



**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
January 4, 2024
6:00 P.M.**

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: 12/07/2023
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or Invited Guests
 - a. Cameron Wake, Climate Action Plan Work Group Strategies
7. Public Hearing
 - a. The Kittery Port Authority moves to hold a public hearing and vote on an application from Briers Homeowners' Association, 6 Tudor Drive, Kittery, ME 03904 (Tax Map 17 Lot 43-3) for the modification of an existing structure consisting of the addition of a 6' x 20' landing float and relocation of the existing floating dock downriver 14 feet. Agent is Zachary Taylor, Riverside and Pickering Marine.
 - b. The Kittery Port Authority moves to hold a public hearing and vote on an application from Eric Dyer, 15 Bowen Road, Kittery, ME 03904 (Tax Map 17, Lot 4) for the modification and replacement of an existing structure consisting of a 6' x 59' permanent pier, 3' x 40' seasonal gangway, 10' x 16' landing float and two 10' x 20' main floats and stabilization of the shoreline with a stone riprap revetment. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, Inc.
 - c. The Kittery Port Authority moves to hold a public hearing and vote on an application from Paul J. McKeon Jr. & Jessica McKeon, 23 Bowen Road, Kittery, ME 03904 (Tax Map 17, Lot 6) for the construction of a 6' x 76' permanent pier, 3' x 45' seasonal gangway, 8' x 20' landing float and two 10' x 21' main floats. Access to the pier will be by a 4' x 6' access ramp and a 4' x 16' boardwalk, as shown on Proposed Pier & Float Plan revised on 11/21/2023. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, Inc.
8. Piers, Wharves & Floats

9. Public Segment (Three Mins.)
10. Unfinished Business
11. New Business
 - a. Election of Officers
12. Committee and Other Reports
13. Communications from the Chairperson
14. Board Member Issues or Comments
15. Executive Session
16. Adjournment

- 1 1. Call to Order / Attendance
- 2 Chair Patten called the meeting to order at 6:05 PM.
- 3 Members present: Steve Lawrence, Niles Pinkham, John McCollett, Michael O’Keefe,
- 4 Vice Chair Bryan Bush, and Chair Charles Patten.
- 5 Members absent:
- 6 2. Pledge of Allegiance
- 7 3. Agenda Amendments and Adoption: 7. Public Hearing, item b: change “AERIAL
- 8 Drawing C3, REV. 5, dated 12/7/23, and ME DEP PERMIT PLAN C2, REV 6, dated
- 9 12/7/23”. **The agenda was approved as amended.**
- 10 4. Acceptance of Previous Minutes: 11/2/2023. **The minutes were approved as**
- 11 **written.**
- 12 5. Harbormaster Report and Budget Report
- 13 The Harbormaster gave a summary of his monthly report, expenses and revenues for
- 14 fiscal year 2024.

FY 2024 YTD EXPENSES THROUGH 12/06/2023

OBJECT	ACCT DESCRIPTION	FY 2024 BUDGET	FY 2024 EXPENSES	FY 2024 REMAINING	PERCENT USED
64010	HARBOR MASTER FULL TIME SALARI	\$ 66,390.00	\$ 28,534.42	\$ 37,855.58	42.98
64020	PART TIME SALARIES	\$ 33,442.00	\$ 8,619.69	\$ 24,822.31	25.78
65010	POSTAGE	\$ 250.00	\$ -	\$ 250.00	0.00
65020	TELEPHONE & INTERNET	\$ 2,600.00	\$ 447.40	\$ 2,152.60	17.21
65080	LEGAL NOTICES/OTHER ADVERTISE	\$ -	\$ 39.00	\$ (39.00)	0.00
65200	ELECTRICITY	\$ 2,016.00	\$ 528.53	\$ 1,487.47	26.22
65220	WATER	\$ 525.00	\$ 214.59	\$ 310.41	40.87
65240	DUMPSTERS/TRASH REMOVAL	\$ 1,800.00	\$ 1,093.23	\$ 706.77	60.74
65305	BOAT EQUIPMENT MAINTENANCE	\$ 5,000.00	\$ 2,064.53	\$ 2,935.47	41.29
65310	VEHICLE MAINTENANCE	\$ 3,500.00	\$ 540.52	\$ 2,959.48	15.44
65311	GAS, GREASE, & OIL	\$ 5,500.00	\$ 2,888.29	\$ 2,611.71	52.51
65462	RIGGING	\$ 14,000.00	\$ 6,229.91	\$ 7,770.09	44.50
65463	SANITATION	\$ 2,500.00	\$ 1,297.49	\$ 1,202.51	51.90
65470	PROFESSIONAL DEVELOPMENT	\$ 1,500.00	\$ 296.40	\$ 1,203.60	19.76
65480	OTHER PROFESSIONAL/CONTRACTED	\$ 2,500.00	\$ 3,094.36	\$ (594.36)	123.77
65500	MAIN BLDG/GROUNDS WHARVES/HARB	\$ 4,500.00	\$ 1,979.35	\$ 2,520.65	43.99
65521	UNIFORMS	\$ 2,000.00	\$ 238.74	\$ 1,761.26	11.94
66010	OFFICE SUPPLIES	\$ 300.00	\$ 32.60	\$ 267.40	10.87
66030	OTHER SUPPLIES	\$ 2,000.00	\$ 385.95	\$ 1,614.05	19.30
66040	JANITORIAL SUPPLIES & SERVICES	\$ 500.00	\$ 100.96	\$ 399.04	20.19
15 TOTAL		\$ 150,823.00	\$ 58,625.96	\$ 92,197.04	38.87%

FY 2024 YTD REVENUE THROUGH 12/06/2023					
OBJECT	ACCT DESCRIPTION	FY 2024 BUDGET	FY 2024 REVENUE	FY 2024 DIFFERENCE	PERCENT
43147	DINGHY FEES	\$ (12,000.00)	\$ (831.40)	\$ (11,168.60)	6.93
43148	TRANSIENT SLIP RENTAL	\$ (16,000.00)	\$ (9,917.00)	\$ (6,083.00)	61.98
43149	KPA APPLICATION FEES	\$ (500.00)	\$ (500.00)	\$ -	100.00
43150	MOORING FEES	\$ (85,000.00)	\$ (1,979.60)	\$ (83,020.40)	2.33
43151	LAUNCH FEE	\$ (15,000.00)	\$ (6,359.75)	\$ (8,640.25)	42.40
43152	TRANSIENT MOORING	\$ (12,000.00)	\$ (8,054.00)	\$ (3,946.00)	67.12
43153	WAIT LIST FEE	\$ (2,000.00)	\$ (160.00)	\$ (1,840.00)	8.00
43156	PIER USAGE FEE	\$ (2,600.00)	\$ (641.00)	\$ (1,959.00)	24.65
43157	MOORING LATE FEE	\$ -	\$ (50.00)	\$ 50.00	0.00
43159	KAYAK RACK RENTAL	\$ (1,500.00)	\$ -	\$ (1,500.00)	0.00
TOTAL		\$ (146,600.00)	\$ (28,492.75)	\$ (118,107.25)	19.44%

16

17 6. All Items involving Town Officials or Invited Guests

18 7. Public Hearing

19 a. The Kittery Port Authority moves to hold a public hearing and vote on an application
 20 from Darren Lapierre, 27 Badgers Island West, Kittery, ME 03904 (Tax Map 1, Lot 30)
 21 for the installation of a 110' x 4' float along the existing pier.

22 Chair Patten recused himself from the application.

23 Mr. Lapierre gave a brief overview of the project. The Board had no questions.

24 Vice Chair Bush opened the public hearing. There being no comments, the public
 25 hearing was closed.

26 **Mr. Lawrence moved to approve the application. Seconded by Mr. Pinkham. The**
 27 **motion passed by roll call vote 5-0-0.**

28 b. The Kittery Port Authority moves to hold a public hearing and vote on an application
 29 from Langdon Island West Condominium Association, 9 Badgers Island West, Kittery,
 30 ME 03904 (Tax Map 1, Lot 23) for the modification of an existing structure consisting of
 31 a 4' x 8' float extension, a 4' x 34' (2 – 17') float, and two (2) 6' x 24' finger floats, as
 32 shown on ME DEP PERMIT PLAN-2022 AERIAL Drawing C3, REV. 5, dated 12/7/23,
 33 and ME DEP PERMIT PLAN C2, REV 6, dated 12/7/23, showing a railing on the short
 34 leg of the existing 28 foot long float, and the removal of all cleats that prohibits the
 35 berthing of boats on that slip, as well as outlines of six, 24 foot long boats in each slip,
 36 shown not extending more than 1 foot beyond the end of each finger float. Agent is

37 Steven Riker, Ambit Engineering – Haley Ward, Inc. This public hearing is continued
38 from the September 7, 2023 meeting.

39 Mr. Riker presented an overview of the project to the Board. Discussion ensued briefly
40 on amending the condominium documents.

41 Chair Patten opened the public hearing, setting a time limit for comments to three
42 minutes.

43 Public comment was heard from: Wade Blake, 17 Badgers Island West.

44 Chair Patten closed the public hearing.

45 The Board discussed the requested waiver and the Port Authority Rules & Regulations.

46 **Mr. Lawrence moved to approve the waiver request for rule 4.7.3. Seconded by**
47 **Vice Chair Bush. The motion failed by roll call vote, 1-5-0, with Vice Chair Bush,**
48 **Mr. Lawrence, Mr. McCollett, Mr. Pinkham, and Chair Patten voting in the**
49 **negative.**

50 **Mr. Lawrence moved to approve the waiver request for rule 4.7.6. Seconded by**
51 **Mr. Pinkham. The motion failed by roll call vote, 2-4-0, with Vice Chair Bush, Mr.**
52 **Lawrence, Mr. McCollett and Chair Patten voting in the negative.**

53 **Mr. Lawrence moved to deny the application. Seconded by Vice Chair Bush. The**
54 **motion passed by roll call vote, 6-0-0.**

55 Chair Patten noted that the applicant can request a reconsideration from the Board as
56 stated in 7.2 of the Rules and Regulations, or the applicant has the option to appeal to
57 Superior Court as stated in 7.3 of the Rules and Regulations.

58 8. Piers, Wharves & Floats

59 a. The Kittery Port Authority moves to accept an application from Briers Homeowners'
60 Association, 6 Tudor Drive, Kittery, ME 03904 (Tax Map 17 Lot 43-3) for the
61 modification of an existing structure consisting of the addition of a 6' x 20' landing float
62 and relocation of the existing floating dock downriver 14 feet. Agent is Zachary Taylor,
63 Riverside and Pickering Marine.

64 Mr. Taylor presented the application to the Board.

65 The Board asked several questions, and commented on the drawings.

66 **Mr. Lawrence moved to accept the application. Seconded by Vice Chair Bush. The**
67 **motion passed by roll call vote, 6-0-0.**

68 **A site walk was scheduled for December 18, 2023 at 3 PM.**

69 b. The Kittery Port Authority moves to accept an application from Eric Dyer, 15 Bowen
70 Road, Kittery, ME 03904 (Tax Map 17, Lot 4) for the modification and replacement of an
71 existing structure consisting of a 6' x 59' permanent pier, 3' x 40' seasonal gangway, 10'
72 x 16' landing float and two 10' x 20' main floats. Agent is Ryan McCarthy, Tidewater
73 Engineering & Surveying, Inc.

74 Mr. McCarthy presented the application to the Board.

75 **Mr. O'Keefe moved to accept the application.**

76 Chair Patten noted the motion includes the stabilization below the mean high water.

77 **Seconded by Mr. Lawrence. The motion passed by roll call vote 6-0-0.**

78 **A site walk was scheduled for December 18, 2023 at 3:30 PM.**

79 c. The Kittery Port Authority moves to accept an application from Paul J. McKeon Jr. &
80 Jessica McKeon, 23 Bowen Road, Kittery, ME 03904 (Tax Map 17, Lot 6) for the
81 construction of a 6' x 76' permanent pier, 3' x 45' seasonal gangway, 8' x 20' landing
82 float and two 10' x 21' main floats. Access to the pier will be by a 6' x 5' access ramp.
83 Agent is Ryan McCarthy, Tidewater Engineering & Surveying, Inc.

84 Mr. McCarthy presented the application to the Board. He corrected the dimensions of
85 the access ramp to 6' x 4' and included a 4' x 16' boardwalk per the revised plan.

86 **Mr. O'Keefe moved to accept the application. Seconded by Mr. Lawrence. The**
87 **motion passed by roll call vote 6-0-0.**

88 **A site walk was scheduled for December 18, 2023 at 3:15 PM.**

89 9. Public Segment (Three Mins.)

90 10. Unfinished Business

91 11. New Business – Chair Patten reminded the Board of the nominations and elections
92 in January.

93 12. Committee and Other Reports - None

94 13. Communications from the Chairperson

95 14. Board Member Issues or Comments

96 Mr. Lawrence – none

97 Vice Chair Bush – none

98 Mr. O'Keefe – none

99 Mr. McCollett – none

100 Mr. Pinkham – none

101 15. Executive Session - None

102 16. Adjournment

103 **Mr. Lawrence moved to adjourn at 6:58 P.M. Seconded by Vice Chair Bush. The**
104 **motion passed.**

105 Submitted by Carrie Varao, Development Staff Clerk on December 12, 2023.

106 Disclaimer: The following minutes constitute the author's understanding of the meeting.

107 Whilst every effort has been made to ensure the accuracy of the information, the

108 minutes are not intended as a verbatim transcript of comments at the meeting, but a

109 summary of the discussion and actions that took place. For complete details, please

110 refer to the video of the meeting on the Town of Kittery website at

111 <http://www.townhallstreams.com/locations/kittery-maine>.

LAND USE & NATURAL ENVIRONMENT

How can Kittery help our town's natural environment be ready for climate change?

1. Direct growth to areas with existing infrastructure and low flood risk



- Implement coastal flood hazard ordinance (in process).
- Refine ordinance to allow increased density in areas with sewer, water, energy transmission, public transit, and other amenities.
- Identify long-term strategies to reclaim coastal land for resiliency and public access.

2. Advance use of Low Impact Development practices



Refine Low Impact Development (LID) ordinance to:

- Require and promote reduction in impervious surfaces and stormwater runoff to limit groundwater rise and erosion.
- Require limit on soil disturbance.
- Require preservation and maintenance of natural landscapes with native vegetation.
- Require alternatives to hard/impervious surfaces.



3. Preserve and protect natural areas and local farms/food producers



- Refine ordinance to preserve areas that allow for marsh migration by protecting from development.
- Direct development away from flood-prone areas (Also see Strategy 1).
- Monitor shoreland buffer modifications and fine violators.
- Refine subdivision ordinances to require more open space in zones with no public utilities (also see Strategies 1, 2).
- Add seasonal farmstand definition to ordinance and remove regulatory barriers for establishing seasonal farmstands.

4. Limit use of fertilizers, pesticides, and herbicides

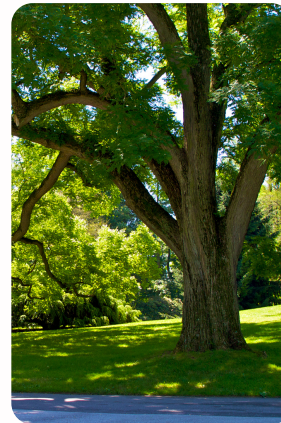


Advocate for statewide limits on residential use of fertilizers, pesticides, and herbicides, particularly in shoreland areas.

5. Preserve and revitalize working waterfronts



- Adopt policies and ordinances to preserve working waterfronts and enhance access to and use of.
- Support infrastructure at dock and marine facilities to enable electric fleets.
- Support the development of aquaculture.
- Permit only water-dependent uses along the coast.
- Require future coastal development/redevelopment to be climate/flood resilient and energy-efficient (Also see Strategy 1).



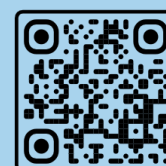
6. Maintain and increase tree cover and access to shade



- Develop a Town-wide tree program to encourage protection and planting of climate-resilient trees.
- Inventory heat islands, street trees, and shade areas, and develop a plan to plant more trees and install shade areas.

Help Guide Kittery's Climate Action Plan! The Kittery Climate Action Plan Task Force has been working hard to create a Climate Action Plan focused on changes that will have the biggest impact. What do you think of the proposed strategies? **Answer the survey by scanning the QR code here or visiting www.kitteryme.gov/CAP.**

SCAN ME



HEALTH, SAFETY, & WELL BEING

How can Kittery increase health, safety, & well being in our town?



7. Provide advisories on health impacts of climate and extreme weather events



- Develop and implement communication strategies for public health advisories about climate-related health risks around vector-borne diseases and air/water quality issues and during extreme heat and storms, fires, and power outages.
- Develop a plan for "Resilience Hubs" that can provide critical services during a disruption or health event – such as electricity, food, water, shelter, medical supplies, heat/cooling – and coordinate partners for post-disruption support.

8. Enhance planning for disaster response and mitigation for current and emerging climate hazards



- Develop town-level plans that build upon existing county-level efforts – for climate hazards including loss of electrical service, extreme precipitation and flooding, extreme temperatures, wildfires, and drought.
- Create a coordinated climate and health response team to address disasters and establish a network for pre- and post-event coordination.
- Enhance collaboration with York County Emergency Management Agency on hazard mitigation planning.

9. Assess potential impacts of groundwater rise on septic systems and wells



Advocate for a regional groundwater modeling effort to identify areas of risk for groundwater rise and saltwater intrusion.



10. Provide education on public health impacts of climate change



- Implement community and school-based programs to educate the community about public health impacts – including vector-borne diseases, low air-quality days, and heat-related illness.
- Ensure education includes additional information-sharing methods for contacting "harder-to-reach" audiences (e.g. vulnerable populations, seasonal workers).

11. Evaluate and update evacuation routes to reflect current and future flood risk areas



Review and update evacuation routes, along with the signage and maps that direct people away from flood hazard areas.

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SCAN ME



BUILDING & ENERGY EFFICIENCY

How can Kittery make our town's buildings and energy systems ready for climate change?

12. Increase efficiency in public and private buildings



- Support weatherization outreach programs – operated by KCAN and others – that provide resources and information on efficiency evaluation, Efficiency Maine incentives, contractors, and financing options.
- Create incentives to build energy efficient affordable housing within Town.
- Support the adoption of higher efficiency building codes at a regional level.
- Support monitoring of energy efficiency in municipal and school facilities – along with planning for additional efficiency measures.



13. Support efforts by Efficiency Maine to transition single family homes and other buildings to heat pumps



- Support usage of Efficiency Maine's heat pump adoption programs for single family homes.
- Support current town plans to transition more municipal buildings to heat pumps. Encourage the school system to consider opportunities to transition to heat pumps.

14. Encourage distributed renewable energy



- Support solarization programs that provide resources and information on solar evaluation, Efficiency Maine incentives, contractors, and financing options.
- Actively engage in discussions of off-shore wind and other renewable sources at the regional level.

15. Support improved grid resilience



Support regional-level planning in cooperation with utilities to ensure a strong grid in the transition to greater electric dependency and for all potential crises.



16. Promote resilient building designs



- Encourage that building designs and modifications consider both current and potential future hazards from climate change.
- Ensure critical facilities consider climate-related weather risks in both location and design and ensure they have plans for resiliency.

17. Promote hazard disclosure for property transactions



Encourage the State to require flood risk disclosures for all property transactions.

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SCAN ME



TRANSPORTATION & INFRASTRUCTURE

How can Kittery make our transportation systems and infrastructure ready for climate change?

18. Expand access to & use of public transportation services



Mount a concerted regional effort towards expansion of public transportation throughout southern Maine.

19. Direct development to areas of town with public utilities, public transportation & essential services



- Modify land use codes to promote infill development.
- Redevelop brownfield sites to increase housing stock.

20. Improve bikeability & walkability



Improve and expand the walkability and bikeability of our roadways with safe, comfortable, and convenient paths, sidewalks, and bikeways.



21. Reduce paved areas in new development & redevelopment projects



- Review and amend parking ordinances to reduce minimum requirements and build in flexibility.
- Review and update minimum parking space dimensions and parking lot design, including compact car spaces where appropriate.



22. Expand electric vehicle charging on public & private land



- Expand public EV charging locations through public/private partnerships – including in existing publically-accessible but privately-owned lots and on the waterfront and wharfs.
- Require EV chargers or EV-ready parking in new development and redevelopment projects.

23. Increase public & private use of electric vehicles



- Transition municipal, school, and public transit fleets to EVs.
- Ensure the public has user-friendly information and resources to encourage and assist with purchasing EVs.
- Continue to push for EV charging stations along state/interstate highways as well as locally.

24. Protect critical water-related infrastructure



Assess and protect critical assets such as drinking water, wastewater and stormwater management infrastructure that will be impacted by sea level rise, storm surge, flooding and extreme weather events associated with climate change. (Also see Strategy 9)

25. Assess vulnerability and improve resilience of transportation infrastructure



- Assess impacts of heat, groundwater rise, saltwater intrusion and flooding caused by sea level rise on local roads, culverts and bridges to better understand vulnerabilities of important infrastructure assets.
- Plan and conduct improvements for appropriate upgrades such as raising or relocation of transportation infrastructure.
- Amend road design standards to include climate resilience.
- Adopt a policy that the Town will only consider adopting roads that meet these updated standards

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SCAN ME



LEADERSHIP & CAPACITY

How can Kittery foster leadership and support to implement our Climate Action Plan?



26. Ensure municipal decision-making and funding strategies considers resilience and sustainability



- Adopt protocols to account for environmental conditions of today and tomorrow in municipal decision-making.
- Include funding for resilience and sustainability infrastructure investments in annual budgets and capital plans. Provide ongoing funding for staff to plan and implement projects.

27. Grow municipal capacity to support and implement climate adaptation strategies



Provide town departments with the resources, space, staff, and training needed to identify, evaluate, plan, and implement adaptation approaches.

28. Engage the community and local businesses in ongoing sustainability and resilience efforts



Encourage more residents and local companies to take action in their own homes and businesses by providing support, education, and programs. (Also see Strategies 12 & 14)



29. Advocate for resiliency and sustainability education at the state level



Ensure that the next generation has an understanding of these issues by advocating for greater incorporation of climate change and resiliency into core curricula requirements.

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SCAN ME





TOWN OF KITTERY

Code Enforcement Office

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1308 Fax: 207-439-6806

CEO@kitteryme.org

KITTERY PORT AUTHORITY APPLICATION ACCEPTANCE MEMO

From: Craig Alfis, Code Enforcement
To: Charles Patten, Port Authority Chair

Subj: Acceptance of Application, 6 Tudor Drive
Meeting Date: 12/7/2023

Mr. Chair,

Code Enforcement and Planning staff have reviewed the application for 6 Tudor Drive, requesting modifications to the existing tidal docking structure, and found it to be complete. The application requests the following modifications:

1. The addition of a 6' x 20' landing float; and
2. The relocation of the existing floating dock downriver 14 feet.

Based on a cursory review of the information provided in the application, Staff believes the application is complete, and recommends that the Port Authority accept the application for further review. Information submitted includes:


- Kittery Port Authority application;
- Proof of legal interest in the property;
- Plans showing the location and shape of the existing and proposed development;
- List of abutters within 150 feet;
- Maine DEP file number

The following will need to be completed prior to work starting, if approved:

- Maine DEP approval;
- US Army Corps of Engineers Self Verification Form

If the Port Authority votes to accept the application, an in-depth review will be performed by Code and Planning staff, and a staff report will be provided to the Port Authority prior to the meeting on which the application is scheduled.

Signed,



Craig Alfis, Code Enforcement Officer
207-475-1308
ceo@kitteryme.org



KPA-23-19

Port Authority Application

Status: Active

Submitted On: 10/26/2023

Primary Location

6 TUDOR DRIVE
KITTERY, ME 03904

Owner

MOCKLIS,TR, PETER K.
6 TUDOR DRIVE KITTERY, ME
03904

Applicant

Zachary Taylor
 603-427-2824
 zach.tidal@gmail.com
 34 Patterson Lane
Newington, NH 03801

Project Discription

Description of Project*

Modify the existing approved docking structure located in the easement area owned by the Briers Homeowners' Association between 6 and 8 Tudor Drive. We propose adding a 6ft wide by 20ft long landing float and shifting the existing floating dock downriver approximately 14ft to create a less impacting, safer, more usable dock for the previously approved 9 slip structure.

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

No

Are any waivers from the performance standards in the Kittery Port Authority Rules & Regulations requested?*

Yes

What performance standards are you requesting a waiver(s) from?*

We respectfully request a waiver from KPA Performance Standard 4.7.3. to allow the total length of the docking structure measured from normal high water to be longer than the 150-foot allowable distance. We request that the structure be allowed to be 158 feet. This minor relaxation of the performance standard will allow the floating dock to be positioned in sufficient water at low tide so that 2 of the 9 allowed slips can be accessed on most tides on the downriver shoreside of the main float. If the float were 8 ft closer to shore, the slip closest to the ramp of the two would not be able to navigate around the other slip at lower tides without impacting the substrate below and potentially the vessel as well.

Type of Project

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

No

Property Information

Name of the property owner(s)

DAVID O'SHAUGHNESSY 2020 REV TRUST

Property Address

8 Tudor Drive, Kittery ME 03904

Telephone Number

Email Address

Size of the Property ?

2 acres

Zoning District

R-U

Shore Frontage Footage ?

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:

This project was approved by the KPA back in mid-2000's and required a couple of extensions. Originally, it was approved under First Step Land Dev Inc. in 2005. The last extension seems to have been granted by the KPA in a letter from 12/9/2006.

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

Riverside and Pickering Marine

Date Application Completed

10/25/2023

Name of Property Owner

Briers Homeowners' Association Inc.

Agent Name

Zachary Taylor

Agent Firm

Riverside and Pickering Marine

Agent Phone

604272824

Agent Email

zach.tidal@gmail.com

Attachments



Proof of Legal Interest in Property

Amndmnt to Dec of Rights Briers Subdiv Bk15070Pg157 2007-01-26_for packet.pdf

Uploaded by Zachary Taylor on Oct 26, 2023 at 10:40 AM



Construction Plans

Briers HOA Plan Set.pdf

Uploaded by Zachary Taylor on Oct 26, 2023 at 10:45 AM



Town Tax Map of Lot

Tax Map Image.pdf

Uploaded by Zachary Taylor on Oct 26, 2023 at 10:43 AM



List of Abutters within 150 feet (including over the water) of applicant's shorefront property line

Abutter Letter and Receipts.pdf

Uploaded by Zachary Taylor on Oct 26, 2023 at 10:43 AM



Maine Dept. of Environmental Protection
Bureau of Land Resources
17 State House Station
Augusta, Maine 04333
T: 207-287-7688

RE: NRPA Application of Briers Homeowners' Association, Inc.

To Whom It May Concern,

Enclosed is the NRPA Application of Briers Homeowners' Association, Inc. requesting a permit to modify an existing approved floating dock on Spruce Creek in Kittery, Maine. This application and associated supporting attachments will be sent to all the required state and federal agencies, including the Maine Historic Preservation Commission. The abutters have been notified via certified mail and a notice of intent to file has been placed in a locally circulated paper (The Portsmouth Herald on 10/13/2023).

Thank you for considering this application. Please do not hesitate to contact me by phone or email with any requests or questions about this application.

Sincerely,

Zachary Taylor

Zachary Taylor
Owner's Agent
Riverside & Pickering Marine Construction

cc: Maine Bureau of Lands
Kittery Town Clerk's Office
Kittery Port Authority
Kittery Planning Department
Maine Historic Preservation Commission
Aroostook Band of Micmacs
Passamaquoddy Tribe of Indians (Perry, ME)
Passamaquoddy Tribe of Indians (Princeton, ME)
Houlton Band of Maliseet Indians
Penobscot Indian Nation
Owner

Office: 603-427-2824 | Fax: 866-571-7132 | 34 Patterson Ln, Newington, NH 03801

www.riversideandpickering.com
A division of Riverside Marine Construction, Inc.

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

1 Name of Applicant: Briers Homeowners' Association, Inc.		5 Name of Agent: Zachary Taylor, Riverside & Pickering Marine Contractors	
2 Applicant's Mailing Address: 3 Tudor Drive, Kittery ME 03904		6 Agent's Mailing Address: 34 Patterson Lane, Newington, NH 03801	
3 Applicant's Daytime Phone: See Agent Phone Number		7 Agent's Daytime Phone: 603-427-2824	
4 Applicant's Email Address: See Agent Email		8 Agent's Email Address: zach.tidal@gmail.com	
9 Location of Activity (nearest Road, Street, Rt.#): 6 & 8 Tudor Drive (Easement Area)		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 type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13 Name of Resource: Spruce Creek	
		14 Amount of Impact (sq. ft.): Fill: None Dredging/Veg Removal/Other: 120sf of seasonal float	
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 Tidal/Rocky		FOR FRESHWATER WETLANDS	
		<i>Tier 1</i>	<i>Tier 2</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 <input type="checkbox"/> Smaller than 43,560 sq. ft., not eligible for Tier 1
16 Proposed Start Date and Brief Activity Description: Winter or spring 2024. Modify the existing approved docking structure by adding a 6ft wide by 20ft long landing float and shifting the existing floating dock down river ~14ft to create a less impacting, safer, more usable dock. The existing pier, ramp, & float was approved under PBR No718558-G 2005.			
17 Size of Lot or Parcel & UTM Locations: <input type="checkbox"/> _____ square feet, or <u>3.84</u> acres UTM Northing: <u>4771864.65</u> UTM Easting: <u>360028.55</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: 15070 Page: 0157-0180		20 Map and Lot Numbers: Map: 17 Lot: 43-3&4	
21 DEP Staff Previously Contacted: Alison Siros		22 Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23 Resubmission of Application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Previous project manager:	
24 Written Notice of Violation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		25 Previous Wetland Alteration: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
26 Detailed Directions to the Project Site: I-95 South to Exit 2 toward Kittery/US1/ US 1 bypass, merge onto ME 236 toward Kittery, enter roundabout take 3rd exit and stay on ME-236 S. Continue on Whipple Rd. Turn left onto Tudor Drive. There will be a access path between 6 & 8 Tudor drive on the right.			
27 TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input checked="" type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
FEES, CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2			

28 FEES

FEE: I will pay the Natural Resources Protection Act Permit fee (<https://www.maine.gov/dep/fcschedule.pdf>) by:

- Credit Card** – Pay online through the **Payment Portal**. (Attach payment confirmation when filing this application form.)
- Check** – Fill in all the information below and mail a copy of this form (without attachments) and a check made payable to “Treasurer, State of Maine,” to: Maine DEP, 17 State House Station, Augusta, ME 04333-0017.

Name: Riverside & Pickering Marine Contractors **Phone:**(603) 427-2824 Ext.

Check #: 10142 **Email Filing Date:** 10/14/2023

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)."

Zachary Taylor

Date: 10/14/2023

SIGNATURE OF AGENT/APPLICANT

Signature of Agent:

Zachary Taylor

Date: 10/14/2023

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.

**Attachments: Modify a previously approved residential pier, gangway, and float for:
Briers Homeowners' Association, Inc., Kittery, ME**

Attachment 1: Project Description

The proposed project consists of modifying an existing dock shared by the Briers Homeowners' Association members on Tudor Drive that was approved by PBR #718585-G in 2005. The current system was approved to allow the nine lots to have berthing and access to Spruce Creek for one small vessel (24ft or less) each. The existing floating dock only safely allows for seven slips instead of the nine allowed. The proposal would add one 6ft wide by 20ft long finger float to the existing docking structure, shift the float downriver by ~14ft, and relocate two existing float piles. The total increase in impact from the proposed modification would be 120 sq/ft.

The dock is located on a 30ft wide easement that is located on the shared property line of 8 Tudor Drive (Tax Map 17-43-4, O'Shaughnessy) and 6 Tudor Drive (Tax Map 17-43-3, Mocklis). The easement is located on each property. The Briers Homeowners' Association, Inc. is a Maine not-for-profit corporation that owns Tudor Drive, the 30-foot-wide access easement area, and the dock. This is noted in Article B (included) of the Amendment to Declaration of Rights, Restrictions and Covenants, Briers at Mead Farm Subdivision, Town of Kittery, York County, Maine (Bk15070 Pg 0157-0180).

Attachment 2: Alternative Analysis

The existing structure needs to provide the owners with adequate access and is causing unnecessary impact on the river bottom. Thus, we recommend the proposed project detailed above for the following reasons.

- nine slips were approved originally for this project to allow access to the nine lots that are part of the Briers Homeowners' Association; however, only seven fit safely due to lack of berthing space along the shoreside of the float where there is also shallow water.
- The existing square footage of float is inefficient, and with only a minor increase in square foot impact and repositioning of the system, the floating dock's utility per square foot of impact will be significantly increased.
- At MLW, there is approximately zero to 1 ft of water on the shoreside of the float where two of the berths are supposed to be. During lower tides, both the boats moored to the float, and the float itself bottom out, causing impact to the bottom. The boats in egress/ingress to the shore side of the float will impact the substrate from the props during lower tides due to the shallow water.
- The proposed configuration will push the main and finger floats (the bulk of the square foot impact of the seasonal floating dock) out into deeper water, allowing for increased ambient light levels under the dock and less impact on the river bottom.
- The size of the project/increase from existing impacts is relatively small, and construction will not affect the upland waterfront buffer zone. The construction method for the proposed structure will minimize any possible effects on the wetland resource by utilizing a barge and crane, which will be able to complete the construction from the water and avoid damage to the upland embankment. The float will be built off-site, brought in, and installed from the water. No trees will need to be removed for access to the dock.
- The addition of the new section of the landing float will create minimal additional visible impact. The structure will be located outside the 25 ft setback from both abutting properties and is centrally located in the easement area. There should be no discernible negative impact on the abutting property owners from a navigational and aesthetical point of view. Many of the properties in this area currently have docking structures, many of which are comparable or larger in size. We feel that the proposed docking facility's scope is similar to others in size/scope and will not impede navigation or have any substantial impact aesthetically.

The first alternative would be to do nothing and continue to use the dock as is. This is unreasonable, considering the dock was approved by the state, ACOE, and town to allow for the nine slips. They haven't been able to use 2 of the nine slips, and if they were forced to make it work, it would likely lead to safety issues and unnecessary impact to the river bottom from the boats navigating in and out of the shoreside of the float and berthing.

The second alternative would be to shift the main and finger floats down river ~14ft and relocate two float piles. This would have less square foot impact than the proposed project but would still result in insufficient berthing space for the nine slips and would still result in unnecessary effect to the river bottom, as noted above.

The third alternative would be to shift the main and finger floats (as noted in the 2nd alternative above) and then dredge the area on the shore side of the float. This, however, has two problems: 1) there still needs to be more berthing area to allow for all nine vessels to be berthed at the float safely, and 2) dredging would create a significant impact as opposed to simply adding a small amount of additional seasonal float. Dredging will likely require ongoing maintenance dredging as well.

Attachment 3: Project Location Map

See attached plans

Attachment 4: Project Site Photos

Photos attached

Attachments 5 & 6: Project Plans

See attached plans

Attachment 7: Construction Plan

The project's scope is relatively small to achieve more utility and less impact. The intertidal substrate on the owner's shorefront comprises a rock rubble shoreline (E2RS2) transitioning to mudflat (E2US3) out to the low water channel. The total time at the site will be approximately a few days. A small barge-mounted crane will be brought into position to install the system and deliver materials. Two of the exiting float piles will be pulled and relocated. The new float will be installed, and then the float piling re-driven. Please note that the entire pile installation process will take less than an hour.

Attachment 8: Erosion Control Plan

It is our feeling that no erosion controls are required. There will be no openings made in the intertidal surface. Nothing in this proposed project would offer any opportunity for erosion to occur during construction. Any erosion controls in the intertidal area will be swept away at each tide. There will not be any disturbance of the adjacent upland.

Attachment 9: Coastal Wetlands Characterization

The coastal wetlands characterization field survey checklist is attached, along with photos and plans.

Attachment 10: Notice of Intent To File

Copy attached, along with an abutters list and copies of the certified receipts showing that the notice was sent to abutters. The notice was published in the Portsmouth Herald on 10/13/2023.

Attachment 11: Copy to the Maine Historic Preservation Commission

A copy of the entire application package has been cc'd to the MHPC and the five recognized Native American tribes while filing it with other agencies. Any correspondence will be copied to the Army Corps.

Attachment 12: Functional Assessment

Given the small size of the project and the minimal environmental impact, we hope to avoid the cost of a professional functional assessment. Should the Department feel this needs to be done, please contact Zachary Taylor at Riverside & Pickering Marine Contractors, and it will be arranged.

Attachment 13: Compensation

Given the minor nature of this project, no compensation is contemplated. Its impact on the area will be minimal.

September 27th, 2023

To Whom It May Concern:

RE: State of Maine Department of Environmental Protection Application for the proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for Briers Homeowners' Association, Inc.

This letter is to inform the State of Maine DEP, ACOE, Bureau of Submerged Lands, Town of Kittery, and other regulatory and review bodies, in accordance with State Law, that the following entities:

- Riverside Marine Construction (DBA, Riverside and Pickering Marine Contractors)
- Zachary C. Taylor

are individually authorized to represent us as our agents in the approval process. Please feel free to call me with any questions regarding this authorization.

Sincerely,

DocuSigned by:



Kathryn Gruss
6103838508084A7...

Authorized Representative
Briers Homeowners' Association, Inc.
P: 207-703-6779

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

Please take notice that

Briers Homeowners' Association, Inc.

3 Tudor Drive, Kittery ME 03904

Agent Riverside & Pickering

(Name, Address and Phone # of Applicant)

603-427-2824

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

10/13/2023

(anticipated filing date)

The application is for

Minor modification to the approved floating dock by adding one additional

(description of the project)

landing float and repositioning the float.

at the following location:

6-8 Tudor Drive, Kittery, ME 03904

(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

(goldenrod)

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.

Zachary Taylor
Signature of Applicant or authorized agent

10/14/2023
Date

(blue)



ABUTTER NOTIFICATION

Dear Abutter,

As required by the Maine Department of Environmental Protection, you are being notified of our **intent** to file a Natural Resources Protection Act permit application, requesting a permit to perform work at our client's property which abuts yours. Should you have any questions or concerns, please do not hesitate to contact this office. As the Owner's agent in this matter, we will be glad to discuss any aspect of the proposed project. A copy of the full application has been sent to the Maine DEP.

Thank you,

Zachary Taylor
Riverside & Pickering Marine

Name of property owner (s): Briers Homeowners' Association, Inc.

Location: Tudor Drive Kittery, ME. Map 17 Lot 43-3/4

Brief description of work: Requesting a permit make minor modifications to the existing approved floating dock for safer access.

<u>Abutter</u>	<u>Certified Mail #</u>
TM# 17 Lot 25 Stephen Hathaway 7 Wintergreen Circle Andover, MA 01810	7018 0360 0001 9826 3260
TM# 17 Lot 43-2 Ostebo Family Rev Trust 2022 4 Tudor Drive Kittery ME 03904	7018 0360 0001 9826 3277
TM# 17 Lot 43-3 Peter K Mocklis, TR 6 Tudor Drive Kittery ME 03904	7018 0360 0001 9826 3284
TM# 17 Lot 43-4 David O'Shaughnessy 2020 Rev Trust 8 Tudor Drive Kittery ME 03904	7018 0360 0001 9826 3291

7018 0360 0001 9826 3284

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

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

Kittery, ME 03904

OFFICIAL USE

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

PORTSMOUTH NH 03801
 Postmark Here
 OCT - 5 2023
 USPS
 10/05/2023

Sent To: Peter K Meeklis, TR
 Street and Apt. No., or PO Box No.: G Tudor Dr.
 City, State, ZIP+4: Kittery ME 03904

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

7018 0360 0001 9826 3284

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

Andover, MA 01810

OFFICIAL USE

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

PORTSMOUTH NH 03801
 Postmark Here
 OCT - 5 2023
 USPS
 10/05/2023

Sent To: Stephen Hathaway
 Street and Apt. No., or PO Box No.: 7 Wintergreen Circle
 City, State, ZIP+4: Andover, MA 01810

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

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Kittery, ME 03904

OFFICIAL USE

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

PORTSMOUTH NH 03801
 Postmark Here
 OCT - 5 2023
 USPS
 10/05/2023

Sent To: Ostebo Family Rev Trust 2022
 Street and Apt. No., or PO Box No.: 4 Tudor Dr.
 City, State, ZIP+4: Kittery ME 03904

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

7018 0360 0001 9826 3272

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Kittery, ME 03904

OFFICIAL USE

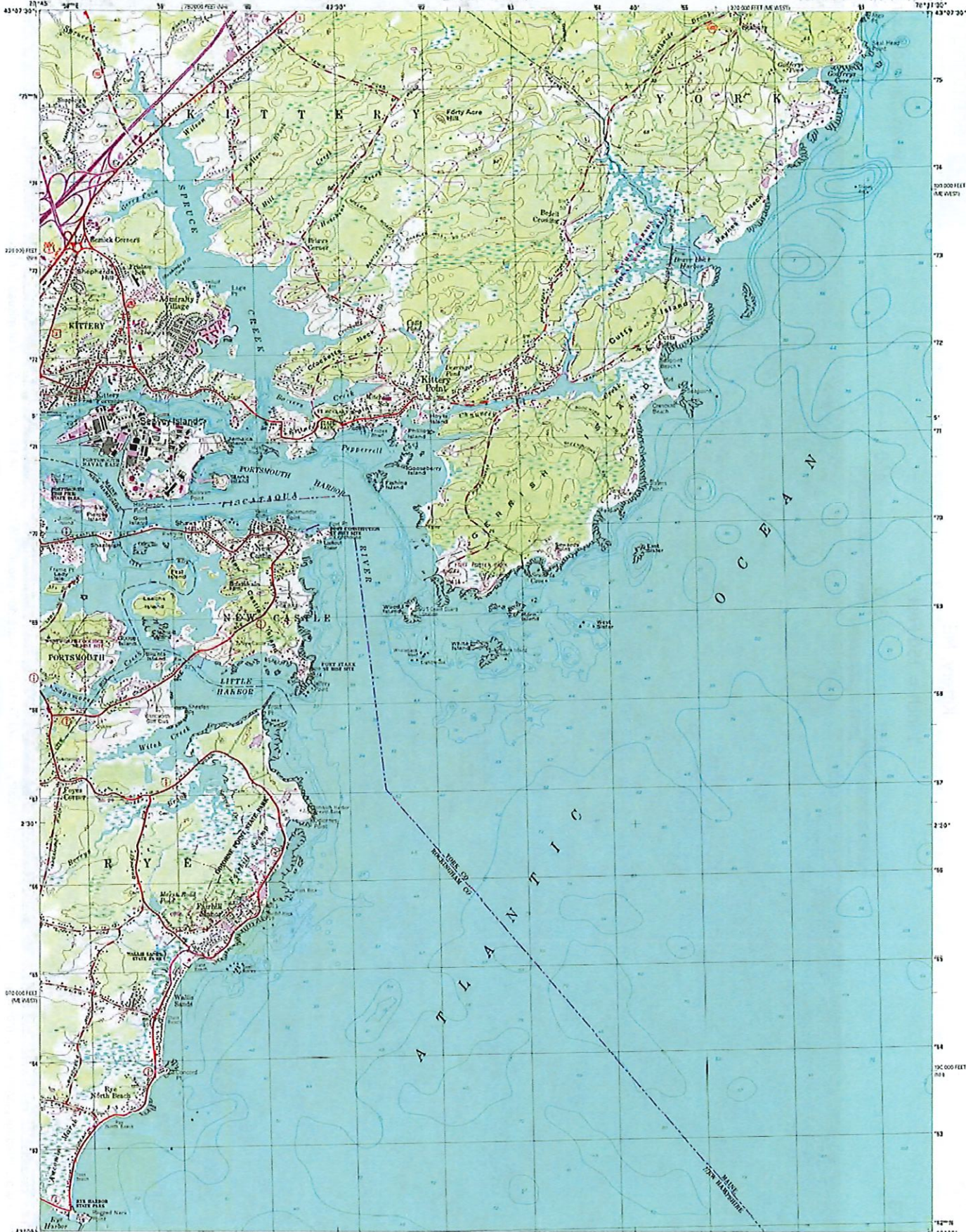
Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

PORTSMOUTH NH 03801
 Postmark Here
 OCT - 5 2023
 USPS
 10/05/2023

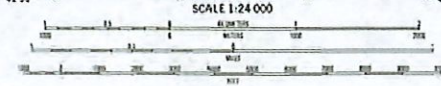
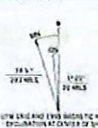
Sent To: David O'Shaughnessy 2020 Rev Trust
 Street and Apt. No., or PO Box No.: 4 Tudor Dr.
 City, State, ZIP+4: Kittery ME 03904

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

Abutter notifications	
For:	RIVERSIDE & PICKERING MARINE CONTRACTORS
Briers HOA Inc Tudor Drive Kittery, ME 03904 Map 17 Lot 43-3/4	34 Patterson Ln, Newington, NH 03801 Telephone (603) 427-2824 Fax (866) 571-7132
Date: 10/05/23	Scale: NTS
	By: ZCT



Produced by the United States Geological Survey
Topography compiled 1944. Planimetry derived from imagery taken 1962 and other sources. Photomicroformed using imagery dated 1990; no major culture or drainage changes observed. Survey control points in 1944. Boundary revised 1971.
North American Datum of 1983 (NAD 83).
Projection: Mercator coordinate system, east zone and base Mercator's coordinate system.
1:100,000 scale. Mercator coordinate system, east zone and base Mercator's coordinate system.
North American Datum of 1983 (NAD 83) is shown by dotted lines. The values of the datum change from 1983 to 1983 are 7.5-minute increments by distance from National Geodetic Survey 1983 datum.
Topography compiled from USGS charts 3305 E, 304, 325, 117, 101, and 1226 (1978). This information is not intended for navigation purposes.
This map is printed on paper with a background of the National or State maximum grain of the map information shown in purple may not meet 300 DPI print standards and may conflict with previously mapped features.



VERTICAL INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
EARTH CURVES AND SPHEROIDIC FIT FEET DATUM IS MEAN LOWER LOW WATER
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE
THE RELATIONSHIP OF FEET TO METERS IS 3.28084

THIS MAP CONFORMS WITH THE NATIONAL MAP ACQUISITION STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, P.O. BOX 242, DENVER, COLORADO 80225
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ROAD CLASSIFICATION

- Primary highway: Light blue line, hard surface
- Secondary highway: Red line, hard surface
- Unimproved road: Dashed line, hard surface
- Light-duty road: Blue line, hard surface
- Improved surface: Red line, hard surface
- Unimproved road: Dashed line, hard surface

QUADRANGLE LOCATION

1	2	3
4	5	6
7	8	9

KITTERY, ME-NH
1975
NIMA 5613-B4-0105-1011





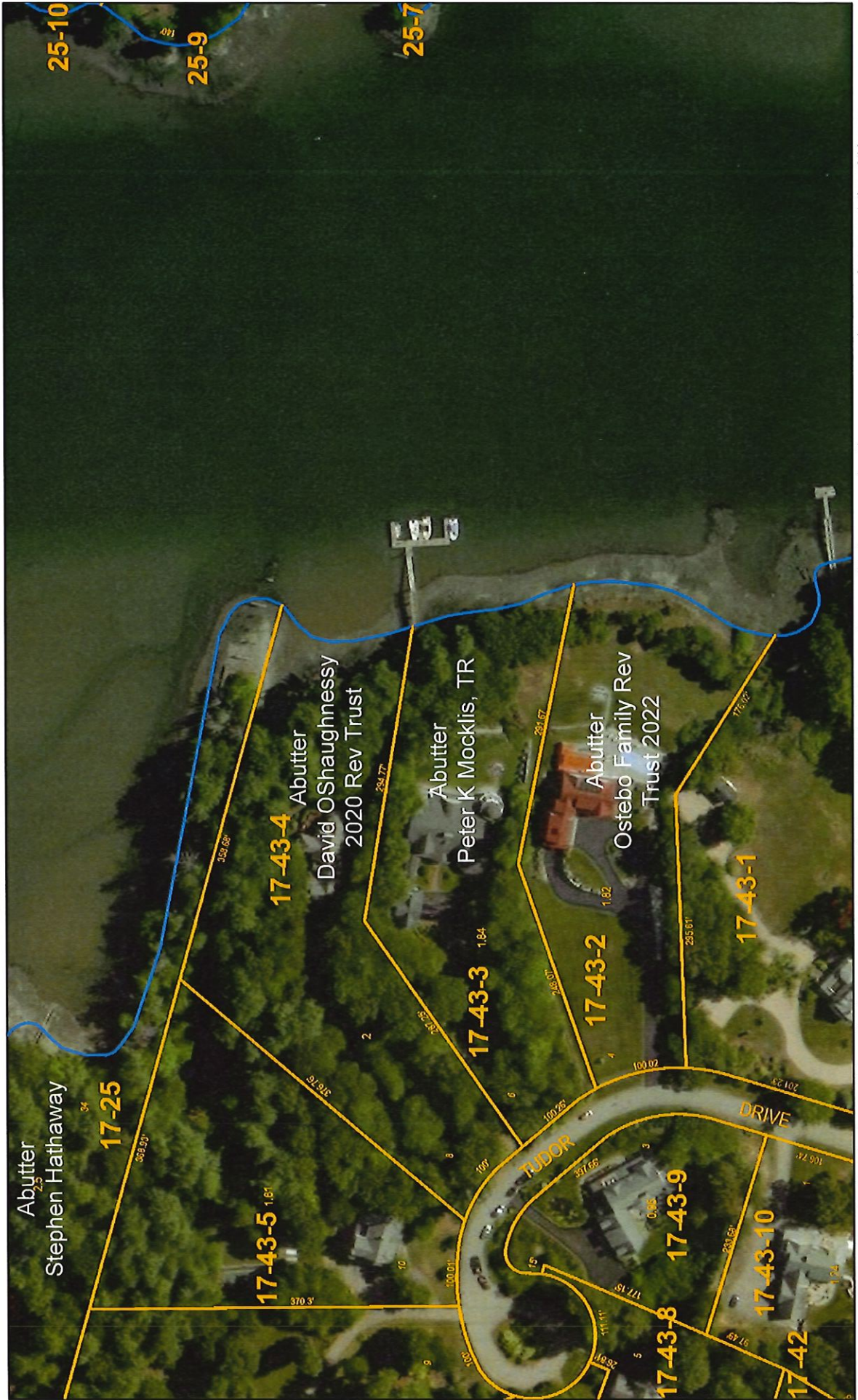
October 5, 2023

Kittery, ME

1 inch = 150 Feet



www.cai-tech.com



Data shown on this map 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 map.



Photo #1 — View looking east over existing docking system.



Photo #2 — View looking southeast over existing docking system.

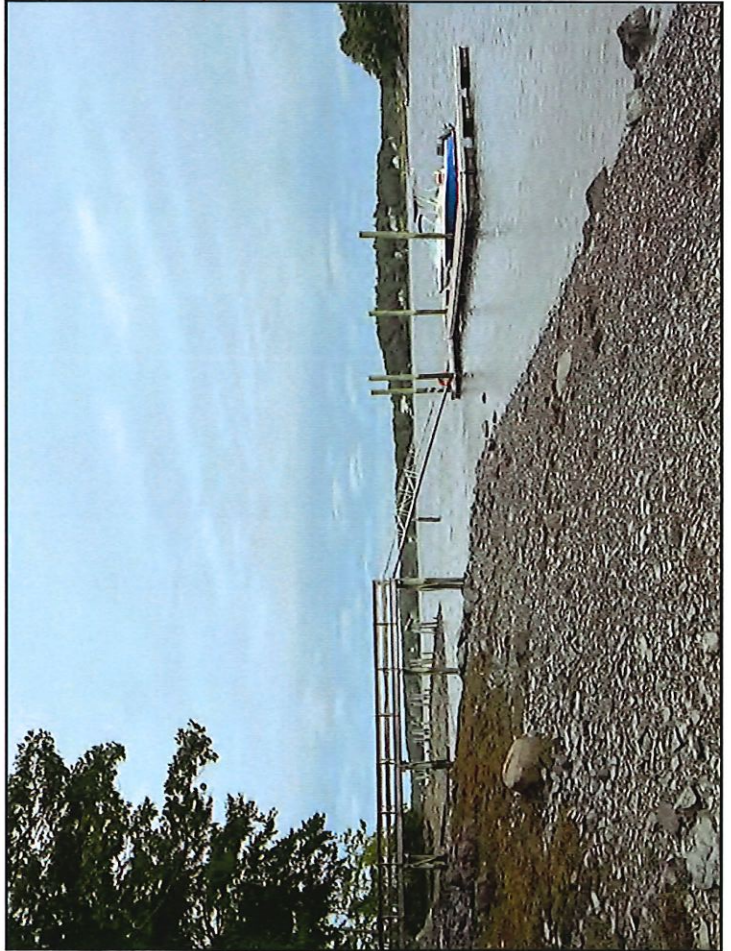


Photo #3 — View north over existing docking system.

Photos Taken: Sept, 2023

Photographs

For:

Briers HOA Inc
 Tudor Drive
 Kittery, ME 03904
 Map 17 Lot 43-3/4



34 Patterson Ln, Newington, NH
 03801
 Telephone (603) 427-2824
 Fax (866) 571-7132

Date: 10-3-23
 Scale: NTS
 By: ZCT

**APPENDIX A - MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: Briers Homeowners' Association Inc. Phone: 603-427-2824
 Application Type: NRPA
 Activity Type: (brief activity description) Add a 20ft landing float to the existing float and shift floats downriver ~14ft
 Activity Location: Town: Kittery County: York
 GIS Coordinates, if known: 43.086584, -70.719595
 Date of Survey: 9/24/2023 Observer: Zachary Taylor Phone: 603-427-2824

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

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

(blue)

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

NAME OF APPLICANT: Briers Homeowners' Association Inc. PHONE: 603-427-2824 (Agent)

APPLICATION TYPE: NRPA

ACTIVITY LOCATION: TOWN: Kittery COUNTY: York

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

DATE OF SURVEY: 09/24/2023 OBSERVER: Zachary Tylor

TIME OF SURVEY: 12:40 pm TIDE AT SURVEY: Low

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
Intertidal area: _____ Subtidal area: ~2 SF from re-driving two float piles

SIZE OF INDIRECT IMPACT, if known (square feet):
Intertidal area: _____ Subtidal area: 120 SF from new landing float

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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)

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



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



THIS IS AN APPLICATION FOR A.....

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



TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of 2-3 feet.
My boat(s) is 24 feet long.



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



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



WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Kittery approximately 1.3 miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in Kittery approximately 1.9 miles from the project location.
(town) (distance)

N/A Property has an existing pier, ramp, and float. Requesting modification to improve safety.

I have inquired about slip or mooring availability at the nearest marina or public facility.

Yes, a slip or mooring is available. No, a slip or mooring is not available.

Approximate expected time on waiting list: _____

I have contacted the local Harbor Master.

Name: John Brosnihan Phone: 2074510829

I currently use the following for my boat: Mooring Marina



TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

- The structure will be supported by pilings.
4 pilings of 10-12 inches in diameter
- The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet
- The structure will be supported by solid fill.
_____ square feet of solid fill
- Other: _____

DIMENSIONS:

Length of fixed section: 80 feet
Width of fixed section: 6 feet
Length of ramp: 40 feet
Dimensions of float: 6 feet wide by 20 feet long
Distance the structure will extend below mean low water (MLW): _____ feet
Depth of water at the fixed end of the structure: 0 feet
Depth of water at the float at low tide: 0-9 feet
Depth of water at the float at high tide: 8-17 feet
Dimensions of any proposed buildings (e.g. bait shed):
_____ feet high by _____ feet wide by _____ feet long

ACCESS:

During construction, my project site will be accessed via:

- Land
- Beach/intertidal area
- Water/barge

**AMENDMENT TO DECLARATION OF RIGHTS, RESTRICTIONS AND
COVENANTS**

**BRIERS AT MEAD FARM SUBDIVISION
TOWN OF KITTELY, YORK COUNTY, MAINE**

WHEREAS, the Declaration of Rights, Restrictions and Covenants of Briers at Mead Farm Subdivision dated February 21, 2003, concerning a ten lot subdivision located at Tudor Drive, Kittery, Maine, was recorded in the York County Registry of Deeds at Book 13246, Page 247, and the Plans for the Subdivision were recorded at said Registry in Plan Book 271, Page 30;

WHEREAS, First Step Land Development, Inc., a Maine corporation with a principal office and mailing address of Park Place Corporate Center, Suite F, 316 Route 1, York, Maine 03909, is the Declarant of the Subdivision ("Declarant");

WHEREAS, **The Jane S. Charlesworth Trust** is the owner of Lot 2 pursuant to a deed from First Step Land Development, Inc. dated May 14, 2003 and recorded at the York County Registry of Deeds in Book 12967, Page 349; **Philip A. Messier and Kathleen A. McGuire** are the owners of Lot 3 pursuant to a deed from First Step Land Development, Inc. dated August 11, 2003 and recorded at the York County Registry of Deeds in Book 13343, Page 36; **Hoff Foundation, Inc.** is the owner of Lot 4 pursuant to a deed from First Step Land Development, Inc. dated May 12, 2004 and recorded at the York County Registry of Deeds in Book 14081, Page 967; **Peter P. Cryans** is the owner of Lot 5 pursuant to a deed from First Step Land Development, Inc. dated March 24, 2004 and recorded at the York County Registry of Deeds in Book 14021, Page 917; **Peter S. Melendy** is the owner of Lot 6 pursuant to a deed from Eileen K. Roberts dated May 10, 2005 and recorded at the York County Registry of Deeds in Book 14457, Page 297; **Shore-Built Construction, Inc.** is the owner of Lot 7 pursuant to a deed from First Step Land Development, Inc. dated February 13, 2006 and recorded at the York County Registry of Deeds in Book 14756, Page 335; **Steven M. Dines and Edward W. Colleran and William A. Bischoff** are the owners of Lot 8 pursuant to a deed from First Step Land Development, Inc. dated September 21, 2005 and recorded at the York County Registry of Deeds in Book 14611, Page 552; **Swanick Builders, LLC** is the owner of Lot 9 pursuant to a deed from David Nenno and Rose-Mary Baiani-Nenno dated November 27, 2006 and recorded at the York County Registry of Deeds in Book 15018, Page 996; and **Mare Nominee Trust** is the owner of Lot 10 pursuant to a deed from Swanick Builders, LLC dated November 3, 2006 and recorded at the York County Registry of Deeds in Book 15018, Page 127; ("Lot Owners");

WHEREAS, the Declarant and Lot Owners desire to replace said Declaration in its entirety with the following Amended and Restated Declaration of Rights, Restrictions and Covenants - Briers at Mead Farm Subdivision-Town of Kittery, York County, Maine.

2 Apr 08
First Step Land Devel
316 US Rte 1
York ME 03909
←

NOW, THEREFORE, Declarant and Lot Owners hereby replace said Declaration of Rights, Restrictions and Covenants with the Amended and Restated Declaration of Rights, Restrictions and Covenants-Briers at Mead Farm Subdivision-Town of Kittery, York County Maine, as follows:

**AMENDED AND RESTATED DECLARATION OF RIGHTS,
RESTRICTIONS AND COVENANTS
BRIERS AT MEAD FARM SUBDIVISION
TOWN OF KITTERY, YORK COUNTY, MAINE**

THIS AMENDED AND RESTATED Declaration is made this 26 day of JANUARY, 2007, by First Step Land Development, Inc., a Maine corporation with a principal office and mailing address of Park Place Corporate Center, Suite F, 316 Route 1, York, Maine 03909, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, the Declarant has obtained Town of Kittery Planning Board approval of the subdivision of the parcel into ten residential lots, a private road known as Tudor Drive, a dock, and the 30 foot wide access easement to the dock (hereinafter the *real property*, except that Lot 1 is not subject to this Declaration), all as delineated on the plat entitled *Revision to A Phase II Subdivision Plan (Lot 43, Map 17)*, recorded: *YCRD Plan Book 222 Page 3, Subdivision Plan of The Briers at Mead Farm, for First Step Land Development, 225 Whipple Road Kittery, Maine*, prepared by Anderson-Livingston Engineers, Inc., dated March 25, 2002, as revised through July 11, 2002, and recorded at the York County Registry of Deeds in Plan Book 271, Page 30; on July 12, 2002, and as further revised through OCT 19, 2006, and recorded at the York County Registry of Deeds in Plan Book 317, Page (the Plan);

WHEREAS, the Declarant, has sold and conveyed all lots in said subdivision, and desires to further assure to said purchasers and their heirs, successors, and assigns owning such lots, the use, benefit and enjoyment of said lots and common lands in accordance with a harmonious plan, and to this end desires that said real property be subjected to certain restrictions, reservations, servitudes, covenants, agreements and easements as hereinafter set forth;

NOW THEREFORE, in consideration of the mutual promises set forth in this declaration, the Declarant hereby covenants and agrees with the purchasers of the lots on said Plan that each of lots 2 through 10 depicted on said Plan and rights appurtenant thereto are and shall be held and shall be conveyed subject to the restrictions, reservations, covenants, conditions, servitudes and easements as are stated in the various articles of this Declaration to apply to such lots and real property, which Declaration shall inure the benefit of and be binding upon the Declarant, its successors, and assigns, the purchasers of said lots, their heirs, successors and assigns, and the real property described on said Plan.

ARTICLE A. GENERAL RESTRICTIONS

Each of lots 2 through 10 and the real property shown on the Plan except Lot 1 shall be subject to the following rights, restrictions and covenants which shall run with the land;

1. Each lot shall be used exclusively for single family residential purposes except as hereinafter set forth. No lot shall be further subdivided.

2. No structure shall be erected on any lot except one detached, single family, residential dwelling, hereinafter referred to as the *Dwelling*, of not more than two and one-half stories in height and such other buildings subsidiary to the same, such as a garage. Each lot will be entitled to construct one guest house as the term is defined by the present Town of Kittery zoning ordinance. All buildings thereon shall be located within the applicable "building envelope" shown on the Plan, and each dwelling, prior to occupancy, shall be connected to public water and public sewer. In ground swimming pools may be installed upon a lot. All above ground swimming pools must be fenced in and not within view of the nearest abutters. Fences and stone walls are allowed only upon the approval of the Declarant.

3. The total living area of the first and second floors of any dwelling exclusive of basement, attic, porches, breeze ways, and garage shall not be less than two thousand (2,000) square feet nor exceed seventy-five hundred (7,500) square feet. At the time of construction of a residential dwelling, there shall be also constructed an enclosed garage of sufficient size to house a standard size automobile.

4. No livestock, animals or poultry, other than household pets shall be kept, maintained or allowed on any of the lots. No boarding or breeding kennels may be kept or maintained on any of the lots. The following breeds of dogs are not allowed on the lots or any part of the Subdivision: Rottweiler, Chow Chow, Pit Bull, Doberman Pinscher or any dogs which are aggressive by nature. No owner shall maintain more than three dogs on any lot.

5. The lots shall be used only for residential and ancillary purposes and, no commercial, industrial, business, professional use or enterprise of any nature or description shall be carried on at the lots, unless (a) its conduct on the lots is wholly within the residence located on the lot, (b) it has only one other employee on the lot, (c) it is not advertised on the lot or on roads leading to the lot, and (d) such use does not require regular client/customer/patient contact at the dwelling, nor shall any client/customer/patient be allowed to park on Tudor Drive. Lot owners vehicles shall not be parked within Tudor Drive. Guests of lot owners are allowed to park on Tudor Drive for not more than 24 hours, so long as not obstructing passage by other vehicles. No lot owner may grant easements benefiting real property located outside of the subdivision.

6. Each building and structure on the lots shall be supported by a solid masonry

foundation or slab. All exterior portions of chimneys and fireplaces shall be of brick or stone construction only. No cinder block chimneys are allowed on the exterior of the dwelling.

7. All utility service lines, including cable, shall be underground. Satellite dishes and other communications equipment are prohibited unless properly screened from Spruce Creek and other lots within the subdivision. All propane tanks must be screened from the view of other lot owners.

8. No owner of a lot shall do or permit to be done any act upon the lots which is or may constitute a nuisance.

9. No boats, camper-trailers or similar RV's etc. shall be stored on any lot unless garaged or screened from the view of other lots with natural vegetation.

10. No sign of any nature shall be displayed to public view on a lot or on the common area, except for as is required under Section 18(a-s) of this section, and except for one customary name and address sign of not more than six inches in width and 24 inches in length. Temporary real estate agency signs indicating a dwelling is for sale are allowed. This restriction shall not apply to any sign erected by Declarant.

11. When the construction of the buildings on the lot is once begun, work thereon must be prosecuted diligently and must be completed within 18 months. All construction equipment and materials used during construction upon a lot shall be off-loaded on the lot and not upon Tudor Drive so that no damage to embankment, roadway or common area shall occur. It shall be the responsibility of the lot owner to repair any damage to Tudor Drive and common area resulting from the transportation of such equipment or materials.

12. Open burning of refuse, leaves, and brush within the subdivision is prohibited. No trash, ashes or other refuse, junk, vehicles in disrepair, brushwood, or other unsightly objects shall be kept or permitted on any lot or in the common areas except in sanitary containers located in appropriate areas concealed from public view.

13. Children's swing sets, jungle gyms, wading pools and similar play equipment must be confined to side or rear yard areas.

14. Clotheslines are prohibited on all lots.

15. The initial home construction, landscaping plans, and placement of house for each lot must be approved in advance by First Step Land Development, Inc. The lot owner shall submit to the First Step Land Development, Inc. the following:

A site plan showing the following improvements on the lot: house, garage, driveway, walk ways, decks or patios and landscaping. In addition, this plan shall indicate the finish floor elevation, facades and exterior materials

of the building(s) and proposed lot grading to provide for satisfactory storm water control. All homes on lots 2-8 must be no less than 150 feet away from each other. Homes on lots 9 & 10 shall be no less than 125 feet from each other.

16. The house placement on lot 2 shall not be within the established view easement as set forth in deed of Robert J. Mead to James P. Austin and Tudor M. Austin, dated December 4, 1987 and recorded at York County Registry of Deeds, Book 456, Page 300.

17. Declarant will install screening type vegetation along first 300 feet of roadway so no headlights of traffic coming down Tudor Drive or exiting lot 10 will shine onto the main house (homestead lot) as depicted on lot 1.

Construction shall be in conformity with such approved plans. Declarant may assign its rights hereunder to Briars Homeowners' Association, Inc. by written document recorded in the York County Registry of Deeds.

18. Covenants Restricting the Ownership, Maintenance and Operation of the Briars Homeowner's Association 30 Foot Wide Access Easement Area and Private Pier on Spruce Creek:

The following restrictions apply to all lot owners of the Briars of Mead Farm (Lots 2 thru 10) concerning the maintenance, operation, legal ownership, and use of the 30 foot wide access easement area leading to the community pier, ramp and floats, as well as the maintenance, operation, legal ownership and use of the community pier, ramp and floats (hereinafter referred to as "the Briars Homeowner's Association Private Pier") to be built in accordance with the pier plan drawn by Pickering Marine, Inc. of Portsmouth N.H. and located on Spruce Creek near the common boundary of Lot 3 and Lot 4 as shown on subdivision plan (hereinafter "the plan") drawn by Anderson-Livingston Engineers dated 2002, revised on September 28, 2005, and further revised on Oct 19, 2006, approved by the Kittery Planning Board and recorded on JAN 8 2007, ~~2006~~ at the York County Registry of Deeds in Plan Book 317 Page 6. The following covenants, 18(a-s), cannot be amended simply by a two thirds (2/3) vote of the lot owners, unless specifically approved by the Kittery Port Authority and the Kittery Planning Board.

18a. The Briars Homeowner's Association 30 foot wide access easement area and private pier will be owned and maintained by the Briars Homeowner's Association (hereinafter referred to as "the Association"), a Maine non-profit corporation. The Briars Homeowner's Association 30 foot wide access easement area and private pier shall remain privately owned and operated by the Association and shall not be the responsibility of the Town of Kittery. Access and use of the Briars Homeowner's Association 30 foot wide access easement area and private pier over Lot 3 and Lot 4 (as shown on the plan) shall be limited to members or guests of the Association (hereinafter "lot owners") who, in accordance with the Bylaws of the Association

must be Briers at Mead Farm Subdivision lot owners.

18b. There will be no boat ramp access at the Briers Homeowner's Association private pier or within the 30 foot wide access easement area referred to above and shown on the plan. Lot owner's boats must be launched and hauled from a location other than the Briers Homeowner's Association private pier. Kayaks and canoes shall be launched from The Briers Homeowner's Association private pier, but there will be no kayaks or canoes stored in the 30 foot wide access easement area referred to above and show on the plan.

18c. There will be no additional piers, slips, floats, moorings, or any marine related structures built or placed along the shore frontage of Spruce Creek where lots 2, 3, & 4 of the plan meet the shore line. By signing this Declaration, The Jane S. Charlesworth Trust, Philip A. Messier and Kathleen A. McGuire, and Hoff Foundation, Inc., being the owners of lots 2, 3, and 4 respectively, for themselves, their successors, heirs, assigns, personal representatives, and any other persons claiming by or through them, hereby waive any and all mooring rights and rights to build piers and /or floats, slips, or any other marine-related structures appurtenant to or arising out of their individual ownership of their respective lots upon issuance of an Occupancy Permit or other written approval of the Kittery Code Enforcement Office indicating that use of the dock is authorized by the Town. Seasonal floats shall be removed and stored offsite when not in use. Kayaks and canoes shall be stored at owner's place of residence or offsite, as applicable.

18d. There shall be nine boat slips at the Briers Homeowner's Association private pier. A single boat slip at the Briers Homeowner's Association private pier shall be reserved for each lot in the Briers at Mead Farm subdivision. The boat slip may be used only to berth the lot owner's boat, provided the lot owner is current with respect to Association dues and is otherwise in good standing with the Association.

18e. No lot owner may exchange their designated boat slip location with the designated boat slip location of another lot owner without the prior approval of the Association and the Port Authority.

18f. No lot owner may lease, rent, or otherwise permit use of lot owner's slip to another lot owner or non-lot owner of the Briers Homeowner's Association.

18g. No more than two kayaks, two canoes, or two skiffs (non-motorized) per boat slip are allowed in lieu of a boat.

18h. No commercial use or activity of any type is allowed by any lot owner with his or her or its boat at or from the Briers Homeowner's Association private pier (Examples: No fishing, lobstering, or commercial boating for profit); as defined by future Port Authority determination or existing precedent.

18i. All boats must be registered in the State of Maine as required by State Law and as enforced by the Kittery Port Authority.

18j. Access to the Briers Homeowner's Association private pier will be by foot or non-motorized hand cart only, and within the 30 foot wide access easement area as shown on the plan. Parking is not allowed except for drop-off, all guests will park at the homeowner's house, and not within the 30 foot wide access easement area to the pier or on the main thoroughfare.

18k. No boat berthed within the Briers Homeowner's Association private pier may exceed 24 feet in length including the motor and all bow and stern appendages.

18l. Hours of operation of the Briers Homeowner's Association private pier will be from two (2) hours before dawn to two (2) hours after dusk only.

18m. Alcoholic beverages or illegal substances of any kind shall not be consumed at the 30 foot wide access easement area, or the Briers Homeowner's Association private pier. No communal gathering on the 30 foot wide access easement area or pier system before dawn or after dusk is allowed.

18n. The Association shall maintain liability and hazard insurance on the Briers Homeowner's Association private pier with appropriate policy limits. All boats berthed at the Briers Homeowner's Association private pier shall be insured for liability in accordance with terms and conditions established by the Association. A certificate of the boat owner's insurance shall be provided to the Association.

18o. Per condition #9 of the Kittery Port Authority permit dated January 18, 2005, there shall be no individual utilities pedestals at each slip.

18p. Notwithstanding Article C(1) of this Amended and Restated Declaration of Rights, Restrictions and Covenants, Section 18 (a-s) set forth herein shall not be amended or modified unless specifically approved by the Kittery Port Authority and the Kittery Planning Board.

18q. The Kittery Code Enforcement Officer and the Harbor Master may but shall not be bound to enforce any of the covenants in Section 18 (a-s).

18r. The Declarant is responsible for the aforementioned covenants until such time that the Briers at Mead Farm Homeowners Association is created.

18s. The aforementioned covenants shall run with the land and are binding on the parties hereto, their successors, heirs, assigns, personal representatives, and any other persons claiming by or through them, and any and all successor(s) to a Lot Owner at the Briers at Mead Farm Subdivision, or the Briers at Mead Farm Homeowners Association, as is further outlined in Article C-General Provisions; Subsections 1, 2, &3 of the Amended and Restated Declaration of Rights, Restrictions and Covenants-Briers at Mead Farm Subdivision-Town of Kittery, York County, Maine; recorded at the York County Registry of Deeds Book Page .

ARTICLE B. HOMEOWNERS' ASSOCIATION

1. **Easement:** Declarant and each lot owner in the subdivision, their successors and assigns, is hereby granted a perpetual easement, in common, within Tudor Drive, the 30 foot wide access easement area leading to the dock at Spruce Creek, and the dock, (herein referred to as the *common areas*) all as shown on the Plan. The easement within Tudor Drive shall include pedestrian and motor vehicle access between the lots and Whipple Road and also underground utilities. The access path to the dock shall be for pedestrian use only and may include walkway lighting. Declarant reserves the right to improve the dock and the 30 foot wide access easement area leading to the dock, subject to Article A, Section 18(a-s), as is listed above.

2. **Creation and Purpose:** A Maine not-for-profit corporation shall be formed to be known as the Briers Homeowners' Association, Inc. (hereinafter referred to as the *Association*), for the purpose of owning in fee simple absolute Tudor Drive, the 30 foot wide access easement area, and the dock on Spruce Creek (subject to the easements set forth above), as well as to facilitate the collection of maintenance fees from lot owners for Tudor Drive, the storm water control improvements within the subdivision, the 30 foot wide access easement area, and the dock. In addition to the provisions set forth herein, the Association shall be governed by Articles of Incorporation, Bylaws and any amendments thereto or any rules and regulations subsequently adopted by the Association. In the event of a conflict between the provisions of this Declaration, and the Articles of Incorporation, Bylaws or rules and regulations, the provisions of this Declaration shall govern.

3. **Membership and Voting:** Declarant, its successors and assigns, and every record owner of lots 2 through 10 of the subdivision shall be members of the Association and each lot shall be entitled to one vote.

4. **Powers of the Association:** The Association shall have all of the powers of a Maine non-profit corporation, including but not limited to the following:

- (a) To acquire, own, convey, mortgage, pledge or lease such property as may be necessary in order to carry out the purposes of the Association and to take title to Tudor Drive, the 30 foot wide access easement area, and the dock.
- (b) To landscape Tudor Drive and common areas.
- (c) To provide for the improvement, maintenance, repair and snow plowing and snow removal from Tudor Drive, the entrance-way to the subdivision, common areas including the 30 foot wide access easement area and the dock, and storm water facilities in the subdivision.

(d) To accept an assignment of Declarant's rights and obligations hereunder, and exercise such rights and obligations.

(e) To assess and collect association fees and expenses.

(f) To establish rules and regulations for the use of the common areas, excluding rules and regulations for the 30 foot wide access easement area and the dock, as those rules and regulations have hereto been established as set forth in Article A, Section 18(a-s).

(g) To govern itself in accordance with the provisions set forth in the Articles of Incorporation and Bylaws of the Association.

5. Method of Providing General Funds:

(a) For the purpose of providing a general fund to enable the Association to exercise the powers, and make and maintain the improvements and render the services herein provided for, the Board of Directors of the Association shall determine for each year the total amount required for such fund for such year and shall levy an annual assessment uniformly against each of lots 2 through 10 in the subdivision.

(b) In the event of failure of any owner to pay any assessment on or before thirty (30) days following notice to such owner of such assessment or the scheduled due date thereof, if later, then such assessment shall become delinquent and shall bear interest at the rate of ten percent (10%) per annum from the due date thereof, plus costs of collection, including without limitation attorney's fees. When delinquent, payment of principal, interest and costs may thereafter be enforced against the owner personally, and as a lien on said real estate. It shall be the duty of the Association to bring suits to enforce such liens before the expiration thereof. The Association, through its Board of Directors, may file certificates of non-payment of assessments in the office of the Registry of Deeds whenever any such assessments are delinquent. For each certificate so filed, the Association shall be entitled to collect from the lot owner a fee of \$50.00 which fee is hereby declared to be a lien upon the lot so described in said certificate. Such fee shall be collectable in the same manner as the original assessment.

(c) The liens for such assessments shall be subordinate to the lien of any valid mortgage or deed of trust now existing or that may hereafter encumber a lot. In the event of the issuance of a deed pursuant to foreclosure of such mortgage or deed of trust or in lieu of such foreclosure, the grantee of such deed shall take title free and clear from any liens herein provided which accrue prior to the recording of such deed.

(d) Such liens shall continue for a period of five years from the date of delinquency and no longer, unless within such time suit shall have been filed for the collection of the assessment, in which case the lien shall continue until the termination of the suit and until the sale of the property under execution of the judgment in such suit.

6. Expenditures Limited to Assessment for Current Year: The Association shall not expend more money within one year than the total amount of the assessment for that particular year, plus any surplus which it may have on hand from previous assessments; nor shall said Association enter into any contract whatsoever binding the assessment of any future year, and no such contract shall be valid or enforceable against the Association.

ARTICLE C. GENERAL PROVISIONS

1. Excepting Article A, Section 18(a-s), each of the provisions set forth in Article A of this Declaration shall continue and remain binding for a period of fifty (50) years from the date hereof, and thereafter shall continue automatically in effect for two additional periods of twenty (20) years, unless otherwise agreed to in writing by two-thirds of the lot owners. Excepting Article A, Section 18(a-s), this Declaration may be amended by written consent of two-thirds of the lot owners. Said amendment and consents shall be recorded in the office of the Registry of Deeds. Each of the provisions set forth in Article A, Section 18(a-s) shall continue perpetually, run with the land, and bind Declarant, its successors or assigns, and each of the lot owners for lots 2-10 of the Briars at Mead Farm Subdivision. The provisions of Article A, Section 18(a-s) cannot be amended or changed simply by written consent of two-thirds of the lot owners, unless specifically approved by the Kittery Port Authority and the Kittery Planning Board.

2. Each of the provisions set forth in Article C shall continue perpetually, provided that changes in the manner of assessments or changes not inconsistent with the special restrictions, road assessments and maintenance, etc., of Tudor Drive, improvements, drains and culverts, may be made by unanimous consent of all the lot owners.

3. The provisions herein set forth shall run with the land and bind Declarant, its successors and assigns, and all parties claiming by, through, or under them. Declarant, its successors or assigns, and each lot owner from time to time shall have the right, but not the obligation, jointly and separately, to sue for and obtain a prohibitive or mandatory injunction to prevent the breach of, or to enforce the observance of, the provisions above set forth, or any of them, in addition to the right to bring an ordinary legal action for damages. If Declarant, the Association or a lot owner engages the services of an attorney to enforce the provisions set forth herein and is successful in establishing that a breach of these covenants by defendant has occurred, said Declarant, Association or lot owner shall be entitled to reasonable attorneys' fees. In no event shall the failure of Declarant, its successors or assigns, and such owners to enforce any of the provisions herein set forth as to a particular violation be deemed to be a waiver of the right to do so as to any subsequent violation. Declarant and the Association have the right, but not the duty, to enforce these covenants. A lot owner aggrieved by the breach of these covenants may, in the absence of enforcement action by the Declarant or the Association, initiate its own enforcement action.

4. If a court of competent jurisdiction shall hold invalid or unenforceable any party of any provision contained in this Declaration, such holding shall not impair, invalidate or otherwise

affect the remainder of this Declaration which shall remain in full force and effect.

5. Declarant will convey title to Tudor Drive, the 30 foot wide access easement area to the dock and floats, and the dock and floats to the Association five years after the date of this Declaration or after the sale of the last of lots 2 through 10 of the subdivision. Declarant hereby retains for itself, its successors and assigns, the right to vest the Association or any other not-for-profit corporation with all or any of the rights, privileges, easements, powers and duties herein retained or reserved by the Declarant or its successors or assigns, by written instrument or instruments in the nature of an assignment which shall be effective when recorded in the Office of the Registry of Deeds of York County, Maine, and Declarant, its successors and assigns, shall thereupon be relieved and discharged from every duty so vested in the Association or in such other not-for-profit corporation.

6. Each lot owner shall file the correct mailing address of such owner with the Association and Declarant, and shall notify the Association and Declarant promptly in writing of any subsequent change of address. A written or printed notice, deposited in the United States Post Office, postage prepaid, and addressed to any owner at the last address filed by such owner with the Association or Declarant shall be sufficient and proper notice to such owner wherever notices are required in this Declaration. Each lot shall be entitled to one mailing address for the purpose of notification from the Association.

7. By acceptance of a deed or other instrument of conveyance by a lot owner, notice is thereby given notice of this Declaration and the Bylaws of Briers Homeowners' Association, Inc., whether or not it shall be so expressed in the deed. Each lot owner is entitled to the rights and privileges of membership in the Association, as provided in this Declaration and the Bylaws, and shall be responsible for the duties of membership, including the duty to pay Association assessments and the duty to remain in good standing.

8. This Declaration shall be governed by, construed, and enforced in accordance with the laws of the State of Maine.

IN WITNESS WHEREOF, the Declarant and Lot Owners have executed this instrument as of this 11 day of JANUARY, 2006.2007

WITNESS:

First Step Land Development, Inc.

By Paul C. Hollis (Pres)
Paul C. Hollis, President

STATE OF MAINE
County of York, ss.

January 11, 2006 7

Then personally appeared the above named Paul C. Hollis, President of First Step Land Development, Inc. and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said corporation.

Before me,

Nancy E. Kashmer

Notary Public/Attorney at Law

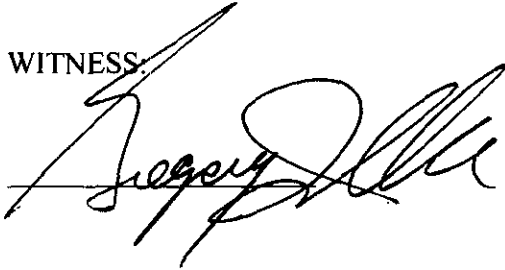
Print Name:

Commission Expires:

SEAL

NANCY E. KASHMER
NOTARY PUBLIC
State of Maine
My Commission Expires
May 25, 2013

WITNESS:



The Jane S. Charlesworth Trust

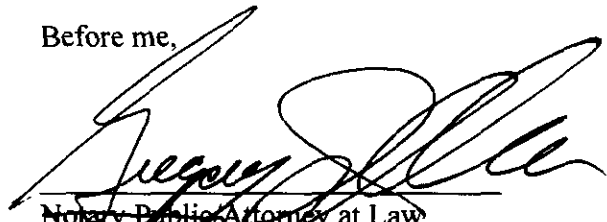
By Jane S. Charlesworth, Trustee
Jane S. Charlesworth, Trustee

STATE OF MAINE
County of YORK

1-25, 2008

Then personally appeared the above named Jane S. Charlesworth, as Trustee of The Jane S. Charlesworth Trust, and acknowledged the foregoing instrument to be her free act and deed in said capacity and free act and deed of said Trust.

Before me,



~~Notary Public~~ Attorney at Law
My commission expires:
Print Name:

WITNESS:

Jaclyn Sepe

Philip A. Messier
Philip A. Messier

STATE OF Florida
County of Dade

Jan 8, 2006

Then personally appeared the above named Philip A. Messier and acknowledged the foregoing instrument to be his free act and deed.

Before me,



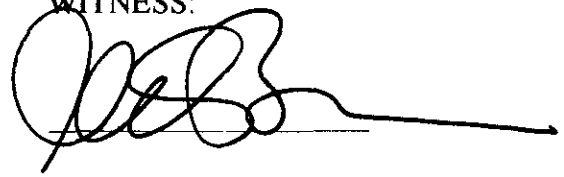
Bonnie Alina Sepe

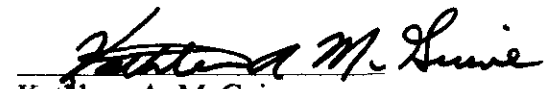
Notary Public
My Commission expires:
Print name:

Bonnie Sepe
Alina

SEAL

WITNESS:

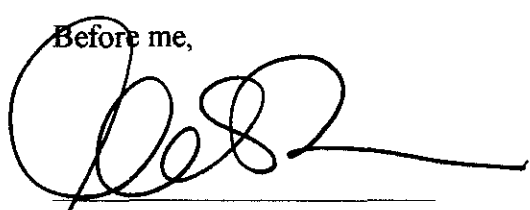



Kathleen A. McGuire
1/9/07

STATE OF N.H.
County of Hillsborough

Jan. 9, 2007

Then personally appeared the above named Kathleen A. McGuire and acknowledged the foregoing instrument to be her free act and deed.

Before me,


Notary Public
My Commission expires: 4/17/07
Print name: William E. Brennan

WILLIAM E. BRENNAN
Justice of the Peace / Notary Public
My Commission Expires April 17, 2007

WITNESS:

The Hoff Foundation, Inc.

[Signature]

By [Signature: Charles J. Hoff]
Charles J. Hoff, Chairman Board of Directors

STATE OF Maine
County of York

December 22, 2006


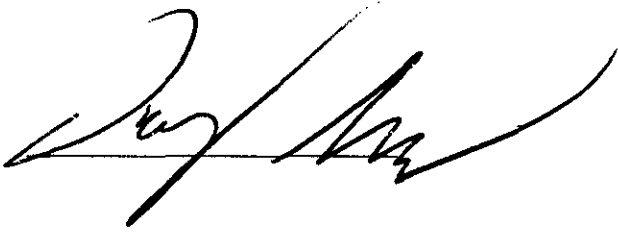
Then personally appeared the above named Charles J. Hoff, Chairman Board of Directors for the Hoff Foundation, Inc., and acknowledged the foregoing instrument to be his free act and deed in said capacity and free act and deed of said Foundation.

Before me,

[Signature: Thomas E. Morgan]
Notary Public/Attorney at Law
My commission expires: 8-1-12
Print Name: Thomas E. Morgan

SEAL

WITNESS:

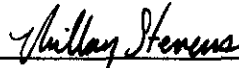

Peter P. Cryans

STATE OF New Hampshire
County of Rockingham

12-26, 2006

Then personally appeared the above named Peter P. Cryans and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public

My Commission expires: 4/19/11

Print name:

Millay Stevens



WITNESS:

D. J. Beem

Peter S. Melendy
Peter S. Melendy

STATE OF New Hampshire
County of Rockingham

12/26, 2006

Then personally appeared the above named Peter S. Melendy and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Alison M. Cleveland

Notary Public

My Commission expires: 2/9/10

Print name: Alison Cleveland

SEAL

WITNESS:

Shore-Built Construction, Inc.

Julia Brewer

By Susana LeClair as Treasurer
Susana LeClair, Treasurer

STATE OF MAINE
County of York

January 4, 2007

Then personally appeared the above named Susana LeClair, Treasurer of Shore-Built Construction, Inc., and acknowledged the foregoing instrument to be her free act and deed in said capacity and free act and deed of said corporation.

Before me,

Debra King
Notary Public/Attorney at Law
My commission expires:
Print Name:

DEBRA KING
Notary Public, Maine
Commission Expires July 3, 2008

SEAL

(ew)

WITNESS:

John W. Cauly

Steven M. Dines
Steven M. Dines

STATE OF NH
County of Rockingham

Jan 4, 2006 SEAL

Then personally appeared the above named Steven M. Dines and acknowledged the foregoing instrument to be his free act and deed.

Before me,

John W. Cauly
Notary Public
My Commission expires: ~~My Commission Expires~~ March 20, 2007
Print name: John W. Cauly

WITNESS:

John W. Cauley

Edward W. Colleran
Edward W. Colleran

STATE OF NH
County of Rockingham

Jan. 4, 2006

Then personally appeared the above named Edward W. Colleran and acknowledged the foregoing instrument to be his free act and deed.

SEAL

Before me,

John W. Cauley
Notary Public

My Commission expires: My Commission Expires March 30, 2007

Print name: John W. Cauley

WITNESS:

John W. Canty

William A. Bischoff
William A. Bischoff

STATE OF NH
County of Rockingham

Jan 4, 2006

Then personally appeared the above named William A. Bischoff and acknowledged the foregoing instrument to be his free act and deed.

Before me,

SEAL

John W. Canty
Notary Public

My Commission expires: My Commission Expires March 20, 2007

Print name: John W. Canty

WITNESS:

Swanick Builders, LLC

[Signature]

By *[Signature]*
Paul Swanick, Manager

STATE OF Maine
County of York

December 27, 2006

Then personally appeared the above named Paul Swanick, as Manager of Swanick Builders, LLC, and acknowledged the foregoing instrument to be his free act and deed in said capacity and free act and deed of said limited liability corporation.

Before me,

SEAL

[Signature]
Notary Public/Attorney at Law
My commission expires:
Print Name:

GAIL P. LEMONT
Notary Public, Maine
My Commission Expires December 24, 2012

WITNESS:

Mare Nominee Trust

Henry Tubred

By *Debra A. Rotondo*
Debra A. Rotondo, Trustee

STATE OF *Maine*
County of *York*

Dec 28, 2006

Then personally appeared the above named Debra A. Rotondo, as Trustee of the Mare Nominee Trust, and acknowledged the foregoing instrument to be her free act and deed in said capacity and free act and deed of said Trust.

Before me,

SEAL

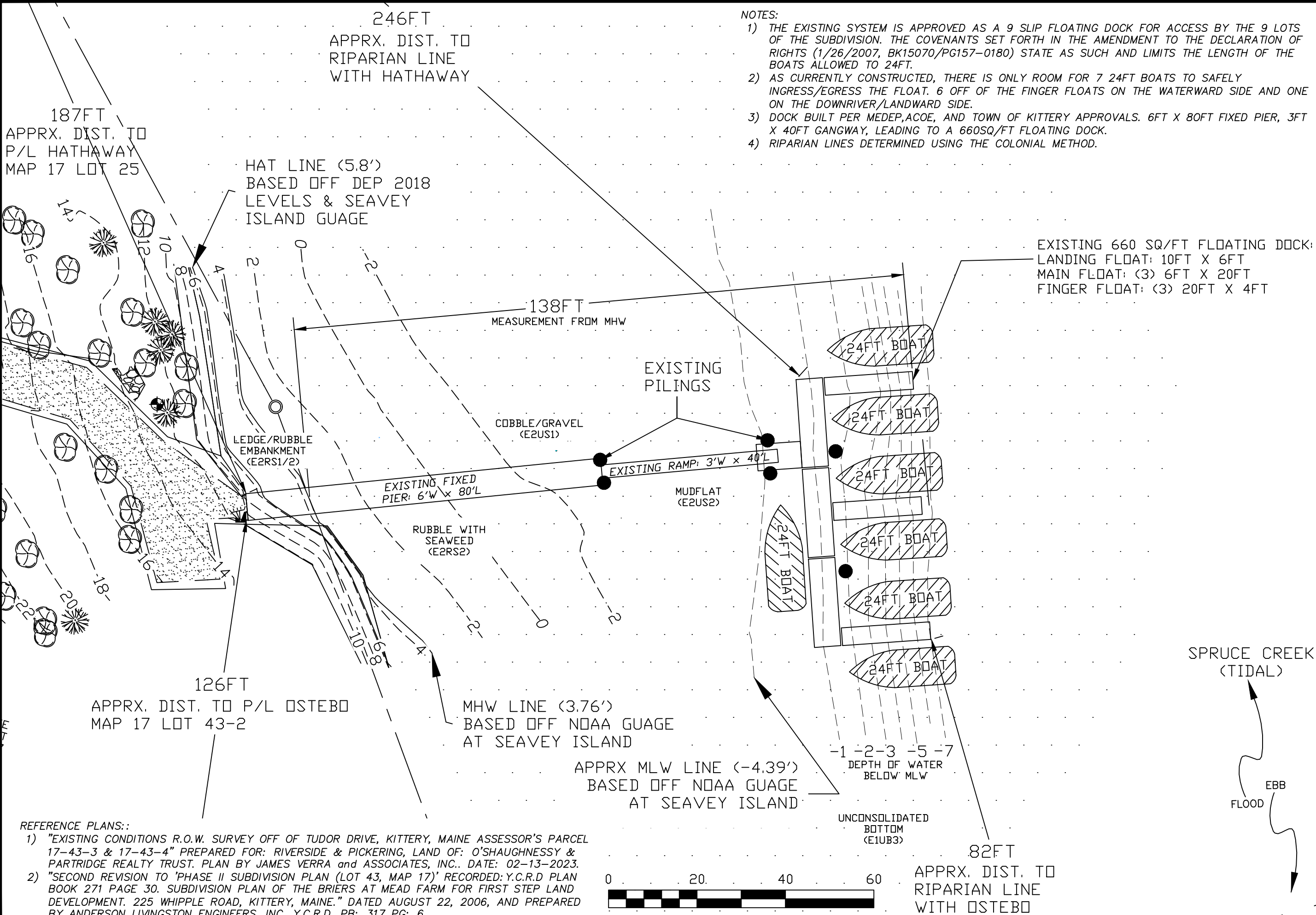
E Gail Strong
Notary Public/Attorney at Law

My commission expires:

Print Name:

**E GAIL STRONG
COMMISSION EXPIRES
AUGUST 13, 2007**

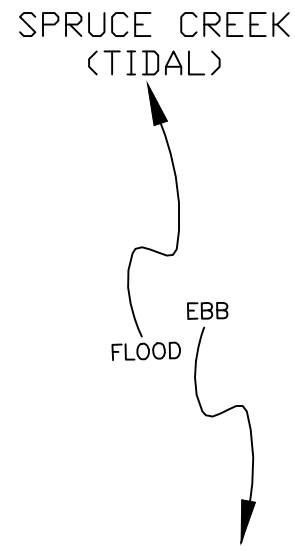
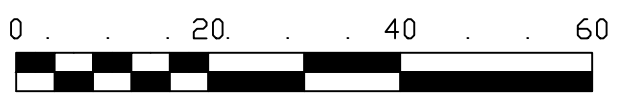
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- NOTES:
- 1) THE EXISTING SYSTEM IS APPROVED AS A 9 SLIP FLOATING DOCK FOR ACCESS BY THE 9 LOTS OF THE SUBDIVISION. THE COVENANTS SET FORTH IN THE AMENDMENT TO THE DECLARATION OF RIGHTS (1/26/2007, BK15070/P157-0180) STATE AS SUCH AND LIMITS THE LENGTH OF THE BOATS ALLOWED TO 24FT.
 - 2) AS CURRENTLY CONSTRUCTED, THERE IS ONLY ROOM FOR 7 24FT BOATS TO SAFELY INGRESS/EGRESS THE FLOAT. 6 OFF OF THE FINGER FLOATS ON THE WATERWARD SIDE AND ONE ON THE DOWNRIVER/LANDWARD SIDE.
 - 3) DOCK BUILT PER MEDEP, ACOE, AND TOWN OF KITTEERY APPROVALS. 6FT X 80FT FIXED PIER, 3FT X 40FT GANGWAY, LEADING TO A 660SQ/FT FLOATING DOCK.
 - 4) RIPARIAN LINES DETERMINED USING THE COLONIAL METHOD.

REFERENCE PLANS::

- 1) "EXISTING CONDITIONS R.O.W. SURVEY OFF OF TUDOR DRIVE, KITTEERY, MAINE ASSESSOR'S PARCEL 17-43-3 & 17-43-4" PREPARED FOR: RIVERSIDE & PICKERING, LAND OF: O'SHAUGHNESSY & PARTRIDGE REALTY TRUST. PLAN BY JAMES VERRA and ASSOCIATES, INC.. DATE: 02-13-2023.
- 2) "SECOND REVISION TO 'PHASE II SUBDIVISION PLAN (LOT 43, MAP 17)' RECORDED: Y.C.R.D PLAN BOOK 271 PAGE 30. SUBDIVISION PLAN OF THE BRIERS AT MEAD FARM FOR FIRST STEP LAND DEVELOPMENT. 225 WHIPPLE ROAD, KITTEERY, MAINE." DATED AUGUST 22, 2006, AND PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC. Y.C.R.D. PB: 317 PG: 6.



Briers at Mead Farm
Float Modification

Date: 09/28/2023
 Drawn By: ZT
 Checked By:
 Approved: _____ Date: _____
 Address: _____ City: Kittery, ME
 Map & Lot #: 17-43-3 & 4 Drawing Scale: Noted Title: _____
 Job Class: _____

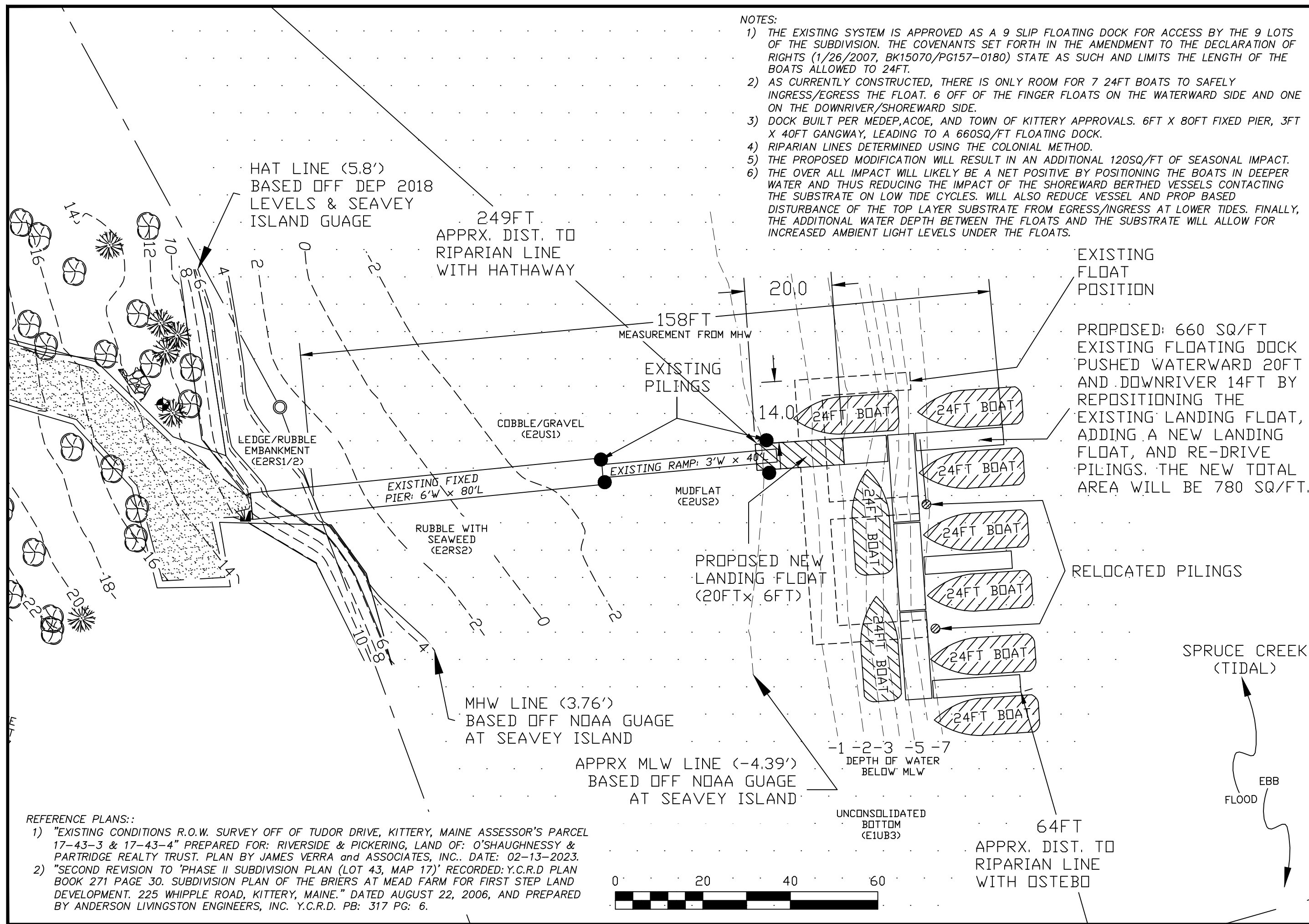
RIVERSIDE & PICKERING
MARINE CONTRACTORS

34 Patterson Lane, Newington, NH
 Office: (603) 427-2824 Fax: (603) 571-7132

REVISIONS	Date	Description	Approve

File #: _____

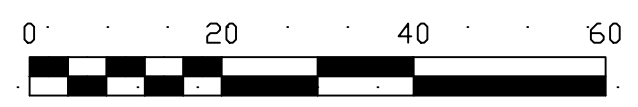
1 3



- NOTES:
- 1) THE EXISTING SYSTEM IS APPROVED AS A 9 SLIP FLOATING DOCK FOR ACCESS BY THE 9 LOTS OF THE SUBDIVISION. THE COVENANTS SET FORTH IN THE AMENDMENT TO THE DECLARATION OF RIGHTS (1/26/2007, BK15070/PG157-0180) STATE AS SUCH AND LIMITS THE LENGTH OF THE BOATS ALLOWED TO 24FT.
 - 2) AS CURRENTLY CONSTRUCTED, THERE IS ONLY ROOM FOR 7 24FT BOATS TO SAFELY INGRESS/EGRESS THE FLOAT. 6 OFF OF THE FINGER FLOATS ON THE WATERWARD SIDE AND ONE ON THE DOWNRIVER/SHOREWARD SIDE.
 - 3) DOCK BUILT PER MEDEP, ACOE, AND TOWN OF KITTERY APPROVALS. 6FT X 80FT FIXED PIER, 3FT X 40FT GANGWAY, LEADING TO A 660SQ/FT FLOATING DOCK.
 - 4) RIPARIAN LINES DETERMINED USING THE COLONIAL METHOD.
 - 5) THE PROPOSED MODIFICATION WILL RESULT IN AN ADDITIONAL 120SQ/FT OF SEASONAL IMPACT.
 - 6) THE OVER ALL IMPACT WILL LIKELY BE A NET POSITIVE BY POSITIONING THE BOATS IN DEEPER WATER AND THUS REDUCING THE IMPACT OF THE SHOREWARD BERTHED VESSELS CONTACTING THE SUBSTRATE ON LOW TIDE CYCLES. WILL ALSO REDUCE VESSEL AND PROP BASED DISTURBANCE OF THE TOP LAYER SUBSTRATE FROM EGRESS/INGRESS AT LOWER TIDES. FINALLY, THE ADDITIONAL WATER DEPTH BETWEEN THE FLOATS AND THE SUBSTRATE WILL ALLOW FOR INCREASED AMBIENT LIGHT LEVELS UNDER THE FLOATS.

REFERENCE PLANS::

- 1) "EXISTING CONDITIONS R.O.W. SURVEY OFF OF TUDOR DRIVE, KITTERY, MAINE ASSESSOR'S PARCEL 17-43-3 & 17-43-4" PREPARED FOR: RIVERSIDE & PICKERING, LAND OF: O'SHAUGHNESSY & PARTRIDGE REALTY TRUST. PLAN BY JAMES VERRA and ASSOCIATES, INC.. DATE: 02-13-2023.
- 2) "SECOND REVISION TO 'PHASE II SUBDIVISION PLAN (LOT 43, MAP 17)' RECORDED: Y.C.R.D PLAN BOOK 271 PAGE 30. SUBDIVISION PLAN OF THE BRIERS AT MEAD FARM FOR FIRST STEP LAND DEVELOPMENT. 225 WHIPPLE ROAD, KITTERY, MAINE." DATED AUGUST 22, 2006, AND PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC. Y.C.R.D. PB: 317 PG: 6.



Date: 09/28/2023

Drawn By: ZT

Checked By:

Date:

Job Class:

Briers at Mead Farm
Float Modification

Approved:

Address: Tudor Drive City: Kittery, ME

Map & Lot #: 17-43-3 & 4 Drawing Scale: Noted Title:

RIVERSIDE & PICKERING
MARINE CONTRACTORS

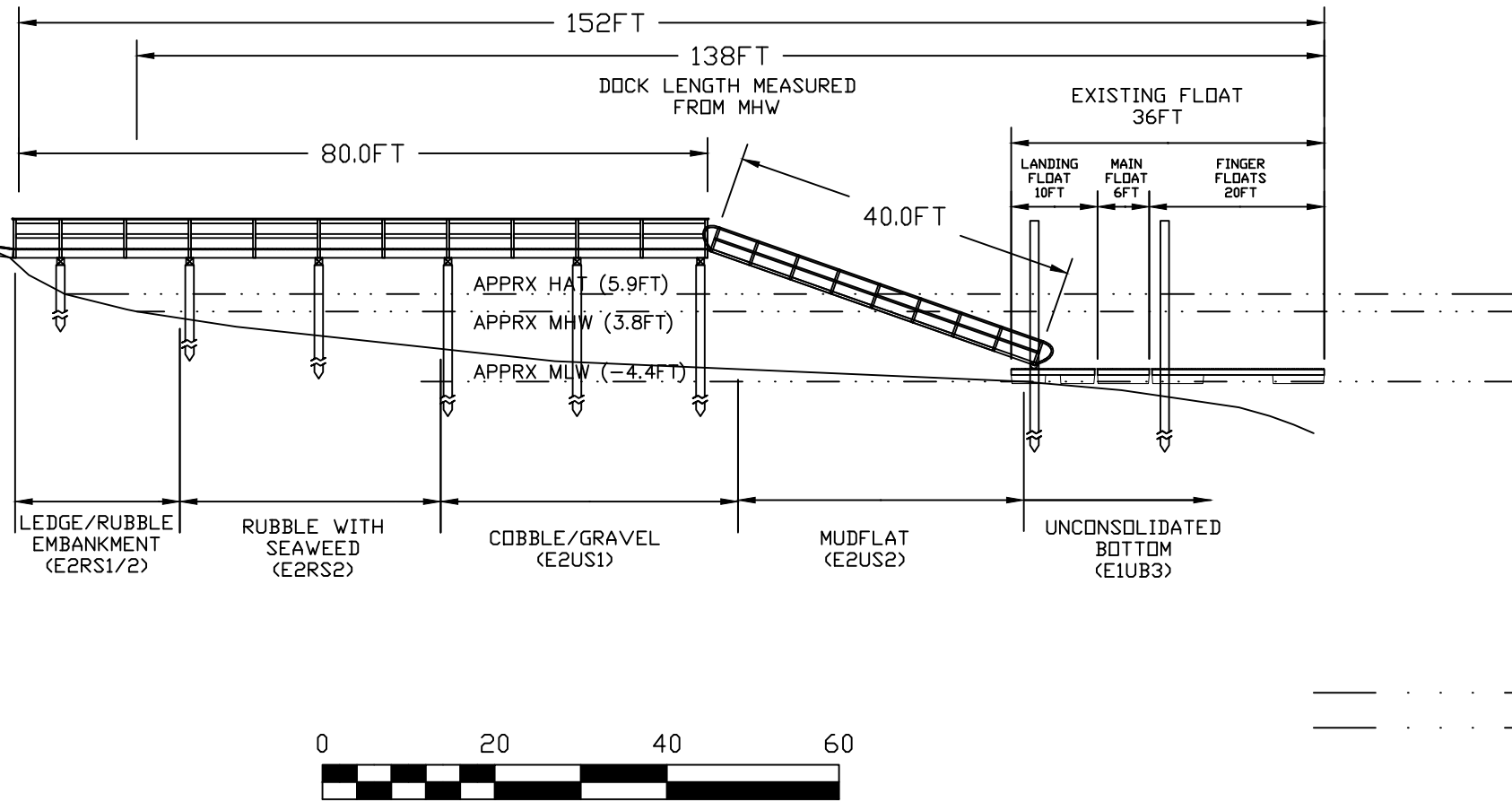
34 Patterson Lane, Newington, NH
Office: (603) 427-2824 Fax: (603) 571-7132

REVISIONS	Description	Approve
Date		

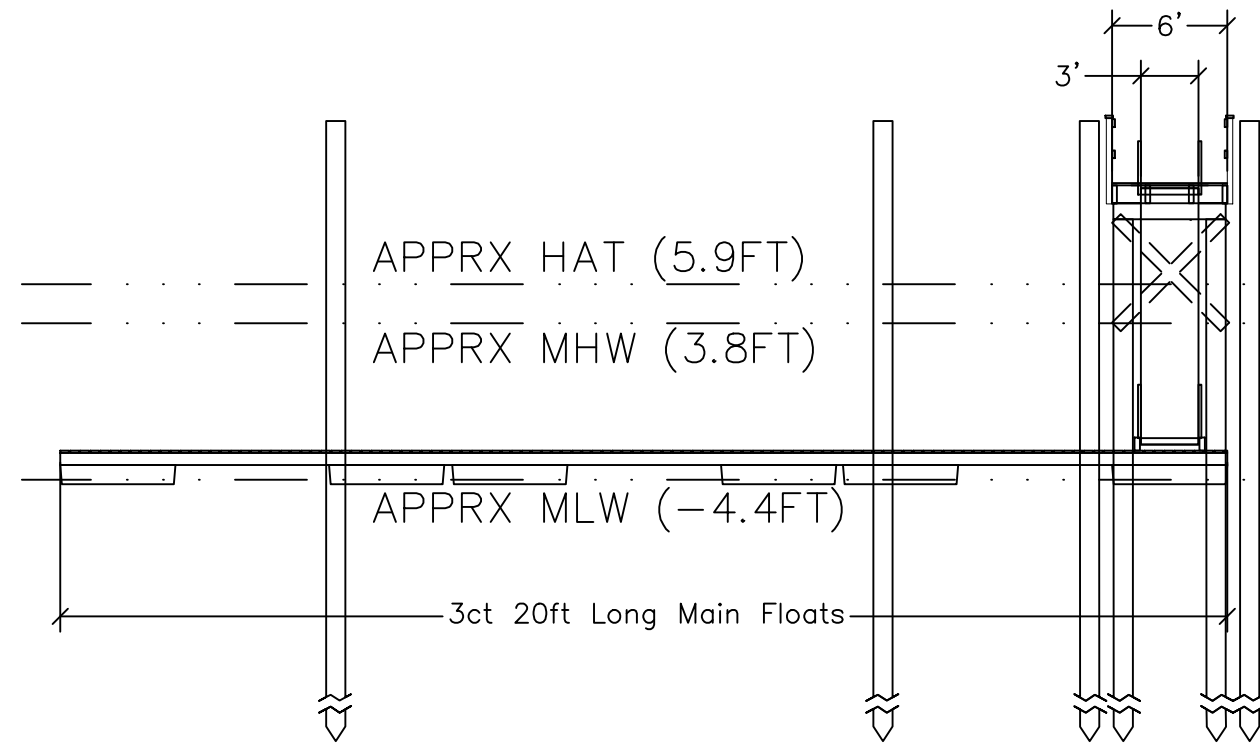
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2 3

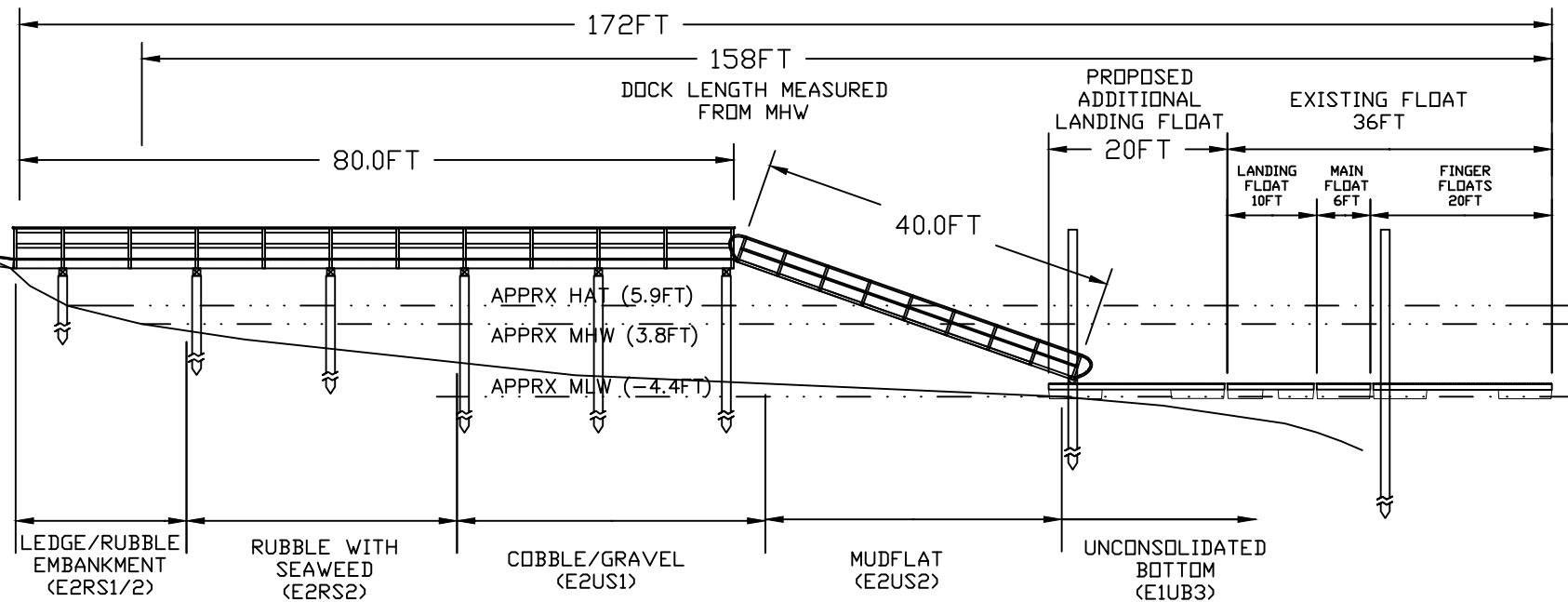
ELEVATION VIEW— EXISTING DOCK 1":20'



CROSS SECTION VIEW 1":10'



ELEVATION VIEW— PROPOSED DOCK 1":20'



Date: 08/28/2023
Drawn By: ZT
Checked By:

Briers at Mead Farm
Float Modification
Address: Tudor Drive City: Kittery, ME
Map & Lot #: 17-43-3 & 4 Drawing Scale: Noted
Title:

RIVERSIDE & PICKERING
MARINE CONTRACTORS
34 Patterson Lane, Newington, NH
Office: (603) 427-2824 Fax: (866) 571-7132

REVISIONS		Approve
Date	Description	

File #: 3 3



TOWN OF KITTERY

Code Enforcement Office

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1308 Fax: 207-439-6806

CEO@kitteryme.org

KITTERY PORT AUTHORITY APPLICATION ACCEPTANCE MEMO

From: Craig Alfis, Code Enforcement
To: Charles Patten, Port Authority Chair

Subj: Acceptance of Application, 15 Bowen Road
Meeting Date: 12/7/2023

Mr. Chair,

Code Enforcement and Planning staff have reviewed the application for 15 Bowen Road, requesting modification and replacement of the existing tidal docking structure and construction of a stone revetment, and found it to be complete. The application requests the following:

1. Replacement of the existing 6'x67' pier with a 6'x59' pier;
2. Replacement of the existing 3'x30' gangway with a 3'x40' gangway;
3. Replacement of the existing 13'x16' landing float with a 10'x16' landing float;
4. Replacement of the existing 12'x20' main float with two (2) 10'x20' floats;
5. Stabilization of the shoreline with a stone riprap revetment wall.

Based on a cursory review of the information provided in the application, Staff believes the application is complete, and recommends that the Port Authority accept the application for further review. Information submitted includes:


- Kittery Port Authority application;
- Proof of legal interest in the property;
- Plans showing the location and shape of the existing and proposed development;
- List of abutters within 150 feet;
- Waiver request to Section 4.7.4, height of pier deck; and
- Evidence of Maine DEP and Army Corps of Engineering application submission.

The following will need to be submitted prior to work starting, if approved:

- Maine DEP approval;
- US Army Corps of Engineers approval;
- Kittery building permit
- Planning Board review and approval.

If the Port Authority votes to accept the application, an in-depth review will be performed by Code and Planning staff, and a staff report will be provided to the Port Authority prior to the meeting on which the application is scheduled.

Signed,



Craig Alfis, Code Enforcement Officer
207-475-1308
ceo@kitteryme.org



KPA-23-21

Port Authority Application

Status: Active

Submitted On: 11/13/2023

Primary Location

15 BOWEN ROAD
KITTERY, ME 03904

Owner

Dyer, Eric
Bowen Road 15 Kittery, ME
03904

Applicant

Nicole Sanborn
 603-502-1134
 nicole@tidewatercivil.com
 1021 Goodwin Road
Unit 1
Eliot, ME 03903

Project Discription

Description of Project*

Residential Pier, Gangway, and Float Replacement

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

Yes



Are any waivers from the performance standards in the Kittery Port Authority Rules & Regulations requested?*

Yes



What performance standards are you requesting a waiver(s) from?*

Section 4.7.4: Height of Pier above the normal high-water mark

Type of Project

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

No

Property Information

Name of the property owner(s)

Eric Dyer

Property Address

15 Bowen Road

Telephone Number

401-680-2508

Email Address

mr.fischbein@gmail.com

Size of the Property ?

0.55 acres

Zoning District

Residential - Urban

Shore Frontage Footage ?

156 feet

Property History

This is my first Kittery Port Authority Application for this property

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

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

Existing pier structure was approved by the Port Authority in 1995 under previous ownership.

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

Eric Dyer

Date Application Completed

11/13/2023

Name of Property Owner

Eric Dyer

Agent Name

Ryan McCarthy

Agent Firm

Tidewater Engineering & Surveying
Inc.

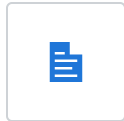
Agent Phone

207-439-2222

Agent Email

ryan@tidewatercivil.com

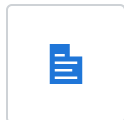
Attachments



Other Documents

2023-1113 Dyer KPA Application.pdf

Uploaded by Nicole Sanborn on Nov 13, 2023 at 1:39 PM



Port Authority - Proof of Payment

Kittery Online Permitting_KPA.pdf

Uploaded by Nicole Sanborn on Nov 13, 2023 at 1:46 PM

December 5, 2023



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

Re: Additional Submittal Documents – Shoreline Stabilization
15 Bowen Road (Tax Map 17 Lot 4) – Reference No. 23-114

To Whom It May Concern:

Enclosed are additional submittal documents regarding the stabilization of approximately 86 linear feet of existing eroding shoreline along the owner's property at 15 Bowen Road. Review by the Kittery Port Authority pertains to the impact located below the highest annual tide line. An Individual NRPA application was submitted for the pier replacement and shoreline stabilization to Maine DEP (MDEP) and the U.S. Army Corps of Engineers on October 6, 2023 and is currently being reviewed. The Planning Board will subsequently review this application for the impact located above the HAT line.

Please also see enclosed, as Attachment 4, an updated plan set. On the Shoreline Stabilization Plan the riprap was adjusted behind the existing masonry wall to minimize additional riprap impacts above the HAT line.

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

Sincerely,

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

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

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

Enclosures

KITTERY PORT AUTHORITY SHORELINE STABILIZATION PERMIT
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



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KITTERY PORT AUTHORITY SHORELINE STABILIZATION PERMIT
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #1- PROJECT DESCRIPTION:

A. Introduction/Purpose:

Major weather events have accelerated the erosion process along the shoreline of the property exposing root systems and washing away soil. If the shoreline along the property is left in its current state, the slope will continue to deteriorate putting the vegetation and uplands at risk, therefore the owner is seeking to stabilize the shoreline to help prevent future erosion and protect their property.

B. Project Summary:

The owners of the property have witnessed their shoreline erode and degrade over time putting the existing vegetation at risk and exposing root systems. To protect the embankments and uplands along Spruce Creek, approximately 86 linear feet of shoreline will be reconstructed with riprap and vegetative stabilization measures. The riprap will consist of 24" to 36" sized rocks built up at a 1:1 slope from the toe, up to an elevation of 13 feet before transitioning to a vegetated slope. All riprap will be supported by a crushed stone base located 2' below existing grade and underlain with a geo-textile fabric. The vegetative slope will be stabilized with native plants, promoting healthy growth along the shoreline, supporting existing root systems, and preventing further upland soil from eroding into the coastal habitat. The proposed impact below the HAT is approximately 446 sf. See attached plans for additional details.

C. Historical Knowledge:

The property was purchased by the applicant in 2018. The previous owners installed the existing pier, gangway, and float in 1995.

D. Impact Calculations:

The total permanent impacts below the H.A.T. is estimated as follows...

Total area of rip-rap impact = 446 sf +/- (Below HAT)

Disturbance area of the adjacent uplands are as follows...

Area of rip-rap impact = 597 sf +/-

Graded vegetative slope = 1622 sf +/-

Total Disturbance Area = 2219 sf +/- (Uplands: Above HAT)

KITTERY PORT AUTHORITY SHORELINE STABILIZATION PERMIT
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



E. Location-Based Impact Mitigation:

After thoroughly evaluating the shoreline and intertidal zones along this property, we are recommending the shoreline stabilization location shown on the enclosed plans for the following reasons:

- 1) Reestablishes and re-enforces the existing shape of the edge of shoreline.
- 2) The elevation of the top of the proposed riprap slope will be above the current 100-year flood elevation designated by FEMA to improve protection from erosion during major storm events and wave action.
- 3) The uplands adjacent to the shoreline are developed as shrubs and lawn area and will not require the unnecessary removal of any trees for construction access.

ATTACHMENT #2- ALTERNATIVES ANALYSIS:

- 1) Vertical Bulkhead: This alternative would provide structural retaining walls between the coastal resource and the uplands. This alternative was not pursued for following reasons:
 - a. Bulkheads reflect wave energy, which can cause unintended impacts to nearby shorelines.
 - b. A timber bulkhead would be built using a pressure treated wood which is treated with chemicals that are harmful to the environment. Riprap stabilization in a marine environment typically has a longer lifespan than timber. The shorter lifespan would increase the impact to the resource by shortening the time span between replacements of the structure.

- 2) Do Nothing: This alternative would be for the applicant to continue to allow the shoreline on their property to erode into the coastal resource, further undermining existing root systems and vegetation. This option was not pursued for the following reasons:
 - a. Storm events and tide fluctuations will continue to erode the shoreline.
 - b. Existing vegetation and root systems will continue to be undermined, exposing soils, and causing additional vegetation and upland soils to fall into the intertidal zone.
 - c. The shoreline will become increasingly unstable, posing a hazard to the owners and the uplands on the property.

- 3) Vegetative Stabilization: This alternative would attempt to utilize solely vegetative measures to stabilize the slope. This alternative was not pursued for the following reasons:
 - a. The existing slope is too steep for vegetation to be used for stabilization.
 - b. The underlying soils will continue to erode and fail under the root systems.
 - c. Vegetative measures are not appropriate for this location due to its direct exposure to wind, wave, and ocean swells. Vegetative measures would not be able to withstand this exposure level.

KITTERY PORT AUTHORITY SHORELINE STABILIZATION PERMIT
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #3- PROJECT SITE PHOTOS:

Photo 1: View showing slope failure, exposed soils, eroding vegetation, and exposed root systems (01/18/2023)



KITTERY PORT AUTHORITY SHORELINE STABILIZATION PERMIT
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



Photo 2: View showing exposed soils and root systems, shifted riprap, and a broken pipe
(07/13/2023)



KITTERY PORT AUTHORITY SHORELINE STABILIZATION PERMIT
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #4- SHORELINE STABILIZATION PLAN:

LEGEND

- SUBJECT PARCEL BOUNDARY LINE
- EDGE OF PAVEMENT
- EXISTING STONE WALL
- EXISTING SEWER LINE
- 10 — CONTOUR: POSITIVE ELEVATION
- (10) — CONTOUR: NEGATIVE ELEVATION
- IRON PIPE, ROD, OR DISK FOUND
- DRILL HOLE FOUND
- GRANITE/CONCRETE BOUND
- UTILITY POLE

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED FIXED PIER, SEASONAL GANGWAY, SEASONAL MAIN FLOAT AND ASSOCIATED ACCESS RAMP TO BE LOCATED ON MAP 17 LOT 4 IN KITTERY, ME. THE EXISTING PIER STRUCTURE IS BEING FULLY REPLACED AND THE MAIN FLOAT IS BEING EXPANDED. SAID PLAN SHALL BE USED FOR APPLYING FOR PERMITS FROM THE TOWN OF KITTERY, MAINE DEPT. OF ENVIRONMENTAL PROTECTION AND U.S. ARMY CORPS OF ENGINEERS.

OWNER OF RECORD:

TAX MAP 17 LOT 4
ERIC DYER
15 BOWEN ROAD
KITTERY, MAINE 03904
Y.C.R.D. BOOK 17735 PAGE 0077

3. THE PROPERTY IS LOCATED WITHIN THE TOWN OF KITTERY RESIDENTIAL-URBAN ZONING DISTRICT AND SHORELAND PROTECTION OVERLAY 250' DISTRICT. ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTERY PRIOR TO ANY DEVELOPMENT.

4. BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT.

5. ELEVATIONS AND TOPOGRAPHY SHOWN HEREON CORRESPOND TO NAVD88.

6. THE BOUNDARY SHOWN HEREON IS BASED ON REFERENCE PLAN 1.

7. THE RIPARIAN LIMITS SHOWN HEREON WERE CALCULATED USING THE COLONIAL METHOD.

8. ABUTTER LINES SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE AND ARE FOR REFERENCE PURPOSES ONLY. ABUTTER LINES SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.

9. THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR TIDAL STATION 8423898 FORT POINT IS ELEV. = 6.4' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.

10. TIDAL ELEVATIONS: THE FOLLOWING TIDAL ELEVATIONS WERE OBTAINED FROM DATA PUBLISHED BY N.O.A.A. FOR TIDE STATION 8423898, FORT POINT. ALL ELEVATIONS CORRESPOND TO NAVD88.

MEAN HIGHER-HIGH WATER (MHHW)	4.39'
MEAN HIGH WATER (MHW)	3.97'
MEAN LOW WATER (MLW)	-4.66'
MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'

11. THE 100-YEAR FLOOD ELEVATION OF THE PISCATAQUA RIVER IS ELEVATION 11.0' (NGVD29) PER FEMA FIRM MAP 230171 0005D. THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 10.25' (NAVD88).

12. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.

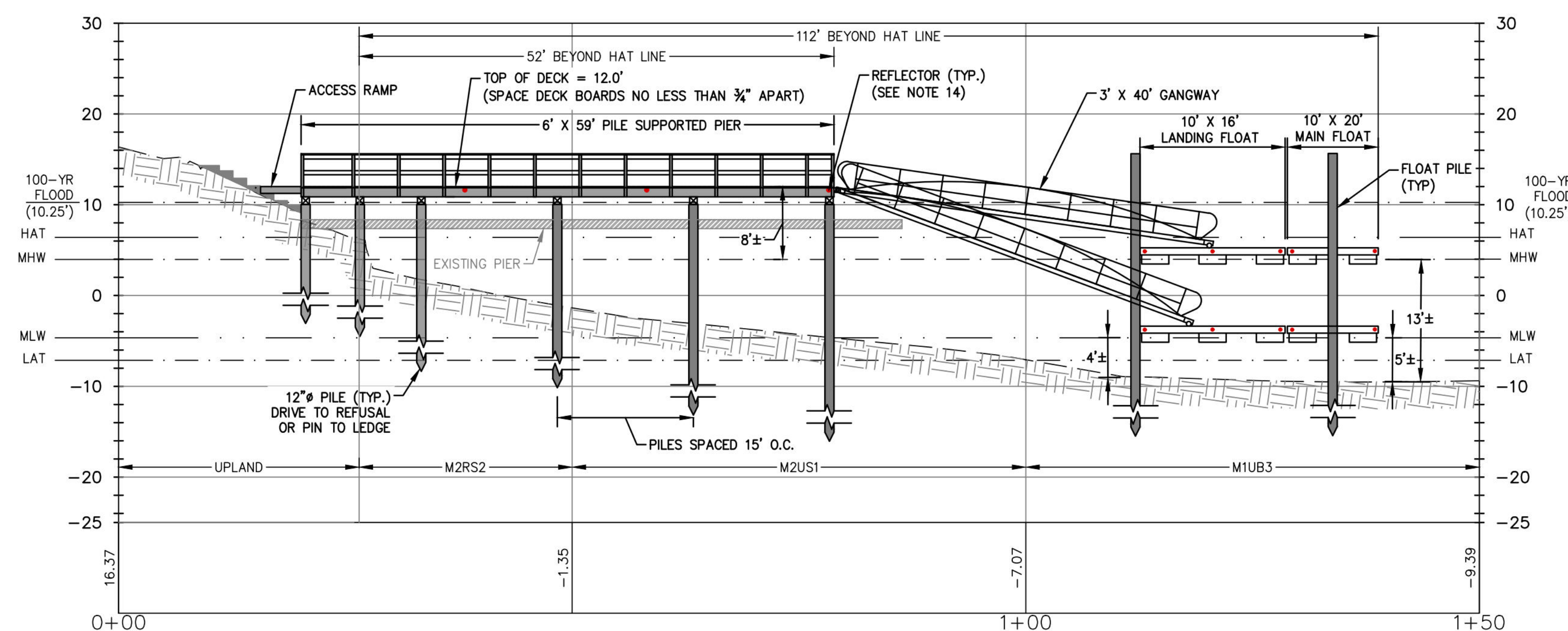
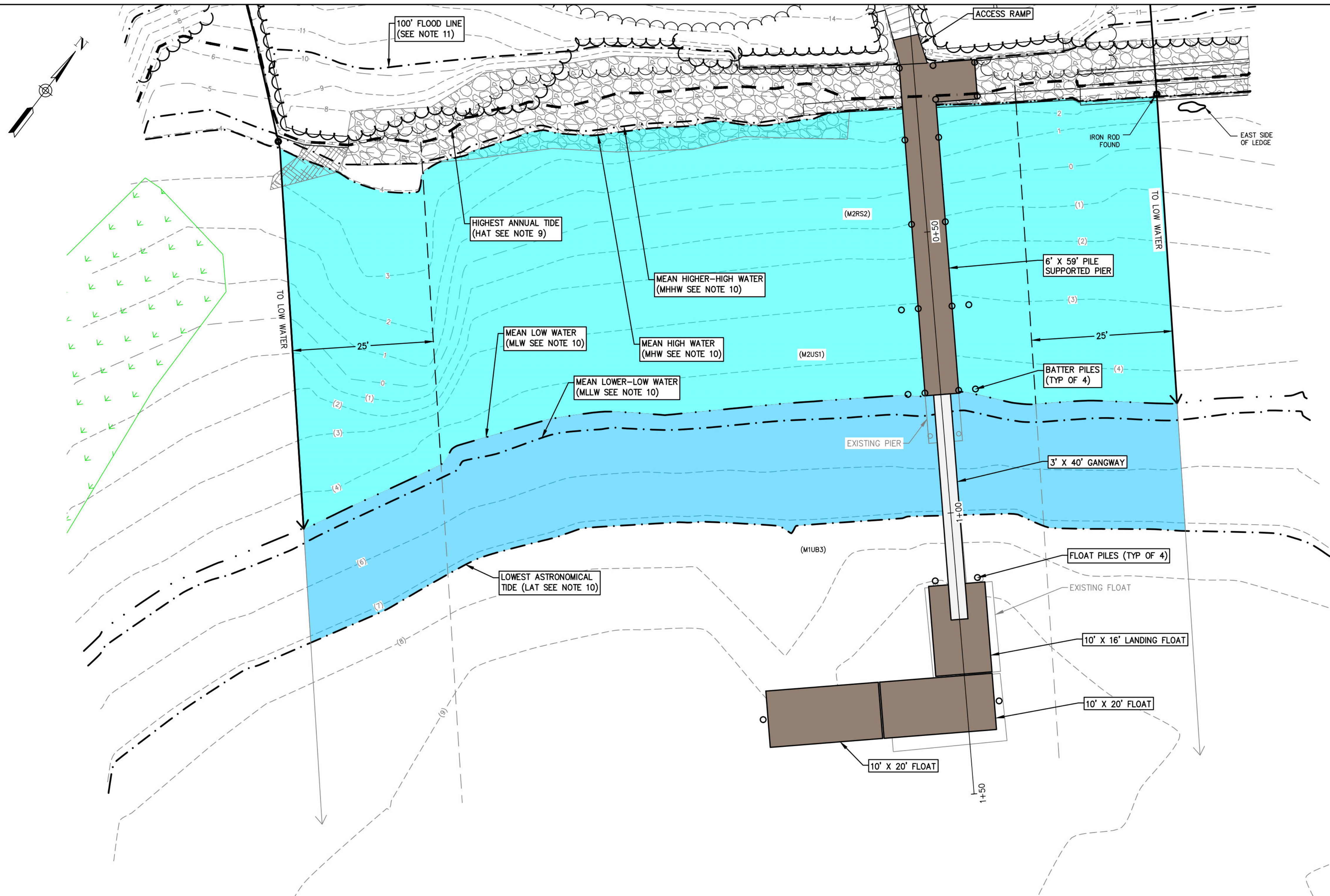
13. THE PROPOSED DEVELOPMENT SHOWN HEREON IS SUBJECT TO REVIEW AND APPROVAL BY THE TOWN OF KITTERY, MAINE DEP AND U.S. ARMY CORPS OF ENGINEERS. OWNER/CONTRACTOR SHALL OBTAIN ALL PERMITS NECESSARY PRIOR TO ANY CONSTRUCTION AND IS RESPONSIBLE FOR COMPLYING WITH ALL CONDITIONS OF SAID PERMITS.

14. REFLECTOR SHALL BE NO LESS THAN 3 INCH DIAMETER AND SHALL BE INSTALLED AS FOLLOWS:

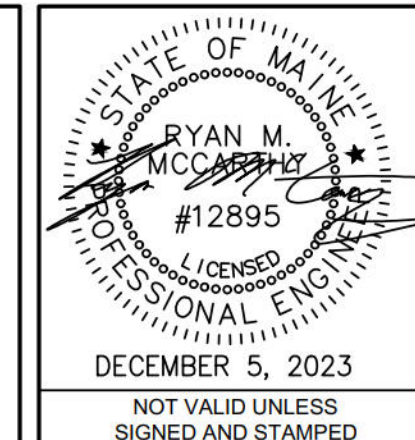
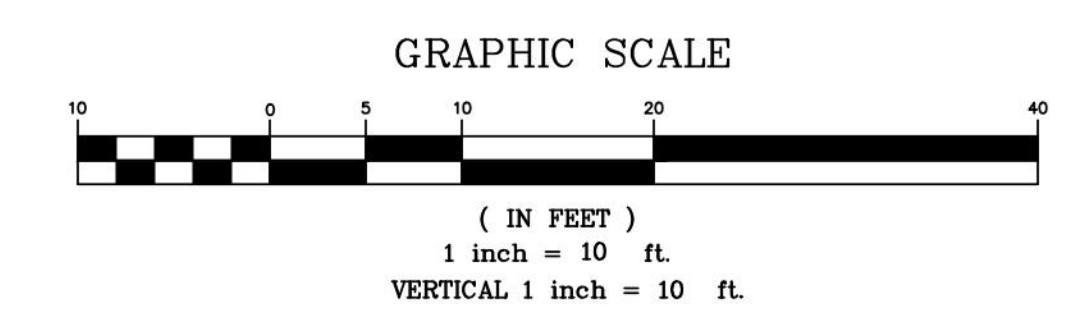
- PIER: EVERY 20 FEET FROM END OF PIER, BOTH SIDES
- FLOATS: WITHIN 12 INCHES OF EACH CORNER

REFERENCE PLANS:

1. "TOPOGRAPHIC SITE PLAN" PREPARED BY EASTERLY SURVEYING, INC. DATED JUNE 22, 2005 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 17735 PAGE 0077.



NERRSCS CLASSIFICATION	
M2RS2	MARINE - INTERTIDAL - ROCKY SHORE - RUBBLE
M2US1	MARINE - INTERTIDAL - UNCONSOLIDATED SHORE - COBBLE
M1UB3	MARINE - SUBTIDAL - UNCONSOLIDATED BOTTOM - MUD



NOT VALID UNLESS SIGNED AND STAMPED
DATE: 12/05/2023
NO. 1
EXTENDED RIPARIAN LIMITS PAST MLW
SUBMISSION/REVISION DESCRIPTION

TIDEWATER
ENGINEERING & SURVEYING, INC.
1021 Goodwin Rd Unit 1, Eliot, ME 03903
(207)459-2222 • www.tidewatercivil.com

PIER STRUCTURE REPLACEMENT PLAN
ON LAND LOCATED AT
15 BOWEN ROAD
KITTERY, YORK COUNTY, MAINE

PREPARED FOR:
RIVERSIDE & PICKERING MARINE CONTRACTORS
34 PATTERSON LANE
NEWINGTON, NH 03801

JOB #: 23-114
DATE: SEPT. 11, 2023
SCALE: 1" = 10'
SHEET: 1 OF 2

LEGEND

- SUBJECT PARCEL BOUNDARY LINE
- EDGE OF PAVEMENT
- EXISTING STONE WALL
- EXISTING SEWER LINE
- CONTOUR: POSITIVE ELEVATION
- CONTOUR: NEGATIVE ELEVATION
- IRON PIPE, ROD, OR DISK FOUND
- DRILL HOLE FOUND
- GRANITE/CONCRETE BOUND
- UTILITY POLE
- RIPRAP ABOVE H.A.T LINE
- RIPRAP BELOW H.A.T LINE
- UPPER BANK EXTENTS

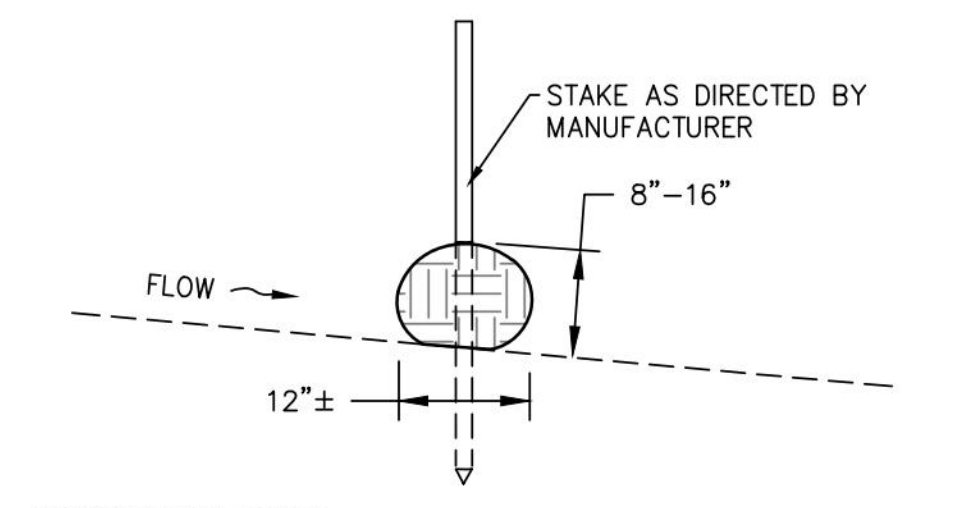
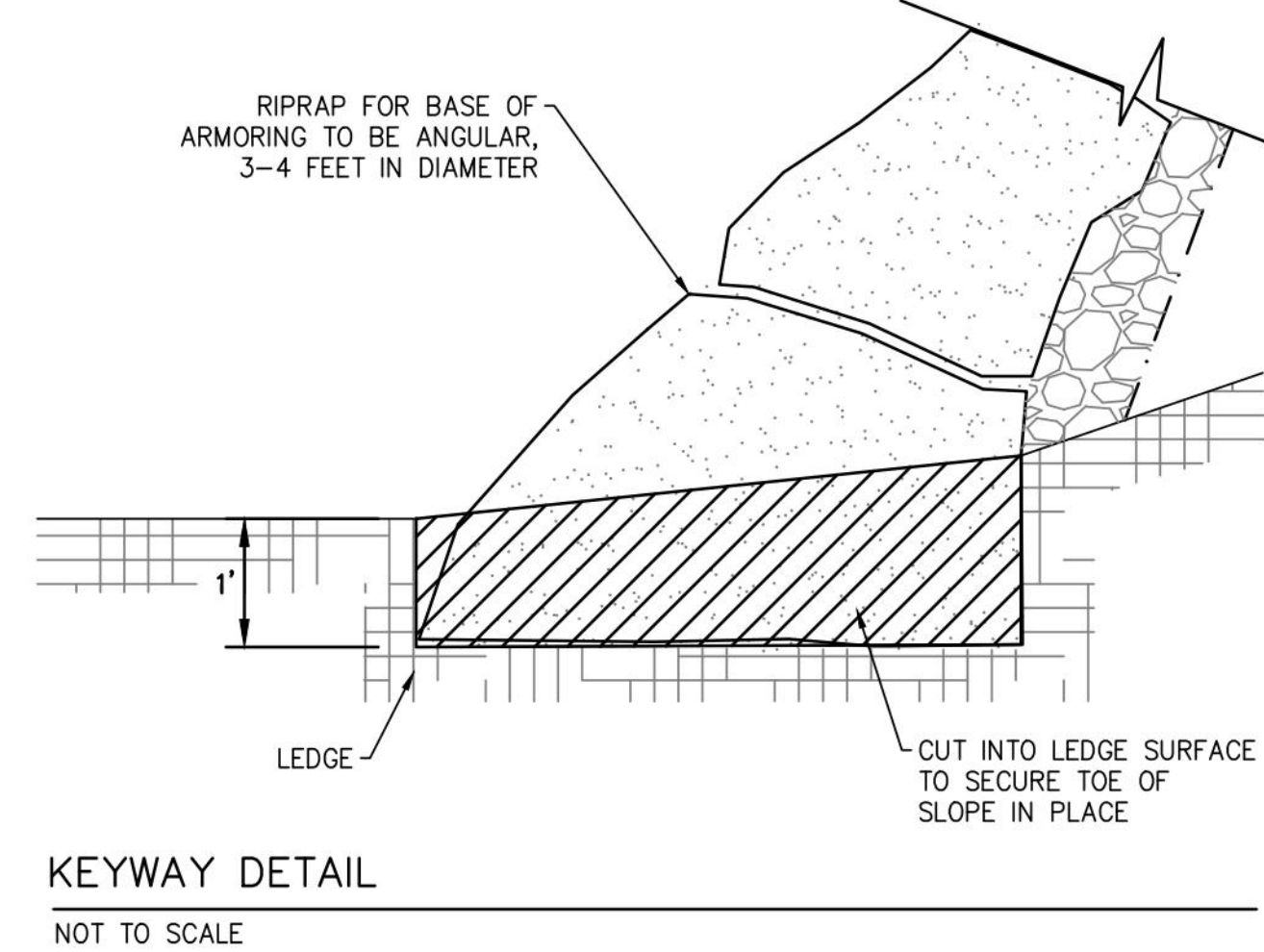
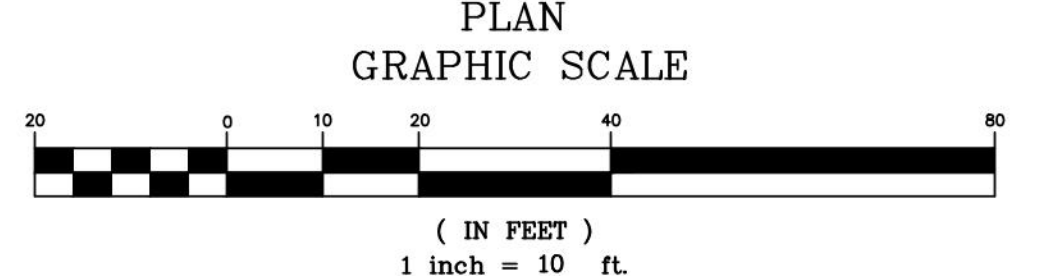
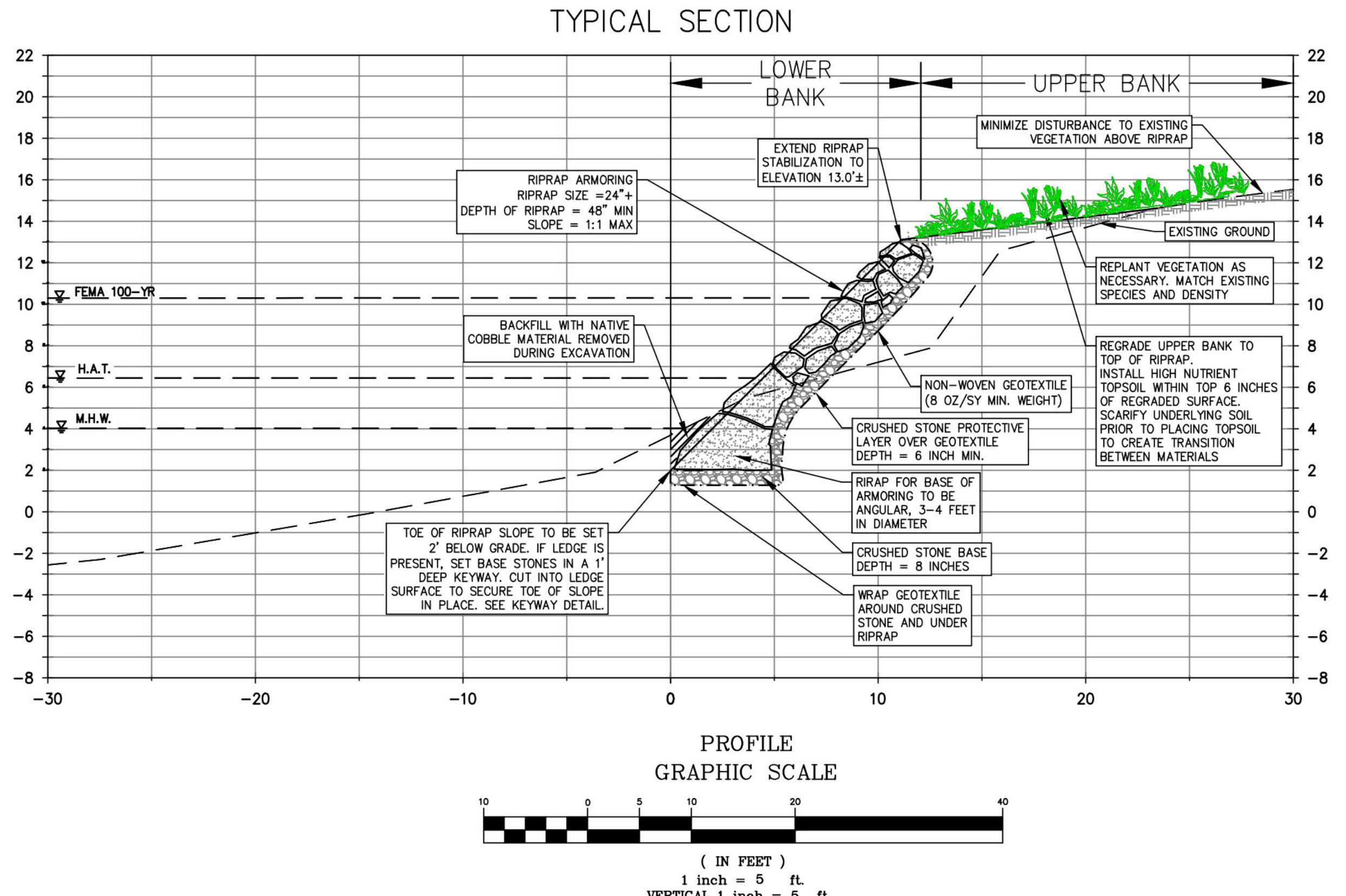
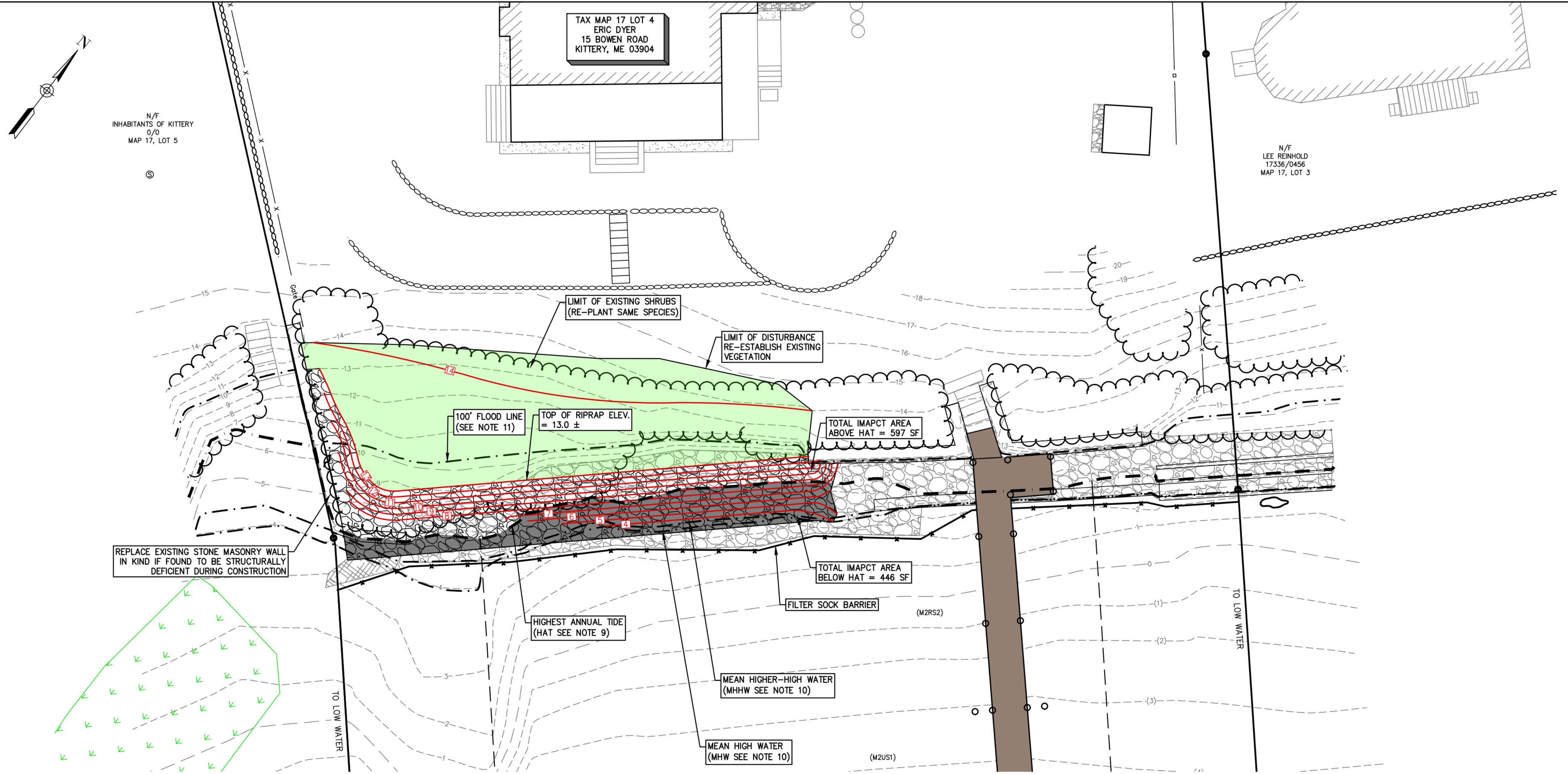
GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT A PROPOSED SHORELINE STABILIZATION PLAN ALONG TAX MAP 17 LOT 4 IN KITTERY, ME. SAID PLAN SHALL BE USED FOR APPLYING FOR PERMITS FROM THE TOWN OF KITTERY MAINE DEPT. OF ENVIRONMENTAL PROTECTION AND U.S. ARMY CORPS OF ENGINEERS.
2. OWNER OF RECORD:
TAX MAP 17 LOT 4
ERIC DYER
15 BOWEN ROAD
KITTERY, MAINE 03904
Y.C.R.D. BOOK 17735 PAGE 0077
3. THE PROPERTY IS LOCATED WITHIN THE TOWN OF KITTERY RESIDENTIAL-URBAN ZONING DISTRICT AND SHORELAND PROTECTION OVERLAY 250' DISTRICT. ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTERY PRIOR TO ANY DEVELOPMENT.
4. BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT.
5. ELEVATIONS AND TOPOGRAPHY SHOWN HEREON CORRESPOND TO NAVD88.
6. THE BOUNDARY SHOWN HEREON IS BASED ON REFERENCE PLAN 1.
7. THE RIPARIAN LIMITS SHOWN HEREON WERE CALCULATED USING THE COLONIAL METHOD.
8. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.
9. THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR TIDAL STATION 8423898 FORT POINT IS ELEV. = 6.4' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.
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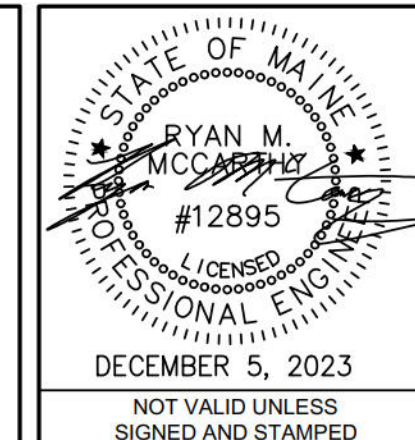
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MEAN HIGH WATER (MHW)	3.97'
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MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'
11. THE 100-YEAR FLOOD ELEVATION OF THE PISCATAQUA RIVER IS ELEVATION 11.0' (NGVD29) PER FEMA FIRM MAP 230171 00050. THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 10.25' (NAVD88).
12. THE CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS OF CONSTRUCTION, INSTALLING AND MAINTAINING PROPER EROSION AND SEDIMENT CONTROL MEASURES, IMPLEMENTATION OF A CONSTRUCTION SAFETY PLAN, COMPLYING WITH ALL PERMITTING CONDITIONS.
13. THE EXPANSION OF RIPRAP FOR SHORELINE STABILIZATION IS EXCLUDED FROM DEVEGETATED CALCULATIONS, PER MDEP RULING.

REFERENCE PLANS:

1. "TOPOGRAPHIC SITE PLAN" PREPARED BY EASTERLY SURVEYING, INC. DATED JUNE 22, 2005 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 17735 PAGE 0077.



- CONSTRUCTION NOTES:**
1. FILTER SOCKS SHOULD BE INSTALLED PARALLEL TO CONTOURS.
 2. FILTER SOCKS SHALL BE FILLED WITH EROSION CONTROL MIX OR OTHER FINELY SHREDDED ORGANIC MATERIAL (I.E. COCONUT FIBER OR OTHER).
 3. FULL CONTACT WITH THE GROUND IS REQUIRED TO PREVENT SHORT CIRCUITING UNDER THE SOCK. THE GROUND SURFACE MUST BE SMOOTH AND LEVEL. IN WOODED AREAS, PROTRUDING ROOTS AND DEBRIS MAY NEED TO BE REMOVED. IN GRASSED AREAS, THE GRASS NEEDS TO BE EITHER MOWED OR COMPRESSED DOWN.
 4. STAKING MAY BE NECESSARY ON STEEP SLOPES.
 5. UPON FINAL STABILIZATION, THE SOCK SHALL BE EITHER REMOVED OR CUT OPEN AND THE MATERIAL SPREAD OUT ONTO THE GROUND. THE MESH SHOULD BE REMOVED.



NO.	1
DATE:	11/07/2023
ADJUSTED LIMITS OF RIPRAP, AND ADDED IMPACT VALUES	
SUBMISSION/REVISION DESCRIPTION	

TIDEWATER
ENGINEERING & SURVEYING, INC.
1021 Goodwin Rd Unit 1, Eliot, ME 03903
(207)459-2222 • www.tidewatercivil.com

SHORELINE STABILIZATION PLAN
ON LAND LOCATED AT
15 BOWEN ROAD
KITTERY, YORK COUNTY, MAINE

PREPARED FOR:
RIVERSIDE & PICKERING MARINE CONTRACTORS
34 PATTERSON LANE
NEWINGTON, NH 03801

JOB #:	23-114
DATE:	SEPT. 11, 2023
SCALE:	1" = 10'
SHEET:	2 OF 2

KITTERY PORT AUTHORITY SHORELINE STABILIZATION PERMIT
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #5- CONSTRUCTION PLAN:

Approximately 86 linear feet of riprap armoring will be installed along the existing embankment to mitigate further erosion. Prior to any soil disturbing activities, the Contractor shall install all erosion and sediment control measures which includes a filter sock barrier just seaward of the toe of the slope. The Contractor will then proceed with excavating the existing rubble/rocks to dig out a keyway for the toe of the riprap. If ledge is encountered, the keyway shall be cut into the ledge as shown on the plans. The toe of the riprap will then be established using a base of 24"-36" stone that is 3-4 feet wide, supported by an 8" gravel base. When the excavator digs out a keyway toe for the riprap, a non-woven, geo-textile filter fabric will be installed between the exposed soil and the riprap to help prevent erosion of fine particulates from the upland and promote healthy drainage. Once the toe is established, riprap of various sizes will be built up at a 1:1 slope up to an approximate elevation of 13.0'. From there, the slope will transition to a maximum 3:1 graded vegetative slope. After the work is completed and the site is established, the filter sock shall be removed in its entirety. The total time of the site work will be completed from the uplands in approximately three weeks.

KITTERY PORT AUTHORITY SHORELINE STABILIZATION PERMIT
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #6- EROSION CONTROL PLAN:

Throughout the entire construction period for the slope stabilization a silt sock will be placed seaward of the proposed riprap toe location. This will be in place to reduce sedimentation of the resource during high tide when bare soil may be exposed to the river. After completion of the project the silt sock will be removed completely.

November 13, 2023



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

Re: Residential Pier, Gangway and Float Replacement
15 Bowen Road (Tax Map 17 Lot 4) – Reference No. 23-114

To Whom It May Concern:

Attached is an application submitted on behalf of Eric Dyer for the replacement of a residential pier, gangway and float located on 15 Bowen Road (Tax Map 17 Lot 4) in Kittery, Maine. An Individual NRPA application was submitted to Maine DEP (MDEP) and the U.S. Army Corps of Engineers on October 6, 2023 and is currently being reviewed. We will submit their determinations to the Port Authority once received.

We respectfully request that the review by the Port Authority occur concurrently with Maine DEP and U.S. Army Corps of Engineers review to expedite the permitting process. Please note, a separate application for the shoreline stabilization has been submitted to the planning board.

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

Sincerely,

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

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

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

Enclosures



TOWN OF KITTERY
KITTEERY PORT AUTHORITY

Map:
Lot:
Date Submitted:

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:

6' x 59' permanent timber pier, 3' x 40' seasonal gangway, 10' x 16' landing float and two 10' x 2' main floats with 4 float piles on the applicant's property in Kittery, ME. Access to the timber pier will be by an access ramp.

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

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

2. Property Owner(s): Eric Dyer

3. Property Address: 15 Bowen Road, Kittery, ME 03904

Tidewater Engineering & Surveying, Inc. has been authorized as agent for permitting purposes.

4. Telephone Number: (207) 439-2222 (REQUIRED)

Email: ryan@tidewatercivil.com (REQUIRED)

5. Property Size (Acres/SF): 23,958 SF/ 0.55 acres

Zoning District(s): Residential - Urban

6. The shore frontage of this property is 156 +/- feet, measured at the high water line in a straight line, stake to stake.

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

If No, please explain:

Existing pier was approved in 1995 by the Kittery Port Authority under previous ownership.

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

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

Applicant Signature: (AGENT) Date: 11/13/2023

Property Owner Signature: Date:

Agent Name: Ryan McCarthy, P.E., P.L.S. Agent Firm: Tidewater Engineering & Surveying, Inc.

Agent Phone: (207) 439-2222 (REQUIRED) Agent Email: ryan@tidewatercivil.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.

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



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KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



AGENT LETTER OF AUTHORIZATION

September 1, 2023

Re: Letter of Agent Authorization
Proposed Shoreline Stabilization, Pier & Gangway Replacement, and Float Extension
15 Bowen Road, Kittery, ME 03904
Reference Job No. 23-114

To Whom It May Concern:

This letter is to inform the Town of Kittery, the Maine Department of Environmental Protection, and the U.S. Army Corps of Engineers that Tidewater Engineering & Surveying, Inc. and Riverside & Pickering Marine Contractors, Inc. are hereby authorized to represent us as our agents in permitting a proposed shoreline stabilization, pier and gangway replacement, and float extension within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands on our property. Said property is located at 15 Bowen Road in Kittery, Maine.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Dyer", is written over a light blue circular stamp.

Eric Dyer
15 Bowen Road
Kittery, ME 03904

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



Property Deed



E
2p → Return to:
Eric W. Dyer and Jane S. Dyer
54 Kingswood Road
Westwood, MA 02090

MAINE R.E. TRANSFER TAX PAID

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Donna Lorange Ruddy**, Trustee of the Donna Lorange Ruddy Revocable Trust and **Mark Sutherland Ruddy**, Trustee of the Mark Sutherland Ruddy Revocable Trust, both of PO Box 513, Portsmouth, NH 03802, for consideration paid grant to **Eric W. Dyer and Jane S. Dyer**, A Married Couple, of 54 Kingswood Road, Westwood, MA 02090, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

A certain lot or parcel of land, together with the buildings and improvements thereon, situated in Kittery, County of York and State of Maine, being formerly known as the Fernald Homestead, bounded and described as follows:

Southeasterly by the waters of Spruce Creek and the Piscataqua River; Southwesterly by the old road leading to the former landing of the Kittery Point Ferry; Northwesterly by Bowen Avenue, sometimes known as Bowen Road; and Northeasterly by land formerly of Florence Cleaves and now of Andrews.

Said premises being conveyed together with the benefit of the rights and easements granted by the Town of Kittery in the Municipal Easement Deed recorded in the York County Registry of Deeds at Book 15150, Page 180.

Subject to the following:

1. Subject to the Sewer Easement Deed recorded with said Registry at Book 5593, Page 283.
2. Subject to the Town Building Code notice recorded in said Registry at Book 9755, Page 288.
3. Subject to the Municipal Easement Deed recorded with said Registry at Book 15150, Page 180.
4. Rights of upper and lower riparian owners in and to the waters of the Piscataqua River and the natural flow thereof.

Meaning and intending to describe and convey the same premises conveyed to Donna Lorange Ruddy, Trustee of the Donna Lorange Ruddy Revocable Trust and Mark Sutherland Ruddy, Trustee of the Mark Sutherland Ruddy Revocable Trust, by virtue of a Deed from Donna Lorange Ruddy, Trustee of the Donna Lorange Ruddy Revocable Trust, dated November 7, 2016, and recorded in the York County Registry of Deeds in Book 17360, Page 278.

RE: 2018-6759

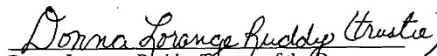
Page 1 of 2

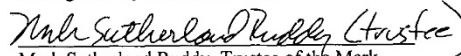
KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



The undersigned are the Trustees individually under **The Donna Lorange Ruddy Revocable Trust**, created under a certain **Declaration of Trust dated May 27, 1999** and **The Mark Sutherland Ruddy Revocable Trust**, created under a certain **Declaration of Trust dated May 27, 1999**, and thereto have full and absolute power in said Trust Agreements to convey any interest in real estate and improvements thereon, and pledge said property as security, held in said Trusts and no purchaser or third party shall be bound to inquire whether the Trustees have said power or is properly exercising said power or to see to the application of any Trusts asset paid to the Trustees as a conveyance thereof.


Executed this 15th day of June 2018.

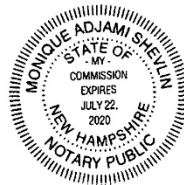

Donna Lorange Ruddy, Trustee of the Donna Lorange Ruddy Revocable Trust


Mark Sutherland Ruddy, Trustee of the Mark Sutherland Ruddy Revocable Trust

State of New Hampshire
County of Rockingham

Then personally appeared before me on this 15th day of June 2018, the said Donna Lorange Ruddy, Trustee of the Donna Lorange Ruddy Revocable Trust and Mark Sutherland Ruddy, Trustee of the Mark Sutherland Ruddy Revocable Trust and acknowledged the foregoing to be their voluntary act and deed.


Notary Public/Justice of the Peace
Commission expiration:



KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #1- PROJECT DESCRIPTION:

A. Introduction/Purpose:

The proposed project has frontage on Spruce Creek with an existing pier, gangway, and float. Due to recent severe weather events the property owners have witnessed their pier be overtaken by wave action and damaged. The applicant is seeking to raise and completely replace their pier and gangway above the 100-year flood elevation to maintain safe and efficient access to the coastal resource for recreational purposes. The applicant also wishes to replace and expand their existing float to have access to their 34' center console boat.

B. Project Summary:

The proposed project consists of completely replacing the existing 6' x 67' pier, 3' x 30' gangway, 12' x 16' landing float, and 12' x 20' main float. The fixed pier is supported by ten (10) 12" diameter timber piles, and the float system is secured by three (3) float piles. Of the ten pier piles, 8 are located below the Highest Annual Tide (HAT) line. The height of the pier deck is currently at 8.5', which is 1.75' (21") below the 100-year flood elevation (10.25').

The applicant is seeking to replace the damaged pier and increase the height of the pier from a current elevation of 8.5' to 12'. To decrease impacts to the coastal resource, the pier is being shortened to 59' so that the end no longer extends beyond mean low water. The new pier will be supported by thirteen (13) 12" diameter timber piles, ten (10) of which are located below the HAT line. The seaward most piles on the pier will be protected and supported by 4 batter piles as well. The float system is being reduced in width for both the landing (10' x 16') and main (10' x 20') floats while staying within the existing float footprint to reduce new indirect impacts to the habitat. The applicant is also seeking to expand the main float by adding a 10' x 20' section to accommodate their larger 34' boat. The entire float system will be secured by 4 float piles. With the reduced pier length and raised pier height, the gangway will need to be replaced with a 3' x 40' gangway, to ensure the end won't roll off the landing float and to provide a less steep walking surface at low tide. The pier, gangway, and float extends southeast from the applicant's shoreline and does not extend into the riparian setbacks.

C. Historical Knowledge:

The property was purchased by the applicant in 2018. The previous owners installed the existing pier, gangway, and float in 1995. Town records indicate a MDEP Permit By Rule application was submitted on January 15, 1995 for the pier structure. Records also indicate the Kittery Port Authority approved the pier system on March 3, 1995. In 2001, three rotting piles were also replaced.

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



D. Impact Calculations:

The total additional permanent impacts below the H.A.T. is estimated as follows...

Existing Pier & Float Piles (11 piles, 12" diameter) = 8 sf
Proposed Pier & Float Piles (18 piles, 12" diameter) = 14 sf
Additional permanent impacts = 6 sf

The total indirect impacts below the H.A.T. is estimated as follows...

Existing Pier, Gangway, & Floats = 875 sf
Proposed Pier, Gangway, & Floats = 974 sf
Additional indirect impacts = 99 sf

E. Adjacent Structure:

Tax Map 17 Lot 3: Contains a 70' fixed +/- pier with float.

F. Location-Based Impact Mitigation:

We are recommending the proposed pier, gangway, and float replacement location shown on the enclosed plans for the following reasons:

- 1) The proposed pier will be replaced in the same location as the existing pier to minimize new direct and indirect impacts.
- 2) The proposed float is positioned beyond the lowest astronomical tide and will not rest of the substrate at low tides. This will eliminate scour, surface impacts and the need for float skids.
- 3) The proposed fixed pier is decreasing in length to not extend beyond the mean low water mark and remain in the intertidal zone.
- 4) Access to the pier will be via the existing stone steps, reducing upland/shore impacts.
- 5) The float extension is extending off the southerly side of the existing float to prevent encroaching into the riparian setbacks.
- 6) The uplands adjacent to the pier are developed as lawn area and will not require the removal of any trees or other vegetation to provide access to the docking system.

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904

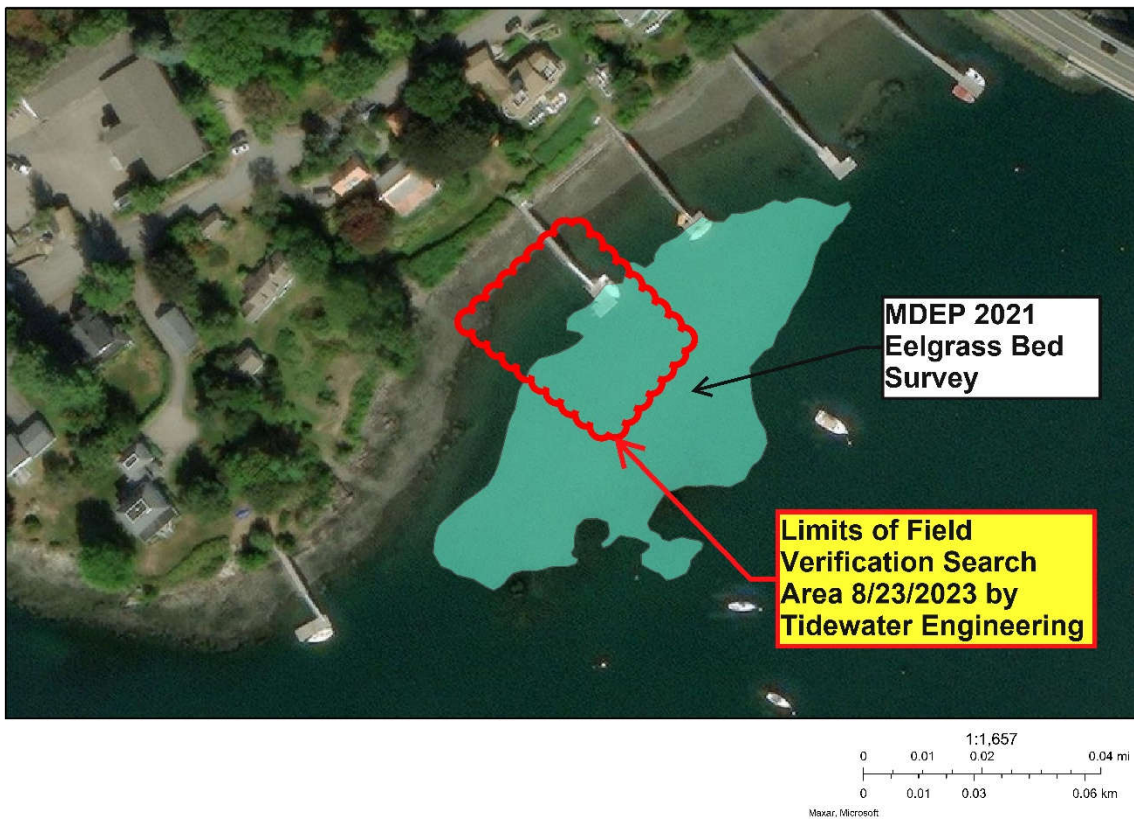


G. Former Eelgrass Bed

A survey conducted by Maine DEP in 2021 discovered an eelgrass bed in the vicinity of the project. The extents can be seen in Photo 1. Tidewater Engineering performed a field verification eelgrass survey by snorkeling methods on August 23, 2023. The survey discovered no evidence of eelgrass within the survey limits or around the existing docking structure and mooring system. Limits of our field verification is depicted in Photo 1.

Photo 1:

Bowen Road, Kittery, Maine



ATTACHMENT #2- ALTERNATIVES ANALYSIS:

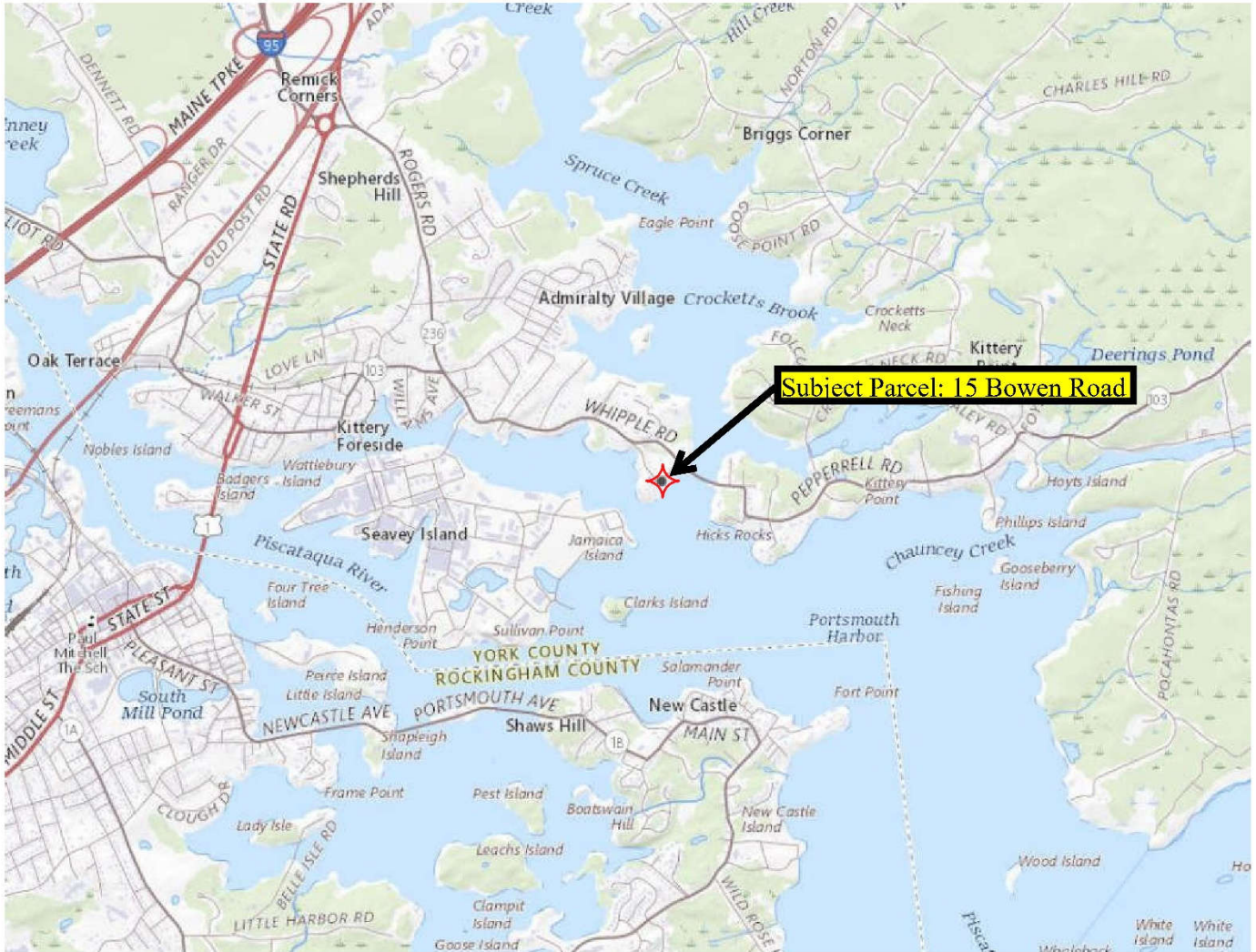
- 1) Do Nothing: This alternative would be for the applicant to not replace the existing pier, gangway, and float system. This option was not pursued for the following reasons:
 - a. The existing pier structure has been damaged in recent storm events and does not provide safe access to the coastal resource.
 - b. The current pier deck is constructed below the 100-year flood elevation. This has led to damage caused by wave action and at one point the entire pier being uplifted and dropped by waves.
 - c. The applicant owns a 34' Center Console boat that tied off the existing 12' x 20' main float. The boat extends beyond the float size putting the boat and floats at risk of damage and providing unsafe access to the boat.
- 2) Replace In Kind: This alternative would be for the applicant to replace the existing pier, gangway, and float in the same location, and with the same dimensions, including the same pier deck elevation. This alternative was not pursued for the following reasons:
 - a. The current pier is already being submerged and damaged during major storm events. A new pier structure has the same odds of being damaged during those storm events.
 - b. With sea level rise, larger storm events will continue to occur leading to further damage and direct impacts.
 - c. With the pier submerged and major wave action occurring, the pier structure could be swept away completely, putting the coastal resource and other marine structures at risk of being damaged.
- 3) Relocate: This alternative would be for the applicant to move the existing pier, gangway, and float to a new location. This alternative was not pursued for the following reasons:
 - a. This would largely increase new direct and indirect impacts to the intertidal and subtidal areas.
 - b. There is already access to the current pier that is being utilized. Moving the pier location would require installing a new access and cause new impacts to the uplands and existing vegetation.

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #3- LOCATION MAPS:

A. USGS Project Location Map



KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



B. Town GIS Project Location Map



KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #4- PROJECT SITE PHOTOS:

Photo 1: View showing damaged pier with missing deck boards (01/18/2023)



KITTERY PORT AUTHORITY PERMIT APPLICATION
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Photo 2: View showing storm damage to pier landing (01/18/2023)



KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #5- PIER STRUCTURE REPLACEMENT PLAN:

LEGEND

- SUBJECT PARCEL BOUNDARY LINE
- EDGE OF PAVEMENT
- EXISTING STONE WALL
- EXISTING SEWER LINE
- 10 — CONTOUR: POSITIVE ELEVATION
- (10) — CONTOUR: NEGATIVE ELEVATION
- IRON PIPE, ROD, OR DISK FOUND
- DRILL HOLE FOUND
- GRANITE/CONCRETE BOUND
- UTILITY POLE

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED FIXED PIER, SEASONAL GANGWAY, SEASONAL MAIN FLOAT AND ASSOCIATED ACCESS RAMP TO BE LOCATED ON MAP 17 LOT 4 IN KITTERY, ME. THE EXISTING PIER STRUCTURE IS BEING FULLY REPLACED AND THE MAIN FLOAT IS BEING EXPANDED. SAID PLAN SHALL BE USED FOR APPLYING FOR PERMITS FROM THE TOWN OF KITTERY, MAINE DEPT. OF ENVIRONMENTAL PROTECTION AND U.S. ARMY CORPS OF ENGINEERS.

OWNER OF RECORD:

TAX MAP 17 LOT 4
ERIC DYER
15 BOWEN ROAD
KITTERY, MAINE 03904
Y.C.R.D. BOOK 17735 PAGE 0077

3. THE PROPERTY IS LOCATED WITHIN THE TOWN OF KITTERY RESIDENTIAL-URBAN ZONING DISTRICT AND SHORELAND PROTECTION OVERLAY 250' DISTRICT. ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTERY PRIOR TO ANY DEVELOPMENT.

4. BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT.

5. ELEVATIONS AND TOPOGRAPHY SHOWN HEREON CORRESPOND TO NAVD88.

6. THE BOUNDARY SHOWN HEREON IS BASED ON REFERENCE PLAN 1.

7. THE RIPARIAN LIMITS SHOWN HEREON WERE CALCULATED USING THE COLONIAL METHOD.

8. ABUTTER LINES SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE AND ARE FOR REFERENCE PURPOSES ONLY. ABUTTER LINES SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.

9. THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR TIDAL STATION 8423898 FORT POINT IS ELEV. = 6.4' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.

10. TIDAL ELEVATIONS: THE FOLLOWING TIDAL ELEVATIONS WERE OBTAINED FROM DATA PUBLISHED BY N.O.A.A. FOR TIDE STATION 8423898, FORT POINT. ALL ELEVATIONS CORRESPOND TO NAVD88.

MEAN HIGHER-HIGH WATER (MHHW)	4.39'
MEAN HIGH WATER (MHW)	3.97'
MEAN LOW WATER (MLW)	-4.66'
MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'

11. THE 100-YEAR FLOOD ELEVATION OF THE PISCATAQUA RIVER IS ELEVATION 11.0' (NGVD29) PER FEMA FIRM MAP 230171 0005D. THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 10.25' (NAVD88).

12. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.

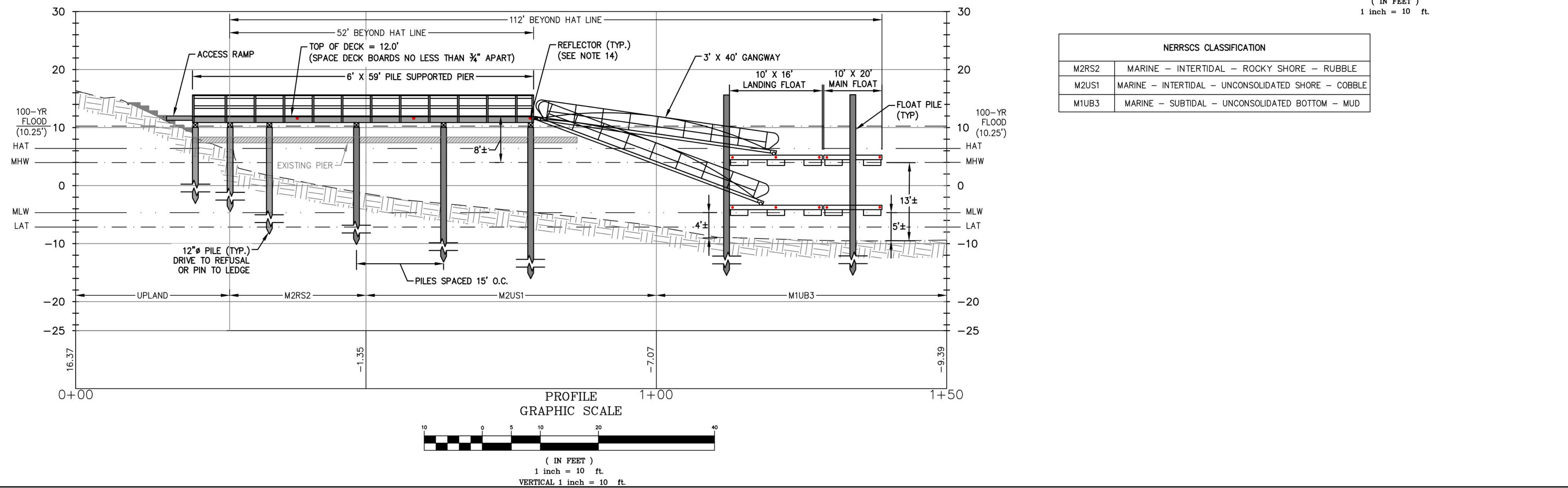
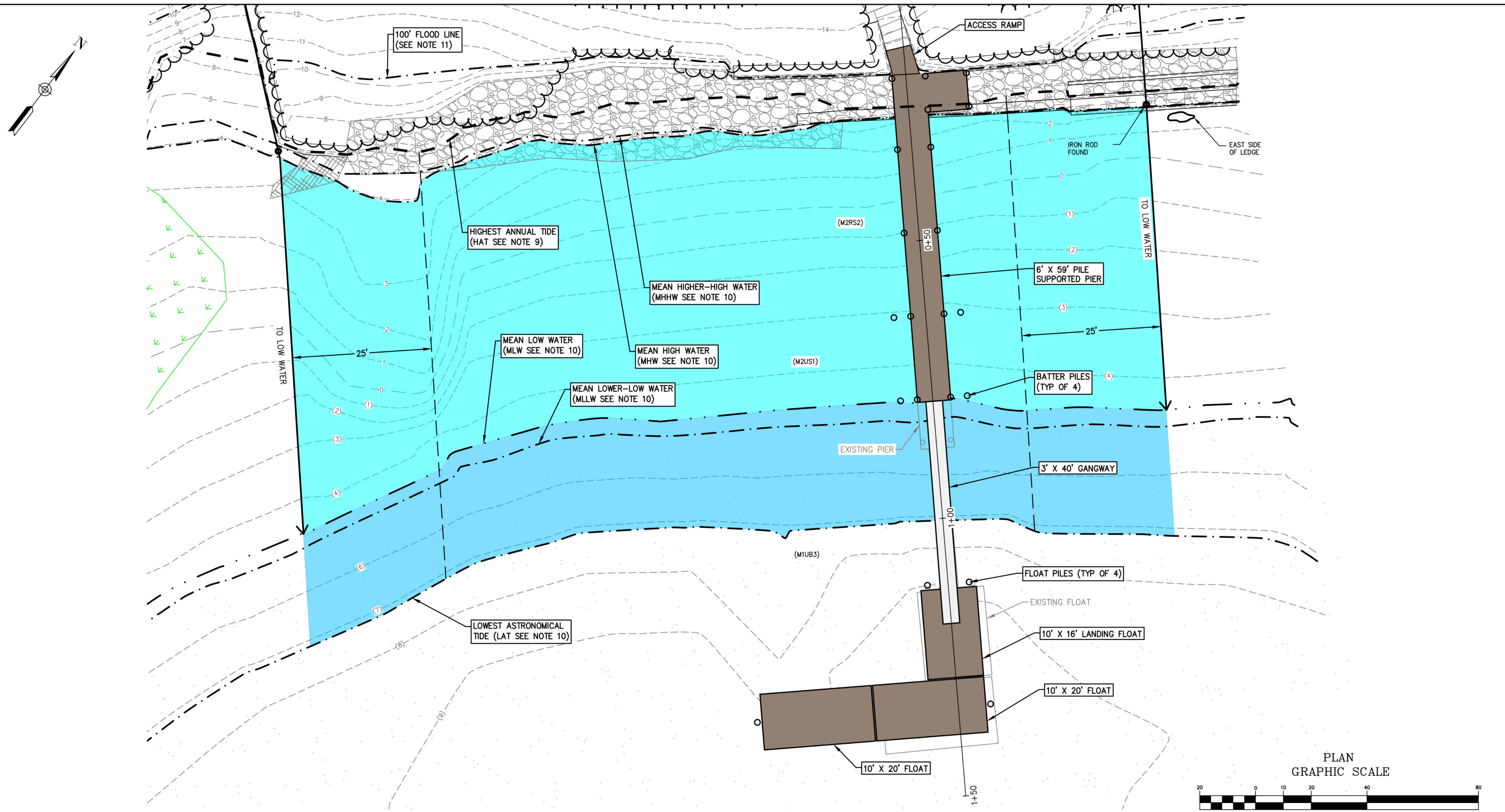
13. THE PROPOSED DEVELOPMENT SHOWN HEREON IS SUBJECT TO REVIEW AND APPROVAL BY THE TOWN OF KITTERY, MAINE DEP AND U.S. ARMY CORPS OF ENGINEERS. OWNER/CONTRACTOR SHALL OBTAIN ALL PERMITS NECESSARY PRIOR TO ANY CONSTRUCTION AND IS RESPONSIBLE FOR COMPLYING WITH ALL CONDITIONS OF SAID PERMITS.

14. REFLECTOR SHALL BE NO LESS THAN 3 INCH DIAMETER AND SHALL BE INSTALLED AS FOLLOWS:

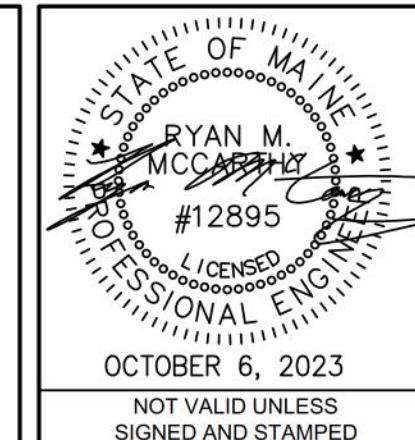
- PIER: EVERY 20 FEET FROM END OF PIER, BOTH SIDES
- FLOATS: WITHIN 12 INCHES OF EACH CORNER

REFERENCE PLANS:

1. "TOPOGRAPHIC SITE PLAN" PREPARED BY EASTERLY SURVEYING, INC. DATED JUNE 22, 2005 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 17735 PAGE 0077.



NERRSCS CLASSIFICATION	
M2RS2	MARINE - INTERTIDAL - ROCKY SHORE - RUBBLE
M2US1	MARINE - INTERTIDAL - UNCONSOLIDATED SHORE - COBBLE
M1UB3	MARINE - SUBTIDAL - UNCONSOLIDATED BOTTOM - MUD









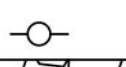



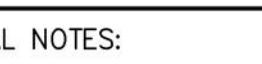


NOT VALID UNLESS SIGNED AND STAMPED	DATE:	NO.	SUBMISSION/REVISION DESCRIPTION



PIER STRUCTURE REPLACEMENT PLAN	
ON LAND LOCATED AT	
15 BOWEN ROAD	
KITTERY, YORK COUNTY, MAINE	
PREPARED FOR:	RIVERSIDE & PICKERING MARINE CONTRACTORS
	34 PATTERSON LANE
	NEWINGTON, NH 03801
JOB #:	23-114
DATE:	SEPT. 11, 2023
SCALE:	1" = 10'
SHEET:	1 OF 2

LEGEND

-  SUBJECT PARCEL BOUNDARY LINE
-  EDGE OF PAVEMENT
-  EXISTING STONE WALL
-  EXISTING SEWER LINE
-  CONTOUR: POSITIVE ELEVATION
-  CONTOUR: NEGATIVE ELEVATION
-  IRON PIPE, ROD, OR DISK FOUND
-  DRILL HOLE FOUND
-  GRANITE/CONCRETE BOUND
-  UTILITY POLE
-  RIPRAP ABOVE H.A.T LINE
-  RIPRAP BELOW H.A.T LINE
-  UPPER BANK EXTENTS

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT A PROPOSED SHORELINE STABILIZATION PLAN ALONG TAX MAP 17 LOT 4 IN KITTERY, ME. SAID PLAN SHALL BE USED FOR APPLYING FOR PERMITS FROM THE TOWN OF KITTERY MAINE DEPT. OF ENVIRONMENTAL PROTECTION AND U.S. ARMY CORPS OF ENGINEERS.
2. OWNER OF RECORD:
TAX MAP 17 LOT 4
ERIC DYER
15 BOWEN ROAD
KITTERY, MAINE 03904
Y.C.R.D. BOOK 17735 PAGE 0077
3. THE PROPERTY IS LOCATED WITHIN THE TOWN OF KITTERY RESIDENTIAL-URBAN ZONING DISTRICT AND SHORELAND PROTECTION OVERLAY 250' DISTRICT. ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTERY PRIOR TO ANY DEVELOPMENT.
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8. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.
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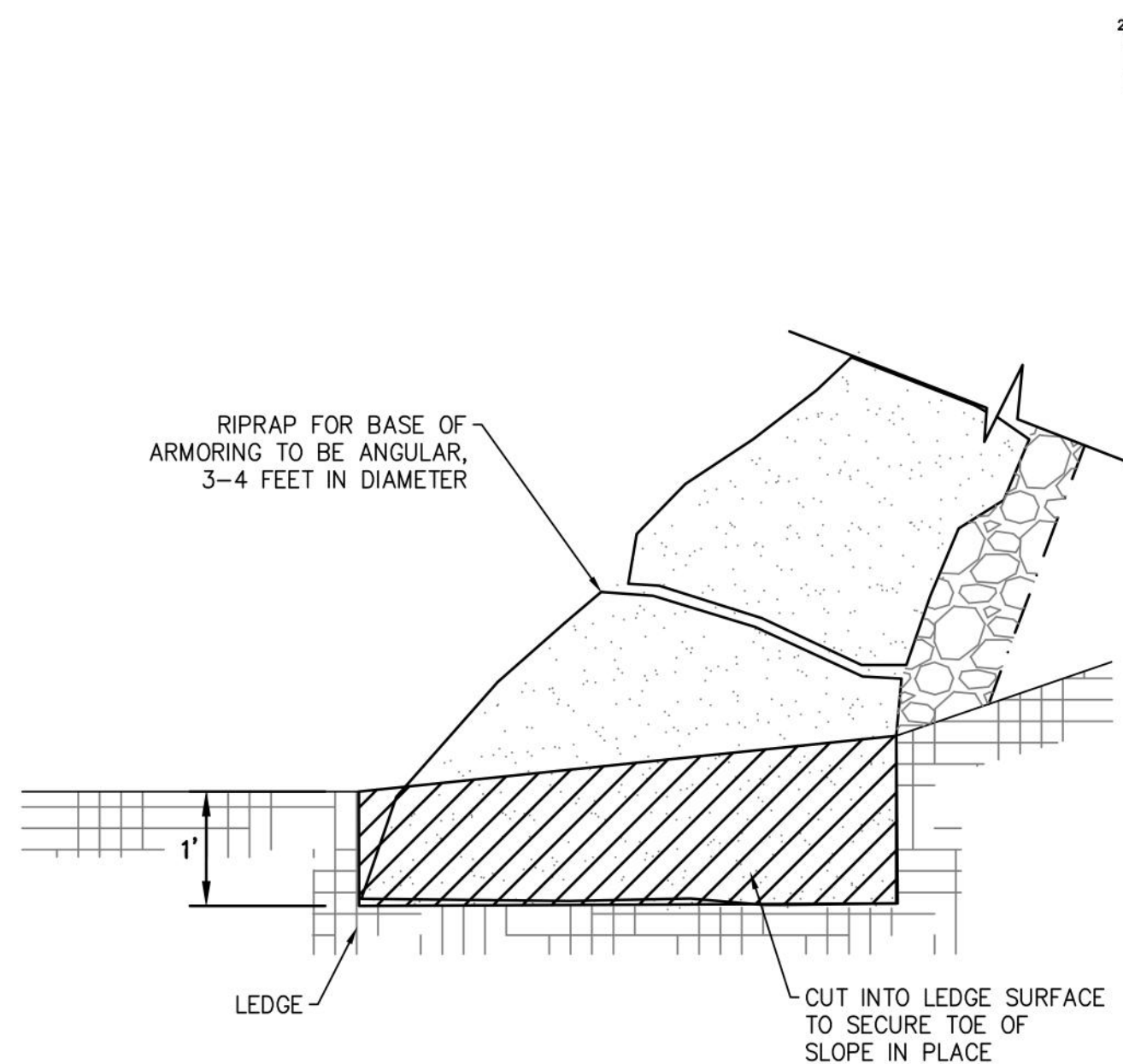
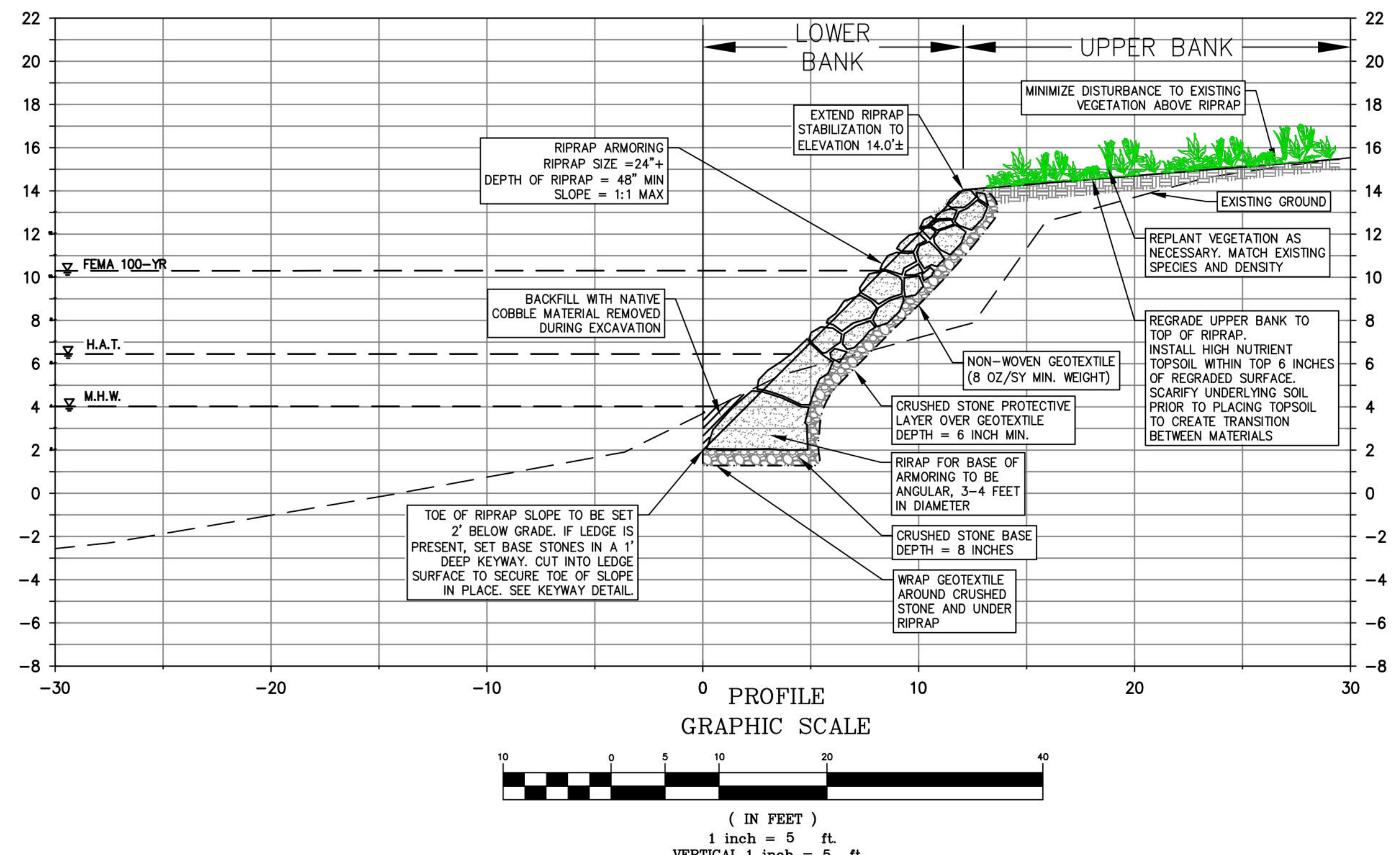
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MEAN LOW WATER (MLW)	-4.66'
MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'
11. THE 100-YEAR FLOOD ELEVATION OF THE PISCATAQUA RIVER IS ELEVATION 11.0' (NGVD29) PER FEMA FIRM MAP 230171 00050. THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 10.25' (NAVD88).
12. THE CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS OF CONSTRUCTION, INSTALLING AND MAINTAINING PROPER EROSION AND SEDIMENT CONTROL MEASURES, IMPLEMENTATION OF A CONSTRUCTION SAFETY PLAN, COMPLYING WITH ALL PERMITTING CONDITIONS.

REFERENCE PLANS:

1. "TOPOGRAPHIC SITE PLAN" PREPARED BY EASTERLY SURVEYING, INC. DATED JUNE 22, 2005 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 17735 PAGE 0077.

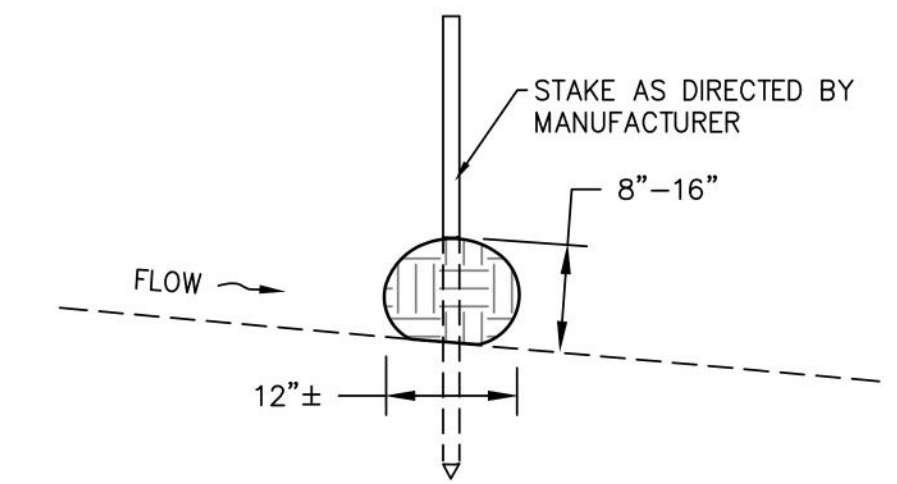
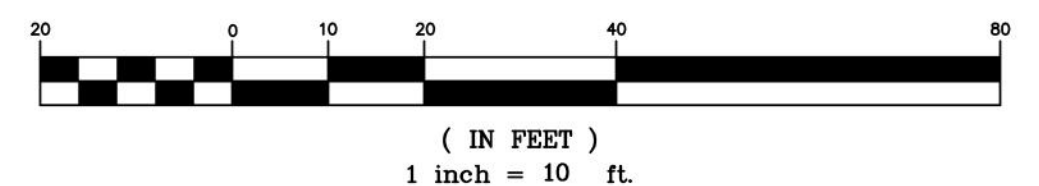


TYPICAL SECTION



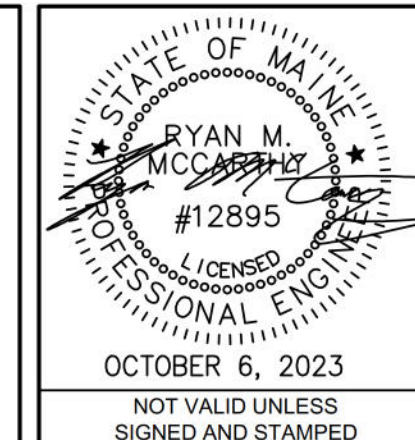
KEYWAY DETAIL
NOT TO SCALE

PLAN GRAPHIC SCALE



- CONSTRUCTION NOTES:**
1. FILTER SOCKS SHOULD BE INSTALLED PARALLEL TO CONTOURS.
 2. FILTER SOCKS SHALL BE FILLED WITH EROSION CONTROL MIX OR OTHER FINELY SHREDDED ORGANIC MATERIAL (I.E. COCONUT FIBER OR OTHER).
 3. FULL CONTACT WITH THE GROUND IS REQUIRED TO PREVENT SHORT CIRCUITING UNDER THE SOCK. THE GROUND SURFACE MUST BE SMOOTH AND LEVEL. IN WOODED AREAS, PROTRUDING ROOTS AND DEBRIS MAY NEED TO BE REMOVED. IN GRASSSED AREAS, THE GRASS NEEDS TO BE EITHER MOWED OR COMPRESSED DOWN.
 4. STAKING MAY BE NECESSARY ON STEEP SLOPES.
 5. UPON FINAL STABILIZATION, THE SOCK SHALL BE EITHER REMOVED OR CUT OPEN AND THE MATERIAL SPREAD OUT ONTO THE GROUND. THE MESH SHOULD BE REMOVED.

FILTER SOCK DETAIL
NOT TO SCALE



DATE:	OCTOBER 6, 2023
NO.:	NOT VALID UNLESS SIGNED AND STAMPED
SUBMISSION/REVISION DESCRIPTION:	

TIDEWATER
ENGINEERING & SURVEYING, INC.
1021 Goodwin Rd Unit 1, Eliot, ME 03903
(207)459-2222 • www.tidewatercivil.com

SHORELINE STABILIZATION PLAN
ON LAND LOCATED AT
15 BOWEN ROAD
KITTERY, YORK COUNTY, MAINE

PREPARED FOR:
RIVERSIDE & PICKERING MARINE CONTRACTORS
34 PATTERSON LANE
NEWINGTON, NH 03801

JOB #:	23-114
DATE:	SEPT. 11, 2023
SCALE:	1" = 10'
SHEET:	2 OF 2

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #6- CONSTRUCTION PLAN:

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

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

The gangway and floats are constructed offsite and brought to the site. The aluminum gangway is connected directly to both the fixed timber pier and the main float. The landing and main floats will be secured in place by 4 float piles.

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

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

Existing Structure Removal	3 days
Piling Installation	3 days
Fixed Pier Installation	5 days
Gangway/Float Installation	3 days
Access Stairs/Landings	5 days
Total Construction Duration	19 days

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #7- EROSION CONTROL PLAN:

Riverside & Pickering Marine Contractors will replace the docking system for the applicant. They have many years of experience installing and repairing docking systems throughout New England. Replacement of the fixed pier primarily occurs from the barge and from staging supported by the pilings/pier to minimize foot traffic on the intertidal substrate. As the proposed activity does not include grading, bulldozing, digging, scraping the earth or filling, it is their opinion that erosion control measures are not necessary for the pier, gangway, and float replacement due to the minimal ground disturbance anticipated.

Throughout the entire construction period for the slope stabilization a silt sock will be placed seaward of the proposed riprap toe location. This will be in place to reduce sedimentation of the resource during high tide when bare soil may be exposed to the river. After completion of the project the silt sock will be removed completely.

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #8- SITE CONDITION REPORT

The site plans enclosed as Attachment 5 depicts one-foot contours, existing resource boundaries, the area of the resource to be altered, activity location and dimensions and wetland/waterbody classification. The slope to be stabilized and the proposed docking system to be replaced is located within both upland areas and the intertidal zone.

As this project is associated with a coastal resource subject to tidal action, the upland edge of the resource was delineated by the highest annual tide (HAT) elevation published by Maine DEP for 2018. The HAT for Kittery Point is elevation 6.4' referenced to the North American Vertical Datum of 1988 (NAVD88). This method for delineating the coastal resource is widely accepted by the State of Maine pursuant to the Mandatory Shoreland Zoning Act.

The adjacent uplands are developed with landscaped areas and residential structures. Existing upland vegetation will be impacted by the proposed slope stabilization, however, additional vegetation will be planted to reestablish the disturbed areas to the pre-construction conditions.

The permanent section of the proposed docking system is located within both upland areas and the intertidal zone. The fixed pier is supported on timber pilings and extends approximately 52 feet beyond the highest annual tide line. As depicted in the site plan, the replacement pier does not extend beyond mean low water.

The surface of the resource and intertidal zone within the project limits is comprised primarily of ledge and cobble stones. Large boulders are scattered close to the shoreline embankment and rest on a mixed cobble and gravel surfaces. Extending toward Spruce Creek, large rock becomes less prevalent and a cobble/gravel surface predominates to the low waterline. Beyond low water is primarily mud flat. For more detailed information, please refer to the enclosed *Appendix B: MDEP Coastal Wetland Characterization: Intertidal and Shallow Subtidal Field Survey Checklist*.

A survey conducted by Maine DEP in 2021 discovered the extents of an eelgrass bed. Tidewater Engineering performed a field verification eelgrass survey on 07/13/2023 and discovered no evidence of eelgrass within the survey limits or around the docking structure and mooring system. The survey was completed by snorkeling methods.

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



A profile view of the proposed docking system is provided within Attachment 5. This view provides a clear representation of the proposed docking system with respect to the substrate and the tidal elevations experienced at this site, including LAT, MLW, MHW, HAT and the 100-year flood elevation. The 100-year flood elevation published by FEMA is elevation 11' (NGVD29) which corresponds to elevation 10.25' (NAVD88), the elevation datum depicted on the plans. As depicted in the profile view, the bottom surface of the lowest horizontal member of the pier is located approximately 8 inches above the 100-year flood elevation.

KITTERY PORT AUTHORITY PERMIT APPLICATION
 APPLICANT: ERIC DYER
 LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #9- ABUTTERS:



50 foot Abutters List Report
 Kittery, ME
 August 23, 2023

Subject Property:

Parcel Number: 17-4
 CAMA Number: 17-4
 Property Address: 15 BOWEN ROAD

Mailing Address: DYER, ERIC W. DYER, ERIC W.
 54 KINGSWOOD ROAD
 WESTWOOD, MA 02090

Abutters:

Parcel Number: 17-3
 CAMA Number: 17-3
 Property Address: 9 BOWEN ROAD

Mailing Address: REINHOLD, LEE REINHOLD, LEE
 PO BOX 752
 WEST NEWBURY, MA 01985

Parcel Number: 17-44
 CAMA Number: 17-44
 Property Address: 8 BOWEN ROAD

Mailing Address: CLAINOS,TR, CYNTHIA K. CLAINOS,TR,
 CYNTHIA K.
 PO BOX 219
 KITTERY, ME 03904

Parcel Number: 17-5
 CAMA Number: 17-5
 Property Address: BOWEN ROAD

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

Parcel Number: 17-51
 CAMA Number: 17-51
 Property Address: 27 OLD FERRY LANE

Mailing Address: HALL, REBECCA HALL, REBECCA
 140 STATE ROAD
 KITTERY, ME 03904

Parcel Number: 17-6
 CAMA Number: 17-6
 Property Address: 23 BOWEN ROAD

Mailing Address: MCKEON, PAUL J JR MCKEON, PAUL J
 JR
 233 VAUGHAN STREET UNIT 402
 PORTSMOUTH, NH 03801



www.cai-tech.com

8/23/2023

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.

Page 1 of 1

Abutters List Report - Kittery, ME

KITTERY PORT AUTHORITY PERMIT APPLICATION
APPLICANT: ERIC DYER
LOCATION: 15 BOWEN ROAD, KITTERY, ME 03904



ATTACHMENT #10- WAIVER REQUEST:

The applicant is requesting a waiver to Section 4.7.4 of the KPA Rules and Regulations as it pertains to the height of the pier above the normal high-water mark.

4.7.4. The maximum height of the pier deck may not exceed six (6) feet above the normal highwater mark, and the handrails not exceed 42" without the specific approval of the Port Authority

The pier proposed to be located at 15 Bowen Road (Tax Map 17 Lot 4) for Eric Dyer has been designed at a higher height in an effort to provide additional protection from coastal storm events. The basis for our design is the 100-year flood elevation published by FEMA. The effective FIRM Map 2301710005D (enclosed) identifies this property as being within Zone V2 with a 100-year flood elevation of elevation 11.0 (NGVD29) which corresponds to elevation 10.25 (NAVD88) on our design plan. FEMA's elevation predictions include storm surge.

Due to the exposure of this site and risk of wave impact on the pier, we have designed the bottom surface of the joists at elevation 10.88. This provides 0.63 ft (7.5 inches) of freeboard above the 100-year elevation, minimizing direct wave impact against the pier superstructure (joists, decks & rails). The elevation of the top of the deck is 12.00' which corresponds to approximately 8 feet above mean high water.

If the 6-foot height limit specified in Section 4.7.4 was followed, the top of the pier's deck would be at elevation 10.0' +/- which corresponds to 0.25 feet (3 inches) below the 100-year flood elevation. This means that during a 100-year storm, the entire pier would be submerged and exposed to severe impact from waves and floating debris.

Based upon the information provided above, we ask the Board to consider approving this waiver request to Section 4.7.4 to allow the pier to be constructed at the height proposed on the plans.



APPROXIMATE SCALE
 400 0

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
 FLOOD INSURANCE RATE MAP

TOWN OF
 KITTERY, MAINE
 YORK COUNTY

PANEL 5 OF 10
 (SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
 230171 0005 D

MAP REVISED:
 JULY 3, 1986



Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



TOWN OF KITTERY

Code Enforcement Office

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1308 Fax: 207-439-6806

CEO@kitteryme.org

KITTERY PORT AUTHORITY APPLICATION ACCEPTANCE MEMO

From: Craig Alfis, Code Enforcement
To: Charles Patten, Port Authority Chair

Subj: Acceptance of Application, 23 Bowen Road
Meeting Date: 12/7/2023

Mr. Chair,

Code Enforcement and Planning staff have reviewed the application for 23 Bowen Road, requesting approval for the installation of a residential pier, ramp, and float, and found it to be complete. The application requests the following:

1. Installation of a 4'x6' access ramp;
2. Installation of a 4'x16' post supported boardwalk;
3. Installation of a 6'x60' pier;
4. Installation of a 3'x45' gangway;
5. Installation of a 8'x20' landing float; and
6. Installation of two (2) 10'x21' floats.

Based on a cursory review of the information provided in the application, Staff believes the application is complete, and recommends that the Port Authority accept the application for further review. Information submitted includes:

- Kittery Port Authority application;
- Proof of legal interest in the property;
- Plans showing the location and shape of the existing and proposed development;
- List of abutters within 150 feet;
- Waiver request to Section 4.7.4, height of pier deck; and
- Evidence of Maine DEP and Army Corps of Engineering application submission.

*****The applicant submitted a revised plan. The dimensions contained in this memo are correct. The meeting packet includes both the original and revised plan.*****

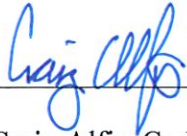
The following will need to be submitted prior to work starting, if approved:

- Maine DEP approval;
- US Army Corps of Engineers approval;

Kittery building permit

If the Port Authority votes to accept the application, an in-depth review will be performed by Code and Planning staff, and a staff report will be provided to the Port Authority prior to the meeting on which the application is scheduled.

Signed,



Craig Alfis, Code Enforcement Officer
207-475-1308
ceo@kitteryme.org



KPA-23-20

Port Authority Application

Status: Active

Submitted On: 11/13/2023

Primary Location

23 BOWEN ROAD
KITTERY, ME 03904

Owner

McKeon, Paul J. Jr. and
Jessica
Vaughn Street 233
Portsmouth, NH 03801

Applicant

Ryan McCarthy

207-439-2222

ryan@tidewatercivil.com

1021 Goodwin Road Unit 1
Eliot, ME 03903

Project Discription

Description of Project*

Proposed Pier, Gangway and Float Structure

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

Yes

Are any waivers from the performance standards
in the Kittery Port Authority Rules & Regulations
requested?*

Yes

What performance standards are you requesting a waiver(s) from?*

Section 4.7.4: Height of Pier above MHW

Type of Project

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

No

Property Information

Name of the property owner(s)

Paul J. McKeon Jr. and Jessica McKeon

Property Address

23 Bowen Road

Telephone Number

603-231-3205

Email Address

pmckeon@b2wsoftware.com

Size of the Property ?

0.74 acres

Zoning District

Residential-Urban

Shore Frontage Footage ?

207

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

Paul J. McKeon Jr.

Date Application Completed

11/13/2023

Name of Property Owner

Paul J. McKeon Jr.

Agent Name

Ryan McCarthy, PE PLS

Agent Firm

Tidewater Engineering & Surveying,
Inc.

Agent Phone

207-439-2222

Agent Email

ryan@tidewatercivil.com

Attachments



Other Documents

2023-1113 McKeon_KPA Submittal.pdf

Uploaded by Ryan McCarthy on Nov 13, 2023 at 10:34 AM



Proof of Payment - Application Fee

KPAPermitFee.pdf

Uploaded by Ryan McCarthy on Nov 13, 2023 at 10:43 AM

November 13, 2023



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

Re: Proposed Residential Pier, Gangway and Float
23 Bowen Road (Tax Map 17 Lot 6)

To Whom It May Concern:

Attached is an application submitted on behalf of Paul J. McKeon Jr. and Jessica McKeon for a proposed residential pier, gangway and float located on 23 Bowen Road (Tax Map 17 Lot 6) in Kittery, Maine. An Individual NRPA application was submitted to Maine DEP (MDEP) on August 9, 2023 and is currently being reviewed. We will forward a copy of the MDEP permit to you once approved. The Army Corps of Engineers approved the project on November 2, 2023 under permit #NAE-2023-01819 (enclosed).

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

Sincerely,

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

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

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

Enclosures



TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map:
Lot:
Date Submitted:

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:

6' x 76' permanent timber pier, 3' x 45' seasonal gangway, 8' x 20' landing float, and two 10' x 21' main floats with 6 helical anchors on the applicant's property in Kittery Point. Access to the timber pier will be by a 6' x 5' access ramp.

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

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

2. Property Owner(s): Paul J. McKeon Jr. and Jessica McKeon

3. Property Address: 23 Bowen Road, Kittery Point, ME 03904

Tidewater Engineering & Surveying, Inc. has been authorized as agent for permitting purposes.

4. Telephone Number: (207) 439-2222 (REQUIRED)

Email: ryan@tidewatercivil.com (REQUIRED)

5. Property Size (Acres/SF): 32,420 SF/ 0.74 acres

Zoning District(s): Residential - Urban Shoreland Protection Overlay

6. The shore frontage of this property is 207 +/- feet, measured at the high water line in a straight line, stake to stake.

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

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

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

Applicant Signature: Date: 11/13/2023

Property Owner Signature: Date:

Agent Name: Ryan McCarthy, P.E., P.L.S. Agent Firm: Tidewater Engineering & Surveying, Inc.

Agent Phone: (207) 439-2222 (REQUIRED) Agent Email: ryan@tidewatercivil.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.

PORT AUTHORITY APPLICATION
 APPLICANT: PAUL J. MCKEON JR. AND JESSICA MCKEON
 LOCATION: 23 BOWEN ROAD, KITTELY POINT, ME 03904



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PORT AUTHORITY APPLICATION
APPLICANT: PAUL J. MCKEON JR. AND JESSICA MCKEON
LOCATION: 23 BOWEN ROAD, KITTERY POINT, ME 03904



AGENT LETTER OF AUTHORIZATION

June 20, 2023

Re: Letter of Agent Authorization
Proposed Pier & Float Structure: 23 Bowen Road, Kittery Point, ME 03904
Reference Job No. 23-103

To Whom It May Concern:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. McKeon Jr. & Jessica McKeon", is written over a horizontal line.

Paul J. McKeon Jr. & Jessica McKeon
23 Bowen Road
Kittery Point, ME 03904

PORT AUTHORITY APPLICATION
APPLICANT: PAUL J. MCKEON JR. AND JESSICA MCKEON
LOCATION: 23 BOWEN ROAD, KITTERY POINT, ME 03904



PROPERTY DEED

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED **Bk 19113 PG 380**
Instr # 2022039706
09/15/2022 02:02:47 PM
Pages 6 YORK CO

DLN: 1002240210141

WARRANTY DEED

Know all by these presents that We, **PENELOPE LEVINE**, whose mailing address is 23 Hook Road, Rhinebeck, NY 12572, **ROBERT HYDE**, whose mailing address is 131 Beach 59th Street, Arverne, NY 11692, **JAMES HYDE**, whose mailing address is 418 Sackett Street, Brooklyn, NY 11231, and **THEODORE HYDE**, whose mailing address is 184 Cebra Avenue, Staten Island, NY 10304, (together, "Grantor"), for consideration paid, grant to **PAUL J. MCKEON, JR. AND JESSICA MCKEON**, whose mailing address 233 Vaughn Street, Unit 402, Portsmouth, NH 03801, with **WARRANTY COVENANTS** as **JOINT TENANTS**, the real property situated in the Town of Kittery, County of York, and State of Maine, described as follows:

See Exhibit A Attached Hereto

The current property address is 23 Bowen Road, Kittery Tax Map 17, Lot 6

Witness my hand and seal this 7th day of September 2022.

[Signature]
Witness

[Signature]
PENELOPE LEVINE

Maine R.E. Transfer Tax Paid

STATE OF MAINE

York, ss.

September 7, 2022

Then personally appeared the above named Penelope Levine and acknowledged the foregoing instrument to be her free act and deed.

Before me,



[Signature]
Attorney at Law/Notary Public
Print Name:
Commission Expires:

Ballou & Bedell
408 US Route One, 2nd Floor
York Maine 03909 (207) 363-5360
www.balloubedell.com

PORT AUTHORITY APPLICATION
APPLICANT: PAUL J. MCKEON JR. AND JESSICA MCKEON
LOCATION: 23 BOWEN ROAD, KITTERY POINT, ME 03904



Witness my hand and seal this 13 day of September 2022.

[Signature]
Witness

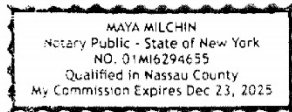
[Signature]
ROBERT HYDE

STATE/Commonwealth of New York

NASSAU, ss.

13th September, 2022

Then personally appeared the above-named Robert Hyde and acknowledged the foregoing instrument to be his free act and deed.



Before me,
[Signature]

Attorney at Law/Notary Public
Print Name:
Commission Expires:

PORT AUTHORITY APPLICATION
APPLICANT: PAUL J. MCKEON JR. AND JESSICA MCKEON
LOCATION: 23 BOWEN ROAD, KITTELY POINT, ME 03904



Witness my hand and seal this 14 day of September 2022.

Witness

James Hyde
JAMES HYDE

STATE/Commonwealth of New York

Kings, ss.

9/14/22, 2022

Then personally appeared the above-named James Hyde and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Ahmed Iftekhhar

Attorney at Law/Notary Public

Print Name: AHMED IFTekhhar

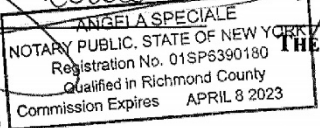
Commission Expires: 02/07/2026

AHMED IFTekhhar
Notary Public, State of New York
No. 01F6429213
Qualified in Nassau County
Commission Expires Feb. 7, 2026

PORT AUTHORITY APPLICATION
APPLICANT: PAUL J. MCKEON JR. AND JESSICA MCKEON
LOCATION: 23 BOWEN ROAD, KITTERY POINT, ME 03904



Witness my hand and seal this 13 day of September 2022.

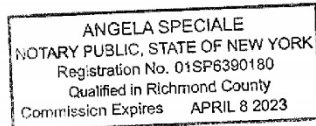
Angela Speciale
Witness *Theodore Hyde*

STATE/Commonwealth of NY

Richmond, ss. Sept. 13, 2022

Then personally appeared the above-named Theodore Hyde and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Angela Speciale
Attorney at Law/Notary Public
Print Name: Angela Speciale
Commission Expires: 04/08/2023



PORT AUTHORITY APPLICATION
APPLICANT: PAUL J. MCKEON JR. AND JESSICA MCKEON
LOCATION: 23 BOWEN ROAD, KITTERY POINT, ME 03904



EXHIBIT A
Property: 23 Bowen Road, Kittery

A certain lot or parcel of land, together with the buildings thereon, situated in the Town of Kittery, in the County of York and State of Maine, bounded and described as follows:

BEGINNING on the Town Road, so-called, also known as Bowen Road, at the northwesterly corner of the premises herein described, at a cement post set in the ground; and

THENCE running by said Road, North $63\frac{1}{2}^{\circ}$ East about one hundred thirty-five (135) feet to Old Ferry Lane, so-called:

THENCE by said Old Ferry Lane, South 16° East, sixty-three (63) feet to a point;

THENCE by said Lane, South 38° East, one hundred twenty-eight feet six inches (128' 6") to the Piscataqua River, so-called, at the part thereof known as Spruce Creek;

THENCE by and following said River in a general Southwesterly direction to a corner at land now or formerly of James O. McNally (the distance in a straight line South 35° West being two hundred (200) feet;

THENCE North 17° West, forty-four (44) feet to a point;

THENCE North $13\frac{1}{2}^{\circ}$ West, seventy-eight (78) feet to a point;

THENCE North 20° West, thirty (30) feet to a point;

THENCE Northwesterly about thirty-five (35) feet to a corner, all by land now or formerly of said McNally;

THENCE turning and running Northeasterly by land of said McNally about ten (10) feet to a cement post set in the ground;

THENCE turning and running Northwesterly by land now or formerly of said McNally to the cement post and the POINT OF BEGINNING.

This conveyance is made and accepted subject to covenants, easements and restrictions of record, if any, affecting the above-described premises.

Together with the appurtenances and all the estate and rights of the Grantor in and to said premises.

This deed subject to the trust provisions of section 13 of the Lien Law. The words "Grantor" and "Grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

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Being the same premises conveyed by Penelope Levine, Personal Representative of the Estate of Susan C. Hyde to Penelope Levine, Robert Hyde, James Hyde and Theodore Hyde by deed dated May 26, 2022 and recorded at the York County Registry of Deeds in Book 19043, Page 858. See also, York County Probate Docket No. 20200909.

See also, corrective deed dated September 7, 2022, by Penelope Levine, Personal Representative of the Estate of Susan C. Hyde to Penelope Levine, Robert Hyde, James Hyde and Theodore Hyde, and recorded at the York County Registry of Deeds in Book 19108, Page 430, adding the month, date and year to the notary clause that was erroneously omitted from original deed of distribution dated May 26, 2022 and recorded at the York County Registry of Deeds in Book 19043, Page 858.

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LOCATION: 23 BOWEN ROAD, KITTELY POINT, ME 03904



ABUTTER CONCURRENCE LETTER

Date: 8/16/2023

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

**RE: Maine DEP NRPA Individual Permit Application
Proposed Docking Structure (Pier, Gangway and Float)
Applicant: Paul J. McKeon, Jr. and Jessica McKeon of 23 Bowen Rd, Kittery, ME**

This letter is to inform the Maine Department of Environmental Protection (DEP), in accordance with State Law, that our abutter, Paul J. and Jessica McKeon has shown us the following plan depicting a proposed tidal docking structure on their property located at 23 Bowen Road in Kittery, Maine (Tax Map 17, Lot 6). We are aware that the mooring blocks and chains associated with the proposed seasonal floats are located within 25 feet of the littoral boundary that we share with Paul J. and Jessica McKeon.

Plan: *"Proposed Pier & Float Plan on Land located at 23 Bowen Road Kittery, York County, Maine prepared for Riverside & Pickering Marine Contractors 34 Patterson Lane Newington, NH 03801" prepared by Tidewater Engineering & Surveying, Inc. dated July 14, 2023.*

In accordance with DEP rules, we hereby sign this letter to indicate our acceptance of the proposed tidal docking structure's mooring blocks and chains within 25 feet of our littoral boundary that we share with Paul J. and Jessica McKeon.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Cole".

*as shown on attached
plan at 23 Bowen Rd.*

Douglas Cole, Owner
251 North Village Road
Loudon, New Hampshire 03307

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LOCATION: 23 BOWEN ROAD, KITTELY POINT, ME 03904



ATTACHMENT #1- PROJECT DESCRIPTION:

A. INTRODUCTION/PURPOSE:

The subject parcel has frontage on the Spruce Creek in Kittery Point and the owner/applicant is seeking approval of a proposed docking structure to provide them with safe and efficient access to the coastal resource for recreational purposes such as boating, rowing and fishing. The applicant plans to keep a 53' long boat secured to the main float once constructed. Additionally, the dock will be used to launch kayaks and paddleboards.

B. PROJECT SUMMARY:

The proposed project consists of installing a 6' x 5' access ramp connecting to a permanent 6' x 76' fixed timber pier. The fixed pier will be supported by twelve (12) 12" diameter timber piles, with four (4) batter piles supporting the seaward-most sets of piles. Ten (10) of the 12 support piles are located below the H.A.T. line. A 3' x 45' aluminum gangway will extend from the end of the fixed pier to a 8' x 20' landing float and two 10' x 21' main floats. Six helical moorings will anchor the landing float and the main floats, both connected with ½" marine grade chain. A survey conducted by MDEP in 2021 indicates an eelgrass bed in the vicinity of the premises, however Tidewater Engineering field verified the area on July 13, 2023 and found no evidence of eelgrass, see Attachment 9 – Site Condition Report. The proposed fixed pier, gangway and float system will extend southeast from a rocky outcropping on the applicant's shoreline. Helical moorings and chains anchoring the southwest side of the float will extend into the riparian setback, however a concurrence letter has been obtained from the abutter. No other docking structure is proposed.

C. HISTORICAL KNOWLEDGE:

The property was purchased by the applicant in 2022 and the historical use or access to the water is unknown. Review of aerial photographs from 1992 to present do not show evidence of previously existing docks or boats being launched from the property. The abutting property to the northeast of the applicant's property (Tax Map 17, Lot 4), contains a 70 foot +/- fixed pier with float. Additionally, the property southwest of the applicant's property (Tax Map 17, Lot 7), contains a 50 foot +/- fixed pier with float.

D. IMPACT CALCULATIONS:

The total permanent impacts below the H.A.T. is estimated as follows...

- 10 piles @ 12" diameter = 8 sf
- 6 helical piles (negligible)
- 4 batter piles @ 12" diameter = 3 sf
- Total Permanent Impacts = 11 sf +/-

The total indirect impacts below the H.A.T. is estimated as follows...

Fixed Pier = (6' x 60') = 360 sf (portion below the HAT line only)
Gangway = (3' x 40') = 120 sf (portion not on top of main float)
Landing Float = (8' x 20') = 160 sf
Main Floats = 2 x (10' x 21') = 420 sf
Total Indirect Impacts = 1062 sf +/-

E. ADJACENT STRUCTURES:

Tax Map 17 Lot 4: Contains a 70 foot +/- fixed pier with float.

Tax Map 17 Lot 7: Contains a 50 foot +/- fixed pier with float.

F. OFF-SEASON STORAGE:

During the off-season, the 3' x 45' gangway will be stored on the fixed pier. The 8' x 20' landing float and the two 10' x 21' main floats will be removed and stored off-site on uplands by a third-party company.

G. LOCATION-BASED IMPACT MITIGATION:

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

- 1) Provides the shortest length required to reach a sufficient depth of water for their watercraft at low tide, thereby minimizing impacts to the resource.
- 2) The proposed float is positioned beyond the mean low water and will not rest on the substrate at low tides. This will eliminate scour, surface impacts and the need for float skids.
- 3) The proposed fixed pier does not extend beyond the mean low water mark and will remain in the intertidal zone.
- 4) The docking system avoids any potential conflicts with eelgrass.
- 5) Access to the pier will be via an access ramp that extends from the adjacent uplands to the fixed pier. This will provide direct access to the pier, gangway and float from the lawn, without impacting the coastal bluff or sensitive intertidal zone.
- 6) The uplands adjacent to the proposed pier are developed as lawn area and will not require the removal of any trees or other vegetation to provide access to the proposed dock system.

ATTACHMENT #2- ALTERNATIVES ANALYSIS:

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

- 2) Seasonal Dock and Float System: This alternative would be for the applicant to purchase and install a seasonal docking system that would allow access to Spruce Creek during a portion of the year. This alternative was not pursued for the following reasons:
 - a. The installation and removal of a seasonal dock system would cause bi-annual impact to the intertidal zone when sections of the dock are installed and removed during spring and fall months.
 - b. The nature of the intertidal zone at the site would require a seasonal dock system that was prohibitively long (similar in length to the proposed permanent fixed pier) to allow watercraft to remain waterborne during low tides. A seasonal dock of such length would be prohibitively high above the water and subject to extreme tidal forces and weather conditions, something beyond the capacity and rating of most seasonal dock systems.
 - c. A shortened seasonal dock system would mean any watercrafts attached to the seasonal floats would sit on the surface of the intertidal zone during low tide, increasing impacts to the sensitive resource and habitats.

- 3) Reduce Length: Another alternative would be to reduce the length of the proposed docking structure. This was not pursued for the following reasons:
 - a. The main float will rest on the surface of the intertidal zone during all low tides, increasing impacts to the sensitive resource and habitats.
 - b. Any watercraft attached to the floats will also sit on the surface of the intertidal zone, increasing impacts to the sensitive resource and habitats.
 - c. The surface of the intertidal zone consists of a mixture of exposed ledge, and cobble. These surfaces will cause the floats to sit unbalanced and increase the likelihood of damage. The watercrafts would also rest, rock and scrape

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on abrasive surfaces, causing significant damage to the hull of the vessel. This could lead to holes in the hull, submerging the watercraft and potential discharge of fuel into the river, all of which would be harmful to the resource.

- 4) Float Size Reduction and Mooring Boat Storage: This alternative would be to reduce the size of the proposed float and store the boat in deeper water with a mooring system. This was not pursued for the following reasons:
 - a. The applicant owns a 53' that will be tied off the float system. If the boat extended beyond the float size, this puts the boat and floats at risk of being damaged and provides unsafe access to the boat, even during loading/unloading situations.
 - b. A 53' boat will require approximately 150' of clearance/swing to avoid crashing into other moored boats and structures. We have consulted with the Town Harbormaster and found that there is no space available for a boat of this size within the Town's nearby mooring field.
 - c. The nearest space available is within the channel, however this would impede navigation.

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ATTACHMENT #3- LOCATION MAPS:

A. USGS PROJECT LOCATION MAP



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B. TOWN GIS PROJECT LOCATION MAP



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ATTACHMENT #4- PROJECT SITE PHOTOS:

Photo 1: View showing proposed Fixed Pier location (01/18/2023)



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Photo 2: View showing proposed pier location from water (07/13/2023)



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Photo 3: Alternate view of rocky shoreline, ledge and cobble beach (01/18/2023)



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Photo 4: View showing abutting pier (Tax Map 17, Lot 4) (01/18/2023)



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ATTACHMENT #5- PROPOSED PIER & FLOAT PLAN:

LEGEND

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

GENERAL NOTES:

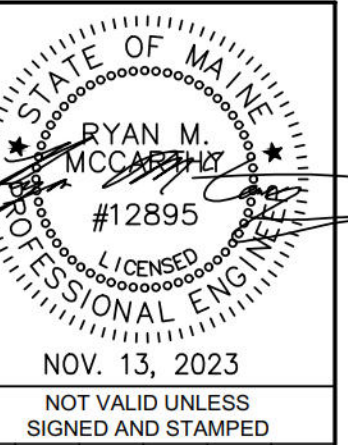
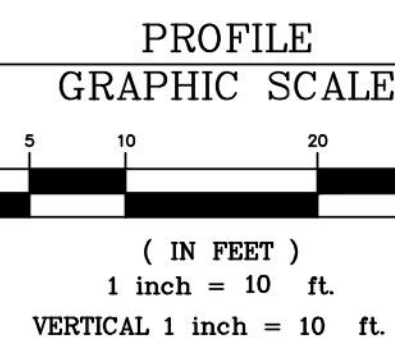
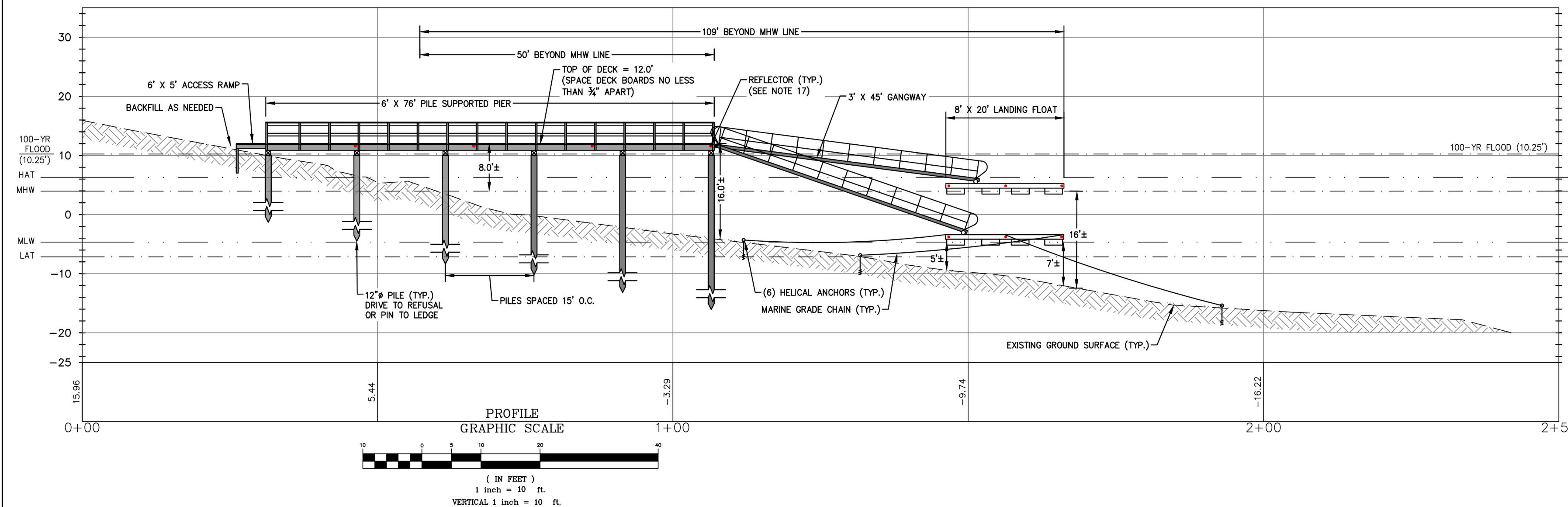
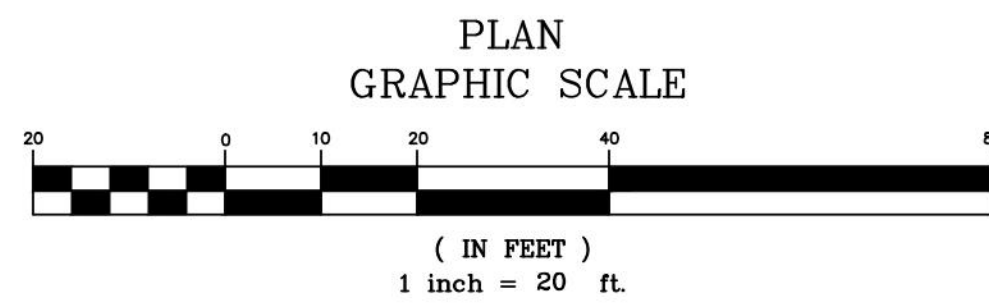
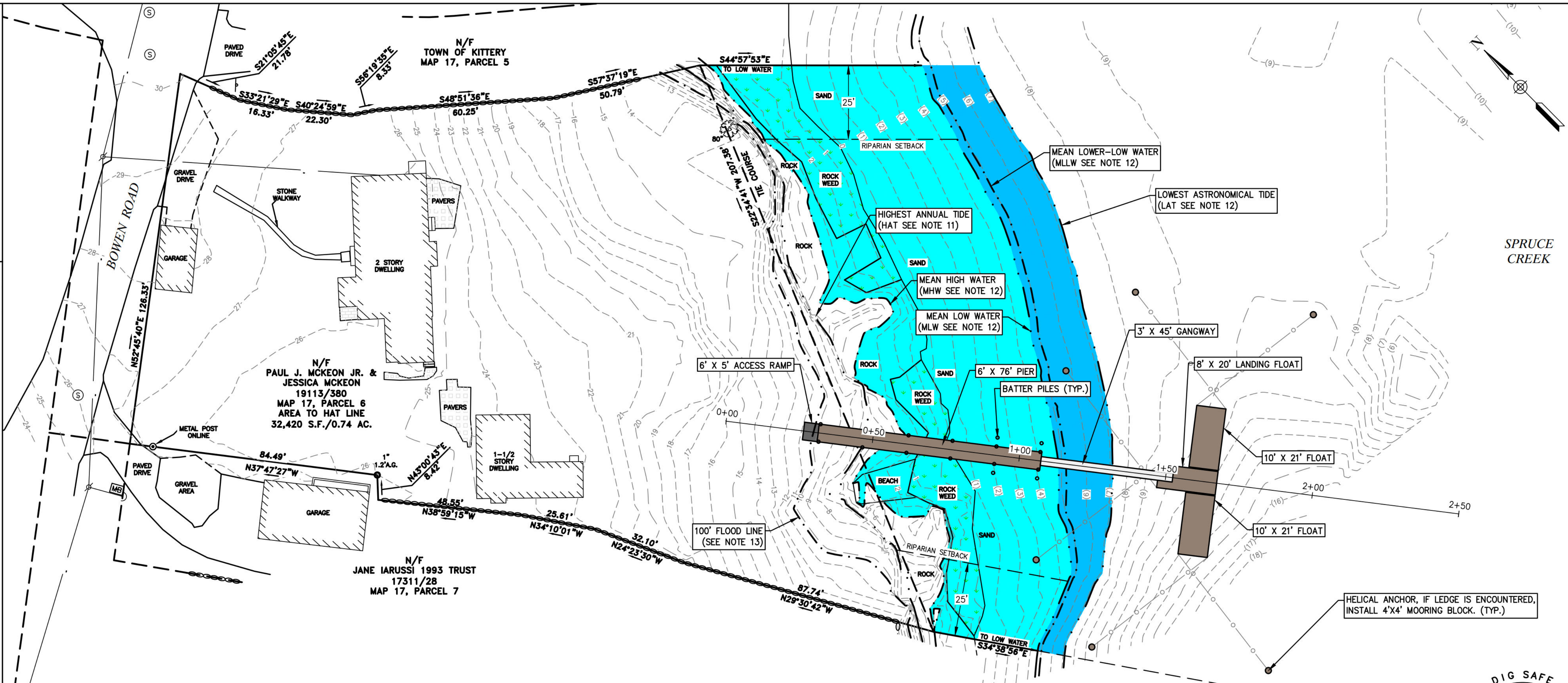
1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED FIXED PIER, SEASONAL GANGWAY, SEASONAL MAIN FLOAT AND ASSOCIATED ACCESS RAMP TO BE LOCATED ON MAP 17 LOT 6 IN KITTEERY, ME. SAID PLAN SHALL BE USED FOR APPLYING FOR PERMITS FROM THE TOWN OF KITTEERY, MAINE DEPT. OF ENVIRONMENTAL PROTECTION AND U.S. ARMY CORPS OF ENGINEERS.
2. OWNER OF RECORD:
PAUL J. MCKEON, JR. & JESSICA MCKEON
23 BOWEN ROAD
KITTEERY, MAINE 03904
Y.C.R.D. BOOK 19113 PAGE 380
3. THE PROPERTY IS LOCATED WITHIN THE TOWN OF KITTEERY RESIDENTIAL-URBAN ZONING DISTRICT AND SHORELAND PROTECTION OVERLAY ZONE 250' DISTRICT. ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTEERY PRIOR TO ANY DEVELOPMENT.
4. BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT.
5. ELEVATIONS AND TOPOGRAPHY SHOWN HEREON CORRESPOND TO NAVD88.
6. THE BOUNDARY SHOWN HEREON IS BASED ON REFERENCE PLAN 1.
7. THE RIPARIAN LIMITS SHOWN HEREON WERE CALCULATED USING THE COLONIAL METHOD BASED ON REFERENCE PLAN 1.
8. THE INTENT OF THE TIE COURSES SHOWN HEREON ARE TO PROVIDE A MATHEMATICAL MEANS OF RELATING THE PROPERTY SIDELINES TO EACHOTHER. THE TIE COURSES ARE NOT INTENDED TO LIMIT ANY RIGHT, TITLE OR INTEREST THE OWNER MAY HAVE TO THE LAND EXTENDING BEYOND THE TIE COURSE TO LOW WATER.
9. ABUTTER LINES SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE AND ARE FOR REFERENCE PURPOSES ONLY. ABUTTER LINES SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
10. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.
11. THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR TIDAL STATION 8423898, FORT POINT IS ELEV. = 6.4' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.
12. TIDAL ELEVATIONS: THE FOLLOWING TIDAL ELEVATIONS WERE OBTAINED FROM DATA PUBLISHED BY N.O.A.A. FOR TIDE STATION 8423898, FORT POINT. ALL ELEVATIONS CORRESPOND TO NAVD88.

MEAN HIGHER-HIGH WATER (MHHW)	4.39'
MEAN HIGH WATER (MHW)	3.97'
MEAN LOW WATER (MLW)	-4.66'
MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'

13. THE 100-YEAR FLOOD ELEVATION OF THE PISCATAQUA RIVER IS ELEVATION 11.0' (NGVD29) AT THIS LOCATION PER FEMA FIRM MAP 230171 0005D. THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 10.25' (NAVD88).
14. THE PROPOSED DEVELOPMENT SHOWN HEREON IS SUBJECT TO REVIEW AND APPROVAL BY THE TOWN OF KITTEERY, MAINE DEP AND U.S. ARMY CORPS OF ENGINEERS. OWNER/CONTRACTOR SHALL OBTAIN ALL PERMITS NECESSARY PRIOR TO ANY CONSTRUCTION AND IS RESPONSIBLE FOR COMPLYING WITH ALL CONDITIONS OF SAID PERMITS.
15. REFLECTOR SHALL BE NO LESS THAN 3 INCH DIAMETER AND SHALL BE INSTALLED AS FOLLOWS:
 - PIER: EVERY 20 FEET FROM END OF PIER, BOTH SIDES
 - FLOATS: WITHIN 12 INCHES OF EACH CORNER

REFERENCE PLANS:

1. "EXISTING CONDITIONS PLAN MAP 17, PARCEL 6 23 BOWNE ROAD KITTEERY, MAINE PREPARED FOR: ALTUS ENGINEERING, INC. 133 COURT STREET PORTSMOUTH, NH 03801" PREPARED BY KIMBALL SURVEY & DESIGN, INC.. DATED DECEMBER 22, 2022.



NO.	DATE:	DESCRIPTION:
3	11/13/2023	ADDED LENGTHS TO END OF PIER AND FLOATS FROM MHW TO PROFILE
2	09/29/2023	UPDATED MOORING SYSTEM TO HELICAL ANCHORS WHEREVER POSSIBLE PER MDEP COMMENTS
1	09/05/2023	SPECIFIED 3/4" DECK SPACING PER MDEP COMMENTS

TIDEWATER
ENGINEERING & SURVEYING, INC.
1021 Goodwin Rd Unit 1, Eliot, ME 03903
(207)459-2222 • www.tidewatercivil.com

PROPOSED PIER & FLOAT PLAN
ON LAND LOCATED AT
23 BOWEN ROAD
KITTEERY, YORK COUNTY, MAINE

PREPARED FOR:
RIVERSIDE & PICKERING MARINE CONTRACTORS
34 PATTERSON LANE
NEWINGTON, NH 03801

JOB #:	23-103
DATE:	JULY 21, 2023
SCALE:	1" = 20'
SHEET:	1 OF 1

ATTACHMENT #6- SITE CONDITION REPORT

The site plan enclosed as Attachment 5 depicts two-foot contours, existing resource boundaries, the area of the resource to be altered, activity location and dimensions and wetland/waterbody classification. The permanent section of the proposed docking system is located within both upland areas and the intertidal zone. The fixed pier is supported on timber pilings and extends approximately 65 feet beyond the highest annual tide line. As depicted in the site plan, the fixed pier is not proposed to extend beyond mean low water.

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

The surface of the resource and intertidal zone within the project limits is comprised primarily of ledge and cobble stones. A portion of the property, as depicted on the site plan, shows a small beach area containing some mixed cobble. Large boulders are scattered close to the shoreline embankment and rest on a mixed cobble and gravel surfaces. Extending toward Spruce Creek, large rock becomes less prevalent, and cobble predominates to the low waterline. Beyond low water is primarily mud flat. Rockweed is scattered throughout the intertidal zone, particularly increasing in volume closer to the shoreline. For more detailed information, please refer to the enclosed *Appendix B: MDEP Coastal Wetland Characterization: Intertidal and Shallow Subtidal Field Survey Checklist*.

A survey conducted by Maine DEP in 2021 discovered the extents of an eelgrass bed. Tidewater Engineering field verified the location of eelgrass on 07/13/2023 and discovered no evidence of eelgrass within the survey limits or around the proposed docking structure and mooring system. Eelgrass survey limit extents can be found in Attachment 9B. The absence of eelgrass was documented using underwater video, and a snapshot captured from the video can be seen in Attachment 9A. Videos can be provided upon request.

A profile view of the proposed docking system is provided within Attachment 5. This view provides a clear representation of the proposed docking system with respect to the substrate and the tidal elevations experienced at this site, including LAT, MLW, MHW, HAT and the 100-year flood elevation. The 100-year flood elevation published by FEMA is elevation 11' (NGVD29) which corresponds to elevation 10.25' (NAVD88), the elevation datum depicted on the plans. As depicted in the profile view, the bottom surface of the lowest horizontal member of the pier is located approximately 8 inches above the 100-year flood elevation.

The shoreline at the location of the proposed pier is considered stable and consists of exposed ledge outcroppings. The adjacent uplands are developed with landscaped areas and residential

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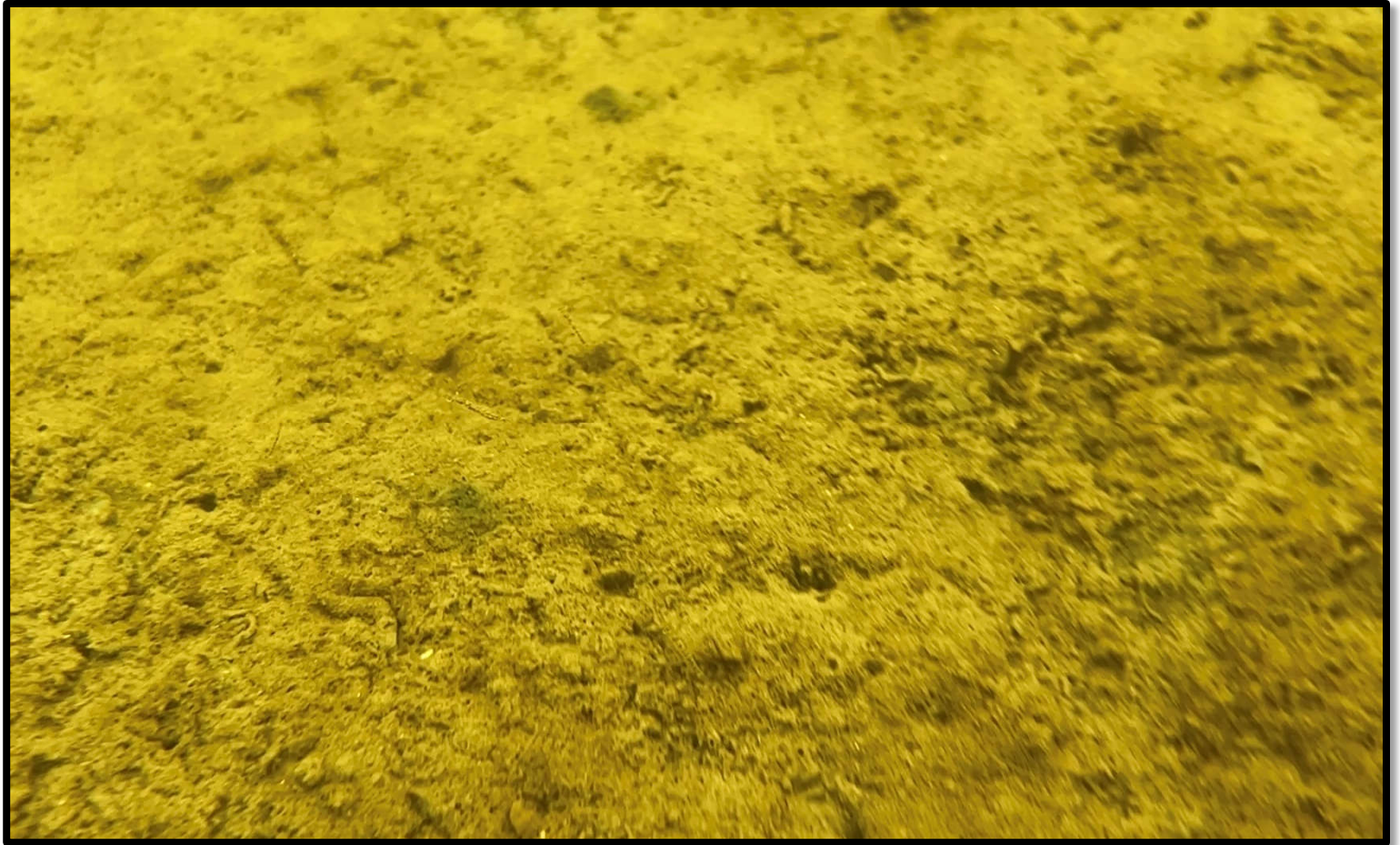
structures. No trees or upland vegetation will be impacted by the proposed pier, gangway or float.

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A. USGS PROJECT LOCATION MAP

Photo 1: Approximate Location of Furthest East Proposed Float Corner (07/13/2023)

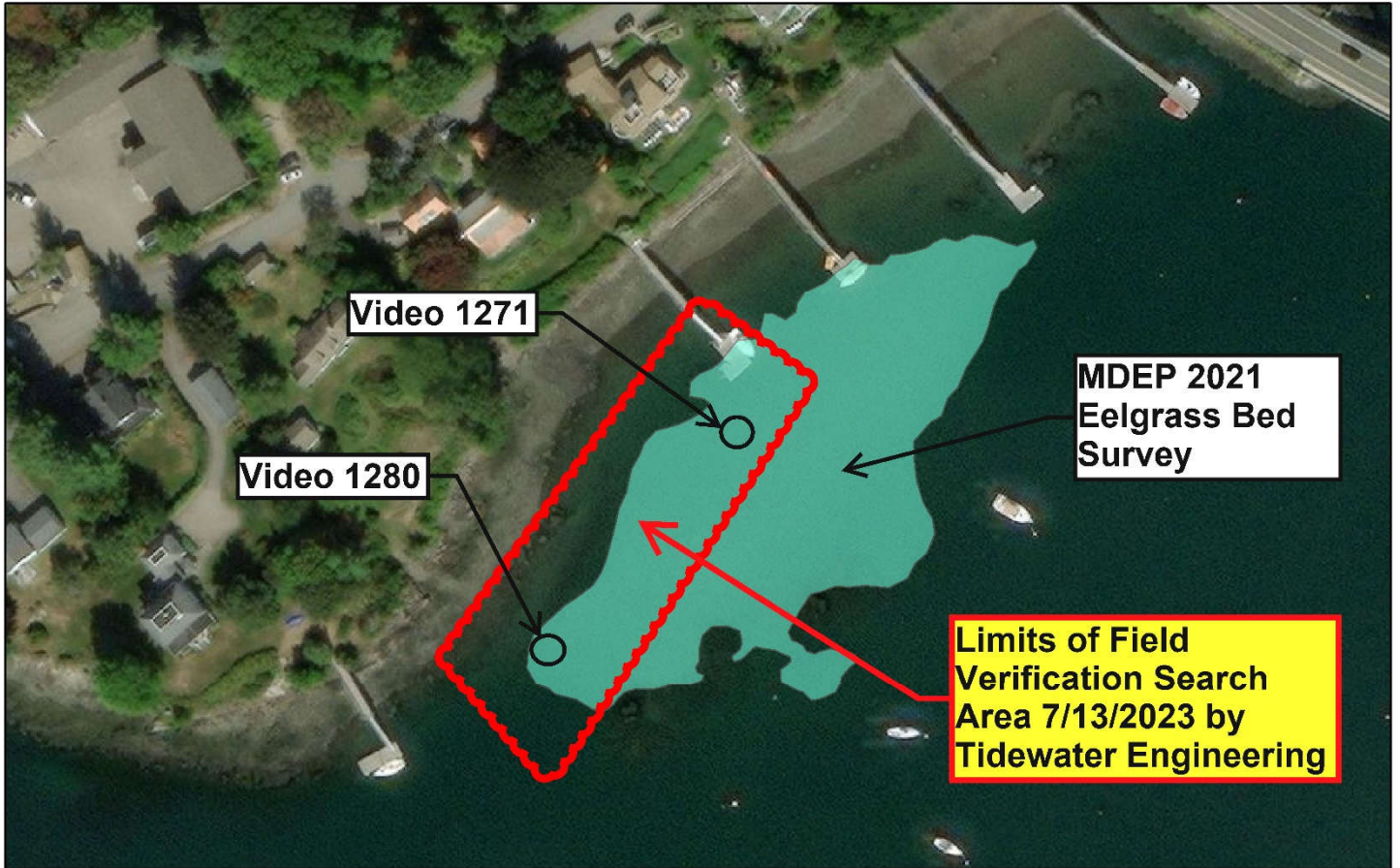


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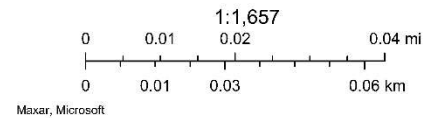


B. EELGRASS SURVEY EXTENTS

Bowen Road, Kittery, Maine



7/18/2023



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ATTACHMENT #7- ABUTTERS

DYER, ERIC W.
54 KINGSWOOD ROAD
WESTWOOD, MA 02090

IARUSSI, TR, JANE M.
251 NORTH VILLAGE ROAD
LOUDON, NH 03307

INHABITANTS OF KITTELY
200 ROGERS ROAD
KITTELY, ME 03904-1428

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ATTACHMENT #8- ARMY CORPS OF ENGINEERS APPROVALS



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

November 2, 2023

Regulatory Division
File Number: NAE-2023-01819

Paul J. McKeon Jr. & Jessica McKeon
23 Bowen Street
Kittery Point, Maine 03904
Sent by email: pmckeon@b2wsoftware.com

Dear Mr. & Mrs. McKeon:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to construct and maintain a 6' x 76' pile supported pier leading to a 3' x 35' ramp leading to an 8' x 20' landing float attached to 2 – 10' x 21' floats, one to each side moored by up to 4 - mooring blocks, one to each corner below the mean highwater line Spruce Creek off 23 Bowen Street, Map 17 Lot#6 at Kittery, Maine as described on the State of Maine DEP NRPA application entitled "Paul J McKeon Jr. and Jessica McKeon" and as shown on plans on one sheet dated "July 21, 2023". The ramp will be removed and stored on the pier deck off season. The floats will be removed from the waterway and stored at an offsite upland location annually.

Based on the information that you have provided, we verify that the activity is authorized under General Permit # 3 of the enclosed October 14, 2020, federal permits known as the Maine General Permits (GPs). The GPs are also available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit>. Please review the enclosed GPs carefully, in particular the general conditions beginning on page 5, and ensure that you and all personnel performing work authorized by the GPs are fully aware of and comply with its terms and conditions. A copy of the GPs and this verification letter shall be available at the work site as required by General Condition 33. You must perform this work in accordance with the following special condition(s):

1. Pile installation shall adhere to one of the 4 methods in (i) –(iv) below:
 - i. In-the-dry (during times of low tide when the work area is above the tide, or
 - ii. In-water work is during of the Time of Year work window of November 8th – April 9th when the federally listed species are not present or
 - iii. Drilled and pinned to ledge, or
 - iv. Vibratory hammers used to install any size and quantity of wood, concrete, or steel, or impact hammers limited to one hammer and <50 piles installed/day with the following: wood piles of any diameter, concrete piles <= 18-inches diameter, steel piles <= 12-inches diameter if: (1) the hammer is <3000 pounds and a wood cushion or equivalent is used between the hammer and steel pile, or (2) a

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soft start is used. Soft starts require an initial set of three strikes from the impact hammer at 40% energy, followed by a 1-minute waiting period between subsequent three-strike sets. The soft-start procedure shall be conducted any time hammering ceases for more than 30 minutes.

You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

This authorization expires on October 14, 2025. You must commence or have under contract to commence the work authorized herein by October 14, 2025, and complete the work by October 14, 2026. If not, you must contact this office to determine the need for further authorization and we recommend you contact us *before* the work authorized herein expires. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with the special condition(s) provided above or all of the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state, or local authorizations required by law. Applicants are responsible for applying for and obtaining any other approvals.

We continually strive to improve our customer service. To better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Please contact LeeAnn B. Neal of my staff, at our Augusta, Maine Project Office at (207) 623-8367 or leeann.b.neal@usace.army.mil if you have any questions.

Sincerely,
SHAWN B. MAHANEY
For: Peter D. Olmstead
Chief, Maine Section
Regulatory Division
Enclosures

Digitally signed by
SHAWN B. MAHANEY
Date: 2023.11.02
08:02:13 -04'00'

Ryan M. McCarthy, P.E., P.L.S.
Via email: ryan@tidewatercivil.com

PORT AUTHORITY APPLICATION
APPLICANT: PAUL J. MCKEON JR. AND JESSICA MCKEON
LOCATION: 23 BOWEN ROAD, KITTELY POINT, ME 03904



ATTACHMENT #9- WAIVER REQUEST

The applicant is requesting a waiver to Section 4.7.4 of the KPA Rules and Regulations as it pertains to the height of the pier above the normal high-water mark.

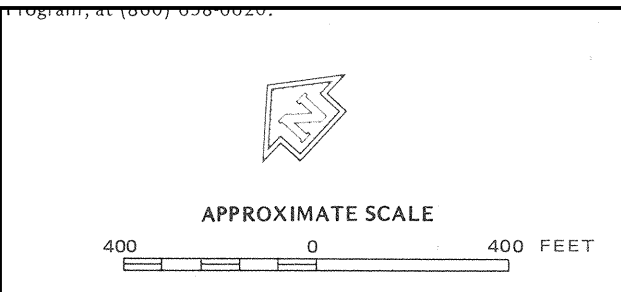
4.7.4. The maximum height of the pier deck may not exceed six (6) feet above the normal highwater mark, and the handrails not exceed 42" without the specific approval of the Port Authority

The pier proposed to be located at 23 Bowen Road (Tax Map 17 Lot 6) for Paul J. Mckeon Jr. and Jessica McKeon has been designed at a higher height in an effort to provide additional protection from coastal storm events. The basis for our design is the 100-year flood elevation published by FEMA. The effective FIRM Map 2301710005D (enclosed) identifies this property as being within Zone V2 with a 100-year flood elevation of elevation 11.0 (NGVD29) which corresponds to elevation 10.25 (NAVD88) on our design plan. FEMA's elevation predictions include storm surge.

Due to the exposure of this site and risk of wave impact on the pier, we have designed the bottom surface of the joists at elevation 10.88. This provides 0.63 ft (7.5 inches) of freeboard above the 100-year elevation, minimizing direct wave impact against the pier superstructure (joists, decks & rails). The elevation of the top of the deck is 12.00' which corresponds to approximately 8 feet above mean high water.

If the 6-foot height limit specified in Section 4.7.4 was followed, the top of the pier's deck would be at elevation 10.0'+/- which corresponds to 0.25 feet (3 inches) below the 100-year flood elevation. This means that during a 100-year storm, the entire pier would be submerged and exposed to severe impact from waves and floating debris.

Based upon the information provided above, we ask the Board to consider approving this waiver request to Section 4.7.4 to allow the pier to be constructed at the height proposed on the plans.



NATIONAL FLOOD INSURANCE PROGRAM


FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
KITTERY, MAINE
YORK COUNTY

PANEL 5 OF 10
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
230171 0005 D

MAP REVISED:
JULY 3, 1986



Federal Emergency Management Agency

COASTAL BASE FLOOD ELEVATIONS APPLY ONLY LANDWARD OF THE SHORELINE SHOWN ON THIS MAP.

COASTAL BASE FLOOD ELEVATIONS APPLY ONLY LANDWARD OF THE SHORELINE SHOWN ON THIS MAP.

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

November 21, 2023

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



Re: Waiver Request and Revised Plan
Proposed Residential Pier, Gangway and Float
23 Bowen Road (Tax Map 17 Lot 6)

Dear Kittery Port Authority Members:

This letter serves as a formal request for a waiver to Section 4.7.6 of the KPA Rules and Regulations as it pertains to the minimum 25' setback from property lines for piers.

4.7.6. Piers, wharves, and pilings must be set back at least 25 feet from property lines and 50 feet from other structures that are fixed in place below the normal high- water mark and not owned or controlled by the applicant unless a letter of permission is granted by abutting or other controlling property owner. If abutting property owners reach a mutual agreement regarding structures which have a lesser setback, which does not interfere with navigation, is practical and is consistent with the intent of these regulations, that setback may be authorized by the Port Authority if the applicant agrees to record any ensuing permit (which will have that agreement as a condition) and the abutters' letters of no objection, with the Registrar of Deeds, or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property in the Town.

The float location shown on the Proposed Pier & Float Plan was recommended because that footprint provides the shortest length required to reach a sufficient depth of water for the float and owner's boat at low tide. This reduces surface impacts and the need for float skids as the system is positioned beyond mean low water and will not rest on the substrate at low tides. This position also avoids eelgrass conflicts to the greatest extent possible and provides safer navigation from Spruce Creek to the docking structure, avoiding ledge outcrops that were found during the riparian survey.

With the float in the proposed location, no portion of the pier, gangway, or float system crosses the littoral setback, except for two helical anchors with chains that secure the float in place.

The property owners have taken the opportunity to speak with their abutter regarding the proposed tidal docking structure's helical anchors and chains within the 25' littoral boundary setback. Their abutter has no objection with the proposed design and signed an abutter concurrence letter (enclosed) that was submitted with the MDEP NRPA Application.

November 21, 2023



Based upon the information provided above, we ask the Board to consider approving this waiver request to Section 4.7.6 to allow the helical anchors and chains to be located within the 25 foot riparian setback.

Based off the Town Planner and Code Officer recommendations, please find enclosed an updated Proposed Pier & Float Plan. Revisions included reducing the length of the pier to begin at the highest annual tide line. The access ramp was decreased to 4' wide and a 4' x 16' post-supported boardwalk was added to access the pier.

We appreciate you taking the time to review the project. If you have any questions while reviewing, please do not hesitate to contact me.

Sincerely,

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

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

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

Enclosures

Date: 8/16/2023

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

**RE: Maine DEP NRPA Individual Permit Application
Proposed Docking Structure (Pier, Gangway and Float)
Applicant: Paul J. McKeon, Jr. and Jessica McKeon of 23 Bowen Rd, Kittery, ME**

This letter is to inform the Maine Department of Environmental Protection (DEP), in accordance with State Law, that our abutter, Paul J. and Jessica McKeon has shown us the following plan depicting a proposed tidal docking structure on their property located at 23 Bowen Road in Kittery, Maine (Tax Map 17, Lot 6). We are aware that the mooring blocks and chains associated with the proposed seasonal floats are located within 25 feet of the littoral boundary that we share with Paul J. and Jessica McKeon.

Plan: *“Proposed Pier & Float Plan on Land located at 23 Bowen Road Kittery, York County, Maine prepared for Riverside & Pickering Marine Contractors 34 Patterson Lane Newington, NH 03801” prepared by Tidewater Engineering & Surveying, Inc. dated July 14, 2023.*

In accordance with DEP rules, we hereby sign this letter to indicate our acceptance of the proposed tidal docking structure’s mooring blocks and chains within 25 feet of our littoral boundary that we share with Paul J. and Jessica McKeon.

Sincerely,



*as shown on attached
plan at 23 Bowen Rd.*

Douglas Cole, Owner
251 North Village Road
Loudon, New Hampshire 03307

LEGEND

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

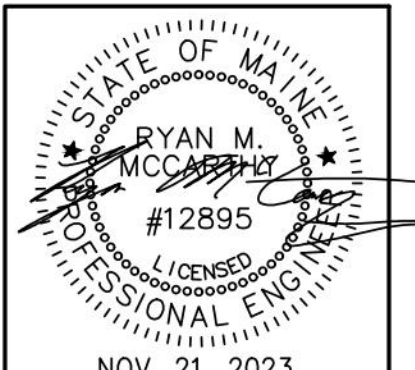
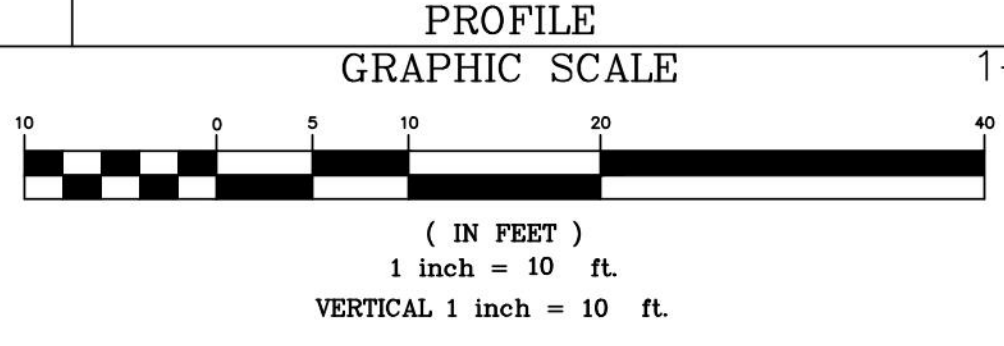
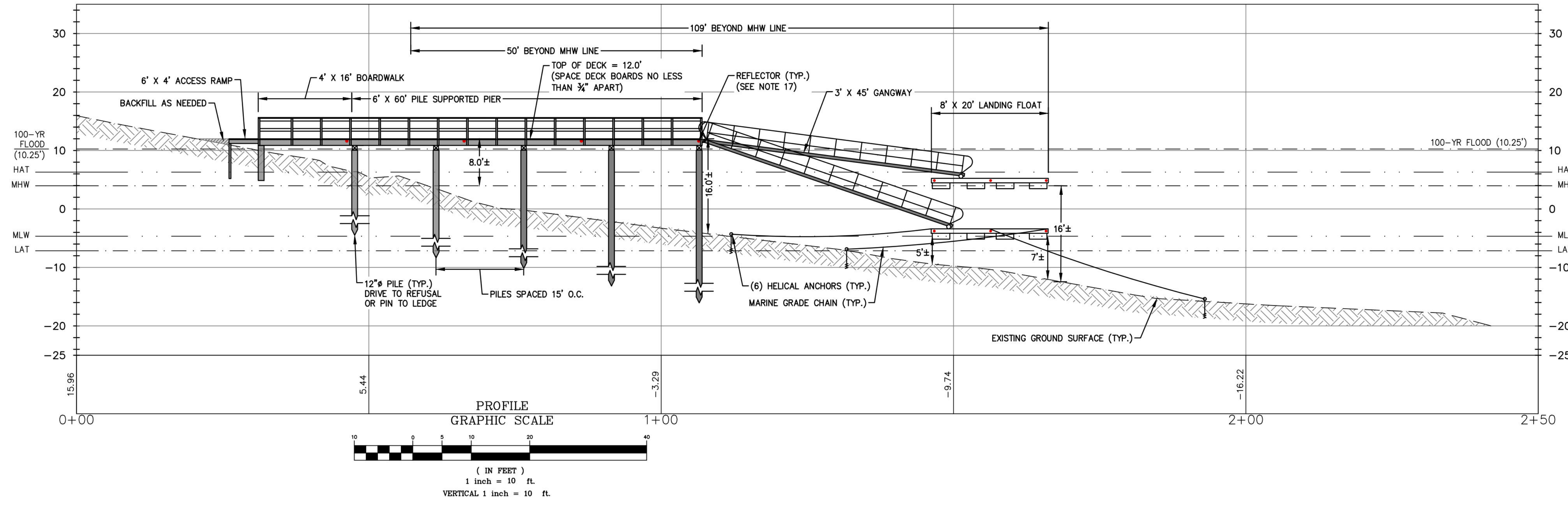
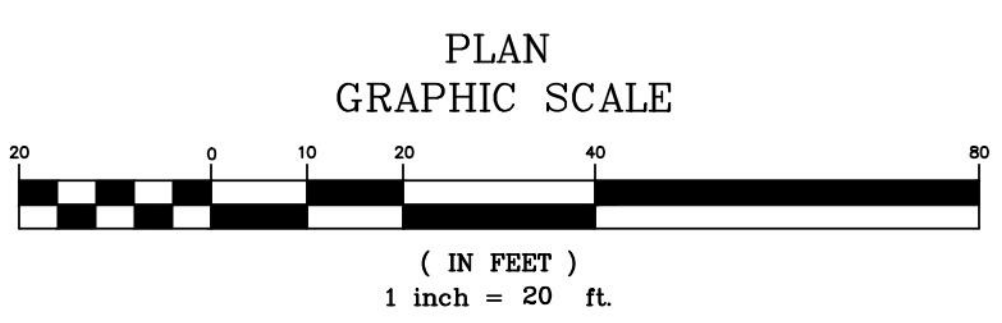
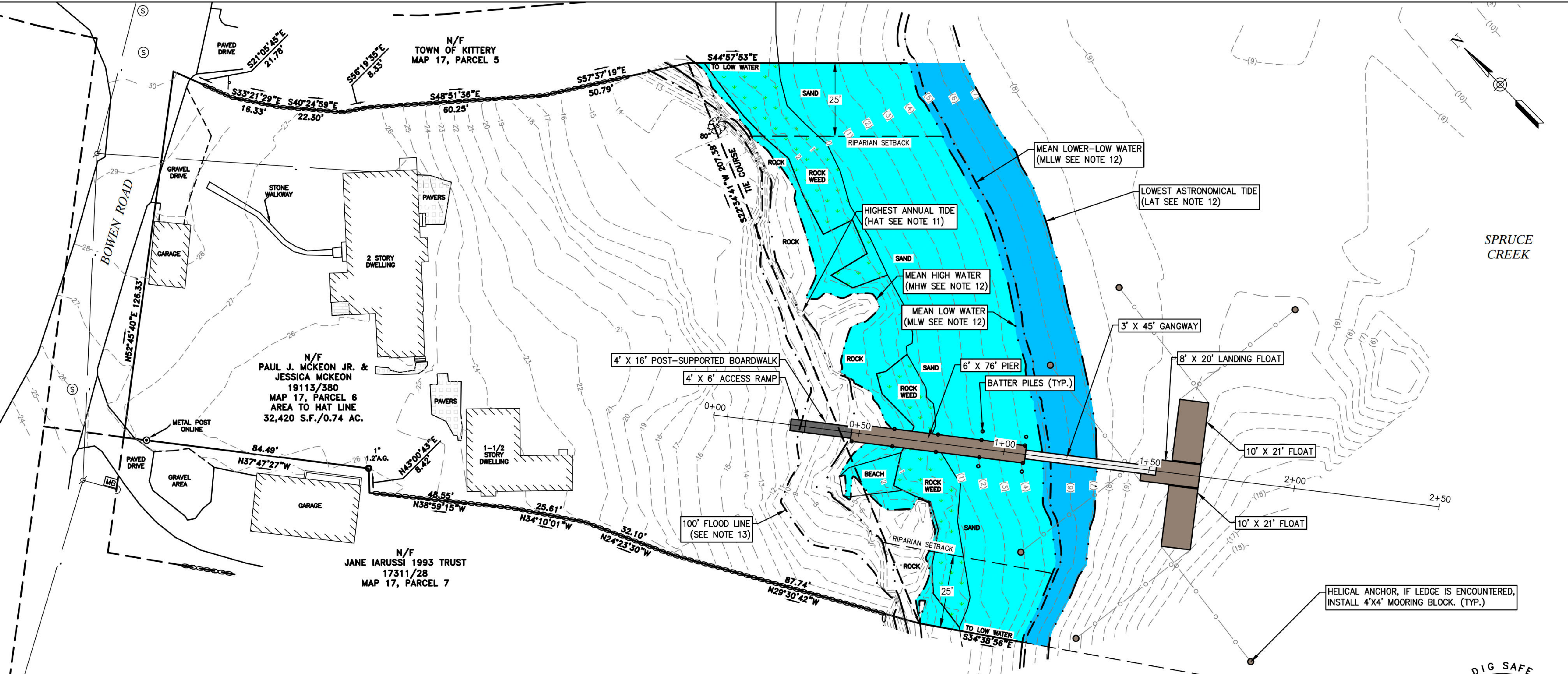
GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED FIXED PIER, SEASONAL GANGWAY, SEASONAL MAIN FLOAT AND ASSOCIATED ACCESS RAMP TO BE LOCATED ON MAP 17 LOT 6 IN KITTERY, ME. SAID PLAN SHALL BE USED FOR APPLYING FOR PERMITS FROM THE TOWN OF KITTERY, MAINE DEPT. OF ENVIRONMENTAL PROTECTION AND U.S. ARMY CORPS OF ENGINEERS.
2. OWNER OF RECORD:
PAUL J. MCKEON, JR. & JESSICA MCKEON
23 BOWEN ROAD
KITTERY, MAINE 03904
Y.C.R.D. BOOK 19113 PAGE 380
3. THE PROPERTY IS LOCATED WITHIN THE TOWN OF KITTERY RESIDENTIAL-URBAN ZONING DISTRICT AND SHORELAND PROTECTION OVERLAY ZONE 250' DISTRICT. ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTERY PRIOR TO ANY DEVELOPMENT.
4. BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT.
5. ELEVATIONS AND TOPOGRAPHY SHOWN HEREON CORRESPOND TO NAVD88.
6. THE BOUNDARY SHOWN HEREON IS BASED ON REFERENCE PLAN 1.
7. THE RIPARIAN LIMITS SHOWN HEREON WERE CALCULATED USING THE COLONIAL METHOD BASED ON REFERENCE PLAN 1.
8. THE INTENT OF THE TIE COURSES SHOWN HEREON ARE TO PROVIDE A MATHEMATICAL MEANS OF RELATING THE PROPERTY SIDELINES TO EACHOTHER. THE TIE COURSES ARE NOT INTENDED TO LIMIT ANY RIGHT, TITLE OR INTEREST THE OWNER MAY HAVE TO THE LAND EXTENDING BEYOND THE TIE COURSE TO LOW WATER.
9. ABUTTER LINES SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE AND ARE FOR REFERENCE PURPOSES ONLY. ABUTTER LINES SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
10. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.
11. THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR TIDAL STATION 8423898, FORT POINT IS ELEV. = 6.4' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.
12. TIDAL ELEVATIONS: THE FOLLOWING TIDAL ELEVATIONS WERE OBTAINED FROM DATA PUBLISHED BY N.O.A.A. FOR TIDE STATION 8423898, FORT POINT. ALL ELEVATIONS CORRESPOND TO NAVD88.

MEAN HIGHER-HIGH WATER (MHHW)	4.39'
MEAN HIGH WATER (MHW)	3.97'
MEAN LOW WATER (MLW)	-4.66'
MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'
13. THE 100-YEAR FLOOD ELEVATION OF THE PISCATAQUA RIVER IS ELEVATION 11.0' (NGVD29) AT THIS LOCATION PER FEMA FIRM MAP 230171 0005D. THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 10.25' (NAVD88).
14. THE PROPOSED DEVELOPMENT SHOWN HEREON IS SUBJECT TO REVIEW AND APPROVAL BY THE TOWN OF KITTERY, MAINE DEP AND U.S. ARMY CORPS OF ENGINEERS. OWNER/CONTRACTOR SHALL OBTAIN ALL PERMITS NECESSARY PRIOR TO ANY CONSTRUCTION AND IS RESPONSIBLE FOR COMPLYING WITH ALL CONDITIONS OF SAID PERMITS.
15. REFLECTOR SHALL BE NO LESS THAN 3 INCH DIAMETER AND SHALL BE INSTALLED AS FOLLOWS:
 - PIER: EVERY 20 FEET FROM END OF PIER, BOTH SIDES
 - FLOATS: WITHIN 12 INCHES OF EACH CORNER

REFERENCE PLANS:

1. "EXISTING CONDITIONS PLAN MAP 17, PARCEL 6 23 BOWNE ROAD KITTERY, MAINE PREPARED FOR: ALTUS ENGINEERING, INC. 133 COURT STREET PORTSMOUTH, NH 03801" PREPARED BY KIMBALL SURVEY & DESIGN, INC.. DATED DECEMBER 22, 2022.



NO.	DATE:	SUBMISSION/REVISION DESCRIPTION
4	11/21/2023	REVISED PIER AND ACCESS PER KITTERY TOWN PLANNER RECOMMENDATIONS
3	11/13/2023	ADDED LENGTHS TO END OF PIER AND FLOATS FROM MHW TO PROFILE
2	09/29/2023	UPDATED MOORING SYSTEM TO HELICAL ANCHORS WHEREVER POSSIBLE PER MDEP COMMENTS
1	09/05/2023	SPECIFIED 3/4" DECK SPACING PER MDEP COMMENTS



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

PREPARED FOR:
RIVERSIDE & PICKERING MARINE CONTRACTORS
34 PATTERSON LANE
NEWINGTON, NH 03801

JOB #:	23-103
DATE:	JULY 21, 2023
SCALE:	1" = 20'
SHEET:	1 OF 1