

**Town of Kittery
 Planning Board Meeting
 June 9, 2022**

35 Badgers Island West – Shoreland Development Plan Review

Action: Accept/deny plan as complete; If plan is accepted, continue the agenda item to a subsequent meeting, schedule a public hearing / site walk. Owner/Applicant B.I.W. Group, LLC request approval for a shoreland development plan on a lot with a three-story commercial building and associated parking and utilities proposing to construct a 7,978 square foot revetment (retaining wall), of which 4,291 square feet, will be located within the base zone setback of the Shoreland Overlay Zone and the Resource Protection Zone located on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 32, in the Mixed-Use Badgers Island Zone (MU-BI), the Shoreland (SL-OZ-250) Overlay Zone and the Resource Protection Zone (OZ-RP).

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan	None	NOT APPLICABLE
NO	Site Visit	TBD	TBD
YES	Shoreland Development Plan Review Completeness/Acceptance	Scheduled for June 9, 2022	PENDING
NO	Public Hearing	TBD	TBD
YES	Shoreland Development Plan Review Plan Approval	TBD	PENDING

Applicant: Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Project Introduction

35 Badgers Island West (“Property”) is located along the bank of the Piscataqua River within the Mixed-Use Badgers Island (MU-BI) zoning district, the Shoreland Overlay Zone (OZ-SL-250) and the Resource Protection Zone (OZ-RP). The property is legally conforming – there are 75-foot shoreland setbacks in this zone per §16.4.28.E which the building conforms to and the lot is 54,883 square feet in size - well over the 6,000 square foot minimum lot size.

In addition to the Piscataqua River, directly abutting 35 Badgers Island West to the north is a condominium building and to the south is an industrial/commercial building. This side of Badgers Island is a mix of residential and commercial uses with the commercial uses mostly located at the western and eastern ends of this portion. Route 1 bisects the island.

The applicant’s path to permit the revetment is two pronged: obtaining approval from the Kittery Port Authority (“KPA”) for the portion of the revetment below the Highest Annual Tide (HAT) and the Planning Board (“Board”) approval for a shoreland development. Due to an unintended delay in communication, staff agreed to put the project on the June 9th agenda with the condition that it must be approved by the KPA prior to the Board’s meeting. Since the KPA only meet once a month, the KPA meeting during which this project will be heard is Thursday, June 2nd. If the project is approved, staff will get any pertinent information to the Board on the KPA’s determination as soon as possible.

37 Revetment work as proposed is intended to stabilize the entire shoreline of the property (see photos in the
38 application). The total area of revetment work proposed is 7,978 square feet (of permanent impact), with a
39 linear measurement of 489 feet. Of the 7,978 square feet, 4,291 square feet and 309 linear feet are above
40 the HAT and therefore in the purview of the Planning Board. There is also 10,072 square feet of temporary
41 construction impact, most of which is above the HAT.
42

43 The revetment work proposed will:

- 44 1. Repair and/or replace existing revetment in the southern portion of the property’s shoreline and in
45 the process of this repair/replacement, move the revetment landward to combat erosional forces
46 currently at work and to provide future protection from predicted sea level rise. Some existing
47 revetment located seaward will be removed – about 720 square feet/40 linear feet, the result of
48 moving the revetment 4-5 feet landward.
- 49 2. Construct additional revetment above the HAT along the more northern portion of the property’s
50 shoreline.

51
52 **Development Stanadards**

53 The devegetation calculations on Sheet C-2 indicate that including the upland revetment work proposed,
54 the property will remain under the 60% devegetation area on the lot allowable in the MU-BI Zone. See
55 §16.4.28.E.
56

57 There are a number of existing trees outside the temporary construction area scattered across the lawn. One
58 existing tree and shrubs (many of which are invasive species according to the applicant’s engineer) are
59 located within the temporary construction zone. That area must be replanted as required by shoreland
60 zoning regulations. The applicant will prepare a planting plan but as of this writing, staff does not yet have
61 it.
62

63 Along with ledge, a pile of stones and remnants of an old stone wall, there is a large area of salt marsh grass
64 in the intertidal area to the north which is noted and must be protected (although not in the Planning Board’s
65 purview).
66

67 **Submissions**

68 *Submission content*

69 The shoreland development plan and application is nearly complete and includes the information as
70 required pursuant to §16.9.3.C with the following exception:

- 71 • Replanting plan

72
73 *Waivers*

74 The applicant is not requesting any waivers from any review or ordinance standards.
75

76 *Additional Permits*

77 The proposed revetment has received KPA approval (for that area below the HAT), Army Corps approval
78 (see application) and has a pending NRPA permit from the Department of Environmental Protection.
79

80 **Planning Board Procedural Steps**

81
82 After the Board has been presented with the application and had discussion, the following steps may be
83 considered:

- 84
85 1. Plan acceptance: Before the Board can move on the application, a vote must occur to accept the
86 plan.

- 87 2. If the Board accepts the plan, the Board should decide if a site visit, public hearing, or both need to
88 occur.
89
- 90 3. If a public hearing is not taking place, the Board should consider moving to continue the application
91 to a subsequent meeting or if satisfied with the application, approving the plan.
92

93 **Recommended Motions**

94 Below are recommended motions for the Board’s consideration:
95

96
97 *Motion to accept the application*

98 Move to accept the plan for a shoreland development application from Owner/Applicant B.I.W. Group,
99 LLC which requests approval to construct a 7,978 square foot revetment (retaining wall), of which 4,291
100 square feet, will be located within the base zone setback of the Shoreland Overlay Zone and the Resource
101 Protection Zone located on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 32,
102 in the Mixed-Use Badgers Island Zone (MU-BI), the Shoreland (SL-OZ-250) Overlay Zone and the
103 Resource Protection Zone (OZ-RP).
104

105 *Motion to schedule a site walk*

106 Move to schedule a site walk on _____, 2022, for a shoreland development application from
107 Owner/Applicant B.I.W. Group, LLC which requests approval to construct a 7,978 square foot revetment
108 (retaining wall), of which 4,291 square feet, will be located within the base zone setback of the Shoreland
109 Overlay Zone and the Resource Protection Zone located on real property with the address of 35 Badgers
110 Island West, Tax Map 1, Lot 32, in the Mixed-Use Badgers Island Zone (MU-BI), the Shoreland (SL-OZ-
111 250) Overlay Zone and the Resource Protection Zone (OZ-RP).
112

113 *Motion to schedule public hearing*

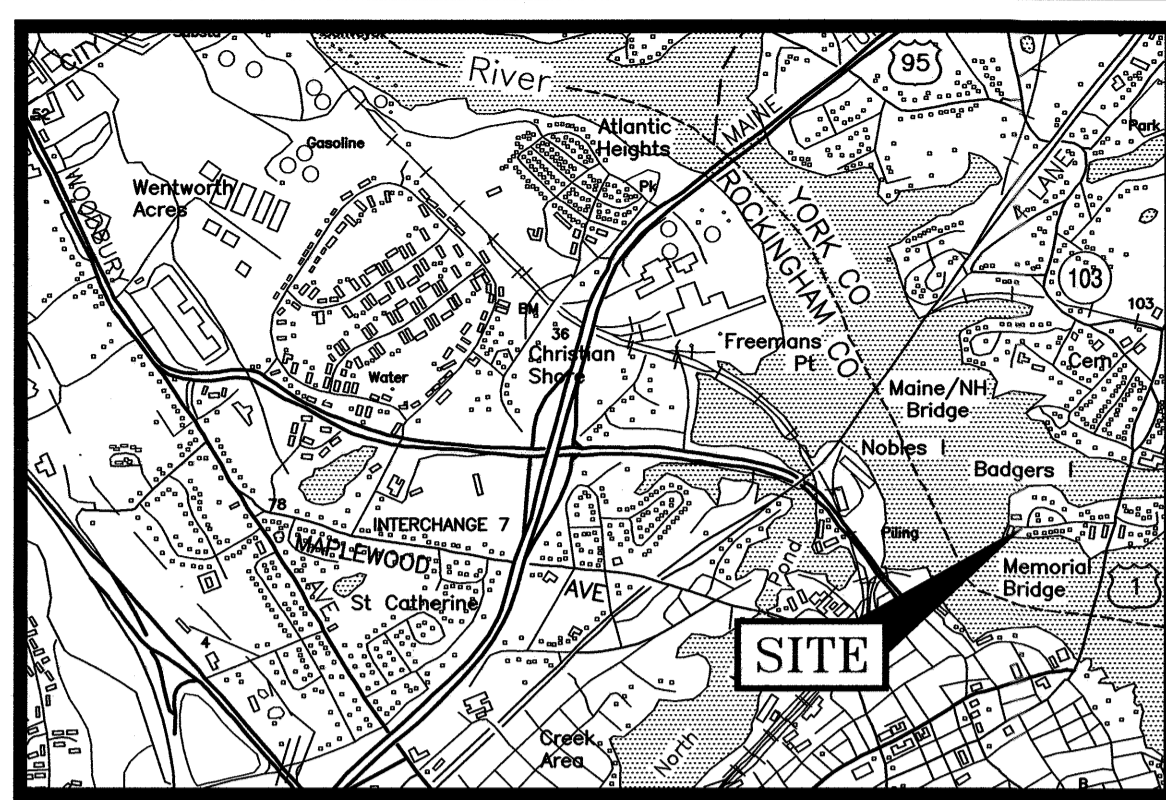
114 Move to schedule a public hearing on the _____, 2022 Planning Board meeting for a shoreland
115 development application from Owner/Applicant B.I.W. Group, LLC which requests approval to construct
116 a 7,978 square foot revetment (retaining wall), of which 4,291 square feet, will be located within the base
117 zone setback of the Shoreland Overlay Zone and the Resource Protection Zone located on real property
118 with the address of 35 Badgers Island West, Tax Map 1, Lot 32, in the Mixed-Use Badgers Island Zone
119 (MU-BI), the Shoreland (SL-OZ-250) Overlay Zone and the Resource Protection Zone (OZ-RP).
120

121 *Motion to continue application*

122 Move to continue the shoreland development application to July 14, 2022 from Owner/Applicant B.I.W.
123 Group, LLC which requests approval to construct a 7,978 square foot revetment (retaining wall), of which
124 4,291 square feet, will be located within the base zone setback of the Shoreland Overlay Zone and the
125 Resource Protection Zone located on real property with the address of 35 Badgers Island West, Tax Map
126 1, Lot 32, in the Mixed-Use Badgers Island Zone (MU-BI), the Shoreland (SL-OZ-250) Overlay Zone and
127 the Resource Protection Zone (OZ-RP).
128

129 *Motion to approve application*

130 Move to approve the shoreland development application from Owner/Applicant B.I.W. Group, LLC which
131 requests approval to construct a 7,978 square foot revetment (retaining wall), of which 4,291 square feet,
132 will be located within the base zone setback of the Shoreland Overlay Zone and the Resource Protection
133 Zone located on real property with the address of 35 Badgers Island West, Tax Map 1, Lot 32, in the Mixed-
134 Use Badgers Island Zone (MU-BI), the Shoreland (SL-OZ-250) Overlay Zone and the Resource Protection
135 Zone (OZ-RP).
136
137



LOCATION MAP SCALE 1"=2,000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS
- MAP 11 / LOT 21
- RAILROAD SPIKE FOUND
- IRON ROD/IRON PIPE FOUND
- IRON PIPE FOUND
- STONE/CONCRETE BOUND FOUND
- RAILROAD SPIKE SET
- IRON ROD SET
- DRILL HOLE SET
- GRANITE BOUND SET
- BOUNDARY
- BUILDING SETBACK
- MEAN HIGH WATER LINE
- MSL MEAN SEA LEVEL
- MLW MEAN LOW WATER
- MLLW MEAN LOWER LOW WATER
- HAT MAINE DEP HIGHEST ANNUAL TIDE LINE
- WB WETLAND BUFFER LINE
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC/WIRES
- CONTOUR
- SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- GAS SHUT OFF
- WATER SHUT OFF/CURB STOP
- GATE VALVE
- HYDRANT
- METER (GAS, WATER, ELECTRIC)
- CATCH BASIN
- SEWER MANHOLE
- DRAIN MANHOLE

- PLAN REFERENCES:**
- BADGERS LANDING CONDOMINIUM STANDARD BOUNDARY SURVEY & CONDOMINIUM SITE PLAN FOR PROPERTY AT 32 BADGERS ISLAND WEST, KITTERY, YORK COUNTY, MAINE. CLIENT ISLAND PROPERTIES, LLC. PREPARED BY EASTERLY SURVEY, INC. DATED SEPTEMBER 17, 2002, FINAL REVISION DATE SEPTEMBER 30, 2002. Y.C.R.D. PLAN BOOK 581, PAGE 1.
 - LAND TITLE SURVEY WEATHERVANE LOBSTER - SEAFOODS, THORNERS LANE, BADGERS ISLAND, KITTERY MAINE. PREPARED BY CIVIL CONSULTANTS. DATED AUGUST 21, 1996, FINAL REVISION SEPTEMBER 20, 1996. Y.C.R.D. PLAN BOOK 231/23.
 - LOCATION OF A PORTION OF THE TOWN ROAD KNOWN AS BADGERS ISLAND WEST ON BADGERS ISLAND, KITTERY MAINE, FOR THE TOWN OF KITTERY, MAINE. PREPARED BY DOUCET SURVEY, INC. DATED AUGUST 26, 1994, FINAL REVISION DATE SEPTEMBER 15, 1995. Y.C.R.D. PLAN BOOK 225/12.
 - BOUNDARY PLAN OF LAND, CHARLES & MARYANN D. PATTEN, KITTERY, MAINE. PREPARED BY THOMAS F. MORAN, INC. DATED MAY 17, 1982. Y.C.R.D. PLAN BOOK 118/37.
 - GAGNER / SEWARD PROPERTY LINE EVALUATION SURVEYED SITE PLAN, KITTERY, MAINE. PREPARED BY KIMBALL CHASE. DATED SEPTEMBER 16, 1987. Y.C.R.D. PLAN BOOK 167/17.
 - PLAN OF LOTS, BADGERS ISLAND, KITTERY, MAINE OWNED BY JOSEPH W. THORNER. PREPARED BY JOHN W. DURGIN, CIVIL ENGINEER. DATED APRIL 1936. Y.C.R.D. PLAN BOOK 22/31.

LEGEND: (CONTINUED)

- AC AIR CONDITIONING UNIT
- HP HEAT PUMP
- SIGNS
- CPP CORRUGATED PLASTIC PIPE
- PVC POLYVINYL CHLORIDE PIPE
- EL. ELEVATION
- EP EDGE OF PAVEMENT
- FF FINISHED FLOOR
- INV. INVERT
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL
- VGC/SGC VERTICAL/SLOPED GRANITE CURB
- LSA LANDSCAPED AREA

DEVEGETATED COVERAGE CALCULATION (TO PROPERTY LINE & MEAN HIGH WATER)

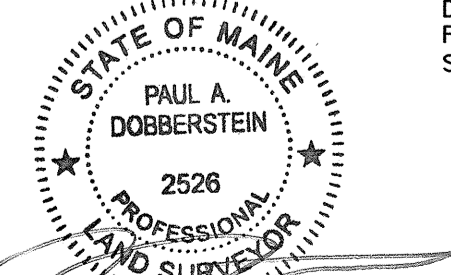
STRUCTURE	EXISTING (S.F.)
MAIN STRUCTURE	5,922
PAVEMENT	12,295
GRAVEL AREAS	2,277
RETAINING WALLS	48
CONCRETE PADS/STEPS	942
TOTAL	21,484
LOT SIZE	58,985
% LOT COVERAGE	36.4%

UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.

PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:

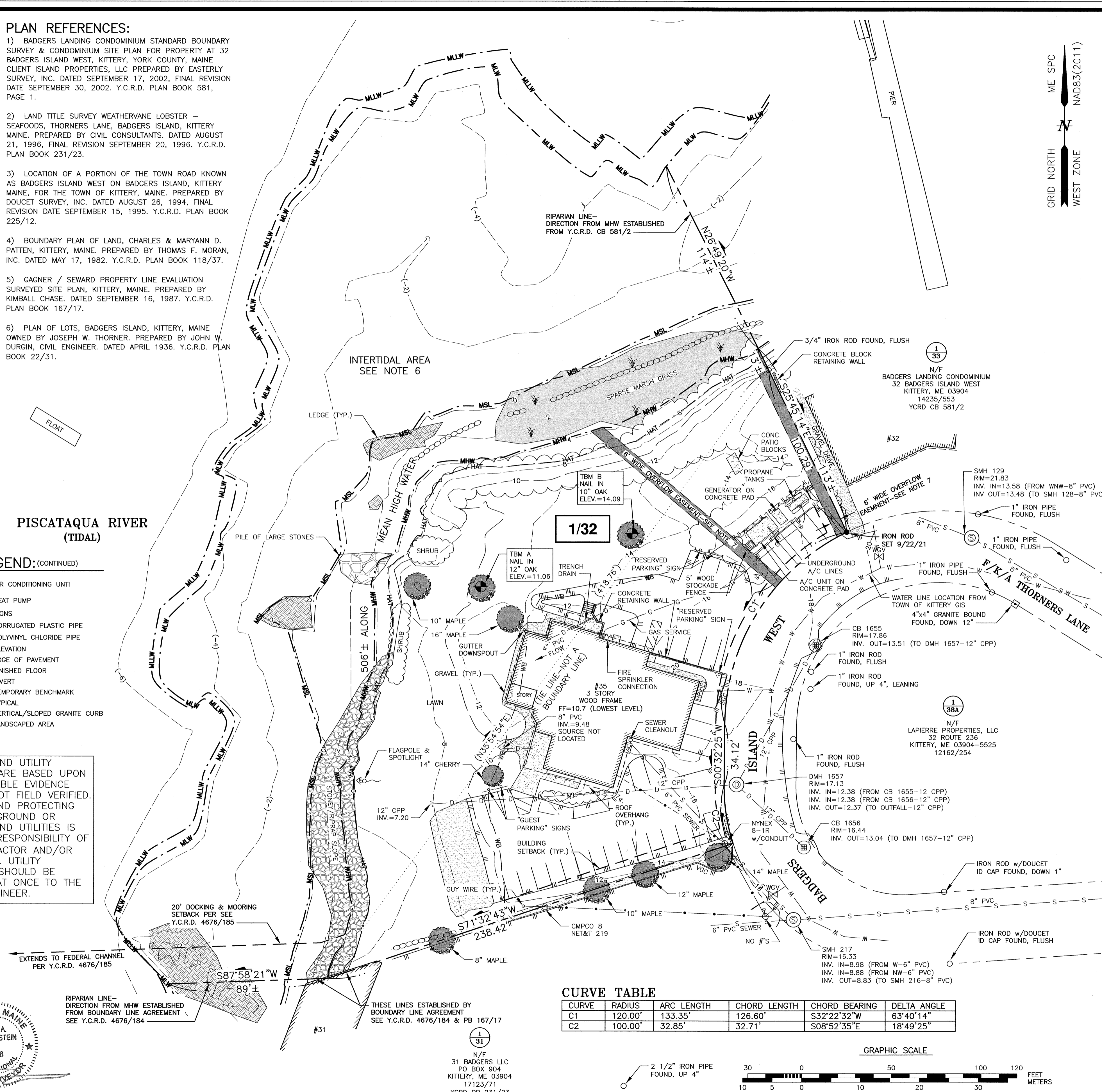
- NO SURVEY REPORT HAS BEEN PREPARED.
- NO LAND DESCRIPTION HAS BEEN PREPARED.
- MONUMENTS HAVE NOT BEEN SET.

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.



PAUL A. DOBBERSTEIN, PLS #2526

DATE 10/6/21



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	120.00'	133.35'	126.60'	S32°22'32"W	63°40'14"
C2	100.00'	32.85'	32.71'	S08°52'35"E	18°49'25"

GRAPHIC SCALE



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 1 AS LOT 32.
- OWNER OF RECORD:
B.I.W. GROUP, LLC
41 INDUSTRIAL DRIVE, UNIT 20
EXETER, NH 03833
18503/331 (FIRST PARCEL)
PLAN BOOK 22/31 (LOTS 14, 15, 16, & 17)
- A PORTION OF THE PARCEL IS IN A SPECIAL FLOOD HAZARD AREA, ZONE A2 (ELEV. 9-NGVD29), AS SHOWN ON FIRM PANEL 2301710008D. EFFECTIVE DATE JULY 3, 1986.
- EXISTING LOT AREA:
58,985± S.F. (TO MEAN HIGH WATER)
1.3541± ACRES (TO MEAN HIGH WATER)
- PARCEL IS LOCATED IN THE MIXED USE - BADGERS ISLAND (MU-BI) ZONING DISTRICT AND IS SUBJECT TO THE RESOURCE PROTECTION (OZ-RP) AND SHORELAND-WATER BODY / WETLAND PROTECTION AREA (OZ-SL-250') OVERLAY DISTRICTS.
- DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 6,000 SF
FRONTAGE: 50 FEET
SETBACKS: FRONT 5 FEET, SIDE 10 FEET, REAR 10 FEET
MAXIMUM BUILDING HEIGHT: 40 FEET
MINIMUM OPEN SPACE: 40%
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 1 LOT 32 IN THE TOWN OF KITTERY.
- VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. MHW, MSL, MLW, AND MLLW BASED ON NOAA STATION 8419870-SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.
- AREA BETWEEN MEAN HIGH WATER AND MEAN LOW WATER ARE SUBJECT TO THE RIGHTS OF THE PUBLIC.
- PARCEL IS SUBJECT TO A 6' WIDE EASEMENT FOR "LAYING AND MAINTAINING AN OVERFLOW PIPE FROM A SEPTIC (sic) TANK ON THE CONVEYED LOT UNDER THE ROADWAY". BENEFITING LOTS 1, 2, 3, 4, AND 5 ON PLAN REFERENCE 6 (NOW ASSESSOR'S MAP 1 LOTS 38 & 38A). SAID EASEMENT WAS GRANTED AS BEING ON LOT 14 BUT ALONG THE COMMON LOT LINE OF 14 & 15 OR COMMON LINE OF 13 & 14. SEE Y.C.R.D. 1301/275. IT IS NOT CLEAR IN WHICH LOCATION THE PIPE WAS CONSTRUCTED.
- HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.4 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

B.I.W. GROUP, LLC
35 BADGERS ISLAND WEST
KITTERY, MAINE

NO.	DESCRIPTION	DATE
1	REVISE PER COMMENT	10/6/21
0	ISSUED FOR COMMENT	9/10/21

SCALE 1"=30' AUGUST 2021

EXISTING CONDITIONS PLAN **C1**

DEVEGETATED COVERAGE CALCULATION
(TO HAT LINE)

STRUCTURE	PRE-CONSTRUCTION (S.F.)	POST-CONSTRUCTION (S.F.)
MAIN STRUCTURE	5,922	5,922
PAVEMENT	12,295	12,295
GRAVEL AREAS	2,277	2,277
RETAINING WALLS	48	48
CONCRETE PADS/STEPS	942	942
REVTMENT	3,695	5,111
RIPRAP SWALES/BERM	0	530
TOTAL	25,179	27,125
LOT SIZE	54,883	54,883
% DEVEGETATED AREA	45.9%	49.4%

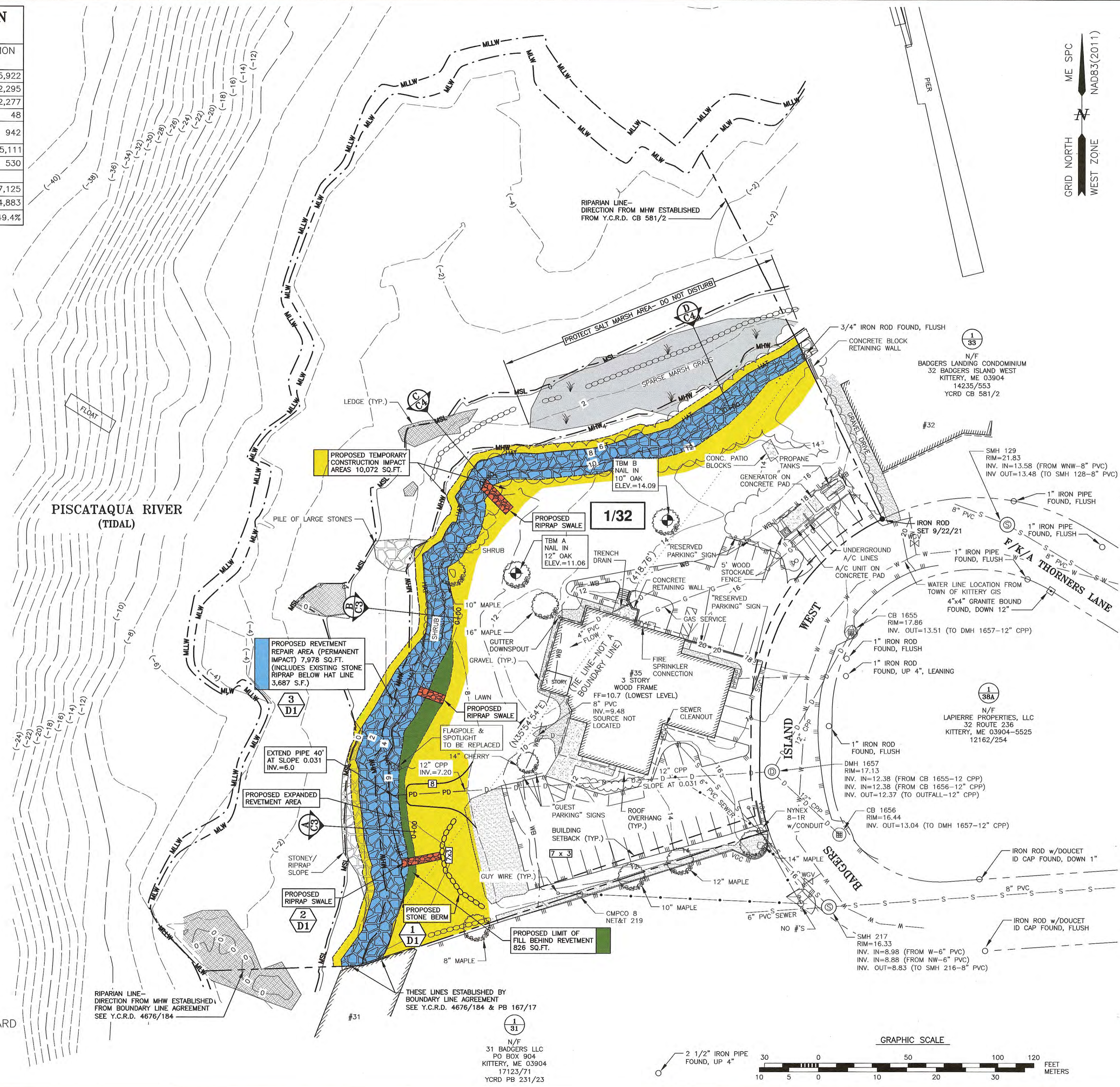
CONSTRUCTION IMPACT AREAS (TO HAT LINE)

ITEM	COLOR KEY	AREA
TEMPORARY IMPACT AREA		10,072 S.F.
PERMANENT IMPACT AREA		7,978 S.F.

YORK COUNTY REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ H _____ M., AND
RECORDED IN BOOK _____ PAGE _____
ATTEST:

REGISTRAR

OWNER: _____
SIGNATURE _____ DATE _____
SIGNATURE _____ DATE _____
APPROVED BY THE TOWN OF KITTEERY PLANNING BOARD
CHAIRMAN _____ DATE _____

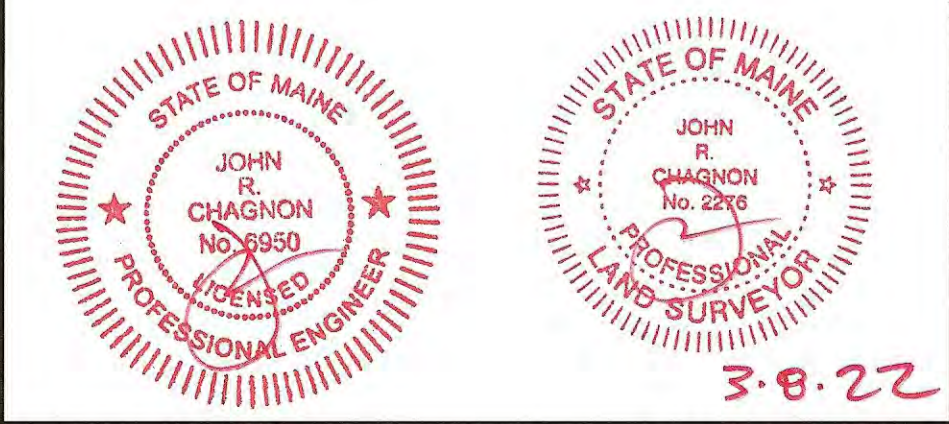


AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTEERY ASSESSOR'S MAP 1 AS LOT 32.
 - 2) OWNER OF RECORD:
B.I.W. GROUP, LLC
41 INDUSTRIAL DRIVE, UNIT 20
EXETER, NH 03833
18503/331
 - 3) A PORTION OF THE PARCEL IS IN A SPECIAL FLOOD HAZARD AREA, ZONE A2 (ELEV. 9-NGVD29), AS SHOWN ON FIRM PANEL 2301710008D. EFFECTIVE DATE JULY 3, 1986.
 - 4) EXISTING LOT AREA:
58,985± S.F. (TO MEAN HIGH WATER)
1.3541± ACRES (TO MEAN HIGH WATER)
 - 5) PARCEL IS LOCATED IN THE MIXED USE - BADGERS ISLAND (MU-BI) ZONING DISTRICT AND IS SUBJECT TO THE RESOURCE PROTECTION (OZ-RP) AND SHORELAND-WATER BODY / WETLAND PROTECTION AREA (OZ-SL-250') OVERLAY DISTRICTS.
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 6,000 SF
FRONTAGE: 50 FEET
SETBACKS: FRONT 5 FEET
SIDE 10 FEET
REAR 10 FEET
MAXIMUM STRUCTURE HEIGHT: 40 FEET
MINIMUM OPEN SPACE: 40%
MAXIMUM DEVEGETATED AREA: 60%
 - 4) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED AREA OF SLOPE REPAIR ON PORTION OF TAX MAP 1 LOT 32 IN THE TOWN OF KITTEERY.
 - 5) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. MHW, MSL, MLW, AND MLLW BASED ON NOAA STATION 8419870-SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.
 - 6) THIS IS NOT A BOUNDARY SURVEY. RIGHTS WITHIN THE INTERTIDAL AREA HAVE NOT BEEN DETERMINED.
 - 7) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.4 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

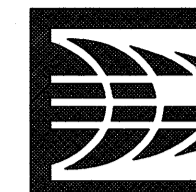
REVTMENT REPAIR
35 BADGERS ISLAND WEST
KITTEERY, MAINE

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/8/22
REVISIONS		



SCALE 1"=30' MARCH 2022

SHORELAND DEVELOPMENT APPLICATION PLAN **C2**

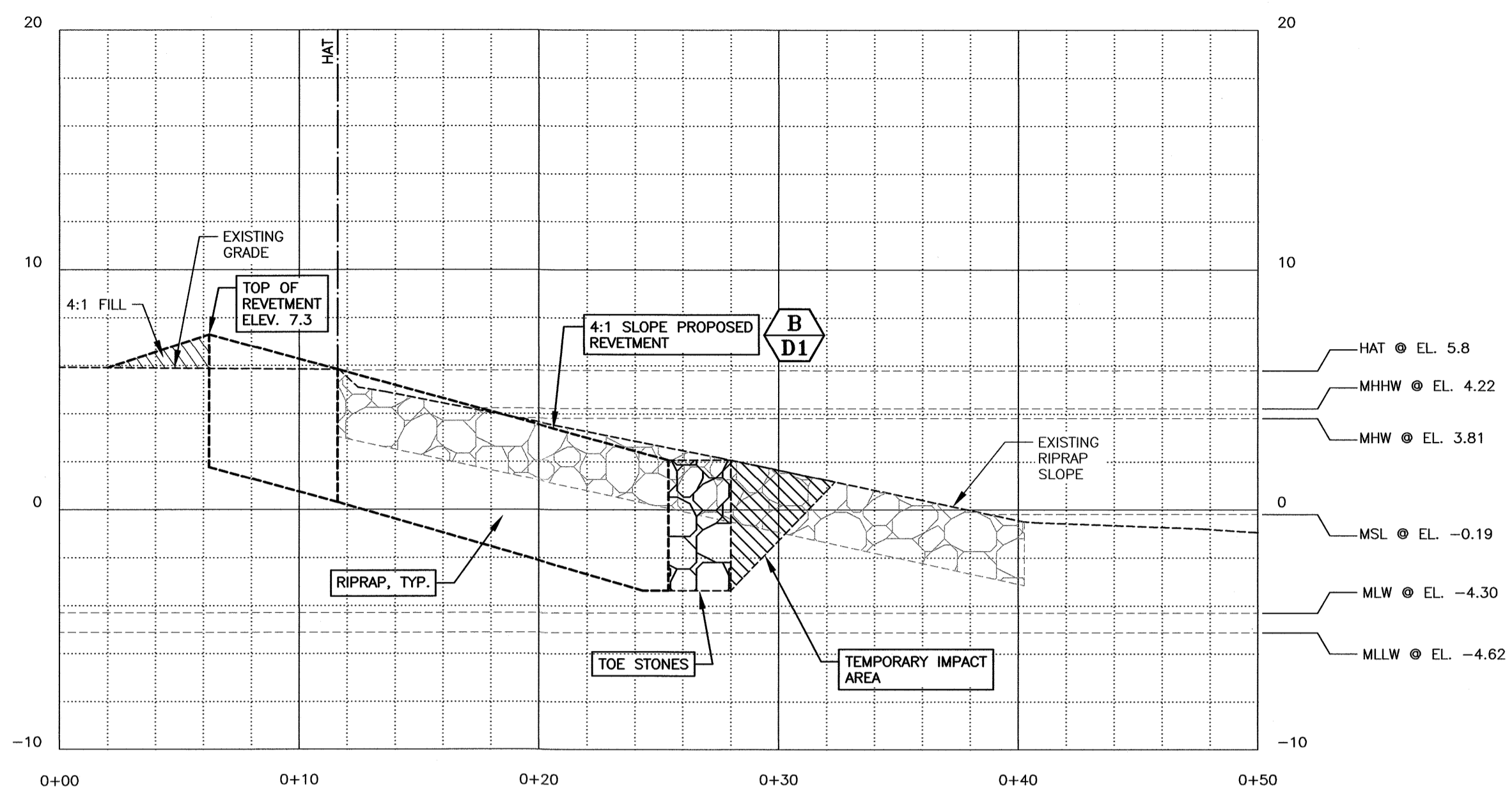


AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

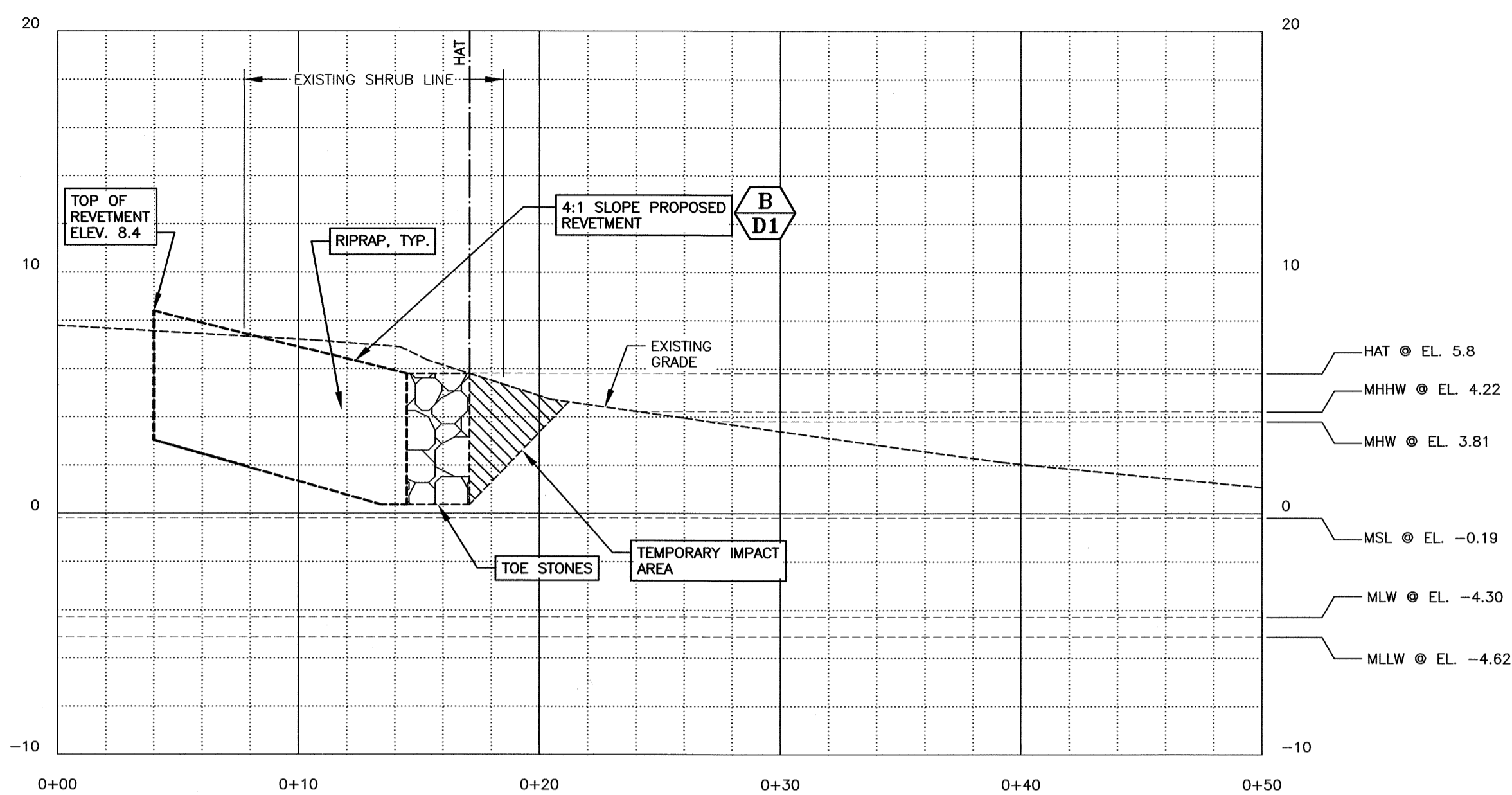
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

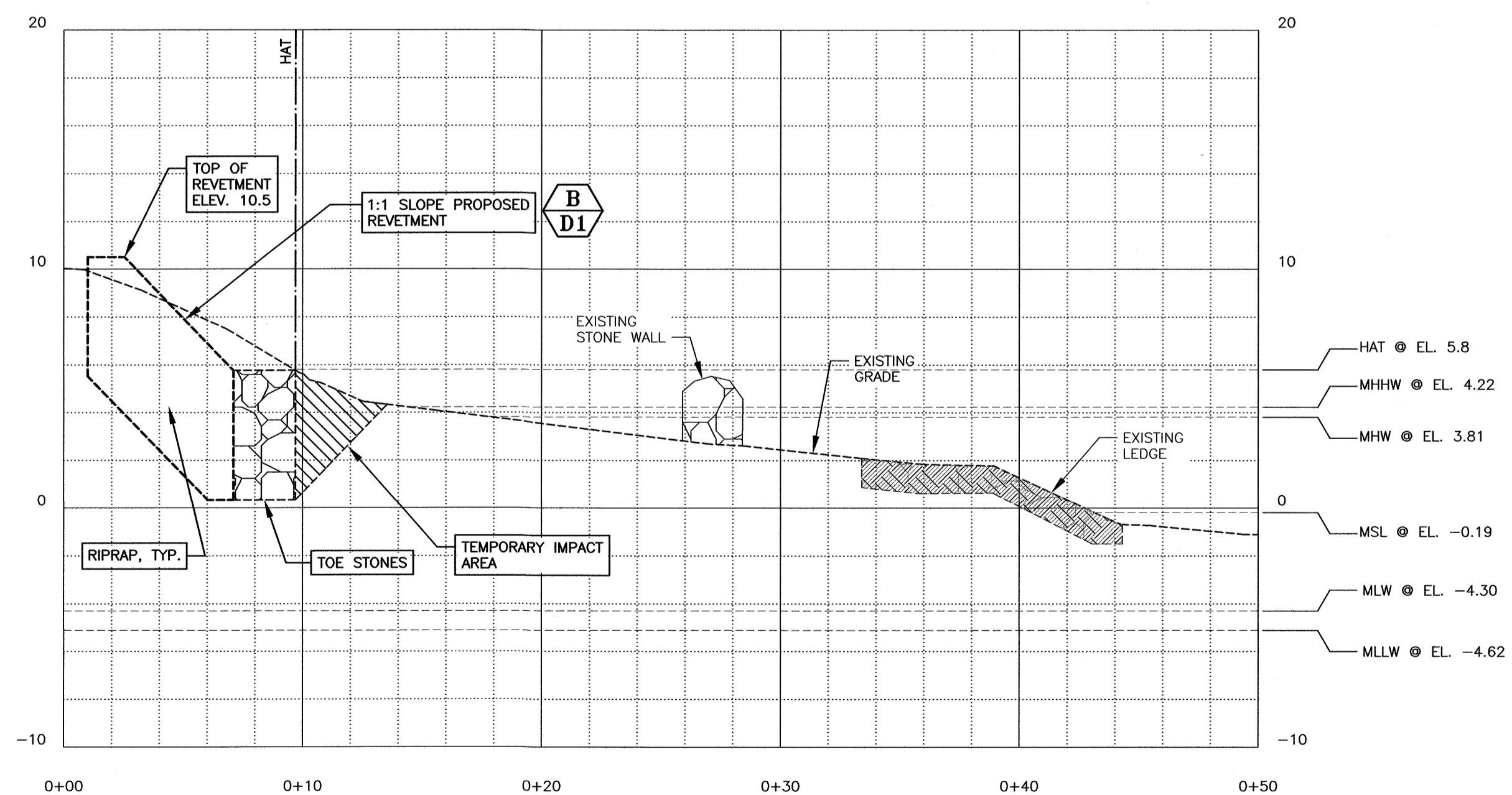
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7253) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.
- 4) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. MHW, MSL, MLW, AND MLLW BASED ON NOAA STATION 8419870-SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.
- 5) THE PURPOSE OF THIS PLAN IS TO SHOW THE REVETMENT REPAIR ON ASSESSOR'S MAP 1 LOT 32 IN THE TOWN OF KITTERY



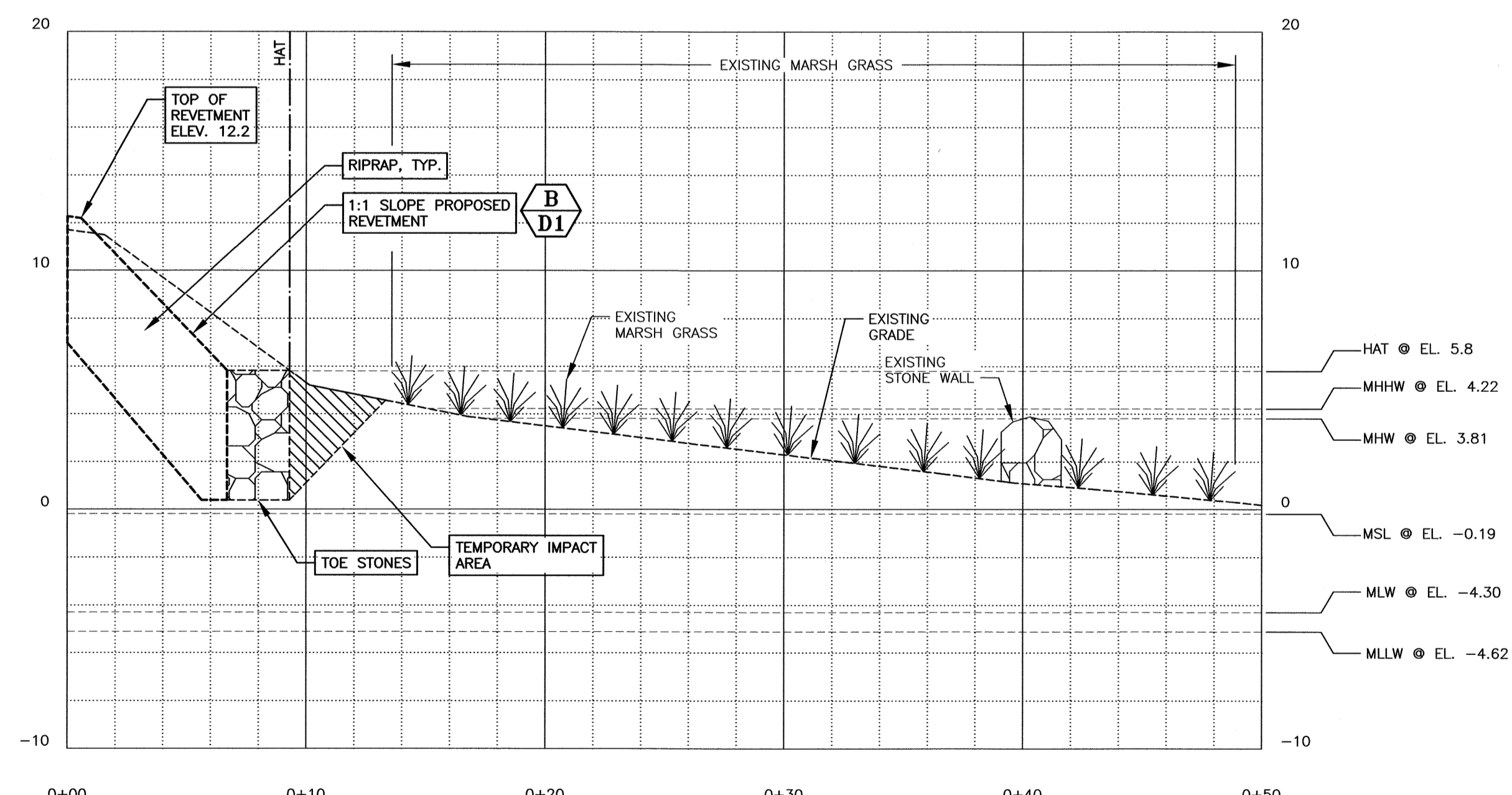
SECTION A
SCALE: 1" = 5'



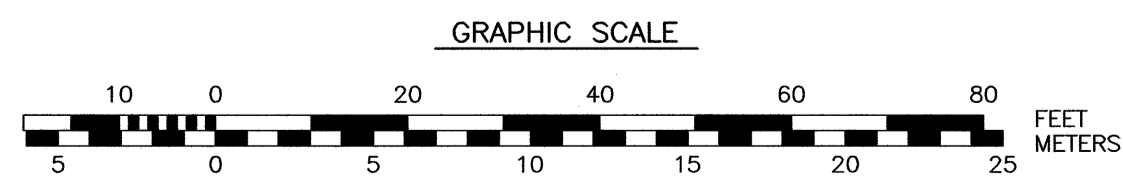
SECTION B
SCALE: 1" = 5'



SECTION C
SCALE: 1" = 5'



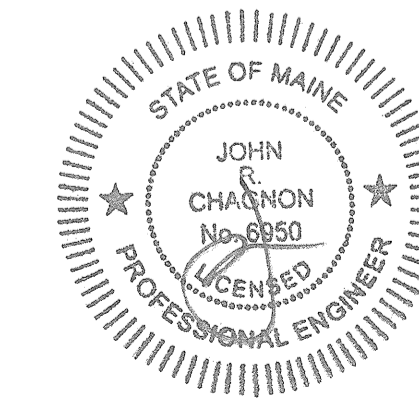
SECTION D
SCALE: 1" = 5'



REVETMENT REPAIR 35 BADGERS ISLAND WEST KITTERY, MAINE

NO.	DESCRIPTION	DATE
1	RAISED REVETMENT ELEVATIONS	1/28/22
0	ISSUED FOR COMMENT	10/19/21

REVISIONS



1-28-22

SCALE: AS NOTED SEPTEMBER 2021

SLOPE REPAIR
SECTIONS

C3

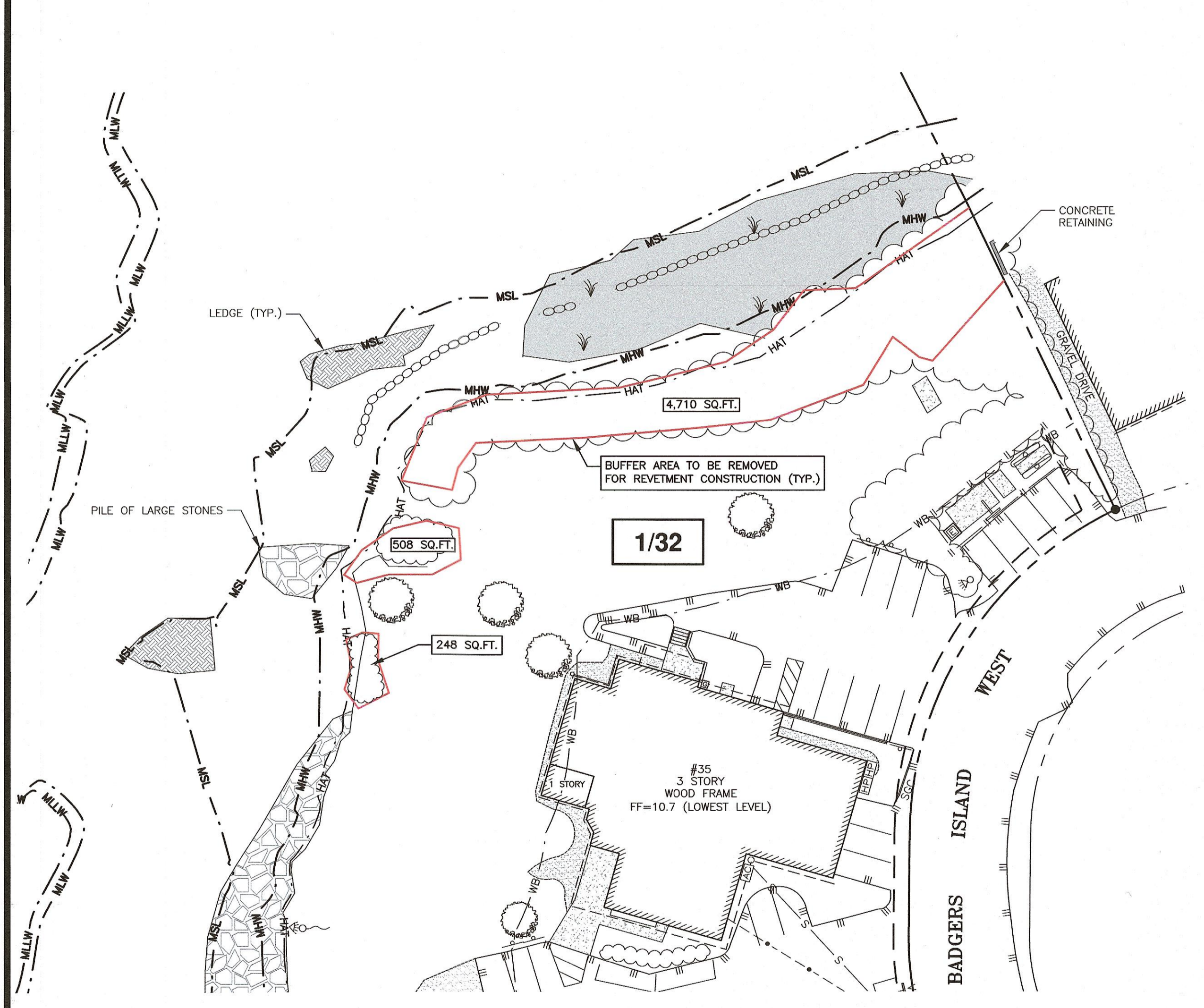
ME SPC
 NAD83(2011)
 GRID NORTH
 WEST ZONE

BUFFER PLANTING SCHEDULE			
SYMBOL	ITEM	SIZE	QTY
●	CLETHRA ALNIFOLIA	2 GALLON	13
	SWEET PEPPERBUSH		
⊙	MYRICA PENNSYLVANICA	2 GALLON	8
	NORTHERN BAYBERRY		
⊕	SPIRAEA LATIFOLIA	1/2 GALLON	8
	MEADOW SWEET		
▲	ASTER NOVAE-ANGLIAE	1/2 GALLON	8
	NEW ENGLAND ASTER		
■	ACER RUBRUM	2" CALIPER	5
	RED MAPLE		

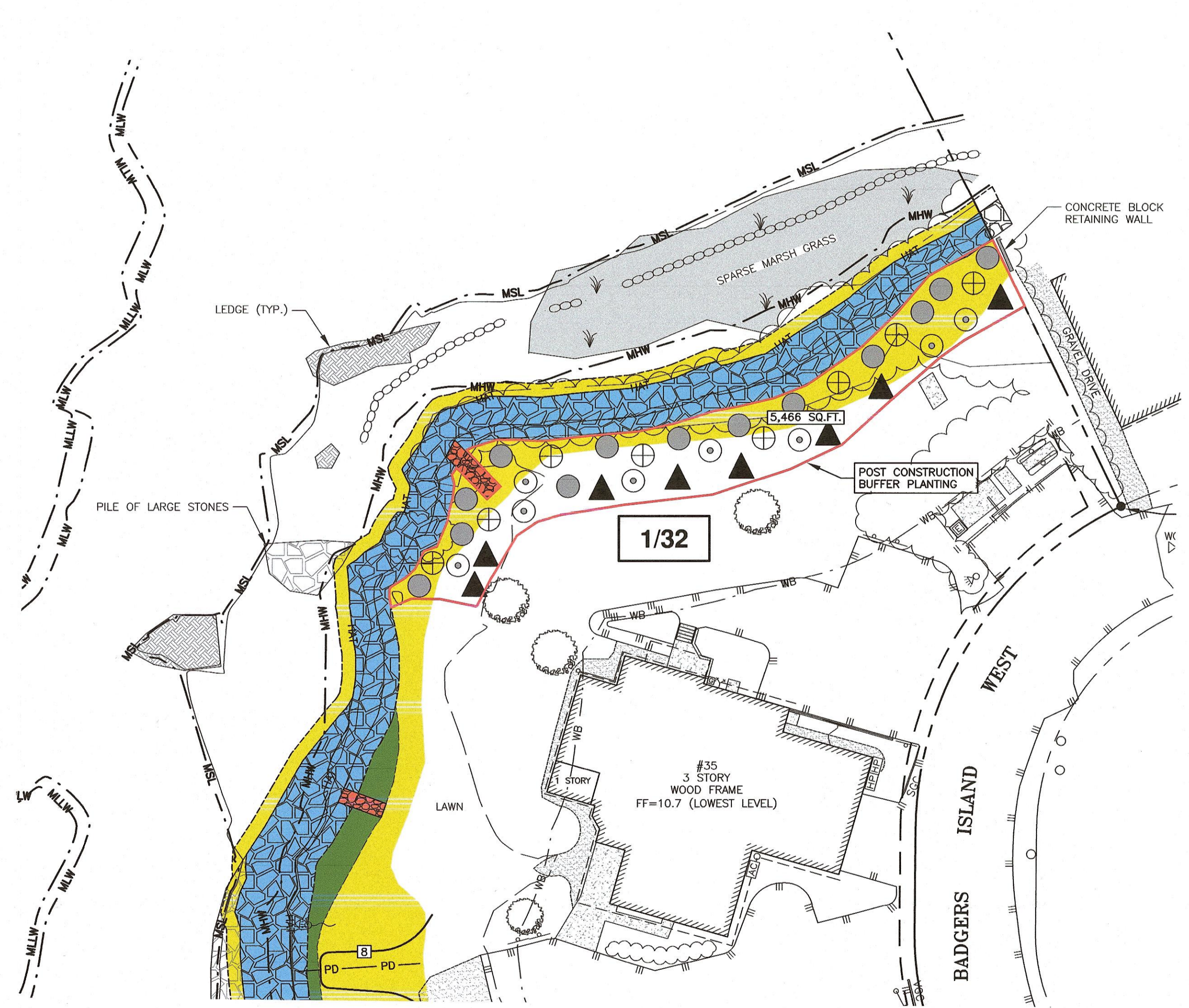
* PLANT SPECIES CAN SUBSTITUTED WITH APPROVAL FROM AMBIT ENGINEERING, INC.

NOTES:

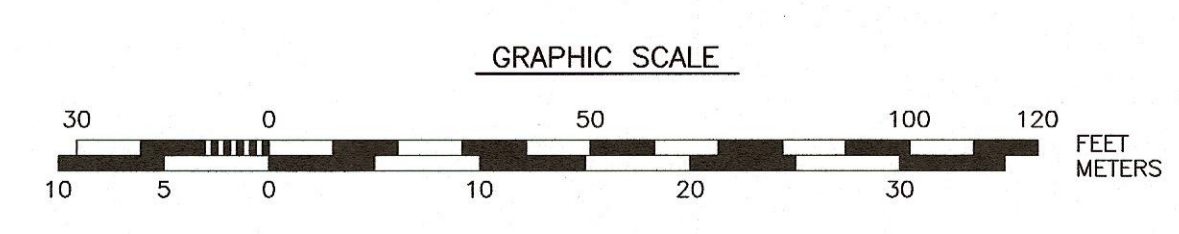
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) PLANTS AND SEED MIX CAN BE OBTAINED FROM PIERSON NURSERIES, INC., 24 BUZZELL ROAD, BIDDEFORD, ME. 04005. 207-499-2994. WWW.PIERSONNURSERIES.COM.



PRE-CONSTRUCTION:
 5,466 SQ.FT. OF BUFFER AREA TO BE REMOVED FOR REVETMENT CONSTRUCTION

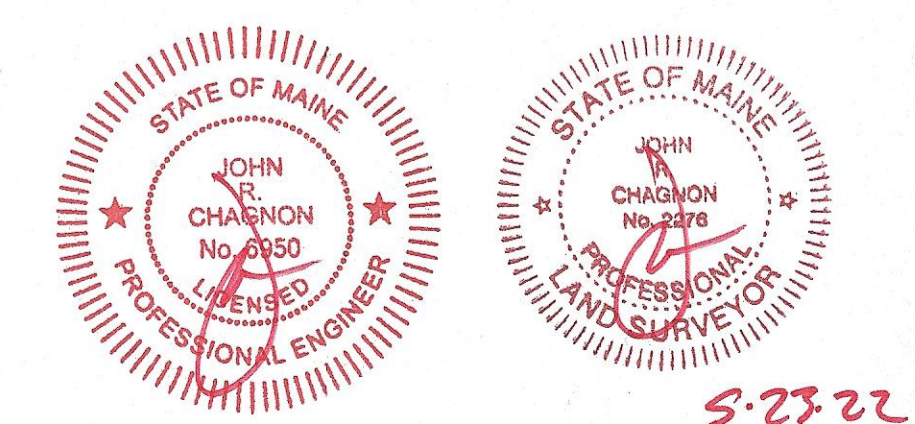


POST-CONSTRUCTION BUFFER PLANTING:
 5,466 SQ.FT. SEE BUFFER PLANTING SCHEDULE



**REVETMENT REPAIR
 35 BADGERS
 ISLAND WEST
 KITTEERY, MAINE**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	5/23/22



SCALE 1"=30' MAY 2022

BUFFER PLANTING **C4**

SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A PUSH BOAT, WORK SKIFF AND MATERIALS TO THE SITE VIA THE PISCATAQUA RIVER.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE RIPRAP AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS
- 4) INSTALLATION OF THE RIPRAP WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.

HEAVY EQUIPMENT IN WETLANDS OR MUDFLATS

OPERATING HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WITHIN WETLANDS SHALL BE MINIMIZED, AND SUCH EQUIPMENT SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, TO THE MAXIMUM EXTENT PRACTICABLE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (TYPICALLY <3 PSI), OR IT SHALL BE PLACED ON SWAMP/CONSTRUCTION/TIMBER MATS (HEREIN REFERRED TO AS "CONSTRUCTION MATS" AND DEFINED AT APPENDIX A, ENDNOTE 4) THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. CONSTRUCTION MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND, IF THE USE OF CONSTRUCTION MATS IN WETLANDS IS REQUIRED FOR CONSTRUCTION. PLACEMENT OF CONSTRUCTION MATS WITHIN SALT MARSH AREAS IS PROHIBITED, DRAGGING CONSTRUCTION MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AUTHORIZATION (CATEGORY 2 AUTHORIZATION OR INDIVIDUAL PERMIT). SIMILARLY, THE PERMITTEE MAY REQUEST WRITTEN AUTHORIZATION FROM THE CORPS TO WAIVE USE OF MATS DURING FROZEN, DRY OR OTHER CONDITIONS. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CONSTRUCTION MATS SHOULD BE MANAGED IN ACCORDANCE WITH THE CONSTRUCTION MAT BMPs AT WWW.NAE.USACE.ARMY.MIL/MISSIONS/REGULATORY

SOIL EROSION, SEDIMENT AND TURBIDITY CONTROLS

- A. ADEQUATE SEDIMENTATION AND EROSION CONTROL MANAGEMENT MEASURES, PRACTICES AND DEVICES, SUCH AS PHASED CONSTRUCTION, INSTALLATION OF SEDIMENT CONTROL BARRIERS (I.E. SILT FENCE, VEGETATED FILTER STRIPS, GEOTEXTILE SILT FENCES, EROSION CONTROL MIXES, HAY BALES OR OTHER DEVICES) DOWNHILL OF ALL EXPOSED AREAS, RETENTION OF EXISTING VEGETATED BUFFERS, APPLICATION OF TEMPORARY MULCHING DURING CONSTRUCTION, AND PERMANENT SEEDING AND STABILIZATION SHALL BE INSTALLED AND PROPERLY MAINTAINED TO REDUCE EROSION AND RETAIN SEDIMENT ON-SITE DURING AND AFTER CONSTRUCTION. THEY SHALL BE CAPABLE OF PREVENTING EROSION; OF COLLECTING SEDIMENT, SUSPENDED AND FLOATING MATERIALS; AND OF FILTERING FINE SEDIMENT.
- B. TEMPORARY SEDIMENT CONTROL BARRIERS SHALL BE REMOVED UPON COMPLETION OF WORK, BUT NOT UNTIL ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED. THE SEDIMENT COLLECTED BY THESE SEDIMENT BARRIERS SHALL BE REMOVED AND PLACED AT AN UPLAND LOCATION AND STABILIZED TO PREVENT ITS LATER EROSION INTO A WATERWAY OR WETLAND.
- C. ALL EXPOSED SOIL AND OTHER FILLS SHALL BE PERMANENTLY STABILIZED AT THE EARLIEST PRACTICABLE DATE.

TIME OF YEAR WORK WINDOWS/RESTRICTIONS

FOR ACTIVITIES WHERE WORK IS AUTHORIZED IN STREAMS AND TIDAL WATERS THAT CAUSES TURBIDITY OR SEDIMENT RE-SUSPENSION OR OTHER CONSTRUCTION RELATED DISTURBANCES, WORK MUST BE CONDUCTED DURING THE FOLLOWING T.O.Y. WORK WINDOWS (NOT DURING THE T.O.Y. RESTRICTIONS) UNLESS OTHERWISE AUTHORIZED BY THE CORPS UNDER CATEGORY 2 REVIEW:

	T.O.Y. RESTRICTION (NO WORK)	T.O.Y. WORK WINDOW (WORK ALLOWED)
NON-TIDAL WATERS	OCT. 01 THROUGH JUL. 14	JUL. 15 THROUGH SEP. 30
TIDAL WATERS	APR. 10 THROUGH NOV. 07	NOV. 08 THROUGH APR. 09

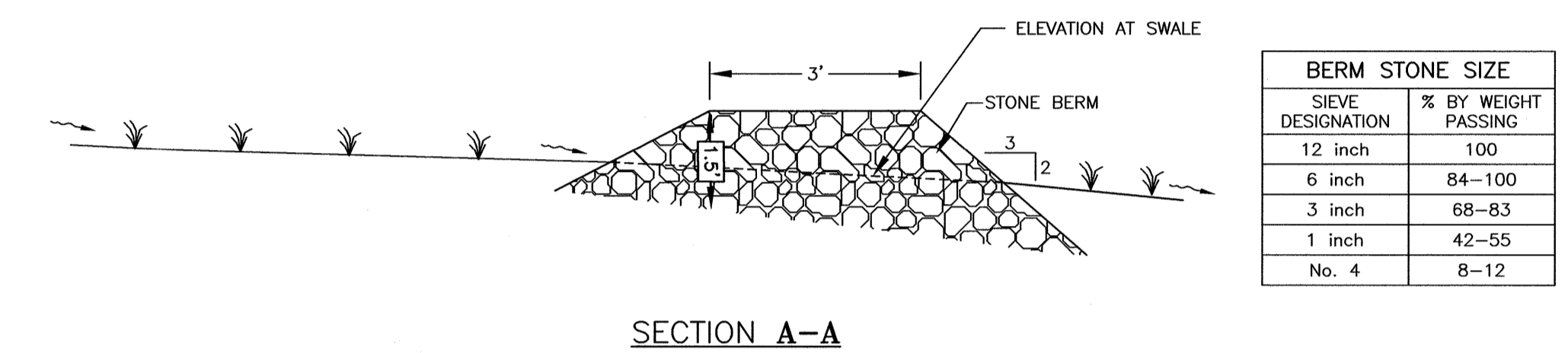
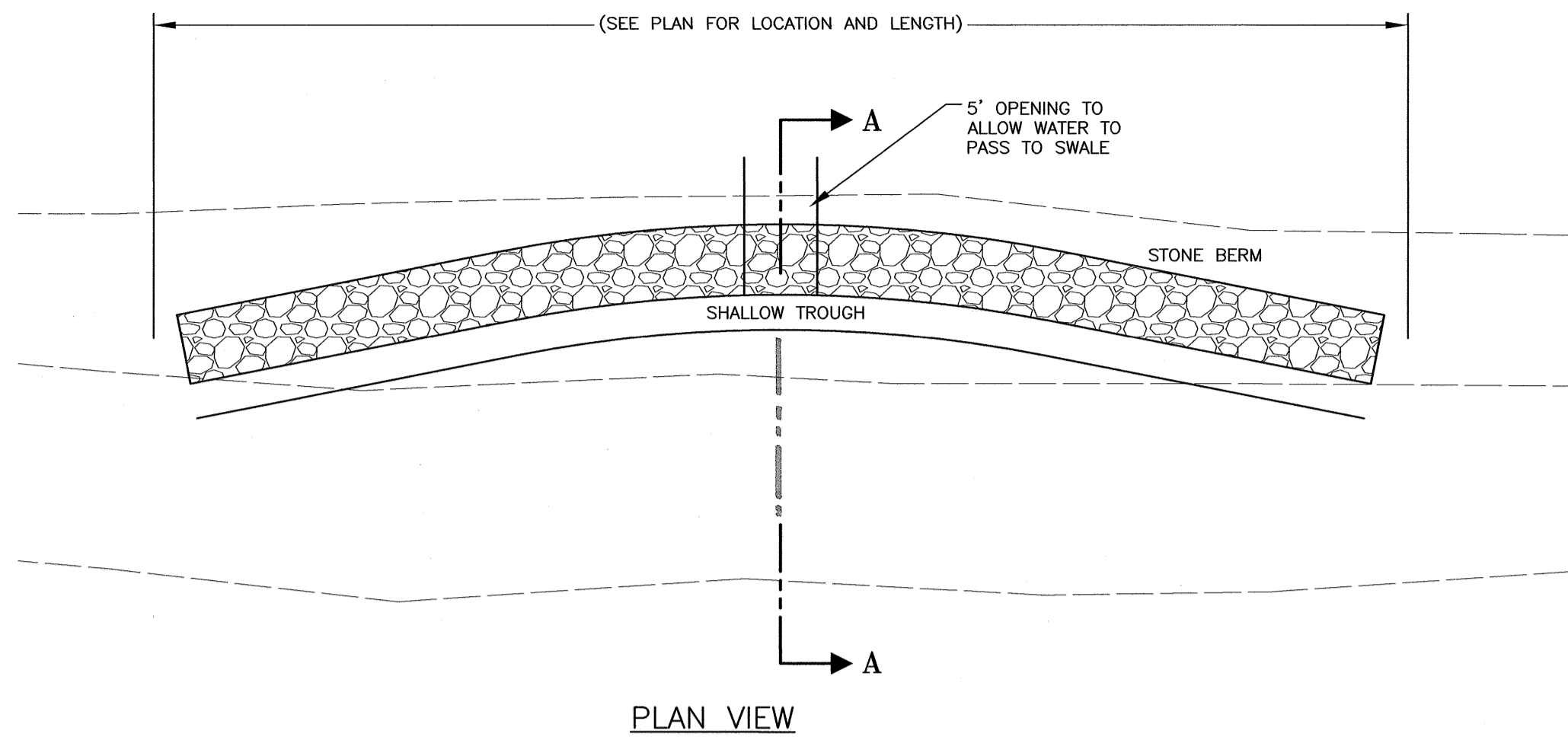
ALTERNATE WINDOWS AUTHORIZED UNDER CATEGORY 2 MAY INCLUDE SPECIES SPECIFIC WINDOWS RECOMMENDED BY THE MAINE DEPT. OF MARINE RESOURCES AND/OR MAINE DEPT. OF INLAND FISHERIES & WILDLIFE.

FLOODPLAINS AND FLOODWAYS

- A. APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- B. ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPONENTS MAY NEED TO COORDINATE WITH FEMA AND APPLY FOR A FORMAL CHANGE TO THE FLOOD INSURANCE STUDY PRODUCTS OR FORWARD A SET OF PROJECT PLANS AND RELEVANT TECHNICAL DOCUMENTATION IN A DIGITAL FORMAT TO THE RISK ANALYSIS BRANCH CHIEF, MITIGATION DIVISION, FEMA, REGION 1, 99 HIGH STREET, BOSTON, MASSACHUSETTS 02110. APPLICANTS SHOULD PROVIDE A COPY OF ANY DOCUMENTATION TO THE CORPS ALONG WITH THE PCN.
- C. PROPONENTS MAY HAVE TO OBTAIN A FLOOD HAZARD DEVELOPMENT PERMIT ISSUED BY THE TOWN. INQUIRIES MAY BE DIRECTED TO THE MUNICIPALITY OR TO THE MAINE FLOODPLAIN MANAGEMENT COORDINATOR AT (207) 287-8063. SEE [HTTP://WWW.MAINE.GOV/DACF/FLOOD/](http://WWW.MAINE.GOV/DACF/FLOOD/)

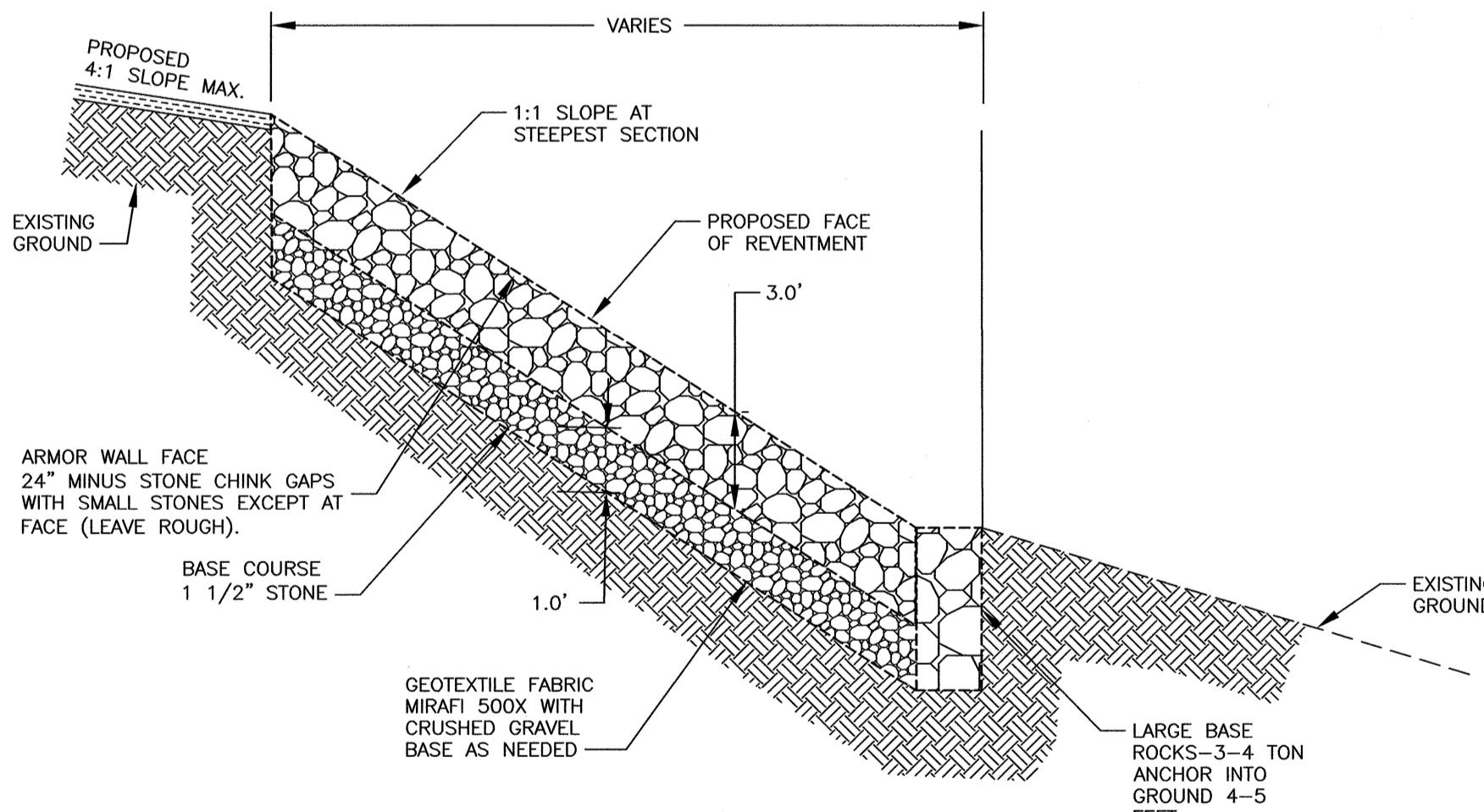
SPAWNING, BREEDING, AND MIGRATORY AREAS.

- A. JURISDICTIONAL ACTIVITIES AND IMPACTS SUCH AS EXCAVATIONS, DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN JURISDICTIONAL WATERS THAT PROVIDE VALUE AS FISH MIGRATORY AREAS, FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE.
- B. JURISDICTIONAL ACTIVITIES IN WATERS OF THE UNITED STATES THAT PROVIDE VALUE AS BREEDING AREAS FOR MIGRATORY BIRDS MUST BE AVOIDED TO THE MAXIMUM EXTENT PRACTICABLE. THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY "TAKE" PERMITS REQUIRED UNDER THE USFWS'S REGULATIONS GOVERNING COMPLIANCE WITH THE MIGRATORY BIRD TREATY ACT OR THE BALD AND GOLDEN EAGLE PROTECTION ACT. THE PERMITTEE SHOULD CONTACT THE APPROPRIATE LOCAL OFFICE OF THE USFWS TO DETERMINE IF SUCH "TAKE" PERMITS ARE REQUIRED FOR A PARTICULAR ACTIVITY.



BERM STONE SIZE	
SIEVE DESIGNATION	% BY WEIGHT PASSING
12 inch	100
6 inch	84-100
3 inch	68-83
1 inch	42-55
No. 4	8-12

1 PARABOLIC STONE BERM NTS

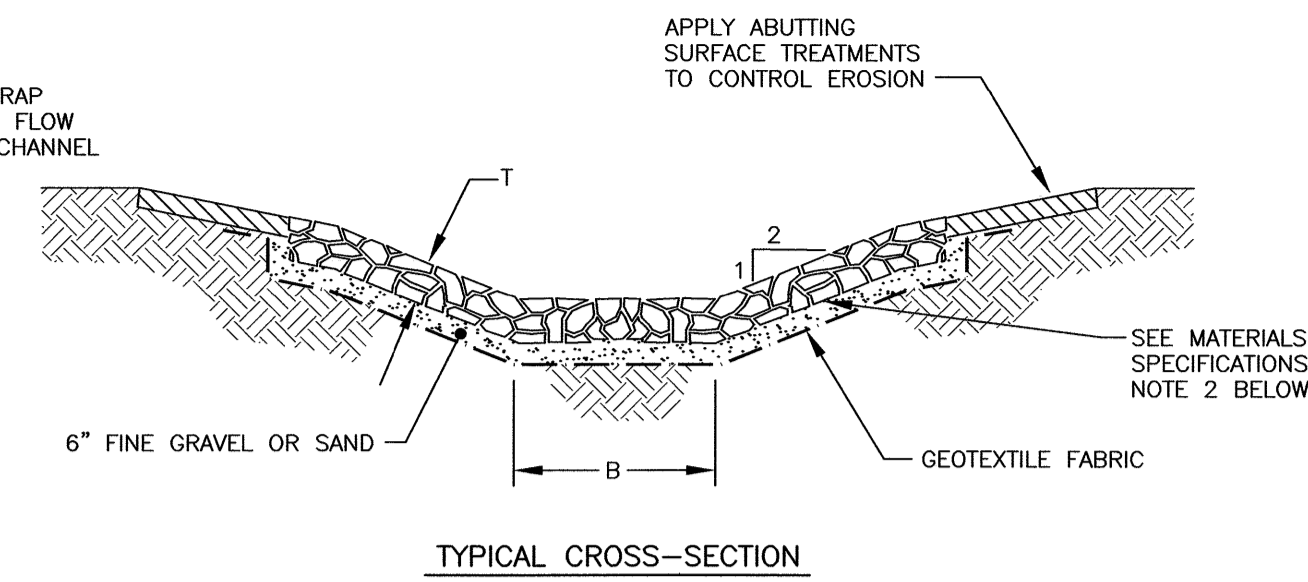


3 SLOPE REPAIR TYPICAL SECTION NTS

CONSTRUCTION SPECIFICATIONS:

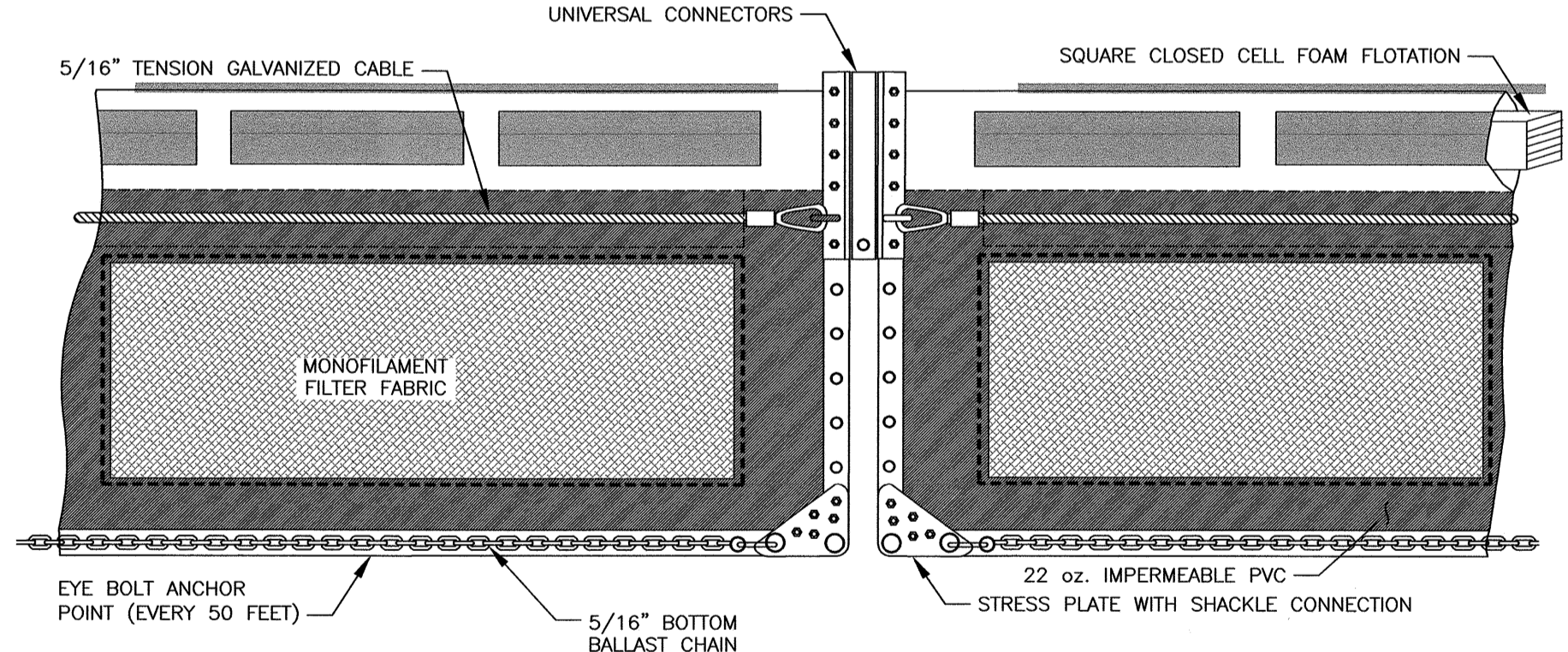
- 1) PLACE STONES IMMEDIATELY FOLLOWING REMOVAL. LAY STONES INDIVIDUALLY UPWARD FROM THE TOE WITH LARGER STONES AT THE TOE. FILL VOIDS WITH SPALLS. FINISHED SURFACE TO BE REASONABLY UNIFORM IN APPEARANCE, AND APPROXIMATELY PARALLEL TO AND WITHIN 6" OF THE LINES AND GRADES SHOWN OR ORDERED.
- STONE SHALL BE PLACED TO PREVENT DISPLACEMENT OF THE UNDERLYING MATERIALS. HAND PLACEMENT MAY BE REQUIRED TO PREVENT DAMAGE TO ANY ADJACENT AREAS. STONES SHALL BE ANGULAR OR SUBANGULAR. THE STONES SHOULD BE SHAPED SO THAT THE LEAST DIMENSION OF THE STONE FRAGMENT IS NOT LESS THAN ONE THIRD OF THE GREATEST DIMENSION OF THE FRAGMENT. FLAT ROCKS SHALL NOT BE USED. VOIDS IN THE REVENMENT SHOULD BE FILLED WITH SPALLS AND SMALLER ROCKS, EXCEPT AT THE FACE OF WALL.

T = THICKNESS OF RIP RAP
d = MAXIMUM DEPTH OF FLOW
B = BOTTOM WIDTH OF CHANNEL



- MATERIALS SPECIFICATIONS:**
1. GEOTEXTILE FABRIC SHALL MEET THE REQUIREMENTS OF THE MAINE STORMWATER MANAGEMENT BMP MANUAL FOR ROCK RIP RAP.
 2. ANCHOR PINS FOR FABRIC SHALL MEET THE REQUIREMENTS OF THE MANUFACTURER OF THE FABRIC.
 3. RIP RAP SHALL BE A WELL GRADED MIX OF DURABLE ANGULAR OR SUBANGULAR STONES. FLAT ROCKS SHALL NOT BE USED FOR RIP RAP.
- CONSTRUCTION SPECIFICATIONS:**
1. THE SUBGRADE FOR THE RIP RAP SHALL BE CLEARED AND GRUBBED TO REMOVE ALL ROOTS, VEGETATION, AND DEBRIS AND PREPARED TO THE LINES AND GRADES SHOWN ON THE PLANS.
 2. THE THICKNESS OF THE RIP RAP LAYER (T) SHALL BE 2.25 TIMES THE ROCK d50 AS DETERMINED BY THE METHOD IN BEST MANAGEMENT PRACTICE FOR ROCK RIP RAP.
 3. GEOTEXTILE FABRIC SHALL BE PROTECTED FROM PUNCTURES OR TEARING DURING PLACEMENT OF THE ROCK RIP RAP BY PLACING A CUSHION OF SAND OR FINE GRAVEL OVER THE FABRIC. DAMAGED AREAS IN THE FABRIC SHALL BE REPAIRED BY PLACING A PIECE OF FABRIC OVER THE DAMAGED AREA OR BY COMPLETE REPLACEMENT OF THE FABRIC. ALL OVERLAPS REQUIRED FOR REPAIRS OR JOINING TWO PIECES OF FABRIC, SHALL BE A MINIMUM OF 12 INCHES.
 4. STONE FOR RIP RAP MAY BE PLACED BY EQUIPMENT AND SHALL BE CONSTRUCTED TO THE FULL LAYER THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO PREVENT DISPLACEMENT OF THE UNDERLYING MATERIALS. HAND PLACEMENT MAY BE REQUIRED TO PREVENT DAMAGE TO ANY PERMANENT STRUCTURES.
 5. VOIDS IN RIP RAP SHOULD BE FILLED WITH SMALLS AND SMALLER ROCKS.
 6. THE RIP RAP SWALE SHALL BE CONSTRUCTED SO WATER WILL FLOW ON TO THE REVENMENT.

2 RIP RAP SWALE NTS

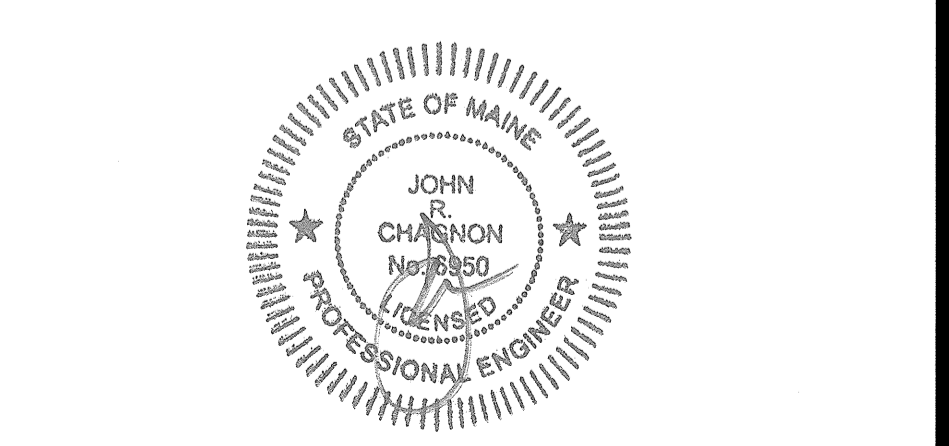


4 TURBIDITY CURTAIN DETAIL NTS

- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.
 - 4) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. MHW, MSL, MLW, AND MLLW BASED ON NOAA STATION 8419870-SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.

REVENMENT REPAIR
35 BADGERS
ISLAND WEST
KITTERY, MAINE

NO.	DESCRIPTION	DATE
1	ADD DETAILS	1/20/22
0	ISSUED FOR COMMENT	10/19/21



SCALE: NTS OCTOBER 2021

REVENMENT
DETAILS

D1



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*: _____

PROPERTY DESCRIPTION	Physical Address	35 Badgers Island West			
	Base Zone	MU-BI	Overlay Zone (s)	OZ-RP	and OZ-SL-250'
OWNER INFORMATION	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			
AGENT INFORMATION	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				
APPLICANT INFORMATION	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			

PROJECT DESCRIPTION	<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>

PROJECT DESCRIPTION	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.

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

*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"/>	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")
Shoreland Development Plan format and content:	
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"/>	Vicinity Map or aerial photo showing geographic features 5,000 feet around the site.
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:	
Existing:	Proposed: (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 Zone¹ (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.				

¹Calculations 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:

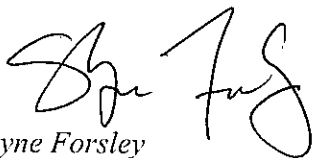
RE: State of Maine Department of Environmental Protection Application for proposed shoreline stabilization within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for B.I.W. Group, LLC of 35 Badgers Island West Kittery, ME 03904

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

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**

1. Name of Applicant:		B.I.W. Group, LLC		5. Name of Agent:		Steven D. Riker Ambit Engineering, Inc.											
2. Applicant's Mailing Address:		41 Industrial Drive, Unit 20, Exeter, NH 03833		6. Agent's Mailing Address:		200 Griffin Road, Unit 3, Portsmouth, NH 03801											
3. Applicant's Daytime Phone #:		603-997-2519		7. Agent's Daytime Phone #:		603-430-9282											
4. Applicant's Email Address (Required from either applicant or agent):			shayne.forsley@hdcgc.net		8. Agent's Email Address:			sdr@ambitengineering.com									
9. Location of Activity: (Nearest Road, Street, Rt.#)		35 Badgers Island West			10. Town:		Kittery		11. County:		York						
12. Type of Resource: (Check all that apply)		<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			13. Name of Resource:		Piscataqua River										
					14. Amount of Impact: (Sq.Ft.)		Fill: 3,687 sq. ft. for repair/replacement of stone rip rap revetment below HAT Dredging/Veg Removal/Other: 4,291 sq. ft. for construction of rip rap stone revetment above HAT										
15. Type of Wetland: (Check all that apply)		<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>			FOR FRESHWATER WETLANDS <table border="0" style="width:100%"> <tr> <td style="text-align:center"><i>Tier 1</i></td> <td style="text-align:center"><i>Tier 2</i></td> <td style="text-align:center"><i>Tier 3</i></td> </tr> <tr> <td> <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 </td> <td> <input type="checkbox"/> 15,000 – 43,560 sq. ft. </td> <td> <input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </table>							<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
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16. Brief Activity 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 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).															
17. Size of Lot or Parcel & UTM Locations:		<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>												
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement															
19. Deed Reference Numbers:		Book#: 18503 Page: 331			20. Map and Lot Numbers:		Map #: 1		Lot #: 32								
21. DEP Staff Previously Contacted:					22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		After-the-Fact:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
23. Resubmission of Application?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application #			Previous project manager:										
24. Written Notice of Violation?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:			25. Previous Wetland Alteration:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
26. Detailed Directions to the Project Site:																	
27. TIER 1				TIER 2/3 AND INDIVIDUAL PERMITS													
<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									
28. FEES Amount Enclosed:		\$564.00															
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2																	

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.



Handwritten signature of Shenna Bellows in black ink.

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)

**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 . 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 Periwinkle	<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:

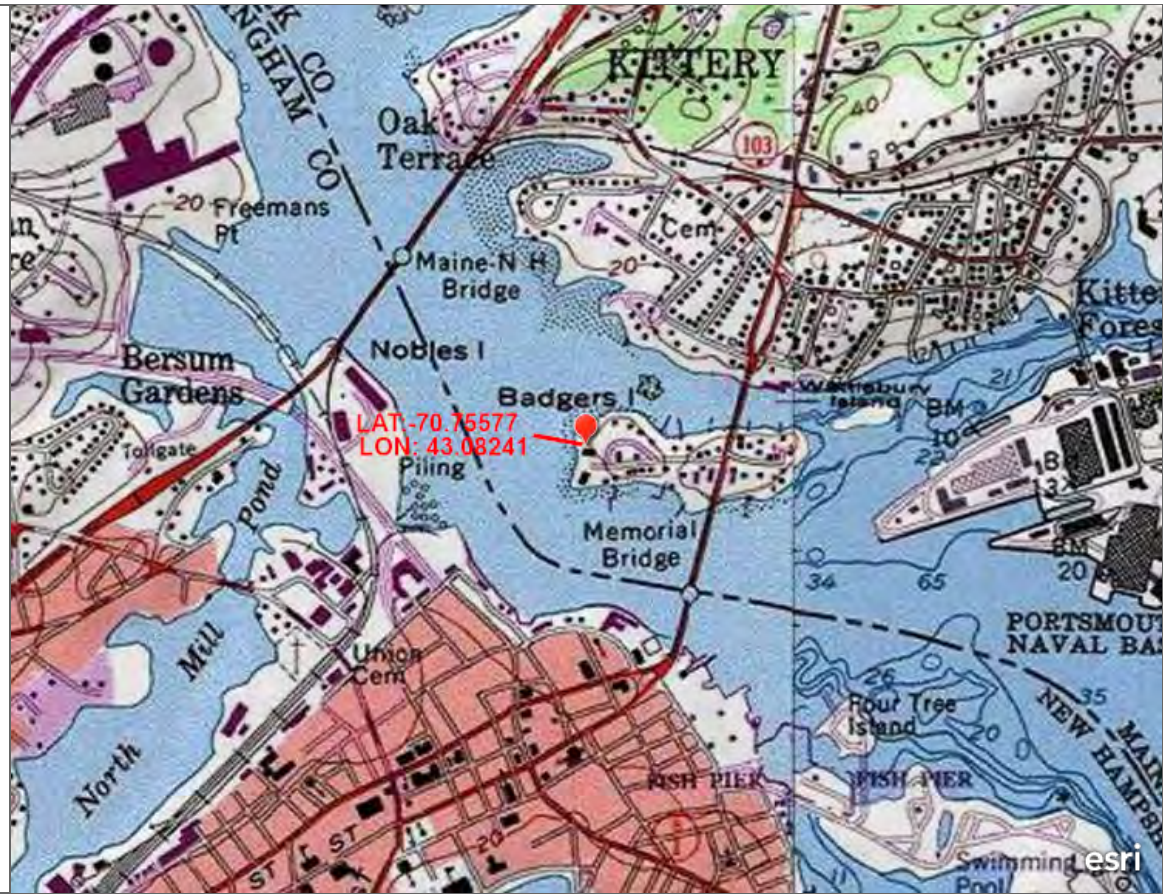
undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:

Photographs Overhead drawing (pink)

My Map

No legend



Copyright:© 2013 National Geographic Society, i-cubed

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
				Abutters					
	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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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

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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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.

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Sincerely,

Steven D. Riker
NH Certified Wetland Scientist/Permitting Specialist

CERTIFIED MAIL/Return Receipt Requested

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<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

7021 0950 0000 8345 7010

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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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<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.

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

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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
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:

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.

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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
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:

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 & 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.

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

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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

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.

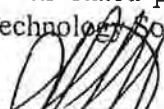
GP Technology Solutions, LLC


Witness

By: 
Ronald Dupler
Its duly-authorized Manager

Commonwealth of Massachusetts
County of Middlesex

On this 22nd 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



Maine R.E. Transfer Tax Paid

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.

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

Project Summary

Project Code: 2022-0013589

Event Code: None

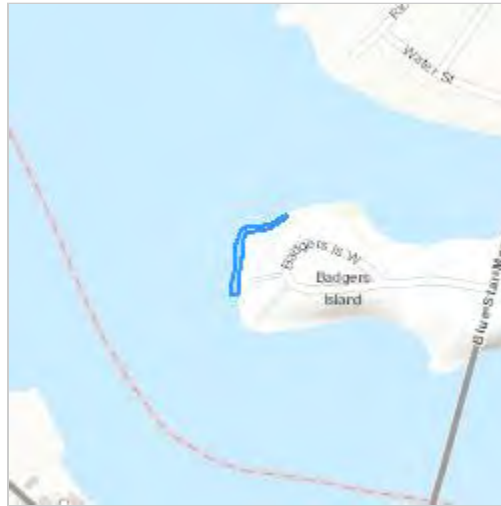
Project Name: 35 Badgers Island West Shoreline Stabilization

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

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 Fisheries¹, 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.

-
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: https://ecos.fws.gov/ecp/species/9045	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: https://ecos.fws.gov/ecp/species/2083	Endangered

Critical habitats

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

IPaC User Contact Information

Name: Steven Riker
Address: 200 Griffin Road, Unit 3
City: Portsmouth
State: NH
Zip: 03801
Email: sdr@ambitengineering.com
Phone: 6034309282



REPLY TO ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

MAINE GENERAL PERMITS (GPs)
AUTHORIZATION LETTER AND SCREENING SUMMARY

SHANE FORSLEY
B.I.W. GROUP, LLC
41 INDUSTRIAL DRIVE, UNIT 20
EXETER, NEW HAMPSHIRE 03833

CORPS PERMIT # NAE-2022-00647
CORPS GP# 7
STATE ID# NRPA

DESCRIPTION OF WORK:

Place approximately 3,687 SF of stone revetment below the high tide line of the Piscataqua River off 35 Badgers Island West at Kittery, Maine in order to stabilize approximately 190 linear feet of eroded shoreline. All intertidal will be conducting during low tide conditions when the site is in-the-dry. This work is shown on the attached plans entitled "My Map" in one sheet dated "2/11/22" and "B.I.W. GOUP LLC" in four sheets dated "10/6/21" and "1/28/22".

See GENERAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.082350° N -70.755745° W USGS QUAD: PORTSMOUTH, NH

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permits (GPs) which can be found at: https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/ Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Special Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the GPs, including the GPs conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GPs requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 45 of the GPs (page 19) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GPs on October 14, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

II. STATE ACTIONS: PENDING [X], ISSUED [], DENIED [] DATE _____

APPLICATION TYPE: PBR: ____, TIER 1: ____, TIER 2: ____, TIER 3: X ____, LURC: ____ DMR LEASE: ____ NA: ____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: non-screen LEVEL OF REVIEW: SELF-VERIFICATION: X PRE-CONSTRUCTION NOTIFICATION: ____

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 ____, 404 X ____, 10/404 ____, 103 ____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA n/a ____, USF&WS n/a ____, NMFS n/a ____

If you have any questions on this matter, please contact my staff at 978-318-8676 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Digitally signed by SHAWN B.

SHAWN B. MAHANEY

MAHANEY

Date: 2022.04.26 12:42:52 -04'00'

Handwritten signature of Colin M. Greenan

COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE

FOR: FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



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

**PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
MAINE GENERAL PERMIT 8
PERMIT NO. NAE-2022-00647**

GENERAL CONDITIONS

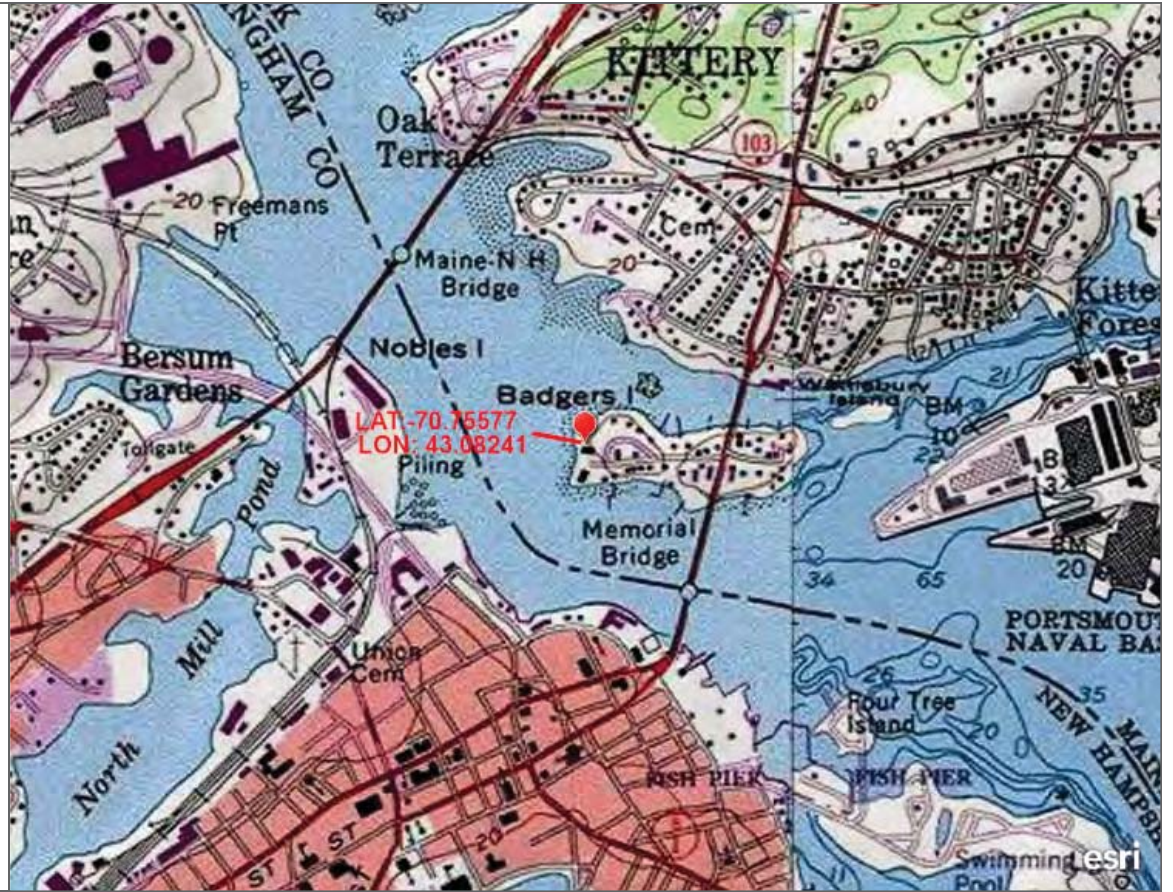
23. Soil Erosion, Sediment, and Turbidity Controls. a. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e. silt fence, vegetated filter strips, geotextile silt fences, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion; of collecting sediment, suspended and floating materials; and of filtering fine sediment. b. Temporary sediment control barriers shall be removed upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these sediment barriers shall be removed and placed at an upland location and stabilized to prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

33. Permit(s)/Authorization Letter On-Site. The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit modifications as applicable. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization,

34. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs.

My Map

No legend



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