



**Town of Kittery
200 Rogers Road, Kittery, ME 03904
Board of Appeals Meeting Agenda**

Hybrid Meeting

Public may attend in person in Town Council Chambers or via zoom at:

<https://www.kitteryme.gov/board-appeals/events/75721>

Tuesday, February 28, 2023

Regular Meeting – 6:30 P.M.

-
1. **Call to Order; Introductory; Roll Call**
 2. **Pledge of Allegiance**
 3. **Agenda Amendment and Adoption**
 4. **Executive session (if required)**
 5. **Public Hearings**
 - Alan Shepard, on behalf of owners Michael and Barbara Murphy of 52 Goodwin Road, request a Miscellaneous Variation to adjust the property line of a non-conforming lot located in the Residential – Rural Conservation Zone per Code Section 16.1.8.
 6. **Unfinished Business**
 7. **New Business**
 - Election of Board Officers
 - Chair
 - Vice Chair
 - Secretary
 8. **Acceptance of Previous Minutes**
 9. **Board Member or CEO Issues or Comment**
 10. **Adjournment**



BOA-22-6

Board of Appeals Application

Status: Active

Date Created: Dec 20, 2022

Applicant

Michael and Barbara Murphy
mike1murphy@gmail.com
PO Box 135
Kittery Point, ME 03905
941-320-2037

Primary Location

52 GOODWIN ROAD
KITTERY, ME 03905

Owner:

MURPHY, MICHAEL M
PO Box 135 Kittery Point, ME 03905

Property Owner Information

Full Legal Name(s)

Barbara B. Murphy and Michael M. Murphy

Mailing Address

PO Box 135

State

ME

Phone Number

941-320-2037

City

Kittery Point

Zip Code

03905

Email Address

mike1murphy@gmail.com

Applicant if different from Property Owner

Full Legal Name (s)

Alan E. Shepard

Mailing Address

93 Main Street

State

ME

City

Kennebunk

Zip Code

04043

Phone Number

207-985-2326

Email Address

alan@shepardandreadlaw.com

Property Information**Street Address**

52 Goodwin Road

Lot size in acreage

1

Tax Map

58

Lot Number

51B

Base Zone(s)

Rural Conservation Zone (R-RLC)

Overlay Zone(s)

Resource Protection?

Is the Subject Property located within a Shoreland Overlay or Resource Protection Overlay?

Yes

Is the Subject Property located in a floodplain?

No

Does the Subject Property have any outstanding code violations?

No

Application to Appear before the Board of Appeals

I wish to appear before the Board of Appeals to request:

A Miscellaneous Variation Request**Miscellaneous Variation Request****Nonconformance as prescribed in Chapter 16.1****Miscellaneous Variation Request Pertinent Town Codes****Title**

16.1.8.C.6(d)

Chapter and Section

Adjustment of common boundary line of nonconforming lots

Miscellaneous Variation Request Affirmations

I understand that the Board of Appeals:

May hear and decide on a miscellaneous variation request within the limitations set forth in Title 16 with the sections identified above.



Appears to have jurisdiction to hear this request; hearing must be held within 30 days of this request filing; application must be complete; and, public and abutter notice must be made no less than seven days prior to the scheduled hearing.



Will conduct this hearing De Nove (meaning the Board acts if it were considering the question for the first time, affording no deference to the preceding agency decisions; may receive new evidence and testimony consistent with the Town Code Title 16 and the Board rules; and, conduct additional hearings and receive additional evidence and testimony).



Will determine my Burden of Proof: 1. What does the ordinance/statute require the applicant to prove? 2. Does the ordinance/statute prohibit or limit the type of use being proposed? 3. What factors must be considered under ordinance/statutes to decide whether to grant the request? 4. Is the evidence presented substantial? Is it credible? Is it outweighed by conflicting evidence?



Requires substantial evidence as the Standard of Review for this request, meaning: "More than a mere scintilla". It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The preponderance of evidence standard is met if the proposition is more likely to be true than not true. The standard is satisfied if there is greater than fifty percent chance that the proposition is true.



May hear, decide, and approve variations in accordance with the criteria listed in Town Code Title 16, Section 6.6; and may consider other Title 16 standards.



Approval may not be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any state law which the municipality is responsible for enforcing.



Is only legally authorized to deal with issues arising from the list above; and do not include such matters as constitutionality, civil rights, criminal acts, property disputes, surliness, etc.



Will not even hear my appeal unless I can show that I have "standing" to have my complaint heard.



Purpose of establishing by case for "standing" is to limit appeals on an issue to those who are directly involved and/or affected.



Will try to decide my case based only on the factual information presented and what is written in the pertinent Town ordinance/regulation, State statute(s)/regulation(s) and the rulings of the State Supreme Judicial Court.



Tries to make decisions it believes would be upheld if appealed to the Superior Court.



Miscellaneous Variation Request Statement

Describe the general nature of the request:

This application respectfully seeks the approval of the Board of Appeals to change the dimensions of two parcels located at 52 Goodwin Road, and 64 Tower Road. These properties have been treated as separate lots by the Town's Assessor and were shown on old recorded plans, one in 1949, "Plan of Island Acres Inc." recorded at Plan Book 40 Page 44, and the other in 1950, "Plan of Rocky Shore Front of Island Acres Inc." recorded at Plan Book 22 Page 64.

The Goodwin parcel has approximately 90,765 square feet, and the Tower parcel has approximately 49,242 square feet. Since the applicants acquired these properties in 2014, the paper street that separated a portion of 52 Goodwin has been formally abandoned, adding approximately 3648 feet to the Goodwin property.

The applicant's existing home is on 64 Tower with a garage and ADU located on a portion of 52 Goodwin. The reconfiguration would add the garage property to 64 Tower, which would result in 52 Goodwin having 51,896 feet and 64 Tower having 91,752 square feet. This change increases the utility of both parcels to the greatest practical extent and results in one legally conforming lot at 91,752 square feet and one less nonconforming lot at 51,896 square feet. 52 Goodwin at 51,896 square feet becomes less non conforming than 64 Tower at 49,242 square feet.

Since 52 Goodwin would be more nonconforming, the ordinance requires Board of Appeal approval pursuant to Section 16.1.8.C.6(d). Given that the reconfiguration effectively reverses the parcel sizes that presently exist, it is fair to say that each resulting lot is as conforming as practicable to the dimensional requirements of the ordinance.

This shift in the lot line has no impact on the surrounding properties, and the resulting size of 52 Goodwin will make it larger than many of the lots in the area on Gerrish Island.

Certification of Application

Applicant's Signature

Michael M Murphy and Barbara B Murphy
12/20/2022







Name of Applicant

Michael and Barbara Murphy

Date

12/20/2022

Attachments

-  Survey 52 Goodwin 6-10-21.pdf
Uploaded by Michael and Barbara Murphy on Dec 20, 2022 at 12:10 pm
-  Survey 64 Tower Rev A 4-23-20.pdf
Uploaded by Michael and Barbara Murphy on Dec 20, 2022 at 12:10 pm
-  BOA-22-6 Payment Receipt.pdf
Uploaded by Michael and Barbara Murphy on Dec 21, 2022 at 8:50 am
-  9. Bailey Murphy Deed 2014.pdf
Uploaded by Michael and Barbara Murphy on Dec 20, 2022 at 12:12 pm
-  Tax Assessor Vision 52 Goodwin.pdf
Uploaded by Michael and Barbara Murphy on Dec 20, 2022 at 12:12 pm
-  Plan of Island Acres 1949.pdf
Uploaded by Michael and Barbara Murphy on Dec 20, 2022 at 3:04 pm

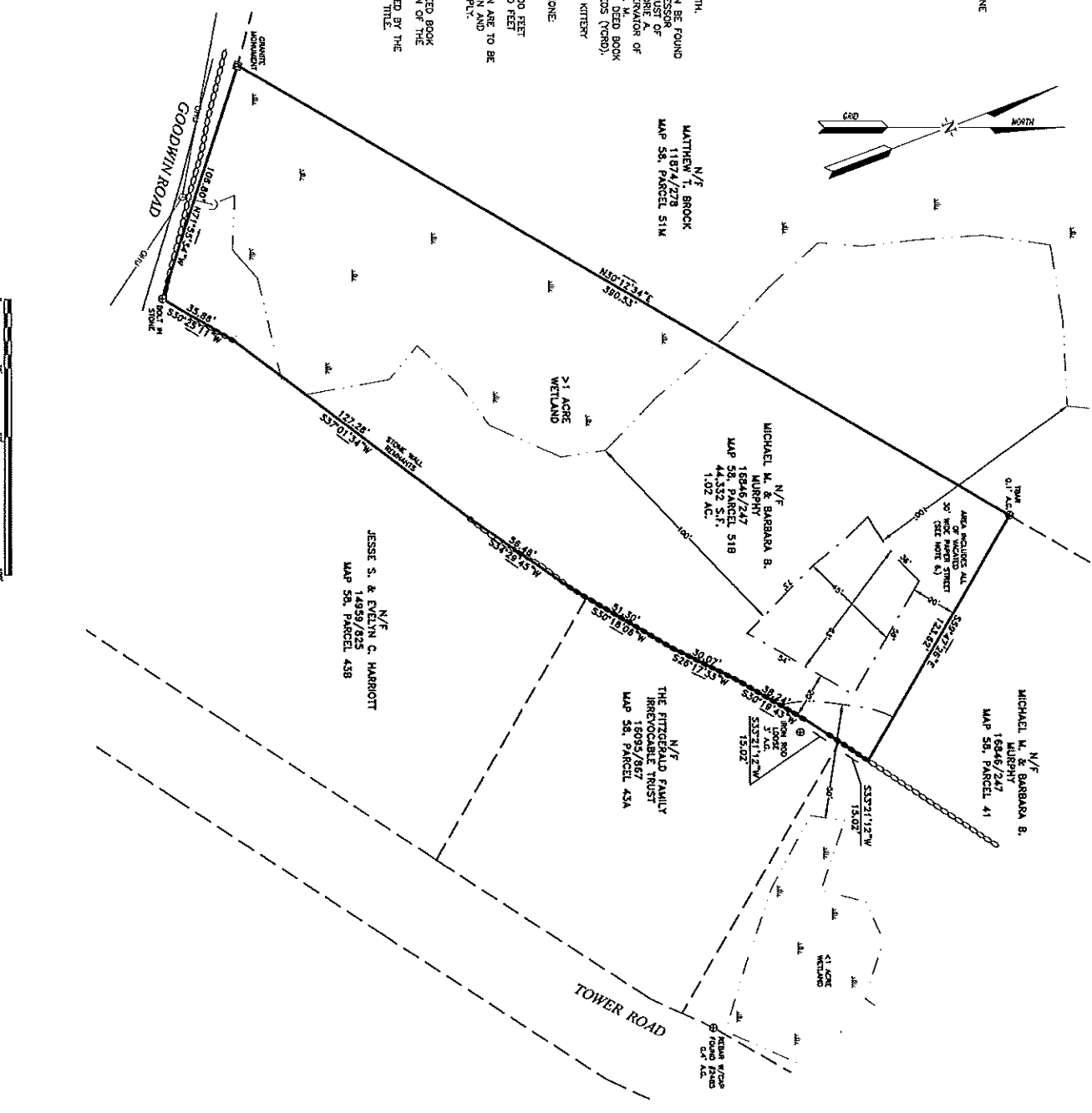
LEGEND

- MONUMENT FOUND
- UTILITY POLE
- CLY WIRE
- BOUNDARY LINE
- ABUTTER OR RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE
- EDGE OF WETLAND
- STONEWALL
- OVERHEAD UTILITIES
- NOW OR FORMERLY DEED BOOK & PAGE ABOVE GROUND
- N/F 1234/567 A.C.

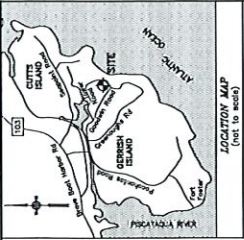
NOTES

1. THE BASIS OF BEARING OF THIS PLAN IS GRID NORTH.
2. RECORD OWNERSHIP OF THE PARCEL SURVEYED CAN BE FOUND IN DEED BOOK 11874/278, MAP 58, PARCEL 51A TRUSTEE OF THE ROBERT T. BAILEY REVOCABLE TRUST OF 1985 AND AS SUCCESSOR TRUSTEE OF THE MARJORIE A. BAILEY REVOCABLE TRUST OF 1985 AND AS CONSERVATOR OF WILSON TRUST OF 1985 AND AS CONSERVATOR OF MURPHY DEEDED JULY 1, 2014 AND RECORDED IN DEED BOOK 16846, PAGE 247 YORK COUNTY REGISTER OF DEEDS (YCRD).
3. THE PARCEL SHOWN IS LOCATED ON THE TOWN OF KITTEERY ASSESSOR'S MAP 58, PARCEL 51B.
4. THE SUBJECT PARCEL IS LOCATED IN THE R-R-LC ZONE:
MIN. FRONT SETBACK = 40 FEET
MIN. SIDE & REAR SETBACK = 20 FEET
MIN. WETLAND SETBACK = 100 FEET
BUILDING SETBACK FROM < 1 AC. WETLAND = 50 FEET
BUILDING SETBACK FROM > 1 AC. WETLAND = 50 FEET
5. THE DIMENSIONAL REQUIREMENTS SHOWN HEREIN ARE TO BE STRICTLY ENFORCED AND CONSTRUCTION RESTRICTIONS MAY APPLY.
6. WETLAND DELINEATION PROVIDED BY OTHERS.
7. REFERENCE IS MADE TO A NOTICE RECORDED IN DEED BOOK 16178 PAGE 161, SAID NOTICE CLAIMS THE PORTION OF THE VACATED WAY ABUTTING THE LOCUS PARCEL TO THE CENTERLINE OF THE 30' WIDE PAPER STREET VACATED BY THE TOWN OF KITTEERY. THIS PLAN DOES NOT PURPORT TITLE.

WORK AS REGISTRY OF DEEDS
RECEIVED _____ 20
AT _____ P. _____ M., AND
RECORDED IN BOOK _____ PAGE _____
ATTEST: _____
REGISTER



<p>Plan of Land</p> <p>Map 58, Parcel 51B</p> <p>52 Goodwin Road</p> <p>Kittery, Maine</p>	<p>Owner/Prepared for:</p> <p>Michael M. & Barbara B. Murphy</p> <p>64 Tower Road</p> <p>Kittery, Maine 03905</p>	<p>KIMBALL</p> <p>SURVY & DESIGN, INC.</p> <p>30 FRANK HILL ROAD YORK, MAINE 03927 207-351-0126</p> <p>EMAIL: KIMBALL@LANDSURVYDESIGN.COM WWW.KIMBALLANDSURVYDESIGN.COM</p> <p>PROFESSIONAL LAND SURVEYING</p>	
<p>DATE: JUNE 10, 2021</p> <p>PROJECT NO.: 2174</p> <p>SCALE: 1" = 30'</p> <p>CAD FILE: 2174.dwg</p>	<p>SHEET</p> <p>1 OF 1</p>		



ZONING DATA PER KITTERY ZONING ORDINANCE, CLASSIFICATION, MAY 29, 2020 - SEE NOTE #1.
BASE ZONE: Residential-Rural Conservation (R-R-C)
OVERLAY ZONE: Shoreland (OZ-51-2507)

REQUIREMENTS:
 MINIMUM LAND AREA: 20,000 SQ. FT.
 MINIMUM LOT SIZE: 20,000 SQ. FT.
 MINIMUM LAND AREA PER DWELLING UNIT: 20,000 SQ. FT.
 MINIMUM LOT AREA PER DWELLING UNIT: 20,000 SQ. FT.
 MINIMUM SETBACKS: 25 FT.
 MINIMUM BUILDING COVERAGE: 25 FT.
 MINIMUM BUILDING HEIGHT: 25 FT.

02-51-2507 REQUIREMENTS (SEE 15.3.3.2.1.2):
 MINIMUM LOT SIZE: 20,000 SQ. FT.
 MINIMUM LAND AREA PER DWELLING UNIT: 20,000 SQ. FT.
 MINIMUM LOT AREA PER DWELLING UNIT: 20,000 SQ. FT.
 MINIMUM SETBACKS: 25 FT.
 MINIMUM BUILDING COVERAGE: 25 FT.
 MINIMUM BUILDING HEIGHT: 25 FT.

- PLAN REFERENCES:**
1. "ZONING COMPLIANCE PLAN FOR PROPERTY AT 56 & 59 TOWER ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY ARSHEE R. MCCOWAN & MARY QUINN", PREPARED BY NORTH EASTERN SURVEYING, INC., DATED JUNE 19, 2017, LAST REVISED OCTOBER 15, 2018.
 2. "PLAN OF LOTS 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172



BK 16846 PGS 247 - 250 07/02/2014 10:23:26 AM
 INSTR # 2014023814 DEBRA ANDERSON
 RECEIVED YORK SS REGISTER OF DEEDS

Maine R.E. Transfer Tax Paid

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That, I, FRANK G. MEANOR, JR., as SUCCESSOR TRUSTEE of THE ROBERT L. BAILEY REVOCABLE TRUST OF 1995, u/d/t dated March 9, 1995 and as SUCCESSOR TRUSTEE of THE MARJORIE A. BAILEY REVOCABLE TRUST OF 1995, u/d/t dated March 9, 1995 and as CONSERVATOR (See York County Probate Court, Maine, Docket #2013-0731 for appointment) of ROBERT L. BAILEY, SR., of One New Hampshire Avenue, Suite 125, Portsmouth, New Hampshire, 03801 for consideration paid, grant to BARBARA B. MURPHY and MICHAEL M. MURPHY, of 830 N. Jackson Road, Venice, Florida, 34292, as joint tenants with rights of survivorship, *WITH WARRANTY COVENANTS*, the following described premises:

A certain lot or parcel of land, with any improvements thereon, situated on the north side of Goodwin Road on Gerrish Island, Kittery Point, County of York, State of Maine, bounded and described as follows:

Beginning at a point on the northerly line of Goodwin Road at the intersection of stonewalls, said point being about 115' westerly of the intersection of the said northerly line of Goodwin Road and the westerly line of Ocean Road, thence northerly by said stone wall about 730' to the southeast corner of Lot No. 52 as shown on a plan entitled "Plan of Island Acres, Inc." prepared by John W. Durgin, C. E. and dated December, 1949 showing subsequent purchase of Bristol property and filed in the York County Registry of Deeds as Plan Book 40, Page 44; thence westerly by Lot No. 52, 110' to the southwesterly corner of said Lot No. 52; thence southerly a figured distance of about 700' to the northerly line of said Goodwin Road; thence easterly by Goodwin Road 110' to the point of beginning.

Also, a certain parcel of land, with any improvements thereon, situated in the marsh area, so-called, on Gerrish Island in Kittery Point, York County, Maine and being westerly of Crescent Beach, also called Goodwin Beach, and bound and described as follows:

HP → MCEALHERN

Commencing at a point on the westerly line of land of Town of Kittery, said point being 150' northeasterly of the northeast corner of land now or formerly of Brennan; thence northeasterly by the westerly line of said Town of Kittery land 300'; thence north 45° 08' west parallel to the northerly line of said Brennan land 300' ; thence southwesterly about 300' to a point; thence south 45° 08' east and parallel to the northerly line of said Brennan land 300' to the point of beginning.

There is further conveyed a right of way over Goodwin Road, Tower Road and other ways as may be developed on those premises above described, and this conveyance is made subject to any and all existing rights of way, if any, across the above described parcels.

Also, certain lots or parcels of land, with any improvements thereon, located on Gerrish Island in Kittery, Maine, as follows:

Lots number forty-three (43), forty-four (44), and forty-five (45) according to a plan of lots known as "Rocky Shore Front" of Island Acres, Inc. located on Gerrish Island in Kittery, State of Maine; said plan of lots being recorded in the York County Registry of Deeds in Alfred in the State of Maine in Plan Book number twenty-two (22), Page sixty-four (64).

Also conveying herewith a right of way for all purposes from the end of the town or state highway abutting said grantor's property, along Goodwin Road, so-called, and along a proposed road running northeasterly from said Goodwin Road to the northwesterly of said lots, said right of way being more particularly shown on the above said plan and a certain plan described as "Plan A" of the "Creek Shore Area of Island Acres. Inc." made by John Durgin, C. E., said plan being recorded in Plan Book 17, Page 54, to which more particular reference may be had.

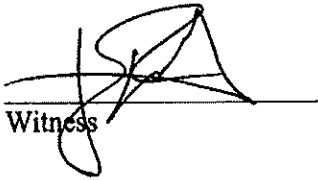
Meaning and intending to convey the same premises conveyed to Robert L. Bailey, as Trustee of The Robert L. Bailey Revocable Trust of 1995 and Marjorie A. Bailey, as Trustee of The Marjorie A. Bailey Revocable Trust of 1995 by deed of Robert L. Bailey and Marjorie A. Bailey, dated March 9, 1995 and recorded in the York County Registry of Deeds at Book 7402, Page 180 (in which Book 1687, Page 420 was erroneously referred to as Book 1637, Page 420 by scrivener's error). See also deeds at Book 5928, Page 009; Book 2222, Page 209; Book 2222, Page 207; Book 2222, Page 204; Book 1687, Page 420; and Book 1570, Page 110. See also death certificate for Marjorie A. Bailey recorded herewith.

The undersigned, Frank G. Meanor, Jr., Successor Trustee of The Robert L. Bailey Revocable Trust of 1995, under Declaration of Trust dated March 9, 1995 and The Marjorie A. Bailey Revocable Trust of 1995, under Declaration of Trust dated March 9, 1995, has full and absolute power pursuant to and in accordance with said Trust Agreements to convey any real estate or interest in real estate held in said Trusts, and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power, or shall be bound to see the application of any money, property, asset paid to the Trustee for a conveyance thereof. I further certify that I am the Successor Trustee, and that said Trusts have not been revoked, and remain in full force and effect.

Furthermore, the undersigned, Frank G. Meanor, Jr., Conservator of Robert L. Bailey, Sr., under Appointment by the York County Probate Court, Maine, Docket #2013-0731, has full and absolute power pursuant to and in accordance with said Appointment to convey any real estate or interest in real estate held by Robert L. Bailey, Sr. I further certify that I am the Conservator, and my power has not been revoked, and remains in full force and effect.

Dated this 1st day of July, 2014.

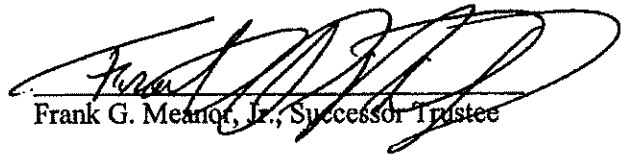
THE ROBERT L. BAILEY REVOCABLE TRUST
OF 1995


Witness

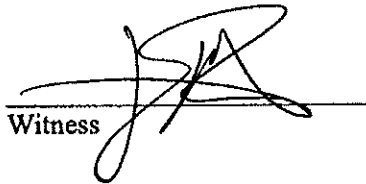

Frank G. Meanor, Jr., Successor Trustee

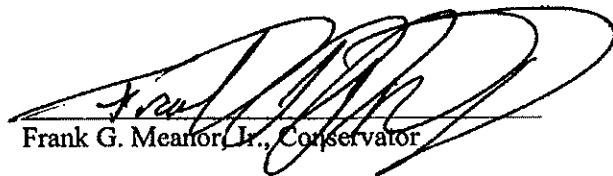
THE MARJORIE A. BAILEY REVOCABLE
TRUST OF 1995


Witness


Frank G. Meanor, Jr., Successor Trustee

CONSERVATOR OF ROBERT L. BAILEY, SR.

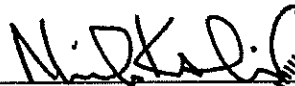

Witness



Frank G. Meanor, Jr., Conservator

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this 1st day of July, 2014, the above-named Frank G. Meanor, Jr., who acknowledged himself to be the Successor Trustee of The Robert L. Bailey Revocable Trust of 1995 and The Marjorie A. Bailey Revocable Trust of 1995, and as such Successor Trustee, being authorized so to do, he executed the forgoing instrument for the purposes therein contained on behalf of said Trusts; Frank G. Meanor, Jr. also acknowledges himself to be the Conservator of Robert L. Bailey, Sr., and as such Conservator, being authorized to do so, he executed the foregoing instrument for the purposed therein contained on behalf of Robert L. Bailey, Sr.

Before me,


Notary Public/Justice of Peace
My Commission Expires



Replacement Cost

Less Depreciation: \$56,700

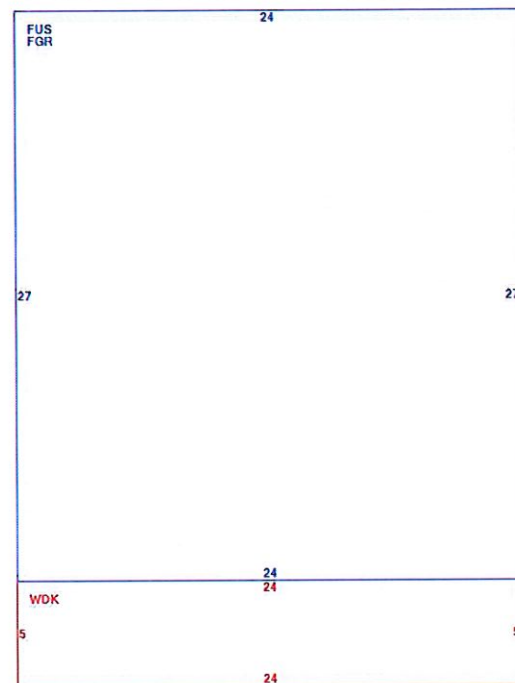
Building Attributes : Bldg 2 of 2	
Field	Description
Style	FGR W/ Apt
Model	Residential
Grade:	Average
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plywood Panel
Interior Wall 2	
Interior Flr 1	Inlaid Sht Gds
Interior Flr 2	
Heat Fuel	Electric
Heat Type:	Electr Basebrd
AC Type:	None
Total Bedrooms:	1 Bedroom
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	3 Rooms
Bath Style:	Average
Kitchen Style:	Old Style
MHP	

Building Photo



(<https://images.vgsi.com/photos/KitteryMEPhotos/A0008711.jpeg>)

Building Layout



(ParcelSketch.ashx?pid=3336&bid=3428)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
FUS	Upper Story, Finished	648	648	
FGR	Garage, Framed	648	0	
WDK	Deck, Wood	120	0	
		1,416	648	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL1	FIREPLACE 1 ST	1.00 UNITS	\$4,000	1

FPO	EXTRA FPL OPEN	1.00 UNITS	\$1,100	1
-----	----------------	------------	---------	---

Land

Land Use

Use Code 1090
 Description MULTI HSES MDL-01
 Zone R-RC
 Neighborhood GI
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 1.9
 Frontage 0
 Depth 0
 Assessed Value \$450,900
 Appraised Value \$450,900

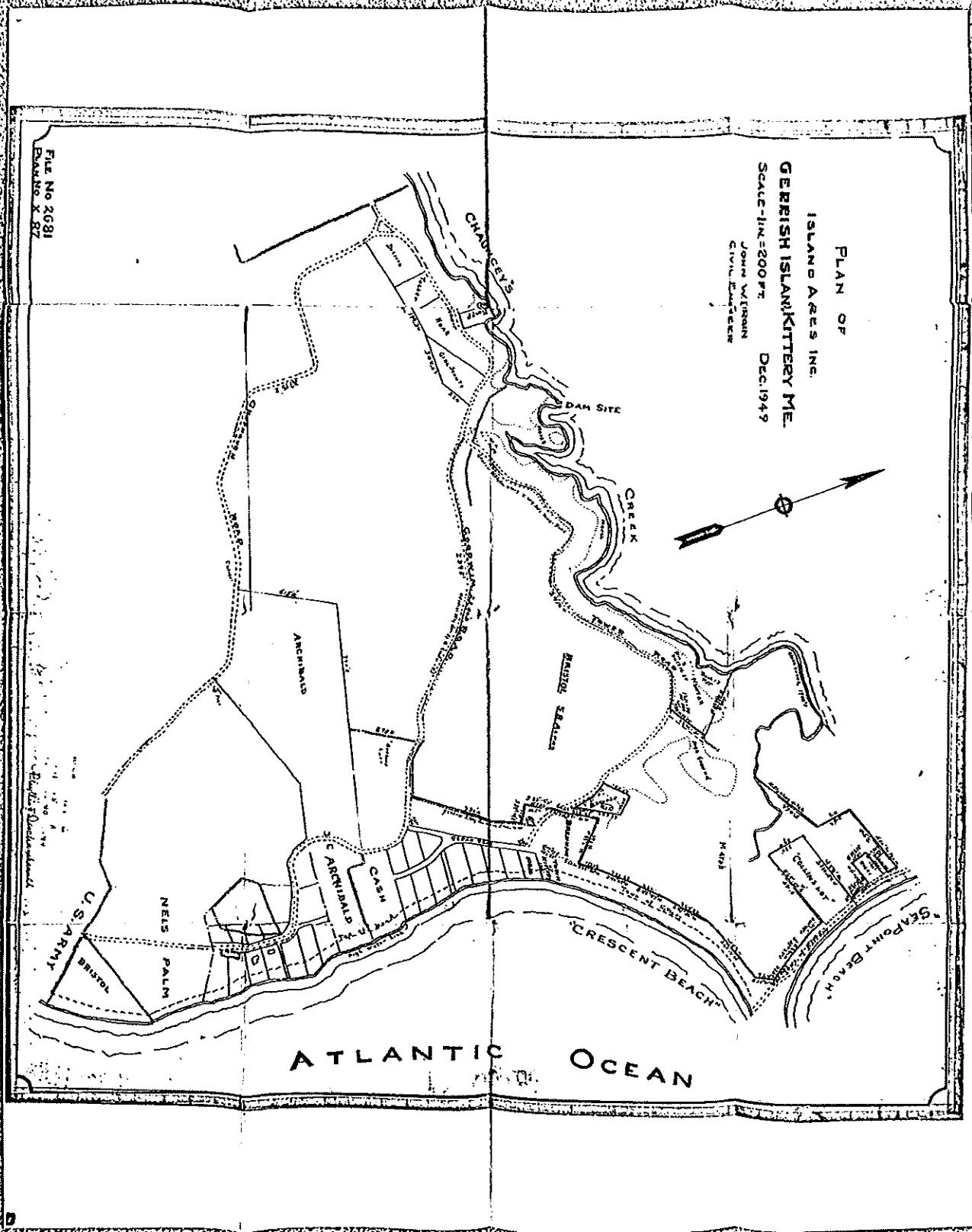
Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			120.00 S.F.	\$900	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$195,000	\$450,900	\$645,900
2021	\$195,000	\$450,900	\$645,900
2020	\$211,300	\$479,400	\$690,700

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$195,000	\$450,900	\$645,900
2021	\$195,000	\$450,900	\$645,900
2020	\$211,300	\$479,400	\$690,700



PLAN OF
ISLAND AREA INC.
GERISH ISLAND, KITTERY ME.
SCALE - 1 IN. = 200 FT.
JOHN W. ERGIN
CIVIL ENGINEER
DEC. 1949

FILE NO 2081
PLANS X 87

ATLANTIC OCEAN

U.S. ARMY
BRISTOL

NEIS PALM

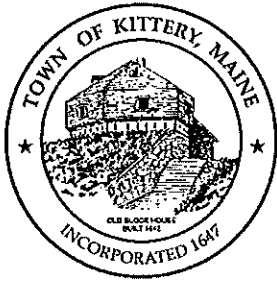
ARCHIBALD
CASH

CRESCENT BEACH
SEAPOINT BEACH

CHANCEY'S
CREEK

RAZOR SEALS

DAM SITE



PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT

BOA Meeting Date: February 28, 2023

Item #: MVR2023-01

STAFF REPORT – 52 Goodwin Road – MISCELLANEOUS VARIATION REQUEST

Project Name: 52 Goodwin Road

Applicant: Alan Shepard

Owner: Michael & Barbara Murphy

Proposed Development: Lot Line Adjustment

Requests: Miscellaneous Variation Request to adjust the property line of a non-conforming lot located in the Residential – Rural Conservation Zone per Code Section 16.1.8.

Site Addresses: 52 Goodwin Road

Map & Lot Numbers: M 58 L 51B

Current Zoning:

Residential – Rural Conservation (R-RC) – The purpose of the Residential - Rural Conservation R-RC Zone is to conserve and protect land areas of the Town which by their location and character require special measures to ensure low-density development.

The following is permitted in the Residential – Rural Conservation (R-RC) Zone: (4) Dwelling, single-family. The proposed use is permitted by right.

Staff Recommendation: APPROVAL of miscellaneous variation request.

District Standards:

Residential – Rural Conservation (R-RC) Zone			
Minimum Road Frontage	200 feet	Front Yard Setback (min.)	40 feet
Lot Size (min.)	80,000 sf	Rear Yard Setback (min.)	20 feet
Side Yard Setback (min.)	20 feet		

Current Use: Vacant Land

Surrounding Land Uses:

North: Residential – Rural Conservation (R-RC) – Dwelling Unit

South: Residential – Rural Conservation (R-RC) – Dwelling Unit

East: Residential – Rural Conservation (R-RC) – Dwelling Unit

West: Residential – Rural Conservation (R-RC) – Dwelling Unit

Future Land Use:

The subject property is located within the “Limited Growth” area on the future land use map which is defined as areas that could accommodate a minimal amount of growth.

Site Description:

52 Goodwin Road (Parcel A) consists of 2.08 acres, or 90,765 square feet and contains a garage with a dwelling unit above. The lot is legally non-conforming due to its road frontage being 110 feet. 64 Tower Road (Parcel B) consists of 1.13 acres or 49,242 square feet and contains a single-family dwelling unit. The lot is legally non-conforming due to lot size.

History of the Property:

Both properties were originally multiple smaller lots that were combined throughout the years into large parcels. Parcel A was originally 6 parcels with a right of way in the middle of the property. Parcel B was originally 3 parcels, with the right of way from Parcel A along its southern border. See attached letter for more information.

Description of the Issue:

Both properties are currently owned by Mr. & Mrs. Murphy. The properties are incorrectly drawn on the Town’s tax maps, giving the impression that Parcel A was vacant, and Parcel B contained the single-family dwelling with a garage and ADU. The Murphy’s intention has always been to sell Parcel A and retain Parcel B. The tax map error was discovered during the review process for a Planning Board wetland alteration request for Parcel A. The Murphy’s are looking to configure the lots approximately as the Town’s tax maps show. The Murphy’s have owned the properties since 2014 and have viewed them as the incorrect tax maps indicate. If the reconfiguration were approved, Parcel A would drop in size to 51,896 square feet. The parcel would still be non-conforming but due to road frontage *and* lot size. Parcel B would increase in size to 91,752 square feet and would become a conforming lot. The area of the right of way would be absorbed by into the two newly created lots. Only one internal boundary line would change, so road frontage would not be affected. This matter is in front of the Board because the proposed Parcel A’s lot size would become non-conforming if the lot line adjustment is approved. See attached letter for more information.

Applicant’s Miscellaneous Variation Request:

Section 16.2.12.F requires the Board of Appeals to use the following process when hearing requests:

§ 16.2.12.F Basis for decision.

A. Conditions.

- (1) In hearing appeals/requests under this section, the Board of Appeals must first*

establish that it has a basis in law to conduct the hearing and decide the question.

LUDC Section 16.2.12.D.(3) allows the Board of Appeals to decide variations for nonconformities covered in Section 16.1.8. Further, Section 16.1.8.C.(6)(a)[1] states, “Nonconforming lots. In any district, notwithstanding limitations imposed by other sections of this title, single noncontiguous lots legally created when recorded may be built upon consistent with the uses in the particular zone. These provisions apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable in the zone, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot conform to the regulation for the zone in which such lot is located. Relaxation of yard and other requirements not involving area or width may be obtained only through miscellaneous variation request to the Board of Appeals.”

(2) In hearing appeals/requests under this section, the Board of Appeals must use the following criteria as the basis of a decision, that:

(a) The proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;

Staff believes the use will not prevent the orderly and reasonable use of adjacent properties since adjacent properties are zoned Residential – Rural Conservation and contain similar uses as the subject property.

(b) The use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located or of permitted or legally established uses in adjacent use zones;

Staff believes the use will not prevent the orderly and reasonable use of legally established uses in the zone since the use is like adjoining properties and there are no use restrictions among adjacent dwelling units.

(c) The safety, the health and the welfare of the Town will not be adversely affected by the proposed use or its location; and

Staff believes the use will not adversely affect the health and welfare of the Town.

(d) The use will be in harmony with and promote the general purposes and intent of this title.

Staff believes the use is in harmony with Title 16 and promotes its general purposes.

Factors for consideration. In making such determination, the Board of Appeals must also give

consideration, among other things, to:

- (1) *The character of the existing and probable development of uses in the zone and the peculiar suitability of such zone for the location of any of such uses;*

The proposed use involved is allowed in the zone by right.

- (2) *The conservation of property values and the encouragement of the most appropriate uses of land;*

Staff believes the proposed change would not have a negative effect on property values in the area as the change will not affect the exterior boundary lines of the properties.

- (3) *The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets or highways;*

There is no proposed increase in density that would result in additional vehicular traffic.

- (4) *The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use;*

Any increase in sewage or effluent would be treated by an adequately designed septic system that would be installed at the time of development of the vacant lot.

- (5) *Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;*

The proposed use produces no obnoxious gases, odors, smoke or soot.

- (6) *Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;*

The proposed use causes no disturbing emission of electrical discharges, dust, light, vibration or noise.

- (7) *Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;*

No undue interference should result from this use.

- (8) *The necessity for paved off-street parking;*

The proposed use would not affect off-street parking

- (9) *Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used, or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus, or by the undue concentration or assemblage of persons upon such plot;*

No hazards should result from this use.

- (10) *Whether the use, or the structures to be used, will cause an overcrowding of land or undue concentration of population or unsightly storage of equipment, vehicles or other materials;*

No overcrowding should result from this use.

- (11) *Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;*

The lot would be a legal, non-conforming lot of record meeting the minimum lot size per the Maine Subsurface Wastewater regulations.

- (12) *Whether the proposed use will be adequately screened and buffered from contiguous properties;*

Landscaping and buffering will be reviewed at the time of development.

- (13) *The assurance of adequate landscaping, grading and provision for natural drainage;*

Grade changes and drainage will be reviewed at the time of development.

- (14) *Whether the proposed use will provide for adequate pedestrian circulation;*

The proposed project will not change current pedestrian circulation.

- (15) *Whether the proposed use anticipates and eliminates potential nuisances created by its location; and*

No new nuisances are expected from the lot line adjustment.

- (16) *The satisfactory compliance with all applicable performance standard criteria contained in Chapters 16.8 and 16.9.*

Other than the miscellaneous variation request filed here, the proposed use appears to conform to Title 16.8 and 16.9.

Using the standards and criteria found in 16.2.12.F of the LUDC, Staff recommends APPROVAL of the miscellaneous variation request to adjust the property line as proposed.

Sample Findings of Fact

1. The request is to adjust the property line between two legally non-conforming lots.
2. 52 Goodwin Road is currently non-conforming due to road frontage; 64 Tower Road is non-conforming due to lot size.
3. 52 Goodwin Road contains 2.08 acres and 64 Tower Road contains 1.13 acres.
4. After the adjustment 52 Goodwin Road would contain 1.19 acres and be non-conforming due to road frontage and lot size; 64 Tower Road would contain 2.11 acres and be a conforming lot.
5. The Board considered the Basis for Decision in Section 16.2.12.F.
6. Staff recommends approval.
7. The Board _____ the Miscellaneous Variation Request.

Sample Conclusions of Law

1. The Board had the authority to hear the request per Section 16.2.12.D.(3)(a).
2. The Board considered the Basis for Decision and Factors for Consideration set forth in 16.2.12.F.
3. The request was _____.



TOWN OF KITTERY
Code Enforcement Office
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1308 Fax: (207) 439-6806

October 14, 2022

Michael & Barbara Murphy
64 Tower Road
Kittery Point, ME 03905

RE: 52 Goodwin Road, 58-51B

Michael & Barbara,

I am writing to notify you of the Town's findings regarding the buildability of the vacant lot located at 52 Goodwin Road. Previously, information had been submitted showing that once the right of way between 52 Goodwin Road and 64 Tower Road had been vacated that the lots should have merged. You submitted a countering legal opinion, and both were sent to the Town's legal team for review. Based on the information at hand, the Town's legal team agreed with the opinion that the lots had merged. This occurred in February of 2022. In August of 2022 you met with Adam Causey of the Planning Department and presented evidence that the Town's tax map indicating the shape and orientation of your properties were incorrect. Town Code §16.1.8.C.(6)(b)[2] states:



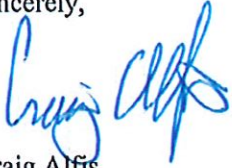
Contiguous-built upon nonconforming lots. If two or more contiguous lots or parcels were in a single or joint ownership of record prior to July 13, 1977, or prior to December 15, 1973, for properties within the Shoreland Overlay Zone, if all or part of the lots do not meet the dimensional requirements of this title, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. §§ 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

The evidence indicated that the parcels each contained a primary structure and were delineated as shown on Attachment 1. The approximate locations of the garage with dwelling unit and house are also indicated on Attachment 1. The Town's legal team reviewed the information and agreed that per the previously cited Code Section, the lots have not merged. The deed indicating the respective parcels is included as Attachment 2.

On October 5th, 2022, I met with you to discuss the findings. During that meeting we discussed the possibility of reconfiguring the lot lines to create a conforming lot at 64 Tower Road and a non-conforming lot at 52 Goodwin Road. This is the opposite of what is currently existing as 64 Tower Road is non-conforming, and 52 Goodwin Road is conforming. It appears that Board of Appeals approval will be required as one of the lots will become more non-conforming than it currently is. I've included the reconfiguration as I understand it as Attachment 3.

Feel free to reach out to me at the information provided below to discuss.

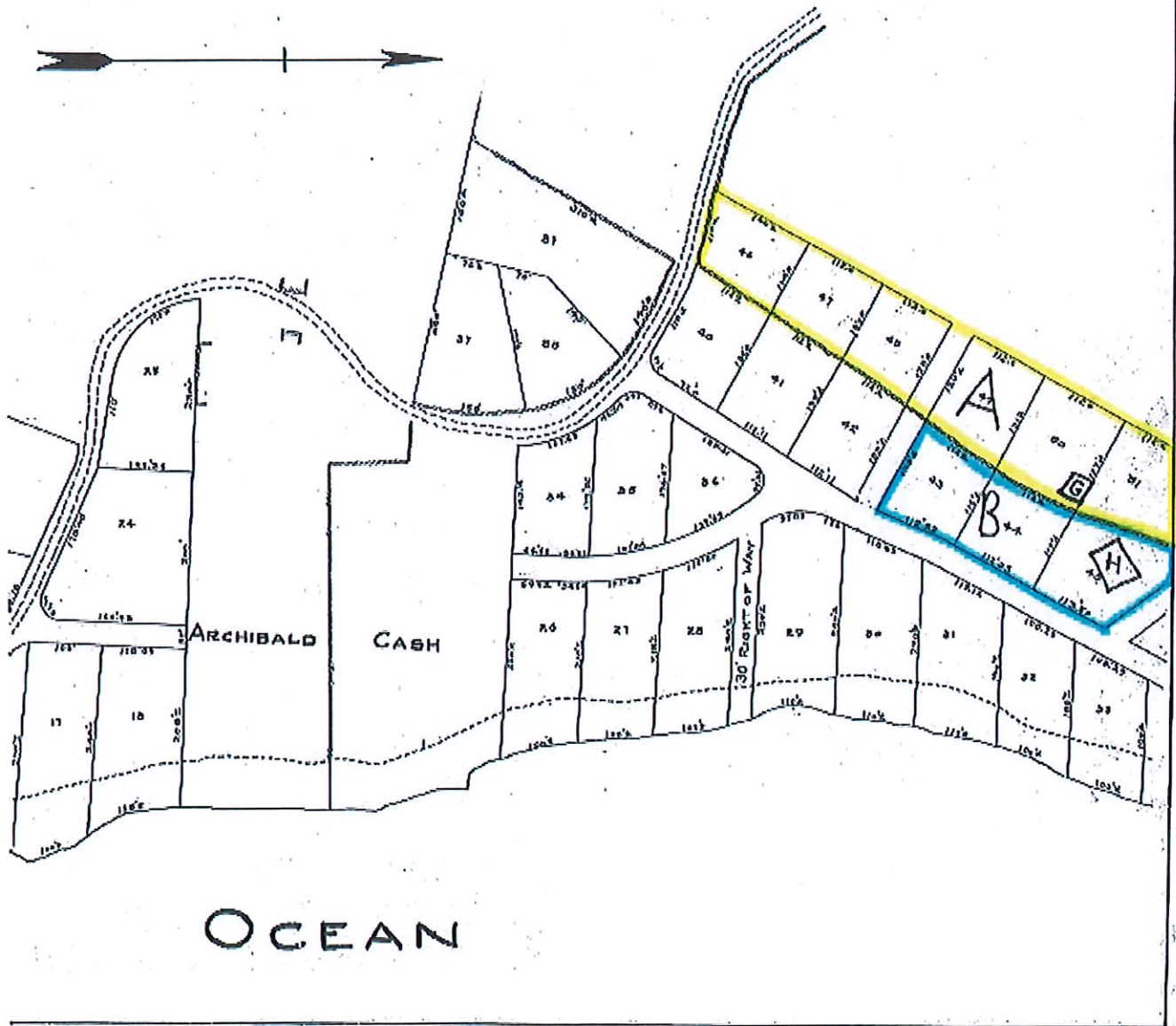
Sincerely,

A handwritten signature in blue ink, appearing to read "Craig Alfis". The signature is fluid and cursive, with the first name "Craig" and last name "Alfis" clearly distinguishable.

Craig Alfis
Code Enforcement Officer
200 Rogers Road
Kittery, Maine 03904
207-475-1308

Cc: Property file
Matt Brock, 50 Goodwin Road, Kittery Point

Attachment 1





BK 16846 PGS 247 - 250 07/02/2014 10:23:26 AM
INSTR # 2014023814 DEBRA ANDERSON
RECEIVED YORK SS REGISTER OF DEEDS

WARRANTY DEED

Maine R.E. Transfer Tax Paid

KNOW ALL MEN BY THESE PRESENTS, That, I, FRANK G. MEANOR, JR., as SUCCESSOR TRUSTEE of THE ROBERT L. BAILEY REVOCABLE TRUST OF 1995, w/d/t dated March 9, 1995 and as SUCCESSOR TRUSTEE of THE MARJORIE A. BAILEY REVOCABLE TRUST OF 1995, w/d/t dated March 9, 1995 and as CONSERVATOR (See York County Probate Court, Maine, Docket #2013-0731 for appointment) of ROBERT L. BAILEY, SR., of One New Hampshire Avenue, Suite 125, Portsmouth, New Hampshire, 03801 for consideration paid, grant to BARBARA B. MURPHY and MICHAEL M. MURPHY, of 830 N. Jackson Road, Venice, Florida, 34292, as joint tenants with rights of survivorship, WITH WARRANTY COVENANTS, the following described premises:

A certain lot or parcel of land, with any improvements thereon, situated on the north side of Goodwin Road on Gerrish Island, Kittery Point, County of York, State of Maine, bounded and described as follows:

Parcel A - 52 Goodwin Rd.

Beginning at a point on the northerly line of Goodwin Road at the intersection of stonewalls, said point being about 115' westerly of the intersection of the said northerly line of Goodwin Road and the westerly line of Ocean Road, thence northerly by said stone wall about 730' to the southeast corner of Lot No. 52 as shown on a plan entitled "Plan of Island Acres, Inc." prepared by John W. Durgin, C. E. and dated December, 1949 showing subsequent purchase of Bristol property and filed in the York County Registry of Deeds as Plan Book 40, Page 44; thence westerly by Lot No. 52, 110' to the southwest corner of said Lot No. 52; thence southerly a figured distance of about 700' to the northerly line of said Goodwin Road; thence easterly by Goodwin Road 110' to the point of beginning.

≈ 90,765 SF

Also, a certain parcel of land, with any improvements thereon, situated in the marsh area, so-called, on Gerrish Island in Kittery Point, York County, Maine and being westerly of Crescent Beach, also called Goodwin Beach, and bound and described as follows:

HP-7 MCEACHERN

Commencing at a point on the westerly line of land of Town of Kittery, said point being 150' northeasterly of the northeast corner of land now or formerly of Brennan; thence northeasterly by the westerly line of said Town of Kittery land 300'; thence north 45° 08' west parallel to the northerly line of said Brennan land 300' ; thence southwesterly about 300' to a point; thence south 45° 08' east and parallel to the northerly line of said Brennan land 300' to the point of beginning.

There is further conveyed a right of way over Goodwin Road, Tower Road and other ways as may be developed on those premises above described, and this conveyance is made subject to any and all existing rights of way, if any, across the above described parcels.

Also, certain lots or parcels of land, with any improvements thereon, located on Gerrish Island in Kittery, Maine, as follows:

Parcel B - 64 Tower Rd.

Lots number forty-three (43), forty-four (44), and forty-five (45) according to a plan of lots known as "Rocky Shore Front" of Island Acres, Inc. located on Gerrish Island in Kittery, State of Maine; said plan of lots being recorded in the York County Registry of Deeds in Alfred in the State of Maine in Plan Book number twenty-two (22), Page sixty-four (64).

~49,242 SF

Also conveying herewith a right of way for all purposes from the end of the town or state highway abutting said grantor's property, along Goodwin Road, so-called, and along a proposed road running northeasterly from said Goodwin Road to the northwesterly of said lots, said right of way being more particularly shown on the above said plan and a certain plan described as "Plan A" of the "Creek Shore Area of Island Acres, Inc." made by John Durgin, C. E., said plan being recorded in Plan Book 17, Page 54, to which more particular reference may be had.

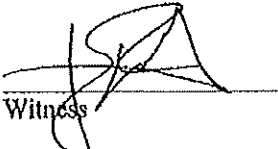
Meaning and intending to convey the same premises conveyed to Robert L. Bailey, as Trustee of The Robert L. Bailey Revocable Trust of 1995 and Marjorie A. Bailey, as Trustee of The Marjorie A. Bailey Revocable Trust of 1995 by deed of Robert L. Bailey and Marjorie A. Bailey, dated March 9, 1995 and recorded in the York County Registry of Deeds at Book 7402, Page 180 (in which Book 1687, Page 420 was erroneously referred to as Book 1637, Page 420 by scrivener's error). See also deeds at Book 5928, Page 009; Book 2222, Page 209; Book 2222, Page 207; Book 2222, Page 204; Book 1687, Page 420; and Book 1570, Page 110. See also death certificate for Marjorie A. Bailey recorded herewith.

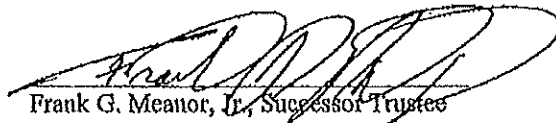
The undersigned, Frank G. Meanor, Jr., Successor Trustee of The Robert L. Bailey Revocable Trust of 1995, under Declaration of Trust dated March 9, 1995 and The Marjorie A. Bailey Revocable Trust of 1995, under Declaration of Trust dated March 9, 1995, has full and absolute power pursuant to and in accordance with said Trust Agreements to convey any real estate or interest in real estate held in said Trusts, and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power, or shall be bound to see the application of any money, property, asset paid to the Trustee for a conveyance thereof. I further certify that I am the Successor Trustee, and that said Trusts have not been revoked, and remain in full force and effect.

Furthermore, the undersigned, Frank G. Meanor, Jr., Conservator of Robert L. Bailey, Sr., under Appointment by the York County Probate Court, Maine, Docket #2013-0731, has full and absolute power pursuant to and in accordance with said Appointment to convey any real estate or interest in real estate held by Robert L. Bailey, Sr. I further certify that I am the Conservator, and my power has not been revoked, and remains in full force and effect.

Dated this 1st day of July, 2014.

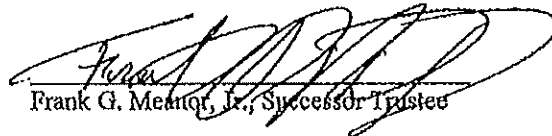
THE ROBERT L. BAILEY REVOCABLE TRUST
OF 1995


Witness

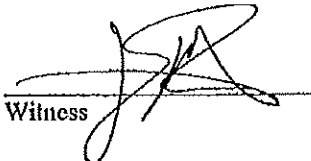

Frank G. Meanor, Jr., Successor Trustee

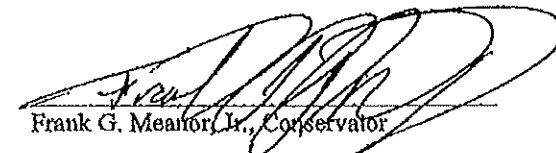
THE MARJORIE A. BAILEY REVOCABLE
TRUST OF 1995


Witness


Frank G. Meanor, Jr., Successor Trustee

CONSERVATOR OF ROBERT L. BAILEY, SR.

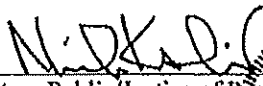

Witness



Frank G. Meanor, Jr., Conservator

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this 1st day of July, 2014, the above-named Frank G. Meanor, Jr., who acknowledged himself to be the Successor Trustee of The Robert L. Bailey Revocable Trust of 1995 and The Marjorie A. Bailey Revocable Trust of 1995, and as such Successor Trustee, being authorized so to do, he executed the forgoing instrument for the purposes therein contained on behalf of said Trusts; Frank G. Meanor, Jr. also acknowledges himself to be the Conservator of Robert L. Bailey, Sr., and as such Conservator, being authorized to do so, he executed the forgoing instrument for the purposed therein contained on behalf of Robert L. Bailey, Sr.

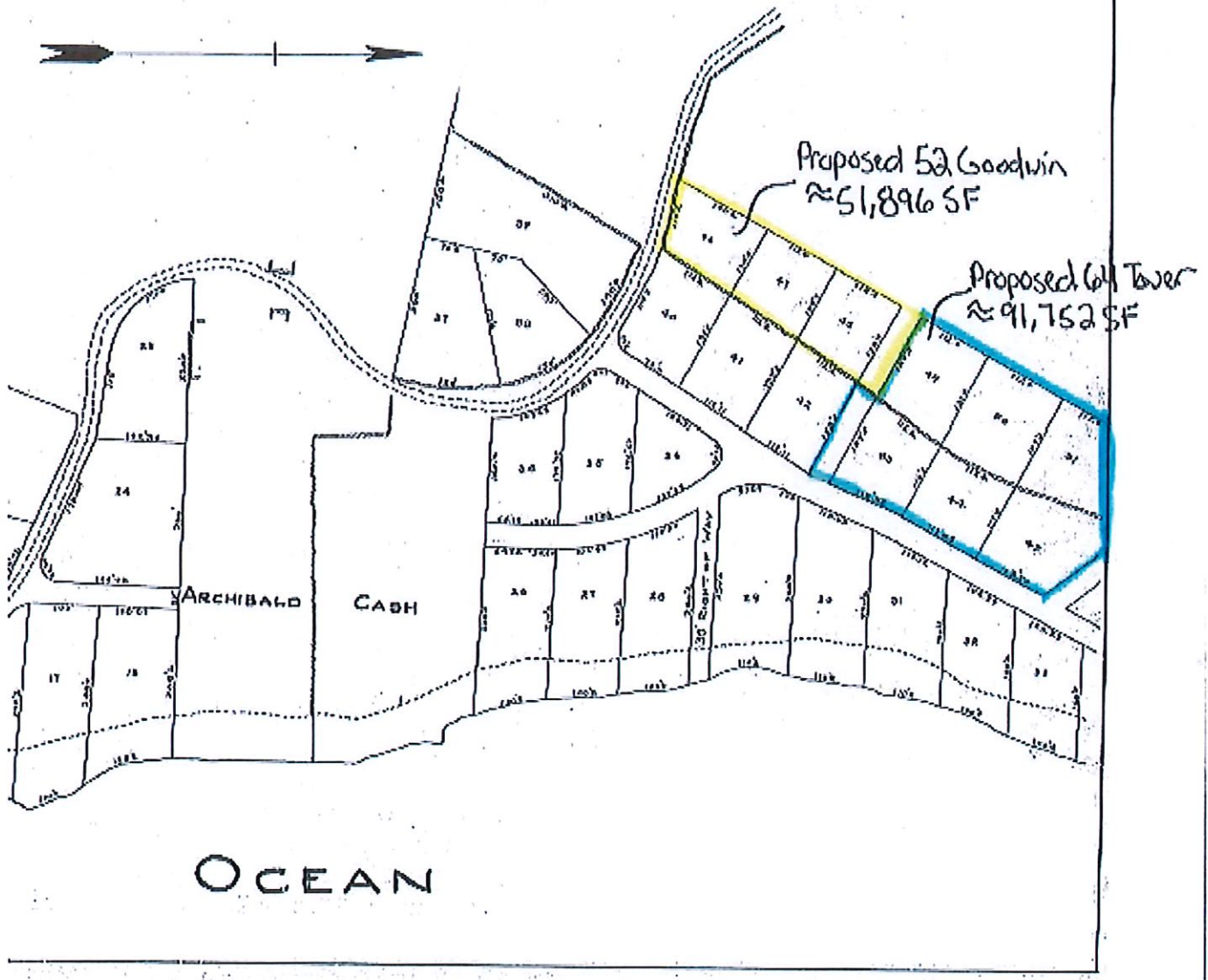
Before me,


Notary Public/Justice of Peace
My Commission Expires



NICHOLAS A. KALL
MY
COMMISSION
EXPIRES
AUG. 11, 2018
NOTARY PUBLIC
NEW HAMPSHIRE

Attachment 3



Craig Alfis

From: Collins, Kristin M. <KCollins@preti.com>
Sent: Monday, February 6, 2023 1:23 PM
To: Craig Alfis
Subject: 52 Goodwin Road / Murphy

Craig,

You asked me to comment on an email from Attorney Mary Costigan, copied below, in which she asserts that the Murphys cannot use the miscellaneous variation process noted in Section 16.2.12(D)(3) to request that their two existing, nonconforming lots be reconfigured to result in one conforming lot and one less conforming lot. The nonconformities relate to lot area.

Atty. Costigan suggests that the Murphys' request must go before the Board of Appeals as a standard variance request and not one for "miscellaneous variation." A miscellaneous variation is permitted under Section 16.2.12(D)(3) where authorized by the specified sections of code. One of these (subparagraph (a)) is for "nonconformance as prescribed in Sec. 16.1.8." Turning to Section 16.1.8, subparagraph (C)(6)(d)(1) of that section allows for the common property line of two nonconforming lots of record, each with legally created principal structures, to be adjusted if "the Board of Appeals determines that each resulting lot is as conforming as practicable to the dimensional requirements of this title." My interpretation of this subsection is that it provides the Board of Appeals with authority, separate from the variance process, to allow for the boundary line adjustment if this single criterion is met.

Atty. Costigan references language in Section 16.1.8(C)(6)(a) which states that "relaxation of yard and other requirements not involving area or width may be obtained only through miscellaneous variation request." However, this is a more general standard that would apply outside of the context of a boundary adjustment, such as where an owner wished to build on a nonconforming lot of record that could not meet yard or frontage requirements. Subparagraph 6(d)(1) has more specific applicability and may be used only in the boundary adjustment scenario to permit new nonconforming lot boundaries with noncompliant lot area. This is true notwithstanding any suggestion in 6(a) that a miscellaneous variation is limited to dimensional requirements *other than* area or width. Given the above, I do believe the Board of Appeals has jurisdiction to consider the request as a miscellaneous variation, and should be considering only whether "each resulting lot is as conforming as practicable to the dimensional requirements of this title."

Atty. Costigan also appears to suggest that the Ordinance's treatment of this situation as a "miscellaneous variation" not subject to undue hardship standards is in violation of 30-A M.R.S. 4353. I do not agree. An ordinance dictates in the first instance the dimensional requirements that a lot must meet, and a variance is only needed if the lot cannot meet those standards. In this case, Section 16.1.8(C)(6)(a) provides that a readjusted nonconforming lot is *permissible* as long as the Board of Appeals (acting here as the primary reviewing authority) approves it. The general structure and intent of Section 4353 recognize that ordinances may accommodate nonconformities without treating those accommodations as requiring an undue hardship variance. It bears noting that the standard and approval process under subsection (C)(6)(a) is similar to that for division of contiguous, built, nonconforming lots under the Chapter 1000 shoreland zoning standards. I should also add that even if Kittery's ordinance were contrary to Section 4353, that is not an issue for the Board of Appeals to determine. The Board should apply the ordinance as written and leave an argument as to conflict with the statute to be addressed by a reviewing court, should an appeal be filed.

I hope that is of help. Please do not hesitate to ask for further clarification.
Thanks,
Kristin

Kristin M. Collins
Attorney
207.791.3292 Tel

kcollins@preti.com
Bio | LinkedIn | Twitter | preti.com

PretiFlaherty

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

From: Mary E. Costigan <mcostigan@bernsteinshur.com>
Sent: Thursday, January 5, 2023 6:04 PM
To: Craig Alfis <CEO@kitteryme.org>
Subject: RE: Murphy Variance Request

Hi Craig –

Thank you for the information. We have several concerns with the variance request, but I wanted to point out one fundamental flaw in particular that I wanted to bring to your attention prior to the Board moving forward with the application.

As you know, the applicant is seeking a variance from the minimum lot size requirement, or area. You include the following provision in your memo as the section of the Ordinance that enables the Board to consider this request:

“Nonconforming lots. In any district, notwithstanding limitations imposed by other sections of this title, single noncontiguous lots legally created when recorded may be built upon consistent with the uses in the particular zone. These provisions apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable in the zone, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot conform to the regulation for the zone in which such lot is located. Relaxation of yard and other requirements not involving area or width may be obtained only through miscellaneous variation request to the Board of Appeals.”

The highlighted language clearly shows that the Murphys cannot utilize the miscellaneous variation process noted in this section for the variance they are seeking. The provision above is intended to allow an applicant to seek a variance from a requirement, such as a setback, on a lot that is already non-conforming as to size or width. It does not allow an applicant to ask for a “miscellaneous variation” to make a lot non-conforming in area when it is already nonconforming as to width. In order to get a variance to create an undersized lot, the Murphys need to apply for an undue hardship variance.

Even if this were to fall under the Town’s “miscellaneous variation” provision, I encourage you to consult with your town counsel regarding variances outside those allowed under state law. <https://legislature.maine.gov/legis/statutes/30-A/title30-Asec4353.html>

Finally, the applicant has applied under Section 16.1.8.6.C(d) for a line adjustment for non-conforming lots. That is also not what is happening here. That provision applies when a principle structure exists on each nonconforming lot, before and after the reconfiguration. The Murphys are asking to place both structures on the same lot and then sell the new, undersized, non-conforming vacant lot so that can then be developed.

We therefore request that the Board of Appeals not consider this appeal next week, but rather it be returned to the Murphys to be repackaged as an undue hardship variance, should they desire to move forward under those provisions.

Thank you for your consideration.

- Mary

Mary E. Costigan
BERNSTEINSHUR - Shareholder
207 228-7147 direct
My Bio | Portland, ME

Confidentiality notice: Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

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



150 foot Abutters List Report

Kittery, ME
December 27, 2022

Subject Properties:

Parcel Number: 58-41
CAMA Number: 58-41
Property Address: 64 TOWER ROAD

Mailing Address: MURPHY, MICHAEL M MURPHY,
MICHAEL M
PO BOX 135
KITTERY POINT, ME 03905

Parcel Number: 58-51B
CAMA Number: 58-51B
Property Address: 52 GOODWIN ROAD

Mailing Address: MURPHY, MICHAEL M MURPHY,
MICHAEL M
PO BOX 135
KITTERY POINT, ME 03905

Abutters:

Parcel Number: 58-39
CAMA Number: 58-39
Property Address: 69 TOWER ROAD

Mailing Address: QUINN, TR, MARY E. QUINN, TR, MARY
E.
28 PARTRIDGE HILL ROAD
NEWFIELDS, NH 03856

Parcel Number: 58-40
CAMA Number: 58-40
Property Address: 56 TOWER ROAD

Mailing Address: QUINN, TR, MARY E. QUINN, TR, MARY
E.
28 PARTRIDGE HILL ROAD
NEWFIELDS, NH 03856

Parcel Number: 58-42
CAMA Number: 58-42
Property Address: 73 TOWER ROAD

Mailing Address: RAMOS, ROBERT RAMOS, ROBERT
73 TOWER ROAD
KITTERY POINT, ME 03905

Parcel Number: 58-42A
CAMA Number: 58-42A
Property Address: 71 TOWER ROAD

Mailing Address: MARY THRON REV TRUST MARY
THRON REV TRUST
PO BOX 96
KITTERY POINT, ME 03905

Parcel Number: 58-43
CAMA Number: 58-43
Property Address: 77 TOWER ROAD

Mailing Address: MACHADO, JOSEPH M. MACHADO,
JOSEPH M.
15 FINN AVENUE
NEWFIELDS, NH 03856

Parcel Number: 58-43A
CAMA Number: 58-43A
Property Address: 72 TOWER ROAD

Mailing Address: FITZGERALD TRS, SCOTT D, SHAWN E,
& TODD FITZGERALD TRS, SCOTT D,
SHAWN E, & TODD
95 EAST DUDLEY STREET
MARLBOROUGH, MA 01752

Parcel Number: 58-43B
CAMA Number: 58-43B
Property Address: 54 GOODWIN ROAD

Mailing Address: HARRIOTT, JESSE S HARRIOTT, JESSE
S
22 PARAMETER ROAD
SUDBURY, MA 01776-1269

Parcel Number: 58-44
CAMA Number: 58-44
Property Address: 79 TOWER ROAD

Mailing Address: LINDA K GINGRAS REV TRUST LINDA K
GINGRAS REV TRUST
79 TOWER ROAD
KITTERY POINT, ME 03905



www.cal-tech.com

Data shown on this report 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 report.

12/27/2022

Page 1 of 2



150 foot Abutters List Report

Kittery, ME
December 27, 2022

Parcel Number: 58-5
CAMA Number: 58-5
Property Address: SEAPOINT ROAD

Mailing Address: INHABITANTS OF KITTERY
INHABITANTS OF KITTERY
200 ROGERS ROAD
KITTERY, ME 03904-1428

Parcel Number: 58-51C
CAMA Number: 58-51C
Property Address: 52 TOWER ROAD

Mailing Address: CARTER WITHERSPOON LIV. TRUST
CARTER WITHERSPOON LIV. TRUST
52 TOWER ROAD
KITTERY POINT, ME 03905

Parcel Number: 58-51M
CAMA Number: 58-51M
Property Address: 50 GOODWIN ROAD

Mailing Address: BROCK, MATTHEW T BROCK,
MATTHEW T
50 GOODWIN ROAD
KITTERY POINT, ME 03905-5221

Parcel Number: 58-52
CAMA Number: 58-52
Property Address: 55 GOODWIN ROAD

Mailing Address: LARIVIERE, RAYMOND M LARIVIERE,
RAYMOND M
6 HUTCHINS COVE DRIVE
KITTERY, ME 03904-5425

Parcel Number: 58-52A
CAMA Number: 58-52A
Property Address: 59 GOODWIN ROAD

Mailing Address: WHITE, RUSSELL B WHITE, RUSSELL B
PO BOX 49
KITTERY POINT, ME 03905-0049



www.cal-tech.com

12/27/2022

Data shown on this report 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 report.

Page 2 of 2

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



LARVIERE, RAYMOND M
LARVIERE, RAYMOND M
6 HUTCHINS COVE DRIVE
KITTERY, ME 03904-5425

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



FITZGERALD TRS, SCOTT D,
FITZGERALD TRS, SCOTT D,
95 EAST DUDLEY STREET
MARLBOROUGH, MA 01752

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



LINDA K GINGRAS REV TRUST
LINDA K GINGRAS REV TRUST
79 TOWER ROAD
KITTERY POINT, ME 03905

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



HARRIOTT, JESSE S
HARRIOTT, JESSE S
22 PARAMETER ROAD
SUDBURY, MA 01776-1269



Town of Kittery Board of Appeals
NOTICE OF PUBLIC HEARING
Tuesday February 28, 2023—6:30PM

**Hybrid Meeting: Public may attend in person at 200
Rogers Road, Kittery or virtual link can be found at
<https://www.kittery.me.gov/board-appeals/events/75721>**

Alan Shepard, on behalf of owners Michael and Barbara Murphy of 52
Goodwin Road, request a Miscellaneous Variation to adjust the property
line of a non-conforming lot located in the Residential – Rural Conservation
Zone per Code Section 16.1.8.

Application information is available for public inspection between 8:00 am to 6:00 pm Monday thru
Thursday at the Planning and Development Department located in Town Hall. To request a
reasonable accommodation for this meeting please contact staff at (207) 475-1323.

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



WHITE, RUSSELL B
WHITE, RUSSELL B
PO BOX 49
KITTERY POINT, ME 03905-0049

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



CARTER WITHERSPOON LIV. T
CARTER WITHERSPOON LIV. T
52 TOWER ROAD
KITTERY POINT, ME 03905

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



BROCK, MATTHEW T
BROCK, MATTHEW T
50 GOODWIN ROAD
KITTERY POINT, ME 03905-5221

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



RAMOS, ROBERT
RAMOS, ROBERT
73 TOWER ROAD
KITTERY POINT, ME 03905

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



MARY THRON REV TRUST
MARY THRON REV TRUST
PO BOX 96
KITTERY POINT, ME 03905

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



MACHADO, JOSEPH M.
MACHADO, JOSEPH M.
15 FINN AVENUE
NEWFIELDS, NH 03856

TOWN OF KITTERY
Planning & Development Dept
200 Rogers Road
Kittery, ME 03904



QUINN, TR, MARY E.
QUINN, TR, MARY E.
28 PARTRIDGE HILL ROAD
NEWFIELDS, NH 03856

~ Classifieds & News ~



... CHOWDER from page 1

community luncheon and auction to be held on Sunday, February 26, 12-3 p.m. at the Kittery Community Center, 120 Rogers Road, Kittery. The luncheon will consist of lobster stew, local clam chowder and homemade pies, followed by a silent and a live auction. The auctions will offer such prizes as a new Weber grill, a lobster fishing adventure, tickets to Juston McKinney Comedy, a Wood Island tour for 12, dinner and a luxurious overnight at Bar Harbor Inn, and so much more.

Community businesses are donating items, food, money, or time to support the effort. The lobster meat for the stew is being donated by five local lobster dealerships, and the clams for the chowder are being harvested by community members. Contributing businesses will be recognized at and after the event.

Tickets to the luncheon have already sold out. Those who would still like to join the party and enjoy fellowship with the community, can participate in the silent and live auctions, 1-3 p.m. Enjoy coffee and pastries donated by Lil's Café, peruse the auction tables, cast

bids, mingle with friends, grab a live auction paddle, and bid to win! For more information, visit www.savemainelobstermen.org and www.portsmouthnh.tickets.com/events/chowders-on-or-call the Kittery Community Center at 207-439-3800.

LEGAL & PUBLIC NOTICES

Town of Kittery - Board of Appeals NOTICE OF PUBLIC HEARING

In-Person, Council Chambers - Public can attend in person or at <https://us02web.zoom.us/j/86404435019?pwd=4mlRS1dkb2YxKwL0N5UEJQNUc3UT09>
Tuesday, February 28, 2023 - 6:30 p.m.

Alan Shepard, on behalf of owners Michael and Barbara Murphy of 52 Goodwin Road, request a Miscellaneous Variation to adjust the property line of a non-conforming lot located in the Residential - Rural Conservation Zone per Code Section 16.1.8.



Application information is available for public inspection by appointment only between 8:00 am to 6:00 pm, Monday through Thursday, at the Development Department located in Kittery Town Hall. To request a reasonable accommodation for this meeting please contact staff.

Town of Kittery Seeks Price Agreements for Light Fixtures

The Town of Kittery is seeking to establish price agreements (labor, fixtures, and materials inclusive) for the replacement and/or retrofit of approximately 699 existing light fixtures with LED smart-technology at the Kittery Community Center.



A pre-bid conference will be held on February 22, 2023 at 10AM at the Kittery Community Center, 120 Rogers Road, Kittery, ME.

Deliver proposals to the Town Manager's Office at Kittery Town Hall, 200 Rogers Road, Kittery, ME 03904, no later than 4:00 PM on March 9, 2023. For a complete description and instructions on how to submit a proposal, please visit www.kitteryme.gov/bids. Questions accepted via email to Executive Assistant to the Town Manager, Haley Mook at hmoock@kitteryme.org.

ITEMS FOR SALE

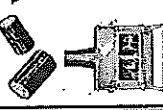
BOOK FOR SALE

FIREWOOD & PELLETS

GREEN FIREWOOD
Cut, Split & Delivered
Call Eric Hobson
207-467-0621

GREEN FIREWOOD
Cut, Split & Delivered
Clean & Guaranteed Full Cord
North Berwick
207-409-6567

Wood Pellets
Call for Pricing!
Eliot Agway
207-439-4015



HELP OFFERED

Retired man with varied business background **SEEKS WORK** at home, or to help in your business part time. Call 207-632-5857

GUNSMITHING

GUNSMITHING SERVICES
Expert cleaning and repairs, stock alterations, recoil pads. Over 50 years experience. Very reasonable rates. 207-450-8957

FIREWOOD & PELLETS

FIREWOOD

**Seasoned • Green • Kiln Dried
Cut - Split - Delivered**

207-216-2983

LEGAL & PUBLIC NOTICES

PUBLIC HEARING

To: Marianne Goodine or Michele Sivalletta-Noble, Cindy Appleby,
Micki Thompson, resident of the Town

PUBLIC NOTICE: NOTICE OF INTENT TO FILE

Please take notice that the David Minkus Davenport-shila Trust and Jessica Hinder