Shoreland Development Plan Application

SDP-20-3

Status: Active

Submitted: Jul 31, 2020

Applicant

D

Nicholas Mercier

6036748239

@ nick@macyind.com

Location

134 WHIPPLE ROAD KITTERY, ME 03904

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

Our existing single family house's foundation is less that ten feet from the top of a 2:1 slope along the river side. That slope extends down to the river edge where a seawall has been in place for many years. Erosion over the years of the slope has become a concern an created cracks in the foundation of the house an visible soil erosion to the surrounds areas. We recognize that the soil stabilization will be critical to ensure long-term preservation of our home.

Our home is located within the Shoreland Overlay Zone. We recognize that the Overlay Zone provides for the protection of your property, it also mandates that the impacts on the Piscataqua River be minimized when selecting options to protect the land and the house.

We love the community here in Kittery an we want to be good stewards of our property. In doing so we have consulted with the town and professionals to best understand how to achieve our wishes of preserving our property. We have included a letter detailing the impact of our project to the surrounding area.

Our plan to replace the small existing wall and stairway section leading to the existing pier section, shown on the Existing Condition drawing, with a new long lasting environmentally friendly material and soils will achieve our preservation of the property. We have also included a re-vegetation plan to improve the new upper retaining wall area and the lower existing section below. This includes planting 82 new native plants.

We have given great thought to this proposal, spoken with multiple organizations, engineers, private companies to ensure that we are presenting the best solution for our site that is the least intrusive to the environment an most importantly provide soil and foundation stabilization.

Lot Size (SF)

Base Zone

13381

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Overlay Zone(s)

OZ-SL-250 Shoreland Overlay Zone\\tWater Body/Wetland Protection Area 250'

true

OZ-SL-75 Shoreland Overlay Zone Stream Protection Area 75'

true

OZ-CFMU Commercial Fisheries/Maritime Uses Overlay Zone

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OZ-RP Resource Protection Overlay Zone

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Project within buffer of overlay zone?

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

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Firefox

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) 20

Zone

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

% Existing Devegated Area within 250' Shoreland Overlay Zone

% Proposed Devegated Area within 250' Shoreland Overlay Zone

Existing (sf) Devegated Area within 250' Shoreland Overlay

24.2

B. Building Footprint - Principle and Accessory Structures

Structure distance from Highest Annual Tide or upland edge of

1358

wetland (FT)

(%) Building Coverage Allowed

Building Coverage Existing (sf)

Builing Coverage Proposed (sf)

(%) Building Coverage Existing

1358

8

10.1

(%) Building Coverage Proposed

(%) Increase of Coverage

10.1

Type of Construction

Value (\$) of Construction

C. Building Height

Bldg. Height Existing (FT)

Bldg. Height Proposed (FT)

23

23

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. true

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

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Attachments (3)

pdf Shoreland Development Plan

Jul 31, 2020

pdf Associated Documents

Jul 31, 2020

pdf SFC Shoreland Impact Letter.pdf

Jul 31, 2020

Timeline

Application Completeness Review

Status: In Progress

Assignee: Bart McDonough

Nicholas Mercier July 31st 2020, 1:27:50 pm

Please let me know if there are any additional documents that you would like to see or if I can answer any questions. Thanks Nick **Bart McDonough** August 10th 2020, 5:44:54 pm

Hi Nick,

After reviewing the plans you submitted online, I have the following comments:

Site Plan

All the elements of the shoreland development plan need to be on a single plan sheet. Currently, there are two plan sets: one from Easterly Surveying illustrating the existing conditions, and the other from SFC Engineering showing the location of the retaining wall and design specs thereof. The revised shoreland development plan will need to include the following:

- · Location of proposed retaining wall;
- Location and type of proposed re-vegetation;
- The 25ft. setback line from the H.A.T (highest annual tide)
- · Planning Board signature block;
- Registry of deeds recording block;
- Proposed devegetation coverage calculations; and
- Revised language for the Plan Purpose section to reflect the shoreland development plan's intent.

The reason why all the information needs to be on one plan sheet is for recording purposes at the York County Registry of Deeds. I am going to send you a separate email you a marked-up plan sheet that reflects the elements above.

Application

It appears that the online application was missing elements that are on the paper copy. This was an internal mishap on our end-sorry about that. I revised the application, which is in the 'Details' section of this online application.

Thanks,

Bart

Shoreland Application Payment
Status: Pending

Code Dept Approval - Final Plan

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Final Plan Uploaded to Vision Account

Status: Pending

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DEBRA L. ANDERSON, REGISTER OF DEEDS E-RECORDED **Bk 17571 PG 502**

Instr # 2017041837 10/02/2017 08:42:58 AM Pages 2 YORK CO

DEED OF SALE BY PERSONAL REPRESENTATIVE Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS

That **Duncan A. McEachern** of Kittery, York County, Maine, duly appointed and acting Personal Representative of the **Estate of Carrie B. Varney**, deceased (testate), as shown by the probate records of the County of York, Maine, Docket No. 2017-0113, and having been authorized under the Will to sell real estate without giving notice pursuant to 18-A M.R.S. §3-711, by the power conferred by the Probate Code, and every other power, for consideration paid, grants to **Nicholas E. Mercier** and **Amy L. Mercier**, whose mailing address is 35 Goffstown Road, Hooksett, NH 03106-2400, as joint tenants and not as tenants in common, the real property in Kittery, County of York, State of Maine, described as follows:

See Exhibit A attached hereto and incorporated herein.

Being the same premises conveyed to Carrie B. Varney by warranty deed of Lloyd L. Seaward dated February 26, 1987 and recorded in the York County Registry of Deeds in Book 4197, Page 182.

WITNESS my hand and seal this 29th day of September, 2017.

Witness Duncan A. McEachern,

Personal Representative of the Estate of Carrie B. Varney

State of Maine, County of York, ss.

September 29, 2017

Then personally appeared the above named Duncan A. McEachern in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Dan W. Thornhill Notary Public

My commission expires: 7/25/19

EXHIBIT A

Estate of Carrie B. Varney to Nicholas E. Mercier and Amy L. Mercier

A certain lot or parcel of land with the buildings thereon situate in said Kittery and bounded and described as follows:

Beginning on the southerly side of Whipple Road at line of land of Inhabitants of the Town of Kittery, being the Town Landing; thence South 22°12' West by said Town land, seventy-six and twenty-seven hundredths (76.77) feet, to a hub at high water mark of the Back Channel of the Piscataqua River; thence westerly by the line of high water mark as the face wall stands, one hundred thirty-four and eighty-two hundredths (134.82) feet, more or less, to a hub at land of Duncan A. McEachern; thence North 22°12' East by land of said McEachern, one hundred twenty-seven and seventy-six hundredths (127.76) feet, to said Whipple Road; thence South 68°24' East by said road, one hundred twenty (120) feet, to place of beginning.

Together with all the tide land lying between high and low water mark on the Back Channel of the Piscataqua River adjoining the southwesterly side of said lot.

\probate\varney dos 16975-24080

134 Whipple Road Kittery 10/6A



26 Maclellan Ln **Eliot, ME 03903**

Phone: 207-439-2241 / Fax: 207-439-6661

PROPOSAL: 10482 **SHEET NO:** 1 of 4 **DATE:** 7/9/2020

PROPOSAL SUBMITTED TO: **WORK TO BE PERFORMED AT:**

Mercier, Nick

134 Whipple Rd Kittery, ME 03904

Nick Mercier Nick Mercier 134 Whipple Rd

Kittery, ME 03904

Phone:

Email: nick@macyind.com

Scope of Work

Plantings at base of new seawall and top of new seawall

Remove all plant material at base of wall and plant;

- (3) Juniper 'Emerald Sentinel' size 6-7'
- (12) Bayberry size #5
- (15) Yarrow 'Terra Cotta' size #3
- (15) 'Little Miss' Grass size #2

Amend soil as needed and mulch with brown mulch at 2" thickness.

Add loam/compost mix to top area of wall, build bed and cut fresh edge along grass and plant;

- (9) Hosta 'Big Daddy' size #1
- (9) Hosta 'Fragrant Bouquet size #2
- (12) Daylilly 'Rosy Returns' size #2
- (7) Hakonechloa grass size #2

Mulch area with brown mulch at 2" thickness.

*All plantings will need to be watered daily after planting until established.

Planting \$8,750.00

PAYMENT SCHEDULE

SCHEDULE	TOTAL PRICE
1st Payment due on Signing	\$4,375.00
Due on Completion	\$4,375.00
	\$8,750.00

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and attachments completed in a substantial workmanlike manner for the sum of: \$8,750.00. Payments to be made as follows: A 50% deposit upon signing, final payment upon completion. 2% interest charged upon any past due balance.

Payments are due in full 15 days from invoice date.

Customer agrees to pay all reasonable attorney and other professional fees necessary to collect any unpaid balances. Late payments will void any guarantees or warranties.

Plant Warranty: All new plants will be guaranteed for one year from the date of installation and will only be replaced once, providing they are well watered and taken care of. Warranty does not cover acts of god, including but not limited to: heavy winds, snow, vandalism, damage caused by animals or improper watering.

Existing trees, shrubs and or perennials, which we transplant, are moved entirely at the owners' risk and, due to circumstances beyond our control, are not guaranteed by Piscataqua Landscaping & Tree Service.

Piscataqua Landscaping & Tree Service only guarantees seed germination, in all forms, one time provided the seed is adequately watered. Piscataqua Landscaping & Tree Service is not responsible for wash-out, weedy growth, temperature or other acts of god.

Piscataqua Landscaping & Tree Service will make every effort to cancel orders as soon as we are notified, but we cannot control restocking fees imposed by our vendors. Customer is aware of the following restocking fees which may be assessed.

A 20% Restocking fee will be applied to any cancelled plants or orders, assuming the nursery will restock them. Should the nursery refuse the order, customer will be responsible for the cost of the order.

A 20% restocking fee will be applied to stock landscaping products.

There will be no refund on special or custom ordered products. All special orders will be invoiced in full prior to order being placed.

Piscataqua Landscaping & Tree Service will not be held responsible for damage from acts of God/Nature.

Natural Stone Materials: Customer understands that stone quarried from the earth may change in color and appearance after installation. This is a naturally occurring process that we cannot control and as such cannot guarantee or warranty the product.

Permits: It is the customer's responsibility to provide copies of any, and all permits and approvals required by the state and local municipalities. Any fines levied against the Piscataqua Landscaping & Tree Service for lack of permits is the responsibility of the client. Piscataqua Landscaping & Tree Service may be available to assist in permitting at rate of \$85.00 per hour for services requested. Rates are subject to change.

Extra work dealing with underground obstacles may entail extra costs.

Any alteration or deviation from above specification involving extra costs will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owners to carry fire, tornado, or other necessary insurance upon above work. Worker's Compensation and Public Liability Insurance on above work to be taken out by Piscataqua Landscaping & Tree Service. Note: we may withdraw This Proposal if not accepted within thirty days.

ACCEPTANCE OF PROPOSAL

If the terms above are agreeable to you, please sign and date below, retain one copy for your records, and return the other copy with your deposit. Thank you!

The above prices, specifications and conditions are satisfactory and are hereby accepted. Piscataqua Landscaping & Tree Service is hereby authorized to do the work as specified.

	Tassa Boycz		
Customer Name (printed)	Authorized PLTS Representative (signature)		
	7/9/2020		
Authorized Owner/PropertyManager (signature)	Date		
Date			



July 15, 2020

Nick Mercier Macy Industries, Inc. 5 Lehoux Drive Hooksett, NH 03106

RE: 134 Whipple Road Kittery ME

Mr. Nick Mercier,

SFC Engineering Partnership, Inc. (SFC) presents this letter to describe the impacts of the proposed segmental block retaining wall at 134 Whipple Road. The wall is proposed as a method to stabilize the soils on your property.

Soil stabilization is critical to ensure the long-term preservation of your home. Your existing building foundation is less that ten feet from the top of a 2:1 slope. That slope extends down to the river edge. Potential erosion of that slope is a concern.

The home is located within the Shoreland Overlay Zone. While the Overlay Zone provides for the protection of your property, it also mandates that the impacts on the Piscataqua River be minimized when selecting options to protect the land and the house.

The impacts of the wall are evaluated in light of the purposes of the Shoreland Overlay Zone. The purposes of the Overlay Zone, as outlined by the Mandatory Shoreland Zoning Act, includes provisions for (1) the prevention and control of water pollution; (2) the protection of wildlife habitat; (3) the conservation of shore cover, and visual as well as actual points of access to inland and coastal waters; and (4) the conservation of natural beauty, and (5) the protection of buildings and lands from accelerated erosion; .

Construction of a segmental block retaining wall offers a viable solution to protecting your property in compliance with the purpose of the Shoreland Overlay Zone. The following outlines the evidence to support this opinion:

- 1. The retaining wall is a widely accepted method to address steep slopes.
- 2. Erosion is arrested because storm water will no longer flow down steep slopes. The flat grades on the top side receive storm water and encourage infiltration. Construction of the retaining wall includes free-draining soils behind the wall to receive the water. Stormwater will find its' way to the river, but it does not cascade over the edge of the wall; it will filter through the free draining soils.
- 3. Any lawn treatment or incidental pollutants are detained on the flat upper grade. Pollutants which currently run unchecked along the steep slope are detained, infiltrated and filtered prior to discharge to the river
- 4. The retaining wall becomes a natural barrier to wildlife and human traffic. The buffer distance between the base of the wall and the edge of river provides a wildlife corridor.
- 5. Access to the river can be safely incorporated into the retaining wall design and construction.

- 6. The river will be protected during the construction process by perimeter controls for erosion and siltation. Machinery required for the construction can work from the top side, to minimize disturbance of the shore cover
- 7. Wall construction includes earth materials: gravel and sand. No hydrocarbon based, nor other environmentally un-friendly materials are necessary.
- 8. Concrete in the block construction is inert and stable. Concrete will have no negative impacts.
- 9. Textured concrete block are aesthetically pleasing.
- 10. The retaining wall will provide a flat stable grade adjacent to the existing foundation to protect the building from further cracking.

We affirm that a segmental block retaining wall provides a responsible solution to protect your home, while also maintaining the quality and beauty of the Piscataqua River, and the native wildlife community.

Please contact us with any questions or comments.

SFC ENGINEERING PARTNERSHIP, INC.

Jeffrey M. Benway, P.E.

Project Manager







