



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

Phone: 207-439-0452 ext 301  
Email: [kpa@kitteryme.org](mailto:kpa@kitteryme.org)  
[www.kitteryme.gov](http://www.kitteryme.gov)

**Meeting Agenda  
November 4, 2021  
6:00 P.M.**

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: none
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or invited guests
7. Public Hearing
  - a. The Kittery Port Authority moves to approve an application from Ruth Lawrence 19 Pleasant Street, Kittery, ME 03904 (Map 4, Lot 35A) to replace windows and doors in an existing commercial boat house, address cosmetic issues and add a deck to the second story for an exit.
  - b. The Kittery Port Authority moves to approve an application from Nicholas and Meredith Starr 56 Tidewater Way, Kittery, ME 03904 (Map 47, Lot 18-3-2) for the construction of a 70'x3' fixed pier, 26'x3' gangway and a 10'x18' float. Agent is Duncan Mellor Civil Works New England.
8. Piers, Wharves & Floats
  - a. The Kittery Port Authority moves to accept an application from 23 Oak Terrace LLC 23 Oak Terrace, Kittery, ME 03904 (Map 2, Lot 3) for the construction of a 4' x 3' access landing, 4' x 5' access stairway, 4' x 10' access stairway, 6' x 80' fixed pier, 3' x 30' gangway, and a 10' x 20' float secured by helical moorings. Agent: Steve Riker Ambit Engineering
  - b. The Kittery Port Authority moves to accept and application from Charles R. Kendall 9 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 10-A) for the

construction of 6' x 30' fixed pier, 4' x 16' stairway, 3' x 30' gangway, and a 10' x 20' float held in place by helical moorings. Agent: Steve Riker Ambit Engineering

9. Public Segment (Three Mins.)
10. Unfinished Business
  - a. Rules and Regulations public hearing in December
11. New Business
12. Committee and Other Reports
  - a. Communications from the Chairperson
13. Board Member Issues or Comments
14. Executive Session
15. Adjournment





TOWN OF KITTERY  
KITTERY PORT AUTHORITY

Map: _____
Lot: _____
Date Submitted: _____

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

Contact: [kpa@kitteryme.org](mailto:kpa@kitteryme.org)

Website: [kitteryme.gov](http://kitteryme.gov)

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

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

Remodal of existing commercial boat house. Keeping the structure the same size; updating doors, windows, & cosmetic issues. Adding a deck to upper story, providing an exit.

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

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

2. Property Owner(s): Ruth Lawrence

3. Property Address: 19 Pleasant St., Kittery, Me 03904

4. Telephone Number: 207-752-2685 Email: \_\_\_\_\_  
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): 6,733 SF Zoning District(s): Foreside MU-KF

6. The shore frontage of this property is 67 feet, measured at the high water line in a straight line, stake to stake.

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

If No, please explain:  
Permit 2020 to add ramp/gangway for safety

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

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

Applicant Signature: Ruth Lawrence Date: 7/11/21

Property Owner Signature: Ruth Lawrence Date: 7/11/21

Agent Name: \_\_\_\_\_ Agent Firm: \_\_\_\_\_

Agent Phone: \_\_\_\_\_ Agent Email: \_\_\_\_\_  
(REQUIRED) (REQUIRED)

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

Fee Paid, Amount: \_\_\_\_\_ Date: \_\_\_\_\_

UPON RECORDING, PLEASE RETURN TO:

Forman, Clark, Pockell & Kalinski, P.A.  
P.O. Box 1330  
Londonderry, New Hampshire 03053

### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, Ronald B. Lawrence, a married person, presently having a mailing address of P.O. Box 221, Kittery Point, Maine 03905, for consideration paid of \$1.00, **GRANT TO** Ruth I. Lawrence and Ronald B. Lawrence, as Trustees of The Ruth I. Lawrence Revocable Trust, a revocable trust established pursuant to a revocable trust agreement dated September 28, 2000, by and between Ruth I. Lawrence, as Grantor and Ruth I. Lawrence and Ronald B. Lawrence, as Trustees and presently having a mailing address of P.O. Box 221, Kittery Point, Maine 03905, the following, with Warranty Covenants:

A certain tract or parcel of land, together with the buildings and improvements thereon, if any, situated on the northeasterly shore of the Piscataqua River in the Town of Kittery, County of York and State of Maine, and being more particularly bounded and described as follows:

Commencing at a point adjoining the shore line to the Piscataqua River and land formerly of Manent, and more recently described in deed from Earl B. Smith, Jr., et al to Ignazio J. Geraci dated September 21, 1979, and recorded in the York County Registry of Deeds in Book 2569, Page 95, being the southerly corner of the parcel herein conveyed and running thence N 61° 07' W a distance of 67 feet by and along said shore line and a seawall designating the southwesterly boundary hereof, to a point adjoining land formerly of Helen L. Keene; thence turning and running in a northeasterly direction by and along said land of Keene a distance of 99 feet, more or less, to a point adjoining land now or formerly of George W. Tobey et al, which point lies 10 feet, more or less, southeasterly from the easterly corner of the former dwelling house of said Keene; thence turning and running in a southeasterly direction by and along said land now or formerly of Tobey a distance of 74 feet, more or less, to a point adjoining the aforesaid land formerly of Manent, now of said Geraci; thence turning and running by said land of Geraci S 45° 08' W a distance of 48 feet, more or less, to a point; thence continuing by and along said Geraci land S 38° 38' W a distance of 46.2 feet to the shore line of the Piscataqua River and the point of beginning.

Together with any rights which the Grantor may have in and to the land lying between an extension of the northwesterly and southeasterly boundaries hereof to the low water mark of said Piscataqua river and conveying also to the Grantee the right to use a 20 foot right of way leading from Pleasant Street, so-called, to and across the property now or formerly of George W. Tobey et al, the same is presently located for access to the parcel hereby conveyed.

No Transfer Tax

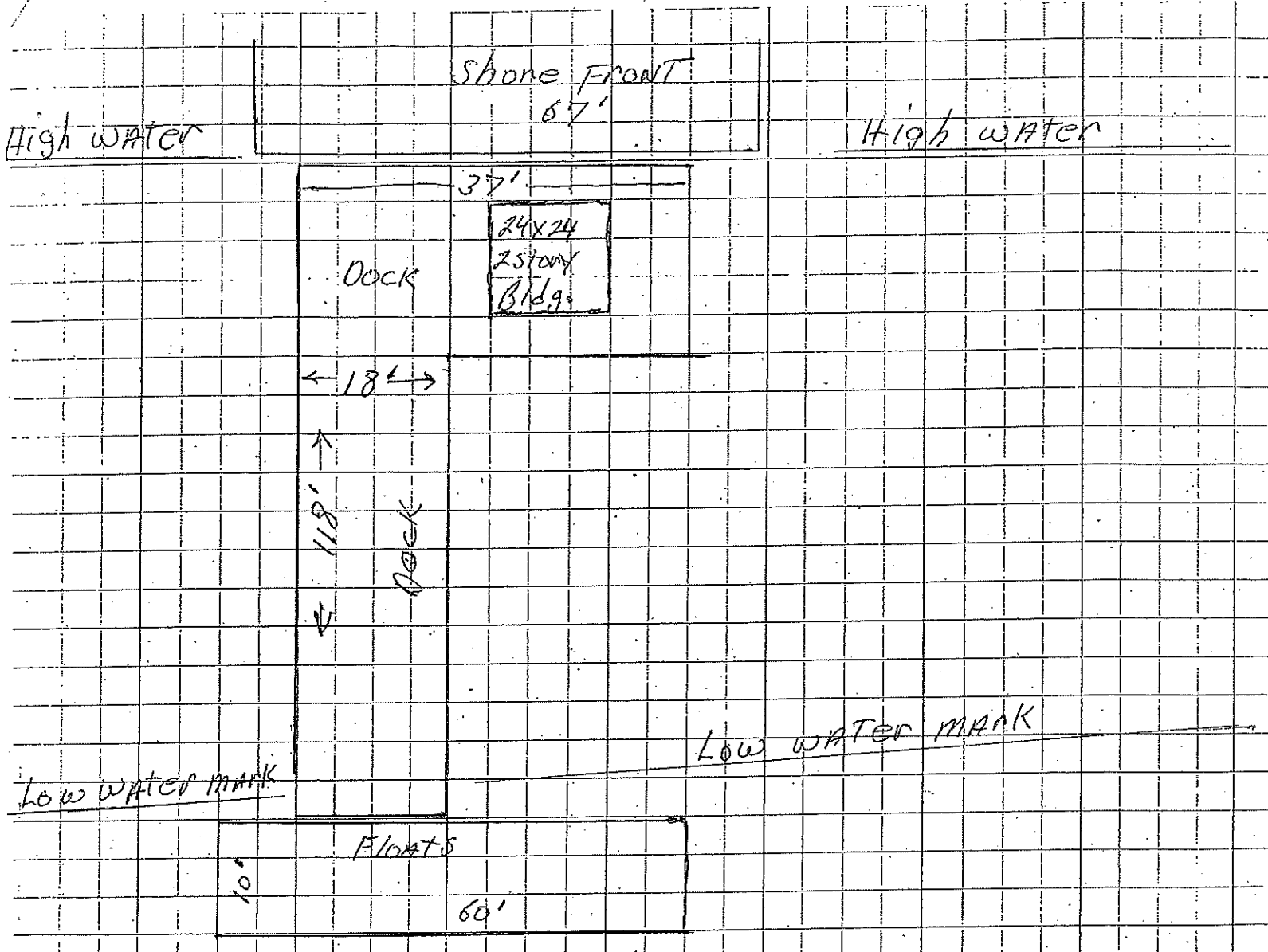
SITE PLAN

Description Commercial Fish Pier  
Name of project BACK CHANNEL KITTERY  
Name of waterbody PISCATAPOWA RIVER  
Map # 4 Lot # 35A  
Scale NO SCALE

Owner's name RONALD LAWRENCE  
Address PO BOX 221 473 HALEY RD.  
KITTERY PT. ME. 03905

Show mean low-water and mean high-water marks.  
An approximation of mean low-water is made by observation of low tide using a 0.00 tide.

Date 4/24/02



Everything is correct

#2 PROPERTY OF: ZIGORIS GEMEL

EAST LOT 1100'S

GRASS AREA

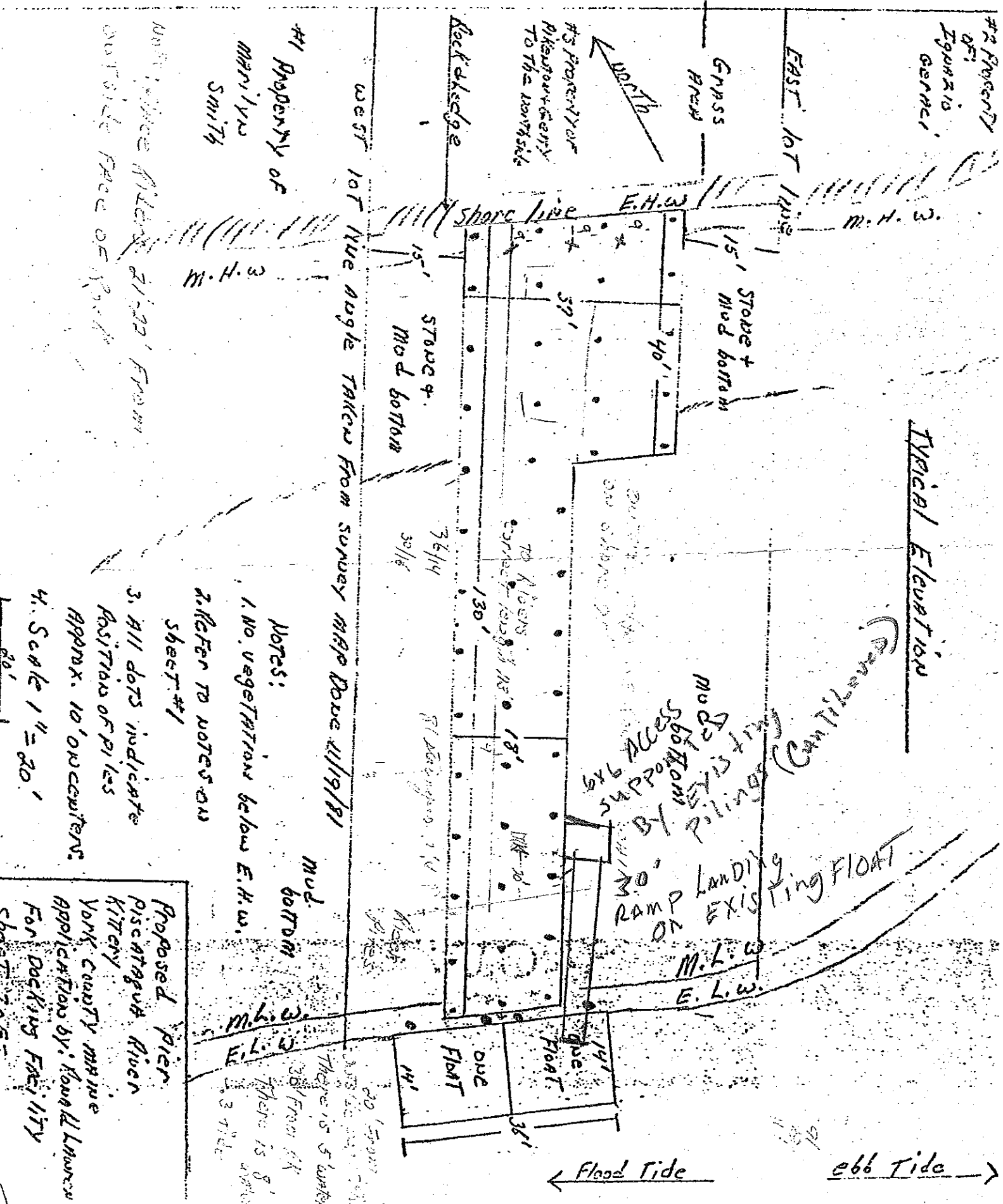
#3 PROPERTY OF: Pleasant Company TO THE WENTSIDE

Rock dredge

#1 PROPERTY OF: MANNING SMITH

NOTE: THESE PILES ARE 2100' FROM OUTSIDE FACE OF ROCK

Typical Elevation



- NOTES:
1. NO. VEGETATION below E.H.W.
  2. REFER TO NOTES ON SHEET #1
  3. ALL DOTS INDICATE POSITIONS OF PILES APPROX. 10' OCCURENCE.
  4. Scale 1" = 20'

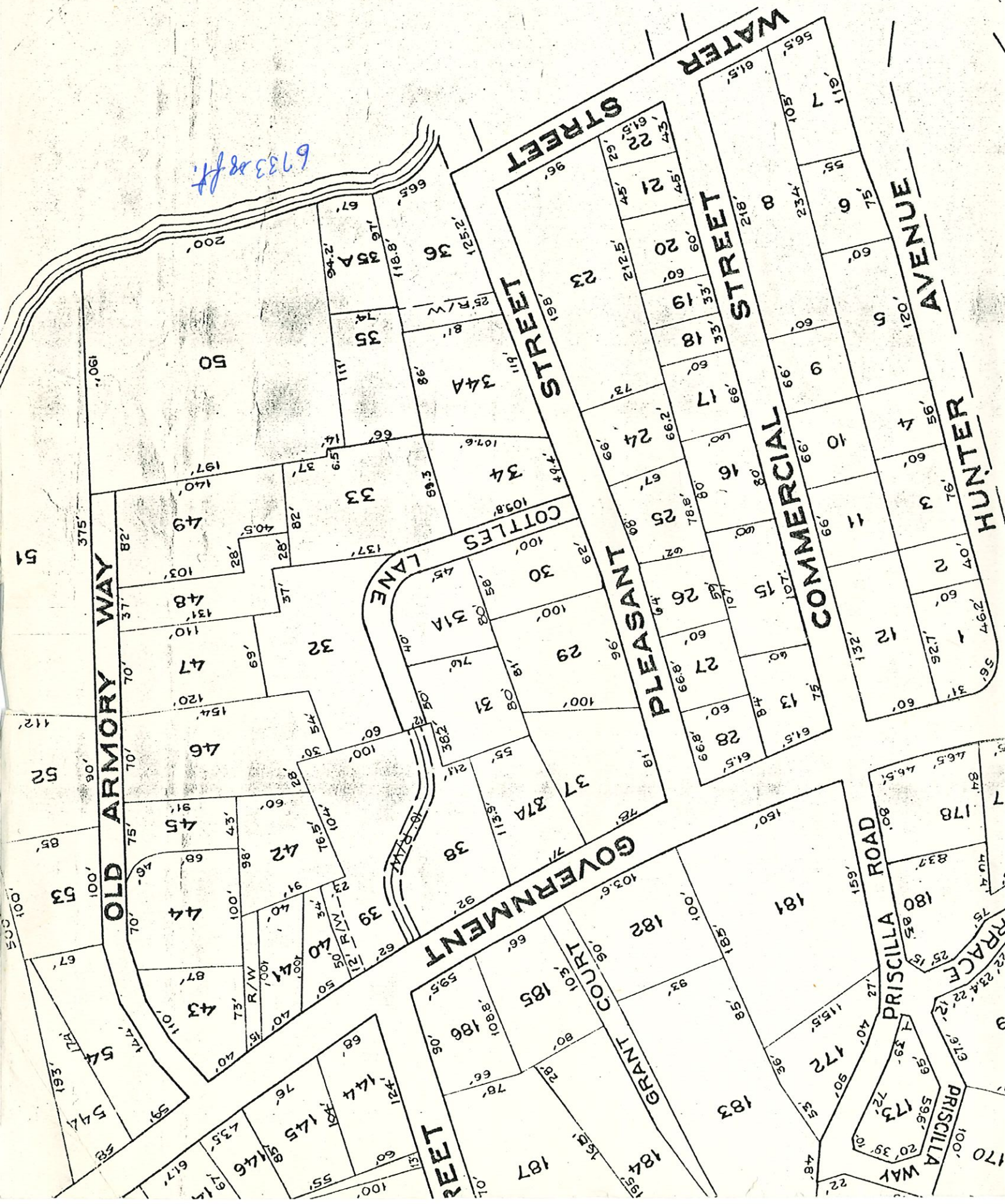
Proposed pier  
Piscataug River  
Kittery  
York County Maine  
Application by: Ronald Lawrence  
For Docking Facility  
Sheet 2 of 2

Mud bottom  
M.H.W.  
E.L.W.  
There is 5' water  
36' from E.H.W.  
There is 8'  
37' tide

Access to bottom by  
RAMP ON EXISTING FLOAT  
M.L.W.  
E.L.W.



673338 ft.



OLD ARMORY WAY

STREET

STREET

WATER STREET

STREET

AVENUE

HUNTER

COTTES LANE

PLEASANT STREET

COMMERCIAL STREET

GOVERNMENT STREET

COURT

PRISCILLA ROAD

PRISCILLA WAY

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54A

54B

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35A

35B

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AUG 10 2021 PM 3:34



TOWN OF KITTERY  
KITTERY PORT AUTHORITY

Map:	<u>47</u>
Lot:	<u>3</u>
Date Submitted:	<u>8/10/2021</u>

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

Contact: kpa@kitteryme.org

Website: kitteryme.gov

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

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

residential pier 70' x 3', 26' x 3' gangway and a 10' x 18' float

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

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

2. Property Owner(s): Nicholas Starr + Meredith Starr

3. Property Address: 56 Tidewater Way Kittery ME 03904

4. Telephone Number: 860-982-4835 (REQUIRED) Email: Nicholas.mstarr@gmail.com (REQUIRED)

5. Property Size (Acres/SF): 2.1 Acres Zoning District(s): R-RL

6. The shore frontage of this property is 435 feet, measured at the high water line in a straight line, stake to stake.

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

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

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

Applicant Signature: [Signature] Date: 8/9/2021

Property Owner Signature: [Signature] Date: 8/9/2021

Agent Name: Duncan Mellor Agent Firm: Civilworks New England / Haight Engineering

Agent Phone: 603-749-0443 (REQUIRED) Agent Email: dmellor@civilworksne.com (REQUIRED)

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

Fee Paid, Amount: \$125.00 Date: 8/10/21

**INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION**

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

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

**Port Authority Procedure (Sequence of Events):**

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

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

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

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

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

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

MISCELLANEOUS PAYMENT RECPT#: 671214  
TOWN OF KITTERY - LIVE  
200 ROGERS ROAD  
KITTEY ME 03904

DATE: 08/10/21            TIME: 15:30  
CLERK: 220codeca        DEPT:  
CUSTOMER#: 0

PARCEL: 56 TIDEWATER WAY

CHG: 10            DESIGNATED ACCO            125.00

AMOUNT PAID:            125.00

PAID BY:            NICHOLAS STARR  
PAYMENT METH: CHECK  
                  1045  
REFERENCE:            CV

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



Return to:  
Nicholas M. Starr  
225 Walden Street, Apt. #2  
Cambridge, MA 02140

DLN 1001940060507

**QUITCLAIM DEED**

KNOW ALL PERSONS BY THESE PRESENTS: That **Nicholas M. Starr**, of 225 Walden Street, Apt. #2, Cambridge, MA 02140, for consideration paid grant(s) to **Nicholas M. Starr and Meredith Lindsey**, of 225 Walden Street, Apt. #2, Cambridge, MA 02140, as Joint Tenants, with QUITCLAIM COVENANTS:

A certain lot or parcel of land, with the buildings thereon, situated in the Town of Kittery, County of York and State of Maine, identified as "Proposed Parcel B" on a plan entitled, "Proposed Division of Land For Property at 30 Haley Road Kittery, York County, Maine Owned By Michael E. Chenery and Mary J. Chenery," prepared by North Easterly Surveying, Inc. dated July 13, 2017, recorded at the York County Registry of Deeds at Plan Book 390, Page 30, and further described as follows:

Beginning at an iron rod located on the northerly sideline of an Existing 40' Right-of-Way, being the southeasterly-most corner of the parcel herein conveyed, and the southwesterly-most corner of Proposed Parcel A, as shown on said plan; thence, N 02° 08' 59" W along the sideline of Proposed Parcel A a distance of 194.54 feet to an iron rod; thence, N 50° 28' 38" W along the sideline of Proposed Parcel A a distance of 104.41 feet to an iron rod; thence N 82° 11' 04" W along the sideline of Proposed Parcel A a distance of 126 feet, more or less, to the southerly sideline of Wilson Creek; thence, in a generally southwesterly direction along the southerly sideline of Wilson Creek a distance of 650 feet, more or less, to a point on the southerly sideline of said Wilson Creek; thence, S 82° 11' 04" E a distance of 435 feet, more or less, to an iron pipe; thence, continuing S 82° 11' 04" E a distance of 250 feet to an iron pipe; thence, S 07° 48' 56" W a distance of 50 feet to an iron pipe located on the northerly sideline of the Existing 40' Right-of-Way; thence, S 82° 11' 04" E along the northerly sideline of the Existing 40' Right-of-Way a distance of 162.81 feet to the point of beginning.

Also conveyed is a one-sixth undivided interest in and to the fee interest of a certain forty (40) foot wide strip of land which extends from the westerly sideline of the Haley Road in a south-westerly, southeasterly and northwesterly direction along Lots A, B, and C (all references to Lots A, B and/or C refer to the lots as identified on "Plan of Lots, Haley Road, Kittery, Maine for Howard Mann" dated June, 1985 by Anderson Associates and recorded with the York County Registry of Deeds in Plan Book 144, Page 36 - the above described "Proposed Parcel B" comes out of Lot B) and labeled a Right-of-Way as shown on the above referred to Plan and hereinafter referred to as the Right-of-Way. However, this one-sixth interest is conveyed subject to the following restrictions

Maine R.E. Transfer Tax Paid

and conditions which shall be considered as covenants running with the land and shall be binding on the grantees, their heirs and assigns and shall be enforceable at law or in equity by the owner or owners of Lots No. A, B, or C as shown on said Plan:

1. Said Right-of-Way shall only be used by the owners of Lots A, B, and C and their invited guests to gain access to and exit from Lots A, B, and C from the westerly sideline of the Haley Road, on foot or with vehicles.
2. No buildings or structures of any kind, whether of a permanent or temporary character, shall be erected or placed on said Right-of-Way.
3. No cars or other vehicles shall be parked or abandoned on said Right-of-Way.
4. Said Right-of-Way may be used by owners of A, B, and C for the installation and maintenance of utility line easements.
5. By their acceptance of this deed to a portion of Lot B, the grantees, their heirs and assigns agree to assume and be liable for one-sixth of the cost of repairing and maintaining that section of the Right-of-Way that abuts the length of Lot No. A and one-half of the cost of repairing and maintaining that section of the Right-of-Way that abuts the length of Lot No. B; and further agree to cooperate in all reasonable efforts to repair and maintain said section of the Right-of-Way that abuts Lots A and B and pay their share of all bills for repair and maintenance within thirty (30) days of when said bills are submitted. The owners of Lot B shall not be liable for the cost of repairing and maintaining that section of the Right-of-Way that abuts Lot C.

The above premises are further conveyed subject to certain "Notes" which "Notes" shall be binding on the grantees, their heirs and assigns.

Said Notes read as follows:


1. There shall be no aerials other than normal TV antennas.
2. There shall be no above ground pools or metal buildings.
3. There shall be no outdoor lighting of mercury vapor or so-called moonbeam type or any lighting of more than 150 watts per unit.
4. There shall be no mobile or manufactured home allowed.

Meaning and intending to describe and convey the same premises conveyed to Nicholas M. Starr by virtue of a deed of Michael E. Chenery and Mary J. Chenery dated August 30, 2017 and recorded in the York County Registry of Deeds at Book 17554, Page 673.



Quitclaim Deed  
30 Haley Rd Kittery Maine

Executed this 28 day of May, 2019.




Nicholas M. Starr

State of MA

County of Suffolk

Then personally appeared before me on this 28 day of May, 2019, the said Nicholas M. Starr and acknowledged the foregoing to be his voluntary act and deed.

  
Notary Public/Justice of the Peace  
Commission expiration: March 19, 2021



**Abutters:**

Parcel Number:

47-13

Property Address:

86 HALEY ROAD

Address:

ALLEY, ELAINE J

Mailing Address:

86 HALEY ROAD

KITTERY, ME 03904-5402

Parcel Number:

47-17-2

Name:

HUNTRESS, BRUCE E HUNTRESS,

CRISTINE M

Mailing Address:

6 CREEK CROSSING

KITTERY, ME 03904

Parcel Number:

47-18-3-1

50 TIDEWATER WAY

Name:

JABOUR, EVERETT G. & SUE L.

JABOUR, JOHN V.

Address:

50 TIDEWATER WAY

KITTERY, ME 03904

Parcel Number:

47-18-4-1

Property Address:

78 TIDEWATER WAY

Name:

THE SUSANA LECLAIR REV. TRUST

Mailing Address:

PO BOX 936

YORK HARBOR, ME 03911

Parcel Number:

47-18-4-2

Property Address:

77 TIDEWATER WAY

Name:

THE SUSANA LECLAIR REV. TRUST

Mailing Address:

P.O. BOX 936

YORK HARBOR, ME 03911

Parcel Number:

47-25

Property Address:

340 US ROUTE 1

Name:

SPRUCE CREEK RETAIL OUTLET LLC.

Mailing Address:

117 KENDRICK STREET STE 350

NEEDHAM HEIGHTS, MA 02494

Parcel Number:

47-25a

Property Address:

350 US ROUTE 1

Name:

SPRUCE CREEK RETAIL OUTLET LLC.

Mailing Address:

117 KENDRICK STREET STE 350

NEEDHAM HEIGHTS, MA 02494

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

Please take notice that  
Nicholas Starr of 56 Tidewater Way, Kittery, ME 03904  
is intending to file a Natural Resources Protection Act permit application with Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about July 22, 2021. The application is for: Residential dock at Wilson Creek, Kittery.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application. For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456.

The application will be filed for public inspection at the Department of Environmental Protection's office in Portland during normal working hours. A copy of the application may also be seen at the municipal offices in Kittery, Maine. Written public comments may be sent to the regional office in Portland, where the application is filed for public inspection: MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103



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

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

## APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: Nicholas Starr		5. Name of Agent: Civilworks New England							
2. Applicant's Mailing Address: 56 Tidewater Way, Kittery, Maine 03904		6. Agent's Mailing Address: 181 Watson Rd, Dover, New Hampshire, 03820							
3. Applicant's Daytime Phone #: 960-982-4835		7. Agent's Daytime Phone #: 603-749-0443							
4. Applicant's Email Address (Required from either applicant or agent): nicholasmstarr@gmail.com		8. Agent's Email Address: dmellor@civilworksne.com							
9. Location of Activity: (Nearest Road, Street, Rt.#) 56 Tidewater Way		10. Town: Kittery	11. County: York						
12. Type of Resource: (Check all that apply) <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Wilson Creek							
		14. Amount of Impact: (Sq.Ft.) 3.2	Fill: Dredging/Veg Removal/Other:						
15. Type of Wetland: (Check all that apply) <input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____		<b>FOR FRESHWATER WETLANDS</b>							
		<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;"><i>Tier 1</i></td> <td style="text-align: center; width: 33%;"><i>Tier 2</i></td> <td style="text-align: center; width: 33%;"><i>Tier 3</i></td> </tr> <tr> <td style="border: none;"> <input type="checkbox"/> 0 - 4,999 sq ft.  <input type="checkbox"/> 5,000-9,999 sq ft  <input type="checkbox"/> 10,000-14,999 sq ft         </td> <td style="border: none;"> <input type="checkbox"/> 15,000 – 43,560 sq. ft.         </td> <td style="border: none;"> <input type="checkbox"/> &gt; 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1         </td> </tr> </table>		<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>							
<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1							
16. Brief Activity Description: The activities involved include constructing a 70 foot long fixed pier and a seasonal float that will be supported at low tide.									
17. Size of Lot or Parcel & UTM Locations: <input type="checkbox"/> square feet, or <input checked="" type="checkbox"/> 2.1 acres		UTM Northing: 4775005 mN UTM Easting: 359534 mE							
18. Title, Right or Interest: <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement									
19. Deed Reference Numbers: Book#: 17974 Page: 41		20. Map and Lot Numbers: Map #: 47 Lot #: 18-3							
21. DEP Staff Previously Contacted: No		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
23. Resubmission of Application?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application # _____ Previous project manager: _____							
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved: _____							
26. Detailed Directions to the Project Site: Going East on Route 1 from the Kittery Outlets turn right onto Haley rd immediately after Yummies Candy Co. Take the first right onto the dirt road and the destination will be on the right in about a quarter m/e.		25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
<b>TIER 1</b>		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>							
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required							
28. FEES Amount Enclosed: \$543									
<b>CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2</b>									



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

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

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

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

**CORPS SIGNATORY REQUIREMENT**

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

**DEP SIGNATORY REQUIREMENT**

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

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



SIGNATURE OF AGENT/APPLICANT

Date: 8/10/21

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



## **CIVILWORKS NEW ENGLAND**

181 WATSON ROAD

P.O. BOX 1166

DOVER, NH 03821-1166

PHONE: 603.749.0443 FAX : 603.749.7348

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### **MEMORANDUM**

Date: July 19, 2021

To: Regulatory Agencies

From: Duncan Mellor, PE

Principal Coastal Engineer

Re: Starr Dock-Kittery of 6-21-21, NRPA Attachments

### **Site Description:**

The site is located in Kittery, Maine on the banks of tidal wetland area behind the Kittery Outlet Malls. The address of the site is 56 Tidewater Way in Kittery, Maine on Wilson Creek, off Spruce Creek. There is a slope of wooded area leading down to a steeper transition from woods to salt marsh. There is approximately 60 feet of salt marsh then a 1 to 2 foot drop to the mud flat. The slope of the mud flat from the edge to the low tide stream is shallow and constant.

### **Attachment 1 (Activity Description):**

The activity that will be taking place includes constructing a permanent pier over the salt marsh and installing a removable floating dock connected to the pier with a gangway. The pier will be 70 feet long, plus a 13 ft long shore ramp in the woods, both 3.3 feet wide with at least 3.3 feet of vertical clearance from the salt marsh level to the bottom of the stringers. This height to width ratio is in accordance with "Shading Impacts of Small Docks and Piers on Salt Marsh Vegetation in Massachusetts Estuaries" by Logan et al. which concludes that a 1:1 height to width ratio allows for adequate biomass growth under the pier. The floating dock will have the dimensions of 18 feet long by 10 feet wide. The floating dock will have skids on the bottom which will limit the impact area of the floating dock on the environment during low tide. The skids will have dimensions 1 ft by 18 ft and will primarily rest on two 2 ft by 10 ft mooring blocks. Both the skids and blocks will be under the floating dock area.

The impact area of the pier is determined by the number of piles and the area of each pile. With 14 piles of diameter 6.5" (impact area of 0.23 square feet each) the total impact area of the pier will be 3.2 square feet. Of the 14 piles, eight are below the mean high water line (MHW) and six are above. Only four of the six above MHW are in the salt marsh with an impact area of 0.9 square feet. The piles below MHW have a total impact area of 1.8 square feet.

---

## **CIVILWORKS NEW ENGLAND**

### **Attachment 2 (Alternative Analysis Report):**

The proposed layout was selected to minimize impacts. A possible alternative approach for boat access could be walking across the salt marsh to an abutment securing the gangway and float. This would not provide all tide access and would damage the salt marsh grasses. The current approach of installing a pier and floating dock has some temporary construction phase impacts walking on the salt marsh, but lesser impacts once the dock is built.

### **Attachment 3 (Vicinity Map):**

See attached figures.

### **Attachment 4 (Area Photographs):**

See attached photos.

### **Attachment 5 (Drawings):**

See attached drawings.

### **Attachment 6 (Additional Plans):**

See attached plans.

### **Attachment 7 (Construction Plan):**

The construction of this project will have minimal impacts. The small diameter helical piles will be driven with a hand held auger system which eliminates the need for heavy equipment on the salt marsh and mud flats.

### **Attachment 8 (Erosion Control Plan)**

Not applicable, no soil disturbing activity.

## **CIVILWORKS NEW ENGLAND**

### **Attachment 9 (Site Condition Report)**

See attached existing conditions plan, report, and Appendix B.

### **Attachment 10 (Notice of Intent to File)**

See attached document.

### **Attachment 11 (MHCP Submittal)**

See attached form.

### **Attachment 12 (Functional Analysis) :**

The proposed pier and float will be located on the salt marsh and mud flat intertidal zone while starting on the wooded slope. The benthic life density of the salt marsh and mud flat ranges from absent to abundant containing both plants and animals. The field observation was made on 06/21/2021 at 2:00 pm on an ebb tide, low tide occurred at 2:54 PM. During this field observation efforts were made to look in the mud at select spots and to lift up rocks and logs to check for wildlife.

Eastern Mudsnail *Tritia obsoleta* Abundant in runoff streams

Atlantic Ribbed Mussel *Geukensia demissa* Rare, only empty shells found

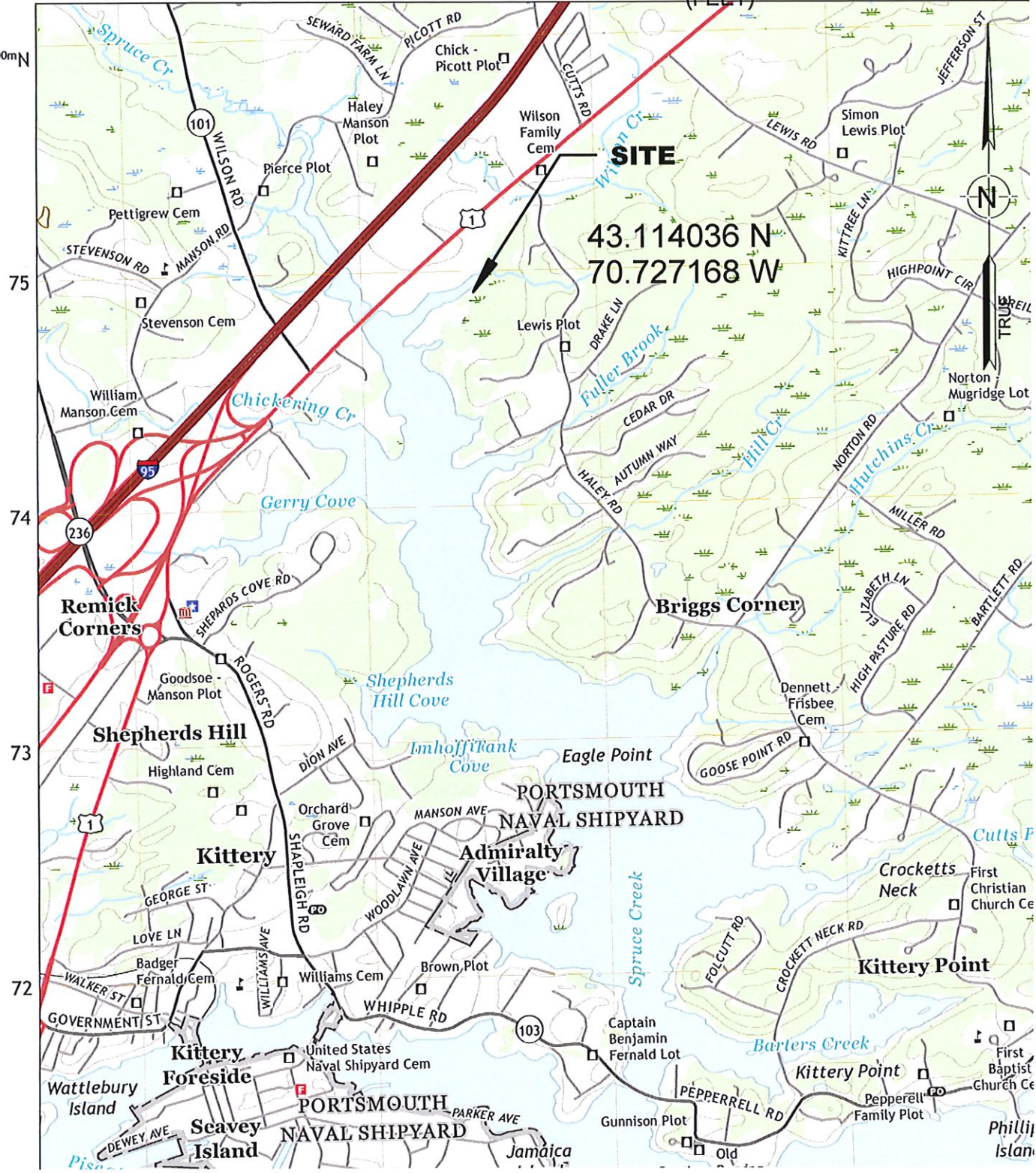
Fiddler Crab *Leptuca pugilator* Rare, found on boundary of salt marsh and mud

European Green Crab *Carcinus maenas* Rare, body found on edge of salt marsh

Green Algae *Chaetomorpha* Abundant, algae mats found near mud flat edge



-70.7500°      2000      0      2000      4000      6000  
 43.1250°      358000mE      59      60      61      (FEET)



VICINITY MAP

STARR DOCK  
 56 TIDEWATER WAY  
 KITTERY, MAINE

CIVILWORKS NEW ENGLAND  
CIVIL & WATERFRONT ENGINEERING  
 181 Watson Road, P.O. Box 1166  
 Dover, New Hampshire 03820  
 (603) 749-0443

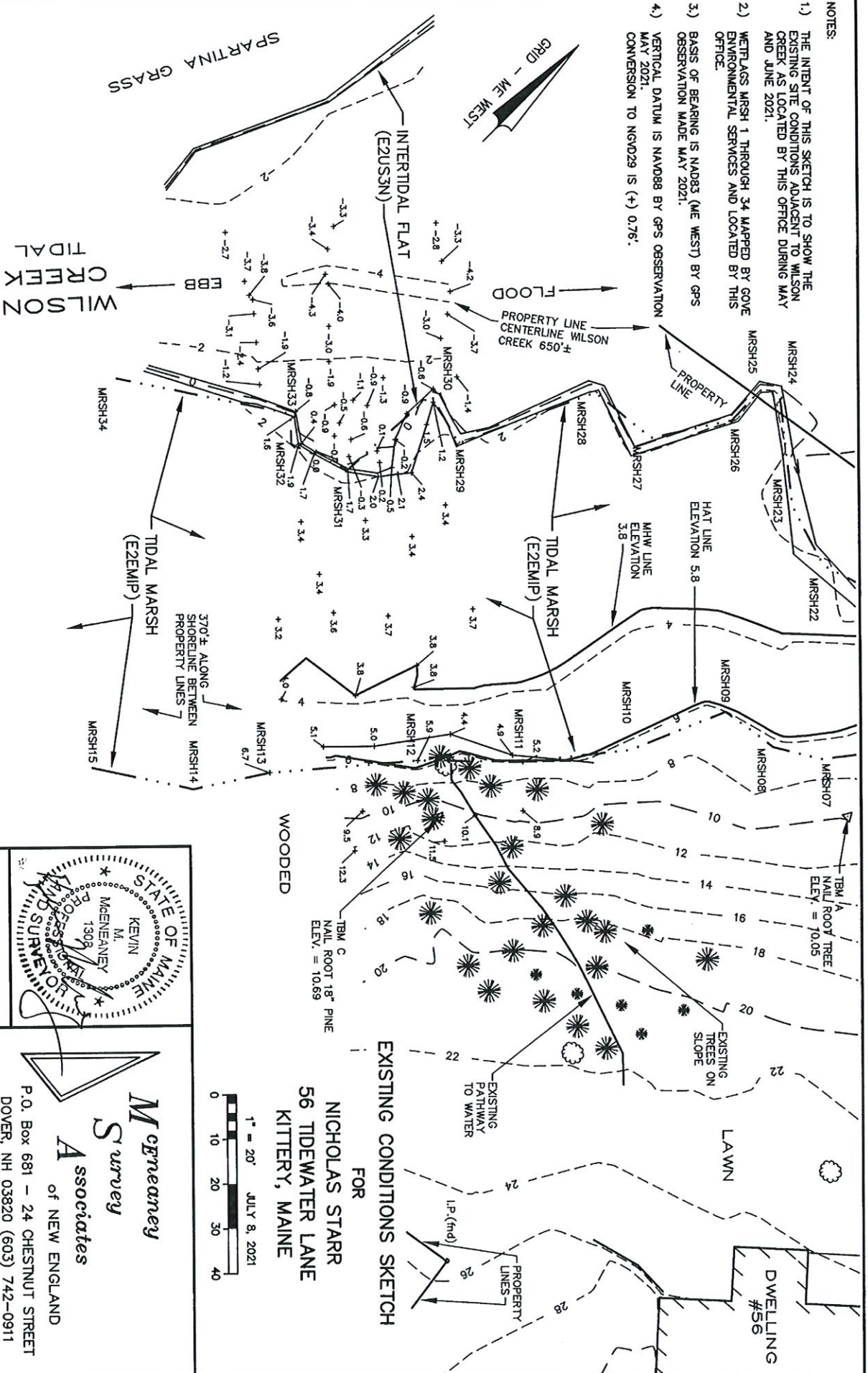
DATE 6-24-2021  
 PROJ: 21023

VICINITY MAP



NOTES:

- 1) THE INTENT OF THIS SKETCH IS TO SHOW THE EXISTING SITE CONDITIONS ADJACENT TO WILSON CREEK AS LOCATED BY THIS OFFICE DURING MAY AND JUNE 2021.
- 2) WETPLAS MRSH 1 THROUGH 34 MAPPED BY GOVE ENVIRONMENTAL SERVICES AND LOCATED BY THIS OFFICE.
- 3) BASIS OF BEARING IS NAD83 (ME WEST) BY GPS OBSERVATION MADE MAY 2021.
- 4) VERTICAL DATUM IS NAVD88 BY GPS OBSERVATION MAY 2021. CONVERSION TO NGVD29 IS (+) 0.76'.



PROJECT No - 21-2355 FILE= 2355 \DWSS \21-2355

NOT TO BE RECORDED

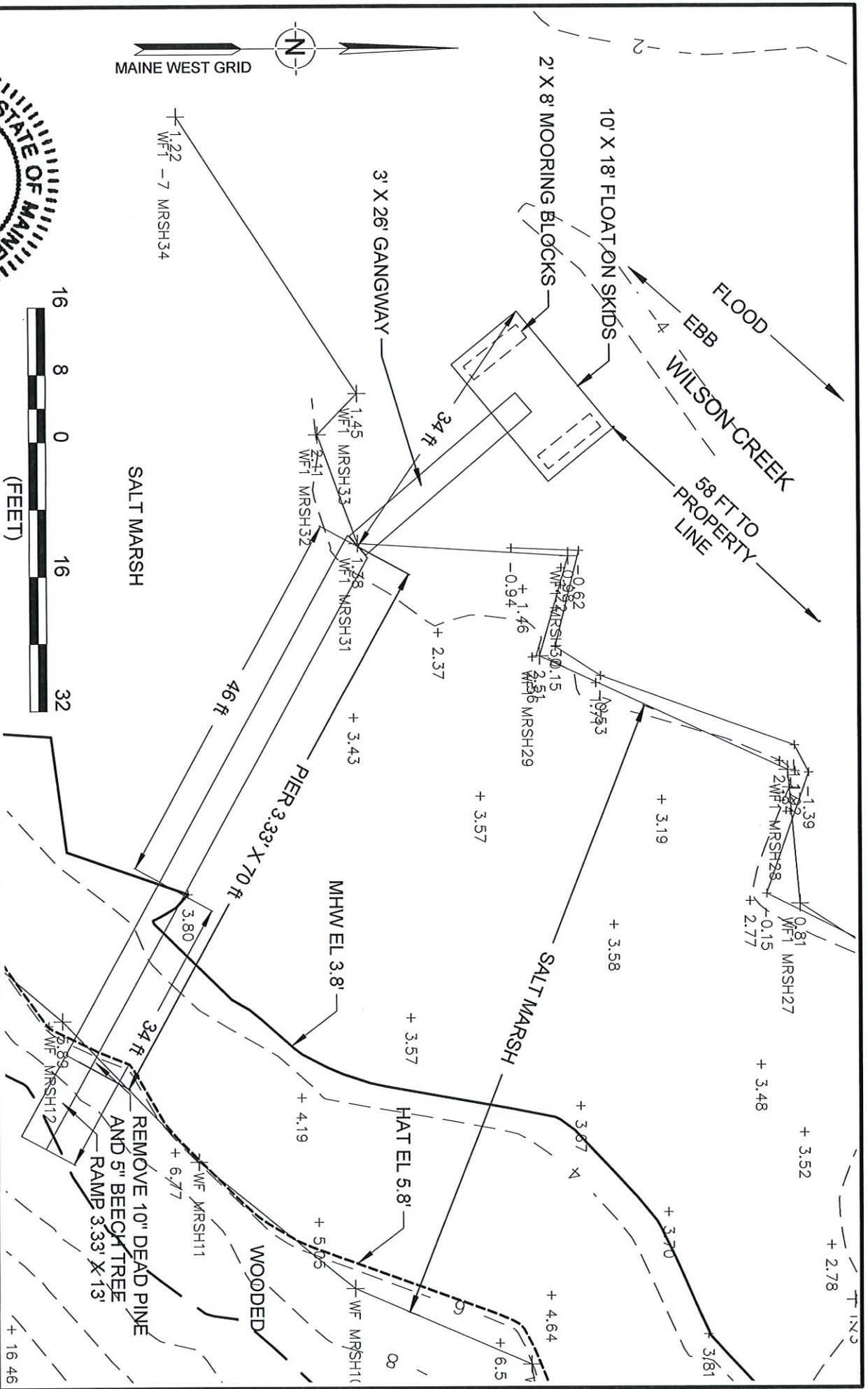
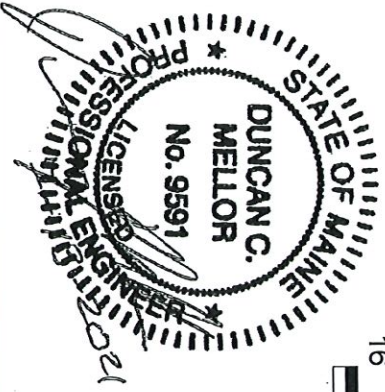
\* SURVEYING \* PLANNING \* CONSULTING \*



**M**oeneaney  
**S**urvey  
**A**ssociates  
of NEW ENGLAND  
P.O. Box 681 - 24 CHESTNUT STREET  
DOVER, NH 03820 (603) 742-0911

FOR  
NICHOLAS STARR  
56 TIDEWATER LANE  
KITTERY, MAINE





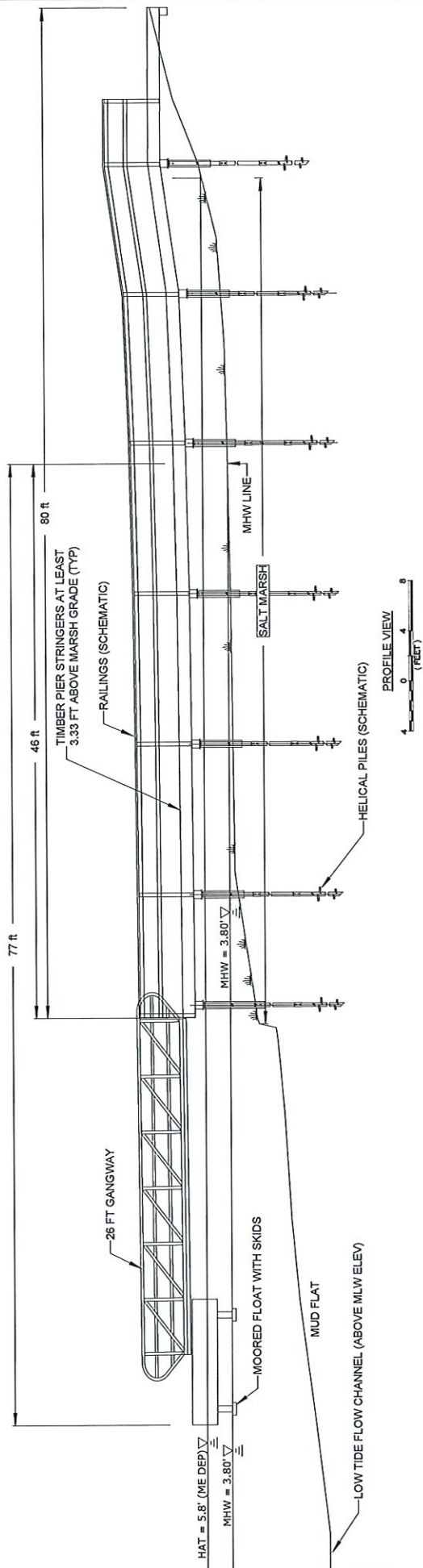
DATE:	7-13-2021
SCALE:	AS SHOWN
DRAWN BY:	DCM
DESIGN BY:	DCM
APPROVED BY:	NS
PROJECT:	21023
FILE:	21023 STARR,INC
NO.	
REVISION	
APP'D	
DATE	

**CIVILWORKS NEW ENGLAND**

CIVIL & WATERFRONT ENGINEERING  
 181 Watson Road, P.O. Box 1166  
 Dover, New Hampshire 03820  
 (603) 749-0443

STARR DOCK  
 56 TIDEWATER WAY  
 KITTERY, MAINE





NOTES:

1. THE PIER CROSS THE SALT MARSH WILL BE CONSTRUCTED TO MINIMIZE SHADING INCLUDING A NARROW DECK (3.33 FT WIDE) AND THE STRINGERS BEING HIGHER THAN A 1:1 RATIO OF HEIGHT TO WIDTH ABOVE THE SUBSTRATE. MINIMUM DISTANCE ACROSS THE MARSH AND DECKING SET WITH 3/4" PLANK GAPS.
2. THE PIER PILES ALSO MINIMIZE IMPACTS TO THE MARSH, BEING STEEL HELICAL PILES INSTALLED WITH A WALK-IN DRIVE MOTOR (NO TRACKED EQUIPMENT). THE STEEL PILES WILL BE PROTECTED FOR LONG LIFE CYCLE WITH 6 INCH PVC PIPE SLEEVES OVER THE STEEL PILES. THIS RESULTS IN LESS IMPACTS THAN WOULD BE CAUSED BY TRADITIONAL TIMBER PILES.
3. THE FLOAT WILL BE BUILT WITH SKIDS TO ELEVATE THE FLOAT 18 INCHES ABOVE THE CREEK BOTTOM. THE FLOAT LOCATION WAS SELECTED TO BE OVER FIRMER CREEK BED NEAR THE CENTER OF THE CREEK, BUT ALSO TO KEEP A DOCKED BOAT OUT OF THE NARROW LOW TIDE CHANNEL.
4. DIMENSIONS ALONG CENTERLINE.

TIDAL RELATIONSHIPS TO NAVD88 DATUM & 1983-2001 TIDAL EPOCH  
 NOAA TIDE STATION 8419870 SEAVEY ISLAND, KITTERY, ME

- FEMA 100 YR FLOOD = 8.2'
- MEAN DEP HAT = 5.8'
- MEAN HIGH WATER = 3.8'
- NAVD88 = 0.0'
- MEAN LOW WATER = -4.3'
- MEAN LOWER LOW WATER = -4.6'

FIGURE 3 PROFILE

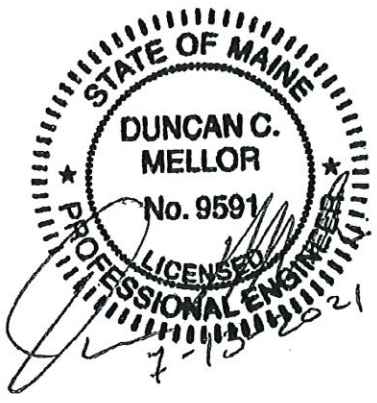
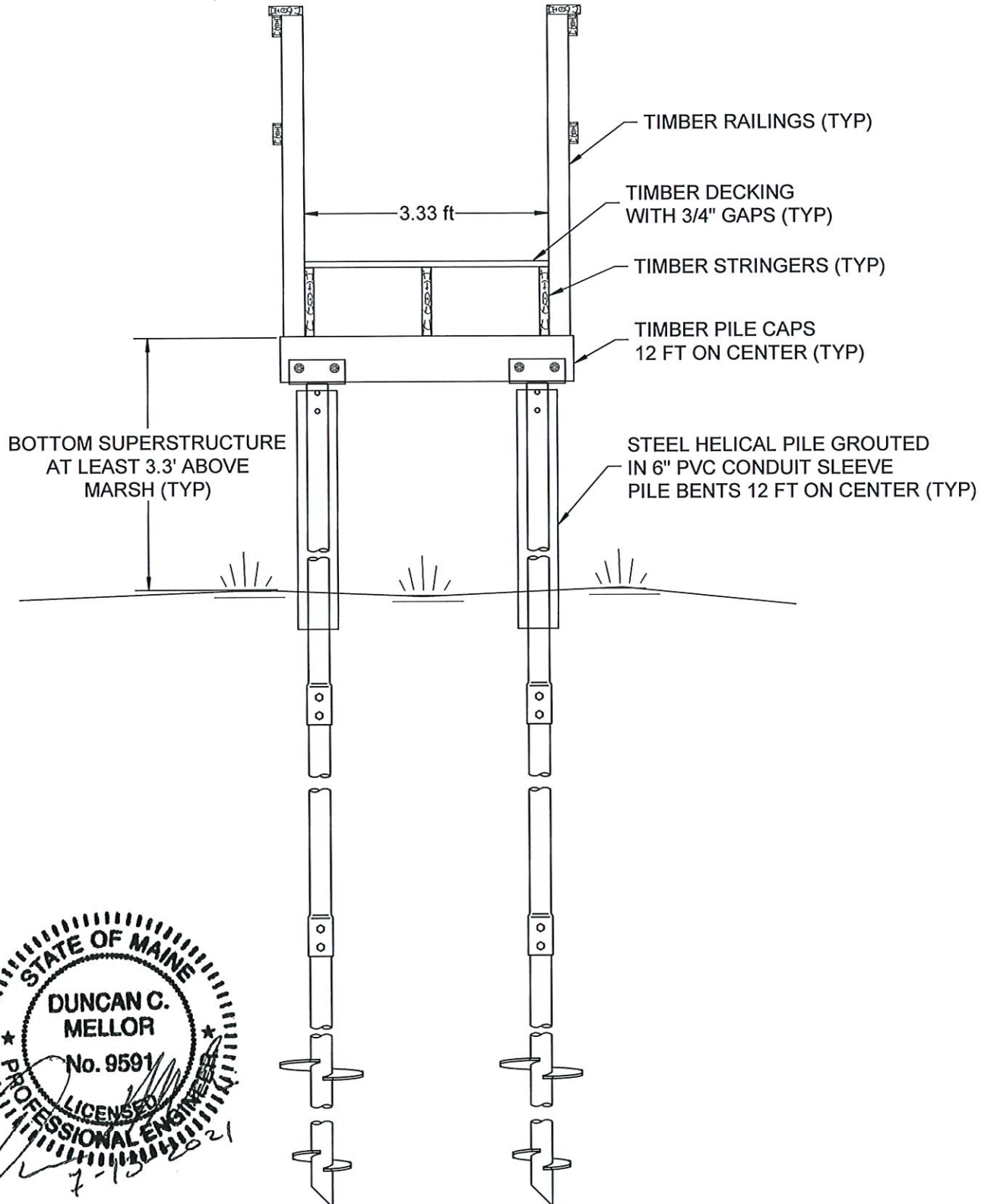
STARR DOCK  
 56 TIDEWATER WAY  
 KITTERY, MAINE

WILSON CREEK  
 YORK COUNTY

DATE	BY	NO.	REVISION	DATE
7-2-2021 <td>AS SHOWN <td></td> <td></td> <td></td> </td>	AS SHOWN <td></td> <td></td> <td></td>			
	DRAWN BY: JCM			
	DESIGN BY: JCM			
	APPROVED BY: JCM			
	PROJECT NO: 21024			
	FILE NUMBER: 21024			

CIVILWORKS NEW ENGLAND  
 351 Watson Road, P.O. Box 1166  
 Dover, New Hampshire 03820





DOCK CROSS SECTION (TYP)

STARR DOCK  
56 TIDEWATER WAY  
KITTEERY, MAINE

CIVILWORKS NEW ENGLAND  
CIVIL & WATERFRONT ENGINEERING  
181 Watson Road, P.O. Box 1166  
Dover, New Hampshire 03820  
(603) 749-0443

DATE 6-17-2021  
PROJ: 21023

FIGURE 4





**Photo 1** The path from the owner's house to the proposed pier looking west (towards the channel).  
Taken 6-21-21 at 2:00 PM EST.





**Photo 2** The location of the proposed ramp to the pier looking west. Taken 6-21-21 at 2:00 PM EST.





**Photo 3** The location of the proposed pier looking east. Taken 6-21-21 at 2:00 PM EST.





**Photo 4** The location of the proposed ramp and float looking west. Taken 6-21-21 at 2:00 PM EST.



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

Name of applicant: Nicholas Starr Phone: 960-982-4835

Application Type: NRPA Permit

Activity Type: (brief activity description) Construction of pier and floating dock

Activity Location: Town: Kittery County: York

GIS Coordinates, if known: \_\_\_\_\_

Date of Survey: 6-21-2021 Observer: Matthew Dowling Phone: 603-749-0443

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

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

*(pink)*

Most Maine State and National Wildlife Refuges, Sanctuaries, and Preserves and State Game Refuges are listed in the Maine Atlas and Gazetteer published by DeLorme.

Most State and federal trails are listed in the Maine Atlas and Gazetteer published by DeLorme. In addition, the Maine Department of Conservation maintains a list of state parks with trails that can be searched by county at: [www.state.me.us/doc/parks/programs/db\\_search/index.html](http://www.state.me.us/doc/parks/programs/db_search/index.html)

Maine sites and structures listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, can be searched by town at: [www.cr.nps.gov/nr/research/nris.htm](http://www.cr.nps.gov/nr/research/nris.htm)

In addition, State historic sites can be found at: [www.state.me.us/doc/parks/programs/db\\_search/index.html](http://www.state.me.us/doc/parks/programs/db_search/index.html) A partial listing of historic sites in Maine can be found in the Maine Atlas and Gazetteer published by DeLorme.

A listing of Maine State Parks can be found at: [www.state.me.us/doc/parks/programs/db\\_search/index.html](http://www.state.me.us/doc/parks/programs/db_search/index.html) or in the Maine Atlas and Gazetteer published by DeLorme. Acadia National Park on Mount Desert Island is Maine's only National Park.

For guidance on completing this field survey checklist, please contact Licensing staff in the Division of Land Resource Regulation at the following offices:

(Headquarters)  
Central Maine Regional Office  
17 State House Station  
Ray Building, Hospital Street  
Augusta, Maine 04333  
(207) 287-7688 or  
toll free at 1-800-452-1942

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
(207) 941-4570 or  
toll free at 1-888-769-1137

Northern Maine Regional Office  
1235 Central Drive  
Presque Isle, Maine 04769  
(207) 764-0477 or  
toll free at 1-888-769-1053

Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103  
(207) 822-6300 or  
toll free at 1-888-769-1036

(pink)



## APPENDIX B

### MAINE'S COASTAL WETLANDS: COASTAL WETLAND CHARACTERIZATION GUIDELINES

(Partly derived from Maine's Coastal Wetlands: Volume II)

Guidelines for the sampling and assessment of coastal wetlands have been developed by the Department of Environmental Protection to standardize habitat characterizations and functional assessments of coastal wetlands as required by the Natural Resources Protection Act (NRPA). The NRPA requires all applicants to characterize coastal wetland areas occurring in the location or vicinity of a proposed activity. Intertidal and/or subtidal characterizations are required for the following activities: fill, crib-supported or subtidal piers, lobster pounds, shoreline stabilization, or dredging. Activities impacting over 500 square feet of coastal wetland require a functional assessment performed by a professional wetland scientist unless the Department determines that the activity will have minimal adverse impact on the functions and values of the wetland.

This checklist satisfies the requirement for Attachment 12, Wetland Delineation Report, described in Part II of the NRPA application for coastal wetlands located only in intertidal areas and subtidal areas less than one foot in depth. The checklist is required for all activities impacting coastal wetlands to provide information describing coastal habitats and assess their most critical functions and values with the least amount of sampling effort possible, providing DEP licensing staff and biologists with information. The information provided will be used to determine whether the Department will require further sampling and assessment. This checklist does not substitute for any other NRPA application requirements.

#### SURVEY METHODS:

Following the methods below, survey and photograph the activity area on an ebb tide.

1. Walk throughout the activity area and note the location and measurements of all dominant habitat types. If not part of an application, complete an overhead drawing of the activity area. The overhead drawing should include the location and types of vegetation, boundaries of habitat types, sample locations, the location of spring high tide, mean high water and mean low water, and contours, if possible.
2. Take photographs of activity area and habitat types. (Include date, time, tide cycle and location of each photograph).
3. Search throughout the entire activity site, turning over rocks, wood, and algal mats, and look for any identifiable organisms present on the surface of the habitat, list the organisms found if known, and estimate their relative abundance. Complete the Checklist.
4. Using a clam rake or shovel, turn over sediments at random locations throughout the intertidal zone (at least one per zone, high, mid and low). Look for any identifiable organisms present in the sediments and estimate their relative abundance. Mark location on overhead drawing. Complete the Checklist.

PLEASE NOTE: Some activities may require quantitative benthic analysis of the sediments. Examples of such activities include dredges, lobster pounds, and fill activities consisting of over 500 square feet. Determination of sampling requirements may be made through consultation with DEP licensing staff and biologists. Guidelines for quantitative benthic sampling can be provided on request.

#### DEFINITIONS:

##### Area of Impact:

Direct Impact: The footprint of a proposed activity; e.g. area of dredge, area covered by cribs, base of riprap.

Indirect Impact: The area surrounding a proposed activity that will potentially be affected by the activity; e.g. shoreline adjacent to riprap, salt marsh areas, shaded areas. NOTE: The area of indirect impact will vary from site to site and should be determined on a case by case basis by the consultant, the applicant, and DEP staff.

(pink)

**Timing of Survey Work:** The date, time of day, and tidal height of sampling. Ideally, surveys should be conducted between May 1 and November 30 on an ebb or flood tide. Surveys may be conducted at other times of year, if necessary. Include the timing of low tide on the survey date. If the activity will extend into the low intertidal and/or shallow subtidal, the survey should be conducted on a negative or zero tide.

**Energy Levels:**

Exposed/High energy: Area exposed to oceanic swell and wind waves. Wind fetch (i.e. direction of origin) unlimited. Water velocity exceeds 2 meters/second.

Partially exposed/Moderate energy: Oceanic swell attenuated by offshore reefs, islands, or headlands, but shoreline is substantially exposed to wind waves. Typical of cobble or gravel fields. Water velocity between 1 and 2 meters/second.

Semi-protected/Low energy: Shoreline protected from sea swell, but it may receive waves generated by moderate fetch. Typical of gravel or unconsolidated muddy sediments. Water velocity less than 1 meter/second.

Protected/Low energy: No sea swell, little or no current, and restricted wind. Typical of unconsolidated muddy sediments. Water velocity less than 1 meter/second.

**Drainage on Intertidal Flats:** The amount of water left on intertidal area after ebb tide.

**Habitats:** description of activity site and adjacent areas

Sand Beach: exposed environments containing at least 75% sand.

Boulder/cobble Beach: exposed environments dominated by boulders and/or loose rounded rocks.

Sand Flat: protected and semi-protected environment dominated by sandy sediment.

Mixed Coarse & Fines: semi-protected environment consisting of a mixture of rocks, boulders, gravel, sand, cobbles, and mud.

Rocky Shore: semi-protected to moderate consisting of rocks, boulders, or ledge.

Salt Marsh: persistent near shore emergent grass habitats.

Ledge: stable bedrock

Mud Flat: protected environments containing at least 75% mud

Eelgrass: intertidal and subtidal grass habitat.

**Relative Abundance:** the frequency of an organism at or adjacent to the activity site

Absent: Organism is physically absent from the specific area.

Scattered or occasional: A limited number of a specific organism found only after a thorough investigation of the habitat *or* organisms occurring in small (<1/2 square foot) patches or small clumps throughout the zone.

Common: Specific organism found readily with little investigation, but not visually obvious; found repeatedly and/or occurring in numerous patches throughout habitat.

Abundant: Specific organism is visually obvious throughout area with limited or no habitat disturbance.

(pink)



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

NAME OF APPLICANT: Nicholas Starr PHONE: 960-982-4835

APPLICATION TYPE: NRPA Permit

ACTIVITY LOCATION: TOWN: Kittery COUNTY: York

ACTIVITY DESCRIPTION:  fill  pier  lobster pound  shoreline stabilization  
 dredge  other: \_\_\_\_\_

DATE OF SURVEY: 6-21-2021 OBSERVER: Matthew Dowling

TIME OF SURVEY: 14:00 TIDE AT SURVEY: Ebb

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):  
Intertidal area: 3.2 square feet Subtidal area: 0 square feet

SIZE OF INDIRECT IMPACT, if known (square feet):  
Intertidal area: 527 square feet Subtidal area: 0 square feet

HABITAT TYPES PRESENT (check all that apply):  
 sand beach  boulder/cobble beach  sand flat  mixed coarse & fines  salt marsh  
 ledge  rocky shore  mudflat (sediment depth, if known: \_\_\_\_\_)

ENERGY:  protected  semi-protected  partially exposed  exposed

DRAINAGE:  drains completely  standing water  pools  stream or channel

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

SHORELINE CHARACTER:  
 bluff/bank (height from spring high tide: \_\_\_\_\_)  beach  rocky  vegetated

FRESHWATER SOURCES:  stream  river  wetland  stormwater

MARINE ORGANISMS PRESENT:

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

SIGNS OF SHORELINE OR INTERTIDAL EROSION?  yes  no

PREVIOUS ALTERATIONS?  yes  no

CURRENT USE OF SITE AND ADJACENT UPLAND:  
 undeveloped  residential  commercial  degraded  recreational

PLEASE SUBMIT THE FOLLOWING:  
 Photographs  Overhead drawing (pink)

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



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



**THIS IS AN APPLICATION FOR A.....**

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



**TELL US ABOUT YOUR BOAT....**

My boat(s) requires a draft of 1.5 feet.  
My boat(s) is 20 feet long.



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



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



**WHAT FACILITIES ARE NEARBY?**

The nearest public boat launch is located in Kittery approximately 3.4 miles from the project location.  
(town) (distance)

The nearest public, commercial, or private marina is located in Kittery approximately 2.9 miles from the project location.  
(distance) (town)

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

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

Approximate expected time on waiting list: 200 people

I have contacted the local Harbor Master.



Name: Nicholas Starr Phone: 960-982-4835

I currently use the following for my boat:  Mooring  Marina



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

**MATERIALS:**

- The structure will be supported by pilings.  
14 pilings of 6.5 inches in diameter
- The structure will be supported by stacked, flow-through granite cribs.  
\_\_\_\_\_ blocks, measuring \_\_\_\_\_ feet by \_\_\_\_\_ feet
- The structure will be supported by solid fill.  
\_\_\_\_\_ square feet of solid fill
- Other: \_\_\_\_\_

**DIMENSIONS:**

Length of fixed section: 83 feet  
Width of fixed section: 3.33 feet  
Length of ramp: 26 feet  
Dimensions of float: 10 feet wide by 18 feet long  
Distance the structure will extend below mean low water (MLW): 0 feet  
Depth of water at the fixed end of the structure: 2.1 feet  
Depth of water at the float at low tide: 0 feet  
Depth of water at the float at high tide: 6 feet  
Dimensions of any proposed buildings (e.g. bait shed):  
\_\_\_\_\_ feet high by \_\_\_\_\_ feet wide by \_\_\_\_\_ feet long

**ACCESS:**

During construction, my project site will be accessed via:

- Land
- Beach/intertidal area
- Water/barge

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

Please take notice that  
Nicholas Starr of 56 Tidewater Way, Kittery, ME 03904  
is intending to file a Natural Resources Protection Act permit application with Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about July 22, 2021. The application is for: Residential dock at Wilson Creek, Kittery.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application. For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456.

The application will be filed for public inspection at the Department of Environmental Protection's office in Portland during normal working hours. A copy of the application may also be seen at the municipal offices in Kittery, Maine. Written public comments may be sent to the regional office in Portland, where the application is filed for public inspection: MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103



## Carrie Varao

---

**From:** K Ph <nowakekp@aol.com>  
**Sent:** Tuesday, October 26, 2021 3:18 PM  
**To:** Carrie Varao  
**Subject:** Fwd: Dock permit

Sent from my iPhone

Begin forwarded message:

**From:** Nick <nicholasmstarr@gmail.com>  
**Date:** October 21, 2021 at 7:50:36 PM EDT  
**To:** nowakekp@aol.com  
**Subject:** Fwd: Dock permit

Kelly,

Below is the response on the mooring blocks from my engineer.

If you have any question please let me know.

Thanks for your time today!

Best,  
Nick Starr  
56 tidewater way

Sent from my iPhone

Begin forwarded message:

**From:** Nick <nicholasmstarr@gmail.com>  
**Date:** October 21, 2021 at 4:27:50 PM EDT  
**To:** Meredith Starr <meredithnstarr@gmail.com>  
**Subject:** Fwd: Dock permit

Sent from my iPhone

Begin forwarded message:

**From:** Duncan Mellor <dmellor@civilworksne.com>  
**Date:** October 8, 2021 at 8:28:17 AM EDT  
**To:** Nick <nicholasmstarr@gmail.com>  
**Subject:** RE: Dock permit

Morning Nick,

I had envisioned the moorings crossing under the float and connecting to the skids for shortest scope and best position keeping. For best position holding, you may want to include elastomeric (rubber) mooring tensioners given the shallow water – available here:

<https://hazeletmarine.com/>

With regard to holding, assuming you were to keep the boat on the float in extreme winds (structural guidelines say 87mph design wind). This is about 16 pounds per square foot wind pressure x 22' x 3' = 1,056 lbs wind load. Given the sheltered location, I think this wind load is unlikely (assuming you kept the boat on the float during a hurricane).

Concrete mooring blocks at 2' x 8' x 1' are 2,400 lbs dry, 1,376 lbs submerged in seawater. At a 0.5 drag friction coefficient that is 688 lbs of drag resistance each, or 1,376 lbs with two blocks. With the blocks sinking into the mud, the holding power will likely be higher.

To note, a primary function of the blocks as shown was to help prevent the float skids from sinking into the mud and maintain the 18" clearance required by state/fed permitting agencies.

Duncan

Duncan Mellor, PE  
Principal Coastal Engineer  
Civilworks New England/Haight Engineering, PLLC  
181 Watson Road  
PO Box 1166  
Dover, New Hampshire 03821  
O: 603.749.0443  
C: 603.205.2026  
[dmellor@civilworksne.com](mailto:dmellor@civilworksne.com)  
[www.civilworksne.com](http://www.civilworksne.com)

**From:** Nick [mailto:nicholasmstarr@gmail.com]  
**Sent:** Thursday, October 7, 2021 6:46 PM  
**To:** Duncan Mellor <dmellor@civilworksne.com>  
**Subject:** Re: Dock permit

Duncan,

I'm at the Kittery port authority meeting tonight. This passed but the board would like to know how the mooring blocks are being secured. Some said there is not much tide so it shouldn't matter. Mr Patten was concerned about that mooring moving with a boat connected to it.

They would like an answer before our site walk on October 21st.



If you could let me know that would be great.

I will get a check out soon.

Thanks!

Nick

Sent from my iPhone

On Oct 7, 2021, at 10:46 AM, Duncan Mellor  
<[dmellor@civilworksne.com](mailto:dmellor@civilworksne.com)> wrote:

Hi Nick,

I saw the DEP letter – does not sound like they are moving too fast, but previously they have said their long window is needed for permit review by other agencies, like inland fish & wildlife.

Our book keeper asked me to follow up on the attached invoice to see if this one slipped between the cracks...

Duncan

Duncan Mellor, PE  
Principal Coastal Engineer  
Civilworks New England/Haight Engineering, PLLC  
181 Watson Road  
PO Box 1166  
Dover, New Hampshire 03821  
O: 603.749.0443  
C: 603.205.2026  
[dmellor@civilworksne.com](mailto:dmellor@civilworksne.com)  
[www.civilworksne.com](http://www.civilworksne.com)

<Inv\_3\_from\_CIVILWORKS\_NEW\_ENGLAND\_3384.pdf>



TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: 2
Lot: 3
Date Submitted: October 12, 2021

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

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

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

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

4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 107 feet of shoreline along Weir Creek.

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

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

2. Property Owner(s): 23 Oak Terrace LLC

3. Property Address: 23 Oak Terrace

4. Telephone Number: 207-703-4918 Email: brandon@winterholben.com

5. Property Size (Acres/SF): 18,512 sq. ft. Zoning District(s): Residential-Suburban (R-S)

6. The shore frontage of this property is 107 feet, measured at the high water line in a straight line, stake to stake.

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

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

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

Applicant Signature: Date:

Property Owner Signature: Agent-See Authorization Date: 10/12/21

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

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

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

Fee Paid, Amount: \$125 Date: 10/12/21



**INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION**

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

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

**Port Authority Procedure (Sequence of Events):**

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

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

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

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

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

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



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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 2, Lot 3  
23 Oak Terrace  
Kittery, ME**

To Whom it May Concern:

This letter transmits a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request to permit the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 107 feet of shoreline along Weir Creek.

Attached to this application you will find a ME DEP Permit Plan-Sheet C1, and a Details Plan-Sheet D1. The plan set depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and impact areas. Also attached to this application you will find the following: USGS Project location map, tax map, recorded deed, certified mail receipts for abutter notification, a field survey checklist, a coastal wetland characterization, a photo log, project description worksheets for docks, and a notice of intent to file.

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

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

Respectfully submitted,

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

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



# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

<b>1. Name of Applicant:</b> 23 Oak Terrace LLC		<b>5. Name of Agent:</b> Steven D. Riker Ambit Engineering, Inc.	
<b>2. Applicant's Mailing Address:</b> 9 Langdon Street, Kittery, ME		<b>6. Agent's Mailing Address:</b> 200 Griffin Road, Unit 3, Portsmouth, NH 03801	
<b>3. Applicant's Daytime Phone #:</b> 207-703-4918		<b>7. Agent's Daytime Phone #:</b> 603-430-9282	
<b>4. Applicant's Email Address (Required from either applicant or agent):</b> brandon@winterholben.com		<b>8. Agent's Email Address:</b> sdr@ambitengineering.com	
<b>9. Location of Activity: (Nearest Road, Street, Rt.#)</b> 23 Oak Terrace		<b>10. Town:</b> Kittery	<b>11. County:</b> York
<b>12. Type of Resource: (Check all that apply)</b> <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		<b>13. Name of Resource:</b> Weir Creek	
		<b>14. Amount of Impact: (Sq.Ft.)</b>	<b>Fill:</b> Dredging/Veg Removal/Other:
<b>15. Type of Wetland: (Check all that apply)</b> <input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other <u>Tidal</u>		<b>FOR FRESHWATER WETLANDS</b>	
		<i>Tier 1</i>	<i>Tier 2</i>
		<i>Tier 3</i>	
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft. <input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
<b>16. Brief Activity Description:</b> This project proposes the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains.			
<b>17. Size of Lot or Parcel &amp; UTM Locations:</b> <input checked="" type="checkbox"/> 18,512 square feet, or <input checked="" type="checkbox"/> .42 acres		UTM Northing: <u>Lat:-70.75984</u> UTM Easting: <u>Lon:43.09021</u>	
<b>18. Title, Right or Interest:</b> <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement			
<b>19. Deed Reference Numbers:</b> Book#: 18175 Page: 112		<b>20. Map and Lot Numbers:</b> Map #: 2 Lot #: 3	
<b>21. DEP Staff Previously Contacted:</b>		<b>22. Part of a larger project:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>23. Resubmission of Application?:</b> <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>After-the-Fact:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>24. Written Notice of Violation?:</b> <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>25. Previous Wetland Alteration:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>23. Resubmission of Application?:</b> <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>Previous project manager:</b>	
<b>24. Written Notice of Violation?:</b> <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>If yes, name of DEP enforcement staff involved:</b>	
<b>26. Detailed Directions to the Project Site:</b> From US Route 1 Bypass turn onto Oak Terrace. Property is located at 23 Oak Terrace.			
<b>27. TIER 1</b>		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>	
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
<b>28. FEES Amount Enclosed:</b> \$543.00			

**CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2**

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

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

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

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

**CORPS SIGNATORY REQUIREMENT**

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

**DEP SIGNATORY REQUIREMENT**

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

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

  
SIGNATURE OF AGENT/APPLICANT

Date: 10/6/21

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

**(pink)**



20 September, 2021

**To Whom It May Concern:**

**RE: State of Maine Department of Environmental Protection Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for Oak Terrace of 23 Oak Terrace Kittery, ME 03904**

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Holben", with a long horizontal flourish extending to the right.

*Oak Terrace  
Brandon Holben, Authorized Representative  
23 Oak Terrace  
Kittery, ME 03904*

08/08

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

Please take notice that

23 Oak Terrace LLC

---

23 Oak Terrace, Kittery, ME 03904

---

*(Name, Address and Phone # of Applicant)*

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

October 12, 2021

---

*(anticipated filing date)*

The application is for

Construction of a tidal docking structure

---

*(description of the project)*

---

at the following location:

23 Oak Terrace, Kittery, ME 03904

---

*(project location)*

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

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

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

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

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

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

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

(blue)





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

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

Name of applicant: 23 Oak Terrace LLC Phone: 207-703-4918  
 Application Type: DEP NRPA Individual  
 Activity Type: (brief activity description) Construction of a tidal docking structure  
 Activity Location: Town: Kittery Court: York  
 GIS Coordinates, if known: Lat: -70.75984 Lon: 43.09021  
 Date of Survey: \_\_\_\_\_ Observer: Steven D. Riker Phone: 603-430-9282

	<b>Distance Between the Proposed Visibility Activity and Resource (in Miles)</b>			
	0-¼	¼-1	1+	
1. Would the activity be visible from:				
A. A National Natural Landmark or other outstanding natural feature?	~	~	X	
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	~	~	X	
C. A state or federal trail?	~	~	X	
D. A public site or structure listed on the National Register of Historic Places?	~	X	~	* Samuel Badger Monument
E. A National or State Park?	~	~	X	* Fort McClary
F. 1) A municipal park or public open space?	~	X	~	*52 Old Post Road Memorial Park
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	~	X	~	* Samuel Badger Monument
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	X	~	~	
2. What is the closest estimated distance to a similar activity?	X	~	~	
3. What is the closest distance to a public facility intended for a similar use?	X	~	~	
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		X Yes	~ No	
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		~ Yes	X No	

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

(pink)

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

NAME OF APPLICANT: 23 Oak Terrace LLC PHONE: 207-703-4918

APPLICATION TYPE: NRPA Individual

ACTIVITY LOCATION: TOWN: Kittery COUNTY: York

ACTIVITY DESCRIPTION:  fill  pier  lobster pound  shoreline stabilization  
 dredge  other: \_\_\_\_\_

DATE OF SURVEY: 9/15/2021 OBSERVER: Steven D. Riker

TIME OF SURVEY: 2:45 PM TIDE AT SURVEY: \_\_\_\_\_

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):  
Intertidal area: 12 sq. ft. for piles Subtidal area: None

SIZE OF INDIRECT IMPACT, if known (square feet):  
Intertidal area: 520 sq. ft. Subtidal area: 290

HABITAT TYPES PRESENT(check all that apply):  
 sand beach  boulder/cobble beach  sand flat  mixed coarse & fines  salt marsh  
 ledge  rocky shore  mudflat (sediment depth, if known: \_\_\_\_\_)

ENERGY:  protected  semi-protected  partially exposed  exposed

DRAINAGE:  drains completely  standing water  pools  stream or channel

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

SHORELINE CHARACTER:  
 bluff/bank (height from spring high tide: 24')  beach  rocky  vegetated

FRESHWATER SOURCES:  stream  river  wetland  stormwater

MARINE ORGANISMS PRESENT:

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

SIGNS OF SHORELINE OR INTERTIDAL EROSION?  yes  no

PREVIOUS ALTERATIONS?  yes  no

CURRENT USE OF SITE AND ADJACENT UPLAND:  
 undeveloped  residential  commercial  degraded  recreational

**PLEASE SUBMIT THE FOLLOWING:**  
 Photographs  Overhead drawing (pink)

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



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



**THIS IS AN APPLICATION FOR A.....**

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



**TELL US ABOUT YOUR BOAT....** 24' Boston Whaler

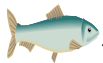
My boat(s) requires a draft of 20" feet.  
My boat(s) is 24' feet long.



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



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



**WHAT FACILITIES ARE NEARBY?**

The nearest public boat launch is located in Kittery approximately 3.9 miles from the project location.  
(town) (distance)

The nearest public, commercial, or private marina is located in Eliot approximately 1.3 miles from the project location.  
(distance) (town)

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

Yes, a slip or mooring is available.     No, a slip or mooring is not available.  
Approximate expected time on waiting list: Over 1 year

I have contacted the local Harbor Master. Name: John Brosnihan  
Phone: 207-451-0829





## **CONSTRUCTION DETAILS-SEQUENCE**

This project proposes the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains.

The fixed pier will be constructed of wood with an associated wooden railing for safety. The fixed pier will be supported by 12 piles, driven to refusal. These piles will be driven utilizing a crane barge from the water. These piles will be CCA treated lumber which shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction. Details for the fixed pier, gangway, and floats are provided in the plan set, located on "Details-Sheet D1".

Construction of the dock is anticipated to take less than one week. A crane barge and a spud barge will mobilize to the site with equipment and materials. The pier will be constructed and the gangway and floats will be installed. The floats and gangway are pre-fabricated off site and are mobilized to the site via crane barge. After the pier is complete, the crane barge is used to bring the float and gangway into place for installation. A construction sequence is also provided in the plan set, located on "Details-Sheet D1".

The proposed float and gangway will be seasonal structures. The gangway will be stored on the fixed pier, and the floats will be towed from the the subject property during the winter months.

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

## **ALTERNATIVES ANALYSIS**

This project proposes the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains.

Project design alternatives have been explored to provide safe boating access/dockage, and safe foot access to the structure itself, while also minimizing impacts to the adjacent tidal resource to the greatest extent practicable. Due to the configuration of the property, the location of Weir Creek in relation to the property, the location of an existing dilapidated wood pier and the location of appropriate water depth for docking, there are minimal alternative locations to place a dock on the parcel and perform the intended use. The lot contains approximately 107 feet of shoreline. Given the constraints of appropriate water depth for docking purposes, the owner/applicant has received written concurrence to place the docking structure within the 25 foot setback from the riparian line as required by the Kittery Port Authority and the US Army Corp of Engineers.

Water depths to accommodate a docking structure capable of use during the entire tide cycle along the shoreline are located along the southwestern portion of the property, providing a specific location to place a docking structure and achieve the intended purpose.

The property owners require a tidal docking structure on their property as the public boat launch/marina is located 3.9 miles from the project site in Kittery, ME, and is very congested during the boating season. The Town of Kittery Harbormaster has 22 people on the wait list for a mooring in the I-95 area as of July 10, 2021. Additionally, the nearest privately owned marina, Great Cove Boat Club, has waiting list over 1 year for a slip.

The alternative of not constructing a dock would require the owners to trailer their boat, which results in the compounded use of fuel for transport, as well as a vehicle capable of towing the boat. Transportation for each boating use has an environmental impact.

Lastly, the use of piles to support the fixed pier, and the use of helical moorings to secure the float represents the least impacting alternative. The length of the structure is necessary to achieve sufficient use during the entire tidal cycle and the float will not require bottom protection avoiding direct impact to the tidal resource. The current proposal has all 12 piles to be driven located landward of MLW. The proposed helical moorings have a reduced footprint as compared to a traditional mooring anchor, further reducing impact to the substrate.

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



# **WETLAND FUNCTIONS AND VALUES ASSESSMENT**

## **INTRODUCTION**

This report provides an assessment of the functions and values of the tidal wetland system located within a parcel of land located at 23 Oak Terrace, Kittery, Maine. The property is identified as Tax Map 2, Lot 3, is approximately .42 acres in size, and is located on the western end of Oak Terrace. The lot is developed and contains a single family home with associated driveway. The surrounding land use is residential.

Wetlands on the project site were assessed by Steven D. Riker, New Hampshire Certified Wetland Scientist on August 18, 2021 in accordance with the 1987 United States Army Corps of Engineers' Wetlands Delineation Manual (Routine Delineation Method), and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January 2012. The functions and values of these wetlands were assessed using the United States Army Corp of Engineers' Highway Methodology Workbook Supplement (ACOE, September 1999).

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

## **DISCUSSION**

For the purpose of this assessment, the tidal wetland directly associated with the subject parcel was evaluated. This tidal wetland is contiguous with other wetlands located along the Piscataqua River, and on a larger scale, the Atlantic Ocean. This assessment examines those functions and values of the tidal wetland area located directly adjacent to the subject parcel, and the proposed tidal docking structure. Also, for the purposes of the assessment, the freshwater wetland and tidal wetland will be referred to as Wetland A, as both systems are located directly adjacent to each other, and also provide similar functions and values.

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

There are 3 wetland classes associated with the wetland resources that exist on the subject parcel. According to the "Classification of Wetlands and Deepwater Habitats of the United States" (USFWS 1979). The tidal flat associated with the parcel would be classified as an estuarine intertidal unconsolidated shore cobble-gravel wetland system that is regularly flooded by the tides (E2US1N). The subtidal area associated with the parcel would be classified as a marine subtidal unconsolidated bottom mud wetland system (M2UB3L).

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

## **IMPACT ASSESSMENT**

This project proposes the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 107 feet of shoreline along Weir Creek. The fixed pier will have 12 sq. ft. of direct impacts in the form of driving piles to support the structure. The float and gangway are designed to be removed during winter months, as they will be detached from the pier, towed and stored off site during the boating off-season.

Given the nature of the project, it is anticipated that there will be no affect on the wetland's ability to perform the above identified functions and values. The tidal docking structure will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, it will not impede any migrational fish movement, it will not contribute to pollution, degredation, or erosion, and it will not have a visual impact as the surrounding properties are previously developed and some already contain similar structures. Impacts associated with tidal docking structures are insignificant as tidal docks are designed to minimize impact, do not contribute to additional stormwater or pollution, and do not impede fish migration or deter use by wildlife species. Given that the tidal dock will be supported by piles it will therefore not impede tidal flow or alter hydrology, will not impact migrational movement of fish and wildlife, and will not provide a barrier or alter hydrology, therefore preserving the functionality of the adjacent wetland resources.

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

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

### My Map

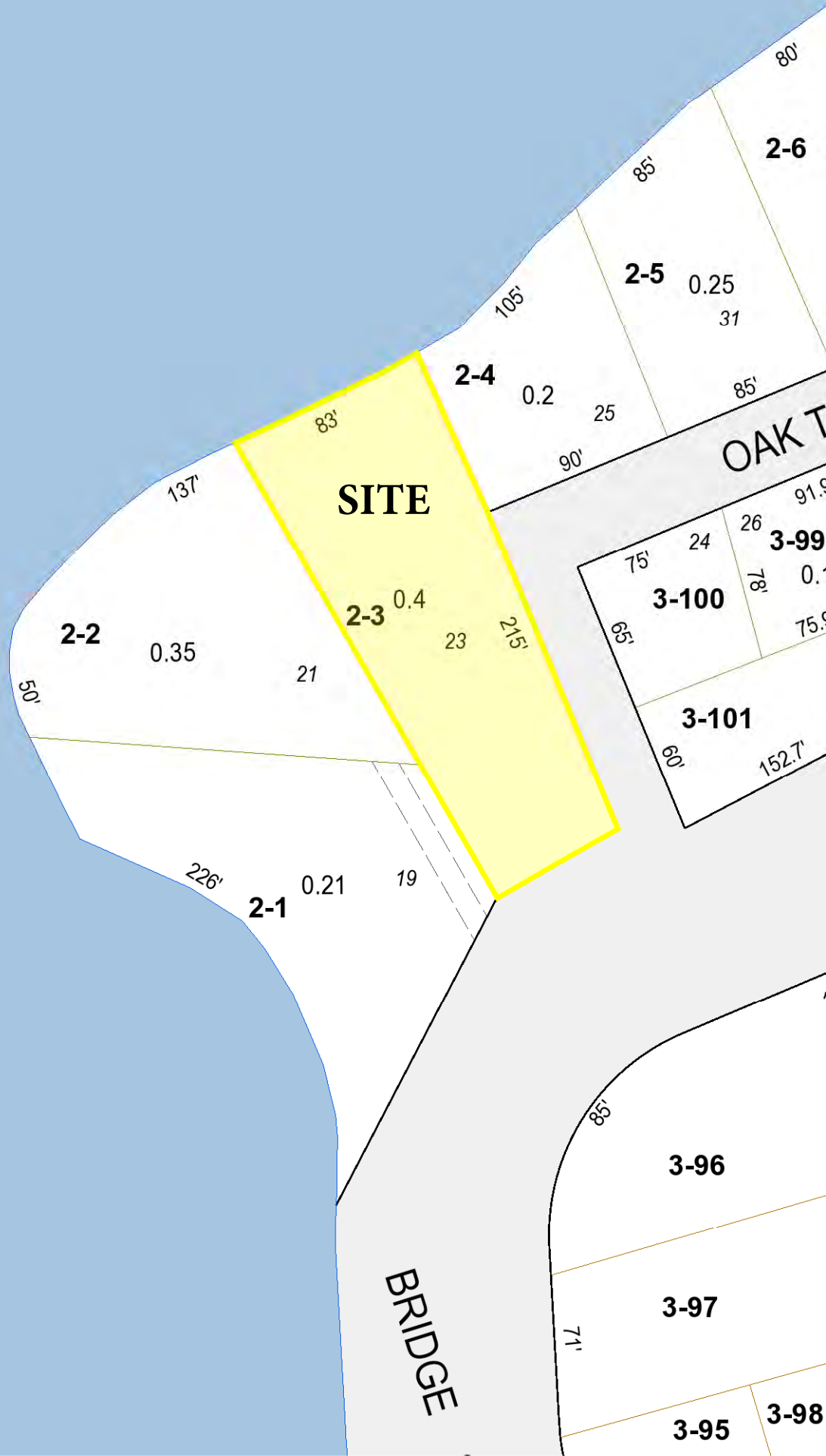
No legend



Copyright:© 2013 National Geographic Society, i-cubed



ER



6 October, 2021

Michael Morrison  
PO Box 928  
Naples, FL 34106

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for a tidal docking structure for 23 Oak Terrace LLC, 23 Oak Terrace Kittery, ME.**

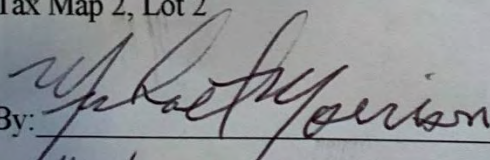
This letter is to inform the Maine Department of Environmental Protection (DEP), in accordance with State Law that our abutter, **23 Oak Terrace LLC**, has shown us plans (dated 10/1/21) depicting the proposed tidal docking structure on their property (Tax Map 2, Lot 3) prepared by Ambit Engineering, Inc. We are aware that the proposed tidal docking structure is located within 25 feet of the property line extended that we share with **23 Oak Terrace LLC**. In addition, we are also aware that any boat secured to the eastern/southern side of the proposed float, may also extend into the 25 foot setback.

In accordance with DEP rules, we hereby sign this letter to indicate our acceptance of the proposed tidal docking structure within 25 feet of our shared boundary, and the possibility of a boat attached to the proposed float extending into the 25 foot setback associated with the boundary that we share with **23 Oak Terrace LLC**.

Sincerely,

Michael Morrison  
PO Box 928  
Naples, FL  
Tax Map 2, Lot 2

By:

  
Michael Morrison

Printed Name & Title

**Ambit Engineering Abutter List**

23 Oak Terrace LLC

Job # 3050.67

23 Oak Terrace

Kittery, ME

<b>Applicant/Owner(s)</b>										
Map	Lot	Deed	Owner (s) First/Trust	Owner(s) Last, Trustee	Mailing Address	City	State	Zip		
2	3	18175/112	23 Oak Terrace LLC		9 Langdon Street	Kittery	ME	03904		
<b>Engineer</b>										
Ambit Engineering Civil Engineers & Land Surveyors										
200 Griffin Road, Unit #3										
Portsmouth										
NH 03801										
Other Consultants										
Other Consultants										
Other Consultants										
<b>Abutters</b>										
Job #	3050.67	Lot	Deed	Owner(s) First/Trust	Owner(s) Last /Trustee	Mailing Address	City	State	Zip	
2		4	11330/176	Dirk F. & Marnie J.	Ruemenapp	25 Oak Terrace	Kittery	ME	03904	
3		100	15905/469	Wendy	Whitney	3 Spinney Cove Drive	Kittery	ME	03904	
3		101	3768/117	Reginald R.	McKay	22 Oak Terrace	Kittery	ME	03904	
2		1	16119/73	Michael W.	Morrison	19 Oak Terrace	Kittery	ME	03904	
2		2	15222/514	Michael W.	Morrison	PO Box 928	Naples	FL	34106	





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

12 October, 2021

Reginald R. McKay  
22 Oak Terrace  
Kittery, ME 03904

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for 23 Oak Terrace LLC, 23 Oak Terrace, Kittery, ME.**

Dear Property Owner,

Under the Maine Department of Environmental Protection, this letter is to inform you in accordance with State Law that a Natural Resources Protection Act Permit Application will be filed with the Maine Department of Environmental Protection (DEP) for a permit to construct a tidal docking structure, **at the above mentioned property** on behalf of your abutter, **23 Oak Terrace LLC**.

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **23 Oak Terrace LLC** proposes a project that requires construction in areas under jurisdiction of the Maine DEP.

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

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

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



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

12 October, 2021

Michael W. Morrison  
19 Oak Terrace  
Kittery, ME 03904

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for 23 Oak Terrace LLC, 23 Oak Terrace, Kittery, ME.**

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Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



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

12 October, 2021

Michael W. Morrison  
PO Box 928  
Naples, FL 34106

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for 23 Oak Terrace LLC, 23 Oak Terrace, Kittery, ME.**

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Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**





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

12 October, 2021

Dirk F. & Marnie J. Ruemenapp  
25 Oak Terrace  
Kittery, ME 03904

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for 23 Oak Terrace LLC, 23 Oak Terrace, Kittery, ME.**

Dear Property Owner,

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

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



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

12 October, 2021

Wendy Whitney  
3 Spinney Cove Drive  
Kittery, ME 03904

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for 23 Oak Terrace LLC, 23 Oak Terrace, Kittery, ME.**

Dear Property Owner,

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

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**

7020 3160 0000 5138 0316

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



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Postage

Reginald R. McKay  
22 Oak Terrace  
Kittery ME 03904

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



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Michael W. Morrison  
PO Box 928  
Naples FL 34106

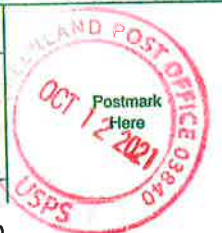
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Dirk F. & Marnie J. Ruemenapp  
25 Oak Terrace  
Kittery ME 03904

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3 Spinney Cove Drive  
Kittery ME 03904

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



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Michael W. Morrison  
19 Oak Terrace  
Kittery ME 03904





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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 2, Lot 3  
23 Oak Terrace  
Kittery, ME**

To Whom it May Concern:

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

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

Respectfully submitted,

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



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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 2, Lot 3  
23 Oak Terrace  
Kittery, ME**

To Whom it May Concern:

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

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Steven D. Riker, CWS  
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Ambit Engineering, Inc.



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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 2, Lot 3  
23 Oak Terrace  
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of a tidal docking structure on the above referenced site along Weir Creek.

This project proposes the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains.

Attached to this application you will find a "MEDEP Dock Permit Plan- Sheet C1" which depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and impact areas. Also attached to this application you will find the following: USGS Project location map, tax map, recorded deed, certified mail receipts for abutter notification, a field survey checklist, a coastal wetland characterization, a photo log, project description worksheets for docks, and a notice of intent to file.

Lastly, in utilizing the Maine Office of GIS, the proposed work is located adjacent to Tidal Wading Bird & Waterfowl Habitat.

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

Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office





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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 2, Lot 3  
23 Oak Terrace  
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of a tidal docking structure on the above referenced site along Weir Creek.

This project proposes the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains.

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Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office



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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 2, Lot 2  
23 Oak Terrace  
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of a tidal docking structure on the above referenced site along Weir Creek.

This project proposes the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains.

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Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office



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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 2, Lot 3  
23 Oak Terrace  
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of a tidal docking structure on the above referenced site along Weir Creek.

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Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office





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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 2, Lot 3  
23 Oak Terrace  
Kittery, ME**

To Whom it May Concern:

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

Respectfully submitted,

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

Cc: US Army Corp of Engineers, Maine Project Office

Site Photograph #1

August 2021



Site Photograph #2

August 2021





Site Photograph #3

August 2021

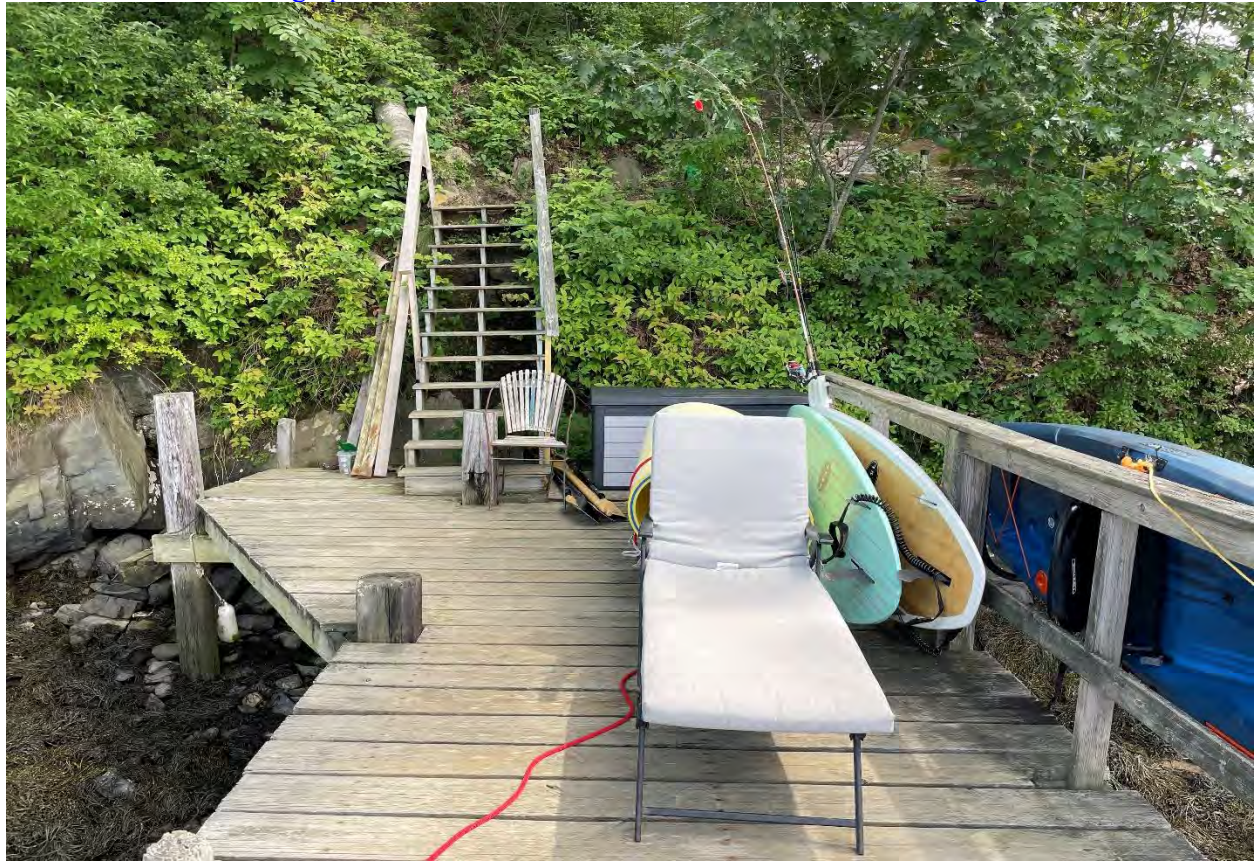


Site Photograph #4

August 2021







DLN: 1002040087513

**FORECLOSURE DEED**

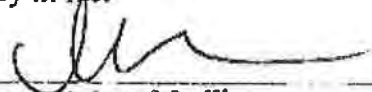
KNOW ALL BY THESE PRESENTS, that U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust with a mailing address of c/o Caliber Home Loans, Inc., 13801 Wireless Way, Oklahoma City, OK 73134 ("Grantor"), for valuable consideration, does hereby give, grant, convey and release unto 23 Oak Terrace LLC, with a mailing address of 9 Langton Street, Kittery, ME 03904 ("Grantee"), its successors, and assigns forever, that certain lot or parcel of land, with any buildings thereon, located at 23 Oak Terrace, Kittery, in York County, Maine, more particularly described in Exhibit A, attached hereto, and fully incorporated herein by reference.

BEING THE SAME PREMISES described in a Mortgage Deed dated February 2, 2007, and recorded in the York County Registry of Deeds at Book 15090, Page 374, which mortgage was foreclosed by civil action in York County Superior Court, Docket No. RE-2017-68. A public auction of the property was held on December 17, 2019, in accordance with the aforesaid judgment.

AND GRANTOR does hereby assign to Grantee all rights and interest of Grantor as high bidder at the public foreclosure sale held in the above matter.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed and sealed this 14 day of JANUARY, 2020.

U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, by Caliber Home Loans, Inc., as its attorney in fact



By: Kolette Modlin  
Its: Authorized Officer

State of \_\_\_\_\_  
County of \_\_\_\_\_

Personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020,

\_\_\_\_\_, in his/her aforesaid capacity, and acknowledged the foregoing to be his/her free act and deed, and the free act and deed of said U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, by Caliber Home Loans, Inc., as attorney-in-fact

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

"See attached"

Maine R.E. Transfer Tax Paid

**Exhibit "A"**

The land referred to herein is situated in the State of Maine, County of York described as follows:

A CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDINGS THEREON THE SOUTHWESTERLY SIDE OF OAK TERRACE, IN KITTERY, YORK COUNTY, MAINE, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD SET AT THE SOUTHEASTERLY CORNER OF THIS LOT AT THE SOUTHWESTERLY SIDELINE OF OAK TERRACE, A PUBLIC WAY, AND THENCE RUNNING NORTH 23° 30' 01" WEST FOR 22.7 FEET, MORE OR LESS, THROUGH AN IRON ROD SET IN THE PROPERTY LINE, IN PART BY SAID WAY, AND IN PART BY LAND NOW OR FORMERLY OF HENRY AND MARIE JOYCE, TO THE MEAN HIGH WATER LINE OF WEIR CREEK; THENCE TURNING AND RUNNING SOUTHWESTERLY AND WESTERLY BY AND ALONG SAID MEAN HIGH WATER LINE, AND IN PART ALONG A COURSE RUNNING SOUTH 57° 04' 07" WEST FOR 106.97 FEET MORE TO A POINT AT LAND NOW OR FORMERLY OF RAYMOND AND VIRGINIA BURGE; THENCE TURNING AND RUNNING SOUTH 25° 51' 00" EAST FOR 14.7 FEET, MORE OR LESS, THROUGH THE TRUNK OF A BIRCH TREE, AN IRON ROD SET 2 FEET SOUTHEASTERLY OF SAID TREE, A SECOND IRON ROD SET IN THE GROUND ON THIS LINE, TO A UTILITY POLE, ALL BY AND ALONG SAID LAND OF RAYMOND AND VIRGINIA BURGE; THENCE TURNING AND RUNNING SOUTH 40° 22' 59" EAST FOR 24.27 FEET TO AN IRON ROD; THEN SOUTH 75° 40' 55" EAST FOR 13.11 FEET TO AN IRON ROD; THENCE NORTH 63° 05' 00" EAST FOR 40.92 FEET TO AN IRON ROD; THENCE SOUTH 73° 39' 56" EAST FOR 42 FEET TO AN IRON ROD; THENCE SOUTH 20° 44' 20" EAST FOR 10.50 FEET TO AN IRON ROD; THENCE NORTH 76° 59' 59" EAST FOR 10.18 FEET TO AN IRON ROD AT SAID WAY AND THE POINT OF BEGINNING.

REFERENCE IS MADE TO A CERTAIN PLAN OF THE ABOVE PREMISES DESIGNATED "PLAT OF LAND, KITTERY, MAINE, FOR CAROLYN GALE" DATED SEPTEMBER 11, 1987, BY DURGIN SCHIOFIELD ASSOCIATES, PLAN #50695

SOURCE OF TITLE: BOOK 11562 PAGE 129 (RECORDED 04/22/2002)

APN: Map 2 Lot 3





## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

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

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

In Reply Refer To:

October 12, 2021

Consultation Code: 05E1ME00-2022-SLI-0036

Event Code: 05E1ME00-2022-E-00137

Project Name: 23 Oak Terrace Tidal Dock

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

To Whom It May Concern:

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

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List
-



## Official Species List

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

This species list is provided by:

**Maine Ecological Services Field Office**

P. O. Box A

East Orland, ME 04431

(207) 469-7300

---

## Project Summary

Consultation Code: 05E1ME00-2022-SLI-0036

Event Code: Some(05E1ME00-2022-E-00137)

Project Name: 23 Oak Terrace Tidal Dock

Project Type: SHORELINE USAGE FACILITIES / DEVELOPMENT

Project Description: The project proposes the construction of a 4' x 3' access landing, a 4' x 5' access stairway, a 4' x 10' access stairway, a 6' x 80' fixed pier, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.090290949999996,-70.76004947325053,14z>



Counties: York County, Maine

---

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

## Mammals

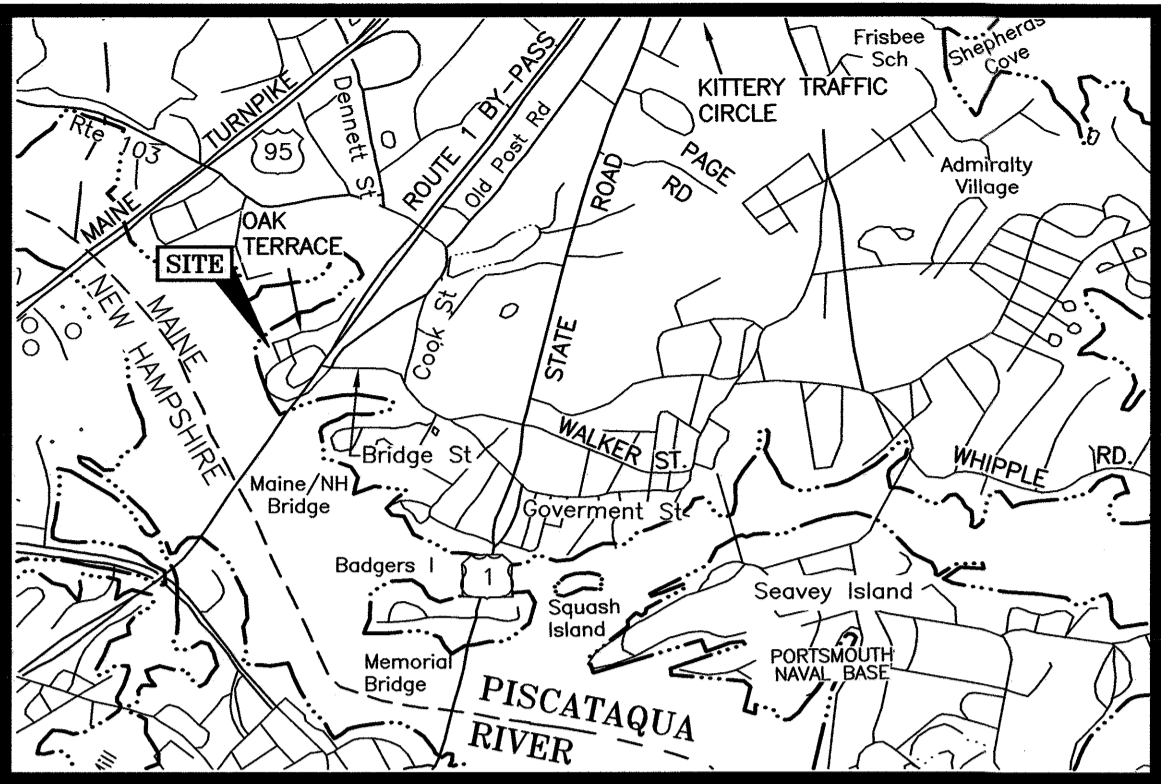
NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Critical habitats

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

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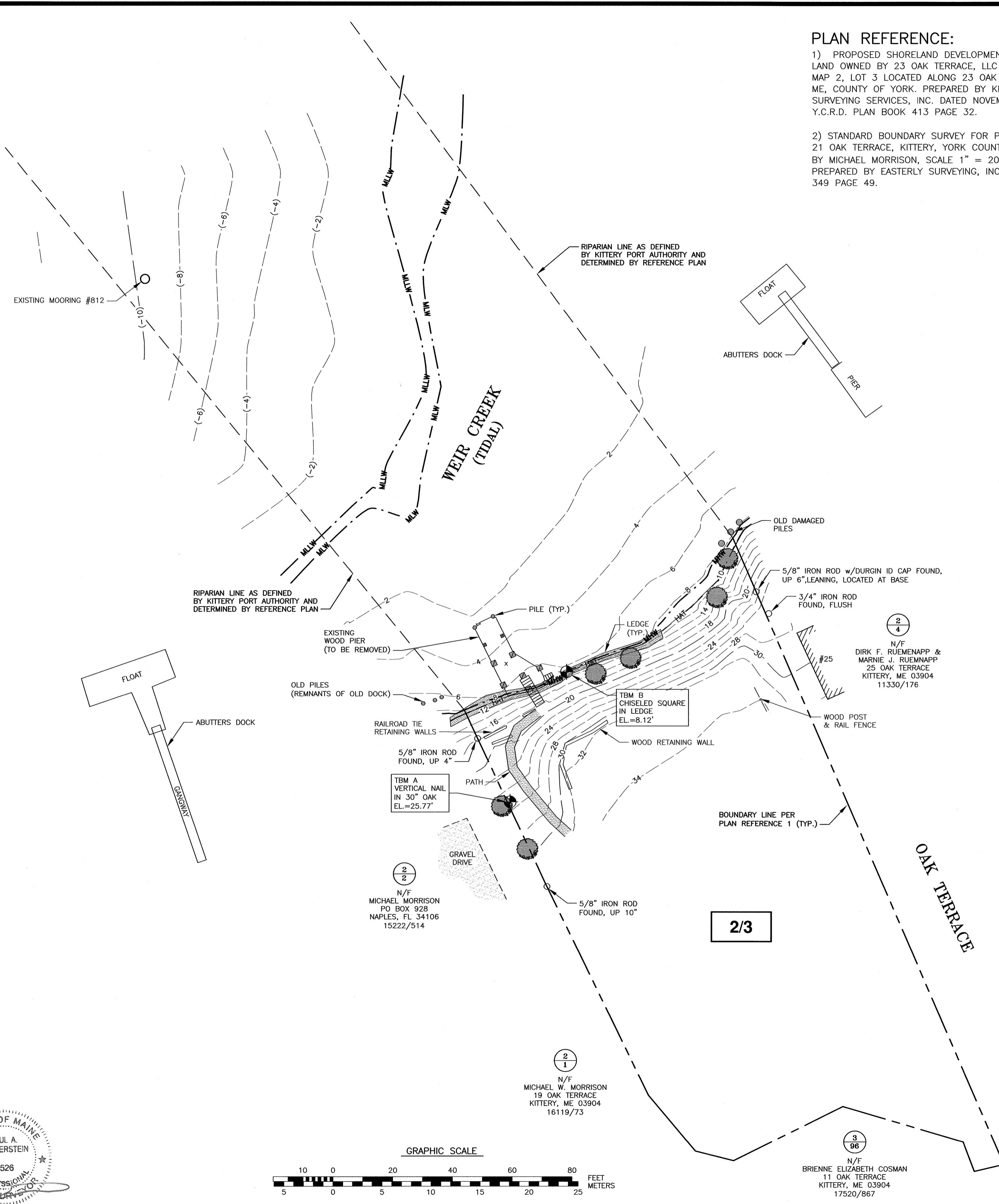




LOCATION MAP SCALE: 1" = 2000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS
- MAP 11 / LOT 21
- RAILROAD SPIKE FOUND
- IRON ROD/IRON PIPE FOUND
- IRON PIPE FOUND
- STONE/CONCRETE BOUND FOUND
- RAILROAD SPIKE SET
- IRON ROD SET
- DRILL HOLE SET
- GRANITE BOUND SET
- APPROXIMATE BOUNDARY
- MEAN HIGH WATER LINE
- MEAN LOW WATER LINE
- MEAN LOWER LOW WATER LINE
- MAINE DEP HIGHEST ANNUAL TIDE LINE
- CONTOUR
- SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- TEMPORARY BENCHMARK
- TYPICAL



**PLAN REFERENCE:**  
 1) PROPOSED SHORELAND DEVELOPMENT SITE PLAN FOR LAND OWNED BY 23 OAK TERRACE, LLC KNOWN AS TAX MAP 2, LOT 3 LOCATED ALONG 23 OAK TERRACE, KITTERY, ME, COUNTY OF YORK. PREPARED BY KNIGHT HILL SURVEYING SERVICES, INC. DATED NOVEMBER 25, 2020. Y.C.R.D. PLAN BOOK 413 PAGE 32.  
 2) STANDARD BOUNDARY SURVEY FOR PROPERTIES AT 19 & 21 OAK TERRACE, KITTERY, YORK COUNTY, MAINE, OWNED BY MICHAEL MORRISON, SCALE 1" = 20', DATED 5/22/08, PREPARED BY EASTERLY SURVEYING, INC., YCRD PLAN BOOK 349 PAGE 49.

GRID NORTH  
 WEST ZONE  
 ME SFC  
 NAD83(2011)

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

**RIVERSIDE & PICKERING**  
 MARINE CONTRACTORS

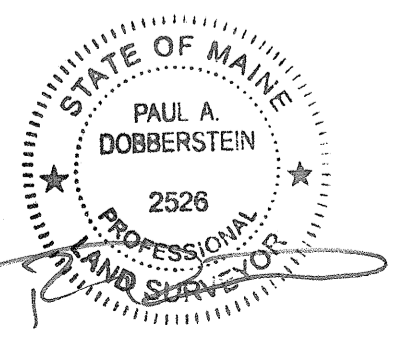
- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 2 AS LOT 3.
  - 2) OWNER OF RECORD:  
 23 OAK TERRACE LLC  
 9 LANGTON STREET  
 KITTERY, ME 03904  
 18175/112, PLAN BOOK 413 PAGE 32
  - 3) A PORTION OF THE PARCEL IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ZONE A2 (EL.9) AS SHOWN OF FIRM PANEL 2301710007C. EFFECTIVE DATE JULY 6, 1984.
  - 4) EXISTING LOT AREA:  
 18,512 S.F. ± (PER PLAN REFERENCE 1)  
 0.42 ACRES ± (PER PLAN REFERENCE 1)
  - 5) PARCEL IS LOCATED IN THE RESIDENTIAL-SUBURBAN (R-S) ZONING DISTRICT AND IS SUBJECT TO THE SHORELAND PROTECTION OVERLAY ZONE 250' (02-SL-250').
  - 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF TAX MAP 2 LOT 3 IN THE TOWN OF KITTERY
  - 7) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8419870 SEAVEY ISLAND; PORTSMOUTH HARBOR MAINE, MLLW BEING 4.62' FEET LOWER THAN 0.00 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
  - 8) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.2 PER LOCATION PORTSMOUTH IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.
  - 9) BOUNDARY LINES SHOWN HEREON ARE BASED SOLELY ON PLAN REFERENCE 1. EASEMENTS, RIGHTS OF OTHERS, ETC., HAVE NOT BEEN RESEARCHED OR NOTED HEREON. THIS IS NOT A BOUNDARY SURVEY.

**HOLBEN RESIDENCE**  
**23 OAK TERRACE**  
**KITTERY, MAINE**

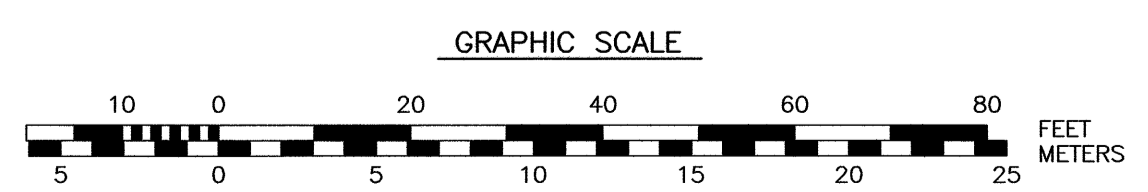
2	MOORING LOCATIONS	10/1/21
1	RIPARIAN LINES	8/24/21
0	ISSUED FOR COMMENT	7/7/21
NO.	DESCRIPTION	DATE
REVISIONS		

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

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



PAUL A. DOBBERSTEIN, PLS #2526  
 DATE 10/5/2021



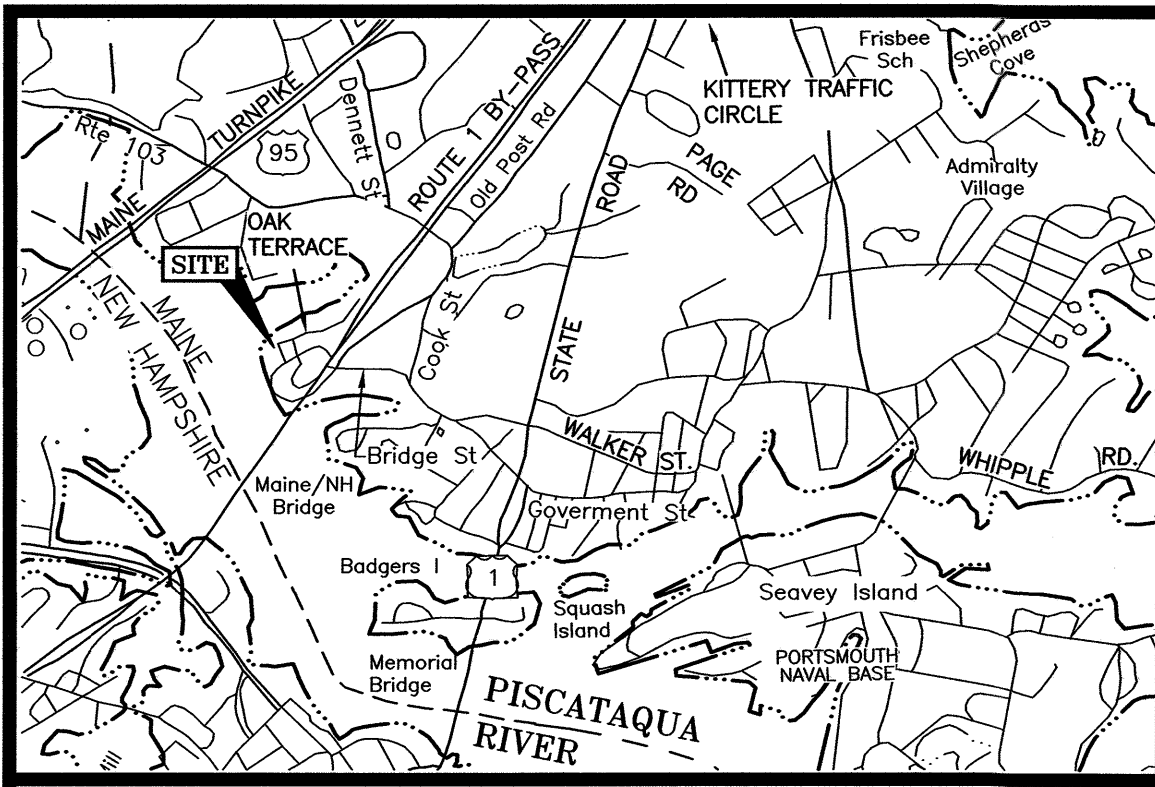
**OWNER & APPLICANT:**  
 23 OAK TERRACE LLC  
 9 LANGTON STREET  
 KITTERY, ME 03904

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

SCALE: 1"=20' JULY 2021

**EXISTING CONDITIONS PLAN**

**C1**



LOCATION MAP

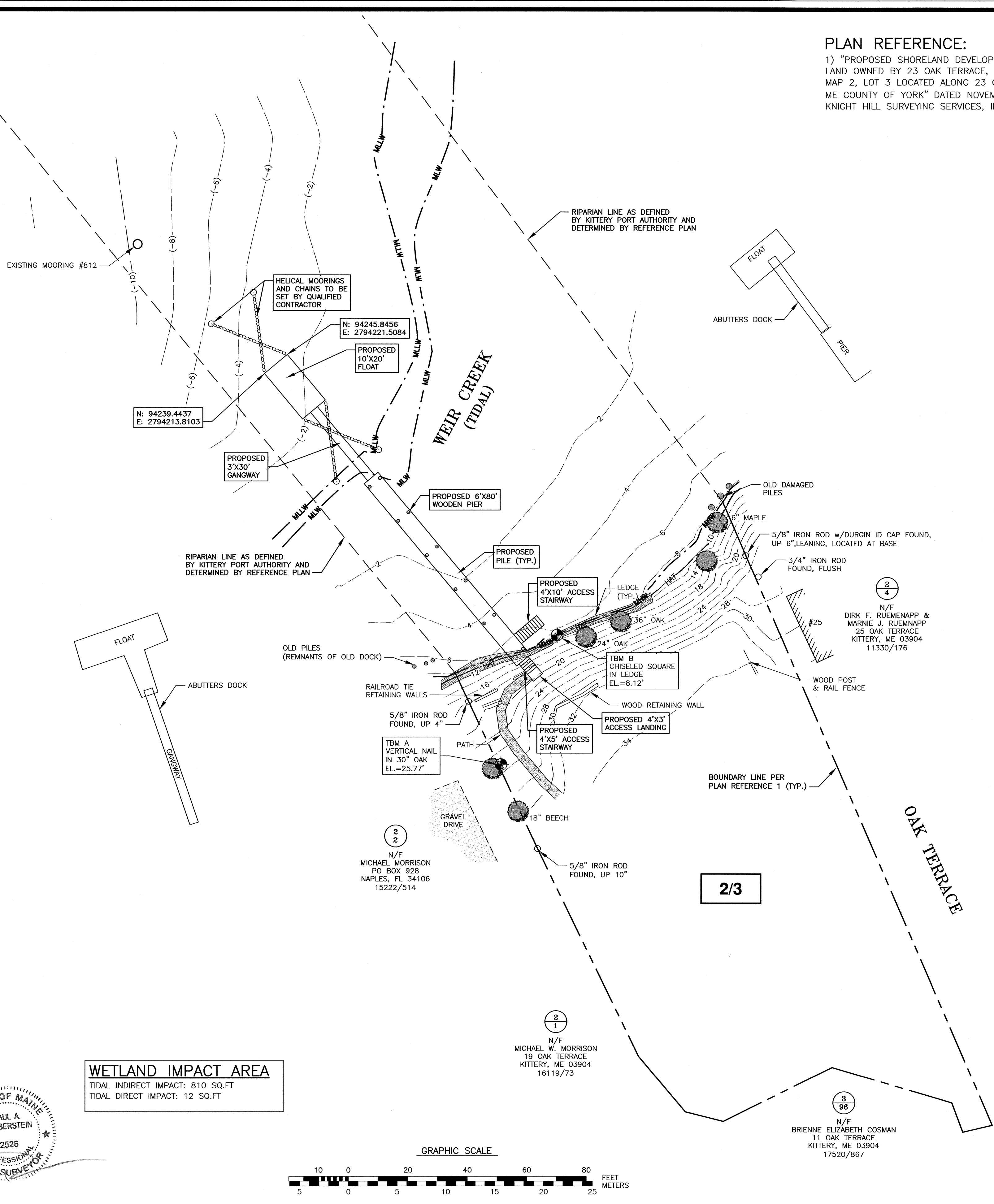
**PLAN REFERENCE:**  
 1) "PROPOSED SHORELAND DEVELOPMENT SITE PLAN FOR LAND OWNED BY 23 OAK TERRACE, LLC KNOWN AS TAX MAP 2, LOT 3 LOCATED ALONG 23 OAK TERRACE, KITTERY, ME COUNTY OF YORK" DATED NOVEMBER 25, 2020 BY KNIGHT HILL SURVEYING SERVICES, INC.

ME SPC  
 NAD83(2011)  
 GRID NORTH  
 WEST ZONE

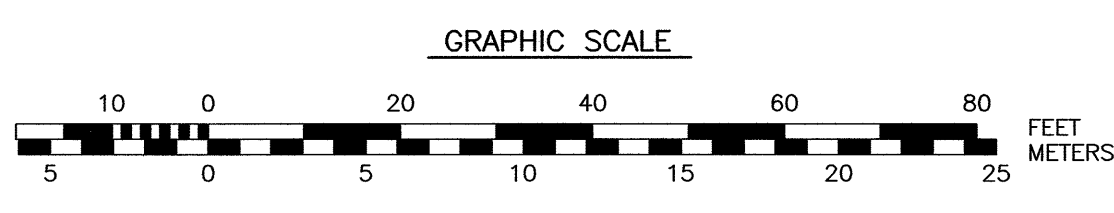
**AMBIT ENGINEERING, INC.**  
 Civil Engineers & Land Surveyors  
 200 Griffin Road - Unit 3  
 Portsmouth, N.H. 03801-7114  
 Tel (603) 430-9282  
 Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 2 AS LOT 3.
  - 2) OWNERS OF RECORD:  
 23 OAK TERRACE LLC  
 9 LANGTON STREET  
 KITTERY, ME 03904  
 18175/112, PLAN BOOK 413 PAGE 32
  - 3) A PORTION OF THE PARCEL IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ZONE A2 (EL-9) AS SHOWN OF FIRM PLAN 2301710007C. EFFECTIVE DATE JULY 6, 1984.
  - 4) EXISTING LOT AREA:  
 18,512 S.F. / 0.42 ACRES (PLAN REFERENCE 1)
  - 5) PARCEL IS LOCATED IN THE RESIDENTIAL / SUBURBAN (R-S) ZONING DISTRICT AND IN THE SHORELAND - WATER BODY / WETLAND PROTECTION AREA (OZ-SL-250').
  - 6) DIMENSIONAL REQUIREMENTS:  
 MIN. LOT AREA: (ON PUBLIC SEWER) 30,000 S.F.  
 (NOT ON PUBLIC SEWER) 40,000 S.F.  
 FRONTAGE: 150 FEET  
 FRONT: 40 FEET  
 SIDE/REAR: 15 FEET  
 MAXIMUM STRUCTURE HEIGHT: 35 FEET  
 MAXIMUM LOT COVERAGE: 20%
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED DOCKING STRUCTURE ON A PORTION OF TAX MAP 2 LOT 3 IN THE TOWN OF KITTERY
  - 8) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8419870 SEAVEY ISLAND; PORTSMOUTH HARBOR ME, MLLW BEING 3.99 FEET LOWER THAN 0.00 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
  - 9) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.2 PER LOCATION DOVER POINT IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.
  - 10) BOUNDARY LINES SHOWN HEREON ARE BASED SOLELY ON PLAN REFERENCE 1. EASEMENTS, RIGHTS OF OTHERS, ETC., HAVE NOT BEEN RESEARCHED OR NOTED HEREON. THIS IS NOT A BOUNDARY SURVEY.
  - 11) THE ENTIRE PROPOSED TIDAL DOCKING STRUCTURE IS LOCATED WITHIN THE RESIDENTIAL SUBURBAN DISTRICT AND SHORLAND PROTECTION AREA.

- LEGEND:**
- N/F NOW OR FORMERLY
  - RP RECORD OF PROBATE
  - YCRD YORK COUNTY REGISTRY OF DEEDS
  - MAP 11/LOT 21
  - IR FND IRON ROD FOUND
  - MHW MEAN HIGH WATER LINE
  - HAT HIGHEST ANNUAL TIDE LINE
  - MLLW MEAN LOWER LOW WATER LINE
  - MLW MEAN LOW WATER LINE
  - EDGE OF WETLAND
  - BOUNDARY
  - 100 CONTOUR
  - WOODS / TREE LINE
  - 1 SITE PHOTO LOCATION/DIRECTION
  - TBM TEMPORARY BENCHMARK
  - TYP. TYPICAL
  - PILE
  - SQUARE PILE

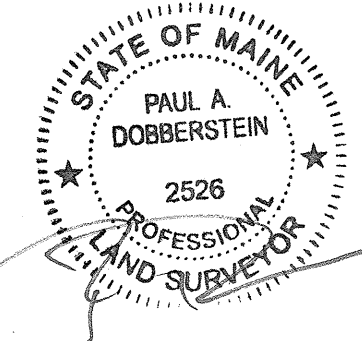


**WETLAND IMPACT AREA**  
 TIDAL INDIRECT IMPACT: 810 SQ.FT  
 TIDAL DIRECT IMPACT: 12 SQ.FT



PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:  
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PAUL A. DOBBERSTEIN, PLS #2526  
 DATE: 10/5/2021

3  
 100  
 N/F  
 WENDY WHITNEY  
 3 SPINNEY COVE DRIVE  
 KITTERY, ME 03904  
 15905/469

3  
 101  
 N/F  
 REGINALD R. MCKAY  
 22 OAK TERRACE  
 KITTERY, ME 03904  
 3768/117

OWNER & APPLICANT:  
 23 OAK TERRACE LLC  
 9 LANGTON STREET  
 KITTERY, ME 03904

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

**HOLBEN RESIDENCE**  
**23 OAK TERRACE**  
**KITTERY, MAINE**

NO.	DESCRIPTION	DATE
2	ADD 4'X10' ACCESS STAIRWAY	10/1/21
1	DOCK LOCATION	9/22/21
0	ISSUED FOR COMMENT	5/7/2021

REVISIONS

10-1-21

SCALE: 1"=20' MAY 3, 2021

**ME DEP PERMIT PLAN**  
**C2**

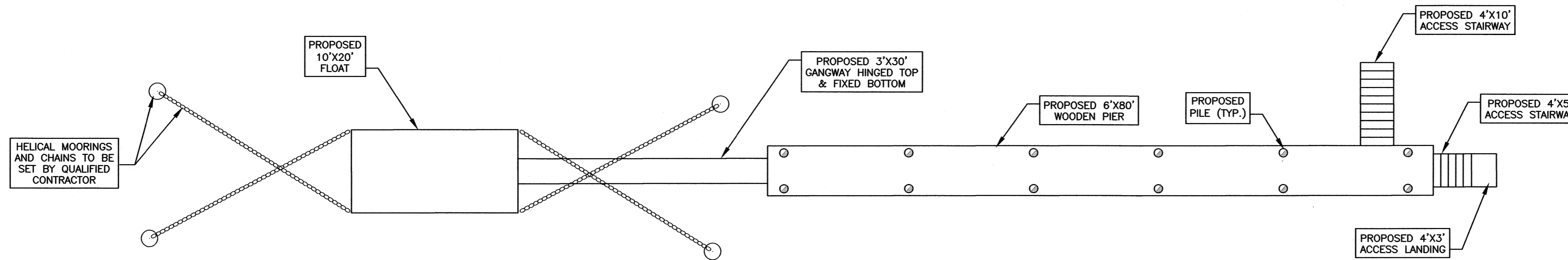




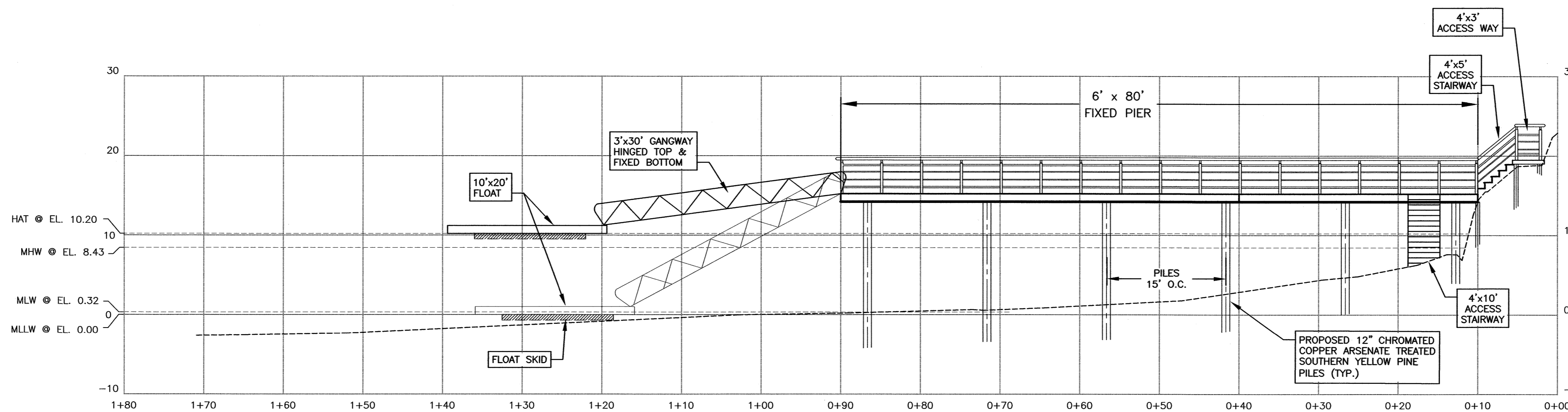
**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 436-9282  
Fax (603) 436-2315

**NOTES:**

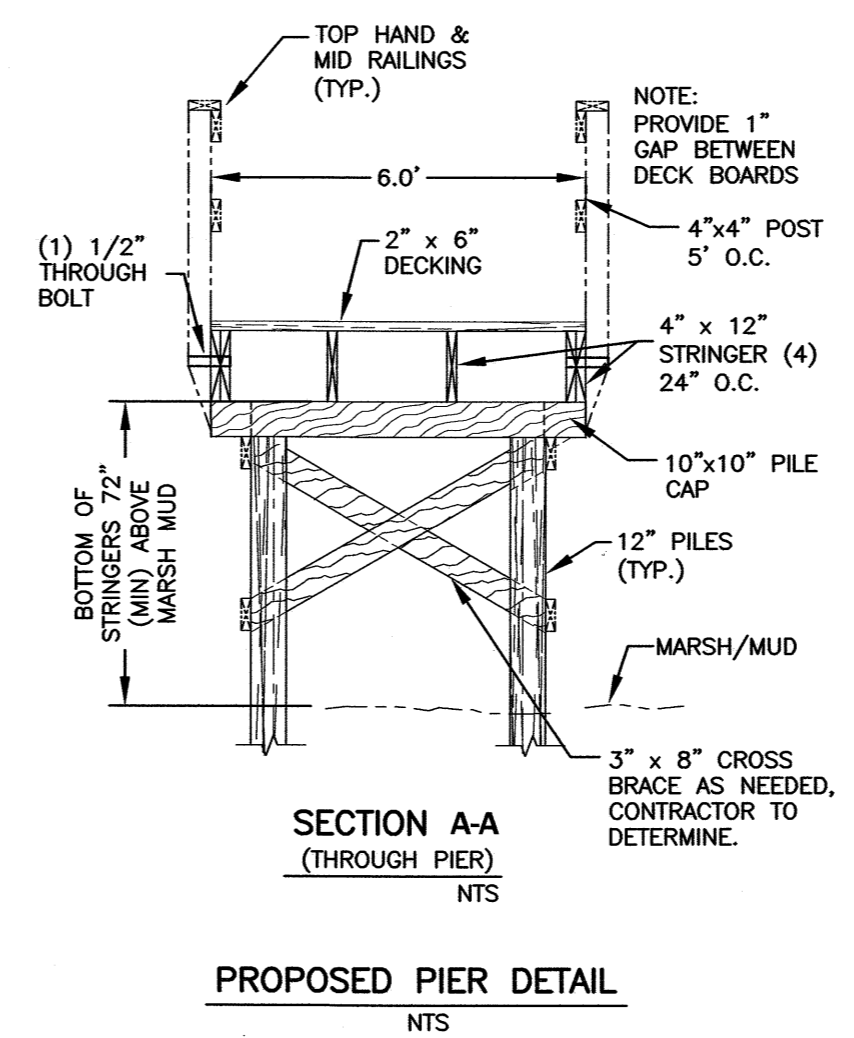
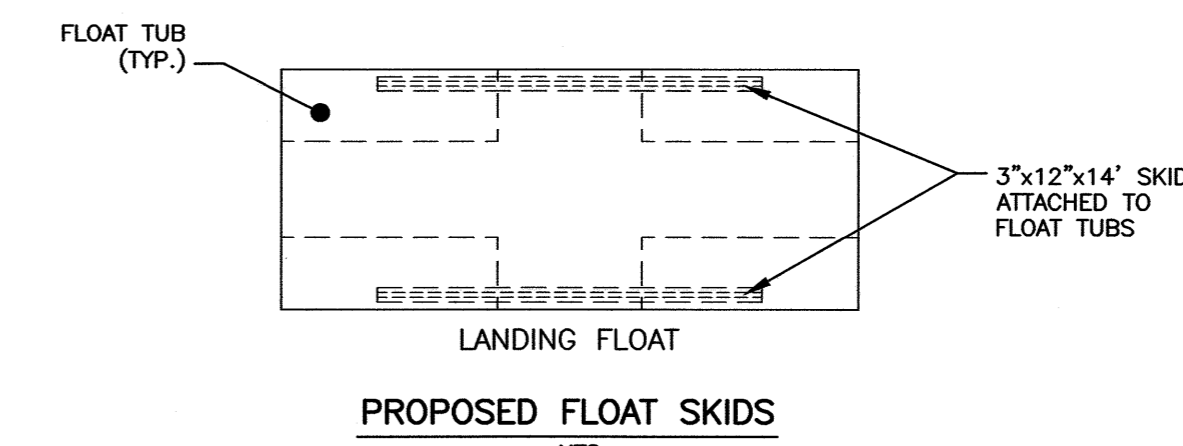
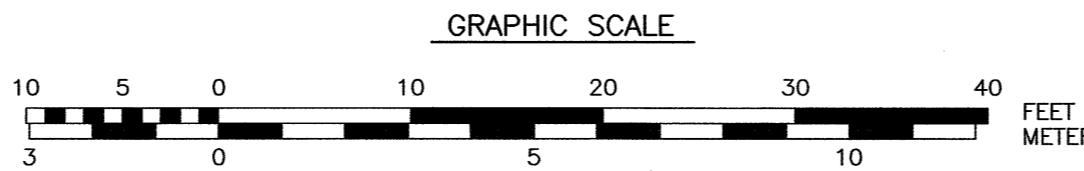
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.
- 4) NUMBER OF PILES TO BE DRIVEN FOR DOCKING STRUCTURE NOT TO EXCEED 12 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.



PROPOSED DOCK PLAN



PROPOSED DOCK ELEVATION  
PROPOSED PIER, GANGWAY & FLOAT



**SEQUENCE OF CONSTRUCTION**

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

**HEAVY EQUIPMENT IN WETLANDS OR MUDFLATS**

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

**TIME OF YEAR WORK WINDOWS/RESTRICTIONS**

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

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

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

**FLOODPLAINS AND FLOODWAYS**

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

**STORAGE OF SEASONAL STRUCTURES.**

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

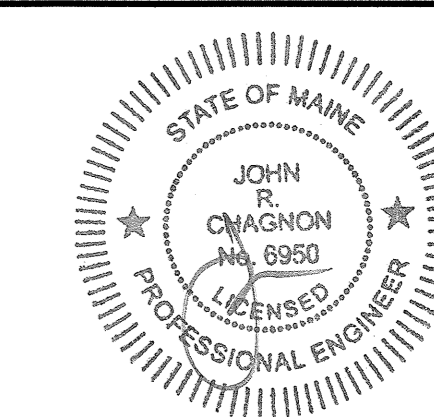
**SPAWNING, BREEDING, AND MIGRATORY AREAS.**

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

**HOLBEN RESIDENCE**  
**23 OAK TERRACE**  
**KITTERY, MAINE**

NO.	DESCRIPTION	DATE
2	ADD 4'x10' ACCESS STAIRWAY	10/1/21
1	DOCK LOCATION	9/22/21
0	ISSUED FOR COMMENT	5/7/2021

REVISIONS



OWNER & APPLICANT:  
23 OAK TERRACE LLC  
9 LANGTON STREET  
KITTERY, ME 03904

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

SCALE: AS SHOWN MAY 3, 2021

DETAILS

D1



# LETTER OF TRANSMITTAL

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

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

DATE: <b>10/25/2021</b>	JOB NO. <b>3050.70</b>
ATTENTION: <b>Kittery Port Authority</b>	
RE: <b>Application for Dock</b>	
<b>9 Pepperrell Road, Kittery, ME</b>	

**WE ARE SENDING YOU**

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

COPIES	DATE	REVISION	DESCRIPTION
10	10/12/22		KPA Application Packages
10	8/21	10/5/21	Plan Set (full size)
1	10/19/21		\$125.00 CHECK

**THESE ARE TRANSMITTED AS CHECKED BELOW**

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

**REMARKS**

OCT 25 2021 AM 11:47

**COPY TO**    File

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



MISCELLANEOUS PAYMENT RECPT#: 681470  
TOWN OF KITTERY - LIVE  
200 ROGERS ROAD  
KITTERY ME 03904

DATE: 10/25/21            TIME: 11:48  
CLERK: 220codeca        DEPT:  
CUSTOMER#: 0

PARCEL: 9 PEPPERRELL RD

CHG: 10            DESIGNATED ACCO            125.00

-----  
REVENUE:  
1 1111            43149            125.00  
KPA APPLICATION FEES  
REF1:            REF2:

CASH:  
1000            11011            125.00  
CHECKING  
-----

AMOUNT PAID:            125.00

PAID BY:            RIVERSIDE & PICKERIN  
PAYMENT METH: CHECK  
4044  
REFERENCE:        CV

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



TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: 18
Lot: 10-A
Date Submitted: October 25, 2021

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

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

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

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

The project proposes the construction of a 6' x 30' fixed pier, a 4' x 16' stairway, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 200 feet of shoreline along Barter's Creek.

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

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

2. Property Owner(s): Charles R. Kendall

3. Property Address: 9 Pepperrell Road, Kittery Point, ME 03905

4. Telephone Number: 617-833-1602 Email: ricekendall@hotmail.com

5. Property Size (Acres/SF): 1.36 AC Zoning District(s): Residential-Kittery Point Village

6. The shore frontage of this property is 200 feet, measured at the high water line in a straight line, stake to stake.

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

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

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

Applicant Signature: Date:

Property Owner Signature: Agent-See Authorization Date: 10/12/21

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

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

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

Fee Paid, Amount: \$125 Date:

OCT 25 2021 AM 11:47



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

12 October 2021

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

**Re: NRPA Individual Permit Application**  
**Tax Map 18, Lot 10-A**  
**9 Pepperrell Road**  
**Kittery Point, ME**

To Whom it May Concern:

This letter transmits a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request to permit 6 sq. ft. of direct impact, and 534 sq. ft. of indirect impact for the construction of a 6' x 30' fixed pier, a 4' x 16' stairway, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 200 feet of shoreline along Barter's Creek.

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

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

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

Respectfully submitted,

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

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



12 October, 2021

**To Whom It May Concern:**

**RE: State of Maine Department of Environmental Protection Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for Charles Kendall of 9 Pepperrell Road Kittery Point, ME 03905**

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

Ambit Engineering, inc.  
Riverside & Pickering Marine Contractors

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Kendall', with a long horizontal line extending to the right.

*Charles Kendall  
9 Pepperrell Rd  
Kittery Point, ME 03905*

# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

1. Name of Applicant: Charles R. Kendall		5. Name of Agent: Steven D. Riker Ambit Engineering, Inc.	
2. Applicant's Mailing Address: 9 Pepperrell Road, Kittery Point, ME 03905		6. Agent's Mailing Address: 200 Griffin Road, Unit 3 Portsmouth, NH 03801	
3. Applicant's Daytime Phone #: 617-833-1602		7. Agent's Daytime Phone #: 603-430-9282	
4. Applicant's Email Address (Required from either applicant or agent): ricekendall@hotmail.com		8. Agent's Email Address: sdr@ambitengineering.com	
9. Location of Activity: (Nearest Road, Street, Rt.#) 9 Pepperrell Road		10. Town: Kittery Point	11. County: York
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Barter's Creek
	14. Amount of Impact: (Sq.Ft.)		Fill: 6 s.f. direct for piles Dredging/Veg Removal/Other: 534 s.f. indirect for pier, gangway & float
15. Type of Wetland: (Check all that apply)	<b>FOR FRESHWATER WETLANDS</b>		
	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other: <u>Tidal wetland</u>	<b>Tier 1</b> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<b>Tier 2</b> <input type="checkbox"/> 15,000 - 43,560 sq. ft.
16. Brief Activity Description: The project proposes 6 sq. ft. of direct impact, and 534 sq. ft. of indirect impact for the construction of a 6' x 30' fixed pier, a 4' x 16' stairway, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 200 feet of shoreline along Barter's Creek.			
17. Size of Lot or Parcel & UTM Locations:		<input checked="" type="checkbox"/> 59,241 square feet, or <input checked="" type="checkbox"/> 1.36 acres UTM Northing: -70.71610 UTM Easting: 43.08458	
18. Title, Right or Interest: <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement			
19. Deed Reference Numbers: Book#: 18302 Page: 842		20. Map and Lot Numbers: Map #: 18 Lot #: 10-A	
21. DEP Staff Previously Contacted:		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application #	
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:	
26. Detailed Directions to the Project Site:		25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>TIER 1</b>		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>	
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
28. FEES Amount Enclosed: \$543.00			
<b>CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2</b>			



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

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

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

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

**CORPS SIGNATORY REQUIREMENT**

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

**DEP SIGNATORY REQUIREMENT**

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

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

  
\_\_\_\_\_  
SIGNATURE OF AGENT/APPLICANT

Date: 10/12/21 \_\_\_\_\_

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

**(pink)**



## **CONSTRUCTION DETAILS-SEQUENCE**

This project proposes the construction of a 6' x 30' fixed pier, a 4' x 16' stairway, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 200

The fixed pier will be constructed of wood with an associated wooden railing for safety. The fixed pier will be supported by 6 piles, driven to refusal. These piles will be driven utilizing a crane barge from the water. These piles will be CCA treated lumber which shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction. Details for the fixed pier, gangway, and floats are provided in the plan set, located on "Details-Sheet D1".

Construction of the dock is anticipated to take less than one week. A crane barge and a spud barge will mobilize to the site with equipment and materials. The pier will be constructed and the gangway and floats will be installed. The floats and gangway are pre-fabricated off site and are mobilized to the site via crane barge. After the pier is complete, the crane barge is used to bring the float and gangway into place for installation. A construction sequence is also provided in the plan set, located on "Details-Sheet D1".

The proposed float and gangway will be seasonal structures. The gangway will be stored on the fixed pier, and the floats will be towed from the the subject property during the winter months.

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

## ALTERNATIVES ANALYSIS

This project proposes the construction of a 6' x 30' fixed pier, a 4' x 16' stairway, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 200 of frontage along Barter's Creek.

Project design alternatives have been explored to provide safe boating access/dockage, and safe foot access to the structure itself, while also minimizing impacts to the adjacent tidal resource to the greatest extent practicable. Due to the configuration of the property, the location of Barter's Creek in relation to the property, the location of an existing wood deck and the location of appropriate water depth for docking, there are minimal alternative locations to place a dock on the parcel and perform the intended use. The lot contains approximately 200 feet of shoreline. Use of the existing wood deck on the property will serve to provide foot access, and also provide a structural basis to the fixed pier. Use of the existing wood deck and the water depths within Barter's Creek along the frontage provide for the shortest length of structure necessary for adequate water, while also providing a reasonable use, representing the least impacting alternative.

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

The alternative of not constructing a dock would require the owners to trailer their boat, which results in the compounded use of fuel for transport, as well as a vehicle capable of towing the boat. Transportation for each boating use has an environmental impact.

Lastly, the use of piles to support the fixed pier, and the use of helical moorings to secure the float represents the least impacting alternative. The length of the structure is necessary to achieve sufficient use during the tidal cycle. The current proposal has 6 piles to be driven located landward of MLW. The proposed helical moorings have a reduced footprint as compared to a traditional mooring anchor, further reducing impact to the substrate.

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



# **WETLAND FUNCTIONS AND VALUES ASSESSMENT**

## **INTRODUCTION**

This report provides an assessment of the functions and values of the tidal wetland system located within a parcel of land located at 9 Pepperrell Road, Kittery Point, Maine. The property is identified as Tax Map 18, Lot 10-A, is approximately 1.36 acres in size, and is located to the north of Pepperrell Road and to the south of Barter's Creek. The lot is developed and contains a single family home with associated driveway. The surrounding land use is residential.

Wetlands on the project site were assessed by Steven D. Riker, New Hampshire Certified Wetland Scientist on September 15, 2021 in accordance with the 1987 United States Army Corps of Engineers' Wetlands Delineation Manual (Routine Delineation Method), and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January 2012. The functions and values of these wetlands were assessed using the United States Army Corp of Engineers' Highway Methodology Workbook Supplement (ACOE, September 1999).

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

## **DISCUSSION**

For the purpose of this assessment, the tidal wetland directly associated with the subject parcel was evaluated. This tidal wetland is contiguous with other wetlands located along Barter's Creek, the Piscataqua River, and on a larger scale, the Atlantic Ocean. This assessment examines those functions and values of the tidal wetland area located directly adjacent to the subject parcel, and the proposed tidal docking structure. Also, for the purposes of the assessment, the freshwater wetland and tidal wetland will be referred to as Wetland A, as both systems are located directly adjacent to each other, and also provide similar functions and values.

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



There are 3 wetland classes associated with the wetland resources that exist on the subject parcel. According to the "Classification of Wetlands and Deepwater Habitats of the United States" (USFWS 1979). The tidal flat associated with the parcel would be classified as an estuarine intertidal unconsolidated shore cobble-gravel wetland system that is regularly flooded by the tides (E2US1N). The subtidal area associated with the parcel would be classified as a marine subtidal unconsolidated bottom mud wetland system (M2UB3L).

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

## **IMPACT ASSESSMENT**

This project proposes the construction of a 6' x 30' fixed pier, a 4' x 16' stairway, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 200 feet of shoreline along Barter's Creek. The float and gangway are designed to be removed during winter months, as they will be detached from the pier, towed and stored off site during the boating off-season.

Given the nature of the project, it is anticipated that there will be no affect on the wetland's ability to perform the above identified functions and values. The tidal docking structure will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, it will not impede any migrational fish movement, it will not contribute to pollution, degradation, or erosion, and it will not have a visual impact as the surrounding properties are previously developed and some already contain similar structures. Impacts associated with tidal docking structures are insignificant as tidal docks are designed to minimize impact, do not contribute to additional stormwater or pollution, and do not impede fish migration or deter use by wildlife species. Given that the tidal dock will be supported by piles it will therefore not impede tidal flow or alter hydrology, will not impact migrational movement of fish and wildlife, and will not provide a barrier or alter hydrology, therefore preserving the functionality of the adjacent wetland resources.

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

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

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

Name of applicant: Charles R. Kendall Phone: 617-833-1602  
 Application Type: Maine DEP NRPA Individual  
 Activity Type: (brief activity description) Construction of a tidal dock  
 Activity Location: Town: Kittery Point Court: York  
 GIS Coordinates, if known: LAT: -70.71610 LON: 43.08458  
 Date of Survey: 9/15/21 Observer: Steven D. Riker Phone: 603-430-9282

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

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

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

(pink)



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

NAME OF APPLICANT: Charles R. Kendall PHONE: 617-833-1602

APPLICATION TYPE: Maine DEP NRPA Individual

ACTIVITY LOCATION: TOWN: Kittery Point COUNTY: York

ACTIVITY DESCRIPTION:  fill  pier  lobster pound  shoreline stabilization  
 dredge  other: \_\_\_\_\_

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

TIME OF SURVEY: 2:20 PM TIDE AT SURVEY: 12:54 PM low tide @ Seavey Island

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):  
Intertidal area: 6 sq. ft. for piles Subtidal area: None

SIZE OF INDIRECT IMPACT, if known (square feet): \_\_\_\_\_  
Intertidal area: 534 sq. ft. indirect from shading Subtidal area: None

HABITAT TYPES PRESENT(check all that apply):  
 sand beach  boulder/cobble beach  sand flat  mixed coarse & fines  salt marsh  
 ledge  rocky shore  mudflat (sediment depth, if known: \_\_\_\_\_)

ENERGY:  protected  semi-protected  partially exposed  exposed

DRAINAGE:  drains completely  standing water  pools  stream or channel

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

SHORELINE CHARACTER:  
 bluff/bank (height from spring high tide: 9')  beach  rocky  vegetated

FRESHWATER SOURCES:  stream  river  wetland  stormwater

MARINE ORGANISMS PRESENT:

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

SIGNS OF SHORELINE OR INTERTIDAL EROSION?  yes  no

PREVIOUS ALTERATIONS?  yes  no Existing deck

CURRENT USE OF SITE AND ADJACENT UPLAND:  
 undeveloped  residential  commercial  degraded  recreational

**PLEASE SUBMIT THE FOLLOWING:**  
 Photographs  Overhead drawing (pink)



Natural Resource Protection Act Application

APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.



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



THIS IS AN APPLICATION FOR A.....

- Commercial wharf
Public pier, dock or wharf
Common or shared recreational pier, dock or wharf
Private recreational pier, dock or wharf
Expansion or modification of an existing structure
Other, please indicate:



TELL US ABOUT YOUR BOAT.... Kayak Use

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



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



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

Appendix A attached



WHAT FACILITIES ARE NEARBY?

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

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

- I have inquired about slip or mooring availability at the nearest marina or public facility.
Yes, a slip or mooring is available. No, a slip or mooring is not available.
Approximate expected time on waiting list: 105 for Back Channel Mooring as of 10/7/21
I have contacted the local Harbor Master. Name: John Brosnihan
Phone: 207-451-0829

I currently use the following for my boat:  Mooring  Marina



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

**MATERIALS:**

- The structure will be supported by pilings.  
\_\_ 6 \_\_ pilings of \_\_ 12 \_\_ inches in diameter
- The structure will be supported by stacked, flow-through granite cribs.  
\_\_\_\_\_ blocks, measuring \_\_\_\_\_ feet by \_\_\_\_\_ feet
- The structure will be supported by solid fill.  
\_\_\_\_\_ square feet of solid fill
- Other: \_\_\_\_\_

**DIMENSIONS:**

Length of fixed section: \_\_ 30 \_\_ feet  
Width of fixed section: \_\_ 6 \_\_ feet  
Length of ramp: \_\_ 30 \_\_ feet  
Dimensions of float: \_\_ 10 \_\_ feet wide by \_\_ 20 \_\_ feet long  
Distance the structure will extend below mean low water (MLW): \_\_ 0 \_\_ feet  
Depth of water at the fixed end of the structure: \_\_ 0 at low tide \_\_ feet  
Depth of water at the float at low tide: \_\_ 0 \_\_ feet  
Depth of water at the float at high tide: \_\_ 10 \_\_ feet  
Dimensions of any proposed buildings (e.g. bait shed):  
\_\_\_\_\_ feet high by \_\_\_\_\_ feet wide by \_\_\_\_\_ feet long

**ACCESS:**

During construction, my project site will be accessed via:

- Land
- Beach/intertidal area
- Water/barge

08/08

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

Please take notice that

\_\_\_\_\_  
Charles R. Kendall

\_\_\_\_\_  
9 Pepperrell Road, Kittery Point, ME 03905  
(Name, Address and Phone # of Applicant)

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

\_\_\_\_\_  
October 15, 2021  
(anticipated filing date)

The application is for

\_\_\_\_\_  
construction of a tidal dock  
(description of the project)

at the following location:

\_\_\_\_\_  
9 Pepperrell Road, Kittery Point, ME 03905  
(project location)

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

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

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

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

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333  
MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103  
MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

(blue)



**PUBLIC NOTICE FILING AND CERTIFICATION**

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

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

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

**CERTIFICATION**

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

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

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

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

\_\_\_\_\_  
Signature of Applicant or authorized agent

\_\_\_\_\_  
Date

(blue)

RETURN TO  
Boynton, Waldron, Doleac,  
Woodman & Scott, P.A.  
82 Court Street  
Portsmouth, NH 03801

Maine R.E. Transfer Tax Paid

DEED OF SALE BY PERSONAL REPRESENTATIVE

KNOW ALL PERSONS BY THESE PRESENTS THAT I, GRAHAM L. ALVORD, of 8415 Cormorant Cove Circle, Anchorage, State of Alaska 99507, duly appointed and acting personal representative of the ESTATE OF GRAHAM G. ALVORD, deceased (testate), as shown by the probate records of York County, Maine, Case No. 2020-0306 and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid grants to CHARLES RICE KENDALL, of 5 Newson Avenue, Kittery, County of York, State of Maine 03904;

WITH WARRANTY COVENANTS, a certain lot or parcel or land situated in said Town of Kittery, County of York, State of Maine.

(SEE EXHIBIT A ATTACHED HERETO)

Witness my hand and seal this 7<sup>th</sup> day of July, 2020

Estate of Graham G. Alvord

Witness

Graham L. Alvord,  
Personal Representative

STATE ALASKA  
ANCHORAGE COUNTY

Personally appeared, this 7<sup>th</sup> day of July, 2020, Graham L. Alvord, Personal Representative of the Estate of Graham G. Alvord, who in his capacity, acknowledged that he executed the foregoing instrument as his free act and deed for the purposes contained herein.

Before me

ALFRED D. CALUGAY  
Notary Public  
State of Alaska  
My Commission Expires Jul 22, 2023

Notary Public/Justice of the Peace  
My Commission Expires: 07/22/2023



## Exhibit A

A certain lot or parcel of land, and the buildings thereon, situated in said Town of Kittery, County of York and State of Maine, near Pepperrell Road, so-called, and in the neighborhood of Kittery Point Bridge, so-called and adjacent on one side to property now or formerly of Graham G. Alvord and Jean Drake Alvord as conveyed to them by deed of John S. Page and Frances Page and recorded in said Registry in Book 1088, Page 67, bounded and described as follows:

Beginning at the southeasterly corner of the lot herein conveyed. This point being the junction of surveyed lines determining the easterly and northerly boundaries of land formerly of Graham G. Alvord and Jean Drake Alvord as conveyed to them by deed recorded at Book 1088, Page 67, now of Robert Dischino and Carolyn Dischino;

Thence from said southeasterly corner North 11° East by land now or formerly of Horace Mitchell, to Barter's Creek, so-called; Thence following the creek westerly to a stone wall marking the boundary of the lot herein conveyed between it and the land now or formerly of the heirs of James H. Walker; Thence southerly along said boundary line to land now or formerly of the heirs or assigns of Julius Martin; thence easterly by said Martin land and by the land formerly of Alvord, now of Robert Dischino and Carolyn Dischino to the point of beginning.

EXCEPTING from the above-conveyed parcel (1) that portion which was conveyed to Heather A. Cranford by deed recorded at said Registry in Book 4870, Page 98. Said parcel is subject to reservation of easement over a triangular portion of the premises as set forth therein for purpose of ingress and egress to above-conveyed parcel; and (2) that portion conveyed to James Mullins by deed recorded at said Registry in Book 4568, Page 23. Said Parcel is depicted as, Graham G. & Jean Drake Alvord, Tax Map 18, Lot 10, Book 1088, Page 067 Area 20,254.03 SQ. FT. 0.47 ACRE on plan entitled, "Lot Line Revision for Graham G. & Jean Drake Alvord, Kittery, Maine" recorded at said Registry in Plan Book 167, Page 5.

The herein conveyed parcel is depicted as **"Other Land of Graham G. & Jean Drake Alvord" on plan entitled, Lot Line Revision for Graham & Jean Drake Alvord, Kittery Maine"**, dated March 23, 1988 and recorded at said Registry in Plan Book 167, Page 5.

The above conveyed parcel is conveyed TOGETHER WITH a 15' existing driveway easement as set forth in Easement from James Mullins to Graham G. Alvord and Jean Drake Alvord and recorded in Book 4568, Page 25, and as depicted on plan entitled, "Plan of Land of Albert E. Crawford, off Pepperrell Road, Kittery Point, Maine, Thomas W. Harmon, Registered Land Surveyor", dated September 24, 1984 and recorded at York County Registry of Deeds in Plan Book 132, Page 39.

The above-conveyed lot is conveyed TOGETHER WITH water line easement as set forth in easement from Harry P. True and Lillian True to Graham Alvord and Jean Alvord dated December 9, 1988 and recorded at said Registry in Book 4927, Page 197, subject to the terms set forth therein.

The above conveyed parcel is conveyed TOGETHER with reservations as to installation and maintenance of utilities as set forth in deed recorded in Book 4568, Page 23.



This deed conveys to said Grantees, all shore and water rights and privileges, in whole or in part, which may now, or may later become inherent in and with the title to the lot herein conveyed.

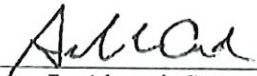
Meaning and intending to convey a portion of the premises conveyed to Graham G. Alvord and Jean Drake Alvord by deed of Horace Mitchell dated February 14, 1949 and recorded at York County Registry of Deeds in Book 1123, Page 546. Jean Drake Alvord died 2/20/2020 leaving Graham G. Alvord as sole surviving joint tenant.

CONSENT TO SELL REAL ESTATE

I, Graham L. Alvord, as Successor Trustee of the Graham G, Alvord Revocable Family Trust of 1995, being the sole beneficiary of the Estate of Graham G. Alvord, York County Probate (Docket No.2020-0306), (the Estate”), hereby consent to the sale of the real estate known as 9 Pepperell Road, Town of Kittery, County of York, State of Maine, Book 1123, Page 546, consisting of improvements and lot, by Graham L. Alvord, Personal Representative on behalf of the Estate, by Power of Attorney granted to Diane Wyman of York, County of York and State of Maine, to Charles Rice Kendall, or his heirs or assigns, for the total sales price of \$885,000.00.

Dated: July 1, 2020


**Graham G, Alvord Revocable Family  
Trust of 1995**

  
\_\_\_\_\_  
Graham L. Alvord, Successor Trustee

CONSENT TO SELL REAL ESTATE

I, Graham L. Alvord, as an heir to the Estate of Graham G. Alvord, York County Probate (Docket No.2020-0306), (the Estate”) and beneficiary of the Graham G, Alvord Revocable Family Trust of 1995, hereby consent to the sale of the real estate known as 9 Pepperell Road, Town of Kittery, County of York, State of Maine, Book 1123, Page 546, consisting of improvements and lot, by Graham L. Alvord, Personal Representative on behalf of the Estate by Power of Attorney granted to Diane Wyman of York, County of York and State of Maine, to Charles Rice Kendall, or his heirs or assigns, for the total sales price of \$885,000.00.

Dated: July 1, 2020

  
\_\_\_\_\_  
Graham L. Alvord

CONSENT TO SELL REAL ESTATE

I, Betsy Alvord Labutti, as an heir to the Estate of Graham G. Alvord, York County Probate (Docket No.2020-0306), (the Estate") and beneficiary of the Graham G, Alvord Revocable Family Trust of 1995, hereby consent to the sale of the real estate knows as 9 Pepperell Road , Town of Kittery, County of York, State of Maine, Book Book 1123, Page 546, consisting of improvements and lot, by Graham L. Alvord, Personal Representative on behalf of the Estate by Power of Attorney granted to Diane Wyman of York, County of York and State of Maine, to Charles Rice Kendall, or his heirs or assigns, for the total sales price of \$885,000.00.

Dated: July 9, 2020


  
Betsy Alvord Labutti



CONSENT TO SELL REAL ESTATE

I, Christopher Alvord, as an heir to the Estate of Graham G. Alvord, York County Probate (Docket No.2020-0306), (the Estate”) and beneficiary of the Graham G, Alvord Revocable Family Trust of 1995, hereby consent to the sale of the real estate known as 9 Pepperell Road, Town of Kittery, County of York, State of Maine, Book 1123, Page 546, consisting of improvements and lot, by Graham L. Alvord, Personal Representative on behalf of the Estate by Power of Attorney granted to Diane Wyman of York, County of York and State of Maine, to Charles Rice Kendall, or his heirs or assigns, for the total sales price of \$885,000.00.

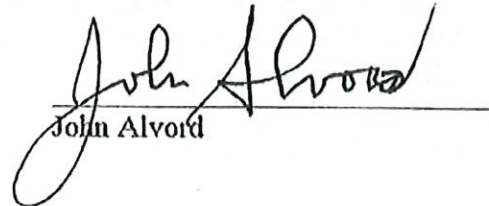
Dated: July 7, 2020

  
\_\_\_\_\_  
Christopher Alvord

CONSENT TO SELL REAL ESTATE

I, John Alvord, as an heir to the Estate of Graham G. Alvord, York County Probate (Docket No.2020-0306), (the Estate”) and beneficiary of the Graham G, Alvord Revocable Family Trust of 1995, hereby consent to the sale of the real estate knows as 9 Pepperell Road , Town of Kittery, County of York, State of Maine, Book 1123, Page 546, consisting of improvements and lot, by Graham L. Alvord, Personal Representative on behalf of the Estate by Power of Attorney granted to Diane Wyman of York, County of York and State of Maine, to Charles Rice Kendall, or his heirs or assigns, for the total sales price of \$885,000.00.


Dated: July 7, 2020

  
John Alvord

CONSENT TO SELL REAL ESTATE

I, Joseph Alvord, as an heir to the Estate of Graham G. Alvord, York County Probate (Docket No.2020-0306), (the Estate”) and beneficiary of the Graham G, Alvord Revocable Family Trust of 1995, hereby consent to the sale of the real estate known as 9 Pepperell Road, Town of Kittery, County of York, State of Maine, Book 1123, Page 546, consisting of improvements and lot, by Graham L. Alvord, Personal Representative on behalf of the Estate by Power of Attorney granted to Diane Wyman of York, County of York and State of Maine, to Charles Rice Kendall, or his heirs or assigns, for the total sales price of \$885,000.00.

Dated: July 7, 2020

  
\_\_\_\_\_  
Joseph Alvord



Site Photograph #1

September 2021



Site Photograph #2

September 2021





Site Photograph #3

September 2021



Site Photograph #4

September 2021





Site Photograph #5

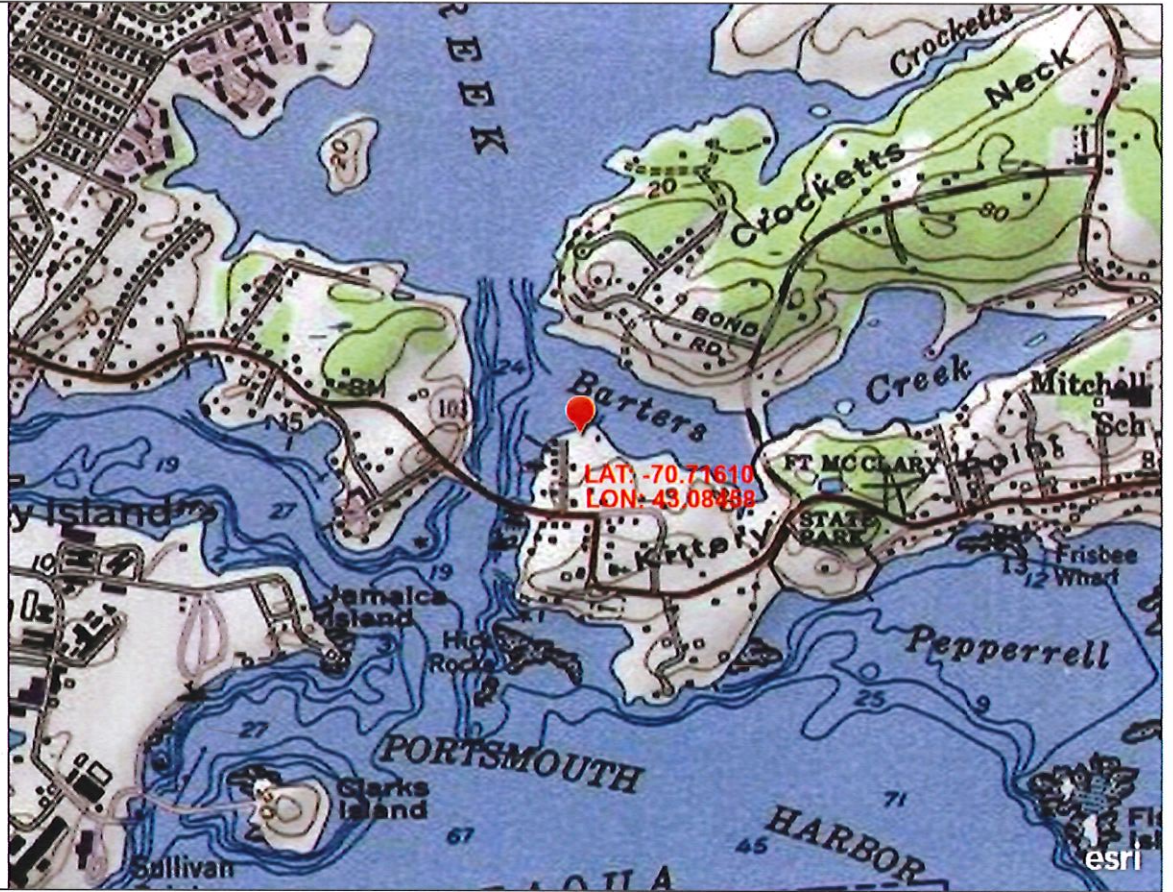
September 2021





### My Map

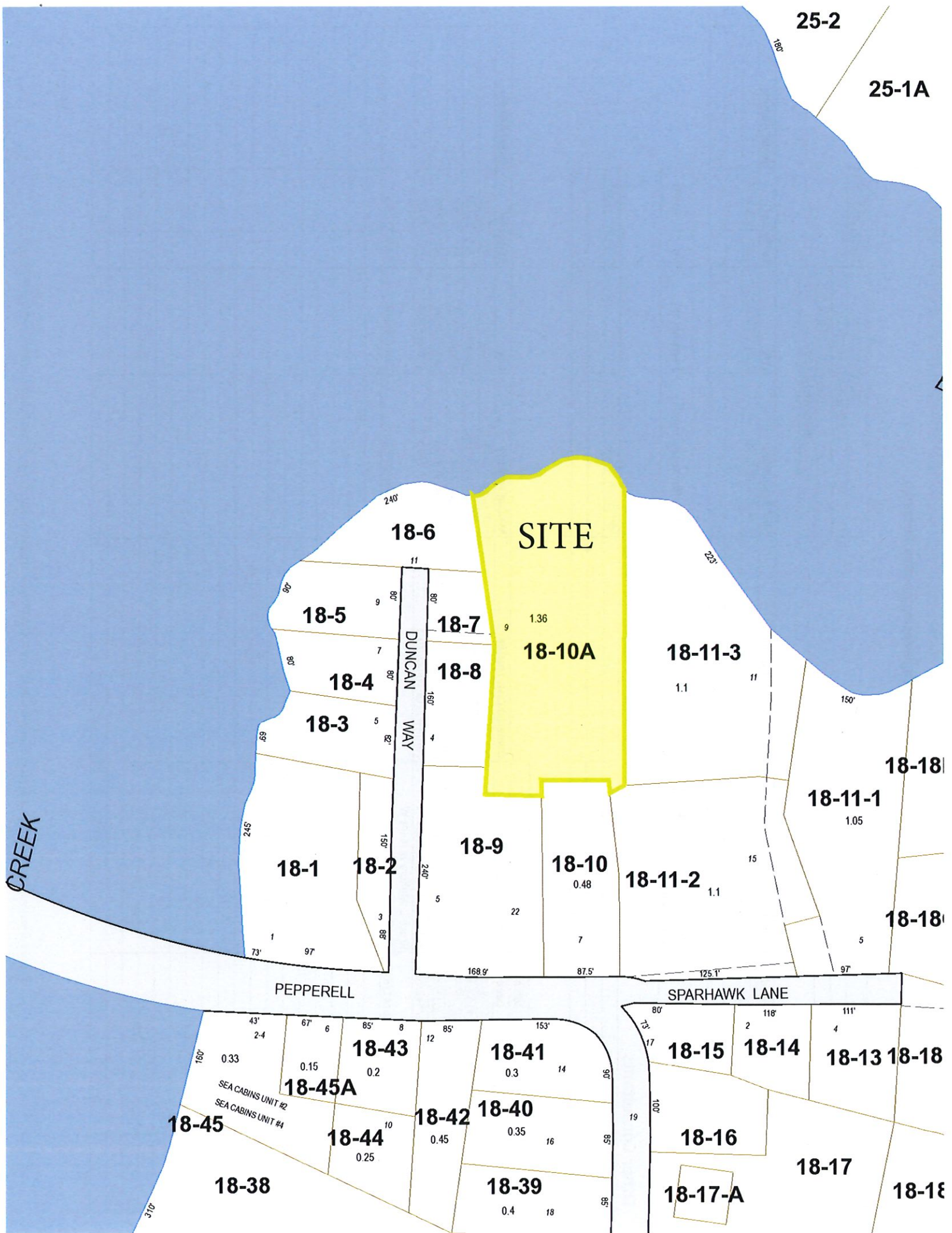
No legend



0.4km

Copyright:© 2013 National Geographic Society, i-cubed





25-2

25-1A

**SITE**

**18-6**

**18-5**

**18-7**

**18-10A**

**18-11-3**

**18-4**

**18-8**

**18-3**

DUNCAN WAY

**18-18**

**18-11-1**

CREEK

**18-1**

**18-2**

**18-9**

**18-10**

**18-11-2**

**18-18**

PEPPERELL

SPARHAWK LANE

**18-43**

**18-41**

**18-15**

**18-14**

**18-13**

**18-18**

**18-45A**

**18-42**

**18-40**

**18-45**

**18-44**

**18-16**

**18-17**

**18-38**

**18-39**

**18-17-A**

**18-18**

**Ambit Engineering Abutter Research**

<b>Name</b>	Charles R. Kendall
<b>Address</b>	9 Pepperrell Road
<b>City, State</b>	Kittery Point, ME

<b>Date</b>	10/7/2021	<b>Job #</b>	3050.70
<b>Job Name</b>	Kendall		
<b>Town</b>	Kittery Point		
<b>Research by</b>	SDR		

**Applicant/Owner(s)**

<b>Map</b>	<b>Lot</b>	<b>Deed</b>	<b>Owner (s) First/Trust</b>	<b>Owner(s) Last, Trustee</b>	<b>Mailing Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Street Address</b>
18	10-A	18302/842	Charles L.	Kendall	9 Pepperrell Road	Kittery Point	ME	03905	

<b>Engineer</b>	Ambit Engineering Civil Engineers & Land Surveyors	<b>Portsmouth</b>	<b>NH</b>	<b>03801</b>

**Other Consultants**

<b>Soil Scientist</b>	Soil Science of New England	<b>City</b>	<b>AA</b>	<b>12345</b>

**Abutters**

<b>Job Name</b>	<b>Kendall</b>	<b>Job #</b>	<b>3050.70</b>	<b>Owner (s) First/Trust</b>	<b>Owner(s) Last, Trustee</b>	<b>Mailing Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Street Address</b>
<b>Map</b>										
18	6	16866/725	David & Georgia	Loney	190 Hanover Street	Lebanon	NH	03770		
18	7	17103/469	David L.	Loney	190 Hanover Street	Lebanon	NH	03770		
18	8	16726/788	Tjitse & Carol	Boringa	4 Duncan Way	Kittery Point	ME	03905		
18	9	18032/481	Christopher A. & Cynthia	Grimm	5 Pepperrell Road	Kittery Point	ME	03905		
18	10	17442/877	Robert K. Dischino Trust	Carolyn L. Dischino Trust	7 Pepperrell Road	Kittery Point	ME	03905		
18	11-2	16141/659	Bruce L. Mallory & Janet W. Prescott		15 Pepperrell Road	Kittery Point	MW	03905		





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

12 October, 2021

Robert K. Dischino Trust  
Carolyn L. Dischino Trust  
7 Pepperrell Road  
Kittery Point, ME 03905

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for Charles L. Kendall, 9 Pepperrell Road, Kittery Point, ME.**

Dear Property Owner,

Under the Maine Department of Environmental Protection, this letter is to inform you in accordance with State Law that a Natural Resources Protection Act Permit Application will be filed with the Maine Department of Environmental Protection (DEP) for a permit to construct a tidal docking structure, **at the above mentioned property** on behalf of your abutter, **Charles L. Kendall**.

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

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

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

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



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

12 October, 2021

Tjitse & Carol Boringa  
4 Duncan Way  
Kittery Point, ME 03905

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

12 October, 2021

David & Georgia Loney  
190 Hanover Street  
Lebanon, NH 03770

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for construction of a tidal docking structure for Charles L. Kendall, 9 Pepperrell Road, Kittery Point, ME.**

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

12 October, 2021

Christopher A. & Cynthia Grimm  
5 Pepperrell Road  
Kittery Point, ME 03905

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Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



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

12 October, 2021

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

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

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



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<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage

David L. Loney  
 190 Hanover Street  
 Lebanon NH 03770

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

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<input type="checkbox"/> Return Receipt (electronic)	\$ _____
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<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage

Christopher A. & Cynthia Grimm  
 5 Pepperrell Road  
 Kittery Point ME 03905

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

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**OFFICIAL USE**

Certified Mail Fee  
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<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage

Robert K. Dischino Trust  
 Carolyn L. Dischino Trust  
 7 Pepperrell Road  
 Kittery Point ME 03905

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

7020 0350 0002 3088 1190

U.S. Postal Service™  
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 \$ \_\_\_\_\_

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Postage

Tjitse & Carol Boringa  
 4 Duncan Way  
 Kittery Point ME 03905

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

7020 0350 0002 3088 1190

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

Certified Mail Fee  
 \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage

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

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





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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 18, Lot 10-A  
9 Pepperrell Road  
Kittery Point, ME**

To Whom it May Concern:

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

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

Respectfully submitted,

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



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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 18, Lot 10-A  
9 Pepperrell Road  
Kittery Point, ME**

To Whom it May Concern:

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

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

Respectfully submitted,

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



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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 18, Lot 10-A  
9 Pepperrell Road  
Kittery Point, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of a tidal docking structure on the above referenced site along Barter's Creek.

This project proposes the "in-kind" repair replacement of an existing wood deck, construction of a 6' x 30' fixed pier, a 4' x 16' stairway, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 200 feet of shoreline along Barter's Creek.

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

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

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

Respectfully submitted,

Steven D. Riker, CWS  
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Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office





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

12 October 2021

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

**Re: NRPA Individual Permit Application  
Tax Map 18, Lot 10-A  
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Kittery Point, ME**

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

12 October 2021

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

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

12 October 2021

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

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

12 October 2021

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

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**Kittery Point, ME**

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Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Maine Ecological Services Field Office  
P. O. Box A  
East Orland, ME 04431  
Phone: (207) 469-7300 Fax: (207) 902-1588  
<http://www.fws.gov/mainefieldoffice/index.html>

In Reply Refer To:

October 12, 2021

Consultation Code: 05E1ME00-2022-SLI-0039

Event Code: 05E1ME00-2022-E-00143

Project Name: 9 Pepperrell Road Tidal Dock

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

To Whom It May Concern:

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

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

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



A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

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

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

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

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

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



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

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

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

Attachment(s):

- Official Species List
-

## **Official Species List**

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

This species list is provided by:

**Maine Ecological Services Field Office**

P. O. Box A

East Orland, ME 04431

(207) 469-7300

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## Project Summary

Consultation Code: 05E1ME00-2022-SLI-0039

Event Code: Some(05E1ME00-2022-E-00143)

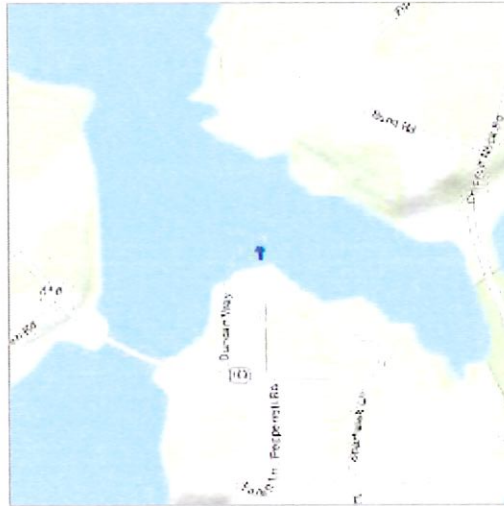
Project Name: 9 Pepperrell Road Tidal Dock

Project Type: SHORELINE USAGE FACILITIES / DEVELOPMENT

Project Description: The project proposes the construction of a 6' x 30' fixed pier, a 4' x 16' stairway, a 3' x 30' gangway, and a 10' x 20' float. The float will be secured by helical moorings and chains. The subject property includes approximately 200 feet of shoreline along Barter's Creek.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.084706249999996,-70.71602201209723,14z>



Counties: York County, Maine



## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

## Mammals

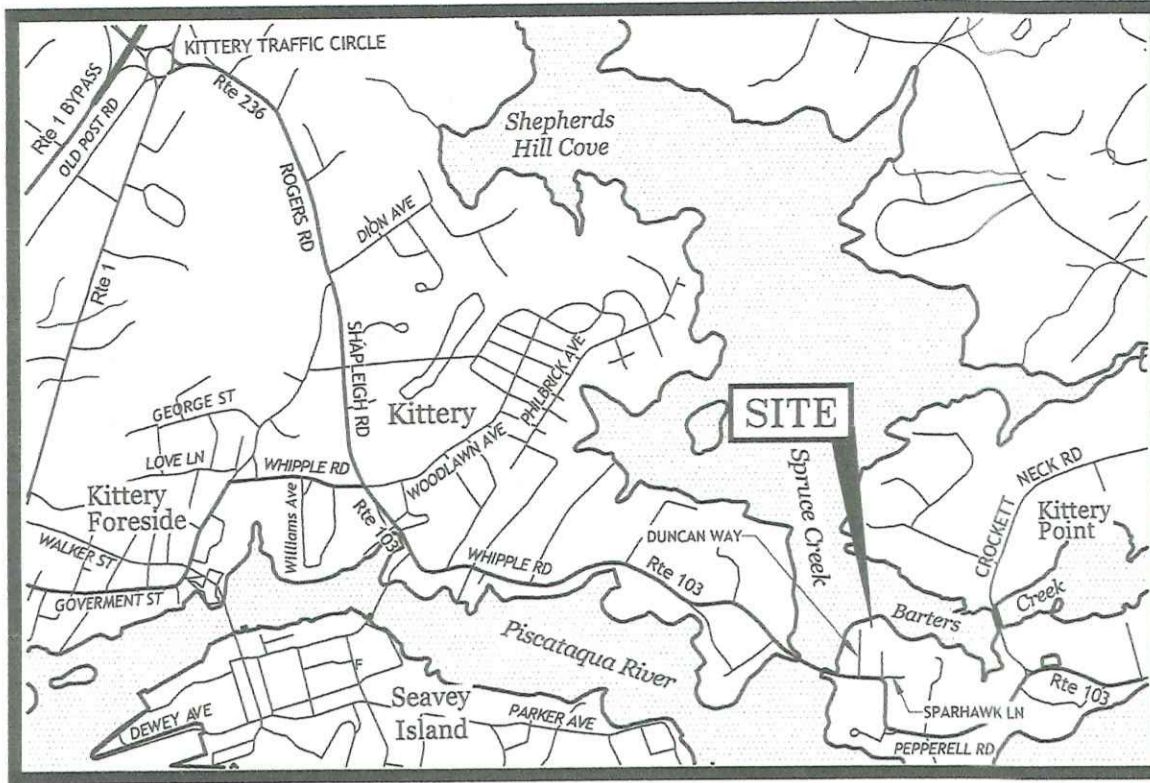
NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Critical habitats

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

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LOCATION MAP 1" = 2000'

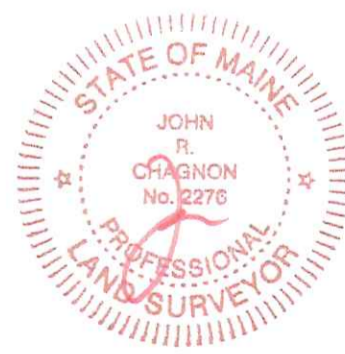
LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS
- MAP 11 / LOT 21
- IRON ROD/IRON PIPE FOUND
- BOUNDARY
- BUILDING SETBACK
- MHW MEAN HIGH WATER LINE
- MLW MEAN LOW WATER LINE
- HAT MAINE DEP HIGHEST ANNUAL TIDE LINE
- WB WETLAND BUFFER LINE
- 100 CONTOUR
- Woods / Tree Line
- SWAMP / MARSH
- EL ELEVATION
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL
- LSA LANDSCAPED AREA

- TREE LEGEND:
- LOCUST
  - OAK
  - ASH
  - MAPLE
  - TO BE REMOVED

PLAN REFERENCES:

- 1) "LOT LINE REVISION FOR GRAHAM G. & JEAN DRAKE ALVORD KITTERY, MAINE" PREPARED BY FRANK EMERY DATED MARCH 23, 1988 Y.C.R.D. PLAN BOOK 167 PAGE 5.
- 2) "PLAN OF LAND OF ALBERT E. CRAWFORD OFF PEPPERRELL ROAD KITTERY POINT, MAINE. PREPARED BY CIVIL CONSULTANTS DATED SEPTEMBER 24, 1984. Y.C.R.D. PLAN #36529, PLAN BOOK 256 PAGE 22
- 3) PLA OF LOTS FOR PROPERTY OF J.H. WALKER KITTERY POINT, YORK CO., MAINE, SCALE 1" = 40', DATED SEPT. 1941, REVISED OCT. 1941, PREPARED BY C.S. GERRISH, C.E., Y.C.R.D. PLAN BOOK 18 PAGE 33

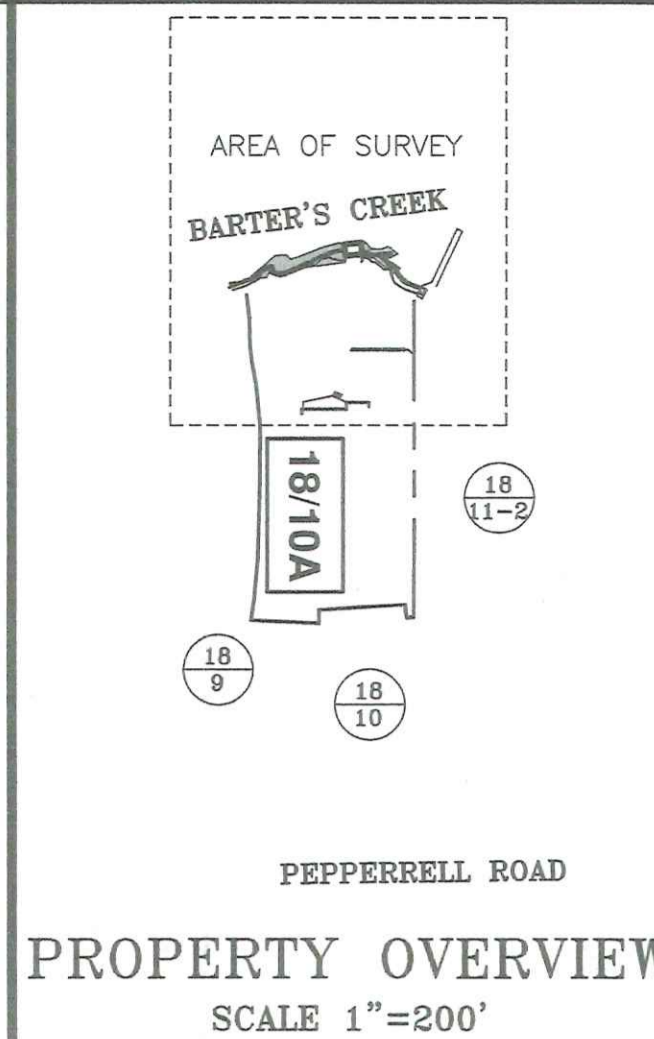
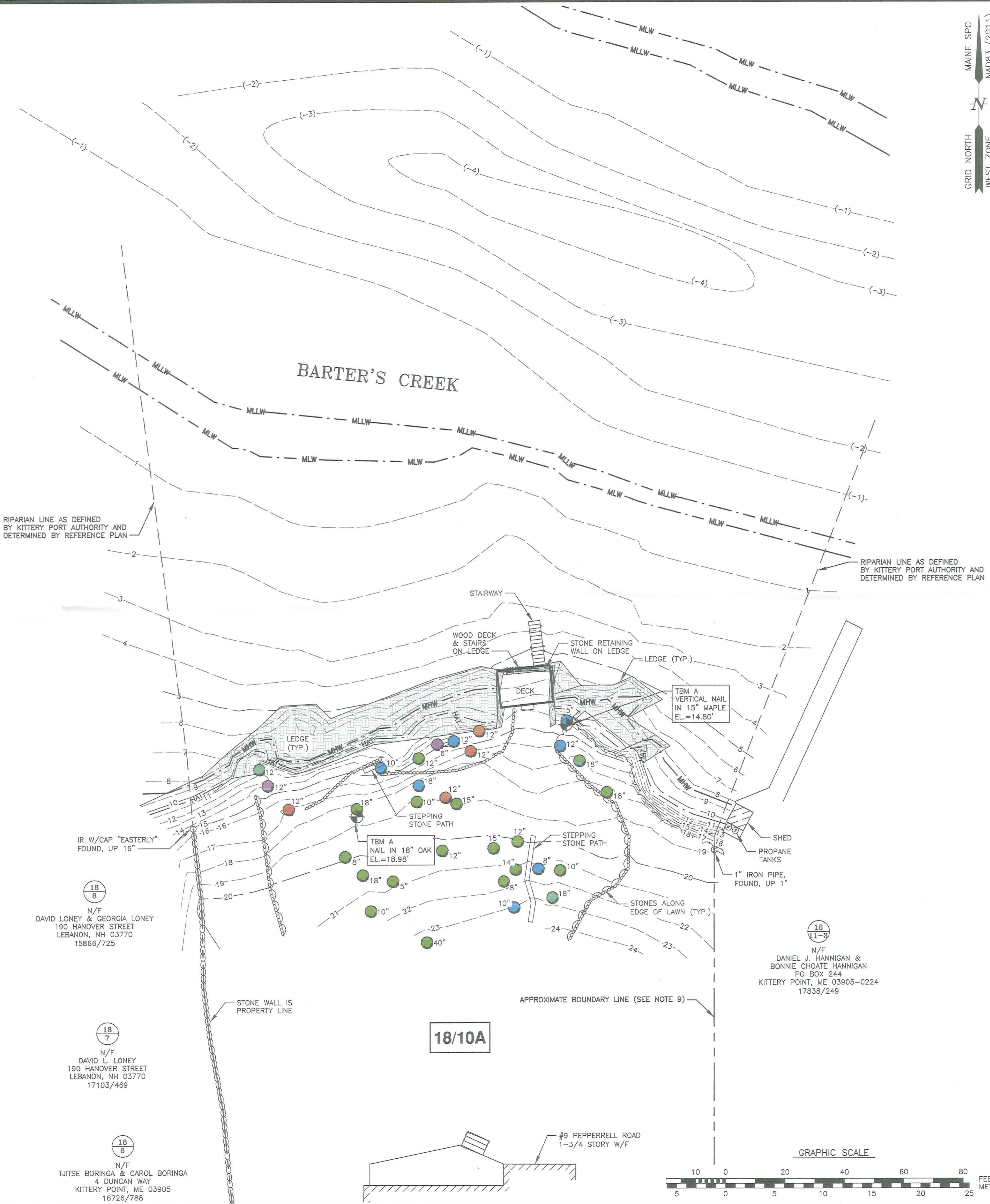


PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:

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

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

JOHN R. CHAGNON, PLS #2276  
DATE 10.5.21



PROPERTY OVERVIEW SCALE 1"=200'

ADDITIONAL ABUTTERS NOT SHOWN ON DETAIL PLAN

- 18/8 N/F CYNTHIA GRIMM & CHRISTOPHER A. GRIMM 5 PEPPERRELL ROAD KITTERY POINT, ME 03905 18032/481
- 18/10 N/F ROBERT K. DISCHINO TRUST & CAROLYN L. DISCHINO TRUST 7 PEPPERRELL ROAD KITTERY POINT, ME 03905 17442/877
- 18/11-9 N/F BRUCE L. MALLORY & JANET W. PRESCOTT 15 PEPPERRELL ROAD KITTERY POINT, ME 03905 16141/659

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

**RIVERSIDE & PICKERING**  
MARINE CONTRACTORS

- NOTES:
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 18, LOT 10A.
  - 2) OWNERS OF RECORD:  
CHARLES R. KENDALL  
9 PEPPERRELL RD  
KITTERY POINT, ME 03905  
18302/842
  - 3) A PORTION OF THE PARCEL IS IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 2301710005D 7/3/1986.
  - 4) EXISTING LOT AREA:  
59,241 SQ. FT.  
1.36 ACRES
  - 5) PARCEL IS LOCATED IN RESIDENTIAL-KITTERY POINT VILLAGE ZONE.
  - 6) DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA: 40,000 S.F.  
FRONTAGE: 150 FEET  
SETBACKS: FRONT 40 FEET  
SIDE/REAR 15 FEET  
MAXIMUM STRUCTURE HEIGHT: 35 FEET  
MAXIMUM STRUCTURE COVERAGE: 20%  
MINIMUM OPEN SPACE: 15%
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF ACCESSOR'S MAP 18, LOT 10A IN THE TOWN OF KITTERY POINT.
  - 8) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2'). REDUCTION FROM NAVD83 TO MLLW BASED ON NOAA STATION 8419870 SEAVEY ISLAND PORTSMOUTH HARBOR. MLLW BEING 4.62 FEET LOWER THAN 0.00 NAVD83.
  - 9) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE PLAN REFERENCES LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.
  - 10) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.4 PER LOCATION SEAVEY ISLAND IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

KENDALL RESIDENCE  
PROPOSED DOCK  
9 PEPPERRELL ROAD  
KITTERY POINT, ME

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	10/5/21

REVISIONS

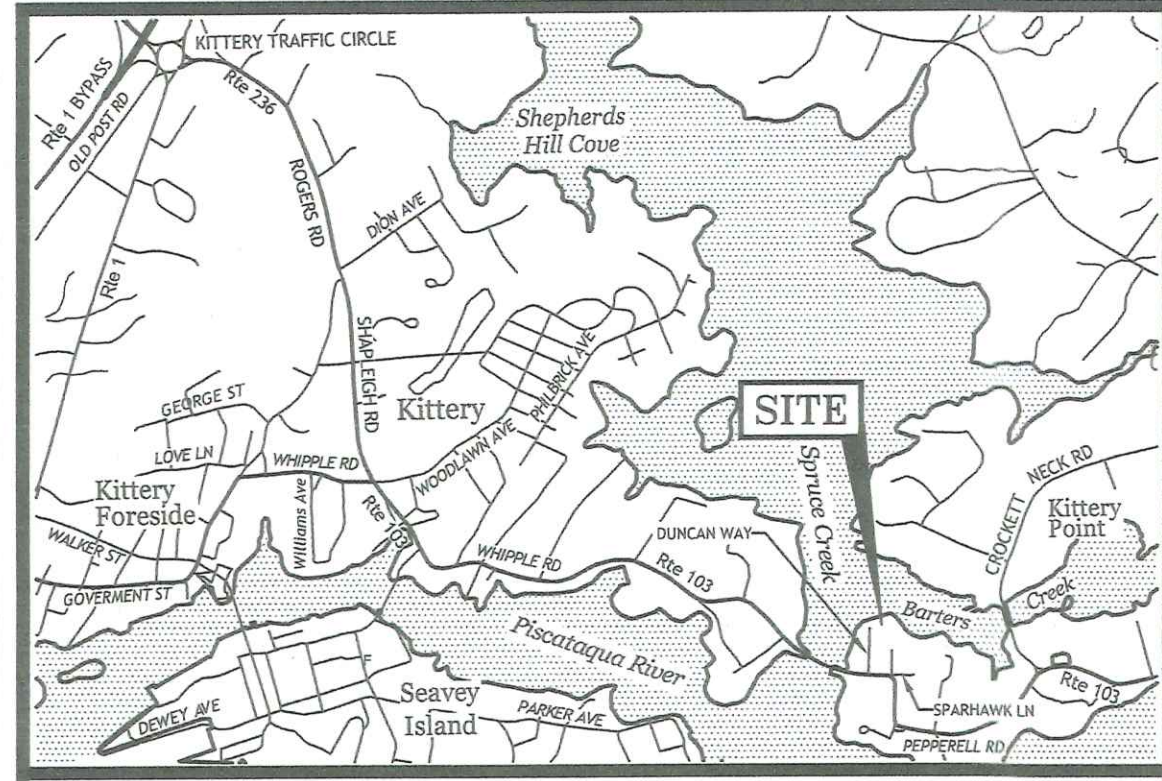
OWNER & APPLICANT:  
CHARLES R. KENDALL  
9 PEPPERRELL ROAD  
KITTERY POINT, ME 03905

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

SCALE: 1" = 20' AUGUST 2021

EXISTING CONDITIONS PLAN **C1**





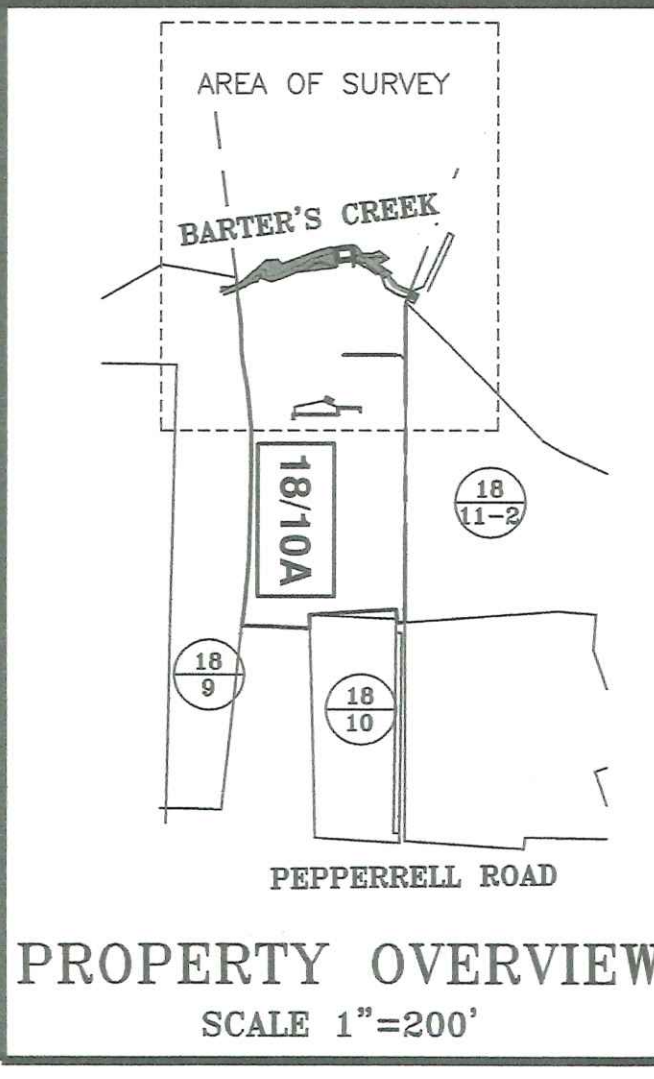
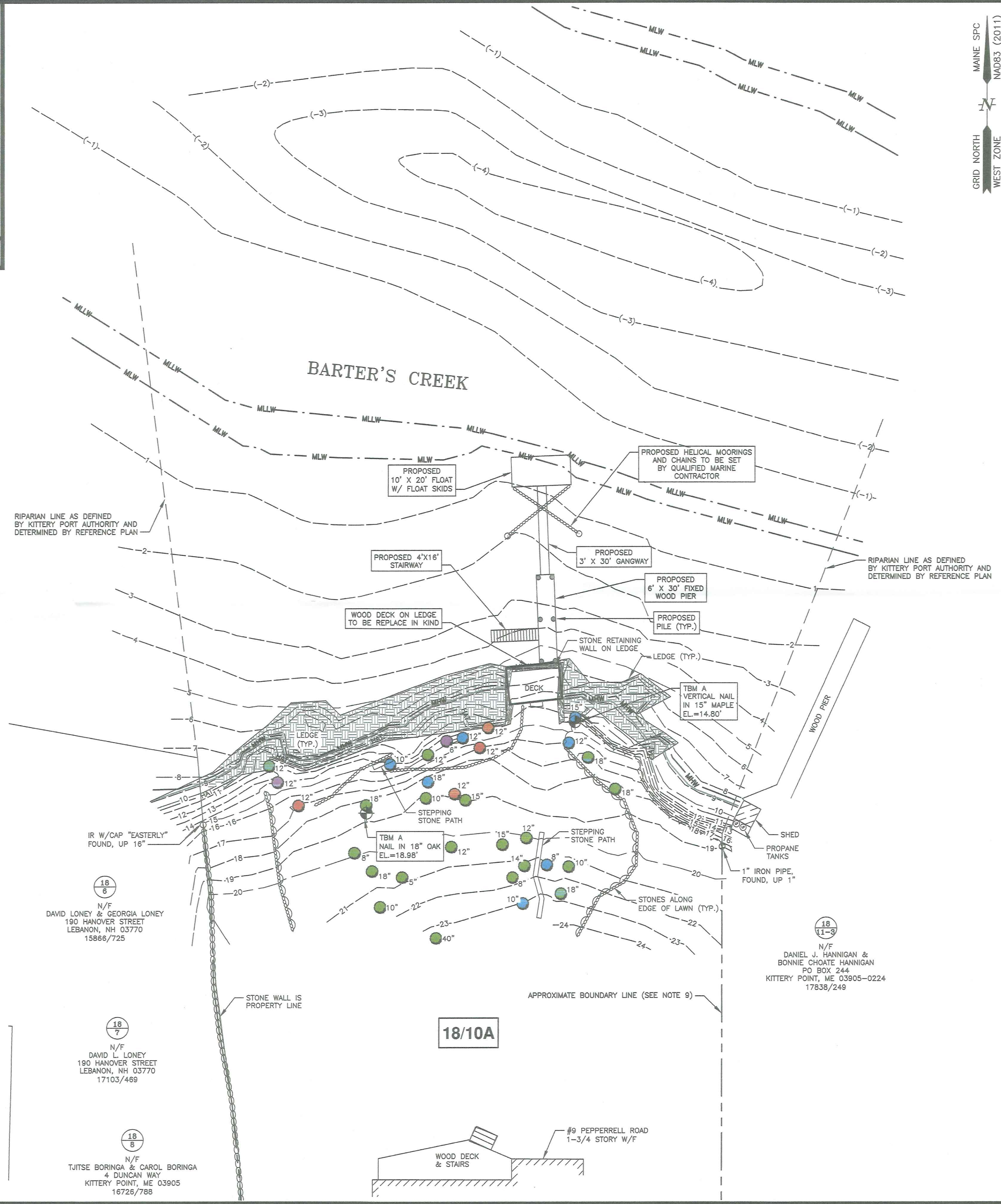
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**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 430-2815



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MINIMUM OPEN SPACE: 15%
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DOCKING STRUCTURE ON A PORTION OF ACCESSOR'S MAP 18, LOT 10A IN THE TOWN OF KITTEERY POINT.
  - 8) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2'). REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8419870 SEAVY ISLAND PORTSMOUTH HARBOR. MLLW BEING 4.62 FEET LOWER THAN 0.00 NAVD88.
  - 10) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE PLAN REFERENCES LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.

**KENDALL RESIDENCE  
PROPOSED DOCK  
9 PEPPERRELL ROAD  
KITTEERY POINT, ME**

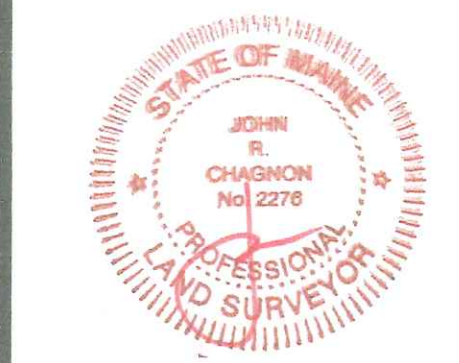
NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	10/5/21
REVISIONS		

OWNER & APPLICANT:  
CHARLES R. KENDALL  
9 PEPPERRELL ROAD  
KITTEERY POINT, ME 03905

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

SCALE: 1" = 20' AUGUST 2021

ME DEP PERMIT PLAN **C2**



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

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

*John R. Chagnon*  
JOHN R. CHAGNON, PLS #2276  
DATE 10.5.21

18/6 N/F DAVID LONEY & GEORGIA LONEY  
190 HANOVER STREET  
LEBANON, NH 03770  
15866/725

18/7 N/F DAVID L. LONEY  
190 HANOVER STREET  
LEBANON, NH 03770  
17103/469

18/8 N/F TJITSE BORINGA & CAROL BORINGA  
4 DUNCAN WAY  
KITTEERY POINT, ME 03905  
16726/788

18/11-9 N/F DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN  
PO BOX 244  
KITTEERY POINT, ME 03905-0224  
17838/249



**SEQUENCE OF CONSTRUCTION**

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

**HEAVY EQUIPMENT IN WETLANDS OR MUDFLATS**

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

**TIME OF YEAR WORK WINDOWS/RESTRICTIONS**

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

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

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

**FLOODPLAINS AND FLOODWAYS**

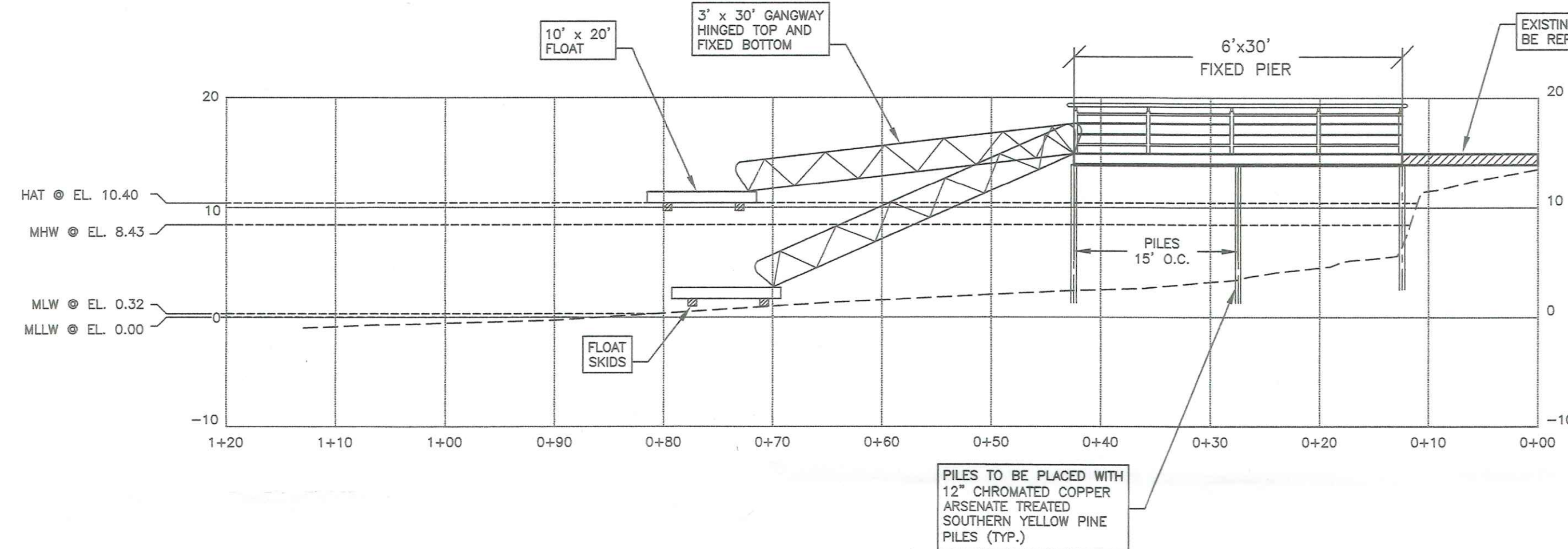
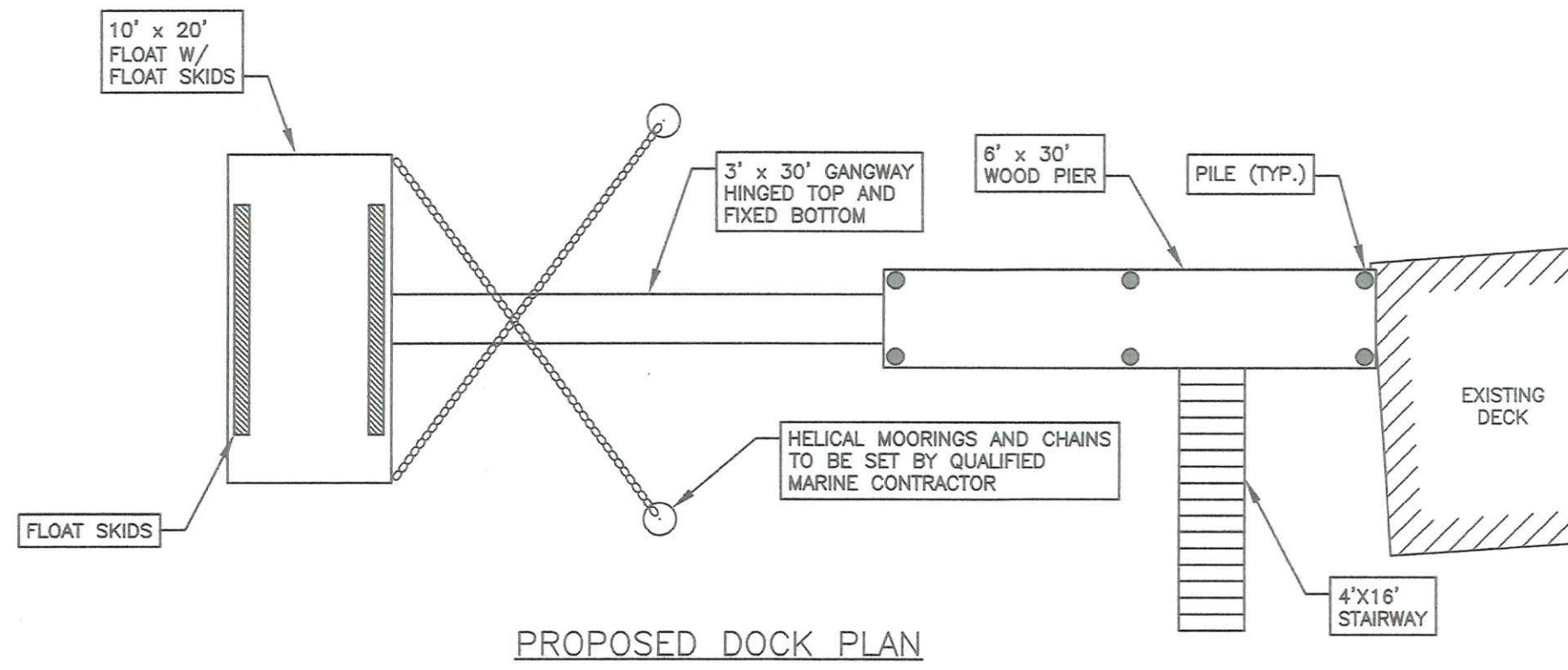
- APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPOSERS MAY NEED TO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

**STORAGE OF SEASONAL STRUCTURES**

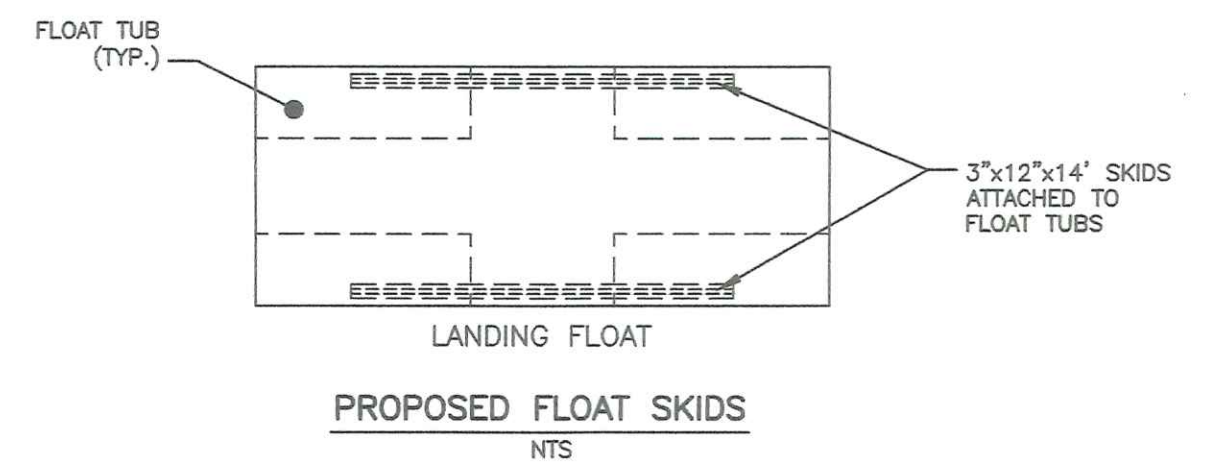
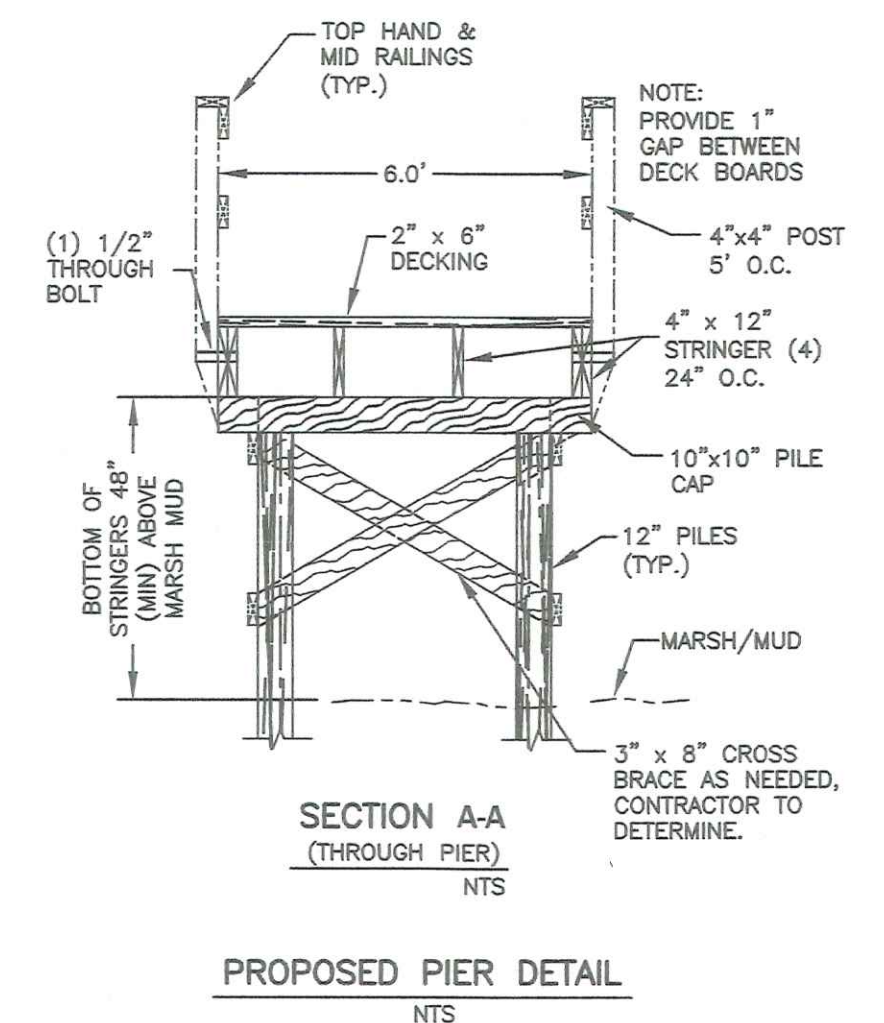
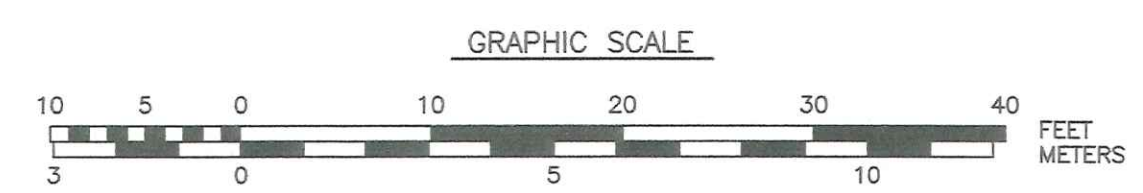
SEASONAL OR RECREATIONAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, AQUACULTURE STRUCTURES, ETC. THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION LANDWARD OF HIGHEST ANNUAL TIDE (H.A.T.) OR ORDINARY HIGH WATER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

**SPAWNING, BREEDING, AND MIGRATORY AREAS**

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



PROPOSED DOCK ELEVATION  
PROPOSED PIER, GANGWAY & FLOAT



MAINE SPC  
NAD83 (2011)  
GRID NORTH  
WEST ZONE

**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9288  
Fax (603) 436-2315

**RIVERSIDE & PICKERING**  
MARINE CONTRACTORS

- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
  - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
  - 3) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.
  - 4) NUMBER OF PILES TO BE DRIVEN FOR DOCKING STRUCTURE NOT TO EXCEED 6 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.

**KENDALL RESIDENCE  
PROPOSED DOCK  
9 PEPPERRELL ROAD  
KITTERY POINT, ME**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	10/5/21



OWNER & APPLICANT:  
CHARLES R. KENDALL  
9 PEPPERRELL ROAD  
KITTERY POINT, ME 03905

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

SCALE: 1" = 10' AUGUST 2021

**DOCK DETAIL** **D1**