



**KITTERY PORT AUTHORITY
TOWN HALL
200 ROGERS RD.
KITTERY, ME 03904**

Phone: 207-439-0452 ext 301
Email: kpa@kitteryme.org
<http://www.kitteryme.gov/>

**Meeting Agenda
April 7, 2022
6:00 P.M.**

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: March 7, 2022 & March 15, 2022
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or Invited Guests
7. Public Hearing
 - a. The Kittery Port Authority moves to approve an “after the fact” application from Daniel & Bonnie Hannigan, 11 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 11-3) to construct a pier connecting to an existing deck, as shown on Ambit Engineering drawing # C1, “Existing Conditions Plan”, dated 9/16/21. Agent Steve Riker Ambit Engineering.
 - b. The Kittery Port Authority moves to approve an application from Daniel & Bonnie Hannigan 11 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 11-3) for the modification of an existing structure consisting of the addition of a 3’x45’ gangway and a 10’x20’ float. Agent Steve Riker Ambit Engineering.
 - c. The Kittery Port Authority moves to approve an application from Touchdown Capital LLC, 23 Bond Road, Kittery Point, ME 03905 (Map 25, Lot 9) to construct a 4’ x 8’ access ramp, a 4’ x 75’ permanent timber pier with access stairs down to adjacent beach, a 3’ x 40’ seasonal gangway and a 10’ x 30’ main float. Agent Tidewater Engineering & Surveying Inc.
8. Piers, Wharves & Floats
 - a. The Kittery Port Authority moves to accept an application from Matthew Williams, 18 Hiltons Run, Kittery Point, ME 03905 (Map 33, Lot 17) to replace an existing 8’ x 12’

float with a 10' x 20' float and replace an existing 3' x 16' wood gangway with an aluminum gangway that will not exceed 30'.

9. Public Segment (Three Mins.)
10. Unfinished Business
11. New Business
 - a. Diversity, Equity, and Inclusion (DEI) Ad Hoc Committee Representative
12. Committee and Other Reports
 - a. Communications from the Chairperson
 - * In-kind approval for Bruce Crawford 6 Badgers Island West for Repair/Replacement of 3 pilings.
13. Board Member Issues or Comments
14. Executive Session
15. Adjournment

- 1 1. Call to Order / Attendance
- 2 Chair Philbrook called the meeting to order at 6:00 p.m.
- 3 Members present: Chair Philbrook, Vice Chair Patten, John McCollett, Alan Johnston,
- 4 Steve Lawrence and Bryan Bush. Members absent: Niles Pinkham
- 5 2. Pledge of Allegiance
- 6 3. Agenda Amendments and Adoption
- 7 4. Acceptance of Previous Minutes: February 3, 2022
- 8 Spelling correction change Patton to Patten.
- 9 Chair Philbrook moved to approve the February 3, 2022 minutes as amended,
- 10 seconded by Mr. Lawrence.
- 11 Motion Carried 6-0-0
- 12 5. Harbormaster Report and Budget Report
- 13 The Harbormaster completed and submitted the Submerged Lands Lease updates for
- 14 the Traip Ramp, he also updated all the other Kittery and Kittery Point Submerged
- 15 leases.
- 16 The Harbormaster, connecting the face float was brought up to Custom Floats in South
- 17 Portland on 3/2/22 so they can match the new one with the face docks, to get the proper
- 18 angle and to ensure a strong connecting point.
- 19 The Harbormaster stated the 500lb pyramid anchors were in and will be transported to
- 20 Traip by DPW at a low tide, so they can be floated over when the floats are delivered
- 21 and installed. He also got the corrected Conservation Committee sign back, and he
- 22 would install the signs in spring once the floats are back in.
- 23 The Harbormaster built all three kayak racks with help of Sgt. Eaton and Niles Pinkham,
- 24 he is also working with Niles on a method to anchor them in place. Thanks guys! The
- 25 Harbormaster mentioned he would advertise on the town websites and social media
- 26 and will assign the kayak rack rentals for the 2022 season, according to KPA Rules and
- 27 Regulations.

28 The Harbormaster stated there has been an alternative funding source for the purchase
 29 of a new Harbormaster boat that does not use funds from property taxes. The funding
 30 has been secured and an invitation for bids will be posted next week.

31 The Harbormaster stated he would be on vacation starting 3/22/2022 and returning to
 32 work on 3/28/2022.

33 Renewal Update: Moorings renewed – 140, Waitlists – 141, Launch Permits – 47, Boat
 34 Excise Tax – 32, Moorings in Temp Program to date – 7, Moorings given up to date –
 35 10, Kayak Rack Permits issued – 0

FY 2022 YTD REVENUE

OBJECT	ACCT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT YEAR REVENUE	CURRENT YEAR DIFFERENCE	PERCENT
43147	DINGHY FEES	\$ (10,000.00)	\$ (3,270.00)	\$ (6,730.00)	32.7
43148	TRANSIENT SLIP RENTAL	\$ (7,000.00)	\$ (16,266.00)	\$ 9,266.00	232.37
43149	KPA APPLICATION FEES	\$ (500.00)	\$ (1,125.00)	\$ 625.00	225
43150	MOORING FEES	\$ (100,000.00)	\$ (26,696.28)	\$ (73,303.72)	26.7
43151	LAUNCH FEE	\$ (14,000.00)	\$ (9,150.95)	\$ (4,849.05)	65.36
43152	TRANSIENT MOORING	\$ (4,000.00)	\$ (13,198.00)	\$ 9,198.00	329.95
43153	WAIT LIST FEE	\$ (800.00)	\$ (1,564.00)	\$ 764.00	195.5
43156	PIER USAGE FEE	\$ (2,400.00)	\$ (1,998.00)	\$ (402.00)	83.25
43157	MOORING LATE FEE	\$ -	\$ -	\$ -	0
43159	KAYAK RACK RENTAL	\$ -	\$ (138.00)	\$ 138.00	0
TOTAL		\$ (138,700.00)	\$ (73,406.23)	\$ (65,293.77)	52.92%

36

FY 2022 YTD EXPENSES

OBJECT	ACCT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT YEAR EXPENSES	CURRENT YEAR REMAINING	PERCENT USED
64010	HARBOR MASTER FULL TIME SALARI	\$ 60,536.00	\$ 40,836.14	\$ 19,699.86	67.46
64020	PART TIME SALARIES	\$ 19,042.00	\$ 11,741.44	\$ 7,300.56	61.66
65010	POSTAGE	\$ 250.00	\$ 49.44	\$ 200.56	19.78
65020	TELEPHONE & INTERNET	\$ 1,950.00	\$ 1,280.61	\$ 669.39	65.67
65200	ELECTRICITY	\$ 1,800.00	\$ 1,019.25	\$ 780.75	56.63
65220	WATER	\$ 500.00	\$ 155.20	\$ 344.80	31.04
65240	DUMPSTERS/TRASH REMOVAL	\$ 1,000.00	\$ 684.00	\$ 316.00	68.4
65305	BOAT EQUIPMENT MAINTENANCE	\$ 3,500.00	\$ 3,291.34	\$ 208.66	94.04
65310	VEHICLE MAINTENANCE	\$ 1,500.00	\$ 2,324.00	\$ (824.00)	154.93
65311	GAS, GREASE, & OIL	\$ 1,500.00	\$ 710.87	\$ 789.13	47.39
65462	RIGGING	\$ 11,000.00	\$ 7,579.71	\$ 3,420.29	68.91
65463	SANITATION	\$ 2,500.00	\$ 1,074.00	\$ 1,426.00	42.96
65470	PROFESSIONAL DEVELOPMENT	\$ 1,500.00	\$ 700.00	\$ 800.00	46.67
65480	OTHER PROFESSIONAL/CONTRACTED	\$ 3,000.00	\$ 645.54	\$ 2,354.46	21.52
65500	MAIN BLDG/GROUNDS WHARVES/HARB	\$ 5,000.00	\$ 3,106.73	\$ 1,893.27	62.13
65521	UNIFORMS	\$ 1,000.00	\$ 512.97	\$ 487.03	51.3
66010	OFFICE SUPPLIES	\$ 300.00	\$ -	\$ 300.00	0
66040	JANITORIAL SUPPLIES & SERVICES	\$ 500.00	\$ 108.88	\$ 391.12	21.78
37	TOTAL	\$ 116,378.00	\$ 75,820.12	\$ 40,557.88	65.15%

38 6. All Items involving Town Officials or Invited Guests - None

39 7. Public Hearing - None

40 8. Piers, Wharves & Floats

41 a. The Kittery Port Authority moves to accept an “after the fact” application from Daniel
 42 & Bonnie Hannigan, 11 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 11-3) to
 43 construct a pier connecting to an existing deck, as shown on Ambit Engineering drawing
 44 # C1, “Existing Conditions Plan”, dated 9/16/21. Agent: Steven Riker, Ambit
 45 Engineering, Inc.

46 Steven Riker, from Ambit Engineering, Inc., presented the plans and history to the
 47 board, as well as answered any questions the KPA members may have had.

48 Chair Philbrook moved to accept the “after the fact” application from Daniel & Bonnie
 49 Hannigan, 11 Pepperrell Road, Kittery Point, ME 03905, and scheduled a site walk on
 50 for 3/16/2022 at 5pm, as well as hold a Public Hearing at the KPA April meeting,
 51 seconded by Vice Chair Patten.

52 Motion Carried 6-0-0

53 b. The Kittery Port Authority moves to accept an application from Daniel & Bonnie
 54 Hannigan, 11 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 11-3) for the

55 modification of an existing structure consisting of the addition of a 3' x 45' gangway 2
56 pilings and a 10' x 20' float. Agent: Steven Riker, Ambit Engineering, Inc.

57 Steven Riker, from Ambit Engineering, Inc., presented the plans to the KPA members,
58 as well as answered any questions the board may have had.

59 Chair Philbrook moved to accept the application from Daniel & Bonnie Hannigan, 11
60 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 11-3) for the modification of an
61 existing structure consisting of the addition of a 3' x 45' gangway 2 pilings and a 10' x
62 20' float, and scheduled a site walk on for 3/16/2022 at 5pm, as well as hold a public
63 hearing at the KPA April meeting, seconded by Mr. Lawrence.

64 Motion Carried 6-0-0

65 c. The Kittery Port Authority moves to accept an application from Touchdown Capital
66 LLC, 23 Bond Road, Kittery Point, ME 03905 (Map 25, Lot 9) to construct a 4' x 8'
67 access ramp, a 4' x 75' permanent timber pier with access stairs down to adjacent
68 beach, a 3' x 40' seasonal gangway and a 10' x 30' main float. Agent: Tidewater
69 Engineering & Surveying Inc.

70 Ryan McCarthy, from Tidewater Engineering & Surveying Inc. presented the plans to
71 the KPA members as well as answered any questions the board may have had.

72 Chair Philbrook moved to accept the application from Touchdown Capital LLC, 23 Bond
73 Road, Kittery Point, ME 03905 (Map 25, Lot 9) to construct a 4' x 8' access ramp, a 4' x
74 75' permanent timber pier with access stairs down to adjacent beach, a 3' x 40'
75 seasonal gangway and a 10' x 30' main float, also scheduled a site walk 3/16/2022 at
76 5:30 p.m. and a Public Hearing at the April KPA meeting, seconded by Mr. Johnston.

77 Motion Carried 6-0-0

78 d. The Kittery Port Authority moves to accept an application from The Inhabitants of
79 Kittery (Town of Kittery), 12 Williams Ave, Kittery, ME 03904 (Map 9, Lot 17) for the
80 modification of an existing float structure by adding a 6' x 24' angled float, two (2) 500lb
81 anchors, and the addition of up to 18 additional 10' x 17" x 6' ramp planks to an existing
82 boat ramp.

83 The Harbormaster gave an overview of The Inhabitants of Kittery (Town of Kittery), 12
84 Williams Ave, Kittery, ME 03904 (Map 9, Lot 17) for the modification of an existing float
85 structure by adding a 6' x 24' angled float, two (2) 500lb anchors, and the addition of up
86 to 18 additional 10' x 17" x 6' ramp planks to an existing boat ramp.

87 Chair Philbrook moved to accept the application from The Inhabitants of Kittery (Town
88 of Kittery), 12 Williams Ave, Kittery, ME 03904 (Map 9, Lot 17) for the modification of an
89 existing float structure by adding a 6' x 24' angled float, two (2) 500lb anchors, and the
90 addition of up to 18 additional 10' x 17" x 6' ramp planks to an existing boat ramp,
91 seconded by Mr. Johnston.

92 Motion Carried 6-0-0

93 Chair Philbrook moved to hold a Special meeting for a public hearing on 3/15/2022 at
94 5:00 pm on an application from the Inhabitants of Kittery (Town of Kittery), 12 Williams
95 Ave, Kittery, ME 03904 (Map 9, Lot 17) for the modification of an existing float structure
96 by adding a 6' x 24' angled float, two (2) 500lb anchors, and the addition of up to 18
97 additional 10' x 17" x 6' ramp planks to an existing boat ramp, seconded by Mr. Bush.

98 Motion Carried 6-0-0

99 9. Public Segment (Three Mins.)

100 Jennifer Thayer, 47 Martin Road, Kittery thanked the KPA of all their hard work.

101 10. Unfinished Business - None

102 11. New Business - None

103 12. Committee and Other Reports - None

104 a. Communications from the Chairperson

105 Chair Philbrook stated she was working on a riparian mooring at 29 Water Street.

106 13. Board Member Issues or Comments

107 Mr. McCollett stated he was being interviewed for the Climate Adaptation Committee.

108 Mr. Lawrence thanked the board for not having the Special meeting on St. Patrick's
109 Day, he also asked the board for a moment of silence for a family that is close to the
110 board.

111 Vice Chair Patten said it was not very often that someone thanks us for the work the
112 board does. He also stated how much he appreciated the comment.

113 Chair Philbrook spoke about a new sign down at the town dock.

114 Chair Philbrook had a question about the Isles of Shoals after the bad winter storm and
115 asked if anyone had seen videos of Everett Paul's dock being completely destroyed.

116 Mr. Johnston asked about funding for the signs.

117 14. Executive Session – None

118 15. Adjournment

119 Chair Philbrook moved to adjourn at 7:43 p.m., seconded by Mr. Johnston.

120 Motion Carried 6-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

PORT AUTHORITY MEETING
SPECIAL MEETING 5:00PM
HYBRID

UNAPPROVED MINUTES
MARCH 15, 2022

- 1 1. Call to Order
- 2 Chair Philbrook called the meeting to order at 5:00 p.m.
- 3 2. Pledge of Allegiance
- 4 3. Roll Call
- 5 Members present: Chair Philbrook, Vice Chair Patten, Bryan Bush, Alan Johnston, and Niles
- 6 Pinkham. Members absent: Steve Lawrence, and John McCollett.
- 7 4. Public Hearing
- 8 a. The Kittery Port Authority moves to hold a public hearing on an application from The
- 9 Inhabitants of Kittery (Town of Kittery), 12 Williams Ave, Kittery ME 03904 (Map 9, Lot 17) for
- 10 the modification of an existing float structure by adding a 6' x 24', two (2) 500lb anchors,
- 11 and the addition of up to 18 additional 10' x 17" x 6' ramp planks to an existing boat ramp.
- 12 Chair Philbrook moved to approve the application from The Inhabitants of Kittery (Town of
- 13 Kittery), 12 Williams Ave, Kittery ME 03904 (Map 9, Lot 17) for the modification of an existing
- 14 float structure by adding a 6' x 24', two (2) 500lb anchors, and the addition of up to 18 additional
- 15 10' x 17" x 6' ramp planks to an existing boat ramp, seconded by Mr. Johnston.
- 16 Motion Carried 4-0-1
- 17 Chair Philbrook, Vice Chair Patten, Alan Johnston, Niles Pinkham voted to approve.
- 18 Bryan Bush abstained.
- 19 5. Adjournment
- 20 Chair Philbrook moved to adjourn at 5:05 p.m., seconded by Mr. Bush.
- 21 Motion Carried 5-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.



LETTER OF TRANSMITTAL

TO: Town of Kittery
Kittery Port Authority
200 Rogers Rd Ext.
Kittery, ME 03904

FROM:
AMBIT ENGINEERING, INC.
Civil Engineers and Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

DATE: 1/25/2022	JOB NO. 3050.94
ATTENTION: Kittery Port Authority	
RE: After the Fact Application for Tidal Dock	
11 Pepperrell Road, Kittery Point, ME	

WE ARE SENDING YOU

<input type="checkbox"/> SHOP DRAWING	<input checked="" type="checkbox"/> ATTACHED	<input type="checkbox"/> UNDER SEPARATE COVER VIA
<input checked="" type="checkbox"/> PLANS	<input checked="" type="checkbox"/> COPY OF LETTER	<input type="checkbox"/> PRINTS
<input type="checkbox"/> SAMPLES	<input type="checkbox"/> CHANGE ORDER	<input type="checkbox"/> SPECIFICATIONS
	<input type="checkbox"/> OTHER	

COPIES	DATE	REVISION	DESCRIPTION
10		1/25/22	KPA After the Fact Application
10	9/21	1/24/22	Plan Set (full size)

THESE ARE TRANSMITTED AS CHECKED BELOW

FOR YOUR APPROVAL
 FOR YOUR USE
 AS REQUESTED
 FOR BIDS DUE
 FOR REVIEW AND COMMENT
 RETURNED AFTER LOAN TO US

REMARKS

COPY TO File

If enclosures are not as noted, kindly notify us at once.



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

25 January 2022

Kittery Port Authority
200 Rogers Road
Portland, ME 04103

**Re: NRPA Individual Permit Application
Tax Map 18, Lot 11-3
11 Pepperrell Road
Kittery Point, ME**

To Whom it May Concern:

This letter transmits a Kittery Port Authority "After-The-Fact" Permit Application for Piers, Wharves & Floats request to retain an existing tidal docking structure on the above referenced site along Barthers Creek. The existing 6' x 79' was repaired/replaced without authorization.

It is unknown when the work was performed, but it was likely sometime between 2019 and October 2020 based on aerial photo interpretation. The owner/applicant did receive approval from the KPA to repair the existing dock in October 2018 at the request of the owner/applicants mortgagor. That approval letter is attached for your reference.

The owner/applicant performed some other work on the property using a local contractor. The contractor permitted some of the work through the Town of Kittery and some of the work was unpermitted, which the owner/applicant was unaware of. For example, the existing stairs and landing that provide foot access to the existing wood pier were replaced without a permit, and that work has since been recitified under Building Permit BP-21-338, Issued 10/27/21.

The owner/applicant is well aware that a permit should have been granted by the KPA for the work on the existing pier. His willingness to engage Ambit Engineering and Riverside & Pickering Marine Contractors to permit the existing structure as well as permit a proposed gangway and float demonstrate a willingness to move forward in good faith.

A pier has existed on this parcel since at least 1992 based on aerial photos, and the owner/applicant believes a pier existed back to the 1950's as the property was once owned by his relatives who operated a commercial lobster fishing business at that time.

Attached to this application you will find an After-The-Fact Permit Plan-Sheet C2, a Dock Details Plan-Sheet D1. The plan set depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, and impact areas. Also attached to this application you will find the following: USGS Project location map, tax map, recorded deed, and a photo log.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SR' with a stylized flourish.

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



TOWN OF KITTERY
KITTEERY PORT AUTHORITY

Map: 18
Lot: 11-3
Date Submitted: December 27, 2021

Application for
PIERS, WHARFS, FLOATS AND OTHER MARINE-RELATED STRUCTURES

Contact: kpa@kitteryme.org Website: kitteryme.gov

NOTE: Ten (10) sets of plans, applications, maps and other necessary information are required at submittal.

The following application is submitted for the construction, modification, reconstruction of a:

This is an After-the-Fact application to retain an existing 6' x 79' fixed wood pier supported by 16-6" x 6" wood piles.

1. This project is an in-kind repair/replacement, which will not expand, move, or modify the style of the existing structure:

[] Yes, it is in-kind repair After-The-Fact [] No, there will be modifications

2. Property Owner(s): Daniel J. Hannigan & Bonnie Choate Hannigan

3. Property Address: 11 Pepperrell Road, Kittery Point, ME 03905

4. Telephone Number: 207-337-1135 Email: danhannigan@gmail.com
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): 1.08 acres/47,050 sq. ft. Zoning District(s): R-KPV

6. The shore frontage of this property is _____ feet, measured at the high water line in a straight line, stake to stake.

7. This is my first Kittery Port Authority application for this property: Yes [] No [x]
If No, please explain:

Property owner submitted application for repair approved October 18, 2018. Attached for reference.

8. LEGAL INTEREST: The applicant demonstrates a legal interest in the property by including a copy of the following: Deed, Purchase and Sale Agreement Recorded deed attached.

9. CONSTRUCTION PLAN: Provide a description of the property showing all proposed construction showing the lot lines and exact positions of the proposed structure with dimensions and elevations from readily identifiable reference points. Plan set attached.

Applicant Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

Agent Name: Steven D. Riker Agent Firm: Ambit Engineering, Inc.

Agent Phone: 603-430-9282 Agent Email: sdr@ambitengineering.com
(REQUIRED) (REQUIRED)

APPLICATION FEE (\$125). Include a check payable to the Town of Kittery. Additional fees may be charged for direct costs (i.e. legal notices, engineering review, etc.) necessary to complete the review of the application per Town Code, Title 3, Chapter 3.3

Fee Paid, Amount: \$125.00 Date: _____

INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION

- a. Attach Town Tax Map of Lot.
 - b. Attach Plan of lot with location and dimensions of the proposed structures or alterations to existing structures.
 - c. Attach list of abutters within 150 ft. (include those over water) of applicant's shorefront property line.
 - d. Attach proof of legal interest in property.
 - e. Attach a drawing of the proposed structure showing the top, side and end views with all principal dimensions. Side view showing elevation of top of deck above mean low water:
- A. Identify a fixed reference point on shore from which all seaward measurements are to be made.
 - B. Piers are not to exceed 100 feet beyond the normal high water mark nor extend below the mean low water mark, whichever is shorter. Pier, ramp and floats may not extend more than 150 feet beyond high watermark.
 - C. The maximum height of pier deck surface may not exceed 6 feet above the normal high water mark, and the handrails shall not exceed a height above the deck surface of 42" without the specific approval of the KPA.
 - D. The Port Authority may grant a waiver from the specifications of these regulations provided that, due to special circumstances of the specific application, the granting of a waiver will not adversely impair the public health, safety and general welfare, use of public waters, navigation or harm the environment. All such waivers must be supported by sufficient findings of fact.

Submittals must be received a minimum of 21 days prior to a scheduled Port Authority meeting.

Port Authority Procedure (Sequence of Events):

1. The Port Authority meets the first Thursday of every month. The Chairperson prepares the agenda seven days prior to the meeting.
2. The Port Authority Chairperson reviews the application for completeness and, if complete, places the application on the KPA agenda for discussion at the next meeting.
3. The Port Authority reviews the application. Once accepted, a site walk may be scheduled, and a public hearing set for the following meeting.
4. The Port Authority issues a notice of decision following review at the public hearing.
5. Once the Port Authority approval is granted, an applicant must apply for a building permit with the Code Enforcement Officer. **No building permit will be issued until all approvals and permits are received, and application related fees are paid in full.**

Other Permits required by State and Federal Agencies (not inclusive):

Maine Department of Environmental Protection
312 Canco Road
Portland, ME 04103
(207) 822-6300

US Army Corps of Engineers
Maine Project Office
675 Western Avenue, #3
Manchester, ME 04351
(207) 623-8367

Department of Conservation (for structures below mean low water mark)
Bureau of Parks and Lands
State House Station #22
Augusta, ME 04333

Planning Board review *may* be required if there is upland development (Title 16.11 Marine Related Development). All Port Authority applications are reviewed by planning and code enforcement staff for Title 16 applicability at the time of application submittal and prior to review by the Port Authority.

Return to:
Daniel Hannigan and Bonnie Hannigan
PO Box 224
Kittery Point, ME 03905

DEBRA L. ANDERSON, REGISTER OF DEEDS
Bk 17838 PG 249
Instr # 2018046903
11/06/2018 12:39:22 PM
Pages 3 YORK CO

DLN: 1001840043142

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That we, **Nancy Piken** of 1771 Ringling Boulevard, Sarasota, FL 34236 and **Patrice McDaniel**, of 3996 Roberts Point Road, Sarasota, FL 34242, **Trustees of the Albert E. Crawford Trust, udt May 19, 2000** for consideration paid grant to **Daniel Hannigan and Bonnie Hannigan** of 30 Pinkhams Lane, Kittery Point, ME 03905, as joint tenants, with WARRANTY COVENANTS:

A certain lot or parcel of land off Pepperell Road, in the Town of Kittery, in Kittery Point, County of York and State of Maine, and being Lot #3 as shown and delineated on a certain plan entitled "Plan of Land of Albert E. Crawford, off Pepperell Road, Kittery Point, Maine, Thomas W. Harmon, Registered Land Surveyor", dated September 24, 1984, said plan recorded in the York County Registry of Deeds, Plan Book 132, Page 39, said lot or parcel of land being more particularly described as follows:

Maine R.E. Transfer Tax Paid

Beginning at a point in the Southwesterly corner of the lot or parcel herein conveyed said point of beginning being the Northwesterly corner of land now or formerly of James Mullins; thence running North 16° 23' 07" E a distance of three hundred and thirty-five and 29/100 (335.29) feet to a point set in the ground at the approximate top of the bank of Barter's Creek; thence turning and running South 29° 35' 49" E by and along Barter's Creek a distance of 74.01 feet to a point; thence turning and running South 27° 36' 13" E still by and along Barter's Creek a distance of one hundred thirty and 00/100 (130.00) feet to an iron pipe set in the ground; thence turning and running South 42° 36' 13" E still by and along Barter's Creek a distance of twenty-four and 17/100 (24.17) feet to an iron pipe set in the ground; thence turning and running South 48° 29' 52" E still by and along Barter's Creek a distance of forty-five and 70/100 (45.70) feet to an iron pipe set in the ground at the Northwesterly corner of Lot #1; thence turning and running South 12° 34' 38" W by and along Lot #1 a distance of thirty and 41/100 (30.41) feet to an iron pin set in the ground; thence turning and running South 20° 18' 29" W still by and along Lot #1 a distance of one hundred twenty 02/100 (120.02) feet to an iron pipe set in the ground; thence turning and running North 69° 41' 31" W and crossing a certain right of way shown and delineated on said plan a distance of forty and 00/100 (40.00) feet to an iron pipe set in the ground; thence turning and Twining North 77° 45' 11" West by and along Lot #2 a distance of one hundred fifty-nine and 90/100 (159.90) to an iron pipe set in the ground at the place of beginning.

Also conveying all of my right, title and interest in and to the right of ways and easements shown and delineated on the aforementioned plan.

3p → Red Door Title • 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 • (207) 358-7500

Together with and subject to all rights of ways and easements granted and reserved in previous deeds from the Grantor herein to James Mullins by deed dated August 19, 1985 and recorded in the York County Registry of Deeds in Book 3608, Page 159 and from Grantor herein to Donald M. Wallace and Barbara M. Wallace by deed dated October 1, 1984 and recorded in the York County Registry of Deeds in Book 3385, Page 257 as corrected by deed dated August 13, 1985 and recorded in the York County Registry of Deeds in Book 3605, Page 68 to which deeds reference is hereby made for more particular descriptions of the rights of ways and easements granted and reserved therein.

Meaning and intending to describe and convey the same premises conveyed to Nancy Piken and Patrice McDaniel, Successor Trustees of the Albert E. Crawford Trust, a Trust Dated May 19, 2000 by virtue of a deed of Albert E. Crawford dated September 8, 2000 and recorded in the York County Registry of Deeds at Book 10219, Page 26.

The undersigned Nancy Piken and Patrice McDaniel, Trustees of the Albert E. Crawford Trust, udt May 19, 2000 and any amendments thereto, have full and absolute power in said Trust Agreement to convey any interest in real estate and improvements thereon held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustees have said power or are properly exercising said power to see to the application of any Trust Asset paid to the Trustees for a conveyance thereof. The trust has not been revoked and is still in full force and effect.

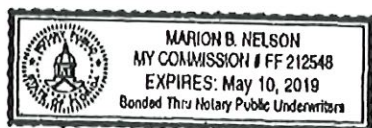
Executed this 1st day of November, 2018.

x Nancy Piken, Trustee of Albert E
Nancy Piken, Trustee of the Albert E. Crawford Crawford
Trust

State of Florida
County of Sarasota

November 1, 2018

Then personally appeared before me the said Nancy Piken, Trustee of the Albert E. Crawford Trust and acknowledged the foregoing to be her voluntary act and deed.



Marion B. Nelson
Notary Public/Justice of the Peace
Commission expiration:

Executed this 1st day of November, 2018.

x Patrice McDaniel Co-Trustee
Patrice McDaniel, Trustee of the Albert E. Crawford Trust

State of Florida
County of Sarasota

November 1, 2018

Then personally appeared before me the said Patrice McDaniel, Trustee of the Albert E. Crawford Trust and acknowledged the foregoing to be her voluntary act and deed.



Marion B. Nelson
Notary Public/Justice of the Peace
Commission expiration: |

26 October, 2021

To Whom It May Concern:

RE: State of Maine Department of Environmental Protection Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for Daniel J & Bonnie Choate Hannigan of 11 Pepperrell Rd. Kittery Point, ME 03905

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

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

Are 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,




Bonnie Choate Hannigan
Daniel J Hannigan
11 Pepperrell Rd
Kittery Point, ME 03905

Site Photograph #1

September 2021



Site Photograph #2

September 2021



Site Photograph #3

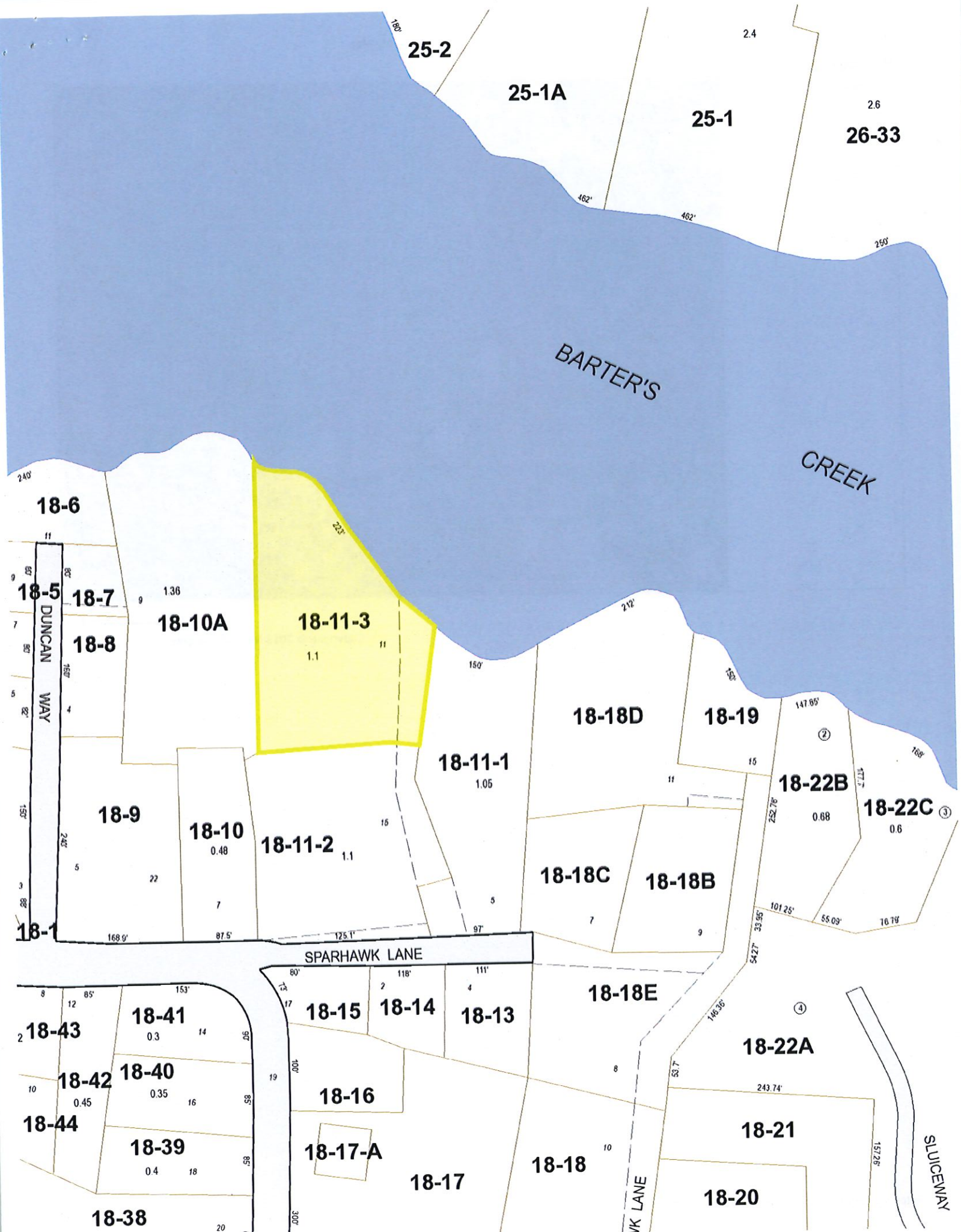
September 2021



Site Photograph #4

September 2021



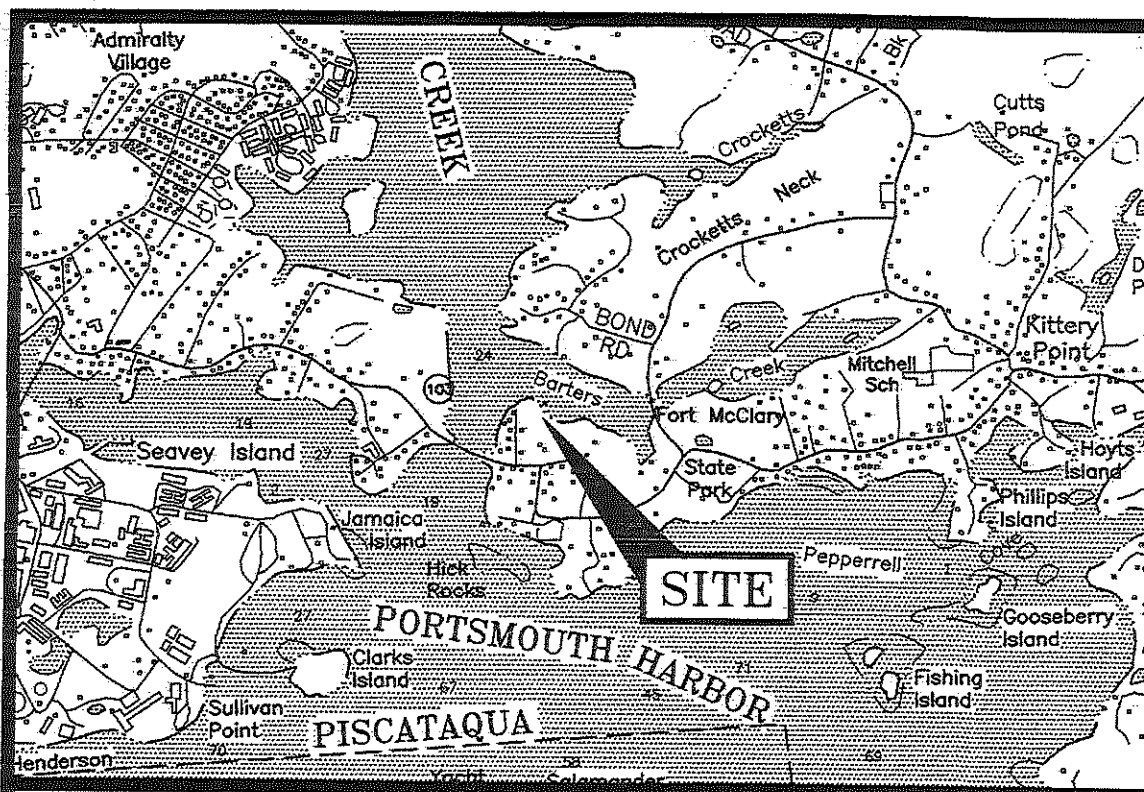


My Map

No legend



Copyright:© 2013 National Geographic Society, I-cubed



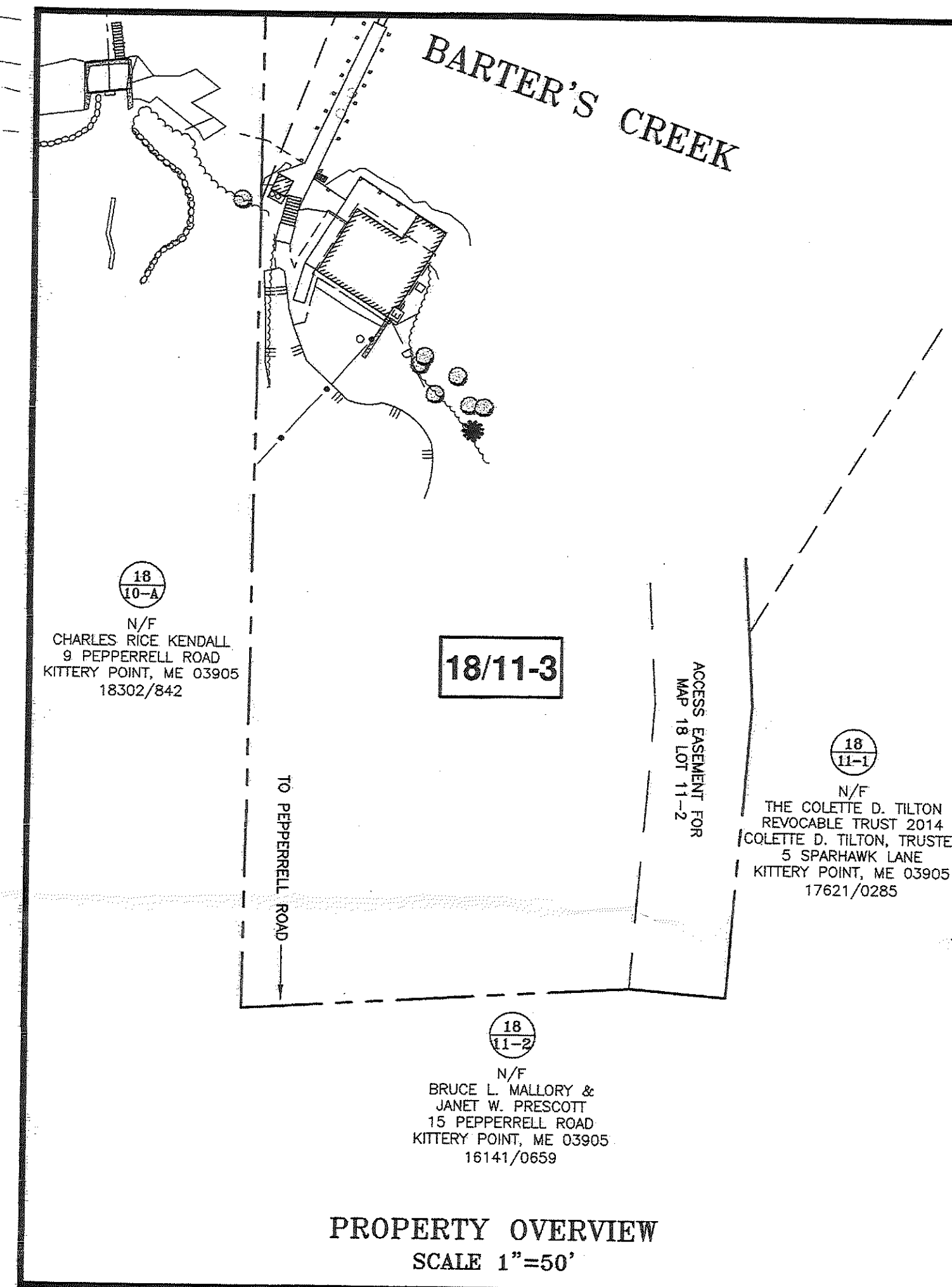
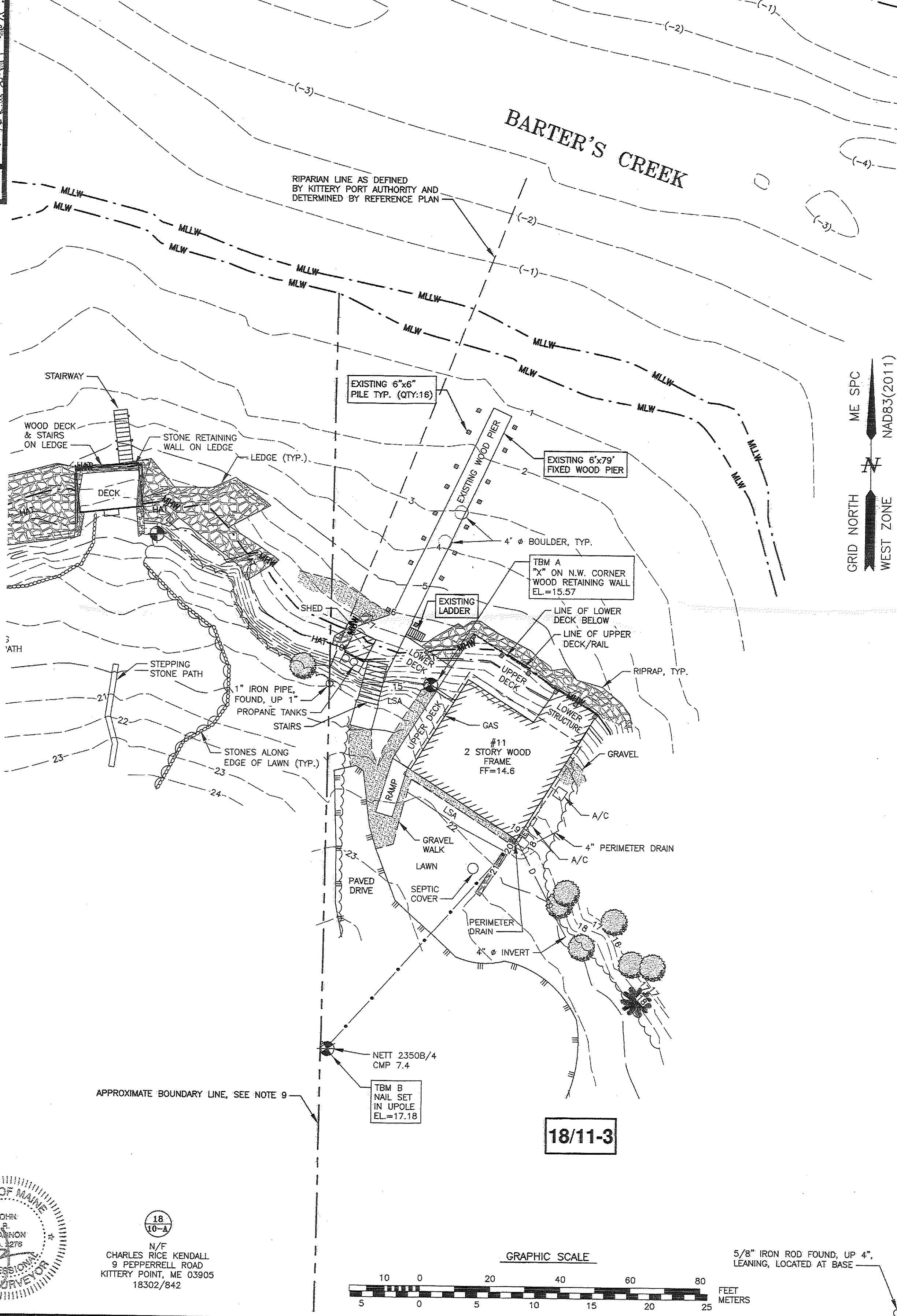
LOCATION MAP SCALE: 1" = 2000'

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
YCRD	YORK COUNTY REGISTRY OF DEEDS
(11/21)	MAP 11 / LOT 21
D	RAILROAD SPIKE FOUND
O	IRON ROD/IRON PIPE FOUND
●	IRON PIPE FOUND
□	STONE/CONCRETE BOUND FOUND
---	APPROXIMATE PROPERTY BOUNDARY
---	BUILDING SETBACK
---	MEAN HIGH WATER LINE
---	MEAN LOW WATER LINE
---	MEAN LOWER LOW WATER LINE
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○	UTILITY POLE (w/ GUY)
EL	ELEVATION
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL

PLAN REFERENCE:

1) EXISTING CONDITIONS PLAN MAP 18, PARCEL 11-3, 11 PEPPERRELL ROAD KITTERY POINT, MAINE, OWNER OF RECORD: DANIEL & BONNIE HANNIGAN 11 PEPPERRELL ROAD KITTERY POINT, MAINE 03905. PREPARED BY KIMBALL SURVEY & DESIGN, INC. DATED MARCH 6, 2019. NOT RECORDED.



PROPERTY OVERVIEW SCALE 1"=50'

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

RIVERSIDE & PICKERING
MARINE CONTRACTORS

NOTES:

- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 18 AS LOT 11-3.
- 2) OWNER OF RECORD:
DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN
11 PEPPERRELL ROAD
KITTERY POINT, ME 03905
17838/249
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1.08± AC. PER PLAN REFERENCE 1)
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SIDE/REAR 15 FEET

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HANNIGAN RESIDENCE
11 PEPPERRELL ROAD
KITTERY POINT, ME

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	1/24/22
REVISIONS		

STATE OF MAINE
JOHN CHAGNON
PROFESSIONAL ENGINEER
1.24.22

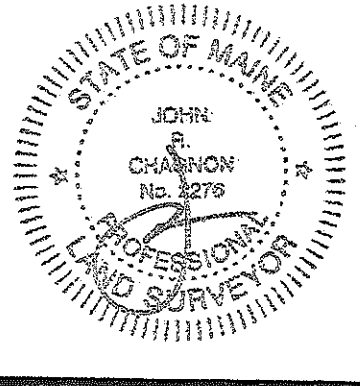
SCALE 1"=20' JANUARY 2022

AFTER-THE-FACT PERMIT PLAN **C2**

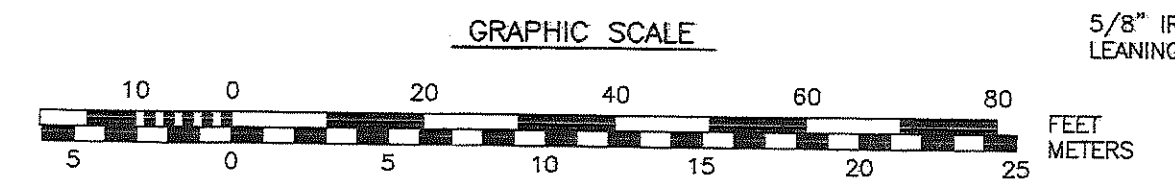
PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:
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THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

JOHN R. CHAGNON, LLS #2276
DATE 1.24.22



18/10-3
N/F CHARLES RICE KENDALL
9 PEPPERRELL ROAD
KITTERY POINT, ME 03905
18302/842



5/8" IRON ROD FOUND, UP 4", LEANING, LOCATED AT BASE



LETTER OF TRANSMITTAL

TO: Town of Kittery
Kittery Port Authority
200 Rogers Rd Ext.
Kittery, ME 03904

FROM:
AMBIT ENGINEERING, INC.
Civil Engineers and Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

DATE: 3/29/2022	JOB NO. 3050.94
ATTENTION: Kittery Port Authority	
RE: After The Fact Application	
11 Pepperrell Road, Kittery Point, ME	

WE ARE SENDING YOU

<input type="checkbox"/> SHOP DRAWING	<input checked="" type="checkbox"/> ATTACHED	<input type="checkbox"/> UNDER SEPARATE COVER VIA
<input checked="" type="checkbox"/> PLANS	<input checked="" type="checkbox"/> COPY OF LETTER	<input type="checkbox"/> PRINTS
<input type="checkbox"/> SAMPLES	<input type="checkbox"/> CHANGE ORDER	<input type="checkbox"/> SPECIFICATIONS
	<input type="checkbox"/> OTHER	

COPIES	DATE	REVISION	DESCRIPTION
8	1/22	3/18/22	Plan Set (full size)

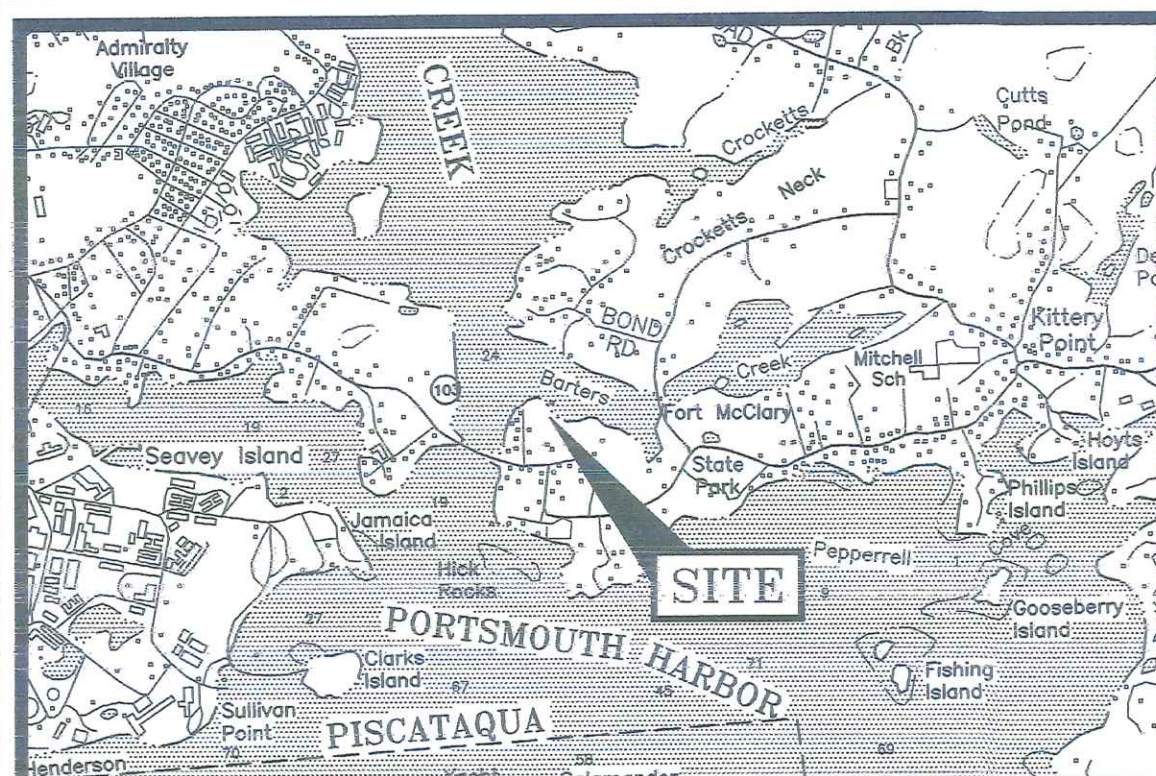
THESE ARE TRANSMITTED AS CHECKED BELOW

FOR YOUR APPROVAL
 FOR YOUR USE
 AS REQUESTED
 FOR BIDS DUE
 FOR REVIEW AND COMMENT
 RETURNED AFTER LOAN TO US

REMARKS

COPY TO File

If enclosures are not as noted, kindly notify us at once.



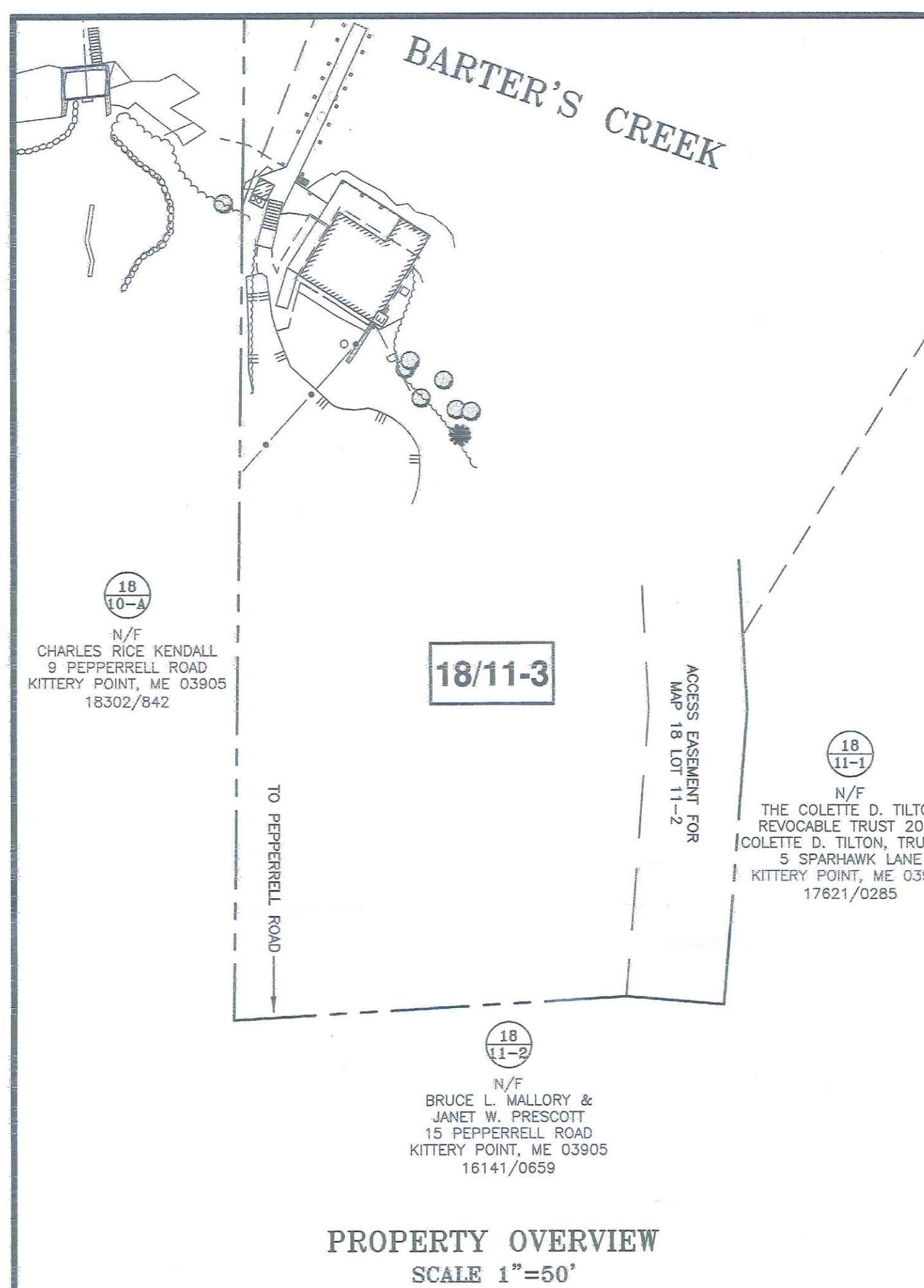
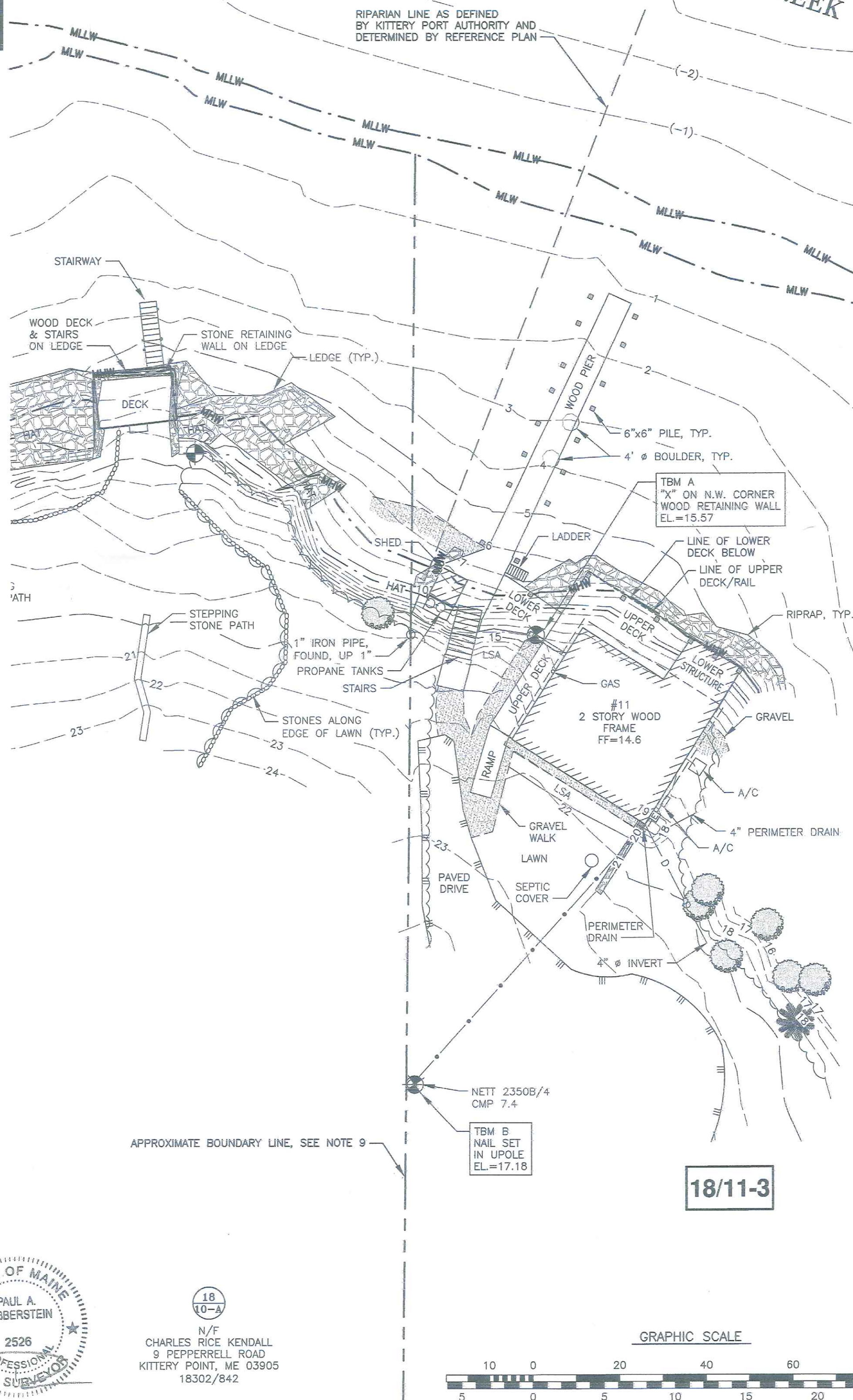
LOCATION MAP SCALE: 1" = 2000'

LEGEND:

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- YCRD YORK COUNTY REGISTRY OF DEEDS
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- IRON PIPE FOUND
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- BUILDING SETBACK
- MHW MEAN HIGH WATER LINE
- MLW MEAN LOW WATER LINE
- MLLW MEAN LOWER LOW WATER LINE
- HAT MAINE DEP HIGHEST ANNUAL TIDE LINE
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PLAN REFERENCE:
 1) EXISTING CONDITIONS PLAN MAP 18, PARCEL 11-3, 11 PEPPERRELL ROAD KITTERY POINT, MAINE, OWNER OF RECORD: DANIEL & BONNIE HANNIGAN 11 PEPPERRELL ROAD KITTERY POINT, MAINE 03905. PREPARED BY KIMBALL SURVEY & DESIGN, INC. DATED MARCH 6, 2019. NOT RECORDED.

BARTER'S CREEK



PROPERTY OVERVIEW SCALE 1"=50'

AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9292
 Fax (603) 436-2315



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 DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN
 11 PEPPERRELL ROAD
 KITTERY POINT, ME 03905
 17838/249
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HANNIGAN RESIDENCE
 11 PEPPERRELL ROAD
 KITTERY POINT, ME

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	9/16/21
REVISIONS		

SCALE 1"=20' SEPTEMBER 2021

EXISTING CONDITIONS PLAN C1

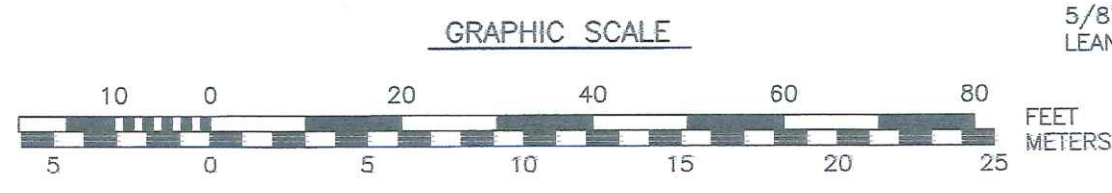
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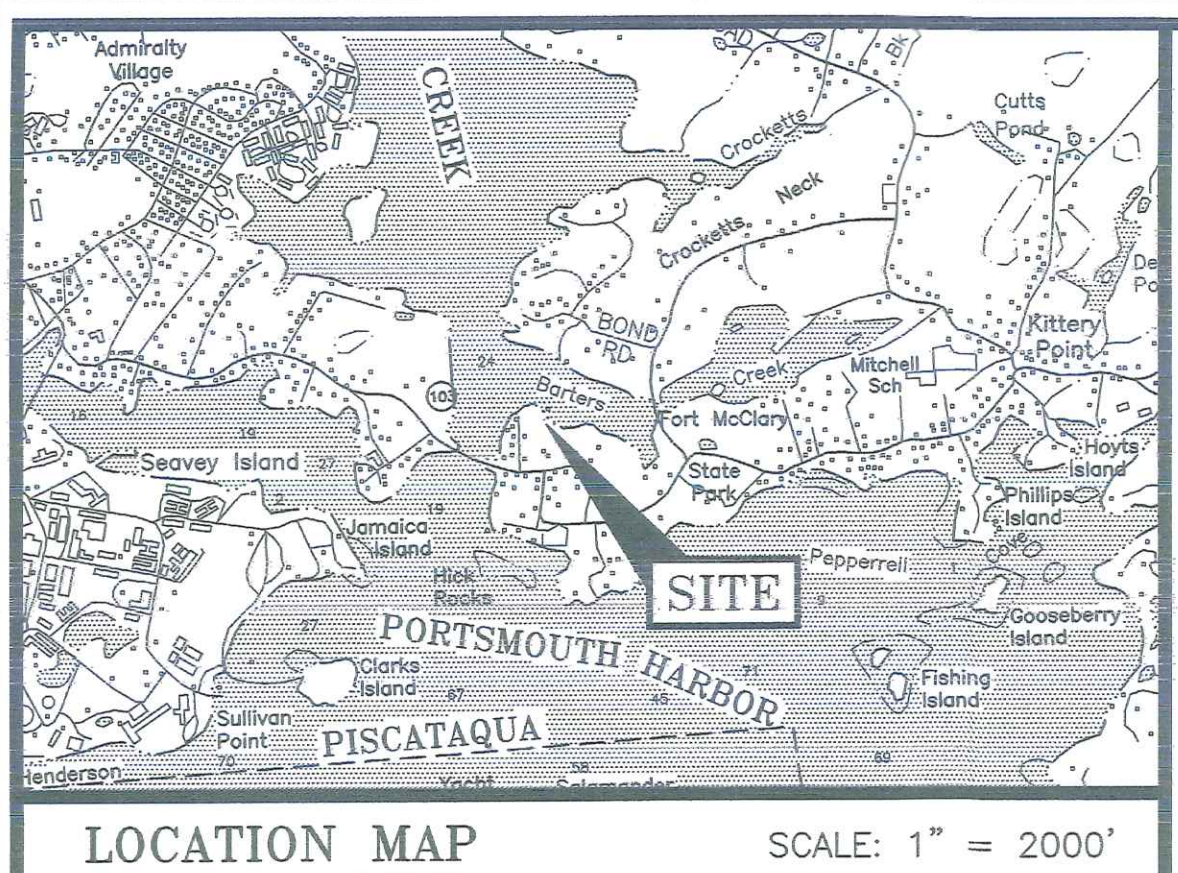
PAUL A. DOBBERSTEIN, PLS #2526 DATE 9/16/21

18/10-4
 N/F CHARLES RICE KENDALL
 9 PEPPERRELL ROAD
 KITTERY POINT, ME 03905
 18302/842



OWNER & APPLICANT:
 DANIEL J. HANNIGAN &
 BONNIE CHOATE HANNIGAN
 11 PEPPERRELL ROAD
 KITTERY POINT, ME 03905

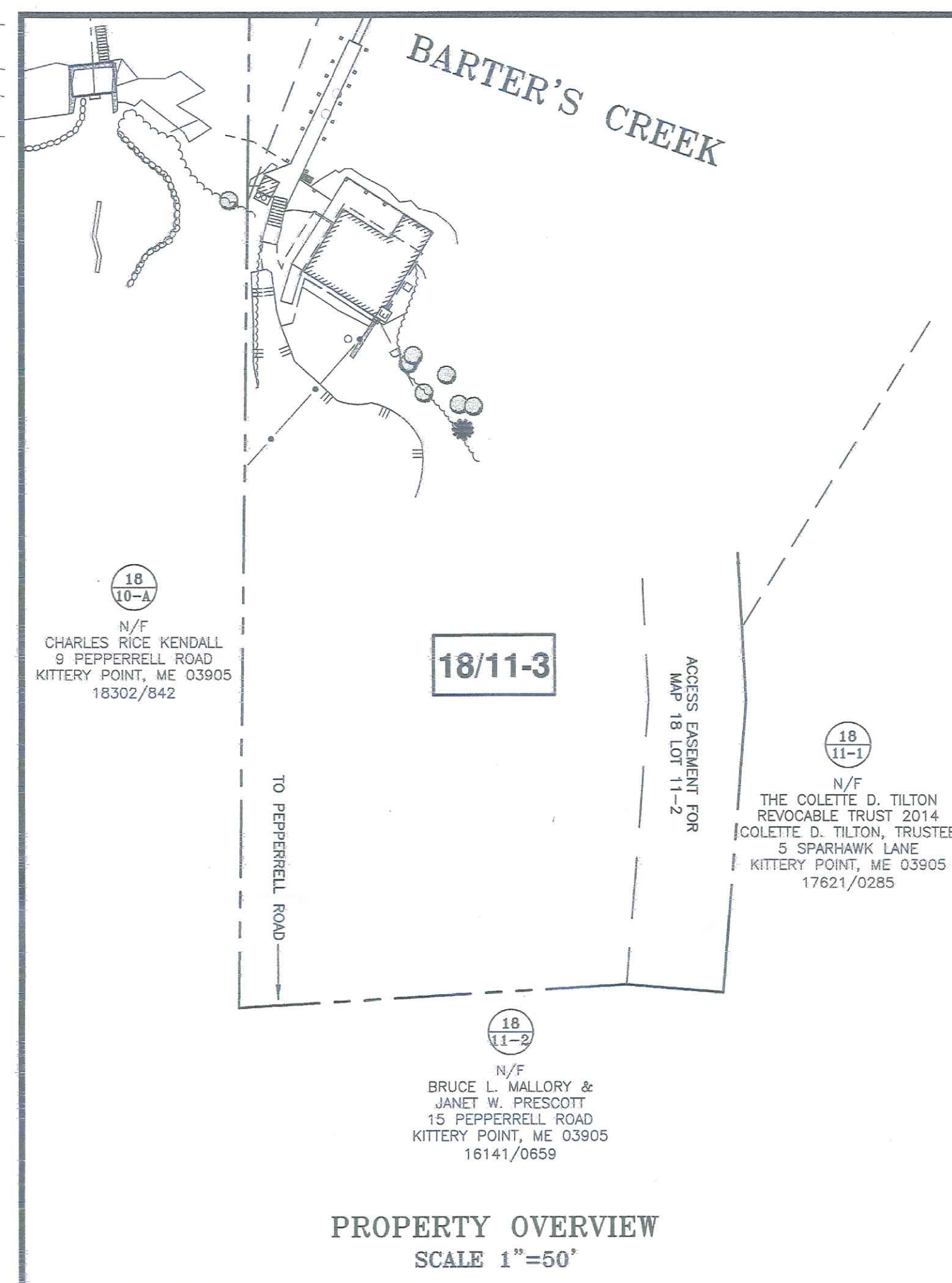
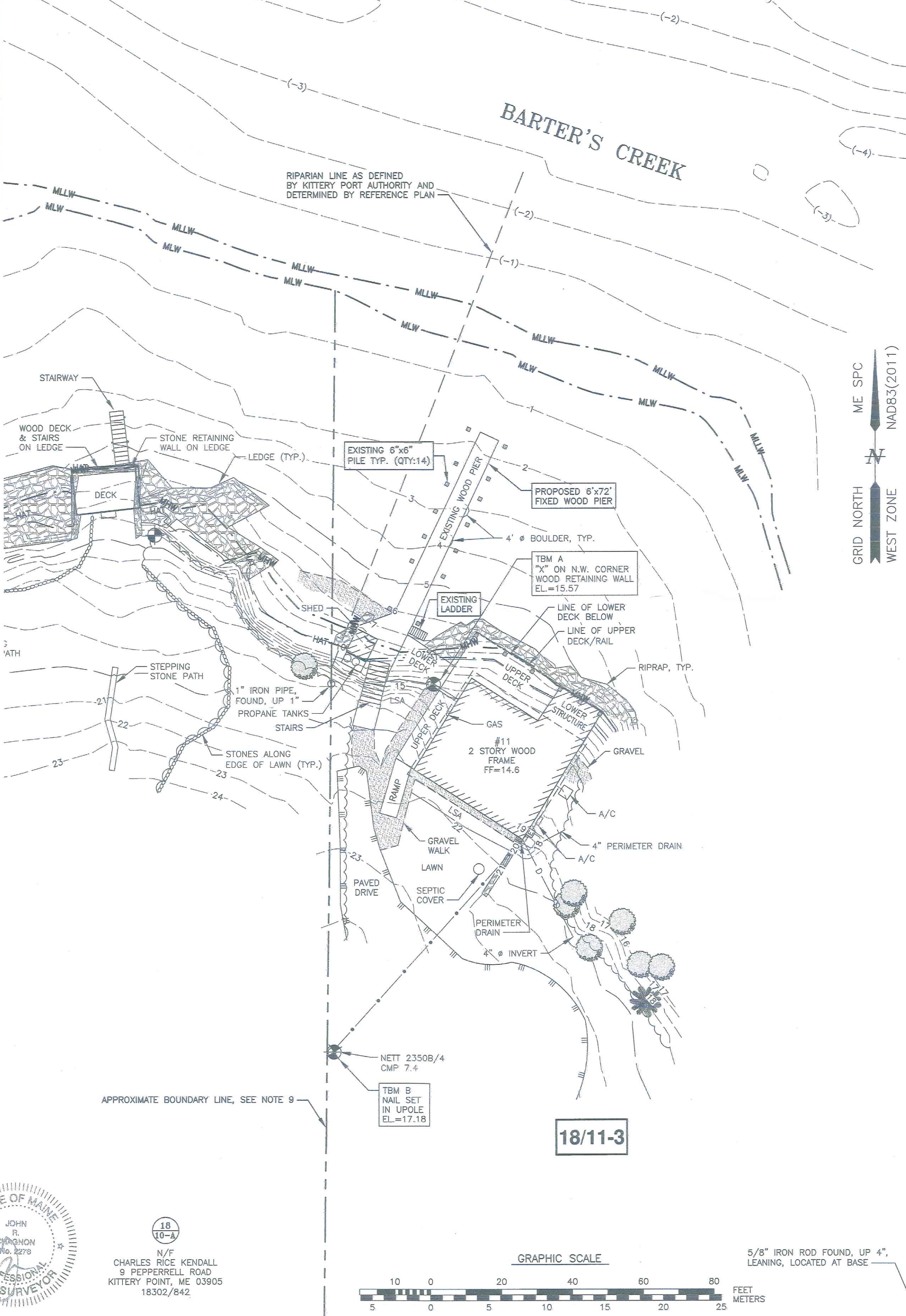
PREPARED BY:
 AMBIT ENGINEERING
 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801



PLAN REFERENCE:
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---	BUILDING SETBACK
---	MEAN HIGH WATER LINE
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100	CONTOUR
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EL	ELEVATION
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**HANNIGAN RESIDENCE
 11 PEPPERRELL ROAD
 KITTERY POINT, ME**

NO.	DESCRIPTION	DATE
1	REV. PIER LENGTH	3/18/22
0	ISSUED FOR COMMENT	1/24/22

STATE OF MAINE
 JOHN R. CHAGNON
 No. 6550
 PROFESSIONAL LAND SURVEYOR

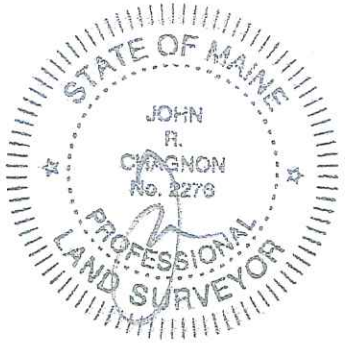
3.18.22

SCALE 1"=20'
 JANUARY 2022

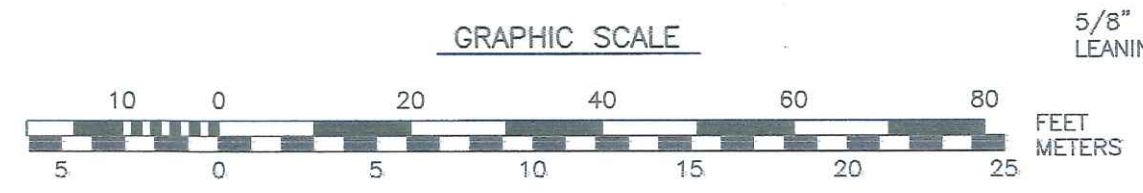
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JOHN R. CHAGNON, LLS #2276
 3.18.22
 DATE



(18/10-A)
 N/F
 CHARLES RICE KENDALL
 9 PEPPERRELL ROAD
 KITTERY POINT, ME 03905
 18302/842



OWNER & APPLICANT:
 DANIEL J. HANNIGAN &
 BONNIE CHOATE HANNIGAN
 11 PEPPERRELL ROAD
 KITTERY POINT, ME 03905

PREPARED BY:
 AMBIT ENGINEERING
 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801

**AFTER-THE-FACT
 PERMIT PLAN**

C2

SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA AVAILABLE ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS.
- 4) INSTALLATION OF THE SUB STRUCTURE 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.
- 6) SUPER STRUCTURE OF THE PIER IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
- 7) ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

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. 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.NAF.USACE.ARMY.MIL/MISSIONS/REGULATORY

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

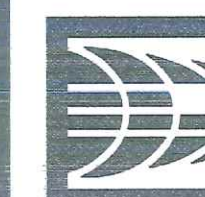
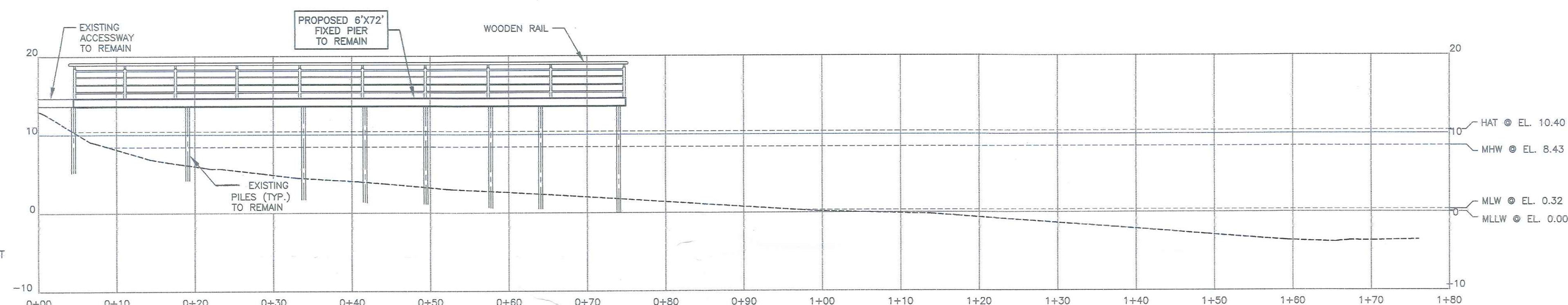
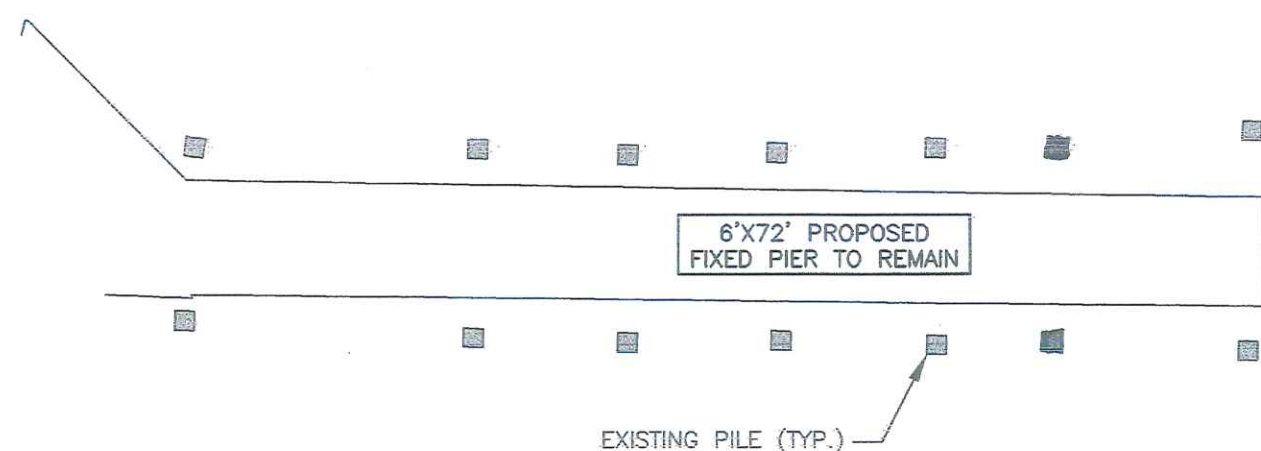
- APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPONENTS MAY NEED TO 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.
- 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/)

STORAGE OF SEASONAL STRUCTURES.

SEASONAL OR RECREATIONAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, AQUACULTURE STRUCTURES, ETC. THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION LANDWARD OF HIGHEST ANNUAL TIDE (H.A.T.) OR ORDINARY HIGH WATER (OHW) AND NOT IN WETLANDS, TIDAL WETLANDS, THEIR SUBSTRATE OR ON MUDFLATS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS WATERWARD OF H.A.T. OR OHW. SEASONAL STORAGE OF STRUCTURES IN NAVIGABLE WATERS, E.G., IN A PROTECTED COVE ON A MOORING, REQUIRES CORPS APPROVAL AND LOCAL HARBORMASTER APPROVAL.

SPAWNING, BREEDING, AND MIGRATORY AREAS.

- 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.
- 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.



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



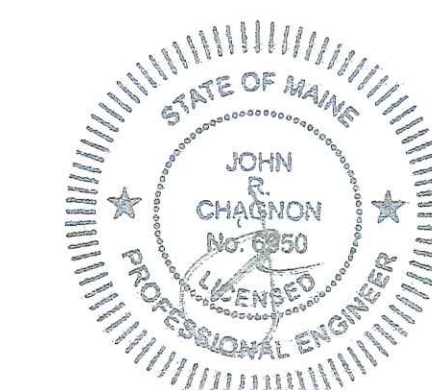
NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) 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 MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$). REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8420411 DOVER, COCHECO RIVER. MLLW BEING 3.93 FEET LOWER THAN 0.00 NAVD88.

HANNIGAN RESIDENCE
11 PEPPERRELL ROAD
KITTERY POINT, ME

1	REV. PIER LENGTH	3/18/22
0	ISSUED FOR COMMENT	1/24/22

NO.	DESCRIPTION	DATE
REVISIONS		



3/18/22

OWNER & APPLICANT:
DANIEL J. HANNIGAN &
BONNIE CHOATE HANNIGAN
11 PEPPERRELL ROAD
KITTERY POINT, ME. 03905

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

SCALE: 1"=10' JANUARY 2022

DOCK DETAILS **D1**



LETTER OF TRANSMITTAL

TO: Town of Kittery
Kittery Port Authority
200 Rogers Rd Ext.
Kittery, ME 03904

FROM:
AMBIT ENGINEERING, INC.
Civil Engineers and Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

DATE: 1/6/2022	JOB NO. 3050.94
ATTENTION: Kittery Port Authority	
RE: Application for Tidal Dock	
11 Pepperrell Road, Kittery Point, ME	

- WE ARE SENDING YOU**
- | | | |
|---|--|---|
| <input type="checkbox"/> SHOP DRAWING | <input checked="" type="checkbox"/> COPY OF LETTER | <input type="checkbox"/> UNDER SEPARATE COVER VIA |
| <input checked="" type="checkbox"/> PLANS | <input type="checkbox"/> CHANGE ORDER | <input type="checkbox"/> PRINTS |
| <input type="checkbox"/> SAMPLES | <input type="checkbox"/> OTHER | <input type="checkbox"/> SPECIFICATIONS |

COPIES	DATE	REVISION	DESCRIPTION
10	12/27/21		KPA Applications
10	9/21	12/23/21	Plan Set (full size)

THESE ARE TRANSMITTED AS CHECKED BELOW

- FOR YOUR APPROVAL
 FOR YOUR USE
 AS REQUESTED
 FOR BIDS DUE
 FOR REVIEW AND COMMENT
 RETURNED AFTER LOAN TO US

REMARKS

COPY TO File

If enclosures are not as noted, kindly notify us at once.

MISCELLANEOUS PAYMENT RECPT#: 688931
TOWN OF KITTEERY - LIVE
200 ROGERS ROAD
KITTEERY ME 03904

DATE: 01/10/22 TIME: 08:47
CLERK: 220codeca DEPT:
CUSTOMER#: 0

PARCEL: 11 PEPPERRELL RD

CHG: 10 DESIGNATED ACCO 125.00

AMOUNT PAID: 125.00

PAID BY: RIVERSIDE & PICKERIN
PAYMENT METH: CHECK
 4153
REFERENCE: CV

AMT TENDERED: 125.00
AMT APPLIED: 125.00
CHANGE: .00



TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: 18
Lot: 11-3
Date Submitted: January 6, 2022

Application for
PIERS, WHARFS, FLOATS AND OTHER MARINE-RELATED STRUCTURES

Contact: kpa@kitteryme.org Website: kitteryme.gov

NOTE: Ten (10) sets of plans, applications, maps and other necessary information are required at submittal.

The following application is submitted for the construction, modification, reconstruction of a:
The project proposes the modification of an existing tidal docking structure on the above referenced site along Barbers Creek. The modification includes the addition of a 3' x 45' gangway, and a 10' x 20' float to an existing fixed wood pier located on the subject parcel.

1. This project is an in-kind repair/replacement, which will not expand, move, or modify the style of the existing structure:

Yes, it is in-kind repair No, there will be modifications

2. Property Owner(s): Daniel J. Hannigan & Bonnie Choate Hannigan

3. Property Address: 11 Pepperrell Road, Kittery Point, ME 03905

4. Telephone Number: 207-337-1135 Email: danhannigan88@gmail.com

5. Property Size (Acres/SF): 1.08 acres/47,050 sq. ft. Zoning District(s): R-KPV

6. The shore frontage of this property is ~320 feet, measured at the high water line in a straight line, stake to stake.

7. This is my first Kittery Port Authority application for this property: Yes No
If No, please explain:

8. LEGAL INTEREST: The applicant demonstrates a legal interest in the property by including a copy of the following: Deed, Purchase and Sale Agreement

9. CONSTRUCTION PLAN: Provide a description of the property showing all proposed construction showing the lot lines and exact positions of the proposed structure with dimensions and elevations from readily identifiable reference points.

Applicant Signature: Agent-See Authorization Date: December 27, 2021

Property Owner Signature: Date:

Agent Name: Steven D. Riker Agent Firm: Ambit Engineering, Inc.

Agent Phone: 603-430-9282 Agent Email: sdr@ambitengineering.com

APPLICATION FEE (\$125). Include a check payable to the Town of Kittery. Additional fees may be charged for direct costs (i.e. legal notices, engineering review, etc.) necessary to complete the review of the application per Town Code, Title 3, Chapter 3.3

Fee Paid, Amount: \$125.00 Date: December 27, 2021

CW



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

23 December 2021

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

**Re: NRPA Individual Permit Application
Tax Map 18, Lot 11-3
11 Pepperrell Road
Kittery Point, 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 the modification of an existing tidal docking structure on the above referenced site along Barters Creek. The modification includes the addition of a 3' x 45' gangway, and a 10' x 20' float to an existing fixed wood pier located on the subject parcel. The float will be secured by two (2) 12" diameter CCA treated southern yellow pine piles.

Attached to this application you will find a ME DEP Permit Plan-Sheet C2, a Dock Details Plan-Sheet D1 and a Details Plan-Sheet D2. 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.

Lastly, in utilizing the Maine Office of GIS, the site is located directly adjacent to Tidal Wading Bird and Waterfowl Habitat and Shellfish Beds.

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

26 October, 2021

To Whom It May Concern:

RE: State of Maine Department of Environmental Protection Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for Daniel J & Bonnie Choate Hannigan of 11 Pepperrell Rd. Kittery Point, ME 03905

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

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

Are 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,



Bonnie Choate Hannigan

Daniel J Hannigan
11 Pepperrell Rd
Kittery Point, ME 03905

From: [Maine Dept. of Environmental Protection](#)
To: [Kuerstin Fordham](#)
Subject: Dept. of Environmental Protection Payment Portal
Date: Thursday, December 16, 2021 12:15:43 PM

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: **Daniel Hannigan**
- Activity Location: **Kittery, ME**
- First Name: **Kuerstin**
- Last Name: **Fordham**
- Company Name: **Riverside & Pickering Marine Contractors**
- Street Address: **34 Patterson Lane**
- Town/City: **Newington**
- State or Province: **New Hampshire**
- Country: **United States**
- Zip Code: **03801**
- Phone Number: **6034272824**
- Email Address: **kuerstin@riversideandpickering.com**
- Fee Type: **Natural Resources Protection Act (Individual Permit)**
- Customer Number:
- Invoice Number:
- Spill Number:
- Payment Amount: **543.00**
- Additional Comments:

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

Kuerstin Fordham

From: noreply@informe.org
Sent: Thursday, December 16, 2021 12:16 PM
Subject: DEP Payment Receipt

Payment Receipt Confirmation

Your payment was successfully processed.

Transaction Summary

Description	Amount
DEP Payment Portal	\$543.00
Service Fee	\$2.00
Maine.gov Total	\$545.00

Customer Information

Customer Name Kuerstin Fordham
Company Name Riverside & Pickering
Marine Contractors
Local Reference ID 1617144615
Receipt Date 12/16/2021
Receipt Time 12:16:09 PM EST

Payment Information

Payment Type Credit Card
Credit Card Type VISA
Credit Card Number *****8942
Order ID 59457036
Billing Name Riverside Marine
Construction

Billing Information

Billing Address 34 Patterson Lane
Billing City, State Newington, NH
ZIP/Postal Code 03801
Country US
Phone Number 6034272824

This receipt has been emailed to the address below.

Email Address kuerstin@riversideandpickering.com

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

1. Name of Applicant:		Daniel J. Hannigan & Bonnie Choate Hannigan		5. Name of Agent:		Steven D. Riker Ambit Engineering, Inc.							
2. Applicant's Mailing Address:		11 Pepperrell Road, Kittery Point, ME 03905		6. Agent's Mailing Address:		200 Griffin Road, Unit 3, Portsmouth, NH 03801							
3. Applicant's Daytime Phone #:		207-337-1135		7. Agent's Daytime Phone #:		603-430-9282							
4. Applicant's Email Address (Required from either applicant or agent):			danhannigan88@gmail.com		8. Agent's Email Address:			sdr@ambitengineering.com					
9. Location of Activity: (Nearest Road, Street, Rt.#)			11 Pepperrell Road			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:		Barters Creek					
						14. Amount of Impact: (Sq.Ft.)		Fill: 2 sq. ft. direct for piles Dredging/Veg Removal/Other: 335 sq. ft. indirect for shading					
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 wetland</u>		FOR FRESHWATER WETLANDS									
				<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					
16. Brief Activity Description:		The project proposes the addition of a 3' x 45' gangway and a 10' x 20' onto an existing wood pier located on the subject property.											
17. Size of Lot or Parcel & UTM Locations:		<input checked="" type="checkbox"/> 47,050 square feet, or <input checked="" type="checkbox"/> 1.08 acres				UTM Northing: <u>-70.71562</u> UTM Easting: <u>43.08452</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#: 17838 Page: 249		20. Map and Lot Numbers:		Map #: 18		Lot #: 11-3					
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 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:		\$543.00											
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.

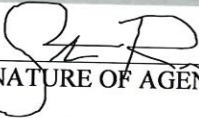
CORPS SIGNATORY REQUIREMENT

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)."



SIGNATURE OF AGENT/APPLICANT

Date: December 23, 2021

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)

08/08

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

Please take notice that

Daniel J. Hannigan & Bonnie Choate Hannigan

11 Pepperrell Road, Kittery Point, ME 03905

(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

December 31, 2021

(anticipated filing date)

The application is for

Modification of a tidal docking structure consisting of the addition of a gangway and float

(description of the project)

to the existing fixed wood pier.

at the following location:

11 Pepperrell Road, Kittery Point, ME 03905

(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: Daniel J. Hannigan & Bonnie Choate Hannigan Phone: 207-337-1135

Application Type: Maine DEP NRPA Individual

Activity Type: (brief activity description) Modification of an existing tidal dock

Activity Location: Town: Kittery Point Court: York

GIS Coordinates, if known: LAT: -70.71562 LON: 43.08452

Date of Survey: 9/15/21 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	~	Bray House
E. A National or State Park?	~	x	~	Fort McClary
F. 1) A municipal park or public open space?	~	x	~	Fort McClary
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	~	x	~	Fort McClary
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)		xYes	~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?		xYes	~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: Daniel J. Hannigan & Bonnie Choate Hannigan PHONE: 207-337-1135

APPLICATION TYPE: Maine DEP NRPA Individual

ACTIVITY LOCATION: TOWN: Kittery Point COUNTY: York

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other: Addition of float and gangway to existing pier

DATE OF SURVEY: 9/15/21 OBSERVER: Steven D. Riker

TIME OF SURVEY: 2:35 PM TIDE AT SURVEY: 12:54 PM low tide @ Seavey Island

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 2 sq. ft. for piles Subtidal area: None

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

Intertidal area: 335 sq. ft. indirect from shading Subtidal area: None

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: 9') 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input checked="" type="checkbox"/>	<input 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 Existing deck

CURRENT USE OF SITE AND ADJACENT UPLAND:

undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:

Photographs Overhead drawing

(pink)

Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.



Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.



THIS IS AN APPLICATION FOR A.....

- Commercial wharf
 If yes, indicate type of commercial activity: _____
 License number: _____
 Number of fishermen using this wharf: _____
- Public pier, dock or wharf
- Common or shared recreational pier, dock or wharf
- Private recreational pier, dock or wharf
- Expansion or modification of an existing structure
- Other, please indicate: _____



TELL US ABOUT YOUR BOAT....

Owner/applicant does not yet own a boat. Purchased the property in November 2018 and the fixed wood pier existed at that time.

My boat(s) requires a draft of _____ feet.
 My boat(s) is _____ feet long.



TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____
 Appendix B attached



SCENIC CONSIDERATIONS...Please complete Appendix A of the NRPA application.

Appendix A attached



WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Kittery approximately 1 miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in Kittery approximately 1 miles from the project location.
(distance) (town)

- I have inquired about slip or mooring availability at the nearest marina or public facility.
 - Yes, a slip or mooring is available. No, a slip or mooring is not available.
 - Approximate expected time on waiting list: 96 for Back Channel Mooring as of 7/10/21
- I have contacted the local Harbor Master. Name: John Brosnihan
 Phone: 207-451-0829

ALTERNATIVES ANALYSIS

This project proposes the modification of an existing tidal docking structure on the above referenced site along Barbers Creek. The modification includes the addition of a 3' x 45' gangway, and a 10' x 20' float to an existing fixed wood pier located on the subject parcel. The float will be secured by two (2) 12" diameter CCA treated southern yellow pine piles.

Project design alternatives have been explored to provide safe boating access/dockage, and safe foot access to the structure itself, while also minimizing impacts to the adjacent tidal resource to the greatest extent practicable. Due to the fact that the existing pier exists, adding a gangway and a float in the existing location represents the least impacting alternative. Completely removing the existing fixed wood pier and re-location that pier in another location along the applicant's shoreline would greatly increase the direct and indirect impact of the proposed project, notwithstanding the impact associated with removing the existing fixed wood pier.

The property owners require a tidal docking structure on their property as the public boat launch/marina is located 1 mile from the project site in Kittery, ME, and is very congested during the boating season. The Town of Kittery Harbormaster has 173 people on the wait list for a mooring in the Pepperrell Cove area as of October 7, 2021. Additionally, the nearest privately owned marina, Great Cove Boat Club, has waiting list over 1 year for a slip.

Lastly, the length of the structure is necessary to achieve sufficient use during most of the tidal cycle as the proposed float is positioned to have between 1 and 2 feet of water depth on an average tide. The proposed float skids will provide bottom protection for the float when the low tide is lower than average further reducing impact to the substrate.

The shoreline associated with the site consists of a bluff that peaks at approximate elevation 20', with a very steep slope leading to the tidal resource area with an average approximate grade of 83% 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 boulder/cobble beach and mixed coarse & fines which is occasionally vegetated with rockweed (*Ascophyllum* spp. and *Fucus* spp.).

In conclusion, the modification of the existing structure, combined with the project design and components demonstrate that the project is the least impacting alternative while providing reasonable use for the property owners.

CONSTRUCTION DETAILS-SEQUENCE

This project proposes the modification of an existing tidal docking structure on the above referenced site along Barbers Creek. The modification includes the addition of a 3' x 45' gangway, and a 10' x 20' float to an existing fixed wood pier located on the subject parcel. The float will be secured by two (2) 12" diameter CCA treated southern yellow pine wooden piles.

The fixed pier will be constructed of wood with an associated wooden railing for safety. The fixed pier and float storage platform will be supported by 10 piles, driven to refusal. These piles will be driven utilizing a crane barge from the water. These piles will be CCA treated lumber which shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction. Details for the fixed pier, gangway, and floats are provided in the plan set, located on "Dock Details-Sheet D1".

Modification of the dock is anticipated to take approximately 3 days. A crane barge will mobilize to the site with equipment and materials. The gangway and float are pre-fabricated off site and are mobilized to the site via crane barge. The piles to secure the float are installed via a vibratory hammer and then the crane barge is used to bring the float and gangway into place for installation. A construction sequence is also provided in the plan set, located on "Details-Sheet D2".

The proposed float and gangway will be seasonal structures. The gangway will be stored on the fixed pier, and the float will be removed and towed from the site for winter storage.

No erosion control devices are required for the tidal docking component of the project. There will be no exposed soils or vegetation removal required to complete the installation of the float and gangway. Driving of piles is a process that does not expose soils, nor require excavation of any kind. Foot traffic and trenching for standard silt fence installation would cause disturbance far in excess of those from the project itself. There is nothing in regards to the proposed modification that would provide an opportunity for erosion. Work on the portion of the structure located over wetland resource will be performed utilizing a crane barge at low tide eliminating erosion and potential for sedimentation.

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 11 Pepperrell Road, Kittery Point, Maine. The property is identified as Tax Map 18, Lot 11-3, is approximately 1.08 acres in size, and is located to the north of Pepperrell Road and to the south of Barter's Creek. The lot is developed and contains a single family home with associated driveway. The surrounding land use is residential.

Wetlands on the project site were assessed by Steven D. Riker, New Hampshire Certified Wetland Scientist on September 15, 2021 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. 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 Barter's Creek, 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 tidal docking structure. Also, for the purposes of the assessment, the freshwater wetland and tidal wetland will be referred to as Wetland A, as both systems are located directly adjacent to each other, and also provide similar functions and values.

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 Barter's Creek and the Piscataqua River provides hydrology to Wetland A. During a dropping tide, water flows southwesterly 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 tidal 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 subtidal area associated with the parcel would be classified as a marine subtidal unconsolidated bottom mud wetland system (M2UB3L).

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 modification of an existing tidal docking structure on the above referenced site along Barbers Creek. The modification includes the addition of a 3' x 45' gangway, and a 10' x 20' float to an existing fixed wood pier located on the subject parcel. The float will be secured by two (2) 12" diameter CCA treated southern yellow pine piles.

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 tidal docking structure 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, degradation, or erosion, and it will not have a visual impact as the surrounding properties are previously developed and some already contain similar structures. Impacts associated with tidal docking structures are insignificant as tidal docks are designed to minimize impact, do not contribute to additional stormwater or pollution, and do not impede fish migration or deter use by wildlife species. Given that the tidal dock will be supported by piles it will therefore not impede tidal flow or alter hydrology, will not impact migrational movement of fish and wildlife, and will not provide a barrier or alter hydrology, therefore preserving the functionality of the adjacent wetland resources.

The tidal docking structure is comparable to others in the immediate area, therefore having no impact from an aesthetic or navigational standpoint.

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 tidal docking structure will have no interference with the natural processes that are integral to these functions.

Site Photograph #1

September 2021



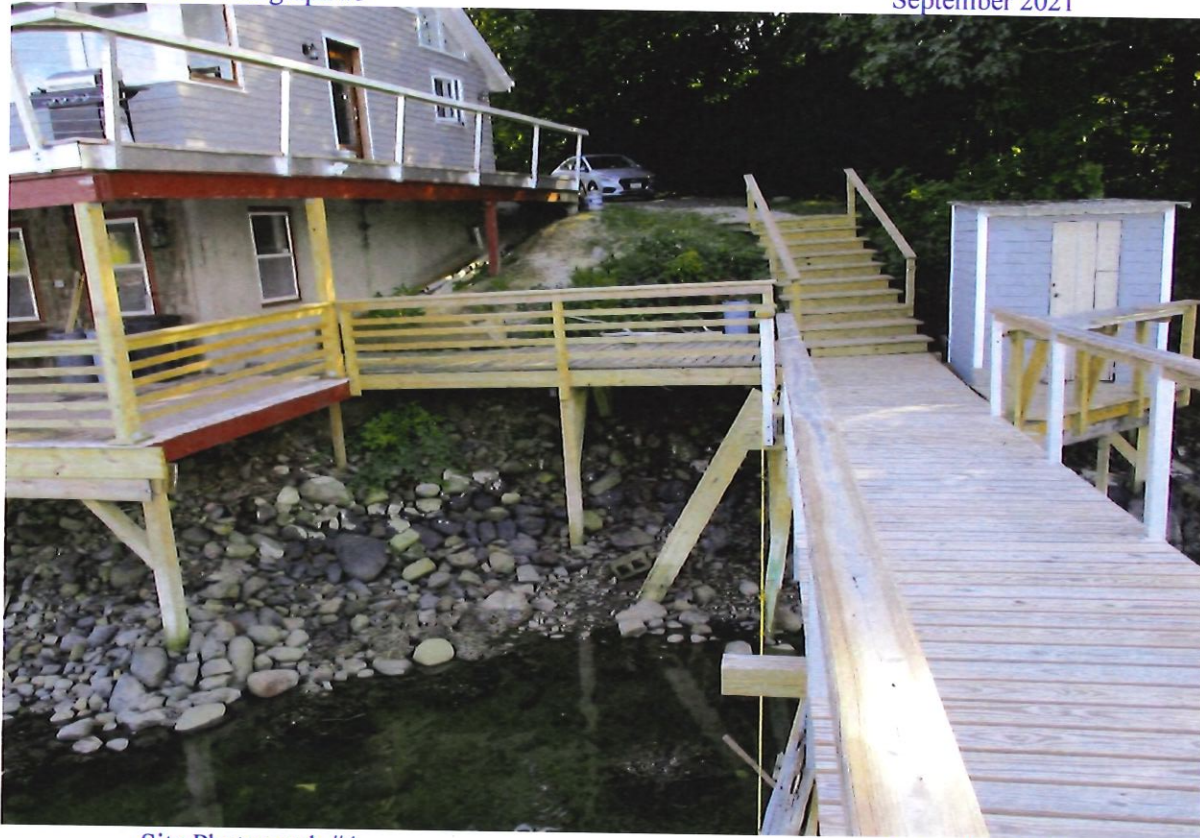
Site Photograph #2

September 2021



Site Photograph #3

September 2021



Site Photograph #4

September 2021





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

23 December 2021

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 18, Lot 11-3
11 Pepperrell Road
Kittery Point, 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

23 December 2021

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

**Re: NRPA Individual Permit Application
Tax Map 18, Lot 11-3
11 Pepperrell Road
Kittery Point, 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

23 December 2021

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 18, Lot 11-3
11 Pepperrell Road
Kittery Point, 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 the modification of an existing tidal docking structure on the above referenced site along Barbers Creek.

This project proposes the addition of a 3' x 45' gangway, and a 10' x 20' float to an existing fixed wood pier located on the subject parcel. The float will be secured by two (2) 12" diameter CCA treated southern yellow pine piles.

Attached to this application you will find a "MEDEP 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.

Lastly, in utilizing the Maine Office of GIS, the site is located directly adjacent to Tidal Wading Bird and Waterfowl Habitat and Shellfish Beds.

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

23 December 2021

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

**Re: NRPA Individual Permit Application
Tax Map 18, Lot 11-3
11 Pepperrell Road
Kittery Point, 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 the modification of an existing tidal docking structure on the above referenced site along Barters Creek.

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

Cc: US Army Corp of Engineers, Maine Project Office



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

23 December 2021

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

**Re: NRPA Individual Permit Application
Tax Map 18, Lot 11-3
11 Pepperrell Road
Kittery Point, ME**

To Whom it May Concern:

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

Cc: US Army Corp of Engineers, Maine Project Office



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

23 December 2021

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

**Re: NRPA Individual Permit Application
Tax Map 18, Lot 11-3
11 Pepperrell Road
Kittery Point, 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 the modification of an existing tidal docking structure on the above referenced site along Barbers Creek.

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Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office



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

23 December 2021

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

Re: NRPA Individual Permit Application
Tax Map 18, Lot 11-3
11 Pepperrell Road
Kittery Point, 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 the modification of an existing tidal docking structure on the above referenced site along Barbers Creek.

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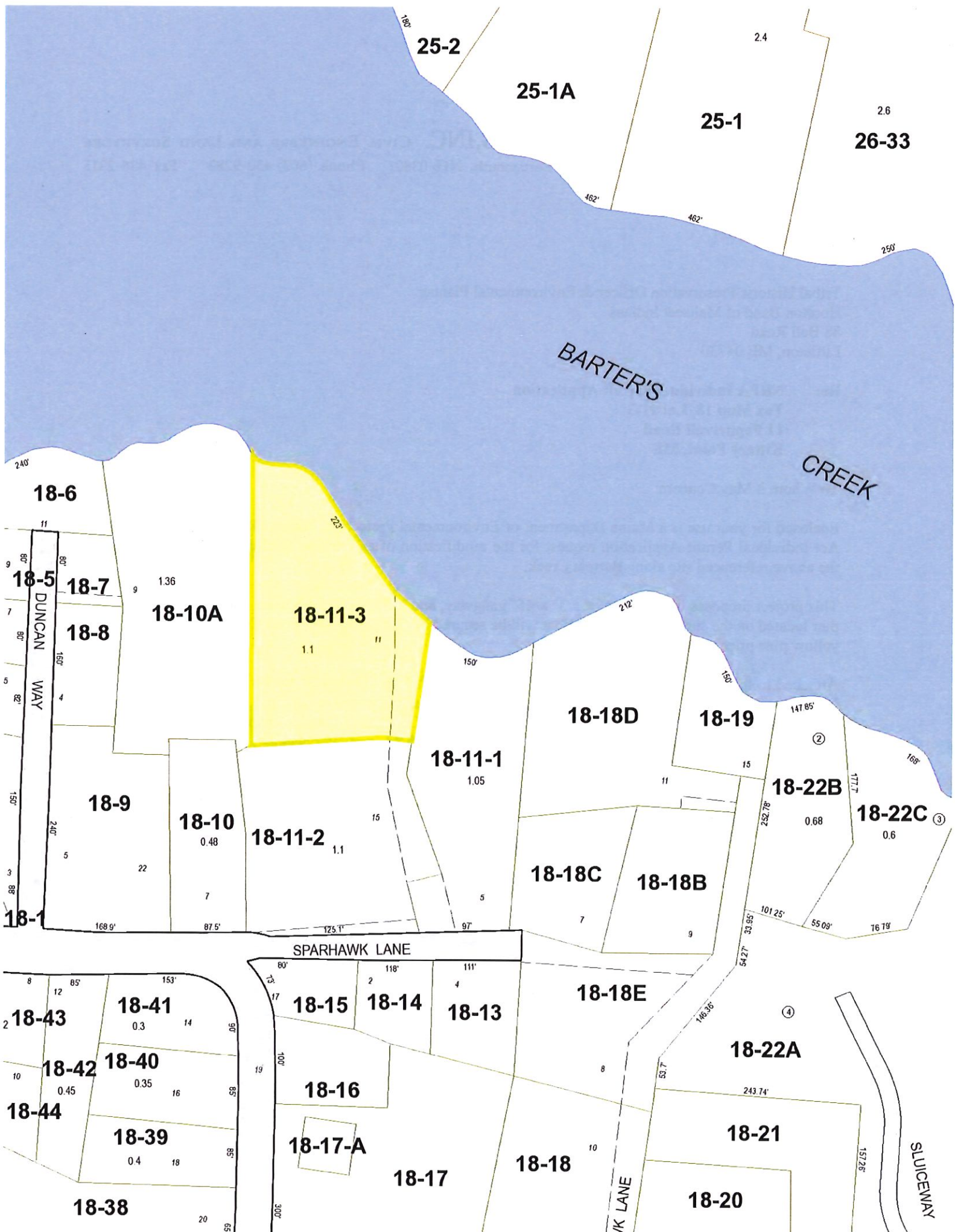
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Respectfully submitted,

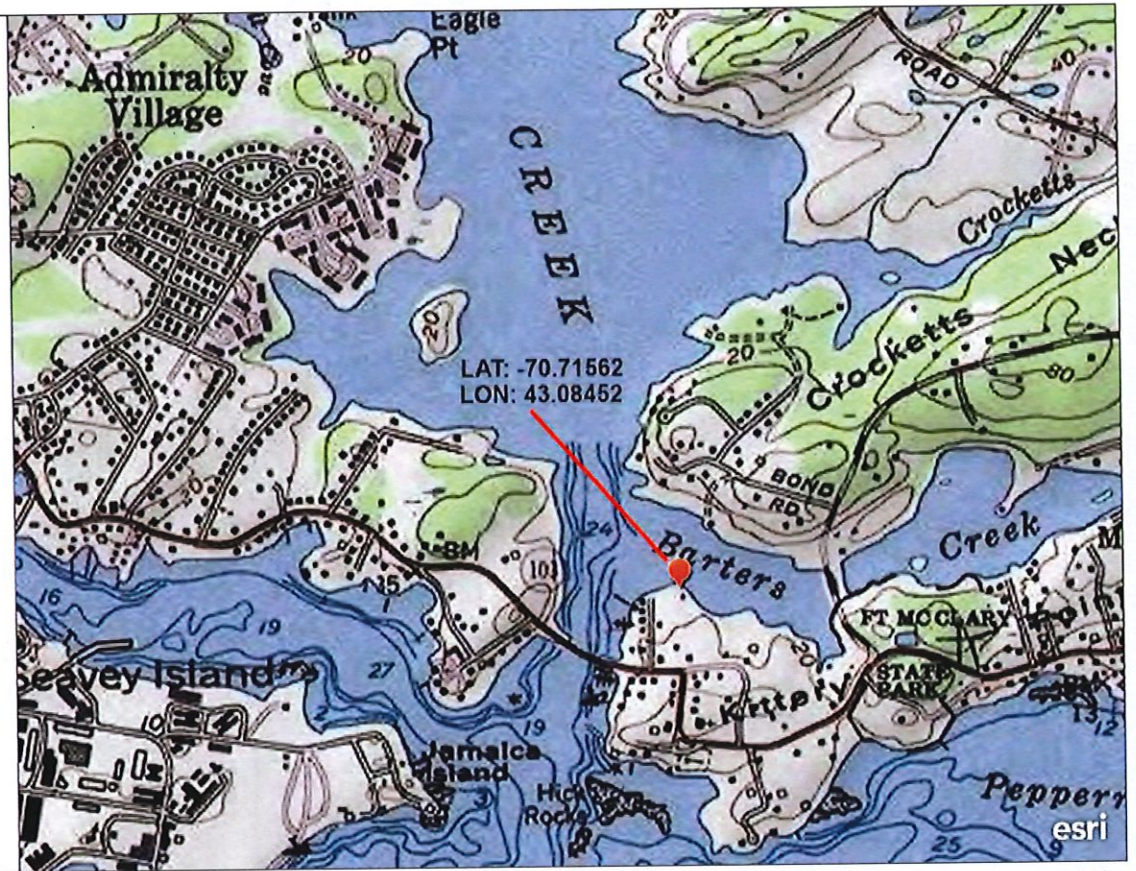
Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



My Map

No legend



Copyright:© 2013 National Geographic Society, i-cubed



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

23 December, 2021

Charles Rice Kendall
9 Pepperrell Road
Kittery Point, ME 03905

RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for Daniel J. Hannigan, 11 Pepperrell Road, Kittery Point, 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 construct a tidal docking structure, **at the above mentioned property** on behalf of your abutter **Daniel J. Hannigan**,

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **Daniel J. Hannigan** 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

23 December, 2021

Colette D. Tilton Revocable Trust 2014
Collete D. Tilton Trustee
5 Sparhawk Lane
Kittery Point, ME 03905

RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for Daniel J. Hannigan, 11 Pepperrell Road, Kittery Point, ME.

Dear Property Owner,

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Sincerely,

Steven D. Riker
NH Certified Wetland Scientist/Permitting Specialist

CERTIFIED MAIL/Return Receipt Requested



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

23 December, 2021

Bruce L. Mallory & Janet W. Prescott
15 Pepperrell Road
Kittery Point, ME 03905

RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for Daniel J. Hannigan, 11 Pepperrell Road, Kittery Point, ME.

Dear Property Owner,

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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"/> Adult Signature Restricted Delivery	\$
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Total Postage and Fees	\$



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City, State, ZIP+4®
KITTEN POINT, ME 03905

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

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CHARLES RICE KENDALL
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9 PEPPERELL ROAD
City, State, ZIP+4®
KITTEN POINT, ME 03905

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

7018 1830 0002 1128 4959

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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
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MAUDRY & PRESCOTT
Street and Apt. No., or PO Box No.
15 PEPPERELL ROAD
City, State, ZIP+4®
KITTEN POINT, ME 03905

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

Return to:
Daniel Hannigan and Bonnie Hannigan
P O Box 224
Kittery Point, ME 03905

DEBRA L. ANDERSON, REGISTER OF DEEDS
Bk 17838 PG 249
Instr # 2018046903
11/06/2018 12:39:22 PM
Pages 3 YORK CO

DLN: 1001840043142

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That we, Nancy Piken of 1771 Ringling Boulevard, Sarasota, FL 34236 and Patrice McDaniel, of 3996 Roberts Point Road, Sarasota, FL 34242, Trustees of the Albert E. Crawford Trust, udt May 19, 2000 for consideration paid grant to Daniel Hannigan and Bonnie Hannigan of 30 Pinkhams Lane, Kittery Point, ME 03905, as joint tenants, with WARRANTY COVENANTS:

A certain lot or parcel of land off Pepperrell Road, in the Town of Kittery, in Kittery Point, County of York and State of Maine, and being Lot #3 as shown and delineated on a certain plan entitled "Plan of Land of Albert E. Crawford, off Pepperrell Road, Kittery Point, Maine, Thomas W. Harmon, Registered Land Surveyor", dated September 24, 1984, said plan recorded in the York County Registry of Deeds, Plan Book 132, Page 39, said lot or parcel of land being more particularly described as follows:

Maine R.E. Transfer Tax Paid

Beginning at a point in the Southwesterly corner of the lot or parcel herein conveyed said point of beginning being the Northwesterly corner of land now or formerly of James Mullins; thence running North 16° 23' 07" E a distance of three hundred and thirty-five and 29/100 (335.29) feet to a point set in the ground at the approximate top of the bank of Barter's Creek; thence turning and running South 29° 35' 49" E by and along Barter's Creek a distance of 74.01 feet to a point; thence turning and running South 27° 36' 13" E still by and along Barter's Creek a distance of one hundred thirty and 00/100 (130.00) feet to an iron pipe set in the ground; thence turning and running South 42° 36' 13" E still by and along Barter's Creek a distance of twenty-four and 17/100 (24.17) feet to an iron pipe set in the ground; thence turning and running South 48° 29' 52" E still by and along Barter's Creek a distance of forty-five and 70/100 (45.70) feet to an iron pipe set in the ground at the Northwesterly corner of Lot #1; thence turning and running South 12° 34' 38" W by and along Lot #1 a distance of thirty and 41/100 (30.41) feet to an iron pin set in the ground; thence turning and running South 20° 18' 29" W still by and along Lot #1 a distance of one hundred twenty 02/100 (120.02) feet to an iron pipe set in the ground; thence turning and running North 69° 41' 31" W and crossing a certain right of way shown and delineated on said plan a distance of forty and 00/100 (40.00) feet to an iron pipe set in the ground; thence turning and Twining North 77° 45' 11" West by and along Lot #2 a distance of one hundred fifty-nine and 90/100 (159.90) to an iron pipe set in the ground at the place of beginning.

Also conveying all of my right, title and interest in and to the right of ways and easements shown and delineated on the aforementioned plan.

3p → Red Door Title • 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 • (207) 358-7500

Together with and subject to all rights of ways and easements granted and reserved in previous deeds from the Grantor herein to James Mullins by deed dated August 19, 1985 and recorded in the York County Registry of Deeds in Book 3608, Page 159 and from Grantor herein to Donald M. Wallace and Barbara M. Wallace by deed dated October 1, 1984 and recorded in the York County Registry of Deeds in Book 3385, Page 257 as corrected by deed dated August 13, 1985 and recorded in the York County Registry of Deeds in Book 3605, Page 68 to which deeds reference is hereby made for more particular descriptions of the rights of ways and easements granted and reserved therein.

Meaning and intending to describe and convey the same premises conveyed to Nancy Piken and Patrice McDaniel, Successor Trustees of the Albert E. Crawford Trust, a Trust Dated May 19, 2000 by virtue of a deed of Albert E. Crawford dated September 8, 2000 and recorded in the York County Registry of Deeds at Book 10219, Page 26.

The undersigned Nancy Piken and Patrice McDaniel, Trustees of the Albert E. Crawford Trust, udt May 19, 2000 and any amendments thereto, have full and absolute power in said Trust Agreement to convey any interest in real estate and improvements thereon held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustees have said power or are properly exercising said power to see to the application of any Trust Asset paid to the Trustees for a conveyance thereof. The trust has not been revoked and is still in full force and effect.

Executed this 1st day of November, 2018.

x Nancy Piken Trustee of Albert E
Nancy Piken, Trustee of the Albert E. Crawford Crawford
Trust

State of Florida
County of Sarasota

November 1, 2018

Then personally appeared before me the said Nancy Piken, Trustee of the Albert E. Crawford Trust and acknowledged the foregoing to be her voluntary act and deed.



Marion B. Nelson
x Notary Public/Justice of the Peace
Commission expiration:

Executed this 1st day of November, 2018.

x Patrice McDaniel Co-Trustee
Patrice McDaniel, Trustee of the Albert E. Crawford Trust

State of Florida
County of Sarasota

November 1, 2018

Then personally appeared before me the said Patrice McDaniel, Trustee of the Albert E. Crawford Trust and acknowledged the foregoing to be her voluntary act and deed.



Marion B. Nelson
Notary Public/Justice of the Peace
Commission expiration:



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:

December 23, 2021

Consultation Code: 05E1ME00-2022-SLI-0415

Event Code: 05E1ME00-2022-E-01507

Project Name: 11 Pepperrell Road Dock Modification

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 the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This 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 Web site 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 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 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>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: http://www.fws.gov/windenergy/eagle_guidance.html Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:

<http://www.towerkill.com>; and at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

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 Tracking Number 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

Consultation Code: 05E1ME00-2022-SLI-0415
Event Code: Some(05E1ME00-2022-E-01507)
Project Name: 11 Pepperrell Road Dock Modification
Project Type: SHORELINE USAGE FACILITIES / DEVELOPMENT
Project Description: The project proposes the modification of an existing tidal docking structure on the above referenced site along Barters Creek. The modification includes the addition of a 3' x 45' gangway, and a 10' x 20' float to an existing fixed wood pier located on the subject parcel. The float will be secured by two (2) 12" diameter CCA treated southern yellow pine piles.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.08468475,-70.7156012619437,14z>



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

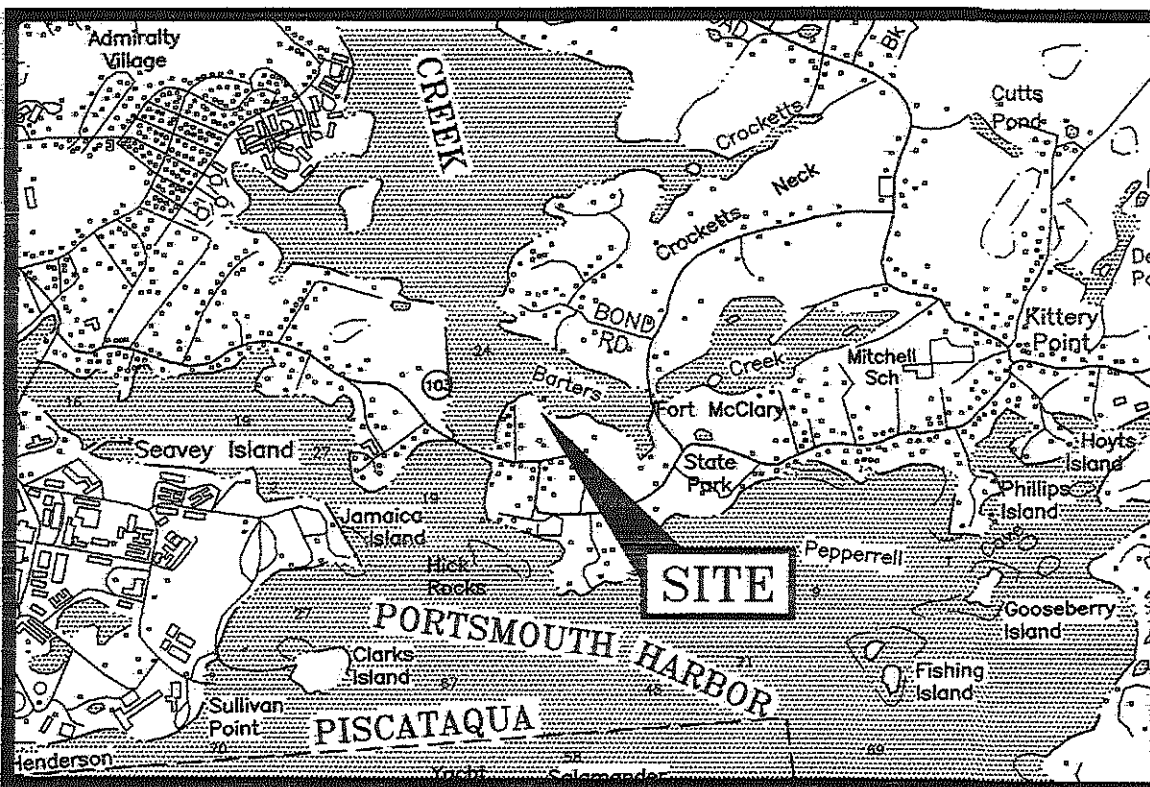
NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

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.

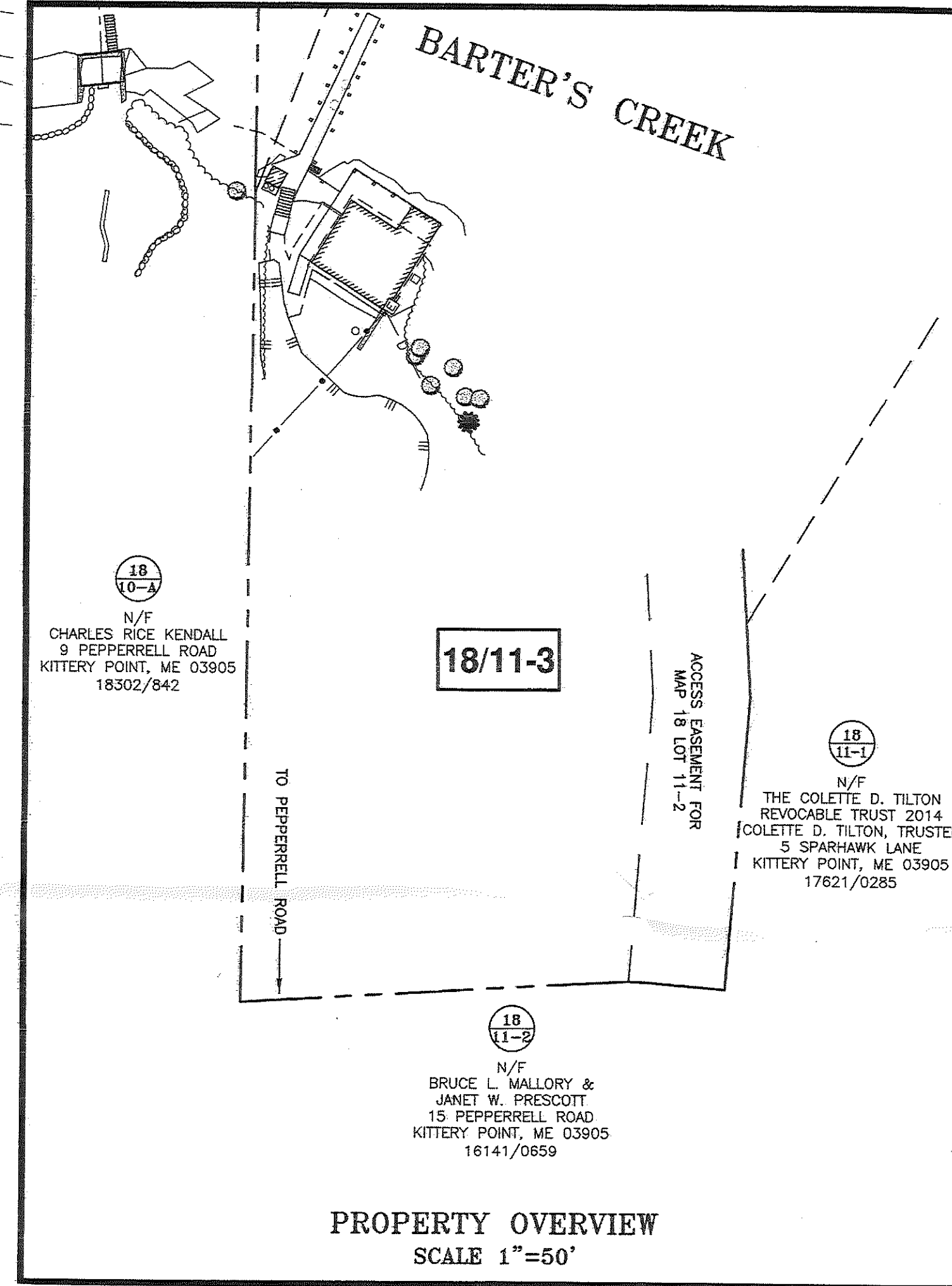
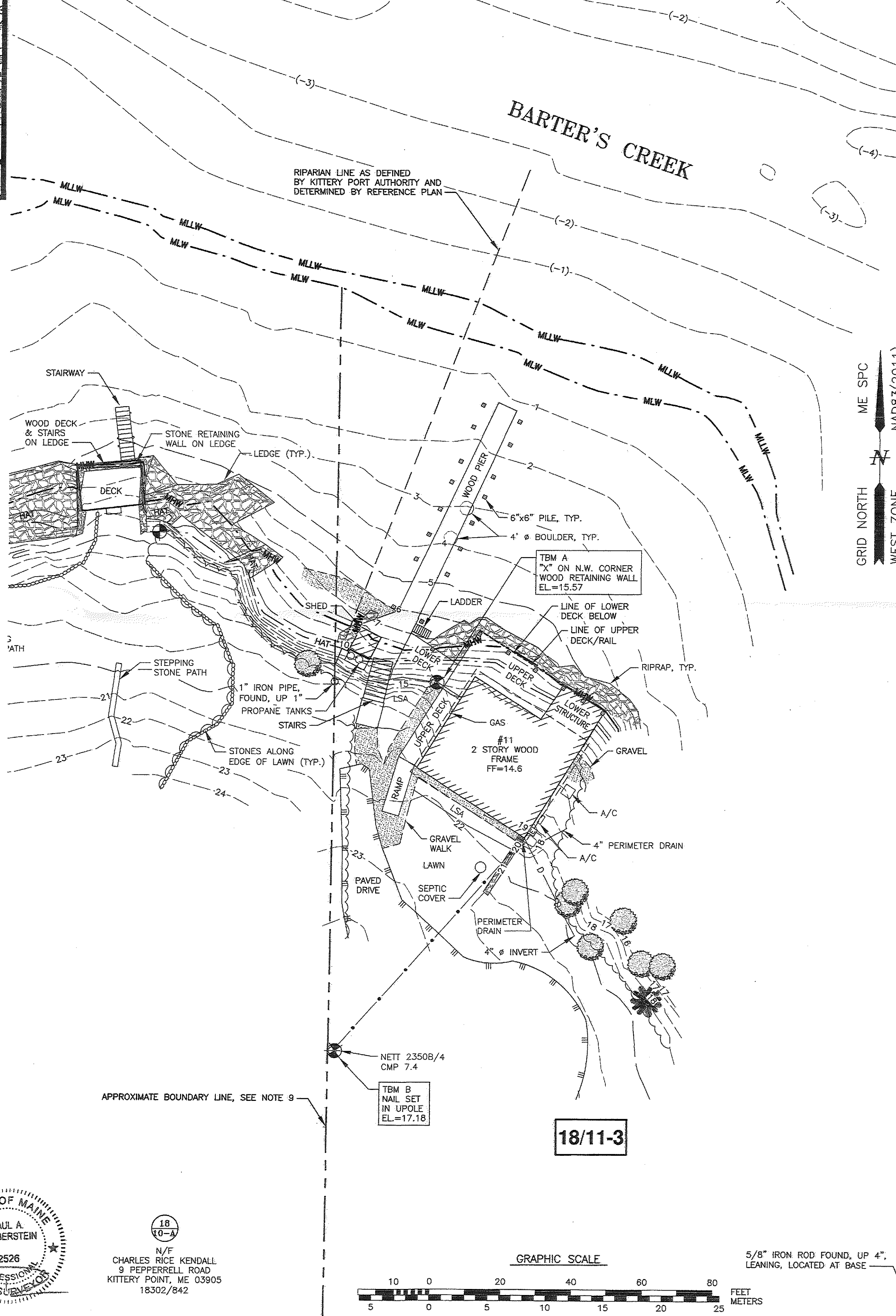


LOCATION MAP SCALE: 1" = 2000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS
- 11/21 MAP 11 / LOT 21
- RAILROAD SPIKE FOUND
- IRON ROD/IRON PIPE FOUND
- IRON PIPE FOUND
- STONE/CONCRETE BOUND FOUND
- - - APPROXIMATE PROPERTY BOUNDARY
- - - BUILDING SETBACK
- - - MHW MEAN HIGH WATER LINE
- - - MLW MEAN LOWER WATER LINE
- - - MLLW MEAN LOWER LOW WATER LINE
- - - HAT MAINE DEP HIGHEST ANNUAL TIDE LINE
- 100 CONTOUR
- 97x3 SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- EL ELEVATION
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL

PLAN REFERENCE:
 1) EXISTING CONDITIONS PLAN MAP 18, PARCEL 11-3, 11 PEPPERRELL ROAD KITTERY POINT, MAINE, OWNER OF RECORD: DANIEL & BONNIE HANNIGAN 11 PEPPERRELL ROAD KITTERY POINT, MAINE 03905. PREPARED BY KIMBALL SURVEY & DESIGN, INC. DATED MARCH 6, 2019. NOT RECORDED.



PROPERTY OVERVIEW SCALE 1"=50'

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

RIVERSIDE & PICKERING
 MARINE CONTRACTORS

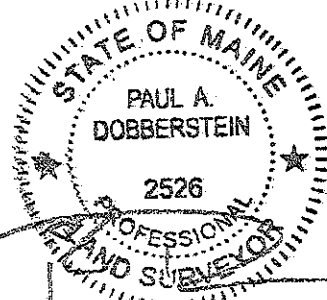
- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 18 AS LOT 11-3.
 - 2) OWNER OF RECORD: DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN 11 PEPPERRELL ROAD KITTERY POINT, ME 03905 17838/249 PLAN REFERENCE 1
 - 3) A PORTION OF THE PARCEL IS IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 2301710005D, EFFECTIVE 7/3/1986.
 - 4) EXISTING LOT AREA: 47,050± S.F. (PER PLAN REFERENCE 1) 1.08± AC. PER PLAN REFERENCE 1)
 - 5) PARCEL IS LOCATED IN RESIDENTIAL-KITTERY POINT VILLAGE ZONE.
 - 6) DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 40,000 S.F.
 FRONTAGE: 150 FEET
 SETBACKS: FRONT 40 FEET
 SIDE/REAR 15 FEET
 MAXIMUM STRUCTURE HEIGHT: 35 FEET
 MAXIMUM STRUCTURE COVERAGE: 20%
 MINIMUM OPEN SPACE: 15%
 - 7) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2'). REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8419870 SEAVY ISLAND PORTSMOUTH HARBOR. MLLW BEING 4.62 FEET LOWER THAN 0.00 NAVD88.
 - 8) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 18 LOT 11-3 IN THE TOWN OF KITTERY POINT.
 - 9) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE PLAN REFERENCES LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.
 - 10) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.4 PER LOCATION SEAVY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

**HANNIGAN RESIDENCE
 11 PEPPERRELL ROAD
 KITTERY POINT, ME**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	9/16/21
REVISIONS		

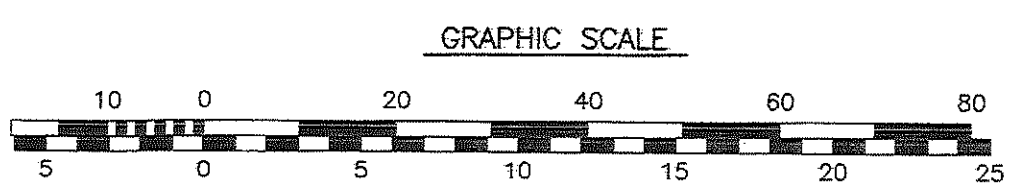
PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:
 A) NO SURVEY REPORT HAS BEEN PREPARED.
 B) NO LAND DESCRIPTION HAS BEEN PREPARED.
 C) MONUMENTS HAVE NOT BEEN SET.
 D) THIS IS NOT A BOUNDARY SURVEY.

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: 9/16/21

18/10-4
 N/F CHARLES RICE KENDALL
 9 PEPPERRELL ROAD
 KITTERY POINT, ME 03905
 18302/842

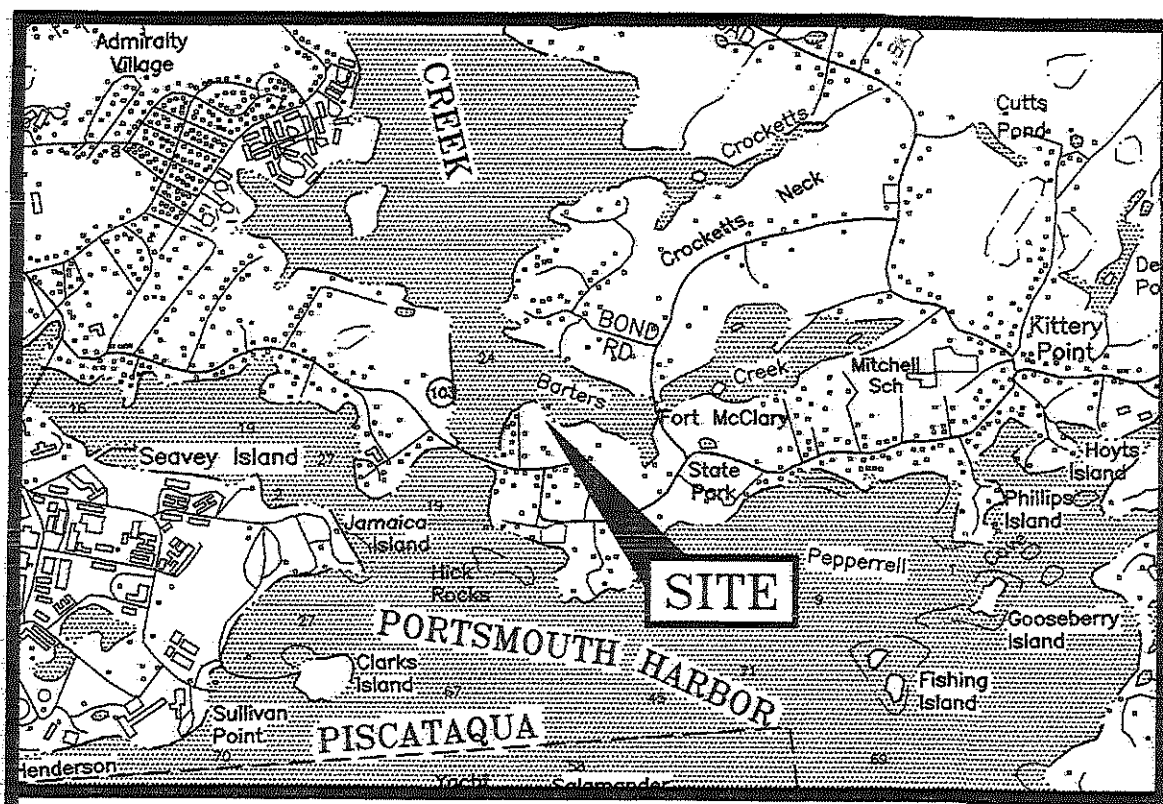


OWNER & APPLICANT:
 DANIEL J. HANNIGAN &
 BONNIE CHOATE HANNIGAN
 11 PEPPERRELL ROAD
 KITTERY POINT, ME 03905

PREPARED BY:
 AMBIT ENGINEERING
 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801

SCALE 1"=20' SEPTEMBER 2021

EXISTING CONDITIONS PLAN **C1**

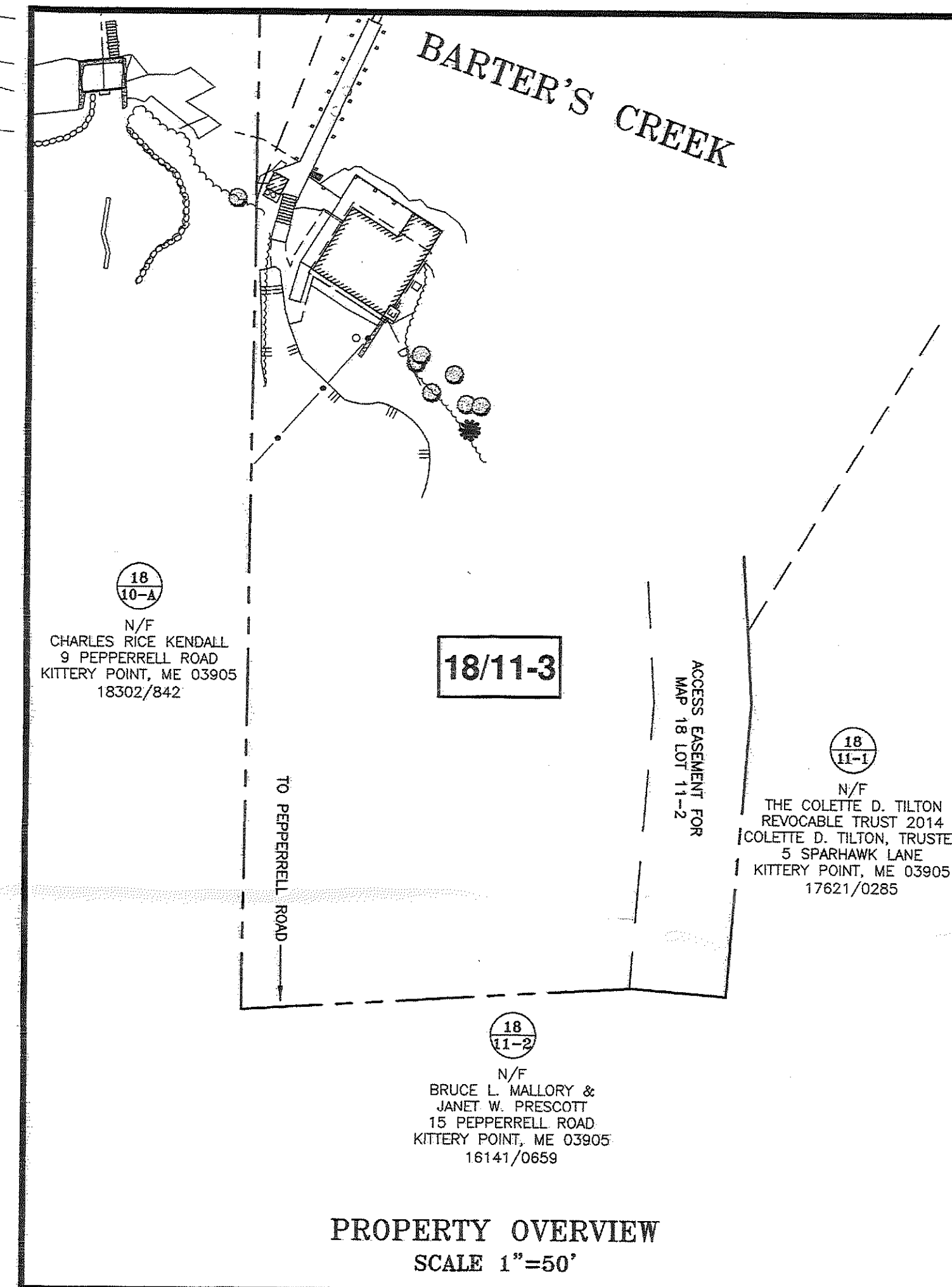
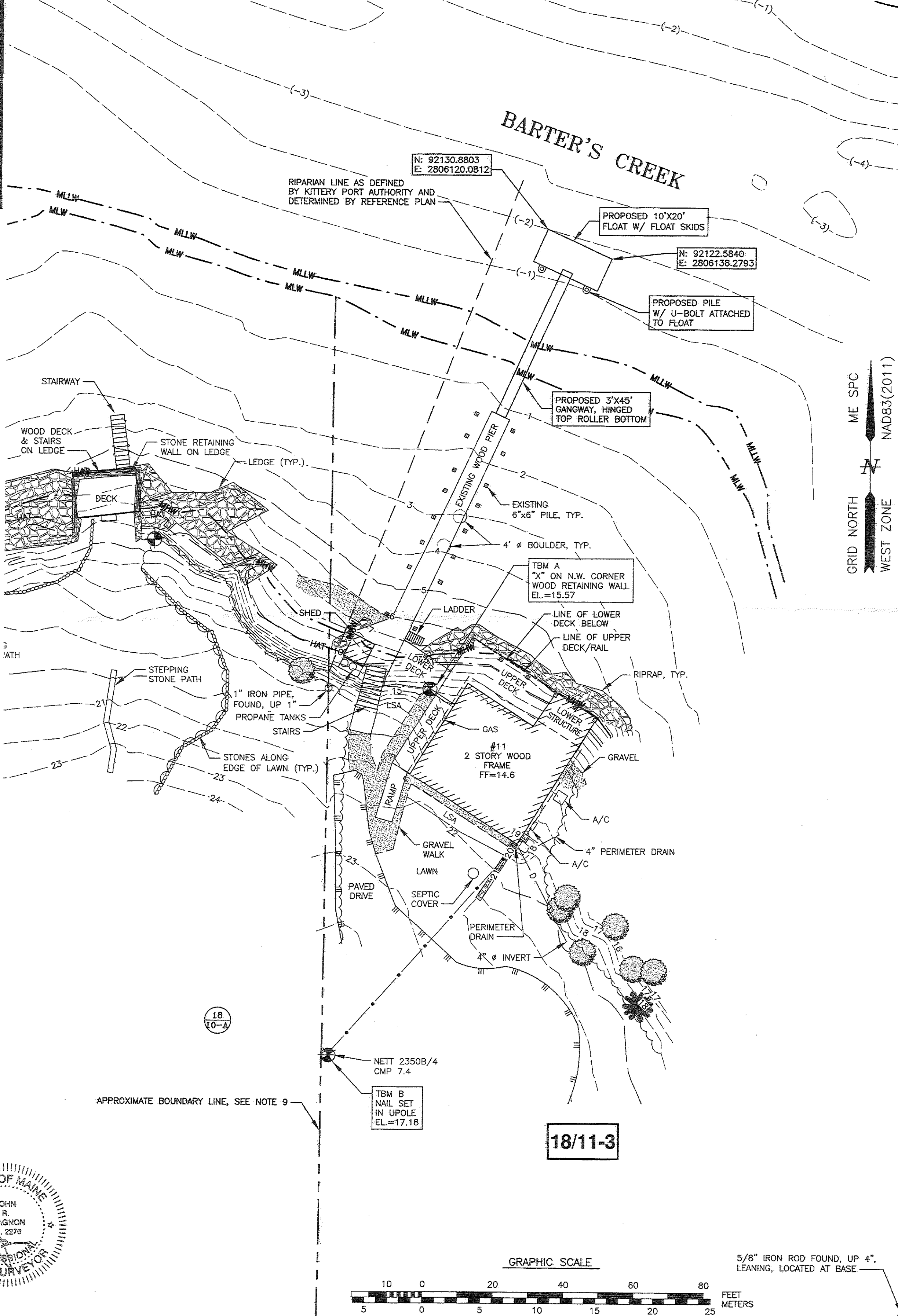


LOCATION MAP SCALE: 1" = 2000'

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
- APPROXIMATE PROPERTY BOUNDARY
- BUILDING SETBACK
- MEAN HIGH WATER LINE
- MEAN LOW WATER LINE
- MEAN LOWER LOW WATER LINE
- MAINE DEP HIGHEST ANNUAL TIDE LINE
- CONTOUR
- SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- ELEVATION
- TEMPORARY BENCHMARK
- TYP. TYPICAL

PLAN REFERENCE:
 1) EXISTING CONDITIONS PLAN MAP 18, PARCEL 11-3, 11 PEPPERRELL ROAD KITTERY POINT, MAINE, OWNER OF RECORD: DANIEL & BONNIE HANNIGAN 11 PEPPERRELL ROAD KITTERY POINT, MAINE 03905. PREPARED BY KIMBALL SURVEY & DESIGN, INC. DATED MARCH 6, 2019. NOT RECORDED.



PROPERTY OVERVIEW SCALE 1"=50'

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

RIVERSIDE & PICKERING
 MARINE CONTRACTORS

- NOTES:**
- PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 18 AS LOT 11-3.
 - OWNER OF RECORD:
 DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN
 11 PEPPERRELL ROAD
 KITTERY POINT, ME 03905
 17838/249
 PLAN REFERENCE 1
 - A PORTION OF THE PARCEL IS IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 2301710005D, EFFECTIVE 7/3/1986.
 - EXISTING LOT AREA:
 47,050± S.F. (PER PLAN REFERENCE 1)
 1.08± AC. PER PLAN REFERENCE 1)
 - PARCEL IS LOCATED IN RESIDENTIAL-KITTERY POINT VILLAGE ZONE.
 - DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:	40,000 S.F.
FRONTAGE:	150 FEET
SETBACKS: FRONT	40 FEET
SIDE/REAR	15 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
MAXIMUM STRUCTURE COVERAGE:	20%
MINIMUM OPEN SPACE:	15%
 - VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2'). REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8419870 SEAVY ISLAND PORTSMOUTH HARBOR. MLLW BEING 4.62 FEET LOWER THAN 0.00 NAVD88.
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED GANGWAY AND FLOAT TO BE ATTACHED TO THE EXISTING PIER ON ASSESSOR'S MAP 18 LOT 11-3 IN THE TOWN OF KITTERY POINT.
 - THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE PLAN REFERENCES LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.
 - HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.4 PER LOCATION SEAVY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

HANNIGAN RESIDENCE
11 PEPPERRELL ROAD
KITTERY POINT, ME

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	12/23/21

STATE OF MAINE
 JOHN R. CHAGNON
 PROFESSIONAL LAND SURVEYOR
 12.23.21

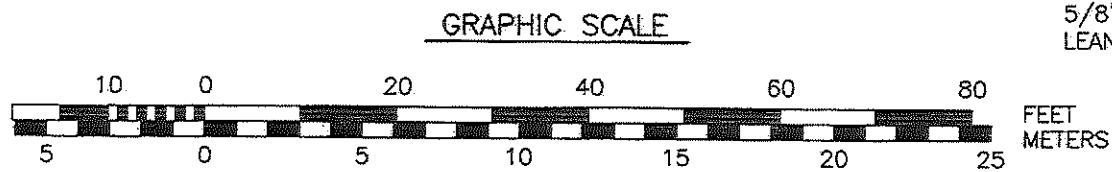
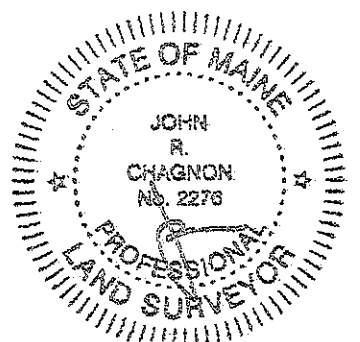
SCALE 1"=20' SEPTEMBER 2021

ME DEP PERMIT PLAN **C2**

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:
 A) NO SURVEY REPORT HAS BEEN PREPARED.
 B) NO LAND DESCRIPTION HAS BEEN PREPARED.
 C) MONUMENTS HAVE NOT BEEN SET.
 D) THIS IS NOT A BOUNDARY SURVEY

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.

JOHN R. CHAGNON, PLS #2276
 12.23.21
 DATE



5/8" IRON ROD FOUND, UP 4", LEANING, LOCATED AT BASE

SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA AVAILABLE ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS.
- 4) INSTALLATION OF THE SUB STRUCTURE 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.
- 6) SUPER STRUCTURE OF THE PIER IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
- 7) ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

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. 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](http://www.nae.usace.army.mil/missions/regulatory)

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
TIDAL WATERS	APR. 10 THROUGH NOV. 07
	JUL. 15 THROUGH SEP. 30
	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

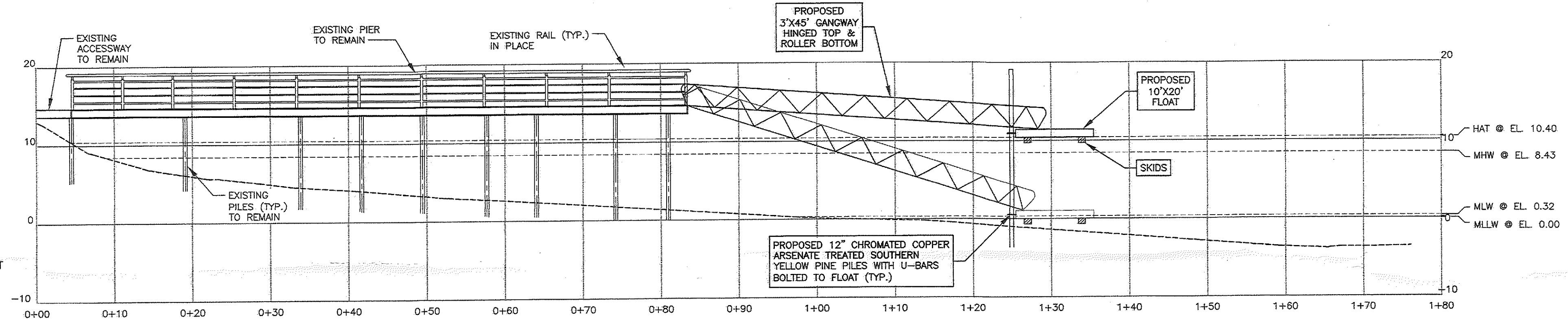
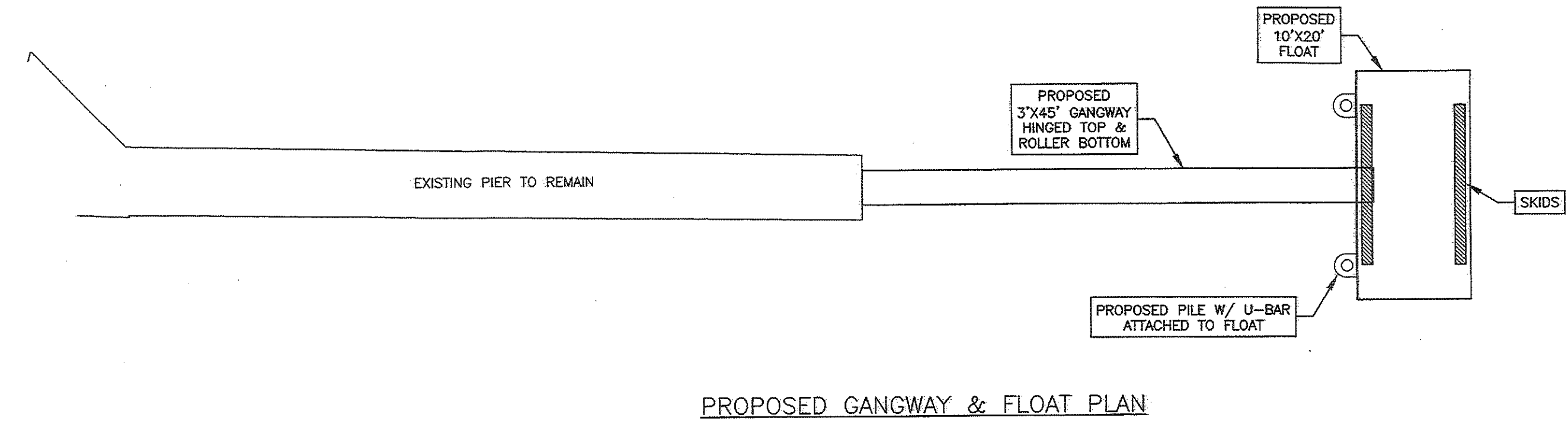
- APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPONENTS MAY NEED TO COORDINATE WITH FEMA 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.
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STORAGE OF SEASONAL STRUCTURES

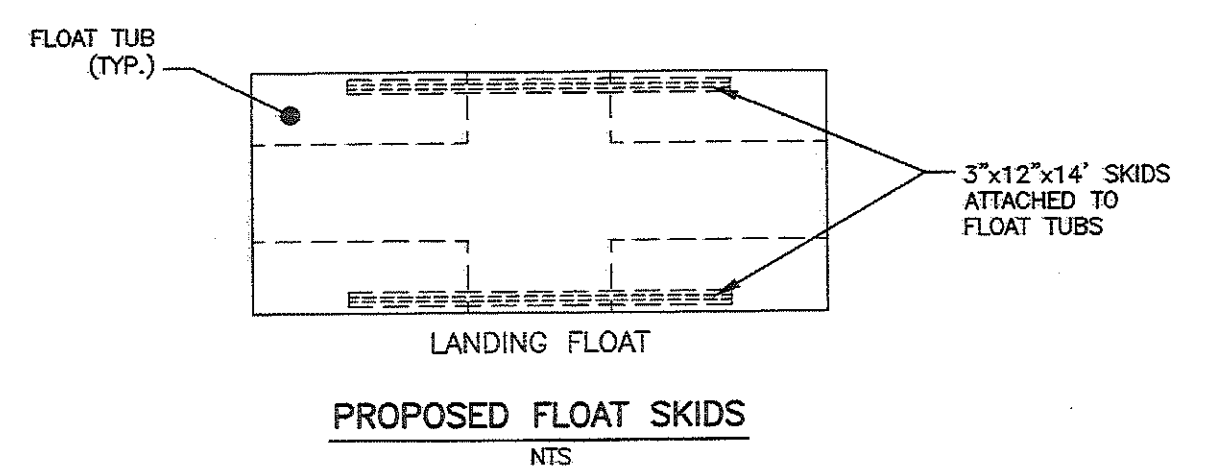
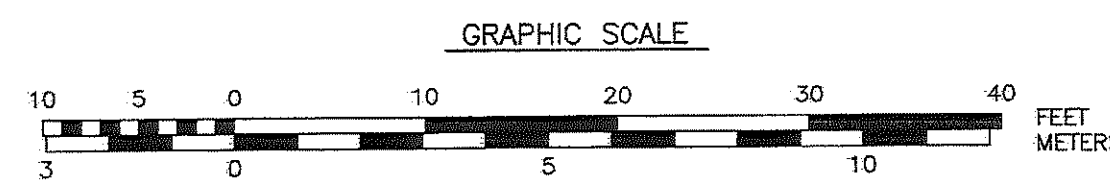
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SPAWNING, BREEDING, AND MIGRATORY AREAS

- 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.
- 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.



PROPOSED GANGWAY & FLOAT ELEVATION
PROPOSED GANGWAY & FLOAT



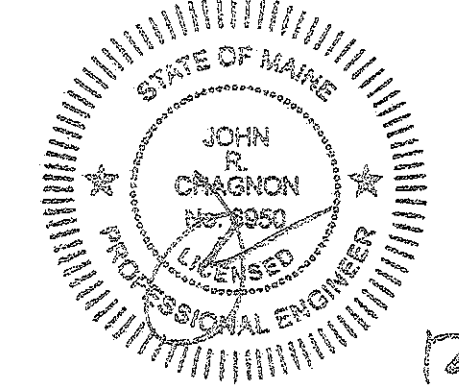
AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

RIVERSIDE & PICKERING
MARINE CONTRACTORS

- 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) NUMBER OF PILES TO BE DRIVEN FOR DOCKING STRUCTURE NOT TO EXCEED 2 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.
 - 5) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$). REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8420411 DOVER, COCHECO RIVER. MLLW BEING 3.93 FEET LOWER THAN 0.00 NAVD88.

HANNIGAN RESIDENCE
11 PEPPERRELL ROAD
KITTERY POINT, ME

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	12/23/21
REVISIONS		



OWNER & APPLICANT:
DANIEL J. HANNIGAN &
BONNIE CHOATE HANNIGAN
11 PEPPERRELL ROAD
KITTERY POINT, ME. 03905

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

SCALE: 1"=10' NOVEMBER 2021

DOCK DETAILS D1



LETTER OF TRANSMITTAL

TO: Town of Kittery
Kittery Port Authority
200 Rogers Rd Ext.
Kittery, ME 03904

FROM:
AMBIT ENGINEERING, INC.
Civil Engineers and Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

DATE: 3/29/2022	JOB NO. 3050.94
ATTENTION: Kittery Port Authority	
RE: Application for Pier & Float	
11 Pepperrell Road, Kittery Point, ME	

- WE ARE SENDING YOU**
- | | | |
|---|--|---|
| <input type="checkbox"/> SHOP DRAWING | <input checked="" type="checkbox"/> ATTACHED | <input type="checkbox"/> UNDER SEPARATE COVER VIA |
| <input checked="" type="checkbox"/> PLANS | <input checked="" type="checkbox"/> COPY OF LETTER | <input type="checkbox"/> PRINTS |
| <input type="checkbox"/> SAMPLES | <input type="checkbox"/> CHANGE ORDER | <input type="checkbox"/> SPECIFICATIONS |
| | <input type="checkbox"/> OTHER | |

COPIES	DATE	REVISION	DESCRIPTION
8	1/22	3/18/22	Plan Set (full size)

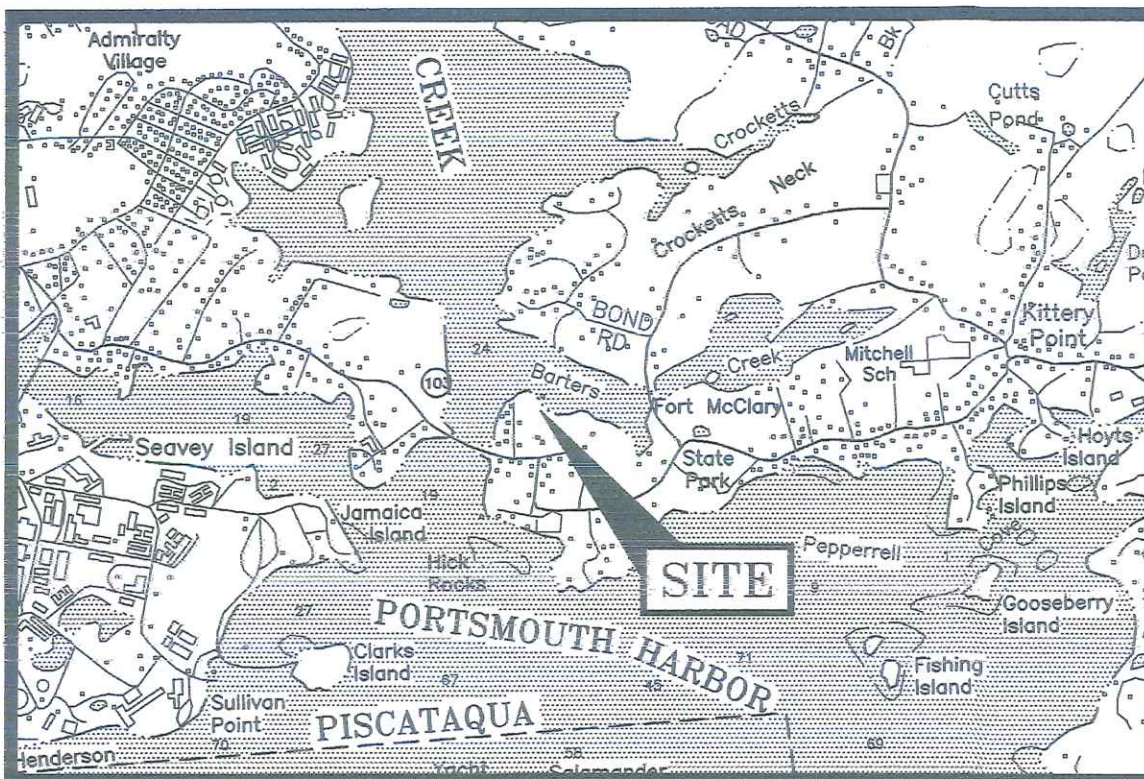
THESE ARE TRANSMITTED AS CHECKED BELOW

- | | | |
|---|--|---------------------------------------|
| <input checked="" type="checkbox"/> FOR YOUR APPROVAL | <input type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> AS REQUESTED |
| <input type="checkbox"/> FOR BIDS DUE | | |
| <input type="checkbox"/> FOR REVIEW AND COMMENT | <input type="checkbox"/> RETURNED AFTER LOAN TO US | |

REMARKS

COPY TO File

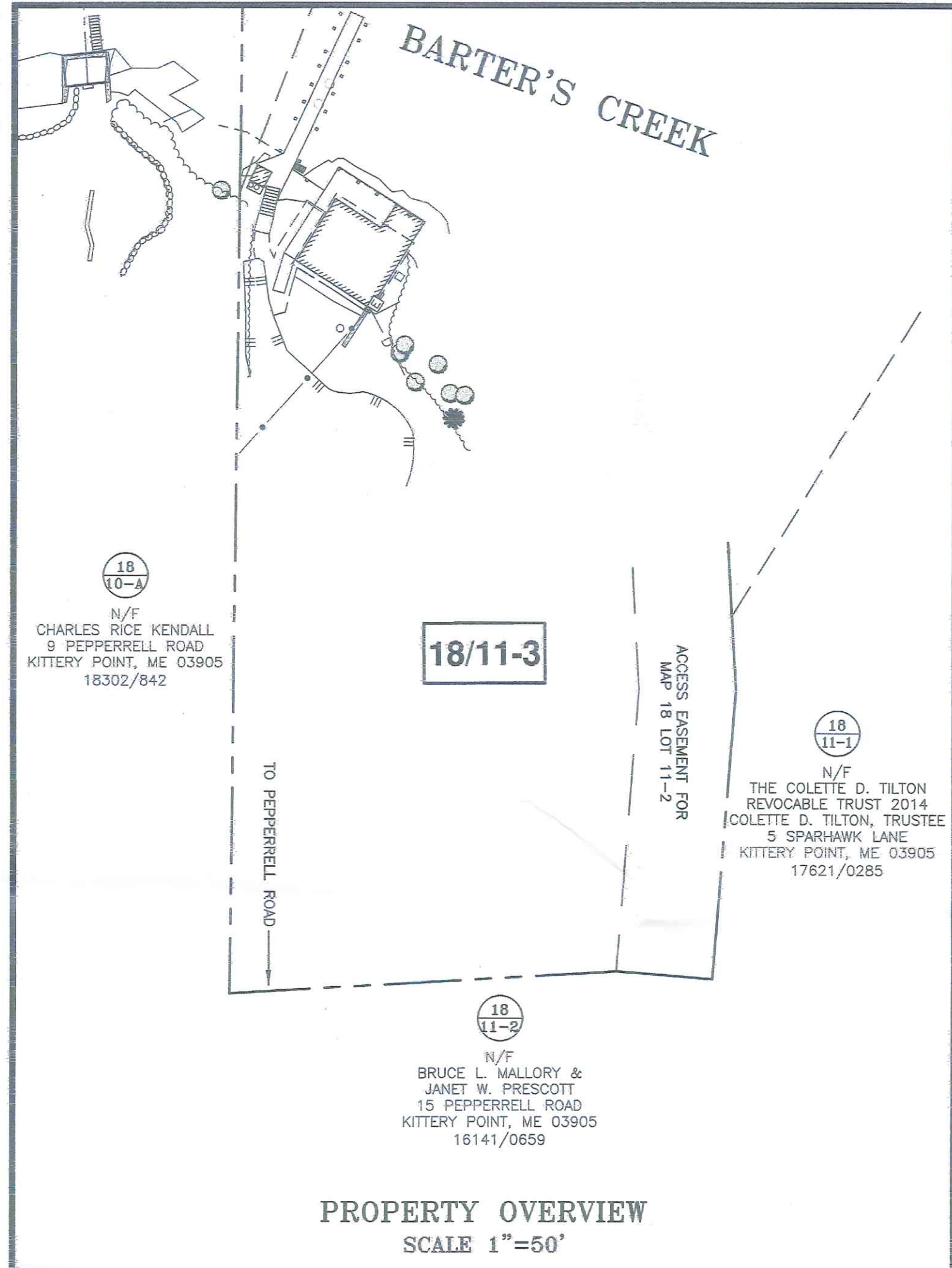
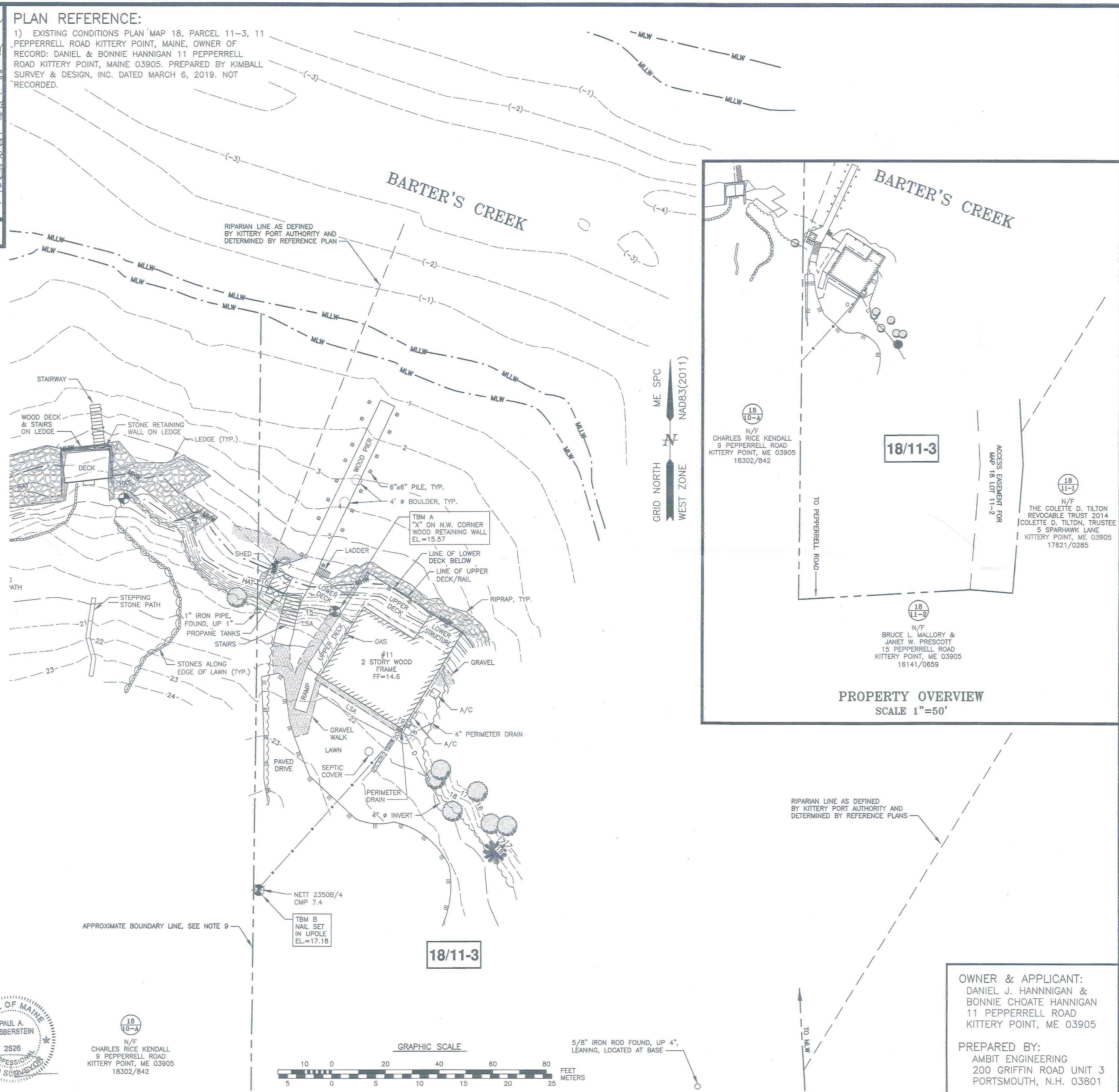
If enclosures are not as noted, kindly notify us at once.



LOCATION MAP SCALE: 1" = 2000'

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
YCRD	YORK COUNTY REGISTRY OF DEEDS
(11/21)	MAP 11 / LOT 21
○	RAILROAD SPIKE FOUND
○	IRON ROD/IRON PIPE FOUND
○	IRON PIPE FOUND
○	STONE/CONCRETE BOUND FOUND
---	APPROXIMATE PROPERTY BOUNDARY
---	BUILDING SETBACK
---	MEAN HIGH WATER LINE
---	MEAN LOW WATER LINE
---	MEAN LOWER LOW WATER LINE
---	MAINE DEP HIGHEST ANNUAL TIDE LINE
---	CONTOUR
100	SPOT ELEVATION
97x3	EDGE OF PAVEMENT (EP)
---	WOODS / TREE LINE
○	UTILITY POLE (w/ GUY)
EL.	ELEVATION
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL



PLAN REFERENCE:
 1) EXISTING CONDITIONS PLAN MAP 18, PARCEL 11-3, 11 PEPPERRELL ROAD KITTERY POINT, MAINE, OWNER OF RECORD: DANIEL & BONNIE HANNIGAN 11 PEPPERRELL ROAD KITTERY POINT, MAINE 03905. PREPARED BY KIMBALL SURVEY & DESIGN, INC. DATED MARCH 6, 2019. NOT RECORDED.

AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2216

RIVERSIDE & PICKERING
 MARINE CONTRACTORS

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 18 AS LOT 11-3.
 - 2) OWNER OF RECORD: DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN 11 PEPPERRELL ROAD KITTERY POINT, ME 03905 17838/249 PLAN REFERENCE 1
 - 3) A PORTION OF THE PARCEL IS IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 2301710005D, EFFECTIVE 7/3/1986.
 - 4) EXISTING LOT AREA: 47,050± S.F. (PER PLAN REFERENCE 1) 1.08± AC. PER PLAN REFERENCE 1)
 - 5) PARCEL IS LOCATED IN RESIDENTIAL-KITTERY POINT VILLAGE ZONE.
 - 6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:	40,000 S.F.
FRONTAGE:	150 FEET
SETBACKS: FRONT	40 FEET
SIDE/REAR	15 FEET

 MAXIMUM STRUCTURE HEIGHT: 35 FEET
 MAXIMUM STRUCTURE COVERAGE: 20%
 MINIMUM OPEN SPACE: 15%
 - 7) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2'). REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8419870 SEAVY ISLAND PORTSMOUTH HARBOR. MLLW BEING 4.62 FEET LOWER THAN 0.00 NAVD88.
 - 8) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 18 LOT 11-3 IN THE TOWN OF KITTERY POINT.
 - 9) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE PLAN REFERENCES LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.
 - 10) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.4 PER LOCATION SEAVY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

**HANNIGAN RESIDENCE
 11 PEPPERRELL ROAD
 KITTERY POINT, ME**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	9/16/21
REVISIONS		

SCALE 1"=20' SEPTEMBER 2021

EXISTING CONDITIONS PLAN **C1**

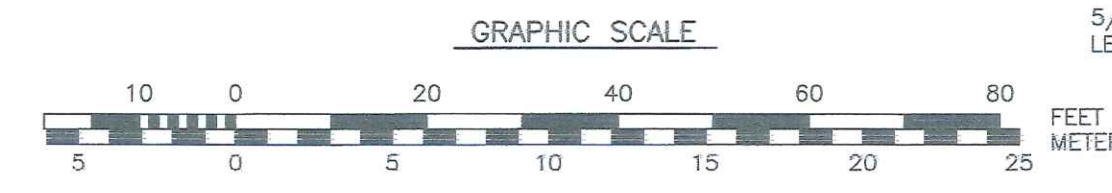
PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:
 A) NO SURVEY REPORT HAS BEEN PREPARED.
 B) NO LAND DESCRIPTION HAS BEEN PREPARED.
 C) MONUMENTS HAVE NOT BEEN SET.
 D) THIS IS NOT A BOUNDARY SURVEY

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 9/29/2021



18/10-3
 N/F
 CHARLES RICE KENDALL
 9 PEPPERRELL ROAD
 KITTERY POINT, ME 03905
 18302/842



5/8" IRON ROD FOUND, UP 4", LEANING, LOCATED AT BASE

SEQUENCE OF CONSTRUCTION

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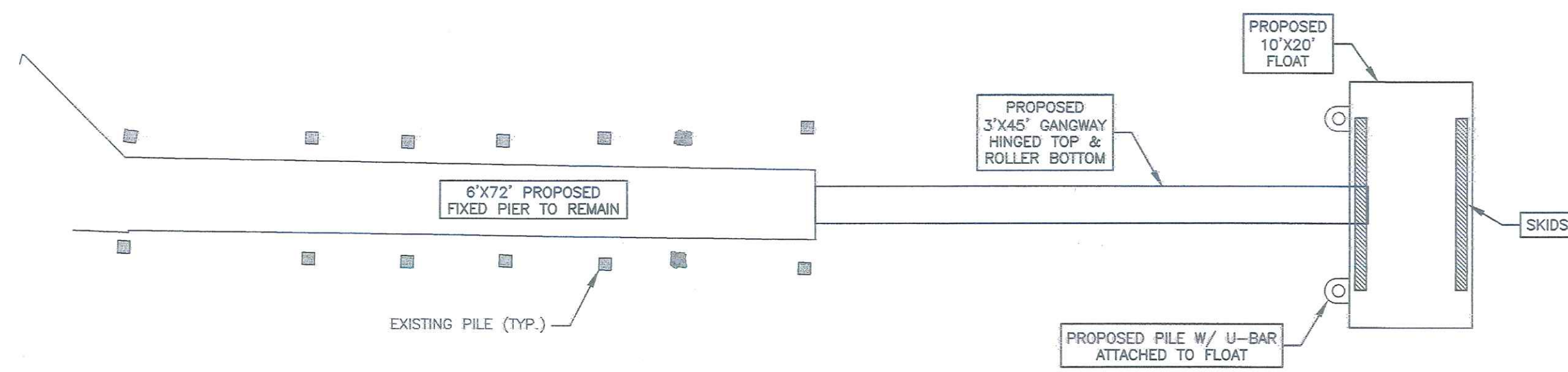
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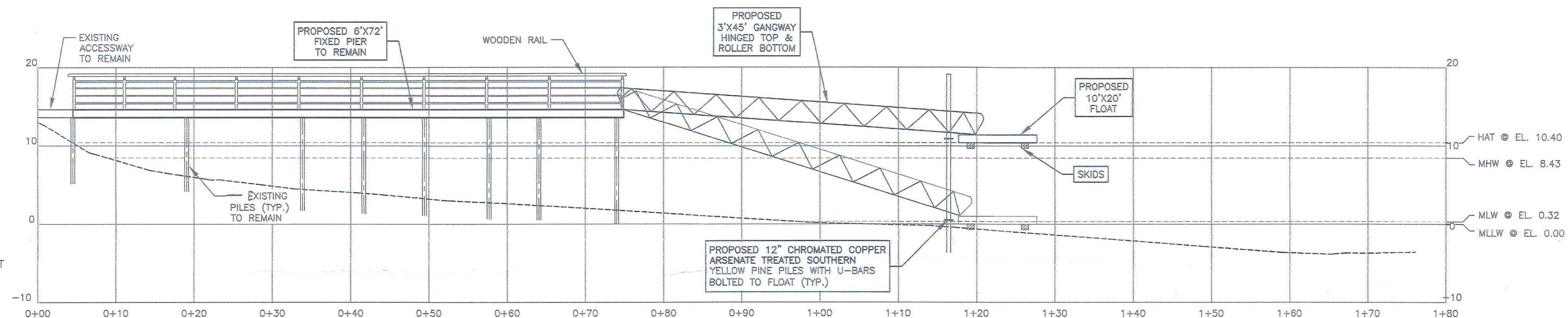
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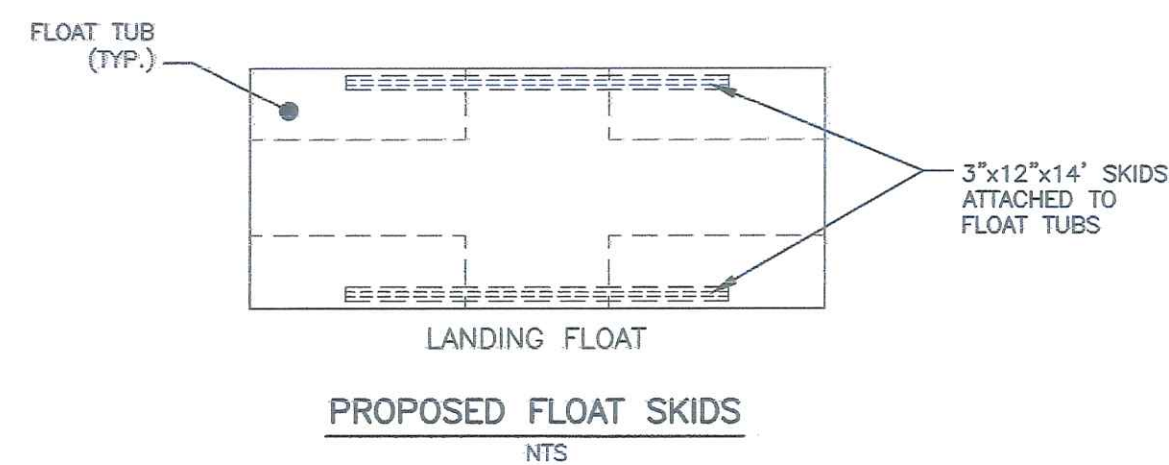
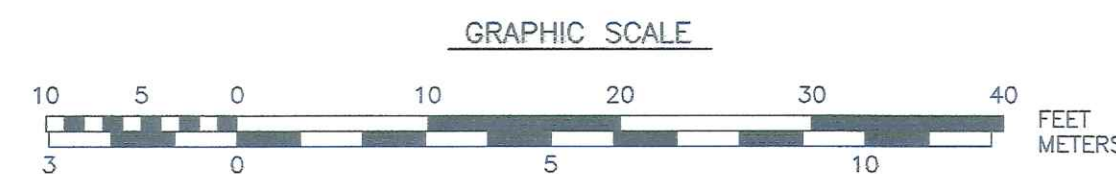
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PROPOSED GANGWAY & FLOAT PLAN



PROPOSED GANGWAY & FLOAT ELEVATION
PROPOSED GANGWAY & FLOAT



PROPOSED FLOAT SKIDS
NTS



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Tel (603) 430-9282
Fax (603) 436-2315



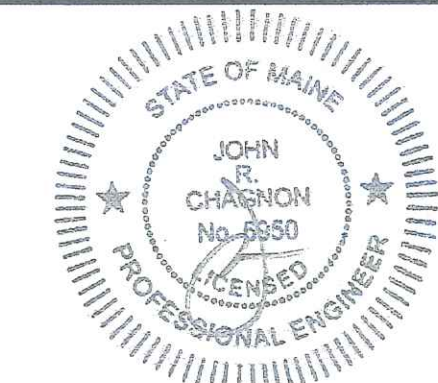
NOTES:

- 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) NUMBER OF PILES TO BE DRIVEN FOR DOCKING STRUCTURE NOT TO EXCEED 2 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.
- 5) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2'). REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8420411 DOVER, COCHECO RIVER. MLLW BEING 3.93 FEET LOWER THAN 0.00 NAVD88.

HANNIGAN RESIDENCE
11 PEPPERRELL ROAD
KITTERY POINT, ME

NO.	DESCRIPTION	DATE
1	REV. PIER LENGTH	3/18/22
0	ISSUED FOR COMMENT	12/23/21

REVISIONS



3/18/22

OWNER & APPLICANT:
DANIEL J. HANNIGAN &
BONNIE CHOATE HANNIGAN
11 PEPPERRELL ROAD
KITTERY POINT, ME. 03905

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

SCALE: 1"=10' NOVEMBER 2021

DOCK DETAILS

D1

February 2, 2022

Kittery Port Authority
Town of Kittery
200 Rogers Road
Kittery, Maine 03904



Re: Proposed residential pier
23 Bond Road (Tax Map 25 Lot 9)

To Whom It May Concern:

Attached is an application submitted on behalf of Touchdown Capital, LLC for a proposed residential pier, gangway and float located on 23 Bond Road (Tax Map 25 Lot 9) in Kittery, Maine. At this time, we have received approval from the United States Army Corps of Engineers for the proposed pier (approval enclosed). An Individual NRPA application was submitted to Maine DEP on November 9, 2021 and is currently being reviewed. We will forward a copy of the MDEP permit to you once approved. A copy of the full Individual NRPA application can be provided upon request.

The following documentation is enclosed for your consideration:

1. Application Form
2. Letter of Authorization
3. Town GIS Project Location Map
4. Abutter's List
5. Legal Interest: Property Deed
6. Project Narrative
7. Site Photographs
8. ACOE Permit #2021-03061
9. Maine DEP Individual NRPA Application Form
10. Proposed Pier & Float Plan

Thank you for considering this application. Should you have any questions while reviewing the enclosed documents, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy".

Ryan M. McCarthy, P.E., P.L.S.

President
Tidewater Engineering & Surveying, Inc.
(207) 439-2222
ryan@tidewatercivil.com

Enclosures

INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION

- a. Attach Town Tax Map of Lot.
 - b. Attach Plan of lot with location and dimensions of the proposed structures or alterations to existing structures.
 - c. Attach list of abutters within 150 ft. (include those over water) of applicant's shorefront property line.
 - d. Attach proof of legal interest in property.
 - e. Attach a drawing of the proposed structure showing the top, side and end views with all principal dimensions. Side view showing elevation of top of deck above mean low water:
- A. Identify a fixed reference point on shore from which all seaward measurements are to be made.
 - B. Piers are not to exceed 100 feet beyond the normal high water mark nor extend below the mean low water mark, whichever is shorter. Pier, ramp and floats may not extend more than 150 feet beyond high watermark.
 - C. The maximum height of pier deck surface may not exceed 6 feet above the normal high water mark, and the handrails shall not exceed a height above the deck surface of 42" without the specific approval of the KPA.
 - D. The Port Authority may grant a waiver from the specifications of these regulations provided that, due to special circumstances of the specific application, the granting of a waiver will not adversely impair the public health, safety and general welfare, use of public waters, navigation or harm the environment. All such waivers must be supported by sufficient findings of fact.

Submittals must be received a minimum of 21 days prior to a scheduled Port Authority meeting.

Port Authority Procedure (Sequence of Events):

- 1. The Port Authority meets the first Thursday of every month. The Chairperson prepares the agenda seven days prior to the meeting.
- 2. The Port Authority Chairperson reviews the application for completeness and, if complete, places the application on the KPA agenda for discussion at the next meeting.
- 3. The Port Authority reviews the application. Once accepted, a site walk may be scheduled, and a public hearing set for the following meeting.
- 4. The Port Authority issues a notice of decision following review at the public hearing.
- 5. Once the Port Authority approval is granted, an applicant must apply for a building permit with the Code Enforcement Officer. No building permit will be issued until all approvals and permits are received, and application related fees are paid in full.

Other Permits required by State and Federal Agencies (not inclusive):

Maine Department of Environmental Protection
312 Canco Road
Portland, ME 04103
(207) 822-6300

US Army Corps of Engineers
Maine Project Office
675 Western Avenue, #3
Manchester, ME 04351
(207) 623-8367

Department of Conservation (for structures below mean low water mark)
Bureau of Parks and Lands
State House Station #22
Augusta, ME 04333

Planning Board review *may* be required if there is upland development (Title 16.11 Marine Related Development). All Port Authority applications are reviewed by planning and code enforcement staff for Title 16 applicability at the time of application submittal and prior to review by the Port Authority.

KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



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KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



ATTACHMENT 1: AGENT LETTER OF AUTHORIZATION

October 6, 2021

Re: Letter of Agent Authorization
Proposed Pier & Float Structure: 23 Bond Road, Kittery Point, ME 03905
Reference Job No. 20-146

To Whom It May Concern:

This letter is to inform the Town of Kittery, the Maine Department of Environmental Protection, and the U.S. Army Corps of Engineers that Tidewater Engineering & Surveying, Inc. and Riverside & Pickering Marine Contractors, Inc. are hereby authorized to represent Touchdown Capital LLC as its agents in permitting a proposed pier and float structure on the property. Said property is located at 23 Bond Road in Kittery Point, Maine.

Please contact me if there is any question regarding this authorization.

Sincerely,

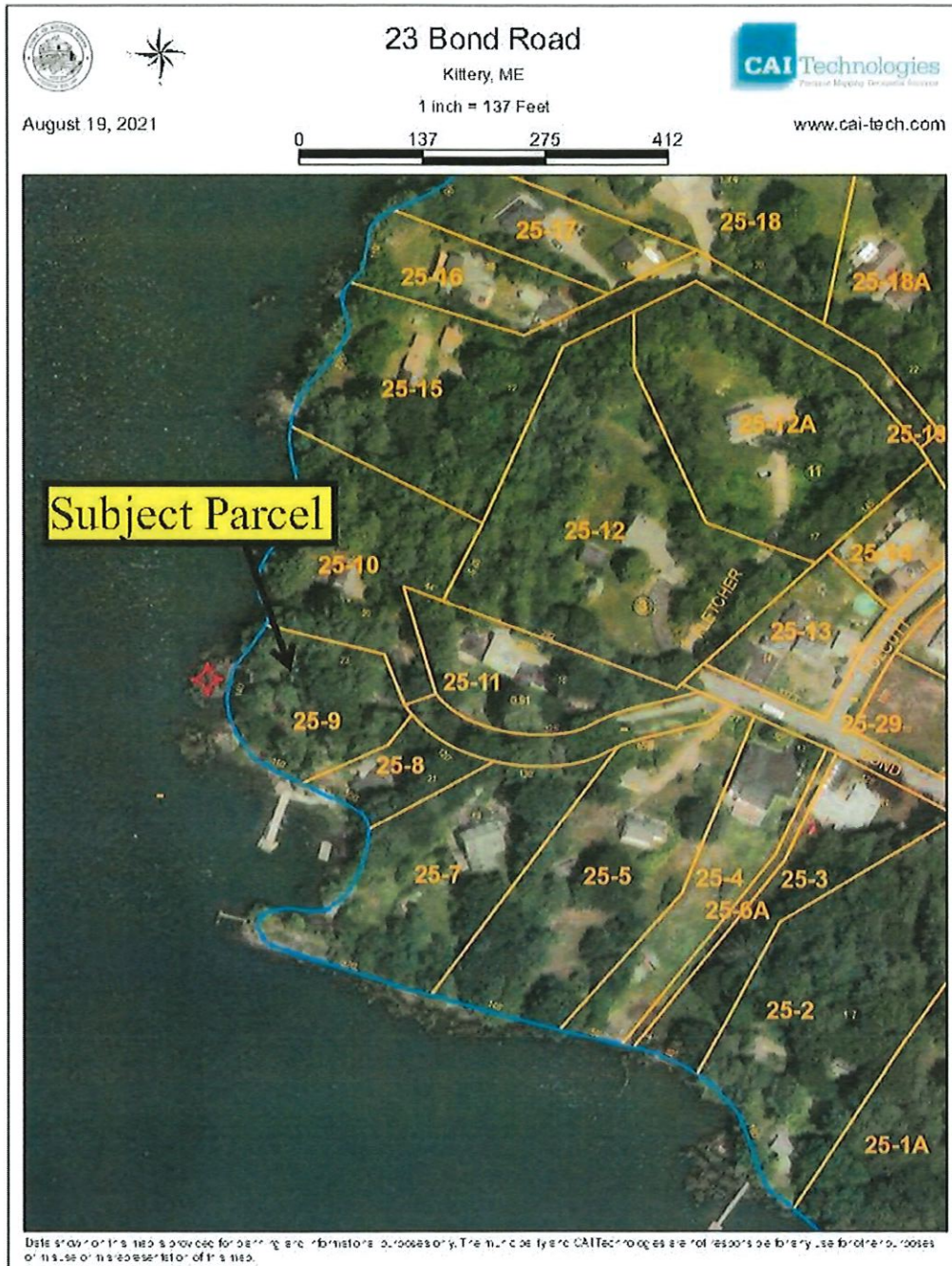
A handwritten signature in cursive script that reads "Martin R. Irani".

Martin R. Irani
Sole Member and Manager
Touchdown Capital LLC
16266 Dorilee Lane
Encino, CA 91436
Email: martinirani@gmail.com

KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



ATTACHMENT 2: TOWN GIS PROJECT LOCATION MAP



ATTACHMENT 3: ABUTTERS LIST

KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



ATTACHMENT 3: ABUTTER'S LIST



150 foot Abutters List Report

Kittery, ME
August 18, 2021

Subject Property:

Parcel Number: 25-9
CAMA Number: 25-9
Property Address: 23 BOND ROAD

Mailing Address: TOUCHDOWN CAPITAL, LLC
11100 SANTA MONICA BLVD SUITE 600
LOS ANGELES, CA 90025

Abutters:

Parcel Number: 25-10
CAMA Number: 25-10
Property Address: 20 BOND ROAD

Mailing Address: LUTTS, SANDRA A
20 BOND ROAD
KITTERY POINT, ME 03905

Parcel Number: 25-11
CAMA Number: 25-11
Property Address: 18 BOND ROAD

Mailing Address: GLIDDEN TR, GEORGE B FRANK TR,
MARJAN
GBG REV TR 2003/MF REV TR 2003 PO
BOX 729
PORTSMOUTH, NH 03802-0729

Parcel Number: 25-12
CAMA Number: 25-12
Property Address: 3 FLETCHER LANE

Mailing Address: THOMAS, JOHANNA
3 FLETCHER LANE
KITTERY POINT, ME 03905

Parcel Number: 25-7
CAMA Number: 25-7
Property Address: 19 BOND ROAD

Mailing Address: DRAPER, TR, WILLIAM H. III WILLIAM H.
DRAPER REV TR
1600 EL CAMINO REAL, SUITE 155
MENLO PARK, CA 94025

Parcel Number: 25-8
CAMA Number: 25-8
Property Address: 21 BOND ROAD

Mailing Address: MESSIER TR, VICTOR R MESSIER TR,
WENDY KIM
V R & W K MESSIER REV LIV TR 2330
JASMINE STREET
HONOLULU, HI 96816-3110



8/18/2021

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuses or misrepresentation of this report.

Page 1 of 1

Abutters List Report - Kittery, ME

KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



ATTACHMENT 4: PROPERTY DEED

DLN# 1002040107199

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED **Bk 18350 PG 321**
Instr # 2020040234
08/21/2020 10:45:47 AM
Pages 2 YORK CO

TRUSTEE DEED

Maine R.E. Transfer Tax Paid

Know all by these presents that I, **THOMAS EDMUND DORSZ, TRUSTEE OF THE CORILLA BEVAN DORSZ REVOCABLE TRUST** with a mailing address of 104 Mercer Ct, #13-2B, Frederick, Maryland 21701, for consideration paid, by the power conferred by law, and every other power, grant to **TOUCHDOWN CAPITAL, LLC**, a California limited liability company, with a mailing address of 11100 Santa Monica Blvd., Suite 600, Los Angeles, California 90025, the real property situated in the Town of Kittery, County of York and State of Maine, described as follows:

SEE EXHIBIT A ATTACHED HERETO

I hereby covenant that I am the Trustee pursuant to said Trust; that said Trust is still in full force and effect; that I have the power thereunder to convey as aforesaid; and that, in making this conveyance, I have, in all respects, acted pursuant to the authority vested in and granted to me therein.

The current property address is 23 Bond Road, Kittery Tax Map 25, Lot 9.

Witness my hand and seal this 12th day of August 2020.

THE CORILLA BEVAN DORSZ REVOCABLE TRUST

WITNESS

THOMAS EDMUND DORSZ, TRUSTEE

County of Frederick

STATE OF MARYLAND

August 12, 2020.

Then personally appeared the above named **THOMAS EDMUND DORSZ, IN HIS SAID CAPACITY AS TRUSTEE OF THE CORILLA BEVAN DORSZ REVOCABLE TRUST** and acknowledged the foregoing instrument to be his free act and deed.



Before me,

Notary Public
Print Name: Angela Lynn Gregory
Commission Expires: 12/8/22

Ballou & Bedell
408 US Route One, 2nd Floor
York Maine 03909 (207) 363-5300

KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



EXHIBIT A

Property: 23 Bond Road, Kittery, Maine

A certain lot or parcel of land with the buildings thereon, situate at Crockett's Neck, so-called, in said Kittery, County of York and State of Maine, and bounded and described as follows:

BEGINNING at a hub on the shore of Spruce Creek at line of land now or formerly of Arthur and Cassandra Lutts;

Thence running South 51° East by land now or formerly of Lutts, 140 feet, to a hub near a telephone pole;

Thence South 11° West by the line of a private way, 60 feet, to the northeasterly terminus of the sideline of Bond Road;

Thence southwesterly by the end of said Bond Road to a hub at the southwesterly sideline of said road;

Thence South 65° West by land now or formerly of E. David Hardy and Ruth Hardy, 41 feet to a hub;

Thence South 86° West by land now or formerly of said Hardys, 94 feet, to the shore of said Spruce Creek;

Thence by the shore of said Creek north westerly and northeasterly, approximately 250 feet, to the place of beginning.

TOGETHER with all riparian rights on Spruce Creek adjoining said lot.

Being the same premises conveyed by Corilla B. Dorsz, a/k/a Corilla Bevan Dorsz to Thomas Edmund Dorsz, Trustee of The Corilla Bevan Dorsz Revocable Trust by deed dated February 16, 2012 and recorded at York County Registry of Deeds in Book 16269, Page 516.

Ballou & Bedell
408 US Route One, 2nd Floor
York Maine 03909 (207) 363-5300

ATTACHMENT 5: PROJECT NARRATIVE

1. INTRODUCTION/PURPOSE:

The subject parcel has frontage on Spruce Creek in Kittery, Maine and the owner/applicant is seeking approval of a proposed docking structure to provide them with safe and efficient access to the coastal resource for recreational purposes such as boating, rowing and fishing. The applicant currently owns a 25' Wellcraft Sportsman boat that is being stored at Captain Don's in Seabrook, NH. They will also use the dock to launch their kayaks and paddleboards.

2. PROJECT SUMMARY:

The proposed project consists of installing a 4' x 8' permanent ramp that provides access to a 4' x 16' post supported boardwalk and a 4' x 59' pile-supported permanent fixed timber pier. The fixed pier will be supported by ten (10) 12" diameter timber piles. A 3' x 40' aluminum gangway will extend from the end of the fixed pier to a 10' x 30' main float. A 24' portion of the perpendicularly oriented main float will extend southerly of the aluminum gangway, allowing for boats to be docked on either side of the float. Four concrete mooring blocks will anchor the main float, connected with ½" marine grade chain. The proposed fixed pier, gangway and float system will extend northwest from a rocky outcropping on the applicant's shoreline and will not be located within the riparian setbacks. No other docking structure is proposed.

3. HISTORICAL KNOWLEDGE:

The property was purchased by the applicant in 2020 and the historical use or access to the water is unknown. Review of aerial photographs from 1992 to present do not show evidence of previously existing docks or boats being launched from the property. The property located to the southeast of the applicant's property (Tax Map 25, Lot 8), contains a 60 foot +/- fixed pier with float. The property located to the north (Tax Map 25 Lot 10) contained a 50 foot +/- fixed pier.

4. ADJACENT STRUCTURES:

Tax Map 25 Lot 8: Contains a 60 foot +/- fixed pier with float.

Tax Map 25 Lot 10: Contains a 50 foot +/- fixed pier.

5. OFF-SEASON STORAGE:

During the off-season, the 3' x 40' gangway will be stored on the fixed pier. The 10' x 30' float will be removed and stored off-site on uplands by a third-party company.

6. LOCATION-BASED IMPACT MITIGATION:

After thoroughly evaluating the shoreline, intertidal and subtidal zone along this property, we are recommending the proposed docking structure location shown on the enclosed plans for the following reasons:

- 1) Provides the shortest length required to reach a sufficient depth of water for their watercraft at low tide, thereby minimizing impacts to the resource.
- 2) The proposed float is positioned beyond the lowest annual tide and will not rest on the substrate at any tide. This will eliminate scour, surface impacts and the need for float skids.
- 3) The proposed fixed pier does not extend beyond the mean low water mark and will remain in the intertidal zone.
- 4) All components of the docking system comply with the 25-foot riparian setbacks.
- 5) Access to the pier will be via a 4' x 8' timber ramp that extends from the upland lawn area. This ramp will connect to a 4' x 16' post-supported boardwalk that will provide direct access to the pier, gangway and float, reducing impact from foot traffic in the sensitive intertidal zone.
- 6) The uplands adjacent to the proposed pier are developed as lawn area and will not require the removal of any trees or other vegetation to provide access to the proposed dock system.

7. ALTERNATIVES ANALYSIS:

- 1) Do Nothing: This alternative would be for the applicant to access the shoreline and waterway directly, without using a dock or float system. This alternative was not pursued for the following reasons:
 - a. The existing shoreline and tide fluctuations do not provide safe access and berthing of motorized vessels. Vessels would rest directly on the intertidal surface, causing direct impacts and damage to the intertidal zone.
 - b. Without a docking structure that permits access to deep water, the owners are likely to walk and drag smaller boats across the sensitive intertidal habitat instead. This will cause more impacts to the resource than the proposed option.
 - c. The owners will be limited in the type of activities they seek to enjoy on Spruce Creek and connected waterbodies.
- 2) Seasonal Dock and Float System: This alternative would be for the applicant to purchase and install a seasonal docking system that would allow access to Spruce

creek during a portion of the year. This alternative was not pursued for the following reasons:

- a. The installation and removal of a seasonal dock system would cause bi-annual impact to the intertidal zone when sections of the dock are installed and removed during spring and fall months.
 - b. The nature of the intertidal zone at the site would require a seasonal dock system that was prohibitively long (similar in length to the proposed permanent fixed pier) to allow watercraft to remain waterborne during low tides. A seasonal dock of such length would be subject to extreme tidal forces and weather conditions, something beyond the capacity and rating of most seasonal dock systems.
 - c. A shortened seasonal dock system would mean any watercrafts attached to the seasonal floats would sit on the surface of the intertidal zone during low tide, increasing impacts to the sensitive resource and habitats.
- 3) Reduce Length: Another alternative would be to reduce the length of the proposed docking structure. This was not pursued for the following reasons:
- a. The main float will rest on the surface of the intertidal zone during low tide, increasing impacts to the sensitive resource and habitats.
 - b. Any watercrafts attached to the floats will also sit on the surface of the intertidal zone, increasing impacts to the sensitive resource and habitats.
 - c. The surface of the intertidal zone consists of a mixture of exposed ledge, rock, gravel, sand and mud. These surfaces will cause the floats to sit unbalanced and increase the likelihood of damage. The watercrafts could also rest, rock and scrape on the abrasive ledge, rock and gravel surface and cause significant damage to the hull of the watercrafts. This could lead to holes in the hull, submerging the watercraft and potential discharge of fuel into the river, all of which would be harmful to the resource.

8. STATEMENT OF DESIGNED DOCK HEIGHT

The 100-year flood elevation published by FEMA is elevation 9.0 feet (NGVD29) which corresponds to elevation 8.25' (NAVD88), the elevation depicted on the plans. As depicted in the profile view of the attached plan, the bottom surface of the lowest horizontal member of the pier is designed to be located at elevation 10' (NAVD88), approximately 20 inches above the 100-year flood elevation. Tidewater Engineering & Surveying has designed the dock at this elevation for the following reasons:

- 1) Tax Map 25 Lots 8 and 10 both have fixed piers that are located at similar heights. The owner of Tax Map 25, Lot 8 stated that her father rebuilt a previous dock on the

property at a higher elevation because the former dock was completely submerged during the flood of 1987.

- 2) Overwater structures such as docks, piers, ramps and floats have been shown to negatively impact fish, wildlife and vegetation within sensitive areas such as the intertidal and subtidal zones. A majority of these adverse impacts can be mitigated by allowing natural light to penetrate and filter through the dock structure. By designing the dock at elevation 10', more light is allowed to penetrate below the dock's surface, reducing the loss of habitat for native vegetation and wildlife.

9. CONSTRUCTION PLAN

The construction and installation of the fixed pier, gangway and floats shall take place from the water side of the property. A small barge mounted crane will be brought to the site via Spruce Creek. This barge will be used to position/install the pilings and deliver materials. Following mobilization, the first step in the process is to install the pilings. This is completed using a crane mounted vibrator hammer for pilings driven in earthen substrates. If the pilings are located on a ledge surface, the pilings are secured into position using pins and chains, as needed, depending on site conditions. Pilings will be made of pressure treated southern yellow pine.

Construction of the fixed pier occurs immediately following installation of the piles. This includes the joists, decking, bracing, railings, hardware and post caps. The installation of the fixed pier primarily occurs from the barge and from staging supported by the pilings. This allows for the crew to stay above the water during periods of high tide and minimizes foot traffic on the surface of the intertidal zone. All dimensional lumber will be made of pressure treated southern yellow pine. The owner may choose to install untreated decking and rails as an alternate to pressure-treated products.

The gangway and floats are constructed offsite and brought to the site. The aluminum gangway is connected directly to both the fixed timber pier and the main float. Four precast concrete mooring blocks with chains connect to and secure the main float in the proper position.

The last step in the process is the installation of the access ramp that extends from the fixed pier to the lawn area. All materials will be constructed from pressure treated southern yellow pine, unless the owner specifies the use of alternative decking products.

The following is an estimate of the construction duration for each phase.

Piling Installation	3 days
Fixed Pier & Boardwalk Installation	5 days
Gangway/Float Installation	2 days

KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



Total Construction Duration 10 days

10. EROSION CONTROL PLAN

Riverside & Pickering Marine Contractors will construct the docking system for the applicant. They have many years of experience installing pier and float systems throughout New England. As the proposed activity does not include grading, bulldozing, digging, scraping the earth or filling, it is their opinion that erosion control measures are not necessary for this project due to the minimal ground disturbance anticipated.

The dock system will be supported by pilings either driven in earth or pinned to the ledge surface. No open excavation is proposed or necessary within the resource or below the highest annual tide. Installation of the fixed pier primarily occurs from the barge and from staging supported by the pilings/pier to minimize foot traffic on the intertidal substrate. As such, the disturbance from foot traffic and digging on the resource to install siltation barriers (i.e. silt fence, filtration socks, etc.) around the perimeter of the project site will exceed the disturbance from installing the pilings. In addition, maintaining said siltation measures through tide cycles, strong currents and wave action would be difficult and result in further foot traffic on the resource.

Overall, Riverside & Pickering Marine Contractors anticipates minimal sedimentation or suspension of sediments from the installation of the docking system.

11. SITE CONDITION REPORT

The site plan enclosed as Attachment 8 depicts two-foot contours, existing resource boundaries, the area of the resource to be altered, activity location and dimensions and wetland/waterbody classification. The permanent section of the proposed docking system is located within both upland areas and the intertidal zone. The fixed pier is supported on timber pilings and extends approximate 51 feet beyond the highest annual tide line. The fixed pier is not proposed to extend beyond mean low water as depicted on the site plan.

As this project is associated with a coastal resource subject to tidal action, the upland edge of the resource was delineated by the highest annual tide (HAT) elevation published by Maine DEP for 2018. The HAT for this section of the Piscataqua River between Seavey Island and Kittery Point is elevation 6.3' referenced to the North American Vertical Datum of 1988 (NAVD88). This method for delineating the coastal resource is widely accepted by the State of Maine pursuant to the Mandatory Shoreland Zoning Act.

KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



The surface of the resource and intertidal zone within the project limits includes exposed ledge outcroppings, rocky shoreline, gravel (mixed coarse & fine aggregates) and substrates with high clay content (mud). Large outcroppings of ledge predominate several portions of the shoreline on the property. Large boulders are scattered close to the shoreline embankment and rest on a mixed cobble and gravel surface. As you extend further toward Spruce Creek, the substrate transitions to finer aggregates with higher clay content. Rockweed becomes prevalent and covers areas of exposed ledge and gravelly mudflats that include a mixture of coarse and fine aggregate. For more detailed information, please refer to the enclosed *Appendix B: MDEP Coastal Wetland Characterization: Intertidal and Shallow Subtidal Field Survey Checklist*.

A profile view of the proposed docking system is provided within Attachment 8. This view provides a clear representation of the proposed docking system with respect to the substrate and the tidal elevations experienced at this site, including LAT, MLW, MHW, HAT and the 100-year flood elevation. The 100-year flood elevation published by FEMA is elevation 9.0 feet (NGVD29) which corresponds to elevation 8.25' (NAVD88), the elevation datum depicted on the plans. As depicted in the profile view, the bottom surface of the lowest horizontal member of the pier is located approximately 20 inches above the 100-year flood elevation.

The shoreline at the location of the proposed pier is considered stable and consists of exposed ledge outcroppings. The adjacent uplands are developed with landscaped areas and residential structures. No trees or upland vegetation will be impacted by the proposed pier, gangway or float.

KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



ATTACHMENT 6: PROJECT SITE PHOTOS TAKEN ON OCTOBER 15, 2021

Photo 1: View showing dock alignment, looking west



KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



Photo 2: View showing dock alignment from lawn area, facing west (low tide)



KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



Photo 3: View of intertidal zone from water's edge, facing southeast (low tide)



KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



Photo 4: View of proposed dock alignment, looking east toward residence (low tide)



KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



Photo 5: View of Abutter's Pier (Tax Map 25 Lot 8)



KITTERY PORT AUTHORITY APPLICATION
APPLICANT: TOUCHDOWN CAPITAL, LLC
LOCATION: 23 BOND ROAD, KITTERY, ME



Photo 6: View of abutter's pier (Tax Map 25 Lot 10)





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

Touchdown Capital, LLC.
16266 Dorilee Lane
Encino, CA 91436

CORPS PERMIT # NAE-2021-03061
CORPS GP# 3
STATE ID# L-29439-4P-A-N / TW-B-N

DESCRIPTION OF WORK:

The project involves installation and maintenance of a 4' by 8' ramp, a 4' x 75' pile supported pier, a 3' by 40' gangway that connects to a 10' by 30' float located at 23 Bond Road in Kittery, Maine. The pier will be supported with 12- 12" diameter timber piles. Only 8 of the 12 piles are located below the mean high tide (MHW). The structure will extend a maximum of about 100' beyond the MHW. The float will be secured with 4 - 16 sq. ft. concrete mooring blocks. This work is shown on the attached two sheets titled "PROPOSED PIER & FLOAT PLAN", dated "Nov. 9, 2021".

See GENERAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.087256° N -70.716933° W USGS QUAD: KITTERY, MAINE

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:___, INDIV X LURC:___ DMR LEASE:___ NA:___

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 15 DEC 2021 LEVEL OF REVIEW: SELF-VERIFICATION:___ PRE-CONSTRUCTION NOTIFICATION: X

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

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 978-318-8486 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

AMANDA L. T. SAYLES
PROJECT MANAGER

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

Department of Environmental Protection
 Bureau of Land & Water Quality
 17 State House Station
 Augusta, Maine 04333
 Telephone: 207-287-7688

FOR DEP USE
 ATS# _____
 L- _____
 Total Fees: _____
 Date: Received _____

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: Touchdown Capital, LLC		5. Name of Agent: Ryan McCarthy, PE, PLS, Tidewater Engineering & Surveying, Inc.							
2. Applicant's Mailing Address: 16266 Dorilee Lane Encino, CA 91436		6. Agent's Mailing Address: 1021 Goodwin Road, Unit 1 Eliot, ME 03903							
3. Applicant's Daytime Phone #: See agent info		7. Agent's Daytime Phone #: (207) 439-2222							
4. Applicant's Email Address (Required from either applicant or agent): See agent info		8. Agent's Email Address: ryan@tidewatercivil.com							
9. Location of Activity: (Nearest Road, Street, Rt.#) 23 Bond Road		10. Town: Kittery							
		11. County: York							
12. Type of Resource: (Check all that apply) <input checked="" 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: Spruce Creek Direct Impacts							
		14. Amount of Impact: (Sq.Ft.) Potential Indirect Impacts → 666 sf +/- pier/floats Fill: 7 sf pilings / 64 sf moorings Dredging/Veg Removal/Other:							
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 checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS							
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 33%;">Tier 1</th> <th style="width: 33%;">Tier 2</th> <th style="width: 33%;">Tier 3</th> </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 <input checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </table>		Tier 1	Tier 2	Tier 3	<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 <input checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1
Tier 1	Tier 2	Tier 3							
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16. Brief Activity Description: Construct a 4' x 8' access ramp, a 4' x 75' permanent timber pier with access stairs down to adjacent beach, a 3' x 40' seasonal gangway and 10' x 30' main float extending off the applicant's property.									
17. Size of Lot or Parcel & UTM Locations: <input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> 0.53 acres		UTM Northing: 4771935 UTM Easting: 360248							
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#: 18350 Page: 321		20. Map and Lot Numbers: Map #: 25 Lot #: 9							
21. DEP Staff Previously Contacted: No		22. Part of a larger project: <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: South on Rt. 95 to Kittery (Rt. 236) take exit 2 onto Rt. 236 South. At traffic circle, take 3rd right onto ME-236 S. In 1.1 miles, continue onto Whipple Rd. In 1.1 miles, continue onto Pepperrell Road. In 0.5 miles, take turn left onto Crockett Neck Road. In 0.2 miles, turn left onto Bond Road. At the intersection with Fletcher Lane, bear left. The property is located at the end of the road.									
TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS							
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" 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 checked="" type="checkbox"/> Erosion Control/Construction Plan <input 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 checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required							
28. FEES Amount Enclosed: (CODE 4P) \$451 + \$113 = \$564									
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)."


SIGNATURE OF AGENT/APPLICANT

Date: 11/9/2021

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.

LEGEND

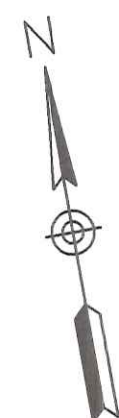
- SUBJECT PARCEL PROPERTY LINE
- - - - - APPROXIMATE ABUTTER'S LINE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- - - - - LIMIT RESOURCE PROTECTION ZONE
- EXISTING STONE WALL
- EXISTING SEWER LINE
- - - - - CONTOUR: POSITIVE ELEVATION
- (10) - - - - - CONTOUR: NEGATIVE ELEVATION
- IRON PIPE, ROD, OR DISK FOUND
- ⊙ DRILL HOLE FOUND
- GRANITE/CONCRETE BOUND
- UTILITY POLE

GENERAL NOTES:

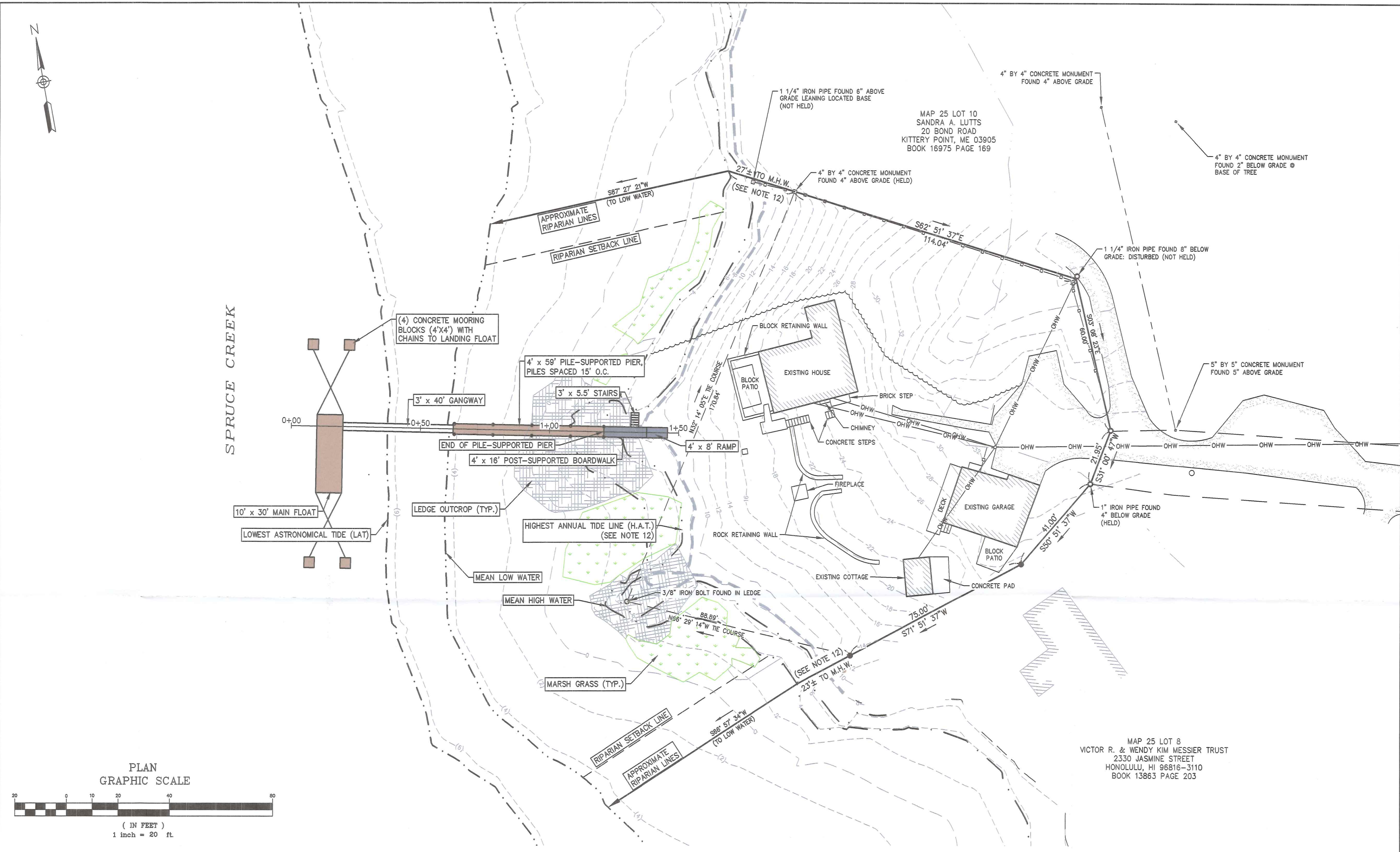
1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED FIXED PIER, SEASONAL GANGWAY, SEASONAL MAIN FLOAT AND ASSOCIATED ACCESS RAMP TO BE LOCATED ON MAP 25 LOT 9 IN KITTERY, ME. SAID PLAN SHALL BE USED FOR APPLYING FOR PERMITS FROM THE TOWN OF KITTERY, MAINE DEPT. OF ENVIRONMENTAL PROTECTION AND U.S. ARMY CORPS OF ENGINEERS.
2. OWNER OF RECORD:
TOUCHDOWN CAPITAL, LLC
16266 DORILEE LANE
ENCINO, CA 91436
Y.C.R.D. BOOK 18350 PAGE 321
3. THE PROPERTY IS LOCATED WITHIN THE TOWN OF KITTERY RESIDENTIAL-KITTERY POINT VILLAGE ZONING DISTRICT, SHORELAND OVERLAY DISTRICT, AND RESOURCE PROTECTION OVERLAY DISTRICT. ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTERY PRIOR TO ANY DEVELOPMENT.
4. BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT.
5. ELEVATIONS AND TOPOGRAPHY SHOWN HEREON CORRESPOND TO NAVD88.
6. THE BOUNDARY SHOWN HEREON IS BASED ON REFERENCE PLAN 1.
7. THE RIPARIAN LIMITS SHOWN HEREON WERE CALCULATED USING THE COLONIAL METHOD.
8. THE INTENT OF THE TIE COURSES SHOWN HEREON ARE TO PROVIDE A MATHEMATICAL MEANS OF RELATING THE PROPERTY SIDELINES TO EACHOTHER. THE TIE COURSES ARE NOT INTENDED TO LIMIT ANY RIGHT, TITLE OR INTEREST THE OWNER MAY HAVE TO THE LAND EXTENDING BEYOND THE TIE COURSE TO LOW WATER.
9. ABUTTER LINES SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE AND ARE FOR REFERENCE PURPOSES ONLY. ABUTTER LINES SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
10. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.
11. THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR THE PISCATAQUA RIVER BETWEEN SEAVEY ISLAND AND KITTERY POINT IS ELEV. = 6.3' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.
12. TIDAL ELEVATIONS: THE FOLLOWING TIDAL ELEVATIONS WERE OBTAINED FROM DATA PUBLISHED BY N.O.A.A. FOR TIDE STATION 8419870 SEAVEY ISLAND, ME. ALL ELEVATIONS CORRESPOND TO NAVD88.
MEAN HIGHER-HIGH WATER (MHHW) 4.22'
MEAN HIGH WATER (MHW) 3.81'
MEAN LOW WATER (MLW) -4.30'
MEAN LOWER-LOW WATER (MLLW) -4.62'
LOWEST ASTRONOMICAL TIDE (LAT) -6.29'
13. THE 100-YEAR FLOOD ELEVATION OF THE PISCATAQUA RIVER IS ELEVATION 9.0' (NGVD29) PER FEMA FIRM 230171 005D. THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 8.25' (NAVD88).
14. THE PROPOSED DEVELOPMENT SHOWN HEREON IS SUBJECT TO REVIEW AND APPROVAL BY THE TOWN OF KITTERY, MAINE DEP AND U.S. ARMY CORPS OF ENGINEERS. OWNER/CONTRACTOR SHALL OBTAIN ALL PERMITS NECESSARY PRIOR TO ANY CONSTRUCTION AND IS RESPONSIBLE FOR COMPLYING WITH ALL CONDITIONS OF SAID PERMITS.
15. REFLECTOR SHALL BE NO LESS THAN 3 INCH DIAMETER AND SHALL BE INSTALLED AS FOLLOWS:
• PIER: EVERY 20 FEET FROM END OF PIER, BOTH SIDES
• FLOATS: WITHIN 12 INCHES OF EACH CORNER

REFERENCE PLANS:

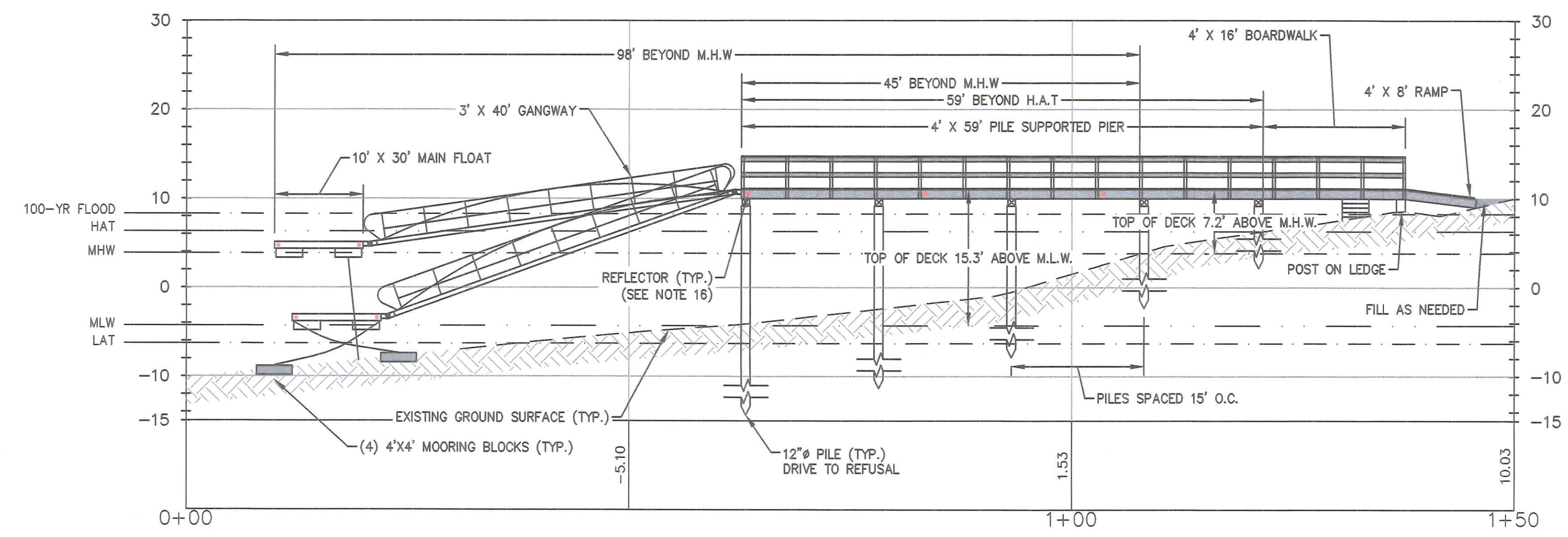
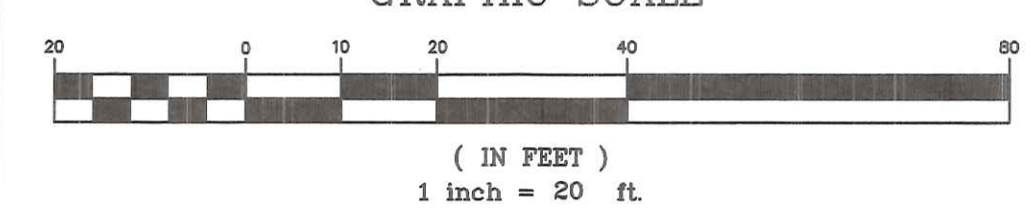
1. "EXISTING CONDITIONS SURVEY OF LAND LOCATED AT 23 BOND ROAD KITTERY, YORK COUNTY, MAINE" PREPARED BY TIDEWATER ENGINEERING & SURVEYING, INC. DATED JANUARY, 2020. UNRECORDED.



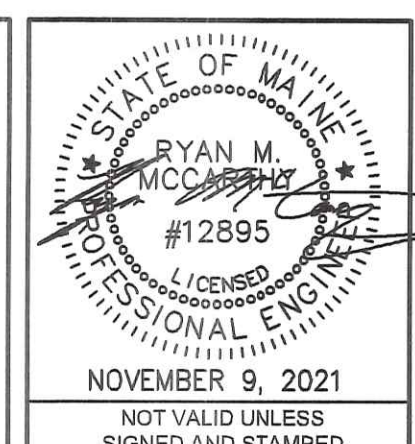
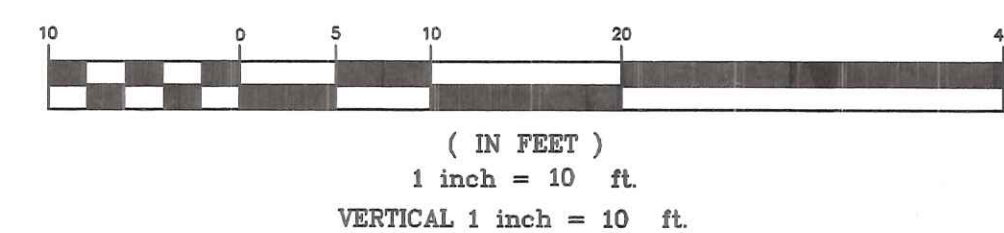
SPRUCE CREEK



PLAN GRAPHIC SCALE



PROFILE GRAPHIC SCALE



NOVEMBER 9, 2021	NOT VALID UNLESS SIGNED AND STAMPED
1/26/22	DATE:
1	NO.:
	REVISION/REVISION DESCRIPTION

TIDEWATER
ENGINEERING & SURVEYING, INC.
89 Route 236 Suite 3, Kittery, ME 03904
(207)439-2222 • www.tidewatercivil.com

PROPOSED PIER & FLOAT PLAN
ON LAND LOCATED AT
23 BOND ROAD
KITTERY, YORK COUNTY, MAINE

PREPARED FOR:
TOUCHDOWN CAPITAL, LLC
16266 DORILEE LANE
ENCINO, CA 91436

JOB #:	20-146
DATE:	NOV. 9, 2021
SCALE:	1" = 20'
SHEET:	1 OF 1



March 22, 2022

Kittery Port Authority
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

Re: Additional Documentation - Proposed Residential Pier
23 Bond Road (Tax Map 25 Lot 9)

Members of the Board:

Tidewater Engineering & Surveying, Inc. is pleased to provide the following additional information associated with the residential pier proposed to be located at 23 Bond Road for your consideration.

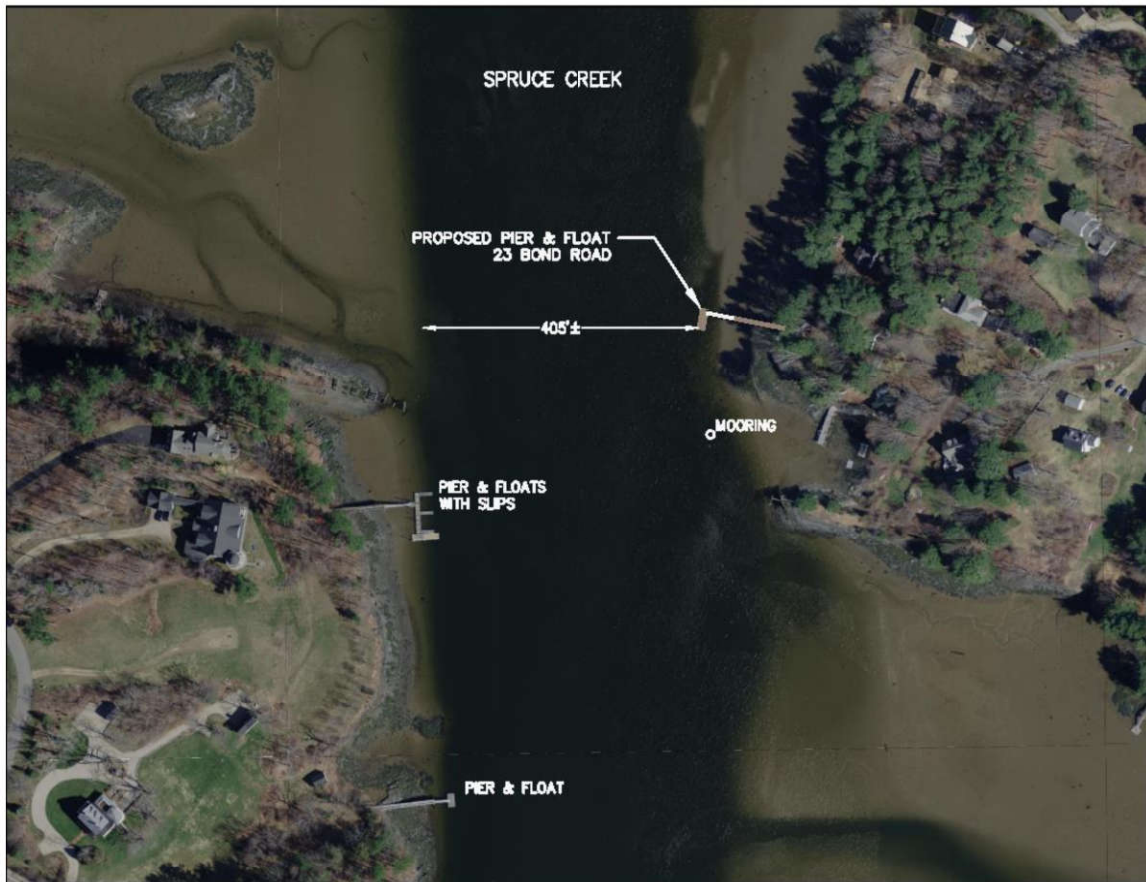
State and Federal Permits:

1. Maine DEP NRPA Individual Permit: Approval from the Maine DEP was issued on February 4, 2022 under permit L-29439-4P-A-N / TW-B-N. (Enclosed)
2. U.S. Army Corps of Engineers: Approval from the U.S. Army Corps of Engineers was issued on January 7, 2022 under Maine General Permit #NAE-2021-03061. (Previously provided)
3. Submerged Lands Lease: It was determined by the State of Maine Bureau of Parks and Lands that a submerged lands lease is not required for this project.

Other Considerations: Based upon input received at the KPA meeting held on March 3, 2022 and the site walk held on March 16, 2022, we offer the following additional information.

1. Recreation and Navigation:
 - a. Maine DEP has concluded that the project will not unreasonably interfere with recreational or navigational uses. (see Section 2 and Conclusion A within MDEP permit)
 - b. Maine Dept. of Marine Resources reviewed the MDEP permit application and concluded that "the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location." (see Section 2 within MDEP permit)
 - c. The U.S. Army Corps of Engineers determination states that the project "will have only minimal individual and cumulative impacts on the waters and wetlands of the United States."

- d. Based upon aerial photographs, we estimate that the low water channel adjacent to the proposed pier is approximately 420 feet wide. During the time of year that the seasonal float is in place, approximately 405 feet or 96% of the low water channel will remain unobstructed. The following image depicts the proposed pier, gangway and float superimposed on a 2018 aerial photo to provide a visual of the scale of the structure in relation to the surroundings. Based upon this information, we concur with the determinations by MDEP and ACOE.



2. Scenic Resources: Maine DEP evaluated the project in relation to scenic resources in the area and has stated the following...
- The proposed project is located on Spruce Creek, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities.
 - Other similar piers are visible from the project site.
 - The Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.
 - The proposed activity will not unreasonably interfere with the existing scenic and aesthetic uses.

3. Habitat Considerations:

- a. Maine DEP concluded that the project will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.
- b. Maine Dept. of Marine Resources stated that the project would have little to no long-term impact to marine resources, habitat or traditional fishing.
- c. State and federal regulations require marine structures to be designed to avoid and minimize impacts to the greatest practicable extent. The proposed pier, gangway and float system has been designed to comply with this requirement by positioning the float in a location that avoids contact with the intertidal surface during all tide cycles. This intertidal surface is considered a sensitive habitat to both plant and aquatic life such as seaworms, clams and mussels. Shortening the pier or gangway will unnecessarily impact this sensitive habitat during low tide cycles as the float, along with docked watercraft, will then rest on the intertidal surface during low tide cycles.
- d. Further reference is made to Section 6 (Location-based impact mitigation) and Section 7 (Alternative Analysis) of Attachment 5: Project Narrative found with the submission to the KPA dated February 2, 2022.

4. KPA Section 4.7.3 Compliance:

- a. Private piers are limited to 6 feet in width. The proposed pier is 4 feet in width and is in compliance.
- b. The total length of a ramp, pier and float structure may not extend more than 150 feet beyond the normal high-water mark. The proposed ramp, pier and float complies with this requirement as it extends 98 feet beyond the normal high-water mark (MHW) and 112 feet beyond the highest annual tide (HAT).
- c. The total length of the pier may not extend more than 100 feet beyond the normal high-water mark nor extend below the mean low water mark, whichever is shorter. The proposed pier complies with this requirement as it extends 45 feet beyond the normal high-water mark (MHW) and does not extend beyond mean low water mark (MLW).

5. Other Nearby Structures:

- a. Other similar docking structures with all-tide access are within view of the proposed pier at 23 Bond Road. It is clear these structures were designed in a similar fashion as the end of the piers stop at or near the normal low water mark. Seasonal gangways then extend to floats that are positioned to provide all-tide access. See photos 1 and 2 below.
- b. The proposed pier, gangway and float at 23 Bond Road is shorter in length than most of the other structures located inland of the Route 103 bridge along the

main channel. Below is an aerial photo that depicts these structures in relation to the proposed structure at 23 Bond Road.





Photo 1: Northeast side of Spruce Creek at Route 103 Bridge (March 14, 2022 4:32pm)



Photo 2: Northwest side of Spruce Creek at Route 103 Bridge (March 14, 2022 4:32pm)



We hope that you find this additional information helpful in your review. Should you have any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy".

Ryan M. McCarthy, P.E., P.L.S.

President
Tidewater Engineering & Surveying, Inc.
(207) 439-2222
ryan@tidewatercivil.com

Enclosures



DEPARTMENT ORDER

IN THE MATTER OF

TOUCHDOWN CAPITAL, LLC) NATURAL RESOURCES PROTECTION ACT
Kittery, York County) COASTAL WETLAND ALTERATION
PIER CONSTRUCTION) WATER QUALITY CERTIFICATION
L-29439-4P-A-N (approval)) FINDINGS OF FACT AND ORDER
L-29439-TW-B-N (approval)) SIGNIFICANT WILDLIFE HABITAT
*CORRECTED ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection has considered the application of TOUCHDOWN CAPITAL, LLC with the supportive data, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a residential pier system consisting of a 4-foot wide by 75-foot-long pile-supported pier, and a 3-foot wide by *40-foot-long seasonal ramp with a 10-foot wide by *30-foot-long seasonal float. The proposed pier will be supported by 12 timber piles with 71 square feet of direct impact to the coastal wetland. Approximately 666 square feet of indirect impacts due to shading are proposed. The ramp and float will be stored on the fixed pier when not in use. The project is as shown on a plan entitled “Proposed Pier & Float Plan”, dated November 9, 2021, and prepared by Ryan McCarthy. The project is located in a Tidal Waterfowl and Wading Bird Habitat, a Significant Wildlife Habitat as defined by the Natural Resources Protection Act (NRPA). The project site is located on 23 Bond Road in the Town of Kittery.

B. Current Use of the Site: The project site contains a home. The parcel is identified as Lot 9 on Map 25 of the Town of Kittery’s tax maps.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. §480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The

applicant also submitted several photographs of the proposed project site and surroundings.

The proposed project is located on Spruce Creek, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. Other similar piers are visible from the project site.

Based on the information submitted in the application, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. §480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

For construction, the site will be accessed by barge. Minimal soil disturbance is expected to result from the construction as the piles are pinned to ledge with no open excavation proposed.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. §480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The project site consists of exposed ledge outcroppings, gravel (mixed coarse and fine aggregates), boulders, and substrates with high clay content. Rockweed boulders become prevalent in the lower intertidal as well as an increase of clay content in the substrate. Neighboring properties also contain residential pier systems.

The Department of Marine Resources (DMR) stated that the project as proposed would have little to no long-term impact to marine resources, habitat, or traditional fishing.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that the project site contains a Tidal Waterfowl and Wading Bird Habitat. The MDIFW recommended that float skids be placed under the float to minimize impacts to intertidal flats and vegetation at low cycles. The applicant has stated that the pier has been designed so the float will not make contact with the intertidal surface during low cycles, deeming float skids unnecessary. The MDIFW also recommended that light transparent decking be used on the permanent pier where it intersects with aquatic vegetation. The applicant has designed the location of the pier to avoid aquatic vegetation to the extent practicable by extending the pier over an area of exposed ledge outcrop void of any vegetation, deeming transparent decking unnecessary.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

As discussed in Finding 3, the applicant proposes to use erosion and sediment control during construction to minimize impacts to water quality from siltation.

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

Provided that CCA-treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter 71 square feet of coastal wetland to construct the proposed residential pier system. Approximately 666 square feet of indirect impact due to shading is also proposed. Coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended January 26, 2009), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a

coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. The applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. The construction of a pier is allowed by Chapter 310, § 5(A)1(c), water dependent uses. The applicant submitted an alternatives analysis for the proposed project completed by Ryan McCarthy. The purpose of the project is to provide the applicant with all-tide access to the water for recreational boating. The applicant considered a seasonal structure and stated that it was not practical due to the bi-annual impacts on the intertidal. The applicant has considered reducing the length of the proposed pier, but this was deemed impracticable as during times of low-tide the float and watercrafts would rest on the surface of the intertidal. The applicant considered the use of a public boat launch facility located in the Town of Kittery, approximately 1.5 miles from the project site, however, this alternative was discounted due to the length of the wait list. In order to meet the project purpose, some impacts to the coastal wetland are unavoidable.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, the applicant must demonstrate that the impacts will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant has designed the pier at the shortest length required to provide all-tide access. The pier is pile-supported (12 timber piles) to minimize wetland intrusion, and some piles will be pinned to ledge, with minimal direct impacts to the coastal wetland proposed. The float and ramp will be seasonal and will be stored in the upland when not in use.

C. Compensation. In accordance with Chapter 310, § 5(C)(6)(b), compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. This project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR and MDIFW. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicant has avoided and minimized adjacent activity to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A-480-JJ and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided the applicant meets the requirement of Finding 5.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of TOUCHDOWN CAPITAL, LLC to construct a residential pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

- 1. Standard Conditions of Approval, a copy attached.

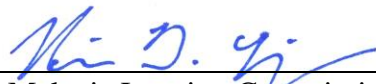
2. The applicant shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 25TH DAY OF MARCH, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CORRECTING THE ORDER DATED March 24, 2022. The effective date and expiration date remain the same as in the original.

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

KF/L-29439ANBN/ATS#88412 & ATS#88583

<p style="text-align: center;">FILED March 29th, 2022 State of Maine Board of Environmental Protection</p>
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Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

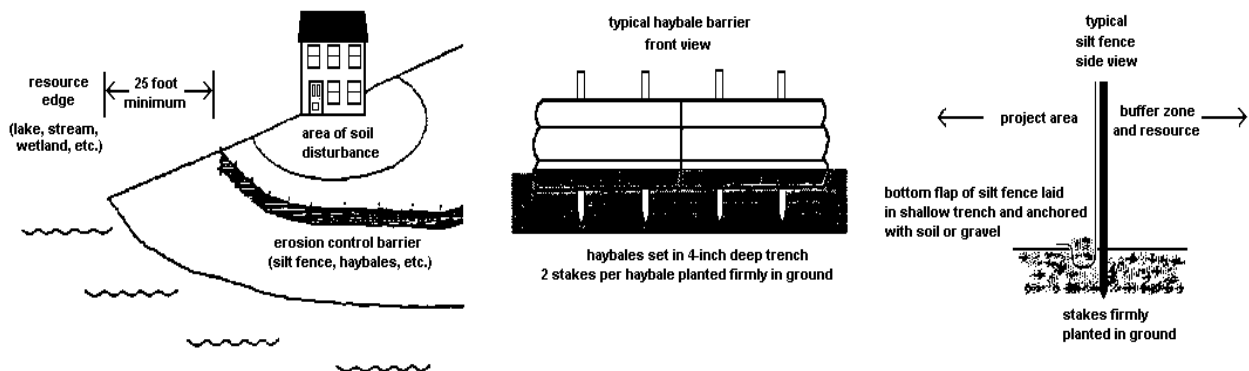


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: August 2021

Contact: (207) 314-1458

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

Except as provided below, there are two methods available to an aggrieved person seeking to appeal a licensing decision made by the DEP Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development ([35-A M.R.S. § 3451\(4\)](#)) or a general permit for an offshore wind energy demonstration project ([38 M.R.S. § 480-HH\(1\)](#)) or a general permit for a tidal energy demonstration project ([38 M.R.S. § 636-A](#)) must be taken to the Supreme Judicial Court sitting as the Law Court.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review Organization and Powers, [38 M.R.S. §§ 341-D\(4\)](#) and [346](#); the Maine Administrative Procedure Act, 5 M.R.S. § [11001](#); and the DEP's [Rule Concerning the Processing of Applications and Other Administrative Matters \(Chapter 2\)](#), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
ruth.a.burke@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. **Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.**

REQUIRED APPEAL CONTENTS

A complete appeal must contain the following information at the time the appeal is submitted.

1. *Aggrieved status.* The appeal must explain how the appellant has standing to bring the appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions of law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing criteria that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license to changes in specific license conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for hearing must be filed as part of the notice of appeal, and it must include an offer of proof regarding the testimony and other evidence that would be presented at the hearing. The offer of proof must consist of a statement of the substance of the evidence, its relevance to the issues on appeal, and whether any witnesses would testify. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed supplemental evidence must be submitted with the appeal. The Board may allow new or additional evidence to be considered in an appeal only under limited circumstances. The proposed supplemental evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Requirements for supplemental evidence are set forth in [Chapter 2 § 24](#).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see [38 M.R.S. § 346\(1\)](#); 06-096 C.M.R. ch. 2; [5 M.R.S. § 11001](#); and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 bill.hinkel@maine.gov, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. The DEP provides this information sheet for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



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

Touchdown Capital, LLC.
16266 Dorilee Lane
Encino, CA 91436

CORPS PERMIT # NAE-2021-03061
CORPS GP# 3
STATE ID# L-29439-4P-A-N / TW-B-N

DESCRIPTION OF WORK:

The project involves installation and maintenance of a 4' by 8' ramp, a 4' x 75' pile supported pier, a 3' by 40' gangway that connects to a 10' by 30' float located at 23 Bond Road in Kittery, Maine. The pier will be supported with 12- 12" diameter timber piles. Only 8 of the 12 piles are located below the mean high tide (MHW). The structure will extend a maximum of about 100' beyond the MHW. The float will be secured with 4 – 16 sq. ft. concrete mooring blocks. This work is shown on the attached two sheets titled "PROPOSED PIER & FLOAT PLAN", dated "Nov. 9, 2021".

See GENERAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.087256° N -70.716933° W USGS QUAD: KITTERY, MAINE

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:____, INDIV X LURC:____ DMR LEASE:____ NA:____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 15 DEC 2021 LEVEL OF REVIEW: SELF-VERIFICATION:____ PRE-CONSTRUCTION NOTIFICATION: X

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

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 978-318-8486 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

AMANDA L. T. SAYLES
PROJECT MANAGER

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



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

**PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
MAINE GENERAL PERMIT 3
PERMIT NO. NAE-2021-03061**

GENERAL CONDITIONS

11. Navigation. a. There shall be no unreasonable interference with general navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. b. Work in, over, under, or within a distance of three times the authorized depth of an FNP shall specifically comply with GC 10. c. Any safety lights and/or signals prescribed by the U.S. Coast Guard, State of Maine or municipality, through regulations or otherwise, shall be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S. d. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

25. Pile Driving and Pile Removal in Navigable Waters.

a. Derelict, degraded, or abandoned piles and sheet piles in the project area shall be removed in their entirety as practicable and properly disposed of in an upland location and not in wetlands. In areas of fine grained substrates, piles/sheets shall be removed by direct, vibratory, or clamshell pull method in order to minimize potential turbidity and sedimentation impacts. If removal is not practicable, said piles/sheets shall be cut off or driven to a depth of at least one foot below substrate.

b. Work involving pile installation and/or removal should adhere to one of the five methods below:

i. "In-the-dry", or

ii. In-water between Nov. 8th to Apr. 9th, or

iii. Drilled and pinned to ledge, or

iv. Vibratory hammers used to install any size and quantity of wood, concrete, or steel, or impact

hammers limited to one hammer and <50 piles installed/day with the following: wood piles of any diameter, concrete piles ≤18-inches diameter, steel piles ≤12-inches diameter if: (1) the hammer is ≤3,000 pounds and a wood cushion or equivalent is used between the hammer and steel pile, or (2) a soft start is used. Soft starts require an initial set of three strikes from the impact hammer at 40% energy, followed by a 1-minute waiting period between subsequent three-strike sets. The soft-start procedure shall be conducted any time hammering ceases for more than 30 minutes.

31. Storage of Seasonal Structures. Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year shall be stored in an upland location and not in wetlands, tidal wetlands, their substrate, or on mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of a structure that is waterward of the mean high water mark or the ordinary high water mark, e.g. the storage of a ramp or gangway on the pile-supported pier. Seasonal storage of structures in navigable waters, e.g., in a protected cove, requires prior Corps approval and local harbormaster approval.

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, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

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. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. These forms are attached after the plans.

KPA-22-2

Kittery Port Authority Application

Status: Active**Date Created:** Mar 11, 2022**Applicant**

Matthew Williams
mrmattnw@gmail.com
18 Hiltons Run
Kittery Point, ME 03905
207 451 2161

Location

18 Hiltons Run
KITTERY, ME 03905

Owner:

WILLIAMS, MATTHEW N
18 Hiltons Run KITTERY POINT, ME 03905

Project Discription**Description of Project**

Replace existing float with a new 10' X 20' foat and replace existing wood gangway with a 30' aluminum gangway.

Is any work being performed upland of the Highest Annual Tide?

No

Type of Project**Is this project an in-kind repair/replacement?**

No

Property Information**Name of the property owner(s)**

Matthew Williams, April Timko

Property Address

18 Hiltons Run, Kittery Point, Maine 03905

Telephone Number

207 451 2161

Email Address

mrmattnw@gmail.com

Size of the Property

4.5 acres +-

Zoning District

Residential-Rural

Shore Frontage Footage

683 feet +-

Property History

This is my first Kittery Port Authority Application for this property



I have submitted an application to the Kittery Port Authority in the past for this property



If you have submitted a previous application to the Kittery Port Authority for this property, please explain:

--

Acknowledgements

I understand that additional permits and/or approvals may be required by the Army Corps of Engineers, the Maine Department of Environmental Protection, the Maine Department of Conservation, and/or another legal entity not listed here. Furthermore, I have submitted the additional permits and/or approvals with this application.



I certify that all information on this application is complete and true to the best of my knowledge. I understand any false, misleading, or incomplete information will result in the denial of this application.



I certify that I have submitted this application at least 21 days prior to a scheduled Kittery Port Authority Meeting. I understand that failure to submit this application at least 21 days prior will result in my request going before the Kittery Port Authority at a later date.



I certify that in addition to uploading the required documentation, I will also provide 10 paper copies of each document to the Kittery Planning and Development Office at least 21 days prior to a scheduled Kittery Port Authority Meeting.



Applicant Information

Name of Applicant

Matthew Williams / April Timko

Date Application Completed

3/11/2022

Name of Property Owner

Matthew Williams / April Timko

Agent Name

--

Agent Firm

--


Agent Phone


--

Agent Email

--

Attachments

 Purchase and Sale agreement 356 Haley Rd now 18 Hiltons Run.pdf
Uploaded by Matthew Williams on Mar 11, 2022 at 4:31 pm

 Same as existing with longer gangway and larger float.pdf
Uploaded by Matthew Williams on Mar 11, 2022 at 4:58 pm


 Tax map 33-17 at 18 Hiltons Run.pdf
Uploaded by Matthew Williams on Mar 11, 2022 at 4:43 pm

 Abutters within 150.docx
Uploaded by Matthew Williams on Mar 11, 2022 at 5:40 pm

History

Date	Activity
Mar 11, 2022 at 4:08 pm	Matthew Williams started a draft of Record KPA-22-2
Mar 11, 2022 at 5:51 pm	Matthew Williams submitted Record KPA-22-2
Mar 14, 2022 at 8:48 am	completed payment step Fee Payment on Record KPA-22-2
Mar 14, 2022 at 8:48 am	approval step Application Completeness Review was assigned to Carrie Varao on Record KPA-22-2

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Payment	Paid	Mar 11, 2022 at 5:51 pm	Mar 14, 2022 at 8:48 am	-	-

Label	Status	Activated	Completed	Assignee	Due Date
✓ Application Completeness Review	Active	Mar 14, 2022 at 8:48 am	-	Carrie Varao	-
✓ Town Planner Upland Development Review	Inactive	-	-	-	-
✓ Code Enforcement Upland Development Review	Inactive	-	-	-	-
✓ Port Authority Approval Uploaded	Inactive	-	-	-	-
✓ Building Permit Received	Inactive	-	-	-	-

PURCHASE AND SALE AGREEMENT

("days" means business days unless otherwise noted, see paragraph 23)

Offer Date June 5, 2013

Effective Date _____
Effective Date is defined in Paragraph 23 of this Agreement.

1. PARTIES: This Agreement is made between April A Timko and/or assigns ("Buyer") and Susan E Lucy, Julie E Fabri ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (all part of; If "part of" see para. 26 for explanation) the property situated in municipality of Kittery, County of York, State of Maine, located at 356 Halev Rd and described in deed(s) recorded at said County's Registry of Deeds Book(s) 15774, Page(s) 405.

3. FIXTURES: The Buyer and Seller agree that all fixtures, including but not limited to existing storm and screen windows, shades and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood/pellet stoves, sump pump and electrical fixtures are included with the sale except for the following: xx

Seller represents that all mechanical components of fixtures will be operational at the time of closing except: xx

4. PERSONAL PROPERTY: The following items of personal property as viewed on June 3, 2013 are included with the sale at no additional cost, in "as is" condition with no warranties: Kitchen stove, dishwasher, refrigerator, wood stove in basement

5. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of \$ 470,000.00. Buyer has delivered; or will deliver to the Agency within 3 days of the Offer Date, a deposit of earnest money in the amount \$ 5,000.00. If said deposit is to be delivered after the submission of this offer and is not delivered by the above deadline, this offer shall be void and any attempted acceptance of this offer in reliance on the deposit being delivered will not result in a binding contract. Buyer agrees that an additional deposit of earnest money in the amount of \$ 5,000.00 will be delivered June 20, 2013. Failure by Buyer to deliver this additional deposit in compliance with the above terms shall constitute a default under this Agreement. The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

6. ESCROW AGENT/ACCEPTANCE: Anne Erwin Real Estate ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until June 6, 2013 (date) 6 AM PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

7. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on July 19, 2013 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

8. DEED: The property shall be conveyed by a warranty deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

9. POSSESSION, OCCUPANCY, AND CONDITION: Unless otherwise agreed in writing, possession and occupancy of premises, free of tenants and occupants, shall be given to Buyer immediately at closing. Said premises shall then be broom clean, free of all possessions and debris, and in substantially the same condition as at present, excepting reasonable use and wear. Buyer shall have the right to view the property within 24 hours prior to closing.

January 2013 Page 1 of 4 - P&S Buyer(s) Initials AT Seller(s) Initials JEF SEL
RE/MAX By the Bay 150 Minto Road Portsmouth, NH 03801 Phone: (207) 252-1152 J82 Fax: (207) 773-2525 April 2013
Pamela Gray Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.ziplogix.com

10. RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE: Prior to closing, risk of loss, damage, or destruction of premises shall be assumed solely by the Seller. Seller shall keep the premises insured against fire and other extended casualty risks prior to closing. If the premises are damaged or destroyed prior to closing, Buyer may either terminate this Agreement and be refunded the earnest money, or close this transaction and accept the premises "as-is" together with an assignment of the insurance proceeds relating thereto.

11. FUEL/UTILITIES/PRORATIONS: Fuel remaining in tank on day of closing shall be paid by Buyer at cash price as of date of closing of company that last delivered the fuel. Metered utilities such as electricity, water and sewer will be paid through the date of closing by Seller. The following items, where applicable, shall be prorated as of the date of closing: collected rent, association fees, (other) ~~xxx~~. The day of closing is counted as a Seller day. Real estate taxes shall be prorated as of the date of closing (based on municipality's fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as required by State of Maine.

12. DUE DILIGENCE: Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Seller's real or personal property, or any representations as to compliance with any federal, state or municipal codes, including, but not limited to, fire, life safety, electrical and plumbing. Buyer is encouraged to seek information from professionals regarding any specific issue or concern. This Agreement is subject to the following investigations, with results being satisfactory to Buyer:

TYPE OF INVESTIGATION YES NO RESULTS REPORTED TO SELLER				TYPE OF INVESTIGATION YES NO RESULTS REPORTED TO SELLER			
a. General Building	<input checked="" type="checkbox"/>		Within 10 days	n. Arsenic Treated Wood		<input checked="" type="checkbox"/>	Within _____ days
b. Sewage Disposal	<input checked="" type="checkbox"/>		Within 10 days	o. Pests	<input checked="" type="checkbox"/>		Within 10 days
c. Coastal shoreland receipt		<input checked="" type="checkbox"/>	Within _____ days	p. Code Conformance		<input checked="" type="checkbox"/>	Within _____ days
d. Water Quality		<input checked="" type="checkbox"/>	Within _____ days	q. Insurance	<input checked="" type="checkbox"/>		Within 10 days
e. Water Quantity		<input checked="" type="checkbox"/>	Within _____ days	r. Environmental Scan		<input checked="" type="checkbox"/>	Within _____ days
f. Air Quality	<input checked="" type="checkbox"/>		Within 14 days	s. Lot size/acreage		<input checked="" type="checkbox"/>	Within _____ days
g. Square Footage		<input checked="" type="checkbox"/>	Within _____ days	t. Survey/MLI		<input checked="" type="checkbox"/>	Within _____ days
h. Pool		<input checked="" type="checkbox"/>	Within _____ days	u. Zoning		<input checked="" type="checkbox"/>	Within _____ days
i. Energy Audit		<input checked="" type="checkbox"/>	Within _____ days	v. Farmland Adjacency		<input checked="" type="checkbox"/>	Within _____ days
j. Chimney	<input checked="" type="checkbox"/>		Within 10 days	w. Habitat Review/Water fowl		<input checked="" type="checkbox"/>	Within _____ days
k. Smoke/CO detectors	<input checked="" type="checkbox"/>		Within 10 days	x. Flood Plain	<input checked="" type="checkbox"/>		Within 10 days
l. Mold	<input checked="" type="checkbox"/>		Within 10 days	y. Other _____		<input checked="" type="checkbox"/>	Within _____ days
m. Lead Paint		<input checked="" type="checkbox"/>	Within _____ days				

All investigations will be done by persons chosen and paid for by Buyer in Buyer's sole discretion. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer in Buyer's sole discretion, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of investigation(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

13. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Seller's Property Disclosure Form and the information developed by the Maine Center for Disease Control and Prevention regarding arsenic in private water supplies and arsenic in treated wood.

14. FINANCING: This Agreement is is not subject to Financing. If subject to Financing:
a. This Agreement is subject to Buyer obtaining a conventional loan of 80.000 % of the purchase price, at an interest rate not to exceed current % and amortized over a period of 30 years. Buyer is under a good faith obligation to seek and obtain financing on these terms.
b. Buyer to provide Seller with letter from lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested within 5 days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer.
c. Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller, Seller's licensee or Buyer's licensee.
d. After (b) is met, Buyer is obligated to notify Seller in writing if a lender notifies Buyer that it is unable or unwilling to provide said financing. Any failure by Buyer to notify Seller within two days of receipt by Buyer of such notice from a lender shall be a default under this Agreement.
e. Buyer agrees to pay no more than two points. Seller agrees to pay up to \$ _____ toward Buyer's actual pre-pays, points and/or closing costs, but no more than allowable by Buyer's lender.
f. Buyer's ability to obtain financing is is not subject to the sale of another property. See addendum Yes No .
g. Buyer may choose to pay cash instead of obtaining financing. If so, Buyer shall notify Seller in writing including providing proof of funds and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void.

15. BROKERAGE DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

Fritz Dauth () of Anno Erwin Real Estate ()
Licensee MLS ID Agency MLS ID
is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

Pam Gray () of Re/Max By the Bay ()
Licensee MLS ID Agency MLS ID
is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

16. DEFAULT/RETURN OF EARNEST MONEY: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

17. MEDIATION: Earnest money disputes subject to the jurisdiction of small claims court will be handled in that forum. For all other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. Buyer and Seller are bound to mediate in good faith and pay their respective mediation fees. If a party does not agree first to go to mediation, then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who refused to go to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

18. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

19. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

20. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts with the same binding effect as if the signatures were on one instrument. Original or faxed or other electronically transmitted signatures are binding.

21. SHORELAND ZONE SEPTIC SYSTEM: Seller represents that the property does does not contain a septic system within the Shoreland Zone. If the property does contain a septic system located in the Shoreland Zone, Seller agrees to provide certification at closing indicating whether the system has/had not malfunctioned within 180 calendar days prior to closing.

22. NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing.

23. EFFECTIVE DATE/BUSINESS DAYS: This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

24. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

25. ADDENDA: Lead Paint - Yes No ; Other - Yes No

Explain: _____
The Property Disclosure Form is not an addendum and not part of this Agreement.

26. OTHER CONDITIONS: xxx

27. GENERAL PROVISIONS:

- a. A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- b. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- c. Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- d. Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.

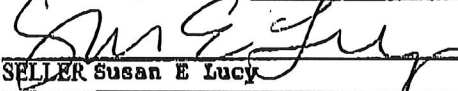

Buyer's Mailing address is _____


6/5/13
DATE
BUYER
DATE

April A Timko and/or assigns

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is _____


6/6/13
DATE

6/6/13
DATE

SELLER Susan E Lucy

SELLER Julie E Fabri

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ AM _____ PM.

SELLER
DATE
SELLER
DATE

The Buyer hereby accepts the counter offer set forth above.

BUYER
DATE
BUYER
DATE

EXTENSION

The closing date of this Agreement is extended until _____ DATE

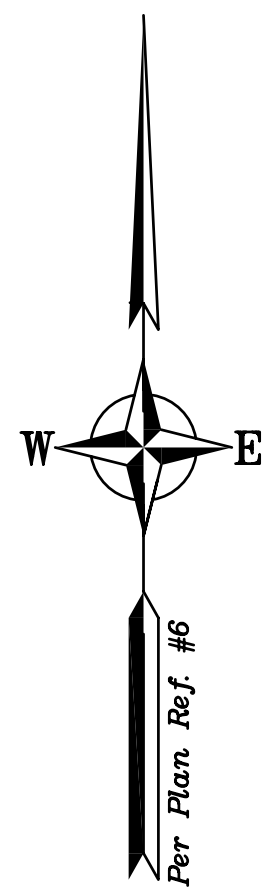
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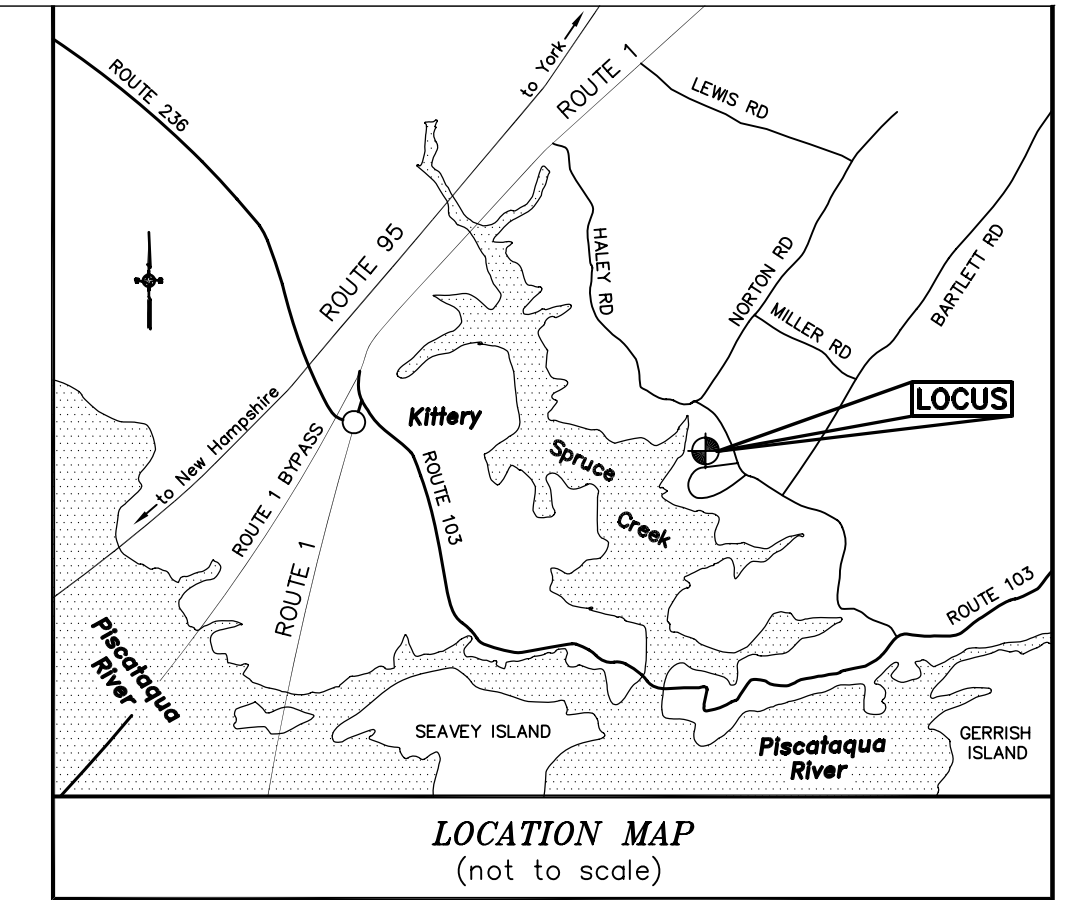
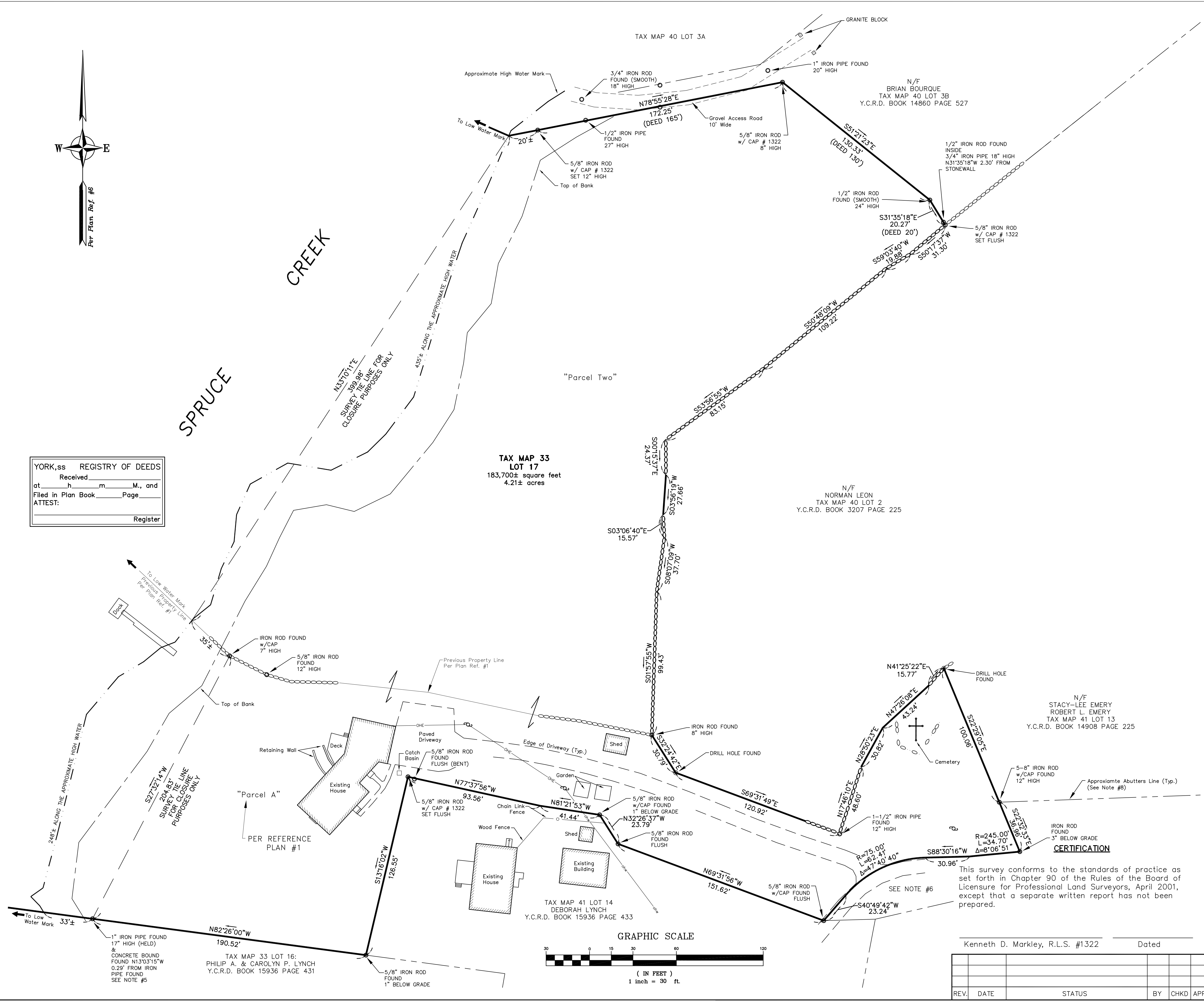
Maine Association of REALTORS®/Copyright © 2013. All Rights Reserved. Revised January 2013.





YORK,ss REGISTRY OF DEEDS
 Received _____
 at _____ h _____ m _____ M., and
 Filed in Plan Book _____ Page _____
 ATTEST:

 Register

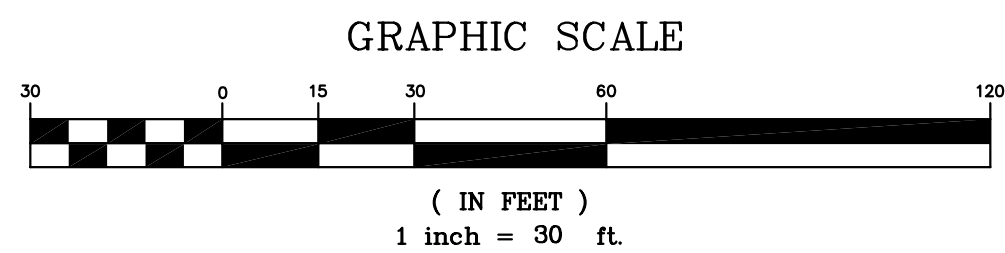


- NOTES:**
- OWNERS OF RECORD:
 TAX MAP 33 LOT 17:
 APRIL A. TIMKO
 Y.C.R.D. BOOK 16654 PAGE 661
 DATED JULY 13, 2013
 - TOTAL PARCEL AREA:
 TAX MAP 33 LOT 17:
 183,700± Square Feet OR 4.21± Acres*
 *Area is to Approximate High Water
 - BASIS OF BEARING IS PER PLAN REFERENCE #6.
 - THE BOUNDARY AND RIGHT OF WAY DETERMINATIONS HEREIN ARE BASED UPON RECORD INFORMATION AND PHYSICAL EVIDENCE FOUND, AND IS THE OPINION OF THIS SURVEYOR. THE PROPERTY LINES SHOWN DO NOT PURPORT TITLE.
 - BASED UPON OUR CLIENTS TESTIMONY, THE CONCRETE BOUND SHOWN HEREON WAS BELIEVED TO HAVE BEEN SET BY DELBERT EMERY AND PHILIP LYNCH IN OR AROUND 1983.
 - TAX MAP 33 LOTS 16 & 17 HAVE THE RIGHT AND PRIVILEGE OF TRAVELING OVER THE PRIVATE WAY ACROSS LAND OF TAX MAP 41 LOT 14 TO HALEY ROAD. SEE DEEDS RECORDED AT THE Y.C.R.D. IN BOOK 1768 PAGE 216, BOOK 3327 PAGE 20 & BOOK 15936 PAGES 429 & 431.
 - TAX MAP 41 LOT 14 HAS THE RIGHT AND PRIVILEGE OF LAYING AND MAINTAINING A WATER LINE ACROSS LAND FORMERLY OWNED BY HARRY L. & MIRIAM E. POWELL. SEE DEED RECORDED AT THE Y.C.R.D. IN BOOK 1500 PAGE 559 FOR FURTHER DETAILS.
 - APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
 - GRAVEL ACCESS ROAD OF TAX MAP 40 LOT 3B APPEARS TO ENCROACH.
 - EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

- PLAN REFERENCES:**
- "PLAN OF LOT PREPARED FOR DELBERT L. EMERY, KITTERY, MAINE" PREPARED BY THOMAS F. MORAN, INC. DATED MARCH 5, 1984 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 130 PAGE 20.
 - "STANDARD BOUNDARY SURVEY PLAN SHOWING PROPOSED REVISIONS TO LOTS 15 & 16 OF DORRNEY HOMESITES, INC., DORRNEY COURT, KITTERY, MAINE" PREPARED BY OAK POINT ASSOCIATES DATED DECEMBER 31, 1985, LAST REVISED MARCH 11, 1986 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 147 PAGE 11.
 - "FINAL PLAN, DORRNEY HOME SITES, INC., KITTERY, MAINE" PREPARED BY GRANT L. DAVIS, ASSOCIATES DATED SEPTEMBER 1967 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 44 PAGE 42.
 - "PLAN OF PROPERTY OF V. ADM JOHN H. BROWN, Jr. IN KITTERY, YORK COUNTY, MAINE" PREPARED BY C.S. GERRISH DATED AUGUST 1965 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 41 PAGE 22.
 - "PLAN OF PROPERTY OF PHILIP A. & GLORIA F. LYNCH OFF HALEY ROAD, KITTERY POINT, KITTERY, MAINE" PREPARED BY JAMES C. ROGERS DATED MAY 1979 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 99 PAGE 22.
 - "LOT LINE ADJUSTMENT PLAN FOR PROPERTY AT 358 & 366 HALEY ROAD, KITTERY POINT, YORK COUNTY, MAINE OWNED BY THE LYNCH FAMILY IRREVOCABLE TRUST & JENNIE V. HILL" PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED AUGUST 12, 2010, LAST REVISED AUGUST 30, 2010 AND TO BE RECORDED AT THE Y.C.R.D.

N/F
 STACY-LEE EMERY
 ROBERT L. EMERY
 TAX MAP 41 LOT 13
 Y.C.R.D. BOOK 14908 PAGE 225

CERTIFICATION
 This survey conforms to the standards of practice as set forth in Chapter 90 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.



Kenneth D. Markley, R.L.S. #1322 Dated _____

REV.	DATE	STATUS	BY	CHKD	APPD.


STANDARD BOUNDARY SURVEY
 FOR PROPERTY AT
356 Haley Road
 Kittery Point, York County, Maine
 OWNED BY
 April A. Timko
 356 Haley Road, Kittery Point, Maine 03905

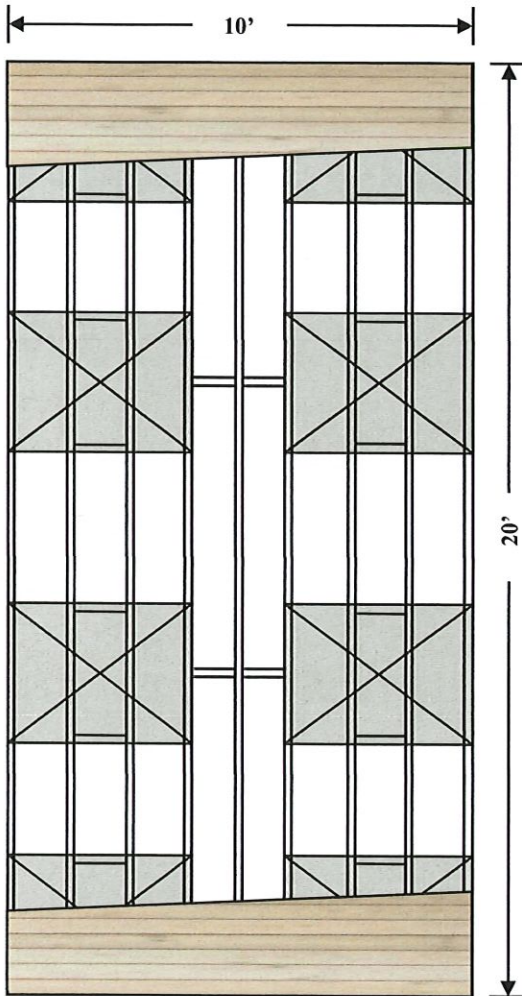
EASTERLY SURVEYING, Inc.
 SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
 (207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 30'	PROJECT NO. 13675	DATE 12/4/13	SHEET: 1 OF 1	DRAWN BY: S.T.B.	CHECKED BY: K.D.M.
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DRAWING No: 11637 Division
 FIELD BOOK No: "York #21"

Tax Map 33 Lot 17

	DOCK SKETCH	MAIN DOCK	GANGWAY RAMP
	Dimensions:	10' x 20'	N/A
	#/Size of Stringers:	(9) 2" x 8" Stringers	N/A
P.O. Box 3450 Apollo Beach, FL 33572 Tel: 800.677.4710	Decking Size:	5/4" x 6" or 2" x 6" Decking	N/A
	Decking Type:	P.T. or Composite	N/A



FLOTATION SUMMARY

- (8) FD-3416 DockBuilders Float Drums (36" x 48" x 16")
- (48) LB-3804SS (3/8" x 4" Stainless Steel Lag Bolts)
- (48) W-38SSF (3/8" x 1.5" Stainless Steel Fender Washers)

FRAMING HARDWARE SUMMARY

- (4) Outside Corners – End
- (4) Inside Corners
- (22) Angles (2 per internal stringer/joist)
- (44) Washer Plates (4 per internal stringer)
- (120) Carriage Bolt Sets (1/2" x 3" bolt/washer/hex nut)
- (800) 3" Stainless Steel Decking Screws
- (2) Driver #2 Square (for decking screws)

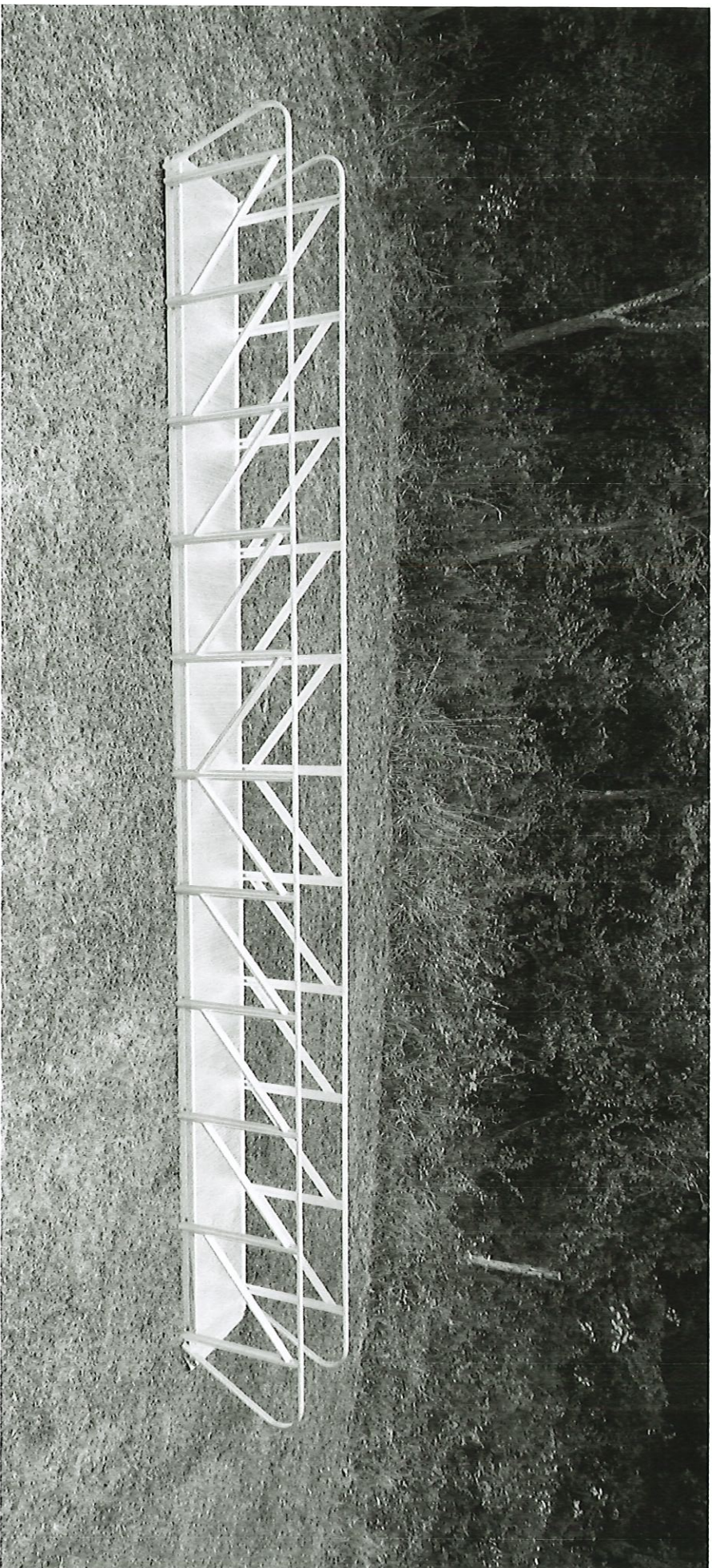
LUMBER SUMMARY (Not Included in Kit)

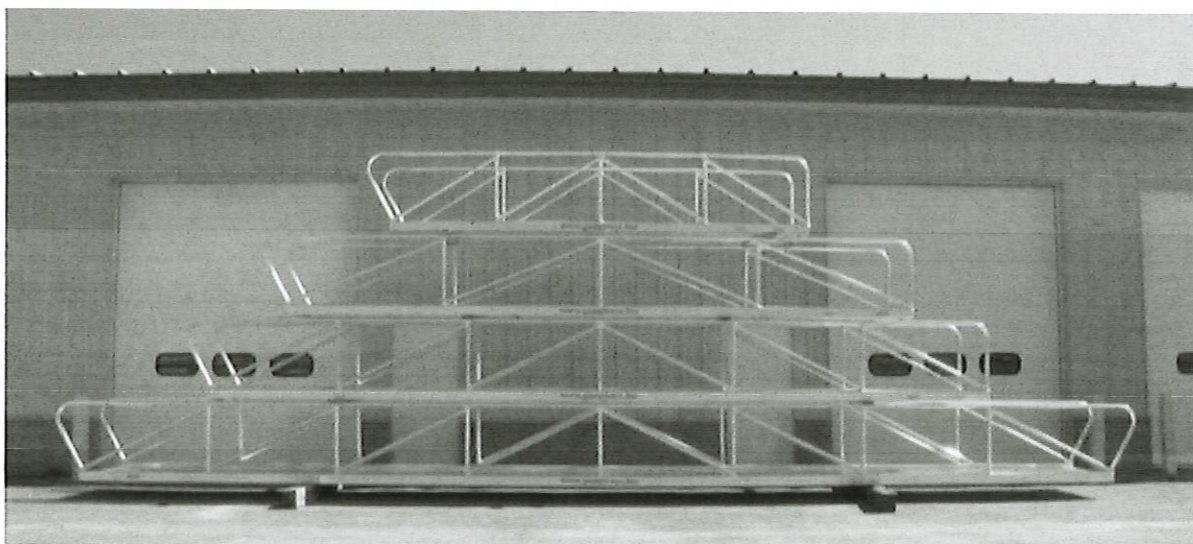
- (2) 2" x 8" x 10' Fascia Board / Header (cut in half)
 - (9) 2" x 8" x 20' (or 2" x 10" x 20') Stringers / Joists
 - (43) 5/4" x 6" x 10' or 2" x 6" x 10' Decking Boards
- Extra 2" x 8" lumber required for blocking between stringers and over floats.



36" x 48" x 16" Dock Float
(Approx. 905# buoyancy)

Note: Dock Builders Supply assumes no responsibility or liability for the design, structural integrity, accuracy or completeness of this sketch/drawing. Sketch is provided as a guide-line only. Dimensions are approximate. Internal stringer blocking over the perimeter of dock floats is not shown, but should be incorporated throughout the frame to provide additional dock float mount points. Dock floats should be on-hand during construction to use as a templates to accurately align internal stringers over the perimeter of floats. Lumber is not included in dock kit and must be acquired locally.





Abutters within 150' of dock

302 Haley RD

Sandra and Derron Wood

10 Prospect Street

New London, CT 06320

Other Abutters

Brian Bourqe

326 Haley RD

Kittery Point, ME 03905

Paul, Jean Treacy

28 Hiltons Run

Kittery Point, ME 03905

Charles, Kathleen Reardon

21 Hiltons Run

Kittery Point, ME 03905

James, Jody Donohue

23 Hiltons Run

Kittery Point, ME 03905

Non abutter within 150 feet

Bryan Cormier

12 Goose Point

Kittery Point, ME 03905

Thurston Powell

322 Haley Rd

Kittery Pont, ME 03905



**KITTERY PORT AUTHORITY
TOWN HALL
200 ROGERS RD.
KITTERY, ME 03904**

Phone: 207-439-0452 ext 301
Email: kpa@kitteryme.org
www.kittery.org

March 27, 2022

Bruce Crawford
6 Badgers Island West
Kittery ME 03904

Dear, Bruce Crawford

Your request for the in-kind repair/replacement of 3 pilings on an existing structure has been approved by the chair of the Kittery Port Authority.

This is your letter to proceed from the Kittery Port Authority. A copy has been provided to the Code Enforcement Officer. This approval is contingent on the approval of any other governing bodies that may be required before building commences.

Your approval is good for one year from the date the building permit is issued. A permit for which no substantial work has commenced within a year of date of issue will expire. A permit for which work is not substantially complete within two years from date of issue will expire. Expired permits will need to be renewed.

If you have any further questions or make any alterations to your approved plans please contact the Chair of the Kittery Port Authority.

Respectfully,


Kelly L. Philbrook
Kittery Port Authority Chair