

# BEDARD & BOBROW, PC

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November 29, 2023

Charles Patten, Chairman Kittery Port Authority

Re: Appeal of Langdon Island West Condominium Association HAND DELIVERED

## Dear Chairman Patten:

This appeal is scheduled for what should be a final hearing on Thursday, December 7, 2023. I wanted to write this letter just to put a fine point on what we believe is an agreement between Langdon Island West Condominium Association and abutter Donna McGarry, who I represent. Unfortunately Donna McGarry is in Florida next week and I am out of the country so neither of us can attend this meeting. Architect Brud Weger may be there to represent Donna's interests. However, I wanted to make sure that what the Port Authority was approving was in line with our agreement.

I attach a letter by Donna McGarry (she is surviving joint tenant as her husband Edward "Ted" McGarry is deceased) for the Maine DEP. I attach the plans on which this signed letter is based. The key parts of this agreement are that the cleats will be removed from the side of the dock and a handrail installed so that this side of the dock will not be used for docking or parking boats. Also, regarding the length of any boat, the parties have agreed that no vessel shall project more than 1 foot beyond the existing northerly float and proposed finger floats, inclusive of boat, motor, anchor, pulpits or other appurtenances, as depicted on the plans for Langdon Island Condominium by Ambit Engineering, both plans dated October 30, 2023 and identified as C2 and C3. I believe this is what is proposed for you to approve on December 7, 2023, but I want to make certain this detail makes it into the final approval by the Town of Kittery Port Authority.

I appreciate your consideration in making sure these details are in the final approval. Thank you for your time and consideration and the Board's time and consideration.

VERY TRULY YOURS:

PATRICK S. BEDARD

Cc: Greg Braun, Esq. Donna McGarry

Maine Department of Environmental Services Southern Maine Regional Office 312 Canco Road Portland, ME 04103

RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application, Kittery Port Authority Application and USACOE Authorization for modification/expansion of an existing tidal docking structure for Langdon Island West Condominium Association, 9 Badgers Island West, Kittery, ME.

This letter is to inform the Maine Department of Environmental Protection (DEP), The Kittery Port Authority (KPA) and the US Army Corp of Engineers (USACOE) in accordance with State Law that our abutter, Langdon Island West Condominium Association, has shown us plans dated October 30, 2023 depicting the proposed tidal docking structure modification/expansion on their property (Tax Map 1, Lot 23) prepared by Ambit Engineering, Inc. We are aware of the proposed tidal docking structure, the proposed structures proximity to our existing tidal docking structure and we have no objection to Langdon Island West Condominium Association constructing their dock modification/expansion as presented on the above referenced plans.

This concurrence letter is executed and provided based upon the following understanding:

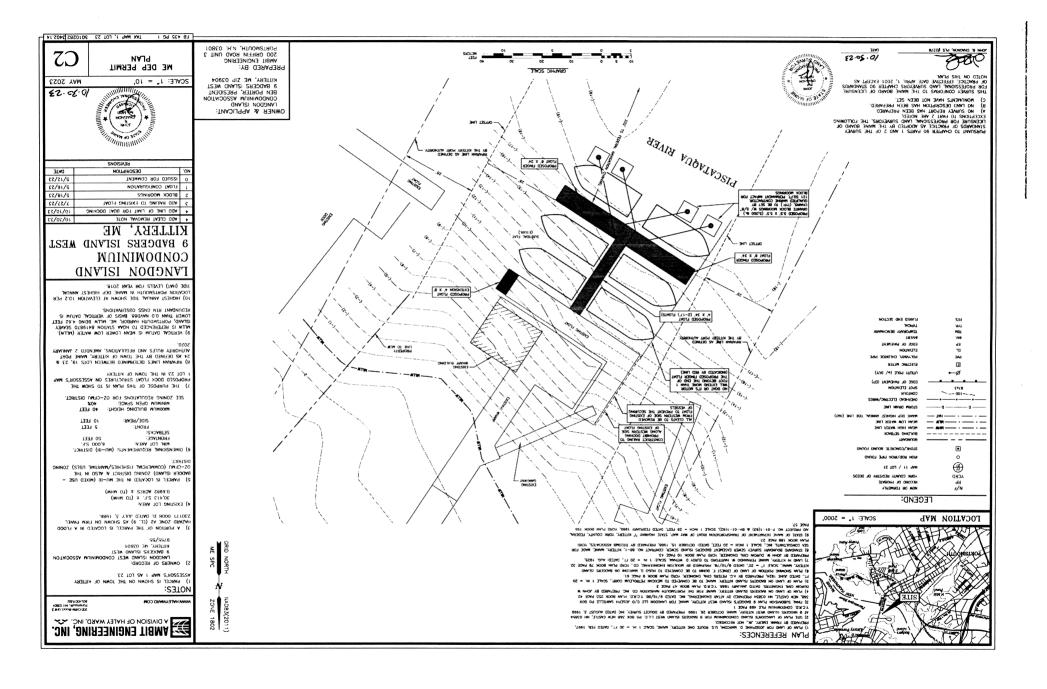
- 1. That as part of the above referenced plan, a handrail/barrier will be installed along the exterior edge of the proposed float extension as identified by the plan; and,
- 2. No cleats shall be installed upon the exterior edge of the proposed float extension; and,
- 3. The length of any boat, inclusive of motor, berthed on the proposed tidal dock structure may not exceed twenty-five (25') feet.

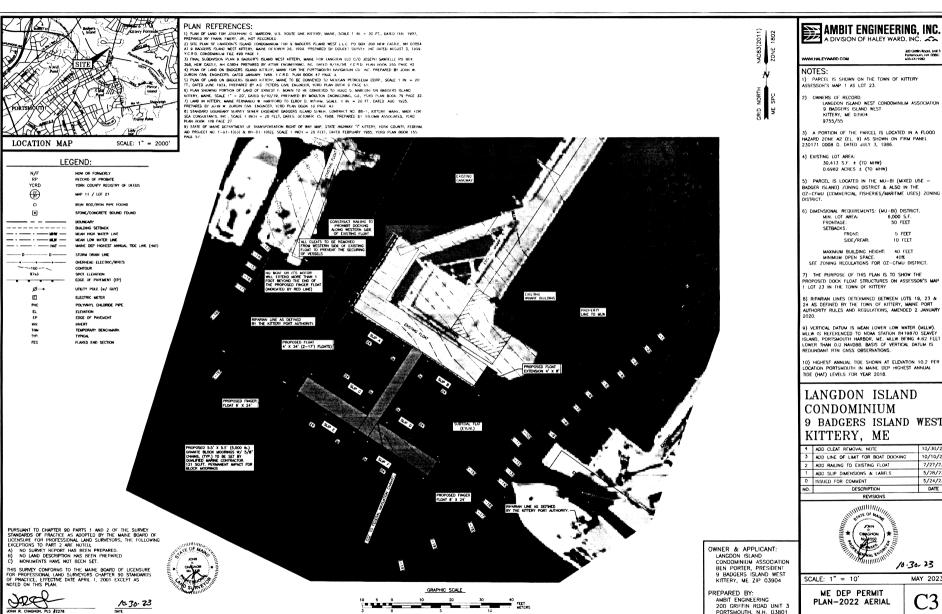
In accordance with DEP rules, we hereby sign this letter to indicate our acceptance of the proposed tidal docking structure modification/expansion in close proximity to out tidal docking structure.

Edward L. McGarry Donna McGarry 11 Badgers Island West Kittery, ME 03904 Tax Map 1, Lot 24

Printed Name &

TitleC:\Users\psbedlaw\AppData\Local\Microsoft\Windows\IN (Gache\Content.Outlook\WM2CI4WP\McGarry Concurrence Letter 101723 (GPB Amendments)(10.29.2023).docx





AMBIT ENGINEERING, INC.

A PORTION OF THE PARCEL IS LOCATED IN A FLOOD HAZARD ZONE AZ (EL. 9) AS SHOWN ON FIRM PANEL 230171 0008 D. DATED JULY 3, 1986.

30,413 S.F. ± (TO MHW) 0.6982 ACRES ± (TO MHW)

BADGER ISLAND) ZONING DISTRICT & ALSO IN THE OZ-CFMU (COMMERCIAL FISHERIES/MARITIME USES) ZONING DISTRICT.

6) DIMENSIONAL REQUIREMENTS: (MU-BI) DISTRICT. 50 FEET

10 FEET

MAXIMUM BUILDING HEIGHT: 40 FEET

8) RIPARIAN LINES DETERMINED BETWEEN LOTS 19, 23 & 24 AS DEFINED BY THE TOWN OF KITTERY, MAINE PORT AUTHORITY RULES AND REGULATIONS, AMENDED 2 JANUARY 2020.

9) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW IS REFERENCED TO NOAS STATION BEIBBOY SEAVEY SILAND, PORTISAUDTH HARBORN, ME, MILIN BERNG 4-62 FEET LOWER THAN 0.0 NAVDBB. BASIS OF VERTICAL DATUM IS REDUNDANT RIN ONSO OBSENVATIONS.

10) HIGHEST ANNUAL TIDE SHOWN AT ELEVATION 10.2 PER LOCATION PORTSMOUTH IN MAINE DEP HIGHEST ANNUAL.

#### LANGDON ISLAND CONDOMINIUM 9 BADGERS ISLAND WEST KITTERY, ME

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	5/24/23
1	ADD SLIP DIMENSIONS & LABELS	5/28/23
2	ADD RAILING TO EXISTING FLOAT	7/27/23
3	ADD LINE OF LIMIT FOR BOAT DOCKING	10/10/23
4	ADD CLEAT REMOVAL NOTE	10/30/23

REVISIONS



MAY 2023

PLAN-2022 AERIAL

FB 435 PG 1 TAX MAP 1, LOT 23 5010282 3402.14

# Patrick S. Bedard

From:

Brud Weger < bweger1950@gmail.com>

Sent:

Wednesday, November 29, 2023 12:16 PM

To:

Patrick S. Bedard

**Subject:** 

Re: Kittery Port Authority

## Pat -

I believe wording regarding boat length might better be:

"no vessel shall project more than 1 foot beyond the existing northerly float and proposed finger floats, inclusive of boat, motor, anchor, pulpits or other appurtenances, as depicted on...." the engineer's plan, you might cite the date and number thereof.

This because there is, of necessity, some latitude required for boat tie-up, etc. - a boat could measure 25' in length and still be an "impediment to navigation" for Donna's slip renters.

# Architect J. Brud Weger

Development Planning / Architecture / Engineering / Project Management 74 Seabury Road, York, Maine 03909 207.363.1141 bweger1950@gmail.com

On Wed, Nov 29, 2023 at 11:46 AM Patrick S. Bedard psbedlaw@bedardbobrow.com> wrote:
Dear Donna:

I attach a letter and exhibits I propose to send out and hand deliver tomorrow, my last day of work until December 11th. Let me know if you have edits. Otherwise, I will get this by e-mail and hand delivered so your final position is clear to the Board.

Pat

207-439-4502