

**Town of Kittery Maine
 Planning Board Meeting
 May 23, 2019**

ITEM 3 - 12 Haley Road – Shoreland Development Plan Review.

Action: Accept or deny application. Approve or deny plan. Owner/applicant Kimberly A. Lingard requests consideration to reconstruct an existing single family residence and shed on a 3,817 sf parcel located at 12 Haley Road (Tax Map 47 Lot 21) in the Residential - Rural (R-RL) Shoreland Overlay (OZ-SL-250' & OZ-SL-75') and Resource Protection (OZ-SL-75') Zones. Agent Ryan McCarthy, P.E., P.L.S, Tidewater Engineering & Surveying, Inc.

PROJECT TRACKING

REQ'D	DESCRIPTION	COMMENTS	STATUS
YES	Determination of Completeness	5/9/2019	ACCEPTED
NO	Public Hearing		
NO	Site Walk		
Yes	Final Plan Review and Decision	Possible for 5/23/2019	TBD

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 %: HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.L – 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 entirely within the both the Stream Protection Area – Shoreland Overlay Zone and the Water Body/Wetland Protection Area – Shoreland Overlay Zone. The property is a non-conforming lot due to its frontage and size and contained a nonconforming single-family dwelling (recently demolished), and a non-conforming shed in disrepair. The total area is only 3,817 sf (excluding wetlands) and is bounded on the south and southeast by Wilson Creek. Wilson Creek is included in the Stream Protection Overlay Zone and requires a 75’ setback for new construction.

The applicant proposes to reconstruct the single family residence and shed located on the property. The residence will stay in the same location and will not be increased in area but will increase in height. At the time of application submittal the existing residence had been demolished with the exception of the foundation, rear deck and shed. A permit from the Code Enforcement office was obtained for the demolition but upon further review by the Office it was determined that any reconstruction fell under the jurisdiction of the Planning Board due to the location in the Overlay Zones.

The existing shed is in disrepair and the applicant has proposed to replace the shed with a new one of the same dimensions. The location will shift about a foot farther away from the stream.

Staff Review

1. The proposed expansion does not meet the requirements of the Shoreland Overlay Zones (OZ-SL-250' & OZ-SL-75'). However, the provisions of Article III. Nonconformance apply to the property and existing structures.
 - a. 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 applicant outlines the reasons in the Project Narrative for reconstructing on the existing footprint. The lot is undersized and if the structure was shifted or rotated then the non-conformity relative to the front yard setback would increase. According to the plan, a small portion of the of the reconstructed residence (SE corner) falls within the 25' setback from the upland edge of the wetland. Under Section 16.7.3.3 B. (3) (e) [2] expansion of any portion of a structure is prohibited. The applicant states that the new residence will have a greater building height than the existing building but is still in compliance with Section 16.7.3.3 B. [4] [a] regarding maximum height of the structure. It can't be determined, though, from the building plans whether there is an expansion within the 25' area. **UPDATE: The applicant has submitted a detailed analysis / explanation and revised plans (attached) that demonstrate compliance with the applicable sections of the code.**

The shed reconstruction falls under the same requirement and the Project Narrative also addresses the limitations on relocating the shed further away from the resource. It is noted that the new shed will be rotated to be align better with the backyard and driveway. This shifts the location farther away from the stream improving that non-conformity, however, by doing so increases the non-conformity slightly with the front yard setback requirement of 40 feet. Section 16.7.3.3 A (1) does allow for the relocation of the shed provided the site of relocation conforms to all dimensional requirements, to the greatest practical extent, as determined by the Planning Board.

- b. Per Section 6.3.2.17.D (Shoreland Overlay Zone, Standards) the total footprint of the devegetated area cannot exceed 20%. The property is currently non-conforming with about 28.1% devegetated. As outlined on the Shoreland Development Plan with the proposed improvements the devegetated area will remain at 28.1%. See the Existing and Proposed Devegetated Coverage Calculations on the plan for details.

Per Section 16.3.2.1 D. (e) the maximum building coverage for the zone is 15%. The existing condition is at 18.8% and with the proposed improvements the building coverage will decrease by approximately 0.3%.

Recommendation / Action

The Board accepted the application as complete at the May 9th meeting and with the new analysis / information that the applicant has presented Staff recommends that the Board:

Approve the Shoreland Development Plan application, dated April 18, 2019, revised May 16, 2019, from owner/applicant Kimberly A. Lingard to reconstruct an existing single family residence and shed on a 3,817 sf parcel located at 12 Haley Road (Tax Map 47 Lot 21) in the Residential - Rural (R-RL) Shoreland Overlay (OZ-SL-250' & OZ-SL-75') and Resource Protection (OZ-RP) Zones .

KITTERY PLANNING BOARD
FINDINGS OF FACT
for 12 Haley Road
Shoreland Development Plan Review

UNAPPROVED

WHEREAS: Owner/applicant Kimberly A. Lingard requests consideration to reconstruct an existing single family residence and shed on a 3,817 sf parcel located at 12 Haley Road (Tax Map 47 Lot 21) in the Residential - Rural (R-RL) Shoreland Overlay (OZ-SL-250' & OZ-SL-75') and Resource Protection (OZ-SL-75') Zones. Agent Ryan McCarthy, P.E., P.L.S, Tidewater Engineering & Surveying, Inc.

Hereinafter the "Development," and

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted;

Shoreland Development Plan Review	5/9/2019	HELD
Site Walk	N/A	
Public Hearing	N/A	
Shoreland Development Plan Approval	5/23/2019	APPROVED

And pursuant to the Application and Plan and other documents considered to be a part of the plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"):

1. Shoreland Development Plan Application, 4/18/2019.
2. Shoreland Development Plan, Tidewater Engineering & Surveying, Inc. 4/18/2019, revised 5//2019.
3. Linguard Residence, Gary M. Lepore, AIA 3/8/2019.

NOW THEREFORE, based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17. D Shoreland Overlay Zone

(1)(d) The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...

Findings: The existing devegetated and impervious surfaces area is 28.1% of the lot area. As outlined on the Shoreland Development Plan with the proposed improvements the devegetated area will remain at 28.1%.

Conclusion: This standard appears to have been met.

Vote: __ in favor __ against __ abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS
Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

A. Except as otherwise provided in this Article, a nonconforming condition must not be permitted to become more nonconforming.

Finding: This is an existing, nonconforming lot with an existing single family dwelling structure that is nonconforming to the 75-foot setback from the stream and front yard setback. A dwelling is a special exception use in the Shoreland Overlay Zone.

The proposed reconstruction does not increase the nonconformity as permitted in 16.7.3.3.B. Nonconforming structure repair and/or expansion.

Conclusion: The requirement appears to be met.

Vote: __ in favor __ against __ abstaining

16.7.3.3 Nonconforming Structures

16.7.3.3.B Nonconforming structure repair and/or expansion

In cases where the structure is located in the Shoreland or Resource Protection Overlay Zone, the repair and/or expansion must be approved by the Planning Board. See 16.6.6.A.2 reference below.

Finding: The proposed development increases the nonconformity as permitted in 16.7.3.3.C. (1) and 16.7.3.3 B. (3) (e) [2] [4] [a]. The footprint of the structures will not increase in size. The height of the structures will not be greater than the height of the existing structures. There will be no increase in the area and volume of the structures within 25 feet of the wetland.

The reconstruction shed will be 8' x 8' in dimensions which is smaller than the existing at 11.8' x 8.1'.

Conclusion: The requirement appears to be met.

Vote: __ in favor __ against __ abstaining

16.6.6 Basis for Decision

16.6.6.A.2 *In hearing appeals/requests under this Section, the Board of Appeals [note: Planning Board is also subject to this section per 16.7.3.3.B.(1) above] must use the following criteria as the basis of a decision:*

- 1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;*
- 2. 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;*
- 3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and*
- 4. Use will be in harmony with and promote the general purposes and intent of this Code.*

Finding: The proposed reconstruction does not pose a concern.

Conclusion: The requirement appears to be met.

Vote: __ in favor __ against __ abstaining

Chapter 16.10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article X Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

D. An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. Maintain safe and healthful conditions;

Finding: The proposed reconstruction will comply with all applicable building codes.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

3. Adequately provide for the disposal of all wastewater;

Finding: No changes are proposed to the existing septic system.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met.

Vote: _6_ in favor _0_ against _0_ abstaining

5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

Finding: The proposed development will impact shore cover. There are no points of public access.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

6. Protect archaeological and historic resources;

Finding: The proposed reconstruction will not impact archaeological and historic resources.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;

Finding: The proposed reconstruction will not impact commercial fishing or maritime activities.

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining
8. Avoid problems associated with floodplain development and use; <u>Finding:</u> The proposed reconstruction is not within a flood hazard area. <u>Conclusion:</u> This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
9. Is in conformance with the provisions of this Code; <u>Finding:</u> The proposed reconstruction appears to be in conformance with the provisions of this Code. <u>Conclusion:</u> This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
10. Be recorded with the York County Registry of Deeds. <u>Conclusion:</u> As stated in the Notices to Applicant contained herein, shoreland development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: __ in favor __ against __ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan subject to any conditions or waivers, as follows:

Waivers:

- 1) None.

Conditions of Approval (to be included on final plan to be recorded):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2).
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained herein (Findings of Fact dated 5/23/2019).

The Planning Board authorizes the Planning Board Chair or Vice Chair to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of __ in favor __ against __ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON May 23, 2019

Dutch Dunkelberger, Planning Board Chair

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as required by Planning Board and submit for Staff review prior to presentation of final mylar.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

Notices to Applicant:

5. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.
6. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
7. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
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May 16, 2019

Mr. Jamie Steffen
Kittery Town Planner
200 Rogers Rd
Kittery, Maine 03904

Re: Revised - Shoreland Development Plan Submission
Applicant: Kimberly Lingard, 12 Haley Road, Kittery, ME
Job No. 19-113

Dear Mr. Steffen,

On behalf of Kimberly A. Lingard, Tidewater Engineering & Surveying, Inc. has revised the Shoreland Development Application to address the questions and comments received at the May 3, 2019 Planning Board meeting. The following documents are enclosed for your review.

1. Shoreland Development Plan – Revision 1
 - a. Proposed Shed: Footprint reduced from 11.8' x 8.1' to 8' x 8'. This further improved the non-conforming setback from the wetland/stream and the front property line. Also added a dimension labeling the existing and proposed distance from the front property line.
 - b. Proposed Deck: Modified the overall dimensions and configuration to incorporate the steps within the rectangular deck area instead of the steps extending off the deck into the backyard. The proposed deck maintains the same existing setback to the wetland/stream and side property line.
 - c. Proposed Building Elevation View:
 - i. Lowered the first floor elevation four inches. This reduces the proposed building height by four inches as well.
 - ii. Added the proposed crawlspace.
 - iii. Added the 25ft setback line from the wetland.
 - d. Existing Building Elevation View:
 - i. Recreated an elevation view of the existing structure based upon field evidence and photos of the building prior to demolition. A detailed explanation of how this was recreated is enclosed.
 - e. Existing Building Dimensions: At the time of the initial field survey, demolition debris was piled on the existing subfloor. The applicant has since removed the debris allowing us to obtain more accurate measurements of the existing building dimension and the elevations of crawlspace and first floor.
 - f. Calculation Tables:
 - i. Devegetated Coverage Calculation – Updated per revisions noted above.
 - ii. Building Coverage Calculation – Updated per revisions noted above.
 - iii. Building Height Calculation – Updated per comment 1.c.i. above.



- iv. Portion of Structures Within 25 ft of Wetland – Added comparison of the existing/proposed area and volume of the structures within 25 feet of the wetland to demonstrate compliance with Section 16.7.3.3.2.E.2 that prohibits expansion of any portion of a structure that is located within 25 feet of the wetland. A detailed explanation of how the volume was calculated is enclosed.
2. Supplemental Narrative
 - a. Explanation of existing structure regeneration.
 - b. Explanation of building volume calculations.

We look forward to the opportunity to present this project to the Planning Board at the next available meeting. If you have any questions, please do not hesitate to contact us at (207) 439-2222.

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy".

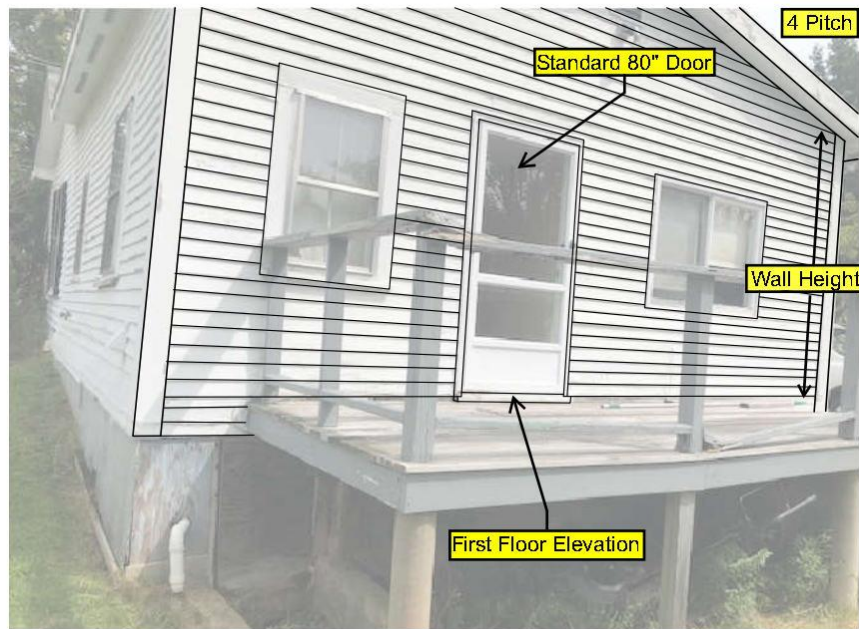
Ryan M. McCarthy, P.E., P.L.S.

President
Tidewater Engineering & Surveying, Inc.
(207) 439-2222
ryan@tidewatercivil.com

Enclosures

EXISTING BUILDING REGENERATION

At the time of the field survey, the existing building on the subject property had been demolished with the exception of the foundation, floor joists, subfloor and decks. The building's location, footprint dimensions, crawlspace elevation and first floor elevation were able to be documented, however the vertical dimensions of the walls and roof were not. These dimensions are necessary in order to calculate the volume of the existing structure. To estimate these dimensions, photos of the existing building prior to demolition were obtained from the applicant and used to regenerate the building using computer-aided design software. Below is a photo of the rear of the building input into the software.



Based upon a combination of the data collected in the field and the data generated using the old photos, the horizontal and vertical dimensions of the existing structure were established. An elevation view of the back of the building that labels key dimensions and elevations is provided on the revised Shoreland Development Plan.



STRUCTURE VOLUME CALCULATIONS

Section 16.7.3.3.2.E.2 prohibits the expansion of any portion of a structure that is located within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland.

The Kittery Land Use and Development Code defines “expansion” as *an increase in the floor area or volume of a structure, including all extensions, such as, but not limited to, piers or attached decks, garages, porches and greenhouses.* As the proposed building is smaller in footprint than the existing building, there is no increase in area. The proposed building does have a steeper roof than the existing building; therefore the Planning Board has requested that volume calculations be provided to demonstrate compliance with 16.7.3.3.2.E.2.

Since the Kittery Land Use and Development Code does not specify the lower limit surface to use as the baseline for the volume calculations, we have decided to provide the volume calculations using three different baselines. 1) crawlspace floor elevation 2) average ground elevation and 3) first floor elevation.

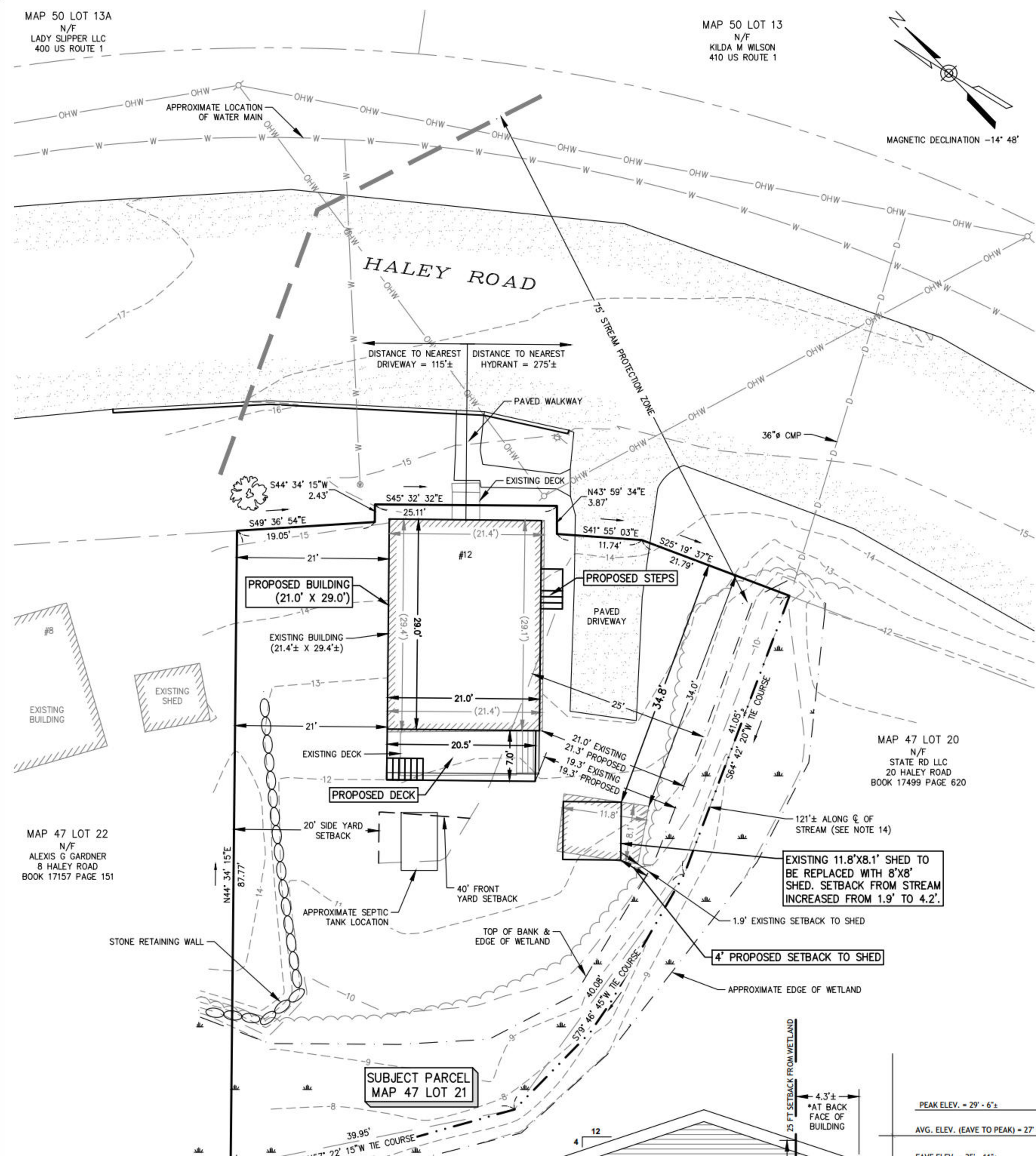
The following tables provide a comparison of the existing and proposed volumes output using three-dimensional analysis software.

Baseline Measured From	Existing Structure Volume (cubic feet)	Proposed Structure Volume (cubic feet)	Difference in Volume (cubic feet)
Crawlspace Floor	389 cubic feet	329 cubic feet	- 60 cubic feet
Average Ground Elevation	325 cubic feet	314 cubic feet	- 11 cubic feet
First Floor Elevation	273 cubic feet	267 cubic feet	- 6 cubic feet

Table 1: Volume Comparison of House Using Different Baselines

For all three scenarios, the volume of the proposed structure was found to be less than the volume of the existing structure, for the portion within 25 feet of the wetland. Although increasing the pitch of the roof does add volume to the structure, it is offset by the reduction in volume due to the proposed structure being located further away from the wetland.

It is therefore concluded that the proposed structure does not result in an increase in area or volume compared to the original structure as required by Section 16.7.3.3.2.E.2.



LOT AREA

GROSS LOT SIZE	5,207 SF
WETLAND AREA	1,390 SF
TOTAL LAND AREA	3,817 SF*

*EXCLUDES WETLANDS PER DEFINITION OF "MINIMUM LAND AREA"

DEVEGETATED COVERAGE CALCULATION

LAND AREA	3,817 SF	
BUILDING	EXISTING 625 SF	PROPOSED 609 SF
SHED	96 SF	64 SF
FRONT DECK/STEPS	8 SF	N/A
SIDE DECK/STEPS	N/A	17 SF
REAR DECK/STEPS	115 SF	144 SF
DRIVEWAYS	233 SF	233 SF
TOTAL	1,077 SF	1,067 SF
% COVERAGE	28.2%±	28.0%±

BUILDING COVERAGE CALCULATION

LAND AREA	3,817 SF	
BUILDING	EXISTING 625 SF	PROPOSED 609 SF
SHED	96 SF	64 SF
TOTAL	721 SF	673 SF
% COVERAGE	18.9%±	17.6%±

BUILDING HEIGHT CALCULATION

PEAK ELEVATION = 41'-1"
EAVE ELEVATION = 25'-6"
AVERAGE = 33'-3 1/2"

AVERAGE GROUND EL = (15-12.5)/2 = 13.75' = 13'-9"

BUILDING HEIGHT = 19'-6 1/2" < 20 FT REQUIREMENT MET

PORTION OF STRUCTURES WITHIN 25 FT OF WETLAND

AREA COMPARISON

HOUSE/DECK	EXISTING 54 SF	PROPOSED 54 SF	DIFFERENCE 0 SF
SHED	96 SF	64 SF	-32 SF
TOTAL	150 SF	118 SF	-32 SF

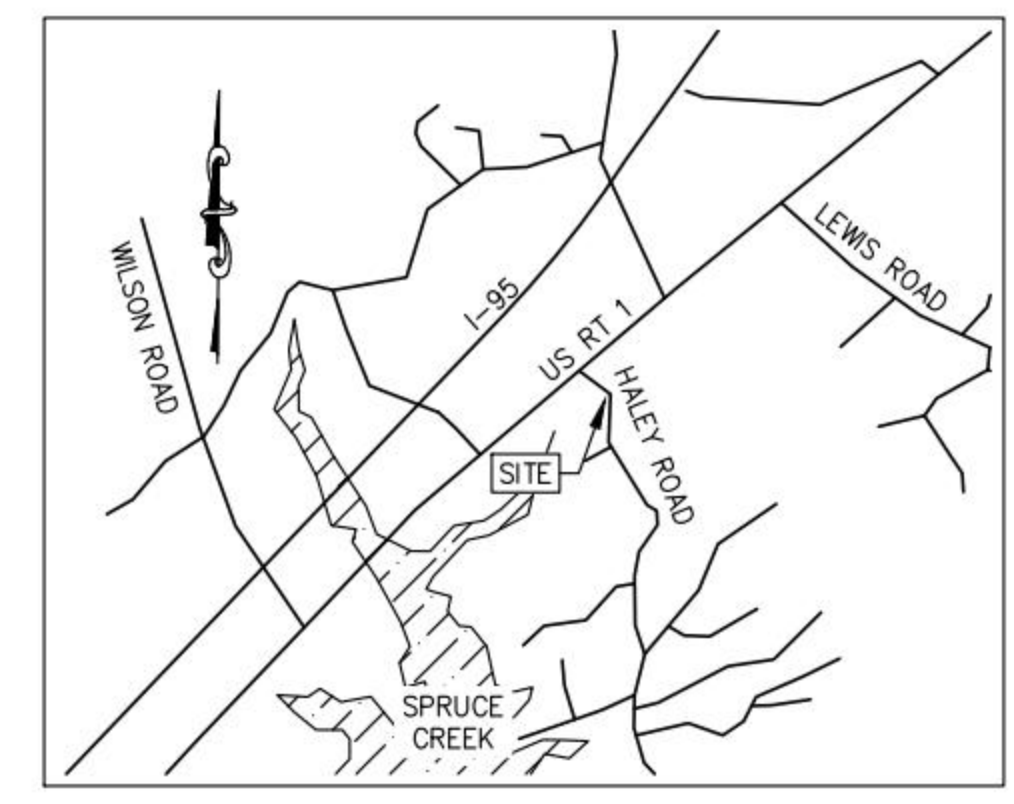
VOLUME COMPARISON

HOUSE ¹	EXISTING 389 CF	PROPOSED 329 CF	DIFFERENCE -60 CF
SHED ²	732 CF	490 CF	-242 CF
TOTAL	1,121 CF	825 CF	-296 CF

1. MEASURED FROM CRAWLSPACE FLOOR TO ROOF
2. MEASURED FROM SHED FLOOR TO ROOF

LEGEND

- SUBJECT PARCEL PROPERTY LINE
- - - APPROXIMATE ABUTTER'S LINE
- EDGE OF PAVEMENT
- - - EDGE OF GRAVEL
- EXISTING STONE WALL
- IRON PIPE, ROD, OR DISK FOUND
- DRILL HOLE FOUND
- 5/8" IRON REBAR TO BE SET
- UTILITY POLE

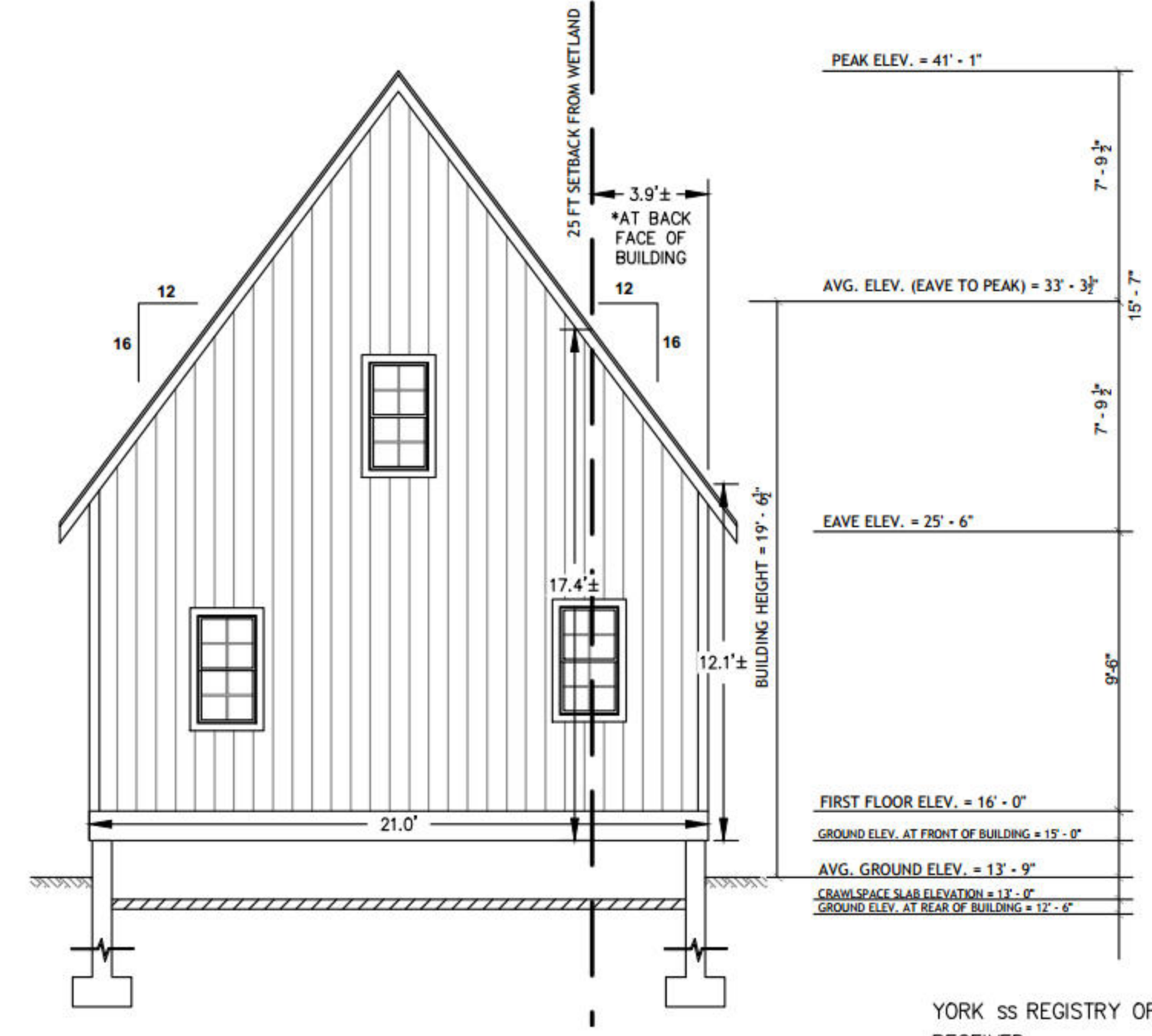
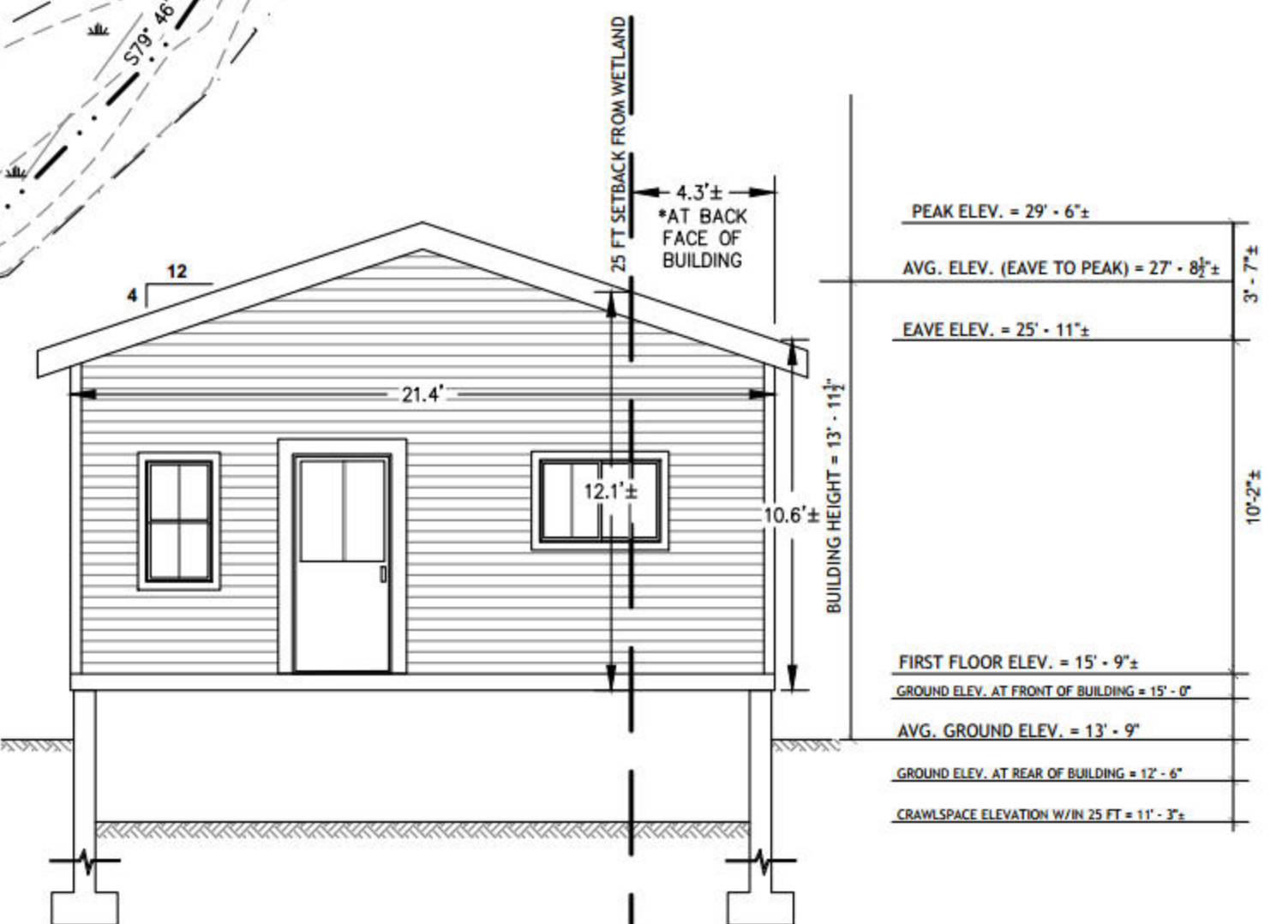
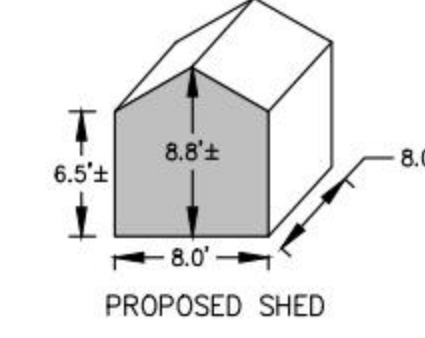
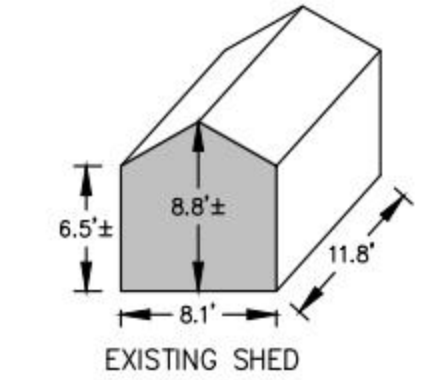


GENERAL NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED REPLACEMENT OF THE EXISTING BUILDING LOCATED ON TAX MAP 47 LOT 21 IN KITTERY, MAINE. SAID PLAN TO BE USED FOR APPLYING FOR A SHORELAND DEVELOPMENT PERMIT FROM THE KITTERY PLANNING BOARD. THIS PLAN IS NOT VALID UNLESS SIGNED BY THE PLANNING BOARD CHAIR.
- OWNER OF RECORD:
KIMBERLY A. LINGARD
106 HALEY ROAD, KITTERY, ME 03904
Y.C.R.D. BOOK 17829 PAGE 342
- THE PROPERTY IS LOCATED WITHIN THE R-RL ZONING DISTRICT. THE FOLLOWING DIMENSIONAL REGULATIONS ARE IN EFFECT AT THE TIME OF THIS SURVEY AND ARE SUBJECT TO THE REVIEW BY THE TOWN OF KITTERY.

MIN. LOT SIZE:	40,000 SF
MIN. STREET FRONTAGE:	150 FEET
MIN. FRONT YARD SETBACK:	40 FEET
MIN. SIDE/REAR YARD SETBACK:	20 FEET
MAX. BUILDING COVERAGE:	15%
MAX. BUILDING HEIGHT:	35 FEET
- THE PROPERTY IS LOCATED ENTIRELY WITHIN THE SHORELAND OVERLAY ZONE - STREAM PROTECTION AREA. THE PROPERTY ALSO APPEARS TO BE LOCATED WITHIN 250 FEET OF THE UPLAND EDGE OF A COASTAL WETLAND CLASSIFIED AS THE SHORELAND OVERLAY ZONE - WATER BODY/WETLAND PROTECTION AREA. PER SECTION 16.3.2.17.A.2.b.ii OF THE KITTERY LAND USE AND DEVELOPMENT CODE, THE PROPERTY IS THEREFORE SPECIFIED TO BE REGULATED UNDER THE PROVISIONS OF THE WATER BODY/WETLAND PROTECTION AREA. THE FOLLOWING ADDITIONAL DIMENSIONAL REGULATIONS ARE IN EFFECT.

MIN. LOT SIZE:	40,000 SF
MIN. SHORE FRONTAGE:	150 FEET
MAX. DEVEGETATED AREA:	20%
NEW STRUCTURE SETBACK:	100 FEET
MAX. BUILDING HEIGHT:	20 FEET (STRUCTURES WITHIN 100FT OF RESOURCE)



YORK ss REGISTRY OF DEEDS
RECEIVED _____, 20____
AT ____ H ____ M ____ M., AND
FILED IN PLAN BOOK ____ PAGE ____
ATTEST:

REGISTER

APPROVED BY THE TOWN OF KITTERY
PLANNING BOARD ON: _____
PLANNING BOARD CHAIR _____ DATE _____

MAP 47
LOT 21

CERTIFICATION:
I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND THAT THE RESULTS DEPICTED HEREON ARE IN COMPLIANCE WITH CHAPTER 90: STANDARDS OF PRACTICE, PARTS I AND II AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, WITH THE EXCEPTION THAT A WRITTEN REPORT HAS NOT BEEN PRODUCED AT THIS TIME.

Ryan M. McCarthy
RYAN M. MCCARTHY, P.L.S. 2515
DATE 5/16/2019

STATE OF MAINE
RYAN M. MCCARTHY
No. 2515
PROFESSIONAL LAND SURVEYOR
MAY 16, 2019
NOT VALID UNLESS SIGNED AND STAMPED

5/16/2019
NO. 1
DATE: _____
SUBMISSION/REVISION DESCRIPTION

TIDEWATER
ENGINEERING & SURVEYING, INC.
89 Route 236 Suite 3, Kittery, ME 03904
(207)439-2222 • www.tidewatercivil.com

KIMBERLY A. LINGARD
106 HALEY ROAD
KITTERY, MAINE 03904

SHORELAND DEVELOPMENT PLAN
FOR LAND LOCATED AT
12 HALEY ROAD, KITTERY, MAINE

PREPARED FOR:
JOB #: 19-113
DATE: APRIL 18, 2019
SCALE: 1" = 10'
SHEET: 1 OF 1