



**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
June 2, 2022
6:00 P.M.**

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: May 5, 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 application from Nicholas & Amy Mercier, 134 Whipple Road, Kittery, ME 03904 (Map 10 Lot 6A) for the replacement of an existing seawall. Agent: Erik Saari, Altus Engineering Inc.
 - b. The Kittery Port Authority moves to approve an application from B.I.W. Group, LLC, 35 Badgers Island West, Kittery, ME 03904 (Map 1 Lot 32) for the replacement of stone rip rap along the shoreline. Agent: Steven Riker, Ambit Engineering, Inc.
8. Piers, Wharves & Floats
9. Public Segment (Three Mins.)
10. Unfinished Business
11. New Business
 - a. Workshop on Pier Regulations
12. Committee and Other Reports
 - a. Communications from the Chairperson
13. Board Member Issues or Comments

14. Executive Session

15. Adjournment

1 1. Call to Order / Attendance

2 Chair Philbrook called meeting to order at 6:00 p.m.

3 Members present: Chair Philbrook, Vice Chair Patten, Steve Lawrence, John McCollett.
4 Bryan Bush, and Niles Pinkham. Members absent: Alan Johnston.

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

7 Chair Philbrook cast one vote to accept the agenda as presented.

8 4. Acceptance of Previous Minutes: April 7, 2022

9 Chair Philbrook moved to approved the April 7, 2022 as amended, seconded by Mr.
10 Lawrence.

11 All were in favor.

12 5. Harbormaster Report and Budget Report

13 The Harbormaster reported Float In was rescheduled from 4/28/2022 to 5/1/2022 due to
14 weather conditions, he also said the Floats are in, the dumpster will be delivered on
15 5/5/2022, the water has been turned on, and he will need to install hoses, and finish
16 changing some chains around the pilings.

17 The Harbormaster thanked all the volunteers who changed schedules and to those who
18 offered to be on standby.

19 The Harbormaster stated he was still working on getting the kayak racks anchored,
20 making repairs as well doing the maintenance to the 21-foot boat, and the boat should
21 be launched by 5/16/2022.

22 The Harbormaster has been working with Riverside Pickering on repairing rip rap on the
23 property owners of the 4 parking spaces and the kayak racks on Bellamy Lane. The
24 Property owners reached out to Riverside to make repairs after winter storms caused
25 quite a bit of erosion. Riverside will quote out the job and how much the town's portion
26 would be also Riverside will take care of the permit applications, and forwarded the info
27 to the Town Manager for review as it involves shared property.

28 A 1.5 HP pump was purchased for Government Street washdown. The Harbormaster
29 will meet with board members on the best installation method.

- 30 The Harbormaster discovered the welds on the top bracket of the dock ladders to be
 31 failing. New mount brackets are being sent.
- 32 Mooring renewal permits approved to date - 353
 33 Mooring renewal permits under review to date - 97
 34 Temporary mooring permits assigned to date - 26
 35 Total Temp moorings offered to Program - 32
 36 Total moorings given up to date - 21
 37 Total moorings reassigned to date - 3
 38 (Still waiting for replies on others)
 39 Total unpaid renewals - 2

FY 2022 YTD EXPENSES

OBJECT	ACCT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT YEAR EXPENSE	CURRENT YEAR REMAINING	PERCENT USED
64010	HARBOR MASTER FULL TIME SALARI	\$ 60,536.00	\$ 51,508.79	\$ 9,027.21	85.09
64020	PART TIME SALARIES	\$ 19,042.00	\$ 12,971.44	\$ 6,070.56	68.12
65010	POSTAGE	\$ 250.00	\$ 144.31	\$ 105.69	57.72
65020	TELEPHONE & INTERNET	\$ 1,950.00	\$ 1,696.01	\$ 253.99	86.97
65080	LEGAL NOTICES/OTHER ADVERTISE	\$ -	\$ 88.21	\$ (88.21)	0
65200	ELECTRICITY	\$ 1,800.00	\$ 1,548.01	\$ 251.99	86
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	\$ 4,066.29	\$ (566.29)	116.18
65310	VEHICLE MAINTENANCE	\$ 1,500.00	\$ 2,324.00	\$ (824.00)	154.93
65311	GAS, GREASE, & OIL	\$ 1,500.00	\$ 823.84	\$ 676.16	54.92
65462	RIGGING	\$ 11,000.00	\$ 8,879.50	\$ 2,120.50	80.72
65463	SANITATION	\$ 2,500.00	\$ 1,074.00	\$ 1,426.00	42.96
65470	PROFESSIONAL DEVELOPMENT	\$ 1,500.00	\$ 1,060.87	\$ 439.13	70.72
65480	OTHER PROFESSIONAL/CONTRACTED	\$ 3,000.00	\$ 645.54	\$ 2,354.46	21.52
65500	MAIN BLDG/GROUNDS WHARVES/HARB	\$ 5,000.00	\$ 3,223.20	\$ 1,776.80	64.46
65521	UNIFORMS	\$ 1,000.00	\$ 569.88	\$ 430.12	56.99
66010	OFFICE SUPPLIES	\$ 300.00	\$ -	\$ 300.00	0
66040	JANITORIAL SUPPLIES & SERVICES	\$ 500.00	\$ 205.23	\$ 294.77	41.05
TOTAL		\$ 116,378.00	\$ 91,668.32	\$ 24,709.68	78.77%

40

FY 2022 YTD REVENUE

OBJECT	ACCT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT YEAR REVENUE	CURRENT YEAR DIFFERENCE	PERCENT
43147	DINGHY FEES	\$ (10,000.00)	\$ (9,410.00)	\$ (590.00)	94.1
43148	TRANSIENT SLIP RENTAL	\$ (7,000.00)	\$ (16,266.00)	\$ 9,266.00	232.37
43149	KPA APPLICATION FEES	\$ (500.00)	\$ (1,500.00)	\$ 1,000.00	300
43150	MOORING FEES	\$ (100,000.00)	\$ (86,455.17)	\$ (13,544.83)	86.46
43151	LAUNCH FEE	\$ (14,000.00)	\$ (10,389.95)	\$ (3,610.05)	74.21
43152	TRANSIENT MOORING	\$ (4,000.00)	\$ (13,198.00)	\$ 9,198.00	329.95
43153	WAIT LIST FEE	\$ (800.00)	\$ (2,114.00)	\$ 1,314.00	264.25
43156	PIER USAGE FEE	\$ (2,400.00)	\$ (2,832.00)	\$ 432.00	118
43157	MOORING LATE FEE	\$ -	\$ (50.00)	\$ 50.00	0
43159	KAYAK RACK RENTAL	\$ -	\$ (332.00)	\$ 332.00	0
41	TOTAL	\$ (138,700.00)	\$ (142,547.12)	\$ 3,847.12	102.77%

42 6. All Items involving Town Officials or Invited Guests

43 7. Public Hearing

44 a. The Kittery Port Authority moves to approve an application from Matthew Williams, 18
 45 Hiltons Run, Kittery Point, ME 03905 (Map 33 Lot 17) to replace an existing 8' x 12' float
 46 with a 10' x 20' float and replace an existing 3' x 16' wood gangway with an aluminum
 47 gangway that will not exceed 30'.

48 Chair Philbrook moved to approve the application from Matthew Williams, 18
 49 Hiltons Run, Kittery Point, ME 03905 (Map 33 Lot 17) to replace an existing 8' x 12' float
 50 with a 10' x 20' float and replace an existing 3' x 16' wood gangway with an aluminum
 51 gangway that will not exceed 30', seconded by Mr. Lawrence.

52 Motion Carried 4-0-1

53 Mr. Bush abstained.

54 8. Piers, Wharves & Floats

55 a. The Kittery Port Authority moves to accept an application from Nicholas & Amy
 56 Mercier, 134 Whipple Road, Kittery, ME 03904 (Map 10 Lot 6A) for the replacement of
 57 an existing seawall. Agent: Erik Saari, Altus Engineering Inc.

58 Erik Saari, from Altus Engineering Inc. presented the plans and answered any questions
 59 or concerns the board might have.

60 Chair Philbrook moved to accept the application from Nicholas & Amy Mercier, 134
 61 Whipple Road, Kittery, ME 03904 (Map 10 Lot 6A) for the replacement of an existing

62 seawall, and scheduled a site walk for Tuesday May 17, 2022 at 6:00 p.m. the Public
63 Hearing will be at the June 2, 2022 KPA meeting, seconded by Mr. Lawrence.

64 Motion Carried 5-0-0

65 b. The Kittery Port Authority moves to accept an application from MGX LLC, 48 Bowen
66 Road, Kittery, ME 03904 (Map 17 Lot 10) to convert 26 commercial moorings into 12 8'
67 x 80' floating docks and one 8' x 160' floating dock.

68 Tom Allen, the General Manager of Safe Harbors Kittery Point, presented the plans and
69 answered any questions or concerns the board might have.

70 The KPA decided to postpone this item until the June 2, 2022 meeting, due to
71 inconsistency in the applications.

72 c. The Kittery Port Authority moves to accept the application from B.I.W. Group, LLC, 35
73 Badgers Island West, Kittery, ME 03904 (Map 1 Lot 32) for the replacement of stone rip
74 rap revetment. Agent: Steven Riker, Ambit Engineering, Inc.

75 Steven Riker, of Ambit Engineering, Inc. presented the plans and answered any
76 questions or concerns the board might have.

77 Chair Philbrook moved to accept the application from B.I.W. Group, LLC, 35
78 Badgers Island West, Kittery, ME 03904 (Map 1 Lot 32) for the replacement of stone rip
79 rap revetment, and scheduled a site walk for Tuesday May 17, 2022 at 5:15 p.m. the
80 Public Hearing will be at the June 2, 2022 KPA meeting, seconded by Mr. Lawrence.

81 Motion Carried 6-0-0

82 9. Public Segment (Three Mins.) - None

83 Will Banfield, 1 Badger Island West, Kittery, spoke to the board about his riparian
84 mooring.

85 10. Unfinished Business - None

86 11. New Business

87 a. Workshop on Pier Regulations

88 Postponed until the June 2, 2022 KPA meeting.

89 12. Committee and Other Reports

90 a. Communications from the Chairperson

91 Chair Philbrook approved an in-kind repair/replace at 28 Williams Avenue.

92 Chair Philbrook approved an in-kind repair/replace for James Austin for some storm
93 damage work.

94 13. Board Member Issues or Comments

95 Mr. Bush stated Sam Reid extended the KPA an open invitation to Wood Island.

96 The board decided to visit Wood Island Monday, May 16, 2022 at 5:00 p.m., rain date
97 May 18, 2022.

98 Mr. McCollett gave an update on the Climate Adaptation Committee.

99 14. Executive Session - None

100 15. Adjournment

101 Mr. Lawrence moved to adjourn at 7:21 p.m., seconded by Mr. Bush.

102 All were in favor.

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.



KPA-22-3

Kittery Port Authority Application

Status: Active

Date Created: Mar 31, 2022

Applicant

Erik Saari
esaari@altus-eng.com
Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801
603-433-2335

Location

134 WHIPPLE ROAD
KITTERY, ME 03904

Owner:

MERCIER, NICHOLAS E.
35 GOFFSTOWN ROAD HOOKSETT , NH 03106-2400

Project Discription

Description of Project

Replacement of existing seawall

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

Yes

Type of Project

Is this project an in-kind repair/replacement?

Yes

Property Information

Name of the property owner(s)

Nicholas and Amy Mercier

Property Address

134 Whipple Road

Telephone Number

(603) 674-8239

Email Address

nick@macyind.com

Size of the Property

0.31 ac

Zoning District

R-U

Shore Frontage Footage

131.01

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:

A dock permit was applied for several years ago.

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

Nicholas Mercier

Date Application Completed

03/31/22

Name of Property Owner

Nicholas Mercier

Agent Name

Erik Saari

Agent Firm

Altus Engineering, Inc.





Agent Phone

(603) 433-2335

Agent Email

esaari@altus-eng.com

Attachments

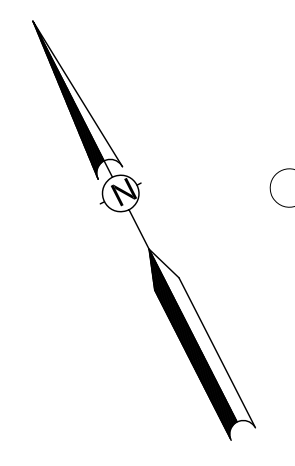
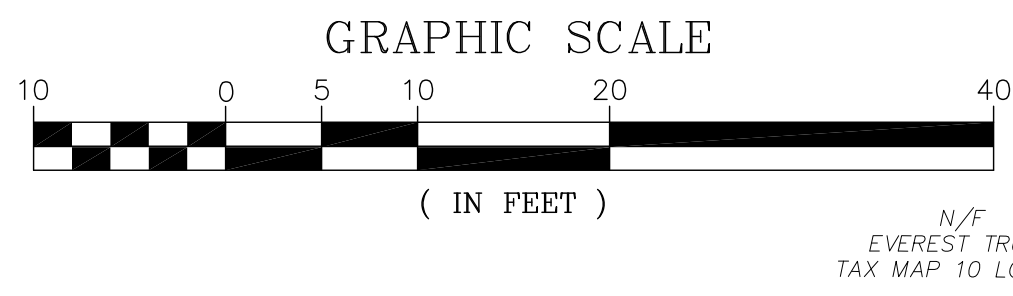
-  5186-01-Deed.pdf
Uploaded by Erik Saari on Mar 31, 2022 at 12:24 pm
-  5186-02-Plans-033122.pdf
Uploaded by Erik Saari on Mar 31, 2022 at 12:16 pm
-  5186-03-TaxMap.pdf
Uploaded by Erik Saari on Mar 31, 2022 at 12:16 pm
-  5186-04-Abutters-033122.pdf
Uploaded by Erik Saari on Mar 31, 2022 at 12:16 pm

History

Date	Activity
Mar 31, 2022 at 11:53 am	Erik Saari started a draft of Record KPA-22-3
Mar 31, 2022 at 5:23 pm	Erik Saari submitted Record KPA-22-3

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Payment	Active	Mar 31, 2022 at 5:23 pm	-	-	-
 Application Completeness Review	Inactive	-	-	-	-
 Town Planner Upland Development Review	Inactive	-	-	-	-
 Code Enforcement Upland Development Review	Inactive	-	-	-	-
 Port Authority Approval Uploaded	Inactive	-	-	-	-
 Building Permit Received	Inactive	-	-	-	-



WHIPPLE ROAD

TOWN OF KITTERY
CODE ENFORCEMENT OFFICER

SIGNATURE

DATE

TOWN OF KITTERY, PLANNING BOARD

CHAIR

DATE

OWNER/APPLICANT

DATE

N/F
DUNCAN A. MCEACHERN
TAX MAP 10 LOT 6B
Y.C.R.D. BOOK 2026 PAGE 128

TAX MAP 10
LOT 6A
13,381± SQ. FT.
0.31± AC.

N/F
INHABITANTS OF KITTERY
TAX MAP 10 LOT 5

SEE RETAINING WALL
PLANS BY OTHERS

LIMIT OF WALL REMOVAL,
MATCH EXISTING WALL
AT CORNER

EXISTING WALL BEYOND
PROPERTY LINE TO REMAIN

FEMA ZONE A2 (EL. 9)
(SEE NOTE #9)

FIRST SECTION OF DOCK TO BE
ADJUSTED TO ACCOMMODATE
NEW WALL HEIGHT

EXISTING DOCK
TO REMAIN

PISCATAQUA RIVER

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

REGISTRAR

SITE NOTES

- DESIGN INTENT – THIS PLAN SET IS INTENDED TO DEPICT THE REPLACEMENT OF AN EXISTING RETAINING WALL.
- PLAN REFERENCE: "EXISTING CONDITIONS PLAN FOR PROPERTY AT 134 WHIPPLE ROAD, KITTERY, YORK COUNTY, MAINE", DATED FEBRUARY 27, 2020, PREPARED BY NORTH EASTERLY SURVEY, INC.
- APPROXIMATE LOT AREA: 0.31 AC.± (13,381 S.F.±)
- ZONE: RESIDENTIAL-URBAN (R-U)
OVERLAY ZONE: SHORELAND (OZ-SL-250')
- DIMENSIONAL REQUIREMENTS PER TOWN OF KITTERY CODE TITLE 16 (SEC. 16.3.2.4):

MIN. LAND AREA	20,000 S.F.
PER DWELLING UNIT:	20,000 S.F.
MIN. LOT SIZE:	20,000 S.F.
MIN. STREET FRONTAGE:	100'
FRONT SETBACK:	30'
SIDE SETBACK:	15'
REAR SETBACK:	15'
MAX. BUILDING HEIGHT:	23.0' (EXISTING) PROPOSED = 23.0'
MAX. BLDG. COVERAGE:	EXIST. COVERAGE (1,358 SF) + 30% = 1,765 SF
MIN. SHORE FRONTAGE:	50'
SHORELAND SETBACK:	100'
MAX. DEVEGETATED AREA:	20%
- ALL CONSTRUCTION SHALL MEET THE MINIMUM STANDARDS OF THE TOWN OF KITTERY.
- ALL EROSION CONTROL MEASURES SHALL COMPLY WITH STATE (DEP) AND LOCAL ORDINANCES.
- HIGHEST ANNUAL TIDE (H.A.T.) IS TAKEN FROM MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION DATA.
- THE ENTIRE PARCEL IS LOCATED WITHIN THE OZ-SL-250 ZONE.
- A PORTION OF THE PARCEL IS WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) PER FEMA FIRM 230171 0005 D. LATEST REVISION JULY 3, 1986.
- ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.
- THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL VERIFY ALL WALL DIMENSIONS WITH THE STRUCTURAL PLANS PRIOR TO CONSTRUCTION. ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER FOR RESOLUTION.
- ALL PERIMETER SEDIMENT AND EROSION CONTROL MEASURES (I.E. SILTFENCE, SILT/SOXX OR FILTER BERM) MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY EARTHWORK ACTIVITIES.
- ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH 6" OF COMPACTED LOAM AND SEED. COORDINATE WITH LANDSCAPE PLANS.
- ALL SEAWALL CONSTRUCTION BELOW THE H.A.T. (ELEVATION 6.6') SHALL BE PERFORMED AT LOW TIDE.
- DEMOLITION OF EXISTING SEAWALL AND CONSTRUCTION OF NEW SEAWALL TO BE DONE IN PHASES IN ORDER TO MINIMIZE AREAS OF EXPOSED UNSTABILIZED SHORELINE. PHASES SHALL BE LIMITED TO THE AMOUNT OF WORK THAT CAN BE REASONABLY ACCOMPLISHED DURING A SINGLE INTERTIDAL PERIOD.
- ALL PLAN ELEMENTS AND CONDITIONS OF APPROVAL SHOWN ON THE PREVIOUSLY-APPROVED SHORELAND DEVELOPMENT PLAN DATED MARCH 7, 2022 REMAIN APPLICABLE TO THIS PLAN. CONTRACTOR SHALL REVIEW BOTH PLANS PRIOR TO INITIATING WORK.

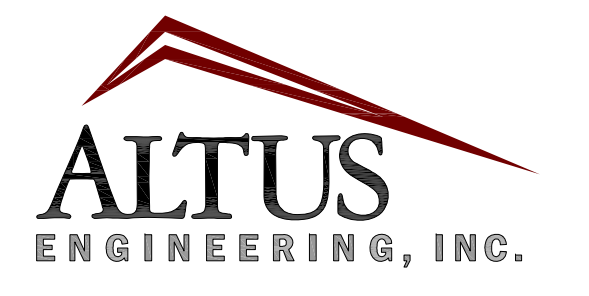
BUILDING COVERAGE/DEVEGETATION CALCULATIONS

	0 - 100'	100' - 250'	ENTIRE LOT
EXISTING BUILDING COVERAGE:	±1,358 SF	±0 SF	±1,358 SF (10.1%)
PROPOSED BUILDING COVERAGE	±1,608 SF	±0 SF	±1,608 SF (12.0%)
EXISTING DEVEGETATION CALC:	±3,292 SF	±0 SF	±3,292 SF (24.6%)
PROPOSED DEVEGETATION CALC:	±3,219 SF	±0 SF	±3,219 SF (24.1%)

* AREAS AND HEIGHT LIMITATIONS ARE PER KITTERY LAND USE AND DEVELOPMENT CODE (TITLE 16) SECTION 16.7.3.3.B(3)(e)[5][a] / SECTION 16.3.2.17.D(1)(d)

EXISTING DEVEGETATION CALC.: HOUSE, PORCH, DECK & STAIRS (1,434 SF) + PAVED DRIVEWAY (1,059 SF) + PAVED WALKWAY (164 SF) + FLAGSTONE WALKWAY (50 SF) + GRAVEL ADJ. TO HOUSE (67 SF) + GRAVEL AT SEAWALL (218 SF) + WOOD STEPS AND GRAVEL (124 SF) + FRONT RETAINING WALL (16 SF) + SEAWALL (126 SF) + WOOD RETAINING WALLS (16 SF) + RETAINING WALL AT NE (19 SF) + RR TIES (9 SF) = ±3,292 SF (24.6%)

PROPOSED DEVEGETATION CALC (REVISED): PROPOSED HOUSE (1,524) + DECK & STAIRS (82 SF) + STEPS TO DOCK (46 SF) + EX. SEAWALL (1 SF) + PROP. SEAWALL (80 SF) + FRONT WALKWAY (32 SF) + PATIO (64 SF) + PAVED DRIVE (1,099 SF) + TOP OF CURB (32 SF) + TOP OF RETAINING WALL (21 SF) + DRIP EDGE (222 SF) + MECH. PADS (16 SF) = ±3,219 SF (24.1% OF LOT, 73 SF LESS THAN EXISTING AREA)



133 Court Street
(603) 433-2335

Portsmouth, NH 03801
www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR:
SEAWALL REPLACEMENT

ISSUE DATE:
MARCH 31, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	PLANNING BOARD	EBS	07/22/21
1	PLANNING BOARD	EBS	10/28/21
2	REV. PER COA	EBS	03/07/22
3	SEAWALL REPLACEMENT	EBS	03/31/22

DRAWN BY: _____ RLH
APPROVED BY: _____ EBS
DRAWING FILE: _____ 5186.dwg

SCALE:
22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

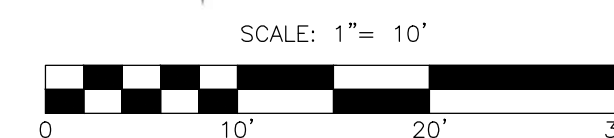
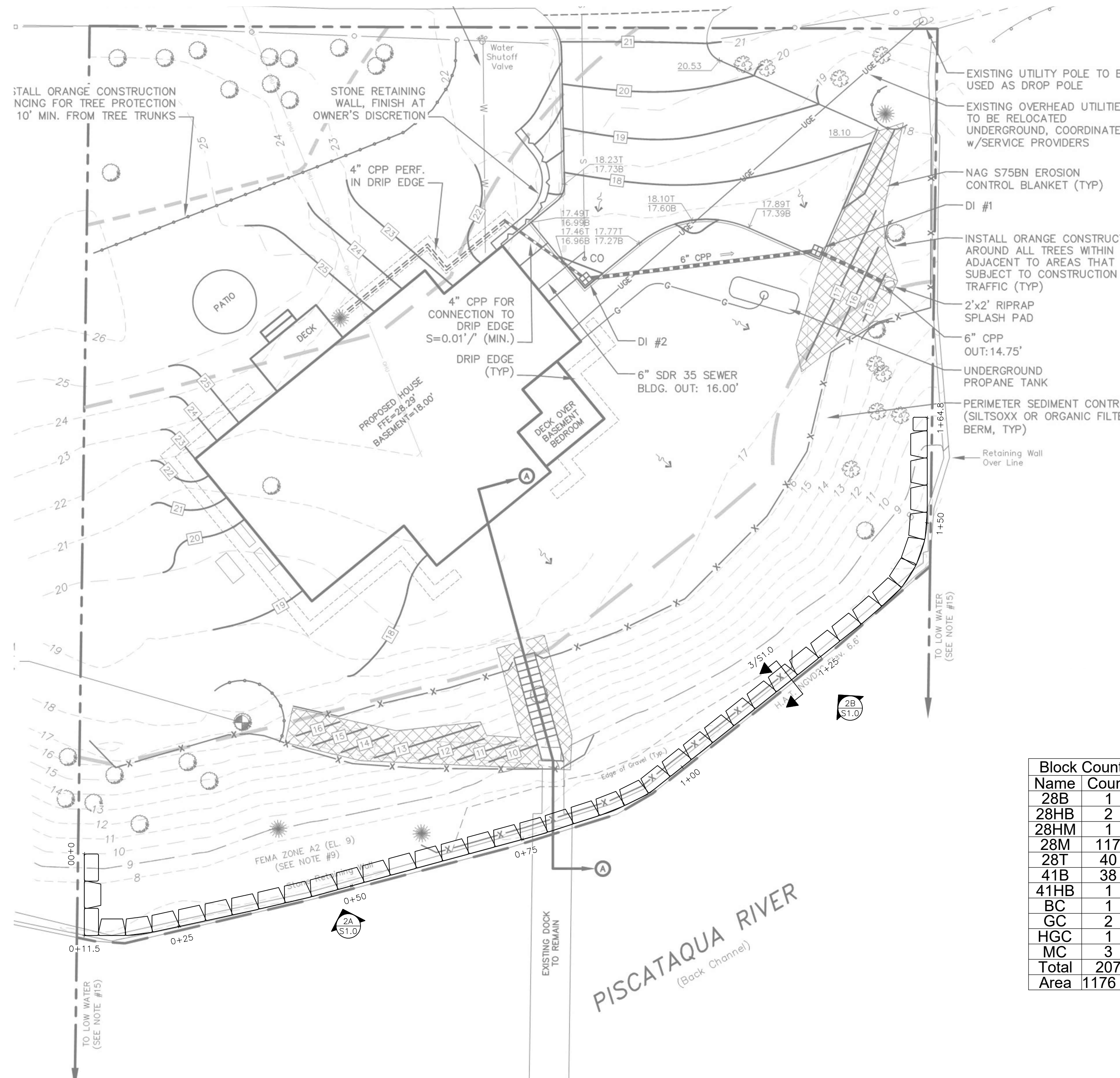
OWNER/APPLICANT:
**AMY L.
& NICHOLAS E. MERCIER**
35 GOFFSTOWN ROAD
HOOKSETT, NH 03106-2400

PROJECT:
**MERCIER
RESIDENCE
SHORELAND
DEVELOPMENT
PLAN**

TAX MAP 10, LOT 6A
134 WHIPPLE ROAD
KITTERY, MAINE

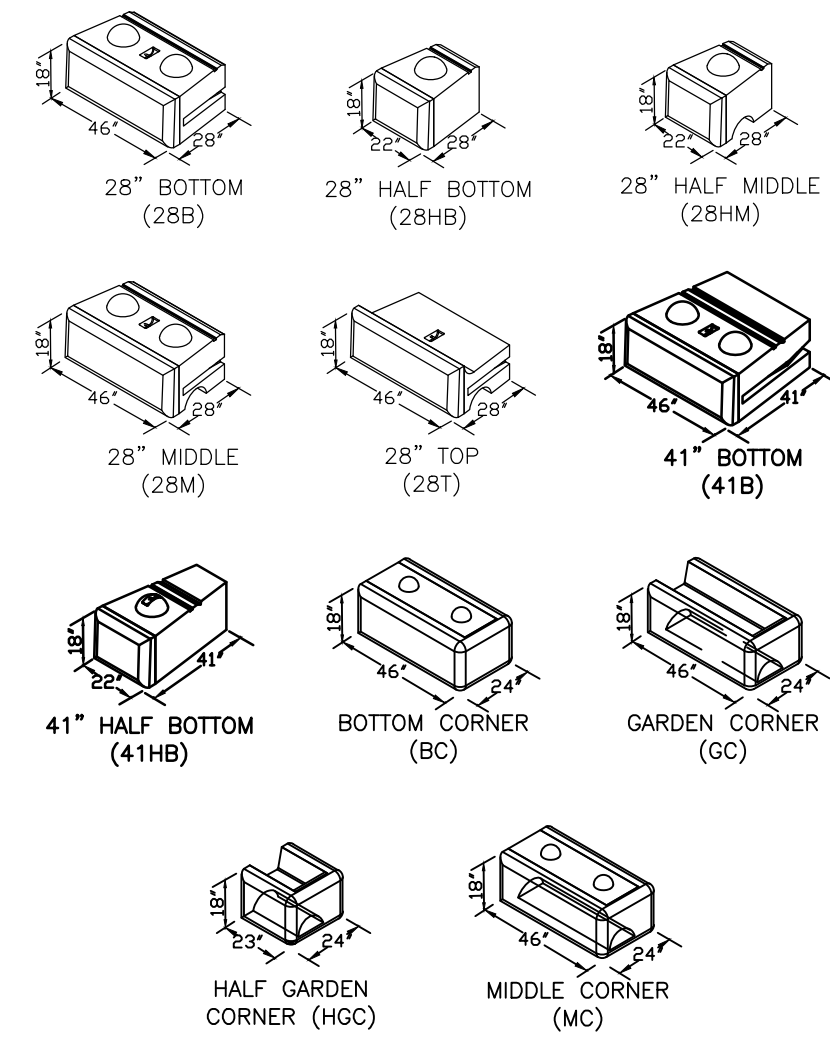
TITLE:
**SHORELAND
DEVELOPMENT PLAN**

SHEET NUMBER:
C-1

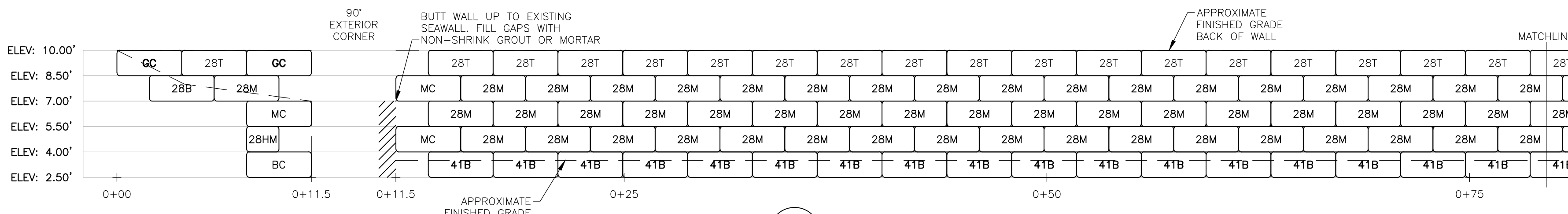


1
S1.0
WALL LAYOUT PLAN
1" = 10'

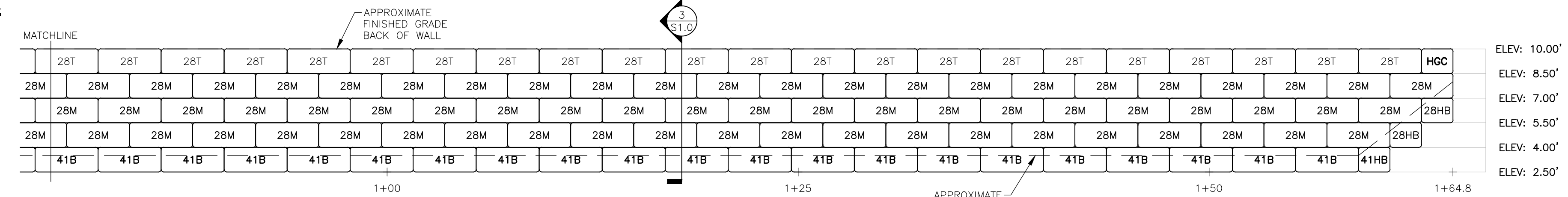
Block Name	Count
28B	1
28HB	2
28HM	1
28M	117
28T	40
41B	38
41HB	1
BC	1
GC	2
HGC	1
MC	3
Total	207
Area	1176 sf



2A
S1.0
WALL ELEVATION
1" = 5'



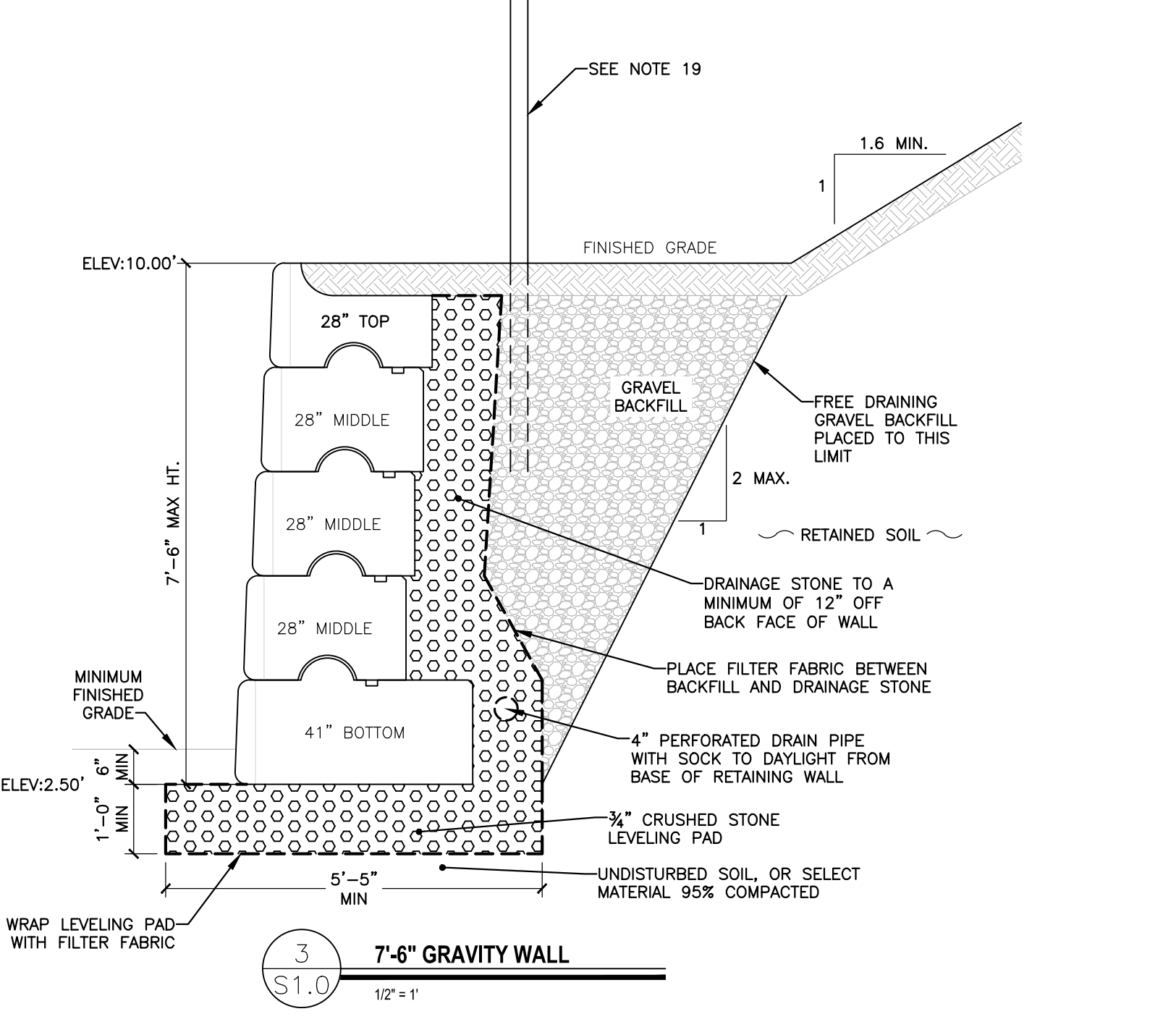
2B
S1.0
WALL ELEVATION
1" = 5'



REDI-ROCK BLOCK RETAINING WALL NOTES:

- THE PURPOSE OF THIS PLAN IS TO SHOW THE DESIGN OF A RETAINING WALL TO REPLACE THE EXISTING SEAWALL.
- THIS RETAINING WALL SYSTEM MAY IMPACT OR BE IMPACTED BY OTHER SITE FEATURES, INCLUDING STORMWATER MANAGEMENT FACILITIES, UTILITIES, AND BUILDING SYSTEMS. THE APPROPRIATE RESPONSIBLE PROFESSIONALS SHALL REVIEW THESE PLANS TO INSURE PROPER COORDINATION.
- THIS DESIGN IS PREPARED IN ACCORDANCE WITH THE STATE BUILDING CODE AND APPLICABLE MANUFACTURERS GUIDELINES. SPECIFIC LOCAL REGULATIONS HAVE NOT BEEN INVESTIGATED.
- CONCRETE USED FOR WALL UNITS SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH OF 5,000 P.S.I. WALL UNITS SHALL COMPLY WITH REDI-ROCK INTERNATIONAL'S SPECIFICATIONS, ASTM C-1776 AND ACI-301-99, HAVE 4 1/2% - 7 1/2% ENTRAINED AIR, 4" - 6" SLUMP, AND MUST BE PLACED AT A MINIMUM AMBIENT TEMPERATURE OF 50°F.
- CONTRACTOR AND/OR SITE ENGINEER SHALL CONFIRM ALL ELEVATIONS AND INVERTS IN THESE PLANS PRIOR TO ORDERING MATERIAL.
- PROOF COMPACTION OF SUBGRADE SHALL BE COMPLETED PRIOR TO PLACEMENT OF LEVELING PAD AND RETAINING WALL BLOCKS. THE EXISTING SUBGRADE WITHIN THE STRESS ZONES OF THE RETAINING WALL BASE SHOULD BE FIRM NATURAL SOILS OR COMPETENT BEDROCK. IF EXISTING SUBGRADE IS NOT SUITABLE, IT SHOULD BE REMOVED WITHIN A 1:1 FROM THE RETAINING WALL BASE. ONCE SUITABLE SUBGRADE IS REACHED, BACKFILL WITH STRUCTURAL FILL OR CRUSHED STONE.
- LEVELING PAD SHALL BE 3/4" CRUSHED STONE WITH NO MORE THAN 5% PASSING A #200 SIEVE.
- ENSURE THAT THE FIRST COURSE OF WALL UNITS IS IN FULL CONTACT WITH LEVELING PAD. INSTALL SUBSEQUENT COURSES OF UNITS SUCH THAT THE VERTICAL SEAMS ARE STAGGERED BETWEEN ADJACENT COURSES. GAPS SHALL BE FILLED WITH DRAINAGE STONE PRIOR TO STARTING THE NEXT COURSE.
- BASE BLOCKS SHALL BE SET BACK 1-1/2" WHEN STEPPING UP AND SET FORWARD 1-1/2" WHEN STEPPING DOWN. WALL ANGLES SHALL BE SLIGHTLY ADJUSTED TO ACCOMMODATE PROPERTY LINES AND OBSTRUCTIONS.
- REDI-ROCK MANUFACTURER'S RECOMMENDATIONS SHALL BE CONSIDERED A MINIMUM REQUIREMENT FOR PROPER ASSEMBLY.
- DRAINAGE STONE SHALL BE 3/4" CRUSHED STONE PLACED DIRECTLY BEHIND WALL FOR THE DEPTHS SPECIFIED ON PLANS.
- MIRAFI 140N OR APPROVED EQUAL FILTER FABRIC SHALL BE PLACED BETWEEN ALL INTERFACES OF DRAINAGE STONE AND OTHER SOILS. EXPOSED DRAINAGE STONE SHALL BE PROTECTED FROM FINE SOIL MIGRATION THROUGHOUT CONSTRUCTION.
- CONTRACTOR SHALL TAKE CARE TO NOT DISTURB OR INTERFERE WITH THE EFFECTIVENESS OF THE FILTER FABRIC WHEN INSTALLING ANY FEATURES THAT REQUIRE PENETRATIONS THROUGH THE FABRIC.
- DRAINS SHALL BE PERFORATED, 4" DIAMETER HDPE PIPE, AND SHALL MEET THE REQUIREMENTS OF ASTM F405. DRAINS SHALL BE PITCHED FOR POSITIVE WATER FLOW. THE ELEVATION OF THE DRAIN SHALL ALLOW FOR INTERCEPTED FLOWS TO DISCHARGE AT OUTLET LOCATIONS. THE DRAIN SHALL PENETRATE THROUGH THE WALL FACE AT OUTLET LOCATIONS. OUTLET LOCATIONS SHALL BE NO GREATER THAN 50' APART. THE LOCATION OF THE DRAIN OUTLETS SHALL BE DETERMINED IN THE FIELD BY THE SITE ENGINEER. INSTALL SALT WATER RESISTANT FLAP VALVE ON END OF DRAIN PIPES.
- GRAVEL BACKFILL BEYOND DRAINAGE STONE SHALL BE WELL GRADED SAND/GRAVEL AND SHALL MEET THE FOLLOWING GRADATION:

SIEVE SIZE	PERCENT PASSING
3 IN.	100
3/4 IN.	70-100
NO. 4	40-90
NO. 40	10-50
NO. 200	0-10
- ALL GRAVEL BACKFILL SHALL BE COMPACTED TO 96% OF STANDARD PROCTOR (ASTM D698). ONLY HAND-OPERATED COMPACTION EQUIPMENT SHALL BE ALLOWED WITHIN THREE FEET OF THE BACK OF THE WALL BLOCKS. CONTRACTOR SHALL COMPACT THE BACKFILL MATERIAL BEHIND THE WALL AS THE WALL IS INSTALLED. SPREAD BACKFILL IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES.
- FINISHED GRADE AT TOP OF WALL IS APPROXIMATE ONLY. FINISHED GRADE AT TOP OF WALL SHOULD CHANNEL DRAINAGE FLOW AWAY FROM THE RETAINING WALL SYSTEM. CONTRACTOR TO DRESS FINISHED GRADE TO CREATE SMOOTH TRANSITION TO BLOCK.
- CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT EXCAVATIONS ARE STABLE AND MEET OSHA REQUIREMENTS.
- FALL PROTECTION IS RECOMMENDED AT THE TOP OF WALLS. CROSS SECTIONS MAY SHOW FALL PROTECTION AS SCHEMATIC DESIGN. THIS IS NOT A FALL PROTECTION DESIGN AND IS INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.
- ANY FENCE ANCHORING SYSTEM SHALL BE INSTALLED PER RETAINING WALL MANUFACTURER'S RECOMMENDATION.
- THE WALL DESIGN ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF CONDITIONS ARE DIFFERENT THAN DESCRIBED ON THIS PLAN.
- UNLESS SFC ENGINEERING IS CONTRACTED TO OBSERVE CONSTRUCTION, SFC ENGINEERING WILL NOT CERTIFY THE CONSTRUCTION. PERIODIC SITE VISITS WILL BE NECESSARY IN ORDER FOR THE WALL DESIGN ENGINEER TO PREPARE A CERTIFICATION AT THE END OF CONSTRUCTION. THE OWNER SHALL COORDINATE THE FEES AND SCHEDULE FOR THESE SITE VISITS WITH THE WALL DESIGN ENGINEER PRIOR TO THE START OF CONSTRUCTION.



3
S1.0
7-6\"/>

PLAN OF REFERENCE:

"MERCIER RESIDENCE SHORELAND DEVELOPMENT PLAN", PREPARED BY ALTUS ENGINEERING, INC., LAST REVISED OCTOBER 28, 2021.

DEVIATIONS FROM THE PLAN OF REFERENCE ARE AS FOLLOWS: EXISTING STONE RETAINING WALL TO BE REMOVED AND REPLACED WITH REDI-ROCK WALL.

GEOTECHNICAL SOILS REFERENCE:

SOILS INFORMATION FOR THE SITE WAS NOT PROVIDED TO SFC ENGINEERING. SOIL IS ASSUMED TO BE FINE SANDY LOAM BASED ON THE NROS DATABASE.

DESIGN CRITERIA VALUES:

THE VALUES OF CRITICAL CRITERIA USED TO DESIGN THIS WALL FOLLOW:

ALLOWABLE BEARING PRESSURE	5,800 PSF
MAXIMUM BEARING PRESSURE	650 PSF
ANGLE OF INTERNAL FRICTION	34
SOIL DENSITY	125 PCF
SURCHARGE	NONE
SLOPE ABOVE THE WALL	AS SHOWN
FENCE LOAD	NO

PRIOR TO INSTALLATION THE SITE ENGINEER SHALL CONFIRM THAT DESIGN ASSUMPTIONS ARE CONSISTENT WITH ACTUAL FIELD CONDITIONS. DESIGN CALCULATION REPORT IS AVAILABLE UPON REQUEST.

No.	Date	Revision
1	3/12/2022	Added return and extended wall
2	3/12/2022	Total new design
3	6/23/2020	Updated end of wall 1 & block count

STATE OF MAINE
JEFFREY M. BOWEN
No. 12918
PROFESSIONAL ENGINEER
March 4, 2022

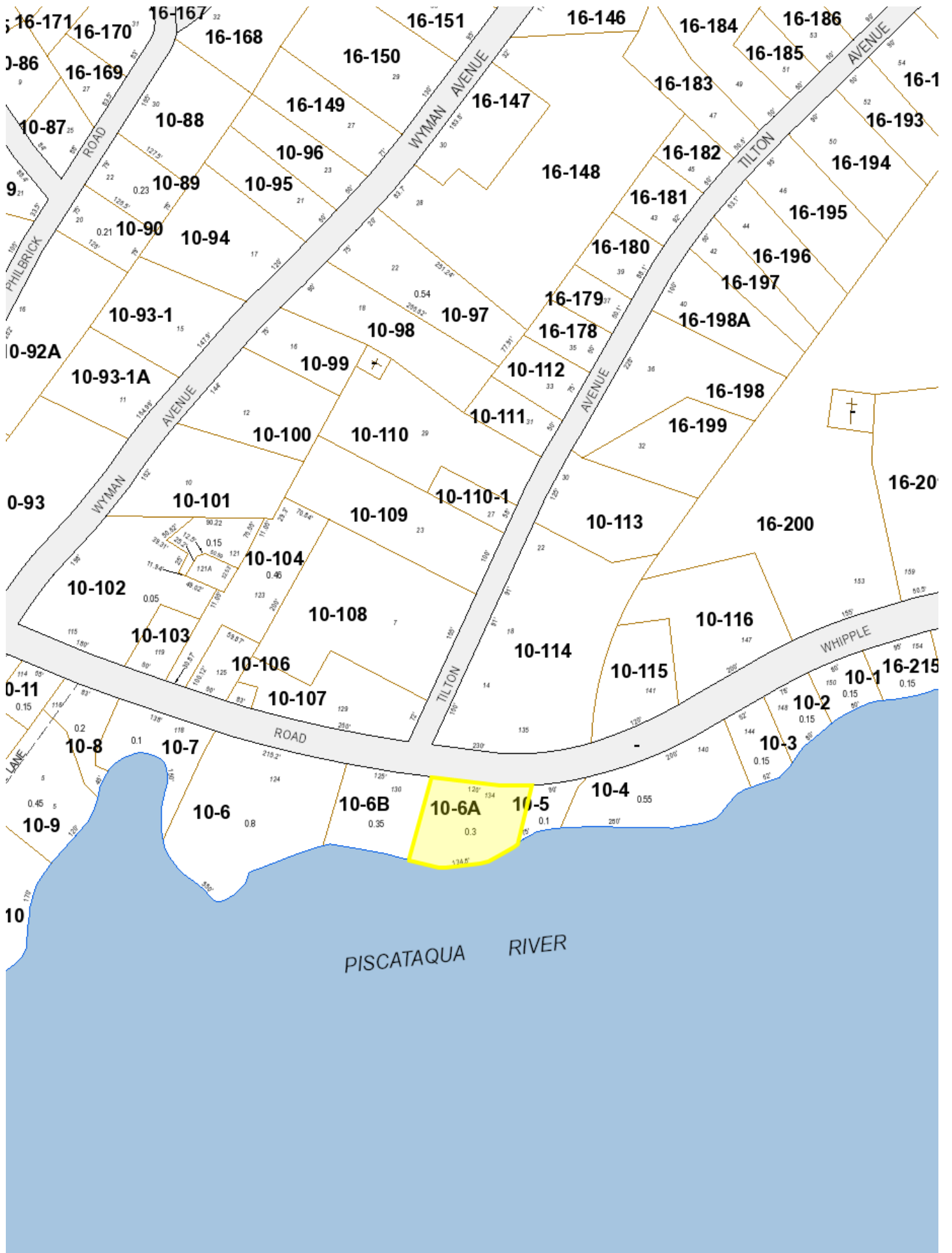
SFC ENGINEERING
183 ROCKINGHAM RD UNIT 3 EAST
WINDHAM, NH 03087
(603) 647-8700
www.sfceng.com

Mercier Residence
134 Whipple Road
Kittery, ME
Redi-Rock Wall Design Drawings

Scale: AS SHOWN
Checked by: JMB
Drawn by: JMB
Designed by: JMB
Project No. 659930
Date: 3/23/2020

PREPARED FOR:
Nicholas E. Mercier
35 Goffstown Road
Hooksett, NH 03106

DWG NO.
S1.0





150 foot Abutters List Report

Kittery, ME
March 31, 2022

Subject Property:

Parcel Number: 10-6A
CAMA Number: 10-6A
Property Address: 134 WHIPPLE ROAD

Mailing Address: MERCIER, NICHOLAS E. MERCIER, AMY L.
35 GOFFSTOWN ROAD
HOOKSETT, NH 03106-2400

Abutters:

Parcel Number: 10-107
CAMA Number: 10-107
Property Address: 129 WHIPPLE ROAD

Mailing Address: KIMMETT, EILEEN CAROL KIMMETT,
ROBERT BRUCE
129 WHIPPLE ROAD
KITTERY, ME 03904

Parcel Number: 10-108
CAMA Number: 10-108
Property Address: 7 TILTON AVENUE

Mailing Address: OUDERKIRK, KATHERINE L
7 TILTON AVENUE
KITTERY, ME 03904-1310

Parcel Number: 10-114
CAMA Number: 10-114
Property Address: 135 WHIPPLE ROAD

Mailing Address: HARPER, TR, ERIC W. EVEREST TRUST
7 LAKERIDGE DRIVE
GEORGETOWN, MA 01833

Parcel Number: 10-115
CAMA Number: 10-115
Property Address: 141 WHIPPLE ROAD

Mailing Address: MILLETT, ELIZABETH M.
141 WHIPPLE ROAD
KITTERY, ME 03904

Parcel Number: 10-4
CAMA Number: 10-4
Property Address: 140 WHIPPLE ROAD

Mailing Address: KATZ, JEFFREY A KATZ, HEIDI A
3550 NW 77TH COURT
MIAMI, FL 33122

Parcel Number: 10-5
CAMA Number: 10-5
Property Address: WHIPPLE ROAD

Mailing Address: INHABITANTS OF KITTERY WHIPPLE
ROAD VACANT LOT
200 ROGERS ROAD
KITTERY, ME 03904-1428

Parcel Number: 10-6
CAMA Number: 10-6
Property Address: 124 WHIPPLE ROAD

Mailing Address: MCEACHERN, DUNCAN A.
MCEACHERN, PATRICIA A.
124 WHIPPLE ROAD
KITTERY, ME 03904

Parcel Number: 10-6B
CAMA Number: 10-6B
Property Address: 130 WHIPPLE ROAD

Mailing Address: MCEACHERN, DUNCAN A
124 WHIPPLE ROAD
KITTERY, ME 03904-1341



www.cai-tech.com

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 misuse or misrepresentation of this report.

Maine R.E. Transfer Tax Paid

DEED OF SALE BY PERSONAL REPRESENTATIVE
Maine Statutory Short Form

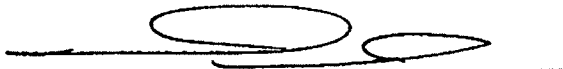
KNOW ALL MEN BY THESE PRESENTS

That **Duncan A. McEachern** of Kittery, York County, Maine, duly appointed and acting Personal Representative of the **Estate of Carrie B. Varney**, deceased (testate), as shown by the probate records of the County of York, Maine, Docket No. 2017-0113, and having been authorized under the Will to sell real estate without giving notice pursuant to 18-A M.R.S. §3-711, by the power conferred by the Probate Code, and every other power, for consideration paid, grants to **Nicholas E. Mercier** and **Amy L. Mercier**, whose mailing address is 35 Goffstown Road, Hooksett, NH 03106-2400, as joint tenants and not as tenants in common, the real property in Kittery, County of York, State of Maine, described as follows:

See Exhibit A attached hereto and incorporated herein.

Being the same premises conveyed to Carrie B. Varney by warranty deed of Lloyd L. Seaward dated February 26, 1987 and recorded in the York County Registry of Deeds in Book 4197, Page 182.

WITNESS my hand and seal this 29th day of September, 2017.



Witness



Duncan A. McEachern,
Personal Representative of the
Estate of Carrie B. Varney

State of Maine,
County of York, ss.

September 29, 2017

Then personally appeared the above named Duncan A. McEachern in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Dan W. Thornhill
Notary Public
My commission expires: 7/25/19

EXHIBIT A

Estate of Carrie B. Varney to Nicholas E. Mercier and Amy L. Mercier

A certain lot or parcel of land with the buildings thereon situate in said Kittery and bounded and described as follows:

Beginning on the southerly side of Whipple Road at line of land of Inhabitants of the Town of Kittery, being the Town Landing; thence South $22^{\circ}12'$ West by said Town land, seventy-six and twenty-seven hundredths (76.77) feet, to a hub at high water mark of the Back Channel of the Piscataqua River; thence westerly by the line of high water mark as the face wall stands, one hundred thirty-four and eighty-two hundredths (134.82) feet, more or less, to a hub at land of Duncan A. McEachern; thence North $22^{\circ}12'$ East by land of said McEachern, one hundred twenty-seven and seventy-six hundredths (127.76) feet, to said Whipple Road; thence South $68^{\circ}24'$ East by said road, one hundred twenty (120) feet, to place of beginning.

Together with all the tide land lying between high and low water mark on the Back Channel of the Piscataqua River adjoining the southwesterly side of said lot.

\\probate\varney dos
16975-24080

134 Whipple Road
Kittery 10/6A



TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: 1
Lot: 32
Date Submitted: April 14, 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 stone rip rap shoreline stabilization consisting of 3,687 sq. ft. of impact below the HAT line for the repair/replacement of the existing revetment.

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

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

2. Property Owner(s): B.I.W. Group, LLC

3. Property Address: 41 Industrial Drive, Unit 20, Exeter, NH 03833

4. Telephone Number: 603-997-2519 (REQUIRED) Email: shayne.forsley@hdcgc.net (REQUIRED)

5. Property Size (Acres/SF): 1.35 AC / 58,985 sq. ft. Zoning District(s): MU-BI / OZ-RP / OZ-SL-250' overlay

6. The shore frontage of this property is 498 (along HAT) 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 [x] 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: Steven Riker Date: April 14, 2022

Property Owner Signature: Date:

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

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



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

1 March 2022

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

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

To Whom it May Concern:

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

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

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

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

Respectfully submitted,

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

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

1 March, 2022

To Whom It May Concern:

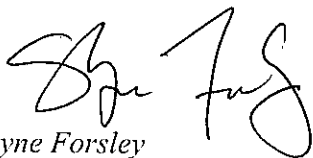
RE: State of Maine Department of Environmental Protection Application for proposed shoreline stabilization within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for B.I.W. Group, LLC of 35 Badgers Island West Kittery, ME 03904

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

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

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

Sincerely,



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

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

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

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

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

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

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

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

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

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

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

CORPS SIGNATORY REQUIREMENT

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

DEP SIGNATORY REQUIREMENT

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

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

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

Date: 2/28/2022

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

(pink)

State of Maine



Department of the Secretary of State

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

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



Shenna Bellows

Shenna Bellows
Secretary of State

Additional Addresses

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

08/08

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

Please take notice that

B.I.W. Group LLC

41 Industrial Drive, Unit 20, Exeter, NH 03833

(Name, Address and Phone # of Applicant)

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

March 4, 2022

(anticipated filing date)

The application is for

Construction and repair/replacement of stone rip rap revetment.

(description of the project)

at the following location:

35 Badgers Island West, Kittery, Maine

(project location)

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

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

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

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

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

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

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

(blue)

PUBLIC NOTICE FILING AND CERTIFICATION

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

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

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

CERTIFICATION

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

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

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

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

 Steven D. Riker
Signature of Applicant or authorized agent

 2/28/22
Date

(blue)

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

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

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

Application Type: Maine DEP NRPA Individual

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

Activity Location: Town: Kittery Court: York

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

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

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

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

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

(pink)

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

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

APPLICATION TYPE: Maine DEP NRPA Individual

ACTIVITY LOCATION: TOWN: Kittery COUNTY: York

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other: _____

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

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

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

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

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

Intertidal area: 0 Subtidal area: 0

HABITAT TYPES PRESENT (check all that apply):

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

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

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

SHORELINE CHARACTER:

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

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

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

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

PREVIOUS ALTERATIONS? yes no

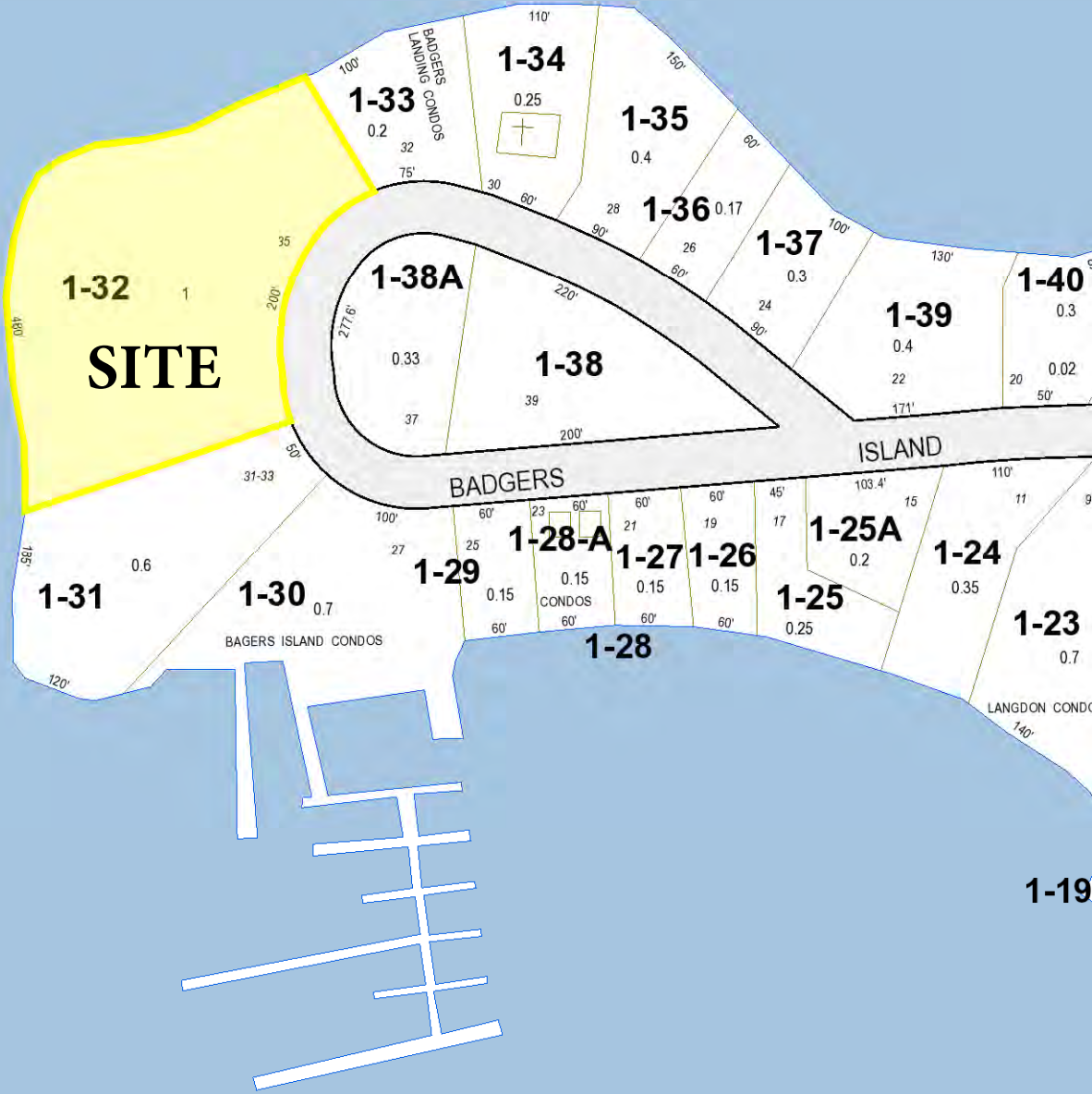
CURRENT USE OF SITE AND ADJACENT UPLAND:

undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:

Photographs Overhead drawing (pink)

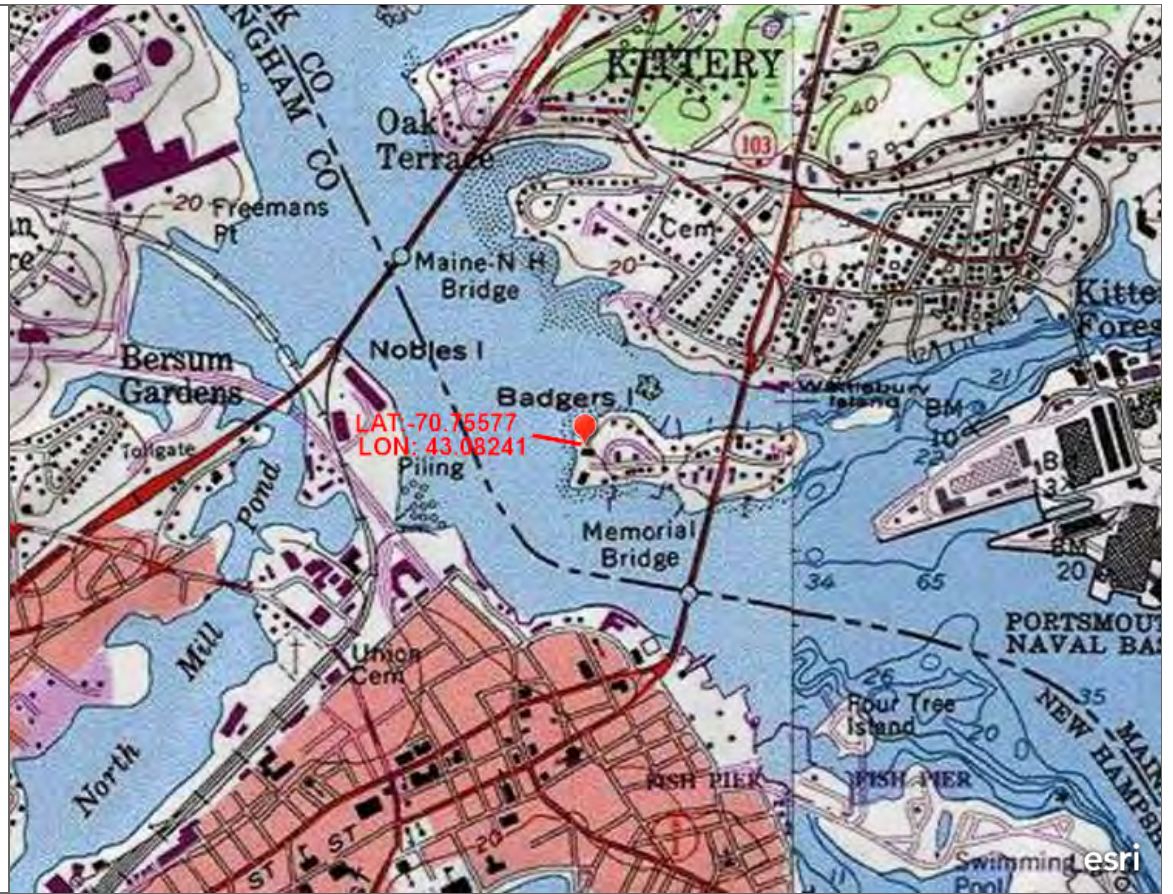
BACK CHANNEL



HAMPSHIRE

My Map

No legend



Copyright:© 2013 National Geographic Society, i-cubed

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

Job # 3050.72

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

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

Job #	3050.72	Abutters						
Map	Lot	Deed	Owner(s) First/Trust	Owner(s) Last /Trustee	Mailing Address	City	State	Zip
1	33	14235/553	Badgers Landing Condominium		32 Badgers Island West	Kittery	ME	03904
1	31	17123/71	31 Badgers LLC		PO Box 904	Kittery	ME	03904
1	38A	12162/254	Lapierre Properties, LLC		32 Route 236	Kittery	ME	03904-5525



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

28 February, 2022

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

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

Dear Property Owner,

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

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

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

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

Sincerely,

Steven D. Riker
NH Certified Wetland Scientist/Permitting Specialist

CERTIFIED MAIL/Return Receipt Requested



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

28 February, 2022

Badgers Landing Condominium
32 Badgers Island West
Kittery, ME 03904

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

Dear Property Owner,

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

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

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

Sincerely,

Steven D. Riker
NH Certified Wetland Scientist/Permitting Specialist

CERTIFIED MAIL/Return Receipt Requested



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

28 February, 2022

31 Badgers LLC
PO Box 904
Kittery, ME 03904

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

Dear Property Owner,

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

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

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

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

Sincerely,

Steven D. Riker
NH Certified Wetland Scientist/Permitting Specialist

CERTIFIED MAIL/Return Receipt Requested

7021 0950 0000 8345 7034

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

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



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

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

7021 0950 0000 8345 7010

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

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



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

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

7021 0950 0000 8345 7027

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

3050.72

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

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



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

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

ALTERNATIVES ANALYSIS

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

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

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

CONSTRUCTION DETAILS-SEQUENCE

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

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

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

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

WETLAND FUNCTIONS AND VALUES ASSESSMENT

INTRODUCTION

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

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

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

DISCUSSION

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

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

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

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

IMPACT ASSESSMENT

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

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

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

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



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

1 March 2022

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

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

To Whom it May Concern:

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

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

Respectfully submitted,

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



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

1 March 2022

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

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

To Whom it May Concern:

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

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

Respectfully submitted,

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



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

1 March 2022

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

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

To Whom it May Concern:

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

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

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

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

Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office



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

1 March 2022

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

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

To Whom it May Concern:

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Steven D. Riker, CWS
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Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



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

1 March 2022

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

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

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Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office



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

1 March 2022

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

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

To Whom it May Concern:

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NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



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

1 March 2022

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

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

To Whom it May Concern:

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

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Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office

QUITCLAIM DEED WITH COVENANT


DLN: 1002040126646


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

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

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

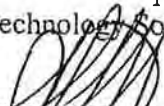
GP Technology Solutions, LLC


Witness

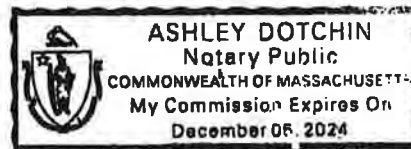
By: 
Ronald Dupler
Its duly-authorized Manager

Commonwealth of Massachusetts
County of Middlesex

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


Notary Public

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



Maine R.E. Transfer Tax Paid

Exhibit A

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

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

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

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

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

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

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

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

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

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

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

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

Site Photograph #1

May 2021



Site Photograph #2

May 2021



Site Photograph #3

May 2021



Site Photograph #4

May 2021



Site Photograph #5

May 2021



Site Photograph #6

May 2021







United States Department of the Interior



FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

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

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

In Reply Refer To:

February 28, 2022

Project Code: 2022-0013589

Project Name: 35 Badgers Island West Shoreline Stabilization

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

(207) 469-7300

Project Summary

Project Code: 2022-0013589

Event Code: None

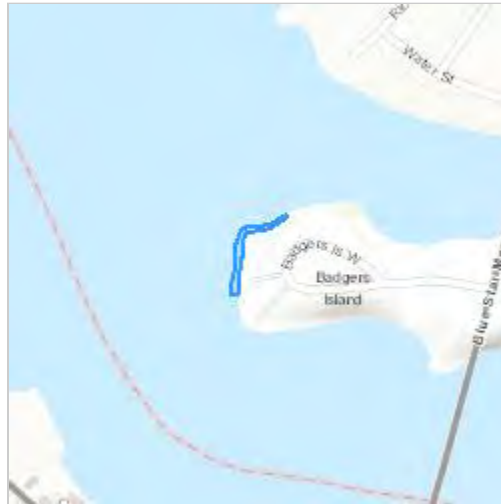
Project Name: 35 Badgers Island West Shoreline Stabilization

Project Type: Rip-rap

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

Project Location:

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



Counties: York County, Maine

Endangered Species Act Species

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

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Mammals

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

Birds

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

Critical habitats

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

IPaC User Contact Information

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

Site Photograph #0618

March 2022



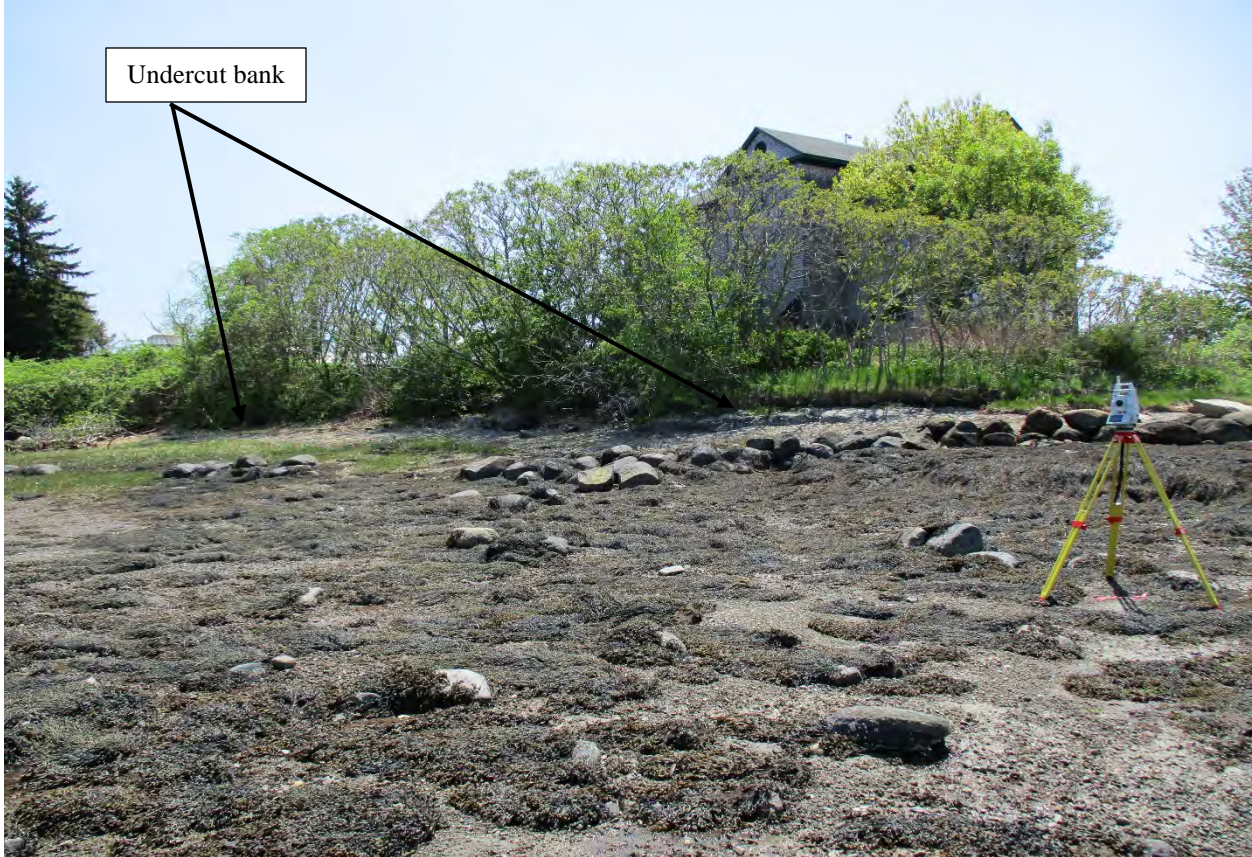
Site Photograph #0138

May 2021



Site Photograph #0141

May 2021



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

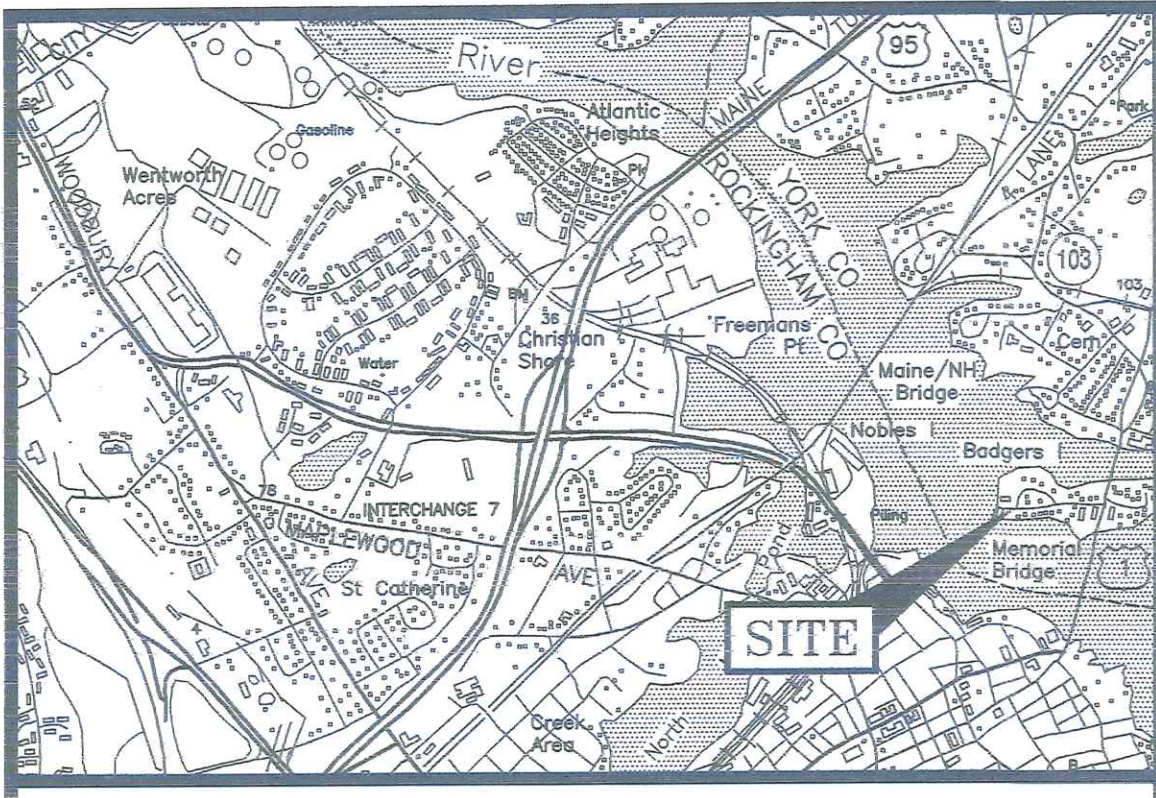
March 2022



Site Photograph

March 2022





PLAN REFERENCES:

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

LOCATION MAP

SCALE 1"=2,000'

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 |
| ○ | RAILROAD SPIKE SET |
| ○ | IRON ROD SET |
| ○ | DRILL HOLE SET |
| ○ | GRANITE BOUND SET |
| --- | BOUNDARY |
| --- | BUILDING SETBACK |
| --- | MEAN HIGH WATER LINE |
| --- | MEAN SEA LEVEL |
| --- | MEAN LOW WATER |
| --- | MEAN LOWER LOW WATER |
| --- | MAINE DEP HIGHEST ANNUAL TIDE LINE |
| --- | WETLAND BUFFER LINE |
| --- | UNDERGROUND ELECTRIC |
| --- | OVERHEAD ELECTRIC/WIRES |
| --- | CONTOUR |
| --- | SPOT ELEVATION |
| --- | EDGE OF PAVEMENT (EP) |
| --- | WOODS / TREE LINE |
| --- | UTILITY POLE (w/ GUY) |
| --- | GAS SHUT OFF |
| --- | WATER SHUT OFF/CURB STOP |
| --- | GATE VALVE |
| --- | HYDRANT |
| --- | METER (GAS, WATER, ELECTRIC) |
| --- | CATCH BASIN |
| --- | SEWER MANHOLE |
| --- | DRAIN MANHOLE |

LEGEND:(CONTINUED)

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

DEVEGETATED COVERAGE CALCULATION

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

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

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

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

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



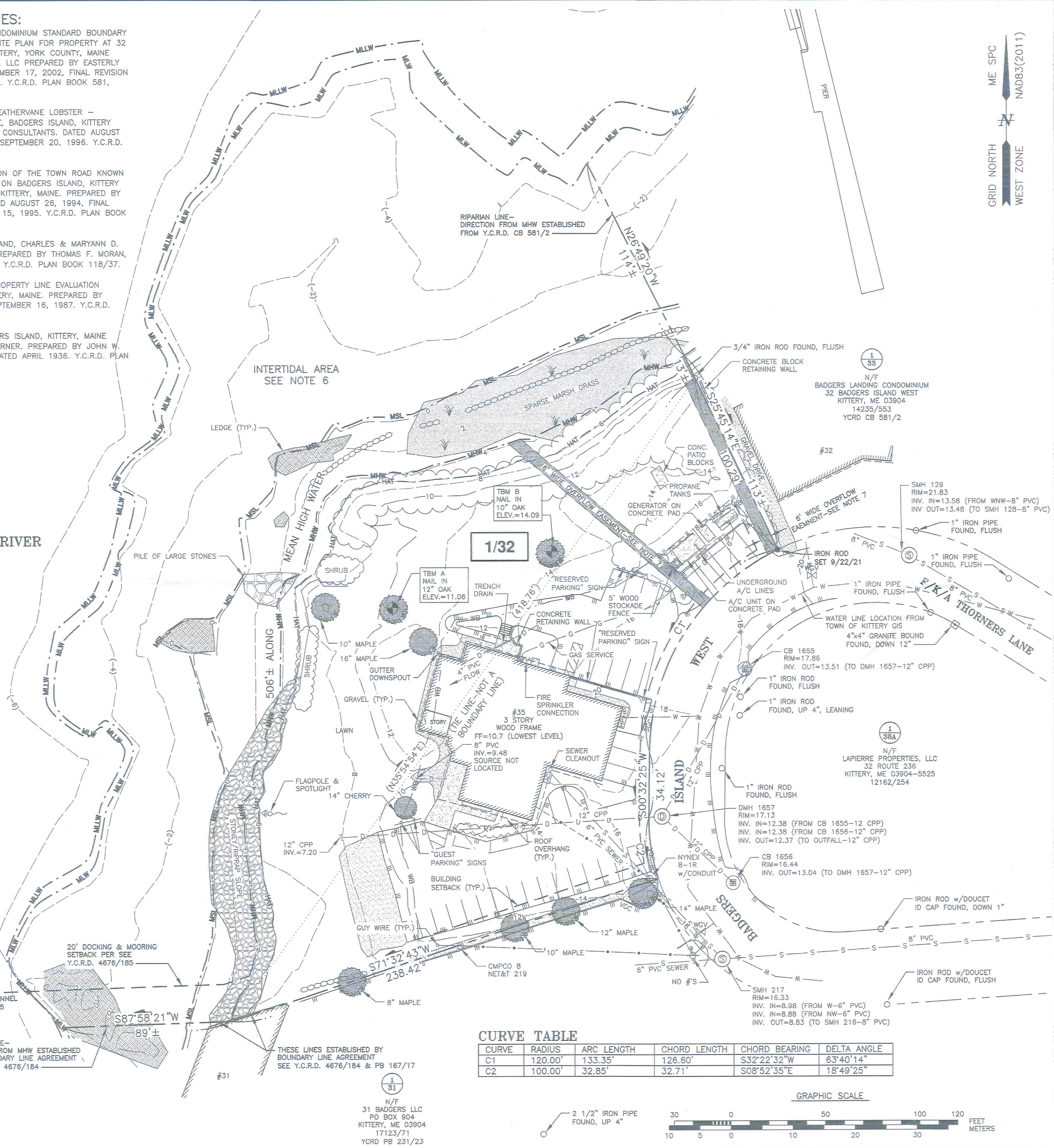
RIPIARIAN LINE - DIRECTION FROM MHW ESTABLISHED FROM BOUNDARY LINE AGREEMENT SEE Y.C.R.D. 4676/184

THESE LINES ESTABLISHED BY BOUNDARY LINE AGREEMENT SEE Y.C.R.D. 4676/184 & PB 167/17

N/F 31 BADGERS LLC PO BOX 904 KITTERY, ME 03904 17123/71 YCRD PB 231/23

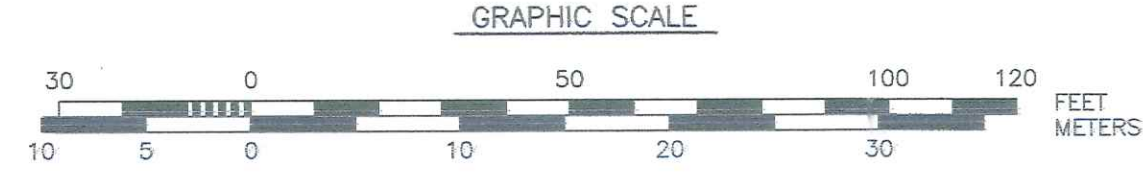
PAUL A. DOBBERSTEIN, PLS #2526

DATE 10/6/2021



CURVE TABLE

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



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-8282
Fax (603) 430-2316

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

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

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

SCALE 1"=30' AUGUST 2021

EXISTING CONDITIONS PLAN

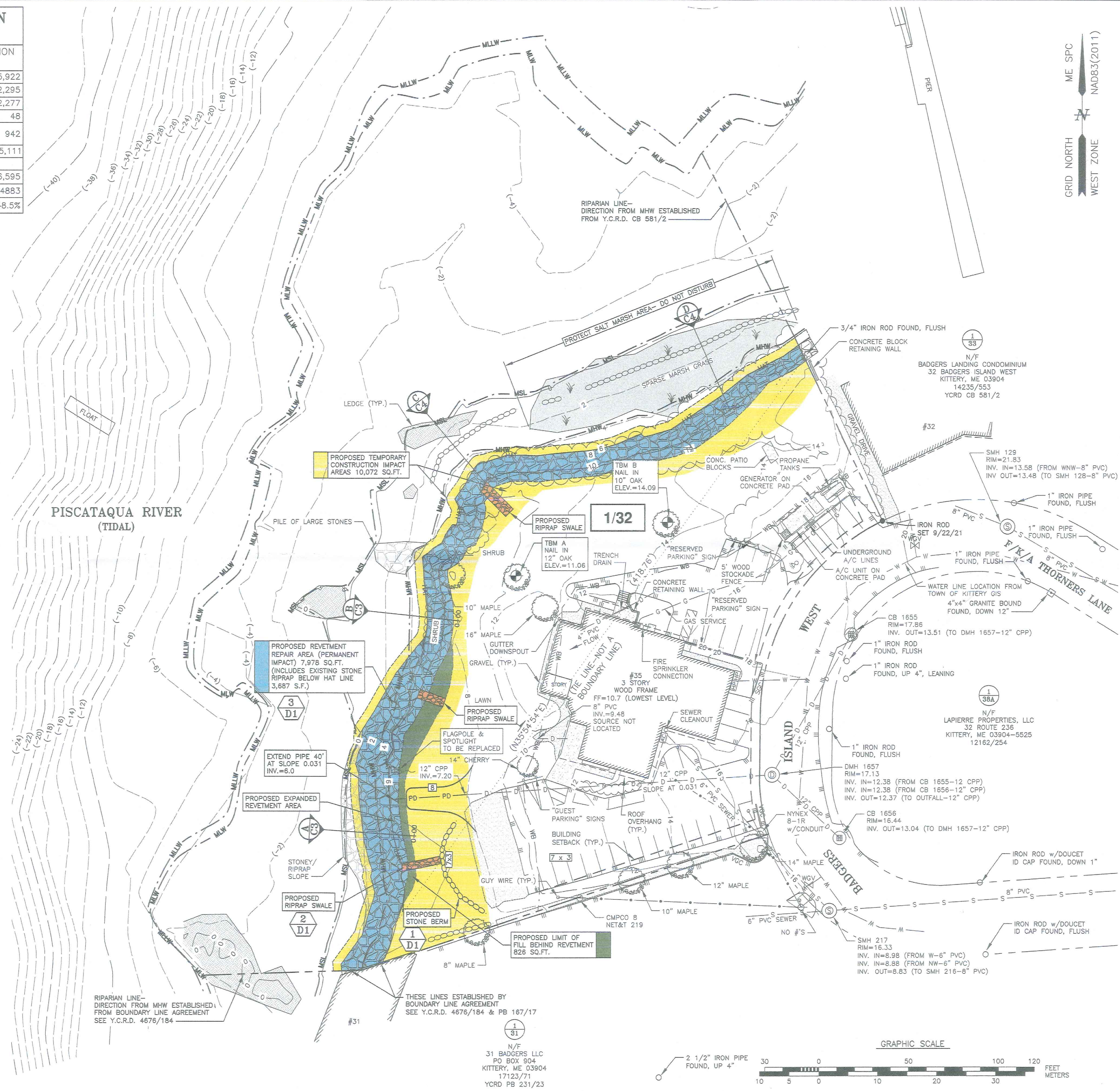
C1

DEVEGETATED COVERAGE CALCULATION
(TO HAT LINE)

STRUCTURE	PRE-CONSTRUCTION (S.F.)	POST-CONSTRUCTION (S.F.)
MAIN STRUCTURE	5,922	5,922
PAVEMENT	12,295	12,295
GRAVEL AREAS	2,277	2,277
RETAINING WALLS	48	48
CONCRETE PADS/STEPS	942	942
REVTMENT	3,695	5,111
TOTAL	25,179	26,595
LOT SIZE	54,883	54,883
% LOT COVERAGE	45.9%	48.5%

CONSTRUCTION IMPACT AREAS (TO HAT LINE)

ITEM	COLOR KEY	AREA
TEMPORARY IMPACT AREA	[Yellow Box]	10,072 S.F.
PERMANENT IMPACT AREA	[Blue Box]	7,978 S.F.



AMBIT ENGINEERING, INC.
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Tel (603) 430-9282
Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 1 AS LOT 32.
 - 2) OWNER OF RECORD:
B.I.W. GROUP, LLC
41 INDUSTRIAL DRIVE, UNIT 20
EXETER, NH 03833
18503/331
 - 3) A PORTION OF THE PARCEL IS IN A SPECIAL FLOOD HAZARD AREA, ZONE A2 (ELEV. 9-NGVD29), AS SHOWN ON FIRM PANEL 2301710008D. EFFECTIVE DATE JULY 3, 1986.
 - 4) EXISTING LOT AREA:
58,985± S.F. (TO MEAN HIGH WATER)
1.3541± ACRES (TO MEAN HIGH WATER)
 - 5) PARCEL IS LOCATED IN THE MIXED USE - BADGERS ISLAND (MU-B) ZONING DISTRICT AND IS SUBJECT TO THE RESOURCE PROTECTION (OZ-RP) AND SHORELAND-WATER BODY / WETLAND PROTECTION AREA (OZ-SL-250') OVERLAY DISTRICTS.
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 6,000 SF
FRONTAGE: 50 FEET

SETBACKS: FRONT 5 FEET
SIDE 10 FEET
REAR 10 FEET
MAXIMUM STRUCTURE HEIGHT: 40 FEET
MINIMUM OPEN SPACE: 40%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED AREA OF SLOPE REPAIR ON PORTION OF TAX MAP 1 LOT 32 IN THE TOWN OF KITTERY.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. MHW, MSL, MLW, AND MLLW BASED ON NOAA STATION 8419870-SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.
 - 9) THIS IS NOT A BOUNDARY SURVEY. RIGHTS WITHIN THE INTERTIDAL AREA HAVE NOT BEEN DETERMINED.
 - 10) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.4 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

REVTMENT REPAIR
35 BADGERS
ISLAND WEST
KITTERY, MAINE

NO.	DESCRIPTION	DATE
1	REVISED LOCATION	1/28/22
0	ISSUED FOR COMMENT	10/19/21

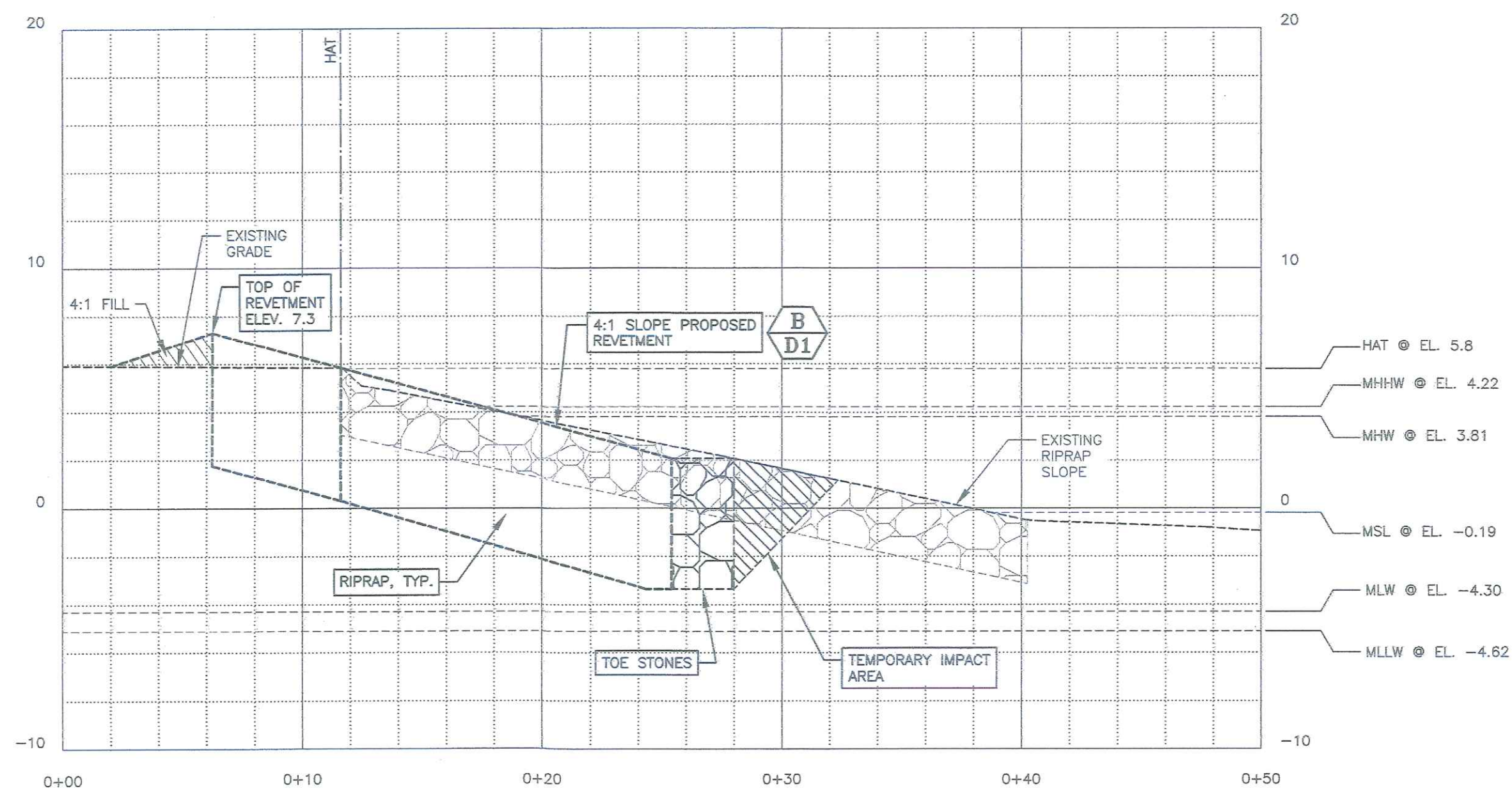
Professional Engineer and Land Surveyor seals for John R. Chagnon, State of Maine, License No. 8350 and License No. 2879. Date: 1.28.22

SCALE 1"=30' SEPTEMBER 2021
ME DEP PERMIT PLAN C2

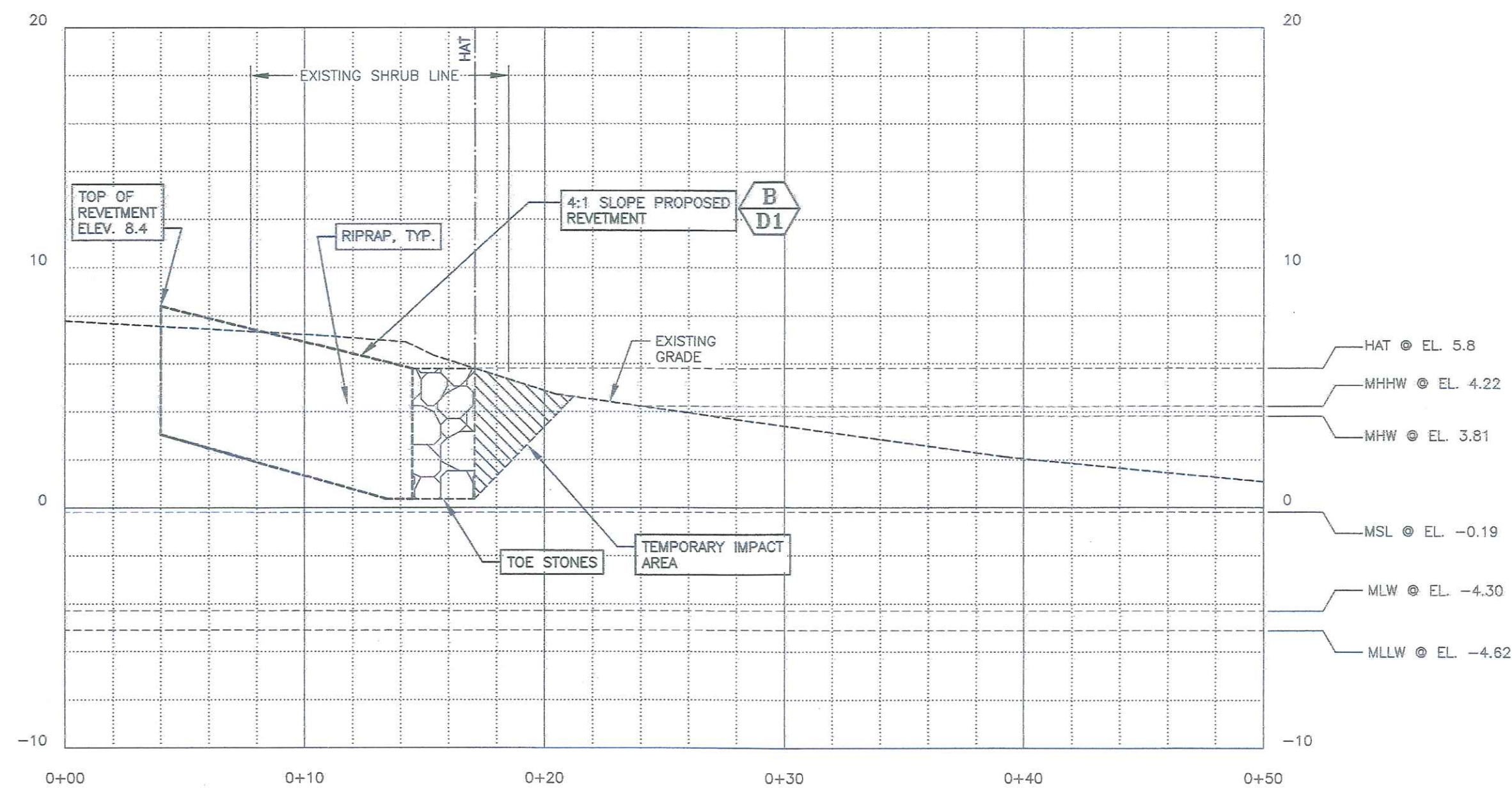


NOTES:

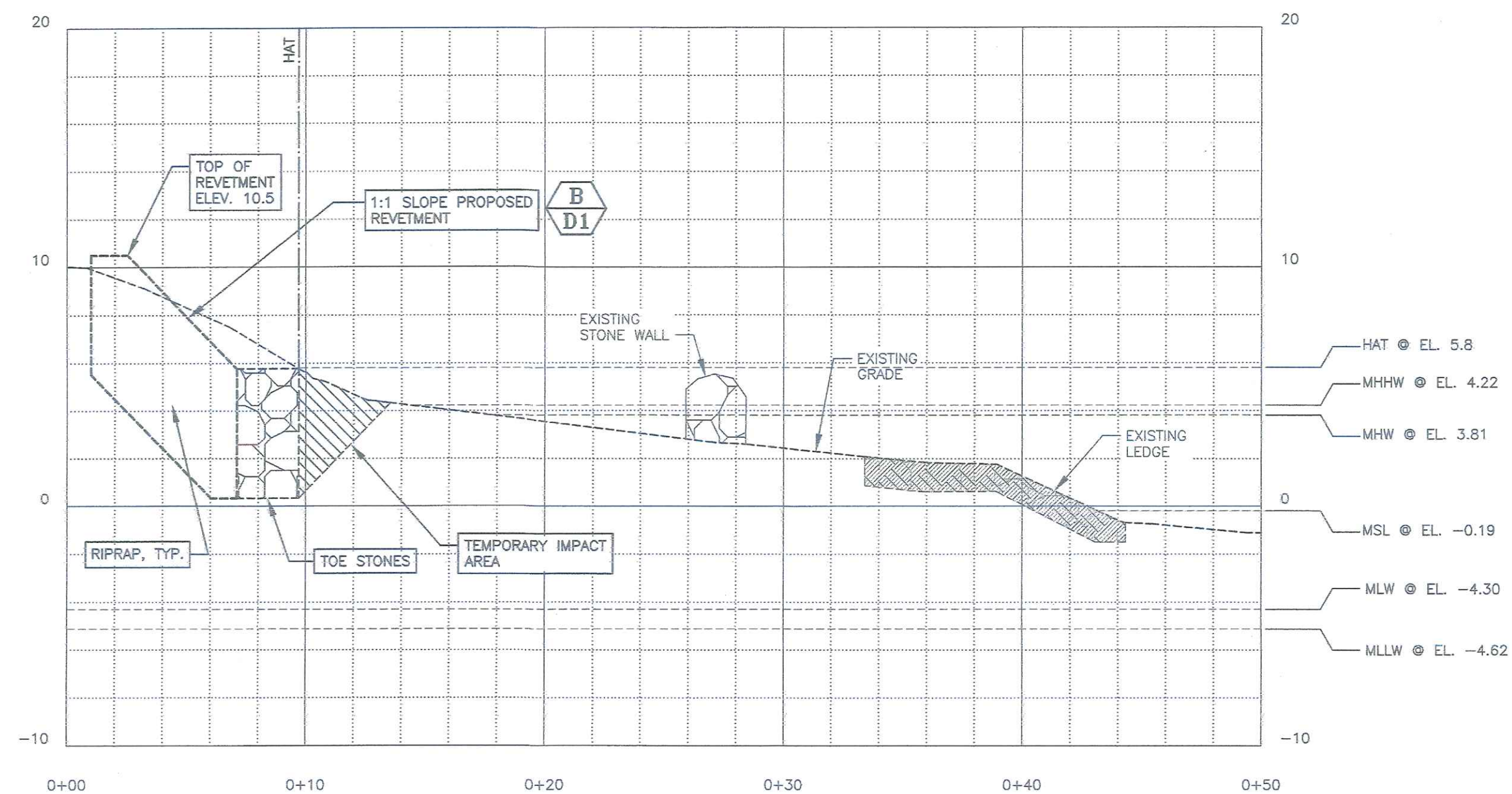
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.
- 4) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. MHW, MSL, MLW, AND MLLW BASED ON NOAA STATION 8419870-SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.
- 5) THE PURPOSE OF THIS PLAN IS TO SHOW THE REVETMENT REPAIR ON ASSESSOR'S MAP 1 LOT 32 IN THE TOWN OF KITTERY



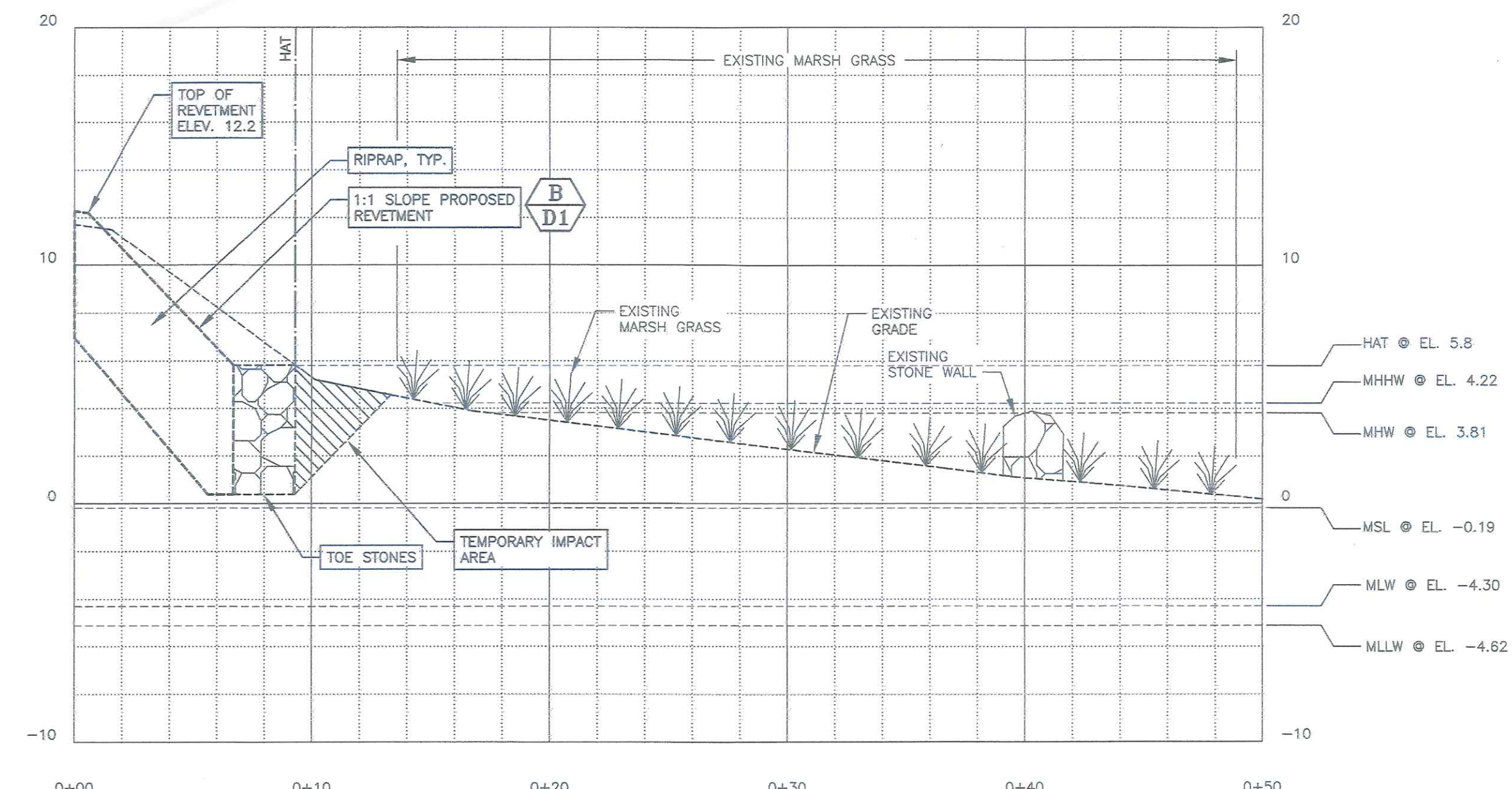
SECTION A
SCALE: 1" = 5'



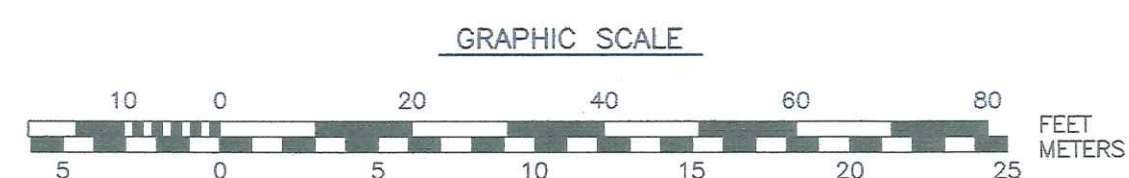
SECTION B
SCALE: 1" = 5'



SECTION C
SCALE: 1" = 5'



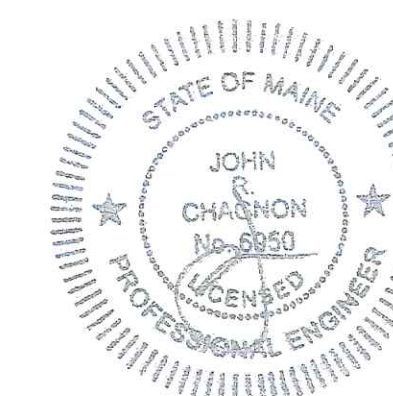
SECTION D
SCALE: 1" = 5'



REVETMENT REPAIR 35 BADGERS ISLAND WEST KITTERY, MAINE

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

REVISIONS



1.28.22

SCALE: AS NOTED SEPTEMBER 2021

**SLOPE REPAIR
SECTIONS**

C3

SEQUENCE OF CONSTRUCTION

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

HEAVY EQUIPMENT IN WETLANDS OR MUDFLATS

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

SOIL EROSION, SEDIMENT AND TURBIDITY CONTROLS

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

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

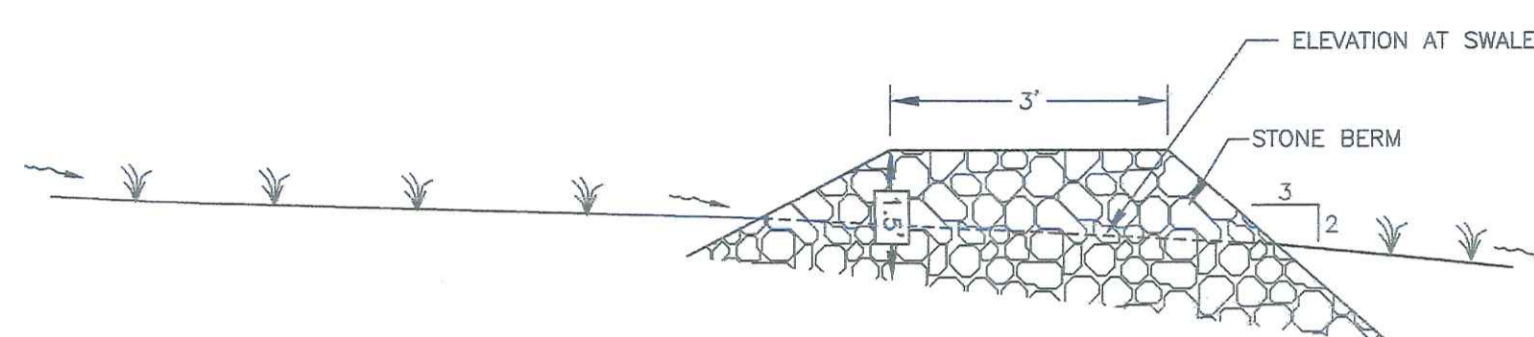
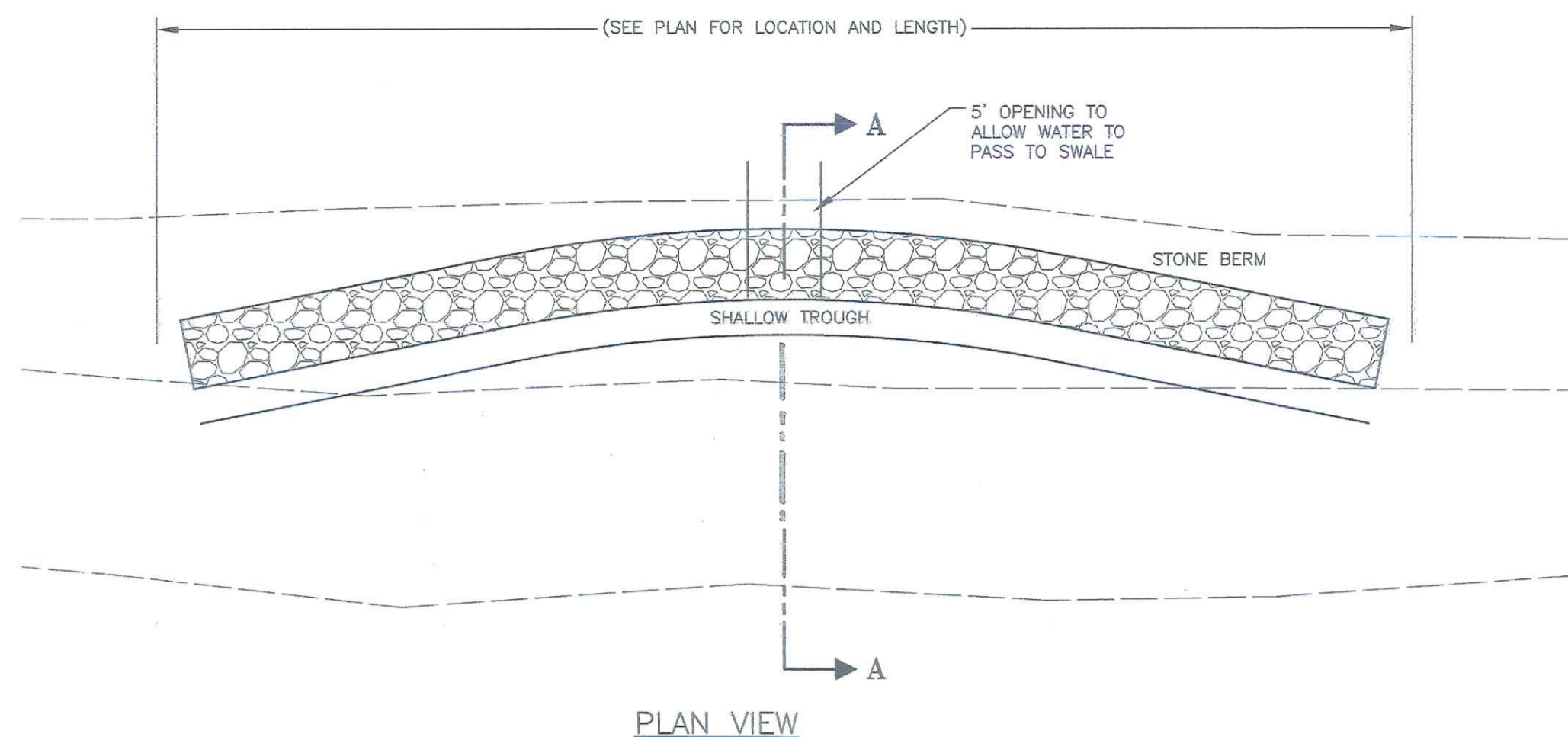
ALTERNATE WINDOWS AUTHORIZED UNDER CATEGORY 2 MAY INCLUDE SPECIES SPECIFIC WINDOWS RECOMMENDED BY THE MAINE DEPT. OF MARINE RESOURCES AND/OR MAINE DEPT. OF INLAND FISHERIES & WILDLIFE.

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/)

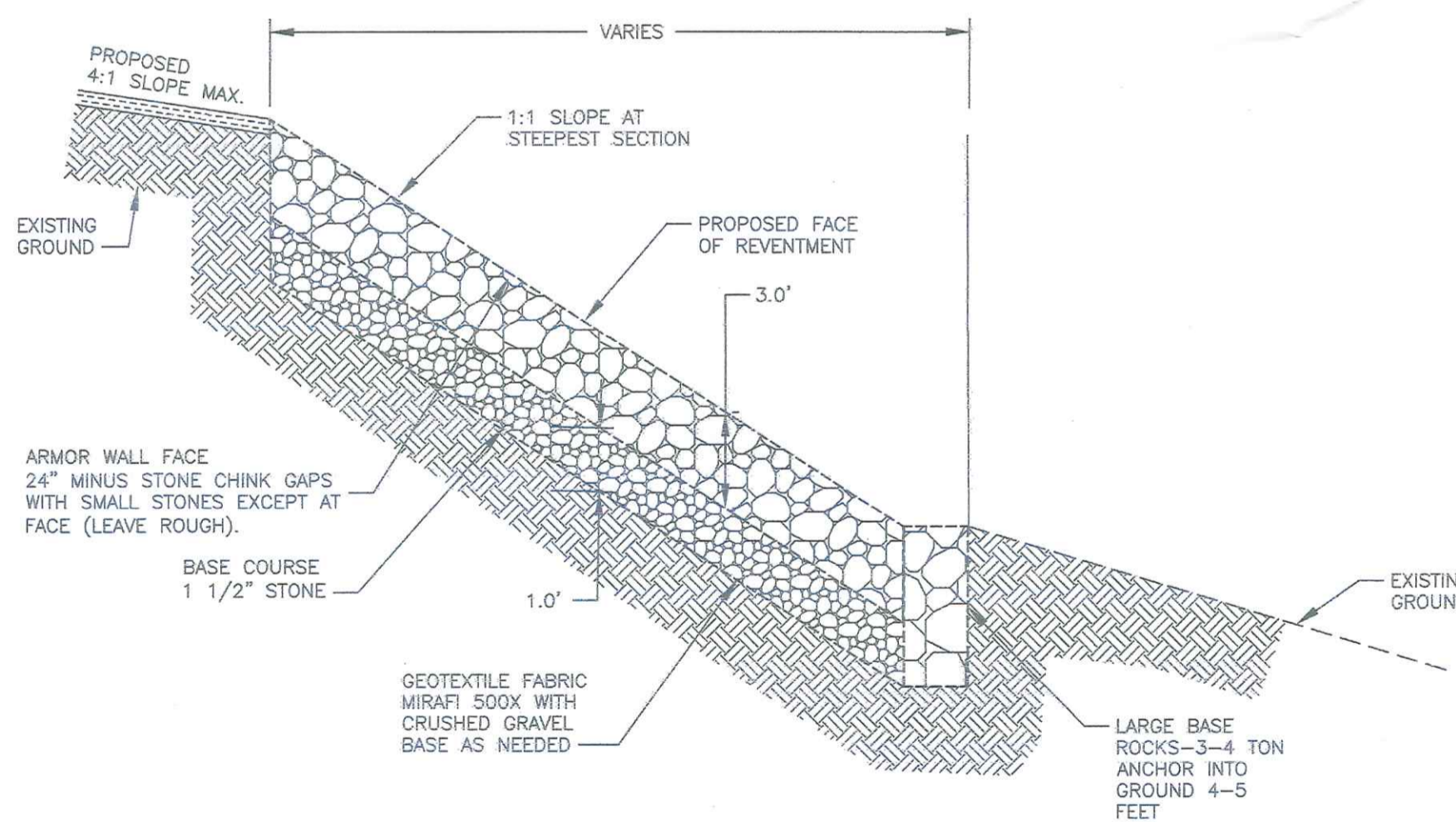
SPAWNING, BREEDING, AND MIGRATORY AREAS

- 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.



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

1 PARABOLIC STONE BERM NTS



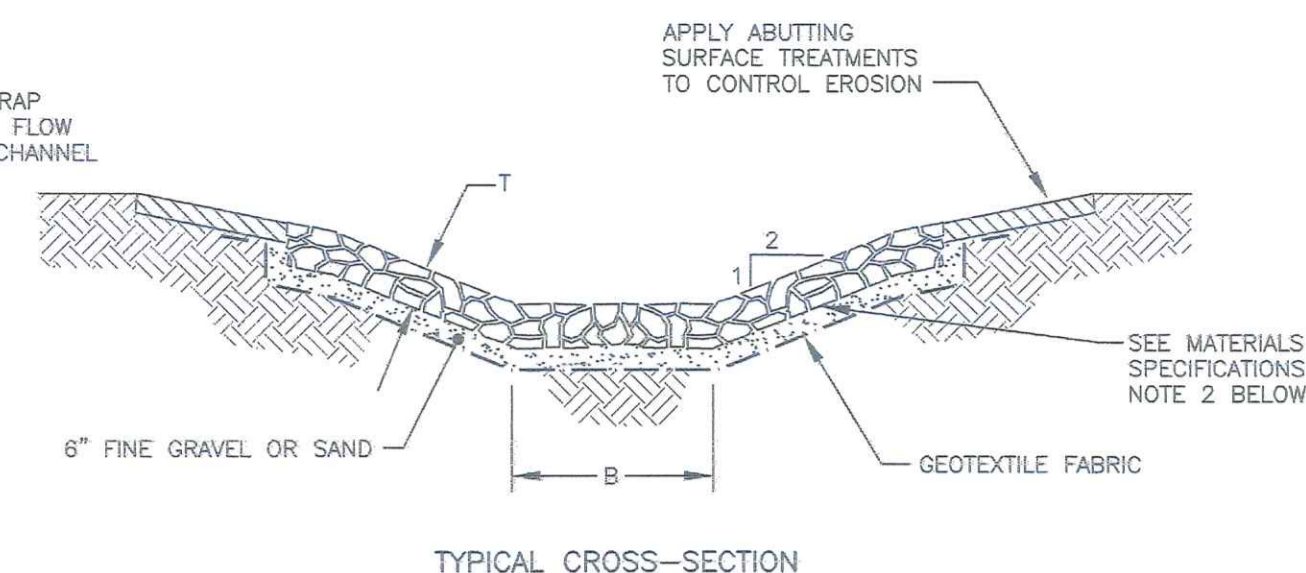
3 SLOPE REPAIR TYPICAL SECTION NTS

CONSTRUCTION SPECIFICATIONS:

- 1) PLACE STONES IMMEDIATELY FOLLOWING REMOVAL LAY STONES INDIVIDUALLY UPWARD FROM THE TOE WITH LARGER STONES AT THE TOE. FILL VOIDS WITH SPALLS. FINISHED SURFACE TO BE REASONABLY UNIFORM IN APPEARANCE, AND APPROXIMATELY PARALLEL TO AND WITHIN 6" OF THE LINES AND GRADES SHOWN OR ORDERED.

STONE SHALL BE PLACED TO PREVENT DISPLACEMENT OF THE UNDERLYING MATERIALS. HAND PLACEMENT MAY BE REQUIRED TO PREVENT DAMAGE TO ANY ADJACENT AREAS. STONES SHALL BE ANGULAR OR SUBANGULAR. THE STONES SHOULD BE SHAPED SO THAT THE LEAST DIMENSION OF THE STONE FRAGMENT IS NOT LESS THAN ONE THIRD OF THE GREATEST DIMENSION OF THE FRAGMENT. FLAT ROCKS SHALL NOT BE USED. VOIDS IN THE REVELTMENT SHOULD BE FILLED WITH SPALLS AND SMALLER ROCKS, EXCEPT AT THE FACE OF WALL.

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



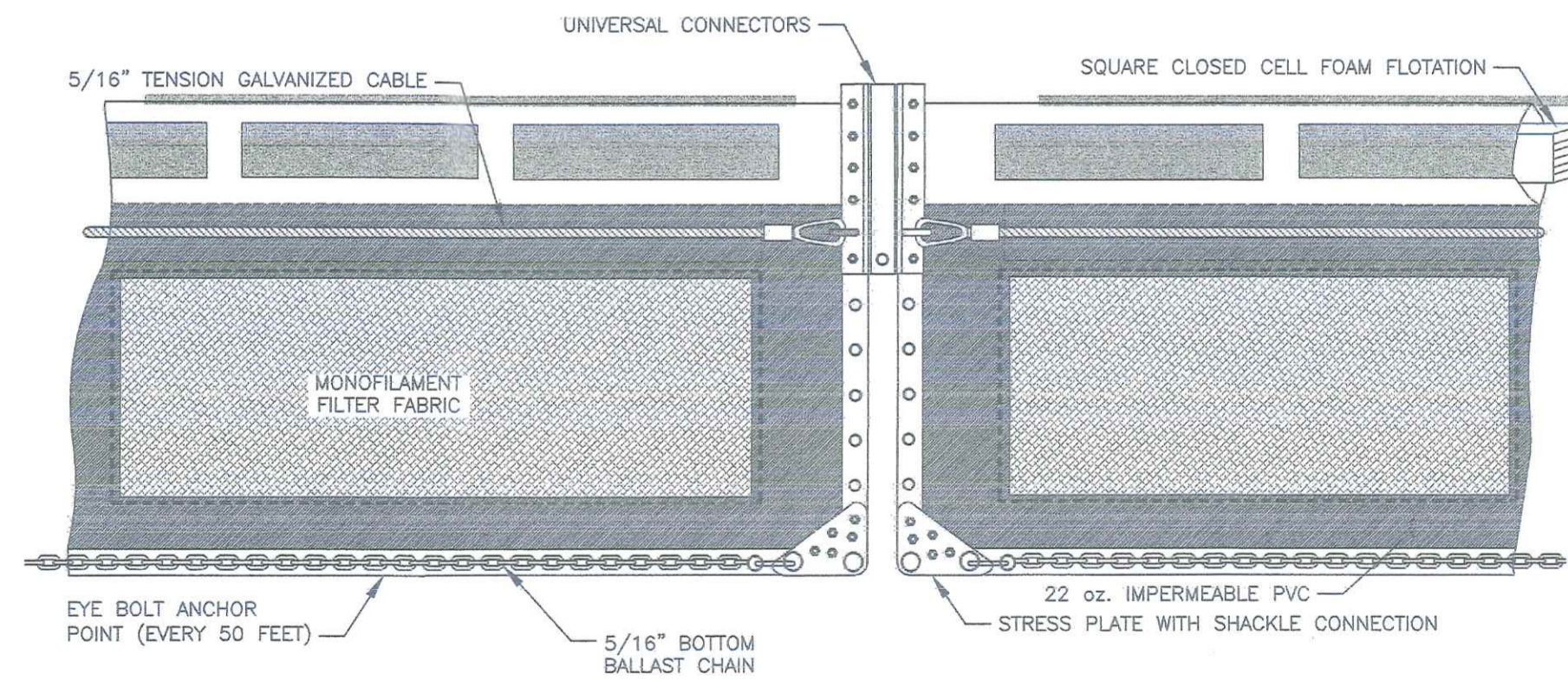
MATERIALS SPECIFICATIONS:

1. GEOTEXTILE FABRIC SHALL MEET THE REQUIREMENTS OF THE MAINE STORMWATER MANAGEMENT BMP MANUAL FOR ROCK RIP RAP.
2. ANCHOR PINS FOR FABRIC SHALL MEET THE REQUIREMENTS OF THE MANUFACTURER OF THE FABRIC.
3. RIP RAP SHALL BE A WELL GRADED MIX OF DURABLE ANGULAR OR SUBANGULAR STONES. FLAT ROCKS SHALL NOT BE USED FOR RIP RAP.

CONSTRUCTION SPECIFICATIONS:

1. THE SUBGRADE FOR THE RIP RAP SHALL BE CLEARED AND GRUBBED TO REMOVE ALL ROOTS, VEGETATION, AND DEBRIS AND PREPARED TO THE LINES AND GRADES SHOWN ON THE PLANS.
2. THE THICKNESS OF THE RIP RAP LAYER (T) SHALL BE 2.25 TIMES THE ROCK d₅₀ AS DETERMINED BY THE METHOD IN BEST MANAGEMENT PRACTICE FOR ROCK RIP RAP.
3. GEOTEXTILE FABRIC SHALL BE PROTECTED FROM PUNCTURES OR TEARING DURING PLACEMENT OF THE ROCK RIP RAP BY PLACING A CUSHION OF SAND OR FINE GRAVEL OVER THE FABRIC. DAMAGED AREAS IN THE FABRIC SHALL BE REPAIRED BY PLACING A PIECE OF FABRIC OVER THE DAMAGED AREA OR BY COMPLETE REPLACEMENT OF THE FABRIC. ALL OVERLAPS REQUIRED FOR REPAIRS OR JOINING TWO PIECES OF FABRIC SHALL BE A MINIMUM OF 12 INCHES.
4. STONE FOR RIP RAP MAY BE PLACED BY EQUIPMENT AND SHALL BE CONSTRUCTED TO THE FULL LAYER THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO PREVENT DISPLACEMENT OF THE UNDERLYING MATERIALS. HAND PLACEMENT MAY BE REQUIRED TO PREVENT DAMAGE TO ANY PERMANENT STRUCTURES.
5. VOIDS IN RIP RAP SHOULD BE FILLED WITH SMALLS AND SMALLER ROCKS.
6. THE RIP RAP SWALE SHALL BE CONSTRUCTED SO WATER WILL FLOW ON TO THE REVELTMENT.

2 RIP RAP SWALE NTS



4 TURBIDITY CURTAIN DETAIL NTS

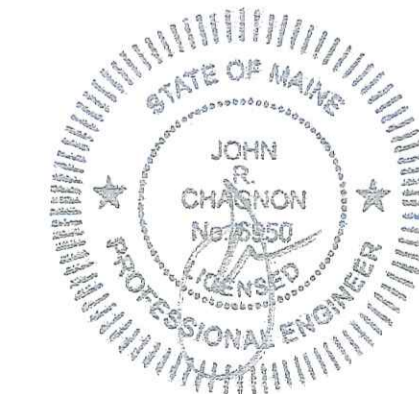
NOTES:

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- 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 NAVD86. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. MHW, MSL, MLW, AND MLLW BASED ON NOAA STATION 8419B70-SEAVEY ISLAND, PORTSMOUTH HARBOR, ME.

**REVELTMENT REPAIR
35 BADGERS
ISLAND WEST
KITTELY, MAINE**

NO.	DESCRIPTION	DATE
1	ADD DETAILS	1/28/22
0	ISSUED FOR COMMENT	10/19/21

REVISIONS



SCALE: NTS OCTOBER 2021

REVELTMENT
DETAILS

D1