

**Town of Kittery Maine
 Planning Board Meeting
 May 9, 2019**

ITEM 4 - 12 Haley Road – Shoreland Development Plan Review.

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

PROJECT TRACKING

REQ'D	DESCRIPTION	COMMENTS	STATUS
YES	Determination of Completeness	Possible for 5/9/2019	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 %: HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.L – Grading/Construction Final Plan Required. – Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Planning Board review of this project is required by 16.10.3.4 Shoreland development review because the proposed development is located entirely within the both the Stream Protection Area – Shoreland Overlay Zone and the Water Body/Wetland Protection Area – Shoreland Overlay Zone. The property is a non-conforming lot due to its frontage and size and contained a nonconforming single-family dwelling (recently demolished), and a non-conforming shed in disrepair. The total area is only 3,817 sf (excluding wetlands) and is bounded on the south and southeast by Wilson Creek. Wilson Creek is included in the Stream Protection Overlay Zone and requires a 75’ setback for new construction.

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

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

Staff Review

1. The proposed expansion does not meet the requirements of the Shoreland Overlay Zones (OZ-SL-250' & OZ-SL-75'). However, the provisions of Article III. Nonconformance apply to the property and existing structures.
 - a. Per Section 16.7.3.3.C.(1) *In the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is located less than the required setback from a water body, tributary stream, or coastal or freshwater wetland and which is removed, damaged or destroyed, by any cause, by more than 50% of the market value of the structure before such*

damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or coastal or freshwater wetland setback requirement to the greatest practical extent as determined by the Planning Board. In determining whether the structure reconstruction meets the setback to the greatest practical extent the Planning Board must consider, in addition to the criteria in § 16.7.3.3A(2), Nonconforming structure relocation, the physical condition and type of foundation present, if any. The applicant outlines the reasons in the Project Narrative for reconstructing on the existing footprint. The lot is undersized and if the structure was shifted or rotated then the non-conformity relative to the front yard setback would increase. According to the plan, a small portion of the of the reconstructed residence (SE corner) falls within the 25' setback from the upland edge of the wetland. Under Section 16.7.3.3 B. (3) (e) [2] expansion of any portion of a structure is prohibited. The applicant states that the new residence will have a greater building than the existing building but is still in compliance with Section 16.7.3.3 B. [4] [a] regarding maximum height of the structure. It can't be determined, though, from the building plans whether there is an expansion within the 25' area.

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

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

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

Recommendation / Action

While a site walk and public hearing are not required, the Board has typically conducted both for these types of projects.

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

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

And/or

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



April 18, 2019

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

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

Dear Mr. Steffen,

On behalf of Kimberly A. Lingard, Tidewater Engineering & Surveying, Inc. is pleased to submit the enclosed Shoreland Development Plan associated with the reconstruction of a single family dwelling located at 12 Haley Road (Tax Map 47 Lot 21).

The property is a non-conforming lot of record that is located entirely within the stream protection shoreland zone. The existing structure is also non-conforming with regards to front setbacks and shoreland setbacks. The applicant is proposing to construct a new single family residence in the same location as the original structure. Per the requirement of the Town's Land Use and Development Code, a shoreland development permit is required to be obtained from the Kittery Planning Board.

The following documents are enclosed for your review:

1. Application Form;
2. Project Narrative;
3. Photos of Existing Structure;
4. Architectural Sheets by Gary M. Lepore, AIA;
 - a. Cover Sheet
 - b. A1.00 Proposed Foundation Plan
 - c. A1.01 Proposed Floor Plan
5. Shoreland Development Plan by Tidewater Engineering & Surveying, Inc.

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

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

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

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

Enclosures

SHORELAND DEVELOPMENT PLAN APPLICATION



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

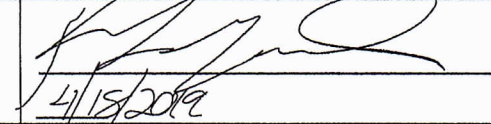
MAP <u>47</u> LOT <u>21</u>
DATE: <u>4/18/2019</u>
FEE: <u>\$ 200.00</u>
ASA*: _____

PROPERTY DESCRIPTION	Physical Address	12 Haley Road Kittery, ME 03904		
	Base Zone	R-RL	Overlay Zone (s)	Stream Protection Overlay Zone
OWNER INFORMATION	Name	Kimberly A. Lingard		Mailing Address 106 Haley Road Kittery, ME 03904
	Phone	207-752-2988		
	Email	kl2988@gmail.com		
AGENT INFORMATION	Name	Ryan McCarthy, P.E., P.L.S.		Company Tidewater Engineering & Surveying, Inc
	Phone	207-439-2222		Mailing Address 89 Route 236 #3 Kittery, ME 03904
	Email	ryan@tidewatercivil.com		
	Fax	207-703-0647		
APPLICANT INFORMATION	Name	Kimberly A. Lingard		Mailing Address 106 Haley Road Kittery, ME 03904
	Phone	207-752-2988		
	Email	kl2988@gmail.com		

PROJECT DESCRIPTION	<p><u>Existing Use:</u></p> <p>RESIDENTIAL: The existing lot is a non-conforming lot of record. The entire lot is within the stream protection overlay zone. The existing structure (recently demolished) was a non-conforming single family residence.</p> <hr/> <p><u>Proposed Use (describe in detail):</u></p> <p>RESIDENTIAL: The proposed use of the lot is to remain residential. The proposed structure is a single family residence.</p>
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PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	<p>The applicant proposed to reconstruct the existing non-conforming single family residence and shed located on the subject property. The residence will stay in the same location and is not proposed to be increased in area, but will increase in height. The location of the shed will shift about a foot farther away from the stream but the area will remain the same.</p> <p>(SEE ENCLOSED NARRATIVE FOR FURTHER DETAIL)</p>

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:	4/18/19 <i>T. Dewar Engineering</i>	Date:	4/18/2019

*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

12 Copies of this Application Form, all supporting documents, and the Development Plan and Vicinity Map 10 plan copies may be half-size (11"x17") and 2 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 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 	<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 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 <p>Distance to:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Nearest driveways and intersections <input checked="" type="checkbox"/> Nearest fire hydrant <input checked="" 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
(N/A: Resource is a stream)

Structure distance from water body: 21.0 feet

STRUCTURE	Existing	Proposed	% Increase*	
SF (Area)	620 sf	609 sf	-1.8 %	
Construction:	New: <input type="checkbox"/> Demo/Rebuild: <input checked="" type="checkbox"/>			Value:
	Maintenance/repair: <input type="checkbox"/>			\$
*Total increase in area 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 %	1,072 sf	1,072 sf	28.1 %
*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)	15 %	716 sf	705 sf	18.5 %
*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.

Shoreland Development Plan Application
Applicant: Kimberly Lingard
Address: 12 Haley Road, Kittery, ME



PROJECT NARRATIVE

The project site is located at 12 Haley Road (Tax Map 47 Lot 21) and is owned by the applicant, Kimberly Lingard. The property is a non-conforming lot of record that is located entirely within both the Stream Protection Area - Shoreland Overlay Zone and the Water Body/Wetland Protection Area - Shoreland Overlay Zone. The existing single family dwelling located on the property is also non-conforming with regards to front setbacks and shoreland structure setbacks.

The applicant is proposing to construct a new single family residence in the same location as the original structure. Per the requirement of the Town's Land Use and Development Code, a shoreland development permit is required to be obtained from the Kittery Planning Board. The following additional information is provided to aid in the Planning Board's review of the project and its compliance with the Town's regulations.

At the time of this submittal, the existing single family residence had been demolished with the exception of the foundation, rear deck and shed. A permit from the Kittery Code Enforcement office was obtained for the demolition. Upon further review by the Kittery Code office, it was determined that approval of any reconstruction fell under the jurisdiction of the Planning Board due to being located within the Stream Protection Overlay Zone.

As previously mentioned, the property is a non-conforming lot of record due to its size and frontage. The total area is only 3,817 square feet (excluding wetlands) and is bounded on the south and southeast by Wilson Creek, on the northeast by Haley Road and on the northwest by Map 47 Lot 22. Wilson Creek is included in the Stream Protection Overlay Zone and requires a 75 foot setback for new construction. The upland edge of the wetland correlates with the high water level of the stream and was delineated by Joseph Noel, Maine CSS #209 on April 8, 2019.

Since the entire property is located within the 75 foot stream protection overlay zone, all existing structures on the property are considered non-conforming. This includes a single family residence, detached shed, driveway and septic system. As a result, any reconstruction must comply with Section 16.7.3.3.3 of the Land Use and Development Code. Section 16.7.3.3.3.A allows for structures to be reconstructed or replaced provided 1) a permit is obtained within 18 months of the date the structure was demolished and 2) that the reconstruction is in compliance with the stream setback to the greatest practical extent as determined by the Planning Board.

Due to the size and configuration of the subject property, it is our opinion that there is no other practical location to reconstruct the building other than in the existing footprint. If the structure were to be shifted or rotated so as to be farther away from the onsite wetlands, the non-conformity with regard to front yard setbacks would increase. As-is, the building is only 2 feet from the front lot line/right of way (40 foot front setback required) and 21 feet from the side lot line (20 foot side setback required). If the structure were to be shifted or rotated so as to be farther away from the front and side yard setbacks, the non-conformity with regard to the stream setback would increase. The building is also only 21 feet from the stream at the closest point and the rear deck is even

Shoreland Development Plan Application
Applicant: Kimberly Lingard
Address: 12 Haley Road, Kittery, ME



closer. It is therefore proposed that the existing structure is replaced in the same location to maintain the same dimensional non-conformance. Please note the proposed building is slightly smaller than the existing footprint, resulting in an increase of 0.3 feet distance from the stream on the southeast side of the building. This is only due to the existing building being out of square.

The existing shed on the property is in disrepair and the applicant has proposed to replace the shed with a new one of the same dimensions. The location of the shed is proposed to be rotated to align better with the backyard and driveway. This shifts the location of the shed farther away from the stream, thereby improving the non-conformity.

Calculations for building coverage and devegetated coverage can be found on the Shoreland Development Plan. The existing building coverage is non-conforming at 18.8% while in the proposed scenario, the building coverage has decreased by approximately 0.3%. The existing devegetated coverage is also non-conforming and will remain unchanged in the proposed conditions.

Calculations for the proposed building height is also shown on the plan and is less than the maximum height of 20 feet. This is taller than the existing building due to an increase in the roof pitch, but still in compliance with the height limit set forth by Section 16.7.3.3.2.E.4.a of the Land Use and Development Code.

Shoreland Development Plan Application
Applicant: Kimberly Lingard
Address: 12 Haley Road, Kittery, ME



PHOTOS OF PREVIOUS BUILDING



FRONT OF BUILDING



BACK OF BUILDING

LINGARD RESIDENCE

COTTAGE

12 HALEY ROAD
KITTERY, MAINE 03904



ARCHITECT OF RECORD

GARY M. LEPORE, AIA
106 Putnam Street Providence,
Rhode Island USA 02909
Tel: 401.274.4516
Fax : 401.421.2631
MAINE LICENSE # : 4402

PERMIT DRAWINGS
NEW CONSTRUCTION

INDEX OF DRAWINGS

ARCHITECTURAL

G0.0	COVER SHEET	•
A1.00	PROPOSED FOUNDATION PLAN	•
A1.01	PROPOSED LEVEL 1 FLOOR PLAN	•
A1.02	PROPOSED FRAMING PLAN	•
A3.00	TYPICAL CONSTRUCTION DETAILS	•
A4.00	PROPOSED REFLECTED CEILING PLAN	•
A8.00	DOOR AND GLAZING SCHEDULE	•
E1.00	LIGHTING & OUTLET PLAN	•

PROJECT DIRECTORY

Client

MS. KIMBERLY LINGARD
106 HALEY ROAD
KITTERY, MAINE
P: 207-752-2988

THE PROJECT IS A 600 SQUARE FOOT COTTAGE
WITH FRONT DECK

ISSUE DATE
PERMIT DRAWINGS
MARCH 08, 2019

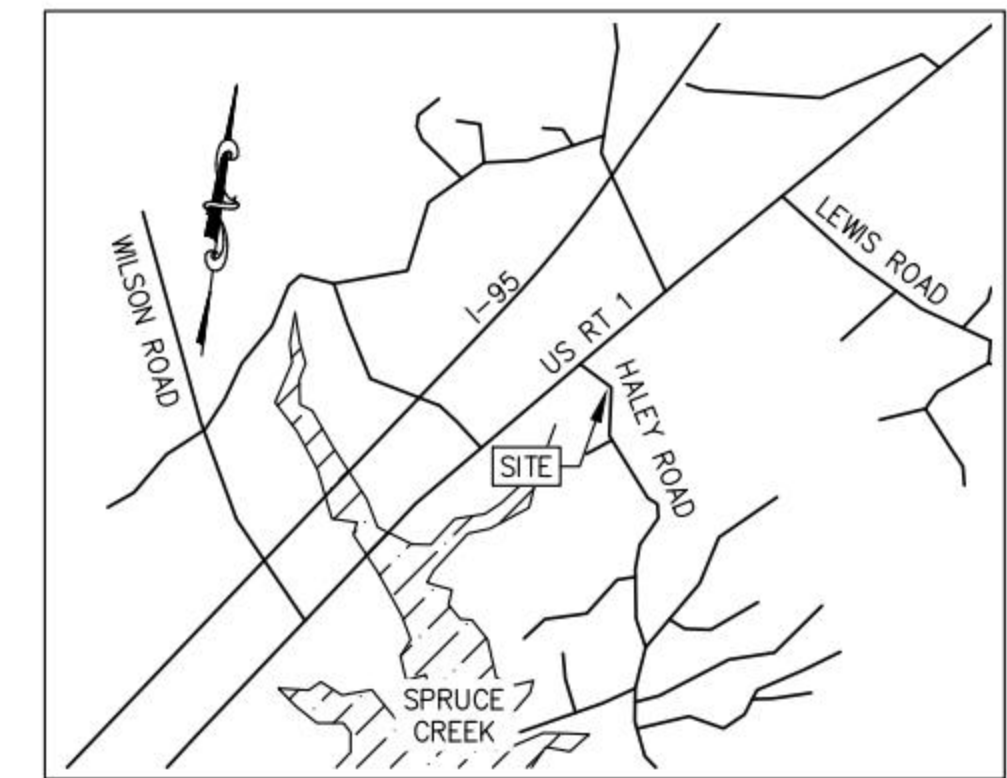
MAP 50 LOT 13A
N/F
LADY SLIPPER LLC
400 US ROUTE 1

MAP 50 LOT 13
N/F
KILDA W WILSON
410 US ROUTE 1

MAGNETIC DECLINATION -14' 48"

LEGEND

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



LOCUS MAP SCALE: 1"=2,000'

LOT AREA

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

*EXCLUDES WETLANDS PER DEFINITION OF "MINIMUM LAND AREA"

DEVEGETATED COVERAGE CALCULATION

LAND AREA	EXISTING	PROPOSED
BUILDING	620 SF	609 SF
SHED	96 SF	96 SF
FRONT DECK/STEPS	8 SF	N/A
SIDE DECK/STEPS	N/A	17 SF
REAR DECK/STEPS	115 SF	117 SF
DRIVEWAYS	233 SF	233 SF
TOTAL	1,072 SF	1,072 SF
% COVERAGE	28.1%±	28.1%±

BUILDING COVERAGE CALCULATION

LAND AREA	EXISTING	PROPOSED
BUILDING	620 SF	609 SF
SHED	96 SF	96 SF
TOTAL	716 SF	705 SF
% COVERAGE	18.8%±	18.5%±

BUILDING HEIGHT CALCULATION

PEAK ELEVATION = 41'-5"
EAVE ELEVATION = 25'-10"
AVERAGE = 33'-7 1/2"
AVERAGE GROUND EL = (15-12.5)/2 = 13.75'
BUILDING HEIGHT = 19'-10 1/2" < 20 FT REQUIREMENT MET

GENERAL NOTES:

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

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

MIN. LOT SIZE:	40,000 SF
MIN. SHORE FRONTAGE:	150 FEET
MAX. DEVEGETATED AREA:	20%
NEW STRUCTURE SETBACK:	100 FEET
MAX. BUILDING HEIGHT:	20 FEET (STRUCTURES WITHIN 100FT OF RESOURCE)
- THE SUBJECT PARCEL IS A NON-CONFORMING LOT OF RECORD AND THE EXISTING STRUCTURES ON THE PARCEL ARE NON-CONFORMING STRUCTURES AND THEREFORE SUBJECT TO ARTICLE III "NONCONFORMANCE" OF CHAPTER 16.7 OF THE KITTERY LAND USE AND DEVELOPMENT CODE.
- ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTERY PRIOR TO ANY DEVELOPMENT.
- BASIS OF BEARING IS MAINE STATE PLANE WEST ZONE NAD 83.
- ELEVATIONS CORRESPOND TO NAVD 88.
- ABUTTER LINES SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE AND ARE FOR REFERENCE PURPOSES ONLY. ABUTTER LINES SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS AND FIELD EVIDENCE RECOVERED AT THE TIME OF THIS SURVEY BY TIDEWATER ENGINEERING & SURVEYING, INC AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
- EASEMENTS OR UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- THE RIGHT OF WAY LOCATION OF HALEY ROAD IS BASED IN REFERENCE PLAN 2.
- THE WETLANDS SHOWN HEREON WERE DELINEATED BY JOSEPH NOEL MAINE CSS #209 ON APRIL 8, 2019. THE WETLAND FLAGS WERE SUBSEQUENTLY LOCATED BY TIDEWATER ENGINEERING & SURVEYING, INC.
- THE SOUTH AND SOUTHEAST BOUNDARY OF THE SUBJECT PARCEL IS TO FOLLOW THE CENTERLINE OF THE STREAM. THE LOCATION OF CENTERLINE OF STREAM MAY VARY OVER TIME DUE TO NATURAL CAUSES RESULTING IN A SHIFT IN THE BOUNDARY LINE. THE TIE COURSES PROVIDED HEREON ARE FOR MATHEMATICAL CLOSURE PURPOSES ONLY AND DO NOT REFLECT THE BOUNDARY LIMITS OF THE PARCEL.

REFERENCE PLANS:

- "STANDARD BOUNDARY SURVEY FOR PROPERTY AT 20 HALEY ROAD KITTERY, YORK COUNTY, MAINE OWNED BY DELL-CO REALTY TRUST ARRIGO C. DELLA PASQUA, TRUSTEE" BY EASTERLY SURVEYING, INC. DATED 12/7/07. (NOT RECORDED)
- "MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP STATE AID HIGHWAY NO. 2 KITTERY YORK COUNTY SPECIAL STATE AID NO. 802(1) DATED DECEMBER 1966 AND RECORDED IN THE Y.C.R.D. PLAN BOOK 47 PAGE 33

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

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

MAP 47
LOT 21

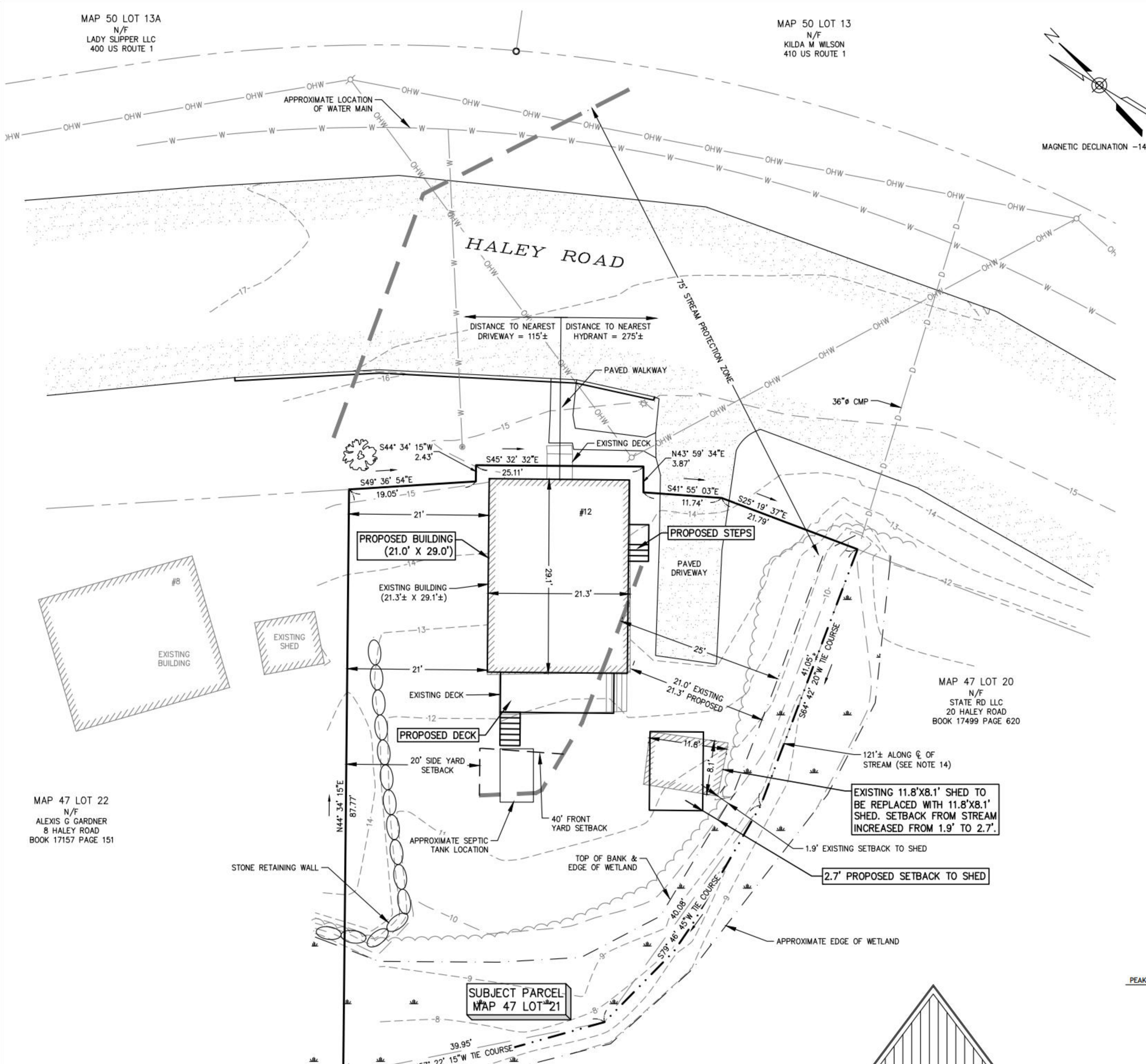
PREPARED FOR:

KIMBERLY A. LINGARD
106 HALEY ROAD
KITTERY, MAINE 03904

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

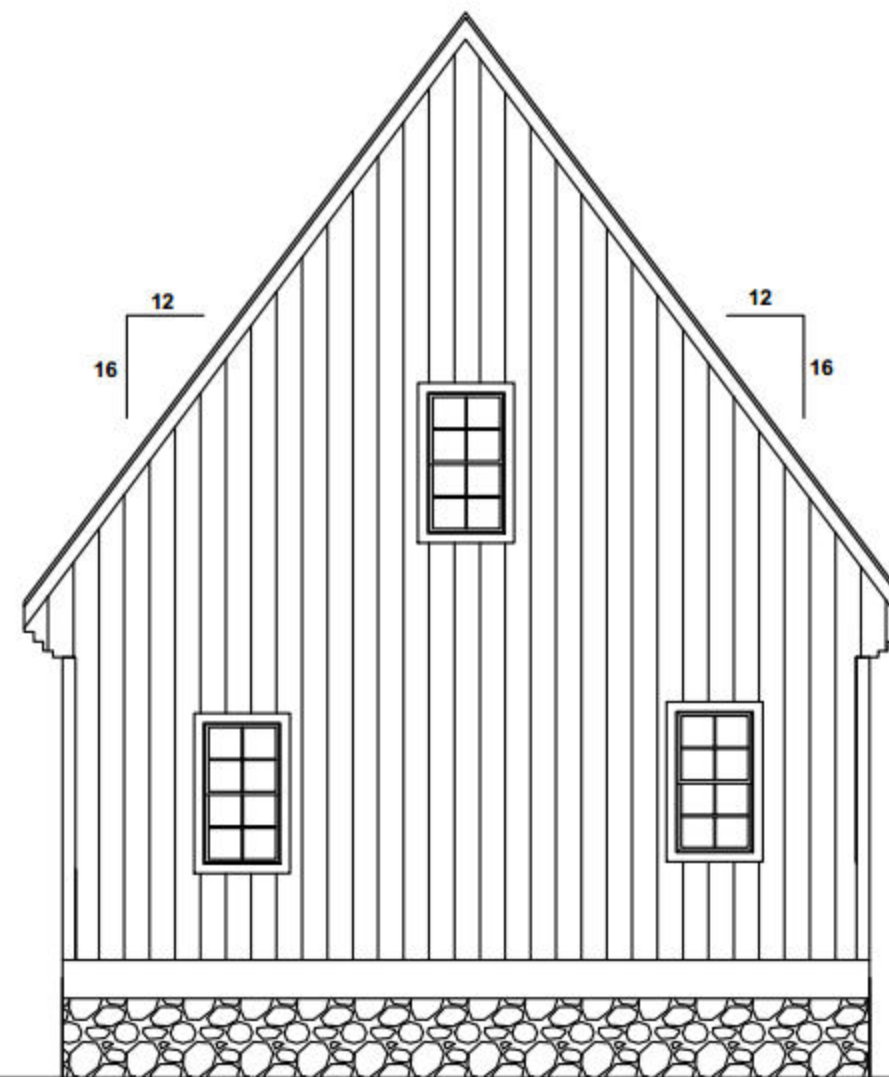
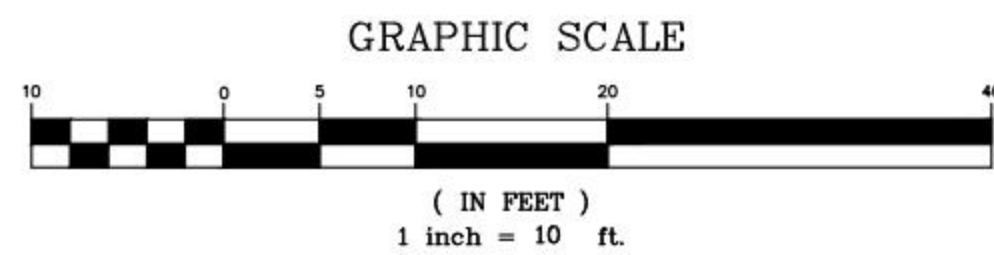
JOB #: 19-113
DATE: APRIL 18, 2019
SCALE: 1" = 10'
SHEET: 1 OF 1

STATE OF MAINE
RYAN M. MCCARTHY
No. 2515
PROFESSIONAL LAND SURVEYOR
APRIL 18, 2019
NOT VALID UNLESS SIGNED AND STAMPED



MAP 47 LOT 22
N/F
ALEXIS G GARDNER
8 HALEY ROAD
BOOK 17157 PAGE 151

MAP 47 LOT 20
N/F
STATE RD LLC
20 HALEY ROAD
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PEAK ELEV. = 41' - 5"	7' - 9 1/2"
AVG. ELEV. (EAVE TO PEAK) = 33' - 7 1/2"	15' - 7"
EAVE ELEV. = 25' - 10"	7' - 9 1/2"
FIRST FLOOR ELEV. = 16' - 4"	9'-5"
GROUND ELEV. AT FRONT OF BUILDING = 15' - 0"	
AVG. GROUND ELEV. = 13' - 9"	
GROUND ELEV. AT REAR OF BUILDING = 12' - 6"	

CERTIFICATION:

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

RYAN M. MCCARTHY, P.L.S. 2515
DATE: 4/18/2019



CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION