

Town of Kittery Maine Planning Board Meeting October 10, 2019

ITEM 2 – 8 Thaxter Lane – Shoreland Development Plan Review

<u>Action: Accept or deny application; Approve or deny plan.</u> Owners/applicants Todd & Debbie Thayer request consideration of a shoreland development plan to remove an existing, non-conforming single family dwelling and construct a new, more conforming single-family dwelling on a 74,920 sf lot located at 8 Thaxter Lane (Tax Map 64, Lot 23) in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250'), and Resource Protection Overlay (OZ-RP) Zones. Agent is Eric Botterman, Millennium Engineering.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Determination of Completeness/Acceptance	Possible for 10/10/19	
NO	Site Visit	At the Board's discretion	
NO	Public Hearing	At the Board's discretion	
YES	Final Plan Review and Decision		
developme signing of placed on LETTERS Grading or	nt practices. Only the PB makes final decis the approved Plan any Conditions of App the Final Plan and recorded at the Y S AT LOWER RIGHT BORDER OF A	dations regarding applicability of Town Land Use Development Co ions on code compliance and approves, approves with conditions or roval related to the Findings of Fact along with waivers and var ork County Registry of Deeds. PLACE THE MAP AND LO' LL PLAN SHEETS. As per Section 16.4.4.13 - Grading/Const lots, or construction of buildings is prohibited until the original co registry of deeds when applicable	denies final plans. Prior to the iances (by the BOA) must be Γ NUMBER IN 1/4" HIGH ruction Final Plan Required

Background

Planning Board review of this project is required by 16.10.3.4 Shoreland Development Review because it is located in the Shoreland Overlay Zone – 16.3.2.17 (2) (a) [2]. The existing use is a nonconforming single family dwelling (camp structure) on a nonconforming lot (minimum 80,000 sf), street frontage (200 feet required) in the R-RLC Zone.

The property contains three (3) wetlands located to the north, south and west of the proposed construction. Portions of the existing dwelling are located within the 100-foot setback from a Wetlands of Special Significance and 50 feet from a wetlands less than an acre in size.

The applicants propose to remove the existing camp structure and build a four season home. The new dwelling will be sited further away from the resource areas but a portion of the proposed patio will be within the 100 foot setback.

Staff Review

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 the new structure. Per Section 16.3.2.17. D. (2) (a) [1] the setback requirement for all new principal and accessory structures is 100 feet from the upland edge of a coastal wetland. For the portion of the dwelling located on the west side and beyond the 100 foot setback there is also a 50 foot required setback from a freshwater wetland - 501 square feet to 1 acre in size (Table 16.9). The existing dwelling encroached into the wetlands setbacks with a significant portion of the patio (south side) and a small portion of the dwelling (south and west sides). The new structure will only have a

small portion of the new patio within the 100 foot setback and no portion of the structure within the 50 foot setback from the wetland on the west side.

- 2. 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 Existing Conditions plan shows three (3) areas of wetlands, and two areas of exposed ledge that inhibit placing the new structure completely outside of the 100' setback. In addition, the lot is long and narrow in shape.
- 3. The maximum devegetated area in the Shoreland Overlay Zone in the R-RLC Zone is 20%. The current devegetated area is 2.6% of the lot. The proposed reconstruction increases the devegetated coverage to 7.3% which still complies with the zone standard.
- 4. The R-RLC Zone has a 6% maximum building coverage standard. According to the plan submitted, the existing building coverage is 1.5% of the lot. The proposed building coverage is 3.3%, which still complies with the zone standard.

Recommendation / Action

While a site walk and public hearing are not required, the Board has typically conducted both for these types of applications.

Move to accept the Shoreland Development Plan application, dated September 13, 2019, from owners/applicants Todd & Debbie Thayer to remove an existing, non-conforming single family dwelling and construct a new, more conforming single-family dwelling at 8 Thaxter Lane (Tax Map 64, Lot 23) in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250'), and Resource Protection Overlay (OZ-RP) Zones.

Move to schedule a site visit on {date and time} for the Shoreland Development Plan application dated September 13, 2019, from owners/applicants Todd & Debbie Thayer to remove an existing, nonconforming single family dwelling and construct a new, more conforming single-family dwelling at 8 Thaxter Lane (Tax Map 64, Lot 23) in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250'), and Resource Protection Overlay (OZ-RP) Zones.

Move to schedule a public hearing on {date} for the Shoreland Development Plan application dated September 13, 2019, from owners/applicants Todd & Debbie Thayer to remove an existing, nonconforming single family dwelling and construct a new, more conforming single-family dwelling at 8 Thaxter Lane (Tax Map 64, Lot 23) in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250'), and Resource Protection Overlay (OZ-RP) 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

$_{MAP} \underline{64}_{LOT} \underline{2}$	3
DATE:	
FEE: <u>\$ 200.00</u>	
ASA*:	

PROPERTY	Physical Address	8 THAXTER LANE KITTERY POINT ME. 03905				
DESCRIPTION	Base Zone	R-RLC Overlay Zone (s)		02-51-250 02-RP		
	Name	TODD AND DO	EBBIE THAMEIR		195 MCGREGOR ST	
OWNER INFORMATION	Phone	603 714	2670	Mailing Address	APT 429 MANCHESTER NH	
	Email	TSTHAYER COMAIL. COM			03102	
	Name	ERIC BOTTERMAN		Company	MILLENNIUM ENGINEERING	
AGENT	Phone	603 778 0528		Mailing Address	13 HAMPTON RD EXETER, NIT	
INFORMATION	MATION Email	EBOTTERMAN EMET-MA. COM				
	Fax	603772	0689	/ 1001000	03833	
	Name	TOOD AND D	EBBIE THAMER		195 MCGREEOR ST	
APPLICANT	Phone	603 714 2670		Mailing Address	HAT 429	
	Email	TSTHAYER@GMAIL.com			MANCHESTER NH 03102	

Existing Use:

PROJECT DESCRIPTION

PROPERTY CONTAINS & 4BEDROOM 2 BATH SUMMER CAMP. STRUCTURE WAS BUILT IN 1906 AND HAS NOT BEEN WELL MUTINTAINED. CURRENT STRUCTURE INFRINGES UPON BOTH THE 50' SETBACK TO THE LUEST AND THE LOO' SETBACK TO THE SOUTH.

Proposed Use (describe in detail):

REMOVE THE EXISTING STRUCTURE, BUILD & 4 SEASON HOME WHICH WILL BECOME OUR PERMANENT RESIDENCE. THE NEW HOME HAS BEEN SITED FURTHER BACK FROM THE PROTECTED RESOURCES. WE BELIEVE IT IS IN FULL COMPLIANCE WITH ALL SETBACKS AND OTHER BUILDING REQUIREMENTS.

DEB AND I ARE BOTH LOOKING FORWARD TO RETURNING TO MAINE!

PROPERTY CONTAINS THREE	10 	overlay zone, flood plain, non-conformance,
2		S TO THE NORTH, WEST AND
		ON OF THE BACK YARD SITS
t FLOOD ZONE. THE OVERI	LAY ZONES	ARE SL-250 AND RP.
ovided, to the best of my knowledge, information the Plan submitted without notifying the	ation requested for	or this application that is true and correct and I
	Owner's	
110	Signature:	lode S. i hays
	Date:	2/16/2019 Den (1)
e Accounts: Fees to pay other diredt costs r Title 3, Chapter 3.3.	necessary to com	plete the application process, not including
MINIMUM PLAN SUB	MITTAL REQUIR	EMENTS
o less than 11" X 17" or greater than 24" X 3	36"	
ame and address arer of plan with professional information ry tax map identification (map – lot) in bottor		around the site.
	Planning Board Ai	oproval
	Proposed: (Pla	an must show the lightened existing topography
ap (optional) bod plains nd water courses septic, water, electric, phone) hys and rights-of-way tructure to water body and property lines	Recreation a Setback lines Lot dimensio Utilities (Sew Streets, drive Structures Floor area, v Distance to: Nearest drive Nearest fire f	ver/septic, water, electric, phone) eways and rights-of-way olume, devegetated area, and building coverage eways and intersections
	A FLOOD ZONE. THE OVER A poided, to the best of my knowledge, informa- om the Plan submitted without notifying the Iod S Mayer 9/16/2019 e Accounts: Fees to pay other direct costs r Title 3, Chapter 3.3. MINIMUM PLAN SUBM of this Application Form, all supporting of copies may be half-size (11"x17") and 3 elopment Plan format and content: o less than 11" X 17" or greater than 24" X 3 es: no greater than 1" = 30' " = 50' and Development Plan ame and address barer of plan with professional information ry tax map identification (map – lot) in bottor or aerial photo showing geographic feat ck ature by Planning Board Chair and Date of F	A FLOOD TONE. THE OVERLAY ZONES Divided, to the best of my knowledge, information requested for om the Plan submitted without notifying the Planning and De Downer's Signature: Date: Date:: Date:: Date:: Date:: Date:: Dat

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: +100 feet

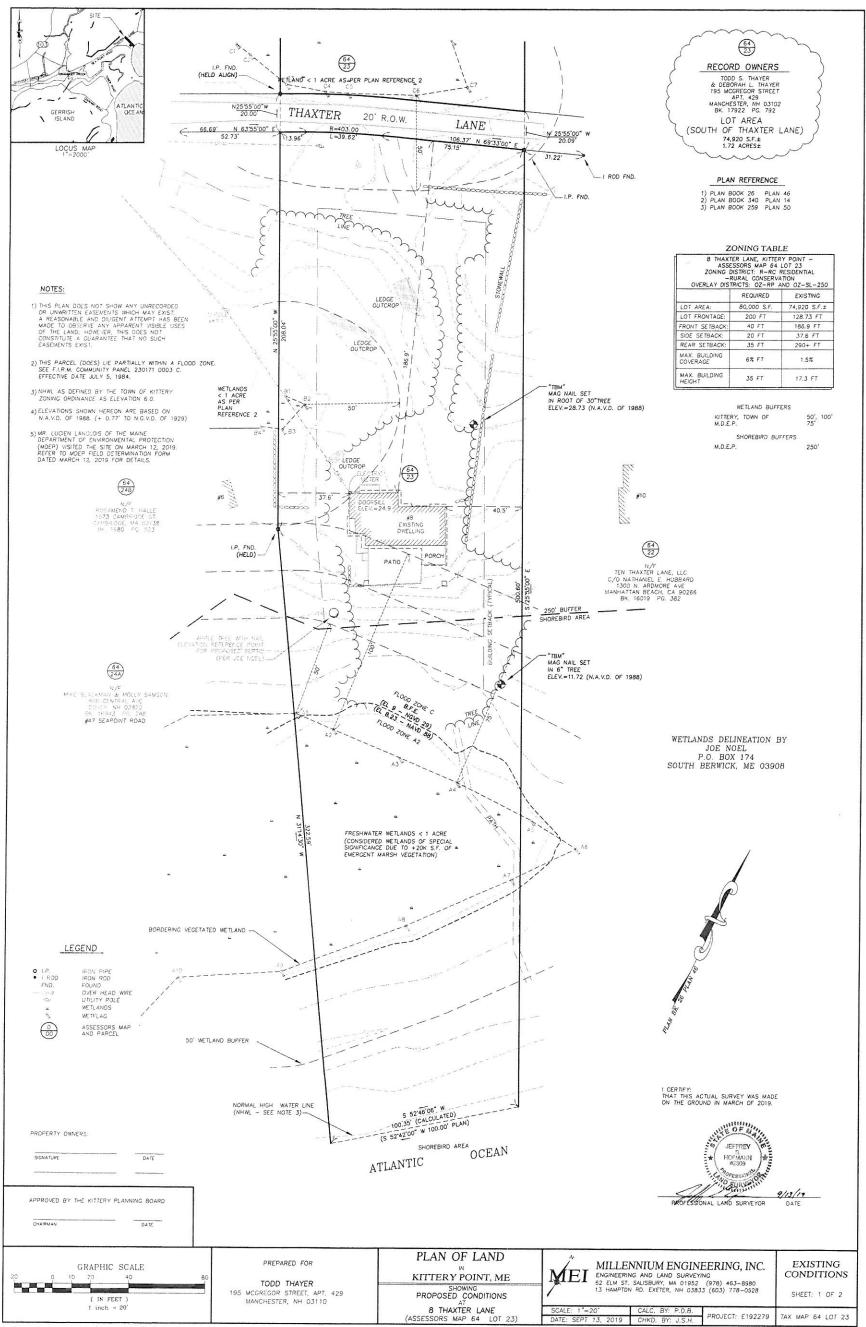
STRUCTURE	Existing	Proposed	% Increase*	
SF (Area)	(133 sf	2473sf	118 %	
Or (Volume)	Cf	and the second second		
Construction:	New:	Demo/Rebuild		Value:
	Maintenance	\$ 700,000		
*Total increase in area	and/or volume may	not exceed 30% fo	or any new construction	on since 1/1/1989.

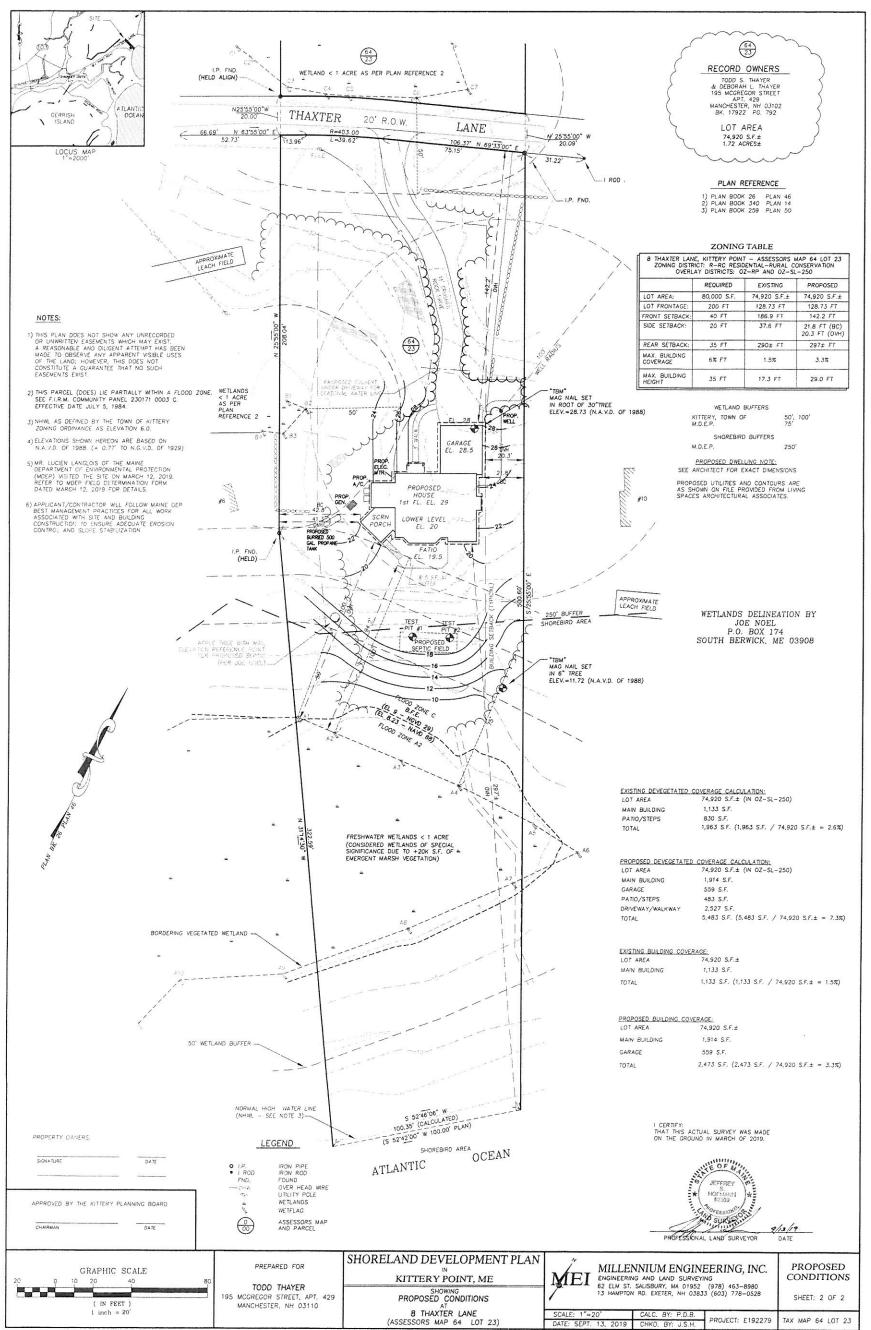
% Allowed*	Existing SF	Proposed SF	% Proposed*
20 %	1963 sf	5483sf	7:3%

BUILDING COVERAGE	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) 74,920 SF	6 %	1133 sf	2473 sf	3.3 %

*See underlying zone standards for building coverage percent allowed.

¹Calculations for area, weltung, 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.





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