

Check
in
bag

rec
2/20/24 AK

KENNEBUNKPORT ZONING BOARD OF APPEALS
Administrative Appeal Application

Applicant Name: JOHN EAGLESON + SUSAN GRAHAM
Mailing Address: 12 Oak St. Kennebunkport
Phone: 207-229-5666 Email: jeagleson@roadrunner.com

Owner of Record: Michael Tomasulo
Location Address: 11 Locke Street

Location of Site: Map: 12 Block: 1 Lot: 5A Zone: VR

Shoreland: _____ Resource Protection: _____

Reason for Appeal: The appeal is from Permit # 24-17 to clean and fill and alter wetlands. Will additional stormwater runoff this lot? We have experienced severe erosion due to stormwater runoff in extreme rain events. We need reassurance that no more water will be directed from Locke Street to our property at 12 Oak Street. Did the code officer consider stormwater runoff when the permit was reviewed?

Please Attach:

1. Site Plan containing data required under Article 7 of the Kennebunkport Land Use Ordinance. It should show dimensions and shape of the lot, size and locations of existing buildings, locations and dimensions of proposed buildings, or alterations, and any natural or topographic peculiarities of the lot in question.
2. Copies of any official decisions or required permits (not pending applications) of federal, State or local agencies regarding use of this property.
3. Names and addresses of all abutters of properties within 200 feet of owner's property.
4. Demonstration of right, title and interest in the property. If applicant is not the owner, submit a signed letter from owner authorizing the representation.

Please Note:

1. All applications must be filed in accordance with procedure described in Article 9 of the Kennebunkport Land Use Ordinance (see attached).
2. All applications must conform to the Kennebunkport Land Use Ordinance and all applicable local, State and federal ordinances.
3. Appeals Board approval is required before any building permits shall be issued.
4. Fee must accompany application.

An Administrative Appeal: Relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

☐ An error was made in denial of the permit.

☐ The denial of the permit was based on a misinterpretation of Article _____ of the Kennebunkport Land Use Ordinance.

☐ There has been a failure to approve or deny the permit within a reasonable period of time.

☒ Other Appeal of decision of the Code Enforcement Officer to issue a permit.

To the best of my knowledge, all information submitted on this application is correct.

Jon Engle Susan Graham 2/20/24
Applicant Date

TOM ENGLESON SUSAN GRAHAM 2/20/24
Print Name

Yesterday was President's Day so our office was closed.
Monday
Feb 19

For Office Use Only

Date Received: 2/20/24

Application Fee Paid: 40.00
Paid by: Susan Graham
Postage Fee Paid: 89.10
Legal Notice Posting Fee Paid: 150.00
Total 279.10

01/17/2024	24-13	REER BURMEISTER R	ALEX LAUSH	6 ARBOR LEDGE DRIVE	FRAMING A DIVIDING WALL IN BASEMENT TO CREATE A 450 SQT. RECREATIONAL ROOM SEPERATE FROM MECHANICAL AND STORAGE. BUILD CLOSET AROUND EXISTING ELECTRICAL PANEL AND LOW VOLTAGE CONTROL. DROP CEILING AND LVT FLOOR.	324	27,000	VR	9	4	1	C
01/18/2024	24-14	GN ALEXANDER R	GOWEN POWER SYSTEMS	12 BELAIR AVENUE	INSTALL GENERATOR	40	6,000	GR	35	23	1	
01/18/2024	24-15	REFE LACHIATTO MARY BRIDGE	JUNE HUSTON	26 OLD CLIFF IN BATH #1. REPLACE TUB WITH SHOWER IN BATH #2 AND REPLACE FLOORING.	REPLACE SINK AND FLOOR IN BATH #1. REPLACE TUB WITH SHOWER IN BATH #2 AND REPLACE FLOORING.	180	15,000	FF	15	2	2	
01/23/2024	24-16	CM MICHAEL TOMASULO	SHAMALO FAMILY ADAM GOULETTE	24 OCEAN AVENUE 11 LOCKE STREET	BUSINESS OPENING CLEARING AND PUTTING IN A 36 INCH CULVERT AS APPROVED BY DEP TO GAIN ACCESS TO UPLAND FOR FUTURE BUILDING PROJECT.	50	30,000	DS	11	9	10	A
01/22/2024	24-18	REER DAVID AND BEVERLY FISCHBACK	MAX GUALT	25 SOUTH MAIN STREET	INTERIOR RENOVATIONS AND UPDATES	720	60,000	VR	8	2	15	
01/23/2024	24-19	READ ALBERT RODGER	ANDREW RIMMER	7 ARLINGTO N AVENUE	CONSTRUCT A NEW DECK AT THE REAR OF THE ADDITION. REPLACE ALL WINDOWS IN THE EXISTING HOUSE. RELOCATE WASHER AND DRYER TO THE SECOND FLOOR.	4,380	365,000	CA	8	6	2	
01/23/2024	24-20	DEST TIMMY S, LLC	ANDREW RIMMER	10 BEACH ROSE LANE	TEAR DOWN HOUSE AND REMOVE EXISTING FOUNDATION (DOUBLE FEE - DEMO STARTED WITHOUT A PERMIT) RENOVATE KITCHEN REWORK DESIGN WITH NEW HOODS - PLUMBING - ROOF - FOAM NEW WALLS. (NEW PLANS DROPPED OFF 1-4-24. THE OLD PLANS WERE RETURNED)	200	35,000	VRE	21	3	7	A
01/23/2024	24-21	CRE WILD HORSE TAVERN, LLC	JIM GODBOUT	11 DOCK SQUARE	RENOVATE KITCHEN REWORK DESIGN WITH NEW HOODS - PLUMBING - ROOF - FOAM NEW WALLS. (NEW PLANS DROPPED OFF 1-4-24. THE OLD PLANS WERE RETURNED)	12,750	850,000	DS	11	2	4	



200 foot Abutters List Report

Kennebunkport, ME

February 20, 2024

Subject Property:

Parcel Number: 12-1-5A
CAMA Number: 12-1-5A
Vision ID: 102224
Property Address: 11 LOCKE STREET

Mailing Address: TOMASULO, MICHAEL & MELISSA
11 LOCKE STREET
KENNEBUNKPORT, ME 04046

Abutters:

Parcel Number: 12-1-3
CAMA Number: 12-1-3
Vision ID: 3517
Property Address: 15 LOCKE STREET

Mailing Address: SHINE HOLDING, LLC
15 LOCKE STREET
KENNEBUNKPORT, ME 04046

Parcel Number: 12-1-5
CAMA Number: 12-1-5
Vision ID: 102222
Property Address: LOCKE STREET #REAR

Mailing Address: CAPE ARUNDEL GOLF CLUB
PO BOX 1447
KENNEBUNKPORT, ME 04046-1447

Parcel Number: 12-1-5B
CAMA Number: 12-1-5B
Vision ID: 102226
Property Address: 3 LOCKE STREET

Mailing Address: WORDSMITH, EMMA P
PO BOX 212
KENNEBUNKPORT, ME 04046

Parcel Number: 12-1-5C
CAMA Number: 12-1-5C
Vision ID: 102227
Property Address: 1 LOCKE STREET

Mailing Address: JOHNSON, DONALD J
PO BOX 2671
KENNEBUNKPORT, ME 04046-2671

Parcel Number: 12-1-5D
CAMA Number: 12-1-5D
Vision ID: 102223
Property Address: NORTH STREET

Mailing Address: CAPE ARUNDEL GOLF CLUB
PO BOX 1447
KENNEBUNKPORT, ME 04046

Parcel Number: 12-1-5E
CAMA Number: 12-1-5E
Vision ID: 103042
Property Address: 13 LOCKE STREET

Mailing Address: PEARLMUTTER, NINA & FRINK, ORRIN
PO BOX 2686
KENNEBUNKPORT, ME 04046

Parcel Number: 9-2-1
CAMA Number: 9-2-1
Vision ID: 352
Property Address: 19 OAK STREET

Mailing Address: BONOGOFISKY, ELEXA & HIGGINS, NEIL
19 OAK STREET
KENNEBUNKPORT, ME 04046

Parcel Number: 9-2-15B
CAMA Number: 9-2-15B
Vision ID: 3416
Property Address: 8 LOCKE STREET

Mailing Address: BADGER, LOIS S
8 LOCKE STREET
KENNEBUNKPORT, ME 04046



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2/20/2024

Page 1 of 2



200 foot Abutters List Report

Kennebunkport, ME

February 20, 2024

Parcel Number: 9-2-17
CAMA Number: 9-2-17
Vision ID: 367
Property Address: 14 LOCKE STREET

Mailing Address: 12 LOCKE STREET REALTY TRUST
PO BOX 2621
KENNEBUNKPORT, ME 04046-2621

Parcel Number: 9-2-18
CAMA Number: 9-2-18
Vision ID: 368
Property Address: 12 LOCKE STREET

Mailing Address: SWEETLAND, DAVID R & JOYANNE S
REV TRUST
702 MCKERNAN LN
EXTON, PA 19341

Parcel Number: 9-2-20
CAMA Number: 9-2-20
Vision ID: 370
Property Address: 16 LOCKE STREET

Mailing Address: AYER, SUSAN W
PO BOX 3037
KENNEBUNKPORT, ME 04046



www.cai-tech.com

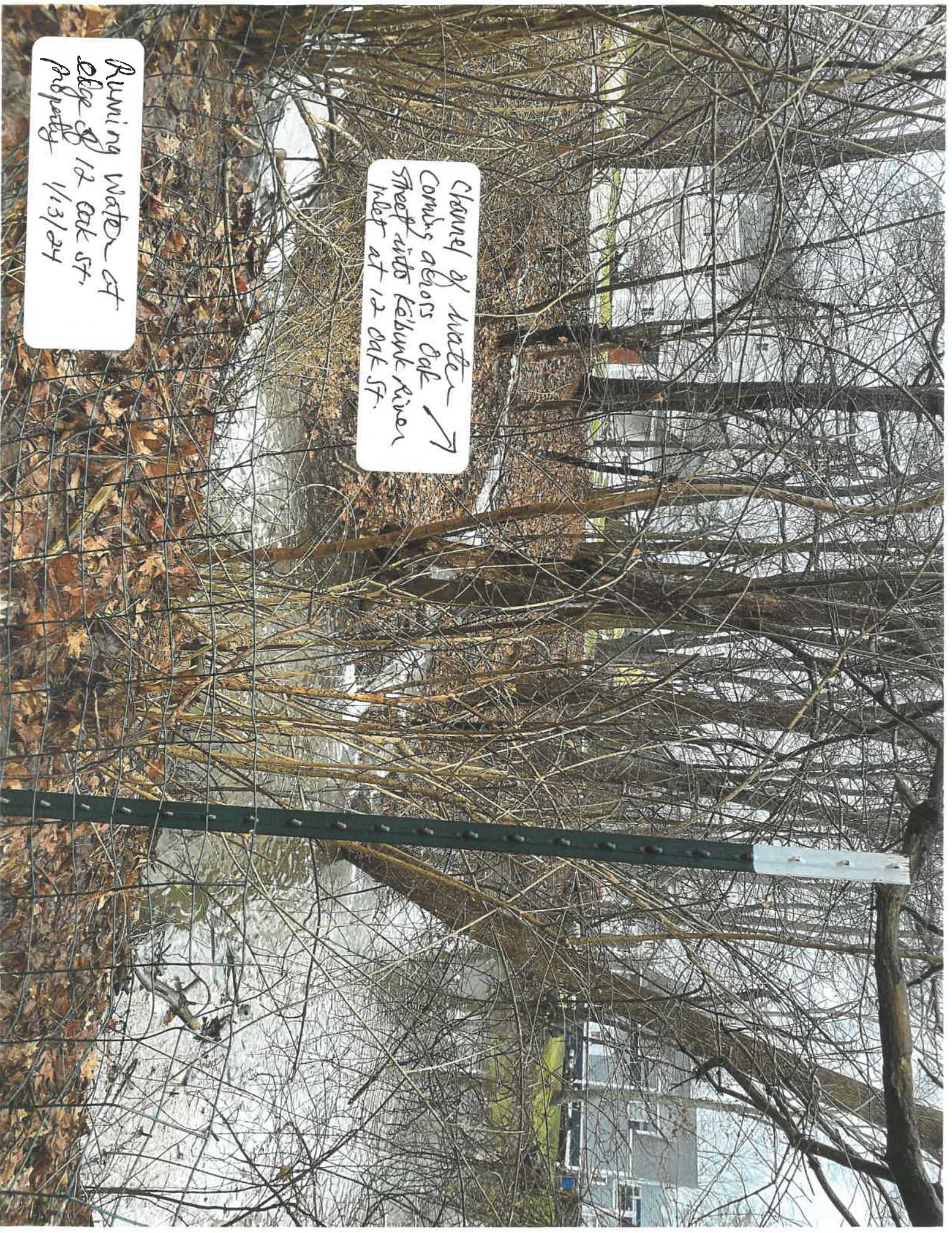
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2/20/2024

Page 2 of 2

Channel of water -
comes across Oak
Street into Kibunk River
Inlet at 12 Oak St.

Running water at
edge of 12 Oak St.
Property 1/13/24





12 Oak St. - hole (filled)
Created by running
Water on 2/20/24

1802
↓ House

11/13/24

1802
↓ House

↑
area
that
Locke St.
culvert
drains
into

Driveway of
16 Locke St.
← 19 Oak St. Lawn 11/13/24

12 Oak Street
Kennebunkport, Maine 04046
February 20, 2024

Kennebunkport Zoning Board of Appeals

Via mail to each member copy to Code Enforcement Office accompanying appeal application

RE: Building permit #24-17

Dear ZBA members:

Last Friday, February 16, a culvert was delivered to 11 Locke Street. This immediately produced some interest in the neighborhood since several property owners experienced severe flooding in January, 2024 and last summer during extreme rain events. I first noticed it late in the afternoon and contacted the Town Manager to find out if this was in preparation for something that the Town was planning to install.

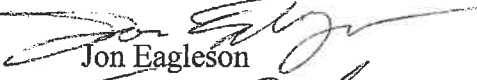
Over the weekend several neighbors found the Town Permit that was issued to a homeowner at 11 Locke Street on January 19, 2024, allowing "clearing and putting in a 36 inch culvert as approved by DEP to gain access to upland for future building project."

Monday February 19 was President's Day, the Town Office was closed and it wasn't until today that we were able to see the Code Enforcement records about this building permit.

We are requesting that the Zoning Board of Appeals review this permit to determine whether the town ordinances applicable to stormwater runoff and the prevention of drainage onto neighboring properties were considered when the permit was issued.

We experienced severe erosion at our property along the river inlet on January 13, and will submit photographs of the hole that was created when water made its own channel across our lawn and garden as well as photographs from other property owners who experienced flooded basements, lawns, and driveways.

We want some reassurance that the 36- inch culvert won't send more water our way, to 12 Oak Street. The position of the culvert on a map included in the file seems to show that the culvert will direct water into a ditch/gulley that is on the owner's land. However, at the end of that gulley is a much smaller culvert (probably installed by the Town of Kennebunkport because it runs under Locke Street). That culvert directs water to properties on the other side of Locke Street and onto some properties on Oak Street during times of extreme rain events and floods. These are wetlands that are being filled in, and they serve the purpose of absorbing water. There should be more concern about what filling them is doing to adjacent properties.



Jon Eagleson



Susan Graham

MAP IS ISSUED FOR PLANNING PURPOSES ONLY.

THIS PLAN IS VALID FOR 5 YEARS FROM APRIL 2016



(IN FEET)
1 inch = 40 ft.

CONCEPTUAL DEVELOPMENT

PLAN

PREPARED FOR

MICHAEL TOMASULO

LOCKE STREET

(MAP 12, BLK 1, LOT 5A)
KENNEBUNKPORT, MAINE


**AREA OF REMAINING UNDISTURBED
WETLAND TO ALLOW FOR THROUGH
DRAINAGE TO CULVERT INLET**

$$\text{AREA} = \frac{\text{LOT FRINK. 2}}{40.029 \text{ SQ.}}$$

**LIMITS OF PROPOSED
WETLAND ALTERATION:
8,136+/- SQ. FT. (2:1
SLOPES ON FILL APRON
TO MINIMIZE IMPACT)**

LOCKE

STREET



LONGVIEW
PARTNERS, LLC

ENVIRONMENTAL PERMITTING SPECIALISTS

PERMITTING SPECIALISTS

DRAFT:
BO

SCALE:
1" = 40'

CHECKED:

PLAN DATE
3-27-17

Copy for ZBA file

12 Oak Street
Kennebunkport, Maine 04046
February 26, 2024

To: Kennebunkport Zoning Board of Appeals
Appeal of Permit Number 24-17 for 11 Locke Street – Tomasulo

VIA EMAIL TO APRIL FORTIER for further distribution

Dear Zoning Board of Appeal members,

We want to provide you and anyone else who wants to see this additional material to explain why we appealed Kennebunkport Building Permit #24-17. It is provided prior to the hearing to allow everyone time to read and absorb the information.

My husband's parents bought this property in 1961. Jon has lived here since then except for time spent in the military (mid 1960's) and in college and graduate school. He has lived here continuously since 1974. I have lived here since 1990.

We've never seen a flooding event in this part of Oak Street like the one that was experienced on January 13, 2024. We understand that people in our community suffered significant damage and losses and that our concern seems trivial in comparison.

No structure on our land is within the floodplain – our house is on the highest point on the property. We do have riverfront land that is within the floodplain.

Three videos (links are below) show the flooding that was experienced on January 13, 2024, on properties located between 11 Locke Street and 12 Oak Street. They are labeled for reference.

<https://youtu.be/xsmzSqlo3t4?si=mwTlzm2Bv4HH489k> (Oak Street 1/13/24 #1)
>

<https://youtu.be/RIUeP7pLTK4?si=xFTxCGpVkYtOS2iV> (Oak Street 1/13/24 #2)
>

<https://youtu.be/M152zyjRAmE?si=48GEMUh8O4Q3z21s> (Oak Street 1/13/24 #3)
>

Video #1 begins looking north in front of 12 Oak Street then pans to the driveway at 11 Oak Street. There is a culvert under the driveway of 11 Oak Street that connects to a culvert installed by the Town of Kennebunkport under our property, 12 Oak Street, at some unknown date between 1950 and 1970. The culvert at 12 Oak Street makes a sharp turn south and exits into the Kennebunk River inlet on our land. We own the land on either side of the exit culvert and the land along the roadside down to the next property south, 6 Oak Street. This video shows the speed and velocity of the water as it flowed into and off our property.

Video #2 shows where the water went after it entered our "rain garden" at 12 Oak Street. There is a green pachysandra patch. The water created two channels, one on either side of the groundcover. The

last 30-40 seconds of the video shows the water exiting our property into a river inlet. That's the area where we experienced riverbank erosion.

Video #3 shows flooding around 19 Oak Street and 17 Oak Street. That water flowed behind and under 15 Oak Street and into the driveway of 11 Oak Street. This was not taken at the height of flooding.

Attached are 3 Town of Kennebunkport GIS maps.

One shows the hydrology and the other shows the heights or contours in this neighborhood. The hydrology map notes water channels – these may be wetlands – in blue. One hydrology map is marked showing culverts on Locke Street and one on Oak Street – in green - and the location of 11 Locke Street and 12 Oak Street outlined in red.

The contour map lists the edge of our land at 12, a number that is arrived at by continuing the contours listed on our neighbor's property, Gillet Page, Map 9 Block 1 Lot 11. In comparison, the town parking lot ranges from 18 to 30. The golf course closest to Locke Street ranges from 18 to 26. There are higher points along Locke Street near the culvert, ranging from 18 to 26. The culvert under Locke Street is at a low point. The property at the corner of Locke and Oak Street is listed as 16. Heading in our direction along Oak Street the rear of the properties seem to be 16. Our house is high. The edge of our land along the river is a low point.

Drainage that heads to us comes both from the east and the north. The Town of Kennebunkport hydrology map shows where nearby wetlands and water channels are located. If you put arrows at the ends of the blue lines many of them would point to the river embankment at our southeast corner.

The southeast corner of our property, which is on a river inlet, is a low point in the neighborhood. Most of the water comes here.

All of the land that we own along the river inlet and that extends into a larger inlet shared by neighbors to the south is unimproved - not reinforced - embankment. We maintain and do not clear or remove any vegetation along the embankment. The area is left as is and to put a fine point on it, a former neighbor complained about how unkempt our property is. While that may be the case in the eyes of some, we deliberately maintain this embankment through non-interference.

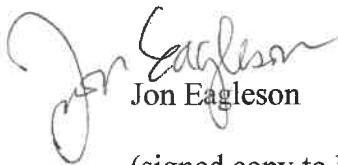
We ask that the ZBA consider these questions:

1. Does the proposed activity at 11 Locke Street meet the definition in LUO 240-5.11 for any "structure or use...within a wetland," that requires site plan review by the Planning Board? The area being altered is within a wetland.
2. Did the Code Officer do a site visit before issuing the permit?
3. What is the amount of fill that will be added to the wetland area? The amount of the wetlands to be altered is listed in the DEP permit but there is no documentation of the amount of fill in that or the town permit application.

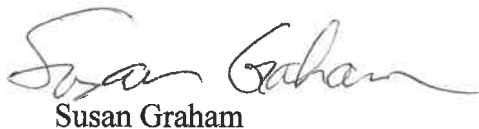
4. Where is the underground propane storage tank located on the 11 Locke Street property? This is important. The applicant claims that a previous location designated for the shed – west of the house, and which would not have required wetlands alteration - is no longer feasible to use because of the location of the underground storage tank.
5. Even though there is an underground storage tank on the property, is there no other location that would support the shed that would not require wetlands alteration?
6. Has Army Corps of Engineer approval been granted? Is it needed before alterations begin? There is an ACE letter in the file that has not been signed or completed.
7. What are the dimensions of the shed?
8. Why is it necessary to disturb wetlands along the channel where the culvert will be installed? Why can't the culvert be placed over whatever is there? A great deal of material has already been removed.
9. Does the applicant plan to remove the tall pine tree at the northwest corner of the property? Branches have been removed up to a height of around 20 feet.
10. Can the applicant guarantee that the wetlands alterations will not send more water to properties downstream?

We believe that every property owner has the right to do to his or her land whatever is permitted under the zoning ordinance. We respectfully request that the ZBA ask the landowner to provide a hydrology report from a certified professional that will address question #10. We want assurance that flooding and erosion of the river embankment at 12 Oak Street will not worsen if the actions approved in permit number 24-17 are carried out.

Thank you.



Jon Eagleson



Susan Graham

(signed copy to be dropped off for the file)



TOWN OF KENNEBUNKPORT
PO BOX 566
KENNEBUNKPORT, ME 04046-0566
(207) 967-4243



(5)

2024 REAL ESTATE TAX BILL

CURRENT BILLING INFORMATION

LAND VALUE	\$1,405,600.00
BUILDING VALUE	\$248,800.00
TOTAL: LAND & BLDG	\$1,654,400.00
FURNITURE & FIXTURES	\$0.00
MACHINERY & EQUIPMENT	\$0.00
TELECOMMUNICATIONS	\$0.00
MISCELLANEOUS	\$0.00
TOTAL PER. PROP.	\$0.00
HOMESTEAD EXEMPTION	\$25,000.00
OTHER EXEMPTION	\$6,000.00
NET ASSESSMENT	\$1,623,400.00
CALCULATED TAX	\$10,146.25
STABILIZED TAX	\$9,726.60
LESS PAID TO DATE	\$0.00
TOTAL DUE	\$9,726.60

**THIS IS THE ONLY BILL
YOU WILL RECEIVE**

S168820 P101192 - 1of1



849 EAGLESON, JON
12 OAK ST
KENNEBUNKPORT, ME 04046-5804

ACCOUNT: 000251-RE

ACREAGE: 1.00

MIL RATE: 6.25

MAP/LOT: 009-001-010

LOCATION: 12 OAK STREET

BOOK/PAGE: B04556P0270

FIRST HALF DUE: \$4,863.30
SECOND HALF DUE: \$4,863.30

TAXPAYER'S NOTICE

Notice is hereby given that your county, school and municipal tax is due for the fiscal year July 1, 2023 through June 30, 2024, and is payable in 2 installments on 09/15/2023 and 03/15/2024. This bill is for the current fiscal year only and does not include past due amounts.

Interest will be charged at the rate of 8% per annum on each installment outstanding as of 09/18/2023 and 03/18/2024.

As per state statute, the ownership and taxable valuation of all real and personal property subject to taxation shall be fixed as of April 1st each year. For this tax bill, that date is April 1, 2023. **If you have sold your real estate since April 1, 2023, please forward this bill to the new property owners.**

If your taxes are paid by your mortgage holder, please forward them a copy of this bill.

After eight months and no later than one year from the date of commitment, which was August 2, 2023 a lien will be placed on all property for which taxes remain unpaid.

INFORMATION

State Statute requires that municipalities inform taxpayers that State Aid for the fiscal year July 1, 2023 through June 30, 2024, has reduced local property taxes by 1.27%.

As of August 2, 2023, the Town of Kennebunkport has outstanding bonded indebtedness in the amount of \$18,367,745 excluding RSU 21 and County debt.

For information regarding changes and valuation please contact the Assessor's Office at (207) 967-1603.

For information regarding payments, interest or past due amounts, please contact the Tax Collector's Office at (207) 967-1601 or (207) 967-1611.

The Town Office hours are Monday - Friday 8:00 AM - 4:30 PM.

Payments can be made online with a credit card, pinless debit card or electronic check. A convenience fee is charged for this service.

CURRENT BILLING DISTRIBUTION

COUNTY	\$625.42	6.43%
MUNICIPAL	\$3,863.41	39.72%
SCHOOL	<u>\$5,237.77</u>	<u>53.85%</u>
TOTAL	\$9,726.60	100.00%

Based on \$6.25 per \$1,000.00

REMITTANCE INSTRUCTIONS

To avoid standing in line, taxes may be paid by mail.

Please make check or money order payable to
TOWN OF KENNEBUNKPORT and mail to:

TOWN OF KENNEBUNKPORT
PO BOX 566
KENNEBUNKPORT, ME 04046-0566

If you would like to be mailed a receipt, please enclose a self-addressed stamped envelope with your payment.

ZBA appeal, permit #24-17, 11 Locke Street

Susan Graham <JEAGLESON@roadrunner.com>

Mon 2/26/2024 10:09 AM

To: April Fortier <afortier@kennebunkportme.gov>

Cc: 'jeagleson@roadrunner.com' <JEAGLESON@roadrunner.com>

 4 attachments (6 MB)

ZBAletter22624.docx; ZBAmap3contour.jpg; Document_2024-02-26_082131.jpg; Document_2024-02-26_082207 (2).jpg;

Dear April,

Please find attached a cover letter for the ZBA and 3 maps that all explain our reasons for this appeal.

Jon Eagleson

Susan Graham

12 Oak Street

Kennebunkport, Maine

HYDROLOGY MAP



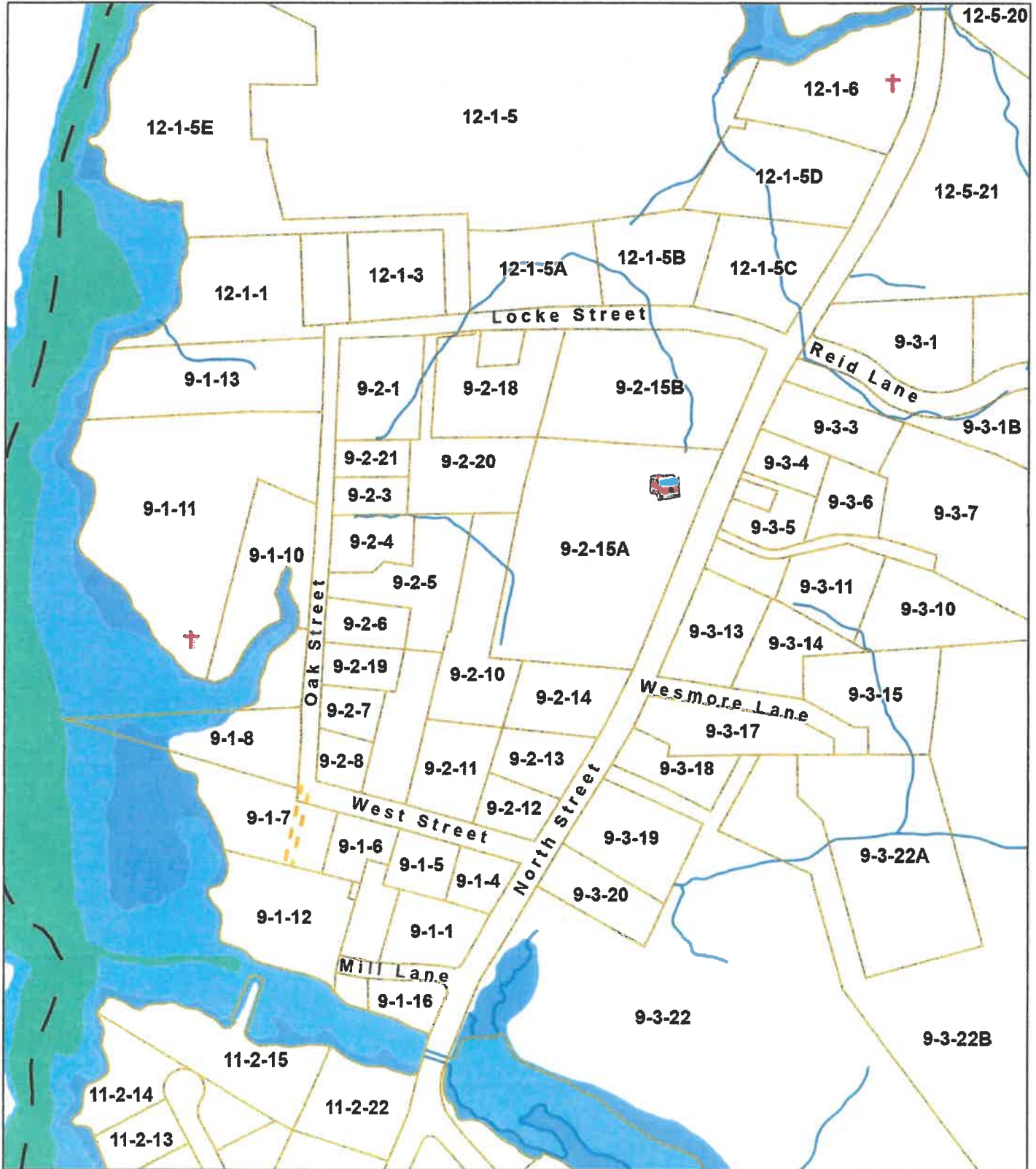
Kennebunkport, ME

1 inch = 273 Feet

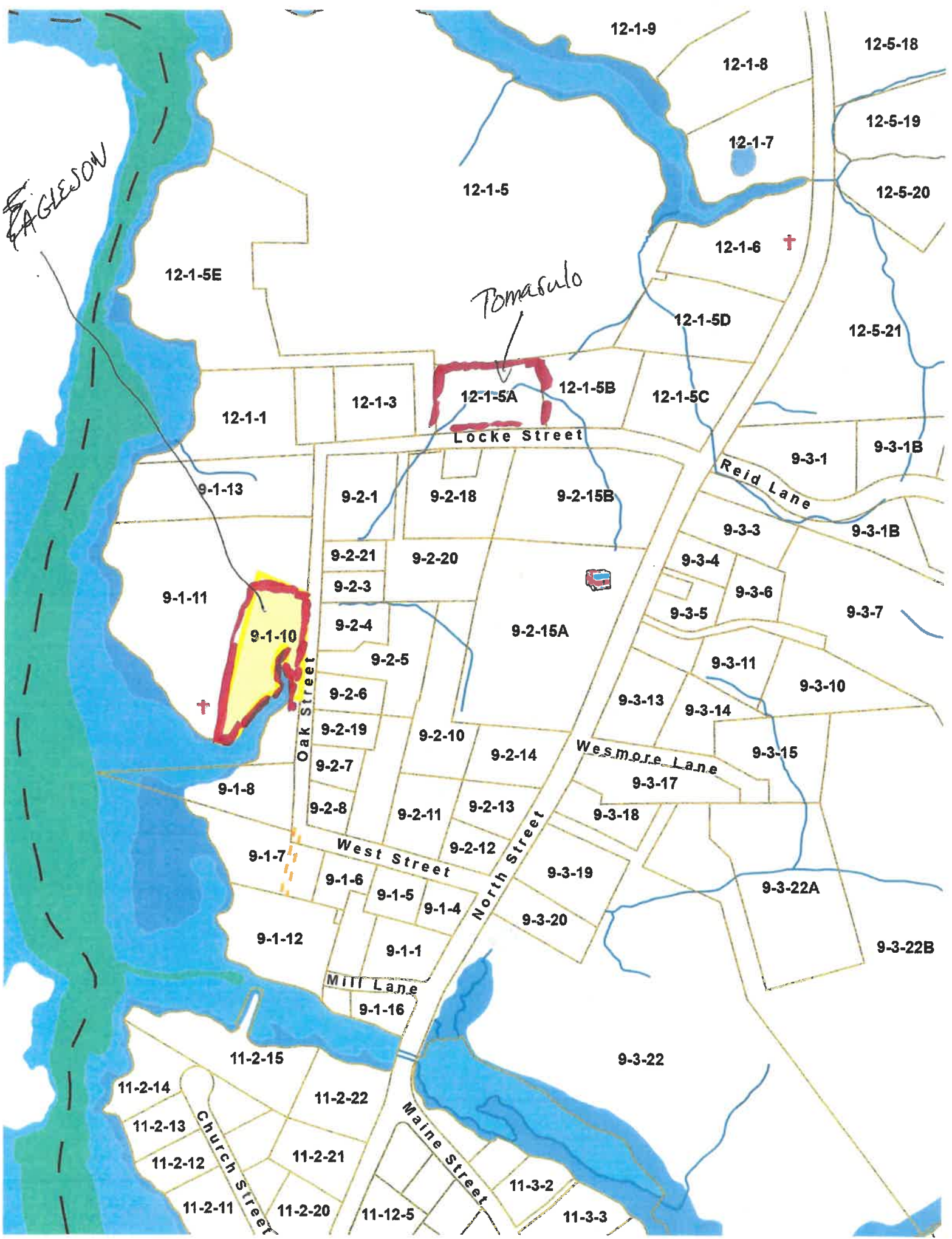
CAI Technologies

www.cai-tech.com

February 24, 2024



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EAGLESON

Tomasulo

12-1-5E

12-1-9

12-1-8

12-5-18

12-5-19

12-5-20

12-1-5

12-1-7

12-1-6

12-5-21

12-1-5D

12-1-5C

12-1-5B

12-1-5A

12-1-3

12-1-1

Locke Street

9-1-13

9-2-1

9-2-18

9-2-15B

9-3-1

9-3-1B

Reid Lane

9-3-3

9-3-1B

9-3-4

9-3-6

9-3-5

9-3-7

9-1-11

9-1-10

9-2-21

9-2-20

9-2-3

9-2-4

9-2-5

9-2-15A

9-2-6

9-2-19

9-2-10

9-2-14

9-3-13

9-3-14

9-3-10

9-3-15

9-3-17

Westmore Lane

9-2-7

9-2-11

9-2-13

9-3-18

9-2-8

9-2-12

9-3-19

West Street

9-1-7

9-1-6

9-1-5

9-1-4

9-3-20

9-1-12

9-1-1

Mill Lane

9-1-16

11-2-15

9-3-22

11-2-14

11-2-22

11-2-13

11-2-21

11-2-12

11-2-11

11-2-20

11-12-5

11-3-2

11-3-3

9-3-22B

9-3-22A

Maine Street

Church Street

GREEN MARKER SHOWS LOCATION OF ROAD CULVERTS CONTOUR MAP



Kennebunkport, ME

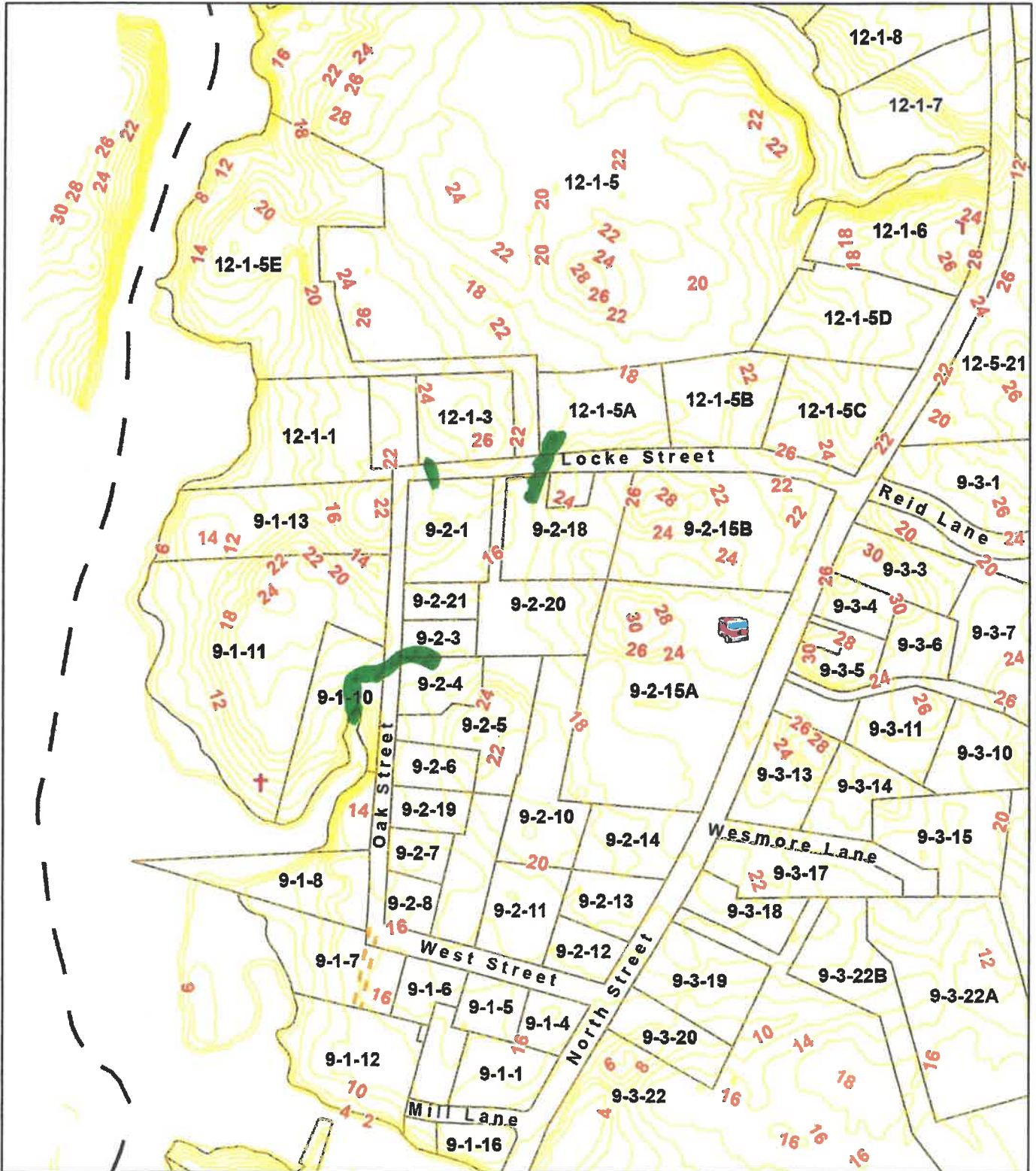
1 inch = 273 Feet

CAI Technologies

www.cai-tech.com

February 24, 2024

0 273 547 821



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ZBA appeal of 11 Locke Street bldg permit #24-17 (homeowner: Micheal Tomasulo)

Steve Centrella <stevec@intercontinental.net>

Thu 2/22/2024 5:47 PM

To: April Fortier <afortier@kennebunkportme.gov>

Cc: jeagleson@roadrunner.com <jeagleson@roadrunner.com>; kportsurf@gmail.com <kportsurf@gmail.com>

 5 attachments (25 MB)

Kennebunkport ZBA Letter.pdf; Flood pic 1.jpg; flood pic 2.jpg; flood pic 3.jpg; pic 4.png;

To whom it my concern: please find attached a letter and accompanying photographs pertaining to support of and reason for appeal of the above mentioned building permit for 11 Locke Street, Kennebunkport, ME. Thank you for your consideration.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

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February 22, 2024

Mr. Steven Centrella
17 Oak Street
Kennebunkport, ME 04046

RE: Zoning Board of Appeals (ZBA) appeal of the 11 Locke St. bldg. permit #24-17 (homeowner: Michael Tomasullo)

To whom it my concern on the ZBA:

The purpose of this letter is to bring to your attention the more recent and recurring flood issues incurred at our home on 17 Oak Street, Kennebunkport, Maine. We have enjoyed our home immensely for the past thirteen (13) years with the exception of the past few years whereby the issuance of new building permits, proximate to our home, seems to have adversely effected ground water flow with the resulting consequence being significant and abnormal flooding on our property (see attached photos).

The most recent event, on January 13, 2024, was horrific for both the town and many of its residents, including myself. Please note, the flooding experienced on January 13th is by no means a one-off event. Since the issuance of building permits on property proximate to our home flooding has got progressively worse in both number of events and magnitude of same. It is very clear that storm water management in and around our home/neighborhood needs to be addressed. I am sympathetic to the substantial damage the town incurred recently but urge that the ZBA address the progressively worsening ground water issues in our neighborhood. In advance, thank you for the consideration.

Best regards,

A handwritten signature in black ink, appearing to read 'St. Centrella', written in a cursive style.

Steven Centrella











Town of Kennebunkport Application for Activities and Land Use Permit

Please type or print clearly in ink. All of the questions on this form must be answered or checked N/A (non-applicable). Incomplete forms will be returned to the applicant.

Zone: VE Map: 12 Block: B17554 Lot: 005A

Property Owner

Name: Michael Tomasulo

Email Address: mtomasulo@ahtins.com

Property Address: 11 Locke Street

Mailing Address: 11 Locke Street

Kennebunkport ME 04046
(City) (State) (Zip)

Phone Number: 7329797871

Contractor/Agent

**** Please include a Letter of Authority if you are the Agent/Contractor****

Name: Adam Goulette

Email Address: gouletteadam@gmail.com

Mailing Address: 469 Limerick Road

Arundel ME 04046
(City) (State) (Zip)

Phone Number: 207-318-2142

Project

Location: 11 Locke Street, Kennebunkport ME

Present Lot Coverage: N/A Proposed Lot Coverage: N/A

Project Cost: \$30,000

FOR OFFICE USE ONLY

RECEIVED

Date: 1/5/24

Initial: [Signature]

Check in Bag:

CODE ENFORCEMENT

Permit # 24-17

Issue Date: 1/19/24

Fee: \$40.00

Approved By: D.G. II

Approval Date: 1/16/2024

NOTES/COMMENTS

118 no um set up

emailed Adam

1. Statement of Work:

Clearing and putting in a 36 inch culver as approved by DEP to gain access to upland for future building project

2. Type of Permit Requested:

- ☒ Filling*
☒ Grading*
☐ Curb Cut*
☐ Dredge Projects*
☐ Mineral Exploration*

- ☒ Earth Moving
☐ Clearing for Approved Construction
☐ Road Construction
☐ Other (Explain)
Putting in a culver and clearing and filling
approx 875 sq feet of wetland

****Curb Cut
Permits must
be approved by
the Highway
Superintendent
and Police
Chief****

3. Is the Proposed work in any of the following zones?

Resource Protection Zone*
Shoreland Zone*
Flood Zone
Sand Dunes

☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No

***May require Planning Board
Approval**

****Requires Highway Superintendent
& Police Chief Approval**

4. Is approval by the Department of Environmental Protection required before beginning any work on this project? (If yes, you must furnish a copy of the approval) ☒ Yes ☐ No

5. Is approval by Army Corp of Engineers required before beginning any work on this project? (If yes, you must furnish a copy of the approval) ☒ Yes ☐ No

6. **DIG SAFE 888-344-7233** ☒ Yes ☐ No

7. Name & Address of Contractor (must be certified in erosion control practices through DEP and provide certificate # if working in Shoreland Zone.)

Adam Goulette & George Burr

8. Will the work require blasting? ☐ Yes* ☒ No ***If yes, a Blasting Permit is required.**

*** If the work to be done is in the Shoreland or Resource Protection Zone, the owner/applicant must supply all information required under Article 5 of the Land Use Ordinance.**

*** Attach or draw a site plan showing the size and location of all the construction, distances from lot lines, and the established streets, distances from marsh, water, brooks, ponds and wetlands. The undersigned certifies that the information on this permit is accurate.**

Owner

Date

Applicant

Date

FOR OFFICE USE ONLY

Approved ☐ Denied ☐ Reason for Denial: _____

Highway Superintendent

Date

Police Chief

Date

Code Enforcement

Date



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

MICHAEL TOMASULO
Kennebunkport, York County
ACCESSORY STRUCTURE/SHED
L-27334-TB-B-N (approval)

) NATURAL RESOURCES PROTECTION ACT
) FRESHWATER WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

History: In Department Order #L-27334-TA-A-N, dated April 23, 2017, the Department approved the alteration of 8,136 square feet of forested freshwater wetland to construct a residential house, garage, and accessory structure/shed with two driveway entrances on the applicant's parcel.

Project Description: The applicant now proposes to fill an additional 875 square feet of forested freshwater wetland for access to an upland area to construct the accessory structure/shed proposed in Department Order #L-27334-TA-A-N. The placement of a buried propane tank required the accessory structure/shed to be relocated on the parcel. The proposed project is shown on a set of plans, the first of which is titled "Conceptual Development Plan," prepared by Longview Partners, LLC, and dated January 5, 2023, with a last revision date of April 10, 2023. Together with the proposed project, cumulative freshwater wetland impacts on this parcel will total 9,011 square feet. The applicant has avoided and minimized wetland impacts to the greatest extent practicable by filling at the narrowest section of wetland, by utilizing 2H:1V side slopes in wetland area, and by installing a 36-inch diameter culvert to maintain wetland hydrologic connectivity. According to the Department's Geographic Information System (GIS), there are no mapped essential or significant wildlife habitats associated with the project site. The proposed project is located at 11 Locke Street in the Town of Kennebunkport.

Permit for:	<input checked="" type="checkbox"/> Tier 1
DEP Decision:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (see attached letter)
CORPS Action:	<input checked="" type="checkbox"/> The Corps has been notified of your application. The following are subject to Federal screening: (1) projects with previously authorized or unauthorized work, in combination with a Tier 1 permit for a single and complete project, which total more than 15,000 square feet of altered area; (2) projects with multiple state permits and/or state exemptions which apply to a single and complete project that total more than 15,000 square feet of altered area; and (3) projects that may impact a vernal pool, as determined by the State of Maine or the Corps. If your activity is listed above, <i>Corps approval is required for your project</i> . For information regarding the status of your application contact the Corps' Maine Project Office at (207) 623-8367.

Standard Conditions:

- 1) If construction or operation of the activity is not begun within four (4) years from the date signed, this permit shall lapse and the applicant shall reapply to the Department for a new permit. This permit is transferable only with prior approval from the Department. If the

activity is associated with a larger project, starting any aspect of that project constitutes start of construction.

- 2) The project shall be completed according to the plans in the application. Any change in the project plans must be reviewed and approved by the Department.
- 3) Properly installed erosion control measures shall be installed prior to beginning the project, and all disturbed soil should be stabilized immediately upon project completion.
- 4) A copy of this approval will be sent to the Town of Kennebunkport. Department approval of your activity does not supersede or substitute the need for any necessary local approvals.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 19th DAY OF APRIL 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

SLS/L27334BN/ATS#90725

<p>FILED April 19th, 2023 State of Maine Board of Environmental Protection</p>
--



Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S.A. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

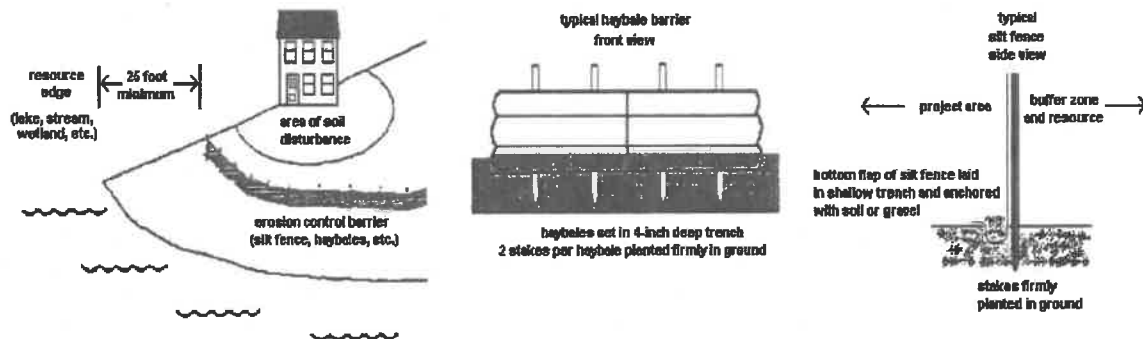


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead — buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



**US Army Corps
of Engineers®**
New England District

**GENERAL PERMIT
WORK-START NOTIFICATION FORM**
(Minimum Notice: Two weeks before work begins)

EMAIL TO: Hannah.M.Speranza@usace.army.mil

-or-

MAIL TO: Hannah Speranza
U.S. Army Corps of Engineers, New England District
Maine Project Office
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

A Corps of Engineers Permit (NAE-2023-00451) was issued to MICHAEL TOMASULO. The permit authorized the permittees to place and maintain fill within 875 sq. ft. of wetland adjacent to Kennebunkport River in conjunction with the installation of a 36" open bottom culvert pipe located off 11 Locke Street in Kennebunkport, Maine.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone: _____ () _____

Proposed Work Dates: Start: _____

Finish: _____

PERMITTEE'S SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

FOR USE BY THE CORPS OF ENGINEERS

PM: Hannah Speranza Submittals Required: No

Inspection Recommendation: Random Maine General Permit Compliance



**US Army Corps
of Engineers®**
New England District

(Minimum Notice: Permittee must sign and return
notification within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Corps of Engineers Permit No: NAE-2023-00451

Name of Permittee: MICHAEL TOMASULO

Permit Issuance Date: April 4, 2023

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

EMAIL TO: Hannah.M.Speranza@usace.army.mil

OR

MAIL TO: Hannah Speranza

U.S. Army Corps of Engineers, New England District

Maine Project Office

442 Civic Center Drive, Suite 350

Augusta, Maine 04330

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

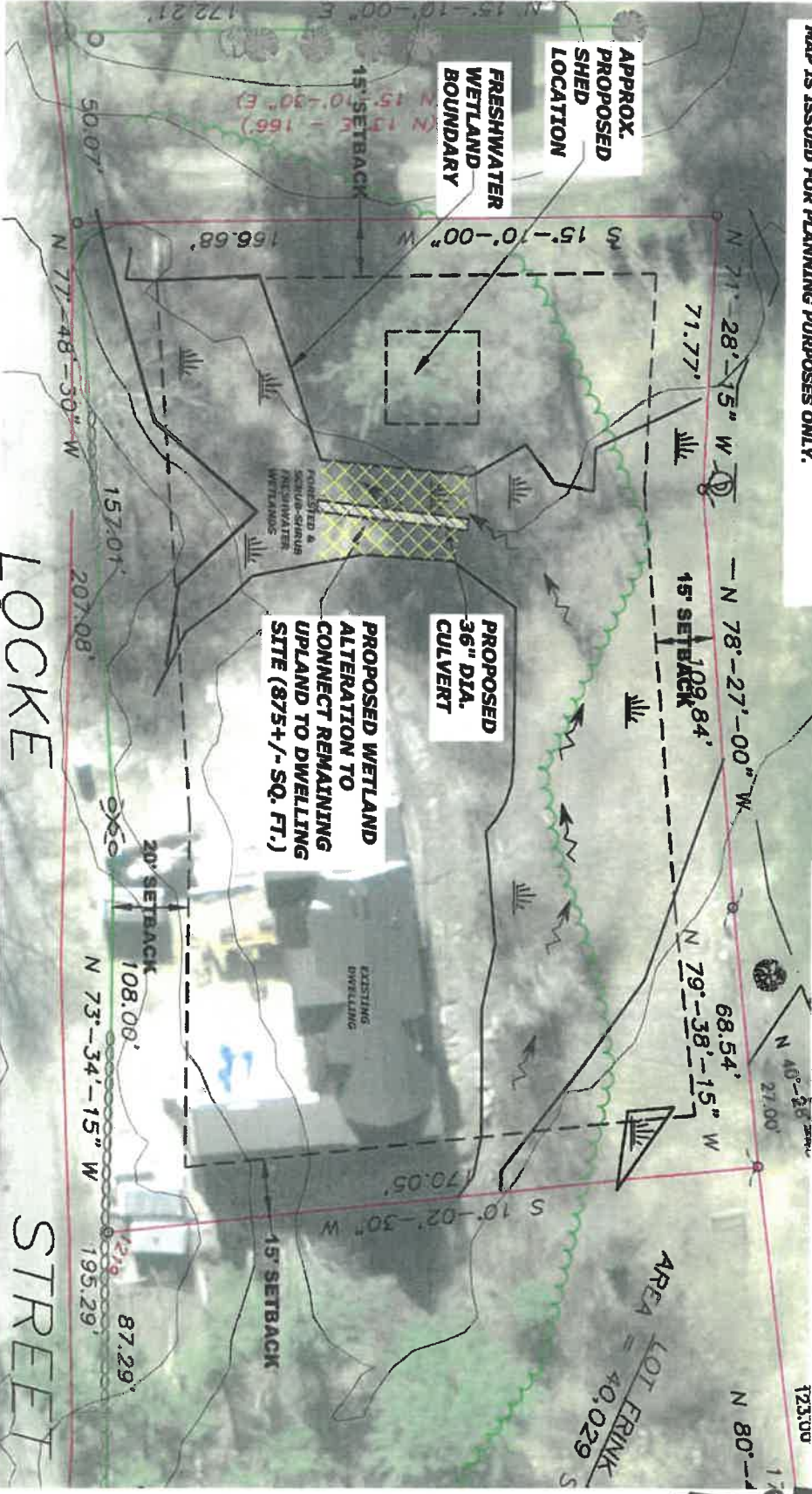
Date of Work Completion

() _____
Telephone Number

() _____
Telephone Number

NOTE:
THIS PLAN IS A COMPOSITE OF A SURVEY PLAN BY DOW & COULOMBE, INC. DATED NOVEMBER 4, 2004, MAINE OFFICE OF GIS AERIAL PHOTOGRAPH, AND SUBMETER GPS LOCATION OF WETLAND BOUNDARIES BY LONGVIEW PARTNERS, JUNE, 2022.
MAP IS ISSUED FOR PLANNING PURPOSES ONLY.

2017 WETLAND ALTERATION PERMITTED BY MDEP: 8,136+/- SQ. FT.
[PERMIT # L-27334-TB-A-N]
2022 PROPOSED WETLAND ALTERATION: 875+/- SQ. FT.
TOTAL WETLAND ALTERATION (EXISTING & PROPOSED): 9,011+/- SQ. FT.
123.00

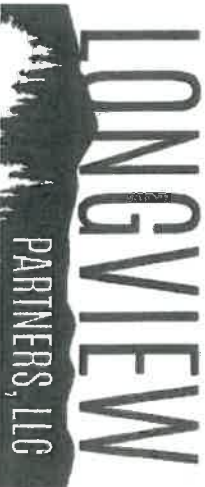


GRAPHIC SCALE

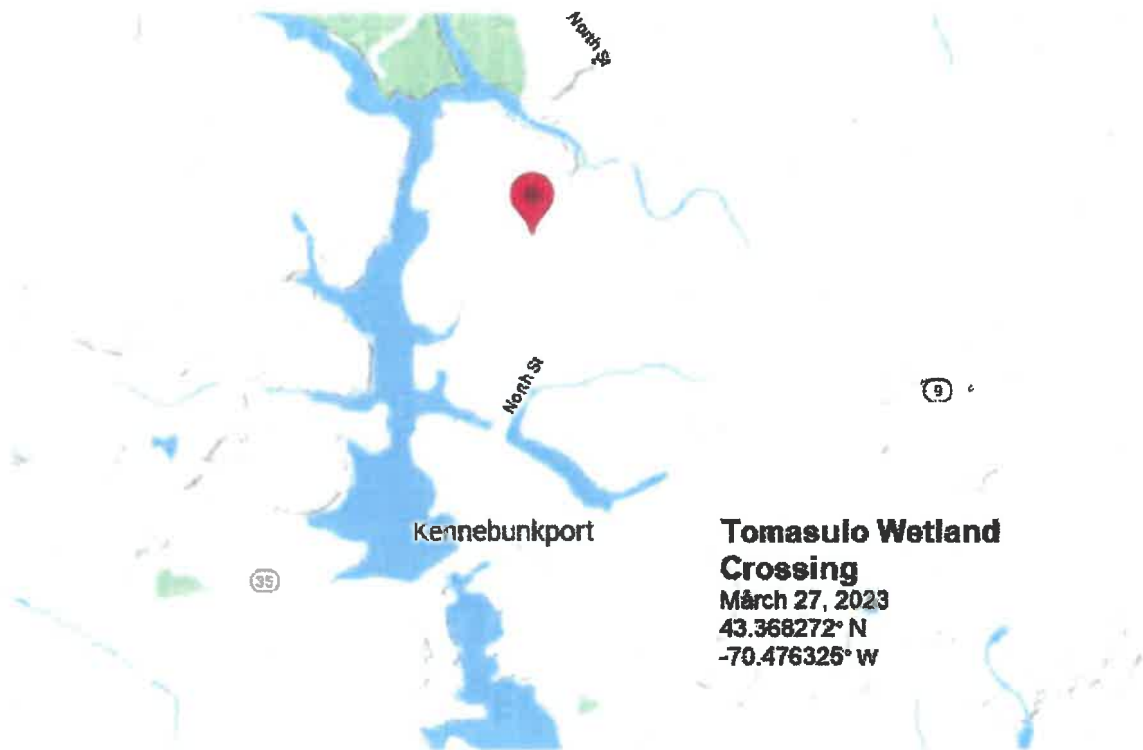


(IN FEET)
1 inch = 40 ft.

WETLAND DELINEATION PLAN
PREPARED FOR
MICHAEL & MELISSA TOMASULO
11 LOCKE STREET
(MAP 12, BLK 1, LOT 5A)
KENNEBUNKPORT, MAINE



ENVIRONMENTAL PERMITTING SPECIALISTS
PROJECT: 80
SCALE: 1" = 40'
CHECKED: JL
PLAN DATE: 1/5/23



Tomasulo Wetland

Crossing

March 27, 2023

43.368272° N

-70.476325° W

POST IN VISIBLE LOCATION ON PROPERTY BEFORE STARTING ANY WORK

****ALL INSPECTIONS REQUIRE A 48 HOUR (BUSINESS DAY) NOTICE****

PERMIT NO. 24-17

CONTRACTOR ADAM GOULETTE

TOWN OF KENNEBUNKPORT

BUILDING PERMIT

THIS IS TO CERTIFY THAT MICHAEL TOMASULO

HAS PERMISSION TO CLEARING AND PUTTING IN A 36 INCH CULVERT AS APPROVED BY DEP TO GAIN ACCESS TO UPLAND FOR FUTURE BUILDING PROJECT

STREET 11 LOCKE STREET

ZONE VR

MAP 12

BLOCK 1

LOT 5A

ALL WORK DONE UNDER THIS PERMIT SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS, ORDINANCES OR OTHER RESTRICTIONS. NO WORK SHALL COMMENCE UNTIL ALL REQUIRED PERMITS AND APPROVALS ARE ON FILE WITH THE TOWN OFFICE. NO CHANGES FROM THE BUILDING APPLICATION SUBMITTED SHALL BE MADE WITHOUT APPROVAL FROM THE CODE ENFORCEMENT OFFICE.

ANY PERMIT ISSUED SHALL BECOME INVALID IF THE AUTHORIZED WORK IS NOT COMMENCED WITHIN ONE YEAR FROM THE ISSUANCE OF THE PERMIT. WORK MUST BE SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS OF THE DATE ON WHICH THE PERMIT WAS ISSUED, UNDER SECTION 11.7A OF THE KENNEBUNKPORT LAND USE ORDINANCE.

CERTIFICATE OF USE AND
OCCUPANCY REQUIRED BEFORE
FURNISHINGS ARE MOVED IN

TOWN OF KENNEBUNKPORT - CODE ENFORCEMENT OFFICER

DATE ISSUED: 11/9/24

INSPECTIONS REQUIRED					
FOOTING	DATE	FOUNDATION	DATE	BACKFILL	DATE
FH/FAL	DATE	SEPTIC	DATE	PLUMBING	DATE
				FIREPLACE/CHIMNEY	DATE
				FRAMING	DATE
				INSULATION	DATE

THIS PERMIT MUST BE POSTED AND VISIBLE UNTIL ALL WORK IS COMPLETE