

**Town of Kittery Maine
Town Planning Board Meeting
October 11, 2018**

ITEM 3 – 19 Coleman Avenue – Shoreland Development Plan Review

Action: Accept or deny application. Approve or deny plan. Owner/applicant Ian R. Rex requests consideration to expand a nonconforming single family dwelling on a 8,895 +/- square foot parcel located at 19 Coleman Avenue (Tax Map 26 Lot 7-1) in the Residential – Kittery Point Village (R-KPV) and the Shoreland Overlay (OZ-SL-250’) Zones.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Determination of Completeness/Acceptance		Scheduled for 10/11/18
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 within the required 250-foot setback in the Shoreland Overlay Zone. The parcel includes a nonconforming single-family dwelling on a nonconforming lot. The parcel includes a nonconforming single-family dwelling unit on a lot with a nonconforming area (40,000 sf minimum), street frontage (150 feet required), shore frontage (150 feet required) and front and side yard setbacks (40 and 15 feet, respectively required) for the R-KPV zone. The entire house is located within the 100-foot setback from Highest Annual Tide.

The applicant proposes to expand the existing dwelling with two additions (totaling an additional 344 sf.) and additional improvements including a patio (197 sf), wooden steps (24 sf), step stones (25.5 sf), concrete stairs (38 sf), and pavement to the existing driveway (37.5 sf).

In addition, while the property is currently non-conforming with 25% devegetated area (20% is the requirement), the applicant proposes to remove some impervious surfaces (portions of existing pavement and existing patio) and revegetate to maintain the overall devegetated area at 25%. See the coverage calculations on the plan.

Staff Review

1. The proposed expansion 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.

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

- a. The foundation under the building expansion must be constructed to meet the setbacks to the greatest extent practical as determined by the Planning Board using 16.7.3.3.B’s criteria.

- i. The addition as proposed is slightly farther away from the HAT than the rest of the existing structure, making it no more non-conforming.
 - b. A portion of the structure is less than 25 feet from the HAT so the maximum total footprint for the structure may not be expanded to a size greater than 1000 sf or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The height cannot be more than 20 feet or the height of the existing structure, whichever is greater. Roof slope must be 8:12 pitch. (see 16.7.3.3.B[4][a]).
 - i. The structure is at its closest point 22.33 feet from Barthers Creek.
 - ii. The expansion will be 344 sf, the existing structure is noted as being 656 sf. With the expansion, the structure will be 1,000 sf which is the limit permitted by Code.
 - iii. The maximum height of the dwelling is limited to no higher than the existing structure which is 26'8.5" feet. Please note that the height listed on the online application is incorrect. The height on the building elevation plans is correct.
 - iv. The applicant should consider requesting a waiver for the roof slope. There is an ordinance amendment before the Town Council to remove this requirement, however it has not yet been adopted.
2. Per 16.3.2.17.D (d) (Shoreland Overlay Zone, Standards) the total footprint of the devegetated area cannot exceed 20%. The property is currently non-conforming with 25% devegetated area. The proposal calls for removal of existing crushed stone areas, a portion of paved driveway and the vegetation of currently bare ground along the west side of the house. The crushed stone areas will be replaced by wooden steps, step stone path and a patio consisting of pavers and wooden steps. There is also a small area of new pavement to be added to a corner of the driveway. It appears that all devegetated areas have been noted on the plans. See the Impervious Area Calculations on the plan for details. The proposed impervious and devegetated percentages of area will remain the same. The addition of steps or landings, exterior to the structure does not constitute expansion. Step landings may not exceed three feet by three feet in size.
3. According to Flood Insurance Rate Map (FIRM) for Town of Kittery, it appears that the existing dwelling is located within the a flood hazard area, Zone A2 which has a base flood elevation of 9 feet. Unless evidence can be shown otherwise, before any construction begins, a flood hazard development permit must be obtained from the Code Enforcement Officer.

Recommendation

While a site walk and public hearing are not required, the Board will need to consider whether or not to hold them. Staff recommends that the Board conduct both.

Action

If the Board concurs with Staff's recommendation, the Board may use one or both of the motions below.

Move to schedule a site visit on {date and time} for the Shoreland Development Plan application dated June 28, 2018 from owner/applicant Ian R. Rex, who requests consideration to expand a nonconforming single family dwelling on a 8,895 +/- square foot parcel located at 19 Coleman Avenue (Tax Map 26 Lot 7-1) in the Residential – Kittery Point Village (R-KPV) and Shoreland Overlay (OZ-SL-250') zones.

And/or

Move to schedule a public hearing on {date} for the Shoreland Development Plan application dated June 28, 2018 from owner/applicant Ian R. Rex, who requests consideration to expand a nonconforming single family dwelling on a 8,895 +/- square foot parcel located at 19 Coleman Avenue

(Tax Map 26 Lot 7-1) in the Residential – Kittery Point Village (R-KPV) and Shoreland Overlay (OZ-SL-250') zones.

Shoreland Development Plan Application

709

Applicant

👤 Ian Rex
 ☎ 978-578-1782
 @ home@mainethos.com

Location

19 COLEMAN AVENUE
 KITTERY, ME 03905

Project Information

Size of Waterbody

> 1 Acre

Will this project create one acre or more of disturbed area? If yes, you will be required to file a MDEP Notice of Intent to Comply with the Maine Construction Permit. Excavation will require a Maine Dep certified contractor in erosion control measures.

No

Briefly describe the project

Single family residence with 656 sf footprint entirely within 100 ft of shoreline to have existing area renovated and 344 sf added to footprint.

Estimated fair market value of work (Materials/Labor) \$

300000

Lot Size (SF)

8895

I understand that this application requires a completed building/regulated activity permit application

true

Overlay Zone(s)

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

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

true

OZ-CFMU Commercial Fisheries/Maritime Uses Overlay Zone

--

OZ-RP Resource Protection Overlay Zone

--

Project within buffer of overlay zone?

WITHIN 100FT or 75FT (0-100FT from Highest Annual Tide) see sect. A, B, C, D, F Planning Board Review

A. Devegetated Area - Parcel Devegetation

% Allowed

25

Proposed SF

2247

Existing SF

2247

% Proposed

25

B. Building Footprint Principle Structure

Structure distance from Highest Annual Tide (FT)	% Allowed
22.33	52
Existing SF	Proposed SF
656	344
% Proposed Change	
52	

C. Building Height

Building Height (FT)	Bldg. Height Maximum (FT)
27.8	27.8
Bldg. Height Existing (FT)	Bldg. Height Proposed (FT)
27.8	27.8
Roof slope must not be less than an 8:12 Pitch. Proposed roof slope.	
10:12	

D. Authorizations

I certify I have provided, to the best of my knowledge, information requested for this application that is true and correct and I will not deviate from the Plan submitted without notifying the Code Enforcement and/or Planning and Development Departments of any changes. I understand this application must be recorded in the York Country Registry of Deeds and I am responsible for incurred costs.

Applicant is

Owner

true

19 Coleman Av
Kittery Point

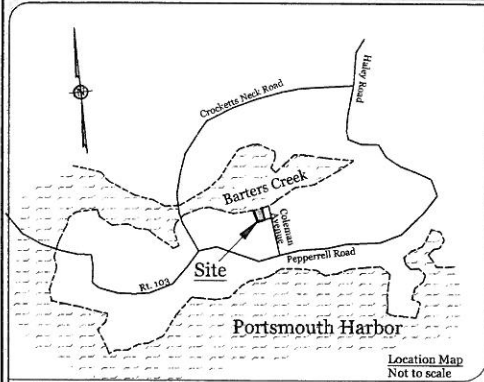
Movies & TV



↑ Falling Wall

19 Coleman Av





Impervious Area Calculations:

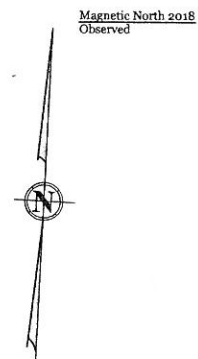
Total Lot Area (to face of seawall) = 8,895 sq. ft.

Existing Impervious and Devegetated Areas:

Dwelling:	656 sq. ft.
Concrete Stairs:	38 sq. ft.
Wooden Steps:	69 sq. ft.
Crushed Stone:	315 sq. ft.
Paved Drive:	1,100 sq. ft.
Bare Ground:	69 sq. ft.
Total:	2,247 sq. ft. (25% impervious)

Proposed Impervious and Devegetated Areas:

Proposed Dwelling:	1,000 sq. ft.
Concrete Stairs:	38 sq. ft.
Remaining Paved Drive:	925 sq. ft.
Proposed Patio:	197 sq. ft.
Proposed Added Pavement:	37.5 sq. ft.
Proposed Step Stones:	25.5 sq. ft.
Proposed Wooden Steps:	24 sq. ft.
Total:	2,247 sq. ft. (25% impervious)



- Plan References:**
- "Plan Prepared For Estate Of Ruth King, Kittery Point, Maine", dated February 25, 1981 by Thomas F. Moran, Inc. and recorded at the York County Registry of Deeds in Plan Book 147, page 45
 - "Plan Of Land Of Austin King In Kittery, Maine", dated July 27, 1976 by Moulton Engineering Co. and recorded at the York County Registry of Deeds in Plan Book 79, page 25
 - "Plan Of Land Of Avel B. & Flossie A. Plimpton In Kittery, Maine", dated July 26, 1976 by Moulton Engineering Co. and recorded at the York County Registry of Deeds in Plan Book 79, page 24
 - "Plan of Land Conveyed To Mary L. Newson", dated 1826 and recorded at the York County Registry of Deeds in Plan Book 10, page 75
 - "Lot Line Adjustment For Property At 18 Coleman Avenue & 77 Pepperell Road, Kittery, Maine, Owned By Jane Torrey Leaser, George O. Derby & Neilla J. Arnold", dated March 20, 2007 by Easterly Surveying, Inc. and recorded at the York County Registry of Deeds in Plan Book 319, page 15

- General Notes:**
- The purpose of this plan is to depict proposed additions to an existing dwelling for review by the Town of Kittery Planning Board.
 - Locus parcel is depicted as Town of Kittery Assessor's Map 26; Lot 7-1
 - The contours shown herein were derived from field measurements and are referenced to NAVD88 as measured from National Geodetic Survey Benchmark "Tidal 5 Sta 91".
 - The elevation of the Highest Annual Tide (HAT) Line shown herein (6.3' NAVD88) was provided by Maine DEP.
 - The utility and septic locations shown herein were provided by client, and have not been verified by this office.
 - This plan is not intended to depict limits or extent of fee title ownership. Opinion of title should be rendered by a title attorney.
 - This office reserves the right to be held harmless to all third party claims.
 - Reference is made to "Contract For Land Surveying Services" between Middle Branch, LLC Professional Land Surveyors and the below listed client(s) for exceptions made from Chapter 90, Part 2, "Technical Standards Of Practice". Said contract shall be considered an integral part of this survey.
 - This office reserves the right to be held harmless for unknown or unobtainable private records which could affect the results of this survey.
 - This survey does not purport to reflect any of the following:
 - assessments other than those that are visible or specifically stated in the referenced documents
 - building setback compliance or restrictive covenants
 - the location of any underground utilities or structures.
 - This survey has been performed in accordance with Maine Board Of Licensure for Professional Land Surveyors Rules, Chapter 90, Part 2.

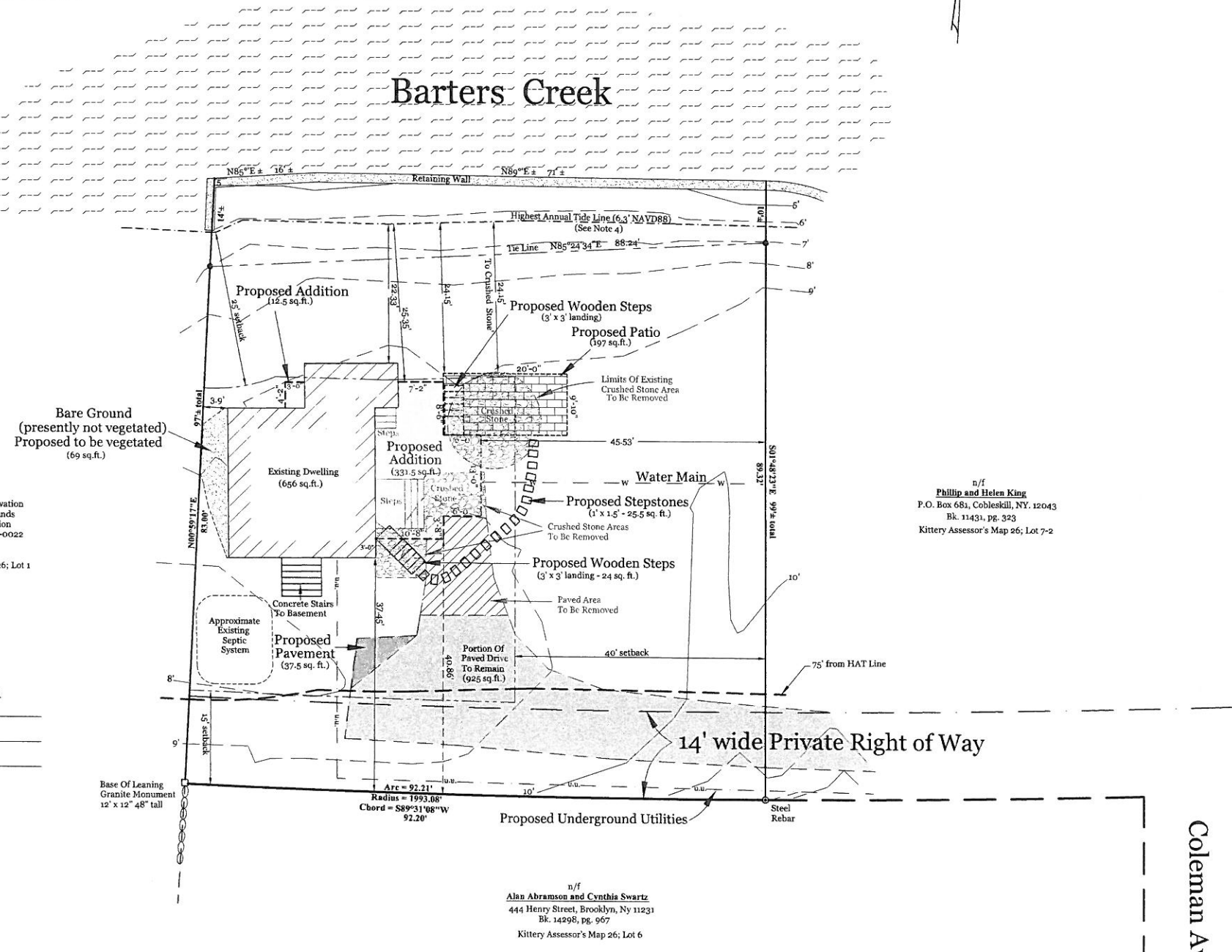
Locus Deed Reference:

Ian R. Rex
 to
 Ian R. Rex and Caroline Nielsen
 dated July 13, 2018 and recorded at the York County
 Registry of Deeds in Book 17774, page 227

Zoning:

Residential-Kittery Point Village (R-KPV)
 Minimum Lot Size: 40,000 sq. ft.
 Minimum Street Frontage: 150'
 Minimum Front Yard: 40'
 Minimum Rear and Side Yards: 15'
 Maximum Building Height: 35'
 Maximum Building Coverage: 15%

Shoreland Overlay Zone:
 Minimum Lot Size: 40,000 sq. ft.
 Minimum Street Frontage: 150'
 Principle and Accessory Structure Setback: 100' from normal high water line
 Maximum Impervious (devegetated) Area: 20%

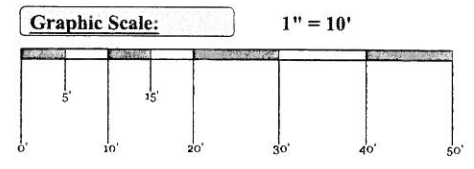


n/f
 State of Maine
 Department of Conservation
 Bureau of Parks & Lands
 22 State House Station
 Augusta, Maine 04333-0022
 Bk. 727, pg. 407
 Kittery Assessor's Map 26; Lot 1

n/f
 Phillip and Helen King
 P.O. Box 681, Cobleskill, NY, 12043
 Bk. 11431, pg. 323
 Kittery Assessor's Map 26; Lot 7-2

n/f
 Alan Abramson and Cynthia Swartz
 444 Henry Street, Brooklyn, NY 11231
 Bk. 14298, pg. 967
 Kittery Assessor's Map 26; Lot 6

Approved By:
Town of Kittery Planning Board:
 Chair: _____ Date: _____



This plan is not valid without the signature and embossed seal of the below listed Professional Land Surveyor.

Middle Branch, LLC Professional Land Surveyors

Brad R. Lodge
 Brad R. Lodge, P.L.S. #2057 (agent) 9/20/2018 Date:



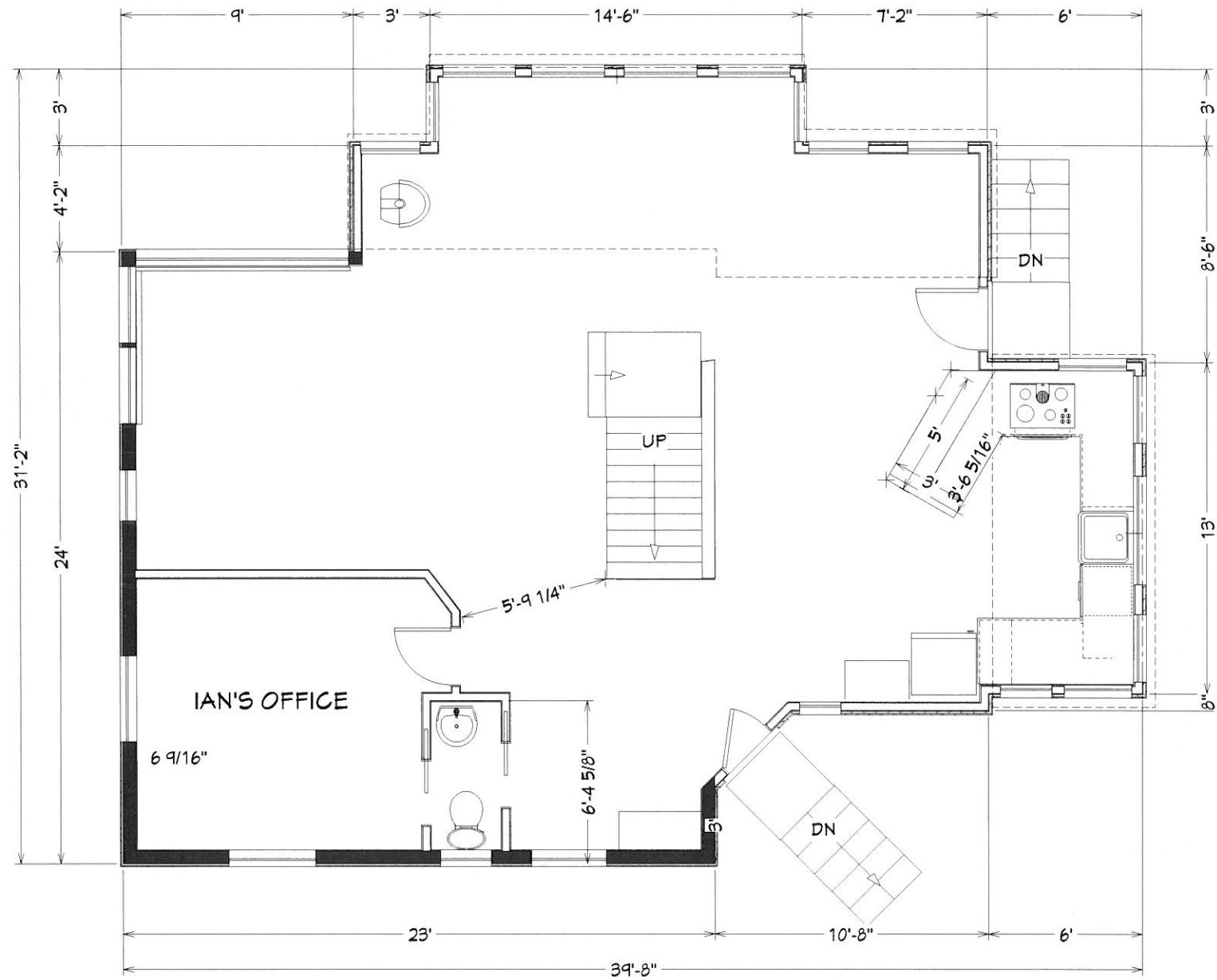
Coleman Avenue

Revised 9/20/2018 Per Submission Comments / Proposed Addition Changes / Other misc. changes

Shoreland Development Plan
 Prepared For
Ian R. Rex and Caroline Nielsen
 19 Coleman Avenue, Kittery Point, Maine

MIDDLE BRANCH, LLC
PROFESSIONAL LAND SURVEYORS
 1A DEPOT STREET, P.O. BOX 618
 ALFRED, MAINE 04002-0618
 TEL (207)324-8712 FAX (207)324-6100

Record Owner: Ian R. Rex and Caroline Nielsen P.O. Box 177 Kittery Point, Maine 03095	Drawn By: BRL Chkd. By: DLW/MRL	Survey Date: June/August 2018 Plan Date: 6/28/2018 Scale: 1" = 10'
Book No.: 438-21 & 56	Dwg. No.: 2181785R1 Job No.: 2181785	Sheet No.: 1 of 1



First Floor

1/2"=1'

REVISION TABLE	
NUMBER	DATE

Rex-Nielsen Residence
19 Coleman Av, Kittery Point

First Floor

DRAWINGS PROVIDED BY:
John Boley
Ian Rex

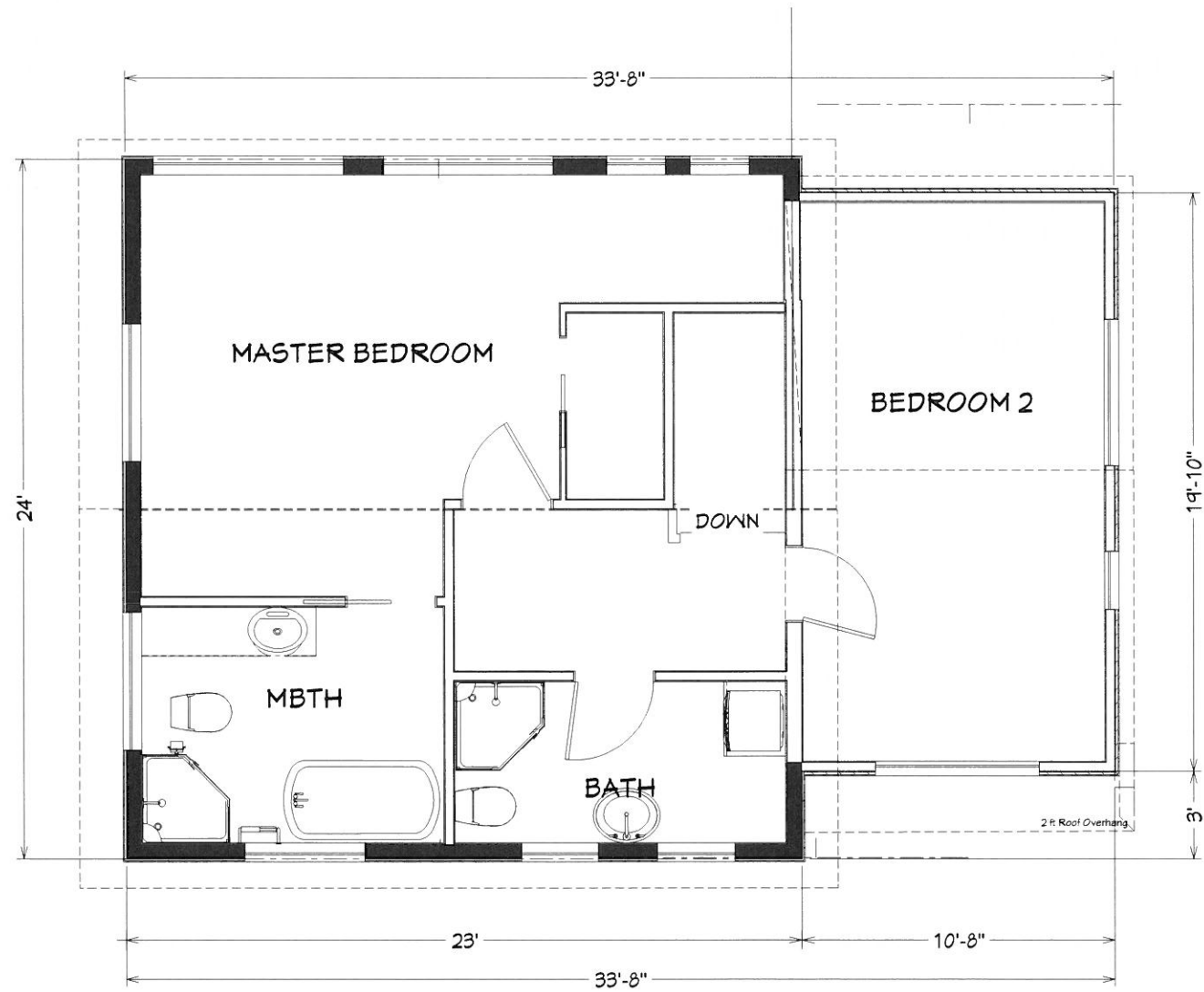
DATE:

9/26/2018

SCALE:

1/2" = 1'

SHEET:



Second Floor
1/2"=1'

REVISION TABLE	
NUMBER	DATE

Rex-Nielsen Residence
19 Coleman Av, Kittery Point

Second Floor

DRAWINGS PROVIDED BY:
John Boley
Ian Rex

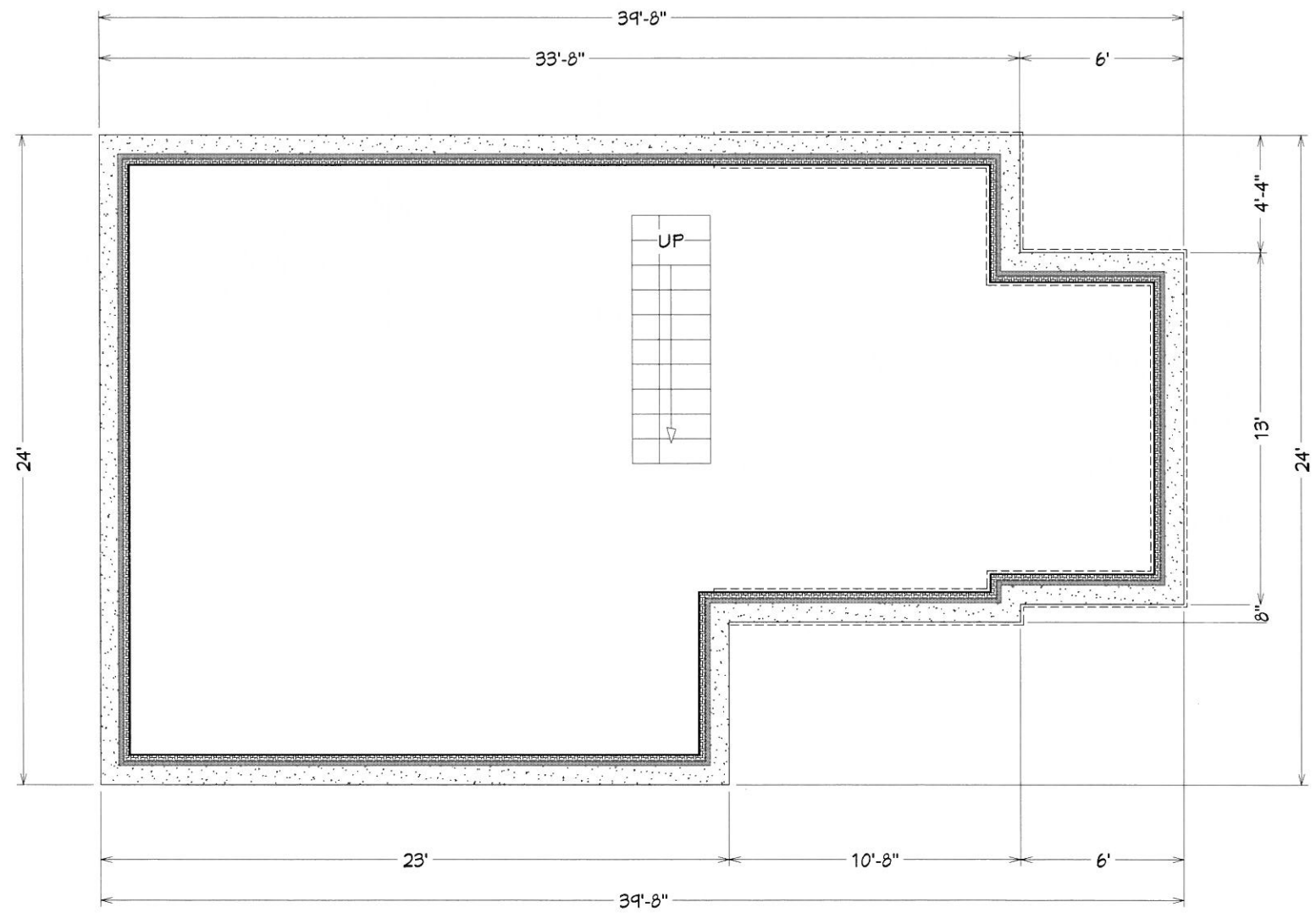
DATE:

9/26/2018

SCALE:

1/2" = 1'

SHEET:



Basement & Foundation
1/2"=1'

REVISION TABLE	
NUMBER	DATE

Rex-Nielsen Residence
19 Coleman Av, Kittery Point

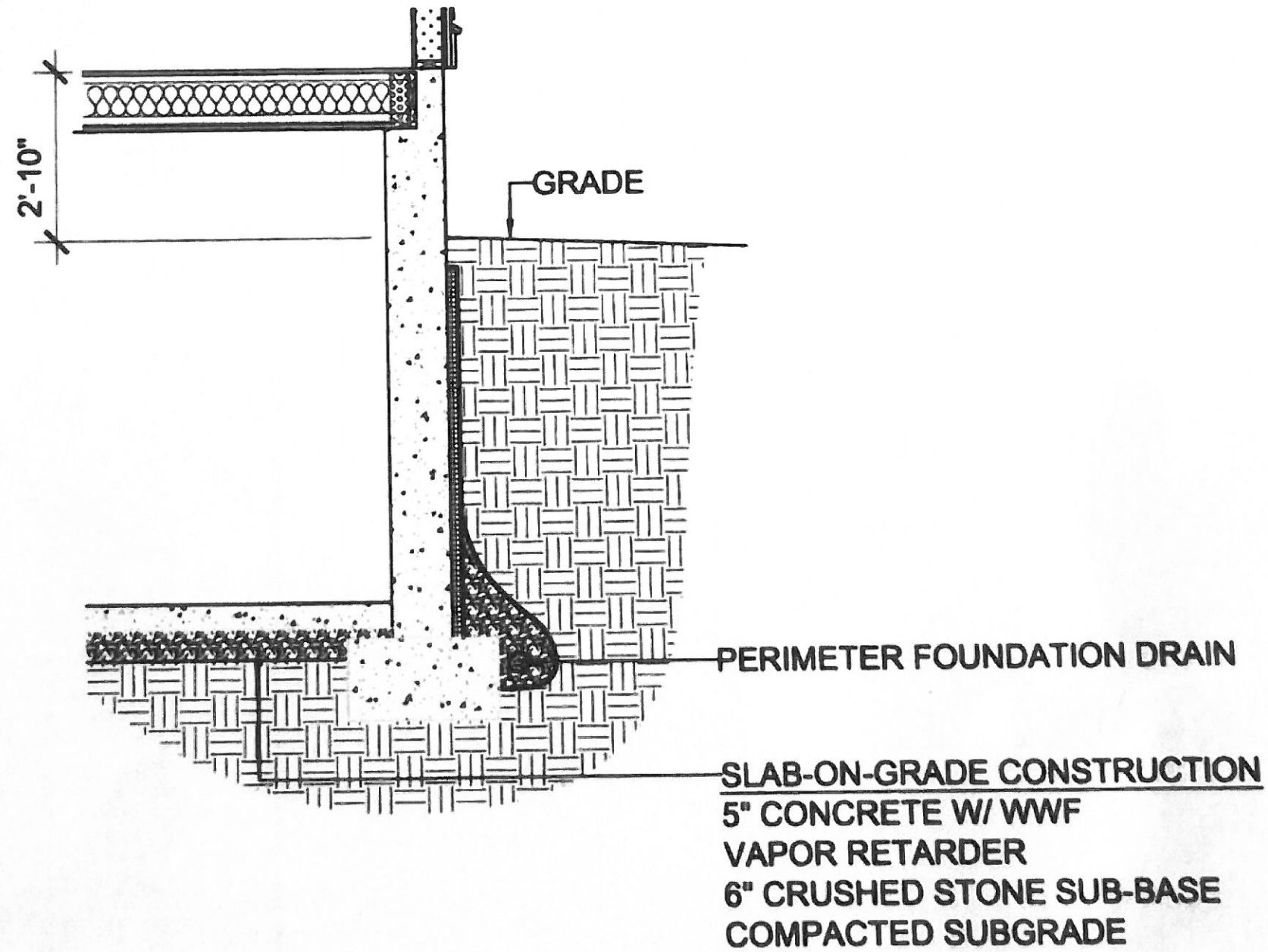
Basement &
Foundation

DRAWINGS PROVIDED BY:
John Boley
Ian Rex

DATE:
9/26/2018

SCALE:
1/2" = 1'

SHEET:



2

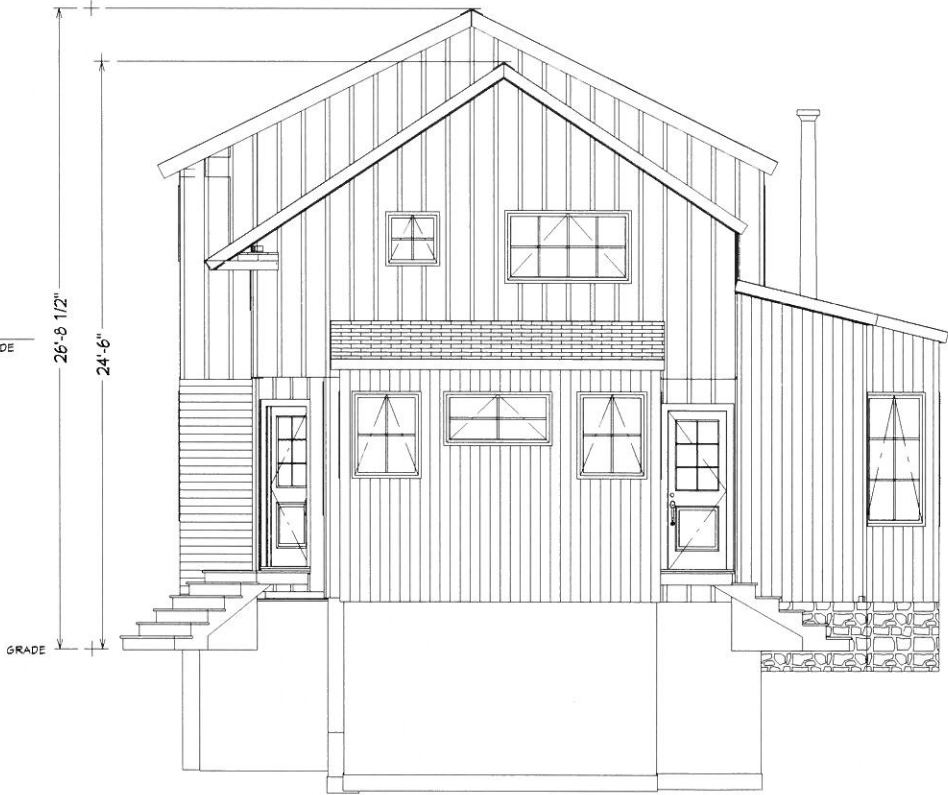
FOUNDATION DETAIL

3/16" = 1'-0"



Left

3/8"=1'



Streetfront

3/8"=1'

REVISION TABLE	
NUMBER	DATE

Rex-Nielsen Residence
19 Coleman Av, Kittery Point

**Front & Left
Elevations**

DRAWINGS PROVIDED BY:
John Boley
Ian Rex

DATE:
9/26/2018

SCALE:
3/8"=1'

SHEET:



Back / Ft. McClary

3/8"=1'



Right / Barbers Creek

3/8"=1'

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

Rex-Nielsen Residence
19 Coleman Av, Kittery Point

**Back & Right
Elevations**

DRAWINGS PROVIDED BY:
John Boley
Ian Rex

DATE:

9/26/2018

SCALE:

3/8"=1'

SHEET: