



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

8 March 2022

Dutch Dunkelberger, Chair  
Kittery Planning Board  
Town of Kittery  
200 Rogers Road  
Kittery, ME 03904

**Re: Shoreland Development Plan Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

Dear Dutch:

This letter transmits Town of Kittery Shoreland Development Plan Application to permit the construction of a stone rip rap revetment totaling 4,291 sq. ft. and the repair/replacement of an existing rip rap revetment totaling 3,687 sq. ft. along the shoreline of the subject property adjacent to the Piscataqua River. The project also proposes the installation of stone rip rap swales and a stone berm to control stormwater on the subject parcel.

Attached to this application you will find a "Shoreland Development Plan- Sheet C2" which depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and impact areas.

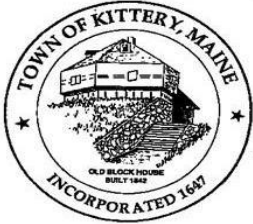
Also attached to this application is a Plan Set depicting Existing Conditions, Slope Repair Sections and Revetment Details prepared by this office.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

# SHORELAND DEVELOPMENT PLAN APPLICATION



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

MAP <u>1</u> LOT <u>32</u>
DATE: <u>3/8/22</u>
FEE: <u>\$ 200.00</u>
ASA*: _____

<b>PROPERTY DESCRIPTION</b>	Physical Address	35 Badgers Island West			
	Base Zone	MU-BI	Overlay Zone (s)	OZ-RP	and OZ-SL-250'
<b>OWNER INFORMATION</b>	Name	B.I.W. Group, LLC		Mailing Address	41 Industrial Drive, Unit 20 Exeter, NH 03833
	Phone	603-997-2519			
	Email	shayne.forsley@hdcgc.net			
<b>AGENT INFORMATION</b>	Name	Steven Riker		Company	Ambit Engineering, Inc.
	Phone	603-841-0393		Mailing Address	200 Griffin Road, Unit 3 Portsmouth, NH 03801
	Email	sdr@ambitengineering.com			
	Fax				
<b>APPLICANT INFORMATION</b>	Name	B.I.W. Group, LLC		Mailing Address	41 Industrial Drive, Unit 20 Exeter, NH 03833
	Phone	603-997-2519			
	Email	shayne.forsley@hdcgc.net			

<b>PROJECT DESCRIPTION</b>	<p><u>Existing Use:</u> The site currently contains a 3 story commercial building with associated parking, utilities, and landscaping.</p>
	<p><u>Proposed Use</u> (describe in detail):</p> <p>The project proposes shoreline stabilization consisting of a stone rip rap revetment with associated drainage and stormwater improvements. A portion of proposed revetment replaces existing stone rip rap, and the project intent is to stabilize the entire shoreline from erosional forces and to provide future protection from predicted sea level rise. The proposed stone revetment consists of 3,687 sq. ft. located below the HAT line which currently exists and will be repaired/replaced, and 4,291 of proposed revetment located above the HAT line for a total of 7,978 sq. ft of stone rip rap revetment following completion of the project.</p>

<b>PROJECT DESCRIPTION</b>	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	The revetment was designed to be located above the HAT to the greatest extent practicable representing the least impacting alternative relevant to Maine DEP NRPA permitting. The design does provide a revetment height that varies along its length, however with Mean High Water (MHW) located at approximate elevation 4, and proposed revetment heights between elevations 7.3 and 12.2, the design has included predicted sea level rise which is 2.9 feet in the year 2100 which represents the intermediate scenario described in Sea-level Rise, Storm Surges, and Extreme Precipitation in Coastal New Hampshire: Analysis of Past and Projected Future Trends prepared by Science and Technical Advisory Panel New Hampshire Coastal Risks and Hazards Commission.

I certify I have provided, to the best of my knowledge, information requested for this application that is true and correct and I will not deviate from the Plan submitted without notifying the Planning and Development Department of any changes.

<b>Applicant's Signature:</b>	<i>Steven Riker</i>	Agent-See Authorization	<b>Owner's Signature:</b>	_____
<b>Date:</b>	3/8/2022		<b>Date:</b>	_____

\*Applicant Service Accounts: Fees to pay other direct costs necessary to complete the application process, not including application fees. Title 3, Chapter 3.3.

MINIMUM PLAN SUBMITTAL REQUIREMENTS	
<input checked="" type="checkbox"/>	<b>12 Copies of this Application Form, all supporting documents, and the Development Plan and Vicinity Map 10 plan copies may be half-size (11"x17") and 2 must be full-size (24"x36")</b>
<b>Shoreland Development Plan format and content:</b>	
A) Paper Size; no less than 11" X 17" or greater than 24" X 36"	
B) Plan Scale	
<input type="checkbox"/>	Under 10 acres: no greater than 1" = 30'
<input checked="" type="checkbox"/>	10 + acres: 1" = 50'
C) Title Block	
<input checked="" type="checkbox"/>	Title: Shoreland Development Plan
<input checked="" type="checkbox"/>	Applicant's name and address
<input checked="" type="checkbox"/>	Name of preparer of plan with professional information
<input checked="" type="checkbox"/>	Parcel's Kittery tax map identification (map – lot) in bottom right corner
<input checked="" type="checkbox"/>	<b>Vicinity Map or aerial photo showing geographic features 5,000 feet around the site.</b>
D) Signature Block	
<input checked="" type="checkbox"/>	Area for signature by Planning Board Chair and Date of Planning Board Approval

Development Plan must include the following existing and proposed information:	
<b>Existing:</b>	<b>Proposed:</b> (Plan must show the lightened existing topography under the proposed project plan for comparison.)
<input checked="" type="checkbox"/> Land Use Zones and boundaries	<input checked="" type="checkbox"/> Recreation areas and open space
<input checked="" type="checkbox"/> Topographic map (optional)	<input type="checkbox"/> Setback lines and building envelopes
<input checked="" type="checkbox"/> Wetlands and flood plains	<input checked="" type="checkbox"/> Lot dimensions
<input checked="" type="checkbox"/> Water bodies and water courses	<input checked="" type="checkbox"/> Utilities (Sewer/septic, water, electric, phone)
<input checked="" type="checkbox"/> Parcel area	<input checked="" type="checkbox"/> Streets, driveways and rights-of-way
<input checked="" type="checkbox"/> Lot dimensions	<input checked="" type="checkbox"/> Structures
<input checked="" type="checkbox"/> Utilities (Sewer/septic, water, electric, phone)	<input checked="" type="checkbox"/> Floor area, volume, devegetated area, and building coverage
<input checked="" type="checkbox"/> Streets, driveways and rights-of-way	
<input checked="" type="checkbox"/> Structures	Distance to:
<input checked="" type="checkbox"/> Distance from structure to water body and property lines	<input checked="" type="checkbox"/> Nearest driveways and intersections
<input checked="" type="checkbox"/> Floor area, volume, devegetated area, and building coverage	<input checked="" type="checkbox"/> Nearest fire hydrant
	<input checked="" type="checkbox"/> Nearest significant water body; ocean, wetland, stream

## Expansion/Construction Analysis within the Shoreland Overlay Zone<sup>1</sup> (see Table 16.9)

Size of water body or wetland:  <500 sf    <501 sf-1 acre    >1 acre

Structure distance from water body: Adjacent feet

STRUCTURE	Existing	Proposed	% Increase*
SF (Area)	9,665 sf	11,611 sf	7.7 %
Construction: Revetment/rip rap	New: <input checked="" type="checkbox"/> Demo/Rebuild: <input checked="" type="checkbox"/> Maintenance/repair: <input type="checkbox"/>		Value: \$
*Total increase in area may not exceed 30% for any new construction since 1/1/1989.			

PARCEL DE-VEGETATION	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) 54,883	60 %	25,179 sf	27,125 sf	49.4 %
*See underlying zone standards for de-vegetated area percent allowed within a Shoreland Overlay.				

BUILDING COVERAGE	% Allowed*	Existing SF	Proposed SF	% Proposed*
Lot Size (sf) 54,883	N/A %	5,922 sf	5,922 sf	9.3 %
*See underlying zone standards for building coverage percent allowed.				

<sup>1</sup>Calculations for area, volume, and de-vegetated areas must be included on the final plan and certified by a State of Maine registered architect, landscape architect, engineer, or land surveyor.



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Maine Department of Environmental Protection  
312 Canco Road  
Portland, ME 04103

**Re: NRPA Individual Permit Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

To Whom it May Concern:

This letter transmits a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request to permit 7,978 sq. ft. of stone rip rap stabilization along the shoreline of the Piscataqua River on the subject lot.

The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site (See Existing Conditions Plan-Sheet C1). The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

Attached to this application you will find a ME DEP Permit Plan-Sheet C2, a Slope Repair Section-Sheet C3 and a Revetment Details Plan-Sheet D1. The plan set depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and impact areas. Also attached to this application you will find the following: USGS Project location map, tax map, recorded deed, certified mail receipts for abutter notification, a field survey checklist, a coastal wetland characterization, a photo log, project description worksheets for docks, and a notice of intent to file.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

**Cc:** US Army Corp of Engineers, Maine Project Office  
Maine Bureau of Lands  
Kittery Town Clerk  
Maine Historic Preservation Commission  
Houlton Band of Maliseet Indians  
Aroostook Band of Micmacs  
Passamaquoddy Tribe of Indians-Indian Township Reservation  
Passamaquoddy Tribe of Indians-Pleasant Point Reservation  
Penobscot Nation

1 March, 2022

**To Whom It May Concern:**

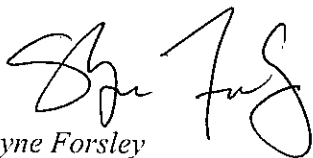
**RE: State of Maine Department of Environmental Protection Application for proposed shoreline stabilization within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for B.I.W. Group, LLC of 35 Badgers Island West Kittery, ME 03904**

This letter is to inform the State of Maine DEP the Town of Kittery in accordance with State Law that the following entity:

Ambit Engineering, Inc.  
Riverside & Pickering Marine Contractors, Inc.

Is individually authorized to represent us as our agents in the approval process.  
Please feel free to call me if there is any question regarding this authorization.

Sincerely,



*Shayne Forsley*  
*Authorized Representative*  
*35 Badgers Island West*  
*Kittery, ME 03904*

**From:** [Maine Dept. of Environmental Protection](#)  
**To:** [Steve Riker](#)  
**Subject:** Dept. of Environmental Protection Payment Portal  
**Date:** Tuesday, March 1, 2022 11:45:43 AM

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Thank you for submitting this payment to the Dept. of Environmental Protection. Below is a copy of the information and payment the agency will receive.

- Applicant Name: **B.I.W. Group, LLC**
- Activity Location: **Kittery, ME**
- First Name: **Steve**
- Last Name: **Riker**
- Company Name: **Ambit Engineering**
- Street Address: **200 Griffin Road**
- Town/City: **Portsmouth**
- State or Province: **New Hampshire**
- Country: **United States**
- Zip Code: **03801**
- Phone Number: **603-430-9282**
- Email Address: **sdr@ambitengineering.com**
- Fee Type: **Natural Resources Protection Act (Individual Permit)**
- Customer Number:
- Invoice Number:
- Spill Number:
- Payment Amount: **564.00**
- Additional Comments:

Your information will be reviewed and you may be contacted if more information is needed or if there are additional questions.

# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

<b>1. Name of Applicant:</b>		B.I.W. Group, LLC		<b>5. Name of Agent:</b>		Steven D. Riker    Ambit Engineering, Inc.						
<b>2. Applicant's Mailing Address:</b>		41 Industrial Drive, Unit 20, Exeter, NH 03833		<b>6. Agent's Mailing Address:</b>		200 Griffin Road, Unit 3, Portsmouth, NH 03801						
<b>3. Applicant's Daytime Phone #:</b>		603-997-2519		<b>7. Agent's Daytime Phone #:</b>		603-430-9282						
<b>4. Applicant's Email Address (Required from either applicant or agent):</b>			shayne.forsley@hdcgc.net		<b>8. Agent's Email Address:</b>			sdr@ambitengineering.com				
<b>9. Location of Activity: (Nearest Road, Street, Rt.#)</b>		35 Badgers Island West			<b>10. Town:</b>		Kittery		<b>11. County:</b>		York	
<b>12. Type of Resource: (Check all that apply)</b>		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain			<b>13. Name of Resource:</b>		Piscataqua River					
					<b>14. Amount of Impact: (Sq.Ft.)</b>		<b>Fill:</b> 3,687 sq. ft. for repair/replacement of stone rip rap revetment below HAT					
							<b>Dredging/Veg Removal/Other:</b> 4,291 sq. ft. for construction of rip rap stone revetment above HAT					
<b>15. Type of Wetland: (Check all that apply)</b>		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other <u>Tidal</u>			<b>FOR FRESHWATER WETLANDS</b>							
					<i>Tier 1</i>		<i>Tier 2</i>		<i>Tier 3</i>			
					<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft. <input type="checkbox"/> 10,000-14,999 sq ft		<input type="checkbox"/> 15,000 – 43,560 sq. ft.		<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1			
<b>16. Brief Activity Description:</b>		The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists on the site. The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).										
<b>17. Size of Lot or Parcel &amp; UTM Locations:</b>		<input checked="" type="checkbox"/> <u>58,985</u> square feet, or <input checked="" type="checkbox"/> <u>1.35</u> acres			UTM Northing: <u>-70.75577</u> UTM Easting: <u>43.08241</u>							
<b>18. Title, Right or Interest:</b>		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement										
<b>19. Deed Reference Numbers:</b>		Book#: 18503    Page: 331			<b>20. Map and Lot Numbers:</b>		Map #: 1		Lot #: 32			
<b>21. DEP Staff Previously Contacted:</b>					<b>22. Part of a larger project:</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>After-the-Fact:</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>23. Resubmission of Application?:</b>		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>If yes, previous application #</b>			<b>Previous project manager:</b>					
<b>24. Written Notice of Violation?:</b>		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>If yes, name of DEP enforcement staff involved:</b>			<b>25. Previous Wetland Alteration:</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>26. Detailed Directions to the Project Site:</b>												
<b>27. TIER 1</b>				<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>								
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC				<input checked="" type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized				<input type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required				
<b>28. FEES Amount Enclosed:</b>		\$564.00										
<b>CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2</b>												



**IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.**

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

**CORPS SIGNATORY REQUIREMENT**

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

**DEP SIGNATORY REQUIREMENT**

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

\_\_\_\_\_  
Steven D. Riker *Steven Riker*  
SIGNATURE OF AGENT/APPLICANT

Date: 2/28/2022

**NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.**

**(pink)**

# State of Maine



## Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and that the paper to which this is attached is a true copy from the records of this Department.

*In testimony whereof*, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this twenty-second day of February 2022.



A handwritten signature in black ink that reads 'Shenna Bellows'.

Shenna Bellows  
*Secretary of State*

### Additional Addresses

Legal Name	Title	Name	Charter #	Status
B.I.W. GROUP, LLC	Registered Agent		20215185DC	GOOD STANDING
Home Office Address (of foreign entity )		Other Mailing Address		

08/08

**PUBLIC NOTICE:  
NOTICE OF INTENT TO FILE**

Please take notice that

B.I.W. Group LLC

41 Industrial Drive, Unit 20, Exeter, NH 03833

*(Name, Address and Phone # of Applicant)*

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about

March 4, 2022

*(anticipated filing date)*

The application is for

Construction and repair/replacement of stone rip rap revetment.

*(description of the project)*

at the following location:

35 Badgers Island West, Kittery, Maine

*(project location)*

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in *(Portland, Augusta or Bangor)*(circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in Kittery, Maine.  
*(town)*

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333

MDEP, Southern Maine Regional Office, 312 Canco Road, **Portland**, Maine 04103

MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

(blue)

**PUBLIC NOTICE FILING AND CERTIFICATION**

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. **“Abutter”** for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

**ATTACH a list of the names and addresses of the owners of abutting property.**

**CERTIFICATION**

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on           N/A          .  
Date

Approximately   N/A   members of the public attended the Public Informational Meeting.

          Steven D. Riker            
Signature of Applicant or authorized agent

          2/28/22            
Date

(blue)

**APPENDIX A: MDEP VISUAL EVALUATION  
FIELD SURVEY CHECKLIST**

(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: B.I.W. Group LLC Phone: 603-997-2519

Application Type: Maine DEP NRPA Individual

Activity Type: (brief activity description) Construction and replacement of stone rip rap revetment

Activity Location: Town: Kittery Court: York

GIS Coordinates, if known: Lat: -70.75577 Lon: 43.08241

Date of Survey: 8/5/21 Observer: Steven D. Riker Phone: 603-430-9282

**Distance Between the Proposed Visibility  
Activity and Resource (in Miles)**

	0-¼	¼-1	1+
1. Would the activity be visible from:			
A. A National Natural Landmark or other outstanding natural feature?			X
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?			X
C. A state or federal trail?			X
D. A public site or structure listed on the National Register of Historic Places?	X		
		John Paul Jones Memorial Park	
E. A National or State Park?			X
F. 1) A municipal park or public open space?	X		
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	X		
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	X		
2. What is the closest estimated distance to a similar activity?			X
3. What is the closest distance to a public facility intended for a similar use?			X
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		Yes	X No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		X Yes	No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: [www.nature.nps.gov/nnl/Registry/USA\\_map/states/Maine/maine.htm](http://www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm) . In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:  
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: B.I.W. Group LLC PHONE: 603-997-2519

APPLICATION TYPE: Maine DEP NRPA Individual

ACTIVITY LOCATION: TOWN: Kittery COUNTY: York

ACTIVITY DESCRIPTION:  fill  pier  lobster pound  shoreline stabilization  
 dredge  other: \_\_\_\_\_

DATE OF SURVEY: 8/5/21 OBSERVER: Steven D. Riker

TIME OF SURVEY: 1:30 P.M. TIDE AT SURVEY: Low tide @3:58 P.M. Portsmouth

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 3,687 sq. ft. Subtidal area: 0

SIZE OF INDIRECT IMPACT, if known (square feet): 0

Intertidal area: 0 Subtidal area: 0

HABITAT TYPES PRESENT(check all that apply):

sand beach  boulder/cobble beach  sand flat  mixed coarse & fines  salt marsh  
 ledge  rocky shore  mudflat (sediment depth, if known: \_\_\_\_\_)

ENERGY:  protected  semi-protected  partially exposed  exposed

DRAINAGE:  drains completely  standing water  pools  stream or channel

SLOPE:  >20%  10-20%  5-10%  0-5%  variable

SHORELINE CHARACTER:

bluff/bank (height from spring high tide: \_\_\_\_\_)  beach  rocky  vegetated

FRESHWATER SOURCES:  stream  river  wetland  stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other <b>Periwinkle</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION?  yes  no

PREVIOUS ALTERATIONS?  yes  no

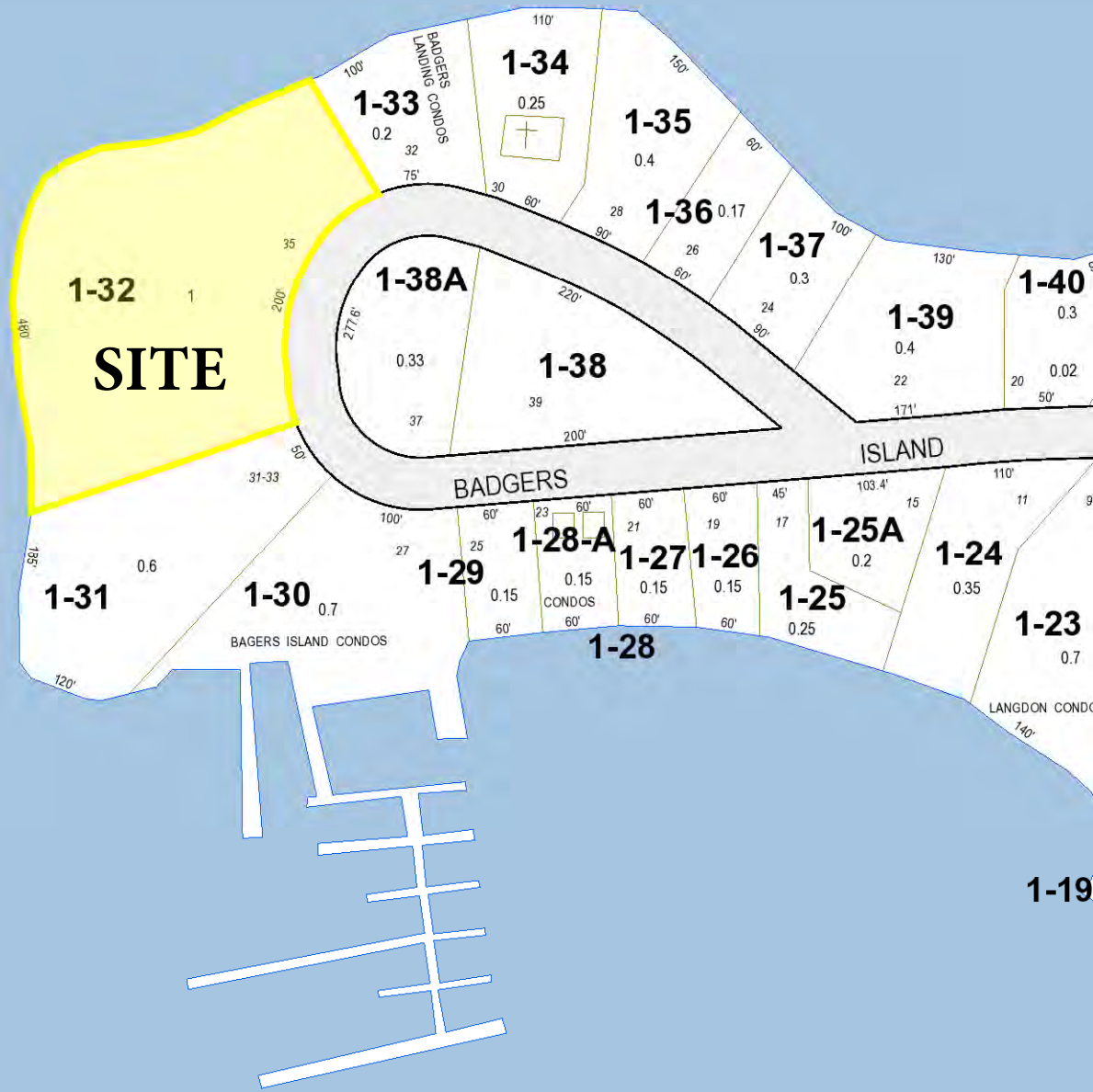
CURRENT USE OF SITE AND ADJACENT UPLAND:

undeveloped  residential  commercial  degraded  recreational

**PLEASE SUBMIT THE FOLLOWING:**

Photographs  Overhead drawing (pink)

BACK CHANNEL

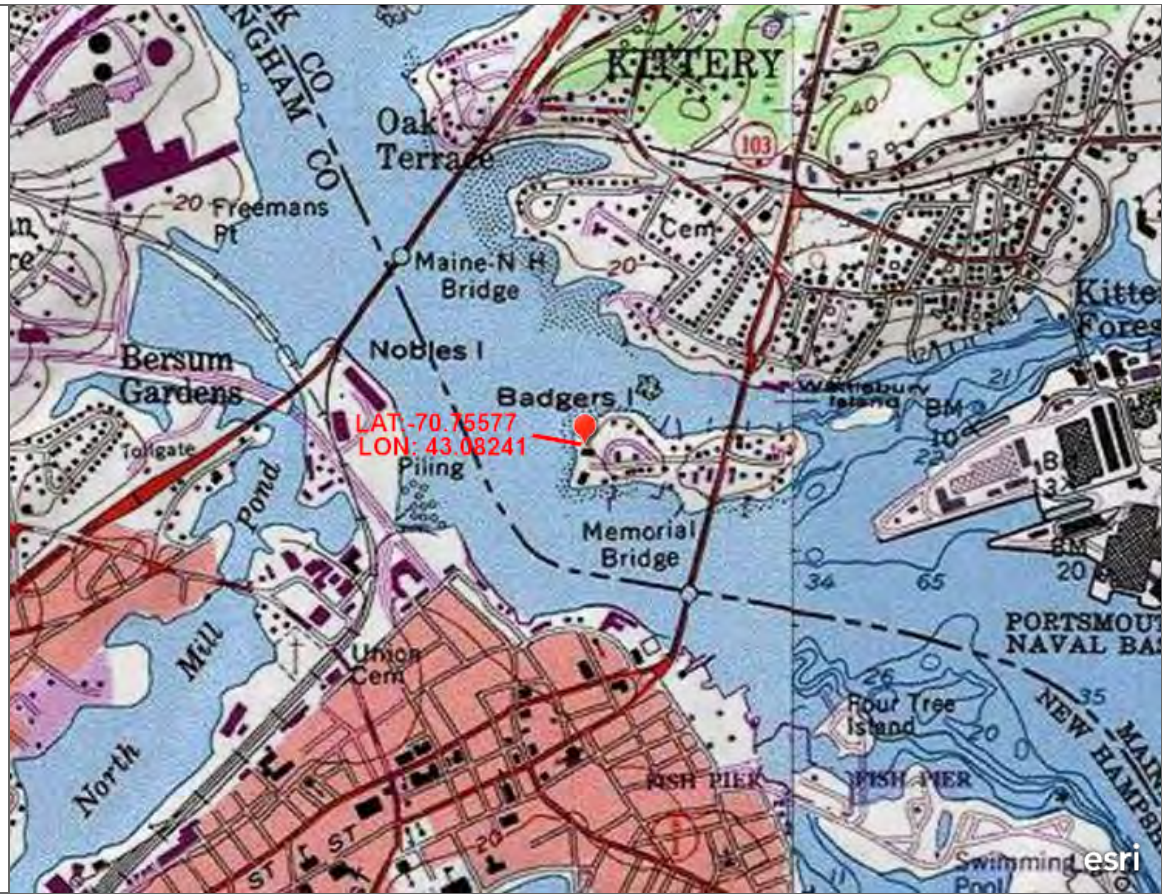


HAMPSTER



### My Map

No legend



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**Ambit Engineering Abutter List**  
 B.I.W. Group, LLC  
 35 Badgers Island West  
 Kittery, ME

Job # 3050.72

Applicant/Owner(s)	Map	Lot	Deed	Owner (s) First/Trust	Owner(s) Last, Trustee	Mailing Address	City	State	Zip
	1	32	18503/331	B.I.W. Group, LLC		41 Industrial Drive	Exeter	NH	03833

Engineer	Ambit Engineering Civil Engineers & Land Surveyors								
						200 Griffin Road, Unit #3	Portsmouth	NH	03801

Job #	Map	Lot	Deed	Owner(s) First/Trust	Owner(s) Last /Trustee	Mailing Address	City	State	Zip	
				<b>Abutters</b>						
	1	33	14235/553	Badgers Landing Condominium		32 Badgers Island West	Kittery	ME	03904	
	1	31	17123/71	31 Badgers LLC		PO Box 904	Kittery	ME	03904	
	1	38A	12162/254	Lapierre Properties, LLC		32 Route 236	Kittery	ME	03904-5525	



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

28 February, 2022

Lapierre Properties, LLC  
32 Route 236  
Kittery, ME 03904-5525

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for shoreline stabilization for B.I.W. Group, LLC, 35 Badgers Island West, Kittery, ME.**

Dear Property Owner,

Under the Maine Department of Environmental Protection, this letter is to inform you in accordance with State Law that a Natural Resources Protection Act Permit Application will be filed with the Maine Department of Environmental Protection (DEP) for a permit to perform shoreline stabilization, **at the above mentioned property** on behalf of your abutter, **B.I.W. Group, LLC**.

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **B.I.W. Group, LLC** proposes a project that requires construction in areas under jurisdiction of the Maine DEP.

Plans are on file at this office, and once the application is filed, plans that show the proposed project will be available for viewing during normal business hours at the office of the **Kittery** clerk, **Kittery Town Offices**, or once received by Maine DEP, at the offices of the Maine DEP, 312 Canco Road, Portland, ME 04103, (207)822-6300. It is suggested that you call ahead to the appropriate office to ensure the application is available for review.

Please feel free to call if you have any questions or comments.

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

28 February, 2022

Badgers Landing Condominium  
32 Badgers Island West  
Kittery, ME 03904

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for shoreline stabilization for B.I.W. Group, LLC, 35 Badgers Island West, Kittery, ME.**

Dear Property Owner,

Under the Maine Department of Environmental Protection, this letter is to inform you in accordance with State Law that a Natural Resources Protection Act Permit Application will be filed with the Maine Department of Environmental Protection (DEP) for a permit to perform shoreline stabilization, **at the above mentioned property** on behalf of your abutter, **B.I.W. Group, LLC**.

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Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

28 February, 2022

31 Badgers LLC  
PO Box 904  
Kittery, ME 03904

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for shoreline stabilization for B.I.W. Group, LLC, 35 Badgers Island West, Kittery, ME.**

Dear Property Owner,

Under the Maine Department of Environmental Protection, this letter is to inform you in accordance with State Law that a Natural Resources Protection Act Permit Application will be filed with the Maine Department of Environmental Protection (DEP) for a permit to perform shoreline stabilization, **at the above mentioned property** on behalf of your abutter, **B.I.W. Group, LLC**.

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Please feel free to call if you have any questions or comments.

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**

7021 0950 0000 8345 7034

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To  
**31 BADGERS LLC**  
Street and Apt. No., or PO Box No.  
**PO BOX 904**  
City, State, ZIP+4®  
**KITTERY, ME 03904**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To  
**LAPIERRE PROPERTIES, LLC**  
Street and Apt. No., or PO Box No.  
**32 ROUTE 236**  
City, State, ZIP+4®  
**KITTERY, ME 03904-5525**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To  
**BADGERS LANDING CONDO**  
Street and Apt. No., or PO Box No.  
**32 BADGERS ISLAND WEST**  
City, State, ZIP+4®  
**KITTERY, ME 03904**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

## ALTERNATIVES ANALYSIS

This project proposes the construction of a stone rip rap revetment which will cover 7,978 sq. ft. along the shoreline of the Piscataqua River on the subject lot.

The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site (See Existing Conditions Plan-Sheet C1). The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

The shoreline associated with the site consists of a minor bluff that peaks between elevation 8-12', with a slope leading to the tidal resource area with an average approximate grade of 20-25% that extends to the H.A.T. located at elevation 10.4'. The substrate below the H.A.T. is characterized as a combination of stone rip rap, sand flat / mud flat, mixed coarse and fines and is occasionally vegetated with rockweed (*Ascophyllum* spp. and *Fucus* spp.). Portions of the slope and the top of the bluff is well vegetated, dominated by shrub species, with some shrubs located directly adjacent to the H.A.T line have exposed root systems due to erosional forces along the shoreline. This erosion is evident by an undercut bank, exposed soils, and the accumulation of smaller stone matter that has been deposited by wave action along the shoreline (see attached photo log). It is our opinion that stone rip rap stabilization of this slope is the only practicable alternative to reduce erosion and continual degradation of the shoreline and vegetated slope. The proposed stabilization extends parallel to the shoreline. The stabilization will create an armored slope that will provide consistent braking action along the shoreline. Stabilizing the slope using vegetation only would require a significant cut to the slope (minimum 3:1) which would result in the removal of the natural vegetation along the slope, a much larger impact area, which would not be representative of the least impacting alternative.

## **CONSTRUCTION DETAILS-SEQUENCE**

This project proposes the construction of a stone rip rap revetment which will cover 7,978 sq. ft. along the shoreline of the Piscataqua River on the subject lot.

The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site (See Existing Conditions Plan-Sheet C1). The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

The stabilization will consist of preparing the subgrade, placing a layer of crushed stone (1 ½ inch) below a nonwoven geotextile fabric, and an armor stone consisting of 24" minus erosion stone. All work will be performed during low tide hours. The work will be performed using small landscape/construction equipment to deliver materials on the upland side. A temporary construction impact area (as depicted on the MEDEP Permit Plan) is located above the proposed revetment area providing space for equipment and materials to be stored and stockpiled on the site. Stone will be delivered to the site via truck, a small machine such as a "skid steer" will move material to the top of the slope, and the stone will be moved to the base of the slope using the equipment. Any stockpiled materials and equipment will be placed within the temporary construction impact area. The temporary construction impact area will be removed upon completion of the project to the original grade. Details for the rip rap stabilization including cross sections and a repair section are provided on "Slope Repair Sections-Sheet C3", and erosion and sediment controls are depicted on "Revetment Details-Sheet D1".

Erosion control devices for the shoreline stabilization component of the project include silt-soxx at the toe of the slope and a turbidity curtain if needed. All work will be performed from the uplands at low tide eliminating erosion and potential for sedimentation into the resource area.

# WETLAND FUNCTIONS AND VALUES ASSESSMENT

## INTRODUCTION

This report provides an assessment of the functions and values of the tidal wetland system located within a parcel of land located at 787 Main Street, Eliot, Maine. The property is identified as Tax Map 1, Lot 32, is approximately 1.35 acres in size, and is located on the western end of Badgers Island West. The lot is currently developed and contains a commercial structure, parking, utilities and associated landscaping. The surrounding land use is residential and commercial.

Wetland boundaries on the project site were verified by Steven D. Riker, New Hampshire Certified Wetland Scientist on April 16, 2019 in accordance with the 1987 United States Army Corps of Engineers' Wetlands Delineation Manual (Routine Delineation Method), and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January 2012. A saltmarsh boundary was delineated and is depicted on the enclosed Existing Conditions Plan. The functions and values of these wetlands were assessed using the United States Army Corp of Engineers' Highway Methodology Workbook Supplement (ACOE, September 1999).

Thirteen functions/values were assessed and evaluated for the wetland area, which include groundwater recharge/discharge, floodflow alteration, fish/shellfish habitat, sediment/toxicant retention, nutrient removal, production export, sediment shoreline stabilization, wildlife habitat, endangered species habitat, visual quality aesthetics, educational/scientific value, recreation and uniqueness/heritage. Functions are considered "principal" if they are found to be an important or critical component of the wetland. Functions and values may also be "principal" if they provide a special or unique value to society.

## DISCUSSION

For the purpose of this assessment, the tidal wetland directly associated with the subject parcel was evaluated. This tidal wetland is contiguous with other wetlands located along the Piscataqua River, and on a larger scale, the Atlantic Ocean. This assessment examines those functions and values of the tidal wetland area located directly adjacent to the subject parcel, and the proposed stone rip rap revetment. Also, for the purposes of the assessment the tidal wetland will be referred to as Wetland A.

As described above, the wetland, herein referred to as Wetland A, receives hydrology from the daily tide cycle, and surrounding upland runoff, to a lesser extent. Tidal flow associated with the Piscataqua River provides hydrology to Wetland A. During a dropping tide, water flows southeasterly within the Piscataqua River where it empties into the Atlantic Ocean.

There are 2 wetland classes associated with the wetland resources that exist on the subject parcel. According to the "Classification of Wetlands and Deepwater Habitats of the United States" (USFWS 1979). The saltmarsh associated with the parcel would be classified as an estuarine intertidal emergent persistent wetland system that is irregularly flooded by the tides (E2EM1P). The tidal mud flat associated with the parcel would be classified as an estuarine intertidal unconsolidated shore cobble-gravel wetland system that is regularly flooded by the tides (E2US1N). The vegetation within the saltmarsh exhibits low species diversity dominated by saltmarsh cordgrass (*Spartina alterniflora*).



Wetland A performs sediment/toxicant retention, nutrient removal, floodflow alteration, sediment/shoreline stabilization and uniqueness/heritage as principal functions and values and is also capable of providing fish and shellfish habitat, production export, wildlife habitat, recreation, and educational/scientific value.

## **IMPACT ASSESSMENT**

This project proposes the construction of a stone rip rap revetment which will cover 7,978 sq. ft. along the shoreline of the Piscataqua River on the subject lot.

The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site (See Existing Conditions Plan-Sheet C1). The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

Given the nature of the project, it is anticipated that there will be no affect on the wetland's ability to perform the above identified functions and values. The stone rip rap revetment will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, it will not impede any migrational fish movement, it will not contribute to pollution, degredation, or erosion, and it will not have a visual impact as the surrounding properties are previously developed and some already contain similar structures.

Lastly, following construction, the wetland will still be able to perform its principal functions which are sediment/toxicant retention, nutrient removal, floodflow alteration, sediment/shoreline stabilization and uniqueness/heritage as the stone rip rap revetment will have no interference with the natural processes that are integral to these functions.



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Maine Bureau of Parks and Lands  
Maine Department of Agriculture, Conservation & Forestry  
22 State House Station  
Augusta, ME 04333

**Re: NRPA Individual Permit Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

To Whom it May Concern:

This letter transmits a request to review the attached Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application.

Please contact me if you have any questions or concerns regarding this application, or if you need any additional information to complete a review.

Respectfully submitted,

Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Maine Historic Preservation Commission  
55 Capitol Street  
65 State House Station  
Augusta, ME 04333

**Re: NRPA Individual Permit Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

To Whom it May Concern:

This letter transmits a request to review the attached Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application, per Section 106 of the National Historic Preservation Act of 1996.

Please contact me if you have any questions or concerns regarding this application, or if you need any additional information to complete a review.

Respectfully submitted,

Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer  
Penobscot Nation  
Cultural and Historic Preservation Department  
12 Wabanaki Way  
Indian Island, ME 04468

**Re: NRPA Individual Permit Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of rip rap shoreline stabilization on the above referenced site along the Piscataqua River.

The proposed stone rip rap revetment will cover 7,978 sq.ft. of shoreline along the Piscataqua River.

Attached to this application you will find a "MEDEP Dock Permit Plan- Sheet C2" which depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and impact areas. Also attached to this application you will find the following: USGS Project location map, tax map, recorded deed, certified mail receipts for abutter notification, a field survey checklist, a coastal wetland characterization, a photo log, project description worksheets for docks, and a notice of intent to file.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer  
Passamaquoddy Tribe of Indians  
Pleasant Point Reservation  
PO Box 343  
Perry, ME 04667

**Re: NRPA Individual Permit Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of rip rap shoreline stabilization on the above referenced site along the Piscataqua River.

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Respectfully submitted,

Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer  
Passamaquoddy Tribe of Indians  
Indian Township Reservation  
PO Box 301  
Princeton, ME 04668

**Re: NRPA Individual Permit Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

To Whom it May Concern:

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Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer  
Aroostook Band of Micmacs  
7 Northern Road  
Presque Isle, ME 04769

**Re: NRPA Individual Permit Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

To Whom it May Concern:

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Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer & Environmental Planner  
Houlton Band of Maliseet Indians  
88 Bell Road  
Littleton, ME 04730

**Re: NRPA Individual Permit Application  
Tax Map 1, Lot 32  
35 Badgers Island West  
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of rip rap shoreline stabilization on the above referenced site along the Piscataqua River.

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Respectfully submitted,

Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



Maine R.E. Transfer Tax Paid

QUITCLAIM DEED WITH COVENANT

DLN: 1002040126646


GP Technology Solutions, LLC, a Delaware limited liability company with a mailing address of PO Box 9001, Kittery, ME 03904 (the "Grantor"), FOR CONSIDERATION PAID, grants to B.I.W. Group, LLC, a Maine limited liability company with a mailing address of 41 Industrial Drive, Unit 20, Exeter, NH 03833 (the "Grantee"), certain real property, together with any improvements thereon, located in the Town of Kittery, County of York, and State of Maine, more particularly described on Exhibit A attached hereto and made a part hereof.

Meaning and intending to convey the same premises conveyed to Grantor by Quitclaim Deed from GreenPages, Inc. dated November 19, 2020, and recorded in the York County Registry of Deeds in Book 18460, Page 790.

IN WITNESS WHEREOF, GP Technology Solutions, LLC has caused this instrument to be executed by Ronald Dupler, its duly-authorized Manager, thereunto duly authorized, as of this 22 day of December, 2020.

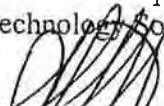
GP Technology Solutions, LLC

  
Witness

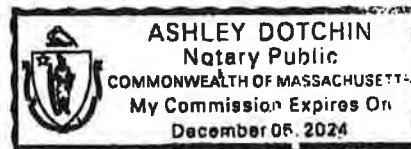
By:   
Ronald Dupler  
Its duly-authorized Manager

Commonwealth of Massachusetts  
County of Middlesex

On this 22<sup>nd</sup> day of December, 2020 before me, the undersigned Notary Public, personally appeared Ronald Dupler and proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person who signed the preceding document in my presence, and acknowledged to me that he signed it voluntarily for its stated purpose, that it was his free act and deed in his capacity as Manager of GP Technology Solutions, LLC, and that it was the free act and deed of said LLC.

  
Notary Public

Ashley Dotchin  
Print Name  
My Commission expires: 12/31/24



## Exhibit A

Land with all improvements thereon, situated in the Town of Kittery, County of York, State of Maine, bounded and described as follows:

Four certain lots or parcels of land, situated on the Northerly side of Badgers Island in said Kittery, being more particularly described as Lots No. 14, 15, 16 and 17 on a certain plan of land, Badgers Island, Maine, dated April 1936, John W. Durgin, C.E., which plan is recorded in the York County Registry of Deeds, Plan Book 22, Page 31, subject however, to the existing rights of and public use of Veta Messaro and Ella E. Messaro to lay and maintain an overflow pipe across said Lot 14 as more particularly described in the deed from Annie E. Horner dated April, 1955 and recorded in the York County Registry of Deeds in Book 1301, Page 275.

Subject to and together with the benefit of the terms and provisions of a Boundary Line Agreement by and between Terry Gagner and William Seaward dated April 5, 1988 and recorded in the said Registry of Deeds in Book 4676, Page 184.

Excepting from the above described premises the land conveyed to the Town of Kittery by virtue of a Release Deed granted by GreenPages, Inc. et al , dated September 13, 1995 and recorded in the York County Registry of Deeds in Book 7561, Page 300.

Subject to the restrictions that installation of groundwater extraction wells is prohibited except with the consent of the State of Maine Department of Environmental Protection, or any successor agency. Nothing herein shall obligate the Grantee herein, or its successors and assigns, to obtain the consent of any party other than the Maine Department of Environmental Protection or its successor agency, including without limitations the Grantor herein or its successors or assigns, in order to undertake any of the activities specific to this paragraph.

Also, all right, title and interest in and to any filled lands between the lots described above and the Piscataqua River and in and to the shore and flats between the lots described above and the Piscataqua River.

Meaning and intending to describe the same premises in a Warranty Deed granted by William W. Seaward, Jr. dated October 17, 1994 and recorded in the York County Registry of Deeds in Book 7224, Page 202.

Also another certain lot or parcel of land, together with the buildings thereon, situated on the westerly side of Badgers Island, in the Town of Kittery, County of York, State of Maine, said lot being bounded and described as follows:

Beginning at a capped rebar set in the ground in the northerly sideline of a road called Badgers Island, West, at the southwesterly corner of the land herein conveyed as land of Charles Patten and thence running by said Patten land N 24 degrees 18' 14" E one hundred sixty-seven and twenty-three hundredths (167.23') feet to capped rebar set as the sideline of said road; thence turning and running by said road the following course; thence by said road southeasterly along a curve to the right having a radius of eight (80.00') feet and an arc length of fourteen and forty-four hundredths (14.44') feet to an iron pipe found; thence by said road S 42 degrees 55' 17" E one hundred ninety and thirty-six hundredths (190.36') feet to a

capped rebar set; thence by said road southerly along a curve to the right having a radius of twenty-five (25.00') feet and as arc length of sixty-two and eighty-three hundredths (62.83') feet to a capped rebar set; N78 degrees 55' 26" W one hundred ninety and thirty-six hundredths (190.36') feet to the point of beginning.

Meaning and intending to describe the same premises in a Warranty Deed granted by Lil's GreenDream, Inc. dated January 31, 2003 and recorded in the York County Registry of Deeds in Book 12483, Page 210.

The above-described properties are conveyed subject to all easements, covenants, restrictions, and agreements of record to the extent applicable and in effect.



Site Photograph #1

May 2021



Site Photograph #2

May 2021





Site Photograph #3

May 2021



Site Photograph #4

May 2021





Site Photograph #5

May 2021



Site Photograph #6

May 2021











## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

<http://www.fws.gov/mainefieldoffice/index.html>

In Reply Refer To:

February 28, 2022

Project Code: 2022-0013589

Project Name: 35 Badgers Island West Shoreline Stabilization

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

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Attachment(s):

- Official Species List

## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

### **Maine Ecological Services Field Office**

P. O. Box A

East Orland, ME 04431

(207) 469-7300

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## Project Summary

Project Code: 2022-0013589

Event Code: None

Project Name: 35 Badgers Island West Shoreline Stabilization

Project Type: Rip-rap

Project Description: The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site. The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.0825132,-70.7557448582543,14z>



Counties: York County, Maine

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## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Birds

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Endangered

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## **IPaC User Contact Information**

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City: Portsmouth  
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