



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

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

Meeting Agenda
December 2, 2021
6:00 P.M.
Remote Meeting

The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. **Register in advance** via Zoom at:

https://us02web.zoom.us/webinar/register/WN_QuBmPgu-Sjq5baseEsx7oA

After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during a public hearing.

The public may also submit public comments for the Public Hearing and the Public Segment of the agenda via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to TownComments@kitteryme.org.

Comments received by noon on the day of the meeting will be read into the record by the KPA Chair.

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: October 7, 2021 & November 4, 2021
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 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 approve an 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

c. The Kittery Port Authority moves to approve changes to the Rules and Regulations, sections 2.5 Public Wharves and Landings and 3.9 Vessels moored so as Not to Impede Navigation or to Endanger Other Vessels.

8. Piers, Wharves & Floats

a. The Kittery Port Authority moves to accept an application from Patricia A. Tobey 60 Chauncey Creek Road, Kittery Point, ME 03905 (Map 45, Lot 75) for the construction of a 20' x 6' fixed pier, 4' x 30' gangway, and a 10' x 14' float. Agent: John Jarnagin

9. Public Segment (Three Mins.)

10. Unfinished Business

a. Rules and Regulations changes to 3.6.2 Temporary Mooring Program

11. New Business

a. Election of officers

12. Committee and Other Reports

a. Communications from the Chairperson

13. Board Member Issues or Comments

14. Executive Session

15. Adjournment

1 1. Call to Order / Attendance

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

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

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

7 Postponed item c. The Kittery Port Authority moves to discuss preliminary plans for 35
8 Badgers Island West, Kittery, ME 03904 (Map 1, Lot 32) for a potential tidal docking
9 structure for 14 slips.

10 4. Acceptance of Previous Minutes: September 2, 2021

11 Chair Philbrook moved to approve the September 2, 2021 minutes as presented,
12 seconded by Mr. Bush.

13 All were in favor.

14 5. Harbormaster Report and Budget Report

15 The Harbormaster reported Float out is on October 18, 2021, the electricity is scheduled
16 to be turned off to floats on October 15, 2021, and the water will be turned off on
17 October 20, 2021.

18 The Harbormaster stated a bracket on the float pulled off during a large swell after a
19 storm, and secured with the rope until float is pulled, and it can be repaired.

20 The Harbormaster stated 21 Surfside trim unit failed and had to be replaced by Back
21 Channel Outboards, he recovered a few dinghies that broke loose due to large swells.

22 The Harbormaster did a vessel operation patrols during Thunder over New Hampshire
23 Air Show for both days, and he said he did approximately 8 safety escorts for Traip
24 students during kayaking class in back channel.

25 The Harbormaster responded to 3 disabled vessel calls. The 1st vessel was in the area
26 of Crescent Beach 2 POB. The vessel was being blown toward a rock pile and did not
27 have an anchor. The 2nd was a vessel with 2 POB lost power and was drifting down the
28 channel during a heavy outgoing current. The Harbormaster towed the vessel to the

29 mooring in the back channel. He got the boat running, they were escorted back to Great
30 Bay by the Towboat US. The 3rd was a sailboat drifting unoccupied down the main river
31 and towed it to Pepperrell Cove C floats. The Harbormaster found that it broke loose
32 from Spruce Creek mooring, and contacted the owner.

33 The Harbormaster responded along with KPD and York Harbormaster to Brave Boat
34 Harbor after a complaint was made from Old Cart Path regarding a large party, noise
35 and trespassing. Approximately 40-45 boats, 150-200 people. He told boaters that
36 beaching out was not allowed as it is a Rachel Carson Preserve and he waited for all
37 boats to depart.

38 The Harbormaster responded to Gosport Harbor for a 911 only phone call. He
39 requested assistance from MMP Officer who was in the area of Kittery Point, he also
40 checked with all islands, checked with all the boats in the harbor in the area, and
41 nothing was found.

42 The Harbormaster responded to Pepperrell Cove for a report of a boat in anchorage
43 dragging anchor and is very close to a boat on a transient mooring. He made contact
44 with the owner, and moved the transient boat to another mooring.

45 The Harbormaster stated the electricity to the Traip office/shed was complete, the fire
46 extinguishers were inspected, Maine Municipal Insurance Inspection was done, and
47 found a few items that needed to be done, he is working on removing the plywood
48 storage in rafters at Traip shed until it has weight capacity certificate, install the support
49 collar ties, and almost completed the install midway safety chain on railings at
50 Pepperrell Cove.

51 The Harbormaster has the hoist weight tested annually; he was concerned about the
52 condition of the structure at the Government. St. Pier. The Weight test company
53 reported the base of structure unsatisfactory due to cracks and deterioration. The
54 Harbormaster will be looking at replacement options.

55 The Harbormaster said he contacted Portsmouth Naval Shipyard regarding a large
56 cylindrical object that ended up just off floats at Traip, it was approximately 3 feet in
57 diameter and 10 feet long, an underwater drone was used, Divers Gunnar Ek and Rob
58 Love dove on it and believe it is an expansion tank, and likely from a building heating
59 system.

60 The Harbormaster stated DPW gave them an enclosed 5X8 foot trailer that was going to
61 be auction off, it needed a little work on the enclosure but is fully functional. The trailer
62 will be used to transport equipment to and from facilities.

63 6. All Items involving Town Officials or invited guests

64 a. Cameron Wake from the Climate Adaptation Committee – Climate Action Plan

65 Cameron Wake Chair of the Climate Adaptation Committee presented the Climate
66 Action Plan, Building a Flood Resilient Kittery: Working Waterfront, Transportation
67 Corridors, and answer any questions the board might have.

68 7. Public Hearing

69 8. Piers, Wharves & Floats

70 a. The Kittery Port Authority moves to accept an application from Ruth Lawrence
71 19 Pleasant Street, Kittery, ME 03904 (Map 4, Lot 35A) to replace windows and
72 doors in an existing commercial boat house, address cosmetic issues and add a
73 deck to the second story for an exit.

74 Port Authority member Steve Lawrence removed himself from the board due to the
75 application was a family member.

76 Steve Lawrence, 14 Charles Hill Road, Kittery Point, Maine, presented and discussed
77 the plans with the board.

78 Chair Philbrook moved to accept the application from Ruth Lawrence
79 19 Pleasant Street, Kittery, ME 03904 (Map 4, Lot 35A) to replace windows and
80 doors in an existing commercial boat house, address cosmetic issues and add a
81 deck to the second story for an exit, and schedule a site walk for October 21, 2021 at
82 4:00 p.m., as well as a public hearing to be held at the November 4, 2021 KPA meeting,
83 seconded by Mr. Bush.

84 Motion Carried 5-0-0

85 b. The Kittery Port Authority moves to accept an application from Nicholas and
86 Meredith Starr 56 Tidewater Way, Kittery, ME 03904 (Map 47, Lot 18-3-2) for the
87 construction of a 70'x3' fixed pier, 26'x3' gangway and a 10'x18' float. Agent is
88 Duncan Mellor Civil Works New England.

89 Nicholas Starr, 56 Tidewater Way, Kittery, Maine, gave an overview of the application
90 and answered any questions the board may have had.

91 Chair Philbrook moved to accept the application from Nicholas and
92 Meredith Starr 56 Tidewater Way, Kittery, ME 03904 (Map 47, Lot 18-3-2) for the
93 construction of a 70'x3' fixed pier, 26'x3' gangway, a 10'x18' float, and schedule a site
94 walk for October 21, 2021 at 4:30 p.m., as well as a public hearing to be held at the
95 November 4, 2021 KPA meeting, seconded by Vice Chair Patten.

96 Motion Carried 5-0-1

97 Chair Philbrook, Vice Chair Patten, Mr. Lawrence, Mr. Pinkham, and Mr. Johnston voted
98 yes.
99 Mr. Bush abstained.

100 c. The Kittery Port Authority moves to discuss preliminary plans for 35 Badgers
101 Island West, Kittery, ME 03904 (Map 1, Lot 32) for a potential tidal docking
102 structure for 14 slips.

103 Postponed

104 9. Public Segment (Three Mins.) – None

105 10. Unfinished Business - None

106 11. New Business

107 a. Yearly By-law Review

108 Chair Philbrook moved to make the changes as presented in the KPA By-laws, which
109 were discussed at the September 2, 2021 KPA meeting, seconded by Mr. Bush.

110 Motion Carried 6-0-0

111 b. Old Ferry Lane

112 The Town Manager asked the KPA for a consensus of two options she presented
113 concerning the unpermitted floats affixed to town property on Old Ferry Lane.

114 The KPA decided to choose the option which states the floats could stay until deemed
115 unsafe and would not be allowed to be replaced.

116 12. Committee and Other Reports - None

117 a. Communications from the Chairperson - None

118 13. Board Member Issues or Comments

119 Mr. Pinkham stated it was hard to hear with the mask on.

120 Mr. Lawrence – None

121 Mr. Bush – None

122 Mr. Johnston – None

123 Vice Chair Patten stated it was hard to hear with the mask on.

124 Chair Philbrook stated the Town needed a new sign at the Frisbee Wharf pier
125 which states the pier is Town owned and a list of rules.

126 14. Executive Session - None

127 15. Adjournment

128 Mr. Bush moved to adjourn at 7:19 p.m., seconded by Vice Chair Patton.

129 All were in favor.

Submitted by Kim Tackett

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

1 1. Call to Order / Attendance

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

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

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

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

8 4. Acceptance of Previous Minutes: none

9 5. Harbormaster Report and Budget Report

10 The Harbormaster reported the floats are out, two dinghy docks were left in due to the
11 large number of boats still in Pepperrell Cove waiting to be hauled. The commercial float
12 and the remaining Pepperrell Cove docks were pulled around to ramp, and the Traip
13 floats will be pulled shortly after December 4th 2021 Stuff a Boat event. He stated all but
14 2 transient moorings are out. T1 and T2 were rented.

15 The Harbormaster responded to a 28-foot tuna boat on the rocks near building 302, and
16 pulled it off and brought it to the PNSY dock about 100 feet away.

17 The Harbormaster stated the dinghy dock shackle pins worked their way out due to
18 rubbing on pilings during mid-October NE storm. He wanted to say special thanks to
19 Ryan Lynch and Officer Mike Webster who noticed the docks were loose and secured
20 them with rope until Chuck and the Harbormaster arrived and reconnected the chain.

21 The Harbormaster stated 21 power trim unit failed and were replaced, and the boat is
22 winterized and wrapped for season, and the water pipes in Pepperrell Cove were blown
23 out and bathroom is winterized.

24 The Harbormaster said he looked at several raw water pump systems in the area for
25 use at Government Street and will be installed by spring.

26 The Harbormaster stated there was a safety inspection by Maine Department of Labor,
27 and was waiting on the report from that inspection.

28 Deputy Harbormaster Moran, Dick Draper, Arne Crawford and the Harbormaster
29 recovered lobster traps along the shore of Seapoint Beach and Fort Foster after storms,
30 recovered approximately 23 reusable traps as well as many trap remnants, owners

31 were contacted of the usable traps to have them pick them up. Remnants were brought
 32 to transfer stations. Thanks for the help with the cleanup.

FY 2022 YTD REVENUE					
OBJECT	ACCT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT YEAR REVENUE	CURRENT YEAR DIFFERENCE	PERCENT
43147	DINGHY FEES	\$ (10,000.00)	\$ (290.00)	\$ (9,710.00)	2.9
43148	TRANSIENT SLIP RENTAL	\$ (7,000.00)	\$ (15,998.00)	\$ 8,998.00	228.54
43149	KPA APPLICATION FEES	\$ (500.00)	\$ (500.00)	\$ -	100
43150	MOORING FEES	\$ (100,000.00)	\$ (586.00)	\$ (99,414.00)	0.59
43151	LAUNCH FEE	\$ (14,000.00)	\$ (7,557.75)	\$ (6,442.25)	53.98
43152	TRANSIENT MOORING	\$ (4,000.00)	\$ (12,208.00)	\$ 8,208.00	305.2
43153	WAIT LIST FEE	\$ (800.00)	\$ (300.00)	\$ (500.00)	37.5
43156	PIER USAGE FEE	\$ (2,400.00)	\$ (1,998.00)	\$ (402.00)	83.25
43157	MOORING LATE FEE	\$ -	\$ -	\$ -	0
TOTAL		\$ (138,700.00)	\$ (39,437.75)	\$ (99,262.25)	28.43%

FY 2022 YTD EXPENSES						
OBJECT	ACCT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT YEAR EXPENSES	CURRENT YEAR REMAINING	PERCENT USED	NOTES
64010	HARBOR MASTER FULL TIME SALARI	\$ 60,536.00	\$ 20,676.69	\$ 39,859.31	34.16	
64020	PART TIME SALARIES	\$ 19,042.00	\$ 9,741.44	\$ 9,300.56	51.16	
65010	POSTAGE	\$ 250.00	\$ 2.55	\$ 247.45	1.02	
65020	TELEPHONE & INTERNET	\$ 1,950.00	\$ 636.86	\$ 1,313.14	32.66	
65200	ELECTRICITY	\$ 1,800.00	\$ 443.55	\$ 1,356.45	24.64	
65220	WATER	\$ 500.00	\$ 73.65	\$ 426.35	14.73	
65240	DUMPSTERS/TRASH REMOVAL	\$ 1,000.00	\$ 684.00	\$ 316.00	68.4	service cost increase
65305	BOAT EQUIPMENT MAINTENANCE	\$ 3,500.00	\$ 3,180.99	\$ 319.01	90.89	trim unit replace & winterizing
65310	VEHICLE MAINTENANCE	\$ 1,500.00	\$ 345.10	\$ 1,154.90	23.01	
65311	GAS, GREASE, & OIL	\$ 1,500.00	\$ 487.87	\$ 1,012.13	32.52	
65462	RIGGING	\$ 11,000.00	\$ 2,844.92	\$ 8,155.08	25.86	
65463	SANITATION	\$ 2,500.00	\$ 1,074.00	\$ 1,426.00	42.96	
65470	PROFESSIONAL DEVELOPMENT	\$ 1,500.00	\$ -	\$ 1,500.00	0	
65480	OTHER PROFESSIONAL/CONTRACTED	\$ 3,000.00	\$ -	\$ 3,000.00	0	
65500	MAIN BLDG/GROUNDS WHARVES/HARB	\$ 5,000.00	\$ 2,713.03	\$ 2,286.97	54.26	safety repairs
65521	UNIFORMS	\$ 1,000.00	\$ 336.97	\$ 663.03	33.7	
66010	OFFICE SUPPLIES	\$ 300.00	\$ -	\$ 300.00	0	
66040	JANITORIAL SUPPLIES & SERVICES	\$ 500.00	\$ 61.46	\$ 438.54	12.29	
TOTAL		\$ 116,378.00	\$ 43,303.08	\$ 73,074.92	37.21%	

33 6. All Items involving Town Officials or invited guests

34 7. Public Hearing

35 a. The Kittery Port Authority moves to approve an application from Ruth
 36 Lawrence 19 Pleasant Street, Kittery, ME 03904 (Map 4, Lot 35A) to replace
 37 windows and doors in an existing commercial boat house, address cosmetic
 38 issues and add a deck to the second story for an exit.

39 Port Authority member Steve Lawrence removed himself from the board due to the
40 application was a family member.

41 Chair Philbrook moved to approve the application from Ruth Lawrence 19 Pleasant
42 Street, Kittery, ME 03904 (Map 4, Lot 35A) to replace windows and doors in an existing
43 commercial boat house, address cosmetic issues and add a deck to the second story
44 for an exit, seconded by Mr. Bush.

45 Motion Carried 4-0-0

46

47 b. The Kittery Port Authority moves to approve an application from Nicholas and
48 Meredith Starr 56 Tidewater Way, Kittery, ME 03904 (Map 47, Lot 18-3-2) for the
49 construction of a 70'x3' fixed pier, 26'x3' gangway and a 10'x18' float. Agent is
50 Duncan Mellor Civil Works New England.

51 Chair Philbrook moved to approve the application from Nicholas and
52 Meredith Starr 56 Tidewater Way, Kittery, ME 03904 (Map 47, Lot 18-3-2) for the
53 construction of a 70'x3' fixed pier, 26'x3' gangway and a 10'x18' float, seconded by Vice
54 Chair Patten.

55 Motion Carried 4-0-1

56 Chair Philbrook, Vice Chair Patten, Mr. Lawrence, and Mr. McCollett voted yes.
57 Mr. Bush abstained

58 8. Piers, Wharves & Floats

59 a. The Kittery Port Authority moves to accept an application from 23 Oak Terrace
60 LLC 23 Oak Terrace, Kittery, ME 03904 (Map 2, Lot 3) for the construction of a 4'
61 x 3' access landing, 4' x 5' access stairway, 4' x 10' access stairway, 6' x 80'
62 fixed pier, 3' x 30' gangway, and a 10' x 20' float secured by helical moorings.
63 Agent: Steve Riker Ambit Engineering.

64 Mr. Bush removed himself from the board.

65 Steve Riker from Ambit Engineering presented the plans for 23 Oak Terrace, Kittery,
66 ME to the Board and answered any questions the Board might have had.

67 Chair Philbrook moved to accept the application from 23 Oak Terrace LLC 23 Oak
68 Terrace, Kittery, ME 03904 (Map 2, Lot 3) for the construction of a 4'x 3' access landing,
69 4' x 5' access stairway, 4' x 10' access stairway, 6' x 80'fixed pier, 3' x 30' gangway,
70 and a 10' x 20' float secured by helical moorings, schedule a public hearing for the
71 December KPA meeting, and scheduled a site walk for November 18, 2021 at 3:30
72 p.m., seconded by Mr. Lawrence.

73 Motion Carried 4-0-1
74 Chair Philbrook, Vice Chair Patten, Mr. Lawrence, and Mr. McCollett voted yes.
75 Mr. Bush abstained.

76 b. The Kittery Port Authority moves to accept an application from Charles R.
77 Kendall 9 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 10-A) for the
78 construction of 6' x 30' fixed pier, 4' x 16' stairway, 3' x 30' gangway, and a 10' x
79 20' float held in place by helical moorings. Agent: Steve Riker Ambit Engineering.

80 Mr. Bush removed himself from the board.

81 Steve Riker from Ambit Engineering presented the plans for 9 Pepperrell Road, Kittery
82 Point, Maine to the Board and answered any questions the Board might have had.

83 Chair Philbrook moved to accept the application from Charles R. Kendall 9 Pepperrell
84 Road, Kittery Point, ME 03905 (Map 18, Lot 10-A) for the construction of 6' x 30' fixed
85 pier, 4' x 16' stairway, 3' x 30' gangway, and a 10' x 20' float held in place by helical
86 moorings, schedule a public hearing for the December KPA meeting, and scheduled a
87 site walk for November 18, 2021 at 3:00 p.m., seconded by Mr. Lawrence.

88 Motion Carried 4-0-1
89 Chair Philbrook, Vice Chair Patten, Mr. Lawrence, and Mr. McCollett voted yes.
90 Mr. Bush abstained

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

92 10. Unfinished Business

93 a. Rules and Regulations public hearing in December

94 Chair Philbrook stated there would be a public hearing scheduled for the Rules and
95 Regulations at the December KPA meeting.

96 11. New Business - None

97 12. Committee and Other Reports - None

98 a. Communications from the Chairperson - None

99 13. Board Member Issues or Comments

100 Mr. Lawrence – None

101 Mr. Bush - None

102 Mr. McCollett spoke about the Temporary mooring program.

103 Vice Chair Patten – None

104 Chair Philbrook spoke about the elections for KPA Chair and Vice Chair was coming up,
105 and encourage the board members to participate.

106 14. Executive Session - None

107 15. Adjournment

108 Mr. Bush moved to adjourn at 6: 51 p.m. seconded by Mr. Lawrence.

109 All were in favor.

Submitted by Kim Tackett

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



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

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**

1. Name of Applicant:		23 Oak Terrace LLC		5. Name of Agent:		Steven D. Riker Ambit Engineering, Inc.					
2. Applicant's Mailing Address:		9 Langdon Street, Kittery, ME		6. Agent's Mailing Address:		200 Griffin Road, Unit 3, Portsmouth, NH 03801					
3. Applicant's Daytime Phone #:		207-703-4918		7. Agent's Daytime Phone #:		603-430-9282					
4. Applicant's Email Address (Required from either applicant or agent):			brandon@winterholben.com		8. Agent's Email Address:			sdr@ambitengineering.com			
9. Location of Activity: (Nearest Road, Street, Rt.#)		23 Oak Terrace		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:		Weir Creek					
				14. Amount of Impact: (Sq.Ft.)		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 checked="" type="checkbox"/> Other <u>Tidal</u>		FOR FRESHWATER WETLANDS							
				<i>Tier 1</i>		<i>Tier 2</i>		<i>Tier 3</i>			
				<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft		<input type="checkbox"/> 15,000 – 43,560 sq. ft.		<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1			
16. Brief Activity Description:		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.									
17. Size of Lot or Parcel & UTM Locations:		<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>							
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#: 18175 Page: 112		20. Map and Lot Numbers:		Map #: 2		Lot #: 3			
21. DEP Staff Previously Contacted:				22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		After-the-Fact:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application #		Previous project manager:					
24. Written Notice of Violation?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
26. Detailed Directions to the Project Site:		From US Route 1 Bypass turn onto Oak Terrace. Property is located at 23 Oak Terrace.									
27. TIER 1				TIER 2/3 AND INDIVIDUAL PERMITS							
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC				<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized				<input type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required			
28. FEES Amount Enclosed:		\$543.00									
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2											

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

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

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

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

CORPS SIGNATORY REQUIREMENT

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

DEP SIGNATORY REQUIREMENT

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

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


SIGNATURE OF AGENT/APPLICANT

Date: 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

	Distance Between the Proposed Visibility Activity and Resource (in Miles)			
	0-¼	¼-1	1+	
1. Would the activity be visible from:				
A. A National Natural Landmark or other outstanding natural feature?	~	~	X	
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	~	~	X	
C. A state or federal trail?	~	~	X	
D. A public site or structure listed on the National Register of Historic Places?	~	X	~	* 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 . 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.

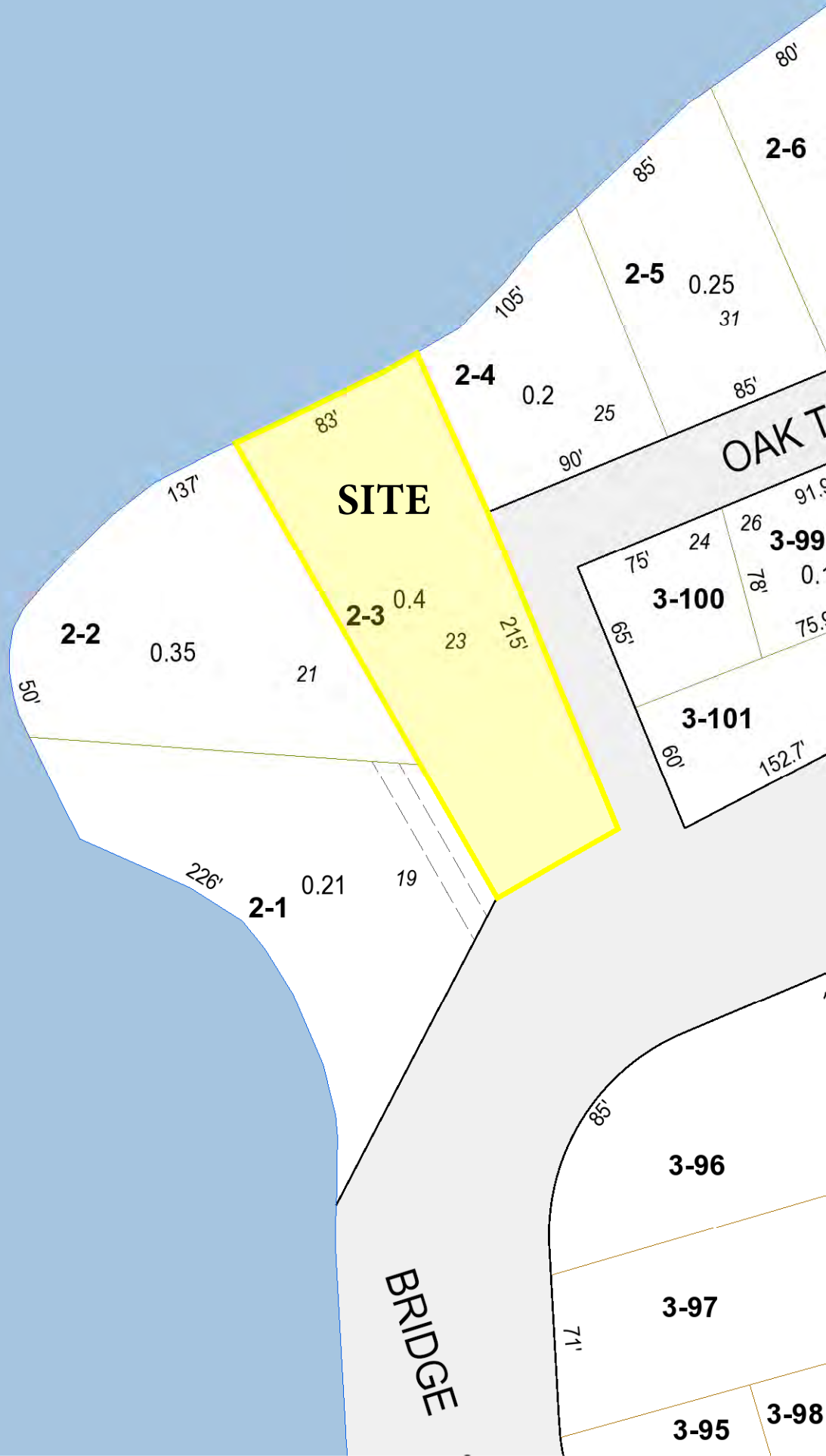
My Map

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.

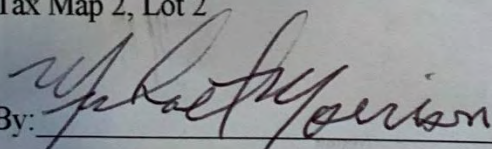
This letter is to inform the Maine Department of Environmental Protection (DEP), in accordance with State Law that our abutter, **23 Oak Terrace LLC**, has shown us plans (dated 10/1/21) depicting the proposed tidal docking structure on their property (Tax Map 2, Lot 3) prepared by Ambit Engineering, 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, 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.

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
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.

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**.

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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,

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**.

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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

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,

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**.

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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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Reginald R. McKay
22 Oak Terrace
Kittery ME 03904

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

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Michael W. Morrison
PO Box 928
Naples FL 34106

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

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

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

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



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Wendy Whitney
3 Spinney Cove Drive
Kittery ME 03904

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

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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	\$



Postmark Here

Postage

Michael W. Morrison
19 Oak Terrace
Kittery ME 03904

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 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:

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

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Respectfully submitted,

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.

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

Cc: US Army Corp of Engineers, Maine Project Office



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

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.

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

Cc: US Army Corp of Engineers, Maine Project Office



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

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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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**

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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

Site Photograph #1

August 2021



Site Photograph #2

August 2021



Site Photograph #3

August 2021



Site Photograph #4

August 2021





DLN: 1002040087513

FORECLOSURE DEED

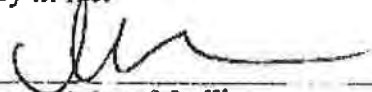
KNOW ALL BY THESE PRESENTS, that U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust with a mailing address of c/o Caliber Home Loans, Inc., 13801 Wireless Way, Oklahoma City, OK 73134 ("Grantor"), for valuable consideration, does hereby give, grant, convey and release unto 23 Oak Terrace 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 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 Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

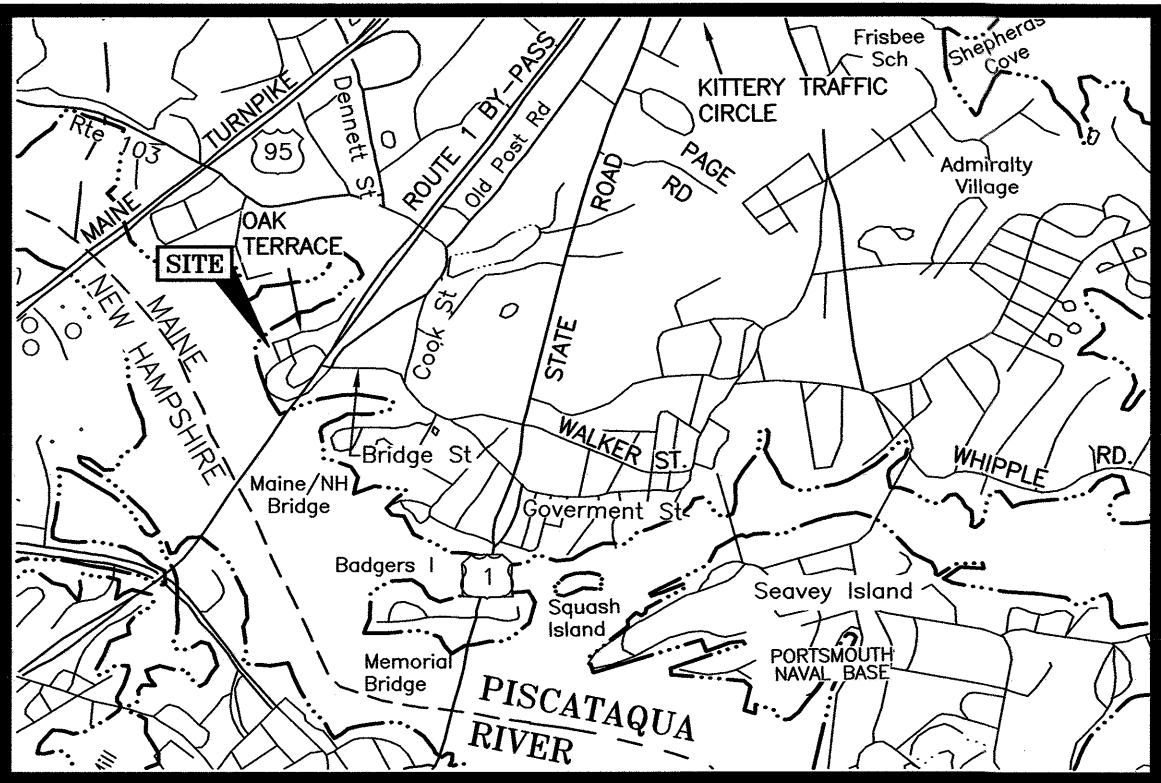
-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

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

Critical habitats

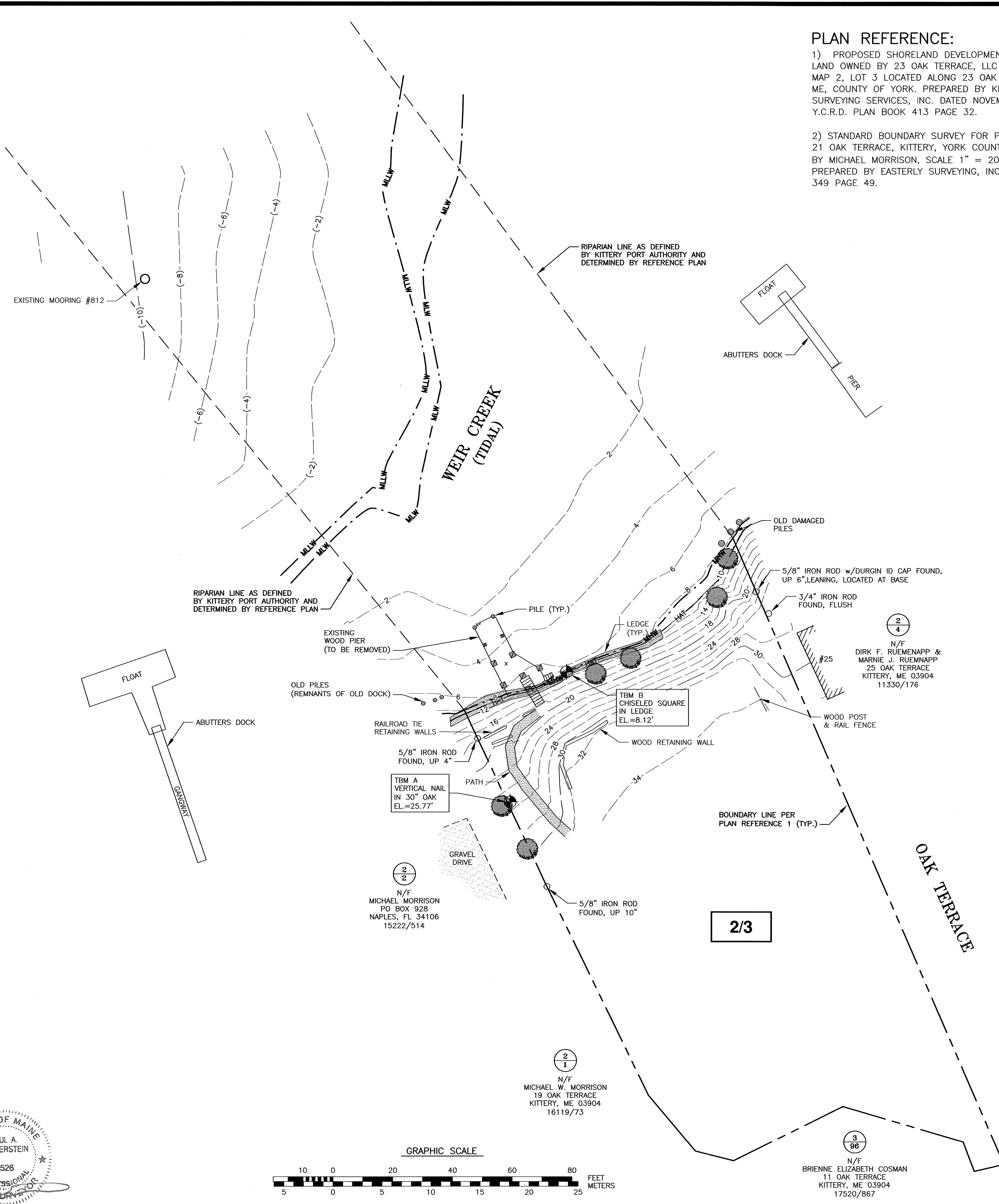
THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



LOCATION MAP SCALE: 1" = 2000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS
- 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

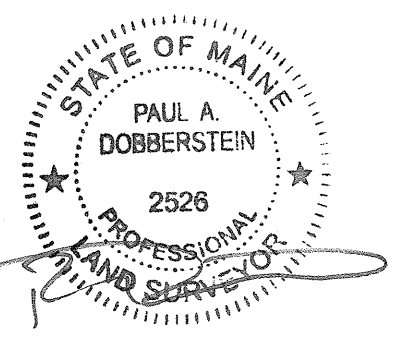
- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 2 AS LOT 3.
 - 2) OWNER OF RECORD:
 23 OAK TERRACE LLC
 9 LANGTON STREET
 KITTERY, ME 03904
 18175/112, PLAN BOOK 413 PAGE 32
 - 3) A PORTION OF THE PARCEL IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ZONE A2 (EL.9) AS SHOWN OF FIRM PANEL 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

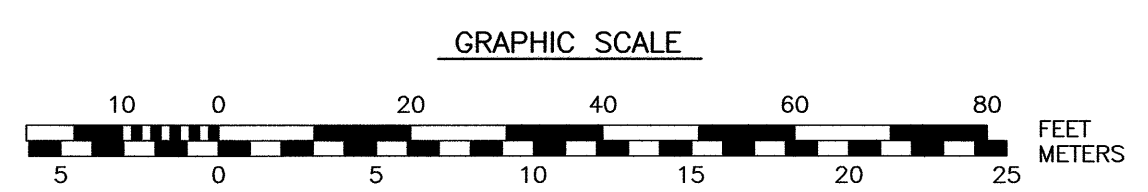
2	MOORING LOCATIONS	10/1/21
1	RIPARIAN LINES	8/24/21
0	ISSUED FOR COMMENT	7/7/21
NO.	DESCRIPTION	DATE
REVISIONS		

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



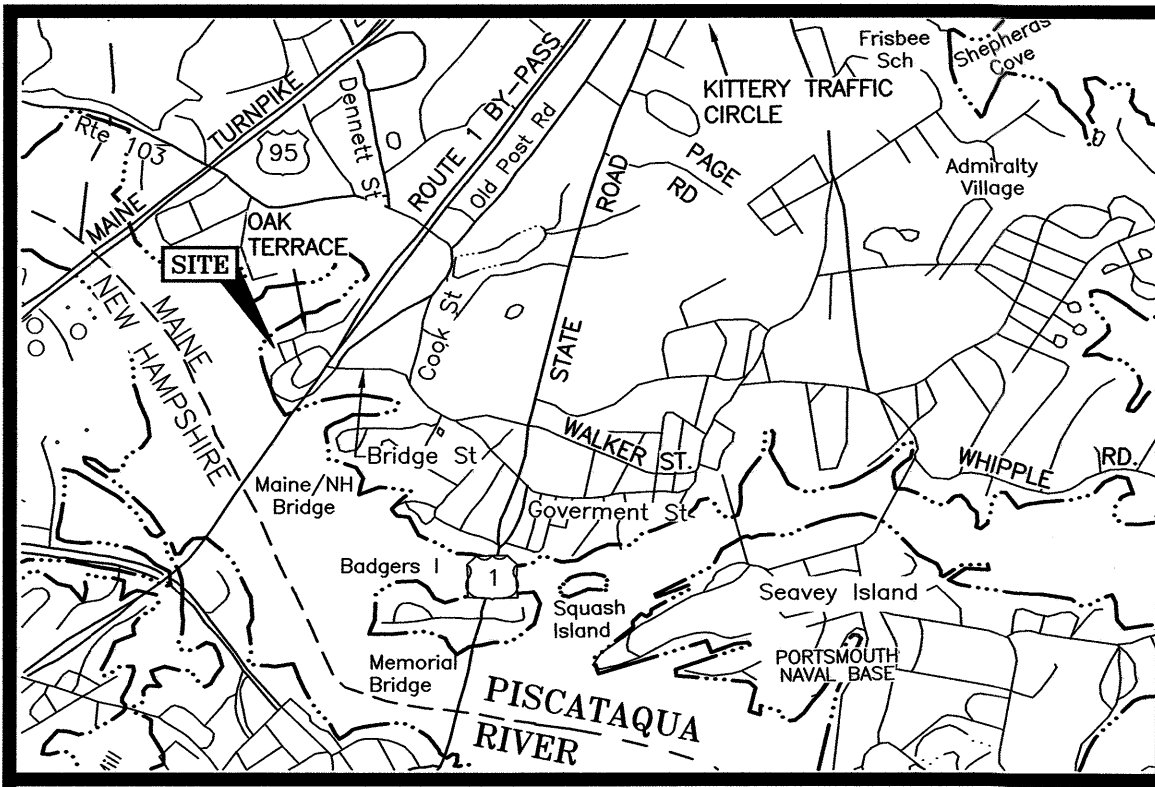
OWNER & APPLICANT:
 23 OAK TERRACE LLC
 9 LANGTON STREET
 KITTERY, ME 03904

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

SCALE: 1"=20' JULY 2021

EXISTING CONDITIONS PLAN

C1



LOCATION MAP

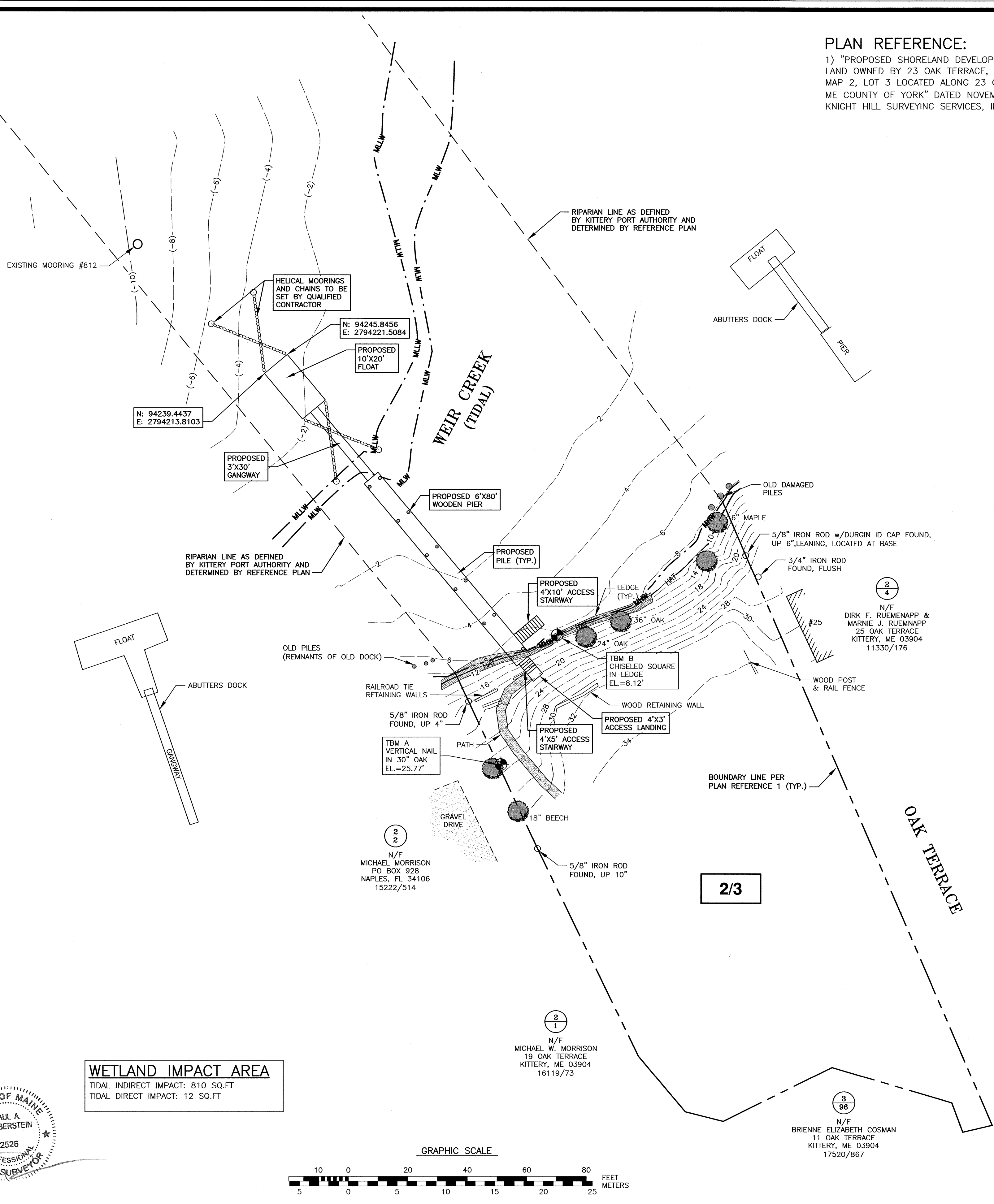
PLAN REFERENCE:
 1) "PROPOSED SHORELAND DEVELOPMENT SITE PLAN FOR LAND OWNED BY 23 OAK TERRACE, LLC KNOWN AS TAX MAP 2, LOT 3 LOCATED ALONG 23 OAK TERRACE, KITTERY, ME COUNTY OF YORK" DATED NOVEMBER 25, 2020 BY KNIGHT HILL SURVEYING SERVICES, INC.

ME SPC
 NAD83(2011)
 GRID NORTH
 WEST ZONE

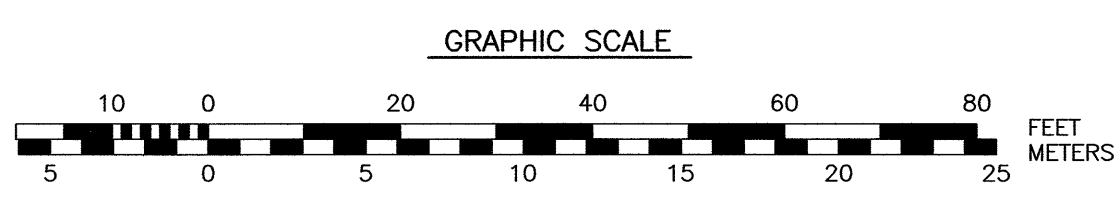
AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

- 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

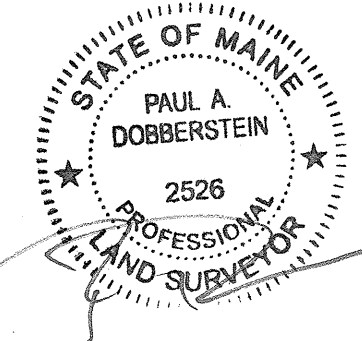


WETLAND IMPACT AREA
 TIDAL INDIRECT IMPACT: 810 SQ.FT
 TIDAL DIRECT IMPACT: 12 SQ.FT



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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 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

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

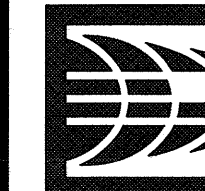
REVISIONS

10-1-21

SCALE: 1"=20' MAY 3, 2021

ME DEP PERMIT PLAN

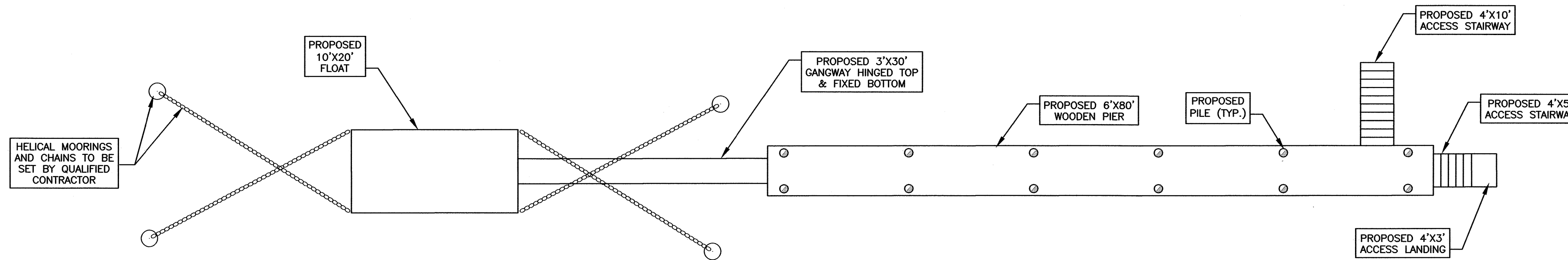
C2



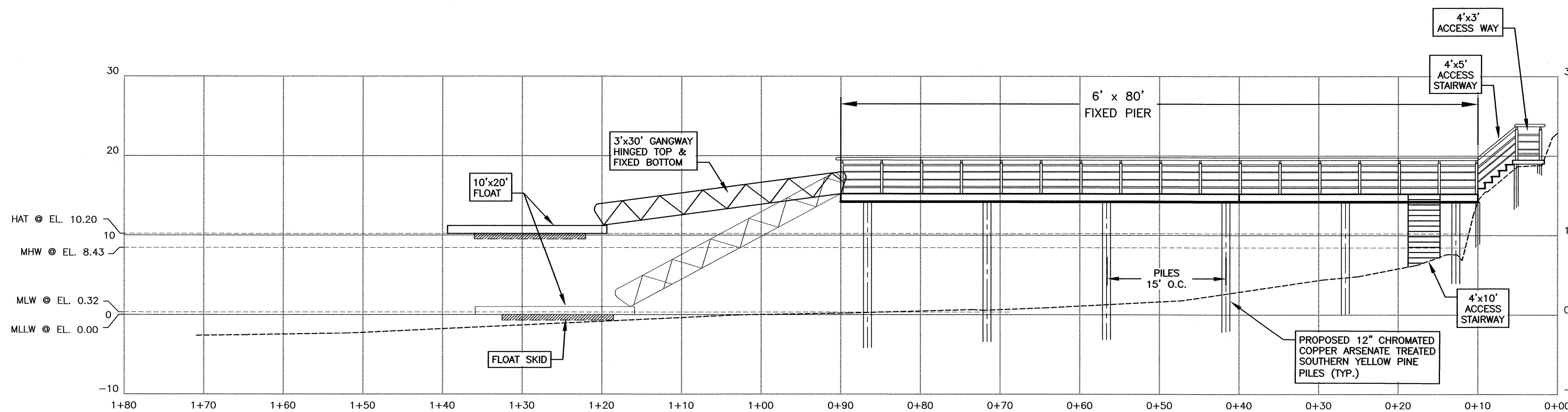
AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 436-9282
Fax (603) 436-2315

NOTES:

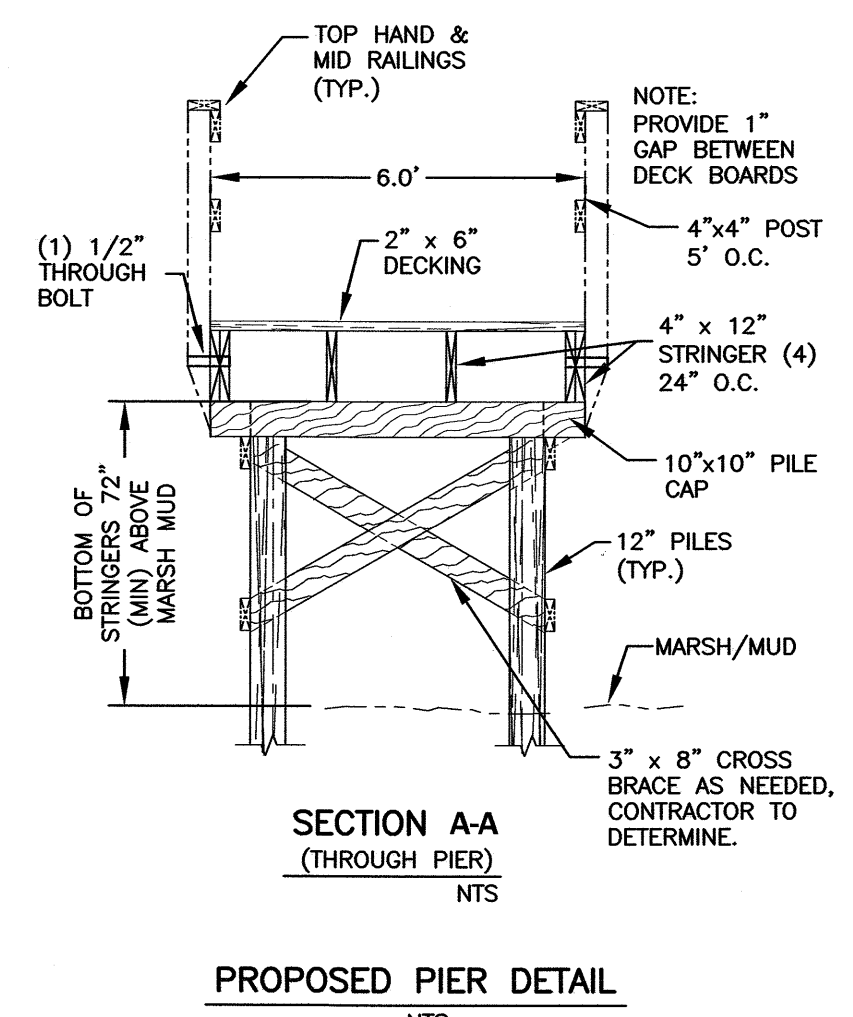
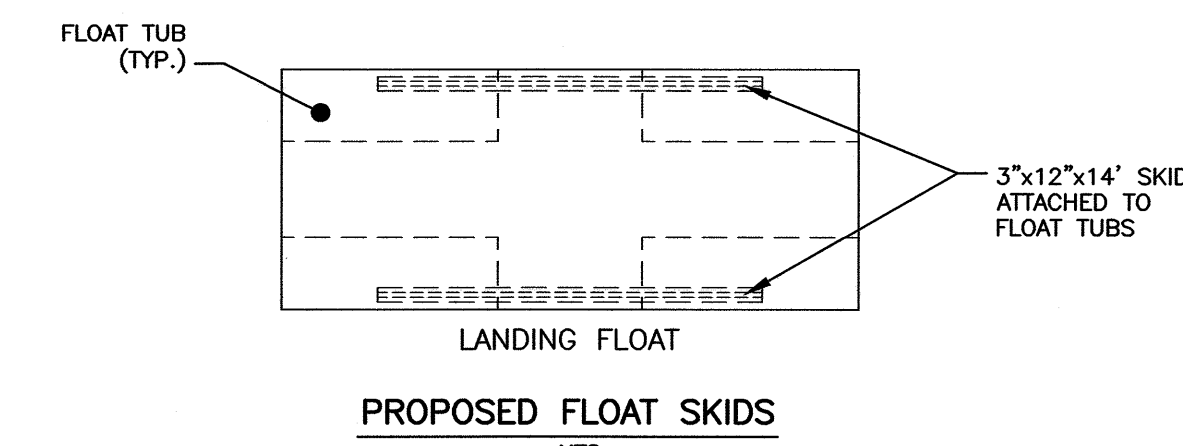
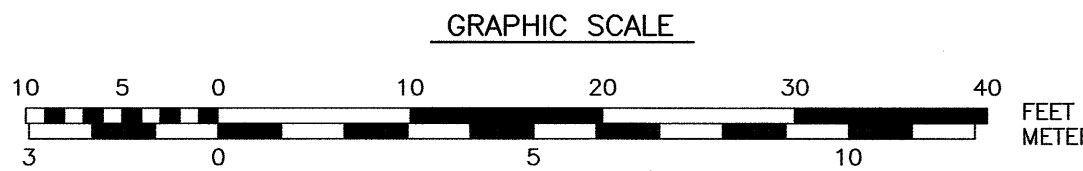
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND 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

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.

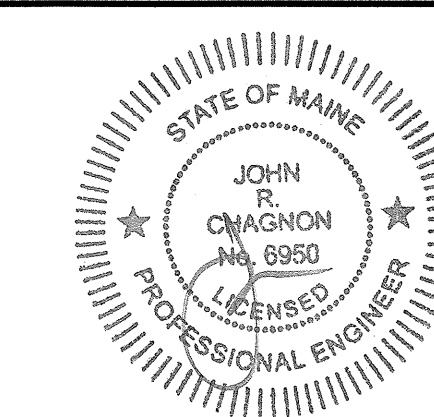
SPAWNING, BREEDING, AND MIGRATORY AREAS.

- 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

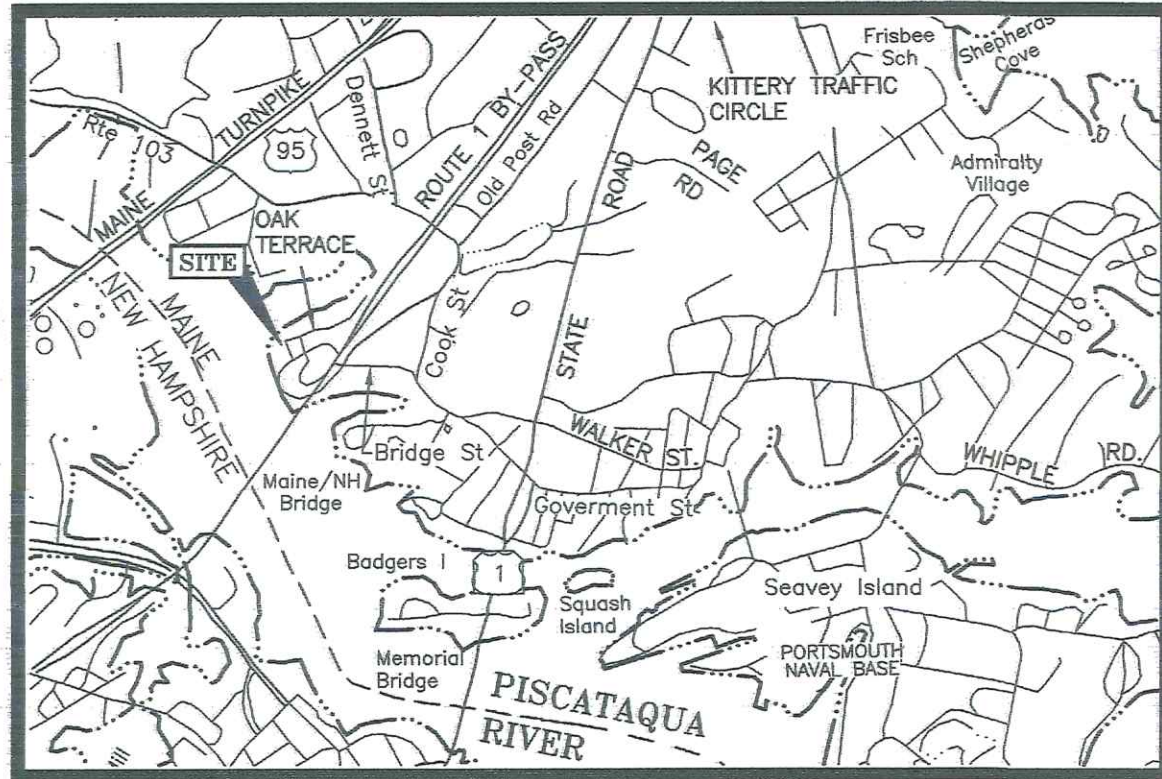


OWNER & APPLICANT:
23 OAK TERRACE LLC
9 LANGTON STREET
KITTERY, ME 03904

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

SCALE: AS SHOWN MAY 3, 2021

DETAILS **D1**



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.

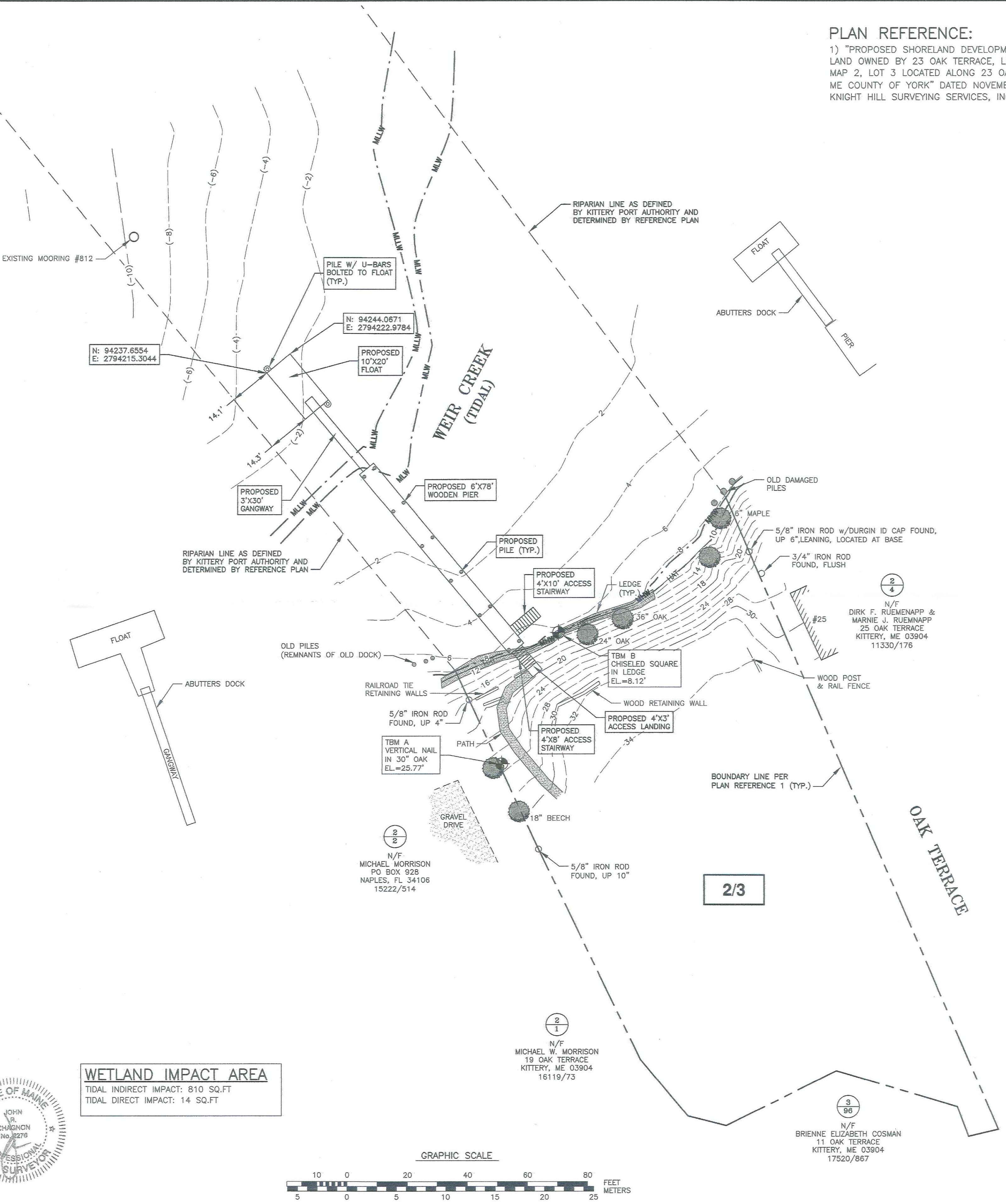
ME SFC
NAD83(2011)
GRID NORTH
WEST ZONE

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

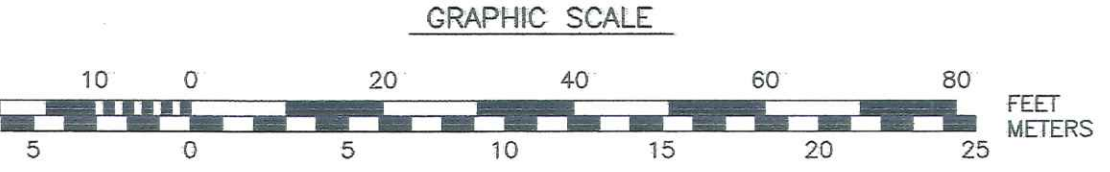
NOTES:

- 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 (EL9) AS SHOWN OF FIRM PANEL 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
 - CONTOUR
 - WOODS / TREE LINE
 - SITE PHOTO LOCATION/DIRECTION
 - TBM TEMPORARY BENCHMARK
 - TYP. TYPICAL
 - PILE
 - SQUARE PILE

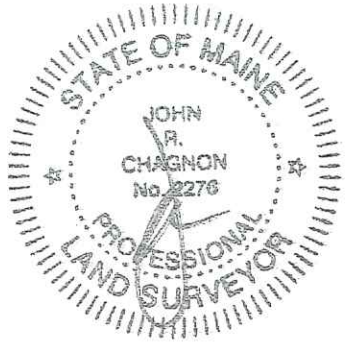


WETLAND IMPACT AREA
TIDAL INDIRECT IMPACT: 810 SQ.FT
TIDAL DIRECT IMPACT: 14 SQ.FT



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:
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

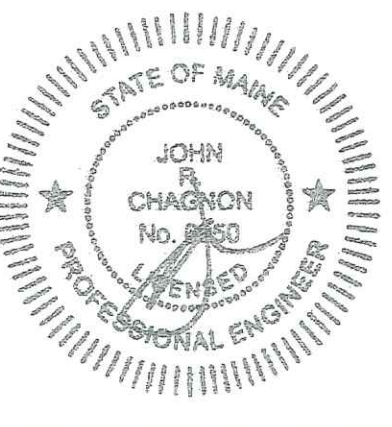
THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.



John R. Chagnon
JOHN R. CHAGNON, LLS #2276
DATE 11.22.21

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

4	REMOVE MOORINGS & CHAINS- ADD FLOAT PILES	11/22/21
3	ALIGN PIER WITH HAT	10/20/21
2	ADD 4'X10' ACCESS STAIRWAY	10/1/21
1	DOCK LOCATION	9/22/21
0	ISSUED FOR COMMENT	5/7/2021
NO.	DESCRIPTION	DATE



SCALE: 1"=20' MAY 3, 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

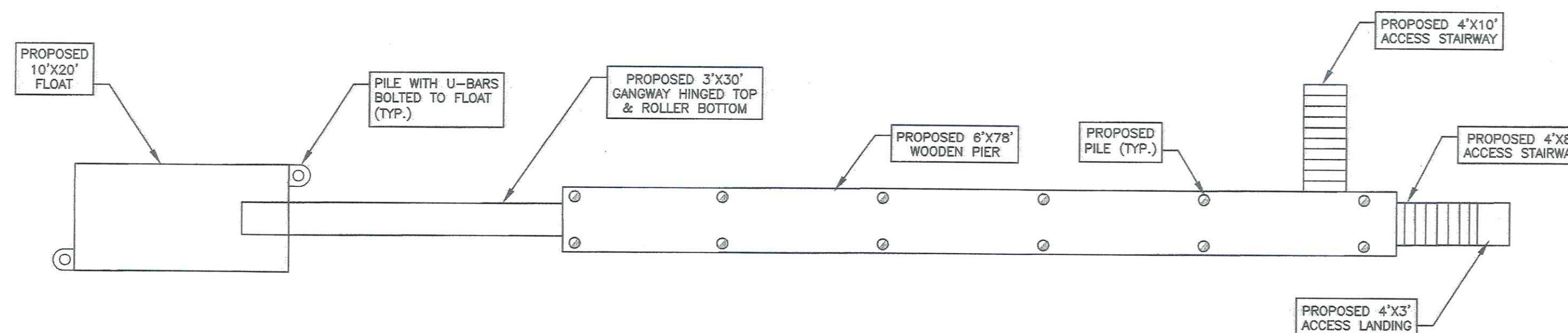
ME DEP PERMIT PLAN
C2



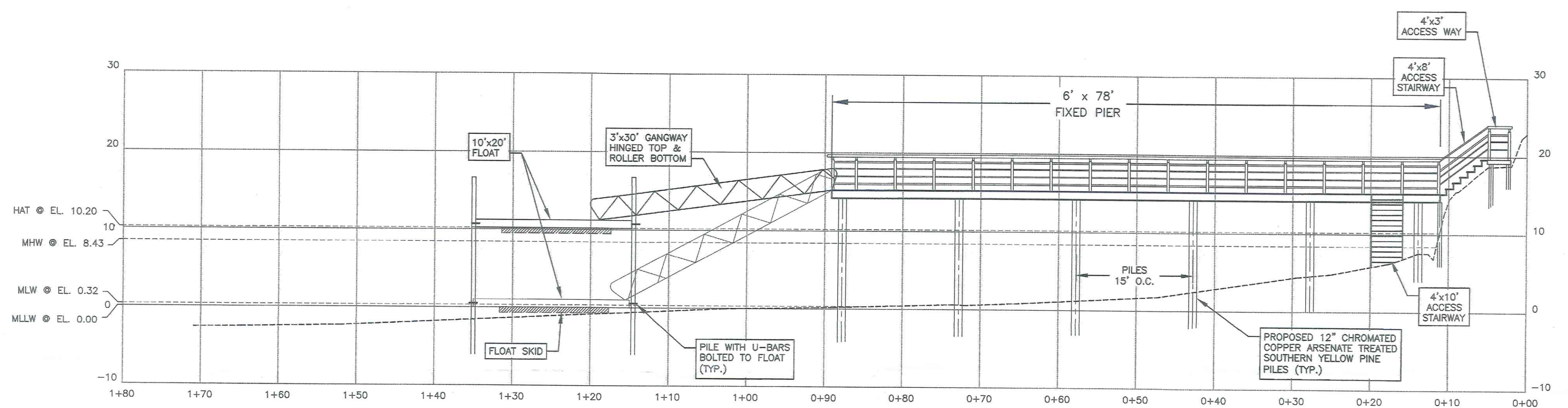
AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 436-9282
Fax (603) 436-2315

NOTES:

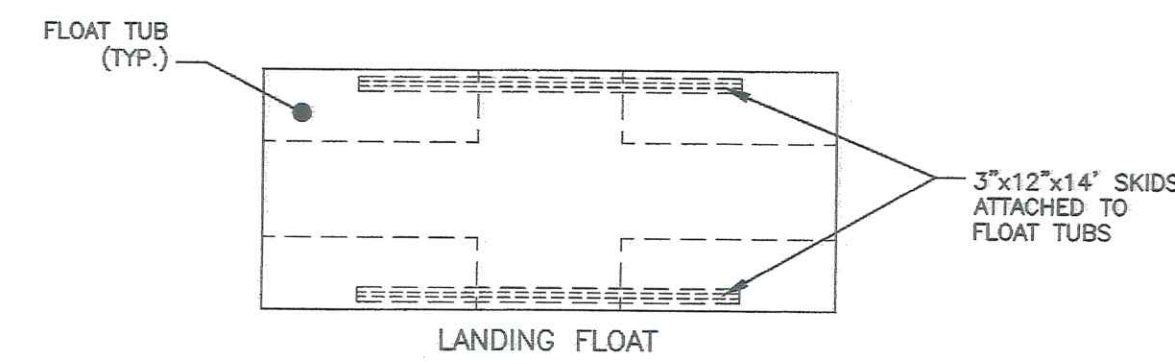
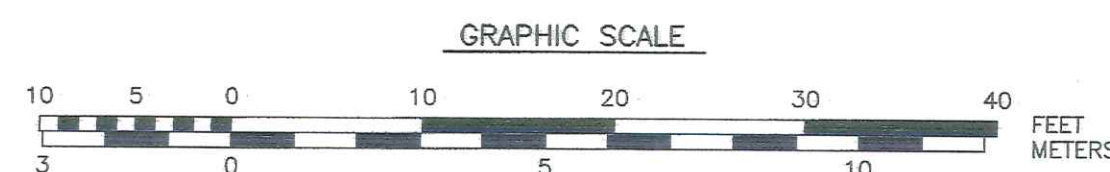
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND 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 14 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.



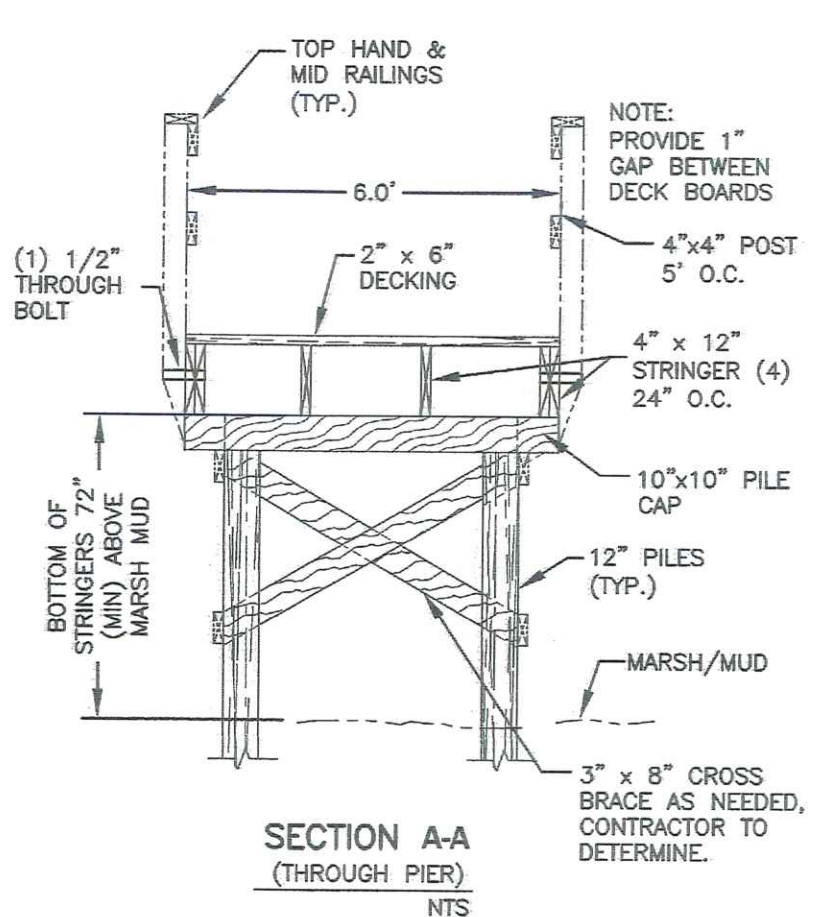
PROPOSED DOCK PLAN



PROPOSED DOCK ELEVATION
PROPOSED PIER, GANGWAY & FLOAT



PROPOSED FLOAT SKIDS
NTS



PROPOSED PIER DETAIL
NTS

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

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

FLOODPLAINS AND FLOODWAYS

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

STORAGE OF SEASONAL STRUCTURES.

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

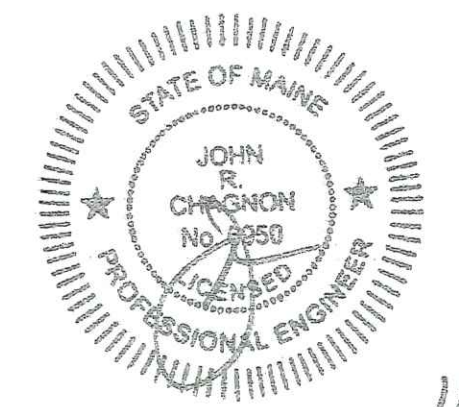
SPAWNING, BREEDING, AND MIGRATORY AREAS.

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

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

4	REMOVE MOORINGS & CHAINS- ADD FLOAT PILES	11/22/21
3	ALIGN PIER WITH HAT	10/20/21
2	ADD 4'x10' ACCESS STAIRWAY	10/1/21
1	DOCK LOCATION	9/22/21
0	ISSUED FOR COMMENT	5/7/2021

REVISIONS



11.22.21

SCALE: AS SHOWN MAY 3, 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

DETAILS

D1



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BUREAU OF PARKS & LANDS
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

November 18, 2021

Municipal Officials
Town of Kittery
200 Rogers Road
Kittery, ME 03904

RE: Float Expansion Proposal

Dear Municipal Officials:

The Bureau of Parks and Lands (Bureau), within the Maine Department of Agriculture, Conservation and Forestry, has received an application from 23 Oak Terrace LLC to construct a pier, ramp and float on submerged lands at their property on the Piscataqua River.

Under the Bureau's standard review procedure, this correspondence is to provide the municipality with an opportunity to comment on any impacts the project may have as described in the enclosed NOTICE. Although this letter is addressed to the municipal officials, any interested party or anyone who is knowledgeable about the area is welcome to comment. If the municipality has a harbor committee, port authority, or other organization that has responsibility for reviewing coastal activities, please provide them with a copy of this NOTICE.

Please post the enclosed NOTICE in the municipal office. Comments must be received by the Bureau on or before December 18, 2021. Thank you.

Sincerely,

Karen Foust
Submerged Lands Coordinator

Enc: Notice
cc: Harbormaster w/ enclosure

ANDREW R. CUTKO, DIRECTOR
BUREAU OF PARKS & LANDS
18 ELKINS LANE, HARLOW BUILDING



PHONE: (207) 287-3821
FAX: (207) 287-6170
WWW.MAINE.GOV/DACF/



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BUREAU OF PARKS & LANDS
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

NOTICE – November 18, 2021

Applicant: 23 Oak Terrace LLC

Proposal: To construct a 6 ft. by 80 ft. pile supported pier, a 3 ft. by 30 ft. ramp and a 10 ft. by 20 ft. float anchored with helical moorings. The structure would extend approximately 45 ft on submerged lands for private recreational use.

Location: Piscataqua River, 23 Oak Terrace, Town of Kittery

The Bureau of Parks and Lands (Bureau) has received an application to occupy submerged lands for the project described above. Pursuant to Title 12 M.R.S.A., Section 1801 & 1862, the Bureau serves as trustee of submerged lands for the State of Maine. Submerged lands include all land from the mean **low-water** mark seaward to the 3-mile territorial limit including all land below the mean **low-water** mark of tidal rivers upstream to the farthest natural reaches of the tides.

Before the proposal may take place, the applicant must obtain a lease or easement from the Bureau. A lease or easement may be granted for the project if it will not:

- unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, recreation, and navigation) in, on or over the submerged lands;
- unreasonably interfere with fishing or other existing marine uses of the area;
- unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and
- unreasonably interfere with ingress and egress of riparian owners.

A copy of the site plan is attached for information. Any interested party or anyone who is knowledgeable about the area is welcome to comment on possible impacts to the activities listed above. **Comments must be received on or before December 18, 2021.**

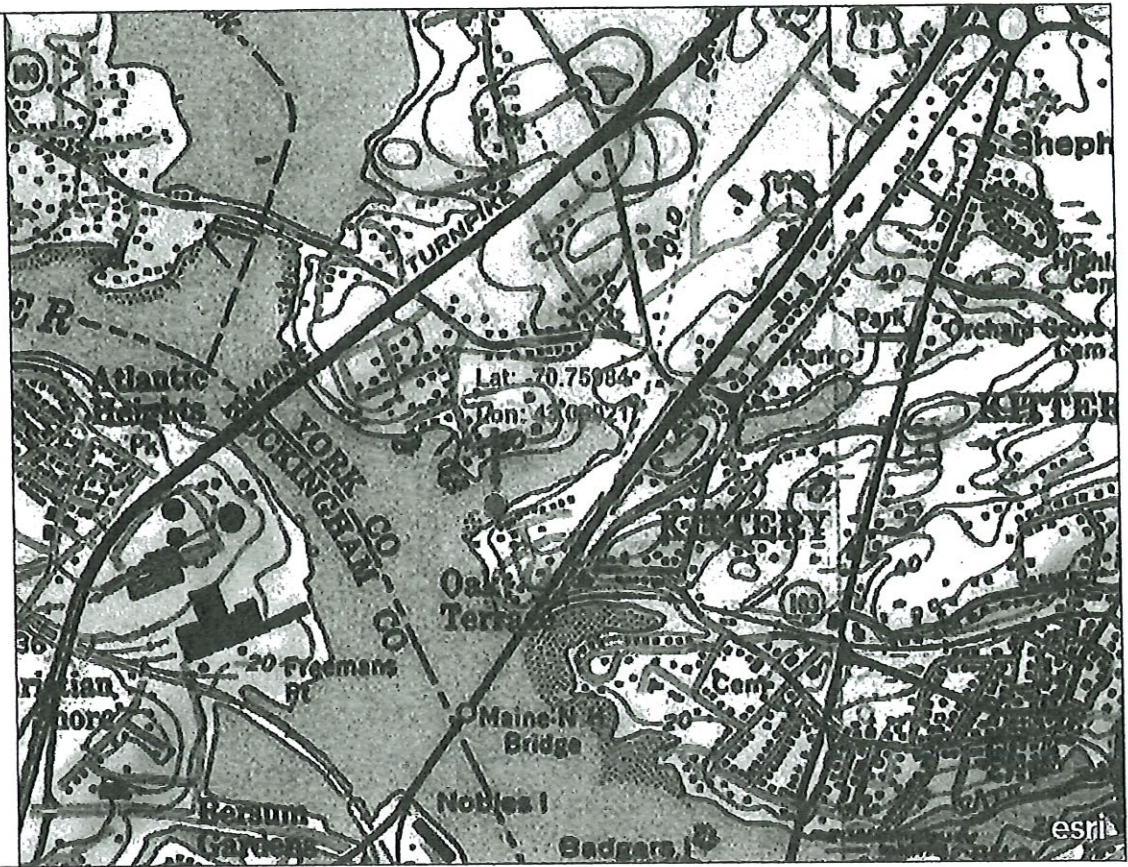
For more information, please contact Karen Foust, Bureau of Parks and Lands.
Phone: (207) 287-6128 Fax: (207) 287-6170
Email: Karen.L.Foust@maine.gov
www.maine.gov/dacf/submergedlands

cc: Department of Marine Resources

Please note that all comments received are part of the public record and subject to the State of Maine Freedom of Access laws.

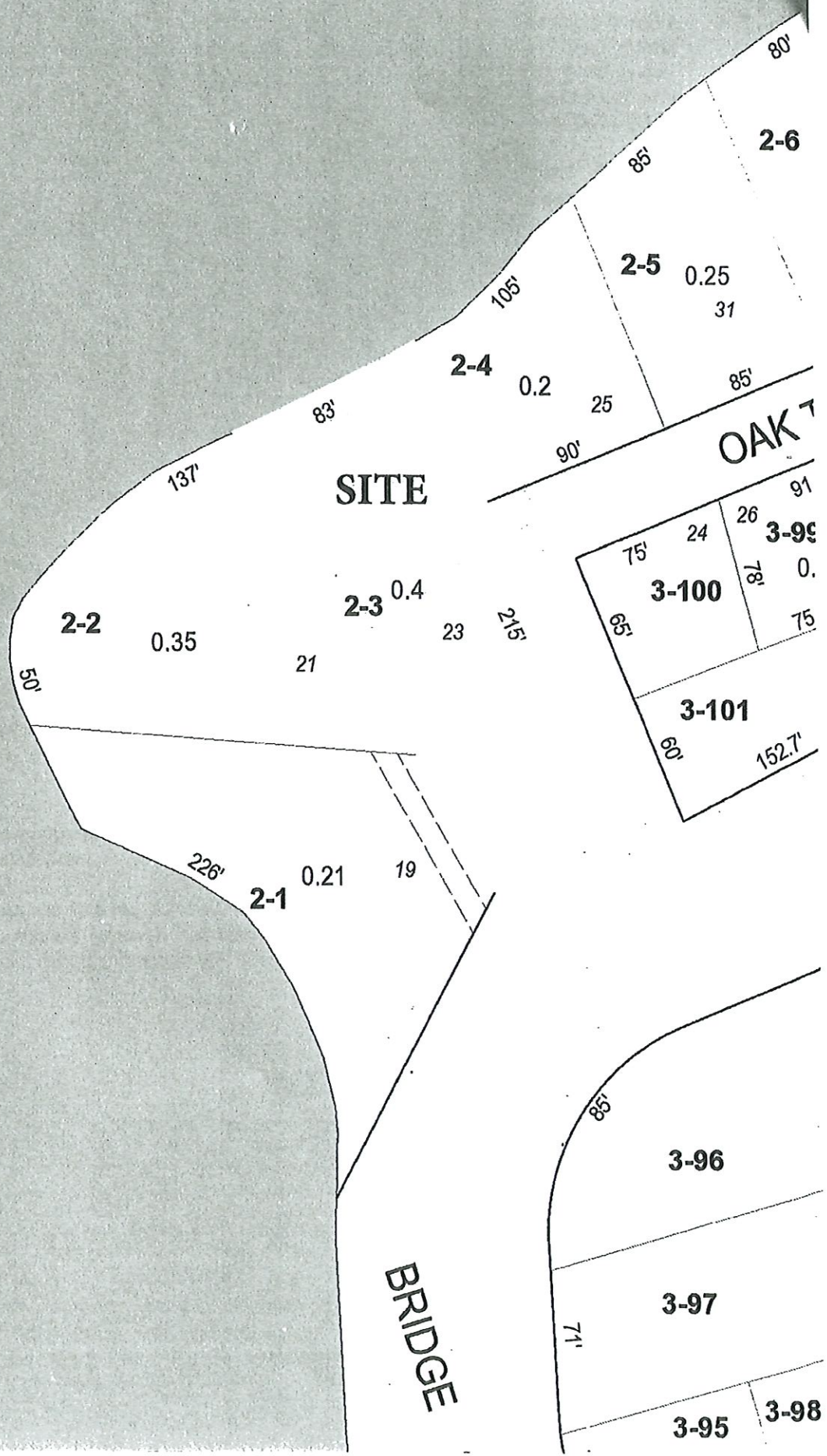
My Map

No legend



Copyright: © 2013 National Geographic Society, i-cubed

RR



SITE

BRIDGE

OAK

2-2

2-3

2-4

2-5

2-6

2-1

3-96

3-97

3-95

3-98

3-100

3-99

0.35

0.4

0.2

0.25

0.21

137'

83'

105'

85'

80'

50'

226'

23'

215'

90'

85'

71'

19

21

24

26

75'

78'

75'

152.7'

91

0.

75

85'

3-101



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

WE ARE SENDING YOU

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

COPIES	DATE	REVISION	DESCRIPTION
10	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 KITTEERY - LIVE
200 ROGERS ROAD
KITTEERY 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 be '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)	FOR FRESHWATER WETLANDS		
	<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>	Tier 1 <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	Tier 2 <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	
TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input 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			
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: 10/12/21 _____

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?
(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. 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

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 7th day of July, 2020

Witness _____

Estate of Graham G. Alvord

Graham L. Alvord
Graham L. Alvord,
Personal Representative

STATE ALASKA
Anchorage COUNTY

Personally appeared, this 7th 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

Alfred D. Calugay
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.

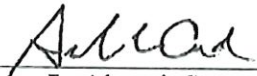
Meaning and intending to convey a portion of the premises conveyed to Graham G. Alvord and Jean Drake Alvord by deed of Horace Mitchell dated February 14, 1949 and recorded at York County Registry of Deeds in Book 1123, Page 546. Jean Drake Alvord died 2/20/2020 leaving Graham G. Alvord as sole surviving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

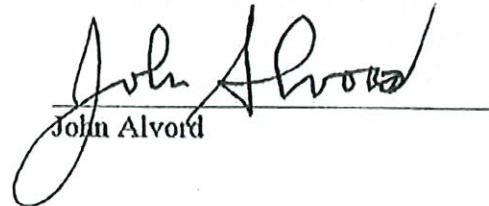


Christopher Alvord

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



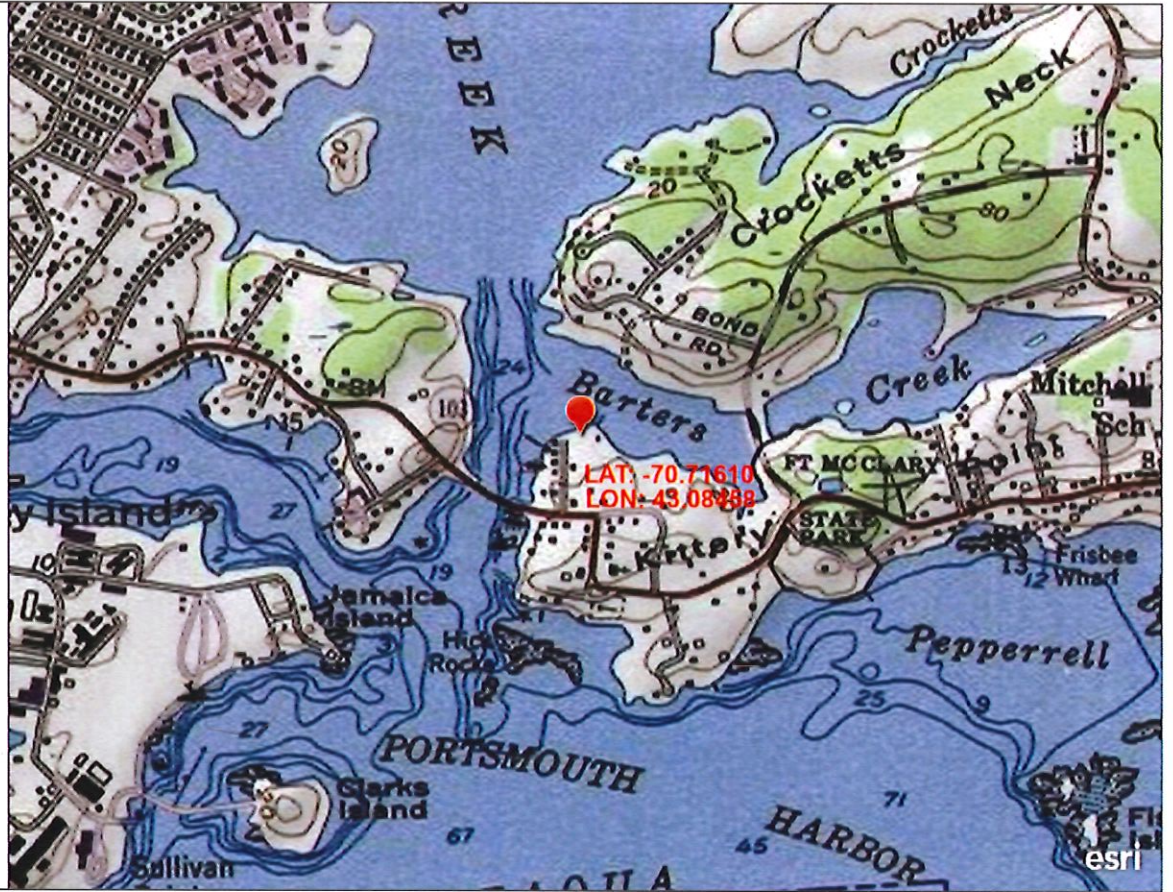
Site Photograph #5

September 2021



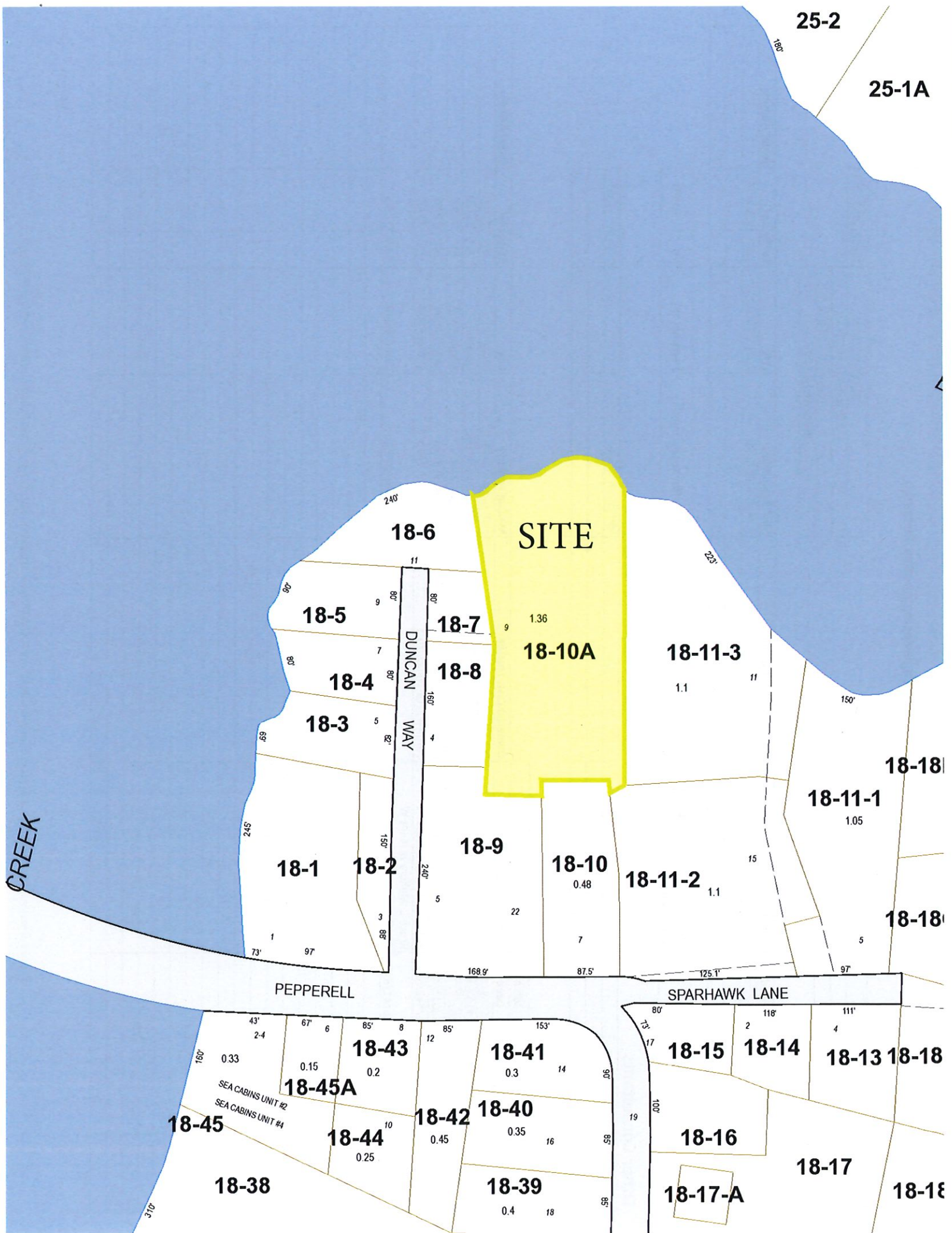
My Map

No legend



0.4km

Copyright:© 2013 National Geographic Society, i-cubed



25-2

25-1A

SITE

18-10A

18-6

18-5

18-7

18-4

18-8

18-11-3

18-3

DUNCAN WAY

18-18

18-11-1

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

18-16

18-17

18-45

18-44

18-39

18-17-A

18-38

18-18

CREEK

SEA CABINS UNIT #2
SEA CABINS UNIT #4



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

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,

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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.

Dear Property Owner,

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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

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,

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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

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**.

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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	\$ _____

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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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 Kittery Point ME 03905

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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

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Tjitse & Carol Boringa
 4 Duncan Way
 Kittery Point ME 03905

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

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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
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 18, Lot 10-A
9 Pepperrell Road
Kittery Point, ME

To Whom it May Concern:

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

Cc: US Army Corp of Engineers, Maine Project Office



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

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 18, Lot 10-A
9 Pepperrell Road
Kittery Point, ME**

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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
Aroostook Band of Micmacs
7 Northern Road
Presque Isle, ME 04769

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
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 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.

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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 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-0039

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

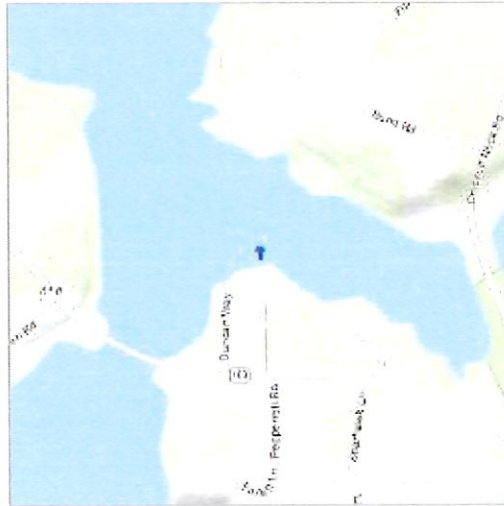
Project Name: 9 Pepperrell Road Tidal Dock

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 Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

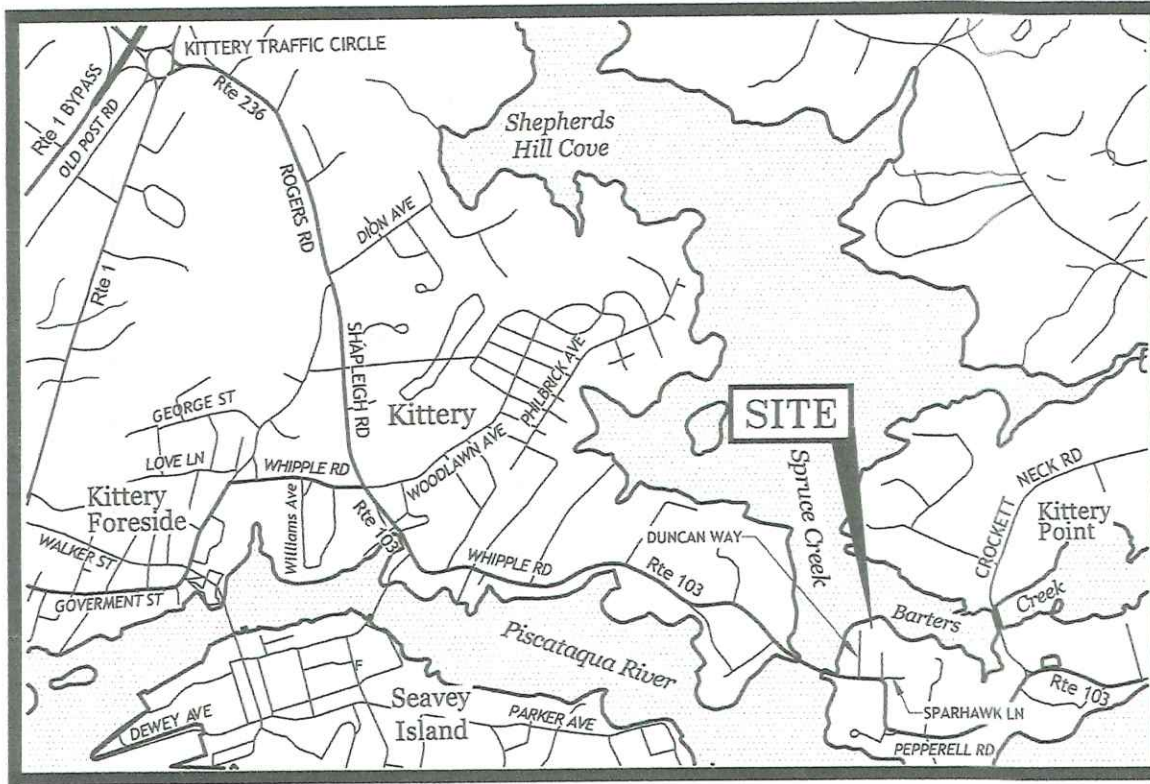
-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

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

Critical habitats

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



LOCATION MAP 1" = 2000'

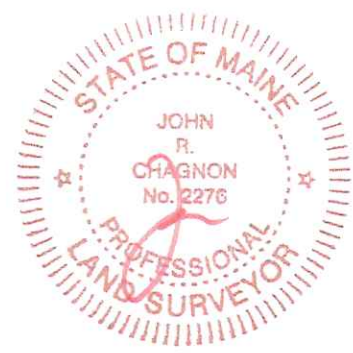
LEGEND:

- 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

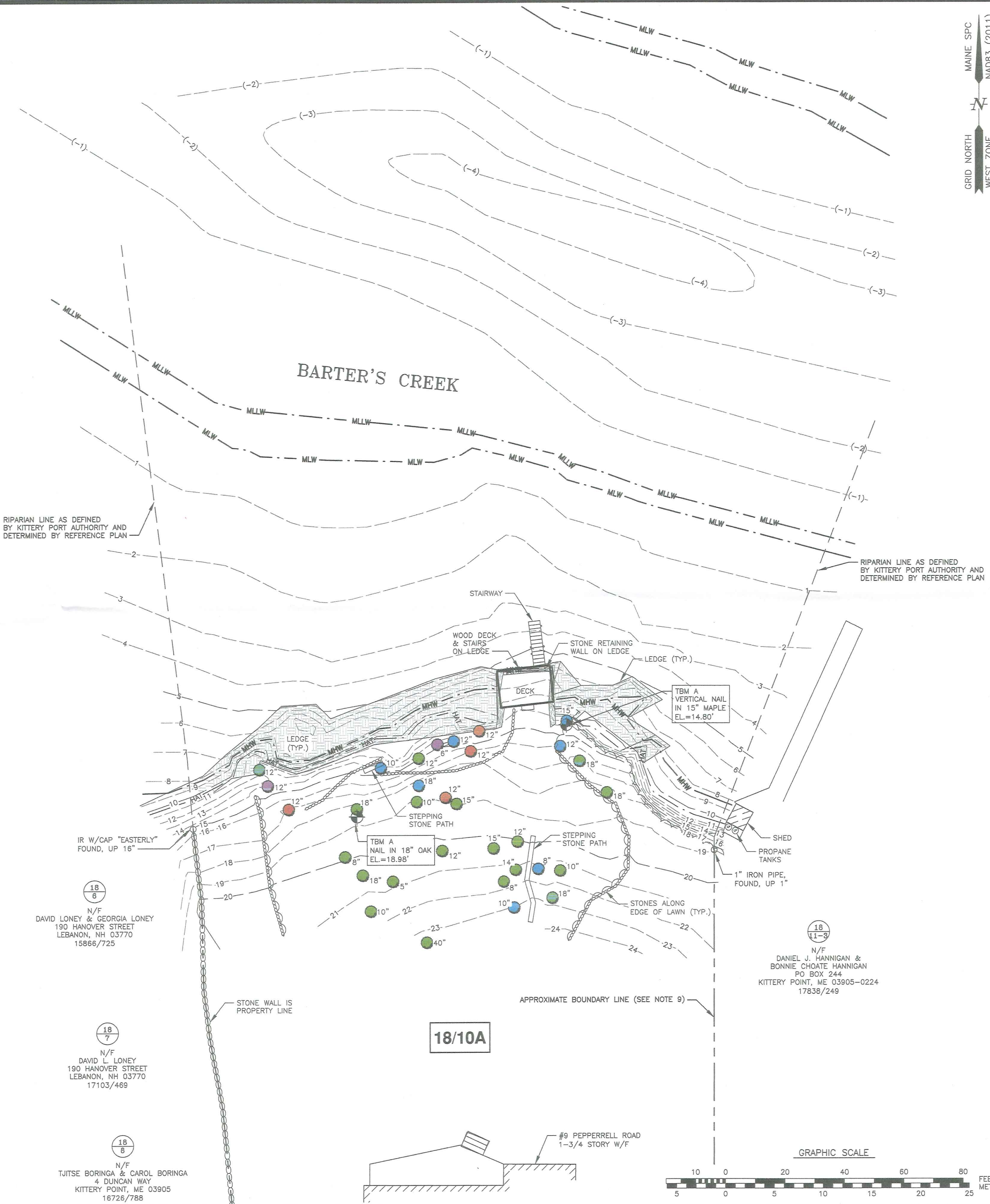


PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:

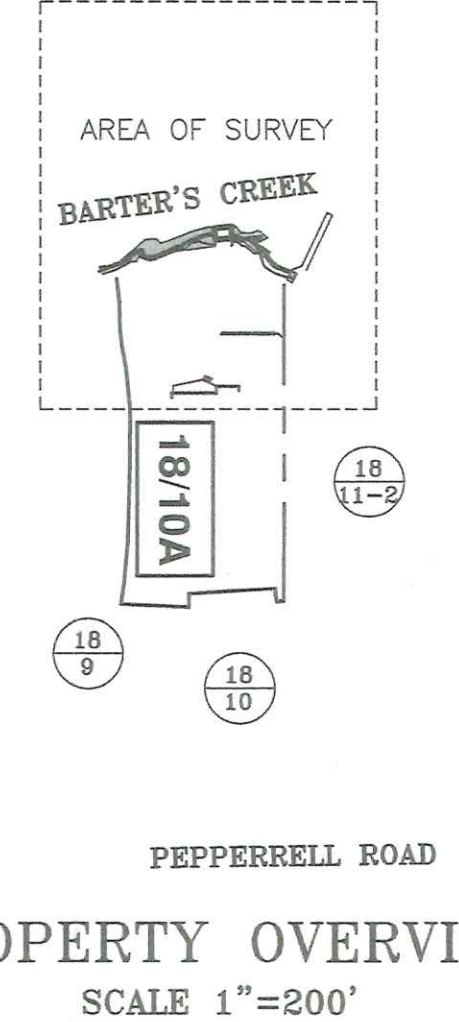
- A) NO SURVEY REPORT HAS BEEN PREPARED.
- B) NO LAND DESCRIPTION HAS BEEN PREPARED.
- C) MONUMENTS HAVE NOT BEEN SET.
- D) THIS IS NOT A BOUNDARY SURVEY

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



MAINE SPC
NAD83 (2011)
GRID NORTH
WEST ZONE



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

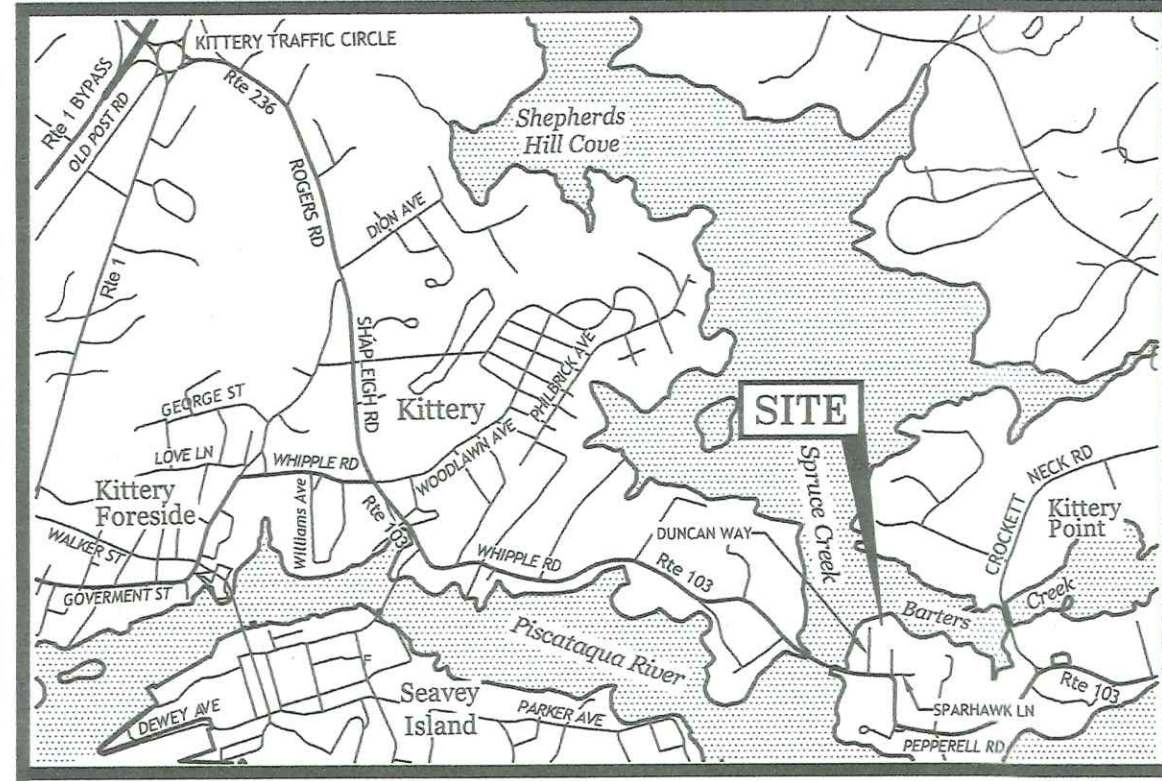
REVISIONS

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**



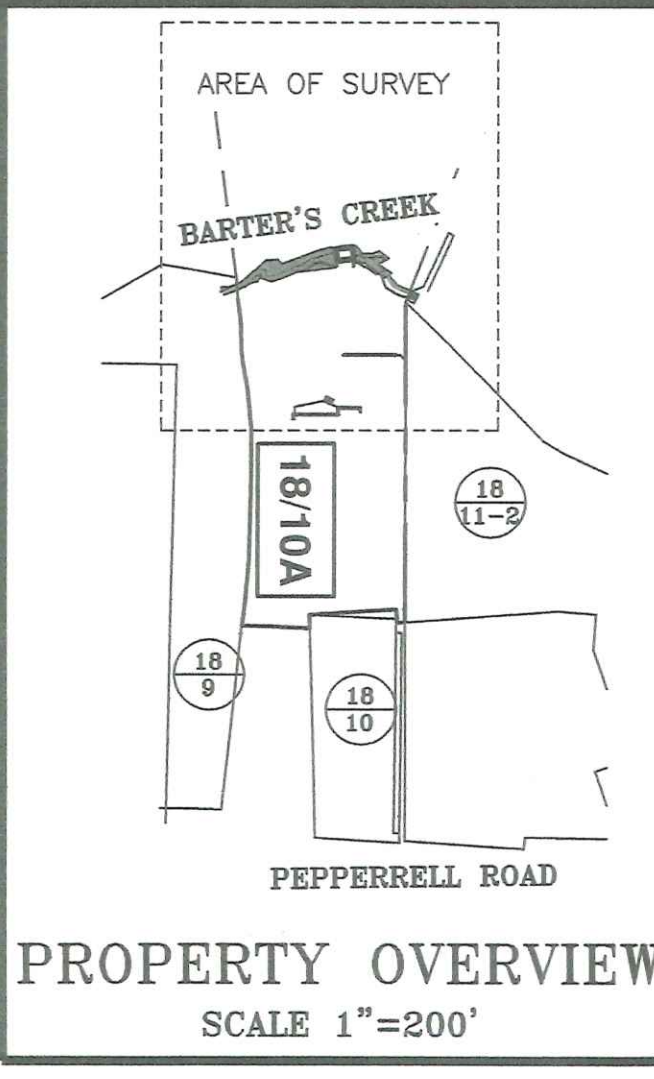
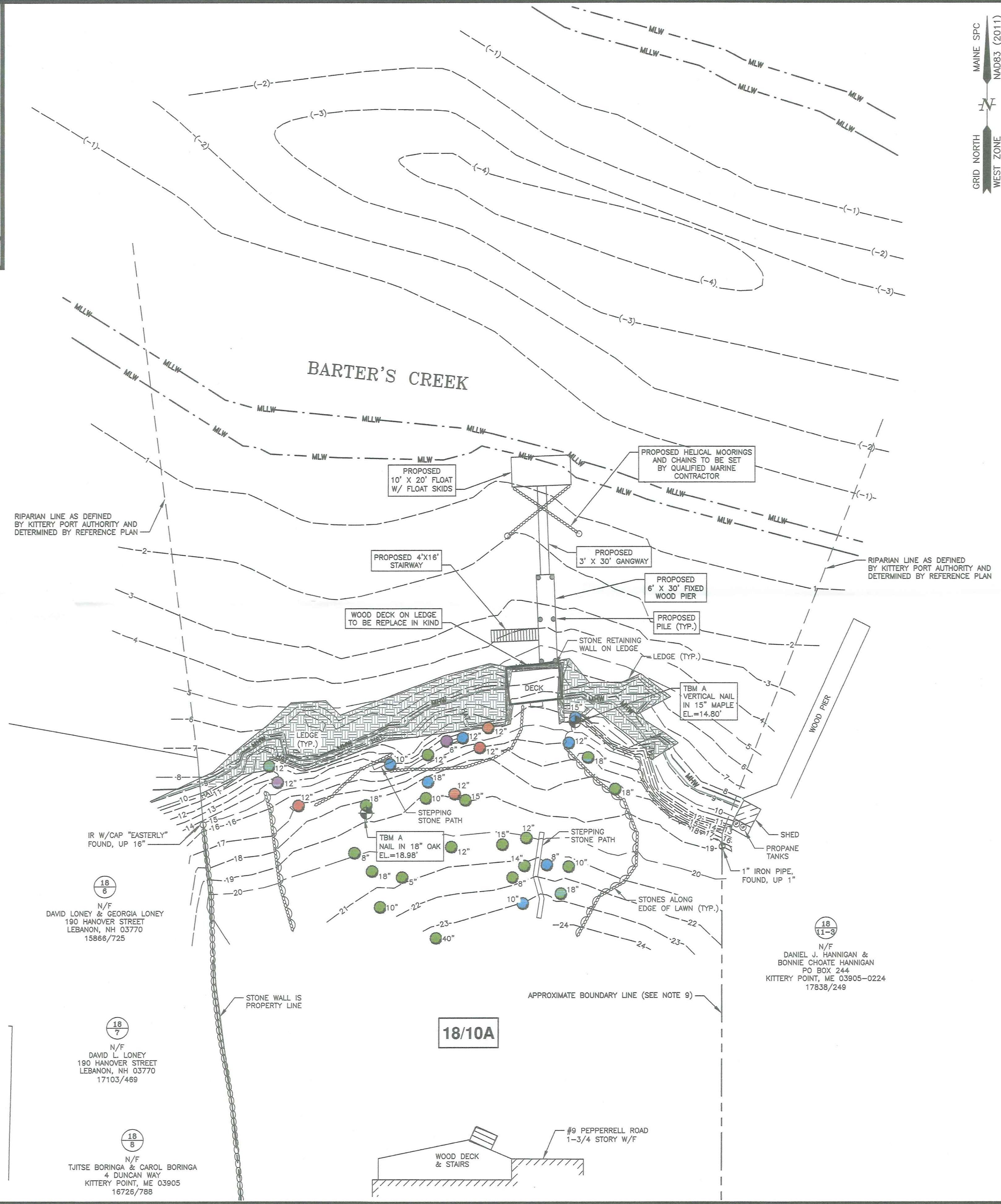
LOCATION MAP 1" = 2000'

LEGEND:

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- YCRD YORK COUNTY REGISTRY OF DEEDS
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- TYP. TYPICAL
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TREE LEGEND:

- LOCUST
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- OAK
- MAPLE



PROPERTY OVERVIEW SCALE 1"=200'

- ADDITIONAL ABUTTERS NOT SHOWN ON PLAN
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**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

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:
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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
KITTERY POINT, ME 03905
16726/788

18/11-9 N/F DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN
PO BOX 244
KITTERY 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 MUDDFLATS

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	APR. 10 THROUGH NOV. 07
	JUL. 15 THROUGH SEP. 30
	NOV. 08 THROUGH APR. 09

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

FLOODPLAINS AND FLOODWAYS

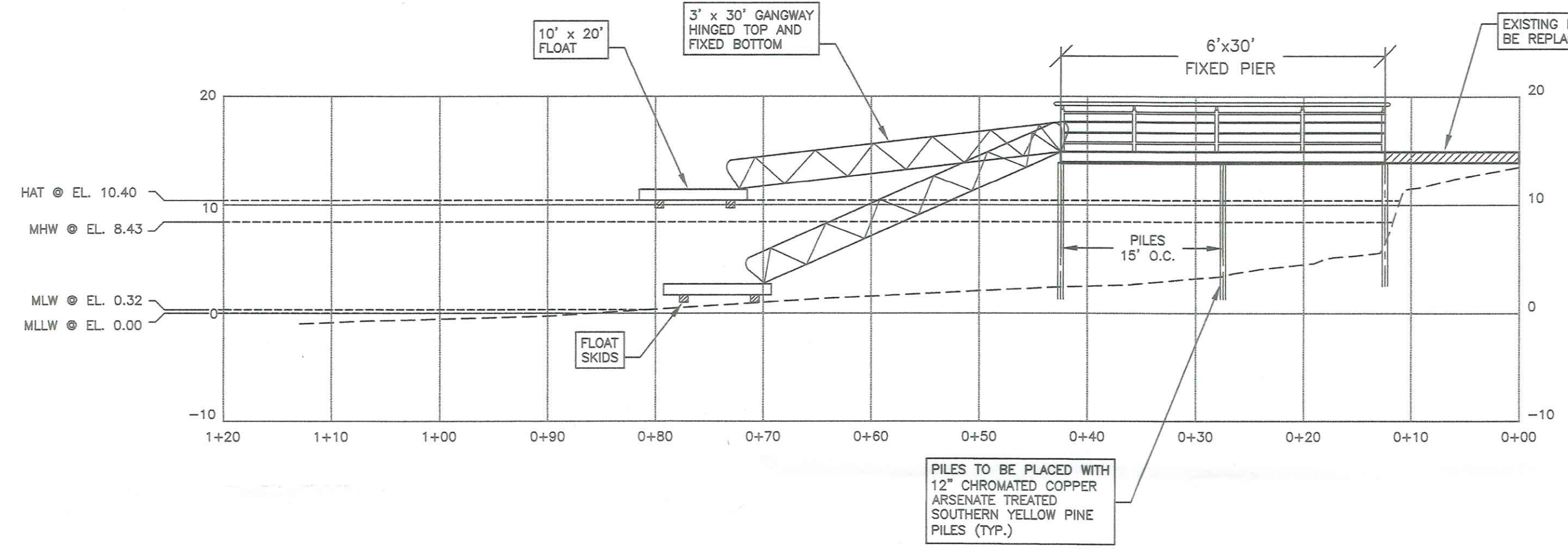
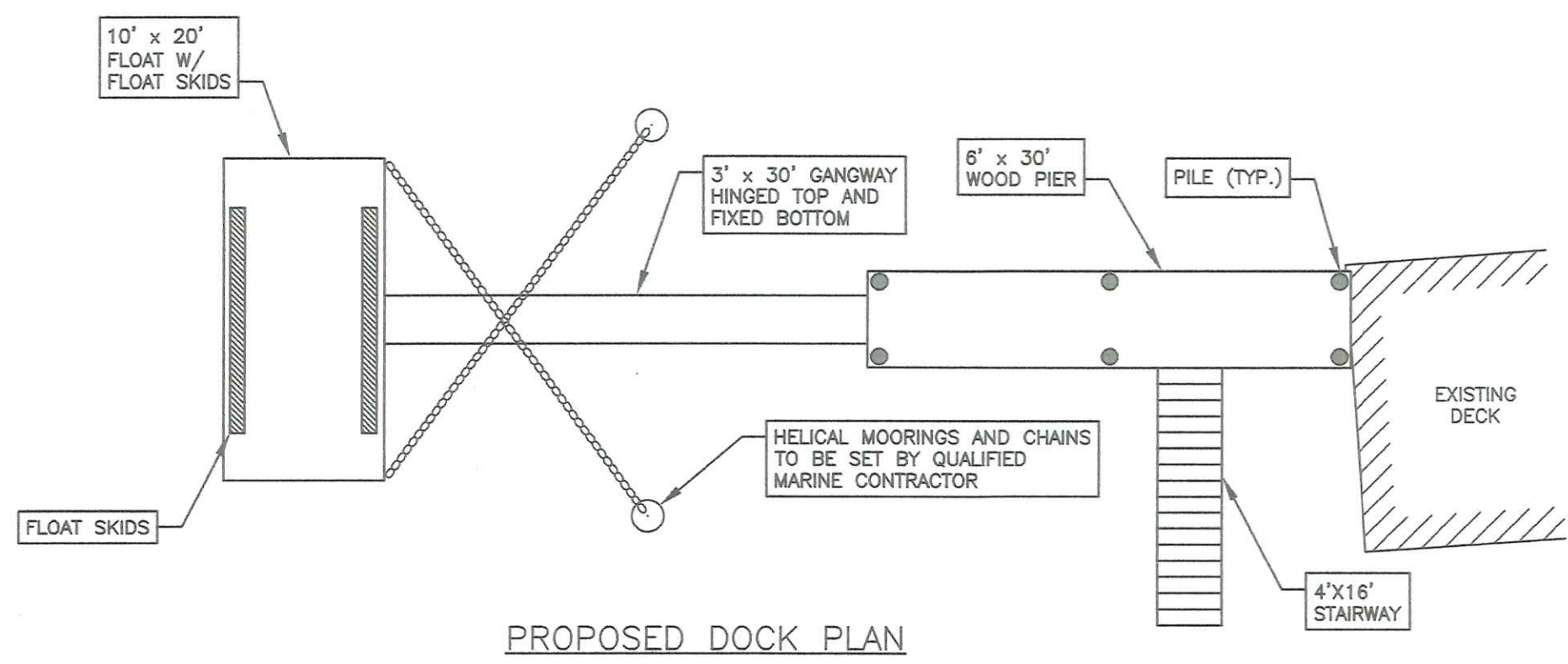
- APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPOSERS MAY NEED TO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

STORAGE OF SEASONAL STRUCTURES

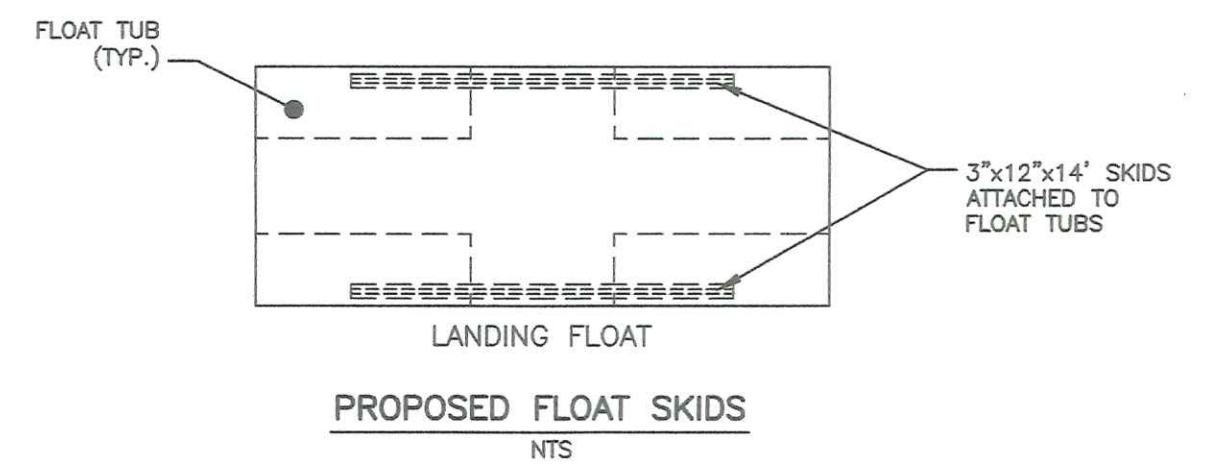
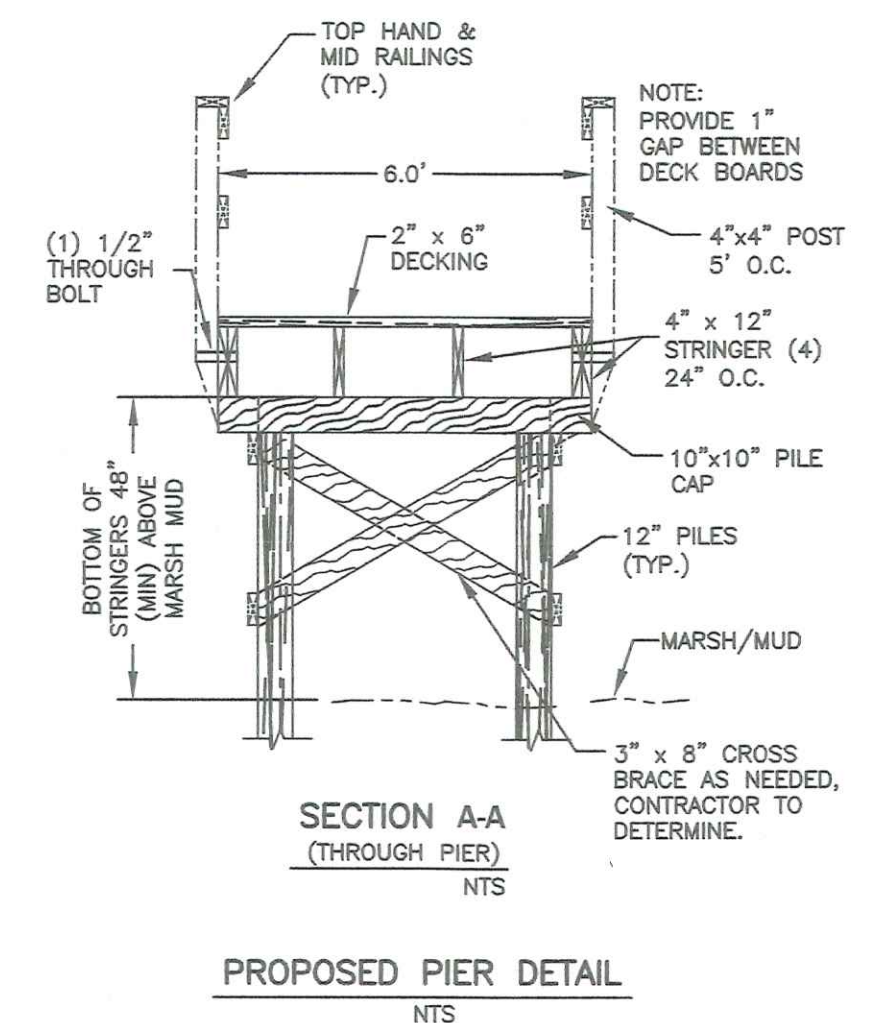
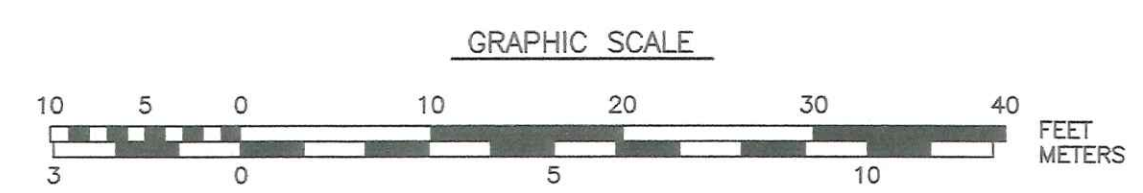
SEASONAL OR RECREATIONAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, AQUACULTURE STRUCTURES, ETC. THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION LANDWARD OF HIGHEST ANNUAL TIDE (H.A.T.) OR ORDINARY HIGH WATER (OHW) AND NOT IN WETLANDS, TIDAL WETLANDS, THEIR SUBSTRATE OR ON MUDDFLATS. 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



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

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



- 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



SCALE: 1" = 10' AUGUST 2021

DOCK DETAIL D1

2021 Rules and Regulation Changes

3.9. Vessels Moored so as Not to Impede Navigation or to Endanger Other Vessels

3.9.1. ~~No more than one vessel may occupy a single mooring site without said vessels being occupied.~~ All mooring sites, whether now existing or hereinafter set, must be in such a way that the vessels will not impede navigation within the harbor, nor endanger other vessels.

3.9.2. If the Harbormaster finds that any vessel is moored as to impede navigation or to endanger other vessels, the Harbormaster may direct that the owner of the vessel takes corrective action; or in the alternative, may order that the mooring be removed from the site or relocated. In requiring the removal of a mooring because of its danger to other moorings, the mooring last set is to be the first removed.

3.9.3. Any person so ordered by the Harbormaster, shall take corrective action as ordered within forty-eight (48) hours; provided, however, that if the Harbormaster finds an emergency requiring immediate action to prevent injury to life or damage to property, the mooring or any vessel attached thereto may be caused to be immediately removed and relocated. Any expense involved is to be borne by the owner of the mooring or vessel being removed.

[3.9.4. Rafting of vessels on moorings is prohibited, unless permission is granted by the harbormaster and all vessels are occupied and the mooring permit holder must be present.](#)

2.5. Public Wharves and Landings

2.5.1. Obstruction No person may obstruct by any means whatsoever, the free use of public piers, docks, floats and other common landing places. Vessels may not remain tied to the wharf or float for a period longer than thirty (30) minutes except by permission of the Harbormaster. Vessels in violation will be removed or caused to be removed by the Harbormaster and charged storage fees.

2.5.2. Tying to Public Facilities A. Any vessel tied to public piers, docks, floats, and other common landing areas causing damage to adjacent watercraft or property will be removed or caused to be removed by order of the Harbormaster. B. Hourly dockage is permitted on Pepperrell Pier on designated transient slips only. Hourly dockage is limited to a maximum of 2 hours per vessel per slip. Charges for hourly dockage are calculated in 60-minute blocks as set forth in Appendix A. C. Hourly dockage will be allowed if slips have not been reserved for transient vessels for overnight stays. Hourly dockage will be allowed on a first come first serve basis.

2.5.3. Emergency Repair Vessels requiring emergency repair may be tied to public piers, docks, floats, or other common landing areas for a maximum of twenty-four- (24-) hours with approval of the Harbormaster. Extension of time is at the discretion of the Harbormaster.

2.5.4. Public Nuisance No person may loiter, create a public nuisance or partake of alcoholic beverages on public piers, docks, floats, or other common landing areas.

2.5.5. Closure of Facilities Public piers, docks, floats, and other common landing areas may be closed for reasons of public safety or threats to natural resources.

2.5.6. Town Hoist Use A. Town hoists may not be used for launching or landing of vessels. B. Loads must not exceed the posted hoist limit. C. The Harbormaster may prohibit a user from using the hoist if found to be operating it unsafely or in violation of the Rules and Regulations. AMENDED: January 2, 2020 11

2.5.7. Swimming A. No person may dive from, swim or skin-dive without permission of the Harbormaster, within thirty (30) feet of Town-owned floats. B. Persons swimming in mooring fields, anchorages, and channels must have a safety buoy attached to them.

2.5.8. Tying of Dinghies to Town Floats A. All dinghies, skiffs, or tenders tied to public floats must allow at least ten (10) feet of line between the float and vessel. B. Dinghies more than twelve feet six inches (12' 6") in length may be tied to a public float with written permission of the Harbormaster. C. All dinghies tied to public piers, docks, floats and other common landing areas are to be maintained and bailed free of water. Unmaintained dinghies may be removed and charged storage fees. D. Dinghies must prominently display the mooring number on the inboard side of the transom using numbers no less than two- (2-) inches in height and in contrasting color. E. Except where permitted by the Harbormaster, all dinghies must be removed from public floats before float-out in October of each year. Any unauthorized dinghies remaining after this date will be removed and charged storage fees as set forth in Appendix A.

2.5.9. Storage of Personal Property on Town Piers, Floats, and Landings A. Personal property, such as cradles, motor vehicles, vessels, and floats may not be stored on town wharves, piers, floats or landings. B. A Loading Zone, as designated by the Harbormaster, may be used by mooring holders and Facility Use Permit holders for loading and unloading of gear including but not limited to lobster traps, fishing gear and other items in transit. Items in transit mean items are being actively loaded or unloaded to and from vessels. C. Gear may be stored or placed by mooring holders and Facility Use Permit holders in designated areas for no more than twenty-four (24) hours at any given time, unless otherwise permitted by the Harbormaster. Gear must be placed or stored in a manner that allows safe access to vessels and public piers, docks, floats and common landing areas. Gear must be stacked or stored in an orderly manner. The gear stacked or stored from an individual vessel may not exceed one half of any designated storage area on town wharves, piers, floats, or landings at any time.

[2.5.10. Children 10 years of age must wear a personal flotation device and be accompanied by an adult on all ramps and floats.](#)



TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: _____
Lot: _____
Date Submitted: _____

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

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

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

The following application is submitted for the construction, modification, reconstruction of a:
Construction of a residential pier and floating dock

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): Patricia Tobey

3. Property Address: 60 Chauncey Creek Road, Kittery Point Maine

4. Telephone Number: 617-593-0411 Email: johnj@cas-ma.com
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): .68 Acres Zoning District(s): R-KPV

6. The shore frontage of this property is 175' 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: 11/09/2021

Property Owner Signature: [Signature] Date: 11/09/2021

Agent Name: John Jarnagin Agent Firm: _____

Agent Phone: 617-593-0411 Agent Email: johnj@cas-ma.com
(REQUIRED) (REQUIRED)

APPLICATION FEE (\$125). Include a check payable to the Town of Kittery. Additional funds may be required to pay for other direct costs necessary to complete the application process, not including application fees. Title 3, Chapter 3.3

Fee Paid, Amount: \$125.00 Date: 11/10/2021

INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION

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

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

Port Authority Procedure (Sequence of Events):

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

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

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

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

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

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

Kittery Online Permitting

PayPort Online Payment Service

Confirmation

Thank you for your purchase. Your confirmation number is: **59018018**. Your order was billed to credit card number: *******0719**. The description on your credit card statement for this order will be: **Kittery Online Permitting**. A confirmation has been sent to the email address provided. Please print this page for your records. Below are the details of your order.

ViewPoint Record Number: **KPA-21-1**

ViewPoint Permit Fee: **125.00**

Address: **60 Chauncey Creek Road Kittery Point ME 03905**

Location: **Kittery Online Permitting**

Maine.gov Total Cost: \$128.13

\$125.00 will be remitted to your municipality.

The remainder funds the operation of this online service and other Maine.gov online services like this one.

([More about Maine.gov Total Cost](#))

The payment you have submitted will need to be approved by your municipality, or district before it is applied toward your bill. In the event that your payment is not approved your card will be refunded.

If you have any questions about your order, contact (207) 475-1308

[Print This Page](#)

[Make Another Payment](#) | [Service Home Page](#)

Questions about this service? Please contact the Kittery Online Permitting at: (207) 475-1308 or ceo@kitteryme.org

Credits

Copyright © 2011
All rights reserved.

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

1. Name of Applicant:		Patricia Tobey		5. Name of Agent:		John Jarnagin	
2. Applicant's Mailing Address:		60 Chauncey Creek Road Kittery Point ME 03905		6. Agent's Mailing Address:		60 Chauncey Creek Road Kittery Point ME 03905	
3. Applicant's Daytime Phone #:		603-426-0253		7. Agent's Daytime Phone #:		617-593-0411	
4. Applicant's Email Address: Required from <i>either</i> applicant or agent:		ttobey@tobeydesign.com		8. Agent's E-mail Address:		johnj@cas-ma.com	
9. Location of Activity: (Nearest Road, Street, Rt.#)		60 Chauncey Creek 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:		Chauncey Creek	
				14. Amount of Impact: (Sq.Ft.)		Fill:	
						Dredging/Veg Removal/Other: 380 SF	
15. Type of Wetland: (Check all that apply)		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other <u>Tidal Creek</u>		FOR FRESHWATER WETLANDS			
		<i>Tier 1</i>		<i>Tier 2</i>		<i>Tier 3</i>	
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft		<input type="checkbox"/> 15,000 - 43,560 sq. ft.		<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1	
16. Brief Activity Description		Construction of a Wooden Pier and Floating dock for residential use.					
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> <u>.68</u> acres		UTM Northing: <u>4771685mN</u> UTM Easting: <u>363218mE</u>			
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement					
19. Deed Reference Numbers:		Book#: <u>15338</u> Page: <u>0205-0206</u>		20. Map and Lot Numbers:		Map #: <u>45</u> Lot #: <u>75</u>	
21. DEP Staff Previously Contacted:		Alex Groblewski		22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No If yes, previous application #		Previous project manager:			
24. Written Notice of Violation?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site:		60 Chauncey Creek Road , behind house.					
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS					
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input checked="" type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input checked="" type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input 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:		\$545.00 Receipt attached					

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.


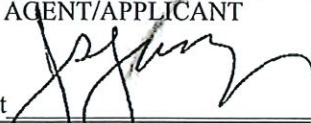
CORPS SIGNATORY REQUIREMENT

18 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)."

	Date: <u>11/09/2021</u>
SIGNATURE OF AGENT/APPLICANT	
Signature of Agent 	Date: <u>11/09/2021</u>

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.

(yellow)

John Jarnagin

From: noreply@informe.org
Sent: Tuesday, July 27, 2021 12:21 PM
Subject: DEP Payment Receipt

Payment Receipt Confirmation

Your payment was successfully processed.

Transaction Summary

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

Customer Information

Customer Name John Jarnagin
Company Name
Local Reference ID 2716190967
Receipt Date 7/27/2021
Receipt Time 12:21:00 PM EDT

Payment Information

Payment Type Credit Card
Credit Card Type VISA
Credit Card Number *****0719
Order ID 57785038
Billing Name John S Jarnagin

Billing Information

Billing Address 60 Chauncey Creek Road
Billing City, State Kittery Point, ME
ZIP/Postal Code 03905
Country US
Phone Number 6175930411
This receipt has been emailed to the address below.
Email Address johnj@cas-ma.com

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we, Charles O. Tobey and Patricia G. Tobey, as Trustees of The Charles O. Tobey Living Trust, a revocable trust established pursuant to a revocable trust agreement dated September 10, 1998, by and between Charles O. Tobey and as Grantor and Charles O. Tobey and Patricia G. Tobey as Trustees and having an address of 58 Chauncey Creek Road, Kittery Point, Maine 03905 and Patricia G. Tobey and Charles O. Tobey, as Trustees of The Patricia G. Tobey Living Trust, a revocable trust established pursuant to a revocable trust agreement dated September 10, 1998, by and between Patricia G. Tobey and as Grantor and Patricia G. Tobey and Charles O. Tobey as Trustees and having an address of 58 Chauncey Creek Road, Kittery Point, Maine 03905, for consideration paid of \$1.00, grant to Patricia A. Tobey, a single person, presently having an address of 60 Chauncey Creek Road, Kittery Point, Maine 03905, all right, title and interest in and to the following, with Warranty Covenants:

No R.E. Transfer Tax Paid

A certain tract or parcel of land, together with the buildings thereon, situated on the southerly side of Chauncey Creek Road, so-called, in Kittery Point, Town of Kittery, County of York and State of Maine, and being more particularly bounded and described as follows:

Beginning at a pipe set in the ground on the southerly sideline of Chauncey Creek Road, being the northwesterly corner of land formerly of Dorothy Tobey Cook and shown as Parcel A on a plan entitled "Survey Showing Partition of Property of Charles O. Tobey and Dorothy A. Cook, Chauncey Creek Road, Kittery, Maine", recorded in Plan Book 106 at Page 50 of the York County Registry of Deeds; thence turning and proceeding S 07° 43' W along the land formerly of Dorothy Tobey Cook a distance of 175 feet, more or less, to a pipe set in the ground in the bank above the shore of Chauncey Creek; thence continuing in the same course to the mean low water mark of Chauncey Creek; thence turning and running westerly along the mean low water mark of Chauncey Creek approximately 167 feet, more or less, to the land of the Grantors; thence turning and proceeding northwesterly along the land of the Grantors to the bank of Chauncey Creek, so-called; thence continuing northwesterly along the land of the Grantors 120 feet, more or less, to the southerly sideline of Chauncey Creek Road; thence turning and proceeding in a general northeasterly direction along the southerly sideline of Chauncey Creek Road, a distance of 160 feet, more or less, to the point begun.

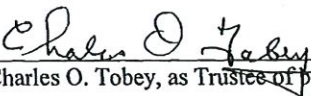
C. O. Tobey
P. G. Tobey
[Signature]

Meaning and intending to convey a portion of the same premises as conveyed to Charles O. Tobey and Patricia G. Tobey as Trustees of The Charles O. Tobey Living Trust and The Patricia G. Tobey Living Trust by Deed of Charles O. Tobey and Patricia G. Tobey, said deed dated September 10, 1998, and recorded with the York County Registry of Deeds at Book 9035, Page 233. For further title reference, see York County Registry of Deeds, Book 2945, Page 275.

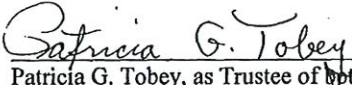
This is not homestead property of the Grantors.

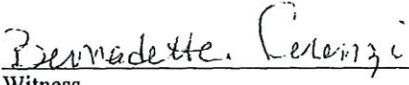
WITNESS our hands and seals this 9th day of November, 2007.

The Charles O. Tobey Living Trust and
The Patricia G. Tobey Living Trust


Charles O. Tobey, as Trustee of both



Witness


Patricia G. Tobey, as Trustee of both


Witness

STATE OF MAINE
COUNTY OF YORK

Personally appeared the above named Charles O. Tobey and Patricia G. Tobey, in their capacity as Trustees of The Charles O. Tobey Living Trust and The Patricia G. Tobey Living Trust, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing instrument to be their free act and deed, and in the capacity stated. Before me this 9th day of November, 2007.


Fred J. Forman, Attorney at Law
Maine Bar #: 009945

End of Document

2p → Forman Cor Ceran
PO Box 1330

E Londonderry, NH 03053 2

Activity Description

The intent of this application is to construct a residential pier and boat dock for recreational use. The pier will be a 20' long by 6' wide wood structure constructed of preservative treated timber and hot dipped galvanized connectors. Decking to be either hardwood or composite decking. The pier will be attached to a concrete base pinned to ledge. The deck will be 6' above mean high tide, with railing at 42" above the deck.

A floating dock with the dimensions of 10' by 14' will be constructed of preservative treated timber and hot dipped galvanized hardware. Decking to be either hardwood or composite decking. Floats will be foam filled poly. With ultraviolet inhibitors. The floating dock will be anchored by either: 1) Two treated pilings connected by hoops. If piles cannot be driven, the dock will be anchored with chain and anchor, along with attachment to the gangway.

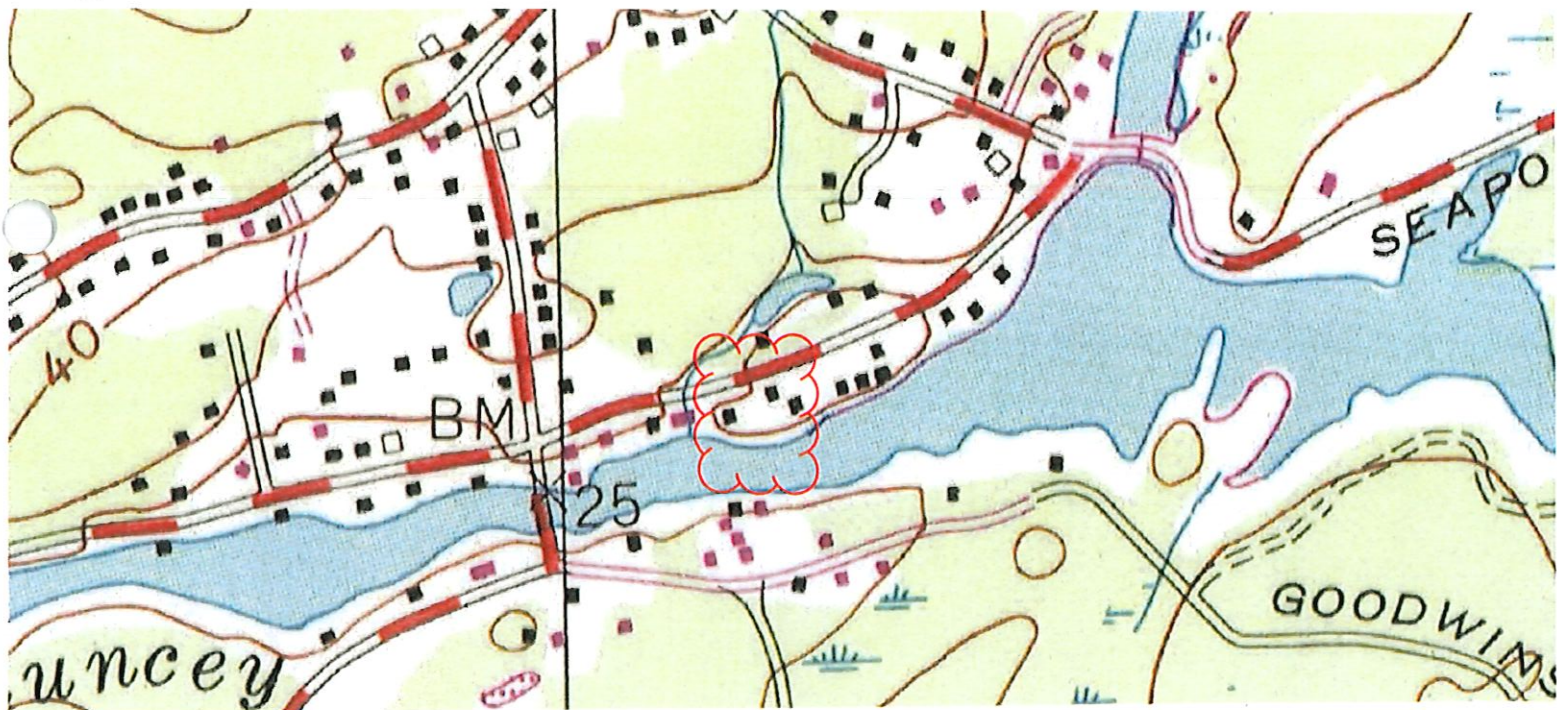
The pier and floating dock will be connected using a 4' wide by 30' long aluminum gangway.

It is anticipated that these activities can be performed without disturbance of soil, due to the rocky nature of the coastline where the pier is to be attached. However, if soil is encountered, the slope will be protected by using silt socks around the perimeter.

Alternative Analysis

The purpose of this project is to provide for dockage for our 21' motorboat. We just purchased the boat in Sept 2021 and have been trailering the boat. We have researched the local area for dockage and have found that most docks have waiting lists and much more inconvenient than having a dock at our residence.

- Using or expanding another site is not feasible, as we do not own another site.
- The activity as proposed minimizes resource impact.
- Design proposed minimizes impact.



List of Abutters

Charles Tobey

58 Chauncey Creek Road

Kittery Point, ME 03905

Martha Kowal

62 Chauncey Creek Road

Kittery Point, ME 03905

Kathrine Crawford

108 High Street Unit #2

Charlestown, MA 02129

7021 0950 0001 9971 8258

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

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

Chatham, MA 02129
0824 05
MA 01824

Certified Mail Fee \$3.75

Extra Services & Fees (check box, add fee if applicable)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent to **Kathrine Crahan**
 Street and Apt. No. or PO Box No. **108 High Street Apt #2**
 City, State, ZIP+4® **Charlestown, MA 02129**

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

7021 0950 0001 9971 8272

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Chatham, MA 02129
0824 05
MA 01824

Certified Mail Fee \$3.75

Extra Services & Fees (check box, add fee if applicable)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent to **Charles Tobey**
 Street and Apt. No. or PO Box No. **67 Chavney Creek Rd**
 City, State, ZIP+4® **Chatham, MA 03905**

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

7021 0950 0001 9971 8241

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Chatham, MA 03904
0824 05
MA 01824

Certified Mail Fee \$3.75

Extra Services & Fees (check box, add fee if applicable)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent to **Kithery Port Authority**
 Street and Apt. No. or PO Box No. **200 Rogers Road**
 City, State, ZIP+4® **Chatham, MA 03904**

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

7021 0950 0001 9971 8265

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Chatham, MA 03905
0824 05
MA 01824

Certified Mail Fee \$3.75

Extra Services & Fees (check box, add fee if applicable)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent to **Marta Kover**
 Street and Apt. No. or PO Box No. **67 Chavney Creek Rd**
 City, State, ZIP+4® **Chatham, MA 03905**

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

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

Please take notice that
Patricia Tobey

60 Chauncey Creek Road Kittery Point ME 03905

603-426-0253

(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

11/12/2021

(anticipated filing date)

The application is for

Construction of a residential boat pier and dock, similar to those on neighboring properties

(description of the project)

at the following location:

60 Chauncey Creek Road, Kittery Point Maine

(project location)

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

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

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

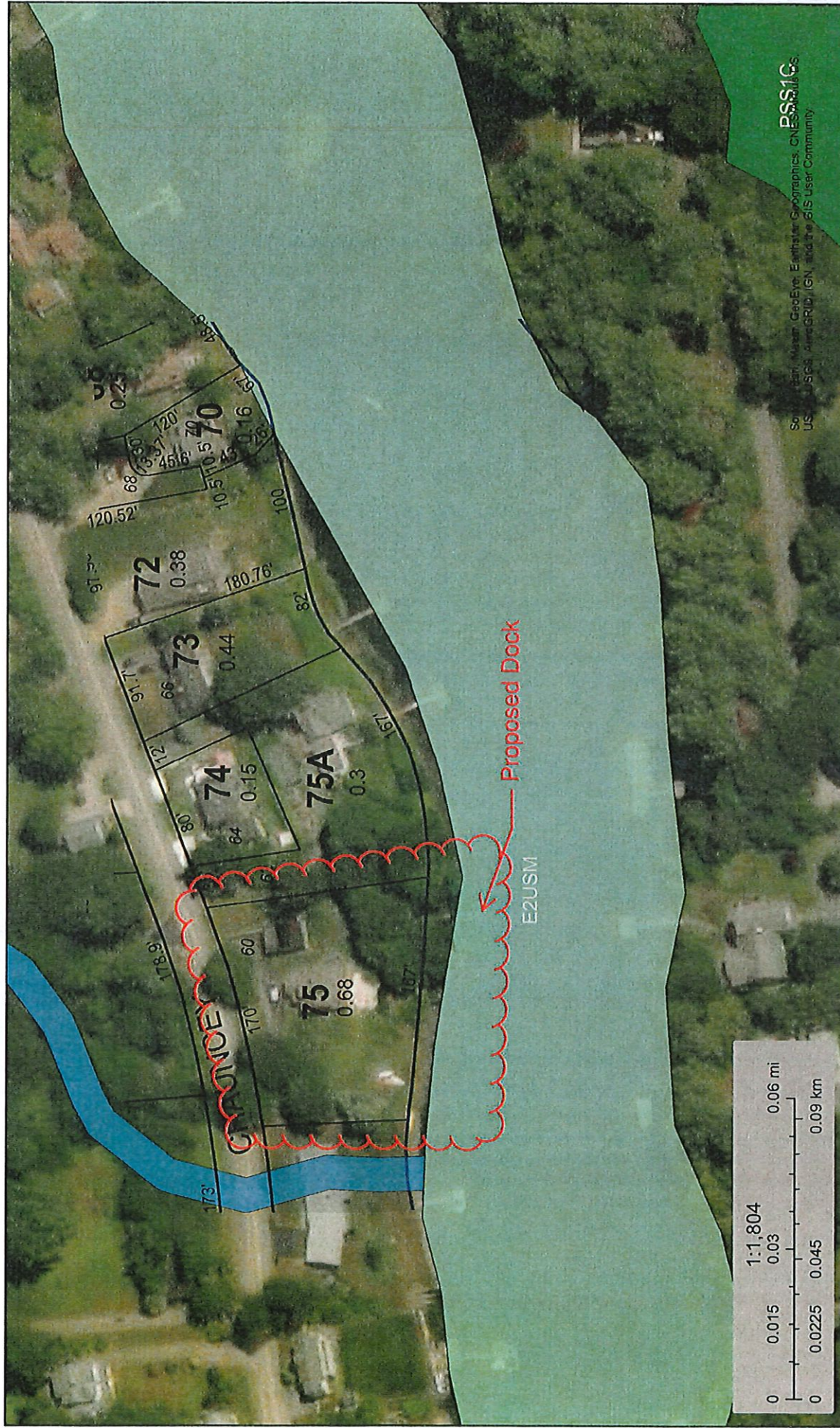
(pink)



U.S. Fish and Wildlife Service

National Wetlands Inventory

60 Chauncey Creek wetlands map



Soil Data from: MapInfo GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

BSS1G

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

November 8, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

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 _____
Date

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or authorized agent

11/11/2021

Date

(blue)

Order Receipt

Seacoast Media Group

P.O. Box 223592
Pittsburgh, PA 15251-2592

Phone: 866-470-7133 Option #3

1

John Jarnagin
Kittery Municipal

Acct #: 00064992
Phone: (617)593-0411
Date: 11/09/2021
Ad #: 00537204
Salesperson: ISCJJ1 Ad Taker: ISCJJ1

Class: 60445

Ad Notes:

Sort Line: Notice of Intent to file for a

Description	Start	Stop	Ins.	Cost/Day	Amount
S3043016 Portsmouth Herald	11/16/2021	11/16/2021	1	31.50	31.50
S3043762 SMG Digital Internet	11/16/2021	11/16/2021	1	30.00	30.00

Ad Text:

Payment Reference:

LEGAL NOTICE

Notice of Intent to file for a permit to build a residential pier and dock
at 60 Chauncey Creek Rd. Kittery Point Maine.

Application will be filed at MDEP Portland and Kittery Municipal
offices.

November 16, 2021

Total: 61.50
Tax: 0.00
Net: 61.50
Prepaid: 0.00

Total Due 61.50

Patricia A. Tobey

60 Chauncey Creek Rd. Kittery Point Maine | 603-426-0253 | ttobey@tobeydesign.com

11/09/2021

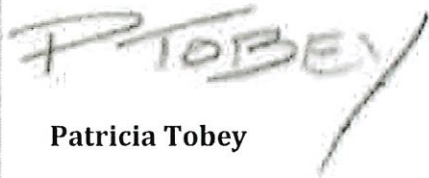
Claudette Coyne
Maine Historic Preservation Commission
55 Capitol Street, 65 State House Station
Augusta, ME 04333-0065

Dear Claudette Coyne:

This cover letter is intended to describe the project we propose at our property at 60 Chauncey Creek Road, Kittery Point Maine. Proposed is a residential pier and dock to provide local dockage for our boat. A 6' wide by 20' wooden pier and a 10' X 14' wooden floating dock connected by a 30' X 4' aluminum gangway. There are on historic buildings adjacent to the property.

Attached: Topographic map, Location Photos, Arial of other docks in the vicinity, Plans

Sincerely,



Patricia Tobey

NOTES:

1) OWNER OF RECORD:
PATRICIA G. TOBEY
4 MARKET ST.
PORTSMOUTH, NH 03801

2) BASIS OF BEARING FROM PLAN REFERENCE 1.

3) THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY
BOUNDARY INFORMATION HAS BEEN COMPILED FROM FIELD
MONUMENTATION AND REFERENCE PLANS LISTED BELOW.

REFERENCE PLANS

1) "PROPERTY OF CHARLES O. AND DOROTHY A. COOY
CHAUNCEY CREEK ROAD, KITTEERY MAINE" JANUARY 1932.

10'X14' Floating Dock

30' X 4' Aluminum
Gangway

20'X6' Wood Pier

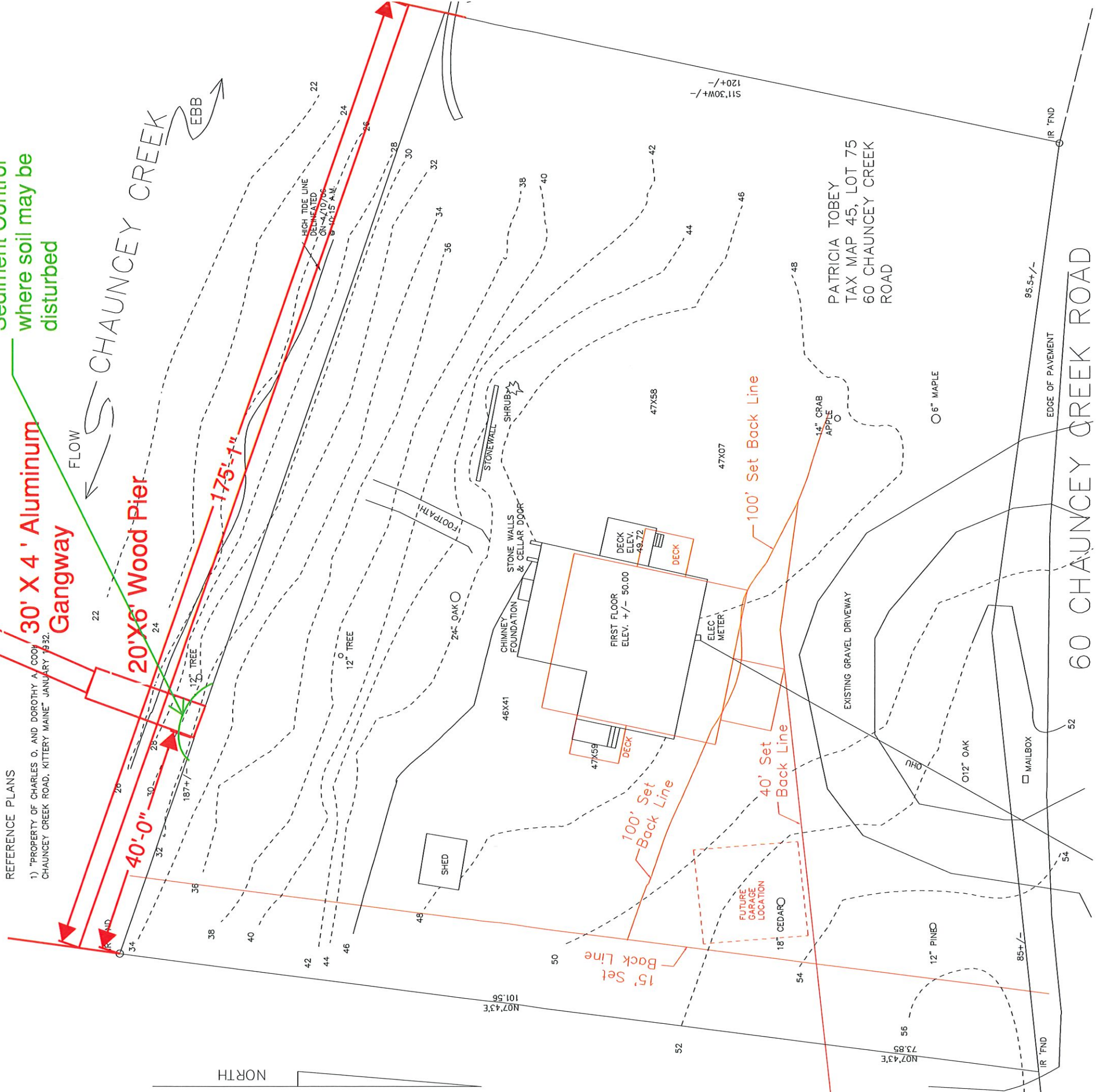
175'-1"

Silt Sock for
Sediment Control
where soil may be
disturbed

FLOW

CHAUNCEY CREEK
EBB

NORTH

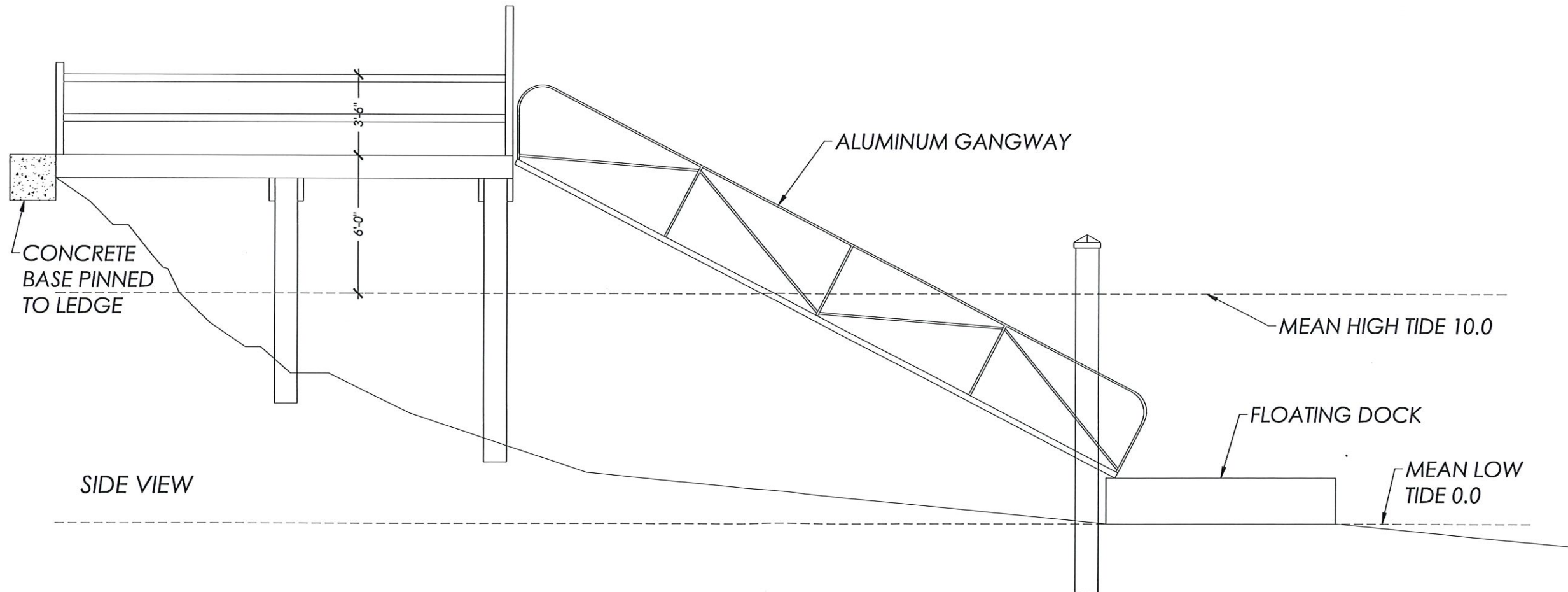
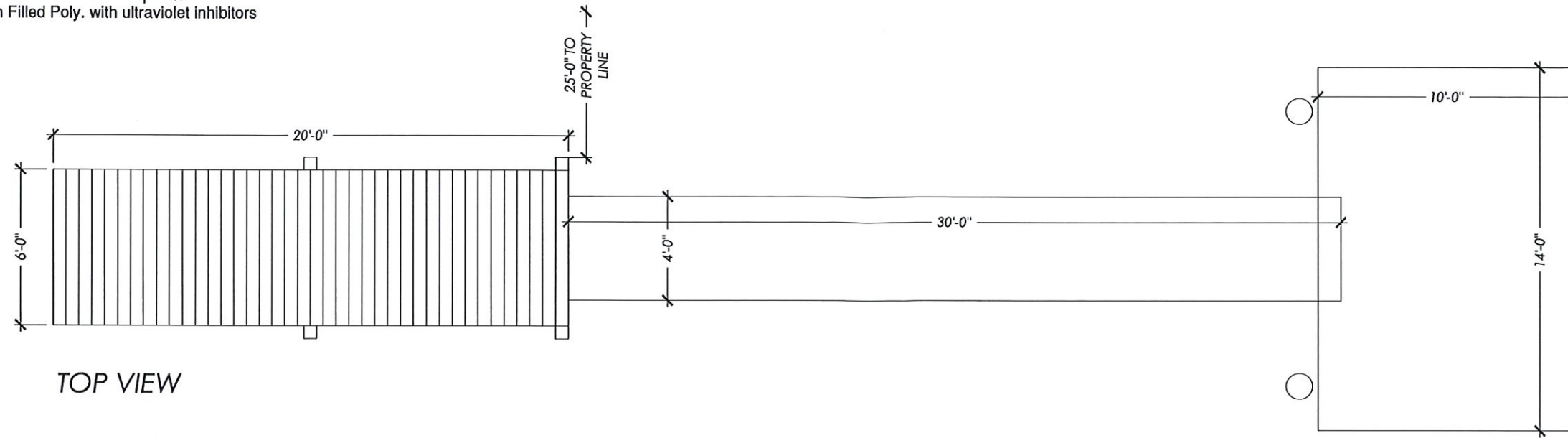


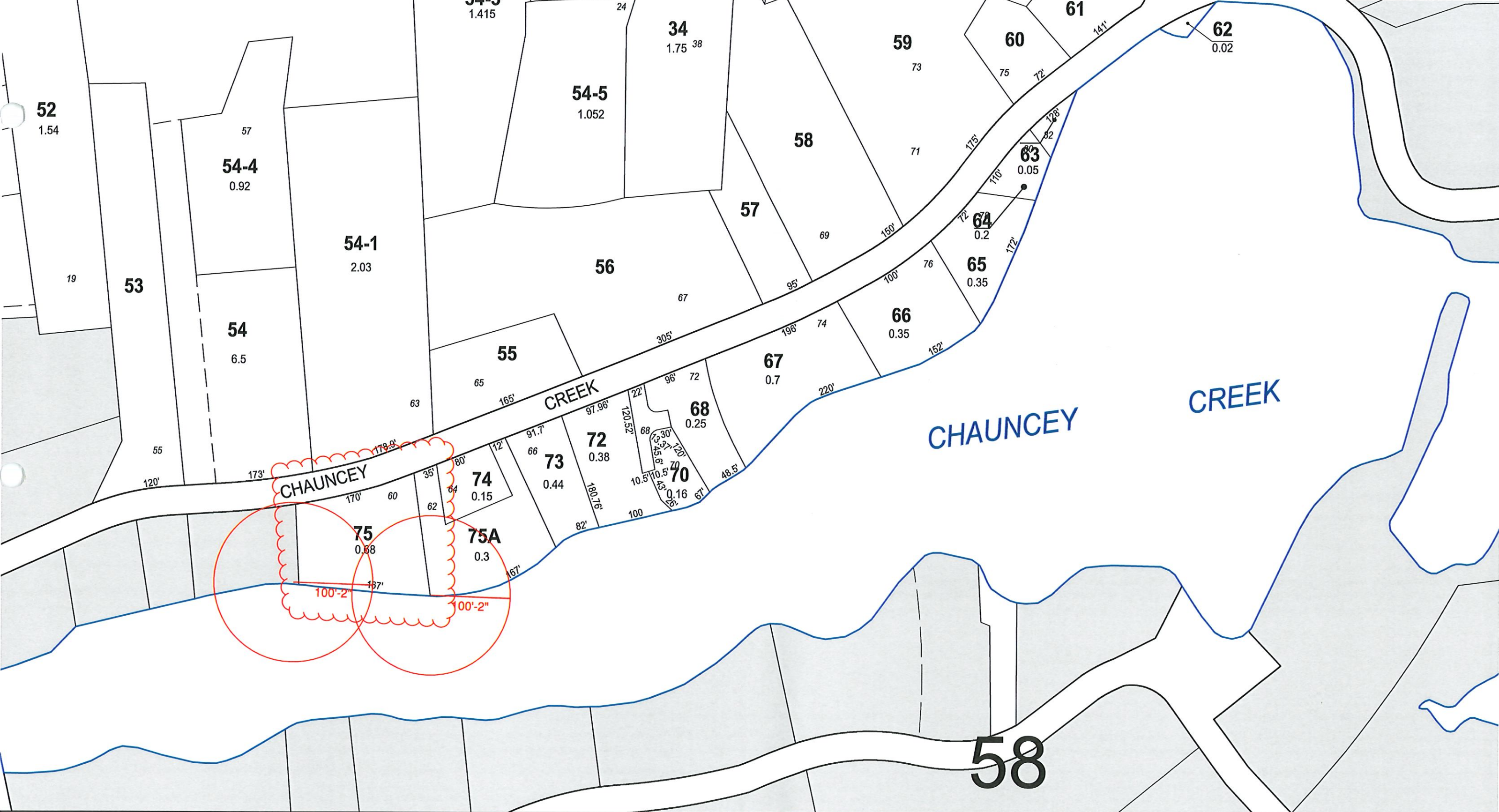
PATRICIA TOBEY
TAX MAP 45, LOT 75
60 CHAUNCEY CREEK
ROAD

60 CHAUNCEY CREEK ROAD

NOTES:

- All wood framing and piles to be treated lumber
- All Connections and hardware to be Hot dip Galvanized or Stainless Steel
- Gangway to be Aluminum
- Decking to be either hardwood or composite
- Floats to be Foam Filled Poly. with ultraviolet inhibitors

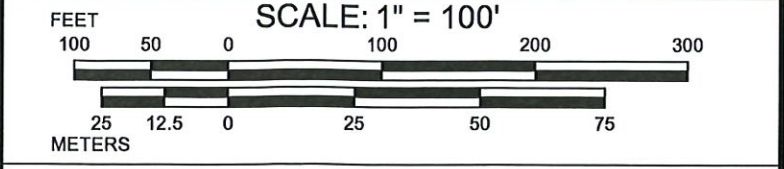




NUMBER	16
ACREAGE	0.25
DIMENSION	100'
ADDRESS NUMBER	18
SECTION LOT NUMBER	④

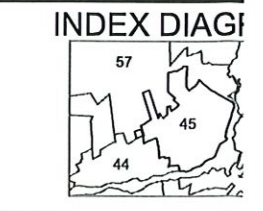
LEGEND

RIGHT OF WAY/ACCESS	
COMMON OWNERSHIP	
WATER	



REVISED TO: APRIL 1, 2020

PROPERTY MAPS
KITTERY
 MAINE



3.6.2. Temporary Mooring Site Use Program

A. To achieve the most efficient and extensive use of the limited mooring assets in Kittery, the Harbormaster shall administer a program to assign moorings not being used by the mooring site permit holders to other individuals on a temporary basis.

B. A mooring site permit holder must notify the Harbormaster of their intention to place the mooring in the Temporary Mooring program no later than April 1st of each year or later with approval of the Harbormaster. Mooring sites placed in the Temporary Program must be for a minimum of one permit year.

C. The mooring permit holder will pay ~~the minimum mooring~~ a administrative fee as set forth in Appendix A, to maintain the ownership of their mooring.

D. Any mooring placed in the Temporary Program must meet Mooring Requirements in accordance with Section 3.8.

E. The Harbormaster shall reassign temporary moorings using the Mooring Waiting List as the primary method; however, the Waiting List priority may be waived to place only an appropriate vessel on a mooring in the Temporary Mooring program.

F. A person assigned to a mooring in the Temporary Mooring program must pay the mooring fee, and any other applicable fees in accordance with Appendix A.

3.8. Adequacy of Moorings

All mooring tackle set in a mooring site must be of sufficient size to hold the vessel for which it is used.

3.8.1. All moorings must be inspected at least every other year. Inspection must be performed only by individuals or organizations authorized by the Harbormaster and written reports of all inspections must be submitted to the Harbormaster. The mooring permit holder is responsible for all costs associated with mooring inspections.

3.8.2. All mooring balls must be white and have the assigned mooring number permanently affixed thereon. Such number must be at least three (3) inches high and be clearly visible at all times.

3.8.3. The Harbormaster may at any time examine any mooring tackle to determine compliance with this section. Except in cases of emergency, the Harbormaster shall notify the owner of the intention to examine the mooring tackle and request the presence of the owner during such examination.

3.8.4. Mooring tackle found to be inadequate with regards to the requirements of this section must be corrected within forty-eight hours of being so notified or be removed forthwith. Any cost of examination or removal resulting therefrom is borne by the holder of the mooring site

permit. If a vessel is required to be moved for reasons of the safety of other vessels, the owner is responsible for all associated costs.

3.8.5. Registered owners listed on mooring site permit are responsible and liable for any damage caused by their vessel whether such owner is aboard the vessel or not.

Appendix A

B. Mooring Site Fees (Commercial & Recreational)

1. Mooring Sites \$8 per foot; Minimum \$200
2. [Temporary Mooring Administration Fee \\$50](#)
3. Non-Municipal Transient Mooring Sites \$8 per foot; Minimum \$300
4. Rental Mooring Sites* \$8 per foot; Minimum \$300
5. Mooring Renewal Late Fee \$50
6. Moored Floats Same as mooring fees above for each vessel
7. Public Mooring Sites (Approval required) No Fee

* Marinas and others authorized as a result of grandfathering or KPA Motion