

**Town of Kittery
Planning Board Meeting
August 10, 2023**

ITEM 1 – 79 Tower Road– Shoreland Development Plan Review

Action: Accept or deny application. Approve or deny plan: Pursuant to §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, Duncan Mellor, on behalf of owner/applicants Linda K Gingras Rev. Trust, request approval for the replacement-in-kind of an existing seawall and stone steps located on the property of 79 Tower Road, Tax Map 58. Lot 44, in the Residential-Rural Conservation (R-RC) and Shoreland Overlay (OZ-SL-250’) zones.

PROCESS SUMMARY

REQUIRED	ACTION	COMMENTS	STATUS
Yes	Staff Review	August 3 rd , 2023	Pending
No	Site Visit	Optional	Optional
No	Public Hearing	Optional	Optional
Yes	Final Plan Review	TBD	TBD

PROJECT INTRODUCTION

79 Tower Road is located on the eastern shore of Gerrish Island within the Residential Rural Conservation (R-RC) and Shoreland Overlay (OZ-SL-250’) Zones, with the shoreline of the lot partially located in the Resource Protection (OZ-RP) Zone. The property is a legally non-conforming lot of 25,969 sq ft containing a single-family dwelling and a non-conforming seawall of 74 sq ft located 40’ from the highest astronomical tide (HAT) line, in between a landscaped yard and the shoreline located on the lot. A small stone stairway built within the seawall provides access to the shoreline.

The plan proposes to repair the seawall and attached stone steps, which were damaged by a recent storm. The project will be a replacement-in-kind, maintaining the dimensions, footprint, and setback of the existing seawall, with the stone steps repaired in the same location and dimensions as needed. To conform to DEP standards, the replacement seawall will not increase the height, length, or thickness of the seawall.

Per §16.7.3.A.(1), Planning Board review of the proposal is required due to the seawall’s proximity within the Shoreland Overlay Zone. The seawall is within the 100’ shoreland setback, and within a flood hazard area subject to erosion from adjacent tidal waters. Any proposed development must maintain or reduce non-conformance to setback and devegetation requirements.

APPLICATION & PLAN REVIEW

Staff reviewed the submitted application and plan and have the following comments:

1. The applicant has provided an approved permit from Maine DEP. Army Corps of Engineer approval is not required as the project is entirely above the HAT line.
2. As the proposed seawall is completely above the HAT line, port authority approval is not required prior to planning board approval.
 - a. There is a note on the site plan titled “Kittery Port Authority Jurisdiction: 100’ from NHW). Per KPA bylaws and §16.9.1.B.(1), KPA jurisdiction is only applicable for review of

38 certain water-dependent uses that are below the HAT line. The seawall is completely above
39 the HAT line and is only within the purview of the planning board.

40 3. The Shoreland Overlay Zone Ordinance §16.4.28.E.(3).(a). requires new principal and accessory
41 structures to be set back at least 100 feet, horizontal distance, from the normal HAT line of any
42 water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a
43 freshwater wetlands. The seawall and stone steps are located 40 feet from the HAT line; as this is
44 a replacement-in-kind, the development will be rebuilt in the same location and maintain the current
45 setback.

46 4. §16.4.28.E.(2). allows 20% of total lot area in the shoreland zoning overlay to be comprised of
47 non-vegetated surfaces or structures. With a lot size of 25,969 sq ft, current devegetation sits at
48 7,008, or 25.99%. The property is a legally non-conforming lot, and the proposed plan will maintain
49 the current devegetation of the lot.

50 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

51 The seawall is an existing non-conforming structure. The proposed replacement-in-kind does not appear to
52 increase the nonconformance of the lot, and repairs would improve the safety of both the property and its
53 residents. Staff suggest acceptance of the plan and allowing the application to move to final plan approval
54 and meet all other permitting requirements. The Planning Board should discuss the plan and determine if it
55 meets the requirements to accept the plan, and/or direct the applicant to make any changes that are
56 necessary.

57 **RECOMMENDED MOTIONS**

58 Below are motions for the Planning Board’s consideration:

59 ***Motion to accept the application***

60 Move to accept the plan for a shoreland development application from owner/applicants Linda K Gingras
61 Rev. Trust and agent Duncan Mellor requesting approval for the replacement in kind of an existing seawall
62 and stone steps located on the property of 79 Tower Road, Tax Map 58. Lot 44, in the Residential-Rural
63 Conservation (R-RC) and Shoreland Overlay (OZ-SL-250’) Zones.

64 ***Motion to approve the application***

65 Move to approve the plan for a shoreland development application from owner/applicants Linda K Gingras
66 Rev. Trust and agent Duncan Mellor requesting approval for the replacement in kind of an existing seawall
67 and stone steps located on the property of 79 Tower Road, Tax Map 58. Lot 44, in the Residential-Rural
68 Conservation (R-RC) and Shoreland Overlay (OZ-SL-250’) Zones.

**DRAFT
M 58 L 44**

**Kittery Planning Board
Findings of Fact
For 79 Tower Road
Shoreland Development Plan Review**

WHEREAS: Agent Duncan Mellor, on behalf of owner/applicants Linda K Gingras Rev. Trust, request approval for the replacement-in-kind of an existing seawall and stone steps located on the property of 79 Tower Road, Tax Map 58. Lot 44, in the Residential-Rural Conservation (R-RC) and Shoreland Overlay (OZ-SL-250') zones.

Pursuant to the Plan Review meetings conducted by the Planning Board as noted in the plan review notes prepared for 8/10/2023.

Shoreland Development Plan Staff Review	August 10 th 2023
Site Walk	None
Public Hearing	None
Approval	August 10 th 2023

Pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"):

1. Shoreland development plan application received 7/17/2023 from Duncan Mellor of Civilworks New England.

NOW THEREFORE, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.4 LAND USE ZONE REGULATIONS

16.4.28.E. Shoreland Overlay Zone

(2) The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones:

Finding: The property is legally non-conforming with a devegetated area of 25.99%. The proposed plan will not increase current devegetation.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

Chapter 9 MARITIME AND SHORELAND RELATED DEEVELOPMENT

Article III Planning Board Shoreland Development Review

16.9.3.F. Findings of Fact

(2) An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

<p><i>(a) Maintain safe and healthful conditions:</i></p> <p><u>Finding:</u> Repairing the damaged seawall and steps would improve safety of the lot and its residents.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(b) Not result in water pollution, erosion or sedimentation to surface waters:</i></p> <p><u>Finding:</u> The proposed development as represented in the plans and application will reduce the risk of water pollution, and best practices for erosion and sedimentation will be observed in development.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(c) Adequately provide for the disposal of all wastewater:</i></p> <p><u>Finding:</u> The proposed development would not produce wastewater or affect current disposal systems on the lot.</p> <p><u>Conclusion:</u> This requirement does not appear applicable.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(d) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat:</i></p> <p><u>Finding:</u> The proposed development as represented in the plans appears to reduce the risk of adverse impact on nearby natural resources.</p> <p><u>Conclusion:</u> The requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(e) Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters:</i></p> <p><u>Finding:</u> Shore cover is conserved in accordance with the Code. There are no adverse impacts to visual or actual points of access to water.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(f) Protect archaeological and historic resources:</i></p> <p><u>Finding:</u> There appear to be neither archaeological nor historic resources impacted.</p> <p><u>Conclusion:</u> This requirement does not appear applicable.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(g) Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district:</i></p> <p><u>Finding:</u> The property is not located in the Commercial Fisheries / Maritime Use Zone and will have no adverse effect on commercial fishing nor maritime activities.</p>

<p><u>Conclusion:</u> This requirement is not applicable.</p>
<p>Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(h) Avoid problems associated with floodplain development and use:</i></p>
<p><u>Finding:</u> The proposed development will meet DEP and Town standards to avoid adverse impact while repairing the seawall.</p>
<p><u>Conclusion:</u> This requirement appears to be met.</p>
<p>Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(i) Is in conformance with the provisions of this code:</i></p>
<p><u>Finding:</u> The proposed project is an existing non-conforming system, and proposed improvements will improve the property's conformity to the provisions of Title 16.</p>
<p><u>Conclusion:</u> This requirement appears to be met.</p>
<p>Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(j) Be recorded with the York County Registry of Deeds:</i></p>
<p><u>Finding:</u> A plan suitable for recording once the Surveyor's stamp is added has been prepared by Civilworks New England.</p>
<p><u>Conclusion:</u> As stated in the Notices to Applicant contained herein, a Shoreland Development Plan must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.</p>
<p>Vote: ___ in favor ___ against ___ abstaining</p>

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 33 Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review
 34 standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan
 35 Application subject to any conditions or waivers, as follows:

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 37 **Waivers:** None

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 39 **Conditions of Approval** (to be depicted on final plan to be recorded):

- 40
 41 1. No changes, erasures, modifications or revisions may be made to any Planning Board approved
 42 final plan per Title 16.9.3.I.
 43 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated
 44 with site and construction to ensure adequate erosion control and slope stabilization.
 45 3. All Notices to Applicant contained herein (Findings of Fact dated 8/10/2023).

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 47
 48 **Conditions of Approval** (not to be depicted on final plan):

- 49 1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer
 50 Review Engineer, and submit for Staff review prior to presentation on final plan.
 51 2. Surveyor's stamp must be on the final plan.

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Notices to Applicant:

1. Incorporate any plan revisions on the final plan as required by Planning Board and submit for Staff review prior to presentation of final plan.

2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.

3. One (1) copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a copy of the signed and recorded original must be submitted to the Town Planning Department.

4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

5. Prior to construction, applicant shall obtain any and all permits required by the code enforcement office to complete proposed work.

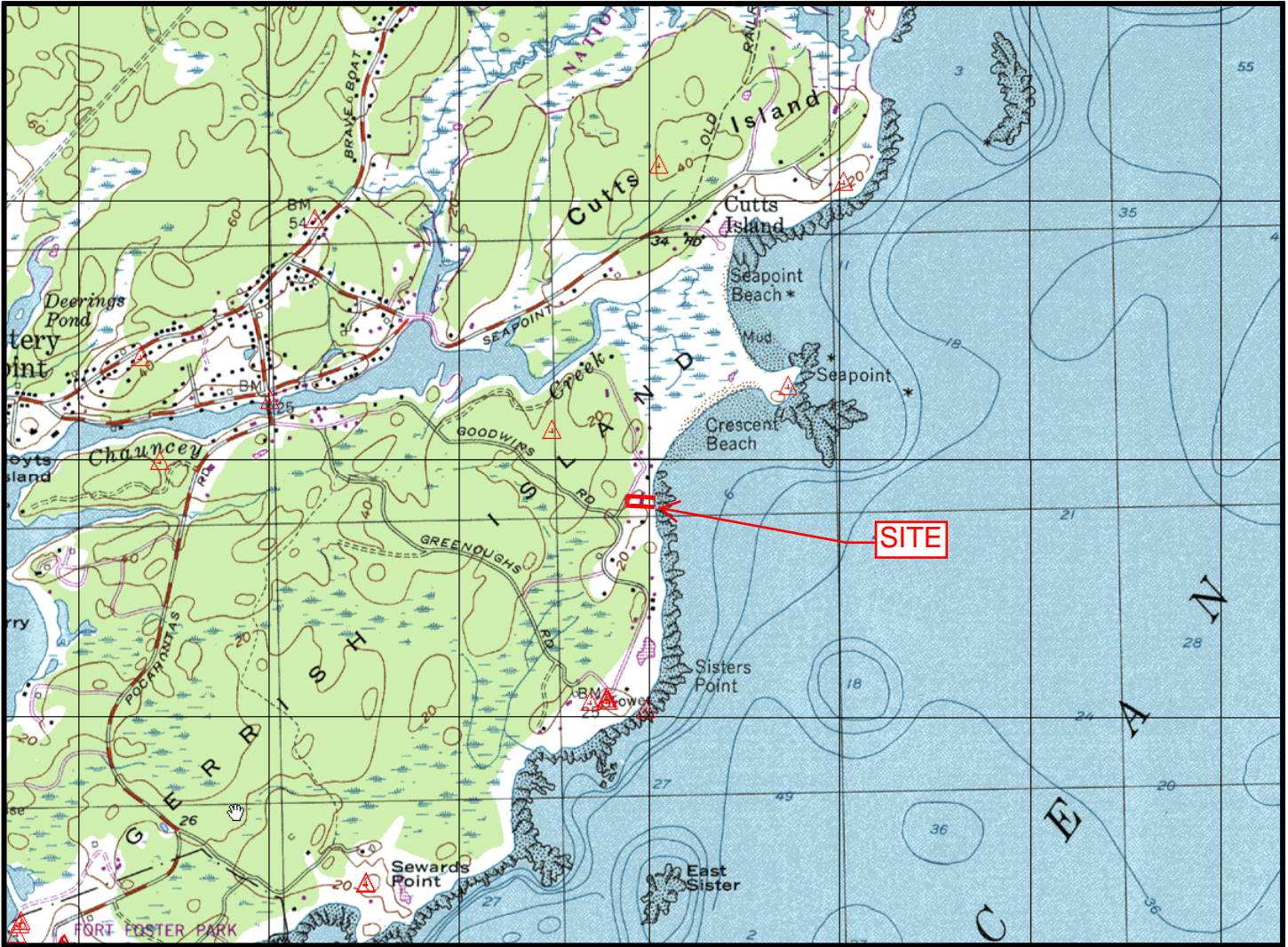
The Planning Board authorizes the Planning Board Chair or Vice chair to sign the Final Plan and the Findings of Fact upon confirmation of required plan changes.

Vote: ___ in favor ___ against ___ abstaining

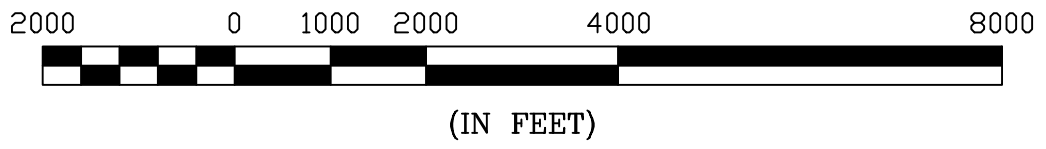
APPROVED BY THE KITTERY PLANNING BOARD ON _____

Dutch Dunkelberger, Planning Board Chair

Per Title 16.2.12. - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.



KITTERY, ME-NH
 1995
 NIMA 6870 II SW-SERIES V811



USGS MAP
 1"=2000'

SEAWALL REPAIR
LINDA K. GINGRAS REV TRUST
79 TOWER ROAD
KITTERY POINT, ME 03905

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
 181 Watson Road, PO Box 1166
 Dover, New Hampshire 03821
 603.749.0443

DATE: 3-10-23

PROJECT No. 23009
 FILE: 23009-USGS

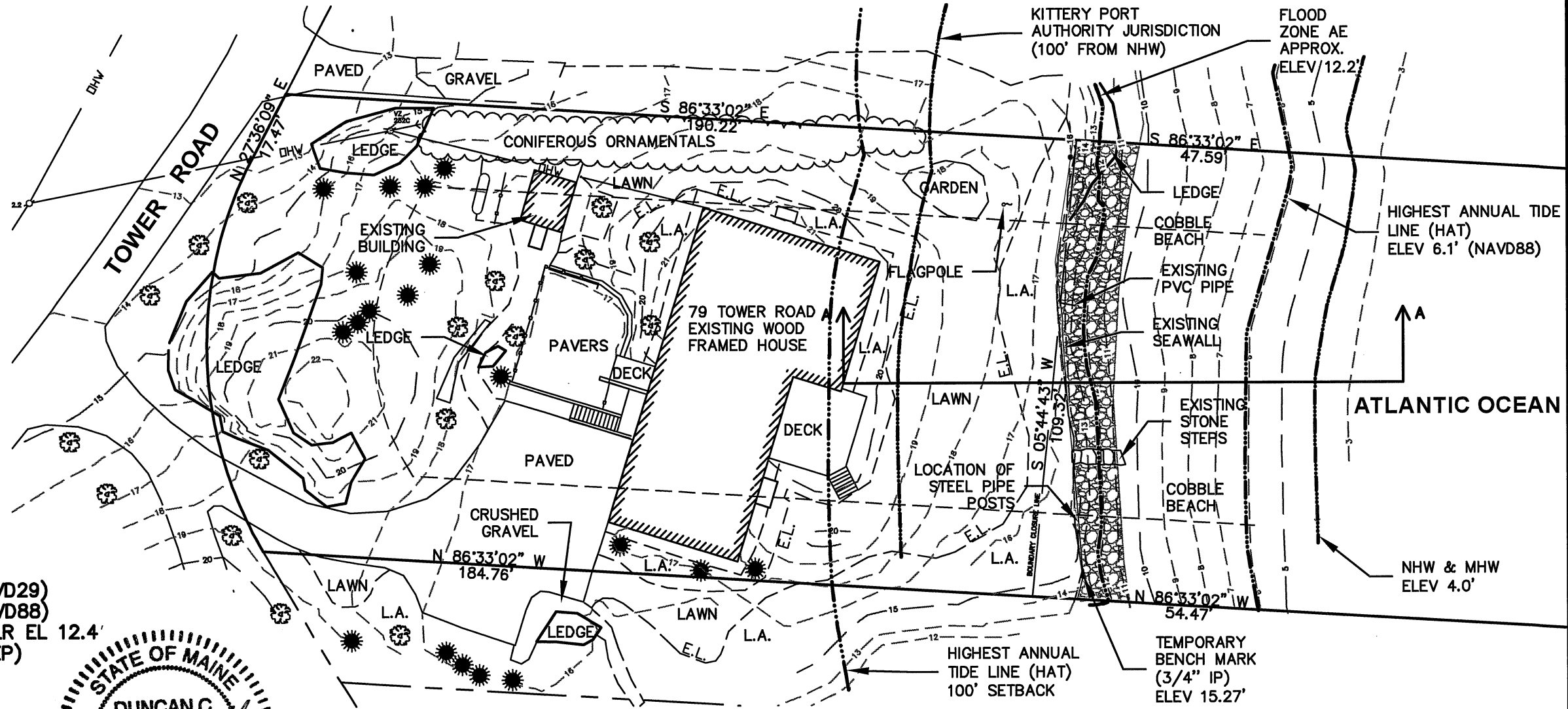
VICINITY MAP

REFERENCE DRAWING:

- EXISTING CONDITIONS PLAN OF LAND, DONALD E. AND LINDA K. GINGRAS, TAX MAP 58, LOT 44, 79 TOWER ROAD, KITTERY, NH, CIVIL CONSULTANTS, JULY 23, 2019. LOT AREA 26,894 SF ABOVE HOTL.

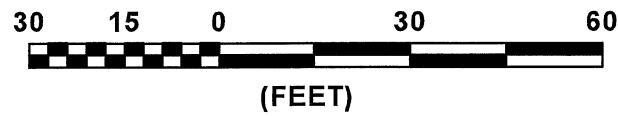
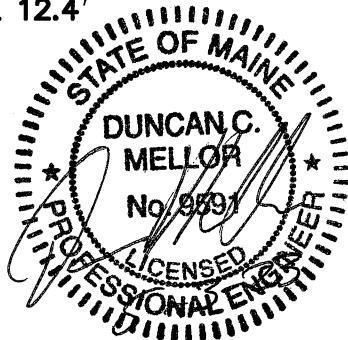
DRAWING NOTES:

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- MLLW EL -5.0'



EXISTING CONDIIONS PLAN

No.	Appd	Date

SEAWALL REPAIR TRUST
 LINDA K. GINGRAS REV TRUST
 79 TOWER ROAD
 KITTERY POINT, ME 03905

DESIGNED BY: GMS
 DRAWN BY: CAD
 APPROVED BY: DCM

CIVILWORKS NEW ENGLAND
 CIVIL & WATERFRONT ENGINEERS
 181 Watson Road, PO Box 1166
 Dover, New Hampshire 03821
 603.749.0443

DATE: 3-10-23
 SCALE: 1"=30'
 FILE NO: 23009

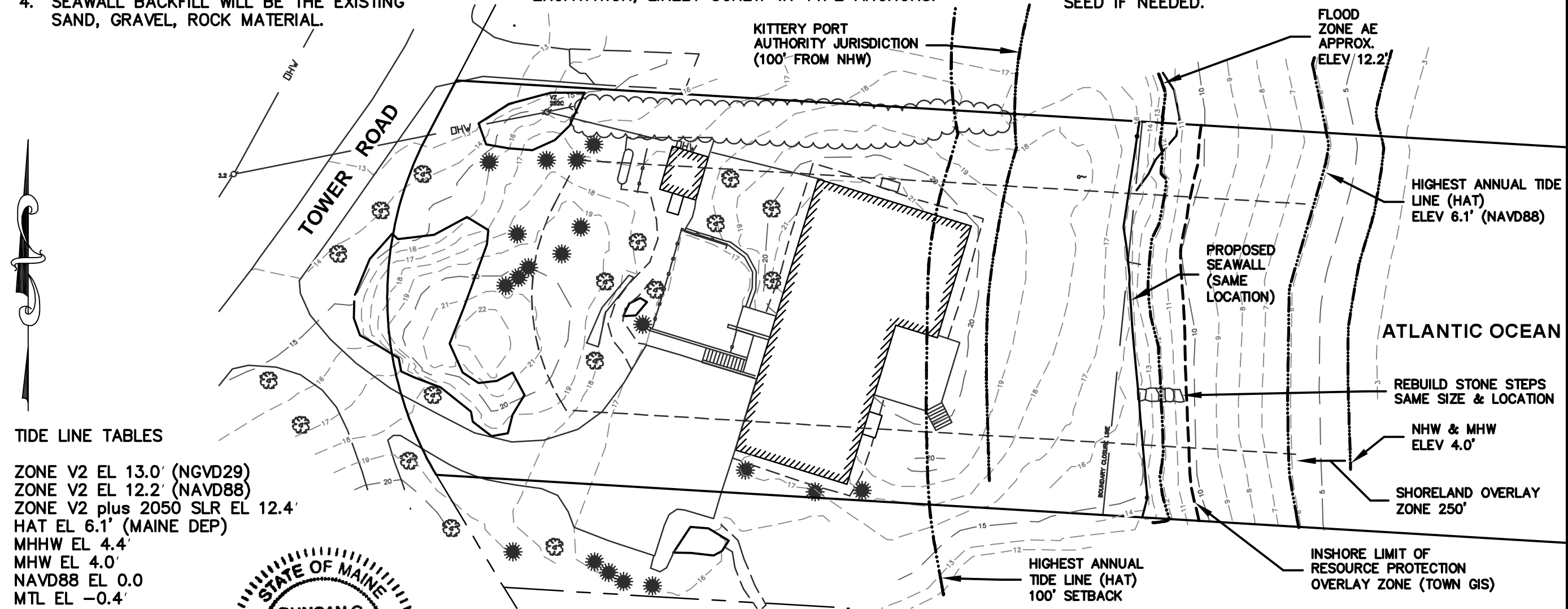
WF-1

TO CONFORM TO DEP NRPA CHAPTERS 305 AND 355 FOR REPLACEMENT OF AN EXISTING SEAWALL:

1. THE REPLACEMENT SEAWALL WILL NOT INCREASE HEIGHT, LENGTH OR THICKNESS DIMENSIONS FROM PRIOR SEAWALL.
2. THE EXISTING STONE STEPS AND PATHWAY WILL BE REPAIRED IN KIND IN THE SAME LOCATION AND DIMENSIONS AS NEEDED.
3. IF EXISTING DUNE GRASS IS DISTURBED IN WALL REPLACEMENT THE SOD WILL BE PRESERVED AND REPLANTED AS QUICKLY AS POSSIBLE.
4. SEAWALL BACKFILL WILL BE THE EXISTING SAND, GRAVEL, ROCK MATERIAL.

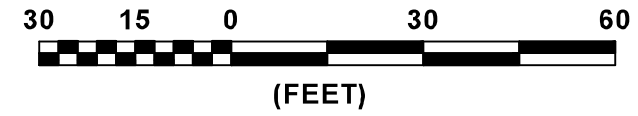
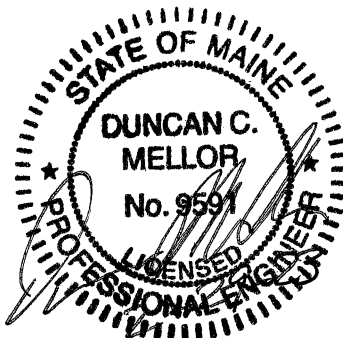
CONSTRUCTION SEQUENCE:

1. THE EXISTING SEAWALL WAS SEVERELY DAMAGED IN THE DECEMBER 23, 2022 COASTAL STORM AND WILL BE REPLACED IN THE SAME LOCATION, HEIGHT, LENGTH AND DEPTH DIMENSIONS. EXISTING WALL TIMBERS WILL BE REMOVED FOR LEGAL DISPOSAL.
2. THE EXISTING STEEL PIPE POSTS WILL BE REMOVED AND REPLACED TO A SIZE AND SPACING CONSISTENT WITH ENGINEERING ANALYSIS WITH EITHER ADEQUATE EMBEDMENT OR BOLTED TO SHALLOW OR EXPOSED BEDROCK AS DETAILED. TOP OF POST TIEBACKS ARE ANTICIPATED TO BE INSTALLED WITH MINIMAL EXCAVATION, LIKELY SCREW-IN TYPE ANCHORS.
3. THE WALL "LOGS" WILL BE EITHER 8" PRESSURE TREATED TIMBER OR 8" PRECAST CONCRETE, STACKED AND SECURED BEHIND THE REPLACEMENT POSTS. CONCRETE LEVELING SHIMMING IS ANTICIPATED UNDER LOGS BEARING OR IRREGULAR SURFACE BEDROCK.
4. SEAWALL BACKFILL WILL BE THE EXISTING SOIL MATERIALS. EXISTING COBBLE/BOULDERS MOVED FOR TOE OF WALL INSTALLATION WILL BE RESET AS THE REPLACEMENT WALL IS INSTALLED.
5. BEACH GRASS SOD THAT NEEDS TO BE REMOVED WILL BE STOCKPILED AND REUSED IN REPLANTING OVER THE BACKFILL, SUPPLEMENTED BY RESEEDING WITH EXISTING SEED IF NEEDED.



TIDE LINE TABLES

ZONE V2 EL 13.0' (NGVD29)
 ZONE V2 EL 12.2' (NAVD88)
 ZONE V2 plus 2050 SLR EL 12.4'
 HAT EL 6.1' (MAINE DEP)
 MHHW EL 4.4'
 MHW EL 4.0'
 NAVD88 EL 0.0
 MTL EL -0.4'
 MLW EL -4.7'
 MLLW EL -5.0'



DEVEGETATED AREA	EXISTING (SF)	PROPOSED (SF)
DRIVEWAY	1,960	1,960
DECK	579	579
STEPS, WALKWAY	561	561
RETAINING WALLS	78	78
SEAWALL	74	74
PAVEMENT, POOL	664	664
BUILDINGS	3,092	3,092
TOTAL	7,008	7,008
LOT SIZE	26,969	26,969 (TO HAT)
% DEVEGETATED	25.99%	25.99%

SITE PLAN

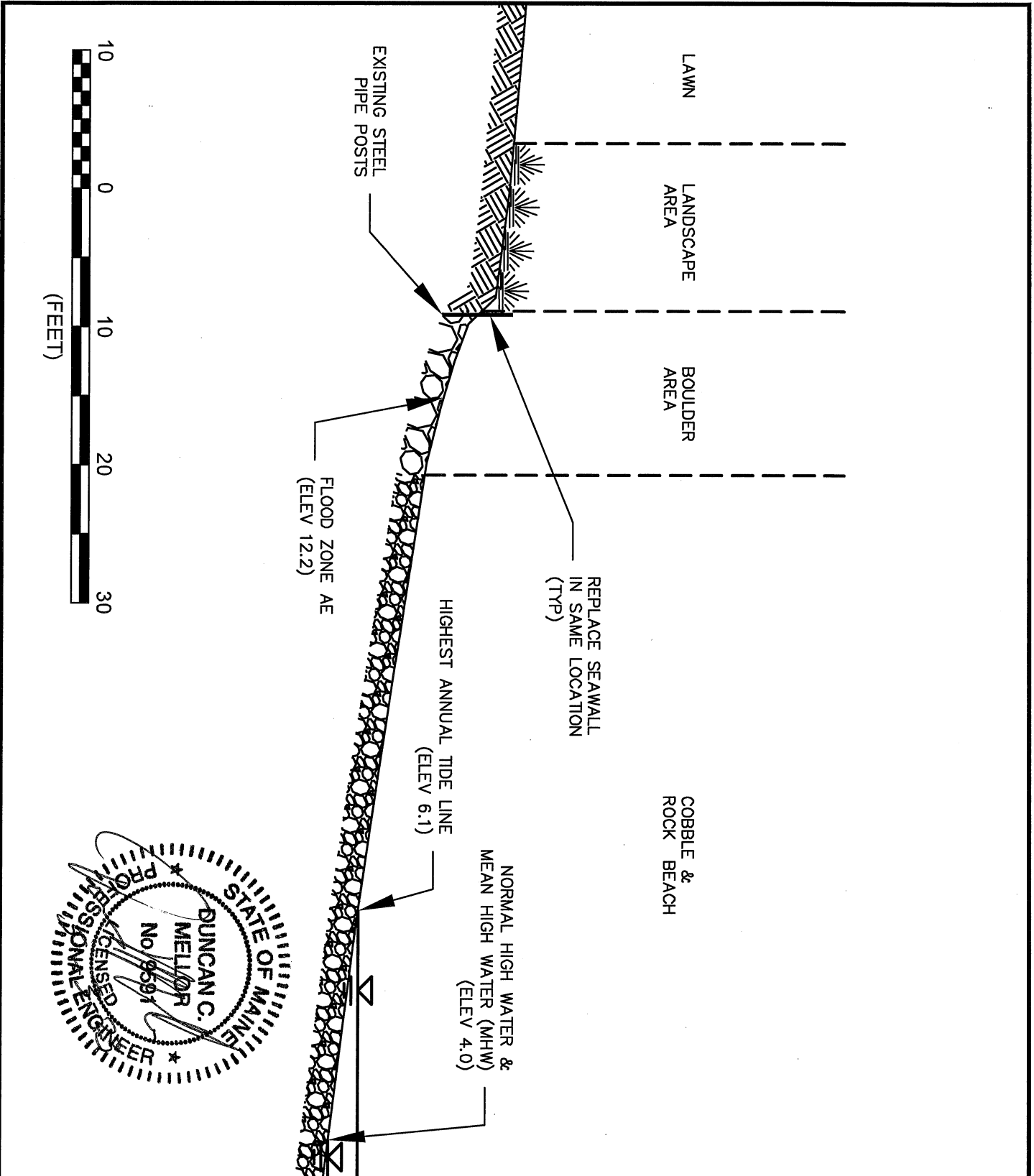
No.	Appd	Date

REVISIONS

SEAWALL REPAIR TRUST
LINDA K. GINGRAS REV TRUST
79 TOWER ROAD
KITTELY POINT, ME 03905

DESIGNED BY: GMS
 DRAWN BY: CAD
 APPROVED BY: DCM
 CIVILWORKS NEW ENGLAND
 181 Watson Road, PO Box 1166
 Dover, New Hampshire 03821
 603.749.0443

DATE: 6-29-23
 SCALE: 1"=30'
 FILE NO: 23009
WF-2



TYPICAL CROSS SECTION (A-A)

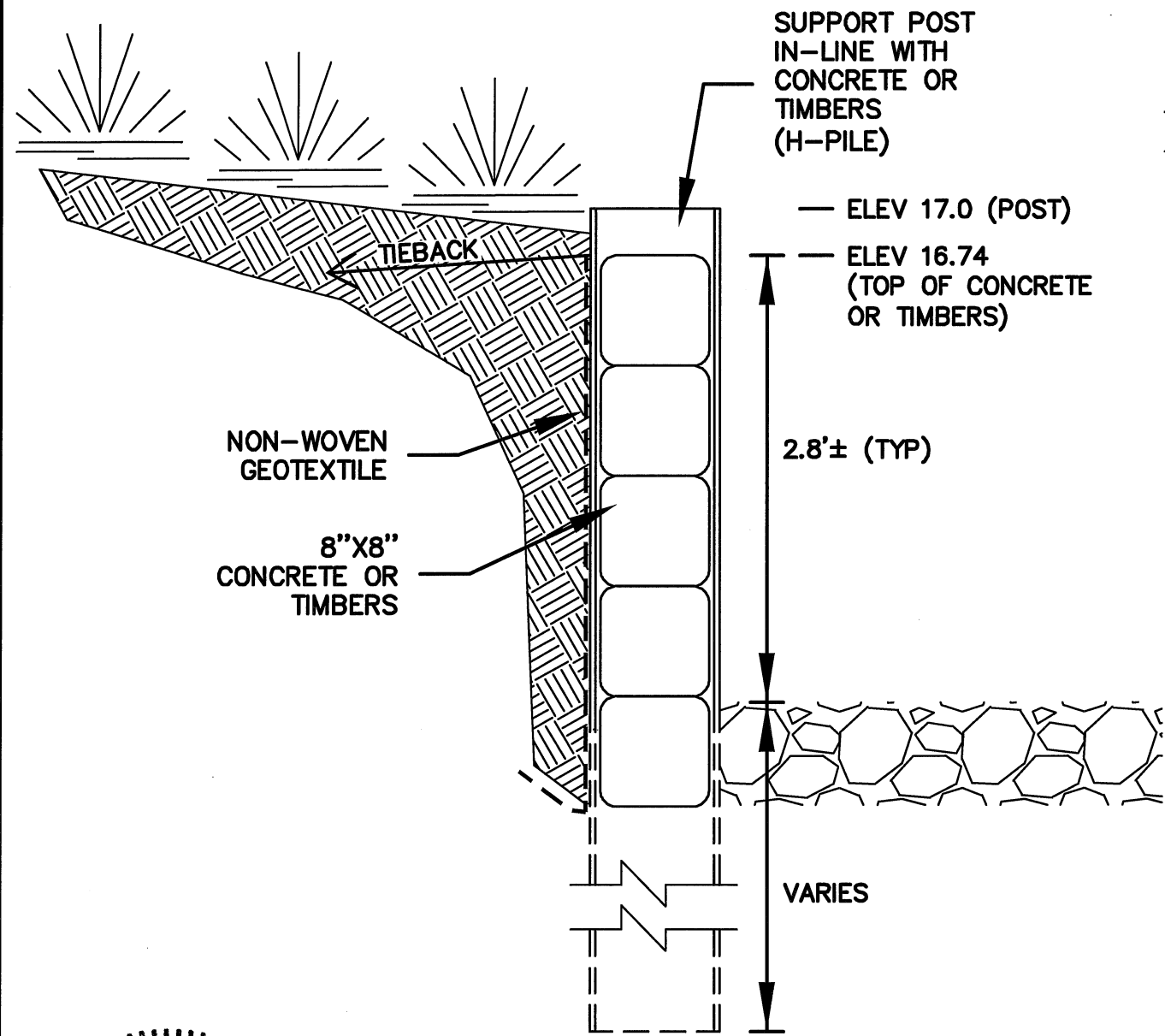
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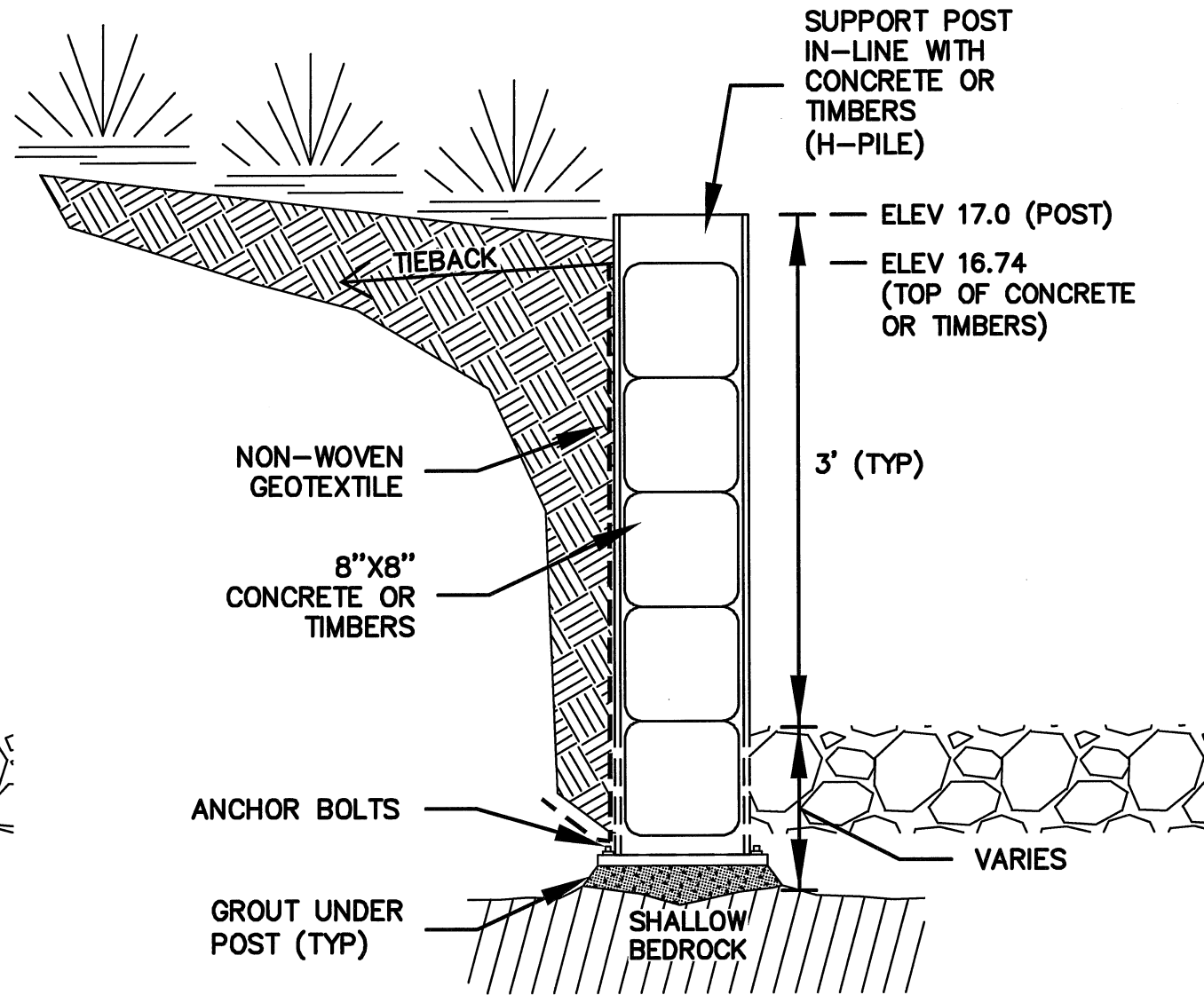
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PROJECT No. 23009
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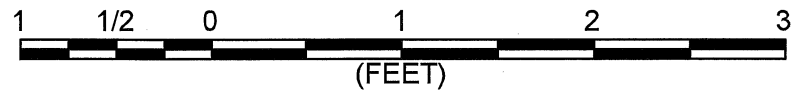
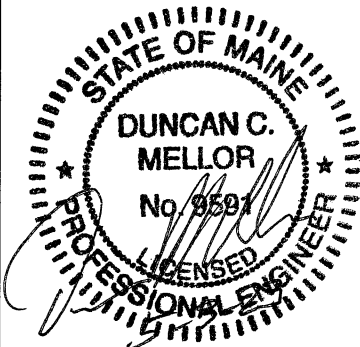
WF-3



PROPOSED SEAWALL DETAIL



PROPOSED SEAWALL ON SHALLOW BEDROCK
DETAIL



DETAILS

No.	Appd	Date

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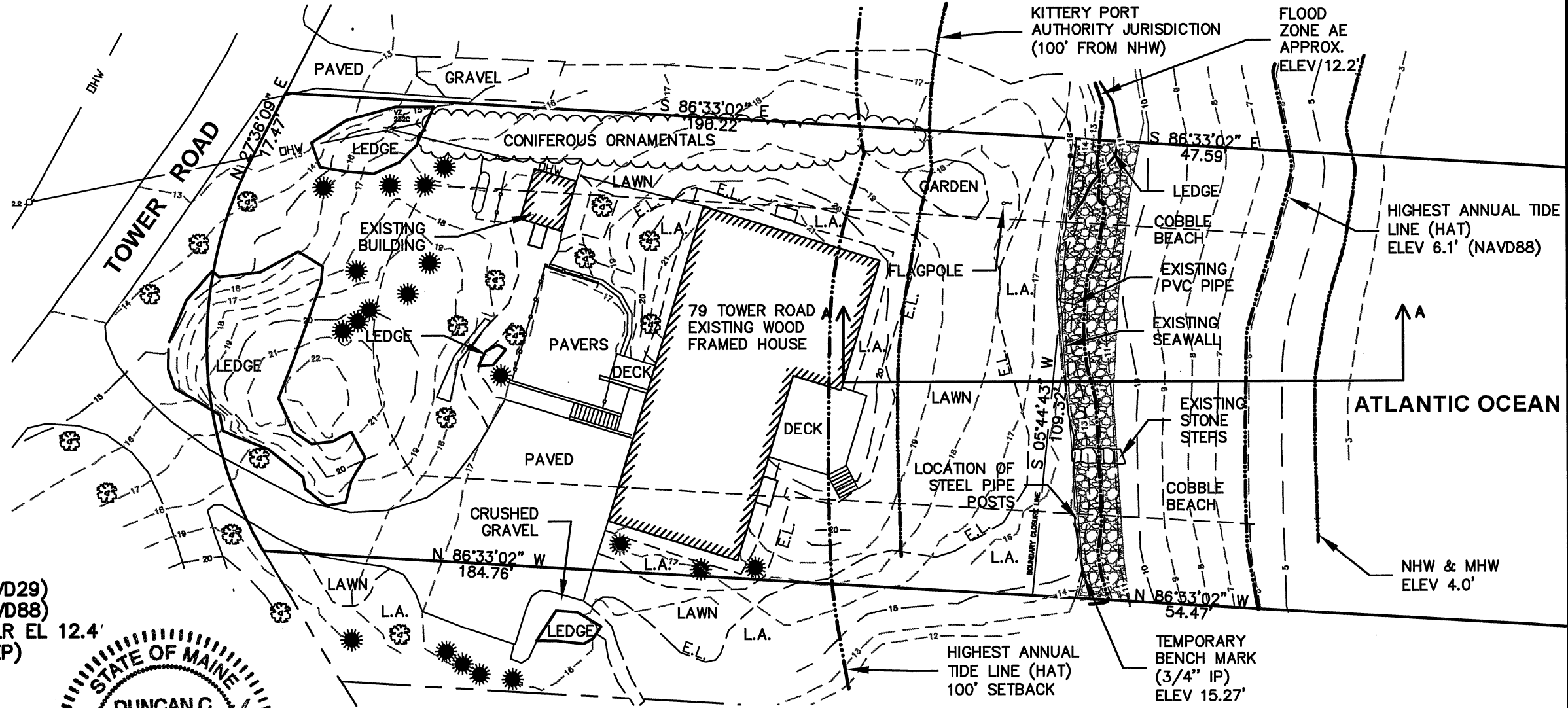
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FILE NO: 23009	APPROVED BY: DCM
CIVILWORKS NEW ENGLAND <small>CIVIL & WATERFRONT ENGINEERS</small> 181 Watson Road, PO Box 1166 Dover, New Hampshire 03821 603.749.0443	
WF-4	

REFERENCE DRAWING:

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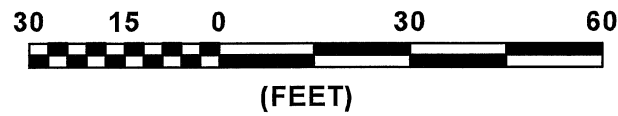
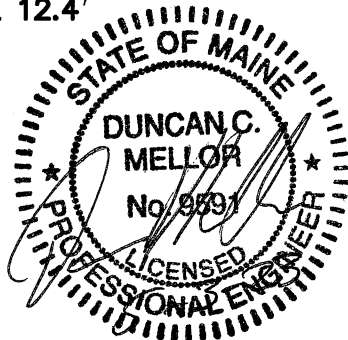
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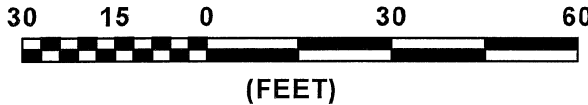
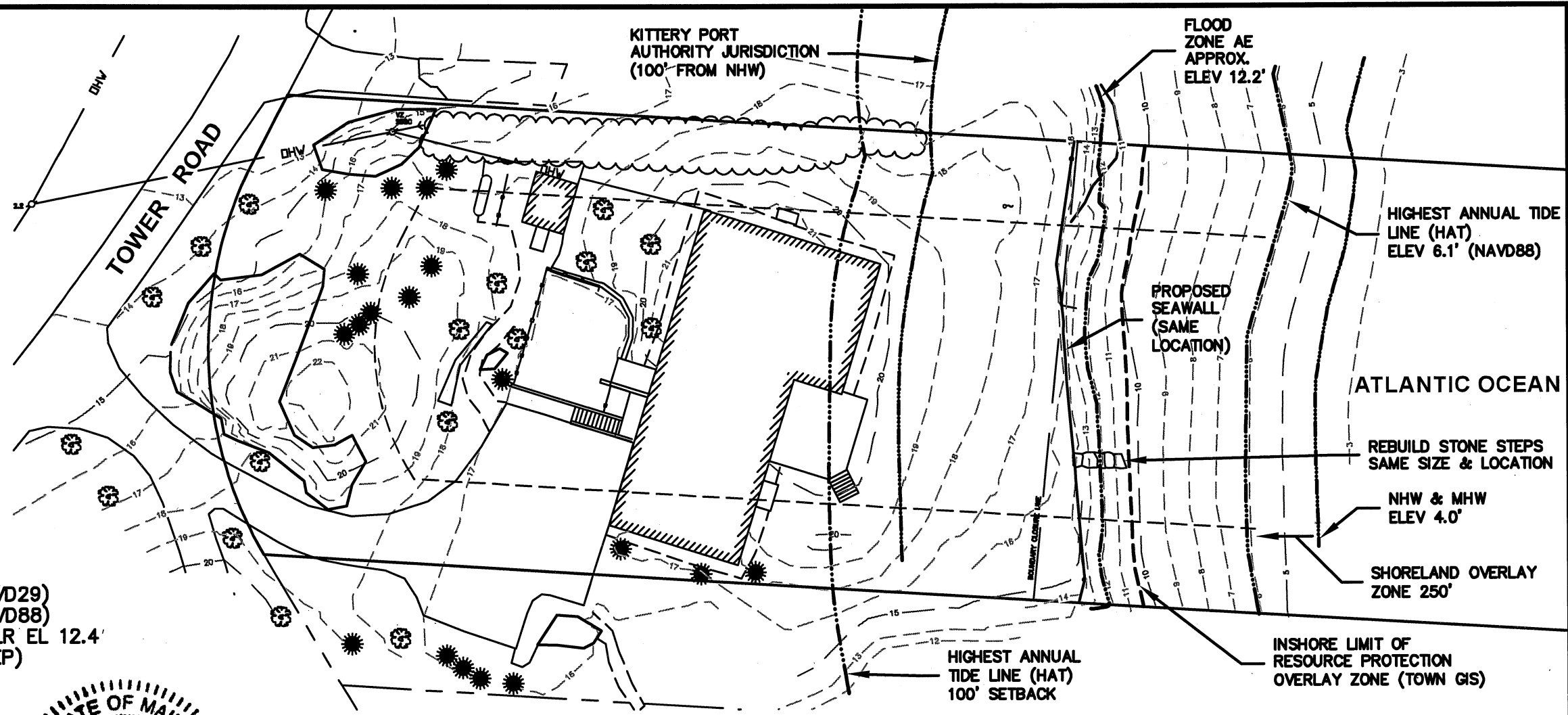
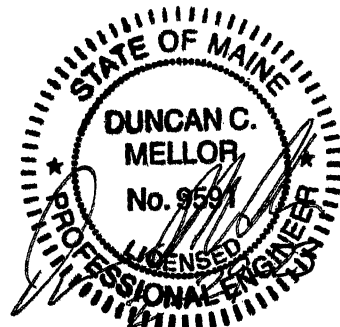
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 MLW EL -4.7'
 MLLW EL -5.0'



DEVEGETATED AREA		
	EXISTING (SF)	PROPOSED (SF)
DRIVEWAY	1,960	1,960
DECK	579	579
STEPS, WALKWAY	561	561
RETAINING WALLS	78	78
SEAWALL	74	74
PAVEMENT, POOL	664	664
BUILDINGS	3,092	3,092
TOTAL	7,008	7,008
LOT SIZE	26,969	26,969 (TO HAT)
% DEVEGETATED	25.99%	25.99%

YORK,ss REGISTRY OF DEEDS

Received _____

at _____ h _____ m _____ M., and

Filed in Plan Book _____ Page _____

ATTEST:

_____ Register

Kittery, Maine – Planning Board Approval

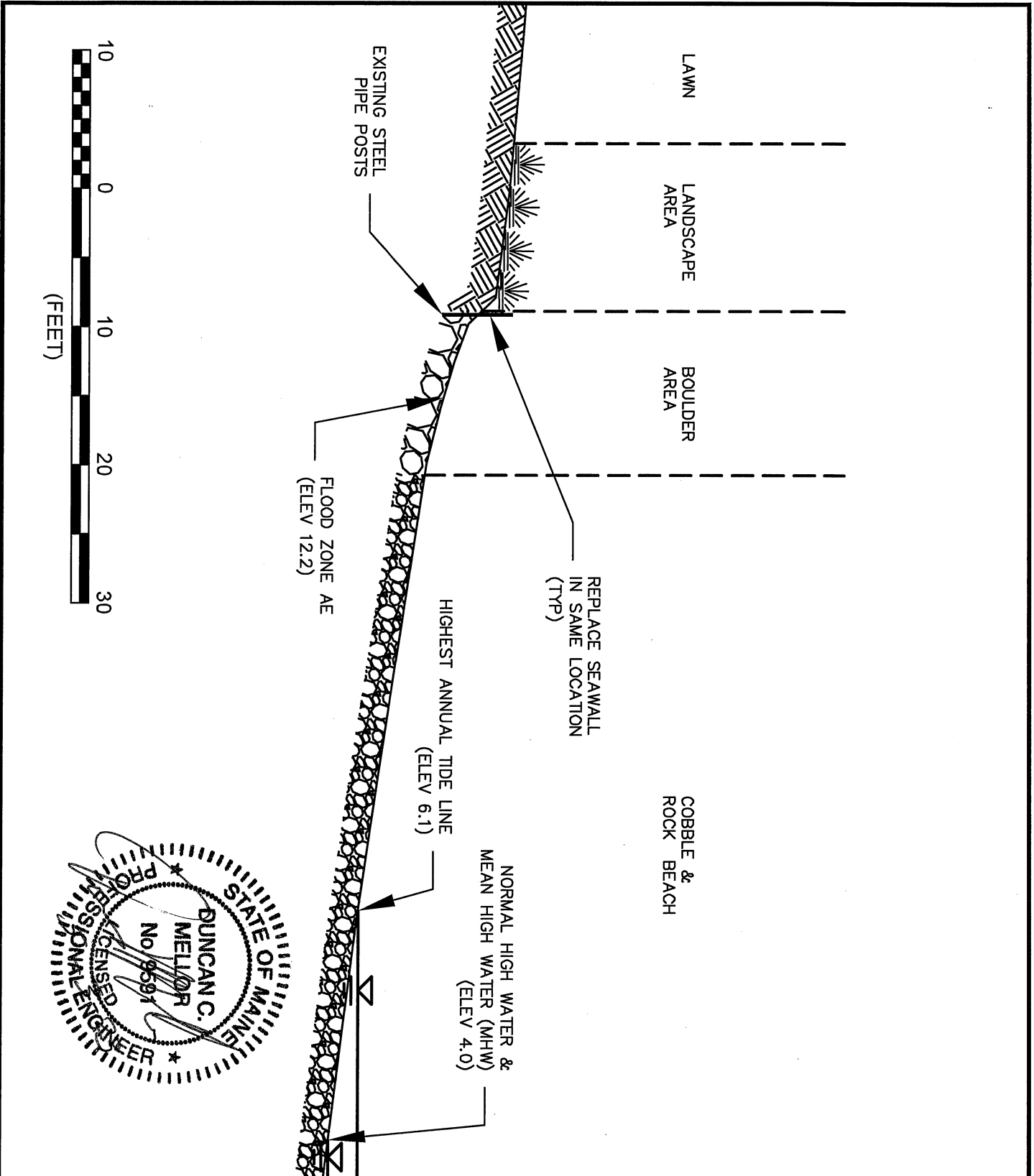
Date of Approval _____

Chairperson _____ Date _____

- LOT NOTES:**
- MAP 58, LOT 44, 26,969 SF TO HAT (2023).
 - ZONE R-RC, SHORELAND PROT. OVERLAY ZONE.

SHORELAND DEVELOPMENT PLAN

SEAWALL REPAIR TRUST LINDA K. GINGRAS REV TRUST 79 TOWER ROAD KITTERY POINT, ME 03905		No. _____ Appd _____ Date _____ REVISIONS
DATE: 6-29-23 SCALE: 1"=30' FILE NO: 23009	DESIGNED BY: GMS DRAWN BY: CAD APPROVED BY: DCM	CIVILWORKS NEW ENGLAND <small>CIVIL & WATERFRONT ENGINEERING</small> 181 Watson Road, PO Box 1166 Dover, New Hampshire 03821 603.749.0443
WF-2		



TYPICAL CROSS SECTION (A-A)

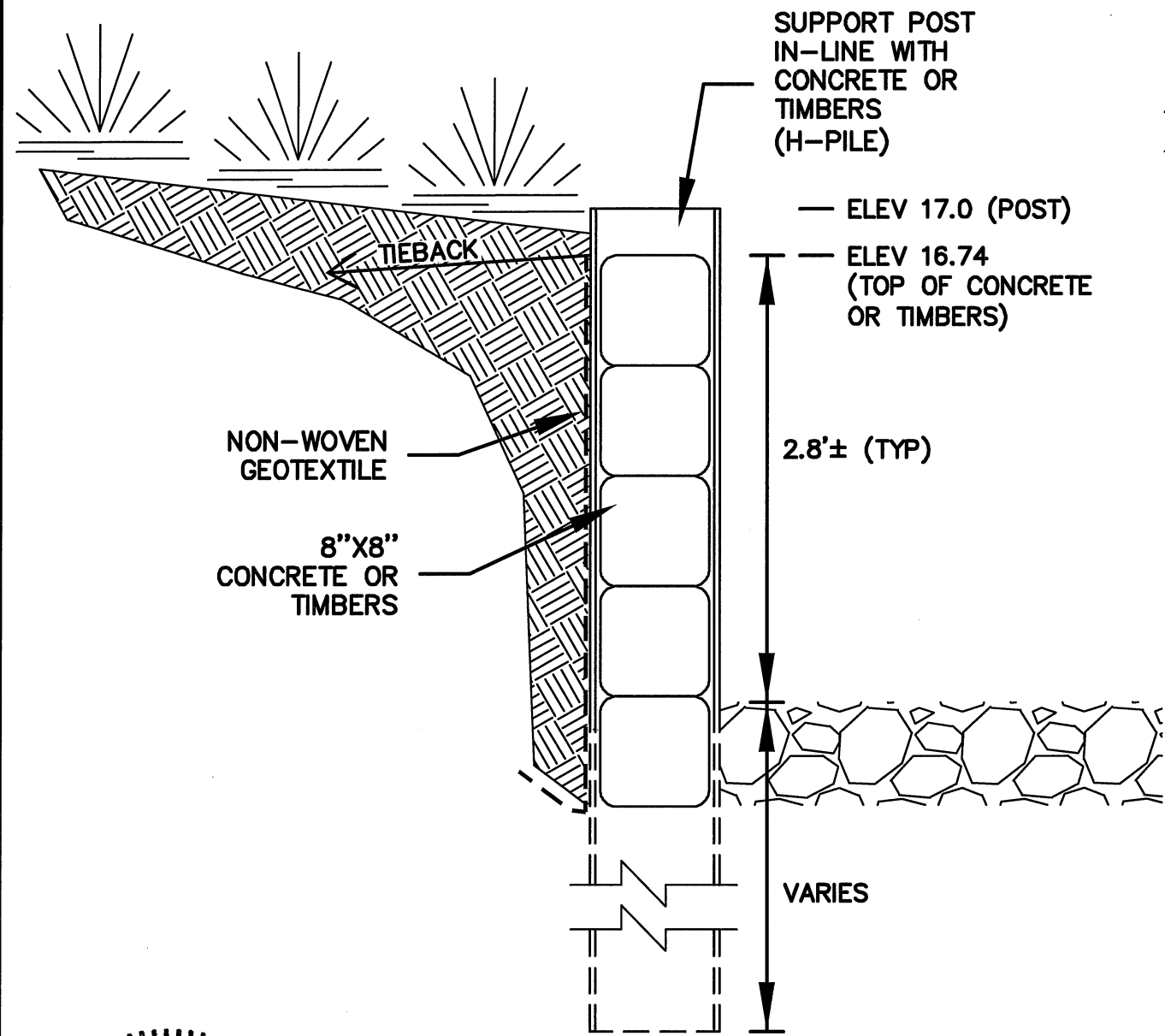
SEAWALL REPAIR
 LINDA K. GINGRAS REV TRUST
 79 TOWER ROAD
 KITTERY POINT, ME 03905

CIVILWORKS NEW ENGLAND
 CIVIL & WATERFRONT ENGINEERING
 181 Watson Road, PO Box 1166
 Dover, New Hampshire 03821
 603.749.0443

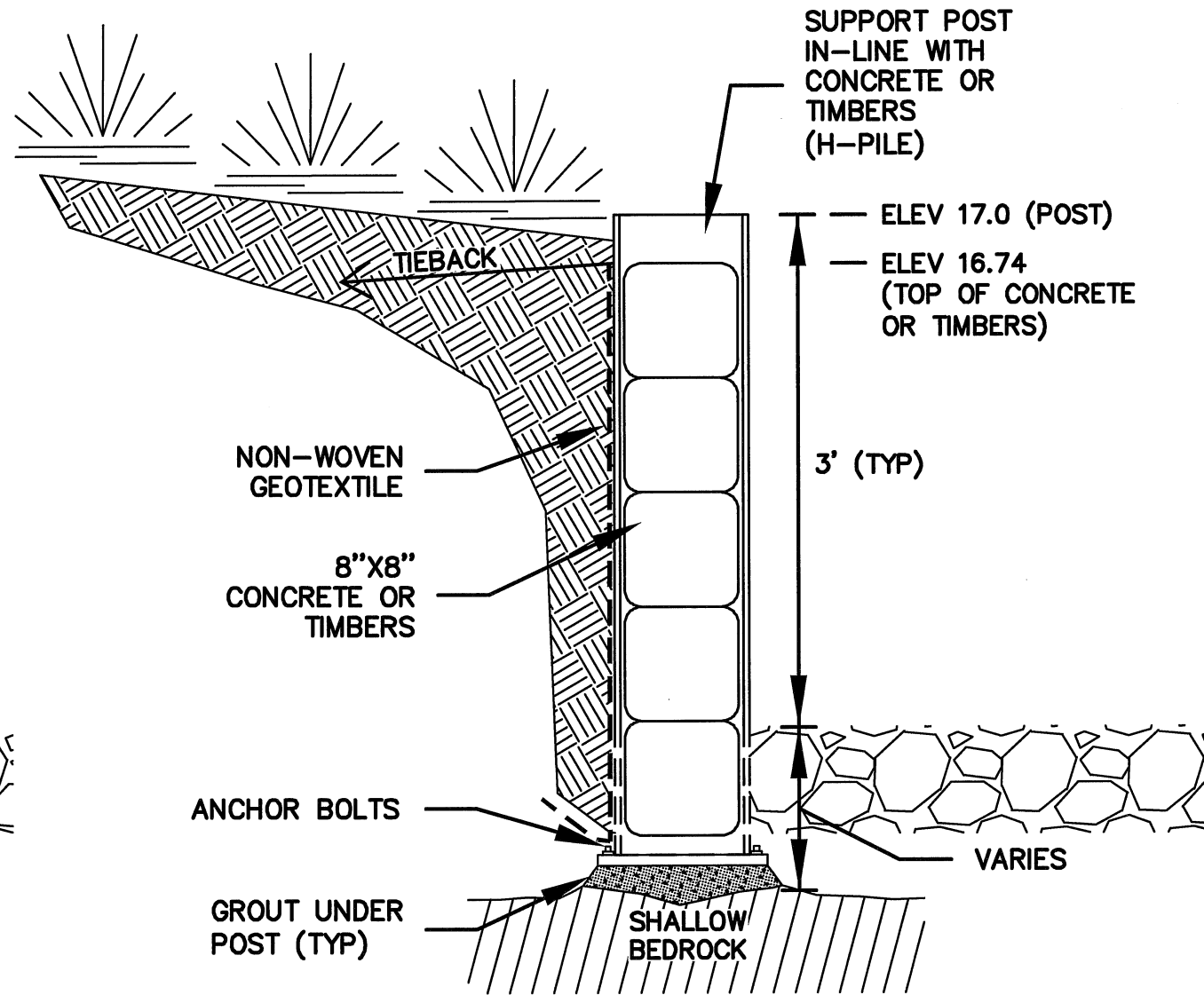
DATE: 3-10-23

PROJECT No. 23009
 FILE: CROSS SECTIONS.dwg

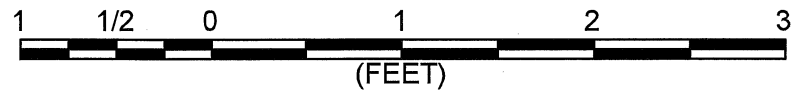
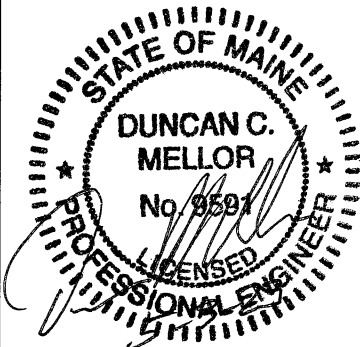
WF-3



PROPOSED SEAWALL DETAIL



PROPOSED SEAWALL ON SHALLOW BEDROCK DETAIL



DETAILS

No.	Appd	Date

SEAWALL REPAIR TRUST
LINDA K. GINGRAS REV TRUST
79 TOWER ROAD
KITTERY POINT, ME 03905

DATE: 3-31-23	DESIGNED BY: GMS
SCALE: 1"=1'-0"	DRAWN BY: CAD
FILE NO: 23009	APPROVED BY: DCM
CIVILWORKS NEW ENGLAND <small>CIVIL & WATERFRONT ENGINEERS</small> 181 Watson Road, PO Box 1166 Dover, New Hampshire 03821 603.749.0443	
WF-4	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT BY RULE NOTIFICATION FORM**

(For use with DEP Regulation, Natural Resources Protection Act - Permit by Rule Standards, Chapter 305)

APPLICANT INFORMATION (Owner)				AGENT INFORMATION (If Applying on Behalf of Owner)			
Name:	Linda K Gingras Rev. Trust			Name:			
Mailing Address:	79 Tower Rd			Mailing Address:			
Mailing Address:				Mailing Address:			
Town/State/Zip:	Kittery Point, ME 03905			Town/State/Zip:			
Daytime Phone #:	(603) 765-2780	Ext:		Daytime Phone #:		Ext:	
Email Address:	dgingras@gatecityelectric.com			Email Address:			
PROJECT INFORMATION							
Part of a larger project? (check 1):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After the Fact? (check 1):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Project involves work below mean low water? (check 1):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name of waterbody:	
Project Town:	Kittery		Town Email Address:	ceo@kitteryme.org		Map and Lot Number:	58/44
Brief Project Description:	Replace storm damaged seawall, repair stone steps						
Project Location & Brief Directions to Site:	79 Tower Rd, Kittery Point, ME: left after Gerrish Island bridge, follow Goodwin Rd to ocea end of Tower Rd						

PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the requirements for Permit-by-Rule (PBR) under DEP Rules, [Chapter 305](#). I and my agent(s), if any, have read and will comply with all of the standards in the Sections checked below.

- | | | |
|-------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Sec. (2) Act. Adj. to Prot. Natural Res. | <input type="checkbox"/> Sec. (9) Utility Crossing | <input checked="" type="checkbox"/> Sec. (16) Coastal Sand Dune Projects |
| <input type="checkbox"/> Sec. (3) Intake Pipes | <input type="checkbox"/> Sec. (10) Stream Crossing | <input type="checkbox"/> Sec. (16-A) Beach Nourishment |
| <input type="checkbox"/> Sec. (4) Replacement of Structures | <input type="checkbox"/> Sec. (11) State Transportation Facilities | <input type="checkbox"/> Sec. (17) Transfer/Permit Extension |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Veg. | <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 Creat./Water Qual. Improv. | <input type="checkbox"/> Sec. (19) Act. Near SVP Habitat |
| <input type="checkbox"/> Sec. (8) Shoreline Stabilization | <input type="checkbox"/> Sec. (15) Public Boat Ramps | <input type="checkbox"/> Sec. (20) Act. Near Waterfowl/Bird Habitat |

NOTE: Municipal permits also may be required. Contact your local code enforcement office for information. Federal permits may be required for stream crossings and for projects involving wetland fill. Contact the Army Corps of Engineers at the Maine Project Office for information.

NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS AND FEE

- Attach** all required submissions for the PBR Section(s) checked above. The required submissions for each PBR Section are outlined in Chapter 305 and may differ depending on the Section you are submitting under.
- Attach** a location map that clearly identifies the site (U.S.G.S. topo map, Maine Atlas & Gazetteer, or similar).
- Attach Proof of Legal Name** if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>). Individuals and municipalities are not required to provide any proof of identity.

FEE: Pay by credit card at the [Payment Portal](#). The Permit-by-Rule fee may be found here <https://www.maine.gov/dep/feeschedule.pdf> and is currently \$288.

- Attach** payment confirmation from the Payment Portal when filing this notification form.

Signature & Certification:

- 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 understand that this PBR becomes effective 14 calendar days after receipt by the Department of this completed form, the required submissions, and fee, *unless the Department approves or denies the PBR prior to that date.*

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in Chapter 305 rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant (may be typed):

Donald Gingras

Date:

05/22/2023

Keep a copy as a record of permit. Email this completed form with attachments to DEP at: DEP.PBRNotification@maine.gov. DEP will send a copy to the Town Office as evidence of DEP's receipt of notification. No further authorization will be issued by DEP after receipt of notice. A PBR is valid for two years, except Section 4, "Replacement of Structures," are valid for three years. **Work carried out in violation of the Natural Resources Protection Act or any provision in Chapter 305 is subject to enforcement.**



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit-by-Rule & Notice of Intent Review Form

Natural Resources Protection Act
Stormwater Management Law
Maine Construction General Permit

PBR # 76926
PBR #
NOI #

Applicant: Linda K Gingras Rev. Turst
Project Address: 79 Tower Road

Town: Klttery
Tax Map/Lot #: 58/44

NRPA PBR Sections – Ch. 305

- | | | |
|----------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Sec. 2 Act. Adj. to Prot. Natural Res. | <input type="checkbox"/> Sec. 9 Utility Crossing | <input checked="" type="checkbox"/> Sec. 16 Coastal Sand Dune Project |
| <input type="checkbox"/> Sec. 3 Intake Pipes | <input type="checkbox"/> Sec. 10 Stream Crossing | <input type="checkbox"/> Sec. 17 Transfer/Permit Extension |
| <input type="checkbox"/> Sec. 4 Replacement of Structures | <input type="checkbox"/> Sec. 11 State Transport. Facilities | <input type="checkbox"/> Sec. 18 Maintenance Dredging |
| <input type="checkbox"/> Sec. 6 Movement of Rocks or Veg. | <input type="checkbox"/> Sec. 12 Restoration Natural Areas | <input type="checkbox"/> Sec. 19 Act. Near SVP Habitat |
| <input type="checkbox"/> Sec. 7 Outfall Pipes | <input type="checkbox"/> Sec. 13 F&W Creat./Water Quality | <input type="checkbox"/> Sec. 20 Act. Near Waterfowl/Bird Habitat |
| <input type="checkbox"/> Sec. 8 Shoreline Stabilization | <input type="checkbox"/> Sec. 15 Public Boat Ramps | |

Notes:

- 5/24/2023
- Replacement of storm damaged seawall and steps.
 - Automatically accepted on 5/18/2023. Reviewed after the fact by Anna Smith.
 - Missing correct form and wrong PBR information.
 - Received correct form and confirmed review of PBR sections.

Reviewer:
Reviewer: Anna Smith

Deficient Date: NRPA SW NOI
Accepted Date: 05/18/2023 NRPA SW NOI