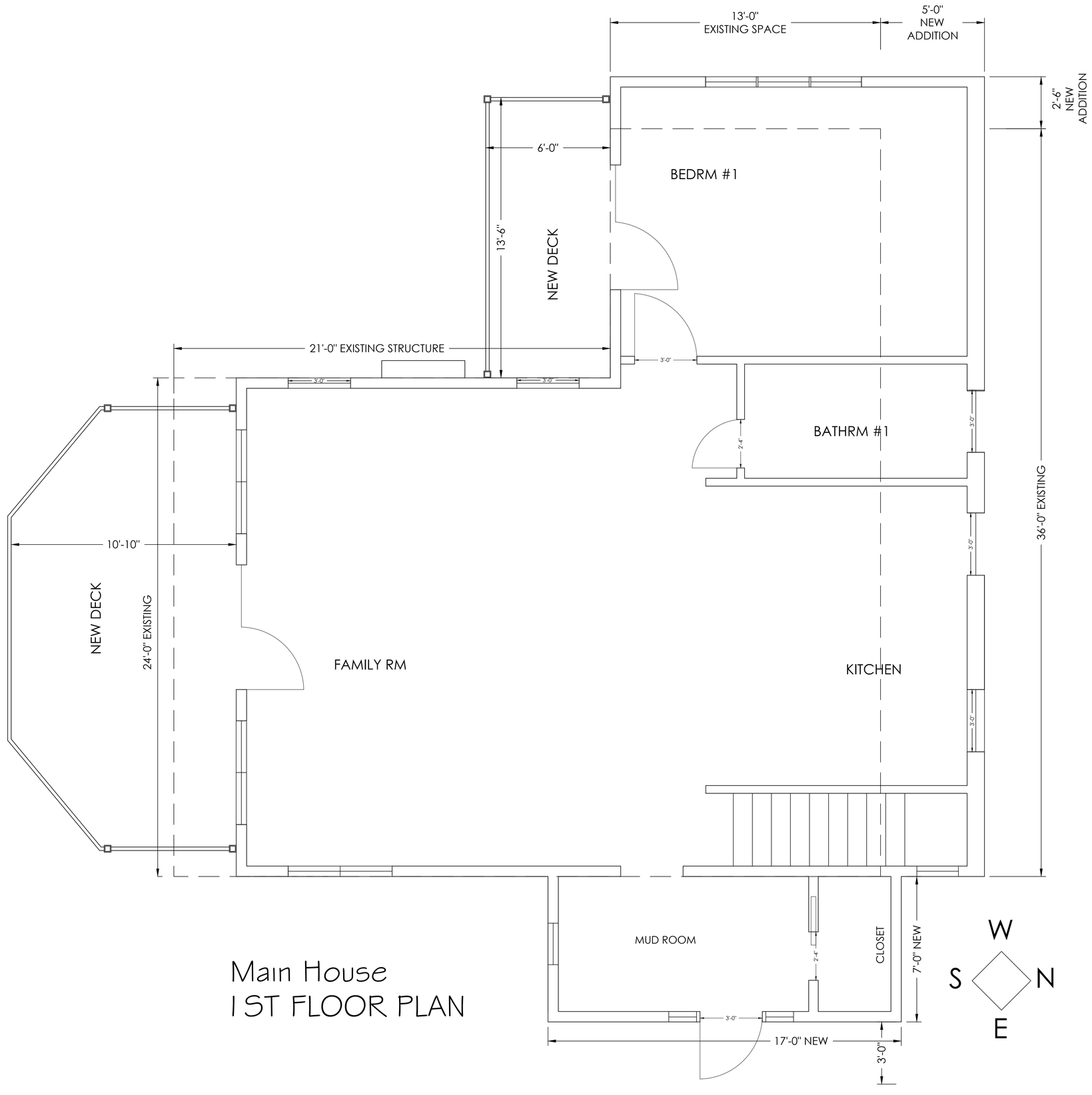
Notes: 1. Variances for soil conditions may be approved at the local level as long as the total point assessment is at least the minimum allowed. (See Section 7.B.4 of the Subsurface Wastewater Disposal Rules for Municipal Review.)

2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

SOIL, SITE AND ENGINEERING FACTORS FOR FIRST TIME SYSTEM VARIANCE ASSESSMENT WITH LIMITING SOIL DRAINAGE CONDITIONS (SEE TABLES 7C THROUGH 7M).

	CHARACTERISTIC	POINT ASSESSMENT
Soil Profile		
Depth to Groundwater/Restrictive Layer		
Terrain		
Size of Property		
Waterbody Setback		
Water Supply		
Type of Development		
Disposal Area Adjustment		
Vertical Separation Distance		
Additional Treatment		
	TOTAL POINT ASSESSMENT:	

Minimum Points (Check One): ☐ Outside Shoreland Zone-50 ☐ Inside Shoreland Zone-65 ☐ Subdivision-65



Main House
1ST FLOOR PLAN

REVISIONS:

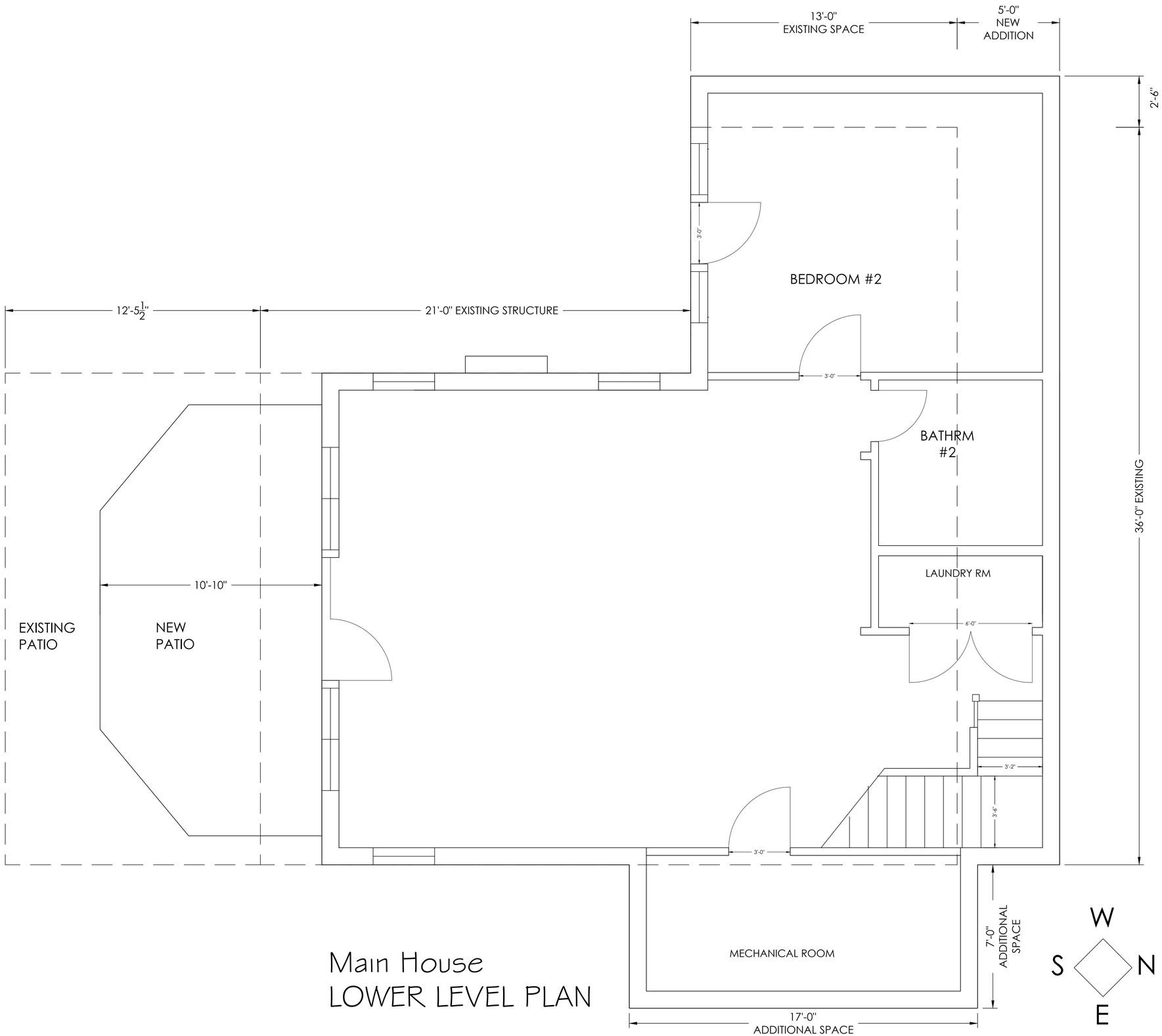
TOBEY DESIGN GROUP
143 Pepperrell Rd, Kittery Point, ME 03905
Phone: 603.430.7621
ttobey@tobeydesign.com
www.tobeydesign.com

The Irani Residence
23 Bond Rd
Kittery Point, ME 03905

TITLE:

COTTAGE FLOOR PLANS
SCHEMATIC DESIGN

ID.1



Main House
LOWER LEVEL PLAN

REVISIONS:

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Phone: 603.430.7621
ttobey@tobeydesign.com
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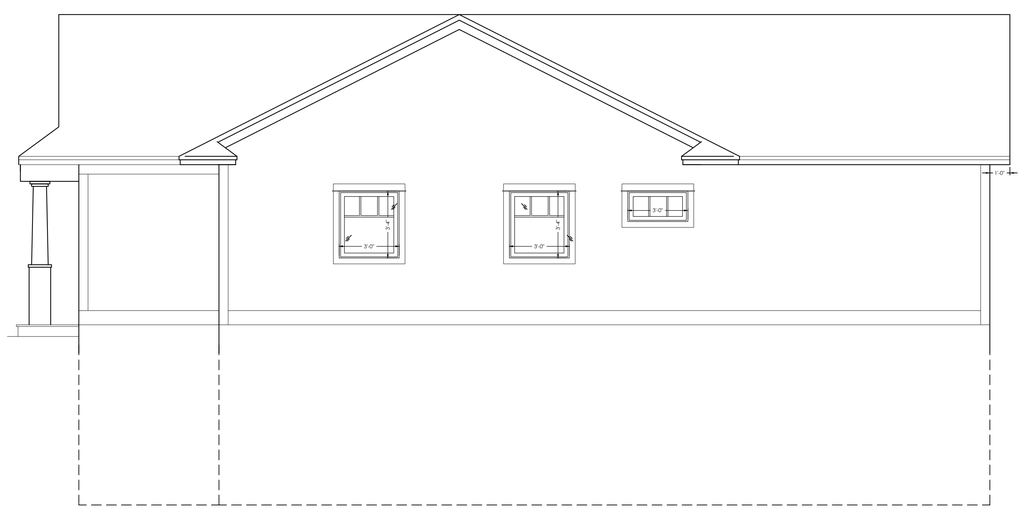
The Irani Residence
23 Bond Rd
Kittery Point, ME 03905

TITLE:
COTTAGE FLOOR PLANS
SCHEMATIC DESIGN

ID.2

SOUTH / WATER SIDE

EAST SIDE



NORTH SIDE

WEST SIDE

REVISIONS:

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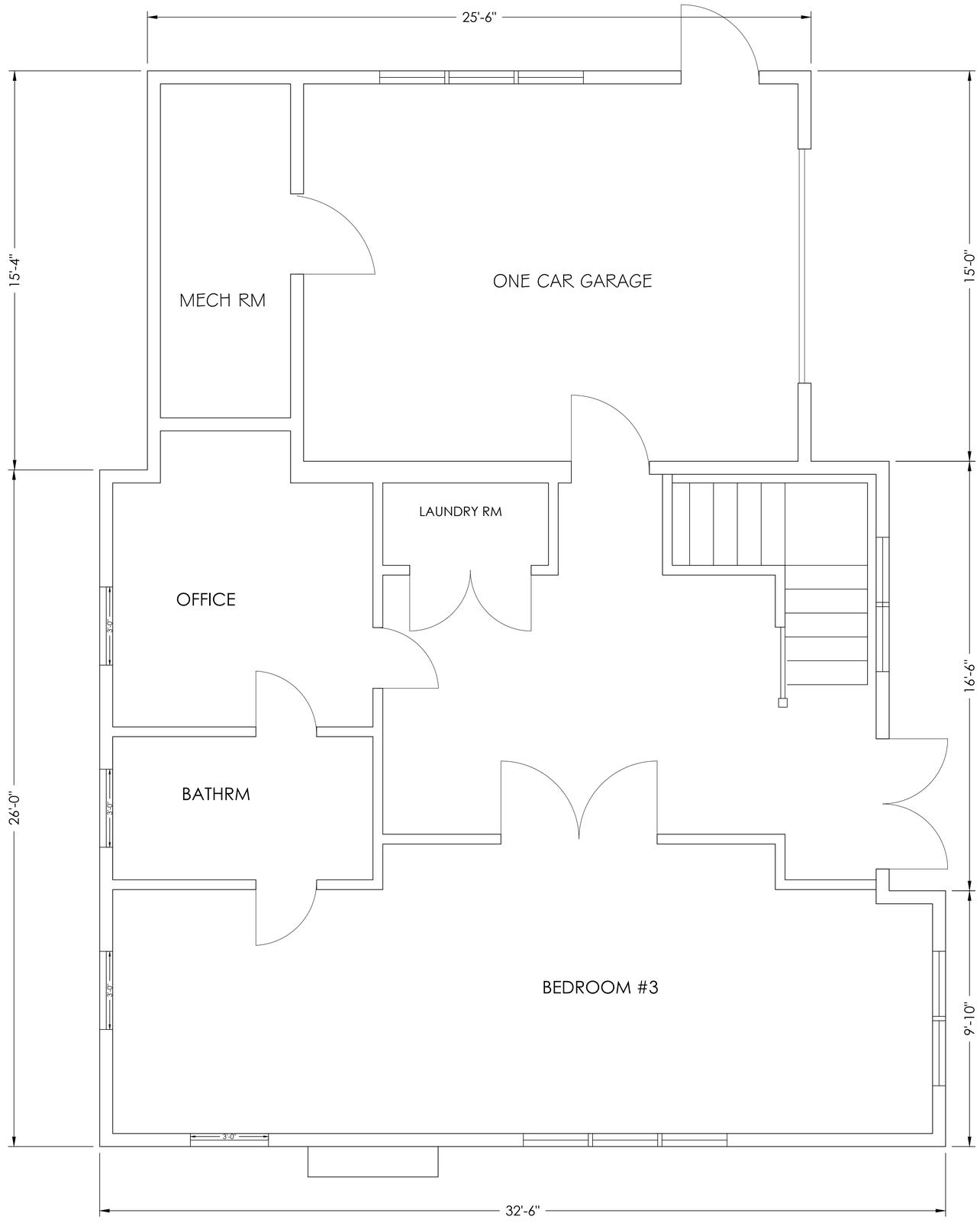
The Irani Residence
23 Bond Rd
Kittery Point, ME 03905

TITLE:

COTTAGE EXTERIOR ELEVATIONS
SCHEMATIC DESIGN

ID.3



W
S N
E

Garage
1ST FL PLAN

REVISIONS:

TOBEY DESIGN GROUP
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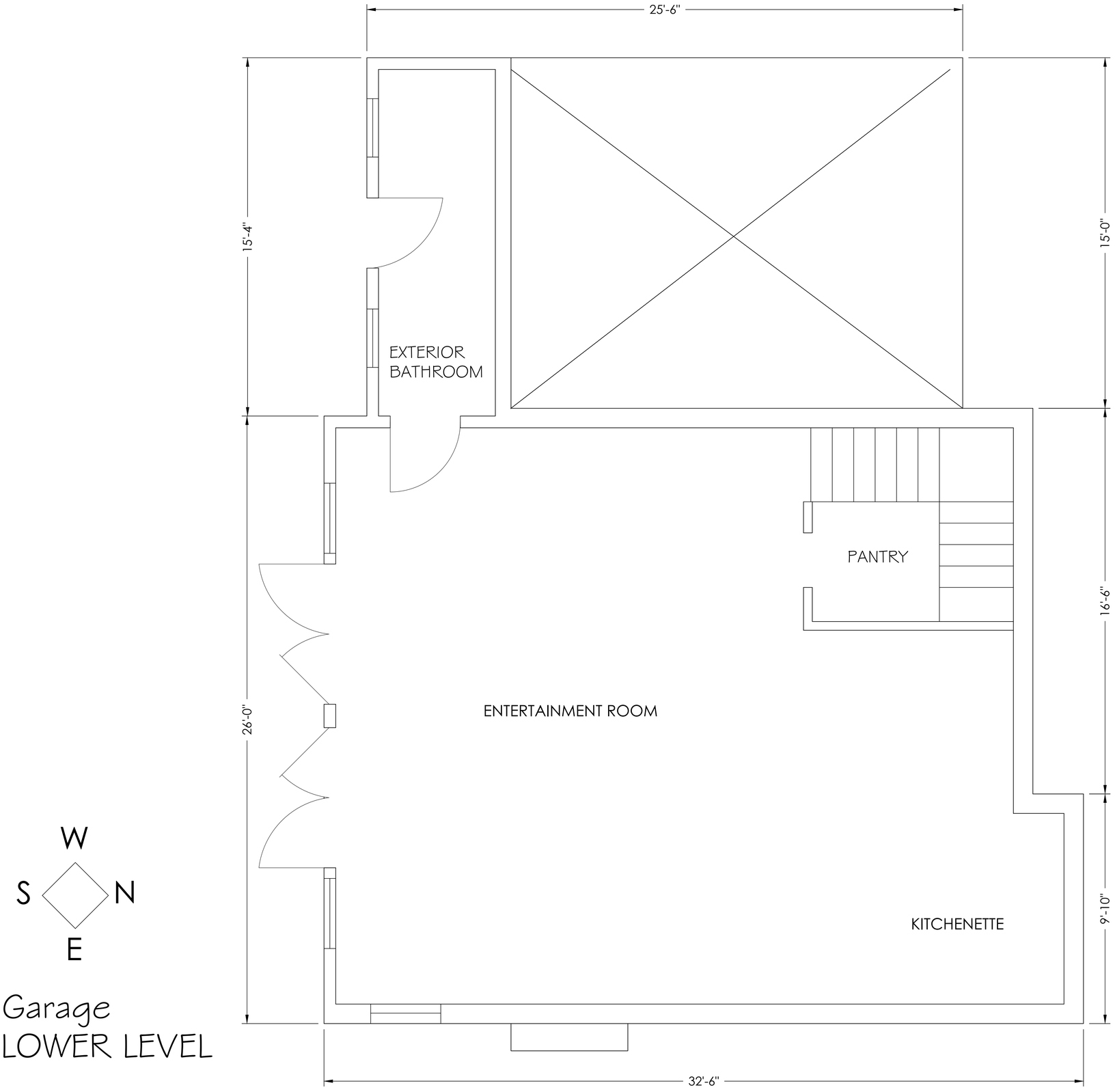
Phone: 603.430.7621
ttobey@tobeydesign.com
www.tobeydesign.com

The Irani Residence
23 Bond Rd
Kittery Point, ME 03905

TITLE:

GARAGE FLOOR PLANS
SCHEMATIC DESIGN

ID.4



Garage
LOWER LEVEL

REVISIONS:

TOBEY DESIGN GROUP
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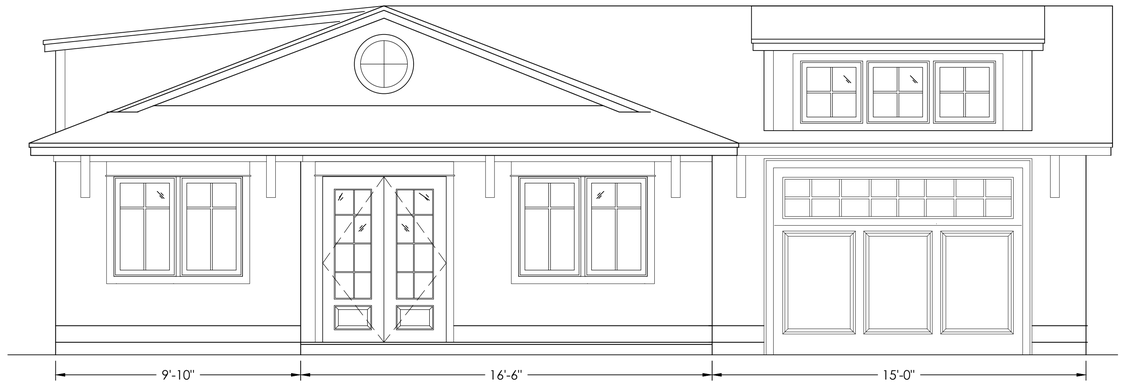
The Irani Residence
23 Bond Rd
Kittery Point, ME 03905

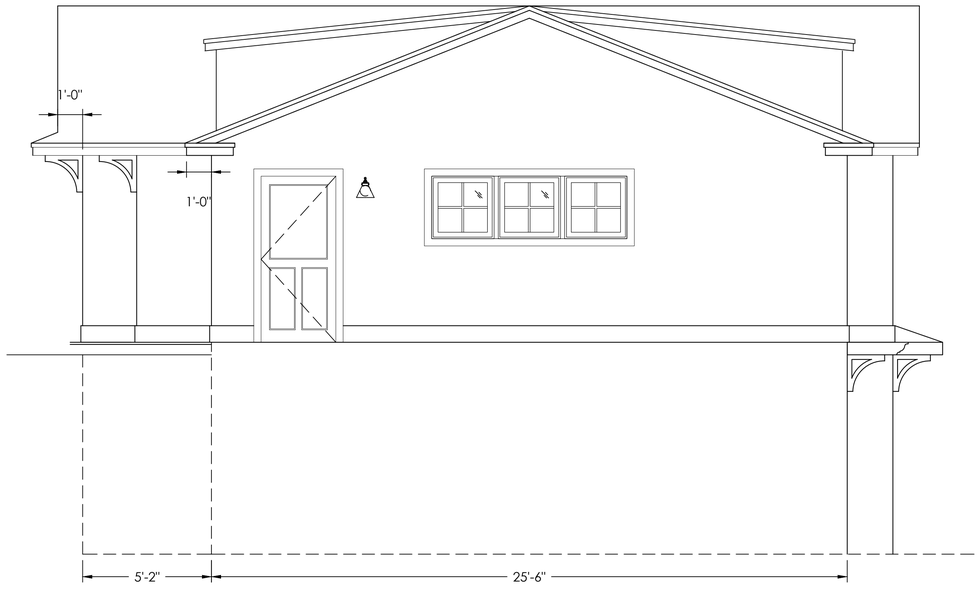
TITLE:

GARAGE FLOOR PLANS
SCHEMATIC DESIGN

ID.5



NORTH SIDE



WEST SIDE

SOUTH / WATER SIDE

EAST SIDE

REVISIONS:

TOBEY DESIGN GROUP
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23 Bond Rd
Kittery Point, ME 03905

TITLE:

GARAGE EXTERIOR ELEVATIONS
SCHEMATIC DESIGN

ID.6

McDERMOTT
LANDSCAPE DESIGN

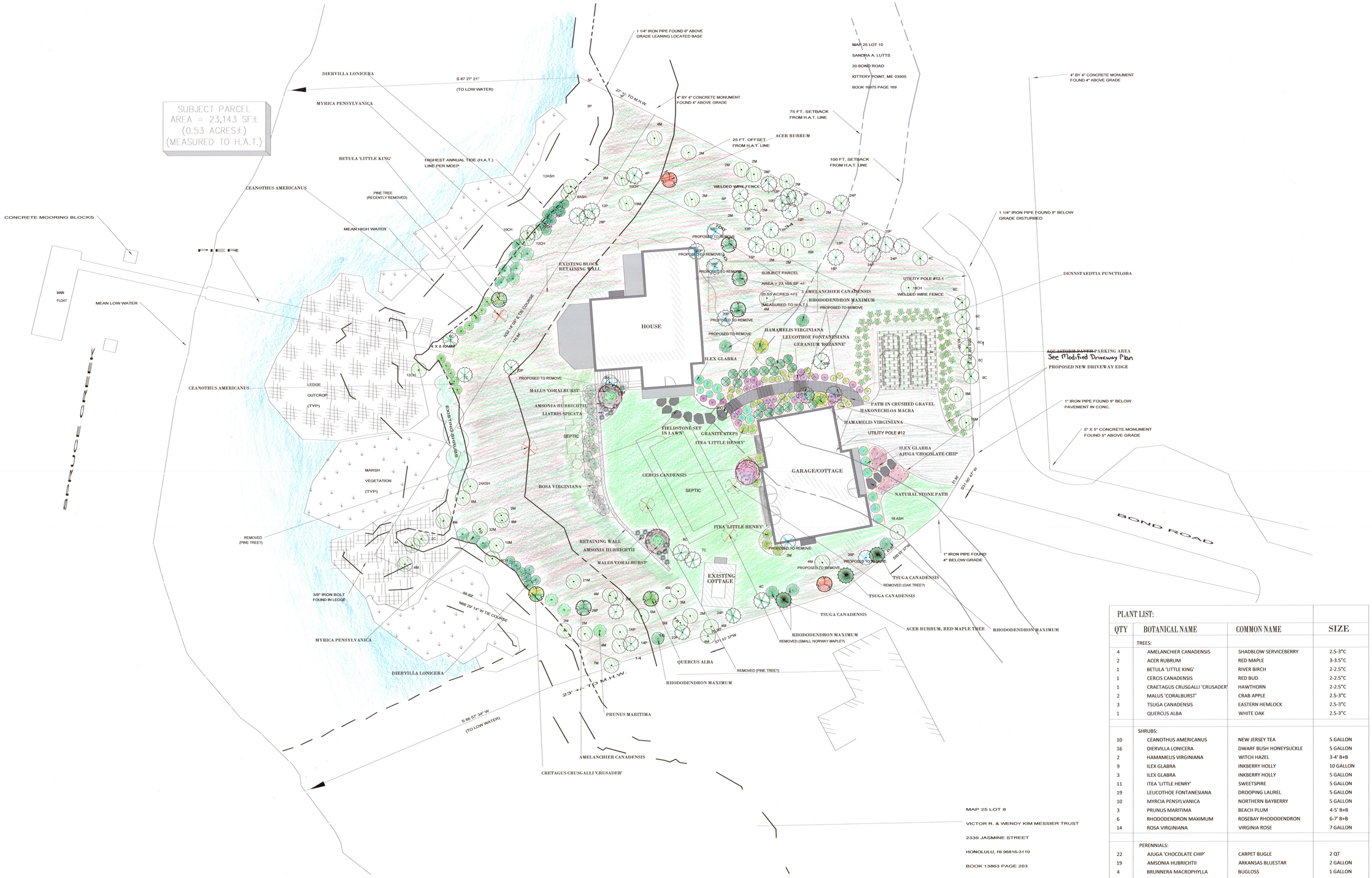
Shoreland Re-Vegetation Plan Description

23 Bond Road
Kittery Point, ME

The re-vegetation plan is a combination of native shrubs and trees to be planted along the shoreland and around the proposed home. Masses of New Jersey tea, beach plum, bush honeysuckle and bayberry will be planted directly along the water line, in an area that is currently inhabited by invasive roses, barberry and oriental bittersweet. This new vegetation will serve to provide food and habitat for wildlife, enhance aesthetics and reduce erosion. Native trees, such as river birch, red maple and hawthorn will be planted alongside the existing trees and in places where there is no ledge along the shore. Fourteen native virginia roses will be planted near the septic leach field, where trees are unable to grow. A white oak, a keystone native species, will be planted just up from the shore on the southern side of the property. On the eastern side of the property, hemlocks and rhododendrons will be added. Around the buildings, native trees and shrubs such as amelanchier, witch hazel, leucothoe, inkberry holly, and sweetspire will grow around the existing pines and maples.

In total, fifteen trees are proposed to be planted. The number and placement of trees were chosen to avoid the proposed dwellings and infrastructure and allow for proper spacing and growth of both the newly planted trees and the existing trees. The size of the trees will allow for minimizing disruption to existing root structures. One hundred and three proposed native shrubs will be planted along the shoreline buffer and throughout the property in order to restore the shoreland to primarily native undergrowth. An additional one hundred and sixty perennials will be planted including fifty seven hay-scented ferns which can currently be found on site. These new fern plantings will establish a colony in the shaded and more protected, northern part of the property.

LANDSCAPE CONCEPT PLAN



PLANT LIST:

QTY	BOTANICAL NAME	COMMON NAME	SIZE
	TREES:		
4	AMELANCHIER CANADENSIS	SHADBLOW SERVICEBERRY	2.5-3"C
2	ACER RUBRUM	RED MAPLE	3-3.5"C
1	BETULA 'LITTLE KING'	RIVER BIRCH	2-2.5"C
1	CERCIS CANADENSIS	RED BUD	2-2.5"C
1	CRAETAGUS CRUSGALLI 'CRUSADER'	HAWTHORN	2-2.5"C
2	MALUS 'CORALBURST'	CRAB APPLE	2.5-3"C
3	TSUGA CANADENSIS	EASTERN HEMLOCK	2.5-3"C
1	QUERCUS ALBA	WHITE OAK	2.5-3"C
	SHRUBS:		
10	CEANOTHUS AMERICANUS	NEW JERSEY TEA	5 GALLON
16	DIERVILLA LONICERA	DWARF BUSH HONEYSUCKLE	5 GALLON
2	HAMAMELIS VIRGINIANA	WITCH HAZEL	3-4' B+B
9	ILEX GLABRA	INKBERRY HOLLY	10 GALLON
3	ILEX GLABRA	INKBERRY HOLLY	5 GALLON
11	ITEA 'LITTLE HENRY'	SWEETSPIRE	5 GALLON
19	LEUCOTHOE FONTANESIANA	DROOPING LAUREL	5 GALLON
10	MYRCIA PENSYLVANICA	NORTHERN BAYBERRY	5 GALLON
3	PRUNUS MARITIMA	BEACH PLUM	4-5' B+B
6	RHODODENDRON MAXIMUM	ROSEBAY RHODODENDRON	6-7' B+B
14	ROSA VIRGINIANA	VIRGINIA ROSE	7 GALLON
	PERENNIALS:		
22	AJUGA 'CHOCOLATE CHIP'	CARPET BUGLE	2 QT
19	AMSONIA HUBRICHTII	ARKANSAS BLUESTAR	2 GALLON
4	BRUNNERA MACROPHYLLA	BUGLOSS	1 GALLON
57	DENSTAEDTIA PUNCTILOBA	HAY-SCENTED FERN	1 GALLON
29	GERANIUM 'ROZANNE'	CRANESBILL	1 GALLON
25	HAKONECHLOA MACRA	JAPANESE FOREST GRASS	2 GALLON
4	LIATRIS SPICATA	BLAZING STAR	1 GALLON

23 BOND ROAD
KITTERY POINT, ME

PLEASE NOTE: ALL MEASUREMENTS PLOTTED ON THIS DRAWING ARE APPROXIMATE

NOT FOR CONSTRUCTION PURPOSES

SCALE IN FEET 0 10 20

McDERMOTT LANDSCAPE DESIGN
INFO@MCDERMOTTLANDSCAPEDESIGN.COM
PHONE: 603-531-4001

McDERMOTT LANDSCAPE DESIGN

SITE WALK MINUTES
23 Bond Road
6.19.23, 9AM

PB members present: Dutch Dunkelberger, Russell White, Earldean Wells, Bob Doyle, Ethan Bensley, Karen Kalmar. Absent: Steve Bellantone.

Other attendees: Tidewater Engineering staff, Tobey Design, homeowners and Craig Wilson (Kittery Point resident)

Chair Dunkelberger opened the site walk at 9AM.

Ryan McCarthy of Tidewater Engineering described the changes to the site.

— The garage will be demolished, re-built and repositioned to allow easier access for parking and turning.

—The existing cabin will not be demolished.

— The old wastewater system (kind unknown) will be removed and be replaced with a modern system that will have a new septic field requiring a retaining wall for support.

— To rebuild the house farther from the resource, there will be limited blasting required. Eight mature trees will need to be felled to accommodate the new house and septic system changes.

— The rebuilt house will be farther from the resource and its height will not change. There will be a new lower level. Tricia Tobey described some of the changes to the house.

— Two decks will be added. They will be less square footage than the existing cinder block patio that is to be removed. No other issues or concerns were addressed.

— The site walk was adjourned shortly after 9:30AM.

Respectfully submitted,
Karen Kalmar