

**Town of Kittery Maine
Planning Board Meeting
October 10, 2019**

ITEM 3 – 1 Coleman Avenue – Shoreland Development Plan Review

Action: Accept or deny application; Approve or deny plan. Owners/applicants G. Christopher Miller & D. Kimberley Miller 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 12,065 sf lot located at 1 Coleman Avenue (Tax Map 26, Lot 5) in the Residential – Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250’) Zone. Agent is Counsel Tim Phoenix.

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	Possible for 10/10/19	

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 1/4” 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 it is located in the Shoreland Overlay Zone – 16.3.2.17 (2) (a). The existing use is a nonconforming single family dwelling on a nonconforming lot (40,000 minimum sf) in the R-KPV Zone.

Most of the existing home and garage are located within 100 foot wetlands buffer and within the Coleman Avenue front yard setback. The applicant intends to replace the existing home with a new structure more conforming to the dimensional requirements of the R-KPV Zone and with an increased setback to the freshwater wetlands north of the property.

At the meeting of September 10, 2019 the Kittery Board of Appeals granted the applicant’s request for miscellaneous variations for relief from the wetlands and front yard setbacks contained in Title 16 for the replacement of a non-conforming structure. (See attached)

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 the new structure. **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 has provided detailed responses to the criteria in 16.7.3.3A(2). (See attached). The rebuilt home will be more conforming to the freshwater wetlands setback with only portions of the stone steps and walkway within the buffer. The existing home, garage and other improvements were located inside the buffer at 75.2 feet.

2. The maximum devegetated area in the Shoreland Overlay Zone in the R-KPV Zone is 20%. The current devegetated area is 13.4% of the lot. The proposed reconstruction increases the devegetated coverage to 19.8% which still complies with the zone standard.
3. The R-KPV Zone has a 20% maximum building coverage standard. According to the plan submitted, the existing building coverage is 10.5% of the lot. The proposed building coverage is 11.9%, which still complies with the zone standard.

Recommendation / Action

Although this is a complete rebuild of the house the impacts within the buffer are minor – stone steps and walkway. The applicants have proposed a plan that is significant improvement over the existing lot development. The Board of Appeals had no issues or concerns with the proposed redevelopment and no abutters attended the public hearing to voice any concerns.

Staff does not feel a site walk and/or a public hearing are warranted for this request.

Move to accept and approve the Shoreland Development Plan application, dated July 2019, from owners/applicants G. Christopher Miller & D. Kimberley Miller to remove an existing, non-conforming single family dwelling and construct a new, more conforming single-family dwelling on a 12,065 sf lot located at 1 Coleman Avenue (Tax Map 26, Lot 5) in the Residential – Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') Zone.



TOWN OF KITTERY, MAINE

200 Rogers Road – Kittery, ME 03904

Phone: 207-439-1308 Fax: 207-439-6806

www.kitteryme.gov

KITTERY BOARD OF APPEALS

September 24, 2019

Timothy Phoenix
127 Parrott Avenue
Portsmouth, NH 03801

Mr. Phoenix,

Your application requesting a miscellaneous variation request on behalf of Mr. G. Christopher Miller and Mrs. D. Kimberley Miller for the replacement of a non-conforming structure at 1 Coleman Avenue was heard by the Board of Appeals on Tuesday, September 10, 2019.

The following motion was made:

- Motion by Mr. Fitzpatrick to grant the appeal of Timothy Phoenix, requesting a miscellaneous variation request for the replacement of a non-conforming structure at 1 Coleman Avenue. Motion was seconded by Ms. Dwyer-Jones.

Motion passed 5-0-0 (*Yes: Denault, Dwyer-Jones, Fitzpatrick, Leontakianakos, Brake; No --; Abstain --*)

FINDINGS OF FACT

- The Code Enforcement Office recommended approval in accordance with 16.6.6
- Mr. Gardner recused himself
- The wetland setback required by code is 100 feet, the proposed structure will be located 94 feet from the wetland
- The required setback from Coleman Ave is 40 feet, the proposed structure will be located 15 feet from the property line
- The applicant provided evidence and the Board accepted said evidence meeting the conditions set forth in 16.6.6.A
- the Board approved the applicant's Miscellaneous Variation Request by a vote of 5-0-0

CONCLUSIONS OF LAW

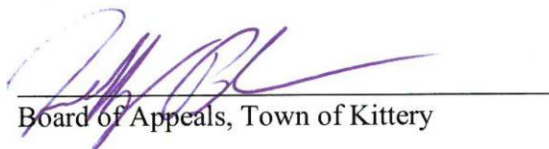
The Board heard the Administrative Appeal under Town code section 16.7.3.5.C, which allows the Board to review miscellaneous variation requests. The Board considered the basis for decision the conditions set forth in 16.6.6.A & also considered the factors for consideration in making its determination set forth in 16.6.6.B, inclusive. The Board approves the request.

The Board moved to accept the Findings of Fact.

Motion passes 5-0 (*Aye: Denault, Dwyer-Jones, Fitzpatrick, Leontakianakos, Brake*)

This approval is not the granting of a building/regulating activity permit, and any aggrieved party may appeal this decision to Superior Court within 45 days.

Signed by:



Board of Appeals, Town of Kittery

KITTERY PLANNING BOARD
FINDINGS OF FACT
for 1 Coleman Avenue
Shoreland Development Plan Review

UNAPPROVED

WHEREAS: Owners/applicants G. Christopher Miller & D. Kimberley Miller 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 12,065 sf lot located at 1 Coleman Avenue (Tax Map 26, Lot 5) in the Residential – Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') Zone. Agent is Counsel Tim Phoenix.

Hereinafter the “Development,” and

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

Shoreland Development Plan Review	10/10/2019	
Site Walk	Not warranted	
Public Hearing	Not warranted	
Shoreland Development Plan Approval	10/10/2019	

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, 9/18/2019.
2. Shoreland Development Plans, Ambit Engineering, Inc., 7/16/2019.
3. Building Elevations, Somma Studios, August 13, 2019
4. Landscape Concept Plan, Miller Residence, Woodburn & Company, July 23, 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 13.4% of the lot area. The project removes the detached garage and incorporates a garage into an enlarged home occupying a devegetated area of 1,269 sf or 10.5%. Other improvements on the lot result in a total devegetated area of 2,392 sf or 19.8% of the lot, which is below the required 20%.

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 100-foot setback from a freshwater wetland and the front yard setback. A dwelling is a special exception use in the Shoreland Overlay Zone.

The proposed development has been made less non-conforming with the wetlands setback and has received miscellaneous variations from ordinance requirements from the Board of Appeals on September 10, 2019.

Conclusion: The requirement appears to be met.

Vote: __ in favor __ against __ abstaining

16.7.3.3 Nonconforming structures

16.7.3.3.C(1) Nonconforming structure reconstruction

16.7.3.3.A(2) (a) – (e)

Finding: The proposed development complies with the setback to the greatest practical extent based upon the criteria contained in (a) – (e).

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 development 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:

<p>1. Maintain safe and healthful conditions; <u>Finding:</u> A new state-of-the-art septic system for the development. The new home will be sited in a location further away from the freshwater wetland. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>2. Not result in water pollution, erosion or sedimentation to surface waters; <u>Finding:</u> 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. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>3. Adequately provide for the disposal of all wastewater; <u>Finding:</u> Soils in the location of the septic system were found to support the proposed septic system, which is a state-of-the art Advance On-Site Clean Solution system which has been approved by the Town. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; <u>Finding:</u> 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. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters; <u>Finding:</u> The proposed development will not impact shore cover. There are no points of public access. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>6. Protect archaeological and historic resources; <u>Finding:</u> The proposed development will not impact archaeological and historic resources. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district; <u>Finding:</u> The proposed development will not impact commercial fishing or maritime activities. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining

<p>8. Avoid problems associated with floodplain development and use; <u>Finding:</u> The lot is not located in a special flood hazard area. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>9. Is in conformance with the provisions of this Code; <u>Finding:</u> The proposed development is in conformance with the provisions of this Code or has received the necessary relief. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>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.</p>
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 10/10/2019).

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 October 10, 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.
8. 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.

HOEFLE, PHOENIX, GORMLEY & ROBERTS, P.A.

ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

September 19, 2019

HAND DELIVERED

Adam Causey, Director of Planning & Development
Kittery Planning Board
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

RE: Zoning Relief
G. Christopher Miller & D. Kimberley Miller, Owners & Applicants
1 Coleman Avenue
R-KPV/OZ-SL-250

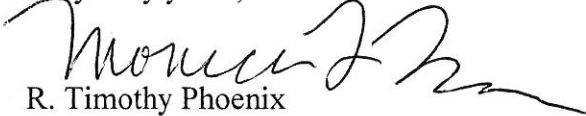
Dear Mr. Causey and Planning Board members,

On behalf of owner/applicant Christopher & Kimberly Miller ("Miller") we are pleased to submit an original and nine (9) copies of the following in support of the Millers' request for zoning relief:

1. 09/18/19 – Shoreland Development Application Form.
2. 09/19/19 – Memorandum by R. Timothy Phoenix with attached exhibits.

Also enclosed is my firm's check in the amount of \$200.00 to cover the application fee. We look forward to presenting this to the Planning Board at the October 10, 2019 meeting.

Very truly yours,


R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Christopher & Kimberly Miller
John Chagnon, Ambit Engineering
Jennifer Ramsey, Somma Studios
Victoria Martel, Woodburn & Company
Ben Auger, Auger Building Company

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS

R. PETER TAYLOR
JOHN AHLGREN
KIMBERLY J.H. MEMMESHEIMER
MATTHEW G. STACHOWSKE

KEVIN M. BAUM
SAMUEL HARKINSON
MONICA F. KIESER
GREGORY D. ROBBINS

OF COUNSEL:
SAMUEL R. REID

SHORELAND DEVELOPMENT PLAN APPLICATION



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

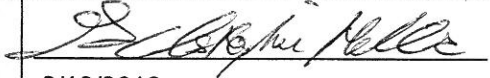
MAP <u>26</u> LOT <u>5</u>
DATE: _____
FEE: \$ <u>200.00</u>
ASA*: _____

PROPERTY DESCRIPTION	Physical Address	1 Coleman Avenue Kittery, Maine 03904		
	Base Zone	R-KPV	Overlay Zone (s)	OZ-SL-250'
OWNER INFORMATION	Name	G. Christopher & D. Kimberley Miller		Mailing Address 19 Jones Ave. Kittery, ME 03904 Hoefle, Phoenix, Et al 127 Parrott Ave. Portsmouth, NH 03801
	Phone	c/o Counsel Tim Phoenix 603.436.0666		
	Email	tphoenix@hpgrlaw.com		
AGENT INFORMATION	Name		Company	
	Phone		Mailing Address	
	Email			
	Fax			
APPLICANT INFORMATION	Name		Mailing Address	
	Phone			
	Email			

PROJECT DESCRIPTION	<p><u>Existing Use:</u> See attached narrative</p>
	<p><u>Proposed Use (describe in detail):</u> See attached narrative.</p>

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	See attached narrative.

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:	9/18/2019	Date:	9/18/2019

*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"/>	15 Copies of this Application Form, all supporting documents, and the Development Plan and Vicinity Map 12 plan copies may be half-size (11"x17") and 3 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 checked="" type="checkbox"/> Under 10 acres: no greater than 1" = 30'	
<input type="checkbox"/> 10 + acres: 1" = 50'	
C) Title Block	
<input checked="" type="checkbox"/> Title: Shoreland Development Plan	
<input checked="" type="checkbox"/> Applicant's name and address	
<input checked="" type="checkbox"/> Name of preparer of plan with professional information	
<input checked="" type="checkbox"/> Parcel's Kittery tax map identification (map – lot) in bottom right corner	
<input checked="" type="checkbox"/> Vicinity Map or aerial photo showing geographic features 5,000 feet around the site.	
D) Signature Block	
<input checked="" 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 checked="" type="checkbox"/> Land Use Zones and boundaries <input checked="" type="checkbox"/> Topographic map (optional) <input checked="" type="checkbox"/> Wetlands and flood plains <input checked="" type="checkbox"/> Water bodies and water courses <input checked="" type="checkbox"/> Parcel area <input checked="" type="checkbox"/> Lot dimensions <input checked="" type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input checked="" type="checkbox"/> Streets, driveways and rights-of-way <input checked="" type="checkbox"/> Structures <input checked="" type="checkbox"/> Distance from structure to water body and property lines <input checked="" 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 checked="" type="checkbox"/> Setback lines and building envelopes <input checked="" type="checkbox"/> Lot dimensions <input checked="" type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input checked="" type="checkbox"/> Streets, driveways and rights-of-way <input checked="" type="checkbox"/> Structures <input checked="" type="checkbox"/> Floor area, volume, devegetated area, and building coverage Distance to: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Nearest driveways and intersections <input type="checkbox"/> Nearest fire hydrant <input checked="" type="checkbox"/> Nearest significant water body; ocean, wetland, stream

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: _____ feet
 155+/- feet to Pepperrell Cove
 101+/- feet to freshwater wetland on adjacent lot.

STRUCTURE	Existing	Proposed	% Increase*	
SF (Area)	743 sf	1269 sf	41 %	
CF (Volume)	cf	42,816 cf	%	
Construction:	New: <input type="checkbox"/> Demo/Rebuild: <input checked="" type="checkbox"/> Maintenance/repair: <input type="checkbox"/>			Value: \$
*Total increase in area and/or volume may not exceed 30% for any new construction since 1/1/1989.				

PARCEL DE-VEGETATION	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) 12,065	20 %	1,613 sf	2,392 sf	19.8 %
*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) 12,065	20 %	743 sf	1,269 sf	10.5 %
*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.

MEMORANDUM

TO: Town of Kittery, Planning Board
FROM: R. Timothy Phoenix, Esquire
DATE: September 19, 2019
RE: G. Christopher Miller & D. Kimberley Miller, Owners & Applicants
1 Coleman Avenue
Residential-Kittery Point Village District
Shoreland & Wetland Body Protection Area-250

Dear Chair Dunkelberger and Planning Board Members:

On behalf of Christopher and Kimberley Miller (“Miller”), Applicants, we are pleased to submit this memorandum and attached exhibits in support of a Shoreland Development Permit Application to be considered by the Planning Board (“PB”) at its October 10, 2019 meeting.

I. Exhibits

- A. Site Photographs
- B. Plan Set by Ambit Engineering.
 - 7/16/2019 – Existing Conditions & Demolition Plan.
 - 7/22/2019 – Permit Application Plan
- C. Proposed Elevations.
- D. Landscape Plan.
- E. 3/1/2019 - Deed into Millers.
- F. Approved Septic Plan.
- G. Tax Map 26.

II. Property/Project

One Coleman Avenue is a 12,065-s.f. lot upon which is located a 1950s era two-bedroom cottage (the “Property”) located in the Residential-Kittery Point Village District (“R-KPV”). Because the Property is within 250-ft. of the ocean, and within 100-ft. of a freshwater wetland on an abutting lot to the north, the Property is subject to the Shoreland Protection and Wetland Body Protection Overlay District. The Property is nonconforming in area and most of the existing home and garage is located within the 100-ft. wetland buffer and within the Coleman Avenue front yard setback. Applicants intend to remove the existing home and construct a tasteful new home (the “Project”). The resulting home will be more conforming to the R-KPV dimensional requirements set forth in the Kittery Zoning Ordinance (“KZO”) and will result in an increased setback to the freshwater wetland north of the Property.

III. Relief Required

The lot itself is a prior nonconforming lot which may continue with a permitted residential use that may continue. However, expansion, replacement and reconstruction require review. Applicant appeared before the Kittery Board of Appeals on September 10, 2019 and received a relaxation of yard requirements pursuant to KZO §16.7.3.5.A(1) and approval for expansion of a nonconforming structure. Planning Board approval is required in accordance with KZO 16.10.3.4. A for development in the Shoreland Protection Zone and Wetland Body Zone.

<u>Requirement</u>	<u>Existing</u>	<u>Proposed</u>	<u>Comment</u>
<u>Shoreland Protection 250'</u>	House, garage, septic and other improvements within buffer at 182.4'	New septic system, reconstructed home at 155'	No change in use, greater than 100' from HATL, improves wetland buffer.
<u>Wetland Buffer 100'</u>	Home, garage and other improvements inside the 100' buffer at 75.2'.	Stone steps and walkway at 94.4'; regrading.	Significant improvement
<u>Wetland Buffer 75'</u>	No structures	No structures	

IV. Analysis pursuant to KZO 16.3.3.C(1):

A. 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....may be reconstructed or replaced provided that 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.

1. Consideration of the physical condition of the home and foundation as required in KZO 16.3.3.C(1):

Response: The existing bungalow was built in the 1950s and is far too small for today's modern standards, occupying a devegetated area of just 743-s.f.

2. KZO § 16.7.3.3.A(2): In determining whether the structures meet the setback to the greatest practical extent, the Planning Board or Board of Appeals should consider the following conditions:

- (a) The size of the lot;

Response: The existing lot is 12,065-s.f., over a quart of an acre. It has contained a single-family home since the 1950s. The Project will demolish and rebuild a new home occupying 10.5% of the lot.

- (b) The slope of the land;

Response: Existing grade ranges slopes gradually from grade 23 at the northwest side of the lot down to grade 20. A small depression to grade 19 exists on the southeast side of the lot near Pepperell Road. (Exhibit B). The proposed project includes a state-of-the-art Advanced On-Site Clean™ Solution septic system which has been approved. (Exhibit F). Other landscaping improvements will be included. (Exhibit D). These improvements require regrading north and south of the proposed home. (Exhibit B).

- (c) The potential for soil erosion;

Response: While in the Shoreland Development Zone, the lot is not located in a special flood hazard area. The wetland on the northerly lot is significantly down grade as grade continues to slope down onto the northerly lot which begins at grade 22 and slopes to grade 17.

- (d) The location of other structures on the property and on adjacent properties;

Response: The existing 312-s.f. detached garage is located 0-ft. from Coleman Avenue. The Project will remove it, incorporate a garage into the new home 15.1-ft. from Coleman Avenue.¹ The northerly lot with the wetland is vacant, but other surrounding lots are developed with homes, including the lot across Pepperell Road directly on the waterfront.

- (e) The location of the septic system and other on-site soils suitable for septic systems;

Response: The proposed septic system location is located outside the 100-ft. wetland buffer and more than 100-ft. from the Highest Annual Tide Line. Soils in that location were found to support the proposed septic system, which is a state-of-the-art Advanced On-Site Clean™ Solution system that has been approved by the Town. (Exhibit G).

¹ Miscellaneous Variation Request approved by the Kittery Board of Appeals on September 10, 2019.

- (f) The type and amount of vegetation to be removed to accomplish the relocation.

Response: The existing home occupies 743-s.f. of devegetated area, the existing garage an additional 312-s.f. Other existing structures bring the total existing devegetated area for 1613-s.f. or 13.4% of the lot. (Exhibit B). The Project removes the detached garage and incorporates a garage into an enlarged home occupying a devegetated area of 1,269-s.f. or 10.5% Other improvements on the lot result in a total devegetated area of 2,392-s.f. or 19.8% of the lot, which is below the required 20%.

Accordingly, where a tasteful new code-compliant home with a brand new state-of-the-art septic system will be constructed on a previously developed nonconforming lot, sited in a location that increases the freshwater wetland setback, remain over 100-ft. from the Highest Annual Tide Line, and complies with the requirements relating to devegetated area, the Project complies to the greatest practical extent with the coastal and freshwater wetland setbacks.

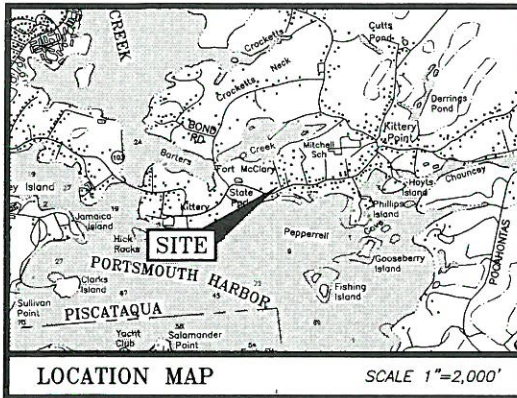
V. Conclusion

For all the reasons stated herein, the Millers respectfully request that the BOA approve the miscellaneous variation request.

Respectfully submitted,
G. Christopher Miller & D. Kimberley Miller



By: R. Timothy Phoenix
Monica F. Kieser
Hoefle, Phoenix, Gormley & Roberts, P.A.
127 Parrott Avenue
Portsmouth, NH 03801
(603) 436-0666



LOCATION MAP SCALE 1"=2,000'

LEGEND:

EXISTING	NOW OR FORMERLY RECORD OF PROBATE
N/F	RAILROAD SPIKE FOUND/SET
RP	IRON ROD FOUND/SET
YCRD	IRON PIPE FOUND/SET
(11/21)	DRILL HOLE FOUND/SET
RR SPK FND	NHDT BOUND FOUND
IR FND	TOWN BOUND FOUND
IP FND	BOUND w/ DRILL HOLE
DH FND	STONE BOUND w/DRILL HOLE
NHFB FND	OVERHEAD ELECTRIC/WIRES
TB FND	CONTOUR
BND w/DH	SPOT ELEVATION
ST BND w/DH	EDGE OF PAVEMENT (EP)
	WOODS / TREE LINE
	UTILITY POLE (w/ GUY)
	GAS SHUT OFF
	WATER SHUT OFF/CURB STOP
	GATE VALVE
	HYDRANT
	METER (GAS, WATER, ELECTRIC)
	CATCH BASIN
	SEWER MANHOLE
	DRAIN MANHOLE
	SIGNS
EL	ELEVATION
EP	EDGE OF PAVEMENT
F.F.	FINISHED FLOOR
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL
LSA	LANDSCAPED AREA
TBR	TO BE REMOVED

WETLAND NOTES:

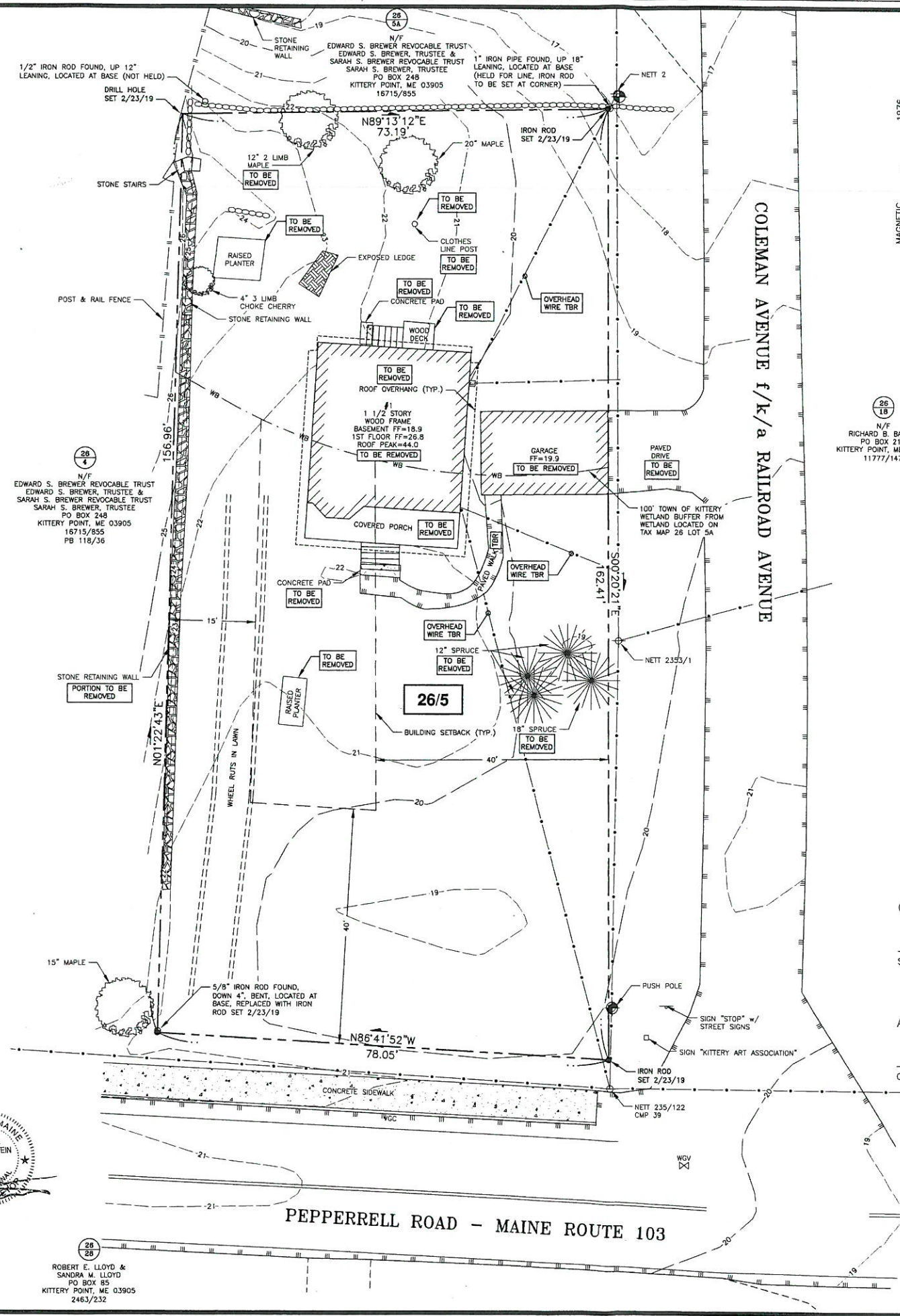
- 1) WETLAND LINE DELINEATED BY STEVEN D. RIKER, CWS ON 1/28/2019 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL TECHNICAL REPORT Y-87-1 (JAN. 1987) AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4, NEIWPCC WETLANDS WORK GROUP (2017).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USPW MANUAL FWS/OBS-79/31 (1997).
- 2) WETLAND DELINEATION WAS FIELD LOCATED BY AMBIT ENGINEERING, INC.

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

PAUL A. DOBBERSTEIN, PLS #2526
DATE: 7/16/2019

STATE OF MAINE
PAUL A. DOBBERSTEIN
2526

ROBERT E. LLOYD & SANDRA M. LLOYD
PO BOX 85
KITTERY POINT, ME 03905
2463/232



DEMOLITION NOTES

- A) SEDIMENT AND EROSION CONTROLS SHALL BE INSTALLED BY THE SITE/DEMOLITION CONTRACTOR PRIOR TO THE START OF DEMOLITION AND CLEARING/GRUBBING OPERATIONS.
- B) THE CONTRACTOR SHALL SECURE ALL PERMITS FOR DEMOLITION AND DISPOSAL MATERIALS TO BE REMOVED FROM THE SITE. THE CONTRACTOR SHALL POST BONDS AND PAY PERMITS FEES AS REQUIRED. BUILDING DEMOLITION CONTRACTOR SHALL BE RESPONSIBLE FOR PERMITS AND DISPOSAL OF ALL BUILDING DEMOLITION DEBRIS IN AN APPROVED OFF-SITE LANDFILL.
- C) ASBESTOS OR HAZARDOUS MATERIAL, IF FOUND ON SITE, SHALL BE REMOVED BY A LICENSED HAZARDOUS MATERIAL CONTRACTOR.
- D) THE CONTRACTOR SHALL ARRANGE FOR THE APPROPRIATE UTILITY COMPANY TO ABANDON ANY UTILITY AS REQUIRED, OR AS OTHERWISE NOTED. ALL SERVICES MAY NOT BE SHOWN ON THIS PLAN. ALL UTILITY WIRES SHALL BE REMOVED FROM ANY UTILITY POLE BEING REMOVED. THE CONTRACTOR SHALL INVESTIGATE THE SITE PRIOR TO BIDDING TO DETERMINE THE EXTENT OF SERVICE PIPING TO BE REMOVED, CUT, OR PLUGGED. THE CONTRACTOR SHALL PAY ALL UTILITY COMPANY FEES FOR ABANDONMENT AND REMOVAL.
- E) THE CONTRACTOR SHALL PROTECT ALL IRON PINS, MONUMENTS, AND PROPERTY CORNERS DURING DEMOLITION ACTIVITIES. ANY CONTRACTOR DISTURBED PINS, MONUMENTS, AND PROPERTY CORNERS, ETC SHALL BE RESET BY A PROFESSIONAL LAND SURVEYOR AT THE EXPENSE OF THE CONTRACTOR.
- F) THE CONTRACTOR SHALL ADHERE TO ALL OSHA, FEDERAL, STATE AND LOCAL REGULATIONS WHEN OPERATING CRANES, BOOMS, HOISTS, ETC. IN PROXIMITY OF OVERHEAD ELECTRIC LINES. IF CONTRACTOR MUST OPERATED EQUIPMENT CLOSE TO ELECTRIC LINES, CONTACT POWER COMPANY TO MAKE ARRANGEMENTS FOR PROPER SAFEGUARDS, AND UTILITY COMPANY FEES SHALL BE PAID BY THE CONTRACTOR.
- G) INFORMATION ON EXISTING UTILITIES AS BEEN COMPILED FROM AVAILABLE INFORMATION INCLUDING UTILITY COMPANIES AND MUNICIPAL RECORD MAPS AND/OR FIELD SURVEY AND IS NOT GUARANTEED CORRECT OR COMPLETE. UTILITIES ARE SHOWN TO ALERT THE CONTRACTOR TO THEIR PRESENCE AND THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ACTUAL LOCATIONS AND ELEVATIONS OF ALL UTILITIES INCLUDING SERVICES. PRIOR TO DEMOLITION OR CONSTRUCTION THE CONTRACTOR SHALL CONTACT "DIG SAFE" 72 HOURS BEFORE COMMENCEMENT OF WORK AT (888) 344-7233 AND VERIFY ALL UTILITY AND DRAINAGE LOCATIONS.
- H) THE CONTRACTOR IS RESPONSIBLE FOR SECURING A DEMOLITION PERMIT IF REQUIRED FROM THE TOWN OF KITTERY BUILDING DEPARTMENT AND MUST FURNISH THE REQUIRED APPLICATION MATERIAL AND PAY ALL FEES.
- I) THE CONTRACTOR SHALL ARRANGE FOR AND INSTALL TEMPORARY OR PERMANENT UTILITY CONNECTIONS WHERE INDICATED ON PLAN OR AS REQUIRED. MAINTAIN UTILITY SERVICES TO BUILDINGS THAT ARE TO REMAIN. CONTRACTOR TO COORDINATE WITH UTILITY COMPANIES FOR INSTALLATION AND PAY UTILITY COMPANY FEES.
- J) THE CONTRACTOR SHALL NOT COMMENCE DEMOLITION OR UTILITY DISCONNECTIONS UNTIL AUTHORIZED TO DO SO BY THE OWNER.
- K) NO SALVAGE SHALL BE PERMITTED UNLESS PAID TO THE OWNER AS CREDIT.
- L) THE ARCHITECT OR ENGINEER IS NOT RESPONSIBLE FOR SITE SAFETY MEASURES TO BE EMPLOYED DURING CONSTRUCTION. THE ARCHITECT OR ENGINEER HAS NO CONTRACTUAL DUTY TO CONTROL THE SAFEST METHODS OR MEANS OF THE WORK, JOBSITE RESPONSIBILITIES, SUPERVISION OR TO SUPERVISE SAFETY, AND DOES NOT VOLUNTARILY ASSUME ANY SUCH DUTY OR RESPONSIBILITY.
- M) THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE STATE, LOCAL AND FEDERAL CODES FOR EXCAVATION, TRENCHING AND TRENCH PROTECTION REQUIREMENTS.

OWNER: _____
SIGNATURE _____ DATE _____
APPROVED BY THE KITTERY PLANNING BOARD
CHAIRMAN _____ DATE _____

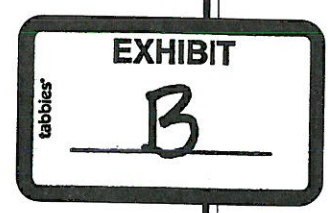
OWNER & APPLICANT:
GEORGE CHRISTOPHER MILLER
& DIANNE KIMBERLY MILLER
19 JONES AVENUE
KITTERY, MAINE 03904

PREPARED BY:
AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, NH 03801

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-5282
Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 26 AS LOT 5.
 - 2) OWNERS OF RECORD:
GEORGE CHRISTOPHER MILLER &
DIANNE KIMBERLY MILLER
19 JONES AVENUE
KITTERY, MAINE 03904
17904/546
PLAN BOOK 118 PAGE 36
 - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 2301710005D. EFFECTIVE DATE JULY 3, 1986.
 - 4) EXISTING LOT AREA:
12,065 S.F.
0.2770 ACRES
 - 5) PARCEL IS LOCATED IN THE RESIDENTIAL-KITTERY POINT VILLAGE (R-KPV) ZONING DISTRICT AND IS SUBJECT TO THE SHORELAND-WATER BODY / WETLAND PROTECTION AREA (OZ-SL-250') OVERLAY ZONE.
 - 6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:	40,000 S.F.
FRONTAGE:	150 FEET
SETBACKS:	FRONT 40 FEET
	SIDE 15 FEET
	REAR 15 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
MAXIMUM BUILDING COVERAGE:	20%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULT OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY AND TO SHOW PROPOSED DEMOLITION FOR SITE RE-DEVELOPMENT ON ASSESSOR'S MAP 26 LOT 5 IN THE TOWN OF KITTERY.
 - 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').
 - 9) WETLAND BUFFER TO THE HIGHEST ANNUAL TIDE LINE OF THE PISCATAQUA RIVER DOES NOT IMPACT THE PARCEL PER TOWN OF KITTERY LAND USE AND DEVELOPMENT CODE 16.9.4.1.
 - 10) WETLAND BUFFER SHOWN HEREON IS FROM AN OFFSITE WETLAND. THE OFFSITE WETLAND WAS ONLY PARTIALLY DELINEATED, AND IS PRESUMED TO BE OVER 1 ACRE IN SIZE BASED ON FIELD OBSERVATIONS AND AERIAL PHOTOGRAPHY OF THE AREA.



MILLER RESIDENCE
1 COLEMAN AVENUE
KITTERY, MAINE

NO.	DESCRIPTION	DATE
1	REVISE PER COMMENTS	7/16/19
0	ISSUED FOR COMMENT	7/12/19

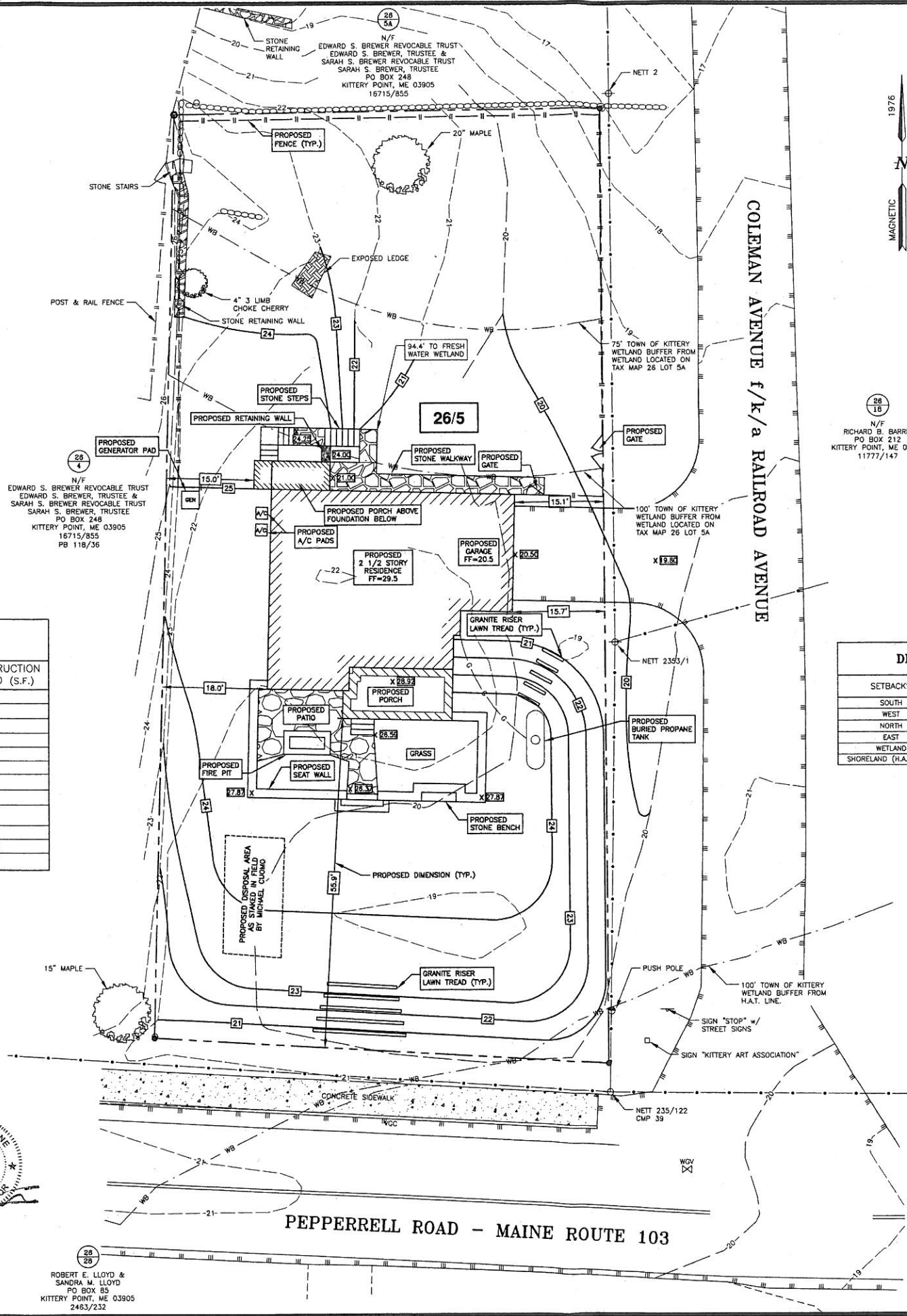
SCALE 1"=10' JULY 2019

EXISTING CONDITIONS & DEMOLITION PLAN

C1

LEGEND:

- EXISTING**
- N/F
 - RP
 - YCRD
 - RR SPK FND
 - IR FND
 - IP FND
 - DH FND
 - NHNB FND
 - TB FND
 - BND w/DH
 - ST BND w/DH
 - RR SPK SET
 - IR SET
 - IP SET
 - DH SET
 - BND w/DH
 - ST BND w/DH
 - 100
 - 97x3
 - UTILITY POLE (w/ GUY)
 - GAS SHUT OFF
 - WATER SHUT OFF/CURB STOP
 - GATE VALVE
 - HYDRANT
 - METER (GAS, WATER, ELECTRIC)
 - CATCH BASIN
 - SEWER MANHOLE
 - DRAIN MANHOLE
 - SIGNS
 - EL
 - EP
 - F.F.
 - TBM
 - TYP.
 - LSA
 - TBR
- NOW OR FORMERLY RECORD OF PROBATE YORK COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21**
- RAILROAD SPIKE FOUND/SET
 - IRON ROD FOUND/SET
 - IRON PIPE FOUND/SET
 - DRILL HOLE FOUND/SET
 - NHDOT BOUND FOUND
 - TOWN BOUND FOUND
 - BOUND w/ DRILL HOLE
 - STONE BOUND w/DRILL HOLE
 - OVERHEAD ELECTRIC WIRES
 - CONTOUR
 - SPOT ELEVATION
 - EDGE OF PAVEMENT (EP)
 - WOODS / TREE LINE
 - UTILITY POLE (w/ GUY)
 - GAS SHUT OFF
 - WATER SHUT OFF/CURB STOP
 - GATE VALVE
 - HYDRANT
 - METER (GAS, WATER, ELECTRIC)
 - CATCH BASIN
 - SEWER MANHOLE
 - DRAIN MANHOLE
 - SIGNS
 - ELEVATION
 - EDGE OF PAVEMENT
 - FINISHED FLOOR
 - TEMPORARY BENCHMARK
 - TYPICAL
 - LANDSCAPED AREA TO BE REMOVED



DEVEGETATED AREAS (TO PROPERTY LINES)

STRUCTURE	EXISTING DEVEGETATED (S.F.)	POST-CONSTRUCTION DEVEGETATED (S.F.)
MAIN STRUCTURE	743	1,269
GARAGE	312	0
PAVED AREAS	105	247
RETAINING WALLS	212	48
CONCRETE (PAD)	13	17
PORCHES, DECKS, & STAIRS	228	307
PATIO, FIRE PIT, & SEAT WALL	0	345
STONE WALKWAY	0	159
TOTAL	1,613	2,392
LOT SIZE	12,065	12,065
% DEVEGETATED AREA	13.4%	19.8%

DIMENSIONAL TABLE

SETBACKS	EXISTING	PROPOSED
SOUTH	85.5'	55.9'
WEST	23.3'	15.0'
NORTH	35.9'	59.0'
EAST	0.0'	15.1'
WETLAND	75.2'	94.4'
SHORELAND (H.A.T. LINE)	182.4'	155.0'

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

- NOTES:**
- PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 26 AS LOT 5.
 - OWNERS OF RECORD:
GEORGE CHRISTOPHER MILLER &
DIANNE KIMBERLY MILLER
19 JONES AVENUE
KITTERY, MAINE 03904
17904/546
PLAN BOOK 118 PAGE 36
 - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 2301710005D. EFFECTIVE DATE JULY 3, 1986.
 - EXISTING LOT AREA:
12,065 S.F.
0.2770 ACRES
 - PARCEL IS LOCATED IN THE RESIDENTIAL-KITTERY POINT VILLAGE (R-KPV) ZONING DISTRICT AND IS SUBJECT TO THE SHORELAND-WATER BODY / WETLAND PROTECTION AREA (OZ-SL-250') OVERLAY ZONE.
 - DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 40,000 S.F.
FRONTAGE: 150 FEET
SETBACKS: FRONT 40 FEET
SIDE 15 FEET
REAR 15 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 20%
 - THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED CONSTRUCTION ON ASSESSOR'S MAP 26 LOT 5 IN THE TOWN OF KITTERY.
 - VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').
 - WETLAND BUFFER TO THE HIGHEST ANNUAL TIDE LINE OF THE PISCATAQUA RIVER DOES NOT IMPACT THE PARCEL PER TOWN OF KITTERY LAND USE AND DEVELOPMENT CODE 16.9.4.1.
 - WETLAND BUFFER SHOWN HEREON IS FROM AN OFFSITE WETLAND. THE OFFSITE WETLAND WAS ONLY PARTIALLY DELINEATED, AND IS PRESUMED TO BE OVER 1 ACRE IN SIZE BASED ON FIELD OBSERVATIONS AND AERIAL PHOTOGRAPHY OF THE AREA.
 - PROPOSED BUILDING COVERAGE: 1,269 S.F. (MAIN STRUCTURE) + 162 S.F. (PORCH) = 1,431 S.F.
1,431 S.F./12,065 S.F. = 11.9%

**MILLER RESIDENCE
1 COLEMAN AVENUE
KITTERY, MAINE**

NO.	DESCRIPTION	DATE
2	DIMENSION TABLE, SETBACK LINES	7/22/19
1	REVISE COVERAGE, ADD DIMENSIONS	7/16/19
0	ISSUED FOR COMMENT	7/12/19

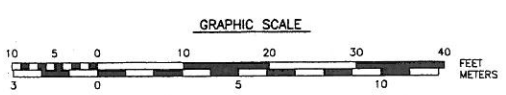


SCALE 1"=10' JULY 2019
PERMIT APPLICATION PLAN
C2

OWNER: _____
SIGNATURE _____ DATE _____
APPROVED BY THE KITTERY PLANNING BOARD
CHAIRMAN _____ DATE _____

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

PAUL A. DOBBERSTEIN, PLS #2526
DATE 7/22/2019



ROBERT E. LLOYD & SANDRA M. LLOYD
PO BOX 85
KITTERY POINT, ME 03905
2463/232

OWNER & APPLICANT:
GEORGE CHRISTOPHER MILLER
& DIANNE KIMBERLY MILLER
19 JONES AVENUE
KITTERY, MAINE 03904
PREPARED BY:
AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, NH 03801



PROPOSED SOUTH ELEVATION
 (FACING PEPPERRELL ROAD)

ALLOWABLE BUILDING HEIGHT: 35'



PROPOSED EAST ELEVATION
 (FACING COLEMAN AVE.)

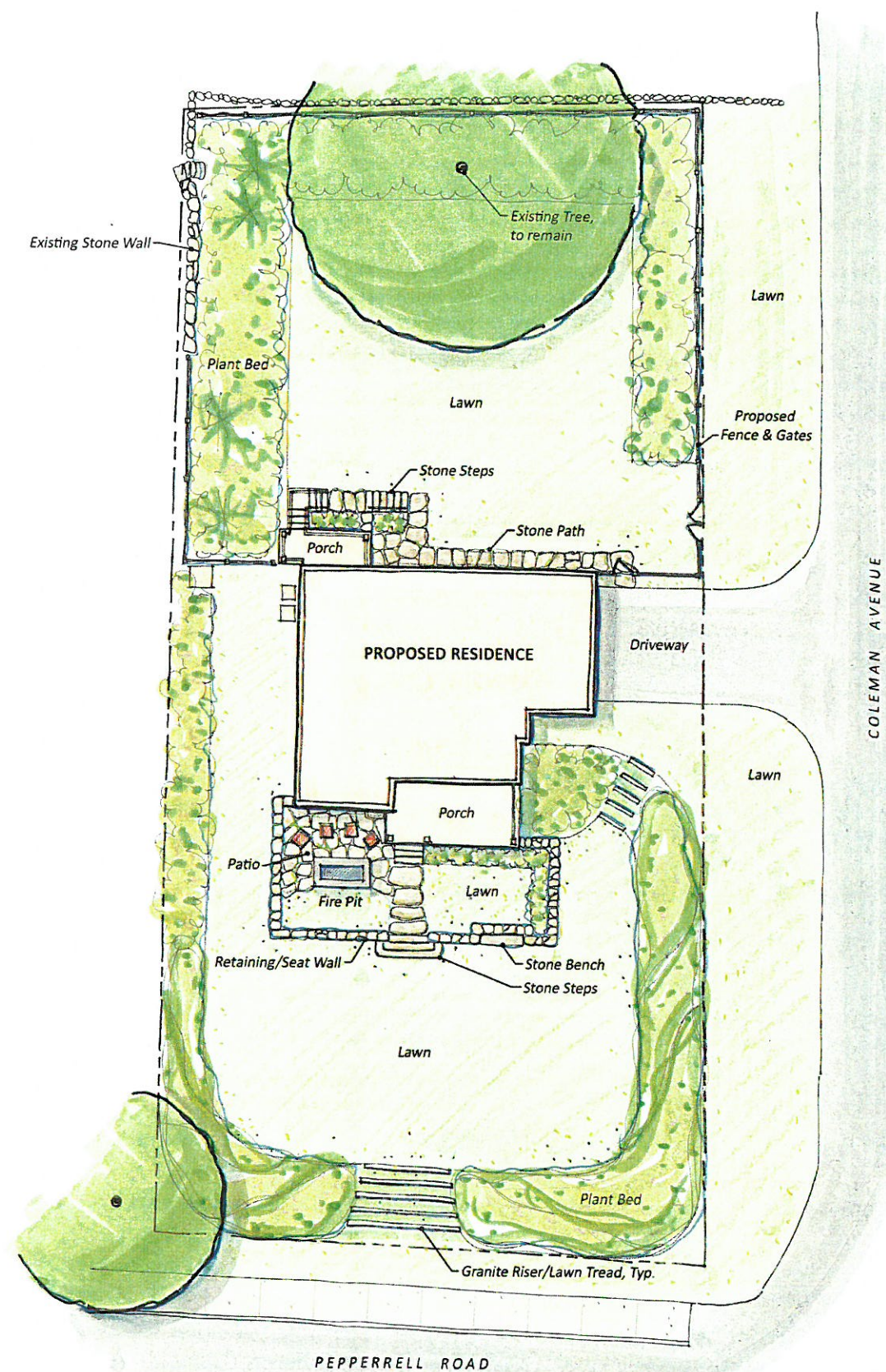
23.63
 AVG. GRADE
 (PRE-CONSTRUCTION)



PROPOSED NORTH ELEVATION



PROPOSED WEST ELEVATION

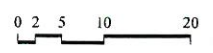


tabbies®
EXHIBIT
D

woodburn & company
 LANDSCAPE ARCHITECTURE
 103 Kent Place, New Hampshire Phone: 603.659.5949

Miller Residence
LANDSCAPE CONCEPT PLAN
 1 Coleman Avenue Kittery, Maine

Drawn By: VM
 Checked By: RW
 Scale: 1" = 10' = 0"
 Date: July 23, 2019
 Revisions: ZBA Submission



L-1
 Sheet 1 of 1

Duplicate copy

EXHIBIT

F

Maine Div of (207)

tabbles

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

PROPERTY LOCATION

City, Town, or Plantation: KITTERY
 Street or Road: 1 COLEMAN AVE
 Subdivision, Lot #:

>> CAUTION: LPI APPROVAL REQUIRED

Town/City: Kittery Permit # 5519-006
 Date Permit Issued: 4/27/19 Fee: \$ 315 Double Fee Charged []
 Local Plumbing Inspector Signature: [Signature] L.P.I. # 1191
 State: 02-50 Town: 187-50 Local: LD41 50-0

OWNER/APPLICANT INFORMATION

Name (last, first, MI): MILLER CHRIS + KIM Owner Applicant
 Mailing Address of: 19 Jones Av
 Owner/Applicant: KITTERY 03904
 Daytime Tel. #: 508 561 9517

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.
 Municipal Tax Map # 76 Lot # 5

OWNER OR APPLICANT STATEMENT

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.
 Signature of Owner or Applicant: [Signature] Date: 4/27/19

CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.
 (1st) date approved: _____
 Local Plumbing Inspector Signature: _____ (2nd) date approved: _____

PERMIT INFORMATION

TYPE OF APPLICATION <input type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type replaced: <u>UNKNOWN</u> Year installed: <u>UNKNOWN</u> <input checked="" type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	THIS APPLICATION REQUIRES <input checked="" type="checkbox"/> 1. No Title Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	DISPOSAL SYSTEM COMPONENTS <input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input checked="" type="checkbox"/> 11. Pre-treatment, specify: <u>ADS CLEAN SOLUTION 250</u> <input type="checkbox"/> 12. Miscellaneous Components
SIZE OF PROPERTY <u>0.3</u> <input type="checkbox"/> SQ. FT. <input type="checkbox"/> ACRES	DISPOSAL SYSTEM TO SERVE <input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: <u>4</u> <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Current Use <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Year Round <input type="checkbox"/> Undeveloped	TYPE OF WATER SUPPLY <input type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input checked="" type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK <input checked="" type="checkbox"/> 1. Concrete <input type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: _____ CAPACITY: <u>1000</u> GAL.	DISPOSAL FIELD TYPE & SIZE <input checked="" type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. cluster array <input type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: <u>10' x 20'</u> SIZE: <u>200</u> <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft.	GARBAGE DISPOSAL UNIT <input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	DESIGN FLOW <u>360</u> gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities
SOIL DATA & DESIGN CLASS PROFILE CONDITION: <u>31C</u> at Observation Hole # <u>3</u> Depth <u>27</u> " of Most Limiting Soil Factor	DISPOSAL FIELD SIZING <input type="checkbox"/> 1. Medium---2.6 sq. ft. / gpd <input checked="" type="checkbox"/> 2. Medium---Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large---4.1 sq. ft. / gpd <input type="checkbox"/> 4. Extra Large---5.0 sq. ft. / gpd	EFFLUENT/EJECTOR PUMP <input type="checkbox"/> 1. Not Required <input checked="" type="checkbox"/> 2. May Be Required <input type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	<input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA LATITUDE AND LONGITUDE at center of disposal area Lat. <u>43</u> d <u>4</u> m <u>58.8</u> s Lon. <u>70</u> d <u>42</u> m <u>22.1</u> s if g.p.s, state margin of error: _____

SITE EVALUATOR STATEMENT

I certify that on 18 MAR 19 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).
 Site Evaluator Signature: [Signature] SE # 211 Date: 19 MAR 19

Michael Cuomo (207) 363-4532 mcuomosoil@gmail.com
 Site Evaluator Name Printed Telephone Number E-mail Address

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
 Division of Health Engineering
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

KITTERY

1 COEMAN AVE.

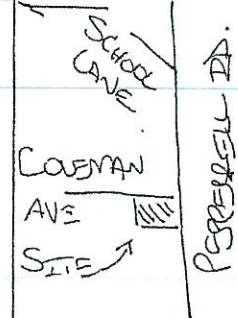
MILLER

SITE PLAN

Scale 1" = 20 ft.

SITE LOCATION PLAN

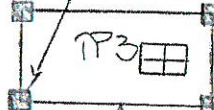
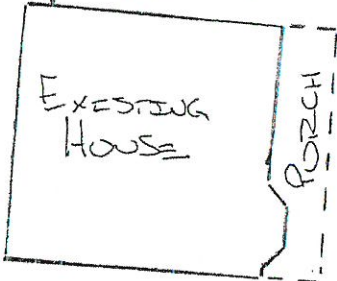
NORTH



COEMAN AVE

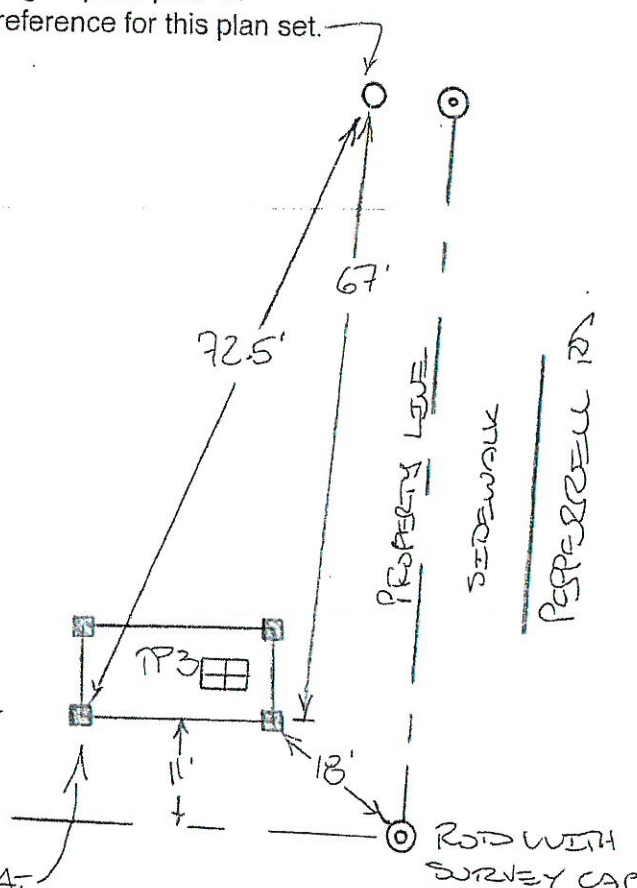
Spike set by Ambit Engineering in 'push pole' at elevation 20.37 is elevation reference for this plan set.

WATER SERVICE



PROPERTY LINE

TEMPORARY STAKES
 CORNERS OF 10' x 20'
 DISPOSAL AREA



Michael Combs

Site Evaluator Signature

211

SE #

29 MAR 19

Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
 Division of Health Engineering
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

KITTSEY

1 COLEMAN AVENUE

MILLER

SUBSURFACE WASTEWATER DISPOSAL PLAN

~~DISPOSAL AREA MUST BE INSTALLED PER THIS PLAN AND STATE RULES~~
 (SEE ATTACHED SPECIFICATIONS)

SCALE: 1" = 20' FT.

Disposal Area

Corner A B C D

Existing Grade

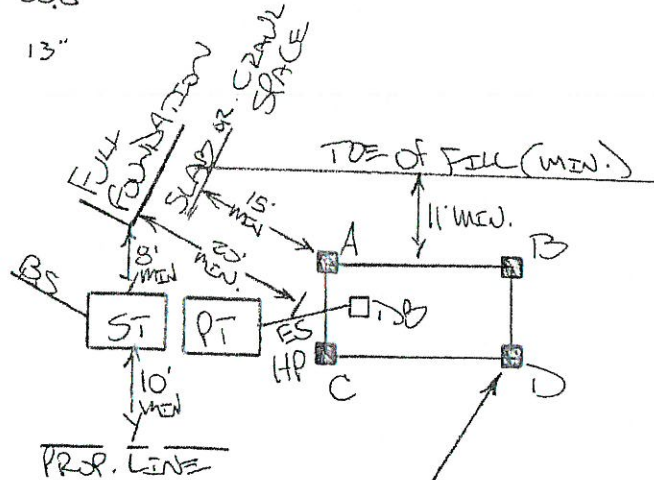
Below Nail: 20.5' 19.3' 20.5' 20.8'

Proposed Fill Above

Existing Grade: 9" 23" 9" 13"

ABBREVIATIONS

- BS Building Sewer
- CS Cross Section
- DB Distribution box
- ES Effluent Sewer
- HP High Point
- PT Pre-treatment Tank
- ST Septic tank



Intersection of fill slope and existing grade
 Temporary stake at corners of 10 x 20 ft. disposal area

FILL REQUIREMENTS

CONSTRUCTION ELEVATIONS

ELEVATION REFERENCE POINT

Depth of Fill (Upslope) +9"
 Depth of Fill (Downslope) +23"

Finished Grade Elevation 21.3'
 Top of Distribution Pipe or Proprietary Device 20.2'
 Bottom of Disposal Area 19.3'

Location & Description: PUSH POLE
 Reference Elevation: SLICE = 20.37

DISPOSAL AREA CROSS SECTION

Scale N/A
 Horizontal 1" = ___ ft.
 Vertical 1" = ___ ft.

- * If the PT outlet is no more than 25 ft. from the distribution box, the invert of the outlet must be no lower than ELEVATION 20.3 to achieve gravity flow.
- * Location of ST and PT may vary; must be at least 8ft off foundation, 10 ft off property line, 10ft off water line, and 50ft off well.
- * Where ST or PT access cover is more than 6" below FG, a watertight riser at least 18" dia. must be provided to within 6" of FG. Location of ST may vary.
- * DBox must be frost protected with 2" HD expanded rigid polystyrene insulation.
- * The DBox may be placed at either end of the disposal area.
- * Do not work soil when wet

Michael Corbett

Site Evaluator Signature

211

SE #

29 MAR 19

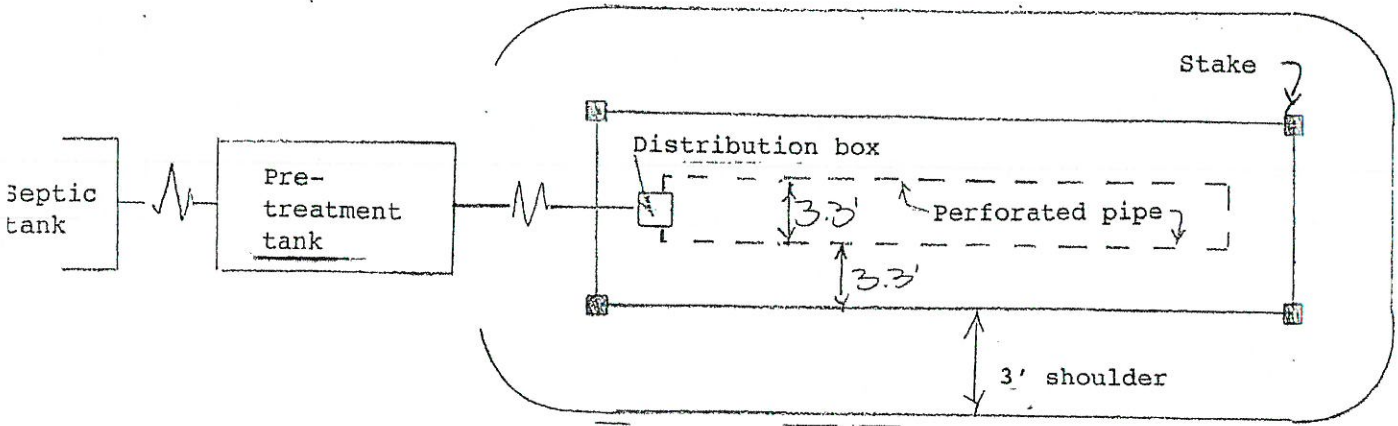
Date

Town: KITTERY

Street: 1 COLEMAN AVE.

Owner: MILLER

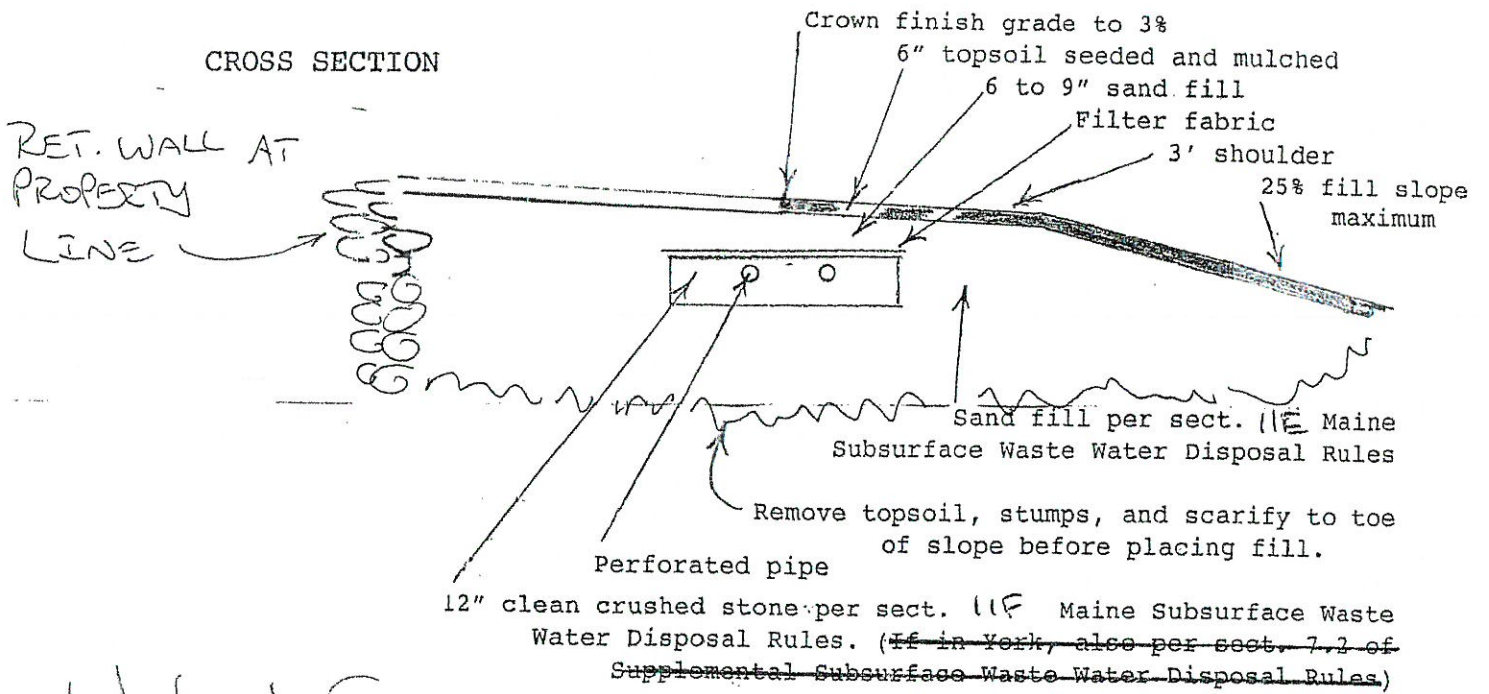
PLAN VIEW
This bed is 10 x 20 feet



Pre-treatment model: CLEAN SOLUTION 250

Manufacturer: AOS

Contact phone #: 603 783 8042



Michael Armo

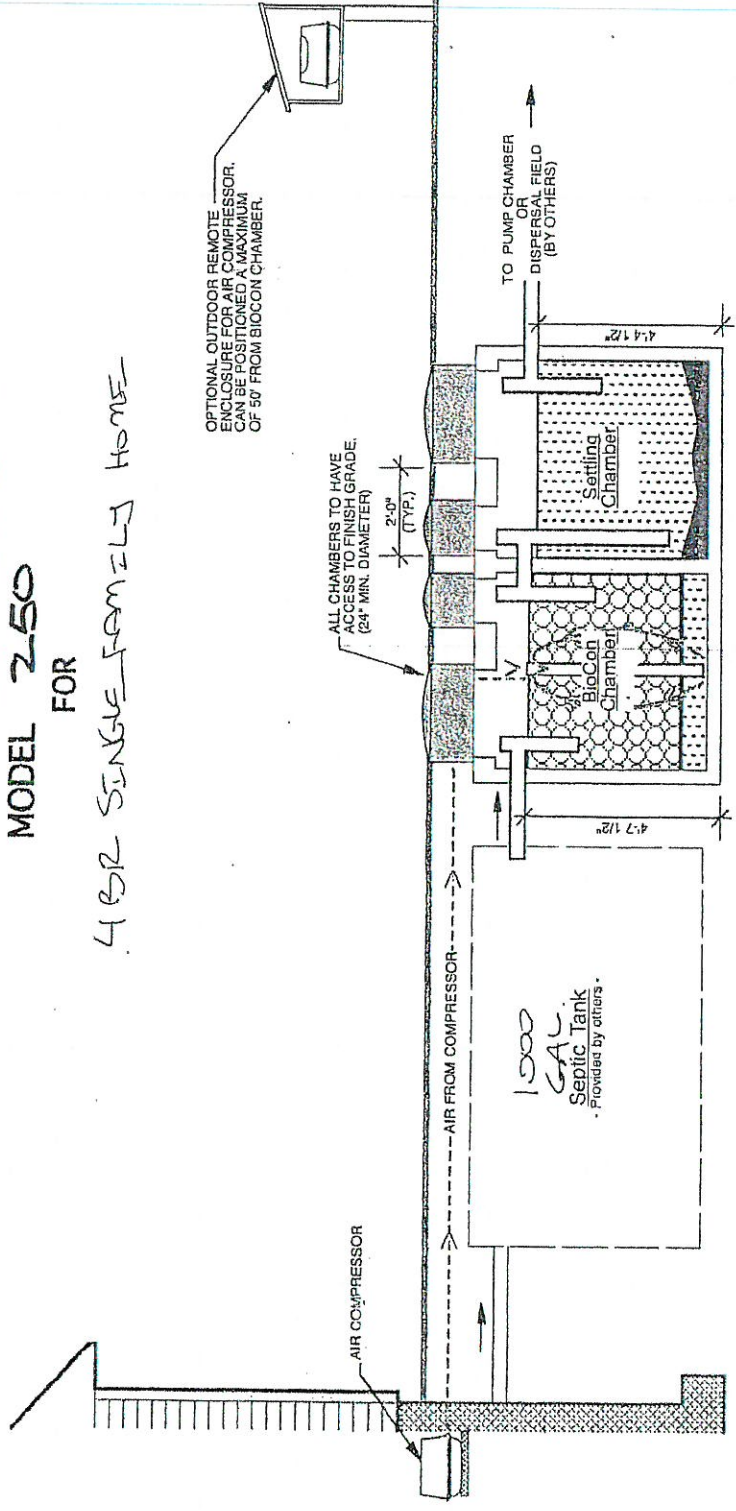
SE# 211 Date: 29 MAR 19

Page 4 of 6

Town KINGS Location | COLEMAN AVENUE Owner MILLER

THE CLEAN SOLUTION™ ALTERNATIVE SEPTIC SYSTEM
 MODEL 250
 FOR

4 BR SINGLE FAMILY HOME



BioCon/Settling Tank
 - Provided by A.O.S.
 1000 GAL 2-Compartment Tank

NOTES:

1. Septic Tank & Settling Compartment must be pumped every 2 years. More frequent pumping may be required depending on use.
2. Tank is not suitable for drive on use. Heavy Duty and H-20 models available.
3. Contractor to verify tank dimensions prior to setting.
4. Plastic risers will be provided to suite site (up to 24" depth). Contractor to provide additional risers to finish grade if cover over tank exceeds 24".

Advanced Onsite Solutions LLC
Innovative wastewater solutions with sustainable results
 P.O. Box 248
 Canterbury, NH 03224
 Phone 603.783.8042



SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. of Health & Human Services
 Division of Environmental Health, STS 11
 (207) 287-5689 FAX (207) 287-3165

Town, City, Plantation

KITTSEY

Street, Road, Subdivision

1 COLEMAN AVE

Owner or Applicant Name

MILLER

TEST PIT ONE: ZAI 4" BEDROCK

SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole # TWO Test Pit Boring

0 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			VERY DARK	
6	FINE		<u>BROWN</u>	
12	SANDY	PLIASSÉ	YELLOW	No
18	LOAM		BROWN	
24				
30	SANDY			
36	FINE		OLIVE	
42	SANDY	FIRM	BROWN	Yes
48	LOAM			

Soil Profile	Classification	Slope	Limiting Factor	<input type="checkbox"/> Groundwater
3	C	1	-25" Depth	<input type="checkbox"/> Restrictive Layer
	Condition	Percent		<input type="checkbox"/> Bedrock

Observation Hole # THREE Test Pit Boring

0 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			VERY DARK	
6	FINE		<u>BROWN</u>	
12	SANDY	PLIASSÉ	YELLOW	No
18	LOAM		BROWN	
24				
30	SANDY			
36	FINE	FIRM	OLIVE	
42	SANDY		BROWN	Yes
48	LOAM			

Soil Profile	Classification	Slope	Limiting Factor	<input type="checkbox"/> Groundwater
3	C	8	-27" Depth	<input type="checkbox"/> Restrictive Layer
	Condition	Percent		<input type="checkbox"/> Bedrock

Michael C. [Signature]
 Site Evaluator Signature


211
 SE #

29 MAR 19
 Date

2p →
E

Return to:
George and Dianne Miller
1 Coleman Avenue
Kittery Point, ME 03905

NANCY E HAMMOND, REGISTER OF DEEDS
Bk 17904 PG 546
 Instr # 2019007418
 03/05/2019 10:57:26 AM
 Pages 2 YORK CO




WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **Timothy C. Coyne**, Single, of PO Box 235, Kittery Point, ME 03905, for consideration paid grants to **George Christopher Miller and Dianne Kimberley Miller**, of 19 Jones Avenue, Kittery, ME 03904, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

Maine R.E. Transfer Tax Paid

A certain lot or parcel of land, together with the buildings thereon, situate in Kittery Point, in the Town of Kittery, County of York and State of Maine, as depicted on plan entitled "Plan of Land Prepared for Daniel R. Mann, Kittery Point, Maine", prepared by Thomas F. Moran, dated June 15, 1982 and recorded in the York County Registry of Deeds, more particularly bounded and described as follows:

Beginning at an iron pin at the corner of Coleman Avenue and Pepperrell Road; thence running N 86° 41' 52" W along Pepperrell Road a distance of 78.05 feet to an iron pin; thence turning and running N 01° 22' 41" E along a stone wall a distance of 156.97 feet to an oak hub; thence turning and running N 89° 15' 45" E a distance of 73.19 feet to an iron pipe situate on the westerly side of Coleman Avenue; thence turning and running S 00° 20' 20" E along Coleman Avenue a distance of 162.36 feet to an iron pin and the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Timothy C. Coyne by deed of Leigh T. Whittemore, Personal Representative of the Estate of Margaret Tower Whittemore, dated March 26, 2017 and recorded in the York County Registry of Deeds at Book 17453, Page 532.

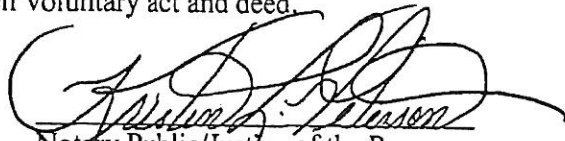
Executed this 1st day of March 2019.



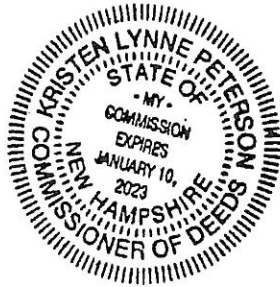
Timothy C. Coyne

State of New Hampshire
County of Rockingham

Then personally appeared before me on this 1st day of March 2019, the said Timothy C. Coyne and acknowledged the foregoing to be his/her/their voluntary act and deed.



Notary Public/Justice of the Peace
Commission expiration:





tabbles®
EXHIBIT
A

Google



Google

Image capture: Sep 2011 © 2019 Google

Kittery, Maine



Street View - Sep 2011

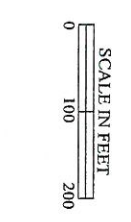


PROPERTY MAP
KITTERY
MAINE



LEGEND

ADJUTING MAP NO.	R11	LOT DIMENSION	—
PARCEL NUMBER	7A	PROPERTY BOUNDARY	—
SUBDIVISION LOT NO.	7A	RIGHT OF WAY	—
STREET ADDRESS NO.	7A	DEPARTMENT	—



John E. O'Donnell & Associates
632 Bald Hill Road
New Gloucester, Maine 04260
(207) 926-4044
www.jeodonnell.com

