

**Town of Kittery Maine
 Planning Board Meeting
 August 8, 2019**

ITEM 2 – 3 Knight Ave – Shoreland Development Plan Review

Action: Accept or deny plan application; Approve or deny plan. Owner Christopher Eckel and applicant Deane Rykerson requests consideration of plans to repair and rebuild garage on a 8,355 sf lot located at 3 Knight Ave (Tax Map 4 Lot 70) in the Mixed Use – Kittery Foreside (MU-KF), and Shoreland Overlay (OZ-SL-250’) Zones.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Determination of Completeness/Acceptance	08/08/19 Meeting	Pending
NO	Public Hearing		
NO	Site Walk		
YES	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN ¼: HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 – Grading/Construction Final Plan Required. – Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Planning Board review of this project is required by 16.10.3.4 Shoreland development review because the proposed development is located in the Shoreland Overlay Zone. The existing use is a non-conforming single-family dwelling with a two floor garage on a conforming lot. The entire lot is located within the 75-foot setback from the highest annual tide (HAT) of the Piscataqua River.

The applicant proposes to reconstruct a 12’3” x 20’ 1” (250 sf) two floor garage on the same footprint with a 10’ x 18’3” at-grade landing on the west side and set of stairs down to grade on the east side. The garage currently sits 2.7 feet from the front property line and 6 feet from the side property at its closest point. The applicable building setbacks are 10 feet.

The Planning Board approved a similar application for this property on February 11, 2016 to construct a new, larger garage 20’ x 22’ in dimension to replace the existing one. The applicant did not go forward with the approval and is now back with this request.

Staff Review

1. The proposed reconstruction does not meet the requirements of the Shoreland Zone (OZ-SL-250’). However, the provisions of Article III. Nonconformance apply to the property and existing structures. Per **Section 16.3.2.17. D. (2) (a) [1]** the setback requirement for all new principal and accessory structures is 75 feet from the Highest Annual Tideline (HAT) . The existing garage is set back 28.1 feet from the HAT. The proposed garage does not result in a greater encroachment than the 28.1 feet, and therefore does not increase nonconformance in the Shoreland Overlay Zone.

16.7.3.3.B Nonconforming Structure Repair and Expansion provides for the expansion of a non-conforming structure within the Shoreland Zone within certain standards and requirements.

16.7.3.3.B (d) states the addition of steps and landings exterior to the structure does not constitute an expansion. Step landings may not exceed three feet by three feet in size. The new set of stairs down to grade on the east side of the rebuilt structure would not constitute an expansion. The

proposed at-grade landing exceeds that dimension so it would need to be considered an expansion of the structure which is limited as outlined below.

2. **Per 16.7.3.3.B (e)[5][a]** *For structures located less than 100 feet from the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet, or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet, or the height of the existing structure, whichever is greater.* The reconstructed garage with landing will total 430.5 sf which falls within the threshold of a size not greater than 1000 sf. The height of the rebuilt structure is not indicated on the plans but it is shown to be a one story structure, which meets the requirement.
3. **Per Section 16.7.3.3.C.(1)** *In the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is located less than the required setback from a water body, tributary stream, or coastal or freshwater wetland and which is removed, damaged or destroyed, by any cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or coastal or freshwater wetland setback requirement to the greatest practical extent as determined by the Planning Board. In determining whether the structure reconstruction meets the setback to the greatest practical extent the Planning Board must consider, in addition to the criteria in § 16.7.3.3A(2), Nonconforming structure relocation, the physical condition and type of foundation present, if any.* The garage will be rebuilt on its existing footprint and cannot be setback or relocated on the lot where it will be further away from the water resource.
4. The maximum devegetated area in the Shoreland Overlay Zone in the MU-KF zone is 60%. The current devegetated area is 16% of the lot. The proposed reconstruction increases the devegetated coverage to 18% which still meets the zone standard. Without detailed devegetated coverage calculations, it isn't clear if the gravel areas and retaining walls are included in the calculations. No tree clearing is indicated in the plans.
5. The Mixed Use – Kittery Foreside (MU-KF) zone has a 60% maximum building coverage standard. According to the plan submitted, the existing building coverage is 16% of the lot. The proposed building coverage is 18%, which still conforms to the zone standard. It appears that the proposed at-grade landing is a 41% expansion to the current structure footprint.
6. Existing pavement or impervious surface calculations from the street to the garage are not indicated on the plans. Staff questions whether the area is currently impervious and will it be paved or graveled. The devegetated area calculations may need to be revised.

Recommendation / Action

While a site walk and public hearing are not required, the Board has typically conducted site walks for these types of applications. A public hearing was held on the previous application to expand the existing garage.

Move to accept the Shoreland Development Plan application, dated August 8, 2019, from owner/applicant Christopher Eckel and applicant Deane Rykerson to repair and rebuild garage on a 8,355 sf lot located at 3 Knight Avenue (Tax Map 4 Lot 70) in the Mixed Use-Kittery Foreside (MU-KF), and Shoreland Overlay (OZ-SL-250') Zones.

Move to schedule a site visit on {date and time} for the Shoreland Development Plan application dated August 8, 2019, from owner/applicant Christopher Eckel and applicant Deane Rykerson to repair and rebuild garage on a 8,355 sf lot located at 3 Knight Avenue (Tax Map 4 Lot 70) in the Mixed Use-Kittery Foreside (MU-KF), and Shoreland Overlay (OZ-SL-250') Zones.

SHORELAND DEVELOPMENT PLAN APPLICATION



TOWN OF KITTERY
 Planning & Development Department
 200 Rogers Road, Kittery, ME 03904
 Telephone: 207-475-1323 Fax: 207-439-6806

MAP <u>4</u> LOT <u>70</u>
DATE: <u>7/15/19</u>
FEE: \$ <u>200.00</u>
ASA*: _____


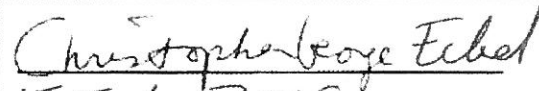
PROPERTY DESCRIPTION	Physical Address	3 KNIGHT AVE. KITTERY 03904		
	Base Zone	MU-KF	Overlay Zone (s)	SHORELAND
OWNER INFORMATION	Name	CHRISTOPHER ECKEL		Mailing Address 3 KNIGHT AVE KITTERY 03904
	Phone	603 714 9695		
	Email	cgeckel@gmail.com		
AGENT INFORMATION	Name			Company
	Phone			Mailing Address
	Email			
	Fax			
APPLICANT INFORMATION	Name	DEANE RYKERSON		Mailing Address 1 SALT MARSH LN. KITTERY PT. ME 03905
	Phone	207 439 8755		
	Email	rykersonarchitecture@comcast.net		

PROJECT DESCRIPTION	<u>Existing Use:</u>	GARAGE
	<u>Proposed Use (describe in detail):</u>	GARAGE & AT GRADE LANDING

JUL 15 2019 11:35

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	REPAIR & REBUILD EXISTING GARAGE. ADD OPEN PLATFORM AT GRADE.

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 Planning and Development Department of any changes.

Applicant's Signature:		Owner's Signature:	
Date:	15 JULY 2019	Date:	15 July 2019

*Applicant Service Accounts: Fees to pay other direct costs necessary to complete the application process, not including application fees. Title 3, Chapter 3.3.

MINIMUM PLAN SUBMITTAL REQUIREMENTS	
<input type="checkbox"/> 12 Copies of this Application Form, all supporting documents, and the Development Plan and Vicinity Map 10 plan copies may be half-size (11"x17") and 2 must be full-size (24"x36")	
Shoreland Development Plan format and content:	
A) Paper Size; no less than 11" X 17" or greater than 24" X 36"	
B) Plan Scale	
<input type="checkbox"/> Under 10 acres: no greater than 1" = 30' <input type="checkbox"/> 10 + acres: 1" = 50'	
C) Title Block	
<input type="checkbox"/> Title: Shoreland Development Plan <input type="checkbox"/> Applicant's name and address <input type="checkbox"/> Name of preparer of plan with professional information <input type="checkbox"/> Parcel's Kittery tax map identification (map – lot) in bottom right corner <input type="checkbox"/> Vicinity Map or aerial photo showing geographic features 5,000 feet around the site.	
D) Signature Block	
<input type="checkbox"/> Area for signature by Planning Board Chair and Date of Planning Board Approval	

Development Plan must include the following existing and proposed information:

Existing: <ul style="list-style-type: none"> <input type="checkbox"/> Land Use Zones and boundaries <input type="checkbox"/> Topographic map (optional) <input type="checkbox"/> Wetlands and flood plains <input type="checkbox"/> Water bodies and water courses <input type="checkbox"/> Parcel area <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input type="checkbox"/> Distance from structure to water body and property lines <input type="checkbox"/> Floor area, volume, devegetated area, and building coverage 	Proposed: (Plan must show the lightened existing topography under the proposed project plan for comparison.) <ul style="list-style-type: none"> <input type="checkbox"/> Recreation areas and open space <input type="checkbox"/> Setback lines and building envelopes <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input type="checkbox"/> Floor area, volume, devegetated area, and building coverage Distance to: <ul style="list-style-type: none"> <input type="checkbox"/> Nearest driveways and intersections <input type="checkbox"/> Nearest fire hydrant <input type="checkbox"/> Nearest significant water body; ocean, wetland, stream
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AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

Expansion/Construction Analysis within the Shoreland Overlay Zone¹
(see Table 16.9)

Size of water body or wetland: <500 sf <501 sf-1 acre >1 acre

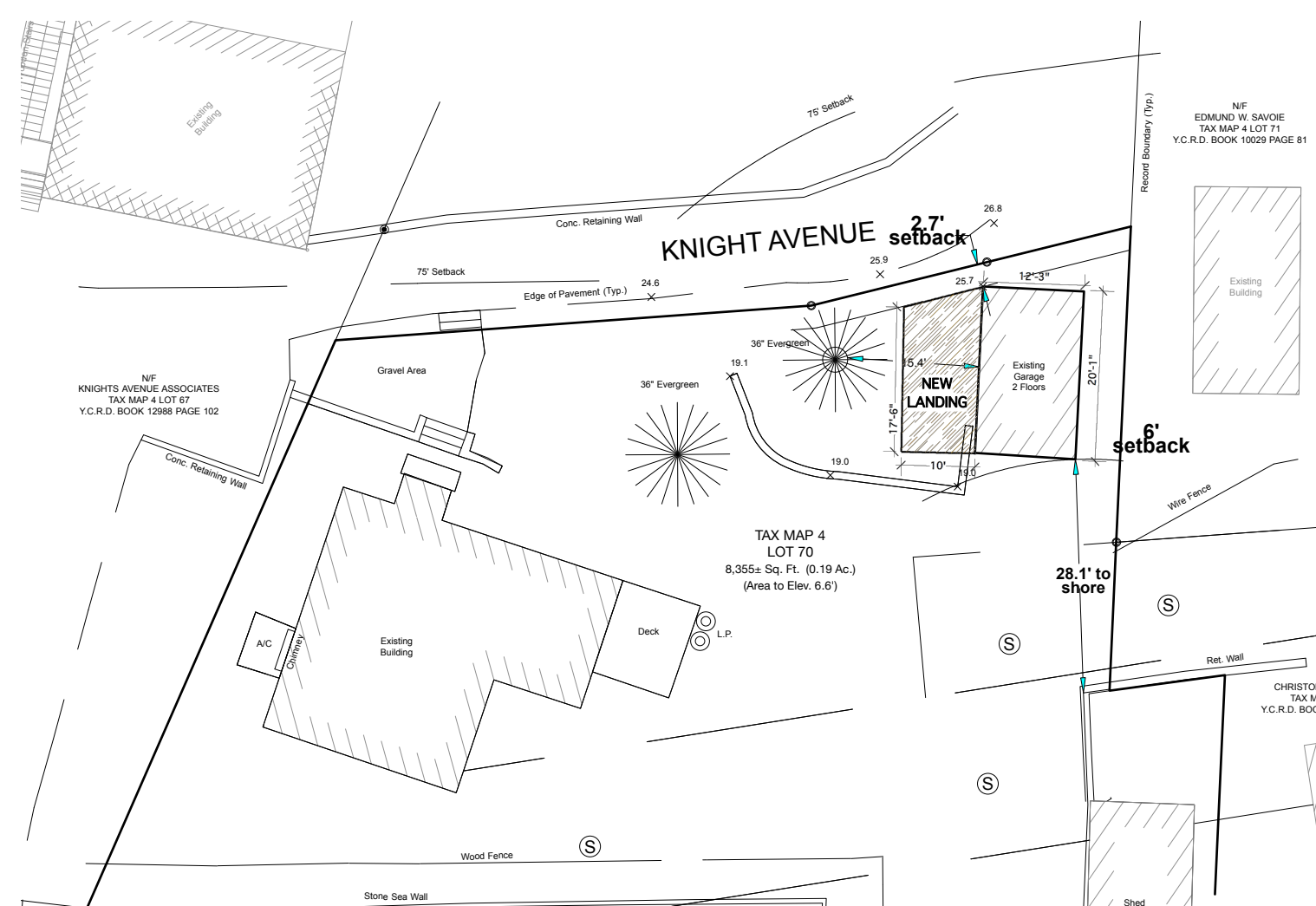
Structure distance from water body: 28.1 feet

STRUCTURE	Existing	Proposed	% Increase*	(GARAGE ONLY)
SF (Area)	250 sf	425 sf	41 %	
Construction:	New: <input type="checkbox"/> Demo/Rebuild: <input checked="" type="checkbox"/> Maintenance/repair: <input type="checkbox"/>			Value: \$ 40,000
*Total increase in area may not exceed 30% for any new construction since 1/1/1989.				

PARCEL DE-VEGETATION	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) 8,355	60 %	1337 sf	1512 sf	18 %
*See underlying zone standards for de-vegetated area percent allowed within a Shoreland Overlay.				

BUILDING COVERAGE	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) 8,355	60 %	1337 sf	1512 sf	18 %
*See underlying zone standards for building coverage percent allowed.				

¹Calculations 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.



MU-KF ZONING	
MIN. LOT SIZE: 5,000 SF.	EXIST: 8355 SF
MIN. FRONT YD: 10 FT.	EXIST: 2.7 FT.
MIN. SIDE YD: 10 FT.	EXIST: 6 FT.
MAX. BLDG COVER: 60%	EXIST: 16%
	PROP: 18%
MAX. DE-VEG AREA: 60%	EXIST: 16%
	PROP: 18%

PLANNING BOARD CHAIR

DATE OF PLANNING BOARD APPROVAL

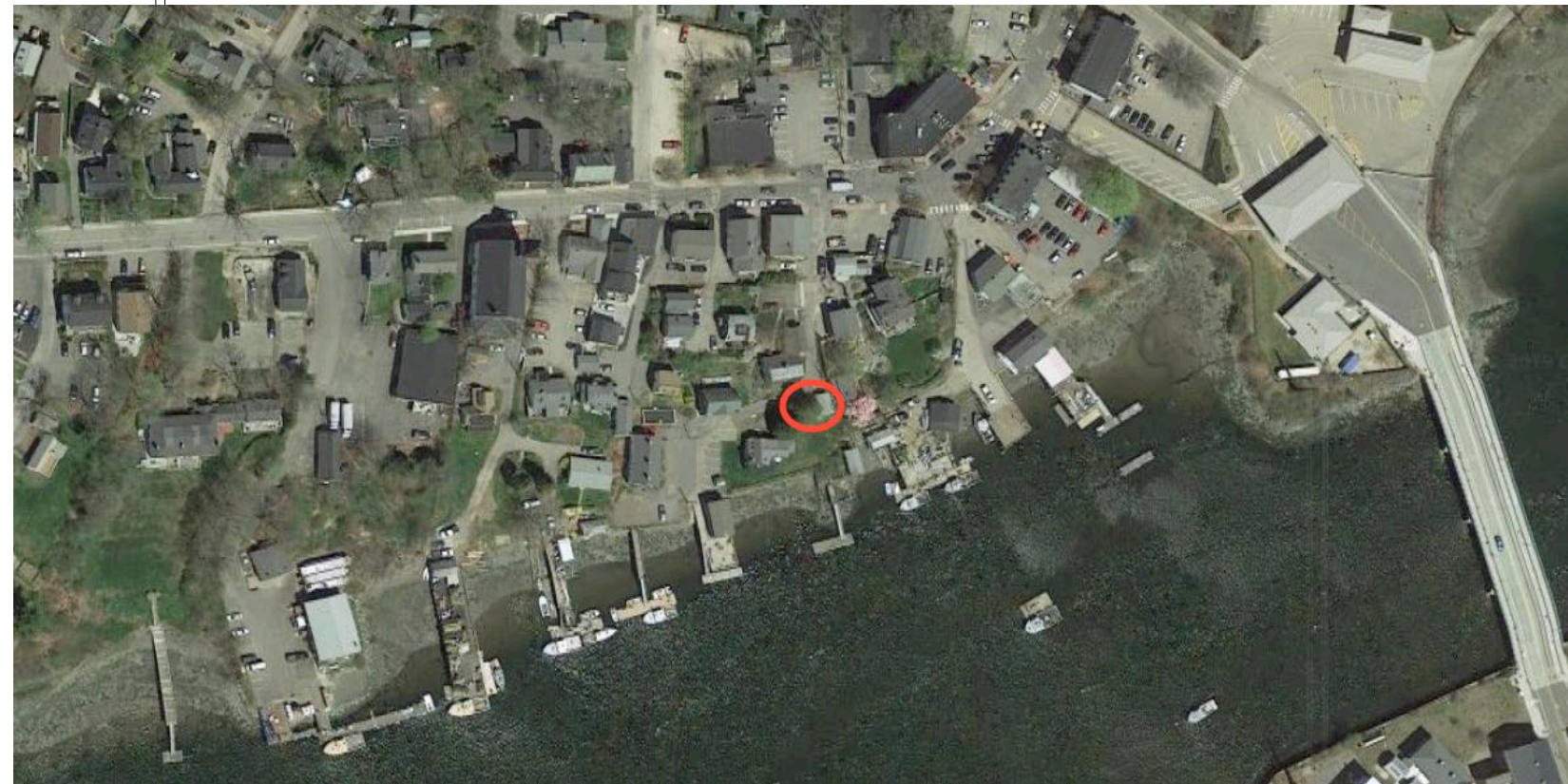
LOT SIZE: 8355 SQ. FT.

EXIST. HOUSE: 1087 SQ. FT.
EXIST. GARAGE: 250 SQ. FT.

EXIST. TOTAL 1337 SQ. FT. = 16% DEVEG

NEW LANDING: 175 SQ. FT.
NEW TOTAL: 1512. SQ. FT. = 18% DEVEG

PISCATAQUA RIVER



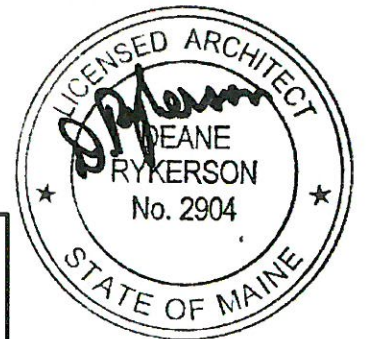


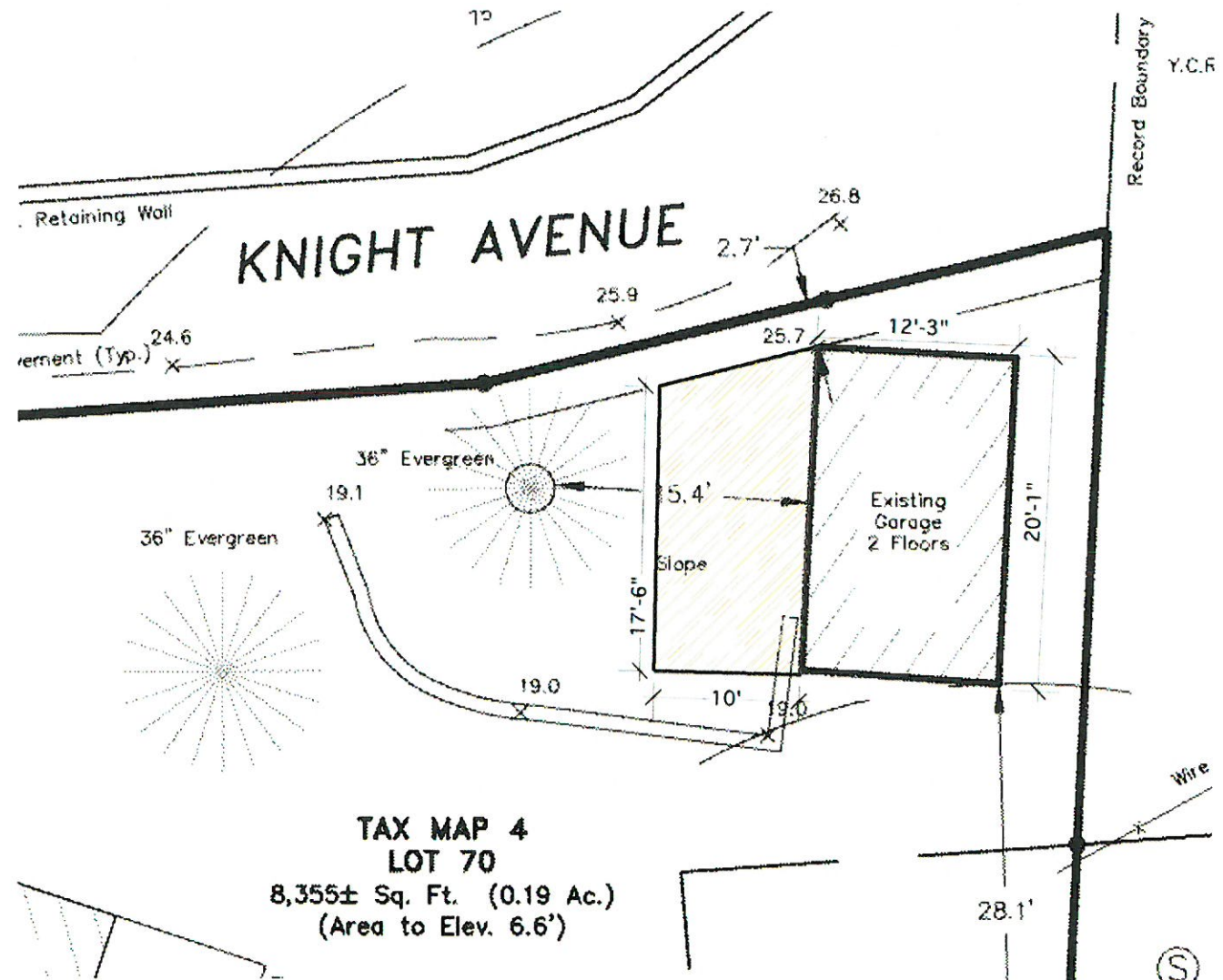
RYKERSON
ARCHITECTURE
1 SALT MARSH LANE
KITTERY POINT MAINE 03905
207 439 8755

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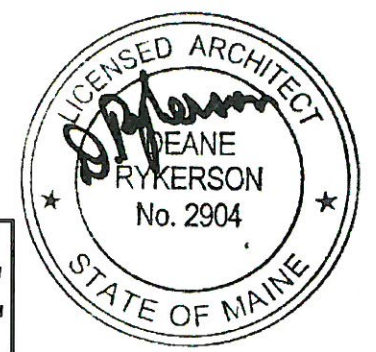
3 KNIGHT AVE. GARAGE
KITTERY ME 03904
15 JULY 2019

EXISTING

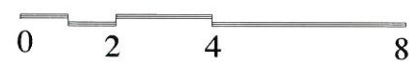




**TAX MAP 4
LOT 70**
8,355± Sq. Ft. (0.19 Ac.)
(Area to Elev. 6.6')



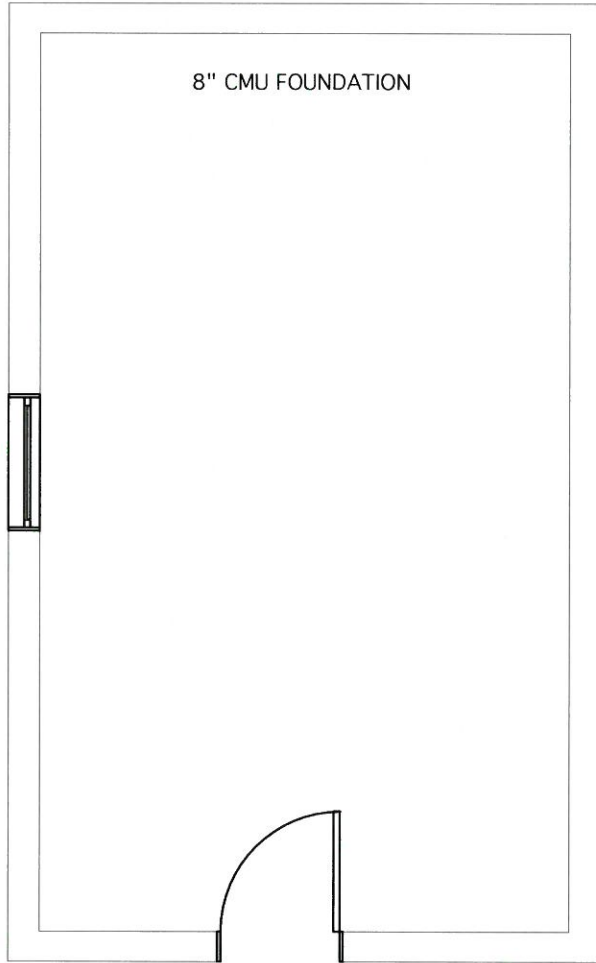
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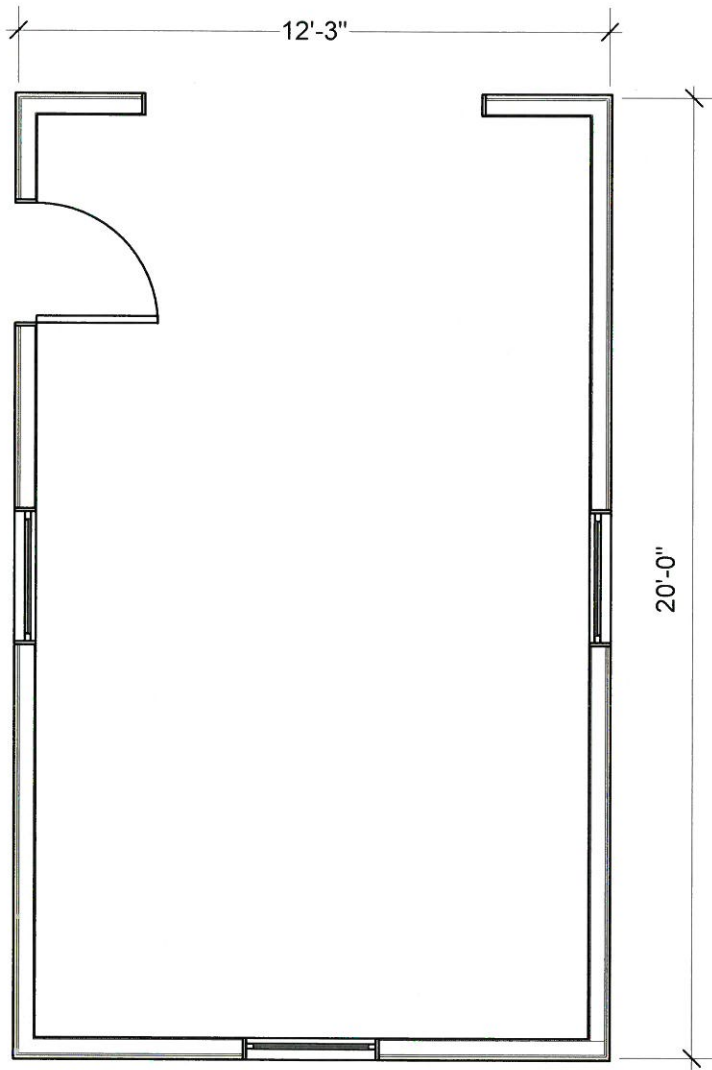
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PROPOSED SITE

SITE



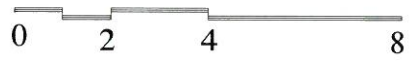
1 GROUND FLOOR PLAN



2 FIRST FLOOR PLAN



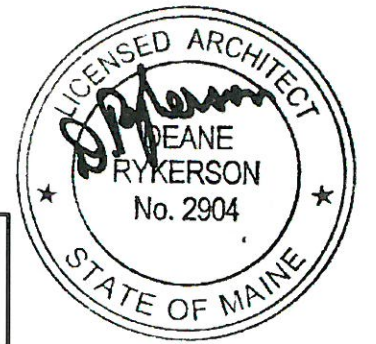
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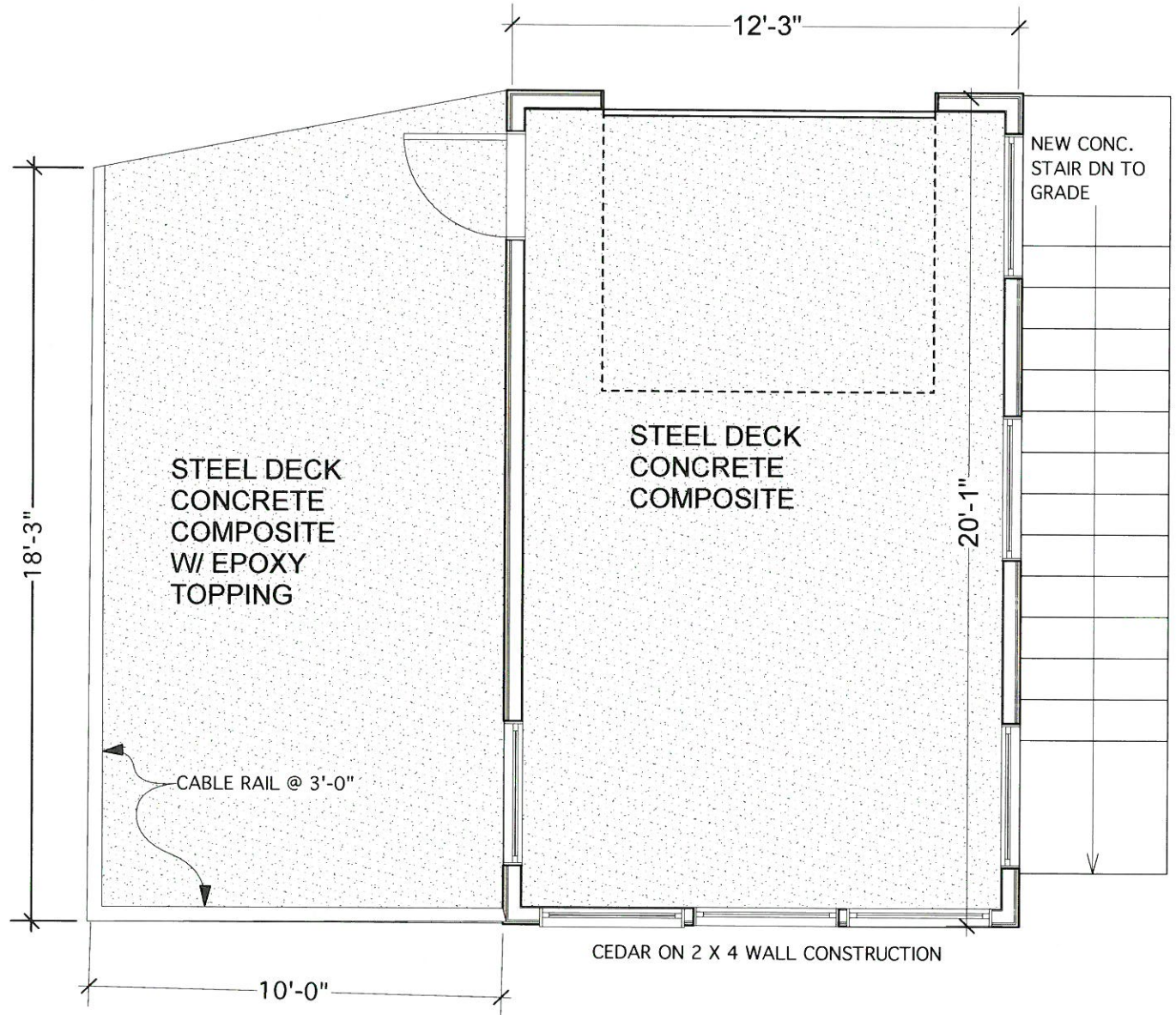


3 KNIGHT AVE. GARAGE
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15 JULY 2019

EXISTING GROUND &
FLOOR PLAN

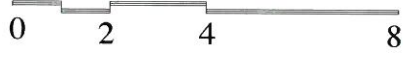
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2 FIRST FLOOR PLAN

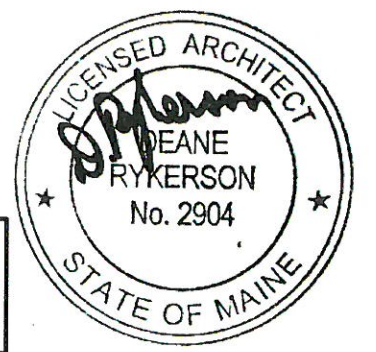
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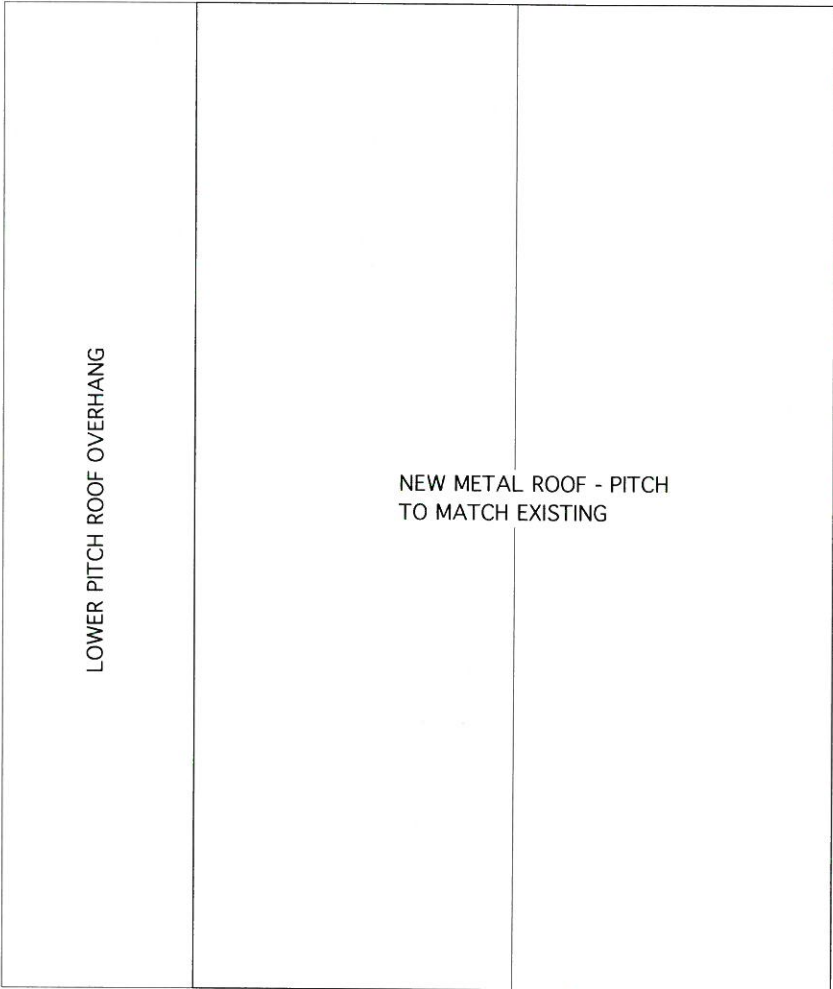


3 KNIGHT AVE. GARAGE
 KITTERY ME 03904
 15 JULY 2019

PROPOSED FIRST
 FLOOR PLAN

A-1





1 ROOF PLAN



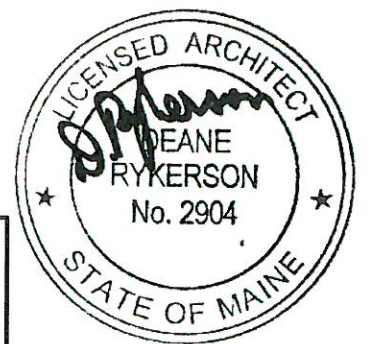
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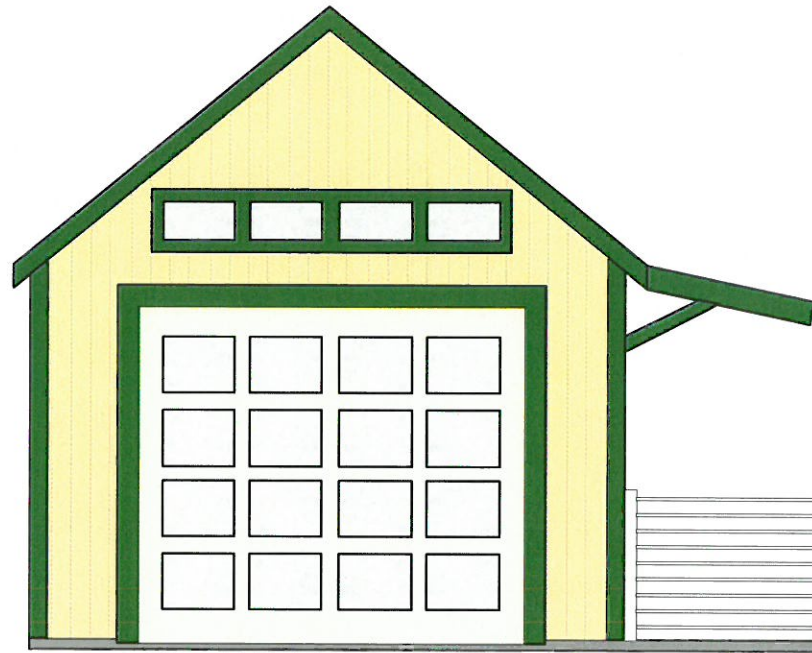


3 KNIGHT AVE. GARAGE
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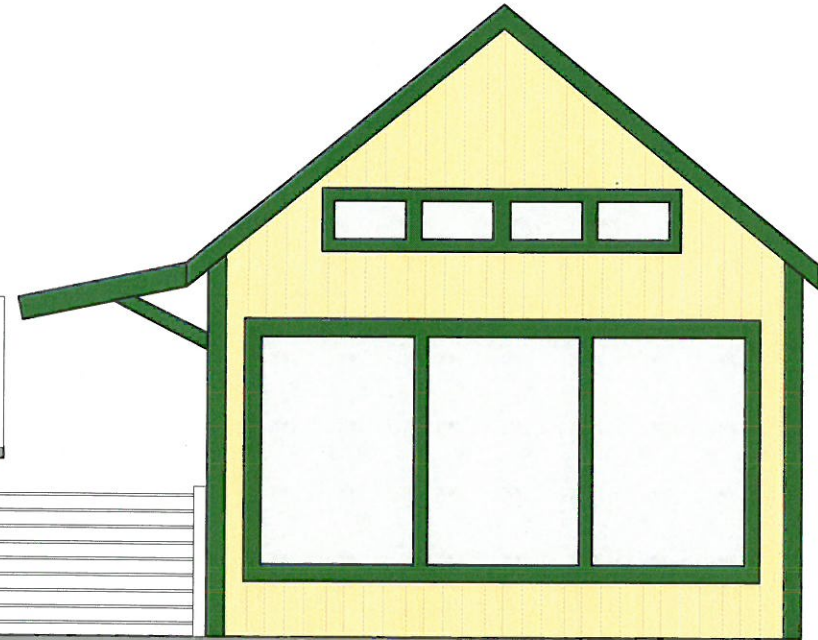
PROPOSED ROOF PLAN

A-2

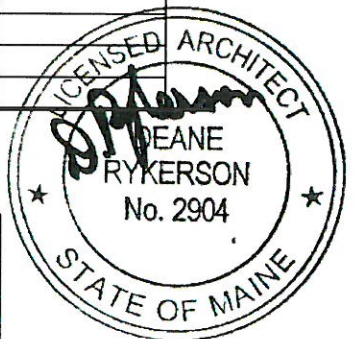
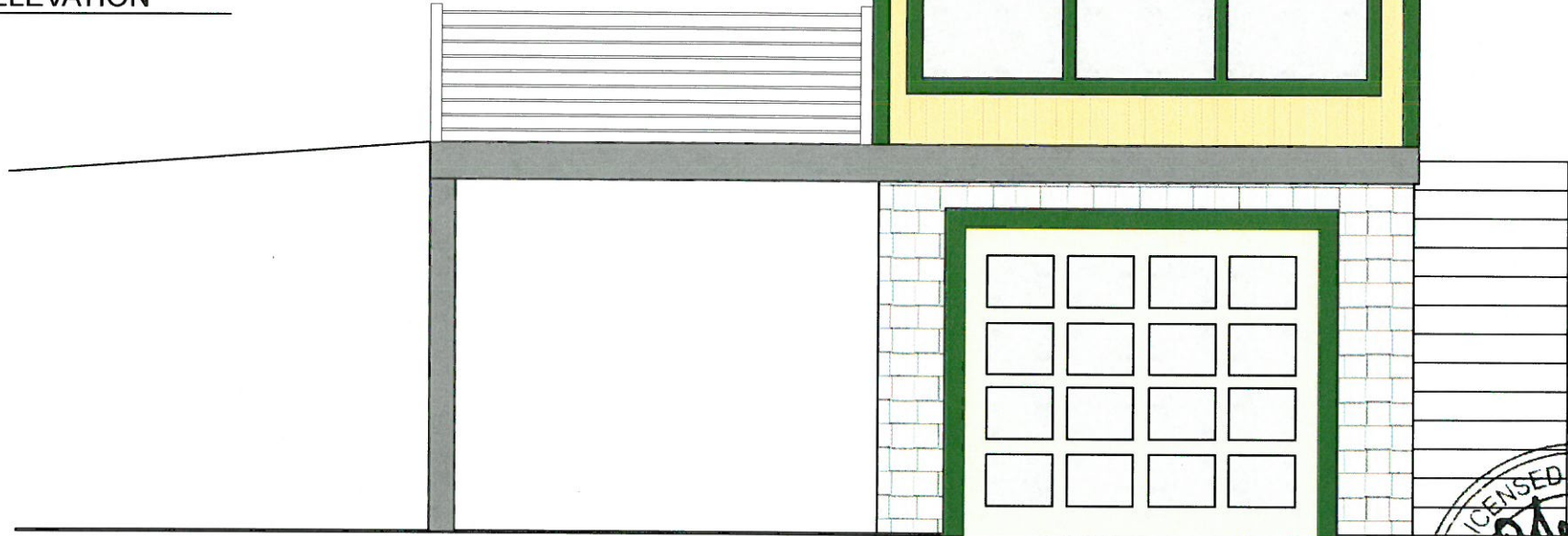




① NORTH ELEVATION



② SOUTH ELEVATION



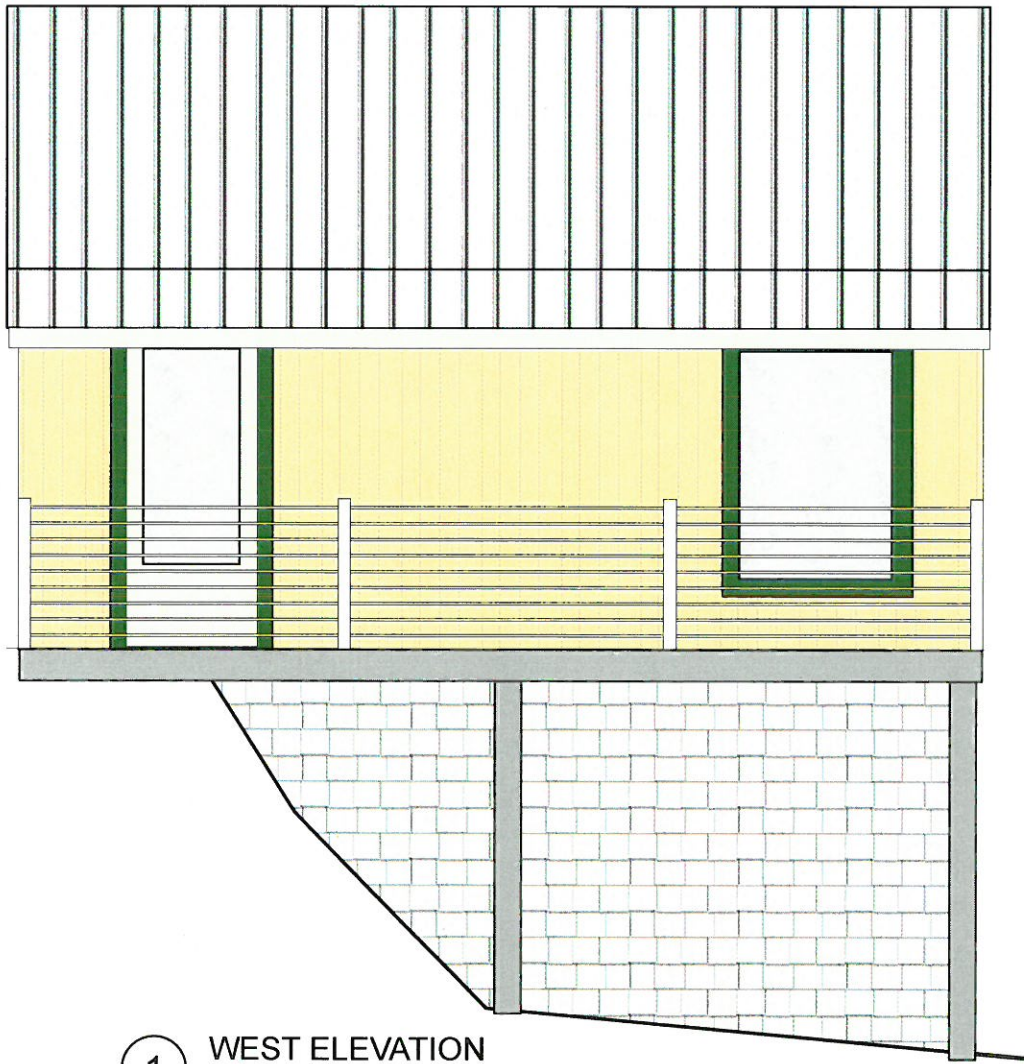
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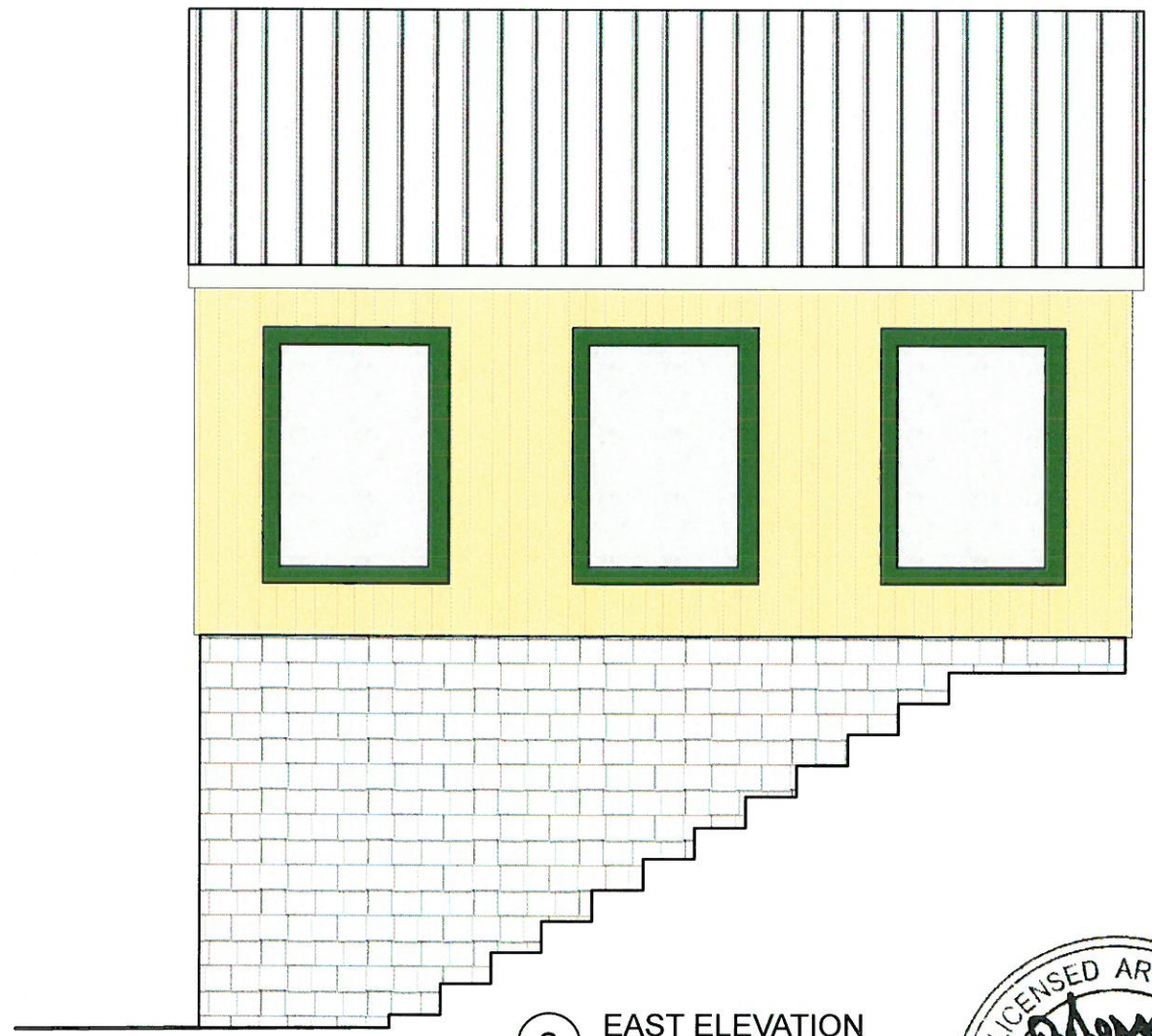
3 KNIGHT AVE. GARAGE
KITTERY ME 03904
15 JULY 2019

NORTH/ SOUTH
ELEVATIONS

A-3



1 WEST ELEVATION



2 EAST ELEVATION

R
YKERSON
A
ARCHITECTURE
1 SALT MARSH LANE
KITTERY POINT MAINE 03905
207 439 8755



3 KNIGHT AVE. GARAGE
KITTERY ME 03904
15 JULY 2019

EAST / WEST
ELEVATIONS

A-4

