



**TOWN GRAY**  
**ZONING BOARD OF APPEALS**  
**AGENDA • JANUARY 27, 2021**

---

**Zoning Board of  
Appeals Regular  
Meeting**

**Online Via Microsoft Teams  
Link Posted to [graymaine.org](http://graymaine.org) Day of Meeting**

**7:00 PM**

---

**I. MEETING COMMENCES**

Roll Call

**II. MINUTES APPROVAL**

- a. Minutes Approval for December 16, 2020 Meeting

**III. NEW BUSINESS: PUBLIC HEARINGS**

- a. Coyne Variance

Proposed motion:

Sharline Conroy is seeking a variance request to consider height for the reconstruction of a single-family dwelling located at 136 Birchwood Road, as shown on Tax Map 18, Lot 307-25, located in the Limited Residential (Shoreland) Zoning District. Dwellings within 25-75 feet of the normal high-water line in Limited Residential (Shorleand) Zoning District cannot exceed a 20-foot maximum building height.

**IV. ADJOURNMENT**

*\* The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*



VARIANCE APPLICATION-HARDSHIP  
ZONING BOARD OF APPEALS  
TOWN OF GRAY MAINE

For Office Use Only  
Date Submitted: 12/30/20  
Tent. Sched. for: 1/11/21  
Amount Paid: Pd 250

PROPERTY INFORMATION

Property Location/Address	136 BIRCHWOOD Rd.	Property Map/Lot	018-307-025-000
Zoning District		Lot Acreage	0.29
Owner Name	SHARLINE DENNIS CONROY	Owner Phone Number	(207) 577-2147 (WIFE) (502) 821-8221 (HUSBAND)
Number of Dwelling Units	ONE		

APPLICANT

Name (IF different than owner)	SAME	Email Address	dennis_conroy@twc.com
Mailing Address	60 HIDEAWAY Rd.	Contact Phone Number	(S) (207) 577-2147
Mailing City/State/Zip	POLAND ME. 04274	Alternate Phone Number	(D) (502) 821-8221

VARIANCE INFORMATION

Per Gray Zoning Ordinance 402.9.2.B.2:

Variance Appeals: To hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A variance may be granted by the Board only where strict application of the Ordinance, or a provision thereof, to the petitioner and his/her property would cause undue hardship. The words "undue hardship" mean:

- That the land in question cannot yield a reasonable return unless a variance is granted;
- That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- That the granting of a variance will not alter the essential character of the locality; and
- That the hardship is not the result of action taken by the applicant or a prior owner.

Establishment or expansion of a use or structure otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The Board of Appeals shall grant a variance only by concurring vote of at least three (3) members and in so doing may prescribe conditions and safeguards as are appropriate under this Ordinance.

Describe request (description may be attached separately). Survey of property required to be attached.

WE WANT TO REBUILD THE HOUSE THAT BURNED DOWN IN 2015. SAME FOOTPRINT, SAME PLANS AS BEFORE WITH SMALL INTERIOR CHANGES.

	Current Requirement	Currently Existing	Proposed
Front Setback	25'	89'	No change
Rear Setback			No change
Side Setback	10'	12' and 45'	No change
Other Setback (describe)	100' High water mark	45' High water mark	No change
Max. Lot Coverage	20%	15.37%	No change
Max. Impervious Surface	20%	15.37%	No change
Min. Lot Area			No change
Min. Street Frontage	200'		No change
Other (describe)			No change

**CRITERIA- BRIEFLY DESCRIBE HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING:**

- a. That the land in question cannot yield a reasonable return unless a variance is granted;  
CURRENTLY THE LAND HAS NOT BEEN LIVABLE DUE TO A FIRE (FEB 2015) LEGAL ISSUES WITH IN FAMILY, HAVE PREVENTED ANY RECONSTRUCTION FOR THE LAST (5) YEARS. WE ARE ASKING TO USE THE SAME FOOT-PRINT THAT WAS THERE BEFORE THE FIRE.
- b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;  
WE ONLY WANT TO REBUILD THE HOUSE THAT WAS THERE PRIOR TO THE FIRE. SAME BUILDING PLANS WITH ONLY A FEW MINOR INTERIOR CHANGES. FAMILY LEGAL ISSUES HAVE PREVENTED US TO RECONSTRUCT UNTIL WE LEGALLY RECEIVED TITLE.
- c. That the granting of a variance will not alter the essential character of the locality; and  
THIS PROPERTY HAS BEEN IN THE FAMILY SINCE THE 1940'S SHARLINE'S GRAND PARENTS DREAM WAS TO HAVE A PERMANENT YEARROUND HOME THROUGH OUT THE YEARS NO PROBLEMS HAVE BEEN VOICED TO FAMILY OR BROUGHT TO THE TOWNS ATTENTION.
- d. That the hardship is not the result of action taken by the applicant or a prior owner.  
THE FIRE WAS DEEMED "ACCIDENTAL". AN OVERCHARGED 5m. CYLINDER PROPANE TANK IGNITED WHEN CONNECTED TO THE HEATER IN THE BASEMENT. THAT CAUSED FOR AN IMMEDIATE EVACUATION AND SUBSEQUENT DISTRUCTION OF THE HOUSE. LEGAL ISSUES HAVE PREVENTED US FROM STARTING PROJECT UNTIL NOW

Per Gray Zoning Ordinance 402.9.2.B.4:

Variance Review Criteria: In hearing variance appeals under this section, the Board of Appeals shall determine that the applicant has demonstrated that all of the undue hardship or practical difficulty criteria in sub-Sections 2 and 3 above have been met. Additionally, the Board shall consider the following criteria in its decision to grant any variances or impose conditions:

- a. What effect will be proposed variance have on the prevailing character of the area? *IMPROVE CHARACTER*
- b. Does the proposed variance require special screening or fencing to separate or protect the property of abutting owners? *NO*
- c. Will the proposed variance create drainage, erosion or flooding problems? *NO, WE ARE GOING TO IMPROVE ON THIS*
- d. Will the proposed variance increase water pollution? *NO*
- e. Will the proposed variance generate vehicular traffic, access circulation or parking conditions which create hazardous situations? *NO*
- f. Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section? *NO*
- g. Will the proposed variance create to any degree nuisances to abutting property owners? *NO*
- h. Is the variance request the least modification of the Zoning Regulations necessary to afford relief? *WE HOPE SO*
- i. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. *AGREED*

**PLEASE REFER TO THE CURRENT FEE SCHEDULE FOR APPLICABLE FEES TO INCLUDE REQUIRED ADVERTISING AND ABUTTER NOTIFICATIONS**

Applicant Signature <i>Dennis P. Conroy</i> <i>Sharline Foster Conroy</i>	Printed Name <i>DENNIS P. CONROY</i> <i>SHARLINE F. CONROY</i>	Date <i>1-4-2021</i>
--	---	-------------------------

PLEASE NOTE:

- THIS WAS THE PROPOSED AND PASSED PLANS TO RAISE AND REPLACE THE DECADES OLD CAMP.
- THESE PLANS AND RENDERINGS ARE OF THE HOUSE THAT BURNT BACK IN FEB 2015
- WE ARE ONLY ASKING TO REBUILD AS BEFORE.

PROPOSED REPLACEMENT

OF

A ONE STORY WOOD FRAME CAMP  
LOCATED AT:

136 BIRCHWOOD ROAD  
GRAY, MAINE

As a representative for Ms. Sharon E. Foster, Cape Builders and Remodeling, Inc. is proposing an expansion of an existing one story wood frame camp located at 136 Birchwood Road. The parcel is also shown on the Town of Gray's Property Map LS-7 as Lot 25.

As shown on the attached plans, the entire existing structure is located inside the shoreland zone setback from the normal high water line of Little Sebago Lake. To comply with local and State regulations the following changes are proposed for the site.

#### Existing Building

Due to the poor condition of the existing structure the existing building will be razed and replaced with a new one story home over a full foundation. All debris will be placed in an approved container on site and removed to an appropriate landfill or reclamation site.

#### Proposed Building

An approximate 26 X 30' one story wood frame structure over a full foundation is proposed. As shown of the accompanying plans the new structure is proposed to occupy the exact location of the existing building. No expansion toward the lake will take place.

The new structure will be expanded to the North by approximately 4' and will be reduced in the rear by approximately 2 feet.

As shown on the accompanying cross section plan the proposed basement floor will be situated approximately 10' 9" or 10.78' above the normal high water line of Little Sebago Lake.

#### Surface Water Drainage

The existing use and contours of the site provide for positive drainage of surface water on the site. During construction, silt-fences (see detail sheet) will be erected on all down slope sides of the site with special consideration to the water side of the project.

Of the approximately 11,200 square feet of the site, the existing impervious ( building and concrete walks) area accounts for 779 square feet or 6.96 % of the site.

With an additional 1385 square feet of gravel drive and parking the total existing impervious or improved area of the site equals 2164 square feet or 19.32 % of the site.

Proposed changes to the impervious area of the site will be kept to a minimum by keeping the existing drive and parking area intact. The proposed expansion of the building will increase the impervious area by 10 square feet to approximately 2174 square feet or 19.41 % of the site.

#### Septic

See accompanying forms prepared by Albert Frick Associates.

Computations Sheet

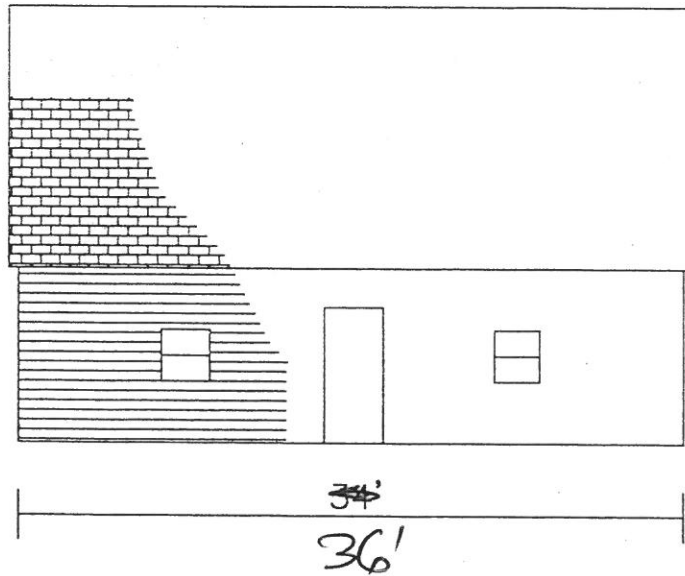
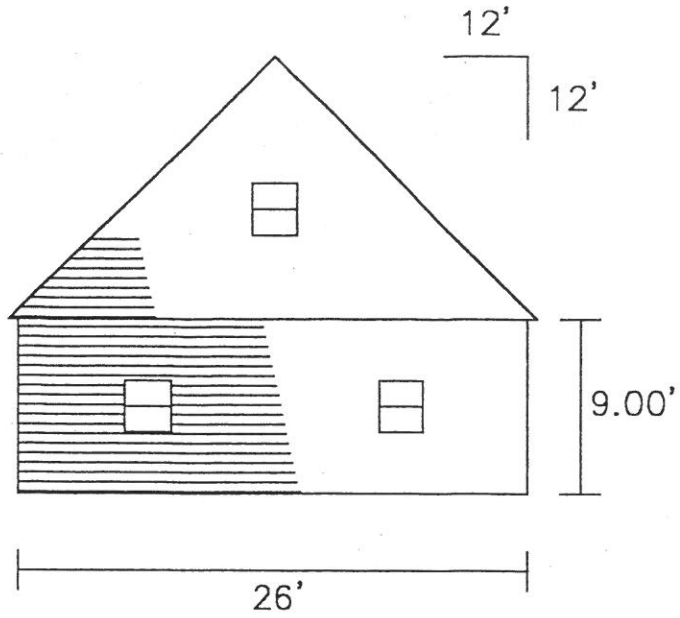
Square footage of existing building:	710 Sq. Ft.
Square footage of proposed building:	720 Sq. Ft.
Percent of Expansion:	1.01 %
Allowable under Shoreland Zoning:	29.99 %

Cubic square feet of existing building:	9,911 Cu. Ft.
Cubic square feet of proposed building:	12,780 Cu. Ft.

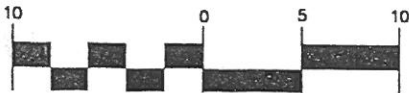
Square footage of lot:	11,200 Sq. Ft.
------------------------	----------------

Existing Impervious Area (Building, Concrete and Gravel areas):	2,164 Sq., Ft
Existing percentage of lot covered with impervious area :	19.32 %

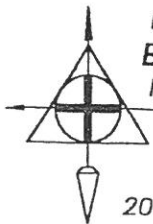
Proposed Impervious Area:	2,174 Sq. Ft.
Percent of Change:	1.01 %



GRAPHIC SCALE



( IN FEET )  
1 inch = 10 ft.



PREPARED BY:  
**BACK BAY BOUNDARY, INC.**  
PROFESSIONAL LAND SURVEYING

65A NEWBURY STREET  
PORTLAND, MAINE

207-774-2855 FAX 207-774-4669

BUILDING DIMENSIONS USED  
FOR CALCULATION PURPOSES

JOB: 200055E

SCALE: 1" = 10'

DATE: 01-09-01

SEPTIC SYSTEM  
APPROVAL  
11/2005



STATE OF MAINE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF HEALTH ENGINEERING  
286 WATER STREET  
AUGUSTA, MAINE  
04333-0011

JOHN ELIAS BALDACCI  
GOVERNOR

JOHN R. NICHOLAS  
COMMISSIONER

November 10, 2005

Sharon Foster  
c/o Jason Brown  
21 Rice Street, Suite 3  
Portland, ME 04003

SUBJECT: Approval, Replacement System Variance Request, Foster property, Gray

Dear Ms. Foster:

The Division has reviewed a replacement system variance request for the subject property. The state variance requested is to install the system with a setback distance reduction from your well to the disposal field of 50 feet and to the septic tank of 25 feet and a setback distance reduction from a neighbor's well to the disposal field of 60 feet. As we understand the situation, the variance request has been submitted because topography and existing development limit the potential system location. The system design prepared by Albert Frick, SE, dated 10/24/2005 is otherwise found to be in compliance with the Maine Subsurface Wastewater Disposal Rules.

We approve the requested variance with the following requirements:

1. A permit for system installation is to be obtained from the Local Plumbing Inspector in advance of the start of system construction.
2. The system is to be installed in accordance with the submitted and approved system design. Should alterations to the design be required at the time of construction, the site evaluator is to be notified prior to making any changes.
3. The contractor is to scarify the soils under the fill extensions to create a transitional zone more compatible with the disposal field area.
4. The septic tank to be installed shall be monolithic.
5. No vehicles shall be allowed to park on/over the disposal field area.

By accepting this approval and the associated plumbing permit, the owner agrees to comply fully with the conditions of approval and the Subsurface Wastewater Rules.

Please note that you will need to apply for seasonal conversion through the Local Plumbing Inspector, Paul White, at the town office.

Because installation and owner maintenance has a significant effect on the working order of onsite sewage disposal systems, including their components, the Division makes no representation or guarantee as to the efficiency and/or operation of the system.

Should you or others have any questions, please feel free to contact me at (207) 287-5687.

Sincerely,

Jennifer E. Sanborn, Environmental Specialist II  
Wastewater and Plumbing Control Program  
Division of Health Engineering  
e-mail: Jennifer.E.Sanborn@maine.gov

/jes  
xc: File  
Paul White, LPI  
Albert Frick, SE

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)  
**PERMIT BY RULE NOTIFICATION FORM**  
 (For use with DEP Regulation, Chapter 305)

107/25  
 11-20

PLEASE TYPE OR PRINT IN BLACK INK ONLY (3 COPIES, PLEASE BEAR DOWN)

Name of Applicant: SHARON E. FOSTER		Name of Owner: Sharon E. Foster	
Mailing Address: 31 Jefferson St.		Town/City: S. PORTLAND	
State: ME	Zip Code: 04106	Daytime Telephone No: 207-799-4912	
Name of Wetland, Water Body or Stream: Little Sebago Lake, Gray, ME			
Detailed Directions to Site: See attached copy of MAINE ATLAS AND GAZETTEER. The site faces upper bay of Little Sebago Lake. The Birchwood Road runs south from Egypt Road. The site is #136.			
Town/City: GRAY	Map #: 16	Lot #: 7-25	County: Cumberland
Description of Project: CONSTRUCTION OF RESIDENCE ON GRANDFATHERED SITE OF PRIOR RESIDENCE.			
AT F Permit Fred [Signature]		Part of a larger project?	Yes <input type="checkbox"/> No <input type="checkbox"/>

(CHECK ONE) This project: does  does not  involve work below mean low water.

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Regulation, Chapter 305. I have a copy of PBR Sections checked below. I have read and will comply with all of the standards.

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Sec. (2) Soil Disturbance     | <input type="checkbox"/> Sec. (8) Shoreline stabilization                         | <input type="checkbox"/> Sec. (14) Piers, Wharves & Piling    |
| <input type="checkbox"/> Sec. (3) Intake Pipes                    | <input type="checkbox"/> Sec. (9) Utility Crossing                                | <input type="checkbox"/> Sec. (15) Public Boat Ramps          |
| <input type="checkbox"/> Sec. (4) Replacement of Structures       | <input type="checkbox"/> Sec. (10) Stream Crossing                                | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects |
| <input type="checkbox"/> Sec. (5) REPEALED                        | <input type="checkbox"/> Sec. (11) State Transportation Facilities                | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas                   | <input type="checkbox"/> Sec. (18) Maintenance Dredging       |
| <input type="checkbox"/> Sec. (7) Outfall Pipes                   | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement |   |

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

I have attached all of the following required submittals. NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- Attach** a check for \$50 (non-refundable) made payable to: "Treasurer, State of Maine".
- Attach** a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach** photographs showing existing site conditions (unless not required under standards).

Signature of Applicant: Sharon Foster	Date: 10/26/01
---------------------------------------	----------------

**Keep the bottom copy as a record of permit.** Send the form with attachments via certified mail to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. **Work carried out in violation of any standard is subject to enforcement action.**

- |  |   |   |   |
|--|---|---|---|
| AUGUSTA DEP<br>STATE HOUSE STATION 17<br>AUGUSTA, ME 04333-0017<br>(207)287-2111 | PORTLAND DEP<br>312 CANCO ROAD<br>PORTLAND, ME 04103<br>(207)822-6300 | BANGOR DEP<br>106 HOGAN ROAD<br>BANGOR, ME 04401<br>(207)941-4570 | PRESQUE ISLE DEP<br>1235 CENTRAL DRIVE<br>PRESQUE ISLE, ME 04769<br>(207)764-0477 |
|--|---|---|---|

OFFICE USE ONLY	Ck.# 7189	Staff [Signature]	Staff
PBR # 28651	FP 5000	Acc. Date 10/29/01	Def. Date
	Date 10/31/01		After Photos

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services  
 Division of Health Engineering, Station 10  
 (207) 287-6672 FAX (207) 287-4172

<b>PROPERTY LOCATION</b>		>> Caution: Permit Required – Attach In Space Below <<	
City, Town, or Plantation	Grafton	We have Added this seasonal conversion to the Reg Permit	
Street or Road	136 Birchwood Rd.		
Subdivision, Lot #			
<b>OWNER/APPLICANT INFORMATION</b>		The Subsurface Wastewater Disposal System <b>shall not</b> be installed until a Permit is attached HERE by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
Name (last, first, MI)	Foster Sharon		
Mailing Address of	31 Jefferson St.		
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Applicant	S. Portland ME. 04106		
Daytime Tel. #	774 2855	Municipal Tax Map #	L 7 Lot # 25
<b>Owner or Applicant Statement</b>		<b>Caution: Inspections Required</b>	
I state that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.		I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.	
Signature of Owner or Applicant _____ Date <u>Jan 10, 2007</u>		Local Plumbing Inspector Signature _____ (1st) Date Approved _____ _____ (2nd) Date Approved _____	

## PERMIT INFORMATION

<b>TYPE OF APPLICATION</b> 1. <input type="checkbox"/> First Time System 2. <input checked="" type="checkbox"/> Replacement System Type Replaced: _____ Year Installed: _____ 3. <input type="checkbox"/> Expanded System a. <input type="checkbox"/> One-time exempted b. <input type="checkbox"/> Non-exempted 4. <input type="checkbox"/> Experimental System 5. <input checked="" type="checkbox"/> Seasonal Conversion	<b>THIS APPLICATION REQUIRES</b> 1. <input type="checkbox"/> No Rule Variance 2. <input type="checkbox"/> First Time System Variance a. <input type="checkbox"/> Local Plumbing Inspector Approval b. <input type="checkbox"/> State & Local Plumbing Inspector Approval 3. Replacement System Variance a. <input checked="" type="checkbox"/> Local Plumbing Inspector Approval b. <input type="checkbox"/> State & Local Plumbing Inspector Approval 4. <input type="checkbox"/> Minimum Lot Size Variance 5. <input checked="" type="checkbox"/> Seasonal Conversion Approval	<b>DISPOSAL SYSTEM COMPONENT(S)</b> 1. <input checked="" type="checkbox"/> Complete Non-engineered System 2. <input type="checkbox"/> Primitive System (graywater & alt toilet) 3. <input type="checkbox"/> Alternative Toilet, specify: _____ 4. <input type="checkbox"/> Non-Engineered Treatment Tank (only) 5. <input type="checkbox"/> Holding Tank, _____ gallons 6. <input type="checkbox"/> Non-engineered Disposal Field (only) 7. <input type="checkbox"/> Separated Laundry System 8. <input type="checkbox"/> Complete Engineered System (2000 gpd or more) 9. <input type="checkbox"/> Engineered Treatment Tank (only) 10. <input type="checkbox"/> Engineered Disposal Field (only) 11. <input type="checkbox"/> Pre-treatment, specify: 12. <input type="checkbox"/> Miscellaneous components
<b>SIZE OF PROPERTY</b> 11200 <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> acres	<b>DISPOSAL SYSTEM TO SERVE</b> 1. <input checked="" type="checkbox"/> Single Family Dwelling Unit, No. of Bedrooms: <u>3</u> 2. <input type="checkbox"/> Multiple Family Dwelling, No. of Units: _____ 3. <input type="checkbox"/> Other: _____ SPECIFY _____	<b>TYPE OF WATER SUPPLY</b> 1. <input checked="" type="checkbox"/> Drilled Well 2. <input type="checkbox"/> Dug Well 3. <input checked="" type="checkbox"/> Private 4. <input type="checkbox"/> Public 5. <input type="checkbox"/> Other: _____
<b>SHORELAND ZONING</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

## DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

<b>TREATMENT TANK</b> 1. <input checked="" type="checkbox"/> Concrete a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Low Profile 2. <input type="checkbox"/> Plastic 3. <input type="checkbox"/> Other: _____ CAPACITY <u>1000</u> gallons	<b>DISPOSAL FIELD TYPE &amp; SIZE</b> 1. <input type="checkbox"/> Stone Bed 2. <input type="checkbox"/> Stone Trench 3. <input checked="" type="checkbox"/> Proprietary Device a. <input type="checkbox"/> Cluster array c. <input checked="" type="checkbox"/> Linear b. <input checked="" type="checkbox"/> Regular load d. <input type="checkbox"/> H-20 load 4. <input type="checkbox"/> Other: _____ SIZE <u>1008</u> <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft. <u>21 E/Ten In Drain units</u>	<b>GARBAGE DISPOSAL UNIT</b> 1. <input checked="" type="checkbox"/> No 3. <input type="checkbox"/> Maybe 2. <input type="checkbox"/> Yes >> Specify one below: a. <input type="checkbox"/> Multi-compartment Tank b. <input type="checkbox"/> Tanks in Series c. <input type="checkbox"/> Increase in Tank Capacity d. <input type="checkbox"/> Filter on Tank Outlet	<b>DESIGN FLOW</b> <u>270</u> gallons per day BASED ON: 1. <input checked="" type="checkbox"/> Table 501.1 (dwelling unit(s)) 2. <input type="checkbox"/> Table 501.2 (other facilities) SHOW CALCULATIONS – for other facilities – 3 Bed Rooms at 90 Gal Per Day 270 GPD 3. <input type="checkbox"/> Section 503.0 (meter readings) ATTACH WATER-METER DATA
<b>SOIL DATA &amp; DESIGN CLASS</b> PROFILE CONDITION DESIGN <u>3 1 B 1 2</u> at Observation Hole # <u>TP1</u> Depth <u>24"</u> Elevation _____ OF MOST LIMITING SOIL FACTOR	<b>DISPOSAL FIELD SIZING</b> 1. <input type="checkbox"/> Small – 2.0 sq. ft./gpd 2. <input type="checkbox"/> Medium – 2.6 sq. ft./gpd 3. <input checked="" type="checkbox"/> Medium-Large – 3.3 sq. ft./gpd 4. <input type="checkbox"/> Large – 4.1 sq. ft./gpd 5. <input type="checkbox"/> Extra Large – 5.0 sq. ft./gpd	<b>PUMPING</b> 1. <input type="checkbox"/> Not Required 2. <input checked="" type="checkbox"/> May Be Required 3. <input type="checkbox"/> Required >> Specify only for engineered or experimental systems: DOSE: _____ gallons	

## SITE EVALUATOR STATEMENT

I Certify that on \_\_\_\_\_ (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Site Evaluator Signature  Site Evaluator Name Printed Noamith Richman	SE # <u>207-741-2273</u> Telephone #	Date
--	--	------

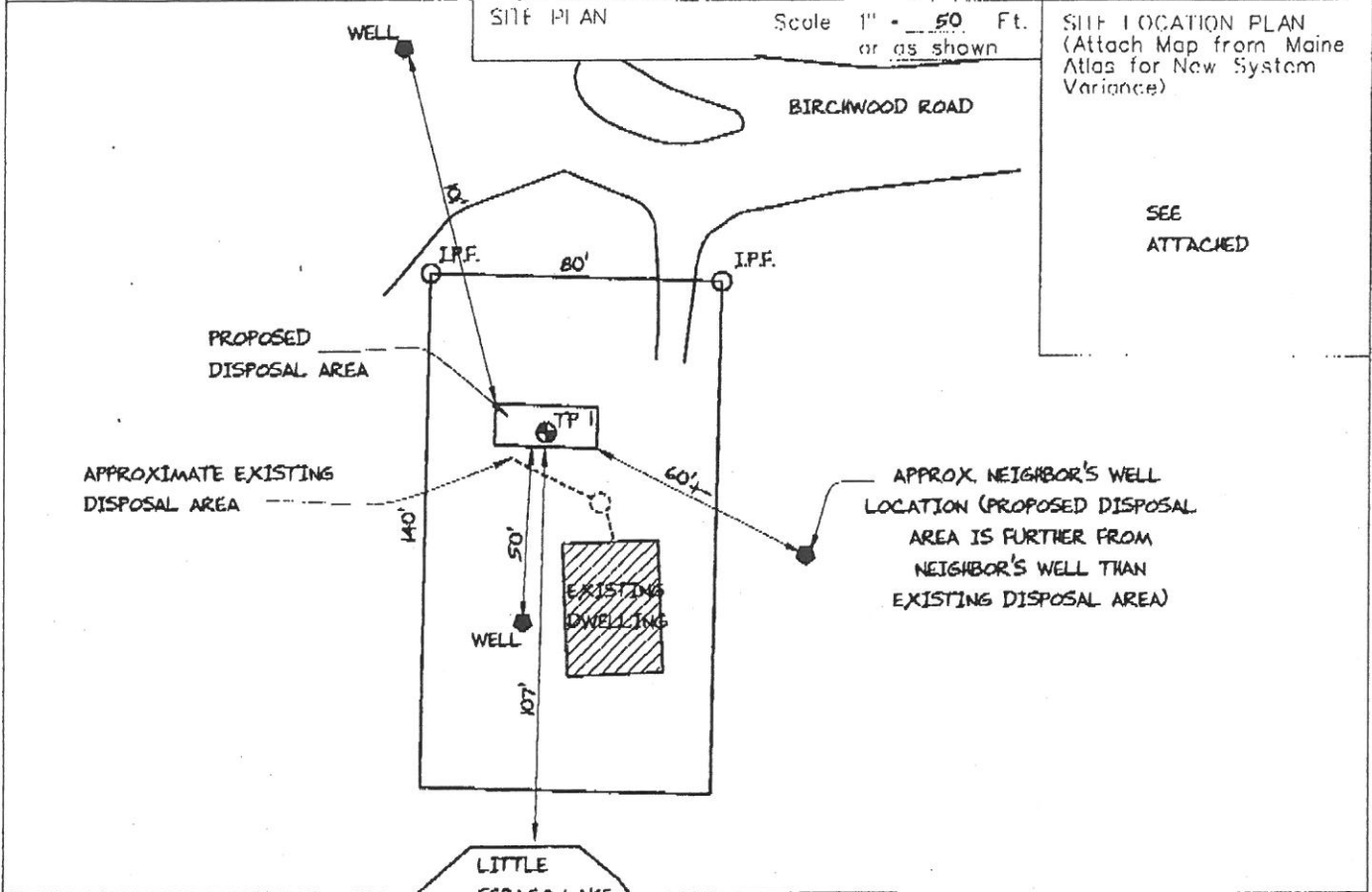
# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services  
 Division of Health Engineering, Station 30 SHS  
 (207) 287-5672 FAX (207) 287-4172

Owner's Name  
**SHARON FOSTER**

Town, City, Plantation  
**GRAY**

Street, Road Subdivision  
**136 BIRCHWOOD ROAD**



**SITE LOCATION PLAN**  
 (Attach Map from Maine Atlas for New System Variance)

SEE ATTACHED

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP I  Test Pit  Boring  
 " Depth of Organic Horizon Above Mineral Soil

Observation Hole             Test Pit  Boring  
 " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0	SANDY LOAM (FILL)		LIGHT BROWN	
10	SANDY LOAM	FRIABLE	GRAY	
20	GRAVELLY LOAMY SAND	FIRM	DARK YELLOW BROWN	
30				
40				
50				

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification: **3 C**  
 Profile: **3** Condition: **C**  
 Slope: **2%**  
 Limiting Factor: **24"**  
 Ground Water  
 Restrictive Layer  
 Bedrock  
 Pit Depth

Soil Classification:   
 Profile:  Condition:   
 Slope:   
 Limiting Factor:   
 Ground Water  
 Restrictive Layer  
 Bedrock  
 Pit Depth

*Albert Frick*  
 Site Evaluator Signature

163  
 SE

10/24/2005  
 Date

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

Maine Department of Environmental Protection  
Division of Health Engineering, Station 10, SWS  
(207) 287-8672 FAX (207) 287-4172

**PROPERTY LOCATION** GRAY PERMIT # 4292 TOWN COPY

City, Town, or Precinct: GRAY Date Permit Issued: 12/08/05  If Double Fee Charged

Street or Road: 136 BIRCHWOOD ROAD Fee: \$150 FEE # 1015

Subdivision, Lot #: \_\_\_\_\_ Legal Plumbing Inspector Signature: [Signature] License # \_\_\_\_\_

**OWNER/APPLICANT INFORMATION**

Name (last, first, MI): FOSTER SHARON Owner/Applicant

Mailing Address of: C/O JASON BROWN TERRA SCAPES 21 RICE STREET, SUITE 3 PORTLAND, ME 04003

Owner Applicant  Applicant

Daytime Tel.: 774-2855 Municipal Tax Map # L07 Lot # 25

**Owner or Applicant Statement**

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or local Plumbing Inspector to deny a permit.

Signature of Owner/Applicant: Sharon Foster Date: 12/8/05

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

Local Plumbing Inspector Signature: \_\_\_\_\_ (1st) Date Approved: \_\_\_\_\_ (2nd) Date Approved: \_\_\_\_\_

**PERMIT INFORMATION**

<p><b>TYPE OF APPLICATION</b></p> <p>1. <input type="checkbox"/> First Time System</p> <p>2. <input checked="" type="checkbox"/> Replacement System Type Replaced: _____ Year Installed: _____</p> <p>3. <input type="checkbox"/> Expanded System a. <input type="checkbox"/> Minor Expansion b. <input type="checkbox"/> Major Expansion</p> <p>4. <input type="checkbox"/> Experimental System</p> <p>5. <input checked="" type="checkbox"/> Seasonal Conversion</p>	<p><b>THIS APPLICATION REQUIRES</b></p> <p>1. <input type="checkbox"/> No Rule Variance</p> <p>2. <input type="checkbox"/> First Time System Variance a. <input type="checkbox"/> Local Plumbing Inspector Approval b. <input type="checkbox"/> State &amp; Local Plumbing Inspector Approval</p> <p>3. <input type="checkbox"/> Replacement System Variance a. <input type="checkbox"/> Local Plumbing Inspector Approval b. <input checked="" type="checkbox"/> State &amp; Local Plumbing Inspector Approval</p> <p>4. <input type="checkbox"/> Minimum Lot Size Variance</p> <p>5. <input checked="" type="checkbox"/> Seasonal Conversion Approval</p>	<p><b>DISPOSAL SYSTEM COMPONENTS</b></p> <p>1. <input checked="" type="checkbox"/> Complete Non-Engineered System</p> <p>2. <input type="checkbox"/> Primitive System (graywater &amp; old toilet)</p> <p>3. <input type="checkbox"/> Alternative Toilet, specify: _____</p> <p>4. <input type="checkbox"/> Non-Engineered Treatment Tank (only)</p> <p>5. <input type="checkbox"/> Holding Tank, _____ Gallons</p> <p>6. <input type="checkbox"/> Non-Engineered Disposal Field (only)</p> <p>7. <input type="checkbox"/> Separated Laundry System</p> <p>8. <input type="checkbox"/> Complete Engineered System (2000 gpd)</p> <p>9. <input type="checkbox"/> Engineered Treatment Tank (only)</p> <p>10. <input type="checkbox"/> Engineered Disposal Field (only)</p> <p>11. <input type="checkbox"/> Pre-treatment, specify: _____</p> <p>12. <input type="checkbox"/> Miscellaneous components</p>
<p><b>SIZE OF PROPERTY</b></p> <p><u>11,200</u> SQ. FT. <input type="checkbox"/> sq. ft. <input type="checkbox"/> acres</p>	<p><b>DISPOSAL SYSTEM TO SERVE</b></p> <p>1. <input checked="" type="checkbox"/> Single Family Dwelling Unit, No. of Bedrooms: <u>3</u></p> <p>2. <input type="checkbox"/> Multiple Family Dwelling, No. of Units: _____</p> <p>3. <input type="checkbox"/> Other: _____</p> <p>SPECIFY _____</p> <p>Current Use <input checked="" type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input type="checkbox"/> Undeveloped</p>	<p><b>TYPE OF WATER SUPPLY</b></p> <p>1. <input checked="" type="checkbox"/> Drilled Well 2. <input type="checkbox"/> dug Well 3. <input type="checkbox"/> Private</p> <p>4. <input type="checkbox"/> Public 5. <input type="checkbox"/> Other: _____</p>
<p><b>SHORELAND ZONING</b></p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		

**DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)**

<p><b>TREATMENT TANK</b></p> <p>1. <input checked="" type="checkbox"/> Concrete a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Low Profile</p> <p>2. <input type="checkbox"/> Plastic</p> <p>3. <input type="checkbox"/> Other: _____</p> <p>CAPACITY: <u>1000</u> gallons</p>	<p><b>DISPOSAL FIELD TYPE &amp; SIZE</b></p> <p>1. <input type="checkbox"/> Stone Box 2. <input type="checkbox"/> Stone Trench</p> <p>3. <input checked="" type="checkbox"/> Proprietary Device 6. <input type="checkbox"/> Cluster array a. <input checked="" type="checkbox"/> linear b. <input checked="" type="checkbox"/> Regular d. <input type="checkbox"/> H-20 loaded</p> <p>4. <input type="checkbox"/> Other: _____</p> <p>SIZE: <u>1000</u> sq. ft. <input type="checkbox"/> lin. ft.</p> <p><b>21 ELJEN IN-DRAIN UNITS</b></p>	<p><b>GARBAGE DISPOSAL UNIT</b></p> <p>1. <input checked="" type="checkbox"/> No 3. <input type="checkbox"/> Maybe</p> <p>2. <input type="checkbox"/> Yes &gt;&gt; Specify one below: a. <input type="checkbox"/> Multi-compartment tank b. <input type="checkbox"/> _____ tanks in series c. <input type="checkbox"/> Increase in tank capacity d. <input type="checkbox"/> Filter on tank outlet</p>	<p><b>DESIGN FLOW</b></p> <p><u>270</u> gallons per day BASLD ON:</p> <p>1. <input checked="" type="checkbox"/> Table 501.1 (dwelling unit(s))</p> <p>2. <input type="checkbox"/> Table 501.2 (other facilities)</p> <p>SHOW CALCULATIONS for other facilities:</p> <p><b>3 BEDROOMS AT 90 GALLONS PER DAY EACH</b></p> <p>5. <input type="checkbox"/> Section 503.0 (meter readings): ATTACH WATER-METER DATA</p>
<p><b>SOIL DATA &amp; DESIGN CLASS</b></p> <p>PROFILE: <u>3</u> / <u>C</u> / <u>1</u></p> <p>DESIGN: _____</p> <p>AT Observation Hole # <u>TP1</u> Depth <u>24</u> "</p> <p>OF MOST LIMITING SOIL FACTOR</p>	<p><b>DISPOSAL FIELD SIZING</b></p> <p>1. <input type="checkbox"/> Small - 2.0 sq.ft./gpd</p> <p>2. <input type="checkbox"/> Medium - 2.6 sq.ft./gpd</p> <p>3. <input checked="" type="checkbox"/> Medium-Large - 3.3 sq.ft./gpd</p> <p>4. <input type="checkbox"/> Large - 4.1 sq.ft./gpd</p> <p>5. <input type="checkbox"/> Extra Large - 5.0 sq.ft./gpd</p>	<p><b>PUMPING</b></p> <p>1. <input type="checkbox"/> Not required</p> <p>2. <input checked="" type="checkbox"/> May be required</p> <p>3. <input type="checkbox"/> Required &gt;&gt; Specify only for engineered or experimental systems:</p> <p>POST: _____ Gallons</p>	

**SITE EVALUATOR STATEMENT**

I certify that on 12/7/00 (date) I completed a site evaluation on this property and state that the data reported is accurate and that the proposed system is in compliance with the Subsurface Wastewater Disposal Rules (10 144A CMR 243).

Signature: Albert Frick SL #: 163 Date: 10/24/2005

Site Evaluator Name Printed: ALBERT FRICK Telephone Number: (207) 839-5563 E-mail Address: AFA@MAINEBB.COM

REPLACEMENT SYSTEM VARIANCE REQUEST

THE LIMITATIONS OF THE REPLACEMENT SYSTEM VARIANCE REQUEST

This form shall be attached to an application (HHE-200) for the proposed replacement system which requires a variance to the Rules. The LPI shall review the Replacement System Variance Request and HHE-200 and may approve the Request if all of the following requirements can be met, and the variance(s) requested fall within the limits of LPI's authority.

- 1. The proposed design meets the definition of a Replacement System as defined in the Rules (Sec. 2006)
2. There will be no change in use of the structure except as authorized for minor expansions outside the shoreland zone of major waterbodies/courses.
3. The replacement system is determined by the Site Evaluator and LPI to be the most practical method to treat and dispose of the wastewater.
4. The BOD5 plus S.S. content of the wastewater is no greater than that of normal domestic effluent.

GENERAL INFORMATION Town of Gray
Permit No. Date Permit Issued
Property Owner's Name: Sharon Foster Tel. No.: 774-2855
System's Location: 136 Birchwood Road
Property Owner's Address: c/o Jason Brown 21 Rice Street, Suite 3
(if different from above) Portland, ME 04003

SPECIFIC INSTRUCTIONS TO THE: LOCAL PLUMBING INSPECTOR (LPI):

If any of the variances exceed your approval authority and/or do not meet all of the requirements listed under the Limitations Section above, then you are to send this Replacement System Variance Request, along with the Application, to the Department for review and approval consideration before issuing a Permit. (See reverse side for Comments Section and your signature.)

SITE EVALUATOR:

If after completing the Application, you find that a variance for the proposed replacement system is needed, complete the Replacement Variance Request with your signature on reverse side of form.

PROPERTY OWNER:

If has been determined by the Site Evaluator that a variance to the Rules is required for the proposed replacement system. This variance request is due to physical limitations of the site and/or soil conditions. Both the Site Evaluator and the LPI have considered the site/soil restrictions and have concluded that a replacement system in total compliance with the Rules is not possible.

PROPERTY OWNER

I understand that the proposed system requires a variance to the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.

Sharon Foster
SIGNATURE OF OWNER

10/28/05
DATE

LOCAL PLUMBING INSPECTOR

I, Paul J White, the undersigned, have visited the above property and have determined to the best of my knowledge that it cannot be installed in compliance with the Rules. As a result of my review of the Replacement Variance Request, the Application, and my on-site investigation, I (check and complete either a or b):

a. (X)approve, ( ) disapprove the variance request based on my authority to grant this variance. Note: If the LPI does not give his approval, he shall list his reasons for denial in Comments Section below and return to the applicant.

-OR-

b. find that one or more of the requested Variances exceeds my approval authority as LPI. I ( ) recommend, ( ) do not recommend the Department's approval of the variances. Note: If the LPI does not recommend the Department's approval, she shall state his reasons in Comments Section below as to why the proposed replacement system is not being recommended.

Comments:

Paul J White
LPI SIGNATURE

11/10/05
DATE

Replacement System Variance Request

VARIANCE CATEGORY	LIMIT OF LPI'S APPROVAL AUTHORITY						VARIANCE REQUESTED TO:	
	Disposal Fields (total design flow)			Septic Tanks (total design flow)			Disposal Fields	Septic Tanks
From	Less than 1000 gpd	1000 to 2000 gpd	Over 2000 gpd	Less than 1000 gpd	1000 to 2000 gpd	Over 2000 gpd	To	To
SOILS								
Soil Profile	Ground Water Table			to 7"			Inches	
Soil Condition	Restrictive Layer			to 7"			Inches	
from HHE-200	Bedrock			to 12"			Inches	
Wells with water usage of 2000 or more gpd or public water supply wells	300 ft	300 ft	300 ft	100 ft	100 ft	100 ft		
Owner's wells	100 down to 60 ft [a]	200 down to 100 ft	300 down to 150 ft	100 down to 50 ft [b]	100 down to 50 ft	100 down to 50 ft	50'	25'+
Neighbor's wells	100 down to 60 ft [f]	200 down to 120 ft [f]	300 down to 180 ft [f]	100 down to 50 ft [f]	100 down to 75 ft [f]	100 down to 75 ft [f]	60'+	
Water supply line	10 ft	20 ft	25 ft [h]	10 ft	10 ft	10 ft [h]		
Water course, major - for replacements only, see Table 400.4 for major expansions	100 down to 60 ft [d]	200 down to 120 ft [d]	300 down to 180 ft [d]	100 down to 50 ft [b]	100 down to 50 ft	100 down to 50 ft		
Water course, minor	50 down to 25 ft [e]	100 down to 50 ft [e]	150 down to 75 ft [e]	50 down to 25 ft [e]	50 down to 25 ft [e]	50 down to 25 ft [e]		
Drainage ditches	25 down to 12 ft	50 down to 25 ft	75 down to 35 ft	25 down to 12 ft	25 down to 12 ft	25 down to 12 ft		
Edge of fill extension -- Coastal wetlands, special freshwater wetlands, great ponds, rivers, streams	25 ft [e]	25 ft [e]	25 ft [e]	25 ft [e]	25 ft [e]	25 ft [e]		
Slopes greater than 3:1	10 ft [g]	18 ft [g]	25 ft [g]	N/A	N/A	N/A		
No full basement (e.g. slab, frost wall, columns)	15 down to 7 ft	30 down to 15 ft	40 down to 20 ft	8 down to 5 ft	14 down to 7 ft	20 down to 10 ft		
Full basement (below grade foundation)	20 down to 10 ft	30 down to 15 ft	40 down to 20 ft	8 down to 5 ft	14 down to 7 ft	20 down to 10 ft		
Property lines	10 down to 5 ft [c]	18 down to 9 ft [c]	20 down to 10 ft [c]	10 down to 4 ft [c]	15 down to 7 ft [c]	20 down to 10 ft [c]		
Burial sites or graveyards, measured from the down toe of the fill extension	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft		
<b>OTHER</b>								
1. Fill extension Grade - to 3:1								
2. property owner's well & neighbor's well setbacks are greater from proposed disposal area than existing system								
3.								

\* Mono-lithic tanks  
\* no traffic allowed on system

Footnotes: [a.] Single-family well setbacks may be reduced as prescribed in Section 701.2.  
 [b.] This distance may be reduced to 25 feet, if the septic or holding tank is tested in the plumbing inspector's presence and shown to be watertight or of monolithic construction.  
 [c.] Additional setbacks may be needed to prevent fill material extensions from encroaching onto abutting property.  
 [d.] Additional setbacks may be required by local Shoreland zoning.  
 [e.] Natural Resource Protection Act requires a 25 foot setback, on slopes of less than 20%, from the edge of soil disturbance and 100 feet on slopes greater than 20%. See Chapter 15.  
 [f.] May not be any closer to neighbors well than the existing disposal field or septic tank unless written permission is granted by the neighbor. This setback may be reduced for single family houses with Department approval. See Section 702.3.  
 [g.] The fill extension shall reach the existing ground before the 3:1 slope or within 100 feet of the disposal field.  
 [h.] See Section 1402.10 for special procedures when these minimum setbacks cannot be achieved.

*Albert Frick*  
 \_\_\_\_\_  
 SITE EVALUATOR'S SIGNATURE

*10/24/2005*  
 \_\_\_\_\_  
 DATE

**FOR USE BY THE DEPARTMENT ONLY**

The Department has reviewed the variance(s) and (✓) does  does not give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

*James J. Danaher*  
 \_\_\_\_\_  
 SIGNATURE OF THE DEPARTMENT

*10 Nov 05*  
 \_\_\_\_\_  
 DATE

Residential  
Commercial



Industrial  
Marine

June 13, 2017  
Job No. 17-14

Dennis Conroy  
6 Hideaway Road  
Poland, ME 04274

Dear Dennis

**Subject: Foundation Walls/Slab Fire Damage @ 136 Birchwood Rd., Gray, ME**

As per your request I observed the fire damage to the foundation walls and slab and assessed the condition of the concrete at the subject location. Following is a report on my findings.

**BACKGROUND**

As you indicated, approximately two years ago the residence was completely destroyed by fire. The residence consisted of two stories with a walkout basement. The fire was caused by the ignition of a leaking propane tank that was located at the exterior SE corner of the foundation wall. The slab contained a radiant heating system.

**METHOD OF TESTING CONCRETE**

Numerous soundings with a hammer were made on the walls and slab. Undamaged concrete will have a high-frequency ringing sound when struck. Concrete that has a consistent dull/thud or soft noise can indicate damaged or poor-quality concrete. In the areas of spalled concrete, a hammer and chisel was used to try to remove additional concrete.

**OBSERVATIONS**

Only the concrete walls and slab remained at the time of observations.

Based on the scope of testing, concrete spalling, unsound concrete and cracks are noted on the enclosed sheets 1 & 2.

The soundings on the slab had a dull/thud. For the supply manifold, tubes protruded vertically through the slab and were located near the center of the slab plan.

The slab had minor cracking due to drying and plastic shrinkage.

No tilting/leaning of the walls was observed.

## FINDINGS & RECOMMENDATIONS

The walls showed no signs of tilting/leaning even though they had been left with no horizontal support for at least two years. Typically the walls are designed to be supported horizontally by the first floor. No loads should be placed on the exterior grade until the first floor is in place.

The slab dull/thud soundings was probably attributed to the insulation under a radiant heating system. The slab cracks that are due to drying and plastic shrinkage are not unusual and do not affect the slab for residential use.

The areas of concrete that are spalled, unsound and cracking can be structurally repaired. The repairs should be done by a specialty concrete repair/restoration contractor and not by a typical residential concrete contractor. There are a number of repair methods that they could recommend. Additional areas of repair may be found during their work.

Two specialty concrete contractors are:  
KISC, Tim Rich, 854-1900, <https://knowlesindustrial.com>  
Haskell & Hall, 775-1481, [www.hascallandhall.com](http://www.hascallandhall.com)

## SUMMARY

Based on the scope of my observations and testing, there was minimal fire damage to the concrete. The damaged areas can be structurally repaired.

It should be noted that the above report is based on visual observations and soundings and that there is no claim, either stated or implied, that all conditions were observed and sounded.

Sincerely



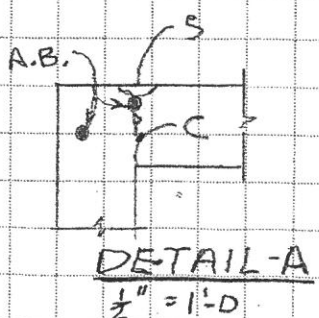
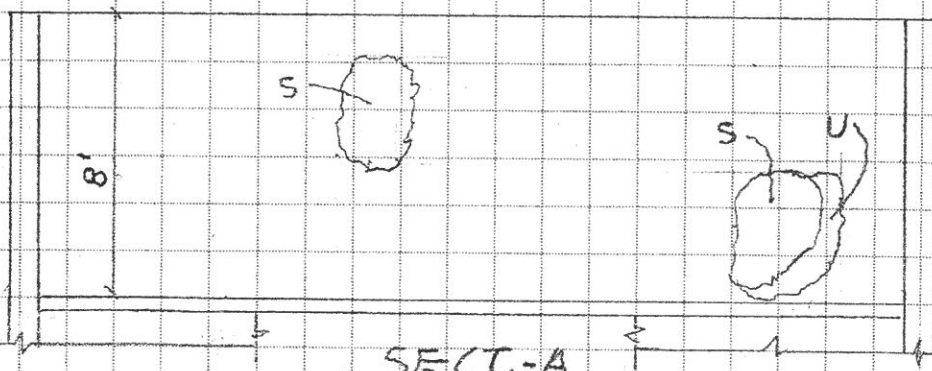
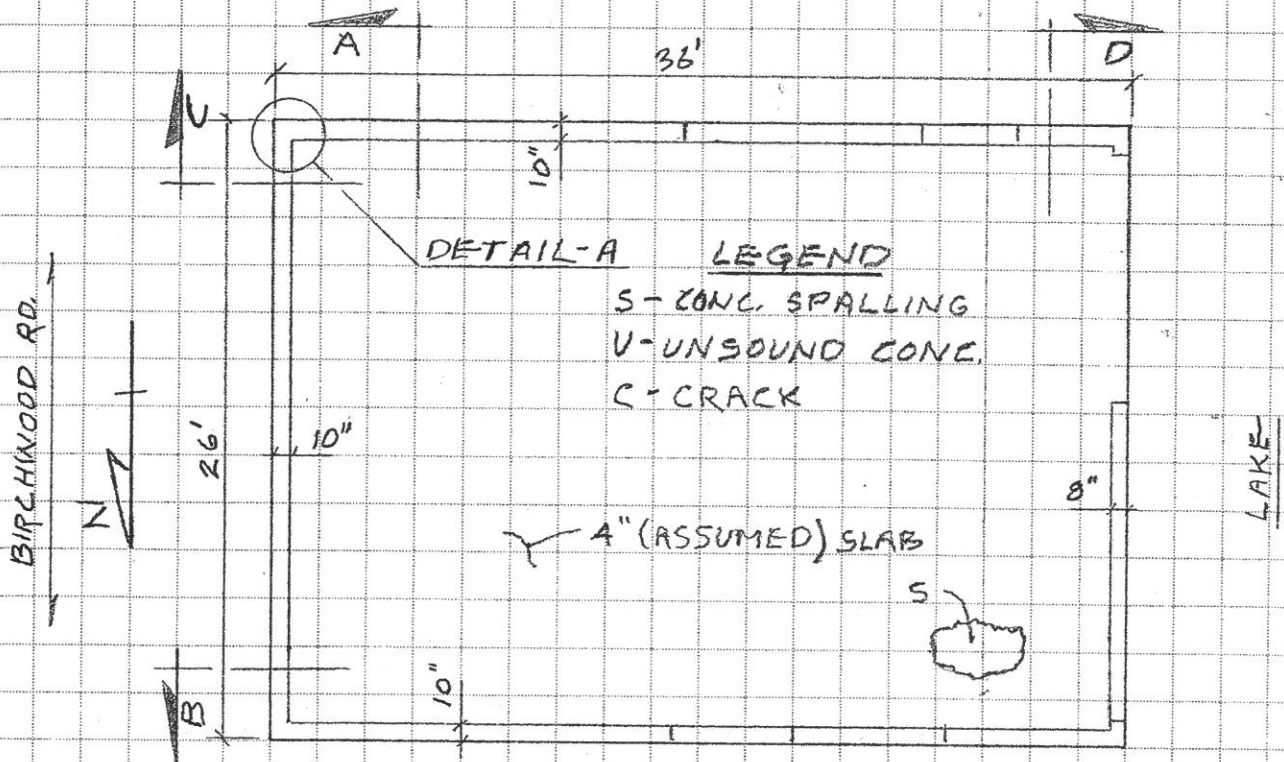
Joseph F. Neville, P.E.  
wd.Fd'nFireDamage

Enclosures: Site Observations, sheets 1 & 2



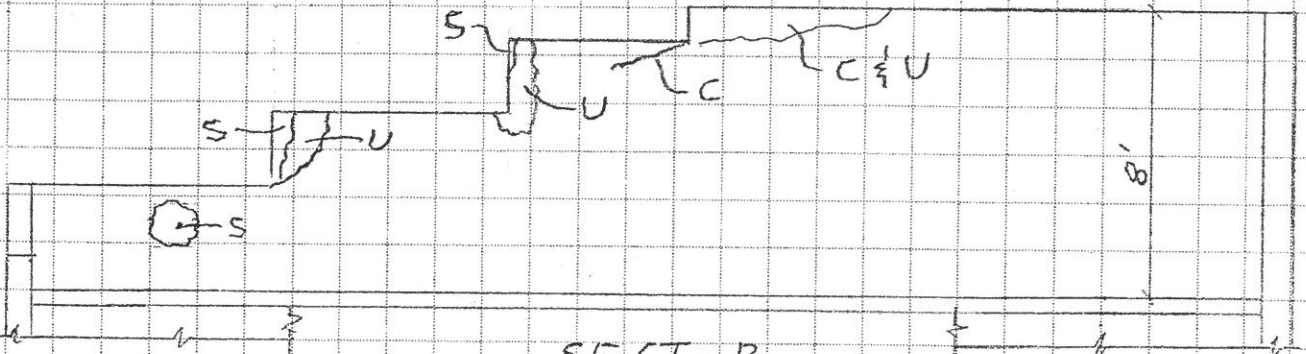
**JOSEPH F. NEVILLE, P.E.**  
**CONSULTING STRUCTURAL ENGINEER**  
 353 Megquier Hill Road  
 POLAND, MAINE 04274  
 Phone/FAX (207) 998-4086

**SITE OBSERVATIONS**  
 JOB 17-14 FD'N WALL FIRE DAMAGE  
 SHEET NO. 1 OF 2  
 CALCULATED BY JFN DATE 6-13-17  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE 136 BIRCHWOOD RD., GRAY, ME

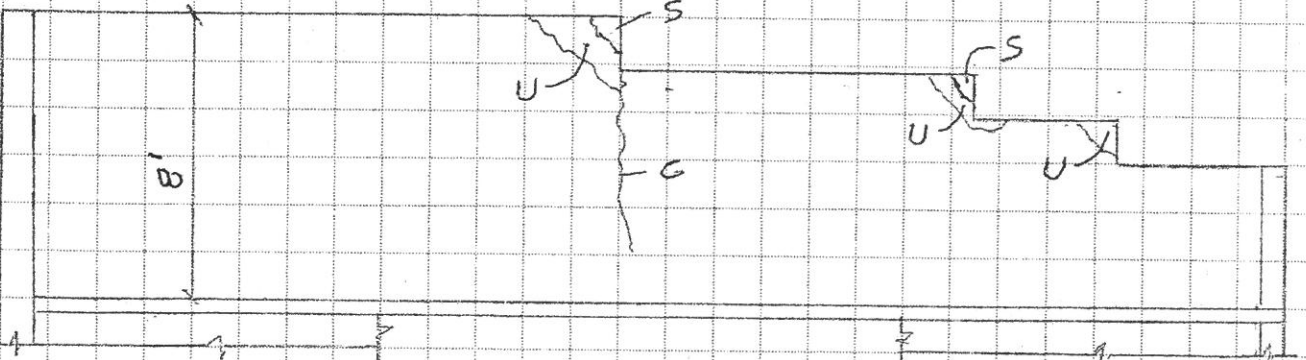


**JOSEPH F. NEVILLE, P.E.**  
**CONSULTING STRUCTURAL ENGINEER**  
 353 Megquier Hill Road  
 POLAND, MAINE 04274  
 Phone/FAX (207) 998-4086

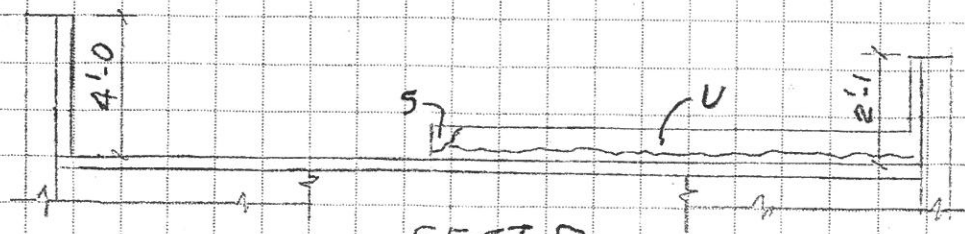
**SITE OBSERVATIONS**  
 JOB 17-14 FD'N WALL FIRE DAMAGE  
 SHEET NO. 2 OF 2  
 CALCULATED BY JFN DATE 6-13-17  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE 136 BIRCHWOOD RD, GRAY, ME



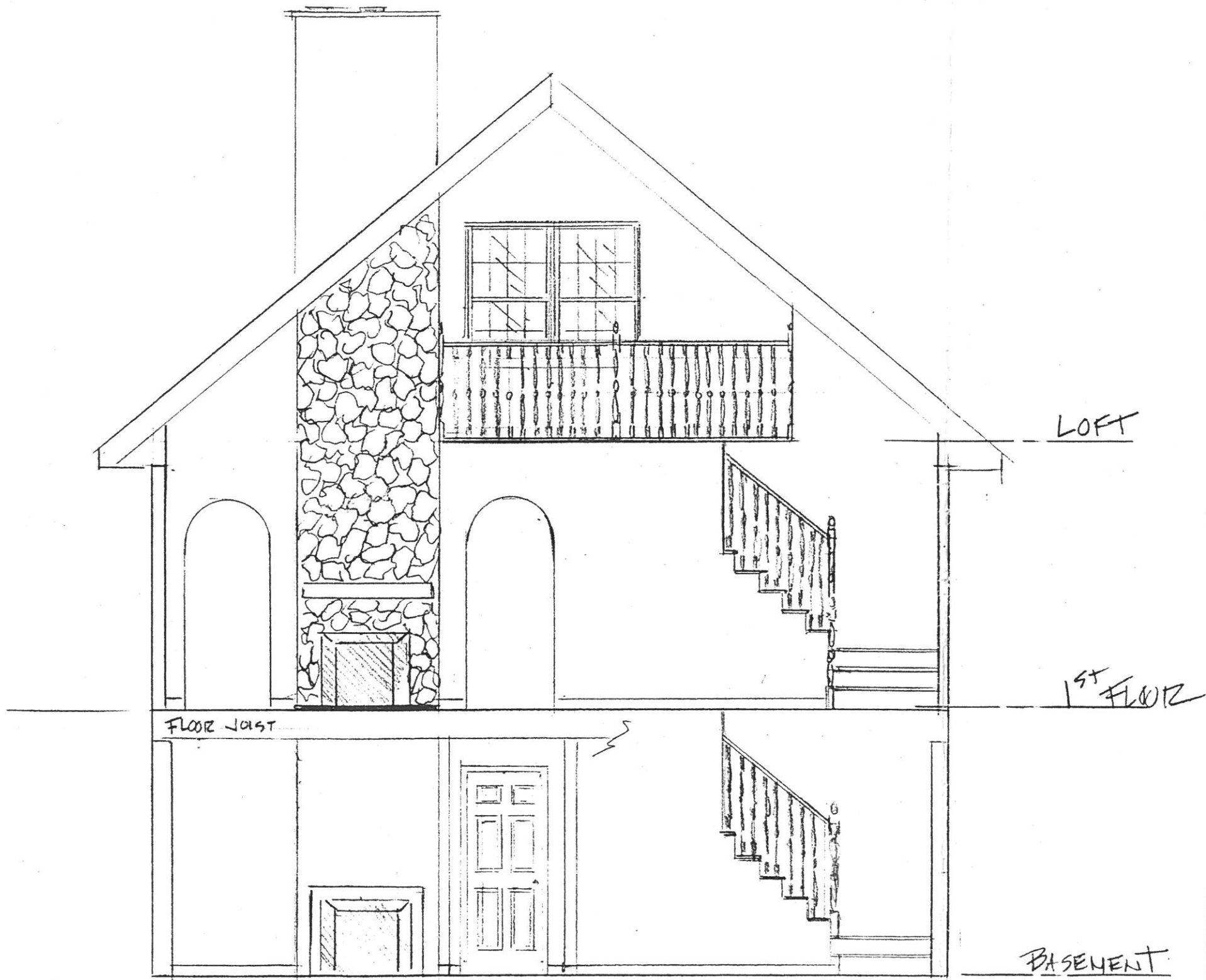
SECT.-B  
 $\frac{3}{16}'' = 1'-0$



SECT.-C  
 $\frac{3}{16}'' = 1'-0$



SECT.-D  
 $\frac{3}{16}'' = 1'-0$



CROSS SECTION

SHARON FOSTER GRAY, MAINE		
SCALE:	APPROVED BY	DRAWN BY
DATE: 9-30-03		
CROSS SECTION		
		DRAWING NUMBER



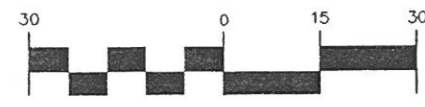
Little Sebago Lake  
(Upper Lake)

Normal High Water Line As Located on The Date Of This Survey.

2-1-01

Final Plan  
this was approved  
and sent to  
Planning Board

GRAPHIC SCALE

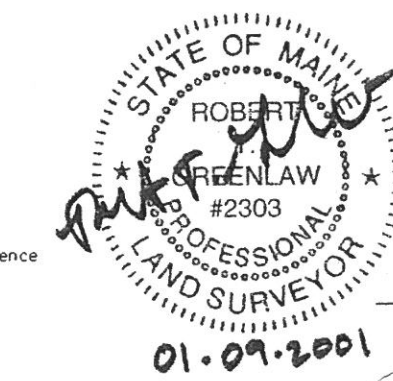


( IN FEET )  
1 inch = 30 ft.

Building Permit Issued 1-31-01 For new  
Full Basement Single Familie Dwelling 37' X 24 with 300 ft of Loft area.

TR

Note: No well found on this lot



NOTES:

- Owner of record is Sharon E. Foster per deed dated Oct. 11, 2000
- The parcel is located in the Limited Residential Zone under the Town of Gray Shoreland Zoning code.
- Reference is made to the following plans:
  - Plan of Birchwood by Otto F. Stephenson C.E. dated Sept. 1926 and recorded in the Cumberland County Registry of Deeds. Of Deeds.
  - Town of Gray Zoning Map.
  - Town of Gray property map sheet LS-7 lot 25.
- Bearings are based upon a magnetic observation taken in the field on the date of this survey.  
Equipment used: Sokkisha Lietz Set 4 total station E.D.M. Lietz SDR 24 electronic field book
- Elevation Datum: TBM Traverse point no. 1 assumed elevation = 100.00 ft.
- The traveled way as located does not match the road location on plan reference No. 3a above.
- A silt fence will be installed to minimize surface water runoff during construction.
- Area of parcel = 11,200 square ft. or .26 acres.

LEGEND:

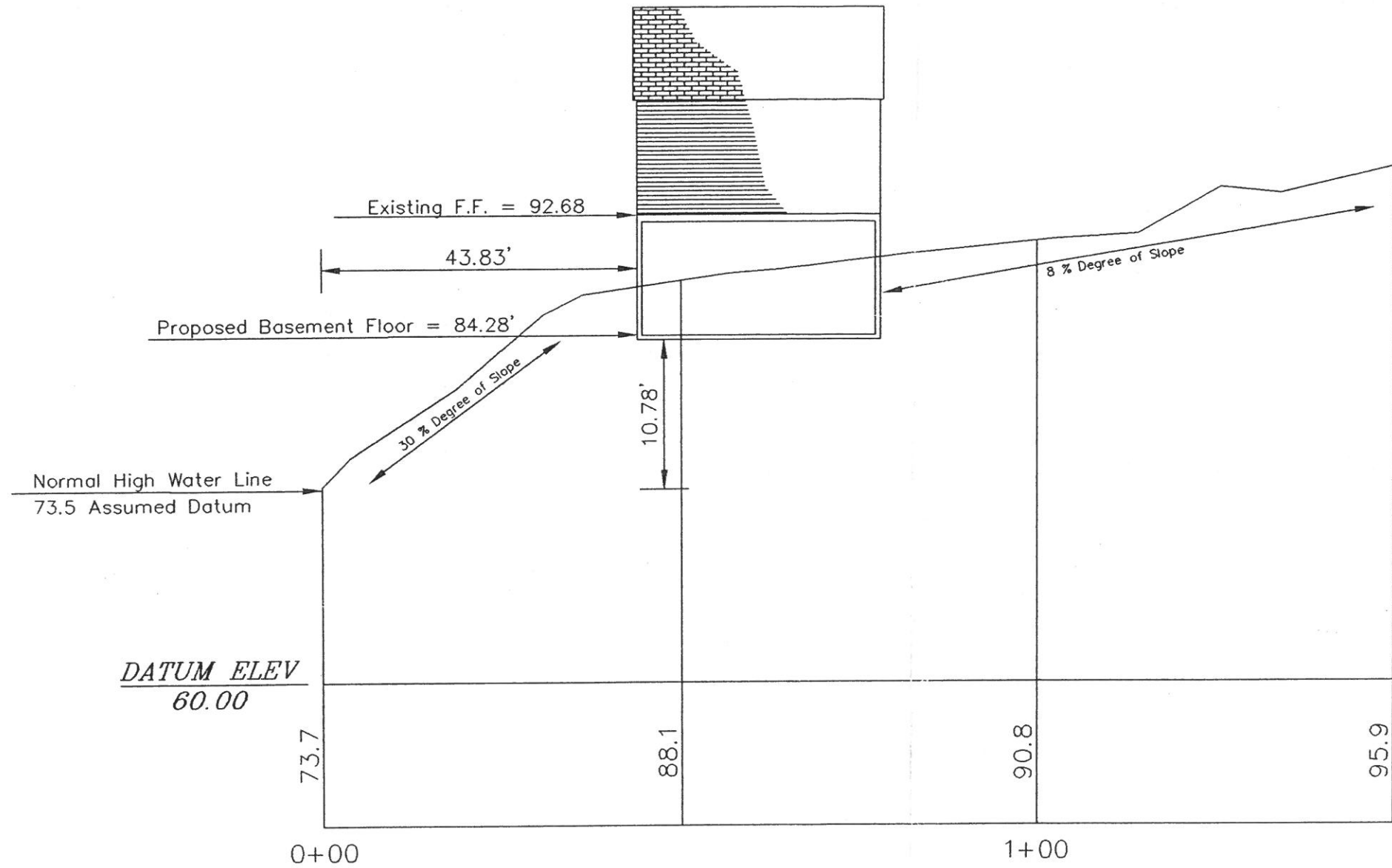
- Iron Pipe or Solid Pin Found
- △ Survey Instrument Point
- Abutter Line
- Property Line
- Street Line
- Direction of Bearing
- (50.00') Distance from reference plan or deed.
- N/F Now Or Formerly
- A.G. Above Grade
- B.G. Below Grade
- ⊕ Property Line
- u — Overhead Utility
- Utility Pole
- Edge of traveled way
- Surface water flow
- ⌋ Woods line

**SITE PLAN**  
 AT 136 BIRCHWOOD ROAD GRAY, MAINE  
 LITTLE SEBAGO LAKE  
 FOR: CAPE BUILDERS & REMODELING, INC.

DRAWN BY: SBB  
 CHECKED BY: RTG  
 SCALE: 1" = 30'  
 DATE: 12-06-2000  
 JOB NUMBER: 200055-G  
 SHEET: 1 OF 2

REVISED: CHANGE IN BUILDING SIZE. 01-09-2001  
 REVISED: CHANGE IN BUILDING SIZE. 01-03-2001

PREPARED BY:  
**BACK BAY BOUNDARY, INC.**  
 PROFESSIONAL LAND SURVEYING  
 65A NEWBURY STREET  
 PORTLAND, MAINE  
 207-774-2855 FAX 207-774-4669  
 DRAWER: NO:

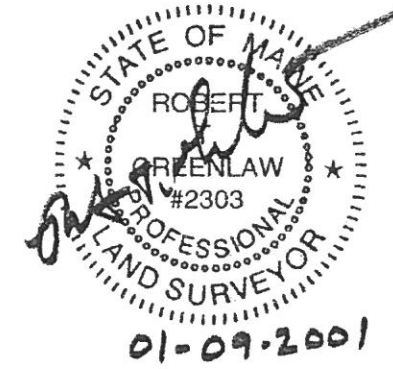


*Permitted location for new structure 2/1/01*  
*TR*

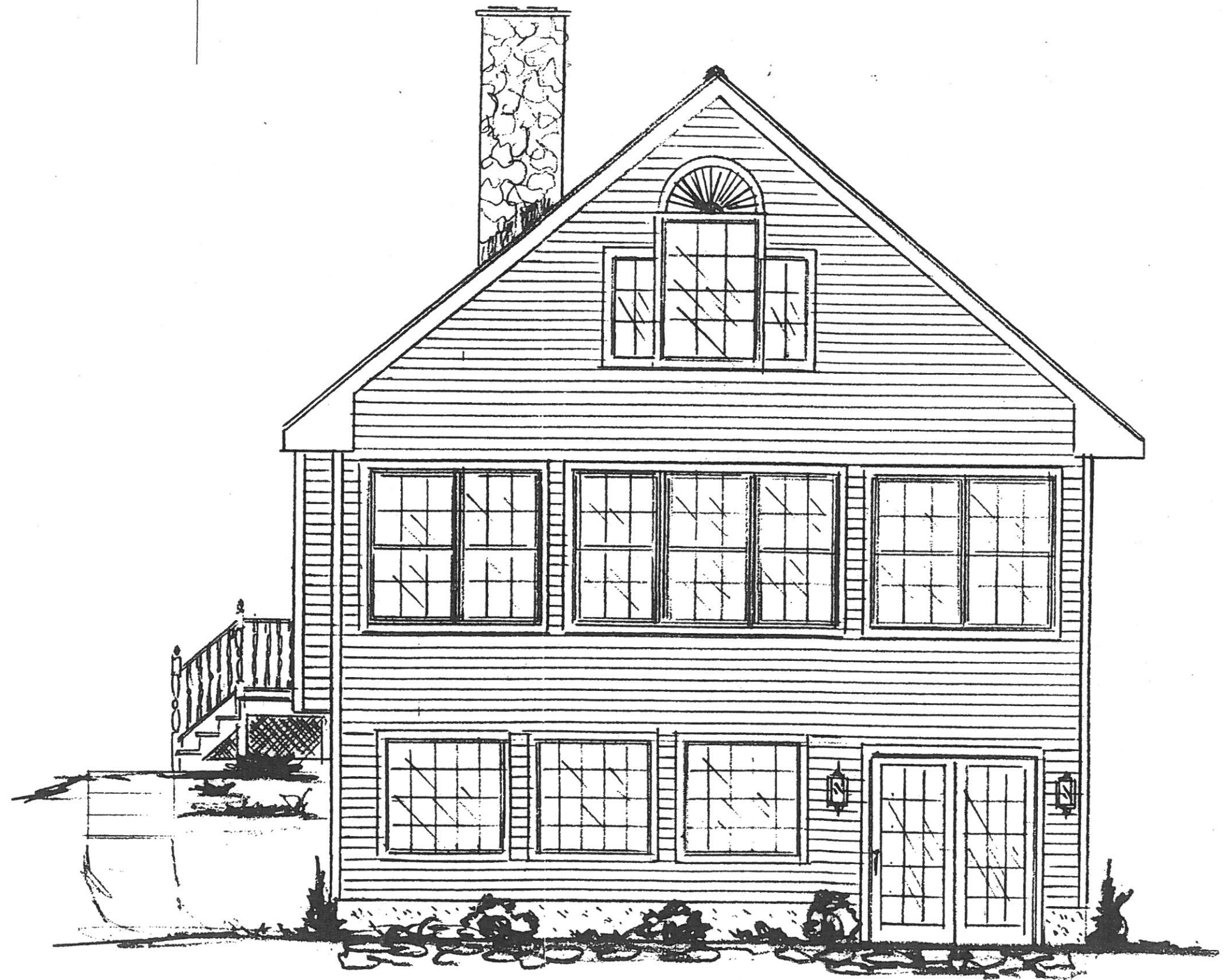
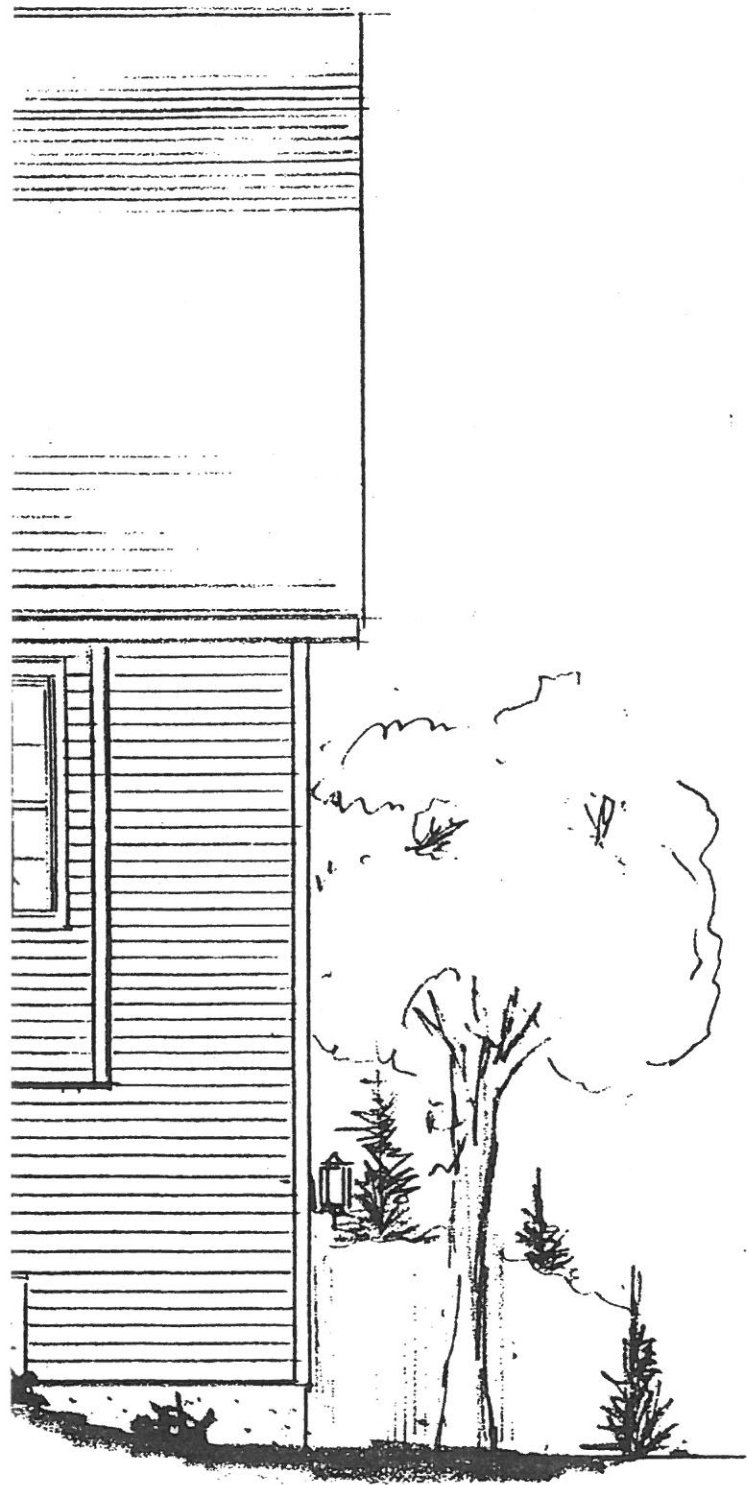
NOTE: ELEVATIONS ARE BASED UPON TRAVERSE POINT NO. 1 AS SHOWN ON PLAN 1 OF 2.

**LOT PROFILE**  
**PROPOSED 26' X 34' ONE STORY WOOD FRAME WITH DAYLIGHT BASEMENT**

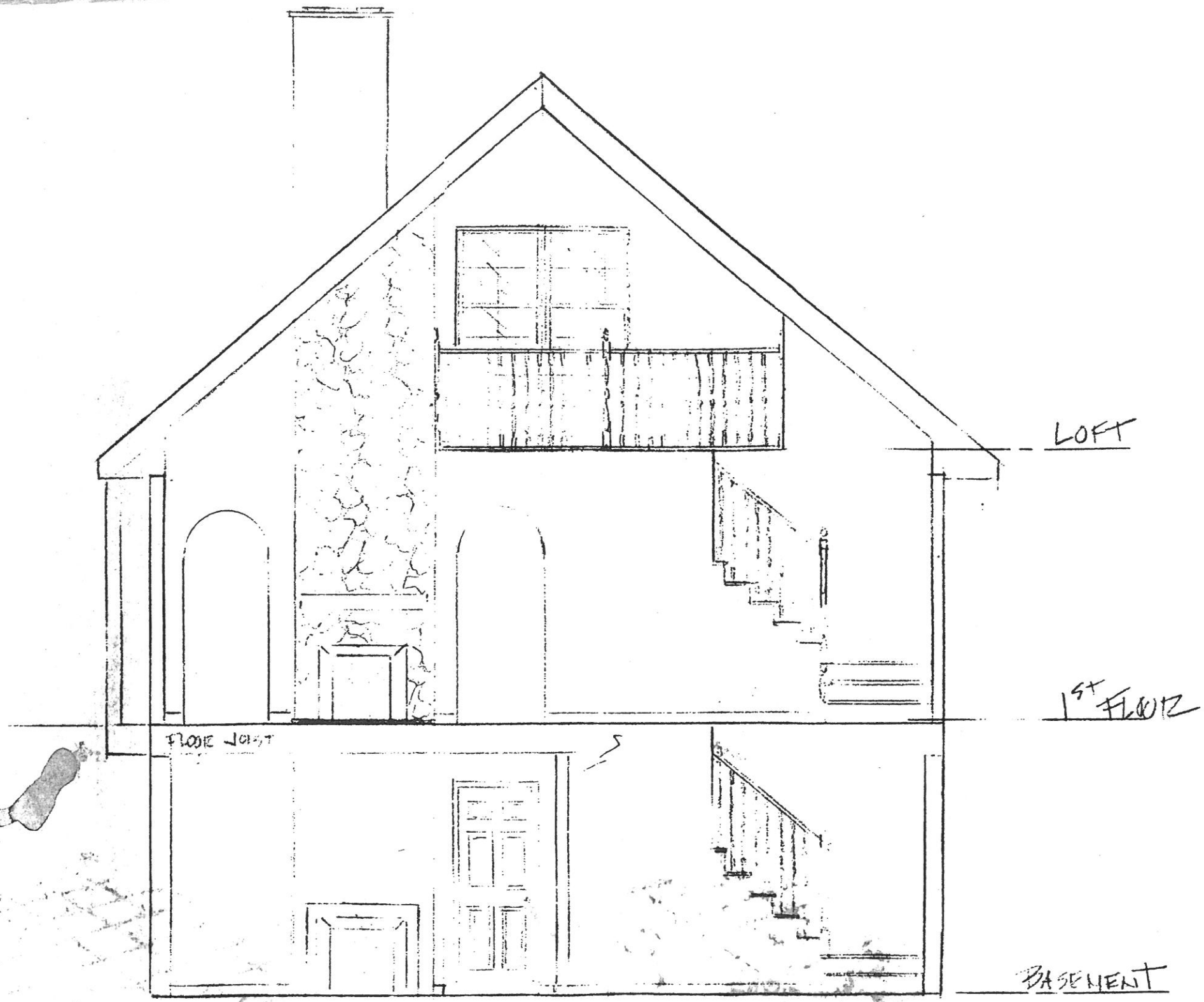
Horizontal Scale 1" = 20'  
 Vertical Scale 1" = 10'



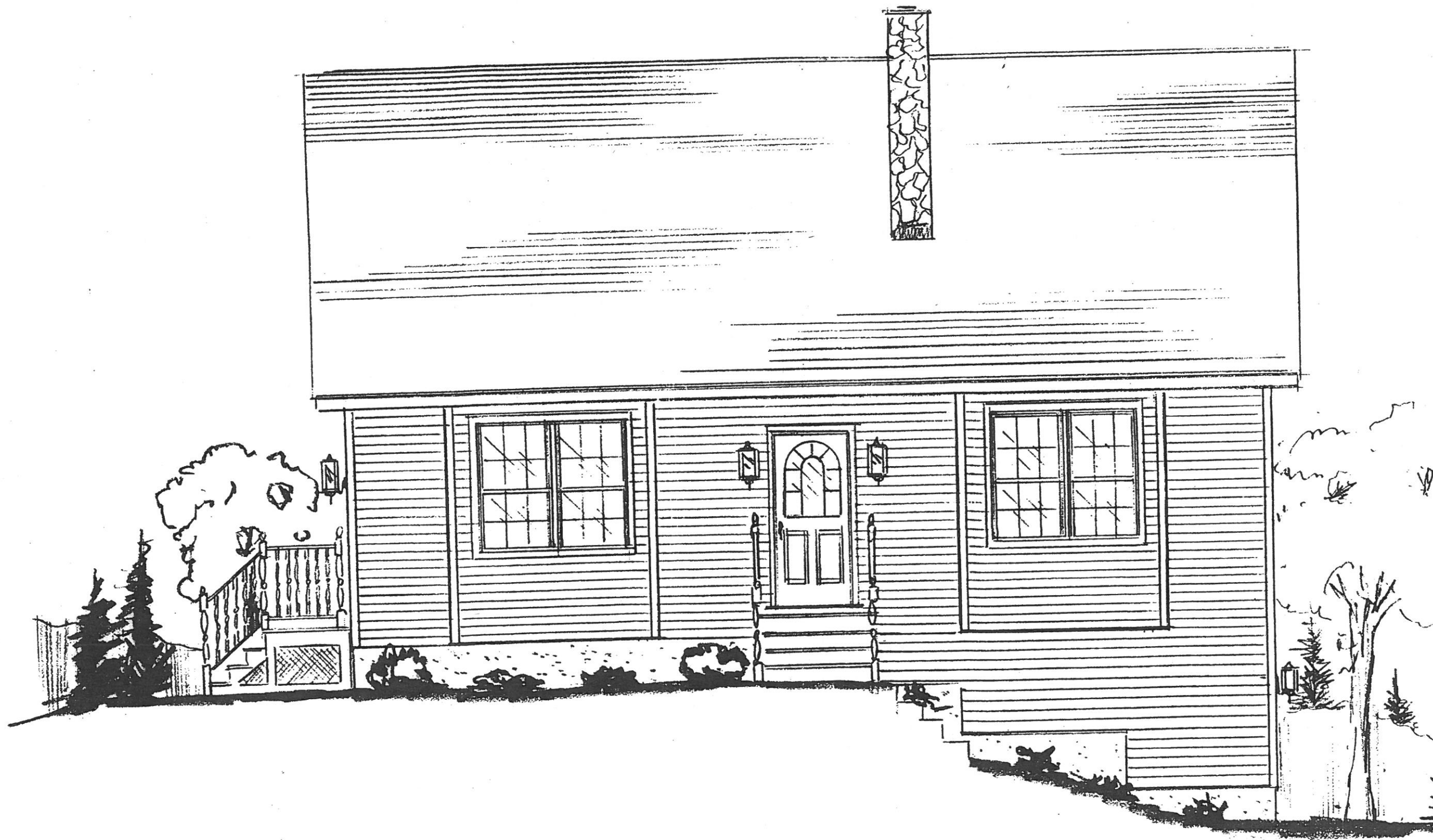
REVISED: Move Building Back 10' / Resize 01-09-01 PREPARED BY: BACK BAY BOUNDARY, INC. PROFESSIONAL LAND SURVEYING 65A NEWBURY STREET PORTLAND, MAINE 207-774-2855 FAX 207-774-4669	
DRAWN BY: SBB CHECKED BY: RTG SCALE: SEE PLAN DATE: 12-21-25 JOB NUMBER: 200055-G SHEET: 2 OF 2	LOT PROFILE AT 136 BIRCHWOOD ROAD GRAY, MAINE FOR: CAPE BUILDERS & REMODELING, INC.
DRAWER: NO:	



LAKE SIDE VIEW  
FRONT ELEVATION



CROSS SECTION A  
SCALE = 1/4" = 1'0"



LEFT SIDE ELEVATION  
SCALE: 1/4"=1'-0"



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
ACTING COMMISSIONER

January 27, 2021

Board of Appeals  
Town of Gray  
24 Main Street  
Gray, Maine 04039

RE: Sharline & Dennis Conroy Variance Appeal; 136 Birchwood Road (Map LS-7, Lot 25)

Dear Members of the Board of Appeals,

The following are the Department's comments regarding the above-referenced variance application which are required to be considered by the Board of Appeals (Board) and made part of the record. The appellants seek to reconstruct a dwelling that was destroyed by over 50% of its market value in February of 2015. From the application materials it is not specified exactly what the appellants are requesting a variance from. The appellants request is to build the "same footprint, same plans as before" which were approved in 2001.

Under the Town of Gray's Shoreland Zoning Ordinance (Ordinance) Section 12 C. 3. the dwelling could have been reconstructed if a permit was obtained within 18 months of the loss and the dwelling was located to the greatest practical extent from the normal high-water line of Little Sebago Lake. Under Section 12 C. 3. the condition of the foundation at the time could have been considered as part of the greatest practical extent determination.

From the application it is not clear if the appellants are requesting to use the same foundation or are planning on a new foundation. A foundation report obtained from the Code Enforcement Officer dated June 13, 2017 states that at that time the foundation was still useable. It is not clear if the foundation is currently useable after three and a half years from the last report. Even if the foundation is currently useable, since 18 months have passed without obtaining a permit for reconstruction this proposal should be reviewed as a new dwelling on a non-conforming lot of record. A greatest practical extent determination should be conducted and if the 100-foot setback can't be met, a variance application should include a specific request for a reduction.

From the application it is inferred that the appellants are seeking a variance from height limits imposed by the Mandatory Shoreland Zoning Act (ACT) 38 MRSA Sec. 439-A 4. Since the 18 months for obtaining a permit to reconstruct the preexisting dwelling have passed this project should be reviewed as constructing a new dwelling on a non-conforming lot of record. Once the greatest practical extent of the dwelling setback is determined then the height standard from the

Act can be applied. Assuming, for discussion only, that the proposed dwelling location is at the greatest practical extent, the materials provided appear to be proposing a 31-foot high structure in a location where a new structure is limited to 20 feet in height. This however is not clearly stated in the application and requires making assumptions and estimates from the information provided.

While not clearly specifying exactly what variances are being requested the application also does not provide a description of how requiring a dwelling to meet current standards will result in undue hardship as has been decided by Maine Courts. Not being able to have what you used to have because of an unfortunate set of circumstances does not meet the standard for finding undue hardship. The information provided in the application could be interpreted as the appellants requesting a variance from the 18-month limit on obtaining a permit to reconstruct under Ordinance Section 12 C. 3. Since the 18-month limit does not involve dimensional requirements a variance request should not be granted per Ordinance Section 16 H.2.

To be clear the Department is not finding the parcel is currently unbuildable. Rather the Department is requesting that any proposed dwelling undergo required reviews and meet applicable standards. If after review it is determined a setback variance is required, the Department would not be opposed to it as long as it met all applicable review criteria. If other dimensional variances are required, the Department would like the opportunity to review them on their merits and not have to speculate about what variance is being requested and why it is being requested.

Based on these considerations, the Department recommends that the Board deny the variance application on the basis that the applicant has not submitted a complete application and has not described any of the criteria required for the Board to find undue hardship. Thank you in advance for thoughtfully considering the Department's comments. Please contact me if you have any questions or seek further clarification in this matter. I may be reached by telephone at (207) 615-7044 or return email at [Jeffrey.C.Kalinich@maine.gov](mailto:Jeffrey.C.Kalinich@maine.gov).

Sincerely,



Jeffrey Kalinich  
Assistant Shoreland Zoning Coordinator  
Bureau of Land Resources

cc: Scott Dvorak; Code Enforcement Officer  
File