



**TOWN OF KITTERY**  
**PLANNING AND CODE DEPARTMENT**  
200 Rogers Road, Kittery, ME 03904  
Telephone: 207-475-1305 Fax: 207-439-6806  
www.kitteryme.gov

## NOTICE OF DECISION

---

PROPERTY OWNER AND APPLICANT:	<b>LEE REINHOLD</b>
MAILING ADDRESS:	PO BOX 752 WEST NEWBURY, MA 01985
PROPERTY LOCATION:	9 BOWEN ROAD
MAP LOT/ZONE:	<b>MAP 17 LOT 3/ R-U</b>
APPLICATION:	MINOR MODIFICATION TO AN APPROVED PLAN
DATE:	<b>SEPTEMBER 9, 2019</b>

---

### **Review Threshold**

#### 16.10.9.3 Modifications to an Approved Plan

##### *16.10.9.3.A Minor Modifications.*

*Modifications to a Planning Board approved plan, that do not require Planning Board review per Section 16.10.3.2, may be approved by the Code Enforcement Officer and Town Planner. Such approvals must be issued in writing to the developer with a copy to the Planning Board. The developer must provide the revised plan to the Town Planner and be recorded in the York County Registry of Deeds when applicable.*

This notice serves to fulfill Section 16.10.9.3.A. The Town Planner and Code Enforcement Officer (CEO) determined that Planning Board review is **not** required considering the thresholds outlined in 16.10.3.2 not being met, specifically, *Expansion of existing use where the expanded use will require fewer than six additional parking space*. The proposed modifications include repairing a portion of an existing retaining wall and rebuilding pre-existing retaining walls that were removed to provide construction equipment access for the Planning Board approved expansion of the dwelling. The proposed modification does not meet the requirement of 16.10.9.3.B Major modifications.

### **Application**

The Town Planner and Code Enforcement Officer have reviewed the Minor Modification to an Approved Site Plan application dated 9/4/2019, that included the following submitted plans for review:

- 1) Planning Board approved Shoreland Development Plan, prepared by Easterly Surveying, dated 8/28/2017
- 2) Revised Revegetation Plan, prepared by licensed landscape architect Roberta Woodburn, dated 9/4/2019

And make the following findings:

### **Prior Approval and Proposed Modification**

1) The Shoreland Development Plan was approved by the Planning Board on 8/10/2017. The approved plan included a Condition of Approval noted on the plan that maintenance of the blueberry shrubs located along the shoreline of the property and replanting of any vegetation deemed not viable is required. The revised revegetation plan shows more planting than required of the Planning Board and proposes to rebuild existing steps down to lawn, rebuild failing sections of an existing stone retaining wall and

rebuild one 4' high and one 2' high stone retaining wall to replace pre-existing walls that were removed to allow for construction equipment access. The stamped plan by the licensed landscape architect state that the reconstruction of the stone walls has no impact on lot coverage calculations.


**Conclusion**

The proposed changes listed above fall within the jurisdiction of the Town Planner and Code Enforcement Officer to approve per 16.10.9.3 *Modifications to an Approved Plan, Minor modifications, 16.10.9.3.A.*

This Notice of Decision **IS NOT** a building permit or a sign permit.

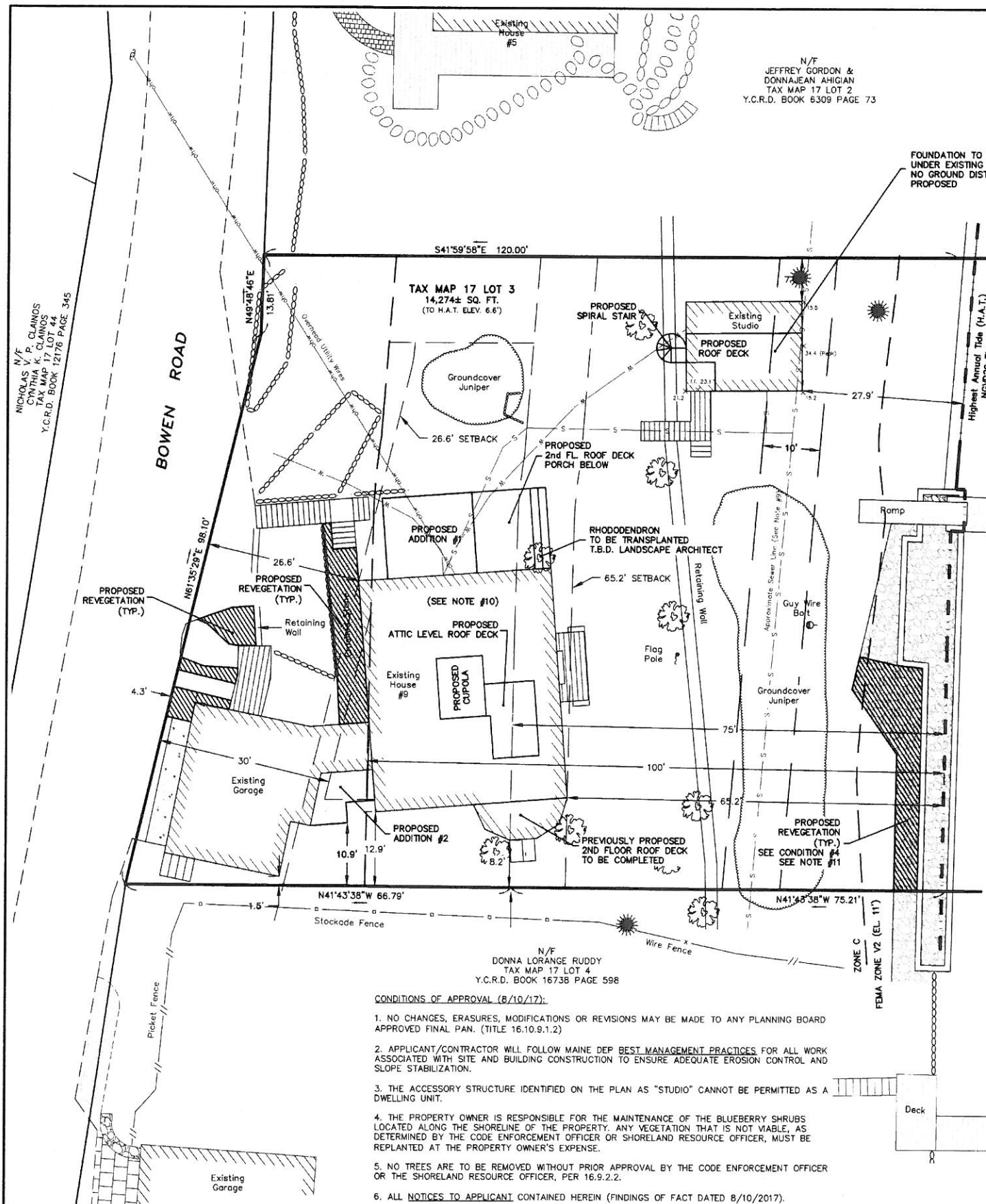
Any proposed field changes, diversions or revisions to the plan and construction documents after approval shall be reported to the Code Enforcement Officer prior to proceeding with the proposed changes. Any site changes not approved in this Notice of Decision will be in violation of State law and Town Codes.

**BY:**

  
\_\_\_\_\_  
Jamie Steffen  
Town Planner

  
\_\_\_\_\_  
Craig Alfis  
Code Enforcement Officer

CC: Planning Board, and Property File



N/F  
JEFFREY GORDON &  
DONNAJEAN AHIGIAN  
TAX MAP 17 LOT 2  
Y.C.R.D. BOOK 6309 PAGE 73

FOUNDATION TO REMAIN  
UNDER EXISTING STUDIO  
NO GROUND DISTURBANCE  
PROPOSED

TAX MAP 17 LOT 3  
14,274± SQ. FT.  
(TO H.A.T. ELEV. 6.6')

N/F  
DONNA LORANGE RUDDY  
TAX MAP 17 LOT 4  
Y.C.R.D. BOOK 16738 PAGE 598

**CONDITIONS OF APPROVAL (8/10/17):**

- NO CHANGES, ERASURES, MODIFICATIONS OR REVISIONS MAY BE MADE TO ANY PLANNING BOARD APPROVED FINAL PLAN. (TITLE 16:10.9.1.2)
- 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.
- THE ACCESSORY STRUCTURE IDENTIFIED ON THE PLAN AS "STUDIO" CANNOT BE PERMITTED AS A DWELLING UNIT.
- THE PROPERTY OWNER IS RESPONSIBLE FOR THE MAINTENANCE OF THE BLUEBERRY SHRUBS LOCATED ALONG THE SHORELINE OF THE PROPERTY. ANY VEGETATION THAT IS NOT VIABLE, AS DETERMINED BY THE CODE ENFORCEMENT OFFICER OR SHORELAND RESOURCE OFFICER, MUST BE REPLANTED AT THE PROPERTY OWNER'S EXPENSE.
- NO TREES ARE TO BE REMOVED WITHOUT PRIOR APPROVAL BY THE CODE ENFORCEMENT OFFICER OR THE SHORELAND RESOURCE OFFICER, PER 16.9.2.2.
- ALL NOTICES TO APPLICANT CONTAINED HEREIN (FINDINGS OF FACT DATED 8/10/2017).

Kittery, Maine - Planning Board Approval  
6.10.2017  
Date of Approval  
Chair Date

YORK,ss REGISTRY OF DEEDS  
Received Sept 13, 2017  
at 11 h 33 m A.M., and  
Filed in Plan Book 391 Page 4  
ATTEST:  
Diane S. Anderson  
Register

**PLAN REFERENCES:**

1. "HARBOR BLUFF CONDOMINIUM SITE PLAN FOR PROPERTY AT 9 BOWEN ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY WILLIAM L. PINGREE" PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 7/22/10, PROJECT NO. 04798, AND RECORDED AT THE Y.C.R.D. AS CONDO FILE 799 PAGE 1.

**ZONING DATA PER KITTERY TOWN CODE "TITLE 16 LAND USE AND DEVELOPMENT CODE" (LAST AMENDMENT 7/25/16) (SEE NOTE #6):**

BASE ZONE: RESIDENTIAL-URBAN (R-U)  
OVERLAY ZONES:  
WATER BODY/WETLAND PROTECTION AREA - 250' (OZ-SL-250')  
R-U BASE ZONE REQUIREMENTS:

MINIMUM LAND AREA PER DWELLING UNIT: 20,000 SQ. FT.  
MINIMUM LOT SIZE: 20,000 SQ. FT.  
MINIMUM STREET FRONTAGE: 100 FT.  
MINIMUM FRONT YARD: 30 FT.  
MINIMUM REAR AND SIDE YARDS: 15 FT.  
MINIMUM SEPARATION DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT: 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):**

MAXIMUM DEVEGETATED COVERAGE: 20%  
PRINCIPAL AND ACCESSORY STRUCTURES SETBACK: 100 FT.  
ACCESSORY PATIO/DECK < 500 SQ. FT. SETBACK: 75 FT.

**NOTES:**

- OWNERS OF RECORD:  
TAX MAP 17 LOT 3  
LEE REINHOLD  
Y.C.R.D. BOOK 17336 PAGE 456  
DATED OCTOBER 3, 2016
- TOTAL EXISTING PARCEL AREA:  
TAX MAP 1 LOT 8  
14,274± SQ. FT. (AREA TO H.A.T.)
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- THE BOUNDARY SHOWN HEREON IS PER PLAN REFERENCE #1.
- REFERENCE IS MADE TO FEMA FIRM 230171 0005 D, DATED 7/3/1986.
- REFERENCE IS MADE TO Y.C.R.D. BOOK 5638 PAGE 208.
- REFER TO PLANS PREPARED BY BRIAN A. LIBBY, ARCHITECT, FOR BUILDING DIMENSIONS AND SPECIFICATIONS.
- REFER TO REVEGETATION PLAN PREPARED BY WOODBURN AND COMPANY FOR VEGETATION DETAILS AND SPECIFICATIONS.

**NON-CONFORMING FLOOR AREA & VOLUME CALCULATIONS:**

FLOOR AREA	EXISTING (PRE 1989)	PROPOSED
<b>MAIN HOUSE</b>		
BASEMENT	520 SQ. FT.	520 SQ. FT.
FIRST FLOOR	1,398 SQ. FT.	1,766 SQ. FT.
SECOND FLOOR	1,269 SQ. FT.	1,476 SQ. FT.
SECOND FLOOR DECK PREVIOUSLY PROPOSED	0 SQ. FT.	86 SQ. FT.
SECOND FLOOR DECK	0 SQ. FT.	134 SQ. FT.
ATTIC	960 SQ. FT.	960 SQ. FT.
<b>TOTAL FLOOR AREA</b>	<b>4,147 SQ. FT. (+795)</b>	<b>4,942 SQ. FT. (19.7% INCREASE)</b>
<b>VOLUME</b>		
BASEMENT	3,293 CU. FT.	3,293 CU. FT.
FIRST FLOOR	12,254 CU. FT.	15,271 CU. FT.
SECOND FLOOR	9,601 CU. FT.	11,333 CU. FT.
ATTIC	3,600 CU. FT.	3,583 CU. FT.
CUPOLA	0 CU. FT.	322 CU. FT.
DORMER	0 CU. FT.	25 CU. FT.
WATERSIDE DORMER	0 CU. FT.	84 CU. FT.
CONNECTOR	0 CU. FT.	147 CU. FT.
<b>TOTAL VOLUME</b>	<b>28,748 CU. FT. (+5,310)</b>	<b>34,058 CU. FT. (18.5% INCREASE)</b>
<b>STUDIO</b>		
FLOOR AREA		
BASEMENT	305 SQ. FT.	305 SQ. FT.
FIRST FLOOR	305 SQ. FT.	305 SQ. FT.
ROOF TOP DECK	0 SQ. FT.	160 SQ. FT.
SPIRAL STAIR	0 SQ. FT.	20 SQ. FT.
<b>TOTAL FLOOR AREA</b>	<b>610 SQ. FT. (+180)</b>	<b>790 (29.5% INCREASE)</b>
<b>VOLUME</b>		
BASEMENT	1,300 CU. FT.	1,300 CU. FT.
FIRST FLOOR	2,160 CU. FT.	2,160 CU. FT.
ATTIC	648 CU. FT.	519 CU. FT.
<b>TOTAL VOLUME</b>	<b>4,108 CU. FT. (-129)</b>	<b>3,979 CU. FT. (-3.1% INCREASE)</b>

\*FLOOR AREA AND VOLUME CALCULATIONS PROVIDED BY BRIAN A. LIBBY, ARCHITECT AND ARE ON FILE WITH THE TOWN OF KITTERY. SEE WORKSHEETS DATED 7/11/17 FOR DETAILED CALCULATIONS.  
CONTACT INFORMATION: 1251 LINDA VISTA BLVD., ORO VALLEY, AZ 85704-3609. EMAIL BLIBBYARCH@COMCAST.NET  
CELL: 520-906-2321. BRIANLIBBY.COM. 18 CENTER STREET SUITE #1 C/O ED DIXON, PLS, NEWBURYPORT, MA 01950.  
978-465-0405.

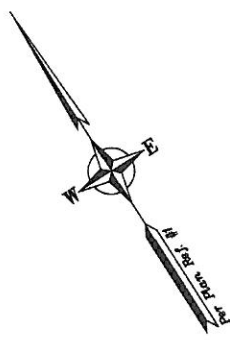
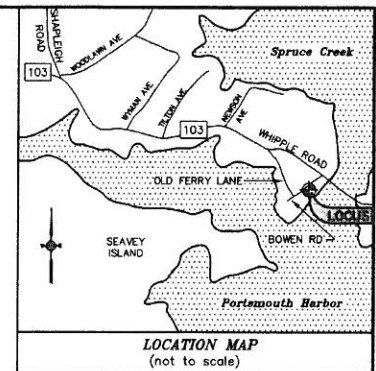
**BUILDING COVERAGE CALCULATION (FOOTPRINT):**

LOT AREA	EXISTING	PROPOSED
LOT AREA	14,274± SQ. FT. (AREA TO H.A.T.)	
MAIN HOUSE/GARAGE	2,097± SQ. FT. (+432)	2,529± SQ. FT.
STUDIO	313± SQ. FT.	313± SQ. FT.
<b>TOTAL</b>	<b>2,410± SQ. FT. (16.9%)</b>	<b>2,842± SQ. FT. (19.9%)</b>

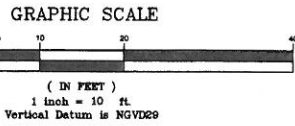
**DEVEGETATED (LOT) COVERAGE CALCULATION:**

TOTAL LOT AREA:	EXISTING	PROPOSED
TOTAL LOT AREA:	14,274± SQ. FT. (AREA TO H.A.T.)	
MAIN HOUSE	2,097± SQ. FT.	2,097± SQ. FT.
STUDIO	313± SQ. FT.	313± SQ. FT.
PAVEMENT/CONC.	449± SQ. FT. (-99)	350± SQ. FT.
WOODEN STAIRS/DECK	318± SQ. FT.	318± SQ. FT.
DOCK/RAMP	79± SQ. FT.	79± SQ. FT.
RETAINING WALLS	317± SQ. FT. (-10)	307± SQ. FT.
RIP/RAP	715± SQ. FT. (-240)	475± SQ. FT.
CRUSHED STONE	162± SQ. FT. (-162)	0 SQ. FT.
ADDITION #1	0 SQ. FT.	217± SQ. FT.
ADDITION #2	0 SQ. FT.	73± SQ. FT.
PORCH	0 SQ. FT.	142± SQ. FT.
PORCH STAIRS	0 SQ. FT.	38± SQ. FT.
<b>TOTAL</b>	<b>4,450 SQ. FT. (31.2%)</b>	<b>4,409 SQ. FT. (30.9%)</b>

SITE SHALL NOT EXCEED 4,450 SQ. FT. OF NON-VEGETATED COVERAGE



NICHOLAS V.F. CLAINOS  
CYNTHIA K. CLAINOS  
DICK MAP 17 CLAINOS  
Y.C.R.D. BOOK 12176 PAGE 345



STATE OF MAINE  
ADAM M. PRAY  
2485  
REGISTERED SURVEYOR  
9/12/17

REV.	DATE	STATUS	BY	CHKD	APPD.
F	8/28/17	ADD CONDITIONS OF APPROVAL PER 8/10 MTG.	A.M.P.	P.L.A.	A.M.P.
E	7/11/17	BUILDING / AREA / VOLUME REVISION	A.M.P.	P.L.A.	A.M.P.
D	6/19/17	BUILDING / AREA / VOLUME REVISION	A.M.P.	P.L.A.	A.M.P.
C	5/30/17	BUILDING / AREA / VOLUME REVISION	A.M.P.	P.L.A.	A.M.P.
B	5/17/17	ADD 26.6' SETBACK	A.M.P.	P.L.A.	A.M.P.
A	5/11/17	REVISIONS PER PLANNING STAFF COMMENTS	A.M.P.	P.L.A.	A.M.P.

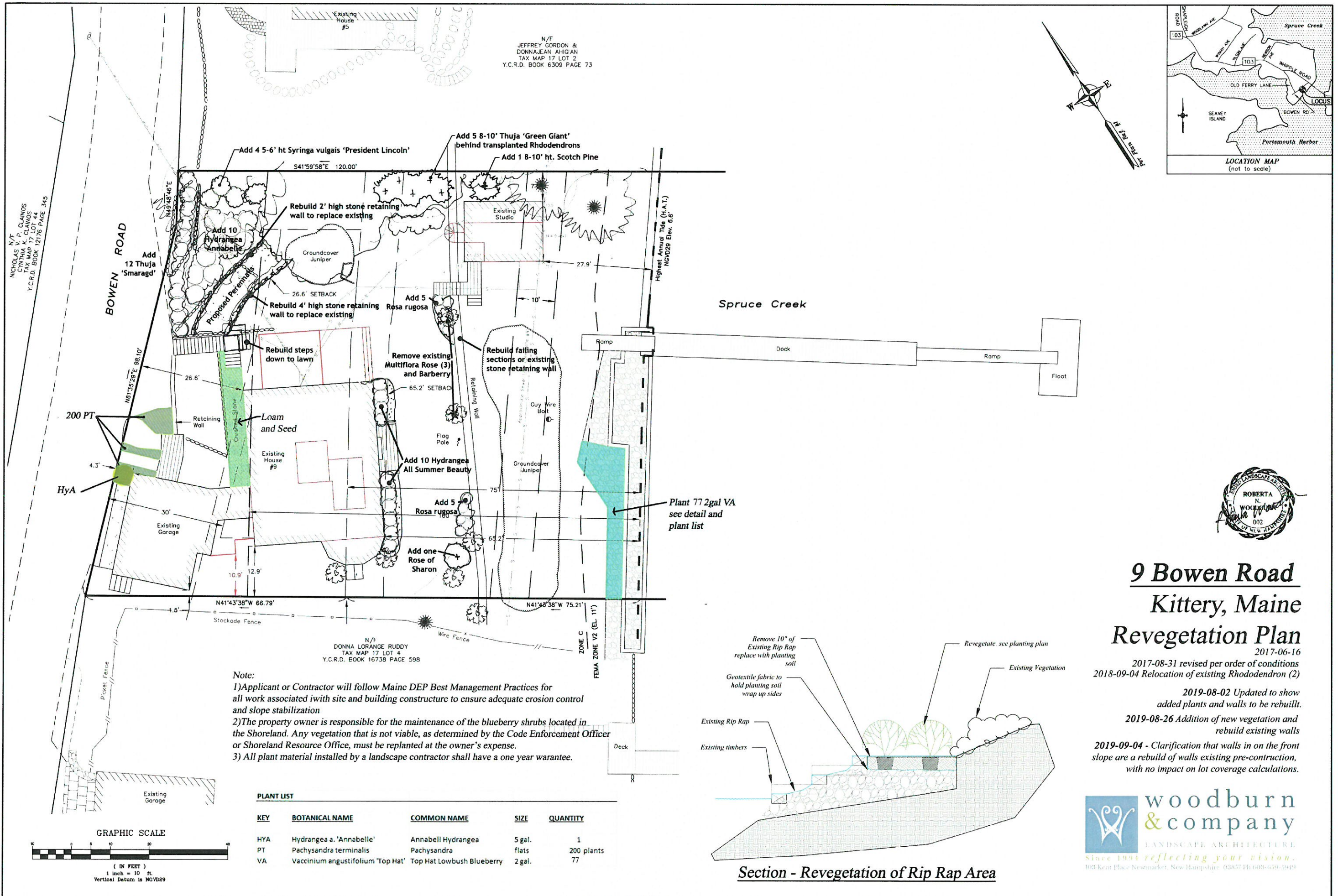
**SHORELAND DEVELOPMENT PLAN**  
FOR PROPERTY AT  
**9 Bowen Road**  
Kittery, York County, Maine  
OWNED BY  
**Lee Reinhold**  
P.O. Box 752, West Newbury, MA 01985

North  
**W EASTERLY**  
SURVEYING, Inc.  
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
(207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 10'  
PROJECT NO: 17627  
DATE: 4/6/17  
SHEET: 1 OF 1  
DRAWN BY: A.M.P.  
CHECKED BY: P.L.A.

FIELD BOOK No: "Kittery #34"  
**Tax Map 17 Lot 3**





N/F  
JEFFREY GORDON &  
DONNAJEAN AHIGIAN  
TAX MAP 17 LOT 2  
Y.C.R.D. BOOK 6309 PAGE 73

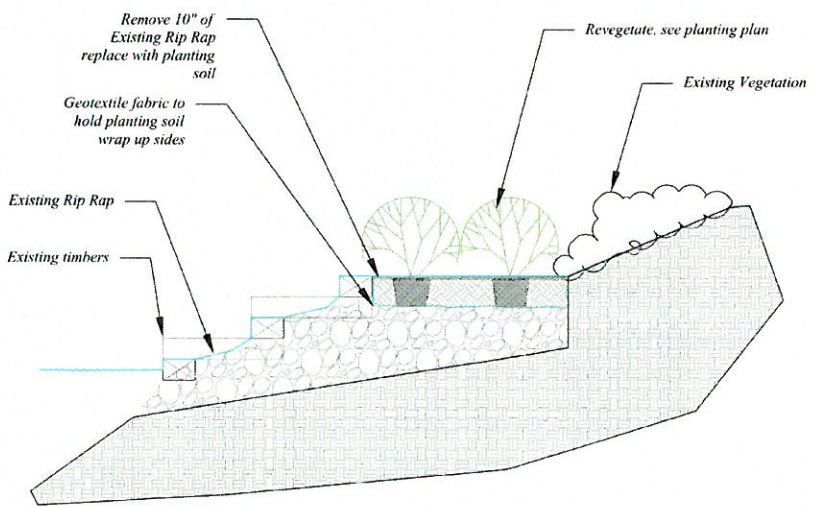
N/F  
NICHOLAS V. P. CLAINOS  
CYNTHIA K. CLAINOS  
TAX MAP 17 LOT 44  
Y.C.R.D. BOOK 12176 PAGE 345

N/F  
DONNA LORANGE RUDDY  
TAX MAP 17 LOT 4  
Y.C.R.D. BOOK 16738 PAGE 598

**Note:**  
1) Applicant or 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  
2) The property owner is responsible for the maintenance of the blueberry shrubs located in the Shoreland. Any vegetation that is not viable, as determined by the Code Enforcement Officer or Shoreland Resource Office, must be replanted at the owner's expense.  
3) All plant material installed by a landscape contractor shall have a one year warranty.

**PLANT LIST**

KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
HYA	Hydrangea a. 'Annabelle'	Annabell Hydrangea	5 gal.	1
PT	Pachysandra terminalis	Pachysandra	flats	200 plants
VA	Vaccinium angustifolium 'Top Hat'	Top Hat Lowbush Blueberry	2 gal.	77



**Section - Revegetation of Rip Rap Area**



# 9 Bowen Road Kittery, Maine Revegetation Plan

2017-06-16  
2017-08-31 revised per order of conditions  
2018-09-04 Relocation of existing Rhododendron (2)  
2019-08-02 Updated to show added plants and walls to be rebuilt.  
2019-08-26 Addition of new vegetation and rebuild existing walls  
2019-09-04 - Clarification that walls in on the front slope are a rebuild of walls existing pre-construction, with no impact on lot coverage calculations.

