

**Town of Kittery Maine
Town Planning Board Meeting
April 12, 2018**

50 Chauncey Creek Drive – Shoreland Development Plan Review.

Action: Accept or deny application. Approve or deny plan. Owners and applicants, Thomas and Michele Jordan request consideration to expand a nonconforming single family dwelling on a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax Map 44 Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource Protection (OZ-RP) zones. Agent Tom Emerson, studioB-E.

PROJECT TRACKING

REQ'D	DESCRIPTION	COMMENTS	STATUS
YES	Determination of Completeness	Possible for 4/12/2018	PENDING
NO	Public Hearing		
NO	Site Walk		
Yes	Final Plan Review and Decision		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 ¼: HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 – Grading/Construction Final Plan Required. – Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Planning Board review of this project is required by 16.10.3.4 Shoreland Development Review, because the proposed development is located within the required 250-foot setback in the Shoreland Overlay Zone. The parcel includes a nonconforming single-family dwelling unit, a boathouse and dock on a lot with a non-conforming area (40,000 sf is minimum), street frontage (150 feet required) or front yard setback (40 feet required) for the R-KPV zone.

The applicant proposes to expand the building by adding onto the western side (177 sf) while staying within the required 15-foot side yard setbacks; expanding the deck (noted as deck #1 on the plan) by approximately 67 sf and rebuilding the entry to the same size as currently exists.

In addition, while the property is currently non-conforming with 26.5% devegetated area (20% is the requirement), the Applicant proposes to remove some impervious surfaces and revegetate to lower the overall devegetated area to 26.1%.

The Applicant proposes to remove an existing paved walkway to the entrance and a brick walkway around the house to deck #1, and replace it with stones placed within grass. A set of stairs are also proposed, presumably to connect with wood ramp #2 to access the boathouse and dock. A wood ramp (labeled wood ramp #1) and a concrete pad will be removed. Gravel areas #1 and #2 will be reduced in size. See the Coverage Calculations on the plan.

Staff Review

1. The proposed expansion does not meet the requirements of the Shoreland Zone (OZ-SL-250'). However, the provisions of Article III. Nonconformance apply to the property and existing structures.

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

- a. The foundation under the building expansion must be constructed to meet the setbacks to the greatest extent practical as determined by the Planning Board using 16.7.3.3.1.B's criteria.
 - i. Will the foundation be a full foundation or sonotubes?
 - ii. The addition as proposed is slightly farther away from the HAT (Highest Annual Tide) than the rest of the existing structure.
 - b. The structure is less than 25 feet from the HAT so the maximum total footprint for the structure may not be expanded to a size greater than 800 sf or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The height cannot be more than 15 feet or the height of the existing structure, whichever is greater. Roof slope must be 8:12 pitch. (see 16.7.3.3.2.E.1-3).
 - i. The structure is about 11 feet from Chauncey Creek
 - ii. Has the building ever been expanded previously (before 1989)?
 - iii. The expansion will be 177 sf, the existing structure is noted as being 1,115 sf. With the expansion, the structure will be 1,292 sf which is a 10.5% increase.
 - iv. How tall will the expansion be? No height is shown and no building elevation was submitted. A note on the plan should be added.
 - c. Per 16.3.2.17.D (Shoreland Overlay Zone, Standards) the total footprint of the devegetated area cannot exceed 20%. The property is currently non-conforming with about 26.5% devegetated. The proposal calls for removal of a paved path, brick path, wood ramp and a concrete pad along with a reduction in size of two gravel areas. The paved path and a portion of the brick path will be removed and replaced by stones set into grass. It appears that all devegetated areas have been noted on the plans. See the Existing and Proposed Devegetated Coverage Calculations on the plan for details.
2. Staff wonders how the 60% coverage for the proposed stone/grass walkway was calculated. It should be noted on the plan.
 - a. How large will the stepping stones be on average?
 - b. How far apart will the stones be?
 - c. Will the path have a certain width?
 - d. Will the grass be typical lawn grass or some other kind?
 3. It is not clear why the proposed stairs are positioned at an angle – they don't seem to align with wood ramp #2 which exists and is going to remain. How will the residents access the boat house and dock? The plan should provide clarity.
 4. The path to the entry that is being rebuilt seems to extend beyond the property line into the public ROW. The part that extends into the ROW should be removed from the plans.

Recommendations

While a site walk and public hearing are not required, the Board will need to consider whether or not to hold them. The application appears to be nearly complete, only lacking a few details as described in the review notes above. The plan provides enough information for the Board to have a productive site visit.

If the Board determines a site walk and/or a public hearing is warranted, the Board may move to schedule them (suggested motions below).

Action

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

Move to schedule a site visit on {date and time} for a Shoreland Development Plan application dated March 21, 2018 from owners and applicants, Thomas and Michele Jordan, who request consideration to expand a nonconforming single family dwelling on a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax Map 44 Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource Protection (OZ-RP) zones.,

And/or

Move to schedule a public hearing on April 26th, 2018 for a Shoreland Development Plan application dated March 21, 2018 from owners and applicants, Thomas and Michele Jordan, who request consideration to expand a nonconforming single family dwelling on a 7,800 +/- square foot parcel located at 50 Chauncey Creek Road (Tax Map 44 Lot 59) in the Residential Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250') and Resource Protection (OZ-RP) zones.,

SHORELAND DEVELOPMENT PLAN APPLICATION



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


MAP	44	LOT	59
DATE:	3/21/18		
FEE:	\$ 200.00		
ASA*:	_____		

PROPERTY DESCRIPTION	Physical Address	50 CHAUNCEY CREEK ROAD		
	Base Zone	R-KPV	Overlay Zone (s)	OZ-SL-250' & OZ-RP
OWNER INFORMATION	Name	THOMAS & MICHELE JORDAN		Mailing Address 24 BARNUM PLACE RIDGEBFIELD, CT 03877
	Phone	203.313.4694		
	Email	TOM.JORDAN@PUBLICTRUSTADVISORS.COM		
AGENT INFORMATION	Name	TOM EMERSON		Company STUDIO B-E
	Phone	207.752.1371		Mailing Address 10 OX POINT DRIVE KITTERY, ME 03904
	Email	STUDIOB-E@COMCAST.NET		
	Fax	-		
APPLICANT INFORMATION	Name	THOMAS & MICHELE JORDAN		Mailing Address
	Phone			
	Email			

PROJECT DESCRIPTION	Existing Use: SINGLE FAMILY RESIDENCE
	Proposed Use (describe in detail): SINGLE FAMILY RESIDENCE

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	THE PROPERTY IS IN THE SHORELAND OVERLAY & RESOURCE PROTECTION OVERLAY ZONES. THE PROPERTY DOES NOT MEET THE MINIMUM LAND AREA PER DWELLING UNIT, MINIMUM LOT SIZE, STREET FRONTAGE OR MINIMUM FRONT YARD SETBACK OF THE BASE ZONE OR THE MAXIMUM DEVEGETATED COVERAGE REQUIREMENT OF 02-SL-250'

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:	03.21.2015	Date:	_____

*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

- 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
 Under 10 acres: no greater than 1" = 30'
 10 + acres: 1" = 50'
- C) Title Block
 Title: Shoreland Development Plan
 Applicant's name and address
 Name of preparer of plan with professional information
 Parcel's Kittery tax map identification (map - lot) in bottom right corner
 Vicinity Map or aerial photo showing geographic features 5,000 feet around the site.
- D) Signature Block
 Area for signature by Planning Board Chair and Date of Planning Board Approval

Development Plan must include the following existing and proposed information:

<p>Existing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Land Use Zones and boundaries <input type="checkbox"/> Topographic map (optional) <input type="checkbox"/> Wetlands and flood plains <input type="checkbox"/> Water bodies and water courses <input type="checkbox"/> Parcel area <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input type="checkbox"/> Distance from structure to water body and property lines <input type="checkbox"/> Floor area, volume, devegetated area, and building coverage 	<p>Proposed: (Plan must show the lightened existing topography under the proposed project plan for comparison.)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Recreation areas and open space <input type="checkbox"/> Setback lines and building envelopes <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input type="checkbox"/> Floor area, volume, devegetated area, and building coverage <p>Distance to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Nearest driveways and intersections <input type="checkbox"/> Nearest fire hydrant <input type="checkbox"/> Nearest significant water body; ocean, wetland, stream
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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: 11.00 feet

STRUCTURE	Existing	Proposed	% Increase*	
SF (Area)	1115 sf	117 sf	10.49 %	
CF (Volume)	- cf	- cf	- %	
Construction:	New: <input type="checkbox"/> Demo/Rebuild: <input checked="" type="checkbox"/> Maintenance/repair: <input checked="" type="checkbox"/>			Value: \$ 138,000
*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)	20 %	2069sf	2035 sf	20.1 % (-.4)
*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)	20 %	1115 sf	1292 sf	16.6 %
*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.

From: [Tom Jordan](#)
To: [Kathy Connor](#)
Cc: [Tom Emerson](#)
Subject: The Jordan's - 50 Chauncey Creek Road
Date: Wednesday, April 04, 2018 10:03:39 PM

Hi Kathy,

I am following up on a note I had received from Tom Emerson of Studio B-E earlier this evening. My Wife Michele and I have retained Tom to Represent us as Agent in the application to the Planning Board since Tom is the expert and we currently reside out of state.

Please accept this email as our authorization and signature in this process, dated April 4th, 2018. We are the current owners of 50 Chauncey Creek Road, Kittery Point and remain available to assist in any additional way.

Thank you in advance,

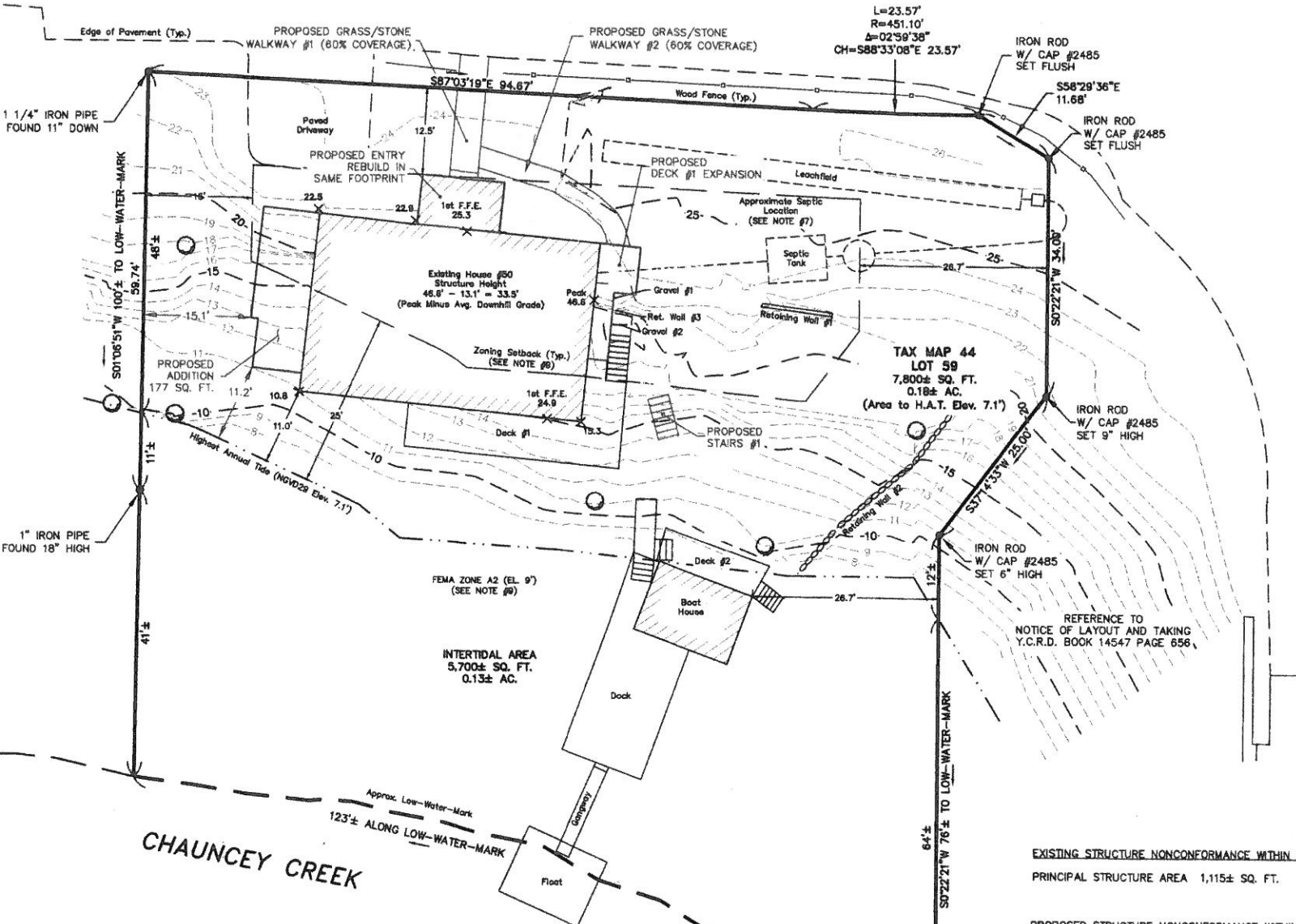
Tom Jordan
203 313-4694

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N/F
GALE A. SEAWARD REV. TRUST
GALE A. SEAWARD, TRUSTEE
TAX MAP 44 LOT 80
Y.C.R.D. BOOK 12468 PAGE 348

CHAUNCEY CREEK ROAD



GERRISH ISLAND LANE

CHAUNCEY CREEK

ZONING DATA PER KITTERY TOWN CODE "TITLE 16 LAND USE AND DEVELOPMENT CODE" (LAST AMENDMENT 7/24/17) (SEE NOTE #8):

BASE ZONE: RESIDENTIAL-KITTERY POINT VILLAGE (R-KPV)
OVERLAY ZONES:
WATER BODY/WETLAND PROTECTION AREA - 250' (OZ-SL-250')
RESOURCE PROTECTION OVERLAY ZONE - OZ-RP

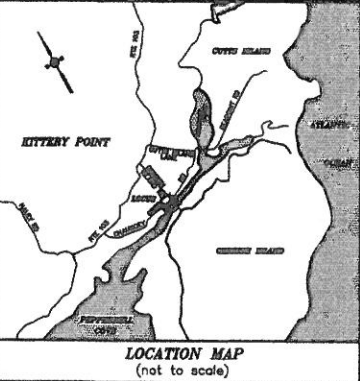
R-KPV BASE ZONE REQUIREMENTS:
MINIMUM LAND AREA PER DWELLING UNIT: 40,000 SQ. FT.
MINIMUM LOT SIZE: 40,000 SQ. FT.
MINIMUM STREET FRONTAGE: 150 FT.
MINIMUM FRONT YARD: 40 FT.
MINIMUM REAR AND SIDE YARDS: 15 FT.
MAXIMUM BUILDING HEIGHT: 35 FT.

MINIMUM SETBACK FROM WATER BODY AND WETLAND DEPENDENT USES: 0 FT.

MAXIMUM BUILDING COVERAGE: 20%

OZ-SL-250' REQUIREMENTS (SEE 16.3.2.17):

MINIMUM LOT SIZE: 20,000 SQ. FT.
MINIMUM LAND AREA PER DWELLING UNIT: 20,000 SQ. FT.
MINIMUM SHORE FRONTAGE: 50 FT.
MAXIMUM DEVEGETATED COVERAGE*: 20%
*SEE 16.3.2.17.D.1.d.iii



PLAN REFERENCES:

- "STATE AID HIGHWAY NO. 7/POCAHONTAS ROAD, GERRISH ISLAND LANE/POCAHONTAS ROAD, KITTERY, YORK COUNTY, FEDERAL AID PROJECT NO. BH-1105(700)X, PAGE 39 OF 40", PREPARED BY STATE OF MAINE DEPARTMENT OF TRANSPORTATION, DATED 8/10/07 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 322 PAGE 46.
- "STANDARD BOUNDARY SURVEY FOR PROPERTY AT 50 CHAUNCEY CREEK ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY ESTATE OF FRANK C. ESTES & EDITH M. ESTES", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 8/11/16 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 389 PAGE 1.

NOTES:

- OWNERS OF RECORD:
THOMAS D. JORDAN
MICHELE JORDAN
Y.C.R.D. BOOK 17509 PAGE 742
DATED JUNE 30, 2017
- TOTAL EXISTING PARCEL AREA:
0.18± Acres
- BASIS OF BEARING IS MAGNETIC 2016.
- CHAUNCEY CREEK ROAD AND GERRISH ISLAND LANE RIGHT-OF-WAY IS BASED ON PLAN REFERENCE #1 AND NOTICE OF LAYOUT AND TAKING RECORDED AT Y.C.R.D. BOOK 14547 PAGE 656.
- REFERENCE IS MADE TO EASEMENT TO VERIZON NEW ENGLAND INC., DATED AUGUST 1, 2005 AND RECORDED AT Y.C.R.D. BOOK 14571 PAGE 939. SEE SAID EASEMENT FOR DESCRIPTION AND TERMS FOR UTILITY INSTALLATION AND MAINTENANCE ACROSS THE SUBJECT PROPERTY.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS NOT SHOWN HEREON, MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY.
- SEPTIC SYSTEM SHOWN IS APPROXIMATE PER SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION DATED 4/6/94, PREPARED BY MICHAEL MARIANO, S.E. #219. VERIFY IN FIELD PRIOR TO DESIGN OR CONSTRUCTION.
- ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- REFERENCE IS MADE TO FEMA FIRM 230171 0006 C, DATED JULY 6, 1984.
- REFER TO DESIGN DRAWINGS PREPARED BY TOM EMERSON FOR BUILDING DIMENSIONS AND SPECIFICATIONS.

EXISTING STRUCTURE NONCONFORMANCE WITHIN 100' SETBACK:
PRINCIPAL STRUCTURE AREA 1,115± SQ. FT.

PROPOSED STRUCTURE NONCONFORMANCE WITHIN 100' SETBACK:
PRINCIPAL STRUCTURE AREA 1,115± SQ. FT.
ADDITION 177 SQ. FT.

EXISTING BUILDING COVERAGE:
BUILDING 1,115± SQ. FT.
TOTAL 1,115± SQ. FT. (1,115± SQ. FT. / 7,800± SQ. FT. = 14.3%)

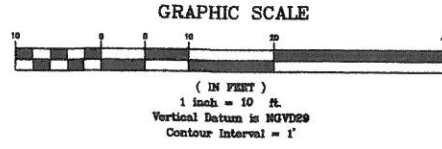
PROPOSED BUILDING COVERAGE:
BUILDING 1,115± SQ. FT.
ADDITION 177 SQ. FT.
TOTAL 1,292± SQ. FT. (1,292± SQ. FT. / 7,800± SQ. FT. = 16.6%)

EXISTING DEVEGETATED COVERAGE CALCULATION:

LOT AREA	7,800± SQ. FT.
BUILDING	1,115± SQ. FT.
DECK #1 & STEPS	253± SQ. FT.
BRICK WALK	112± SQ. FT. (TO BE REMOVED)
PAVED DRIVEWAY	217± SQ. FT.
PAVED WALK	77± SQ. FT. (TO BE REMOVED)
RETAINING WALL #1	5± SQ. FT.
RETAINING WALL #2	32± SQ. FT.
RETAINING WALL #3	9± SQ. FT.
RETAINING WALL #4	23± SQ. FT. (TO BE REMOVED)
GRAVEL #1	15± SQ. FT. (TO BE REDUCED)
GRAVEL #2	28± SQ. FT. (TO BE REDUCED)
CONC. PAD	12± SQ. FT. (TO BE REMOVED)
WOOD DECK	10± SQ. FT. (TO BE REMOVED)
WOOD RAMP #1	30± SQ. FT. (TO BE REMOVED)
WOOD RAMP #2 & STAIR	77± SQ. FT. (TO BE REDUCED)
DECK #2	41± SQ. FT.
BRICK	13± SQ. FT. (TO BE REMOVED)
TOTAL	2,069± SQ. FT. (2,069± SQ. FT. / 7,800± SQ. FT. = 26.5%)

PROPOSED DEVEGETATED COVERAGE CALCULATION:

LOT AREA	7,800± SQ. FT.
BUILDING	1,115± SQ. FT.
DECK #1 & STEPS	253± SQ. FT.
PAVED DRIVEWAY	217± SQ. FT.
RETAINING WALL #1	5± SQ. FT.
RETAINING WALL #2	32± SQ. FT.
RETAINING WALL #3	6± SQ. FT.
GRAVEL #1	5± SQ. FT.
GRAVEL #2	8± SQ. FT.
WOOD RAMP #2 & STAIR	33± SQ. FT.
DECK #2	41± SQ. FT.
DECK #1 EXPANSION	67± SQ. FT.
PROPOSED ADDITION	177± SQ. FT.
PROPOSED WALK #1	28± SQ. FT.
PROPOSED WALK #2	44± SQ. FT.
PROPOSED STEP	4± SQ. FT.
TOTAL	2,035± SQ. FT. (2,035± SQ. FT. / 7,800± SQ. FT. = 26.1%)



PROPOSED SITE PLAN
FOR PROPERTY AT
50 Chauncey Creek Road
Kittery Point, York County, Maine
OWNED BY
Thomas D. Jordan
Michele Jordan
24 Barnum Place, Ridgefield, CT 03877

EASTERLY SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
(207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 10'	PROJECT NO: 12601	DATE: 3/21/18	SHEET: 1 OF 1	DRAWN BY: A.M.P.	CHECKED BY: P.L.A.
DRAWING No: 12601_Existing_Conditions		FIELD BOOK No: "Kittery Point #14"		Tax Map 44 Lot 59	

REV.	DATE	STATUS	BY	CHKD	APPD.