



**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
October 5, 2023
6:00 P.M.**

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: 9/07/2023
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or Invited Guests
7. Public Hearing
8. Piers, Wharves & Floats
 - a. The Kittery Port Authority moves to accept an application from Gary Pelletier, 7 Hutchins Cove Drive, Kittery, ME 03904 (Tax Map 39, Lot 3-4) for the modification and replacement of an existing structure consisting of a 4' x 50' fixed pier, 3' x 30' gangway and a 10' x 20' float supported by chains and ledge pins. Agent is Matthew Cardin, Cardin Environmental.
 - b. The Kittery Port Authority moves to accept a revised drawing to Rev. 2 from Tidewater Engineering & Surveying Inc., and vote on an application from Judith McKenna, 42 Pepperrell Road, Kittery Point, ME 03905 (Tax Map 18, Lot 27) for the construction of 4' x 80' pier, 3' x 45' gangway, and a 10' x 30' float. This is a modification to a previously approved application from May 4, 2023. Agent is Kuerstin Fordham, Riverside & Pickering Marine Contractors and Ryan McCarthy, Tidewater Engineering & Surveying, Inc.
9. Public Segment (Three Mins.)
10. Unfinished Business
11. New Business
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 6:00 PM.
- 3 Members present: Steve Lawrence, Niles Pinkham, John McCollett, Alan Johnston,
- 4 Scott Mason, Vice Chair Bryan Bush, and Chair Charles Patten.
- 5 Members absent:
- 6 2. Pledge of Allegiance
- 7 3. Agenda Amendments and Adoption- Item 7 b will be postponed until October 5, 2023.
- 8 **The agenda was approved as amended.**
- 9 4. Acceptance of Previous Minutes: 8/3/2023. **The minutes were approved as written.**
- 10 5. Harbormaster Report and Budget Report
- 11 The Harbormaster gave a summary of his monthly report, expenses and revenues for
- 12 fiscal year 2024.

FY 2024 YTD Expenses					
OBJECT	ACCT DESCRIPTION	FY 2024 BUDGET	FY 2024 EXPENSES	FY 2024 REMAINING	PERCENT USED
64010	HARBOR MASTER FULL TIME SALARI	\$ 66,390.00	\$ 11,775.73	\$ 54,614.27	17.74
64020	PART TIME SALARIES	\$ 33,442.00	\$ 6,260.41	\$ 27,181.59	18.72
65010	POSTAGE	\$ 250.00	\$ -	\$ 250.00	0.00
65020	TELEPHONE & INTERNET	\$ 2,600.00	\$ 111.85	\$ 2,488.15	4.30
65200	ELECTRICITY	\$ 2,016.00	\$ 108.37	\$ 1,907.63	5.38
65220	WATER	\$ 525.00	\$ 112.31	\$ 412.69	21.39
65240	DUMPSTERS/TRASH REMOVAL	\$ 1,800.00	\$ 310.99	\$ 1,489.01	17.28
65305	BOAT EQUIPMENT MAINTENANCE	\$ 5,000.00	\$ 1,699.58	\$ 3,300.42	33.99
65310	VEHICLE MAINTENANCE	\$ 3,500.00	\$ 150.00	\$ 3,350.00	4.29
65311	GAS, GREASE, & OIL	\$ 5,500.00	\$ 1,542.65	\$ 3,957.35	28.05
65462	RIGGING	\$ 14,000.00	\$ 2,139.45	\$ 11,860.55	15.28
65463	SANITATION	\$ 2,500.00	\$ 440.00	\$ 2,060.00	17.60
65470	PROFESSIONAL DEVELOPMENT	\$ 1,500.00	\$ -	\$ 1,500.00	0.00
65480	OTHER PROFESSIONAL/CONTRACTED	\$ 2,500.00	\$ 3,094.36	\$ (594.36)	123.77
65500	MAIN BLDG/GROUNDS WHARVES/HARB	\$ 4,500.00	\$ 1,365.16	\$ 3,134.84	30.34
65521	UNIFORMS	\$ 2,000.00	\$ 72.00	\$ 1,928.00	3.60
66010	OFFICE SUPPLIES	\$ 300.00	\$ -	\$ 300.00	0.00
66030	OTHER SUPPLIES	\$ 2,000.00	\$ 15.99	\$ 1,984.01	0.80
66040	JANITORIAL SUPPLIES & SERVICES	\$ 500.00	\$ 38.40	\$ 461.60	7.68
13	TOTAL	\$ 150,823.00	\$ 29,237.25	\$ 121,585.75	19.39%

FY 2024 YTD REVENUE					
OBJECT	ACCT DESCRIPTION	FY 2024 BUDGET	FY 2024 REVENUE	FT 2024 DIFFERENCE	PERCENT
43147	DINGHY FEES	\$ (12,000.00)	\$ (711.40)	\$ (11,288.60)	5.93
43148	TRANSIENT SLIP RENTAL	\$ (16,000.00)	\$ (6,092.00)	\$ (9,908.00)	38.08
43149	KPA APPLICATION FEES	\$ (500.00)	\$ -	\$ (500.00)	0.00
43150	MOORING FEES	\$ (85,000.00)	\$ (879.60)	\$ (84,120.40)	1.03
43151	LAUNCH FEE	\$ (15,000.00)	\$ (5,923.00)	\$ (9,077.00)	39.49
43152	TRANSIENT MOORING	\$ (12,000.00)	\$ (3,847.00)	\$ (8,153.00)	32.06
43153	WAIT LIST FEE	\$ (2,000.00)	\$ (51.00)	\$ (1,949.00)	2.55
43156	PIER USAGE FEE	\$ (2,600.00)	\$ (505.00)	\$ (2,095.00)	19.42
43159	KAYAK RACK RENTAL	\$ (1,500.00)	\$ -	\$ (1,500.00)	0.00
14	TOTAL	\$ (146,600.00)	\$ (18,009.00)	\$ (128,591.00)	12.28%

15 6. All Items involving Town Officials or Invited Guests

16 7. Public Hearing

17 a. The Kittery Port Authority moves to hold a public hearing and vote to approve an
 18 application from David Hunter Rev. Trust & Jessica Hunter Rev. Trust, 50 Dion Avenue,
 19 Kittery, ME 03904 (Tax Map 23, Lot 5A) for the construction of a 4' x 80' pier, a 3' x 35'
 20 ramp, and a 10' x 20' float. Agent is Lisa Vickers, Atlantic Environmental, LLC.

21 Lisa Vickers, Atlantic Environmental, presented the project to the Board.

22 Chair Patten opened the public hearing. There were no public comments. Chair Patten
 23 closed the public hearing.

24 **Mr. Lawrence moved to approve the application. Seconded by Mr. Pinkham. The**
 25 **motion passed by roll call vote, 6-0-0, with Vice Chair Bush recusing himself.**

26 b. The Kittery Port Authority moves to hold a public hearing and vote to approve an
 27 application from Langdon Island West Condominium Association, 9 Badgers Island
 28 West, Kittery, ME 03904 (Tax Map 1, Lot 23) for the modification of an existing structure
 29 consisting of a 4' x 8' float extension, a 4' x 34' (2 – 17') float, and two (2) 6' x 24' finger
 30 floats, as shown on ME DEP PERMIT PLAN-2022 AERIAL Drawing C3, REV. 2, dated
 31 7/27/23, showing a railing on the short leg of the existing 28 foot long float that prohibits
 32 the berthing of boats on that slip, as well as outlines of six, 24 foot long boats in each
 33 slip, shown not extending more than 1 foot beyond the end of each finger float. Agent is
 34 Steven Riker, Ambit Engineering – Haley Ward, Inc.

35 **Postponed until October 5, 2023.**

36 8. Piers, Wharves & Floats

37 9. Public Segment (Three Mins.)

38 Public comment was heard from Greg Mahanna, President of Great Cove Boat Club,
39 Main Street, Eliot, regarding the status of new moorings at the Shoals. Discussion
40 ensued on the topic briefly.

41 Public comment was heard from Jim Forbes regarding fishing rules and regulations.
42 Harbormaster Brosnihan responded to Mr. Forbes concerns.

43 Chair Patten closed the Public Segment.

44 10. Unfinished Business

45 11. New Business

46 Mr. McCollett informed the Board that the State of Maine has issued a notice for the
47 requirement of a boating education card for operators born after January 1, 1999 with
48 certain restrictions.

49 12. Committee and Other Reports - None

50 13. Communications from the Chairperson

51 14. Board Member Issues or Comments

52 Chair Patten – Chair Patten commented on the increase of complex and controversial
53 applications, and urged members to pick up packets and attend meetings.

54 Mr. Lawrence – none

55 Vice Chair Bush – none

56 Mr. Pinkham – none

57 Mr. McCollett – none

58 Mr. Johnson – none

59 Mr. Mason – none

60 15. Executive Session - None

61 16. Adjournment

62 **Vice Chair Bush moved to adjourn at 6:40 P.M. Seconded by Mr. Lawrence. The**
63 **motion passed 7-0-0.**

64 Submitted by Carrie Varao, Development Staff Clerk on September 14, 2023.

65 Disclaimer: The following minutes constitute the author's understanding of the meeting.
66 Whilst every effort has been made to ensure the accuracy of the information, the

67 minutes are not intended as a verbatim transcript of comments at the meeting, but a
68 summary of the discussion and actions that took place. For complete details, please
69 refer to the video of the meeting on the Town of Kittery website at
70 <http://www.townhallstreams.com/locations/kittery-maine>.



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, 7 Hutchins Code Drive

Mr. Chair,

Code Enforcement and Planning staff have reviewed the application for 7 Hutchins Cove Drive, requesting replacement and modification of a tidal docking structure, and found it to be complete. The application requests the following:

1. The replacement in kind of one 4' x 50' fixed pier;
2. The installation of one 3' x 30' gangway; and
3. The installation of one 10' x 20' float.

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:

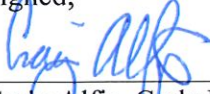
- Kittery Port Authority application;
- Proof of ownership;
- Cover letter including project description, pictures, and erosion control plan;
- Abutters list; and
- Plans showing the actual dimensions and shape of the proposed development.

The applicant states that the following will be completed prior to work starting, if approved:

- Maine DEP application;
- 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-23-15

Port Authority Application

Status: Active

Submitted On: 8/26/2023

Primary Location





7 HUTCHINS COVE DRIVE

KITTERY, ME 03904

Owner

CERIK PROPERTIES 1 LLC

6 COVE LANDING KITTERY, ME 03904

Applicant Matthew Cardin 603-988-6635 matt@cardinenvironmental.com 30 Old Post Road
Newington, NH 03801

Project Discription**Description of Project***

Repairing/replacing existing pier in-kind/in-place and replacing the existing seasonal gangway and float with a 30' x 3' gangway and 10' x 20' float.

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?*

No

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

No

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

Gary Pelletier

Property Address

7 Hutchins Cove Road

Telephone Number

603-759-9057

Email Address

gary.pelletier@yahoo.com

Size of the Property

1.81 acres

Zoning District

Residential - R-RL

150 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:

A KPA application for the existing dock was submitted in 2/23/05 and the dock was installed and inspected by bulding inspector on 5/1/06.

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

Gary Pelletier

Date Application Completed

8/26/23

Name of Property Owner

The Pelletier Living Family Trust

Agent Name

Matthew Cardin

Agent Firm

M. Cardin Environmental

Agent Phone

603-988-6635

Agent Email

matt@cardinenvironmental.com

Attachments

Proof of Legal Interest in Property

7 Hutchins Cove Dr DEED.pdf
_Sat_Aug 26, 2023 10:36 AM
159Z&se=2023-09-

WUgRa2JslcXDH%2FZFoXqqWWphsrEzqO6o%3D)

Construction Plans

7 Hutchins Cove Kittery-Plan Set 080123.pdf
-Plan_Set_080123_Sat_Aug 26, 2023 10:38 AM
123-09-27T16%3A35%3A59Z&se=2023-09-

f%2BWtKU07GtjCh2DCxEjyZcwMvyx9vaPk%3D)

Other Documents

7 Hutchins Cove Dr KPA_Application Complete.pdf
_Application Complete_Sat_Aug 26, 2023 10:40 AM
=2023-09-27T16%3A35%3A59Z&se=2023-09-

!ULsOUtHnLarlsukdfpBWysYUBGgkihZO8xY%3D)

Town Tax Map of Lot

7 Hutchins Cove Dr Tax Map.PDF
Tax_Map_Sat_Aug 26, 2023 10:40 AM
19-27T16%3A35%3A59Z&se=2023-09-

AOdsgkrf9GUvY1rliE8cXp9piLpKmmj6io%3D)

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

shorefront property line

7 Hutchins Cove Dr Abutters List.pdf
_List_Sat_Aug 26, 2023 10:40 AM
27T16%3A35%3A59Z&se=2023-09-

NnMHPuLOYa100KgkKbKsU5MHKa7bi9zV4%3D)

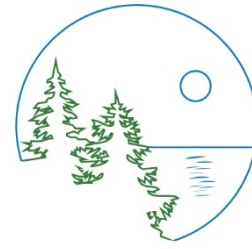
7 Hutchins Cove Dr KPA_Application Complete Rev01.pdf

7 Hutchins Cove Dr KPA_Application Complete Rev01.pdf
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KuOT7BjPPcejuAfmIFVZ84c5Bw%2BjmiKXk%3D)

August 23, 2023

Town of Kittery Port Authority
200 Rogers Road
Kittery, ME 33904



Re: KPA Application for Replacement Pier
7 Hutchins Cove Drive, Kittery, Maine
Map 39, Lot 3-4

Dear Kittery Port Authority,

Please find enclosed for your review and consideration an application for the replacement of an existing structure of an existing pier located at 7 Hutchins Cove Drive, Kittery, Maine. Enclosed are the following:

1. Kittery Port Authority Application & Application Fee - \$125
2. Attachment A – Tax map w/subject property highlighted
3. Attachment B – Application Plans
4. Attachment C – Abutters List
5. Attachment D – Proof of Property Legal Interest – Property Deed
6. Attachment E – Site Photographs
7. Attachment F – Department of Marine Resources Time-of-Year Correspondence

Existing Conditions

The subject property is a 1.81-acre property located at 7 Hutchins Cove Drive, Kittery Maine with approximately 150 feet of water frontage on Spruce Creek/Piscataqua River. The property is a residentially developed property containing a single dwelling area and maintained lawn. The property is stabilized along the waterfront with a combination of natural ledge/boulder shoreline and un-disturbed vegetated slope leading to the mean high water. The subject marine structure is located at the south western side of the property line which fronts along Spruce Creek. The subject structure is a 3.25' by 38' fixed pier, 3' by 20' gangway, a 8' by 10' float which is supported by chains and ledge pins. The pier is in need repair/replacement, which is the subject of this application. The application also includes replacing the existing 3' x 20' gangway with a 3' x 30' gangway to allow for safer access to the float during periods of low tide, and replacing the 8' x 10' float with a 10' x 20' float to provide a more stable platform and improved wave attenuation that will allow for safer use and ultimately safer boarding onto and off a vessel. A 3.25' x 18' access way from the maintained lawn to the existing pier also exists and is proposed for in-kind/in-place replacement on an account of the condition of the timbers. The existing structure is approximately 105 feet from the northern property line.

The mean high-water line intersects with the stabilized shoreline consisting primarily of rock ledge and vegetated bank. At the location of the marine structure, the mean low water extends beyond the entire structure.

The intertidal zone extending at this location consists of mostly native rock/ledge, mud and gravel.

Proposed Construction

Due to the deteriorating condition of the main support stringers, decking and support piles, this application is for the replacement of the entire pier, gangway, float and supporting chains and pins. The pier will be replaced in-kind and in-place of the existing structure along with the proposed seasonal float and gangway.

Replacement of the pier will be conducted in dry conditions during low tide intervals. The float and gangway, to be replaced, will be pre-assembled off site and hoisted into position.

Permit Application

For the Port Authority's review and consideration, all materials required by the KPA are enclosed here in. I trust that the information included in this letter and the attachments enclosed completes the application.

Additionally, an application will be sent to Maine Department of Environmental Protection and a Self-Verification Form will be sent to the US Army Corps of Engineers. Correspondence with the Department of Marine Resources regarding time-of-year for construction has been received and is enclosed as Attachment F for your information.

If there are any questions regarding the application or completion of the application, please don't hesitate to contact me at Matt@CardinEnvironmental.com , or by phone at (603) 988-6635.

Best Regards,

A handwritten signature in blue ink, appearing to read "Matt Cardin". The signature is fluid and cursive, with the first name "Matt" and last name "Cardin" clearly distinguishable.

Matthew R. Cardin, NH CWS

Attachment A

Tax Map Figure



7 Hutchins Cove Drive

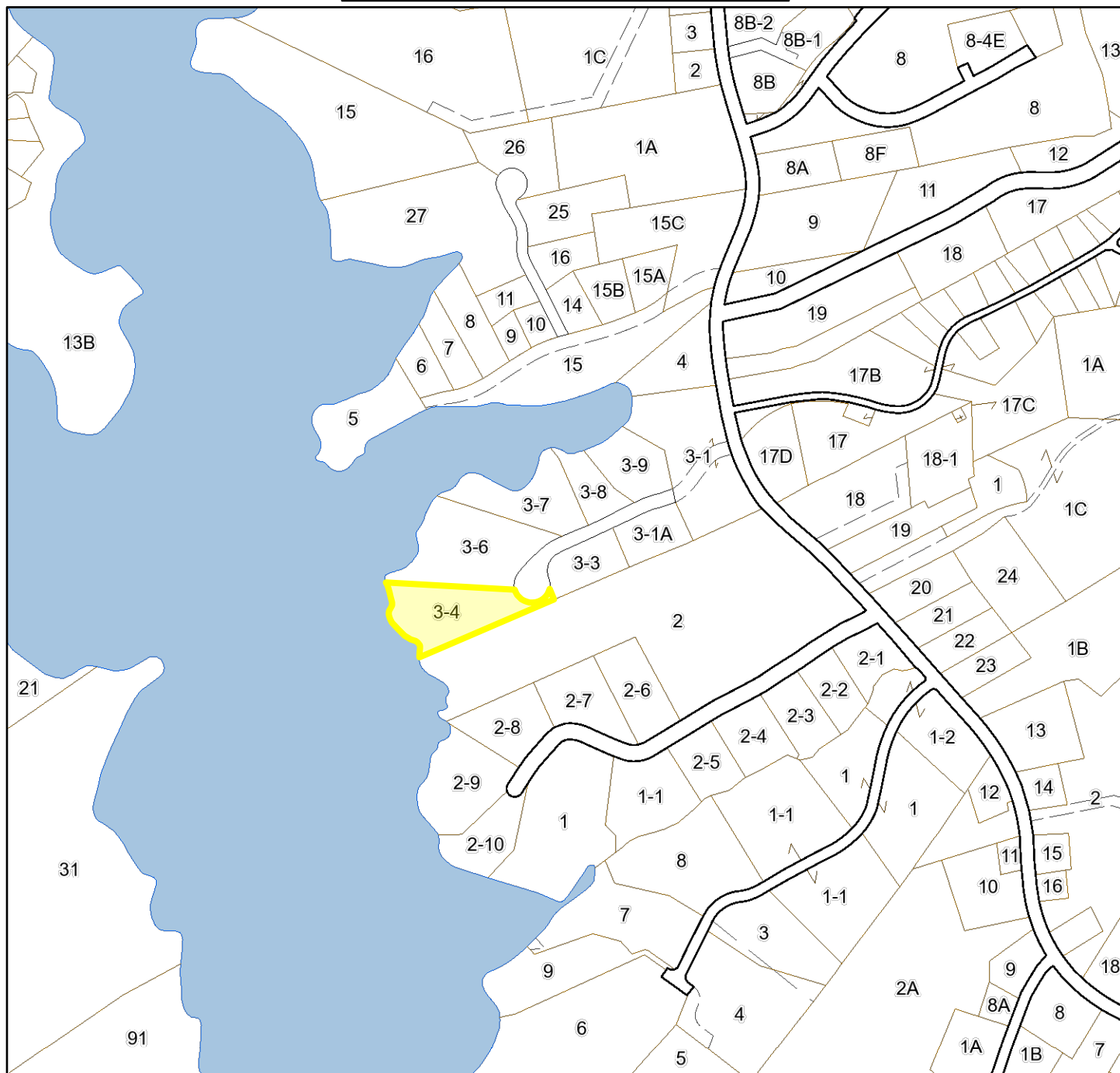
Kittery, ME

1 inch = 550 Feet



www.cai-tech.com

August 9, 2023



	Water-poly
	Tract Line
	Right of Way
	Cemetery
	Property Hook

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.

Attachment B
Application Plans

EXISTING SITE PLAN

SCALE: 1" = 40'

APPLICANT:
 GARY PELLETIER
 PELLETIER LIVING TRUST
 7 HUTCHINS COVE DRIVE, KITTERY, ME 0354
 TAX MAP 39, LOT 3-4
 FRONTAGE ON SPRUCE CREEK
 (PISCATAQUA RIVER)

Spruce Creek

Existing 18.5 x 3.25' Pier Access

Existing 38 x 3.25' Pier,
 3' x 20' Gangway
 8' x 10' Float
 Secured w/chains
 and ledge pins

-Edge of
 Shoreline

Map 39, Lot 3-4

Map 39, Lot 3-4

HAT El. 5.2'

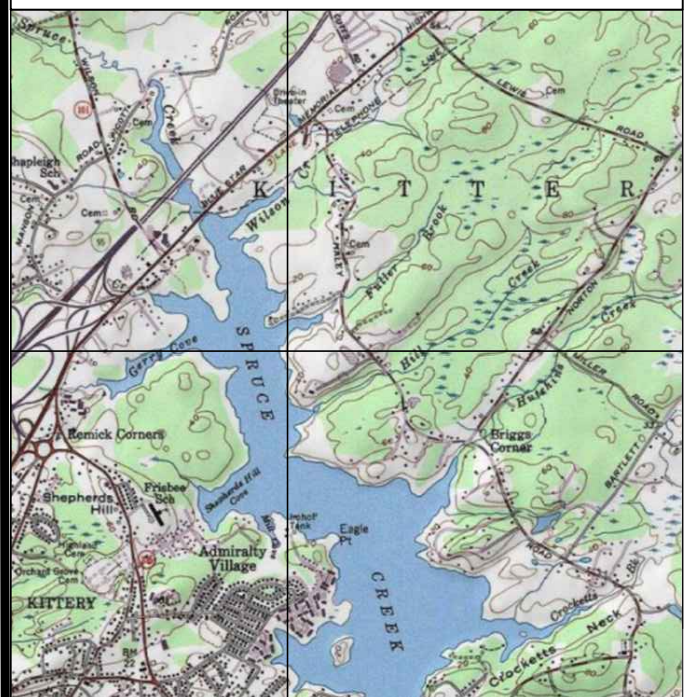
El. 15'

Existing Dwelling

Existing Driveway

Map 39, Lot 2

VICINITY MAP



Prepared For:
 GARY PELLETIER
 PELLETIER LIVING TRUST
 7 HUTCHINS COVE DRIVE
 KITTERY, ME 03854

Prepared By:
 Matthew Cardin, NH CWS

EXISTING CONDITIONS	PROPOSED: MAINTAIN EXISTING DOCKING STRUCTURE
ON: SPRUCE CREEK (PISCATAQUA RIVER)	
TOWN: KITTERY, ME	AT: 7 HUTCHINS COVE DRIVE STATE: ME
SHEET: 1 of 2	DATE: AUGUST 1, 2023

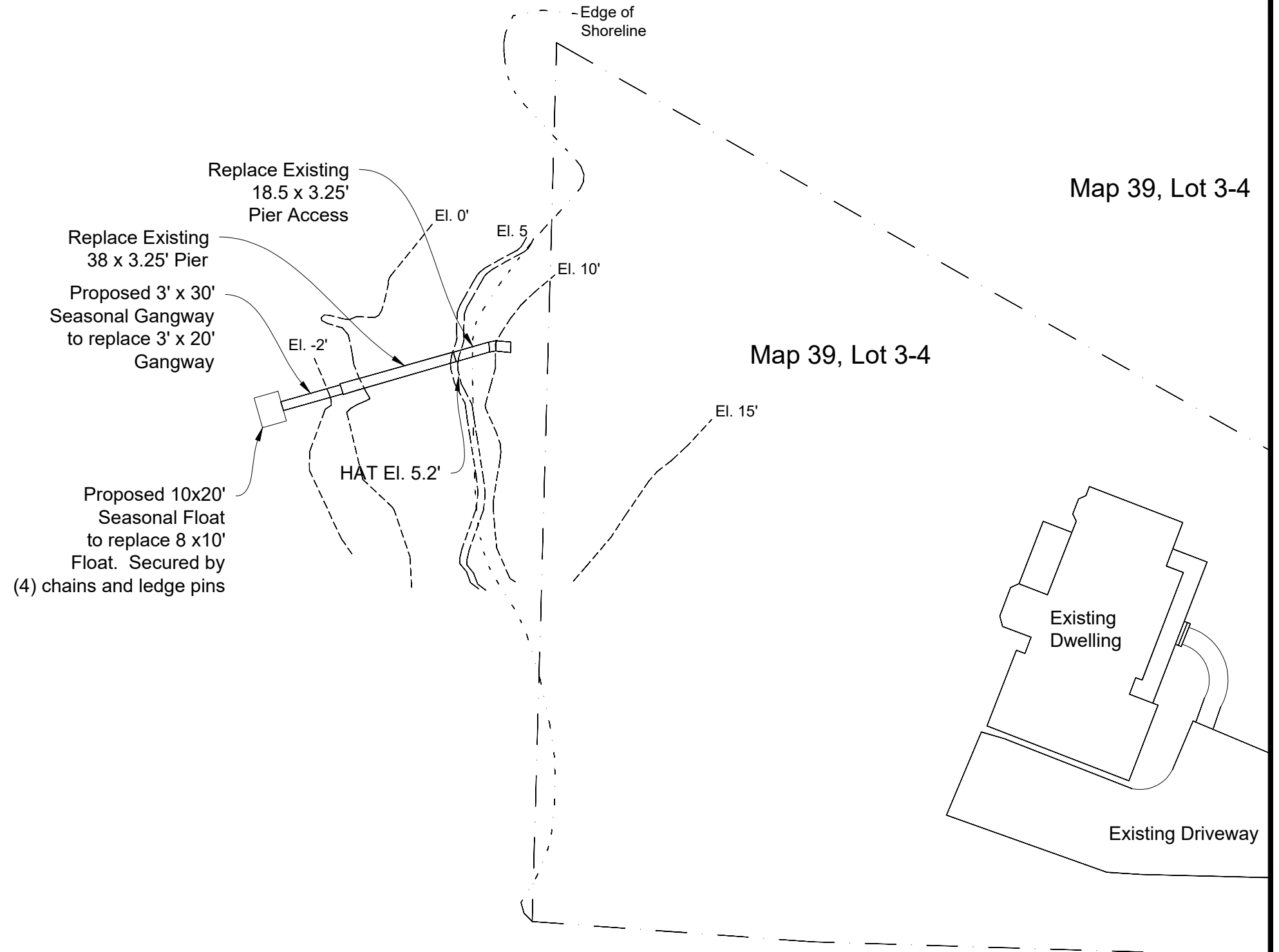
Permitting Notes:

1. The lawfully existing 38' x 3.25' pier is based on start of pier from the highest annual tide, El. 5.2'. Landward of the start of pier is an 18' x 3.25' access way.
2. The lawfully existing pier and access way are proposed for in-kind/in-place replacement in order to continue to function safely and reliably.
3. The existing gangway, 20' x 3' and existing float, 10' x 8', are undersized for the intended use of the pier and are proposed for replacement with a 30' x 3' gangway and a 10' x 20' float. The float will be secured in the same fashion as the existing float, utilizing (4) chain and ledge pins.

Construction Notes & Sequence:

1. All materials with dock structure to be CCA treated lumber and galvanized hardware
2. Float and gangway are to be pre-assembled off-site. CCA treated lumber to be pre-treated prior to arrival at site.
3. Barge, push boat and skiff to be mobilized during high-tide and positioned alongside proposed float location and close enough to shore to shore to not negatively affect navigability.
4. All work to be done during low-tide intervals where there is no flowing water within the work area.
5. Temporary turbidity curtain to be placed around work area during high tide to once construction has temporarily stopped.
6. The pre-assembled float and gangway to be lifted from the barge via crane and placed into position and installed.

Spruce Creek



Prepared For:

GARY PELLETIER
PELLETIER LIVING TRUST
7 HUTCHINS COVE DRIVE
KITTERY, ME 03854

Prepared By:

Matthew Cardin, NH CWS

PROPOSED PLANS

ON: SPRUCE CREEK (PISCATAQUA RIVER)

TOWN: KITTERY, ME

SHEET: 2 OF 3

PROPOSED: MAINTAIN EXISTING DOCKING STRUCTURE

AT: 7 HUTCHINS COVE DRIVE STATE: ME

DATE: AUGUST 1, 2023

PROPOSED NEW DOCK

SCALE: 1" = 40'

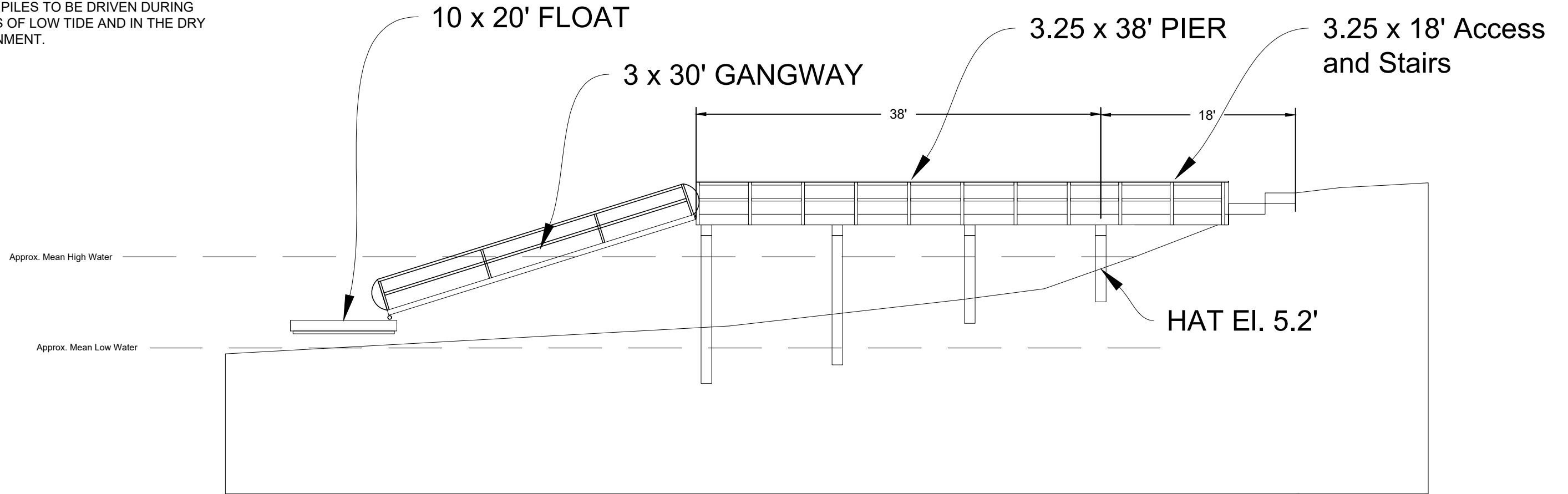
Map 39, Lot 2

CONSTRUCTION NOTES:

1. PIER TO BE MAINTAINED IN-KIND AND IN PLACE. EXISTING PIER IS 3.25' X 38' PIER SUPPORTED BY (4) PILE BENTS EACH CONSISTING OF (2) 12" TIMBER PILES, AND 12"X12" TOP CAPS, 3' X 30' GANGWAY, 10' X 20' FLOAT SECURED BY CHAINS AND LEDGE PINS.

2. REPLACE EXISTING GANGWAY WITH A 30' X 3' GANGWAY AND EXISTING FLOAT WITH A 10' X 20' FLOAT SECURED BY (4) CHAIN AND LEDGE PINS.

3. ALL CONSTRUCTION TO BE DONE VIA BARGE. PILES TO BE DRIVEN DURING PERIODS OF LOW TIDE AND IN THE DRY ENVIRONMENT.



**PROPOSED DOCK
CROSS-SECTION**

A-A

SCALE: 1" = 10'

Prepared For:

GARY PELLETIER
PELLETIER LIVING TRUST
7 HUTCHINS COVE DRIVE
KITTERY, ME 03854

PROPOSED PLANS

PROPOSED: MAINTAIN EXISTING DOCKING STRUCTURE

ON: SPRUCE CREEK (PISCATAQUA RIVER)

TOWN: KITTERY, ME

AT: 7 HUTCHINS COVE DRIVE STATE: ME

Prepared By:

Matthew Cardin, NH CWS

SHEET: 2 of 2

DATE: AUGUST 1, 2023

Attachment C

Abutter List

Town of Kittery Port Authority Application
Abutters List for Pier Maintenance at
7 Hutchins Cove Drive, Kittery, ME
Map 36, Lot 3-4

Abutters List:

1. 200 Haley Road
Map 39, Lot 2
Jon Civitarese
200 Haley Road
Kittery, ME 03904

2. 5 Hutchins Cove Drive
Map 39, Lot 3-3
James Powers
PO Box 12
Kittery Point, ME 03905

3. 8 Hutchins Cove Drive
Map 39, Lot 3-6
TR Leslie N. Rankin
8 Hutchins Cove Drive
Kittery, ME 03904

Attachment D

Proof of Legal Interest in Property – Deed

DLN: 1002140128888

Warranty Deed

Know all by these presents that CERIK PROPERTIES I, LLC, a New Hampshire limited liability company with a principal place of business and mailing address of 175 Market Street, Portsmouth, New Hampshire 03801, hereby grant to GARY W. PELLETIER AND ROBIN J. PELLETIER, TRUSTEES OF THE PELLETIER LIVING TRUST, with a mailing address of 24 Strafford Lane, Bedford, New Hampshire 03110, with WARRANTY COVENANTS, the real property located 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 7 Hutchins Cove Drive, Kittery Tax Map 39, Lot 3-4

IN WITNESS WHEREOF, the said CERIK PROPERTIES I, LLC, has caused this instrument to be signed in its company name by CAROLYN ERIKSON its Manager, duly authorized, this 15th day of January 2021.

Signed, sealed and delivered in the presence of:

CERIK PROPERTIES I, LLC
By:

Michelle Haskell
WITNESS

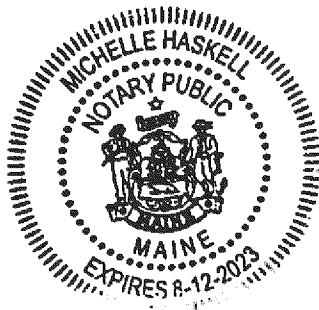
Carolyn Erikson
CAROLYN ERIKSON, ITS MANAGER

STATE OF MAINE

York, ss.

January 15th, 2021

Then personally appeared the above named Carolyn Erikson and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said limited liability company.



Before me,

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

Maine R.E. Transfer Tax Paid

EXHIBIT A

Property Address: 7 Hutchins Cove Drive, Kittery

A certain lot or parcel of land together with the buildings thereon located on the westerly side of, but not adjacent to, Haley Road, so-called, in Kittery, York County and State of Maine, and being Lot No. 4 as shown on a plan entitled "Revised Plan of Hutchins Cove Development prepared for James Austin, Kittery, Maine", by Thomas F. Moran, Inc., dated May 10, 1990 and recorded at the York County Registry of Deeds in Plan Book 201, Page 21, to which plan reference is made for a more particular description.

Subject to any and all easements, restrictions, conditions, notes and other matters set forth on the Plan above referenced.

The above-described premises are also conveyed together with an easement and right of way in common with others, for the purposes of passage, utility installation and maintenance, as well as, road and drainage construction and maintenance over Hutchins Cove Drive, including "Lot 1 "B"" as shown on the above-referenced plan and also as shown on a plan entitled "Plan of Hutchins Cove Development prepared for James Austin, Kittery, Maine", by Thomas F. Moran, Inc., dated May 10, 1990 and recorded at the York County Registry of Deeds in Plan Book 199, Page 49.

The above-described premises are also conveyed together with the benefits of and subject to the Hutchins Cove Declaration of Protective Covenants and Common Easements dated May 8, 1991 and recorded at the York County Registry of Deeds in Book 5715, Page 186, all of which are incorporated herein by reference to said Protective Covenants and Covenant Easements with the same force and effect as if fully set forth herein. The Grantee hereby assumes and agrees to observe and perform the obligations imposed thereby and does accept the benefits thereof.

Being the same premises conveyed from Camille Duval and Jacqueline Duval to Cerik Properties I, LLC by deed dated February 7, 2008 and recorded at the York County Registry of Deeds in Book 15348, Page 540.

Attachment E

Photographs



Photo 1: Existing Pier Structure Facing North



Photo 2: Existing Pier Structure Facing Northwest



Photo 3: Existing Pier Structure Facing Southwest



Photo 4: Existing Pier Structure Facing Northeast – Damaged Stringers

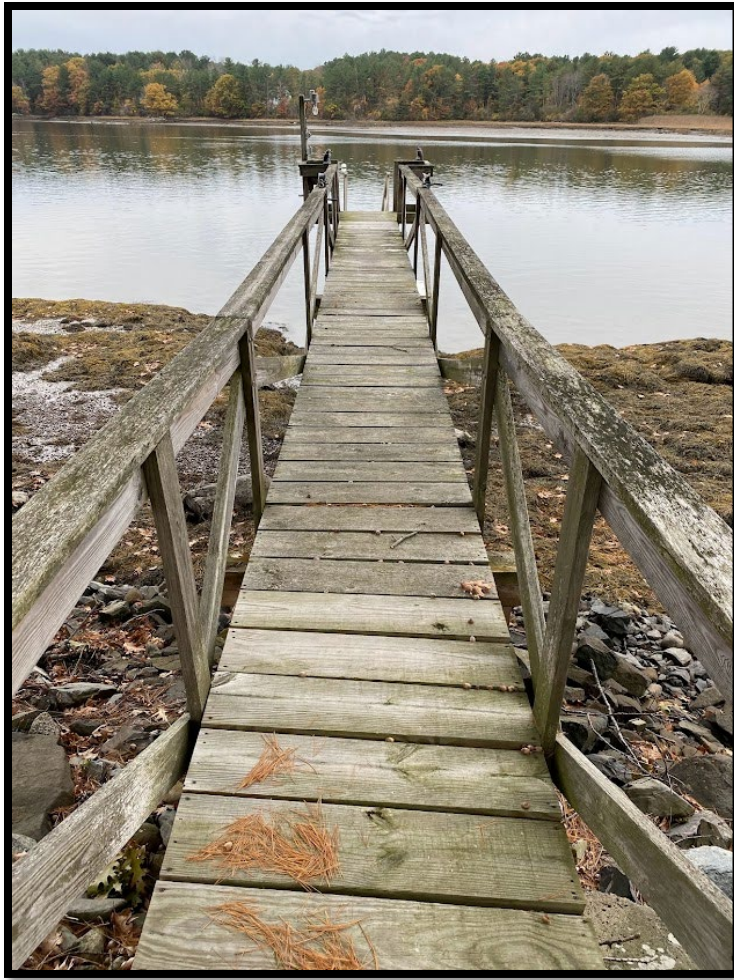


Photo 5: Existing Pier Deck - Facing West

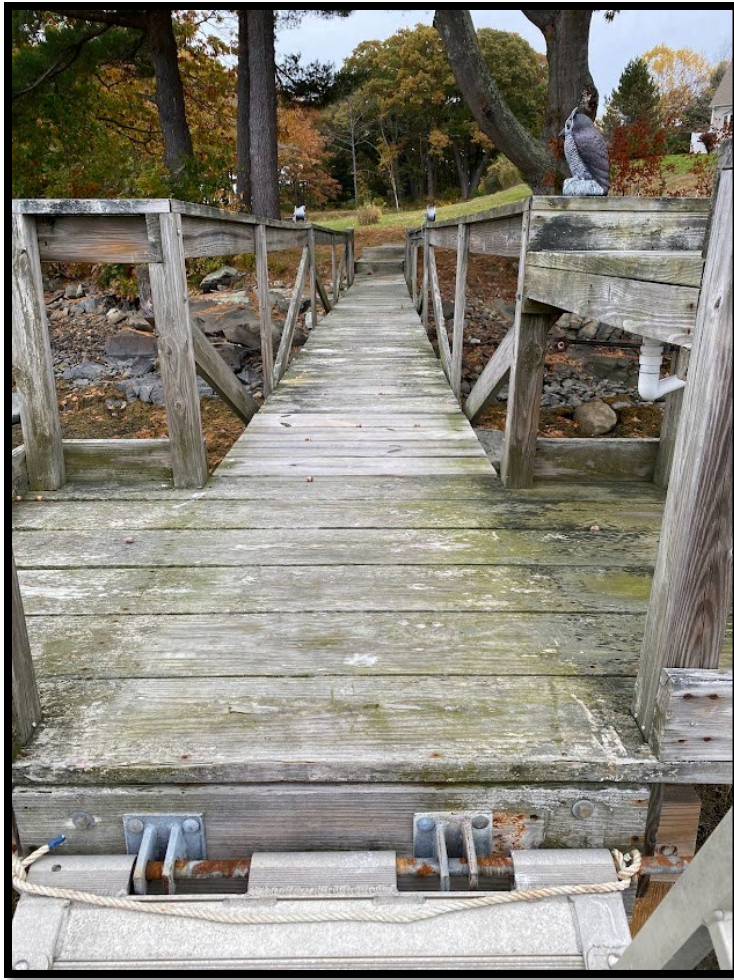


Photo 6: Existing Pier Deck – Facing East

Attachment F

Dept. of Marine Resources Time of Year Review

**REQUEST FOR APPROVAL
OF TIMING OF ACTIVITY
(DMR)**

This form is for use in obtaining approval from the **Department of Marine Resources (DMR)** for the timing of certain projects in accordance with Chapter 305 Permit by Rule Standards.

To be filled out by applicant: (Instructions are on the back of this form)"

"

1. **Applicant's name:** _____
Address: _____

telephone: _____

2. I plan to perform the following activity (please check the appropriate box):
 Sec. 3 Intake pipes (tidal waters only)
 Sec. 4 Replacement of structures (tidal waters only)
 Sec. 7 Outfall pipes (tidal waters only)
 Sec. 9 Utility crossings (any location if performed between Oct. 2 and July 14)
 Sec. 12 Restoration of natural areas (tidal waters only)
 Sec. 15 Public boat ramps (tidal waters only)
 Sec. 18 Maintenance dredging (tidal waters only)

3. Brief description of project: [please include the name of the stream or waterbody, if known]

4. I plan to perform this activity between the dates of _____ and _____.
(start date) (end date)

5. I have included a map showing the location of my project.
***[Please note that if no location map is provided, no approval will be granted by DMR]**

6. Send completed form to: DMR Environmental Coordinator
P.O. Box : .West Boothbay Harbor, ME 22: /26797

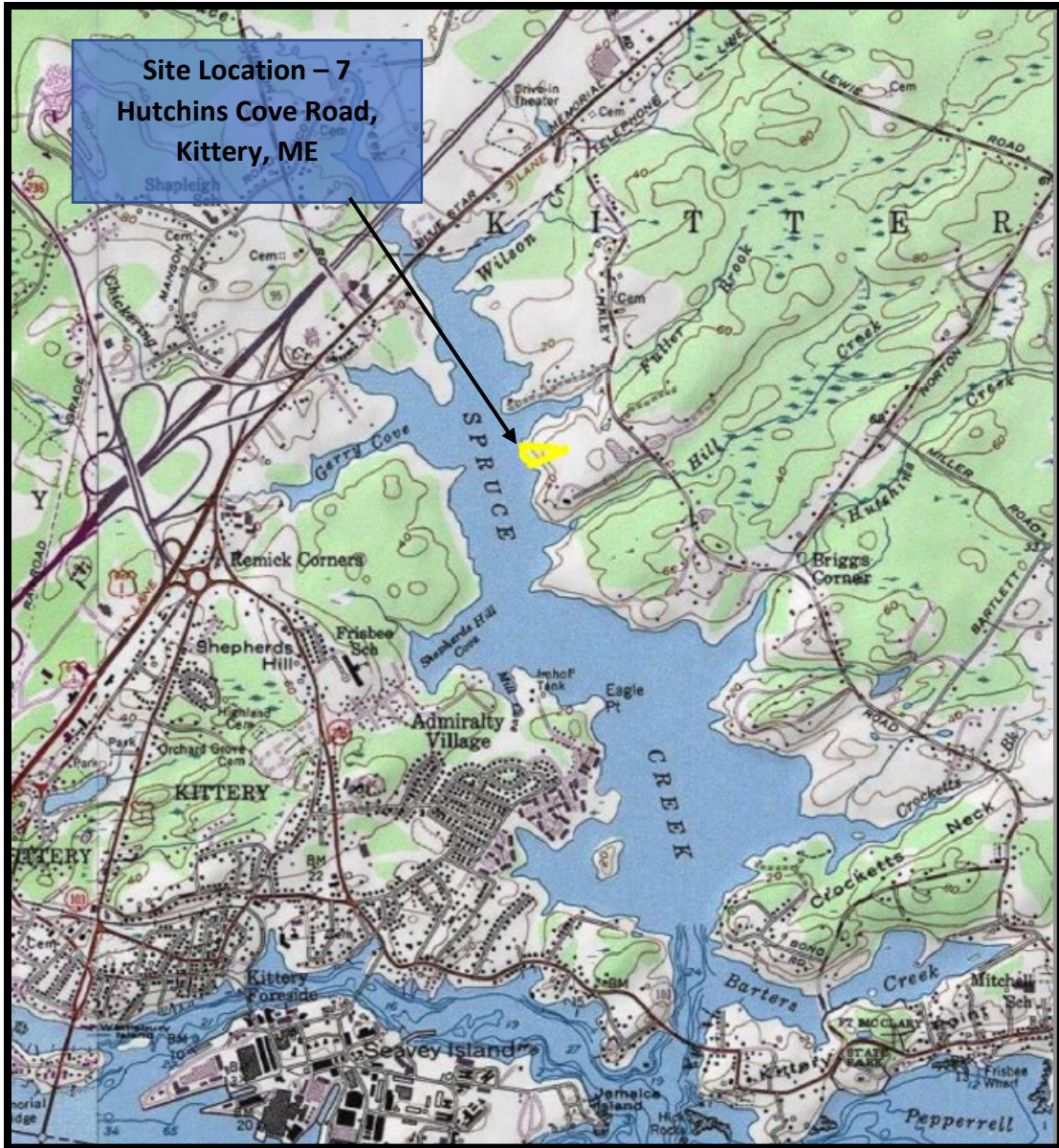
For agency use only:

The Department has reviewed the proposed timing of the activity identified above and:

approves of the project's timing as proposed.
 requires that the project's timing be changed to occur between _____ and _____
(end date) (start date)

Other comments: _____

Katie Miller _____
DMR Environmental Coordinator Date



PIER MAINTENANCE – Spruce Creek – Piscataqua River

7 Hutchins Cove Road, Kittery, ME

Map 39, Lot 3-4

EXISTING SITE PLAN

SCALE: 1" = 40'

APPLICANT:
 GARY PELLETIER
 PELLETIER LIVING TRUST
 7 HUTCHINS COVE DRIVE, KITTERY, ME 0354
 TAX MAP 39, LOT 3-4
 FRONTAGE ON SPRUCE CREEK
 (PISCATAQUA RIVER)

Spruce Creek

Existing 18.5 x 3.25' Pier Access

Existing 38 x 3.25' Pier,
 3' x 20' Gangway
 8' x 10' Float
 Secured w/chains
 and ledge pins

-Edge of
 Shoreline

Map 39, Lot 3-4

Map 39, Lot 3-4

HAT El. 5.2'

El. 15'

Existing Dwelling

Existing Driveway

Map 39, Lot 2

VICINITY MAP



Prepared For:
 GARY PELLETIER
 PELLETIER LIVING TRUST
 7 HUTCHINS COVE DRIVE
 KITTERY, ME 03854

Prepared By:
 Matthew Cardin, NH CWS

EXISTING CONDITIONS PROPOSED: MAINTAIN EXISTING DOCKING STRUCTURE
 ON: SPRUCE CREEK (PISCATAQUA RIVER)
 TOWN: KITTERY, ME AT: 7 HUTCHINS COVE DRIVE STATE: ME
 SHEET: 1 of 2 DATE: AUGUST 1, 2023

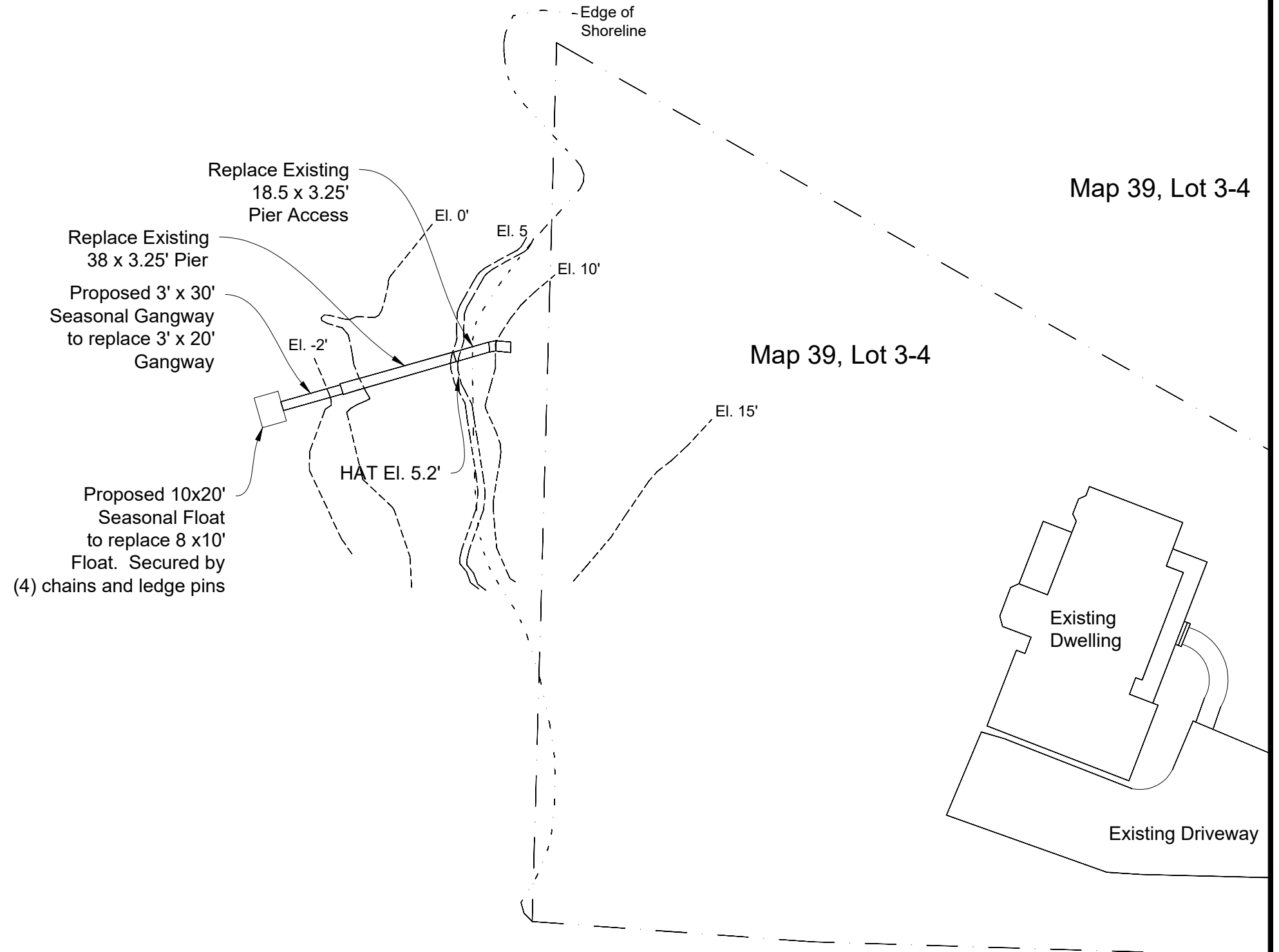
Permitting Notes:

1. The lawfully existing 38' x 3.25' pier is based on start of pier from the highest annual tide, El. 5.2'. Landward of the start of pier is an 18' x 3.25' access way.
2. The lawfully existing pier and access way are proposed for in-kind/in-place replacement in order to continue to function safely and reliably.
3. The existing gangway, 20' x 3' and existing float, 10' x 8', are undersized for the intended use of the pier and are proposed for replacement with a 30' x 3' gangway and a 10' x 20' float. The float will be secured in the same fashion as the existing float, utilizing (4) chain and ledge pins.

Construction Notes & Sequence:

1. All materials with dock structure to be CCA treated lumber and galvanized hardware
2. Float and gangway are to be pre-assembled off-site. CCA treated lumber to be pre-treated prior to arrival at site.
3. Barge, push boat and skiff to be mobilized during high-tide and positioned alongside proposed float location and close enough to shore to shore to not negatively affect navigability.
4. All work to be done during low-tide intervals where there is no flowing water within the work area.
5. Temporary turbidity curtain to be placed around work area during high tide to once construction has temporarily stopped.
6. The pre-assembled float and gangway to be lifted from the barge via crane and placed into position and installed.

Spruce Creek



Prepared For:
GARY PELLETIER
 PELLETIER LIVING TRUST
 7 HUTCHINS COVE DRIVE
 KITTERY, ME 03854

Prepared By:
 Matthew Cardin, NH CWS

PROPOSED PLANS **PROPOSED: MAINTAIN EXISTING DOCKING STRUCTURE**

ON: SPRUCE CREEK (PISCATAQUA RIVER)

TOWN: KITTERY, ME AT: 7 HUTCHINS COVE DRIVE STATE: ME

SHEET: 2 OF 3 DATE: AUGUST 1, 2023

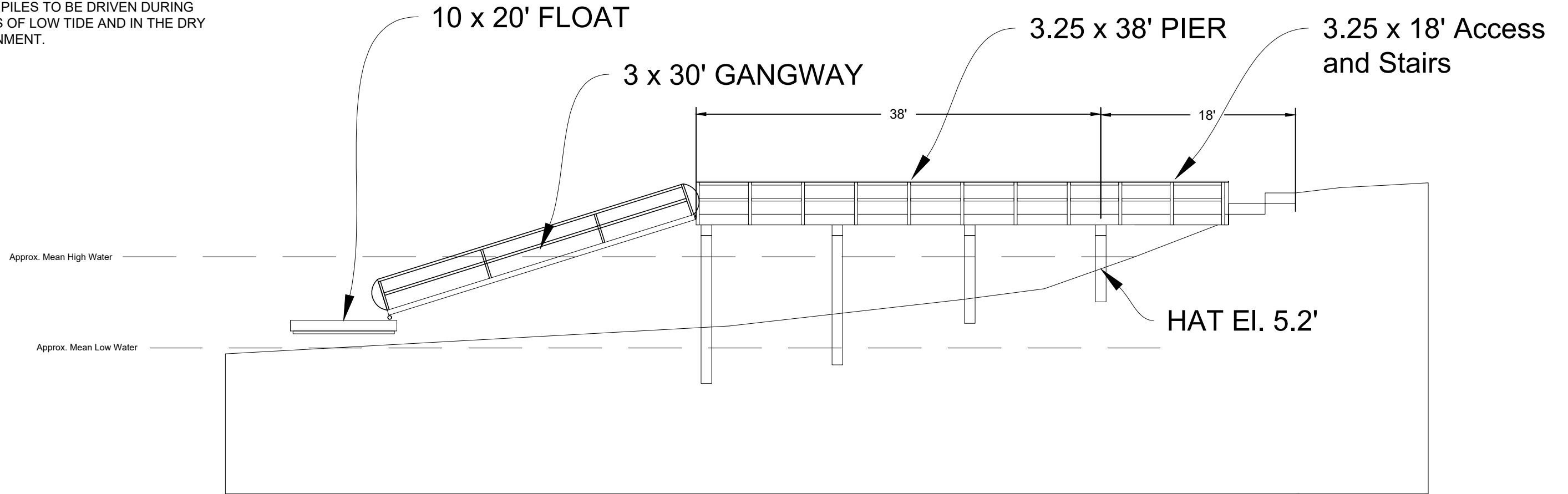
PROPOSED NEW DOCK
 SCALE: 1" = 40'

CONSTRUCTION NOTES:

1. PIER TO BE MAINTAINED IN-KIND AND IN PLACE. EXISTING PIER IS 3.25' X 38' PIER SUPPORTED BY (4) PILE BENTS EACH CONSISTING OF (2) 12" TIMBER PILES, AND 12"X12" TOP CAPS, 3' X 30' GANGWAY, 10' X 20' FLOAT SECURED BY CHAINS AND LEDGE PINS.

2. REPLACE EXISTING GANGWAY WITH A 30' X 3' GANGWAY AND EXISTING FLOAT WITH A 10' X 20' FLOAT SECURED BY (4) CHAIN AND LEDGE PINS.

3. ALL CONSTRUCTION TO BE DONE VIA BARGE. PILES TO BE DRIVEN DURING PERIODS OF LOW TIDE AND IN THE DRY ENVIRONMENT.



**PROPOSED DOCK
CROSS-SECTION**

A-A

SCALE: 1" = 10'

Prepared For:
GARY PELLETIER
PELLETIER LIVING TRUST
7 HUTCHINS COVE DRIVE
KITTERY, ME 03854

PROPOSED PLANS PROPOSED: MAINTAIN EXISTING DOCKING STRUCTURE
ON: SPRUCE CREEK (PISCATAQUA RIVER)
TOWN: KITTERY, ME AT: 7 HUTCHINS COVE DRIVE STATE: ME
SHEET: 2 of 2 DATE: AUGUST 1, 2023

Prepared By:
Matthew Cardin, NH CWS

DLN: 1002140128888

Warranty Deed

Know all by these presents that CERIK PROPERTIES I, LLC, a New Hampshire limited liability company with a principal place of business and mailing address of 175 Market Street, Portsmouth, New Hampshire 03801, hereby grant to GARY W. PELLETIER AND ROBIN J. PELLETIER, TRUSTEES OF THE PELLETIER LIVING TRUST, with a mailing address of 24 Strafford Lane, Bedford, New Hampshire 03110, with WARRANTY COVENANTS, the real property located 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 7 Hutchins Cove Drive, Kittery Tax Map 39, Lot 3-4

IN WITNESS WHEREOF, the said CERIK PROPERTIES I, LLC, has caused this instrument to be signed in its company name by CAROLYN ERIKSON its Manager, duly authorized, this 15th day of January 2021.

Signed, sealed and delivered in the presence of:

CERIK PROPERTIES I, LLC
By:

Michelle Haskell
WITNESS

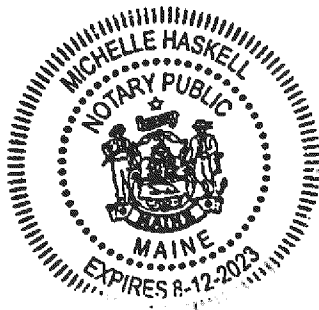
Carolyn Erikson
CAROLYN ERIKSON, ITS MANAGER

STATE OF MAINE

York, ss.

January 15th, 2021

Then personally appeared the above named Carolyn Erikson and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said limited liability company.



Before me,

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

Maine R.E. Transfer Tax Paid

EXHIBIT A

Property Address: 7 Hutchins Cove Drive, Kittery

A certain lot or parcel of land together with the buildings thereon located on the westerly side of, but not adjacent to, Haley Road, so-called, in Kittery, York County and State of Maine, and being Lot No. 4 as shown on a plan entitled "Revised Plan of Hutchins Cove Development prepared for James Austin, Kittery, Maine", by Thomas F. Moran, Inc., dated May 10, 1990 and recorded at the York County Registry of Deeds in Plan Book 201, Page 21, to which plan reference is made for a more particular description.

Subject to any and all easements, restrictions, conditions, notes and other matters set forth on the Plan above referenced.

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Being the same premises conveyed from Camille Duval and Jacqueline Duval to Cerik Properties I, LLC by deed dated February 7, 2008 and recorded at the York County Registry of Deeds in Book 15348, Page 540.



7 Hutchins Cove Drive

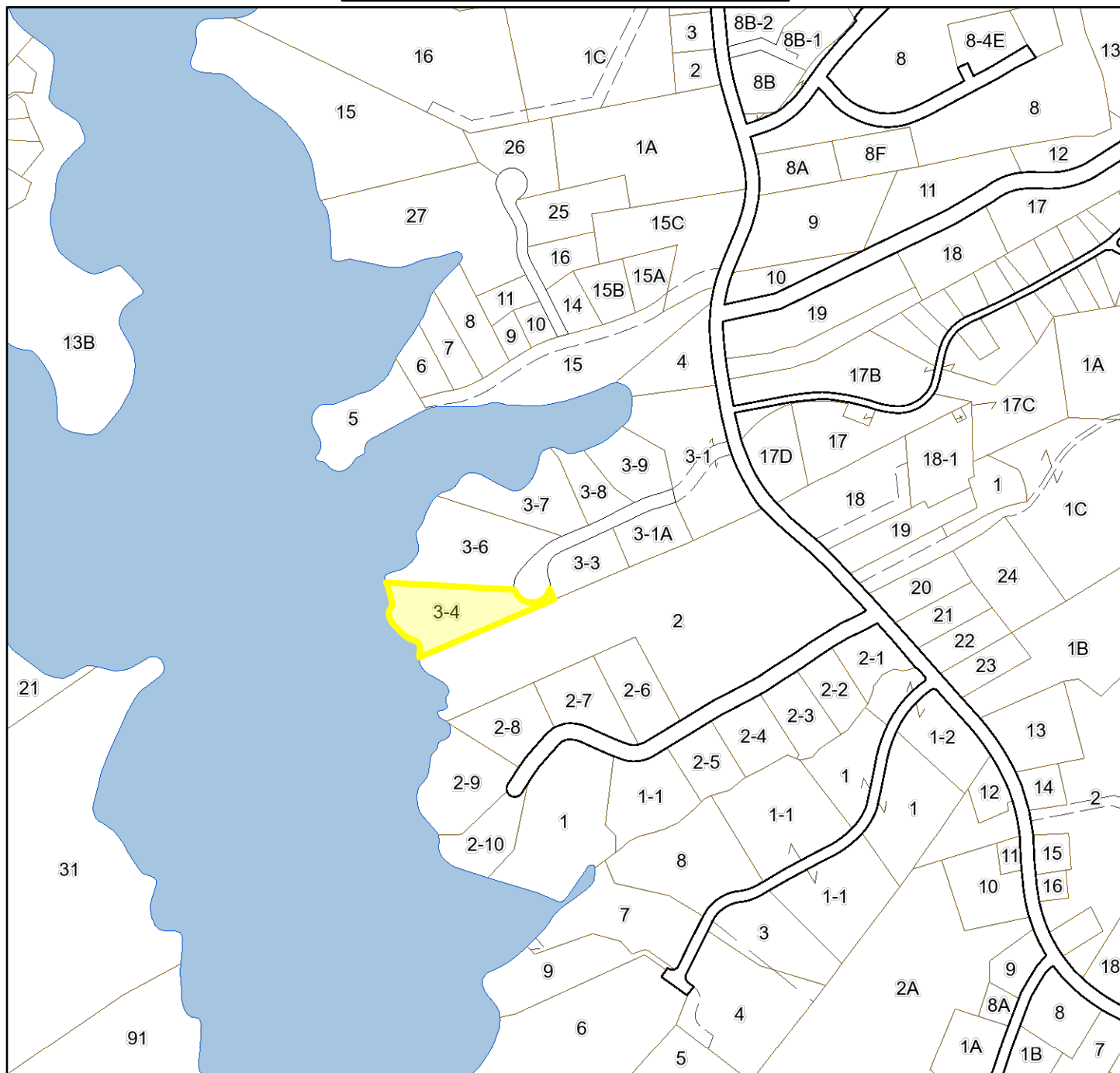
Kittery, ME

1 inch = 550 Feet



www.cai-tech.com

August 9, 2023



	Water-poly
	Tract Line
	Right of Way
	Cemetery
	Property Hook

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.

Town of Kittery Port Authority Application
Abutters List for Pier Maintenance at
7 Hutchins Cove Drive, Kittery, ME
Map 36, Lot 3-4

Abutters List:

1. 200 Haley Road
Map 39, Lot 2
Jon Civitarese
200 Haley Road
Kittery, ME 03904

2. 5 Hutchins Cove Drive
Map 39, Lot 3-3
James Powers
PO Box 12
Kittery Point, ME 03905

3. 8 Hutchins Cove Drive
Map 39, Lot 3-6
TR Leslie N. Rankin
8 Hutchins Cove Drive
Kittery, ME 03904



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

Port Authority Meeting Date: October 5, 2023

STAFF REPORT – 42 PEPPERRELL ROAD

Project Name: 42 Pepperrell Road Pier, Gangway & Float Modification to previously approved plan

Applicant: Kuerstin Fordham, Riverside and Pickering

Owner: Judith McKenna

Proposed Development: Installation of a 4' x 80' pile supported pier, a 3' x 45' ramp, and a 10' x 30' float.

Waivers: None

Map & Lot Numbers: Map 18, Lot 27

Staff Recommendation: Approval of request

Riparian Line Determination:

Riparian lines to the East (Map 18 Lot 25, owned by the State of Maine) were determined using the extension method. Riparian lines to the West (Map 18 Lot 28, owned by Bonnie Knickerbocker Gibson, were determined using the colonial method.

Description of Request:

The applicant requests the installation of a 4' wide x 80' long pile supported pier, a 3' wide x 45' long ramp, and a 10' wide x 30' long float.

Performance Standards:

For the purposes of this report, and the application before the Board, the normal high-water mark referenced in the KPA Rules is equivalent to the mean high-water mark referenced in the application and survey

(1) KPA Rules 4.7.2: The construction of any piers, docks, wharves, and other structures and uses extending over or beyond the normal high-water mark of a water body or within a

wetland must comply with all applicable requirements of Town Code Title 16.

- **Town Code Title 16 incorporates by reference the 2015 International Residential Building Code. Compliance with this code will be ensured through the building permitting process.**

(2) *KPA Rules 4.7.3: Non-commercial private piers may have a maximum width of 6 feet as measured parallel to the shoreline and be limited to the minimum size necessary to accomplish their purpose. Except for temporary ramps and floats, the total length of a ramp, pier and float structure may not extend more than 150 feet beyond the normal high-water mark and piers not extend more than 100 feet beyond the normal high-water mark nor extend below the mean low water mark, whichever is shorter.*

- **Based on the application materials, the pier will have a maximum deck width of 4 feet. The total length of the pier, ramp, and float is 155 feet, although it only extends approximately 125 feet past the normal high-water mark. The pier extends 56 feet past the normal high-water mark and ends before the mean low water mark.**

(3) *KPA Rules 4.7.4: The maximum height of the pier deck may not exceed six (6) feet above the normal high-water mark, and the handrails not exceed 42" without the specific approval of the Port Authority.*

- **Based on the application materials, the pier has an overall height of 10.16 feet above the normal high-water mark.**

(4) *KPA Rules 4.7.5: Commercial piers are limited to the minimum size necessary to accomplish their purpose. They may not extend beyond the mean low water mark except with credible proof by the applicant that the extension is necessary for the water-dependent use of the pier. The maximum height of the pier deck may not exceed six (6) feet above mean high water mark and the handrails not exceed 42", without a showing of necessity and specific approval of the Port Authority.*

- **This application is for a residential use pier, this standard is not applicable.**

(5) *KPA Rules Chapter 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 pier is roughly 91 feet from the Eastern riparian line and roughly 61 feet from**

the Western riparian line. There are no existing structures below the normal high-water mark within 100 feet.

Surrounding Land Uses:

North: Residential – No waterfront, no marine structures.

South: Atlantic Ocean

East: Conservation – No marine structures.

West: Residential – Dock, pier & float.

Findings of Fact:

Section 16.9.2.E requires the Kittery Port Authority to use the following process when hearing requests:

Findings of fact. An application shall be approved or approved with conditions if the Port Authority makes a positive finding based on the information presented. The application must be demonstrated that the proposed use will shall:

(1) Maintain safe and healthful conditions;

- **Staff does not believe that this development will cause any safety or health concerns.**

(2) Not result in water pollution, erosion or sedimentation to surface waters;

- **Staff does not believe that this development will result in any water pollution, erosion, or sedimentation to surface waters.**

(3) Adequately provide for the disposal of all wastewater;

- **This development will not produce any wastewater.**

(4) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

- **Staff does not believe that this development will have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.**

(5) Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

- **Staff believes that this development conserves shore cover and visual, as well as actual points of access.**

(6) Protect archaeological and historic resources;

- **Staff does not believe this development will have any impact on archeological or historic resources.**

(7) Not adversely affect existing commercial fishing or maritime activities in a commercial

fisheries/maritime activities district;

- **This standard is not applicable, as there is no commercial fisheries or maritime activity districts in the area.**

(8) Avoid problems associated with floodplain development and use; and

- **Staff believes this development will avoid problems associated with floodplain development and use.**

(9) Is in conformance with the provisions of this title.

- **Staff believes that this development is in conformance with the provisions of Title 16.**

Using the standards and criteria found in the LUDC as well as the standards found in the Kittery Port Authority Rules and Regulations, Staff recommends **APPROVAL** of the proposed development.

KPA-23-17

Port Authority Application

Status: Active

Submitted On: 9/14/2023

Primary Location


42 PEPPERRELL ROAD

KITTERY, ME 03905

Owner

Judith A. McKenna

42 Pepperrell Rd Kittery, ME 03904

Applicant Kuerstin Fordham 603-427-2824 ext. 1000 kuerstin@riversideandpickering.com 34 Patterson Lane

Newington, New Hampshire 03801

Project Discription**Description of Project***

State of Maine DEP found an eelgrass crop in the location of the previously approved tidal docking structure. The pier, gangway, and float have been moved eastward to avoid construction and installation of the tidal docking structure in the eelgrass crop

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?*

No

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

No

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

Judith A McKenna

Property Address

42 Pepperrell Rd Kittery, ME 03904

Telephone Number

See Agent Info

Email Address

See Agent Info

Size of the Property ?**Zoning District ?**

V2

185.6'

Applicant Information

Name of Applicant	Date Application Completed
Riverside & Pickering Marine Contractors C/O Kuerstin Fordham	9/14/2023
Name of Property Owner	Agent Name
Judith A McKenna	Kuerstin Fordham
Agent Firm	Agent Phone
	603-427-2824
Agent Email	
kuerstin@riversideandpickering.com	

Attachments

Proof of Legal Interest in Property
Deed.pdf
et/vpc3-iles/Kitteryme/Deed_Thu_Sep_14_2023_16-
;-09-27T16%3A24%3A23Z&se=2023-09-
jRpBtpYRqKfOV7%2BJfnbooYW1Zq9TA%2B7Jyl%3D)

Army Corps of Engineers Permit/Approval
ACF-2023-1026-01-PRM16-PAE-2022-
;-17-31.pdf?loadedBy=KuerstinFordham on Sep 14, 2023 at 4:17 PM
63A23Z&se=2023-09-
01fbcMHzgGq5Kfe4MzjcDoP1P1ZGlX4i0%3D)

Maine Department of Environmental Protection Permit/Approval
McKenna L30149AN.pdf
Sep_14_2023_16-17-31.pdf?loadedBy=KuerstinFordham on Sep 14, 2023 at 4:17 PM
3Z&se=2023-09-
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Construction Plans
2023-0612-McKenna-PAE-2022-
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LiVgZx%2F8HQH41cV9SZD3rVo6Ep1qLKOWc%3D)

Town Tax Map of Lot
TaxMap.pdf
23_16-19-14.pdf?loadedBy=KuerstinFordham on Sep 14, 2023 at 4:19 PM
23Z&se=2023-09-
_H3LAIJe4gg9uw0ljSXuBpNIDZq4wRLWOo%3D)

2023-0612 McKenna Plan-Eelgrass Version.pdf
2023-0612-McKenna-PAE-2022-
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2023-0424 Waiver Request.pdf
2023-0424-Waiver-Request-
_09-57-44.pdf?loadedBy=KuerstinFordham on Sep 19, 2023 at 9:57 AM
A23Z&se=2023-09-
iNUcYn5hKG9lrqKL9O8kMM9oXh6GQD6hI%3D)

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 STAIRS AND LANDING TO BE LOCATED ON TAX MAP 18 LOT 27 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:
JUDITH A. MCKENNA, TRUSTEE
THE JUDITH A. MCKENNA REVOCABLE TRUST OF 1997
42 PEPPERRELL ROAD
KITTEERY POINT, ME 03905
Y.C.R.D. BOOK 18088 PAGE 786
3. THE PROPERTY IS LOCATED WITHIN THE RESIDENTIAL- KITTEERY POINT VILLAGE ZONING DISTRICT AND THE SHORELAND WATER BODY/WETLAND PROTECTION AREA OVERLAY 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 ALONG THE SOUTH ABUTTER WAS CALCULATED USING THE COLONIAL METHOD. THE RIPARIAN LIMITS ALONG THE STATE OF MAINE WAS CALCULATED USING THE EXTENSION METHOD.
8. THE INTENT OF THE TIE COURSE SHOWN HEREON IS TO PROVIDE A MATHEMATICAL MEANS OF RELATING THE PROPERTY SIDELINES TO EACH OTHER. THE TIE COURSE IS 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. EASEMENTS OR UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
11. UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.
12. MAINE GEOLOGICAL SURVEY HAS IDENTIFIED THE NORTHERLY PORTION OF THE SHORELINE ALONG THE SUBJECT PARCEL AS AN UNSTABLE ARMORED BLUFF AND THE SOUTHERLY PORTION AS A STABLE COASTAL BLUFF ON THE KITTEERY QUADRANGLE FILE NO. 02-193 2002.
13. THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR THE KITTEERY POINT IS ELEVATION 6.3' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.
14. TIDAL ELEVATIONS: THE FOLLOWING ELEVATIONS WERE PUBLISHED BY N.O.A.A. FOR FORT POINT TIDE STATION (8423898). ALL ELEVATIONS CORRESPOND TO NAVD88.

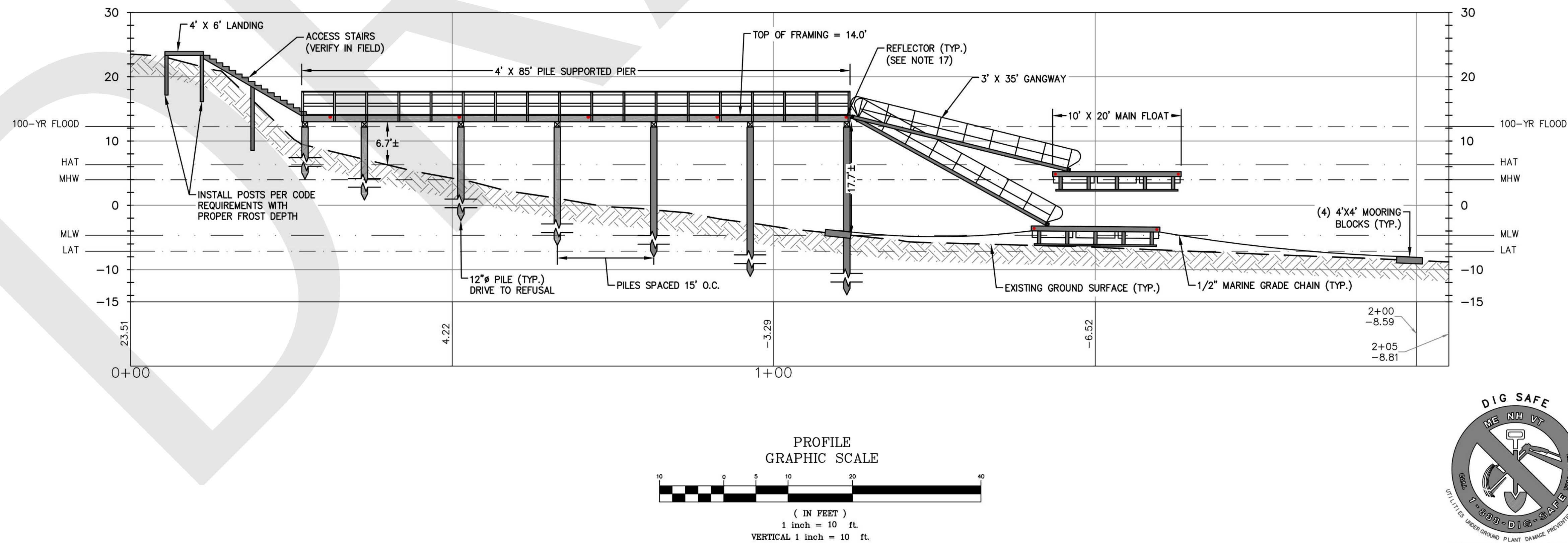
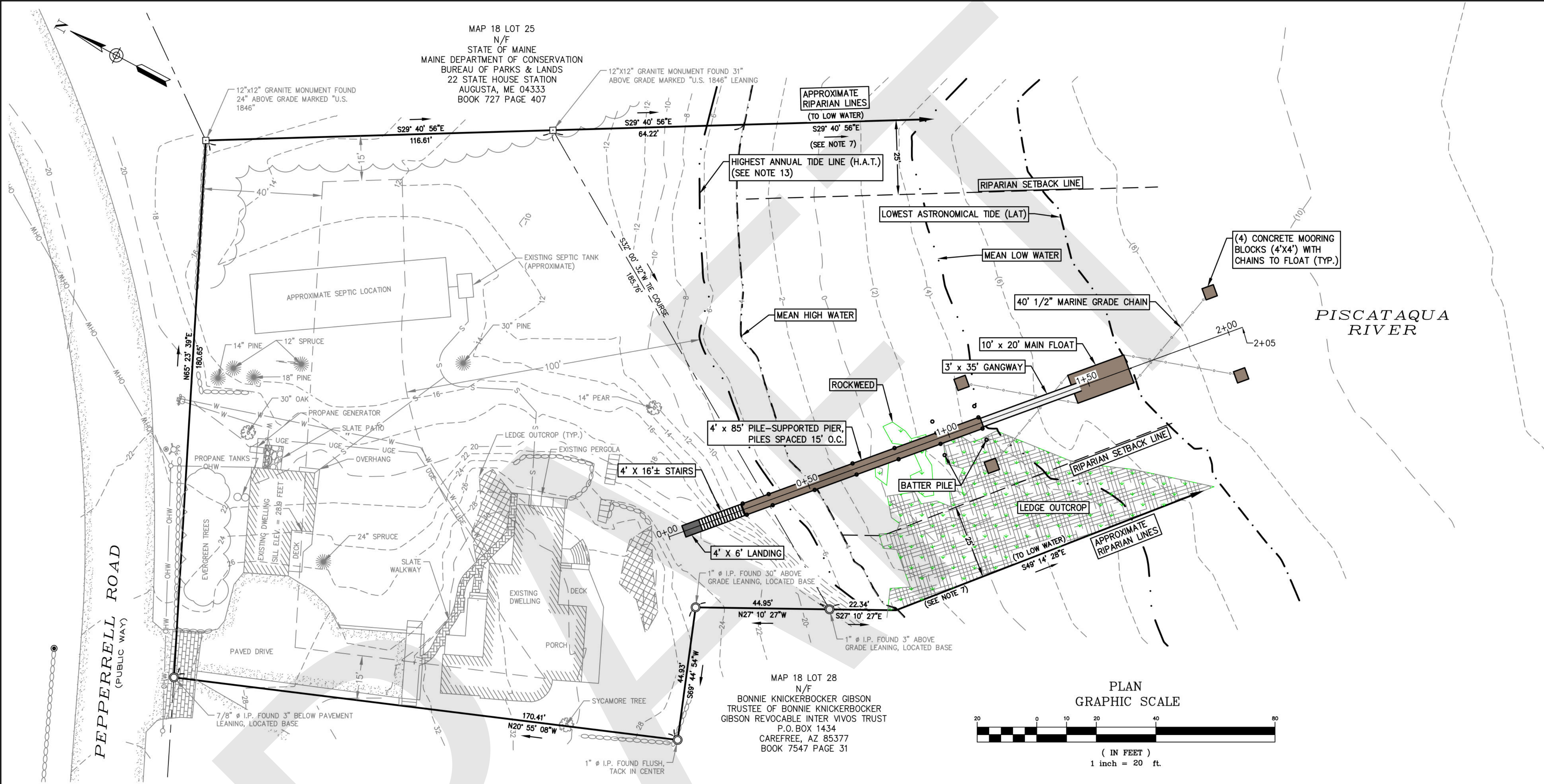
MEAN HIGHER-HIGH WATER (MHHW)	4.39'
MEAN HIGH WATER (MHW)	3.97'
MEAN LOW WATER (MLW)	-4.66'
MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'±
15. THE PROPERTY SHOWN HEREON IS LOCATED WITHIN ZONE V2 (EL 13) ON FEMA FIRM MAP COMMUNITY-PANEL NUMBER 230171 0005 D, REVISED JULY 3, 1986. THE 100-YEAR FLOOD ELEVATION WITHIN THIS ZONE IS LISTED AT ELEVATION 13.0' (NGVD29). THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 12.25' (NAVD88).
16. 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.
17. REFLECTORS SHALL BE NO LESS THAN 3 INCH DIAMETER AND SHALL BE INSTALLED AS FOLLOWS:
• PIER: EVERY 20 FEET FROM END OF PIER, BOTH SIDES
• FLOATS: WITHIN 12 INCHES OF EACH CORNER

REFERENCE PLANS:

1. "EXISTING CONDITIONS SURVEY OF LAND OWNED BY JUDITH A. MCKENNA" PREPARED BY TIDEWATER ENGINEERING & SURVEYING, LLC, DATED MAY 2020.
2. "B. & J. RODONETS OFFICE MUDROOM: SHORELAND DEVELOPMENT PLAN" PREPARED BY COASTAL ARCHITECTS, P.A. DATED JULY 15, 2015 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 377 PAGE 11.
3. "MCKENNA RENOVATION 42 PEPPERRELL RD. KITTEERY, ME 03905" PREPARED BY TMS ARCHITECTS INTERIORS DATED 07/10/2020.

LEGEND

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



DRAFT

NOT VALID UNLESS SIGNED AND STAMPED

NO.	DATE:	SUBMISSION/REVISION DESCRIPTION

TIDEWATER
ENGINEERING & SURVEYING, INC.
1021 Goodwin Rd Unit 1, Eliot, ME 03903
(207)499-2222 • www.tidewatercivil.com

PROPOSED PIER & FLOAT PLAN
ON LAND LOCATED AT
42 PEPPERRELL ROAD
KITTEERY POINT, YORK COUNTY, MAINE

PREPARED FOR:
JUDITH MCKENNA
42 PEPPERRELL ROAD
KITTEERY POINT, ME 03905

JOB #:	22-133
DATE:	NOV. 17, 2022
SCALE:	1" = 20'
SHEET:	1 OF 1

April 24, 2023

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



Re: Waiver Request
Proposed Residential Pier, Gangway and Float
42 Pepperrell Road (Tax Map 18 Lot 27)

Dear Kittery Port Authority Members:

This letter serves as a formal request for 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 42 Pepperrell Road (Tax Map 18 Lot 27) for Judith A. McKenna 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(13) with a 100-year flood elevation of elevation 13.0 (NGVD29) which corresponds to elevation 12.25 (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 13.0. This provides 0.75 ft (9 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 14.12' which corresponds to approximately 10 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 2.25 feet 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. For a real-life comparison, the waves from a recent storm at this property were estimated to have reached elevation 12.0 feet based upon a video recorded by the property owner.

It should also be noted that other piers in the area have been constructed at a height similar to the pier proposed within this application. For example, the top of the deck of the abutter's pier to the southwest is elevation 13.3 feet.

April 24, 2023



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.

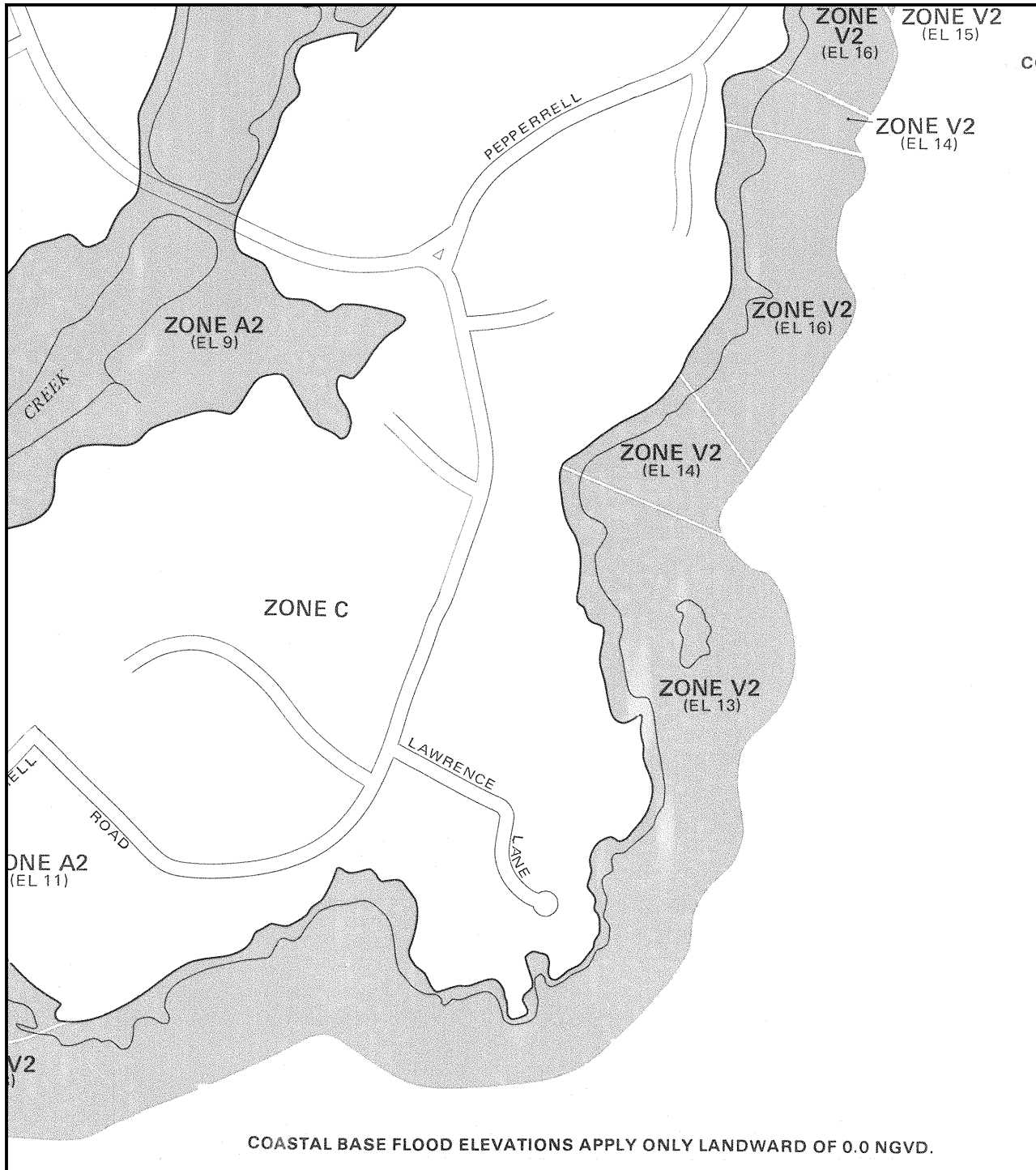
Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy", is written over a light blue circular watermark that matches the company logo.

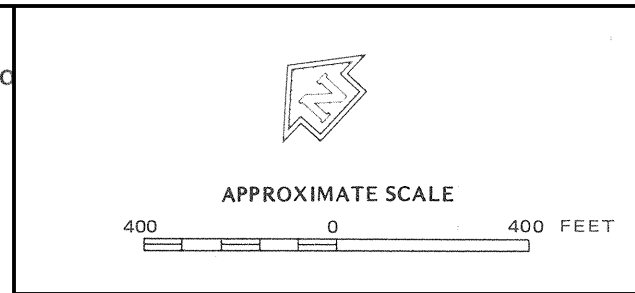
Ryan M. McCarthy, P.E., P.L.S.

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

Enclosures



COASTAL BASE FLOOD ELEVATIONS APPLY ONLY LANDWARD OF 0.0 NGVD.



HARBOR
 east along State south of center.

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>.





DEPARTMENT ORDER

IN THE MATTER OF

JUDITH A. MCKENNA REV.) NATURAL RESOURCES PROTECTION ACT
TRUST OF 1997) COASTAL WETLAND ALTERATION
Kittery, York County) WATER QUALITY CERTIFICATION
RESIDENTIAL PIER SYSTEM)
L-30149-4P-A-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Clean Water Act (33 U.S.C. § 1341), and Chapters 310 and 315 of Department rules, the Department of Environmental Protection (Department) has considered the application of JUDITH A. MCKENNA REV. TRUST OF 1997 (applicant) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct access stairs adjacent to the coastal wetland and to construct a residential pier system. The proposed four-foot wide by 16-foot long access stairs will start at a four-foot wide by six-foot long landing that descends from the upland to the pier system, which will consist of a four-foot wide by 76-foot long pile-supported pier, a three-foot wide by 45-foot long ramp, and a 10-foot wide by 30-foot long float with skids. The pier will be supported by approximately 10, 12-inch diameter pilings and four 12-inch diameter batter piles driven to refusal, and the float will be stabilized by four, helical anchors with the most seaward anchors connected by eco-mooring chain to prevent potential impacts to any surrounding eelgrass. All of the pilings and anchors will be located in the coastal wetland. The pier system will directly alter 11 square feet of coastal wetland due to piles and indirectly alter 680 square feet of coastal wetland due to shading from the pier, ramp, and float. The proposed project is shown on a set of plans, the first of which is titled “Proposed Pier & Float Plan,” prepared by Tidewater Engineering and Surveying, Inc, and dated November 18, 2022, with the most recent revision dated June 27, 2023. The project site is located at 42 Pepperell Road located in the Town of Kittery Point.

B. Current Use of the Site: The project parcel is developed with a residential building and associated improvements. The parcel is identified as Lot 27 on Map 18 of the Town of Kittery’s tax maps.

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

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

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

The proposed project is located in Pepperell Cove on the Piscataqua River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. This location experiences heavy commercial and recreational use. Multiple piers of similar size exist adjacent to the applicant's property. The applicant has reduced the length of the pier system to minimize visual impacts.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application, the visual impact rating, and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

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

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

3. SOIL EROSION:

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

No trees or other vegetation will be cut for the construction of the pier system. The pier system will be constructed and installed from the water by barge-mounted crane. Piles will be driven or pinned to ledge. The pier system will be built using support piles to allow the construction above the water during all tides and minimize foot traffic in the coastal resource. The ramp and float will be constructed off site and set in place once the pier is constructed. These construction methods are not expected to create a significant source of sediment.

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

4. HABITAT CONSIDERATIONS:

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

Habitat in the intertidal is ledge outcrops grading to mixed coarse gravel and rocks with hard sandy flat in the lower intertidal. Shellfish harvesting is currently prohibited in this location. Soft-shell clam resources have been mapped in the project location. Eelgrass exists adjacent to the project footprint. The applicant conducted an eelgrass survey on May 11, 2023 within the project footprint and provided a modified pier system design to avoid eelgrass impacts within the cove.

DMR stated that the project as proposed will have some impacts to marine resources and habitat. The float will contact bottom sediments on most tides; however, the float skirts and the seasonal use of the structure will minimize these impacts. DMR recommended that care should be taken when placing the helical anchors to minimize impacts to eelgrass beds in the area.

According to the Department's Geographic Information System (GIS) database the proposed pier would be located within mapped New England cottontail habitat which is a Significant Wildlife Habitat. The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and recommended minimizing disturbance to any shrub habitat during construction and that disturbed areas are allowed to regrow naturally. The applicant responded by confirming that there would be minimal disturbance to shrub habitat; the four-foot wide by six-foot long landing is proposed on existing lawn/grass area. The four-foot wide by 16-foot long set of access stairs connects the landing to the pile supported pier and will also be supported up off the ground on posts which minimizes disturbance to the embankment and underlying vegetation. The embankment has a narrow strip of shrub vegetation at the top but otherwise is an exposed rock/ledge face.

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

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry

land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

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

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter 11 square feet of coastal wetland to construct the proposed pier system. The pier system will indirectly alter 680 square feet of coastal wetland due to shading from the pier, ramp, and float. Coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal resource alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. A pier is a water dependent use and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c).

The applicant submitted an alternatives analysis for the proposed project completed by Tidewater Engineering and Surveying, Inc., dated November 21, 2022, and revised June 27, 2023. The purpose of the proposed pier system is to provide safe, all-tide access to navigable waters for recreational use. The applicant considered not constructing the pier system, but this would limit access to deeper water for boating activity, would result in a safety issue getting to and from the resource for recreational boating activity, and would impact the intertidal resource more from hauling boats to and from the resource. The applicant considered a temporary pier system, but this would ultimately create more impacts to the intertidal because a shorter pier system would require boats to rest on the

intertidal resource at low tide. This alternative would also have greater impacts from annual installation and removal. The applicant examined alternative designs and locations, but the proposed pier system will avoid direct impacts to the existing eelgrass beds located within the cove. Based on these considerations, there is no other practicable alternative to the proposed project that would accomplish the project purpose and avoid impacts to the coastal wetland.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant has minimized impacts by designing a pier system shorter than those surrounding it, by utilizing existing ledge to reduce impacts and by removing the ramp and float and storing them out of the resource during part of the year. The applicant also positioned the pier system to extend southeast to avoid eelgrass, shortened the pier structure nine feet, lengthened the ramp by ten feet, and replaced four foot square mooring blocks and chain with helical anchors to further minimize impacts to adjacent eelgrass vegetation. The proposed project minimizes coastal wetland impacts to the greatest practicable extent.

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

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

7. OTHER CONSIDERATIONS:

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

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Clean Water Act (33 U.S.C. § 1341):

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

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

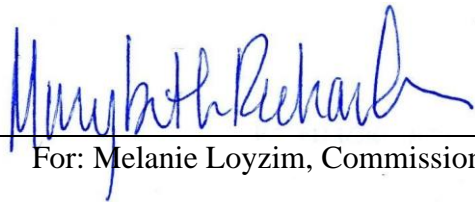
THEREFORE, the Department APPROVES the above noted application of JUDITH A. MCKENNA REV. TRUST OF 1997 to construct a residential pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

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

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

DONE AND DATED IN AUGUSTA, MAINE, THIS 7th DAY OF AUGUST 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AJS/L30149AN/ATS#90356

FILED
August 7th, 2023
State of Maine
Board of Environmental Protection



Natural Resources Protection Act (NRPA) Standard Conditions

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

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



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: August 2021

Contact: (207) 314-1458

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

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

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

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

REQUIRED APPEAL CONTENTS

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

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

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

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

II. JUDICIAL APPEALS

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

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

ADDITIONAL INFORMATION

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

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



REPLY TO ATTENTION OF

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

MAINE GENERAL PERMITS (GPs)
AUTHORIZATION LETTER AND SCREENING SUMMARY

JUDITH MCKENNA
JUDITH A. MCKENNA REV. TRUST OF 1997
42 PEPPERELL ROAD
KITTERY POINT, MAINE 03905

CORPS PERMIT # NAE-2022-02668
CORPS GP# 3
STATE ID# NRPA

DESCRIPTION OF WORK:

Install and maintain a 4-ft. wide x 85-ft. long pile-supported timber pier with a 3-ft. wide x 35-ft. long ramp leading to a 30-ft. long x 10-ft. wide float with associated mooring tackle located below the mean high water mark of the Piscataqua River off 42 Pepperell Road at Kittery Point, Maine. In addition, four batter piles will be installed at the riverward edge of the pier. This work is shown on the attached plans entitled "USGS PROJECT LOCATION MAP" and TOWN GIS PROJECT LOCATION MAP in two sheets undated, and "PROPOSED PIER & FLOAT PLAN" in one sheet dated "NOV. 18, 2022".

See GENERAL and SPECIAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.081176° N -70.711152° W USGS QUAD: KITTERY, MAINE

I. CORPS DETERMINATION:

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

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

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

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

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

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

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

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

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 15DEC2022 LEVEL OF REVIEW: SELF-VERIFICATION: PRE-CONSTRUCTION NOTIFICATION: X

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

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA_NO , USF&WS_NO , NMFS_NO

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

Handwritten signature of Colin M. Greenan

COLIN M. GREENAN
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

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



US Army Corps
of Engineers®
New England District

**PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
MAINE GENERAL PERMIT 3
PERMIT NO. NAE-2022-02668**

GENERAL CONDITIONS

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

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

33. Permit(s)/Authorization Letter On-Site. The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit modifications as applicable. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

34. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. **These forms are attached after the plans.**

SPECIAL CONDITION

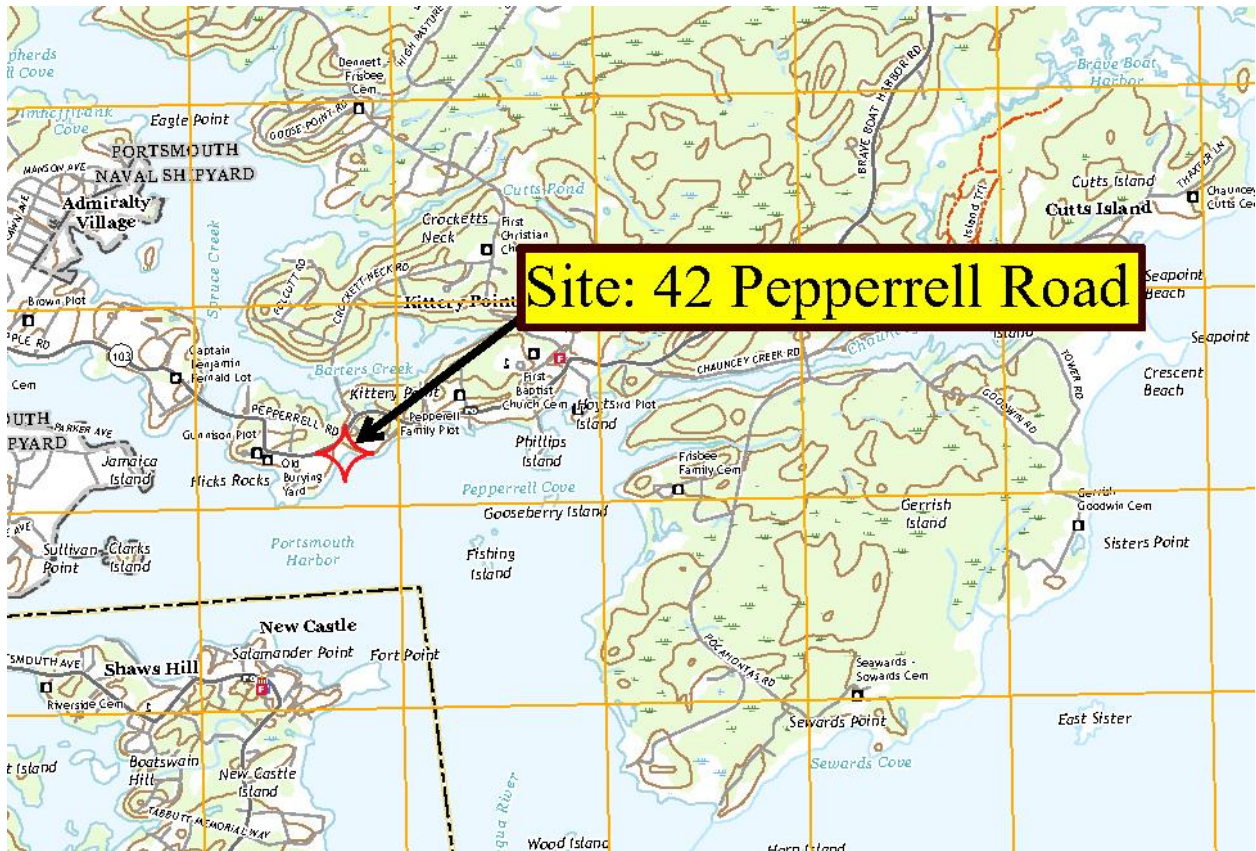
1. All piles shall be installed during periods of low water when the site is in-the-dry in order to prevent potential effects to endangered marine species and to minimize impacts to Essential Fish Habitat.

MAINE DEP NRPA PERMIT APPLICATION
APPLICANT: JUDITH MCKENNA
LOCATION: 42 PEPPERRELL ROAD, KITTERY POINT, ME 03905

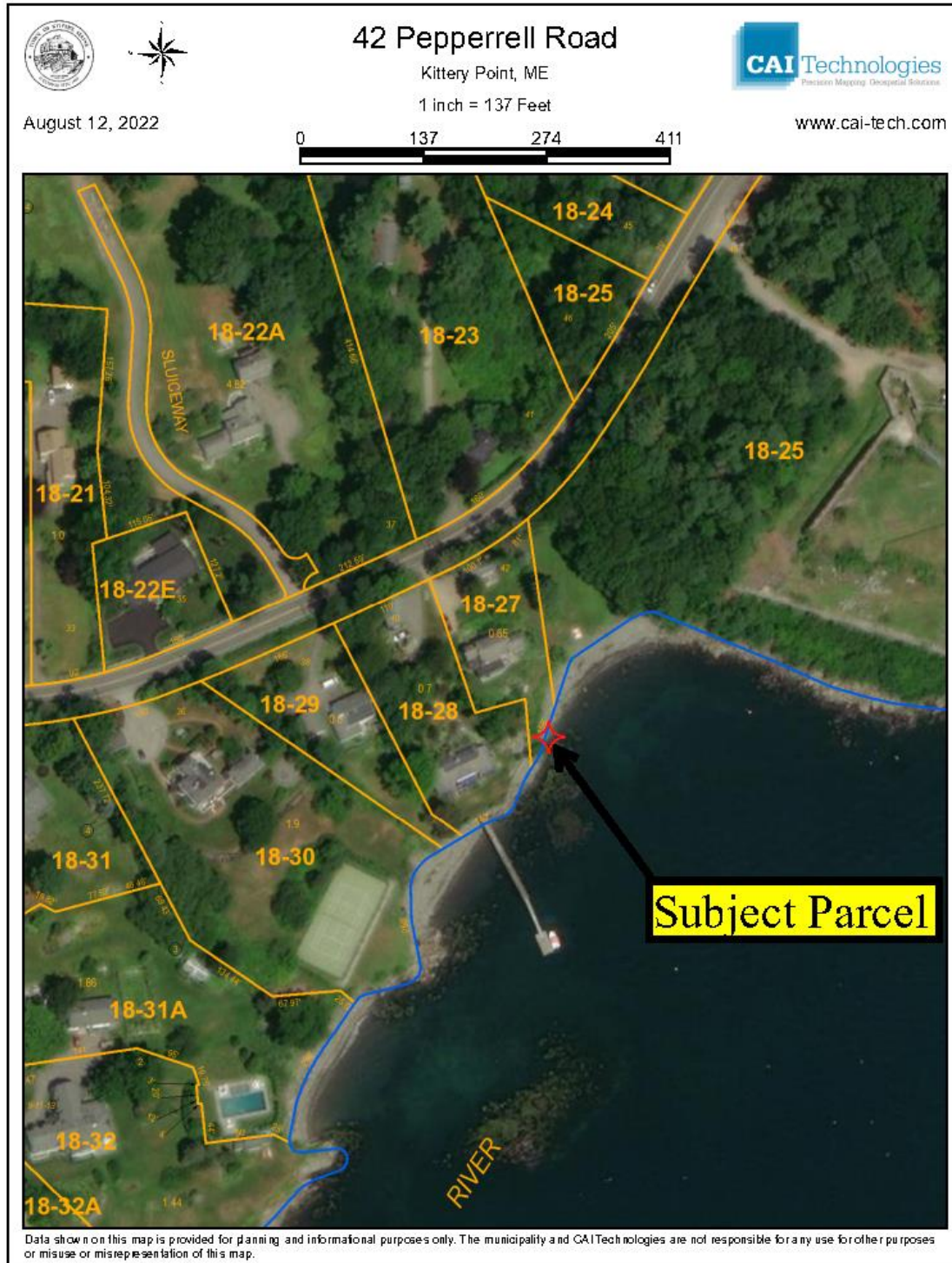


ATTACHMENT #3- LOCATION MAPS:

A. USGS PROJECT LOCATION MAP



B. TOWN GIS PROJECT LOCATION MAP



GENERAL NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED FIXED PIER, SEASONAL GANGWAY, SEASONAL MAIN FLOAT AND ASSOCIATED ACCESS STAIRS AND LANDING TO BE LOCATED ON TAX MAP 18 LOT 27 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.
- OWNER OF RECORD:
JUDITH A. MCKENNA, TRUSTEE
THE JUDITH A. MCKENNA REVOCABLE TRUST OF 1997
42 PEPPERRELL ROAD
KITTERY POINT, ME 03905
Y.C.R.D. BOOK 18088 PAGE 786
- THE PROPERTY IS LOCATED WITHIN THE RESIDENTIAL- KITTERY POINT VILLAGE ZONING DISTRICT AND THE SHORELAND WATER BODY/WETLAND PROTECTION AREA OVERLAY DISTRICT. ZONING REGULATIONS ARE SUBJECT TO CHANGE. OWNER SHALL CONFIRM ALL ZONING REGULATIONS WITH THE TOWN OF KITTERY PRIOR TO ANY DEVELOPMENT.
- BASIS OF BEARING IS MAINE STATE PLANE (NAD83) WEST ZONE, US FOOT.
- ELEVATIONS AND TOPOGRAPHY SHOWN HEREON CORRESPOND TO NAVD88.
- THE BOUNDARY SHOWN HEREON IS BASED ON REFERENCE PLAN 1.
- THE RIPARIAN LIMITS SHOWN HEREON ALONG THE SOUTH ABUTTER WAS CALCULATED USING THE COLONIAL METHOD. THE RIPARIAN LIMITS ALONG THE STATE OF MAINE WAS CALCULATED USING THE EXTENSION METHOD.
- THE INTENT OF THE TIE COURSE SHOWN HEREON IS TO PROVIDE A MATHEMATICAL MEANS OF RELATING THE PROPERTY SIDELINES TO EACH OTHER. THE TIE COURSE IS NOT INTENDED TO LIMIT ANY RIGHT, TITLE OR INTEREST THE OWNER MAY HAVE TO THE LAND EXTENDING BEYOND THE TIE COURSE TO LOW WATER.
- ABUTTER LINES SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE AND ARE FOR REFERENCE PURPOSES ONLY. ABUTTER LINES SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- UTILITY LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE.
- MAINE GEOLOGICAL SURVEY HAS IDENTIFIED THE NORTHERLY PORTION OF THE SHORELINE ALONG THE SUBJECT PARCEL AS AN UNSTABLE ARMORED BLUFF AND THE SOUTHERLY PORTION AS A STABLE COASTAL BLUFF ON THE KITTERY QUADRANGLE FILE NO. 02-193 2002.
- THE 2018 HIGHEST ANNUAL TIDE (H.A.T.) ELEVATION PUBLISHED BY MAINE DEP FOR THE KITTERY POINT IS ELEVATION 6.3' (NAVD88). THE H.A.T. ELEVATION IS USED TO DELINEATE THE UPLAND EDGE OF THE COASTAL RESOURCE FOR REGULATORY PURPOSES UNDER THE MANDATORY SHORELAND ZONING ACT.
- TIDAL ELEVATIONS: THE FOLLOWING ELEVATIONS WERE PUBLISHED BY N.O.A.A. FOR FORT POINT TIDE STATION (8423898). ALL ELEVATIONS CORRESPOND TO NAVD88.

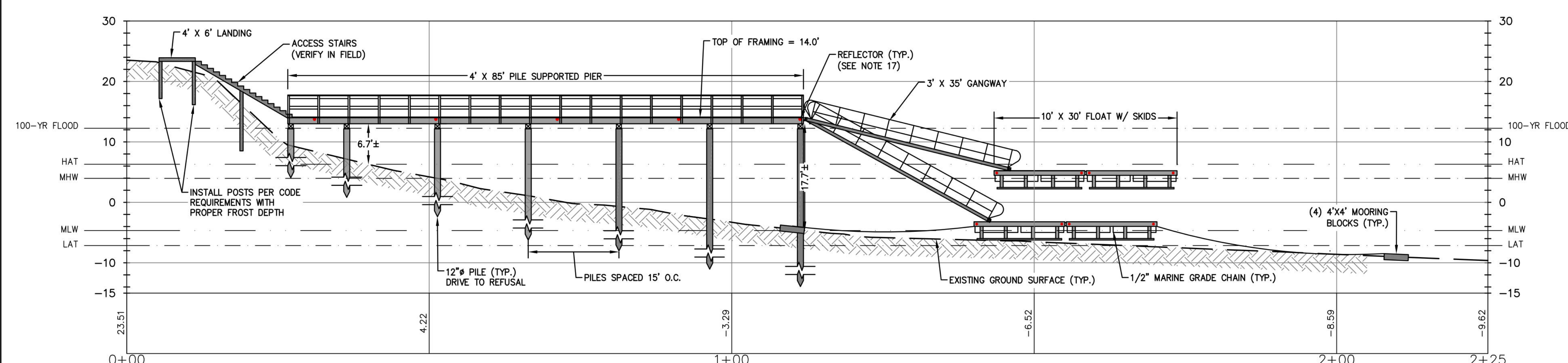
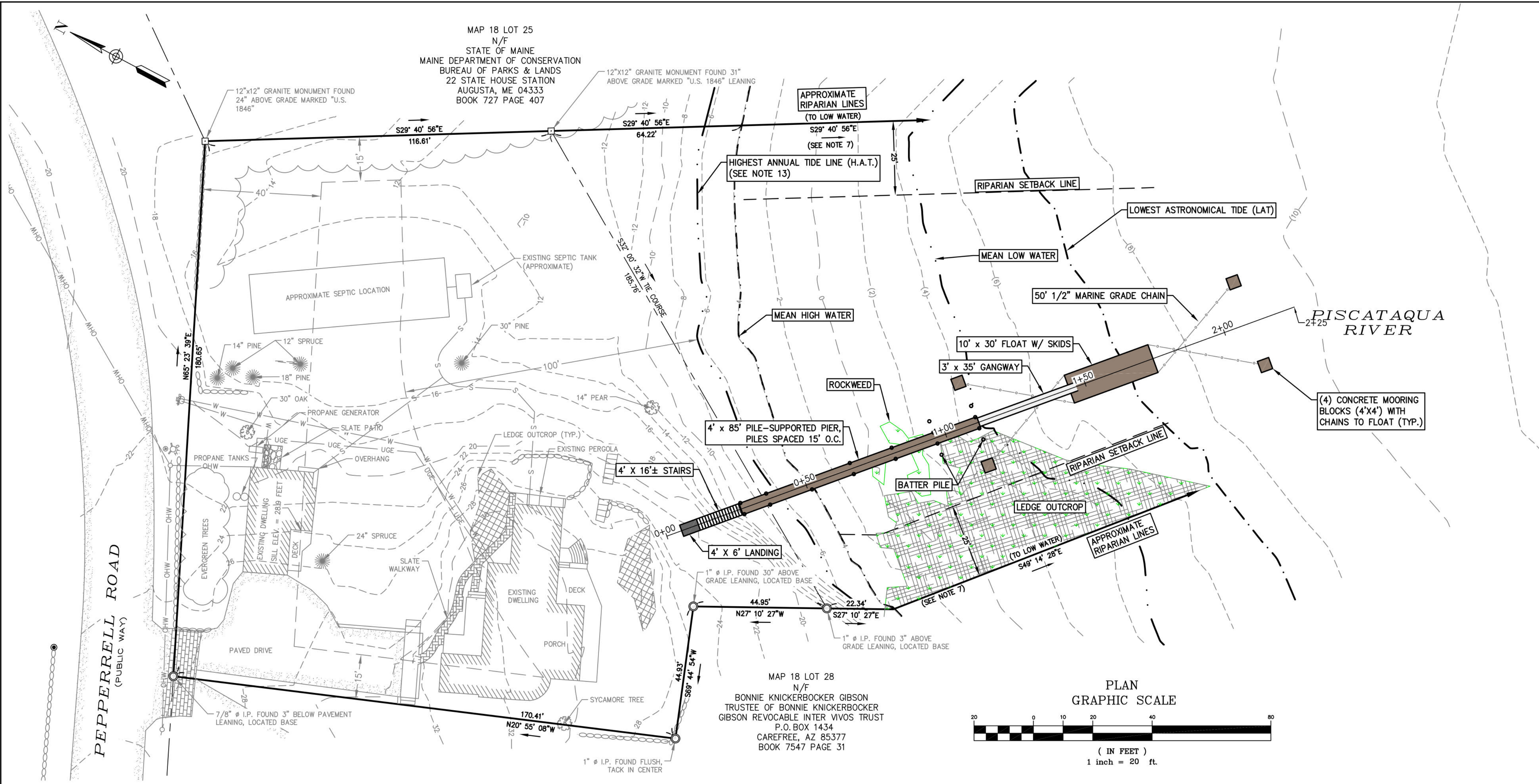
MEAN HIGHER-HIGH WATER (MHHW)	4.39'
MEAN HIGH WATER (MHW)	3.97'
MEAN LOW WATER (MLW)	-4.66'
MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'±
- THE PROPERTY SHOWN HEREON IS LOCATED WITHIN ZONE V2 (EL 13) ON FEMA FIRM MAP COMMUNITY-PANEL NUMBER 230171 0005 D, REVISED JULY 3, 1986. THE 100-YEAR FLOOD ELEVATION WITHIN THIS ZONE IS LISTED AT ELEVATION 13.0' (NGVD29). THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 12.25' (NAVD88).
- 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.
- REFLECTORS 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:

- "EXISTING CONDITIONS SURVEY OF LAND OWNED BY JUDITH A. MCKENNA" PREPARED BY TIDEWATER ENGINEERING & SURVEYING, LLC, DATED MAY 2020.
- "B. & J. RODONETS OFFICE MUDROOM: SHORELAND DEVELOPMENT PLAN" PREPARED BY COASTAL ARCHITECTS, P.A. DATED JULY 15, 2015 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 377 PAGE 11.
- "MCKENNA RENOVATION 42 PEPPERRELL RD. KITTERY, ME 03905" PREPARED BY TMS ARCHITECTS INTERIORS DATED 07/10/2020.

LEGEND

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



NOVEMBER 18, 2022
NOT VALID UNLESS SIGNED AND STAMPED

TIDEWATER
ENGINEERING & SURVEYING, INC.
1021 Goodwin Rd Unit 1, Eliot, ME 03903
(207)499-2222 • www.tidewatercivil.com

PROPOSED PIER & FLOAT PLAN
ON LAND LOCATED AT
42 PEPPERRELL ROAD
KITTERY POINT, YORK COUNTY, MAINE

PREPARED FOR:
JUDITH MCKENNA
42 PEPPERRELL ROAD
KITTERY POINT, ME 03905

JOB #: 22-133
DATE: NOV. 18, 2022
SCALE: 1" = 20'
SHEET: 1 OF 1



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

**GENERAL PERMIT
WORK-START NOTIFICATION FORM**
(Minimum Notice: Two weeks before work begins)

EMAIL TO: colin.m.greenan@usace.army.mil

-or-

MAIL TO: Colin M. Greenan
U.S. Army Corps of Engineers, New England District
Maine Project Office
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

A Corps of Engineers Permit (No. NAE-2022-02668) was issued to Judith A. Mckenna, Judith A. Mckenna Rev. Trust of 1997. The permit authorized the permittee to install and maintain a 4-ft. wide x 85-ft. long pile-supported timber pier with a 3-ft. wide x 35-ft. long ramp leading to a 30-ft. long x 10-ft. wide float with associated mooring tackle located below the mean high water mark of the Piscataquau River off 42 Pepperrell Road at Kittery Point, Maine. In addition, four batter piles will be installed at the riverward edge of the pier.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone: () _____ () _____

Proposed Work Dates: Start: _____

Finish: _____

PERMITTEE'S SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

FOR USE BY THE CORPS OF ENGINEERS

Project Manager: GREENAN Submittals Required: Work-Start and Compliance Certification forms

Inspection Recommendation: routine Maine General Permit compliance



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

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Corps of Engineers Permit No: NAE-2022-02668

Name of Permittee: Judith A. Mckenna, Judith A. Mckenna Rev. Trust of 1997

Permit Issuance Date: _____

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Policy & Technical Support Branch *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

(_____) _____
Telephone Number

(_____) _____
Telephone Number

MAINEDEP NRPA PERMIT APPLICATION
APPLICANT: JUDITH MCKENNA
LOCATION: 42 PEPPERRELL ROAD, KITTERY POINT, ME 03905



PROPERTY DEED

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED Bk 18088 PG 786
Instr # 2019047103
11/04/2019 11:28:58 AM
Pages 2 YORK CO

WARRANTY DEED

Maine R.E. Transfer Tax Paid

KNOW ALL By THESE PRESENT that **BRIAN M. RODONETS and JAN L. RODONETS**, with a mailing address of 42 Pepperrell Road, Kittery Point, Maine 03905 for consideration paid, *grants* to **JUDITH A. MCKENNA, Trustee of the JUDITH A. MCKENNA REVOCABLE TRUST OF 1997**, with a mailing address of 1351 Beech Street, Manchester, New Hampshire 03104 with *Warranty Covenants*, two certain tracts of land, with the buildings thereon, said tracts of land being shown on a map entitled, "*Plan of Lots for Alvah W. Sulloway in Kittery Point, York County, Maine, Scale 1" = 20' C.S. Gerrish, C.E. August 1959*" and recorded in the York County Registry of Deeds in Plan Book 28, Map 13, and more particularly described as follows:

Tract 1:

Beginning at the northwesterly corner of the tract herein described on Pepperrell Road, at land now or formerly of Maria Deyo and running along Pepperrell Road N 78° 30' E 100' to a pipe at the northwest corner of land of Susan S. Sulloway, designated hereon as Tract 2 below; thence turning and running S 17° 30' E 100' to a hub; thence turning and running S 46° E 61.5' to a pipe on the Atlantic Ocean; thence turning and running S 48° by the Atlantic Ocean 135' to a hub at land of Deyo; thence turning and running N 11° W 45' along the land of Deyo to an angle; thence turning and running S 86° W 45' along the land of Deyo to a metal pin; thence turning and running N 6° W 170' along Deyo land to the place of beginning.

Tract 2:

Beginning at a granite monument located on the southerly side of Pepperrell Road at the northeast corner of the tract herein described, which said granite monument marks the northerly end of the boundary line between this tract and land of the State of Maine known as Fort McClary; thence turning and running S 14° E 127' to a large granite monument; thence turning and running S 14° E to a hub at the Atlantic Ocean; thence tuning and running S 52° W 48' by the Atlantic Ocean to an iron pipe; thence turning and running N 46° W 61.5' to a hub; thence turning and running N 17° 30' W 100' to an iron pipe on the southerly side of Pepperrell Road; thence turning and running N 78° 30' E 81.1' to the place of beginning.

MAINEDEP NRPA PERMIT APPLICATION
APPLICANT: JUDITH MCKENNA
LOCATION: 42 PEPPERRELL ROAD, KITTEERY POINT, ME 03905





Both aforesaid premises are **SUBJECT TO** the following:

1. Electric, telephone, or water lines of public utilities serving subject premises, and
2. Zoning, planning, or other regulations imposed or as may be imposed by governmental authority.


Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantors by deed of Alvah W. Sulloway and Susan S. Sulloway, dated April 17, 1985 and recorded in the York County Registry of Deeds at Book 3522, Page 332.

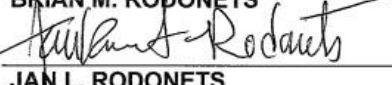
IN WITNESS WHEREOF, **BRIAN M. RODONETS** and **JAN L. RODONETS** has caused this instrument to be signed this 1 day of November, 2019.



Witness


Witness



BRIAN M. RODONETS


JAN L. RODONETS


STATE OF *New Hampshire*
County of *Rockingham*

November 1, 2019

Then personally appeared the above-named, **BRIAN M. RODONETS** and **JAN L. RODONETS** and acknowledged the foregoing instrument to be their free act and deed.

Before me,





Notary Public
Print Name: _____

B. TOWN GIS PROJECT LOCATION MAP

