

**Town of Kittery
Planning Board Meeting
June 9, 2021**

ITEM 4 – 16 Ridgewood Drive – Shoreland Development Plan Review

Action: Accept/deny plan as complete; if accepted, continue to a subsequent meeting, schedule a public hearing / site walk, or approve or deny plan. Owners/Applicants Daniel and Jill White request approval for a Shoreland Development Plan proposing to expand a legally non-conforming structure within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 16 Ridgewood Lane, Tax Map 20, Lot 2-8, in the Residential-Suburban Zone (R-S) Shoreland Overlay Zone (OZ-SL-250) and Resource Protection Overlay Zone (OZ-RP).

PROJECT TRACKING

REQUIRED	ACTION	COMMENTS	STATUS
No	Sketch Plan		N/A
No	Site Visit	TBD by Board	Pending
Yes	Completeness / Acceptance	TBD by Board	Pending
No	Public Hearing	TBD by Board	Pending
Yes	Final Plan Approval	TBD by Board	Pending

PROJECT INTRODUCTION

16 Ridgewood Drive (“Property”) is located in an existing subdivision at the end of Ridgewood Drive within the Residential Suburban Zone (R-S) and Resource Protection Overlay Zone (OZ-RP). The property is a conforming lot of record containing a legally non-conforming dwelling unit. The lot’s area is 140,336 square feet and the R-S zone requires 40,000 square feet. The dwelling unit is positioned toward the front of the lot and meets all base zone setbacks except that the structure encroaches into the 100-foot buffer of the wetlands to the north. The site’s total devegetated area is 12.7%, below the 20% maximum devegetated area allowed.

The owner proposes to expand and enclose an existing deck to create a 14 x 16-foot sunroom and add an additional deck (10 feet by 14 feet). This would increase the devegetated area by 221 square feet, still under the required limit for the lot. However, the enclosure of the existing deck into living area constitutes an expansion toward the resource, extending further into the 100-foot buffer. The additional unenclosed deck would still meet the 75-foot buffer for accessory structures.

APPLICATION REVIEW

Staff has reviewed the submitted application and plan from Amsden Field Survey dated March 24, 2022, met with the applicants, and have the following comments:

1. The site plan prepared by Amsden Field Survey dated appears preliminary in nature and does not carry surveyor seal, nor does it have the required Planning Board signature block / York County Registry of Deeds block.

- 36 2. The site is a legal lot of record with a legal, non-conforming dwelling unit built in 1995 partially located
37 within the 100-foot setback to the wetlands.
38
- 39 3. The wetlands on the property are identified on Maine’s Beginning with Habitat maps, along with a stream,
40 and the Town’s zoning map indicates the site is within the Resource Protection Overlay. According to
41 Joseph Noel, the wetland boundary as depicted on the plan was delineated and flagged by Joseph W. Noel,
42 Maine Licensed Soil Scientist #209, on January 14, 2022. The flags were located by Amsden Field Survey.
43 The delineation was conducted in accordance with the U.S. Army Corps of Engineers document Corps of
44 Engineers Wetlands Delineation Manual (1987), along with the required Regional Supplement to the
45 Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, (Version 2, January
46 2012).
47
- 48 4. The structures are outside of any required stream buffer but all of the existing deck and a portion of the
49 house is located within the 100-foot wetland buffer. The applicant refers to zoning code Section
50 16.4.28.E.(3)(b) which allows that “Accessory patios or decks no larger than 500 square feet in area must
51 be set back at least 75 feet from the normal high-water line of any water bodies, tributary streams, the
52 upland edge of a coastal wetland, or the upland edge of a freshwater wetland. Other patios and decks must
53 satisfy the normal setback required for principal structures in the Shoreland Overlay Zone.” However,
54 enclosing and expanding the deck into a sunroom would make the space part of the dwelling unit and thus
55 subject to the 100-foot buffer and not the 75-foot accessory structure buffer.
56
- 57 5. Thus, this plan is subject to Section 16.1.8.C.(4)(b)[2]:
58 *Except where otherwise permitted in this title, repair and/or expansion of a nonconforming*
59 *structure must be approved by the Board of Appeals. In cases where the structure is located in the*
60 *base zone setback of the Shoreland Overlay or Resource Protection Overlay Zone, the repair*
61 *and/or expansion must be approved by the Planning Board.*
62

63 and 16.1.8.C.(4)(b)[3](a):

64 *A nonconforming structure may be repaired or maintained and may be expanded in conformity*
65 *with the dimensional requirements, such as setback, height, etc., as contained in this title. If the*
66 *proposed expansion of a nonconforming structure cannot meet the dimensional requirements of*
67 *this title, the Board of Appeals or the Planning Board will review such expansion application and*
68 *may approve proposed changes provided the changes are no more nonconforming than the*
69 *existing condition and the Board of Appeals or the Planning Board makes its decision per §*
70 *16.2.12.F(2).*

71 This plan is under the jurisdiction of the Planning Board due to the location within the Shoreland and
72 Resource Protection overlay zones. However, the enclosure of the deck and expansion of the dwelling unit
73 towards the resource means the changes make the structure more nonconforming.

- 74 6. Additionally, even if the proposed expansion was no more nonconforming, the Section
75 16.1.8.C.(4)(b)[3](e)[v][A] places the following limitations to any expansion of the footprint:

76 *For structures located less than the base zone setback from the normal high-water line of a water*
77 *body, tributary stream, or upland edge of a coastal or freshwater wetland, the maximum combined*
78 *total footprint for all structures may not be expanded to a size greater than 1,000 square feet, or*
79 *30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum*

80 *height of any portion of a structure that is located within the base zone setback may not be made*
81 *greater than 20 feet, or the height of the existing structure, whichever is greater.*

82 Staff reviewed the plan with Code Enforcement, who reviewed the property file and determined that the
83 footprint of the house has existed since 1995. Thus, the footprint for all structures on site may not exceed
84 1,000 square feet. The existing residential structure's footprint is 864 square feet and the existing deck is
85 120 square feet, according to tax records. There is an existing shed on site, however staff is uncertain of
86 its size.

87
88 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

89 Planning Board should hear from the applicant and determine if additional information is needed to render a
90 decision. The Planning Board should determine if they would like to schedule a site walk or a public hearing.

91
92 **RECOMMENDED MOTIONS**

93 Below are motions for the Board's consideration:

94
95 *Motion to continue application*

96 Move to continue the plan to the June 23, 2022 Planning Board meeting for the shoreland development application
97 from owners/applicants Daniel and Jill White, seeking approval to expand a legally non-conforming structure
98 within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 16
99 Ridgewood Lane, Tax Map 20, Lot 2-8, in the Residential-Suburban Zone (R-S) Shoreland Overlay Zone (OZ-
100 SL-250) and Resource Protection Overlay Zone (OZ-RP).

101
102 *Motion to schedule a site walk*

103 Move to schedule a site walk on _____, 2022, for the shoreland development application from
104 owners/applicants Daniel and Jill White, seeking approval to expand a legally non-conforming structure
105 within the base zone setback of the Shoreland Overlay Zone located on real property with the address
106 of 16 Ridgewood Lane, Tax Map 20, Lot 2-8, in the Residential-Suburban Zone (R-S) Shoreland
107 Overlay Zone (OZ-SL-250) and Resource Protection Overlay Zone (OZ-RP).

108
109 *Motion to schedule public hearing*

110 Move to schedule a public hearing at the _____, 2022 Planning Board meeting for the shoreland
111 development application from owners/applicants Daniel and Jill White, seeking approval to expand a
112 legally non-conforming structure within the base zone setback of the Shoreland Overlay Zone located
113 on real property with the address of 16 Ridgewood Lane, Tax Map 20, Lot 2-8, in the Residential-
114 Suburban Zone (R-S) Shoreland Overlay Zone (OZ-SL-250) and Resource Protection Overlay Zone
115 (OZ-RP).

118 *Motion to approve*

119 Move to approve the shoreland development plan application from owners/applicants Daniel and Jill White,
120 seeking approval to expand a legally non-conforming structure within the base zone setback of the Shoreland
121 Overlay Zone located on real property with the address of 16 Ridgewood Lane, Tax Map 20, Lot 2-8, in the
122 Residential-Suburban Zone (R-S) Shoreland Overlay Zone (OZ-SL-250) and Resource Protection Overlay Zone
123 (OZ-RP).

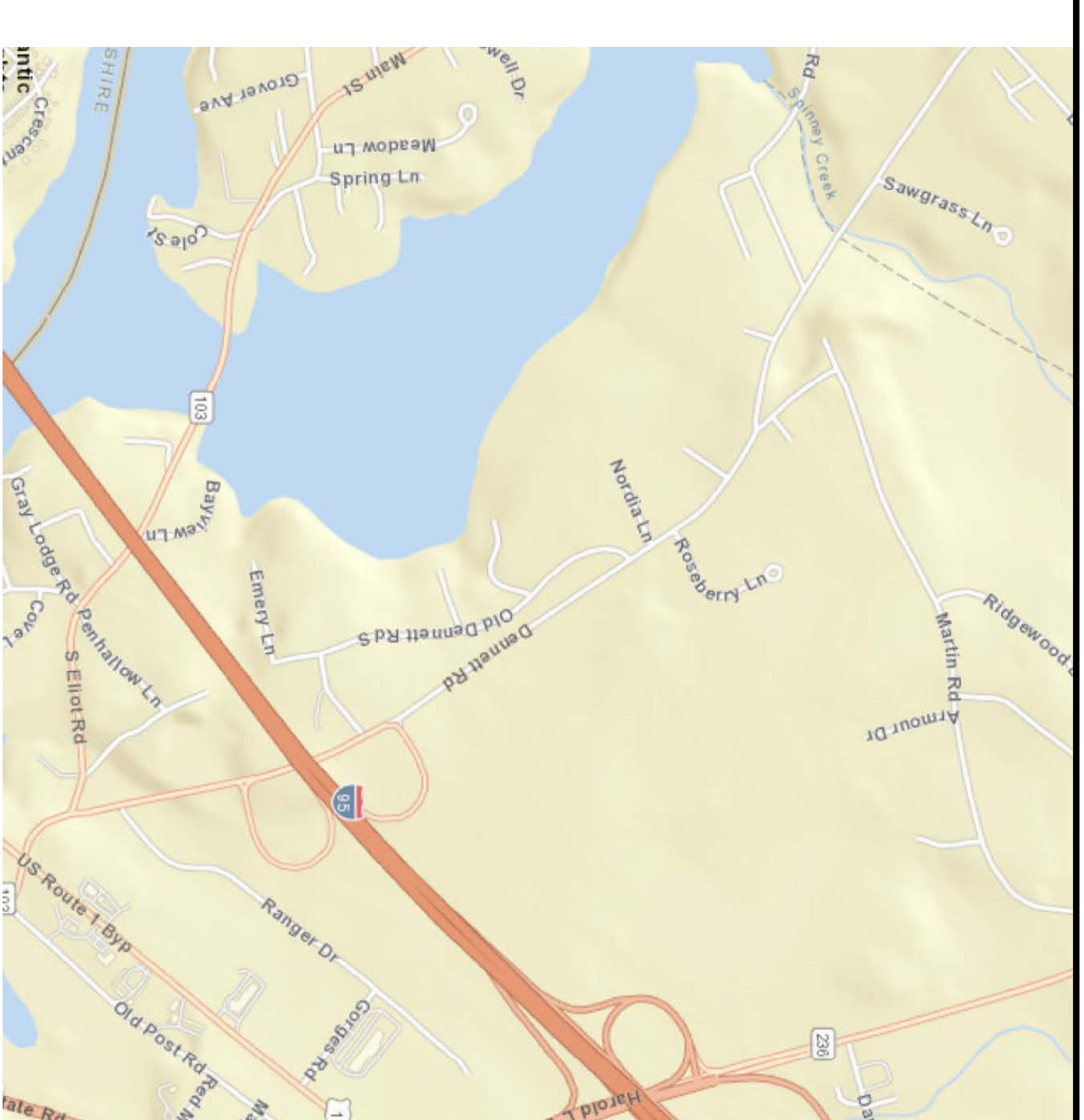
124

125 *Motion to deny*

126 Move to deny the shoreland development plan application from owners/applicants Daniel and Jill White, seeking
127 approval to expand a legally non-conforming structure within the base zone setback of the Shoreland Overlay
128 Zone located on real property with the address of 16 Ridgewood Lane, Tax Map 20, Lot 2-8, in the Residential-
129 Suburban Zone (R-S) Shoreland Overlay Zone (OZ-SL-250) and Resource Protection Overlay Zone (OZ-RP).

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131

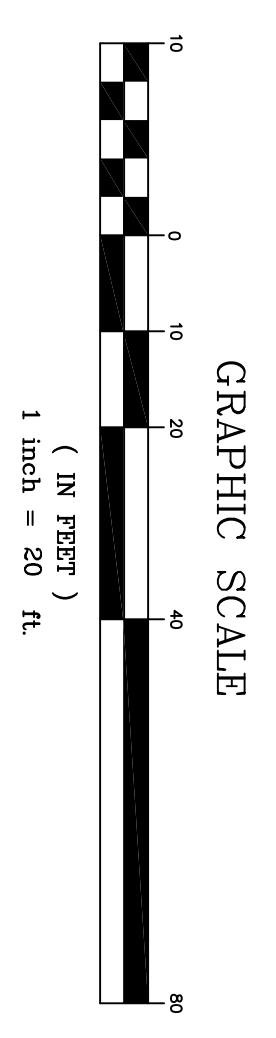


1. THIS PLAN DEPICTS THE SITE DATA FOR A PROPOSED DECK MODIFICATION/ EXPANSION AT 16 RIDGEWOOD DR, KITTERY, ME.
2. THE SITE IS IDENTIFIED IN THE KITTERY ASSESSING DATABASE AS MAP 20 LOT 2-8.
3. THE PROPERTY IS LOCATED IN THE R-S RESIDENTIAL SUBURBAN ZONE, AND THE RESOURCE PROTECTION ZONE. DISTRICT REQUIREMENTS ARE:
MIN. LOT SIZE 40,000 S.F.
FRONT YARD 40'
SIDE/REAR YARD 15'
COVERAGE 20%
BUILDING HEIGHT 35'
LOTS WITHIN THE RESOURCE PROTECTION ZONE MUST RESERVE A 100' BUFFER FROM THE UPLAND EDGE OF THE WETLAND.
4. THE ENTIRE SITE FALLS WITHIN THE SHOGLAND OVERLAY. NO ADDITIONAL INCREASE IN CLEAR HEIGHT AREAS IS PROPOSED. THE DECK EXPANSION OF 4,920 S.F. FALLS WITHIN THE LIMITS OF THE 75' SETBACK FROM WETLANDS PER 16.3.2.17.0.2.B (ACCESSORY STRUCTURES LESS THAN 500 S.F. SHALL BE SET 75' FROM THE UPLAND EDGE OF A WETLAND).
5. SITE CONDITIONS:
LOT SIZE 140,336 S.F., OF WHICH 35,982 IS CONTIGUOUS ON THE SIDE OF RIDGEWOOD DRIVE.
COVERAGE 3795 S.F. = 10% OF THE CONTIGUOUS AREA.
PROPOSED ADDITIONAL COVERAGE 220 S.F. /35,982 = 11% PROPOSED COVERAGE IN THE CONTIGUOUS AREA.
6. THE CLEARED AREA OF 17,827 S.F. DEPICTED IS EXISTING. THIS COMPRESSES 13% OF THE LOT. NO ADDITIONAL CLEARING WITHIN THE RESOURCE PROTECTION BUFFER IS PROPOSED.

REFERENCE PLANS:

1. "MODIFICATION TO APPROVED" BY FRANK EMERY, DATED JAN 20, 1994 AND RECORDED AT YCRD BK 222 P 9.
2. "MODIFICATION PLAN" RECORDED AT YCRD BK 206 P 30.
3. "RIDGEWOOD ESTATES SUBDIVISION PLAN" RECORDED AT YCRD BK 152 P 20.

- STONEMULL
- SIGN
- SHUL PAUL FENCE
- IRON PIPE FOUND, SET
- SEWER MANHOLE
- CONCRETE HIGHWAY BOUND
- DRILL HOLE FOUND, SET

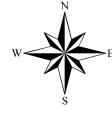


SHORELAND SITE PLAN

DANIEL & JILL WHITE
16 RIDGEWOOD DR
KITTERY, ME 03904

PREPARED FOR
DANIEL & JILL WHITE
16 RIDGEWOOD DR
KITTERY, ME 03904

By
AMSDEN FIELD SURVEY
799 MAIN ST.
ELIOT, MAINE 03903



June 2, 2022

Kittery, ME

1 inch = 100 Feet



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	Right of Way		Residential - Suburban
	Map - Lot Labels		
	Resource Protection Overlay Zone		
	Protected Streams		
	Commercial - 2		
	Conservation		

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



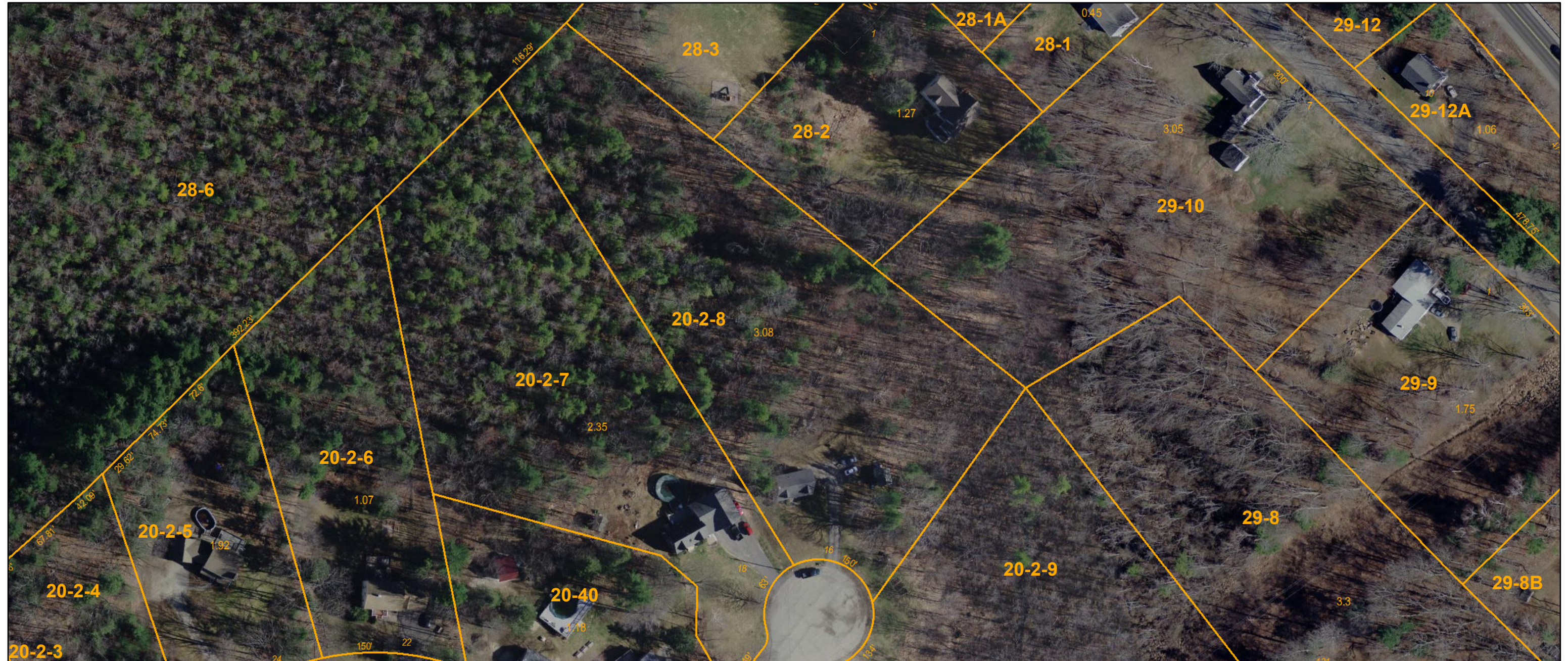
June 2, 2022

Kittery, ME

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- Property Line
- Public Road
- Right of Way
- Map - Lot Labels

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